

AN ACT concerning safety.

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

Section 5. The Illinois Pesticide Act is amended by changing Sections 4, 9, 10, 11.1, 12, and 13 as follows:

(415 ILCS 60/4) (from Ch. 5, par. 804)

Sec. 4. Definitions. As used in this Act:

1. "Director" means Director of the Illinois Department of Agriculture or his authorized representative.

2. "Active Ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate a pest or which will act as a plant regulator, defoliant or desiccant.

3. "Adulterated" shall apply to any pesticide if the strength or purity is not within the standard of quality expressed on the labeling under which it is sold, distributed or used, including any substance which has been substituted wholly or in part for the pesticide as specified on the labeling under which it is sold, distributed or used, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

4. "Agricultural Commodity" means produce of the land including but not limited to plants and plant parts, livestock and poultry and livestock or poultry products, seeds, sod,

shrubs and other products of agricultural origin including the premises necessary to and used directly in agricultural production. Agricultural commodity also includes aquatic products as defined in the Aquaculture Development Act.

5. "Animal" means all vertebrate and invertebrate species including, but not limited to, man and other mammals, bird, fish, and shellfish.

6. "Beneficial Insects" means those insects which during their life cycle are effective pollinators of plants, predators of pests or are otherwise beneficial.

7. "Certified applicator".

A. "Certified applicator" means any individual who is certified under this Act to purchase, use, or supervise the use of pesticides which are classified for restricted use.

B. "Private applicator" means a certified applicator who purchases, uses, or supervises the use of any pesticide classified for restricted use, for the purpose of producing any agricultural commodity on property owned, rented, or otherwise controlled by him or his employer, or applied to other property if done without compensation other than trading of personal services between no more than 2 producers of agricultural commodities.

C. "Licensed Commercial Applicator" means a certified applicator, whether or not he is a private applicator with respect to some uses, who owns or manages a business that is engaged in applying pesticides, whether classified for

general or restricted use, for hire. The term also applies to a certified applicator who uses or supervises the use of pesticides, whether classified for general or restricted use, for any purpose or on property of others excluding those specified by subparagraphs 7 (B), (D), (E) of Section 4 of this Act.

D. "Commercial Not For Hire Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use for any purpose on property of an employer when such activity is a requirement of the terms of employment and such application of pesticides under this certification is limited to property under the control of the employer only and includes, but is not limited to, the use or supervision of the use of pesticides in a greenhouse setting. "Commercial Not For Hire Applicator" also includes a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.

~~E. "Licensed Public Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.~~

8. "Defoliant" means any substance or combination of

substances which cause leaves or foliage to drop from a plant with or without causing abscission.

9. "Desiccant" means any substance or combination of substances intended for artificially accelerating the drying of plant tissue.

10. "Device" means any instrument or contrivance, other than a firearm or equipment for application of pesticides when sold separately from pesticides, which is intended for trapping, repelling, destroying, or mitigating any pest, other than bacteria, virus, or other microorganisms on or living in man or other living animals.

11. "Distribute" means offer or hold for sale, sell, barter, ship, deliver for shipment, receive and then deliver, or offer to deliver pesticides, within the State.

12. "Environment" includes water, air, land, and all plants and animals including man, living therein and the interrelationships which exist among these.

13. "Equipment" means any type of instruments and contrivances using motorized, mechanical or pressure power which is used to apply any pesticide, excluding pressurized hand-size household apparatus containing dilute ready to apply pesticide or used to apply household pesticides.

14. "FIFRA" means the "Federal Insecticide Fungicide Rodenticide Act", as amended.

15. "Fungi" means any non-chlorophyll bearing thallophytes, any non-chlorophyll bearing plant of a lower

order than mosses or liverworts, as for example rust, smut, mildew, mold, yeast and bacteria, except those on or in living animals including man and those on or in processed foods, beverages or pharmaceuticals.

16. "Household Substance" means any pesticide customarily produced and distributed for use by individuals in or about the household.

17. "Imminent Hazard" means a situation which exists when continued use of a pesticide would likely result in unreasonable adverse effect on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the U.S. Secretary of the Interior or to species declared to be protected by the Illinois Department of Natural Resources.

18. "Inert Ingredient" means an ingredient which is not an active ingredient.

