
Pesticide E-Commerce Procedures Manual



*Wisconsin Department of Agriculture, Trade and Consumer Protection
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SECTION I. SUMMARY OF PESTICIDE E-COMMERCE PROGRAM STRATEGY

Mission: Protect consumers from fraud and deception and prevent distribution of mislabeled, discontinued, and otherwise illegal pesticides into Wisconsin via the Internet.

Goal: Further improve Internet business compliance with laws regulating the manufacture, labeling, and distribution of pesticides into Wisconsin.

Why: As Internet usage increases, the marketplace of users buying merchandise via the web expands. A portion of this merchandise includes pesticides potentially being sold into the state of Wisconsin. Pesticides that have been discontinued or have never been registered are possibly being sold to Wisconsin residents. Likewise, unlicensed dealers could be selling restricted-use pesticides (RUPs) to uncertified buyers. The potential dangers presented by the illegal sale of pesticides over the Internet can be addressed by federal and state compliance efforts followed by enforcement activities, if necessary. Internet searches as described in this manual are designed to find violative web sites and initiate compliance with Wisconsin rules and regulations.

Who: Investigators must have access to the Pesticide Regulators Forum (PRF). One person is needed to perform searches every three months. The Pesticide Registration Program Specialist is currently assigned these duties.

Where: The main computer these searches will be conducted on will be an “undercover” machine kept by the department. This computer will be a stand-alone system, which is not networked with the department’s computer system. Therefore, web sites will not be aware that a regulatory agency is searching their web site based on the computer’s user identity. Evidence will be printed from the non-networked computer onto a dedicated stand-alone printer. All communications to the site company notifying the owner of potential violations, standard regulations, and who can be contacted to assist in gaining compliance will be made from a networked computer after a possible violation is observed during the investigation.

When: Searches should be conducted once every three months at a minimum. At this time, web sites previously brought into compliance should be inspected for continued compliance. Record inspection should be done annually along with license renewal on select firms that have a RUP license or on firms that have a compliance case against them.

What:

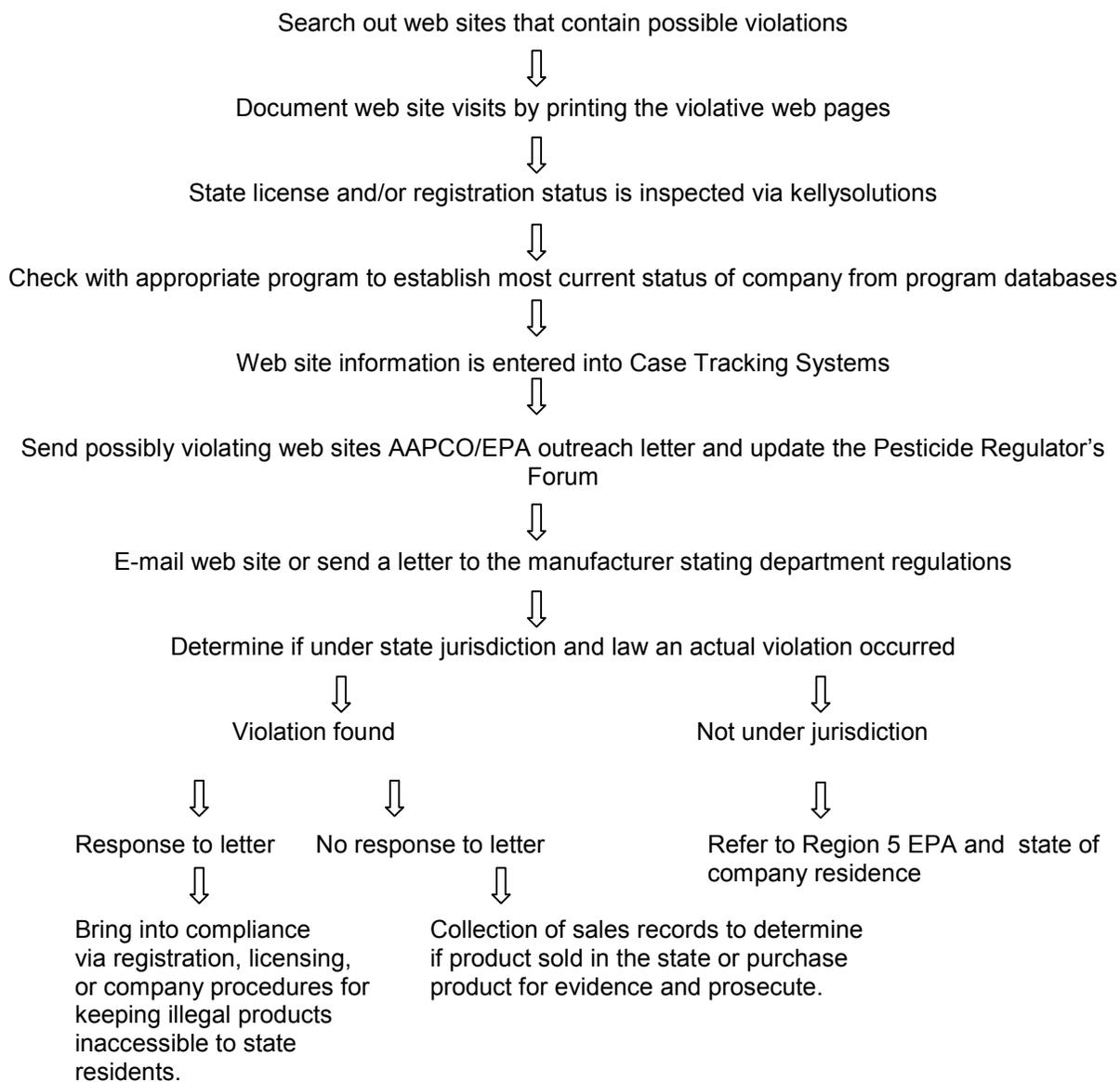
- Searches are performed to identify web sites that are involved in the sale or distribution of pesticide products using one or more of ten search engines.

- The following list contains the priority violations to be investigated according to current Environmental Protection Agency (EPA) e-commerce and Wisconsin's Pesticide Program strategies:
 - i. Unlawful sales of canceled or suspended pesticides
 - ii. Unlawful sales of restricted-use pesticides
 - iii. Unlawful sales of pesticides making public health claims
 - iv. Unlawful sale of pesticides not licensed in Wisconsin
 - v. Wisconsin unlicensed commercial pesticide businesses and unlicensed/uncertified commercial pesticide applicators

- Violations will be addressed according to the department's Uniform Enforcement Guide or the case information will be referred to EPA Region 5 for further investigation and enforcement actions, as needed.

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SECTION II. LIST OF ACRONYMS

AAPCO	Association of American Pesticide Control Officials
AOL	America Online
CTS	Case Tracking System
DATCP	Department of Agriculture, Trade and Consumer Protection
EPA	Environmental Protection Agency
FAR	Follow-up Action Request
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
IP	Internet Protocol
NPIRS	National Pesticide Information Retrieval System
NYI	Next Year Inspection
PRF	Pesticide Regulator's Forum
RUP	Restricted-Use Pesticide
URL	Uniform Resource Locator (the web site address)

SECTION 1.0 INTRODUCTION

1.1 Introduction

As Internet usage increases, the marketplace of users buying merchandise via the web expands. A portion of this merchandise includes pesticides potentially being sold into the state of Wisconsin. Pesticides that have been discontinued or have never been registered have the potential of being sold to Wisconsin residents. Likewise, unlicensed dealers could be selling restricted-use pesticides (RUPs) to uncertified applicators. The potential dangers presented by the illegal sale of pesticides over the Internet can be addressed by federal and state compliance efforts followed by enforcement activities, if necessary. Internet searches as described in this manual are designed to locate violative web sites and initiate compliance with Wisconsin rules and regulations.

The searches are performed by staff who have access to the Pesticide Regulators Forum (PRF). In Wisconsin, the Pesticide Registration Program Specialist has been assigned the duty of conducting Internet searches quarterly. It is anticipated one to two days per quarter will be needed to conduct searches. Follow-up with violative firms will necessitate additional time commitments for this staff person and may necessitate involvement by other program staff or Investigation and Compliance Section staff. This strategy and assignment of duties will be evaluated annually as a part of the Pesticide Program evaluation, at a minimum.

1.2 Set-Up

The main computer that these searches are conducted on is an "undercover" computer connected to a dedicated printer maintained by the department. This computer is a stand-alone system, that is not be networked to the department's computer system. Therefore, Internet vendors will be unaware that a regulatory agency is searching their web site based on the computer's user identity.

When a web browser or e-mail application requests a web page or e-mail from another computer on the Internet, it automatically provides the computer's or user's identification. This is called the computer's "IP (internet protocol) address." Some web sites are able to read the IP address of the computer being used to access the site and block access of the site (normally based on names ending in .gov, or .edu).

All primary searches and evidence must be printed from the undercover computer system. All official communications to the site company notifying the owner(s) of potential violations, standard regulations, and who can be contacted to assist in gaining compliance should be sent from a networked computer after a possible violation is observed during the investigation.

Since the computer that is utilized for the searching is not networked with the department, an Internet provider must be chosen. DATCP has selected American

Online (AOL) as its service provider and pays for the service using an alias credit card. AOL provides free e-mail service to their users and can be helpful in undercover inquiries. Note that some sites do not work well with AOL.

An alias identity is required to set-up an Internet profile and for purchasing pesticides for prosecution evidence. An alias including name, credit card account, address where the credit card bill is sent and where purchased items can be delivered, and a telephone number is needed to complete the identity. The credit card account is a state-issued Visa card that is under the Pesticide, Feed & Fertilizer Programs Section Chief's name according to the state records, but the alias name appears on the card and on Visa's account. The address where the credit card is sent is the department's post office box, city, state, and zip. There are no identifiers on the account to the department. The address where purchased items can be delivered is a separate post office box that is not connected with the department and is jointly used by the department's Division of Trade and Consumer Protection. If a post office box is not available or advantageous, a mailbox site at a contract mail station, such as Mailboxes, Etc., could be used.

The Division of Trade and Consumer Protection maintains an "undercover" telephone number that is also utilized for pesticide-related investigations. The telephone line is utilized for undercover activities and therefore, is not answered in connection with the Department or staff's real name. Staff in the Division of Trade, and Consumer Protection have been instructed to take a message if a call is received for the alias name. The message is then forwarded to the Pesticide, Feed and Fertilizer Program Section Chief.

1.3 Investigation Priorities

As evident by the example search shown on page 5 (about 126,000 hits), the numbers of web sites to review can be staggering. Therefore, the violation types should be prioritized to address "significant" violations. Web sites should be reviewed quickly to identify potential violations. EPA has developed two guidance documents addressing E-Commerce and pesticides. The documents are titled "Compliance Strategy for Internet Pesticide Activities" (Appendix A) and "Internet Pesticide Sales/ Federal Enforcement Case Development Guidance" (Appendix B). These documents were used in development of this manual and in development of Wisconsin's compliance strategy related to Internet sales of pesticides.

The priority violations to be addressed are as follows in order of priority:

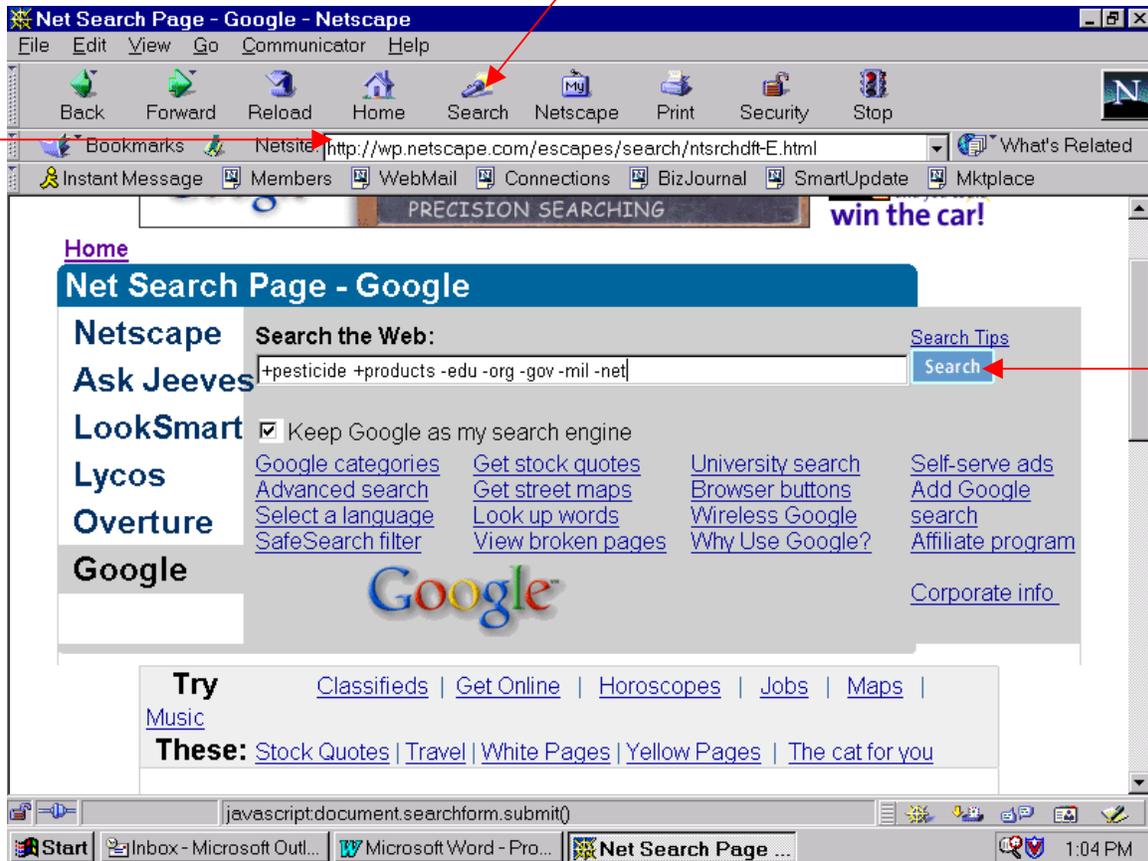
- Web sites selling or distributing canceled or suspended products. Recently suspended products can be found on the EPA web site at www.epa.gov.
- Web sites where RUPs are sold or distributed to assess if the company is licensed in Wisconsin and has procedures in place to ensure sales of RUPs to only certified applicators. A list of RUPs is accessible at <http://www.kellysolutions.com/wi/searchbyRUP.asp>. This web site is actually a list of

companies. When you click on each company the RUPs that they have registered in Wisconsin are listed.

