

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROL

PART 250
ILLINOIS PESTICIDE ACT

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37 AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

39 SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527;
40 amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective
41 January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill.
42 Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988;
43 amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg.

44 13093, effective August 14, 2002, for a maximum of 150 days; emergency amendment expired
45 January 10, 2003; amended at 27 Ill. Reg. 5715, effective March 18, 2003; amended at 30 Ill.
46 Reg. 12756, effective July 14, 2006; amended at 35 Ill. Reg. 351, effective January 1, 2011;
47 emergency amendment at 43 Ill. Reg. 4340, effective March 22, 2019, for a maximum of 150
48 days; amended at 43 Ill. Reg. 7402, effective June 21, 2019; emergency amendment at 45 Ill.
49 Reg. 2071, effective February 5, 2021, for a maximum of 150 days; emergency expired July 4,
50 2021; emergency amendment at 45 Ill. Reg. 6606, effective May 6, 2021, for a maximum of 150
51 days; emergency expired October 2, 2021; amended at 46 Ill. Reg. 6267, effective April 7, 2022;
52 amended at 46 Ill. Reg. 11445, effective June 21, 2022; amended at 50 Ill. Reg. _____,
53 effective _____.

54

55 **Section 250.10 Definitions**

56

57 "Act" means the Illinois Pesticide Act [\[415 ILCS 60\]](#)~~(Ill. Rev. Stat. 1987, ch. 5,~~
58 ~~par. 801 et seq.)~~.

59

60 *"Barrier mosquitocide" means a pesticide that is formulated to kill adult*
61 *mosquitoes and that is applied so as to leave a residual mosquitocidal coating on*
62 *natural or manmade surfaces. "Barrier mosquitocide" does not include a product*
63 *that is exempt from registration under the Federal Insecticide, Fungicide, and*
64 *Rodenticide Act, or rules adopted pursuant to that Act. [415 ILCS 60/4]*

65

66 *"Barrier mosquitocide treatment" means applications of a barrier mosquitocide*
67 *to a natural or manmade surface. [415 ILCS 60/4]*

68

69 "Commercial operator" is a licensed operator who works under the supervision of
70 a [licensed](#) commercial applicator.

71

72 "Commercial not for hire operator" is a licensed operator who works under the
73 supervision of a commercial not for hire applicator.

74

75 "Department" means the Illinois Department of Agriculture.

76

77 "FIFRA" means the Federal Insecticide, Fungicide, Rodenticide Act (7 U.S.C.
78 136 et seq.).

79

80 *"Licensed commercial applicator" means a certified applicator, whether or not he*
81 *is a private applicator with respect to some uses, who owns or manages a*
82 *business that is engaged in applying pesticides, whether classified for general or*
83 *restricted use, for hire. The term also applies to a certified applicator who uses or*
84 *supervises the use of pesticides, whether classified for general or restricted use,*
85 *for any purpose or on property of others excluding those specified by*
86 *subparagraphs 7 (B), (D), (E) of Section 4 of this Act. [415 ILCS 60/4]*

"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 commercial not-for-hire applicator". [415 ILCS 60/4]

"Mosquito mister" or "residential automatic pesticide misting system" means any device that is designed to be installed on, near, or around the exterior of any residential dwelling or the grounds of a residential dwelling that will automatically spray any pesticide solution at timed intervals for the control of mosquitos. [415 ILCS 60/13.5]

~~"Public operator" is a licensed operator who works under the supervision of a public applicator.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 250.90 Commercial Applicator and, Commercial Not For Hire Applicator ~~and Public Applicator~~: Certification, Testing and Licensing

