

SB1584



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1584

Introduced 2/9/2017, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

415 ILCS 60/6	from Ch. 5, par. 806
415 ILCS 60/12	from Ch. 5, par. 812

Amends the Illinois Pesticide Act. Changes the product registration fee to \$600 per 2-year registration period (currently, \$300 per product per year). Changes the business registration fee to \$800 per 2-year registration period (currently, \$400 per year). Changes the penalty for late registration to \$100 per product in addition to the regular product registration fee (currently, \$400 per product in lieu of the normal registration fee). Makes other changes. Effective immediately.

LRB100 10471 MJP 20684 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pesticide Act is amended by
5 changing Sections 6 and 12 as follows:

6 (415 ILCS 60/6) (from Ch. 5, par. 806)

7 Sec. 6. Registration.

8 1. Every pesticide which is distributed, sold, offered for
9 sale within this State, delivered for transportation or
10 transported in interstate commerce or between points within the
11 State through any point outside the State, shall be registered
12 with the Director or his designated agent, subject to
13 provisions of this Act. Such registration shall be for a period
14 determined under item 1.5 of this Section and shall expire on
15 December 31st. Registration is not required if a pesticide is
16 shipped from one plant or warehouse to another plant or
17 warehouse by the same person and is used solely at such plant
18 or warehouse as a constituent part to make a pesticide which is
19 registered under provisions of this Act and FIFRA.

20 1.5. In order to stagger product registrations, the
21 Department shall, for the 2011 registration year, register half
22 of the applicants and their products for one year and the other
23 half for 2 years. Thereafter, a business registration and

1 product registration shall be for 2 years.

2 2. Registration applicant shall file a statement with the
3 Director which shall include:

4 A. The name and address of the applicant and the name
5 and address of the person whose name will appear on the
6 label if different from the applicant's.

7 B. The name of the pesticide.

8 C. A copy of the labeling accompanying the pesticide
9 under customary conditions of distribution, sale and use,
10 including ingredient statement, direction for use, use
11 classification, and precautionary or warning statements.

12 3. The Director may require the submission of complete
13 formula data.

14 4. The Director may require a full description of tests
15 made and the results thereof, upon which the claims are based,
16 for any pesticide not registered pursuant to FIFRA, or on any
17 pesticide under consideration to be classified for restricted
18 use.

19 A. The Director will not consider data he required of
20 the initial registrant of a pesticide in support of another
21 applicants' registration unless the subsequent applicant
22 has obtained written permission to use such data.

23 B. In the case of renewal registration, the Director
24 may accept a statement only with respect to information
25 which is different from that furnished previously.

26 5. The Director may prescribe other requirements to support

1 a pesticide registration by regulation.

2 6. For the years preceding the year 2004, any registrant
3 desiring to register a pesticide product at any time during one
4 year shall pay the annual registration fee of \$100 per product
5 registered for that applicant. For the years 2004 through 2010,
6 the annual product registration fee is \$200 per product. For
7 the years 2011 and thereafter, the product registration fee
8 shall be \$600 per product per 2-year registration period ~~\$300~~
9 ~~per product per year~~ and shall be paid at the time of
10 registration.

11 In addition, for the years preceding the year 2004 any
12 business registering a pesticide product at any time during one
13 year shall pay the annual business registration fee of \$250.
14 For the years 2004 through 2010, the annual business
15 registration fee shall be \$400. For the years 2011 and
16 thereafter, the business registration fee shall be \$800 per
17 2-year registration period ~~\$400 per year~~ and shall be paid at
18 the time of registration. Each legal entity of the business
19 shall pay the business registration fee.

20 For the years preceding the year 2004, any applicant
21 requesting an experimental use permit shall pay the annual fee
22 of \$100 per permit and all special local need pesticide
23 registration applicants shall pay an annual fee of \$100 per
24 product. For the years 2004 through 2010, the annual
25 experimental use permit fee and special local need pesticide
26 registration fee is \$200 per permit. For the years 2011 and

1 thereafter, the annual experimental use permit and special
2 local need pesticide registration fee shall be \$300 per
3 product. Subsequent SLN registrations for a pesticide already
4 registered shall be exempted from the registration fee.