- Web sites selling pesticides that make public health claims. A public health concern consists of unlawful claims on pesticides indicating the prevention of a disease or other use that the product is not registered for. Certain “buzz words” are noticeable and may indicate that the product is not registered for that claim. An example of this is a pesticide product that claims to decrease transmission of West Nile Virus or Foot-and-Mouth Disease. A product that has a claim about the safety of the pesticide or its ingredients is only allowed on an exempted pesticide, and EPA has expressed concern with some claims that specifically target infants or children. Exempt products can make “safe” claims and do not require EPA registration.
- Web sites selling Wisconsin unlicensed pesticide products are prevalent. Section 2.0 (number 10) illustrates the procedure to determine whether a pesticide is registered in Wisconsin. Remember there are many devices for sale over the Internet that either kill or control pests. A device as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), is any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating a pest, but NOT including the equipment used to apply pesticides. These do not need to be registered in Wisconsin. The Federal Trade Commission may have issues with these products. In Wisconsin, concerns with devices should be forwarded to the Division of Trade and Consumer Protection.
- Companies advertising commercial pesticide application services in Wisconsin. Commercial pesticide application services may likely be found by searching on Internet sites that have telephone numbers and addresses, similar to the yellow pages. Examples of sites like this are www.anywho.com, www.switchboard.com, www.smartpages.com, and www.infospace.com. The companies selling commercial pesticide application services should be searched out and contacted to ensure compliance with state license and certification requirements.

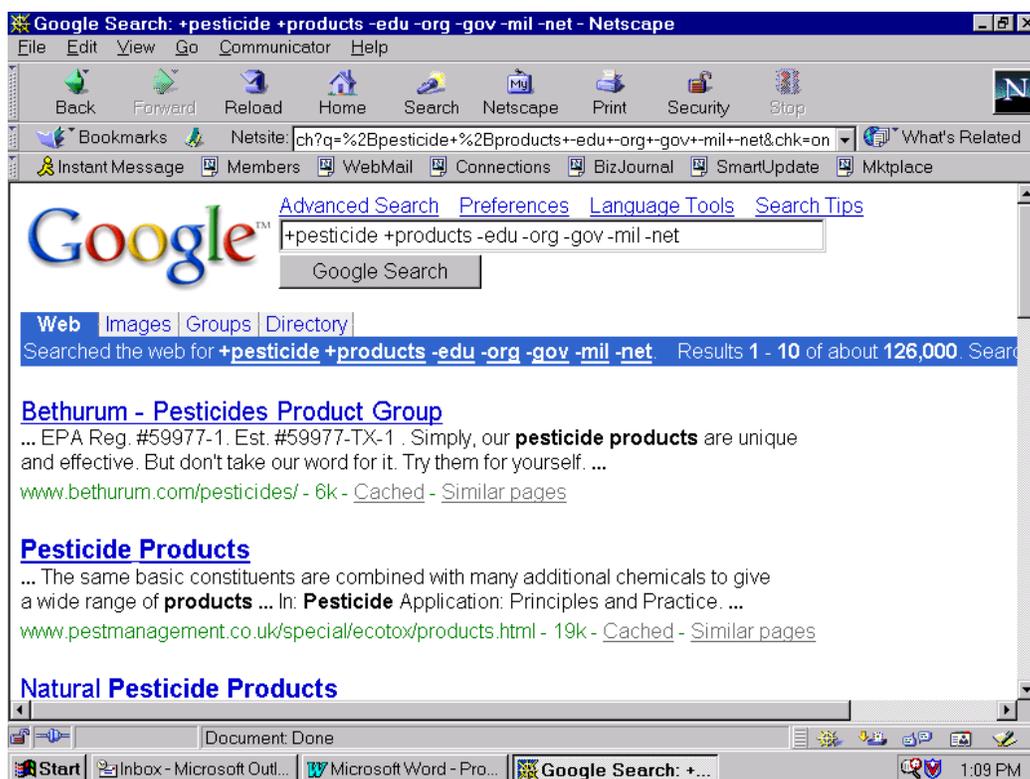
SECTION 2.0 SEARCH PROCEDURE

1. Log on to AOL (or another Internet source) to get online.
2. Click on the search icon in the navigation toolbar on the top of the page if the page below is not already shown.



Choose one of the ten search engines to start the query. If Google is not the search engine desired, use one of the following (type next to Netsite): www.alltheweb.com, www.altavista.com, www.yahoo.com, search.msn.com, www.overture.com, www.findwhat.com, www.agrisurf.com, www.epilot.com, or www.wisenut.com. The ten search engines are discussed in Appendix C.

3. **Type in the keywords.** Appendix D provides examples and ideas for keywords.
4. **Click on search.** Usually the search results are not exactly what were wanted so the keywords need to be modified to broaden or narrow the search. Boolean indicators are used to narrow the search and reduce the amount of results that need to be sifted through. Boolean indicators are discussed in Appendix E.
5. **Once the results are received, a few sites are chosen (one at a time) by clicking on the highlighted title.**



You can determine what other web sites are linked to a possibly violative site and search on them to establish if they contain pesticide concerns as well. To do this, type <http://www.linkpopularity.com> in the address bar on your Internet page. Enter the web site URL and click on **Tell me my popularity!** A list of linked web sites will ensue. These linked web sites may be searched for other possible violations.

6. Once the site is brought up, survey it for possible violations.



7. If the site contains a possible violation, specific information will be needed to investigate the violation. The following information should be printed on the undercover, dedicated printer:

- home page
- page that contains the contact information
- a product listing page
- an order form
- any pages that contain the violation

The data that should be collected consist of the product or chemical name, a description of the possible violation, and the EPA registration number, if available. To print out a page, either go to file on the top of the screen, drag down to print, click on print, and click OK from the print menu, or click on the print button on the toolbar. Confirm that the entire page printed. If the page does not entirely print, print the pages in the landscape page setting.

8. Possible violations, the Uniform Resource Locator (URL) or web site address, the date the site was found and printed, the company name, e-mail address, and other contact information are highlighted on the printed web pages.

In addition, the following information needs to be written on the front page:

- Any comments or concerns
- Staff person's name who conducted the search, their signature, and date
- Any information that is required and is not shown by the printouts

9. The relevant data are inspected more closely after the search is complete to determine if a potential violation is present. A violation can be assessed by visiting the department's pesticide database at <http://datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/data/>. This web site lists all the registered pesticide products by company name, company ID, product name, product EPA registration number, active ingredient, pest site, formulation, pest-type, RUP, or by multiple criteria. This data is updated weekly. Therefore, this database is used as an initial screening to determine if a potential violation is present.

Click on the appropriate link to determine if a pesticide is registered, if a RUP dealer is licensed, or if an applicator is certified.



To search to see if the pesticide is registered, click here.

To search to see if an applicator is certified, scroll down and click on **Certified Pesticide Applicators**

To see if a RUP dealer is licensed in Wisconsin click on **Licensed Restricted-use Pesticide (RUP) Dealers**. The screen that comes up is:



Click on **Search by Dealer Name**. On the next page, type in a part of the dealer's name in the search field and hit the enter key or **Search for Dealer** button. A list of Wisconsin licensed dealers will ensue.



If the dealer you are looking for is not in that list, then it was not licensed as of the last time the database was updated. The most current information is available from the Certification and Licensing Program Specialist.

If you are trying to find if a pesticide is registered or discontinued, click on **Pesticide Registration**. The next screen that will come up is:



The two options that are useful are **searching by company name** if the product manufacturer is known and **searching by product name** if not much else is known.

- **Search by Company Name:** Type a portion of the manufacturer's name in the search field, and hit enter. A list of companies will come up that contain the part of the name that was typed. Click on the appropriate company name link. Next to each company is a link that says **Product List**. If that link is clicked on, a list of their active and/or discontinued products are shown. If the product in question is not on the list, then it was not registered in Wisconsin as of the last time the database was updated.
- **Search by Product Name,** type a portion of the product name in the search field, and hit enter. A list of products will come up that contains the part of the name that was typed. If the product in question is not on the list, then it was not registered in Wisconsin as of the last time the database was updated. The most current information is available from the Pesticide Registration Specialist. If a product is

registered in Wisconsin, then click on the name of the product. A description of the product will come up on the next screen and will indicate if the product is a RUP. If a product is found to be unregistered, determine who manufactures the product. This information is needed for compliance.

To search to see if an applicator is certified, click on **Certified Pesticide Applicators**. The next page that comes up will have a list of search options. Click on **Search by Applicator Last Name**. Type in the last name of the Applicator in question and hit the enter key. If the applicator is not listed, then he/she was not licensed as of the last time the database was updated. The most current information is available from the Certification/Licensing Specialist.

10. The printouts are given to the appropriate program (Certification/ Licensing Program, Pesticide Program, or Investigation and Compliance Section) depending on the possible violation to review the most current program data. If a violation is suspected, the program specialist will e-mail the address given on the web site via a networked department computer. This will be an information gathering e-mail. The contact with the web site will ensure the web site is responding and active. We will give information to the company on our requirements and regulations while trying to determine if the company is under Wisconsin jurisdiction and law. A mailing address should be attained through this e-mail and the contact person to whom we would direct any questions or concerns. In this correspondence, questions are asked about how the marketing system works. Specifically, how the money is transferred and how the product is transferred from manufacturer to consumer. Also inquire into other marketing tools the company may have. In some cases, this may be a good time to determine the exact situation that a pesticide applicator service might be in. For example, if a web site is advertising application services for hire, all of their applicators must be certified and licensed as commercial pesticide applicators. If a web site will not allow the access of a government computer or does not give an e-mail address, companies can be mailed the letter via post. If a postal address is not available on the web site, then it can be determined through Internic (please refer to Section 4.0).

Print out all e-mail correspondences between the web site and department staff.

11. Web site information is entered into the Case Tracking System (CTS) by the e-commerce investigator for inquiry ease and EPA semiannual reporting. Not all the sites visited will be entered into CTS due to the volume of information and the lack of staff resources. Only the web sites that contain possible violations that will be investigated further will be entered into CTS.

Some CTS fields that will need to be entered include:

- ◆ Case ID (format of YR- Performing ID- Month –Day –Sequence)
- ◆ Premise ID (physical location of web company)
- ◆ Customer ID (Web company's name, mailing address, and telephone number)
- ◆ Performing ID
- ◆ Activity date (date search was performed)

- ◆ Case Name (the name of the firm)
- ◆ Activity Site (will usually end up as COM for commercial business)
- ◆ Activity Code (will be ECS for Electronic Commerce Strategy)
- ◆ Comments (add in type of site, activities that occur there if not covered in violations field, and the web site URL)
- ◆ EPA report (check this box for semiannual reports)
- ◆ Case violations (highlight violation that has occurred)
- ◆ Disposition (for activities taken against or with firm)

Perhaps other web sites that house the same product, etc. may be placed in the comments section. Every time an action is taken on the firm, add the action in the Case violations screen- disposition field along with the date and the investigator that performed the action. FARS (follow-up action requests) or NYIs (next year inspections) are added in case tracking as needed to determine continued compliance.

Please refer to Case Tracking System User Manual for accepted abbreviations and detailed instructions on how to access and enter data into CTS. The manual can be found on the department network under I:ACMCTS/DOCS/MANUAL.DOC.

CTS contains a separate e-commerce pesticide code, which will enable e-commerce activity reporting. Reports will be provided to EPA Region 5 at the mid-year and end-of-the-year reviews. These reports will include the following information:

- Address of physical location of web site and phone number if available
- Searcher's name
- Date the search was conducted
- URL of site
- Type(s) of site (may be general retail site such as Fleet Farm, commercial pesticide retail site such as an agricultural chemical dealer, commercial user site such as application offered, a general auction site selling other, non-agriculture related products, an agricultural auction site selling agriculture products, or an international site)
- Type of violation which is suspected and/or verified

12. Send each site involved in the sale or distribution of materials or products classified as pesticides that has a potential violation an EPA/ Association of American Pesticide Control Officials (AAPCO) letter. The outreach letter explains what pesticides are, the applicable laws, and refers the company to other web sites that supply information on registration, law, and other state agencies. Since there will be numerous sites that have potential violations, the number of sites the department's staff sends the AAPCO/EPA outreach letter to will be limited. An outreach letter will only be sent to those sites that our department feels may contain a violation of priority and will further investigate.

The letter is sent from the Pesticide Regulators Forum (PRF). The PRF can be found at <http://forum.ceris.purdue.edu>. Procedures to gain access to and utilize PRF are

provided in Appendix F. A copy of the above-referenced letter can also be found in Appendix F.

13. Determine if the web site is under Wisconsin's jurisdiction and if an actual violation has occurred. If the company is under Wisconsin's jurisdiction and law, continue with the compliance procedures outlined in Section 3.0. If the violation is related to EPA product registration, the case will be referred to EPA Region 5 for further investigation or enforcement.

The home state where a violative e-company resides will be notified via e-mail about our findings. They may be interested in investigating the company to see if violations of their law are evident. Even if the company's particular violation is not a priority in the home state or region, they may be concerned with other compliance issues the company could represent. E-mail correspondence will be sent to the state's AAPCO-identified Pesticide Program Manager.

SECTION 3.0 COMPLIANCE

Each compliance issue will be referred to the appropriate program. The program's specific procedures for compliance will apply to each situation. Those procedures are documented in that particular program's Policy and Procedures Manual. The enforcement actions will follow the Division of Agricultural Resource Management's Uniform Enforcement Guide. The Uniform Enforcement Guide identifies the following:

- Wisconsin's authority and regulatory philosophy
- General activities and outcomes of compliance actions
- Issues of importance

The main violations of concern for interactive web sites identified by EPA and Wisconsin are listed in Section 1.3. Each violation type will be discussed below.

3.1 EPA Unregistered/Canceled/Suspended Pesticide or Product Making Unlawful Public Health Claims

Under s. 94.70(1), Wis. Stats., it is illegal to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment or receive for distribution, delivery or sale to any person in this state whether or not the acts or transactions take place in intra-state commerce or between points within this state through any point outside this state, any pesticide: (a) Which has not been registered as required under the federal act or rules of the department and (b) About which claims are made, or directions for use are given, which differ in substance from representations made in connection with its registration under the federal act or rules of the department.

If a site is selling EPA unregistered/canceled/suspended pesticide products, or pesticide products that are making unsubstantiated public health claims, the violations may be dealt with by the department, but will likely be referred to the EPA for investigation and possible prosecution under federal law. EPA's referral policy is outlined in their Internet Pesticide Sales/Federal Enforcement Case Development Guidance which can be viewed as Appendix B.

The following must be included in a case referred to EPA Region 5:

- A narrative. An example of a case narrative is Appendix G.
- Evidence such as the web site printouts (all signed and dated) with the suitable web pages present
- Sales records, if appropriate
- Purchased product, if appropriate
- Product label, if available

The case is reviewed and approved by the Pesticide, Feed & Fertilizer Programs Section Chief and the Investigation & Compliance Section Chief prior to referral.

If the case is referred to the EPA, all information is sent to Holly McDonald, the Wisconsin Project Officer, EPA Region 5. She can be contacted via e-mail at mcdonald.holly@epa.gov or:

DT-8J
USEPA REGION 5
77 West Jackson
Chicago, IL 60604-3507
Telephone: 312-886-6012
Fax: 312-353-4342

Keep in mind that if the product is not EPA registered and is making pesticidal claims, the product is not necessarily violating federal law. The following products do not apply to the above procedures:

- Exempt products under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 25(b).
- Devices defined as any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating a pest, but NOT including the equipment used to apply pesticides.
- Home remedies and recipes given for repelling or destroying pests.

3.2 Restricted-Use Pesticides

3.2.1 Wisconsin Unlicensed RUP Dealer

Per s. 94.685(1), Wis. Stats., no dealer or distributor may sell or offer to sell a restricted-use pesticide in this state, whether or not the sale is made wholly or partially in this state or another state, without a license issued by the department.