- a) A person may make application to the Director to become licensed as a licensed commercial applicator or, commercial not for hire applicator ~~or licensed public applicator~~ only after successfully demonstrating comprehension of the general competency standards (Section 250.110) and one or more of the technical category areas of pesticide use (Section 250.120).
- b) A person establishing qualifications for certification to become a licensed commercial applicator or, commercial not for hire applicator ~~or public applicator~~ for the first time or needing to re-establish qualifications for certification shall apply to the Director for examination in accordance with Sections 10, 11 and 11.1 of the Act.
- c) Closed book examinations for certified commercial or, commercial not for hire ~~or public~~-applicators will be scheduled by the Director at least once annually at various regional locations throughout the State. Examinations will also be scheduled by prior appointment at appropriate state regional offices at other times during the year.
- d) A person desiring certification or recertification shall demonstrate competency in pesticide use by answering 70% or better of the examination questions correctly. A person must successfully demonstrate competence in the general competency standard before being permitted to take specific technical category examination(s).

- 130 e) A person may only make two attempts to successfully demonstrate competence in
131 any one normal work day. The examination can only be taken a maximum of
132 three ~~(3)~~ times within any six month period.
133

134 (Source: Amended at 50 Ill. Reg. _____, effective _____)
135

136 **Section 250.100 Licensed Operator (Commercial Operator and, Commercial Not For Hire
137 Operator ~~and Public Operator~~): Testing and Licensing**
138

- 139 a) A person may make application to the Director to become a licensed operator
140 only after successfully demonstrating comprehension of the general competency
141 standards (see Section 250.110). A license will not be issued unless the person is
142 working under the supervision of a licensed/certified applicator. The licensed
143 operator must notify the Director when the license/certified applicator under
144 whose supervision he is working changes.
145
- 146 b) A person establishing qualifications to become a licensed commercial operator or;
147 licensed commercial not for hire operator ~~or public operator~~ for the first time or
148 needing to re-establish qualifications must apply to the Director for examination
149 on forms available from the Director.
150
- 151 c) A closed book examination for commercial operator or; commercial not for hire
152 operator ~~or public operator~~ will be scheduled at least once annually at various
153 regional locations throughout the state. Examinations will also be scheduled by
154 prior appointment at appropriate state regional offices at other times during the
155 year.
156
- 157 d) A person becoming licensed as an operator for the first time or re-establishing
158 competency must answer correctly 70% or more of the examination questions.
159
- 160 e) A person may make only two attempts to successfully demonstrate competence in
161 any one normal work day. The examination can only be taken a maximum of
162 three ~~(3)~~ times within any six month period.
163

164 (Source: Amended at 50 Ill. Reg. _____, effective _____)
165

166 **Section 250.180 Administrative Penalties**
167

- 168 a) *For violations of the Act and rules, administrative penalties will be based upon*
169 *the total violation points as determined by the Use and Violation Criteria as set*
170 *forth in Section 24.1 of the Act* ~~The Department will only assess a point value~~
171 ~~penalty from the violation criteria (Section 24.1 of the Act) when it is determined~~
172 ~~that such penalty can be assessed.~~ In no case shall the same or similar violation

criteria be assessed penalty points more than once for each violation. [415 ILCS 60/24.1]

b) If the complaint or incident was caused by and the responsibility of the customer or purchaser of the product or service to perform their duties as agreed to either orally or by written contract, then the applicator shall not be subject to the penalty points assessment so long as the applicator has notified the customer or purchaser of their duties to comply with the pesticide use and that the applicator is consistent with that notification to all ~~his~~ customers or purchasers. Oral instructions or agreements shall be verified in writing and made available for review at the Department's request.

c) Any person who applies a restricted use pesticide on or within 500 feet of school property during normal hours, except for whole structure fumigation or applies a restricted use pesticide contrary to the pesticide label when the pesticide label is more restrictive than this subsection (c), is in violation of Section 14(3)(F) of the Act, and shall be assessed, at a minimum, the following point values for purposes of determining the appropriate administrative action or penalty authorized by Section 24.1 of the Act [415 ILCS 60/14(3)(F)]:

1) A point value of 10 shall be assessed based upon a "knowingly" degree of responsibility (see Section 24.1(4)(C) of the Act).

