



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4030

Introduced 1/20/2012, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

415 ILCS 65/3

from Ch. 5, par. 853

Amends the Lawn Care Products Application and Notice Act. Authorizes school districts and the owners and operators of day care centers to electronically notify parents and guardians when pesticides are applied on the grounds of day care centers and schools. Requires each park district: (i) to maintain a registry of persons who have registered to receive written notification before a fertilizer, pesticide, or plant protectant is applied to park district property other than a golf course and (ii) to provide written notification to persons on that registry before applying a fertilizer, pesticide, or plant protectant on that property.

LRB097 15945 JDS 61092 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Lawn Care Products Application and Notice
5 Act is amended by changing Section 3 as follows:

6 (415 ILCS 65/3) (from Ch. 5, par. 853)

7 Sec. 3. Notification requirements for application of lawn
8 care products.

9 (a) Lawn Markers.

10 (1) Immediately following application of lawn care
11 products to a lawn, other than a golf course, an applicator
12 for hire shall place a lawn marker at the usual point or
13 points of entry.

14 (2) The lawn marker shall consist of a 4 inch by 5 inch
15 sign, vertical or horizontal, attached to the upper portion
16 of a dowel or other supporting device with the bottom of
17 the marker extending no less than 12 inches above the turf.

18 (3) The lawn marker shall be white and lettering on the
19 lawn marker shall be in a contrasting color. The marker
20 shall state on one side, in letters of not less than 3/8
21 inch, the following: "LAWN CARE APPLICATION - STAY OFF
22 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall
23 be inserted the name and business telephone number of the

1 applicator for hire)."

2 (4) The lawn marker shall be removed and discarded by
3 the property owner or resident, or such other person
4 authorized by the property owner or resident, on the day
5 following the application. The lawn marker shall not be
6 removed by any person other than the property owner or
7 resident or person designated by such property owner or
8 resident.

9 (5) For applications to residential properties of 2
10 families or less, the applicator for hire shall be required
11 to place lawn markers at the usual point or points of
12 entry.

13 (6) For applications to residential properties of 2
14 families or more, or for application to other commercial
15 properties, the applicator for hire shall place lawn
16 markers at the usual point or points of entry to the
17 property to provide notice that lawn care products have
18 been applied to the lawn.

19 (b) Notification requirement for application of plant
20 protectants on golf courses.

21 (1) Blanket posting procedure. Each golf course shall
22 post in a conspicuous place or places an all-weather poster
23 or placard stating to users of or visitors to the golf
24 course that from time to time plant protectants are in use
25 and additionally stating that if any questions or concerns
26 arise in relation thereto, the golf course superintendent

1 or his designee should be contacted to supply the
2 information contained in subsection (c) of this Section.

3 (2) The poster or placard shall be prominently
4 displayed in the pro shop, locker rooms and first tee at
5 each golf course.

6 (3) The poster or placard shall be a minimum size of 8
7 1/2 by 11 inches and the lettering shall not be less than
8 1/2 inch.

9 (4) The poster or placard shall read: "PLANT
10 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
11 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT
12 FOR FURTHER INFORMATION."

13 (c) Information to Customers of Applicators for Hire. At
14 the time of application of lawn care products to a lawn, an
15 applicator for hire shall provide the following information to
16 the customer:

17 (1) The brand name, common name, and scientific name of
18 each lawn care product applied;

19 (2) The type of fertilizer or pesticide contained in
20 the lawn care product applied;

21 (3) The reason for use of each lawn care product
22 applied;

23 (4) The range of concentration of end use product
24 applied to the lawn and amount of material applied;

25 (5) Any special instruction appearing on the label of
26 the lawn care product applicable to the customer's use of

1 the lawn following application;

2 (6) The business name and telephone number of the
3 applicator for hire as well as the name of the person
4 actually applying lawn care products to the lawn; and

5 (7) Upon the request of a customer or any person whose
6 property abuts or is adjacent to the property of a customer
7 of an applicator for hire, a copy of the material safety
8 data sheet and approved pesticide registration label for
9 each applied lawn care product.

10 (d) Prior notification of application to lawn. In the case
11 of all lawns other than golf courses:

12 (1) Any neighbor whose property abuts or is adjacent to
13 the property of a customer of an applicator for hire may
14 receive prior notification of an application by contacting
15 the applicator for hire and providing his name, address and
16 telephone number.

