



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1726

Introduced 2/9/2023, by Sen. Patrick J. Joyce

SYNOPSIS AS INTRODUCED:

415 ILCS 60/6	from Ch. 5, par. 806
415 ILCS 60/10	from Ch. 5, par. 810
415 ILCS 60/11	from Ch. 5, par. 811
415 ILCS 60/11.1	from Ch. 5, par. 811.1
415 ILCS 60/12	from Ch. 5, par. 812
415 ILCS 60/13	from Ch. 5, par. 813
415 ILCS 60/13.3	
415 ILCS 65/5	from Ch. 5, par. 855

Amends the Illinois Pesticide Act. Increases various fees imposed under the Act beginning in 2024. Amends the Lawn Care Products Application and Notice Act. Provides that the lawn care containment permit fee is \$250 (rather than \$100).

LRB103 27394 CPF 53766 b

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 Sections 6, 10, 11, 11.1, 12, 13, and 13.3 as follows:

6 (415 ILCS 60/6) (from Ch. 5, par. 806)

7 Sec. 6. Registration.

8 1. Every pesticide which is distributed, sold, offered for
9 sale within this State, delivered for transportation or
10 transported in interstate commerce or between points within
11 the State through any point outside the State, shall be
12 registered with the Director or his designated agent, subject
13 to provisions of this Act. Such registration shall be for a
14 period determined under item 1.5 of this Section and shall
15 expire on December 31st. Registration is not required if a
16 pesticide is shipped from one plant or warehouse to another
17 plant or warehouse by the same person and is used solely at
18 such plant or warehouse as a constituent part to make a
19 pesticide which is registered under provisions of this Act and
20 FIFRA.

21 1.5. In order to stagger product registrations, the
22 Department shall, for the 2011 registration year, register
23 half of the applicants and their products for one year and the

1 other half for 2 years. Thereafter, a business registration
2 and product registration shall be for 2 years.

3 2. Registration applicant shall file a statement with the
4 Director which shall include:

5 A. The name and address of the applicant and the name
6 and address of the person whose name will appear on the
7 label if different from the applicant's.

8 B. The name of the pesticide.

9 C. A copy of the labeling accompanying the pesticide
10 under customary conditions of distribution, sale and use,
11 including ingredient statement, direction for use, use
12 classification, and precautionary or warning statements.

13 3. The Director may require the submission of complete
14 formula data.

15 4. The Director may require a full description of tests
16 made and the results thereof, upon which the claims are based,
17 for any pesticide not registered pursuant to FIFRA, or on any
18 pesticide under consideration to be classified for restricted
19 use.

20 A. The Director will not consider data he required of
21 the initial registrant of a pesticide in support of
22 another applicants' registration unless the subsequent
23 applicant has obtained written permission to use such
24 data.

25 B. In the case of renewal registration, the Director
26 may accept a statement only with respect to information

1 which is different from that furnished previously.

2 5. The Director may prescribe other requirements to
3 support a pesticide registration by regulation.

4 6. For the years preceding the year 2004, any registrant
5 desiring to register a pesticide product at any time during
6 one year shall pay the annual registration fee of \$100 per
7 product registered for that applicant. For the years 2004
8 through 2010, the annual product registration fee is \$200 per
9 product. For the years 2011 through 2023 ~~and thereafter~~, the
10 product registration fee shall be \$600 per product per 2-year
11 registration period and shall be paid at the time of
12 registration. For the years 2024 and thereafter, the product
13 registration fee shall be \$800 per product per 2-year
14 registration period and shall be paid at the time of
15 registration.

16 In addition, for the years preceding the year 2004 any
17 business registering a pesticide product at any time during
18 one year shall pay the annual business registration fee of
19 \$250. For the years 2004 through 2010, the annual business
20 registration fee shall be \$400. For the years 2011 through
21 2023 ~~and thereafter~~, the business registration fee shall be
22 \$800 per 2-year registration period and shall be paid at the
23 time of registration. For the years 2024 and thereafter, the
24 business registration fee shall be \$1000 per 2-year
25 registration period and shall be paid at the time of
26 registration. Each legal entity of the business shall pay the

1 business registration fee.

2 For the years preceding the year 2004, any applicant
3 requesting an experimental use permit shall pay the annual fee
4 of \$100 per permit and all special local need pesticide
5 registration applicants shall pay an annual fee of \$100 per
6 product. For the years 2004 through 2010, the annual
7 experimental use permit fee and special local need pesticide
8 registration fee is \$200 per permit. For the years 2011 and
9 thereafter, the annual experimental use permit and special
10 local need pesticide registration fee shall be \$300 per
11 product. Subsequent SLN registrations for a pesticide already
12 registered shall be exempted from the registration fee.

