



Rep. Will Guzzardi

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LRB101 05922 CPF 57024 a

1 AMENDMENT TO HOUSE BILL 3636

2 AMENDMENT NO. _____. Amend House Bill 3636 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pesticide Act is amended by
5 changing Section 4 and by adding Section 14.1 as follows:

6 (415 ILCS 60/4) (from Ch. 5, par. 804)

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

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

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

13 3. "Adulterated" shall apply to any pesticide if the
14 strength or purity is not within the standard of quality
15 expressed on the labeling under which it is sold, distributed
16 or used, including any substance which has been substituted

1 wholly or in part for the pesticide as specified on the
2 labeling under which it is sold, distributed or used, or if any
3 valuable constituent of the pesticide has been wholly or in
4 part abstracted.

5 4. "Agricultural Commodity" means produce of the land
6 including but not limited to plants and plant parts, livestock
7 and poultry and livestock or poultry products, seeds, sod,
8 shrubs and other products of agricultural origin including the
9 premises necessary to and used directly in agricultural
10 production. Agricultural commodity also includes aquatic
11 products as defined in the Aquaculture Development Act.

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

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

18 7. "Certified applicator".

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

22 B. "Private applicator" means a certified applicator
23 who purchases, uses, or supervises the use of any pesticide
24 classified for restricted use, for the purpose of producing
25 any agricultural commodity on property owned, rented, or
26 otherwise controlled by him or his employer, or applied to

1 other property if done without compensation other than
2 trading of personal services between no more than 2
3 producers of agricultural commodities.

4 C. "Licensed Commercial Applicator" means a certified
5 applicator, whether or not he is a private applicator with
6 respect to some uses, who owns or manages a business that
7 is engaged in applying pesticides, whether classified for
8 general or restricted use, for hire. The term also applies
9 to a certified applicator who uses or supervises the use of
10 pesticides, whether classified for general or restricted
11 use, for any purpose or on property of others excluding
12 those specified by subparagraphs 7 (B), (D), (E) of Section
13 4 of this Act.

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

1 governmental agency or unit.

2 8. "Defoliant" means any substance or combination of
3 substances which cause leaves or foliage to drop from a plant
4 with or without causing abscission.

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

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

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

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

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

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

1 15. "Fungi" means any non-chlorophyll bearing
2 thallophytes, any non-chlorophyll bearing plant of a lower
3 order than mosses or liverworts, as for example rust, smut,
4 mildew, mold, yeast and bacteria, except those on or in living
5 animals including man and those on or in processed foods,
6 beverages or pharmaceuticals.

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

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

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

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

1 constituents ineffective as spray adjuvants.

2 20. "Insect" means any of the numerous small invertebrate
3 animals generally having the body more or less obviously
4 segmented for the most part belonging to the class Insects,
5 comprised of six-legged, usually winged forms, as for example
6 beetles, caterpillars, and flies. This definition encompasses
7 other allied classes of arthropods whose members are wingless
8 and usually have more than 6 legs as for example spiders,
9 mites, ticks, centipedes, and millipedes.

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

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

25 23. "Land" means all land and water area including
26 airspace, and all plants, animals, structures, buildings,

1 contrivances, and machinery appurtenant thereto or situated
2 thereon, fixed or mobile, including any used for
3 transportation.

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

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

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

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

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

1 29. "Pesticide" means any substance or mixture of
2 substances intended for preventing, destroying, repelling, or
3 mitigating any pest or any substance or mixture of substances
4 intended for use as a plant regulator, defoliant or desiccant.

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

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

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

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

18 34. "Restricted Use Pesticide" means any pesticide with one
19 or more of its uses classified as restricted by order of the
20 Administrator of USEPA or the Director, or any pesticide which
21 contains a neonicotinoid as defined in this Section.

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

25 36. "State Restricted Pesticide Use" means any pesticide
26 use which the Director determines, subsequent to public

1 hearing, that an additional restriction for that use is needed
2 to prevent unreasonable adverse effects.

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

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

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

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

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

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

23 43. "Bulk pesticide" means any registered pesticide which
24 is transported or held in an individual container in undivided
25 quantities of greater than 55 U.S. gallons liquid measure or
26 100 pounds net dry weight.

1 44. "Bulk repackaging" means the transfer of a registered
2 pesticide from one bulk container (containing undivided
3 quantities of greater than 100 U.S. gallons liquid measure or
4 100 pounds net dry weight) to another bulk container
5 (containing undivided quantities of greater than 100 U.S.
6 gallons liquid measure or 100 pounds net dry weight) in an
7 unaltered state in preparation for sale or distribution to
8 another person.

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

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

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

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

24 49. "Neonicotinoid" means any pesticide that contains
25 clothianidin, imidacloprid, thiamethoxam, dinotefuran,
26 acetamiprid, thiacloprid, nithiazine, nitenpyram, or other

1 neonicotinoid as may be identified by rules adopted by the
2 Department of Agriculture.

3 (Source: P.A. 99-540, eff. 1-1-17; 100-201, eff. 8-18-17.)

4 (415 ILCS 60/14.1 new)

5 Sec. 14.1. Neonicotinoids. On and after January 1, 2020, no
6 pesticide containing a neonicotinoid may be used outdoors on
7 any land owned or maintained by the State, except for use in:

8 (a) structural pest control; or

9 (b) abatement of non-native insect borers, such as Agrilus
10 planipennis or related or similar insect pests, subject to the
11 following:

12 (1) Abatement application is restricted to the
13 following methods:

14 (A) Basal bark spray.

15 (B) Basal drench solely at the base of a tree.

16 (C) Soil injection solely at the base of a tree.

17 (D) Systemic root flare or trunk injection.

18 (2) Broadcast soil treatment, foliar spraying, or
19 dusting is not permitted.

20 (3) Abatement application made to a zoophilous species
21 shall occur after the blooming period has passed and early
22 enough to ensure that chemical decomposition occurs prior
23 to the following bloom season.

24 (c) For purposes of this Section, "zoophilous species"
25 means plants pollinated by insects, birds, or bats.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".