

# SB3721



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3721

Introduced 1/21/2022, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

415 ILCS 60/24.1

from Ch. 5, par. 824.1

Amends the Illinois Pesticide Act. Provides that for any person applying a pesticide that results in exposure to the pesticide by a human, the penalty shall be \$2,500. Provides that an additional penalty of \$1,000 shall be assessed for each individual human exposed to the pesticide. Effective immediately.

LRB102 24553 CPF 33787 b

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 Section 24.1 as follows:

6 (415 ILCS 60/24.1) (from Ch. 5, par. 824.1)

7 Sec. 24.1. Administrative actions and penalties.

8 (1) The Director is authorized after an opportunity for an  
9 administrative hearing to suspend, revoke, or modify any  
10 license, permit, special order, registration, or certification  
11 issued under this Act. This action may be taken in addition to  
12 or in lieu of monetary penalties assessed as set forth in this  
13 Section. When it is in the interest of the people of the State  
14 of Illinois, the Director may, upon good and sufficient  
15 evidence, suspend the registration, license, or permit until a  
16 hearing has been held. In such cases, the Director shall issue  
17 an order in writing setting forth the reasons for the  
18 suspension. Such order shall be served personally on the  
19 person or by registered or certified mail sent to the person's  
20 business address as shown in the latest notification to the  
21 Department. When such an order has been issued by the  
22 Director, the person may request an immediate hearing.

23 (2) Before initiating hearing proceedings, the Director

1 may issue an advisory letter to a violator of this Act or its  
2 rules and regulations when the violation points total 6 or  
3 less, as determined by the Department by the Use and Violation  
4 Criteria established in this Section. When the Department  
5 determines that the violation points total more than 6 but not  
6 more than 13, the Director shall issue a warning letter to the  
7 violator.

8 (3) The hearing officer upon determination of a violation  
9 or violations shall assess one or more of the following  
10 penalties:

11 (A) For any person applying pesticides without a  
12 license or misrepresenting certification or failing to  
13 comply with conditions of an agrichemical facility permit  
14 or failing to comply with the conditions of a written  
15 authorization for land application of agrichemical  
16 contaminated soils or groundwater, a penalty of \$500 shall  
17 be assessed for the first offense and \$1,000 for the  
18 second and subsequent offenses.

19 (B) For violations of a stop use order imposed by the  
20 Director, the penalty shall be \$2500.

21 (C) For violations of a stop sale order imposed by the  
22 Director, the penalty shall be \$1500 for each individual  
23 item of the product found in violation of the order.

24 (D) For selling restricted use pesticides to a  
25 non-certified applicator the penalty shall be \$1000.

26 (E) For selling restricted use pesticides without a

1 dealer's license the penalty shall be \$1,000.

2 (F) For constructing or operating without an  
 3 agrichemical facility permit after receiving written  
 4 notification, the penalty shall be \$500 for the first  
 5 offense and \$1,000 for the second and subsequent offenses.

6 (F-5) For any person applying a pesticide that results  
 7 in exposure to the pesticide by a human, the penalty shall  
 8 be \$2,500. An additional penalty of \$1,000 shall be  
 9 assessed for each individual human exposed to the  
 10 pesticide.

11 (G) For violations of the Act and rules and  
 12 regulations, administrative penalties will be based upon  
 13 the total violation points as determined by the Use and  
 14 Violation Criteria as set forth in paragraph (4) of this  
 15 Section. The monetary penalties shall be as follows:

Total Violation Points	Monetary Penalties
14-16	\$750
17-19	\$1000
20-21	\$2500
22-25	\$5000
26-29	\$7500
30 and above	\$10,000

23 (4) The following Use and Violation Criteria establishes  
 24 the point value which shall be compiled to determine the total  
 25 violation points and administrative actions or monetary  
 26 penalties to be imposed as set forth in paragraph (3)(G) of

1 this Section:

2 (A) Point values shall be assessed upon the harm or  
3 loss incurred.

4 (1) A point value of 1 shall be assessed for the  
5 following:

6 (a) Exposure to a pesticide by plants, animals  
7 or humans with no symptoms or damage noted.

8 (b) Fraudulent sales practices or  
9 representations with no apparent monetary losses  
10 involved.

11 (2) A point value of 2 shall be assessed for the  
12 following:

13 (a) Exposure to a pesticide which resulted in:

14 (1) Plants or property showing signs of  
15 damage including but not limited to leaf curl,  
16 burning, wilting, spotting, discoloration, or  
17 dying.

18 (2) Garden produce or an agricultural crop  
19 not being harvested on schedule.

20 (3) Fraudulent sales practices or  
21 representations resulting in losses under  
22 \$500.

23 (3) A point value of 4 shall be assessed for the  
24 following:

25 (a) Exposure to a pesticide resulting in a  
26 human experiencing headaches, nausea, eye

1 irritation and such other symptoms which persisted  
2 less than 3 days.

3 (b) Plant or property damage resulting in a  
4 loss below \$1000.

5 (c) Animals exhibiting symptoms of pesticide  
6 poisoning including but not limited to eye or skin  
7 irritations or lack of coordination.

8 (d) Death to less than 5 animals.

9 (e) Fraudulent sales practices or  
10 representations resulting in losses from \$500 to  
11 \$2000.

12 (4) A point value of 6 shall be assessed for the  
13 following:

14 (a) Exposure to a pesticide resulting in a  
15 human experiencing headaches, nausea, eye  
16 irritation and such other symptoms which persisted  
17 3 or more days.

18 (b) Plant or property damage resulting in a  
19 loss of \$1000 or more.

20 (c) Death to 5 or more animals.

21 (d) Fraudulent sales practices or  
22 representations resulting in losses over \$2000.

23 (B) Point values shall be assessed based upon the  
24 signal word on the label of the chemical involved:

25	Point Value	Signal Word
26	1	Caution



1	2	Lack of supervision
2	2	Faulty equipment
3		Use contrary to label directions:
4	2	a. resulting in exposure to applicator or operator
5	3	b. resulting in exposure to other persons or the environment
6		
7	3	c. precautionary statements, sites, rates, restricted use requirements
8		
9	3	Water contamination
10	3	Storage or disposal contrary to label directions
11	3	Pesticide drift
12	4	Direct application to a non-target site
13	6	Falsification of records
14	6	Failure to secure a permit or violation of permit or special order
15		
16		(2) Product Oriented:
17	Point Value	Violation
18	6	Pesticide not registered
19	4	Product label claims differ from approved label



1	4	Product composition (active
2		ingredients differs from that
		of approved label)
3	4	Product not colored as required
4	4	Misbranding as set forth in
5		Section 5 of the Act (4 points
6		will be assessed for each
		count)

7           (5) Any penalty not paid within 60 days of notice from  
8 the Department shall be submitted to the Attorney  
9 General's Office for collection. Failure to pay a penalty  
10 shall also be grounds for suspension or revocation of  
11 permits, licenses and registrations.

12           (6) Private applicators, except those private  
13 applicators who have been found by the Department to have  
14 committed a "use inconsistent with the label" as defined  
15 in subsection 40 of Section 4 of this Act, are exempt from  
16 the Use and Violation Criteria point values.

17 (Source: P.A. 102-558, eff. 8-20-21.)

18           Section 99. Effective date. This Act takes effect upon  
19 becoming law.