13 A. All registration accepted and approved by the
14 Director shall expire on the 31st day of December in any
15 one year unless cancelled. Registration for a special
16 local need may be granted for a specific period of time
17 with the approval date and expiration date specified.

18 B. If a registration for special local need granted by
19 the Director does not receive approval of the
20 Administrator of USEPA, the registration shall expire on
21 the date of the Administrator's disapproval.

22 7. Registrations approved and accepted by the Director and
23 in effect on the 31st day of December, for which renewal
24 application is made, shall continue in full force and effect
25 until the Director notifies the registrant that the renewal
26 has been approved and accepted or the registration is denied

1 under this Act. Renewal registration forms will be provided to
2 applicants by the Director.

3 8. If the renewal of a pesticide registration is not filed
4 within 30 days of the date of expiration, a penalty late
5 registration assessment of \$100 per product shall apply in
6 addition to the regular product registration fee. The late
7 registration assessment shall not apply if the applicant
8 furnishes an affidavit certifying that no unregulated
9 pesticide was distributed or sold during the period of
10 registration. The late assessment is not a bar to prosecution
11 for doing business without proper registry.

12 9. The Director may prescribe by regulation to allow
13 pesticide use for a special local need, pursuant to FIFRA.

14 10. The Director may prescribe by regulation the
15 provisions for and requirements of registering a pesticide
16 intended for experimental use.

17 11. The Director shall not make any lack of essentiality a
18 criterion for denial of registration of any pesticide. Where 2
19 pesticides meet the requirements, one should not be registered
20 in preference to the other.

21 12. It shall be the duty of the pesticide registrant to
22 properly dispose of any pesticide the registration of which
23 has been suspended, revoked or cancelled or which is otherwise
24 not properly registered in the State.

25 (Source: P.A. 100-115, eff. 8-15-17.)

1 (415 ILCS 60/10) (from Ch. 5, par. 810)

2 Sec. 10. Commercial applicator license. No commercial
3 applicator shall use or supervise the use of any pesticide
4 without a commercial license issued by the Director. For the
5 years preceding the year 2001, the Director shall require an
6 annual fee for commercial applicator license of \$35. For the
7 years 2001, 2002, 2003, 2004, 2005, and 2006, the annual fee
8 for a commercial applicator license is \$45. For the years 2007
9 through 2017, the annual fee for a commercial applicator
10 license is \$60. For the years 2018 through 2023 ~~and~~
11 ~~thereafter~~, the fee for a multi-year commercial applicator
12 license is \$180. For the years 2024 and thereafter, the fee for
13 a multi-year commercial applicator license is \$240. The late
14 application fee for a commercial applicator license shall be
15 \$20 in addition to the normal license fee. A commercial
16 applicator shall be assessed a fee of \$10 for a duplicate
17 license.

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

24 A. The full name of the applicant.

25 B. The address of the applicant.

26 C. Any necessary information prescribed by the

1 Director on the designated application form.

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

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

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

23 B. Evidence of responsibility may be provided in the
24 form of a certificate of liability insurance providing
25 coverage for each licensed commercial applicator or
26 licensed entity in the amount of not less than \$50,000 per

1 person, \$100,000 per occurrence bodily injury liability
2 coverage, with an annual aggregate of not less than
3 \$500,000, and \$50,000 per occurrence property damage
4 liability, with an annual aggregate of not less than
5 \$50,000; or, in lieu thereof, a combined single limit of
6 not less than \$100,000 bodily injury and property damage
7 liability combined, with an annual aggregate of not less
8 than \$500,000.

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

22 5. Nothing in this Act shall be construed to relieve any
23 person from liability for any damage to persons or property
24 caused by use of pesticides even though such use conforms to
25 label instructions and pertinent rules and regulations of this
26 State.

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

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

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

19 (Source: P.A. 99-540, eff. 1-1-17.)

20 (415 ILCS 60/11) (from Ch. 5, par. 811)

21 Sec. 11. Certified Pesticide Applicators. No person shall
22 use or supervise the use of pesticides classified for
23 restricted use without a license issued by the Director.
24 Persons licensed or desiring to be licensed as certified
25 pesticide applicators shall comply with the certification

1 requirements as set forth in Section 9 of this Act in order to
2 protect public health and the environment, including injury to
3 the applicator or other persons using these pesticides.