If the search has determined that a web site is selling RUPs and is not licensed in Wisconsin as an RUP dealer, the Certification and Licensing Programs staff (or other staff assigned) will contact the firm via post. This contact will summarize the Wisconsin RUP licensing requirements and how to obtain a license application. Additionally, the letter will require the firm to respond to the department regarding their intentions to be licensed. Appendix H contains a sample letter.

If the firm opts for not obtaining a Wisconsin RUP dealer license, their company must provide procedures to ensure no sale to Wisconsin customers will occur.

If the company does not respond to the letter within the allotted amount of time, an undercover follow-up may be required. This follow-up may include product or purchasing questions to the web site via the alias computer, or attempting to purchase a product as an uncertified applicator residing in Wisconsin by means of the alias credit card.

The level of enforcement will be determined using the department's Uniform Enforcement Guide.

If the company does become licensed, they are required to submit an annual report of all pesticides sold to customers in Wisconsin and maintain records. A description of how to obtain records for inspection is provided below.

A violation of Wisconsin law only occurs if RUPs are sold into this state by unlicensed dealers.

3.2.2 Sale of RUP to Uncertified Applicators

Per s. ATCP 29.15(7), Wis. Adm. Code, restricted-use pesticides may only be sold or distributed to:

- (a) A pesticide dealer or distributor licensed to sell or distribute RUPs*
- (b) A commercial application business licensed to use or direct the use of restricted-use products*
- (c) An individual commercial applicator licensed and certified to use or direct the use of that pesticide*
- (d) A private applicator certified to use or direct the use of that pesticide*

Per s. 94.70(3)(d), Wis. Stats., no person may use or make available for use any restricted-use pesticide contrary to its labeling or other restrictions or exemptions imposed on its use under the federal act or the laws of the state.

Since the sale of RUPs to unauthorized purchasers is potentially dangerous, Wisconsin has the above licensing requirements and deems it a priority to enforce them. EPA has also identified this compliance issue as a priority.

Licensed RUP dealers must report all pesticide sales annually. In addition, RUP dealers must maintain records of individual sales of RUPs. These records can be inspected to evaluate if sales of RUPs occurred to uncertified applicators.

If it is determined by the Investigation and Compliance Section or Program Section management to be necessary, a company may be investigated by attempting to purchase an RUP via the undercover computer. The department's alias identity is not certified as a pesticide applicator, commercial or private. If a violation is found during a record inspection or investigation involving the sale of an RUP to an uncertified applicator, the department will initiate enforcement activities consistent with our Uniform Enforcement Guide.

3.3 Sites Selling Pesticides Not Licensed in Wisconsin

Per s. 94.68(1), Wis. Stats., no person may manufacture, formulate, package, label or otherwise produce pesticides for sale or distribution in this state or sell or offer to sell

pesticides to purchaser in this state, whether or not the sales are made wholly or partially in this state or another state, without a license from the department.

There are two types of sites that are generally found with this violation:

- commercial sites selling a product they have manufactured, and
- general sites selling a product someone else manufactures.

For a general pesticide retail site with unregistered/cancelled/suspended products, the manufacturer of these products must be identified. It is the manufacturer of the product(s) that need to be brought into compliance. The manufacturer information along with any printouts and evidence are given to the Pesticide Registration Program Specialist. The Pesticide Registration Program Specialist shall complete the following steps:

- Confirm via the product registration database that the product is not “licensed” in this state.
- Contact the firm via post. This contact will state what Wisconsin licensing/registration requirements are. Additionally, express the requirement to respond to the department regarding their intention to have their products registered with Wisconsin. If the firm opts for not obtaining a product registration, their company must provide procedures to ensure sales to Wisconsin customers will not occur. Select the example letter that is to be sent. See Appendix I for manufacturer information letter. Modify parts of the letter to pertain to the current situation (such as date, manufacturer, etc.) Send the letter to the manufacturer’s address. Appendix J is a sample Warning letter if the situation requires it.
- Add to CTS data that the initial investigation has started, any action taken against the firm (such as “sent warning letter”), the date, and the investigator. See Section 2.0 (Number 11) within this manual for a CTS discussion, or the CTS manual for more detailed information.

If the company is not compliant, or does not respond to the letter within the allotted amount of time, an undercover follow-up may be required. The follow-up may include product or purchasing questions to the web site via the alias computer or attempting to purchase a product. In addition, information about the product is provided to the Investigation and Compliance Section management to determine if it is necessary to look for the products in question in retail stores throughout Wisconsin.

If a product in violation can be purchased via the Internet indicating that the product is available to Wisconsin residents and the company did not devise procedures for keeping their product out of Wisconsin, an enforcement case is started for prosecution. For more information on obtaining pesticides via Internet, see the “Purchasing Pesticides Off the Internet” below.

A violation only occurs if Wisconsin unregistered pesticide products are sold into this state.

3.4 Commercial Application Services

According to s. 94.703(1), Wis. Stats., no commercial application business may operate in this state without an annual license issued by the department. Any business that applies pesticides for hire must have a business license for each business location, where orders for pesticide applications are regularly taken. A license is also required for each site where a commercial pesticide application business mixes or loads at least 1,500 pounds of pesticide active ingredient during a license year.

In addition to these regulations, no person may act as an individual commercial applicator without an annual license issued by the department. Per s. 94.704(1), Wis. Stats., commercial pesticide applicators are also required to be certified in the appropriate pesticide use category, and per s. 94.705(1), Wis. Stats., certifications are good for five years.

For a company that is selling commercial pesticide application services in the state of Wisconsin and is not licensed by the department, company information from the web site should be provided to the Certification and Licensing Program Specialist for review. The procedures followed by this program are provided in the Certification/Licensing Program Policy & Procedure Manual. In summary, the program will attempt to gain compliance through the following steps:

- The program contacts the company to determine if they make commercial pesticide applications.
- If the firm is making commercial pesticide applications, the program sends the firm information about the Wisconsin pesticide regulations along with a license application.
- If program staff are unable to bring the firm into compliance, the information shall be forwarded to the Investigation and Compliance Section. A regional field investigator will attempt to meet with the firm to gain compliance. If enforcement actions are necessary, the field investigator will initiate these actions.

3.5 Collecting Dealers Records

For the most part, visiting the web site at a later date assesses compliance. In the case of RUP dealers, sales records are collected from the Internet companies and audited to ensure that only licensed/certified persons are being sold a RUP.

Licensed RUP dealers are required to keep sales records for at least two years and must make the records available to the department upon request (s. ATCP 29.15(8), Wis. Adm. Code). In addition, licensed RUP dealers are required to report the previous year's pesticide sales to the department, per s. ATCP 29.15(9), Wis. Adm. Code. The annual report applies to all pesticides sold, not limited to RUPs. The annual report

covers sales from October 1 through September 30 of the previous year and must be submitted to the department no later than October 30 of the next fiscal year.

The annual reports should be reviewed to assess the general level of sales of e-companies. It should be noted that very few e-companies are currently licensed as RUP dealers, so this information will be quite limited.

In Wisconsin, persons selling pesticides must maintain sales records for at least two years (s. ATCP 29.16, Wis. Adm. Code). This requirement applies to general-use pesticides as well as RUPs. Therefore, the department has the ability to request sales records (hereafter referred to as dealer records) from any person selling a pesticide product into Wisconsin. The department will assess the number of dealer record inspections to be completed, dependent on overall program workloads. A Pesticide Specialist or Environmental Enforcement Specialist will be assigned to request and assess the dealer records for e-commerce companies.

A dealer's records request form should be mailed to the address and contact name that is recorded on the RUP license application. An example of this request letter and form can be viewed as Appendix K. Information requested to be provided include the following:

- pesticide brand name
- EPA pesticide registration number
- amount of the pesticide sold or distributed
- date of the sale or distribution
- identity of the purchaser or intended recipient, including name, address, seller or applicator license number if any, and applicator certification number if any
- name and address of the person to whom the seller delivered custody of the pesticide, if other than the purchaser or intended recipient.

The information can be submitted on a form provided by the department or a format approved by the department. The form is signed and dated to certify that the records are true and accurate. The information is mailed via postal address.

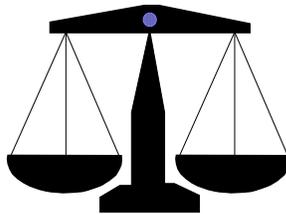
3.6 Purchasing Pesticides Off the Internet

Sometimes questionable pesticides need to be purchased from a web site for enforcement purposes. A completed, induced sale can be direct evidence of a violation. Purchased pesticides are evidence for violations such as:

- Label violations- label contents may be different from web site claims. The label provided may be other than the EPA approved registration label.
- Misbranded or adulterated product violations- analysis of product may be necessary.
- Unregistered EPA product violations- If a sale occurs it is confirmation that an unregistered product is sold to consumers

The alias identity and credit card is used to purchase pesticide products. When a purchase is made, the Division of Trade and Consumer Protection must be notified so they can check the undercover post office box location. Each web site differs on how purchasing orders are received. Therefore, the completed online order form and confirmation sheet must be printed as evidence. If a telephone conversation occurs between the alias identity and an Internet company for evidence or ordering information, this is done via the Division of Trade and Consumer Protection's telephone. This telephone has the ability to tape the telephone conversation and is unassociated with the department.

If the purchase of pesticides is not possible, or it is too strong of a measure for the situation at hand, another method to demonstrate that sales or distributions occur at the site (although not as conclusive) is to print out the online order form. The online order form constitutes an "offer for sale." If the web site does not contain an online order form, attempt to demonstrate that sales or distributions occur at the site by calling a listed telephone number or corresponding with the dealer by undercover e-mail with questions regarding shipping information, product size, or availability.



SECTION 4.0 POSSIBLE DIFFICULTIES

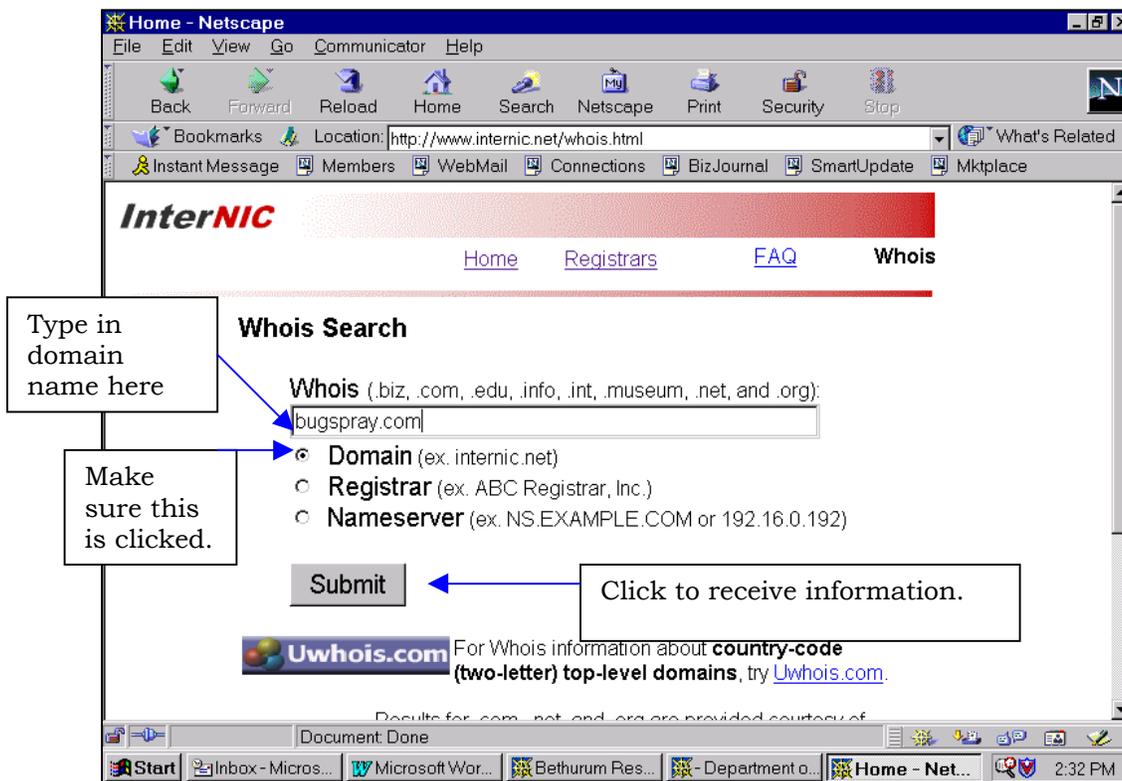
4.1 Minimal to No Contact Information

The physical location and contact information of the producer or vendor is determined from the web site. Occasionally the web site owners do not provide enough contact information and need to be tracked down.

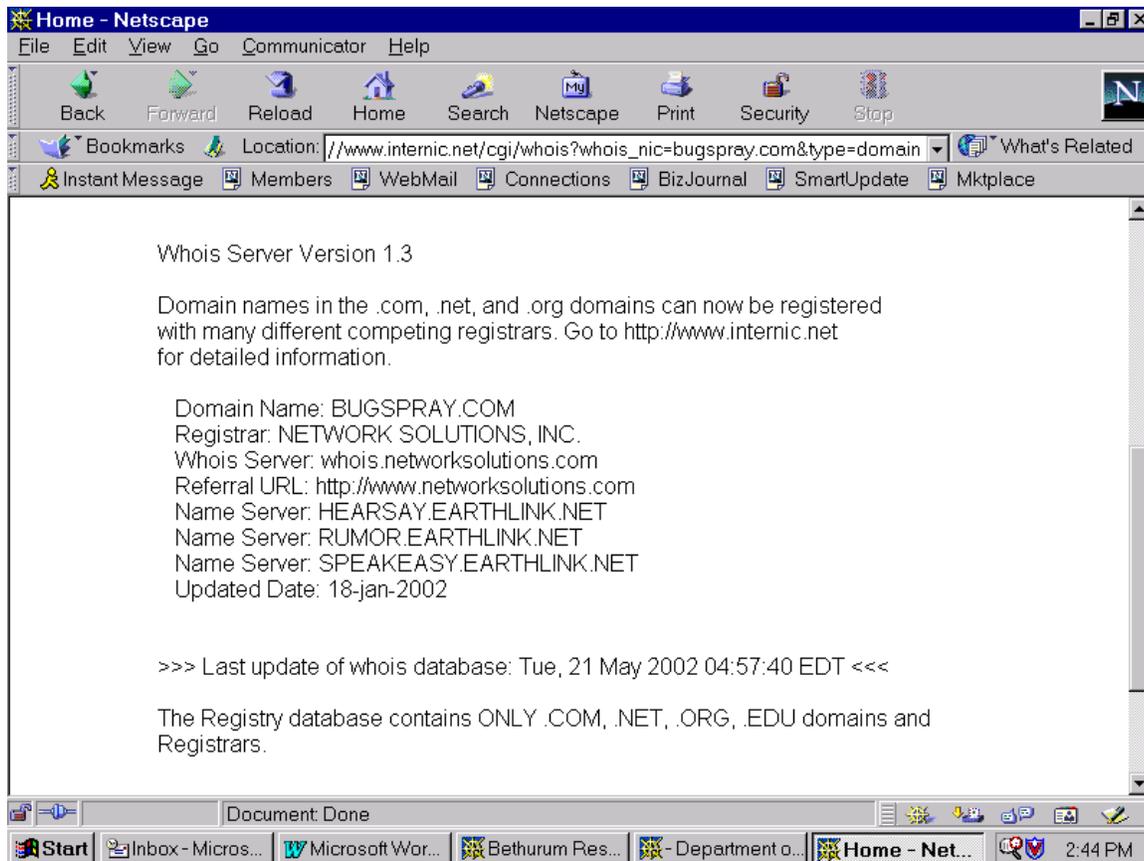
A telephone number by area code is determined by using <http://thelist.internet.com/areacode.html>. This way, if a phone number is available but not the state, location can be quickly determined.