2) A point value of 3 shall be assessed based upon "a use contrary to label directions" ("precautionary statements, sites, rates, restricted use requirements") (see Section 24.1(4)(E)(1) of the Act).

d) Any licensed commercial applicator or commercial operator who applies a barrier mosquitocide in violation of the Act or this Part shall be assessed, at a minimum, the following point values for purposes of determining the appropriate administrative action or penalty authorized by Section 24.1 of the Act:

1) A point value of 4 or 10 shall be assessed based upon either a "negligence" or "knowingly" degree of responsibility (see Section 24.1(4)(C) of the Act).

2) A point value of 3 shall be assessed based upon "a use contrary to label directions" ("precautionary statements, sites, rates, restricted use requirements") (see Section 24.1(4)(E)(1) of the Act).

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 250.215 Barrier Mosquitocide Applications

- 217 a) No licensed commercial applicator or commercial operator shall apply a barrier
218 mosquitocide between October 16 and April 14 except as provided under
219 subsection (i).
220
- 221 b) No licensed commercial applicator or commercial operator shall apply a barrier
222 mosquitocide without first receiving a certification issued at the direction of the
223 Department after completion of a Department approved residential barrier
224 mosquitocide training program.
225
- 226 c) The residential barrier mosquitocide training program shall not be less than one
227 hour in duration, and shall, at a minimum, include training in the following topics:
228
- 229 1) *mosquito control and pollinator protection in the residential environment;*
230
 - 231 2) *requirements for domestic inspections by licensed commercial applicators*
232 *and commercial operators prior to application of barrier mosquitocides;*
233
 - 234 3) *identification of mosquitoes in areas to be treated with the barrier*
235 *mosquitocide;*
236
 - 237 4) *distinguishing between species of mosquitoes;*
238
 - 239 5) *mosquito behavior, biology, and life cycle;*
240
 - 241 6) *pesticide-free source mosquito-reduction methods;*
242
 - 243 7) *pesticide drift and the protection of bystanders during pesticide*
244 *application;*
245
 - 246 8) *pesticide label requirements;*
247
 - 248 9) *proper technique for application of barrier mosquitocides;*
249
 - 250 10) *protection of pollinators from barrier mosquitocides;*
251
 - 252 11) *mosquito-borne diseases;*
253
 - 254 12) *proper use of equipment for application of mosquitocides;*
255
 - 256 13) *use of personal protective equipment during application of barrier*
257 *mosquitocides; and*
258

301 of the material safety data sheet and approved pesticide registration label for the
302 applied barrier mosquitocide. [415 ILCS 65/3(c)(7)]

303
304 1) Any neighbor whose property abuts or is adjacent to the property of a
305 customer of a licensed commercial applicator or commercial operator of a
306 barrier mosquitocide may receive prior notification of a barrier
307 mosquitocide application by contacting the licensed commercial applicator
308 or commercial operator and providing their name, address and telephone
309 number. [415 ILCS 65/3(d)(1)]

310
311 2) At least the day before a scheduled application, a licensed commercial
312 applicator or commercial operator of a barrier mosquitocide shall provide
313 notification to a person who has requested notification pursuant to this
314 subsection (g)(1). The notification shall disclose the date and approximate
315 time of application and shall be made in writing, in person, by telephone,
316 or electronic message. [415 ILCS 65/3(d)(2)]

317
318 3) If a licensed commercial applicator or commercial operator of a barrier
319 mosquitocide is unable to provide prior notification because of the
320 absence or inaccessibility of the individual at the time of application, the
321 licensed commercial applicator or commercial operator shall leave a
322 written notice at the residence of the person requesting notification, which
323 shall provide the information specified in this subsection (g). [415 ILCS
324 65/3(d)(3)]

325
326 h) No person shall install or use any mosquito mister or residential automatic
327 pesticide misting system.

328
329 i) Any barrier mosquitocide treatment made for public health purposes by or on
330 behalf of a mosquito abatement district, public health department, township,
331 municipality, or other unit of local government is exempt from this Section. [415
332 ILCS 60/13.4(e)]

333
334 (Source: Added at 50 Ill. Reg. _____, effective _____)