5 A. All registration accepted and approved by the
6 Director shall expire on the 31st day of December in any
7 one year unless cancelled. Registration for a special local
8 need may be granted for a specific period of time with the
9 approval date and expiration date specified.

10 B. If a registration for special local need granted by
11 the Director does not receive approval of the Administrator
12 of USEPA, the registration shall expire on the date of the
13 Administrator's disapproval.

14 7. Registrations approved and accepted by the Director and
15 in effect on the 31st day of December, for which renewal
16 application is made, shall continue in full force and effect
17 until the Director notifies the registrant that the renewal has
18 been approved and accepted or the registration is denied under
19 this Act. Renewal registration forms will be provided to
20 applicants by the Director.

21 8. If the renewal of a pesticide registration is not filed
22 within 30 days of the date of expiration, a penalty late
23 registration assessment of \$100 per product shall apply in
24 addition to the regular product registration fee ~~\$400 per~~
25 ~~product shall apply in lieu of the normal annual product~~
26 ~~registration fee~~. The late registration assessment shall not

1 apply if the applicant furnishes an affidavit certifying that
2 no unregulated pesticide was distributed or sold during the
3 period of registration. The late assessment is not a bar to
4 prosecution for doing business without proper registry.

5 9. The Director may prescribe by regulation to allow
6 pesticide use for a special local need, pursuant to FIFRA.

7 10. The Director may prescribe by regulation the provisions
8 for and requirements of registering a pesticide intended for
9 experimental use.

10 11. The Director shall not make any lack of essentiality a
11 criterion for denial of registration of any pesticide. Where 2
12 pesticides meet the requirements, one should not be registered
13 in preference to the other.

14 12. It shall be the duty of the pesticide registrant to
15 properly dispose of any pesticide the registration of which has
16 been suspended, revoked or cancelled or which is otherwise not
17 properly registered in the State.

18 (Source: P.A. 96-1310, eff. 7-27-10.)

19 (415 ILCS 60/12) (from Ch. 5, par. 812)

20 Sec. 12. Licensed operator. No pesticide operator shall use
21 any pesticides without a pesticide operator license issued by
22 the Director.

23 1. Application for an operator license shall be made in
24 writing on designated forms available from the Director. Each
25 application shall contain information regarding the nature of

1 applicants pesticide use, his qualifications, and such other
2 facts as prescribed on the form. The application shall also
3 include the following:

4 A. The full name of applicant.

5 B. The address of the applicant.

6 C. The name of and license/certification number of the
7 pesticide applicator under whom the applicant will work.

8 2. The Director shall not issue a pesticide operator
9 license until the individual identified has demonstrated his
10 competence and knowledge regarding pesticide use in accordance
11 with Section 9 of this Act.

12 3. The Director shall not issue an operator license to any
13 person who is unable to provide the name and
14 license/certification number of an applicator under whom the
15 operator will work.

16 4. For the years preceding the year 2001, a licensed
17 commercial operator working for or under the supervision of a
18 certified licensed commercial pesticide applicator shall pay
19 an annual fee of \$25. For the years 2001, 2002, and 2003, the
20 annual fee for a commercial operator license is \$30. For the
21 years 2004, 2005, and 2006, the annual fee for a commercial
22 operator license is \$35. For the years 2007 through 2017, the
23 annual fee for a commercial operator license is \$40. For the
24 years 2018 and thereafter, the fee for a multi-year commercial
25 operator ~~applicator~~ license is \$120. The late application fee
26 for an operator license shall be \$20 in addition to the normal

1 license fee. A licensed operator shall be assessed a fee of \$10
2 for a duplicate license.

3 5. For the years 2011 through 2017, the commercial
4 not-for-hire pesticide operator license fee shall be \$15. For
5 the years 2018 and thereafter, the fee for a multi-year
6 commercial not-for-hire pesticide operator ~~applicator~~ license
7 is \$45. The late application fee for a ~~public or~~ commercial
8 not-for-hire operator ~~applicator~~ license shall be \$20 in
9 addition to the normal license fee ~~fees~~. A commercial
10 not-for-hire operator shall be assessed a fee of \$10 for a
11 duplicate license.

12 (Source: P.A. 99-540, eff. 1-1-17.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.