If the violating web site does not replying to the e-mail and additional contact information is not given on the site or is not correct, a search can be conducted on the Internet business (called a registrar) that assigned the URL. This will establish direct evidence of who is in control of the web site and an address. To do this, first visit www.internic.net/whois.html to determine who is the registrar of that particular URL.

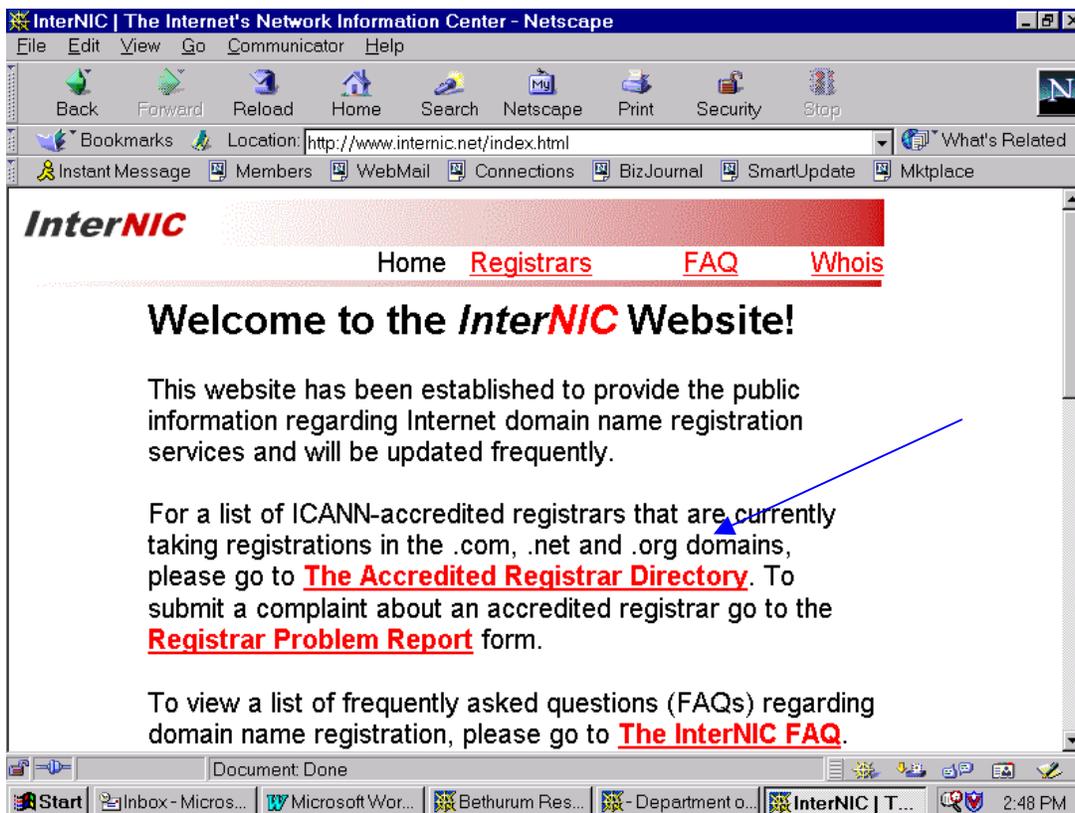
On the Internic web site, click on the circle next to Domain to perform a whois search by domain name. The domain name is printed in the box underneath **Whois**. This is the web site address without <http://> or www. For example, type in **bugspray.com**. Click on **Submit**. Additional procedures follow:



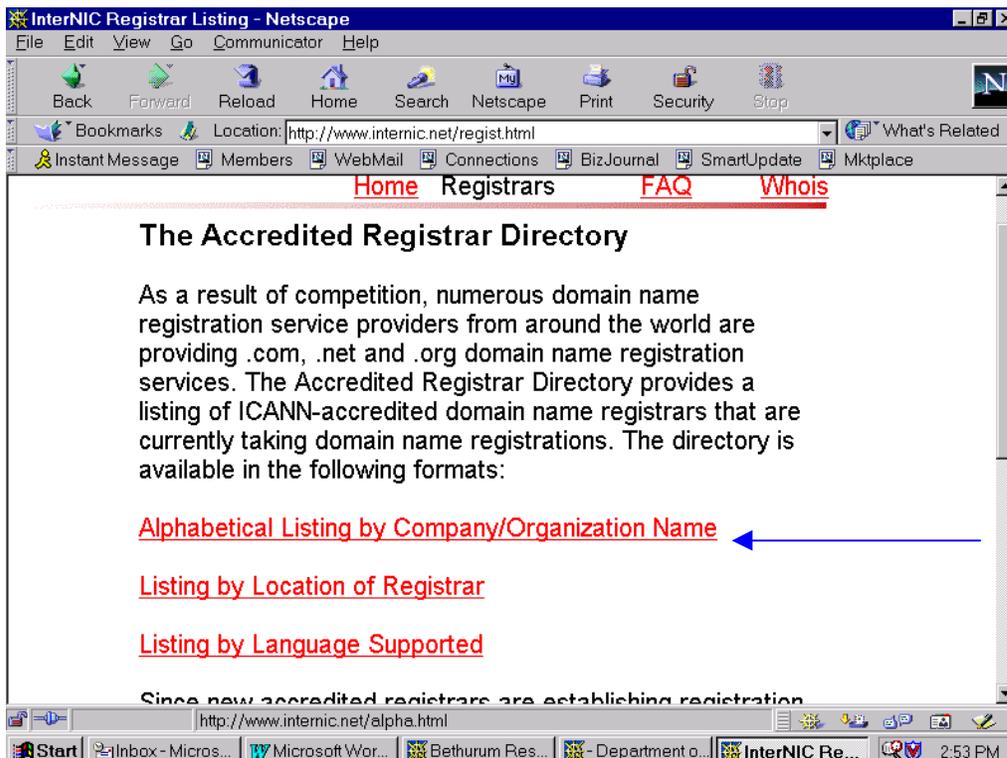
The registrar of that domain name will come up (for example, Network Solutions, Inc.). Be sure to scroll down the whole page to view the information. Take note of the registrar name.



Go to the home page www.internic.net/index.html and click on the **accredited registrar directory**.



Choose **Alphabetical listing by company/organization name**.

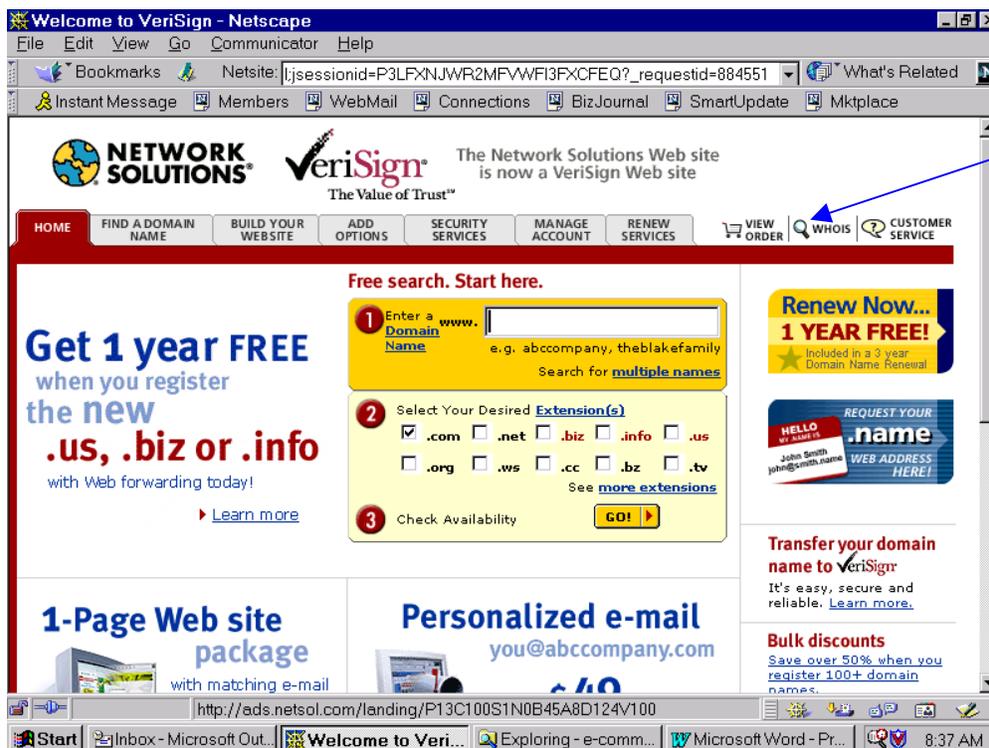


Scroll down the page to find the registrar of the desired domain name (for example, Network Solutions, Inc.). Click on the link to the right of the registrar name to arrive at the home page of that registrar.



Click to the right of the registrar name.

At the home page of the registrar, a **whois** search is performed (there should be a link for it somewhere on the home page) for the domain name.



A link to a whois search will be somewhere on the page. Click here.

Type in the domain name in the Whois search field and click **Go!**

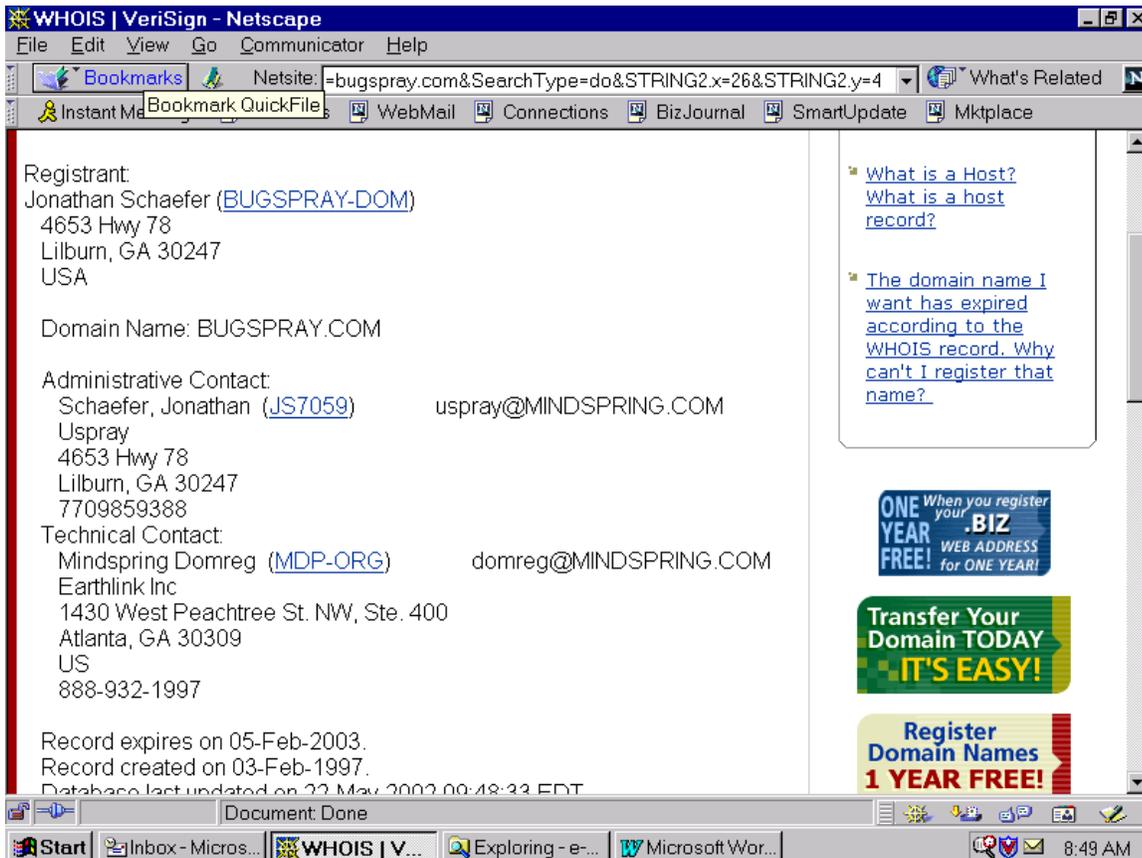
The screenshot shows a Netscape browser window titled "WHOIS | VeriSign - Netscape". The address bar shows the URL "http://www.netsol.com/cgi-bin/whois/whois". The page features the VeriSign logo and a navigation menu with options like "HOME", "FIND A DOMAIN NAME", "BUILD YOUR WEBSITE", "ADD OPTIONS", "SECURITY SERVICES", "MANAGE ACCOUNT", "RENEW SERVICES", "VIEW ORDER", "WHOIS", and "CUSTOMER SERVICE".

The main content area is titled "WHOIS" and includes a "Search Our WHOIS Records" section. A search input field contains the text "bugspray.com" and a yellow "GO!" button is positioned to its right. A callout box with a blue arrow pointing to the search field contains the text "Domain name is typed here." Below the search field, there are radio buttons for "Domain name" (selected) and "NIC handle", along with links for "Learn More about using WHOIS" and "WHOIS FAQs".

Other elements on the page include a "Get the Name You Want" section with a link to "the catalog", a "More Ways to use our Site" section with links for "Brainstorm a name using keywords" and "Get Noticed with Personalized", and several promotional banners for "QwestDex Direct", "Bigstep", and "Register Domain Names 1 YEAR FREE!".

The browser's taskbar at the bottom shows the Start button and several open applications: "Inbox - Microsoft Out...", "WHOIS | VeriSig...", "Exploring - e-comm...", and "Microsoft Word - Pr...". The system clock shows "8:43 AM".

This search result will include the name, address, and telephone number of the person who registered for that domain, along with the telephone number, and e-mail for the administrative, technical, and billing contacts for that domain. The technical and/or administrative contacts have the possibility to be fictitious but the billing contact should be valid. This is the e-mail and/or address that the registrar contacts the registrant, and if no money is received, the web site is ultimately deactivated. Print out the contact results.



4.2 Unable to Connect to the Internet, Access a Particular Search Engine, or Visit a Specific Web Site.

The Internet or specific web site may be experiencing too much traffic at the time it is being accessed. Wait a few minutes and try again. Internet traffic should be lighter in the morning and is the best time to start the searches.

A particular web site may be down because it is canceled or under repair. If this happens, just continue on to the next web site.

If a networked computer is being used, the web site may intentionally be denying access. Use a non-networked computer to gain access for inspection purposes.

4.3 The Web Site Will Not Print

Printer may be out of paper.