4 An applicant for certification as a private pesticide
5 applicator shall meet qualification requirements prescribed by
6 regulation. The application for certification shall be made in
7 writing to the Director, on forms available from the Director
8 or the local county agricultural extension adviser's office
9 and be accompanied by payment of a \$10 license fee in the years
10 preceding the year 2001. During the years 2001, 2002, 2003,
11 2004, 2005, and 2006, the private pesticide applicator license
12 fee shall be \$15. During the years 2007 through 2010, the
13 private pesticide applicator license fee shall be \$20. For the
14 years 2011 through 2023 ~~and thereafter~~, the private pesticide
15 applicator license fee shall be \$30. For the years 2024 and
16 thereafter, the private pesticide applicator license fee shall
17 be \$60. A private pesticide applicator shall be assessed a fee
18 of \$5 for a duplicate license. Such application shall include:

19 A. The full name of the applicant.

20 B. The mailing address of the applicant.

21 C. The documents required as evidence of competence
22 and knowledge regarding the use of pesticides.

23 Certification, as a private pesticide applicator, issued
24 by the Director shall be valid for a period prescribed by
25 regulation. The Director shall develop regulatory standards to
26 ensure that certified private pesticide applicators continue

1 to meet the requirements of a changing technology and assure a
2 continued level of competence and ability.

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

4 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

5 Sec. 11.1. Commercial not-for-hire license. No commercial
6 not-for-hire applicator shall use or supervise the use of any
7 pesticide without a license issued by the Director. For the
8 years 2011 through 2017, the commercial not-for-hire pesticide
9 applicator license fee shall be \$20. For the years 2018
10 through 2023 and thereafter, the fee for a multi-year
11 commercial not-for-hire pesticide applicator license is \$60.
12 For the years 2024 and thereafter, the fee for a multi-year
13 commercial not-for-hire pesticide applicator license is \$120.
14 The late application fee for a public or commercial
15 not-for-hire applicator license shall be \$20 in addition to
16 the normal license fees. A commercial not-for-hire applicator
17 shall be assessed a fee of \$10 for a duplicate license.

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

24 A. The full name of the applicant.

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

1 C. The address at the applicant's place of employment.

2 D. Any other information prescribed by the Director on
3 the designated form.

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

9 3. The Director shall not renew a certification as a
10 commercial not-for-hire pesticide applicator until the
11 applicant reestablishes his qualifications in accordance with
12 Section 9 of this Act or has met other requirements imposed by
13 regulation in order to ensure that the applicant meets the
14 requirements of changing technology and to assure a continued
15 level of competence and ability.

16 4. (Blank).

17 5. (Blank).

18 6. (Blank).

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

23 (Source: P.A. 99-540, eff. 1-1-17.)

24 (415 ILCS 60/12) (from Ch. 5, par. 812)

25 Sec. 12. Licensed operator. No pesticide operator shall

1 use any pesticides without a pesticide operator license issued
2 by the Director.

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

9 A. The full name of applicant.

10 B. The address of the applicant.

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

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

17 3. The Director shall not issue an operator license to any
18 person who is unable to provide the name and
19 license/certification number of an applicator under whom the
20 operator will work.

21 4. For the years preceding the year 2001, a licensed
22 commercial operator working for or under the supervision of a
23 certified licensed commercial pesticide applicator shall pay
24 an annual fee of \$25. For the years 2001, 2002, and 2003, the
25 annual fee for a commercial operator license is \$30. For the
26 years 2004, 2005, and 2006, the annual fee for a commercial

1 operator license is \$35. For the years 2007 through 2017, the
2 annual fee for a commercial operator license is \$40. For the
3 years 2018 through 2023 ~~and thereafter~~, the fee for a
4 multi-year commercial operator license is \$120. For the years
5 2024 and thereafter, the fee for a multi-year commercial
6 operator license is \$180. The late application fee for an
7 operator license shall be \$20 in addition to the normal
8 license fee. A licensed operator shall be assessed a fee of \$10
9 for a duplicate license.

10 5. For the years 2011 through 2017, the commercial
11 not-for-hire pesticide operator license fee shall be \$15. For
12 the years 2018 through 2023 ~~and thereafter~~, the fee for a
13 multi-year commercial not-for-hire pesticide operator license
14 is \$45. For the years 2024 and thereafter, the fee for a
15 multi-year commercial not-for-hire pesticide operator license
16 is \$90. The late application fee for a commercial not-for-hire
17 operator license shall be \$20 in addition to the normal
18 license fee. A commercial not-for-hire operator shall be
19 assessed a fee of \$10 for a duplicate license.

20 (Source: P.A. 99-540, eff. 1-1-17; 100-115, eff. 8-15-17.)