19. "Ingredient Statement" means a statement of the name and percentage of each active ingredient together with the total percentage of inert ingredients in a pesticide and for pesticides containing arsenic in any form, the ingredient statement shall include percentage of total and water soluble arsenic, each calculated as elemental arsenic. In the case of spray adjuvants the ingredient statement need contain only the names of the functioning agents and the total percent of those constituents ineffective as spray adjuvants.

20. "Insect" means any of the numerous small invertebrate

animals generally having the body more or less obviously segmented for the most part belonging to the class Insects, comprised of six-legged, usually winged forms, as for example beetles, caterpillars, and flies. This definition encompasses other allied classes of arthropods whose members are wingless and usually have more than 6 legs as for example spiders, mites, ticks, centipedes, and millipedes.

21. "Label" means the written, printed or graphic matter on or attached to the pesticide or device or any of its containers or wrappings.

22. "Labeling" means the label and all other written, printed or graphic matter: (a) on the pesticide or device or any of its containers or wrappings, (b) accompanying the pesticide or device or referring to it in any other media used to disseminate information to the public, (c) to which reference is made to the pesticide or device except when references are made to current official publications of the U. S. Environmental Protection Agency, Departments of Agriculture, Health, Education and Welfare or other Federal Government institutions, the state experiment station or colleges of agriculture or other similar state institution authorized to conduct research in the field of pesticides.

23. "Land" means all land and water area including airspace, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for

transportation.

24. "Licensed Operator" means a person employed to apply pesticides to the lands of others under the direction of a "licensed commercial applicator" ~~or a "licensed public applicator"~~ or a "licensed commercial not-for-hire applicator".

25. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, also referred to as nemas or eelworms, which are unsegmented roundworms with elongated fusiform or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts.

26. "Permit" means a written statement issued by the Director or his authorized agent, authorizing certain acts of pesticide purchase or of pesticide use or application on an interim basis prior to normal certification, registration, or licensing.

27. "Person" means any individual, partnership, association, fiduciary, corporation, or any organized group of persons whether incorporated or not.

28. "Pest" means (a) any insect, rodent, nematode, fungus, weed, or (b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, excluding virus, bacteria, or other microorganism on or in living animals including man, which the Director declares to be a pest.

29. "Pesticide" means any substance or mixture of

substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

30. "Pesticide Dealer" means any person who distributes registered pesticides to the user.

31. "Plant Regulator" means any substance or mixture of substances intended through physiological action to affect the rate of growth or maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof. This does not include substances which are not intended as plant nutrient trace elements, nutritional chemicals, plant or seed inoculants or soil conditioners or amendments.

32. "Protect Health and Environment" means to guard against any unreasonable adverse effects on the environment.

33. "Registrant" means person who has registered any pesticide pursuant to the provision of FIFRA and this Act.

34. "Restricted Use Pesticide" means any pesticide with one or more of its uses classified as restricted by order of the Administrator of USEPA.

35. "SLN Registration" means registration of a pesticide for use under conditions of special local need as defined by FIFRA.

36. "State Restricted Pesticide Use" means any pesticide use which the Director determines, subsequent to public hearing, that an additional restriction for that use is needed to prevent unreasonable adverse effects.

37. "Structural Pest" means any pests which attack and destroy buildings and other structures or which attack clothing, stored food, commodities stored at food manufacturing and processing facilities or manufactured and processed goods.

38. "Unreasonable Adverse Effects on the Environment" means the unreasonable risk to the environment, including man, from the use of any pesticide, when taking into account accrued benefits of as well as the economic, social, and environmental costs of its use.

39. "USEPA" means United States Environmental Protection Agency.

40. "Use inconsistent with the label" means to use a pesticide in a manner not consistent with the label instruction, the definition adopted in FIFRA as interpreted by USEPA shall apply in Illinois.

41. "Weed" means any plant growing in a place where it is not wanted.

42. "Wildlife" means all living things, not human, domestic, or pests.

43. "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.

44. "Bulk repackaging" means the transfer of a registered pesticide from one bulk container (containing undivided

quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) to another bulk container (containing undivided quantities of greater than 100 U.S. gallons liquid measure or 100 pounds net dry weight) in an unaltered state in preparation for sale or distribution to another person.