You may also try highlighting the specific information that is desired off of a web site, choose print, and select **selection** within the page range box. If this does not work, contact the department IT support staff or IT help desk.



APPENDIX A

EPA'S COMPLIANCE STRATEGY FOR INTERNET PESTICIDE ACTIVITIES

APPENDIX B

EPA'S INTERNET PESTICIDE SALES/ FEDERAL ENFORCEMENT CASE DEVELOPMENT GUIDANCE

APPENDIX C

SEARCH ENGINE DESCRIPTIONS

APPENDIX C – SEARCH ENGINE DESCRIPTIONS

C.1 www.google.com:

Google returns web pages that contain all the words in a query. To narrow the search, add more keywords. The most popular web sites are listed first. Google is not case sensitive and treats “**Sunshine**” the same as “**sunshine**” and “**SuNsHiNe**.” Although Google excludes common words, a common word can be assured in the web site by putting a “+” sign directly in front of the keyword. A space before the “+” sign is necessary.

A phrase search will also accomplish similar results and keep common words by putting quotation marks around two or more keywords. So “**wish you were here**” would appear together in all the results exactly as it was entered. Google does not use stemming or wildcard searches so multiple forms of a word should be used. Stemming or wildcard searches is the truncation of a keyword with a symbol (usually an asterisk * or a question mark ?) to bring up multiple variations of the word. For example, both “**Frisbee**” and “**Frisbees**” should be typed and not “**Frisbee***”.

A word can be kept from the search by placing a “-” directly in front of the keyword. A space is needed before the “-” sign. For example, “**pesticide -edu**” could be used as a search term.

To receive web sites that have either one term or the other, capitalized **OR** can be placed between the keywords. For example, “**Fungicide OR Insecticide**” would search for either the word fungicide or the word insecticide.

An example entry in this search engine would look like this:

+aerosol +pesticide -edu -gov +cart

C.2 www.alltheweb.com:

To refine a search, special characters are used. Like Google, when a plus “+” sign is added before a word, all search results will contain that word. Similarly, a minus “-” sign before a word will return results that do not contain the keyword. Remember to keep a space before the + or - sign.

Several words can be grouped together by placing quotation marks around them. The keywords will be found in the exact order and proximity in which they were typed. To have the search contain only one or more of the words, one set of parenthesis may be used. For example **(baseball softball)** will bring up web pages that contain baseball or softball or both baseball and softball.

The following special features (minus a few that might not apply to these search goals) of alltheweb and their descriptions come directly from their search help page and is recreated here for convenience.

Keyword	Function
url.tld:domainname	Finds pages within the specified domain. url.tld:fr will find pages from France. url.tld:com will find pages from commercial sites.
url.host:name	Finds pages on a specific site. url.host:www.fastsearch.com will find pages on the fastsearch.com site.
link.all:URLtext	finds pages with a link to a page with the specified URL text. link.all:www.AllTheWeb.com will find all pages linking to www.AllTheWeb.com .
normal.titlehead:text	Finds pages with the specified word or phrase in the title or in its head content.

Keyword strategies may be combined in a search, each separated by a space, to provide a narrower search.

In advanced searches, **Any of the words** option will get web sites that have at least one of the words in the search. The **All of the words** option will bring up results that contain each keyword. **The exact phrase** will match the word pattern precisely.

Word filters are also available in advance searches. **Should Include** bring up pages where the keyword or phrase is prioritized. **Must Include** will get rid of pages that do not include the keyword or phrase. **Must not Include** will get rid of web sites that include the keyword or phrase.

This search engine will also filter domains. If educational, organizational, or governmental sites are not desired, in the **Exclude** box “.edu .gov .org” can be entered.

An example entry in this search engine would look like this:
(herbicide “weed killer”) –edu –org –gov

C.3 www.altavista.com:

Like Google, Altavista is not case sensitive. “**Sunshine**” is treated the same as “**sunshine**” and “**SuNsHiNe.**” This search engine displays the web sites that

contain the greatest number of the keywords first and the least number of keywords last.

Similar to other search engines, altavista uses both the plus symbol “+” directly before a search term and the word “AND” to bring up web sites with only the required words. The “+” and “AND” indicators are used interchangeably. A “-” sign before the term or “AND NOT” can be used to exclude keywords. These two signs are also used interchangeably.

Words with punctuation marks between them (and no spaces) are treated as if they are surrounded in quotes. All punctuation marks are treated equally. For example, **Ocean.beach/cottages** gives the same results as “**ocean beach cottages.**”

Additionally, altavista uses wildcard matching where an asterisk “*” can be attached to the right side of a word to bring up partial matches of the word to the left of the asterisk. For example, “**sun***” will bring up sunny, sunshine, sunnier, and sun while “**sun**” will just bring up sun.

Text:pesticide will find pages that contain the specified text of “**pesticide**” in any part of the page other than an image tag, link, or URL. **Like:URLtext** will find pages similar to or related to the specified URL. For example, one would type in **Like:www.altavista.com** to bring up sites similar to www.altavista.com.

In this search engine there is an option to click on a link that would show multiple pages that closely match the search. This is designated **more pages from [this site]**. The **Related pages** link provides sites similar to the web page in the results.

All of these words, this exact phrase, and **any of these words** work similarly to alltheweb search engine. More specifically, the **All of the words** option will bring up results that contain each keyword. **The exact phrase** will match the word pattern precisely. The **Any of the words** option will get web sites that have at least one of the words in the search.

An example entry for this search engine would look like this:

Pesticide/applicator.services,wis* AND NOT edu AND NOT gov

C.4 www.yahoo.com:

This search engine uses the “+” and “-” signs as do most of the other search engines to determine the sites with the desired keywords. When a plus sign “+” is added before a word, all search results will contain that word. Similarly, a minus sign “-” before a word will return results that do not contain the keyword. Keep a space before the “+” or “-” sign.

The yahoo search engine finds words in an exact sequence when a set of words has quotation marks around them. There is a wildcard option in yahoo that is designated by an asterisk "*" to the right side of the keyword. This means "sun*" will bring up sunny, sunshine, sunnier, and sun, while "sun" will just bring up sun.

An example entry for this search engine would look like this:

"aerosol pesticid*" -edu -org -gov

C.5 search.msn.com:

This search engine uses the "+" and "-" before a word to guarantee its presence or to omit the word. When a plus sign "+" is added before a word, all search results will contain that word. Similarly, a minus sign "-" before a word will return results that do not contain the keyword. Remember to keep a space before the + or - sign.

Use **"AND"** to view pages containing at least one occurrence of each search word, and **"OR"** to view pages that contain at least one occurrence of one search word but not necessarily both words. Type in **"AND NOT"** to view pages that contain the search word that precedes the Boolean operator but not the word that follows it. These words must be capitalized in order to work on msn because this search engine is case specific.

In advanced searches, stemming broadens the results to include both word roots and word derivations. This is similar to the wild card option for basic searches. To use stemming to search for variations of a word, type the search word into the **Search the Web for** box on the Advanced Search page. Select the **Enable stemming** check box. Click **Search** at the top of the page.

In the basic searches there is a wild card option in this search engine that is designated by an asterisk "*" to the right side of the keyword. This means "sun*" will bring up sunny, sunshine, sunnier, and sun while "sun" will just bring up sun.

One of nine geographic regions can be chosen to search in so that the results will list only sites hosted on a domain in that region. To do this, type the search words in the **Search the Web for** box on the Advanced Search page. On the **Region** list, select an option. Click **Search** at the top of the page.

An example entry in this search engine would look like this:

(Fungicide OR Herbicide OR Rodenticide) AND cart -edu -gov -mil

C.6 www.overture.com:

It appears this search engine does not support Boolean indicators. To perform a search, type the basic keywords in the search box and click on the green “**find it**” or arrow button to be taken to the results.

An example entry in this search engine would look like this:
organic pesticide

C.7 www.findwhat.com:

For this search engine it is best to put a “+” sign in front of desired search words and a “-” sign in front of undesired search words. Remember to keep a space before the “+” or “-” sign. “**AND**” (to pick both search words) and “**OR**” (to pick either search word) can also be used along with parentheses. The parentheses distinguish each command from each other.

An example entry in this search engine would look like this:
(aerosol pesticide) AND (Wisconsin OR WI) AND (cart)

C.8 www.agrisurf.com:

To use Boolean indicators in this search engine, the **Boolean Indicators** option is clicked below the search field. The indicator “**AND**” is used to include certain keywords. A space between words is treated as an “**OR**”. This search engine does not appear to use plus or minus signs. The search engine is not case sensitive.

Wildcard searches are utilized by placing an asterisk “*” for multiple character wildcards and a question mark “?” for single character wildcards. For example, “**pest?**” results in pest, pesto, and pests while “**pest***” will give pest, pests, pesticide, pesticidal, etc. The wildcards must be at least three characters from the beginning of a word and only words of three characters or more should be used as keywords.

An example entry in this search engine would look like this:
kill? AND (mice OR rats)

C.9 www.epilot.com:

In this search engine companies pay for each click made on their link. Therefore, there are few results for each search. The most general searches usually work best for this engine and Boolean searches are not necessary. For instance, just type in “**pesticide**”.

C.10 www.wisenut.com:

In this search engine the “+” sign is used to include all the words in the search. Likewise, the “-” sign is used to exclude certain words from the search. Both signs are put directly in front of the search word. Keep a space before the “+” or “-” sign. Use quotation marks around the search words to result in exact phrases in the order that you typed them in. If **Try WiseSearch** is clicked underneath the search box, a more narrow search can be conducted by selecting which words are desired in the search and which are not. When the keywords are typed in, click on **go!**.

An example entry in this search engine would look like this:

+herbicide +cart +products -edu -gov -mil -org

APPENDIX D

EXAMPLES AND IDEAS OF KEYWORDS

APPENDIX D – EXAMPLES AND IDEAS OF KEYWORDS

One way to search for canceled or suspended products is to type in known pesticides that have been discontinued or are about to be discontinued for certain uses. For example, one would type **chlorpyrifos** since it is discontinued for multiple uses. Any web sites that surface and are attempting to sell this pesticide should be evaluated to see what use directions or application sites are identified. This strategy can be applied to web sites selling RUPs. A known RUP would be typed in as a keyword and any web sites that are selling this pesticide should be assessed to see if they are licensed as a RUP dealer in Wisconsin and/or if they have procedures in place to restrict sales to certified applicators.

To search for web sites selling pesticide application services within the state of Wisconsin, one would use a base search similar to “pesticide applicator services.” The quotation marks surrounding the keywords make most search engines find that exact phrase within a web page. Specific search words will not be given because it would diminish relevant results, only base search words. To increase relevant results, Wisconsin can be added to the search. Certain types of irrelevant web pages can be excluded such as educational or governmental sites by using Boolean methods explained in Appendices C and E. Boolean searches ensure or exclude certain results by broadening or narrowing the search. Base search words or ideas should be slightly modified to get the best results for that particular search engine by using these Boolean searches.

The following seven keywords produced the most results on SURF Day, 2001 conducted by the Association of American Pesticide Control Officials Incorporated (AAPCO): bath disinfectant, bug killer, carpenter ants, integrated pest management, organic pesticide, pet safe insecticide, and poison-free insecticide. These keywords typed in as is are liable to get many results, but the results will probably be very broad and contain many web sites that are not selling pesticides. When these seven keywords are used in conjunction with Boolean indicators, more accurate results occur. Other base keywords that can be expanded upon include:

- Chlorpyrifos, diazinon, daminozide, or other items that have discontinued uses
- Pesticides used for bat control, other than naphthalene
- Actual RUPs or their main ingredients such as atrazine or metam sodium
- Sodium fluoroacetate (1080) or strychnine sales
- Controls fire ants, or any other specific pest
- Rat poison, or any other specific pest
- Restricted-use pesticide active ingredients that may potentially be used as a biological terrorist weapon due to human inhalation hazards such as:

Acrolein
Aldicarb

Ethyl parathion
Fenamiphos

Azinphos
Calcium cyanide
Carbofuran
Chloroicrin
Chlorophacinone
Cube resins other than rote
2,6-dichlorobenzonitrile
Disulfoton
EPN
Tepp

Hydrocyanic acid
Magnesium phosphide
Niclosamide
Nicotine
Oxamyl
Sodium cyanide
Sodium hydroxide
Sulfotepp
Sulfuryl Fluoride
Zinc phosphide

The above are a number of active ingredients used in restricted-use products. Product or brand names (such as Angus Hot Rod for sodium hydroxide) are also appropriate keywords. Specific product names for each active ingredient can be found at the EPA (Environmental Protection Agency) web site at <http://www.epa.gov/oppmsd1/RestProd/> or by searching on the department's home page by active ingredient at <http://www.kellysolutions.com/wi/searchbychem.asp>.

Staff should also consult with a Pesticide Specialist, the Pesticide, Feed and Fertilizer Program Section Chief, or management in the Investigation and Compliance Section to determine the most recent product active ingredient or pest of concern. This may allow new keywords to be identified.

APPENDIX E

BOOLEAN SEARCHES

APPENDIX E – BOOLEAN SEARCHES

A way to start searching for pesticides is to type in generic terms such as “**pesticide**” or “**insecticide**.” More specific results can be obtained by using additional words in each search phrase. Better keywords or phrases may be found by reading the descriptions of some of the search results. For example, one could use “**pesticide products**” or “**aerosol pesticide**” to help reduce the number of informational web sites. Even more accurate results can be achieved through the use of Boolean indicators within the search. An indicator can eliminate certain web sites that are not useful to this search. This is a way of searching within the original search. These indicators change depending on the search engine and not all search engines support Boolean indicators.

Many engines such as Google, alltheweb, altavista, yahoo, search.msn, findwhat, and wisenut use a minus sign “-” before a word not wanted. The minus sign is an example of a Boolean indicator, along with a plus sign, and the words **AND, OR, NOT, AND NOT**.

For example “**pesticide +aerosol –gov**” would exclude most governmental web sites. Other engines, such as altavista, also use the words **AND NOT** before unwanted search words. For example, “**pesticide AND NOT edu**” would exclude educational web sites. Additional Uniform Resource Locators (URLs) or web site addresses that might be helpful to avoid are **.mil** for military sites, **.org** for nonprofit organizations, and **.net** for Internet-service related sites, all of which would not be likely to sell pesticides. To save time look only at commercial sites that commonly end in **.com** or a two-letter abbreviation for the country in which the site is located. Many searches will follow the basic format of **base search word(s) –edu –org –gov –mil +com +cart**. Cart is added to increase the occurrence of retail pesticide web sites. The Boolean indicators that each search engine supports are illustrated in the specific search engine descriptions in Appendix C.

If the search proves to be too narrow, there are some ways to broaden the search and obtain additional results. First of all, keywords should be checked for spelling or typographical errors. Restrictions can be removed from the search by removing plus signs or quotation marks. When an engine is case sensitive, all lowercase letters should be used. A new search word should be used if the current term is not working. Finally, a new search engine can be utilized in broadening the search.

Multiple search engines should be employed throughout the query to ensure a wide range of results. Each search engine has a unique way of interpreting search words.