21 (415 ILCS 60/13) (from Ch. 5, par. 813)

22 Sec. 13. Pesticide dealers. Any pesticide dealer who sells
23 Restricted Use pesticides shall be registered with the
24 Department on forms provided by the Director. Beginning July
25 1, 2005, any pesticide dealer that sells non-restricted use

1 pesticides for use in the production of an agricultural
2 commodity in containers with a capacity of 2.5 gallons or
3 greater or 10 pounds or greater must also register with the
4 Department on forms provided by the Director. Through 2017,
5 registration shall consist of passing a required examination
6 and payment of a \$100 registration fee. For the years 2018
7 through 2023 and thereafter, the pesticide dealer registration
8 fee for a multi-year registration period is \$300. For the
9 years 2024 and thereafter, the pesticide dealer registration
10 fee for a multi-year registration period is \$350. The late
11 application fee for a pesticide dealer registration shall be
12 \$20 in addition to the normal pesticide dealer registration
13 fee. A pesticide dealer shall be assessed a fee of \$10 for a
14 duplicate registration.

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

20 Each place of business which sells restricted use
21 pesticides or non-restricted pesticides for use in the
22 production of an agricultural commodity in containers with a
23 capacity of 2.5 gallons or greater or 10 pounds or greater
24 shall be considered a separate entity for the purpose of
25 registration.

26 Registration as a pesticide dealer shall expire on

1 December 31 of the year in which it is to expire. Pesticide
2 dealers shall be certified in accordance with Section 9 of
3 this Act.

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

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

16 (Source: P.A. 99-540, eff. 1-1-17.)

17 (415 ILCS 60/13.3)

18 Sec. 13.3. Agrichemical facility containment permits. An
19 agrichemical containment permit issued by the Department shall
20 be obtained for each existing and new agrichemical facility
21 and non-commercial agrichemical facility as defined by rules
22 promulgated by the Department. A permit fee of \$250 ~~\$100~~ shall
23 be submitted to the Department with each permit application or
24 permit renewal application. All moneys collected under this
25 Section must be deposited into the Pesticide Control Fund.

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

2 Section 10. The Lawn Care Products Application and Notice
3 Act is amended by changing Section 5 as follows:

4 (415 ILCS 65/5) (from Ch. 5, par. 855)

5 Sec. 5. Containment of spills, wash water, and rinsate
6 collection.

7 (a) No loading of lawn care products for distribution to a
8 customer or washing or rinsing of pesticide residues from
9 vehicles, application equipment, mixing equipment, floors or
10 other items used for the storage, handling, preparation for
11 use, transport, or application of pesticides to lawns shall be
12 performed at a facility except in designated containment areas
13 in accordance with the requirements of this Section. A lawn
14 care containment permit, issued by the Department, shall be
15 obtained prior to the operation of the containment area. The
16 Department shall issue a lawn care containment permit when the
17 containment area or facility complies with the provisions of
18 this Section and the rules and regulations adopted under
19 Sections 5 and 6. A permit fee of \$250 ~~\$100~~ shall be submitted
20 to the Department with each permit application or permit
21 renewal application. All moneys collected pursuant to this
22 Section shall be deposited into the Pesticide Control Fund.

23 (b) No later than January 1, 1993, containment areas shall
24 be in use in any facility as defined in this Act and no wash

1 water or rinsates may be released into the environment except
2 in accordance with applicable law. Containment areas shall
3 include the following requirements:

4 (1) The containment area shall be constructed of
5 concrete, asphalt or other impervious materials which
6 include, but are not limited to, polyethylene containment
7 pans and synthetic membrane liners. All containment area
8 materials shall be compatible with the lawncare products
9 to be contained.

10 (2) The containment area shall be designed to capture
11 spills, washwaters, and rinsates generated in the loading
12 of application devices, the lawncare product-related
13 servicing of vehicles, and the triple rinsing of pesticide
14 containers and to prevent the release of such spills,
15 washwaters, or rinsates to the environment other than as
16 described in paragraph (3) of this subsection (b).

17 (3) Spills, washwaters, and rinsates captured in the
18 containment area may be used in accordance with the label
19 rates of the lawncare products, reused as makeup water for
20 dilution of pesticides in preparation of application, or
21 disposed in accordance with applicable local, State and
22 federal regulations.

23 (c) The requirements of this Section shall not apply to
24 situations constituting an emergency where washing or rinsing
25 of pesticide residues from equipment or other items is
26 necessary to prevent imminent harm to human health or the

1 environment.

2 (d) The requirements of this Section shall not apply to
3 persons subject to the containment requirements of the
4 Illinois Pesticide Act or the Illinois Fertilizer Act of 1961
5 and any rules or regulations adopted thereunder.

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