45. "Business" means any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing pesticides or providing the service of application of pesticides in this State.

46. "Facility" means any building or structure and all real property contiguous thereto, including all equipment fixed thereon used for the operation of the business.

47. "Chemigation" means the application of a pesticide through the systems or equipment employed for the primary purpose of irrigation of land and crops.

48. "Use" means any activity covered by the pesticide label including but not limited to application of pesticide, mixing and loading, storage of pesticides or pesticide containers, disposal of pesticides and pesticide containers and reentry into treated sites or areas.

(Source: P.A. 98-756, eff. 7-16-14.)

(415 ILCS 60/9) (from Ch. 5, par. 809)

Sec. 9. Licenses and pesticide dealer registrations requirements; certification.

(a) Licenses and pesticide dealer registrations issued pursuant to this Act as a result of certification attained in calendar year 2017 or earlier shall be valid for the calendar ~~one~~ year in which they were issued, except that private applicator licenses shall be valid for the calendar year in which they were issued plus 2 additional calendar ~~3~~ years. All licenses and pesticide dealer registrations shall expire on December 31 of the year in which it is to expire. A license or pesticide dealer registration in effect on the 31st of December, for which renewal has been made within 60 days following the date of expiration, shall continue in full force and effect until the Director notifies the applicant that renewal has been approved and accepted or is to be denied in accordance with this Act. The Director shall not issue a license or pesticide dealer registration to a first time applicant or to a person who has not made application for renewal on or before March 1 following the expiration date of the license or pesticide dealer registration until such applicant or person has been certified by the Director as having successfully demonstrated competence and knowledge regarding pesticide use. The Director shall issue a license or pesticide dealer registration to a person that made application after March 1 and before April 15 if that application is accompanied by a late application fee. A licensee or pesticide dealer shall be required to be recertified for competence and

knowledge regarding pesticide use at least once every 3 years and at such other times as deemed necessary by the Director to assure a continued level of competence and ability. The Director shall by regulation specify the standard of qualification for certification and the manner of establishing an applicant's competence and knowledge. A certification shall remain valid only if an applicant attains licensure or pesticide dealer registration during the calendar year in which certification was granted and the licensure is maintained throughout the 3-year certification period.

(b) Multi-year licenses and pesticide dealer registrations issued pursuant to this Act as a result of certification attained in calendar year 2018 or thereafter shall be valid for the calendar year in which they were issued plus 2 additional calendar years. All licenses and pesticide dealer registrations shall expire on December 31 of the year in which they are to expire. A license or pesticide dealer registration in effect on the 31st of December, for which recertification and licensure has been made within 60 days following the date of expiration, shall continue in full force and effect until the Director notifies the applicant that recertification and licensure has been approved and accepted or is to be denied in accordance with this Act. A licensee or pesticide dealer shall be required to be recertified for competence and

knowledge regarding pesticide use at least once every 3 years and at such other times as deemed necessary by the Director to assure a continued level of competence and ability. The Director shall by rule specify the standard of qualification for certification and the manner of establishing the applicant's competence and knowledge. A certification shall remain valid only if an applicant attains licensure or pesticide dealer registration during the calendar year in which certification was granted and the licensure is maintained throughout the 3-year certification period. Notwithstanding the other provisions of this subsection (b), the employer of a pesticide applicator or operator licensee may notify the Director that the licensee's employment has been terminated. If the employer submits that notification, the employer shall return to the Director the licensee's pesticide applicator or operator license card and may request that the unused portion of the terminated licensee's pesticide applicator or operator license term be transferred to a newly certified or re-certified individual, and the Director may issue the appropriate pesticide applicator or operator license to the newly certified or re-certified individual with an expiration date equal to the original license after payment of a \$10 transfer fee.

(c) The Director may refuse to issue a license or pesticide dealer registration based upon the violation

history of the applicant.

(Source: P.A. 98-923, eff. 1-1-15.)