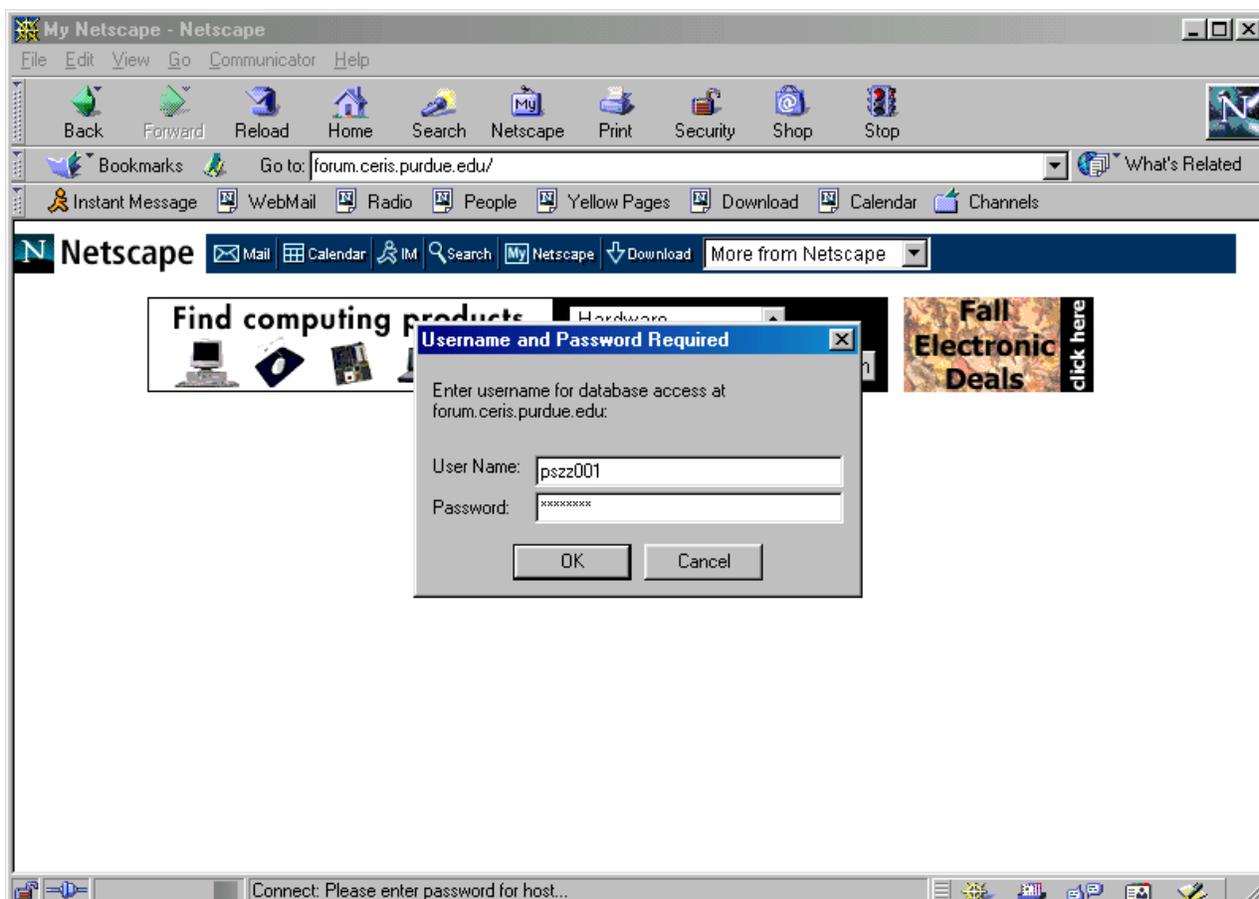
APPENDIX F

PROCEDURES TO GAIN ACCESS TO
PESTICIDE REGULATORS FORUM
(ADOPTED FROM PURDUE UNIVERSITY/
NPIRS PROCEDURES)

AND

EPA/AAPCO OUTREACH LETTER

APPENDIX F - PROCEDURE TO GAIN ACCESS TO PESTICIDE REGULATORS FORUM (ADOPTED FROM PURDUE UNIVERSITY/NPIRS PROCEDURES)



You will need an NSPIRS user id to connect to <http://forum.ceris.purdue.edu>. Enter your NSPIRS user name and tab to enter your password. If you do not have an NSPIRS user id and are a regulator, contact Vicki Cassens at vcassens@purdue.edu or Nick Masters at nmasters@purdue.edu. Forum access is free, however the web site is password protected, and a user id is required. The following procedures for PRF are provide by Purdue University/NPIRS with their permission.



Pesticide Regulator's Forum

The Pesticide Regulator's Forum is exclusively for the use of federal, state, territorial and tribal employees of agencies charged with the enforcement of pesticide laws. The forum may be accessed and used only by authorized users working in their official capacities. Public access to information on the Pesticide Regulator's Forum is not permitted.

[Access Forum](#)

The Pesticide Regulator's Forum is hosted on a complimentary basis by the National Pesticide Information Retrieval System (NPIRS) located at Purdue University, West Lafayette, Indiana.

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Select Access Forum.

Pesticide Regulator's Forum
[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

» **Not Registered?** [To register, click here.](#)
» **Lost Password?** [For assistance finding your registered login and/or password, click here.](#)

Login To: Pesticide Regulator's Forum

Login Name:

Password:

[Login](#)

[Contact Us](#) | [Regulator's Home](#) | [Privacy Statement](#)

The first time you access the forum, you will need to choose to register and enter your profile information.



Pesticide Regulator's Forum

[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

Rules, Policies, and Disclaimers

If you agree to abide by our rules below, please press the *Agree* button, which will enable you to register on this message board. If you do not agree to these terms, press the *Cancel* button.

The Pesticide Regulator's Forum is a bulletin board system hosted on a complimentary basis by the National Pesticide Information Retrieval System (NPIRS) at Purdue University exclusively for the use of federal, state, territorial and tribal employees of agencies charged with the enforcement of pesticide laws. The Pesticide Regulator's Forum may be accessed and used only by authorized users working in their official capacities. Information contained on the Pesticide Regulator's Forum is enforcement sensitive, consisting of intra-agency or inter-agency advisory or deliberative material, including material that is the expression of opinion or is of a speculative nature, and that is communicated here for the purpose of decision making. Public access to information on the Pesticide Regulator's Forum is not permitted.

Authorized users must obtain a USERID and PASSWORD from NPIRS to access information on the Pesticide Regulator's Forum. Requests may be made by calling 765-494-5249 or by sending email to npirs@ceris.purdue.edu.

Unauthorized access or use of this bulletin board system may subject violators to criminal, civil, and /or administrative action. All user information on this computer system may be monitored, recorded, read, copied, and disclosed to and by authorized personnel for official purposes, including law enforcement. Access or use of this computer system by any person, whether authorized or unauthorized, constitutes consent to these terms.

Agree

Cancel

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Ultimate Bulletin Board 6.04a

Read the Privacy Statement and, if appropriate, select Agree.



Required fields are in **bold**.

Register

Your registered user name can be up to 25 characters and passwords can be a maximum of 13 characters. Please use only letters and numbers. Note that your password is not encrypted and may be accessible by the message board administrators. Do not use a password that you would be afraid to reveal to anyone.

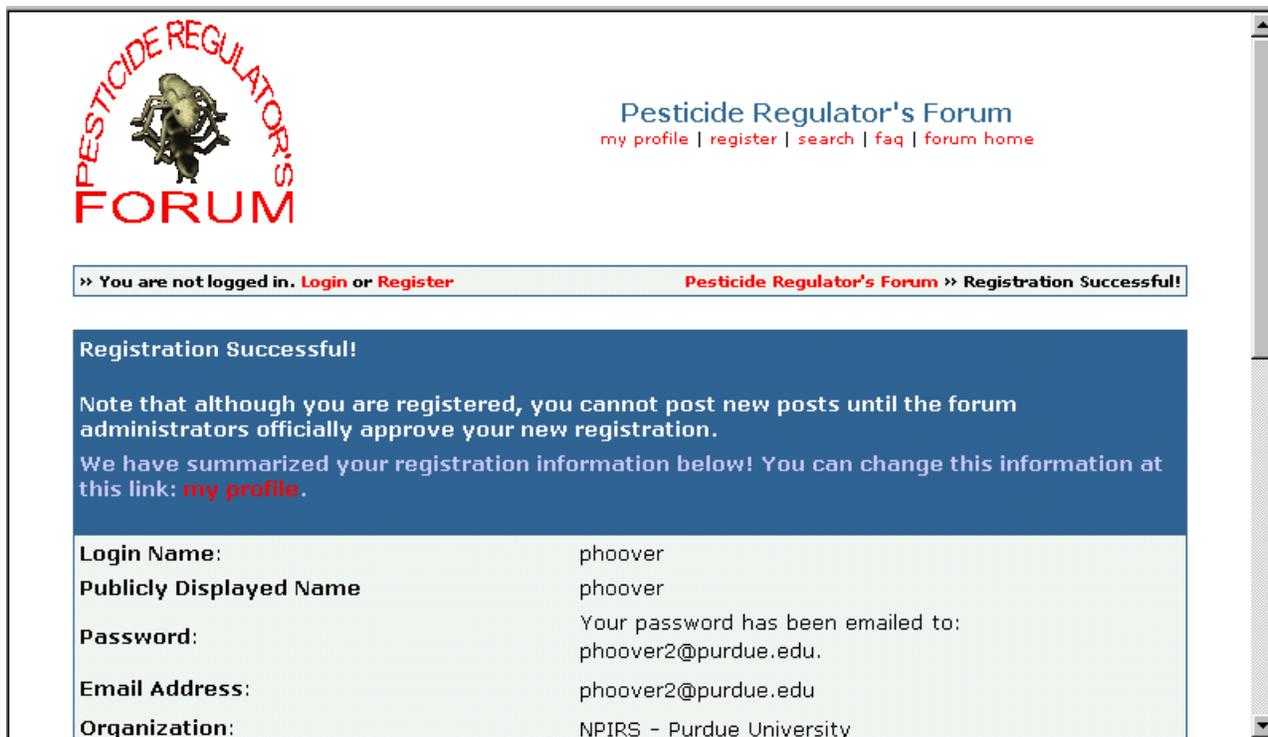
All of the information you provide on this page (with the exception of the password) will be viewable by anyone visiting the message board. Thus, if you do not feel comfortable completing any non required fields, please leave them blank.

Login Name:	<input type="text" value="vcassens"/>
Publicly Displayed Name: <small>If you do not provide a name, the login (user) name you listed above will be shown publicly. You may be able to change your public name, but you can not change your login (user) name.</small>	<input type="text" value="Vicki Cassens"/>
Email Address:	<input type="text" value="vcassens@purdue.edu"/>
Confirm Email Address:	<input type="text" value="vcassens@purdue.edu"/>
Organization:	<input type="text" value="Purdue University - NPIRS"/>
Job Title:	<input type="text" value="NPIRS Project Leader"/>
Address:	<input type="text" value="1231 Cumberland Avenue, Suite A"/>
City, State, Zip:	<input type="text" value="West Lafayette, IN 47906"/>
Telephone Number:	<input type="text" value="765-494-5249"/>
NSPIRS User Id:	<input type="text" value="PS22001"/>

Your Preferences

Allow Administrators and Moderators to send you email notices?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Keep your email address viewable to others when you post notes?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Allow your user rating to be publicly displayed?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Allow members to send you private messages?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Be notified by email when someone sends you a private message?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Default Topic View	<input type="text" value="Show all topics"/>

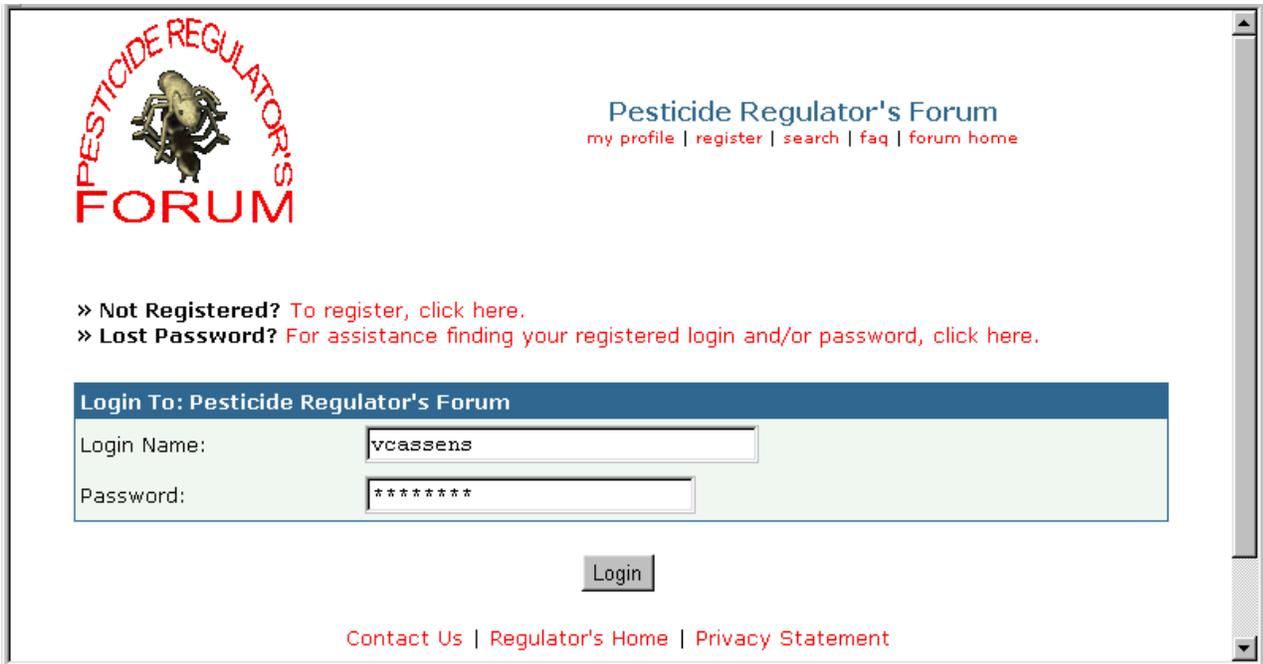
Complete all the requested information and submit the registration. Please note that your login name can be any name you are comfortable using numerous times, such as an existing e-mail user id. You will be able to change any of the other information and default e-mail settings at a later date, if you want to.



The screenshot shows the Pesticide Regulator's Forum registration success page. At the top left is the forum logo, which features a green insect on a branch with the text "PESTICIDE REGULATOR'S FORUM" in red. To the right of the logo, the text "Pesticide Regulator's Forum" is displayed in blue, with navigation links "my profile | register | search | faq | forum home" in red below it. A navigation bar contains the text "» You are not logged in. Login or Register" and "Pesticide Regulator's Forum » Registration Successful!". A large blue box contains the message "Registration Successful!" and a note: "Note that although you are registered, you cannot post new posts until the forum administrators officially approve your new registration. We have summarized your registration information below! You can change this information at this link: my profile." Below this box is a table with registration details.

Login Name:	phoover
Publicly Displayed Name	phoover
Password:	Your password has been emailed to: phoover2@purdue.edu.
Email Address:	phoover2@purdue.edu
Organization:	NPIRS - Purdue University

You will receive a message that your registration is successful. However, you will not be able to login to the forum until your registration request is approved. You will receive two e-mail messages; the first one will be sent after you register and the second one after you are approved to access the forum. Your login name and temporary password will be in the second e-mail and you will need this information to login to the forum. This particular screen was the successful login screen for Peggy Hoover and is used for illustration purposes only.



