

# Pesticide Use by Railroads



In May 2010, a new Wisconsin law took effect related to the use of pesticides by railroads. The law, 2009 Wisconsin Act 286, applies to anyone who owns or operates a railroad or part of a railroad as a common carrier in Wisconsin.

The intent of the law is to protect railroad workers by providing workers and their direct supervisors with pesticide safety information and pesticide safety training.

The law also provides options for the public to access information related to pesticide use by railroads.

## Notification of Railroad Employees

At least 48 hours prior to applying pesticides to a right-of-way that the railroad owns or maintains, the railroad must provide pesticide safety information at a central location that is accessible to all railroad employees. The central location could be a bulletin board, a Web site on the Internet or the company's internal (Intranet) Web site.

The safety information must include:

- The location and description of the area to be treated with pesticides.
- The pesticide name, active ingredient(s) and registration number issued by the U.S. Environmental Protection Agency which is found on the product label.
- The approximate time and date when the pesticide will be applied.
- Any restricted entry interval listed on the pesticide product label.
- Where to find pesticide label information.
- Emergency medical contact information.

The railroad must keep this information posted at the central local accessible to all

railroad employees for at least 30 days after the day of the pesticide application.

## Notification of Supervisors

At least 48 hours prior to applying pesticides to a right of way that the railroad owns or maintains, the direct supervisors of employees who work in the area to be treated must receive:

- The same information that is listed above for employees.
- A description of the central location where the railroad provides the pesticide safety information to employees.

### What is a pesticide?

A pesticide is any substance used to control or repel a pest or to prevent the damage that pests may cause. Pests can be insects, mice, unwanted plants (weeds), fungi, or microorganisms like bacteria and viruses.

The term "pesticide" includes insecticides, herbicides, fungicides and other substances used to control pests.

## Pesticide Safety Training

The railroad shall provide annual pesticide safety training to its employees who work along railroad rights of way and in rail yards and to other railroad employees who work in areas to which pesticides have been applied.

Training shall include information about:

- Restricted entry intervals (REI).
- Requirements for personal protective equipment.
- How to read pesticide labels.
- Incident and complaint reporting related to possible pesticide exposure or mis-use.

The railroad shall keep records for each training session that includes:

- Date of the training session.
- Number of employees attending.
- Name of the trainer.
- The trainer's employer.

### Information for the Public

Using the railroad's Internet site, the railroad shall tell the public how to obtain information about pesticide use by the railroad, including a telephone number for the railroad. As an additional information resource, we suggest the National Pesticide Information Center or NPIC.

#### National Pesticide Information Center

NPIC provides objective, science-based information about pesticides and pesticide-related topics. NPIC is a cooperative agreement between Oregon State University and the EPA.

- **Call toll free: 800-858-7378**

Trained pesticide specialists answer calls free of charge from 6:30 a.m. to 4:30 p.m. PT, seven days a week.

- **Website:** <http://npic.orst.edu/>

### Reporting Possible Pesticide Exposure

If you suspect that a railroad worker has been exposed to pesticides, follow any necessary procedures including company policy and contact medical assistance.

Contact our department as soon as possible at (608) 224-4500. If after hours or on weekends, please leave a message with the following information:

- Date, time and location of incident.
- Pesticide product(s) used.

- Name of medical facility or doctor.
- Your name and contact number.

### Questions and Answers

**Q. What is a restricted entry interval (REI)?**

A. An REI is the time after the end of a pesticide application when entry into the treated area is restricted. Depending on the pesticide product used, REIs can range from 4 hours to 5 days after a pesticide application was made.

The REI is listed on the pesticide label under under the heading "Agricultural Use Requirements" in the "Directions for Use" section of the pesticide labeling, or next to the applicable crop or application method.

**Q. If we apply two different pesticides and each has a different restricted entry interval, which one should be followed?**

A. Follow the longest restricted entry interval.

**Q. How long must the railroad keep training records?**

A. The rule does not specify so it is up to the discretion of the railroad. As a suggestion, in Wisconsin, most pesticide records are kept for at least three years.

**Q. Who can be a trainer for the pesticide safety training?**

A. The rule does not specify the trainer's qualifications. We suggest using someone who is a licensed and certified pesticide applicator or who is qualified to teach federal Worker Protection Standards.

### For More Information

Contact Robby Personette, DATCP, PO Box 8911, Madison WI 53708-8911, 608-224-4551, [robby.personette@wisconsin.gov](mailto:robby.personette@wisconsin.gov), or visit [www.datcp.state.wi.us](http://www.datcp.state.wi.us) then search 'railroad pesticides.'



Wisconsin Department of Agriculture, Trade and Consumer Protection

2811 Agriculture Drive • PO Box 8911

Madison WI 53708-8911 • 608-224-4500

[www.datcp.state.wi.us](http://www.datcp.state.wi.us) • ARM Pub 200 (July 2010)