(415 ILCS 60/10) (from Ch. 5, par. 810)

Sec. 10. Commercial Applicator License. No commercial applicator shall use or supervise the use of any pesticide without a commercial license issued by the Director. For the years preceding the year 2001, the Director shall require an annual fee for commercial applicator license of \$35. For the years 2001, 2002, 2003, 2004, 2005, and 2006, the annual fee for a commercial applicator license is \$45. For the years 2007 through 2017 ~~and thereafter~~, the annual fee for a commercial applicator license is \$60. For the years 2018 and thereafter, the fee for a multi-year commercial applicator license is \$180. The late application fee for a commercial applicator license shall be \$20 in addition to the normal license fee. A commercial applicator shall be assessed a fee of \$10 ~~\$5~~ for a duplicate license.

1. Application for the commercial applicator license shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the applicants qualifications, nature of the proposed operation, classification of license being sought, and shall include the following:

- A. The full name of the applicant.
- B. The address of the applicant.

C. Any necessary information prescribed by the Director on the designated application form.

2. An applicant for a license shall demonstrate competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. A licensed commercial applicator must provide to the Director at the time of original licensing and must maintain throughout the licensure period ~~license renewal~~ evidence of financial responsibility protecting persons who may suffer personal injury or property damage or both as a result of the pesticide operation of the applicant in either of the following manners:

A. Evidence of responsibility may be provided in the form of a surety bond for each licensed commercial applicator naming the licensed commercial applicator as principal of the bond. The amount of the bond shall be not less than \$50,000 per year. It is permissible to provide two bonds; one for \$25,000 for bodily injury liability and the second for \$25,000 for property damage liability. The bond or bonds shall be made payable to the Director of Agriculture, State of Illinois, for the benefit of the injured party and shall be conditioned upon compliance with the provisions of this Act by the principal, his or her officers, representatives and employees; or

B. Evidence of responsibility may be provided in the form of a certificate of liability insurance providing

coverage for each licensed commercial applicator or licensed entity in the amount of not less than \$50,000 per person, \$100,000 per occurrence bodily injury liability coverage, with an annual aggregate of not less than \$500,000, and \$50,000 per occurrence property damage liability, with an annual aggregate of not less than \$50,000; or, in lieu thereof, a combined single limit of not less than \$100,000 bodily injury and property damage liability combined, with an annual aggregate of not less than \$500,000.

4. Every insurance policy or bond shall contain a provision that it will not be cancelled or reduced by the principal or insurance company, except upon 30 days prior notice in writing to the Director of the Department at the Springfield, Illinois office and the principal insured. A reduction or cancellation of policy shall not affect the liability accrued or which may accrue under such policy before the expiration of the 30 days. The notice shall contain the termination date. Upon said reduction or cancellation, the Director shall immediately notify the licensee that his or her license will be suspended and the effective date until the minimum bond or liability insurance requirements are met by the licensee for the current license period.

5. Nothing in this Act shall be construed to relieve any person from liability for any damage to persons or property caused by use of pesticides even though such use conforms to

label instructions and pertinent rules and regulations of this State.

6. The Director may renew any applicant's license in the classifications for which such applicant is licensed, subject to requalification requirements imposed by the Director. Requalification standards shall be prescribed by regulations adopted pursuant to this Act and are required to ensure that the licensed commercial applicator meets the requirements of changing technology and to assure a continued level of competence and ability.

7. The Director may limit the license of an applicant to allow only the use of certain pesticides in a delimited geographic area, or to the use of certain application techniques or equipment. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons and extend an opportunity for the applicant to complete the requirements for the license desired.

8. For the purpose of uniformity, the Director may enter into agreements for accepting standards of qualification of other states as a basis for licensing commercial applicators.

(Source: P.A. 89-94, eff. 7-6-95; 90-205, eff. 1-1-98.)

(415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

Sec. 11.1. ~~Public and~~ Commercial Not-for-Hire License. No ~~public or~~ commercial not-for-hire applicator shall use or supervise the use of any pesticide without a license issued by

the Director. For the years 2011 through 2017 ~~and thereafter~~, the ~~public or~~ commercial not-for-hire pesticide applicator license fee shall be \$20. For the years 2018 and thereafter, the fee for a multi-year commercial not-for-hire pesticide applicator license is \$60. The late application fee for a public or commercial not-for-hire applicator license shall be \$20 in addition to the normal license fees. A ~~public or~~ commercial not-for-hire applicator shall be assessed a fee of \$10 ~~\$5~~ for a duplicate license.