Enter your Login Name and temporary password and click the Login button.



You will be automatically directed to the Pesticide Regulator's Forum main menu.



Pesticide Regulator's Forum
[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

» [Today's Active Topics](#) «

» Hello, Vicki Cassens [[log out](#)] Welcome to our newest member: [George Farnsworth](#)

Forum	Posts	Last Post
Active Ingredients Organophosphates, Chlorpyrifos, Diazinon	2	Clopyralid use on lawns banned in ... (Erik Johansen) March 06, 2002 02:01 PM
Coumaphos Misuse Beehive Protection Issues	10	The purpose of this forum topic (David Munn) February 22, 2002 02:01 PM
E-Commerce of Pesticides EPA/AAPCO Notification Document	6	Let's start the e-commerce ball ro ... (Liz Higgins) December 13, 2001 06:22 PM

Select the "my profile" link at the top of the screen to change your temporary password to one of your choosing.



Pesticide Regulator's Forum
[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

» Hello, Vicki Cassens [[log out](#)] [Pesticide Regulator's Forum](#) » [My Profile](#)

My Profile: Vicki Cassens
 » [View/Update Profile](#) «

[Ignore List](#) | [Buddy List](#)

Private Messages: 0 Unread messages are in bold.

Del?	Subject	From:	Date
No private messages			

You may only store 60 private messages. If you reach the maximum, no one will be able to send you a private message. Please delete old private messages!

Click on View/Update Profile.



>> Hello, Vicki Cassens [[log out](#)]

[Pesticide Regulator's Forum](#) >> [My Profile](#) >> [View/Update Profile](#)

Required fields are in **bold**.

View/Update Profile

Your login (user) name cannot be changed. Note that your password is not encrypted and may be accessible by the message board administrators. Do not use a password that you would be afraid to reveal to anyone.

All of the information you provide on this page (with the exception of the password and login name) will be viewable by anyone visiting the message board. Thus, if you do not feel comfortable completing any non required fields, please leave them blank.

Because we require that each email address be verified, any change of your email address will result in an automatic change of your password by the system; this new password would be emailed to the new email address that you list.

Login Name:	vcassens
Publicly Displayed Name:	<input type="text" value="Vicki Cassens"/>
<small>If you do not provide a name, the login (user) name you listed above will be shown publicly. Note that the administrators of this board may elect not to permit changes to your publicly displayed name.</small>	
Member Status:	Administrator
Password:	<input type="password" value="*****"/>
Email Address:	<input type="text" value="vcassens@purdue.edu"/>
Organization:	<input type="text" value="Purdue University - NPIRS"/>
Job Title:	<input type="text" value="Systems Analyst"/>
Address:	<input type="text" value="1231 Cumberland Avenue, Suite A"/>
City, State, Zip:	<input type="text" value="West Lafayette, IN 47906"/>
Telephone Number:	<input type="text" value="765-494-5249"/>
NSPIRS User Id:	<input type="text" value="PS22001"/>

Your Preferences

Allow Administrators and Moderators to send you email notices?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Keep your email address viewable to others when you post notes?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Default Topic View	<input type="text" value="Show all topics"/>
Allow members to send you private messages?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Be notified by email when someone sends you a private message?	<input checked="" type="radio"/> Yes <input type="radio"/> No

Profile last updated by [vcassens](#) (July 03, 2001)

[View/Update Profile](#)

Click on the Password box, delete the asterisks indicating your temporary password, and enter a password of your choosing. You will not see the actual password, but an asterisk for each character. Once you have typed your new password, drag the screen down and click on the View/Update Profile button. Once you have received the confirmation message that your profile has been updated, you should log out and immediately log back in with your new password. Then, when you are finished with your current session, if you simply close your browser instead of clicking on the “log out” option, your computer will set a cookie and remember your password. Thus, the next time you access the web site, <http://forum.ceris.purdue.edu>, you will only need your NSPIRS id and password to access the forum. Of course, you always have the option of logging out from the forum, in which case you will then need to use both sets of ids and passwords the next time you access the forum.

Pesticide Regulator's Forum
[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

» **Today's Active Topics** «

» Hello, Vicki Cassens [[log out](#)] Welcome to our newest member: [George Farnsworth](#)

Forum	Posts	Last Post
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E-Commerce of Pesticides EPA/AAPCO Notification Document	6	Let's start the e-commerce ball ro ... (Liz Higgins) December 13, 2001 06:22 PM

When you are in the bulletin board portion of the forum, the overall subjects (or forums) are listed on the left side of the screen. You can choose to go to the top level of a specific forum, or you can click on the link on the right side of the screen and go directly to the last posting under a specific forum. Click on the Exempted Pesticides forum.



[New Topic](#)

[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

Show all topics

» Hello, Vicki Cassens [[log out](#)]

[Pesticide Regulator's Forum](#) » [Exempted Pesticides](#)

Topic	Topic Starter	Replies	Last Post
 Goodbye! Adios!	Liz Higgins	0	March 06, 2002 11:09 AM
 Repellex deer repellents	Brad Robinson	3	March 01, 2002 04:03 PM
 Chemical Sterilants	Lee Davis	4	February 18, 2002 03:58 PM
 Spray adjuvant ingredient and toxicity issues	Erik Johansen	0	November 01, 2001 06:56 PM
 Q and A on 25(b)	Jim Roelofs	7	October 09, 2001 12:06 PM
 Abigail's Bug Barrier	Liz Higgins	2	September 11, 2001 10:09 AM
 Bug Ball -- Fails to Comply with 25(b) Requirements	ED WHITE	2	August 28, 2001 12:07 PM

All times are EST.

Posting Rights	Icon Legend
New Topics: All registered users may post new topics in this forum.	 New posts on this topic!
Replies: All registered users may post replies in this forum.	 No new posts since the last time you visited.
	 A closed topic: no replies accepted

[New Topic](#)

Hop To:

Multiple topics can be posted under each forum. This forum has 7 topics posted and multiple replies under most topics. Click on the Goodbye! Adios! topic.



[New Topic](#) [Post Reply](#)

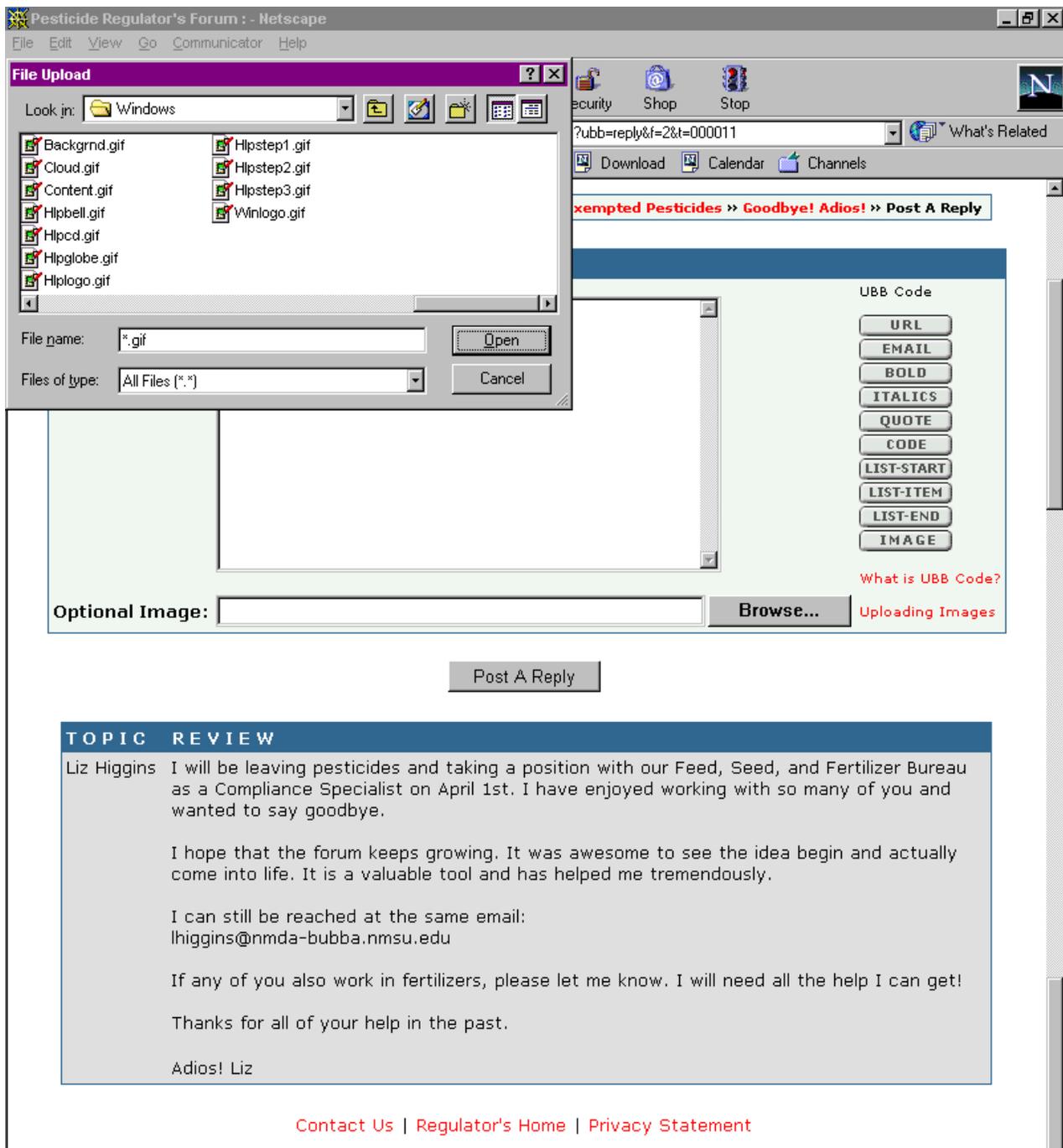
[my profile](#) | [register](#) | [search](#) | [faq](#) | [forum home](#)

[Previous](#) [Next](#)

» [Hello, Vicki Cassens \[log out \]](#) [Pesticide Regulator's Forum](#) » [Exempted Pesticides](#) » [Goodbye! Adios!](#)

Author	Topic: Goodbye! Adios!
Liz Higgins Moderator Member # 6	<p>posted March 06, 2002 11:09 AM    </p> <p>I will be leaving pesticides and taking a position with our Feed, Seed, and Fertilizer Bureau as a Compliance Specialist on April 1st. I have enjoyed working with so many of you and wanted to say goodbye.</p> <p>I hope that the forum keeps growing. It was awesome to see the idea begin and actually come into life. It is a valuable tool and has helped me tremendously.</p> <p>I can still be reached at the same email: lhiggins@nmda-bubba.nmsu.edu</p> <p>If any of you also work in fertilizers, please let me know. I will need all the help I can get!</p> <p>Thanks for all of your help in the past.</p> <p>Adios! Liz</p> <hr/> <p> IP: Logged</p>

The buttons at the top of each screen indicate the actions that can be taken. In this case, you can either post a new topic under the Exempted Pesticides forum or post a reply to the topic Liz Higgins started. The icons to the right of the topic date allow you to look at a person's profile, send the person e-mail or a private message, or edit or delete a message. You are always able to edit or delete your own postings. Moderators are able to edit and delete anyone's posting within the forum they are moderating. Click on the "Post Reply" button.



Type your message (or you can cut and paste). However, remember that the message will be transferred as a text message. If you want to add formatting to the message, you will need to use the UBB Code options at the right of the screen. Click on the Browse button if you have an image you need to upload with the message. You will be able to upload either a .gif or .jpg image or .pdf file with your message. If you have multiple images to upload, you will need to post them one at a time, repeating the post reply option. Be sure to click on the "Post A Reply" button to upload your message. Your message and image (if any) will be appended to the end of the previous postings. The

link “Regulator’s Home” at the bottom of each page will take you to the documents section of the forum.



Pesticide Regulator's Forum

Active Ingredients
Organophosphates, Chlorpyrifos, Diazinon

Coumaphos Misuse
Beehive Protection Issues

E-Commerce of Pesticides
EPA/AAPCO Notification Document

Enforcement Actions
Companies Fined, Other Violations

Exempted Pesticides
Section 25(b) Registrations, Devices

Inspections
Complaints, Random, Field Excursions

Label Problems
Product Label Issues, Reviews, Accountability

Special Registrations
Section 24(c)'s, Section 18's

Vector Control
Adult Mosquito Control, West Nile Virus
Contingency Plans

Water Quality
Pesticide Management Plans, Surface Water

Worker Protection Standard
Interpretation, Labels, Inspections

[Contact Us](#) | [Forum Home](#) | [FAQ](#) | [Privacy Statement](#) | [Site Index](#)

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The “Regulator’s Home” page is where documents are posted. Future additions will include linkage to databases and the development of an E-Commerce Notification System. Click on the E-Commerce of Pesticides link.



Forum

E-Commerce of Pesticides

E-Commerce Notification Document

The Association of American Pesticide Control Officials

together with

The U.S. Environmental Protection Agency (EPA)

As part of a cooperative state/federal outreach program, your company, or your Internet site has been identified as possibly being involved in the sale or distribution of materials or products classified as pesticides. This notice is intended to alert you that this activity may be regulated under

Click on the back button in the browser once to return to the Regulator's Home.



Pesticide Regulator's Forum

[Active Ingredients](#)

Organophosphates, Chlorpyrifos, Diazinon

[Coumaphos Misuse](#)

Beehive Protection Issues

[E-Commerce of Pesticides](#)

EPA/AAPCO Notification Document

[Enforcement Actions](#)

Companies Fined, Other Violations

[Exempted Pesticides](#)

Section 25(b) Registrations, Devices

[Inspections](#)

Complaints, Random, Field Excursions

[Label Problems](#)

Product Label Issues, Reviews, Accountability

[Special Registrations](#)

Section 24(c)'s, Section 18's

[Vector Control](#)

Adult Mosquito Control, West Nile Virus
Contingency Plans

[Water Quality](#)

Pesticide Management Plans, Surface Water

[Worker Protection Standard](#)

Interpretation, Labels, Inspections

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The following screens are a prototype of an E-Commerce Notification system that we are developing at NPIRS.

PROCEDURE TO SEND EPA/APPCO NOTIFICATION LETTER

- 1) Log on to the Pesticide Regulators Forum. (see procedure above)
- 2) Click the link "Regulator's Home" on the bottom of the page to bring you to the documents section of the forum.
- 3) Click on the "E-Commerce of Pesticides" link to bring you to the E-Commerce Notification Document



The screenshot shows a web interface for the Pesticide Regulators Forum. On the left, there is a logo for the forum featuring a beetle and the text "PESTICIDE REGULATORS FORUM". Below the logo are two buttons: "Forum" and "Notify Vendor". The main content area has a blue header with the text "E-Commerce of Pesticides". Below this header, the title "E-Commerce Notification" is centered. Underneath the title, there is a text prompt "Enter the email address of the vendor to be notified:" followed by a text input field. Below the input field is a purple "SUBMIT" button.