17 (2) At least the day before a scheduled application, an
18 applicator for hire shall provide notification to a person
19 who has requested notification pursuant to paragraph (1) of
20 this subsection (d), such notification to be made in
21 writing, in person or by telephone, disclosing the date and
22 approximate time of day of application.

23 (3) In the event that an applicator for hire is unable
24 to provide prior notification to a neighbor whose property
25 abuts or is adjacent to the property because of the absence
26 or inaccessibility of the individual, at the time of

1 application to a customer's lawn, the applicator for hire
2 shall leave a written notice at the residence of the person
3 requesting notification, which shall provide the
4 information specified in paragraph (2) of this subsection
5 (d).

6 (e) Prior notification of application to golf courses.

7 (1) Any landlord or resident with property that abuts
8 or is adjacent to a golf course may receive prior
9 notification of an application of lawn care products or
10 plant protectants, or both, by contacting the golf course
11 superintendent and providing his name, address and
12 telephone number.

13 (2) At least the day before a scheduled application of
14 lawn care products or plant protectants, or both, the golf
15 course superintendent shall provide notification to any
16 person who has requested notification pursuant to
17 paragraph (1) of this subsection (e), such notification to
18 be made in writing, in person or by telephone, disclosing
19 the date and approximate time of day of application.

20 (3) In the event that the golf course superintendent is
21 unable to provide prior notification to a landlord or
22 resident because of the absence or inaccessibility, at the
23 time of application, of the landlord or resident, the golf
24 course superintendent shall leave a written notice with the
25 landlord or at the residence which shall provide the
26 information specified in paragraph (2) of this subsection

1 (e).

2 (f) Notification for applications of pesticides to day care
3 center grounds other than day care center structures and school
4 grounds other than school structures.

5 (1) The owner or operator of a day care center must
6 either (i) maintain a registry of parents and guardians of
7 children in his or her care who have registered to receive
8 written notification before the application of pesticide
9 to day care center grounds and notify persons on that
10 registry before applying pesticides or having pesticide
11 applied to day care center grounds or (ii) provide written
12 or telephonic notice to all parents and guardians of
13 children in his or her care before applying pesticide or
14 having pesticide applied to day care center grounds.

15 (2) School districts must either (i) maintain a
16 registry of parents and guardians of students who have
17 registered to receive written or telephonic notification
18 before the application of pesticide to school grounds and
19 notify persons on that list before applying pesticide or
20 having pesticide applied to school grounds or (ii) provide
21 written or telephonic notification to all parents and
22 guardians of students before applying pesticide or having
23 pesticide applied to school grounds.

24 (3) Written notification required under item (1) or (2)
25 of subsection (f) of this Section may be provided
26 electronically or included in newsletters, calendars, or

1 other correspondence currently published by the school
2 district, but posting on a bulletin board is not
3 sufficient. The written or telephonic notification must be
4 given at least 4 business days before application of the
5 pesticide and should identify the intended date of the
6 application of the pesticide and the name and telephone
7 contact number for the school personnel responsible for the
8 pesticide application program or, in the case of a day care
9 center, the owner or operator of the day care center. Prior
10 notice shall not be required if there is imminent threat to
11 health or property. If such a situation arises, the
12 appropriate school personnel or, in the case of a day care
13 center, the owner or operator of the day care center must
14 sign a statement describing the circumstances that gave
15 rise to the health threat and ensure that written or
16 telephonic notice is provided as soon as practicable.

17 (g) Notification of application on park property other than
18 golf courses.

19 (1) Each park district must: (i) maintain a registry of
20 persons who have registered to receive written
21 notification before a fertilizer, pesticide, or plant
22 protectant is applied to park district property other than
23 a golf course and (ii) provide written notification to
24 persons on that registry before applying a fertilizer,
25 pesticide, or plant protectant on that property.

26 (2) The written notification required under item (1)

1 may be included in newsletters, calendars, or other
2 correspondence or provided electronically, but posting on
3 a bulletin board is not sufficient. The written
4 notification must be given at least 4 business days before
5 application of the fertilizer, pesticide, or plant
6 protectant and should identify the intended date of the
7 application and the name and telephone contact number of
8 the person who is responsible for the application program.
9 Prior notice shall not be required if there is imminent
10 threat to health or property. If such a situation arises,
11 the person who is responsible for the application program
12 must sign a statement describing the circumstances that
13 gave rise to the health threat and ensure that written
14 notice is provided to persons on the registry as soon as is
15 practical.

16 (Source: P.A. 96-424, eff. 8-13-09.)