1. Application for certification as a commercial not-for-hire pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the qualifications of the applicant, classification of certification being sought, and shall include the following:

- A. The full name of the applicant.
- B. The name of the applicant's employer.
- C. The address at the applicant's place of employment.
- D. Any other information prescribed by the Director on the designated form.

2. The Director shall not issue a certification to a commercial not-for-hire pesticide applicator until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. The Director shall not renew a certification as a

commercial not-for-hire pesticide applicator until the applicant reestablishes his qualifications in accordance with Section 9 of this Act or has met other requirements imposed by regulation in order to ensure that the applicant meets the requirements of changing technology and to assure a continued level of competence and ability.

4. (Blank). ~~Application for certification as a public pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding qualifications of applicant, classification of certification being sought, and shall include the following:~~

~~A. The full name of the applicant.~~

~~B. The name of the applicant's employer.~~

~~C. Any other information prescribed by the Director on the designated form.~~

5. (Blank). ~~The Director shall not issue a certificate to a public pesticide applicator until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.~~

6. (Blank). ~~The Director shall not renew a certification as a public pesticide applicator until the applicant reestablishes his qualifications in accordance with Section 9 of this Act or has met other requirements imposed by regulation in order to ensure that the applicant meets the requirements of changing technology and to assure a continued level of~~

~~competence and ability.~~

7. Persons applying general use pesticides, approved by the Inter-Agency Committee on the Use of Pesticides, to scrap tires for the control of mosquitoes shall be exempt from the license requirements of this Section.

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

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

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

1. Application for an operator license shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the nature of applicants pesticide use, his qualifications, and such other facts as prescribed on the form. The application shall also include the following:

A. The full name of applicant.

B. The address of the applicant.

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

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

3. The Director shall not issue an operator license to any

person who is unable to provide the name and license/certification number of an applicator under whom the operator will work.

4. For the years preceding the year 2001, a licensed commercial operator working for or under the supervision of a certified licensed commercial pesticide applicator shall pay an annual fee of \$25. For the years 2001, 2002, and 2003, the annual fee for a commercial operator license is \$30. For the years 2004, 2005, and 2006, the annual fee for a commercial operator license is \$35. For the years 2007 through 2017 ~~and thereafter~~, the annual fee for a commercial operator license is \$40. For the years 2018 and thereafter, the fee for a multi-year commercial applicator license is \$120. The late application fee for an operator license shall be \$20 in addition to the normal license fee. A licensed operator shall be assessed a fee of \$10 ~~\$5~~ for a duplicate license.

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

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

(415 ILCS 60/13) (from Ch. 5, par. 813)

Sec. 13. Pesticide dealers. Any pesticide dealer who sells Restricted Use pesticides shall be registered with the Department on forms provided by the Director. Beginning July 1, 2005, any pesticide dealer that sells non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater or 10 pounds or greater must also register with the Department on forms provided by the Director. Through 2017, registration ~~Registration~~ shall consist of passing a required examination and payment of a \$100 registration fee. For the years 2018 and thereafter, the pesticide dealer registration fee for a multi-year registration period is \$300. The late application fee for a pesticide dealer registration shall be \$20 in addition to the normal pesticide dealer registration fee. A pesticide dealer shall be assessed a fee of \$10 ~~\$5~~ for a duplicate registration.

Dealers who hold a Structural Pest Control license with the Illinois Department of Public Health or a Commercial Applicator's license with the Illinois Department of Agriculture are exempt from the registration fee but must register with the Department.

Each place of business which sells restricted use pesticides or non-restricted pesticides for use in the production of an agricultural commodity in containers with a

capacity of 2.5 gallons or greater or 10 pounds or greater shall be considered a separate entity for the purpose of registration.

Registration as a pesticide dealer shall expire on December 31 of the each year in which it is to expire. Pesticide dealers shall be certified in accordance with Section 9 of this Act.

The Director may prescribe, by rule, requirements for the registration and testing of any pesticide dealer selling other than restricted use pesticides and such rules shall include the establishment of a registration fee in an amount not to exceed the pesticide dealer registration fee.

The Department may refuse to issue or may suspend the registration of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 94-60, eff. 6-20-05.)