Upon entering the e-mail address of the pesticide company, the official will be advised if the web site or Internet vendor has already been sent the document previously.



The official will then have a choice of whether to continue to send the document perhaps with an added note or to cancel the transmission.



The vendor name, address, and any message is entered before sending the document. The PRF site will automatically send the document to the indicated e-mail address and archive any responses from that address.



E-Commerce of Pesticides

Forum
Notify Vendor

vendor@nowhere.com has been sent the E-Commerce Document. You will receive an email confirmation that this has been sent. The vendor's name and address has been added to the notification database.

Click on the back button in the browser once to return to the Regulator's Home.



Pesticide Regulator's Forum

<u>Active Ingredients</u> Organophosphates, Chlorpyrifos, Diazinon	<u>Coumaphos Misuse</u> Beehive Protection Issues
<u>E-Commerce of Pesticides</u> EPA/AAPCO Notification Document	<u>Enforcement Actions</u> Companies Fined, Other Violations
<u>Exempted Pesticides</u> Section 25(b) Registrations, Devices	<u>Inspections</u> Complaints, Random, Field Excursions
<u>Label Problems</u> Product Label Issues, Reviews, Accountability	<u>Special Registrations</u> Section 24(c)'s, Section 18's
<u>Vector Control</u> Adult Mosquito Control, West Nile Virus Contingency Plans	<u>Water Quality</u> Pesticide Management Plans, Surface Water
<u>Worker Protection Standard</u> Interpretation, Labels, Inspections	

[Contact Us](#) | [Forum Home](#) | [FAQ](#) | [Privacy Statement](#) | [Site Index](#)

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Choose the "Forum Home" link at the bottom of the page to go back to the bulletin board portion of the Pesticide Regulator's Forum.

The Association of American Pesticide Control Officials together with The U.S. Environmental Protection Agency (EPA)

As part of a cooperative state/federal outreach program, your company, or your Internet site has been identified as possibly being involved in the sale or distribution of materials or products classified as pesticides. This notice is intended to alert you that this activity may be regulated under both federal and/or state law. Please read the following information carefully and visit the sites referenced at the end of this message. **In order to avoid other agencies duplicating this message to you, please acknowledge your receipt of this message to the sender.**

Any material, whether naturally derived or not, that is used or intended to be used for control or elimination of any pest (weeds, insects, microorganisms, etc.) is classified as a pesticide. EPA has developed an Internet site to help you determine what is considered a pesticide. <<http://www.epa.gov/opp00001/whatis.htm>>.

Examples of products that are pesticides are:

- Cockroach sprays and baits
- Insect repellants
- Rat and mouse poisons
- Flea and tick sprays, powders, collars, and wrist bands
- Disinfectants and sanitizers
- Mold and mildew controls
- Lawn and garden products that kill weeds, insects, or some plant diseases
- Some swimming pool chemicals
- Insect control chalk (also known as Chinese chalk)
- Plant protection chemicals that kill weeds, insects, or plant diseases

While there are a few exceptions, most pesticides require registration with the EPA and with any state in which they are sold or distributed. Even advertising products or materials that may be classified as pesticides may be construed as distribution of a pesticide. It is against the law to sell unregistered or misbranded pesticides in the United States. This means that if you produce, sell, or offer for sale a pesticide product or device¹ via the Internet that is mislabeled, not registered, or no longer registered, you could be breaking the law and subject to penalties, including fines. Generally, it is the *seller's responsibility* to ensure that pesticides sold over the Internet are labeled according to federal standards and are registered by EPA and any state in which they are distributed before offering them for sale.

¹ A pesticide device is any instrument or contrivance (other than firearm) which is intended for trapping, destroying, repelling, or mitigating a pest, but NOT including the equipment used to apply pesticides.

The following important points should be considered regarding your establishment operations:

- > **Federal and State Law:** The EPA administers the federal pesticide law and each state has a pesticide control law that further restricts and/or clarifies local administration of pesticide commerce. BOTH levels of law must be followed.
- > **Distribution:** Actual sale and distribution of pesticides are regulated by both the EPA and the states. Some states have declared specific general use pesticides as “State-Limited-Use” pesticides. These pesticides may require a dealer license to sell and a certification to purchase and use them.
- > **Dealer Licensing:** Many states also require that all pesticide dealers operating in that state be licensed, even if the dealer is not physically located in the state. This includes sales over the Internet. Many states also regulate the offer for sale of pesticides even though the company does not take possession of the products being offered for sale (such as auction sites or electronic brokerage).
- > **Certified Applicators:** Some pesticides are classified as “Restricted-use” pesticides (RUPs). Both federal and state laws require sellers and/or buyers of RUPs to be licensed or certified by the state agencies where either party involved in a transaction may operate.
- > **Records:** Many states require that sales records be kept and reports of transactions be submitted on a regular basis.

It is beyond the scope of this message to summarize all of the requirements of federal and state pesticide law.

Your electronic commerce site has been entered into the [list tracking site here] that serves as a resource to the pesticide regulatory agencies to track electronic commerce of pesticides. The intent of this tracking is to reduce the number of times you may receive this message, as well as be a tool for the regulatory agencies.

To review specifics on the federal pesticide law (Federal Insecticide, Fungicide, and Rodenticide Act), please click here: <<http://www.epa.gov/pesticides/fifra.htm>>.

To obtain a list of all state pesticide agency home pages, please click here: <<http://aapco.ceris.purdue.edu>>

For information about federal pesticide registration, please click here: <<http://www.epa.gov/pesticides/chemreg.htm>>.

This notice does not constitute a warning or enforcement action by any federal or state authorities. Such authorities may independently pursue any initiative that, in their judgement, they believe is appropriate. Similarly, this notice does not reflect the enforcement policy of any federal or state authorities.

Pesticide Notification, v. May 22, 2001

APPENDIX G

NARRATIVE EXAMPLE

APPENDIX G – NARRATIVE EXAMPLE

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: Date that memorandum is sent

TO: File #

SUBJECT: Case name

Premise: Web site URL, contact information, and CTS assigned number

I. PERSONS INVOLVED

- A. Wisconsin Department of Agriculture, Trade and Consumer Protection (hereafter referred to as DATCP). Agricultural Resource Management Division, P.O. Box 8911, Madison, WI 53708-8911. Complainant.
- B. Internet Site company or the manufacturer that is responsible
- C. Any person that was contacted in connection with the company
- D. Investigator that found web site. Investigator's work address.

II. CIRCUMSTANCES

This is a brief summary of the investigation. For example, one might write: During the year 200?, investigator name investigated sales of (RUPs, pesticides with claims, unregistered pesticides, etc.) into Wisconsin by Internet Sites from out-of-state. He/she determined that name of Internet company had made sales of ... to retail customers in Wisconsin. At that time, the company did not possess the legality to ...

III. POSSIBLE VIOLATIONS

List the violations here

IV. CHEMICAL INFORMATION

List the products in question, their current registration status and manufacturer information, active ingredient, and label violations

V. INVESTIGATION

This is a detailed description of investigation activities.

VI. EVIDENCE AT HAND

- A. Case narrative for the investigation
- B. Any warning notices
- C. Computer printouts of web site violation
- D. Any product sales into Wisconsin

APPENDIX H

SAMPLE UNLICENSED RUP DEALER LETTER



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

To Pesticide Dealer:

The Wisconsin Department of Agriculture is aware that your company is selling Restricted-Use Pesticides (RUPs) over the Internet. We believe these pesticides have the potential to be sold into the State of Wisconsin. According to our records, you are not licensed to sell RUPs into Wisconsin.

Per s. 94.685, Wis. Stats., no dealer or distributor may sell or offer to sell a restricted-use pesticide in this state, whether or not the sale is made wholly or partially in this state or another state, without a license issued by the department. This license expires on December 31 annually and is not transferable. The license fee is \$60 with an additional chemical cleanup surcharge of \$40 for each location from which the dealer or distributor sells restricted-use pesticides into Wisconsin. Per s. ATCP 29.15(8), Wis. Adm. Code, we have legal access to your sales records.

Additionally, according to s. ATCP 29.15(7), Wis. Adm. Code, restricted-use pesticides may only be sold or distributed to:

- (a) A pesticide dealer or distributor licensed to sell or distribute RUPs
- (b) A commercial application business licensed to use or direct the use of restricted-use products
- (c) An individual commercial applicator licensed and certified to use or direct the use of that pesticide
- (d) A private applicator certified to use or direct the use of that pesticide

Restricted-use pesticides must be sold to those people who have been trained to safely handle them. A list that is updated weekly containing certified private and commercial applicators and licensed businesses in Wisconsin can be found at <http://datcp.state.wi.us/arm/agriculture/pesticides/data/>.

Please visit <http://datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/licenses/> to receive a license application. Return the attached license application and appropriate fees within 10 business days to:

WDATCP
US BANK OF MILWAUKEE
BOX 93193
MILWAUKEE, WI 53293-0193

If your company chooses not to obtain an RUP dealer's license in Wisconsin, you must ensure that RUPs are not sold to Wisconsin customers. If you choose not to be licensed in Wisconsin, please provide an explanation within 10 days to the department on how you will ensure these sales do not occur.

Questions and correspondence regarding this matter should be directed to Anne Parrish at 608/224-4551 or at anne.parrish@datcp.state

APPENDIX I

MANUFACTURER'S INFORMATION LETTER



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

Dear Pesticide Manufacturer:

The Wisconsin Department of Agriculture is now aware your pesticide products are being sold over the Internet. These pesticides have the potential to be sold within the State of Wisconsin. According to our records, you are possibly selling unlicensed pesticides into the state of Wisconsin. I am contacting you to insist that your firm either apply for registration of each pesticide that has the potential to be sold into the state of Wisconsin or devise a strategy to have the products that are not registered in Wisconsin unavailable to Wisconsin customers by Internet vendors.

Per s. 94.68(1), Wis. Stats., no person may manufacture, formulate, package, label or otherwise produce pesticides for sale or distribution in this state, or sell or offer to sell pesticides to purchasers in this state, whether or not the sales are made wholly or partially in this state or another state, without a license from the department.

It states in s. 94.68(1)(a), Wis. Stats., the sale or distribution of pesticides at wholesale or retail in the immediate, unbroken container of licensed manufacturers as manufactured, produced, packaged or labeled by them is exempt from the above law. This law indicates the pesticide manufacturer is responsible for each location their pesticides are being sold or distributed and not the web site or retail store. Your firm will be held accountable for any pesticides that can be purchased by Wisconsin consumers, including web sites.

Any person that violates these laws or any rules or orders issued under these laws shall forfeit not less than \$100 nor more than \$500 for the first violation and not less than \$200 nor more than \$1000 for any subsequent violation within 5 years. Willful violations of the pesticide law may be prosecuted as a criminal violation subject of a fine of \$5000 per violation or up to one year in jail or both.

We understand there may not be available procedures for tracking pesticide products through Internet vendors. However, it is necessary that your company create procedures for this. This department holds you responsible for your products.

Please visit <http://datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/licenses/> to receive a license application or contact Jean Kohlman at 608-224-4536 to be mailed one. A complete application for each pesticide that may be sold into Wisconsin is needed along with the labels for each pesticide and the appropriate fees. Have these mailed within 30 days to the address on the application:

WDATCP
US BANK OF MILWAUKEE
BOX 93193
MILWAUKEE, WI 53293-0193

If your firm chooses not to register these pesticides, you must inform this department of your strategy within 30 days for tracking these products wherever they may be sold into Wisconsin and eliminating that possibility.

Thank you for your cooperation in this matter. Any questions regarding this issue may be referred to Jean Kohlman at 608-224-4536.

Sincerely,

APPENDIX J

SAMPLE WARNING LETTER FOR UNLICENSED PRODUCT



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

April 24, 2002

WARNING

Pesticide Manufacturer
Attn: State Regulatory Official
PO Box
City, State Zip

Dear State Regulatory Official:

Subject: Product 1, EPA Reg. No. 123
 Product 2, EPA Reg. No. 123
 Product 3, EPA Reg. No. 123

Our department has been informed that the above mentioned pesticide products are being sold to and used by the blank County Highway Department. They have been using these products for the past two years, going on three. Our records indicate that your firm is not licensed to sell or distribute pesticide products in Wisconsin at this time.

The Wisconsin Pesticide Law requires pesticide product licensees to submit a report to our department listing all pesticides that are sold or distributed in Wisconsin (s. 94.68, Wis. Stats.). This listing must include a report of the volume of sales of each pesticide product of the licensee that is sold or distributed during the preceding year for use within this State. A licensee who discontinues distribution of a pesticide must notify the department of discontinuation and must pay license fees for discontinued products.

Any licensee that fails to inform the department at least 15 days prior to distributing the product in Wisconsin is in violation of the Wisconsin Pesticide Law and is required to pay a license fee twice the amount of the pesticide product registration fee (this is incorporated into the fee structure on the application). A Wisconsin 2002 Pesticide Manufacturer and Labeler's application is enclosed to complete and return.

The license fee required for the above mentioned products will be based on your gross sales into Wisconsin, from October 1, 2000 to September 30, 2001. The fees due must be submitted to the Department in the envelope provided, within 20 days after the date of your receipt of this notice.

Pesticide Manufacturer
April 24, 2002
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You are being issued the enclosed Warning Notice for the above violation of the Wisconsin Pesticide Law. Any future violation may result in higher-level enforcement action being initiated against your firm by our Department.

Any questions concerning the above, I may be contacted at 608.224.4536.

Sincerely,

Jean A. Kohlman
Pesticide Product Registrar
AGRICULTURAL RESOURCE MANAGEMENT DIVISION
608/224-4536

Cc. Environmental Enforcement Specialist

APPENDIX K

DEALER'S RECORDS REQUEST LETTER AND FORM



State of Wisconsin
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection
James E. Harsdorf, Secretary

Dear Restricted-Use Pesticide Dealer,

Your company has been chosen to have your dealer records inspected for compliance. According to s. ATCP 29.15(8), Wis. Adm. Code, the sales records of all restricted-use pesticides that are sold or distributed in this state must be made available to the department for inspection upon request.

As you may already be aware, in accordance with s. ATCP 29.15(7), Wis. Adm. Code, restricted-use pesticides may only be sold or distributed to:

- (a) A pesticide dealer or distributor licensed to sell or distribute restricted-use pesticides
- (b) A commercial application business licensed to use or direct the use of restricted-use products
- (c) An individual commercial applicator licensed and certified to use or direct the use of that pesticide
- (d) A private applicator certified to use or direct the use of that pesticide.

Restricted-use pesticides must only be sold to those people who have been trained to safely handle them. A list of those certified to do this can be found at <http://datcp.state.wi.us/arm/agriculture/pesticides/data/>. We will be ensuring that all restricted-use pesticides are being sold or distributed to the appropriate people in Wisconsin.

You must complete the attached form in full. Please print or type all information. If you require additional space for reporting, you may either contact the department for additional forms or photocopy the form. If it would be easier to send your own printouts instead of copying the information onto the form, the printouts must have the same general format and exact information as the provided form. Any questions may be directed to Anne Parrish at 608-224-4551.

Please complete and return the form along with your license renewal to:

Anne Parrish
WDATCP-ARM Division
2811 Agriculture Drive
PO Box 8911
Madison, WI 53708-8911

