

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 found by the Department to have
7 committed a use inconsistent with the label, as defined in
8 subsection 40 of Section 4, that results in human exposure
9 to a pesticide, the penalty shall be assessed in
10 accordance with this paragraph (F-5). The Department shall
11 impose a penalty under this paragraph (F-5) only if it
12 represents an amount greater than the penalty assessed
13 under subparagraph (G). The amount of the penalty under
14 this paragraph (F-5) is calculated as follows:

15 (a) If fewer than 3 humans are exposed, then the
16 penalty shall be \$500 for each human exposed.

17 (b) If 3 or more humans but fewer than 5 humans are
18 exposed, then the penalty shall be \$750 for each human
19 exposed.

20 (c) If 5 or more humans are exposed, then the
21 penalty shall be \$1,250 for each human exposed.

22 If a penalty is imposed under this paragraph (F-5),
23 the Department shall redetermine the total violation
24 points under subsection (4), less any points under
25 subsection (4) stemming from human exposure, and impose
26 any additional penalty under subparagraph (G) based on the

1 new total. The reassessed total shall not affect any
 2 determination under subsection (2); any determination
 3 under subsection (2) shall be determined by the full
 4 application of points under subsection (4).

5 (G) For violations of the Act and rules and
 6 regulations, administrative penalties will be based upon
 7 the total violation points as determined by the Use and
 8 Violation Criteria as set forth in paragraph (4) of this
 9 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

17 (4) Subject to paragraph (F-5), the ~~The~~ following Use and
 18 Violation Criteria establishes the point value which shall be
 19 compiled to determine the total violation points and
 20 administrative actions or monetary penalties to be imposed as
 21 set forth in paragraph (3) (G) of this Section:

22 (A) Point values shall be assessed upon the harm or
 23 loss incurred.

24 (1) A point value of 1 shall be assessed for the
 25 following:

26 (a) Exposure to a pesticide by plants, animals

1 or humans with no symptoms or damage noted.

2 (b) Fraudulent sales practices or
3 representations with no apparent monetary losses
4 involved.

5 (2) A point value of 2 shall be assessed for the
6 following:

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

8 (1) Plants or property showing signs of
9 damage including but not limited to leaf curl,
10 burning, wilting, spotting, discoloration, or
11 dying.

12 (2) Garden produce or an agricultural crop
13 not being harvested on schedule.

14 (3) Fraudulent sales practices or
15 representations resulting in losses under
16 \$500.

17 (3) A point value of 4 shall be assessed for the
18 following:

19 (a) Exposure to a pesticide resulting in a
20 human experiencing headaches, nausea, eye
21 irritation and such other symptoms which persisted
22 less than 3 days.

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

25 (c) Animals exhibiting symptoms of pesticide
26 poisoning including but not limited to eye or skin

1 irritations or lack of coordination.

2 (d) Death to less than 5 animals.

3 (e) Fraudulent sales practices or
4 representations resulting in losses from \$500 to
5 \$2000.

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

8 (a) Exposure to a pesticide resulting in a
9 human experiencing headaches, nausea, eye
10 irritation and such other symptoms which persisted
11 3 or more days.

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

14 (c) Death to 5 or more animals.

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

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

Point Value	Signal Word
1	Caution
2	Warning
4	Danger/Poison

23 (C) Point values shall be assessed based upon the
24 degree of responsibility.

Point Value	Degree of Responsibility
2	Accidental (such as equipment

1 malfunction)

2 4 Negligence

3 10 Knowingly

4 (D) Point values shall be assessed based upon the
 5 violator's history for the previous 3 years:

6	Point Value	Record
7	2	Advisory letter
8	3	Warning letter
9	5	Previous criminal conviction of
10		this Act or administrative
11		violation resulting in a
12		monetary penalty
13	7	Certification, license or
14		registration currently
15		suspended or revoked

16 (E) Point values shall be assessed based upon the
 17 violation type:

18 (1) Application Oriented:

19	Point Value	Violation
20	1	Inadequate records
21	2	Lack of supervision
22	2	Faulty equipment

23 Use contrary to label directions:

24	2	a. resulting in exposure to
25		applicator or operator
26	3	b. resulting in exposure to

1		other persons or the
2		environment
3	3	c. precautionary statements,
4		sites, rates, restricted use
5		requirements
6	3	Water contamination
7	3	Storage or disposal contrary
8		to label directions
9	3	Pesticide drift
10	4	Direct application to a
11		non-target site
12	6	Falsification of records
13	6	Failure to secure a permit or
14		violation of permit or special
15		order

(2) Product Oriented:

17	Point Value	Violation
18	6	Pesticide not registered
19	4	Product label claims differ
20		from approved label
21	4	Product composition (active
22		ingredients differs from
23		that of approved label)
24	4	Product not colored as required
25	4	Misbranding as set forth in
26		Section 5 of the Act (4

1 points will be assessed for
2 each count)

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

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.