

● ILLINOIS PESTICIDE ACT

STATUTORY CITATION: 415 Ill. Comp. Stat. §§ 60/1 – 60/30

RELATED REGULATIONS: Ill. Admin. Code Title 8, Part 250

GENERAL SUMMARY: With the intent of minimizing adverse effects on the environment and preventing injury to human and animal life, the Illinois Pesticide Act regulates the labeling, distribution, use and application of pesticides in the state. Among other protective measures, the Act requires the certification and licensing of pesticide applicators and operators, defines a multitude of unlawful acts involving pesticides, and authorizes administrative adoption of specific standards necessary to assure safety in the use of pesticide products.

SPECIFIC TERMS AND CONDITIONS

CERTIFICATION AND LICENSING —

Commercial Applicators — No one who owns or manages a pesticide application business may purchase, use or supervise the use of any pesticide without an annually renewable commercial applicator license issued by the state. Among other licensing prerequisites, a commercial applicator must be certified as having successfully demonstrated competence and knowledge regarding pesticide use; recertification for competence is required at least once every 3 years. Commercial applicator license applicants must also present evidence of financial responsibility, protecting persons who may suffer personal injury or property damage as a result of the applicant's pesticide operations, by posting a \$50,000 surety bond or purchasing a liability insurance policy providing coverage of at least \$100,000 for bodily injury and property damage, with an annual aggregate of not less than \$500,000.

Licensed Operators — No one employed to apply pesticides under the direction of a licensed commercial applicator may use any pesticide without a pesticide operator license. Among other conditions, a license may not be granted unless the operator is certified as to competence and knowledge regarding the use and application of pesticides.

Private Applicators — Farm operators may not apply or supervise the application of any restricted pesticide on their own crops without being certified as private applicators. Like commercial applicators, private applicators must be certified as competent and knowledgeable concerning pesticide use and must meet other licensing requirements prescribed in state regulations.

UNLAWFUL ACTS — Among many others, the following practices are violations of the Act:

- (1) Application of pesticides in a faulty, careless or negligent manner.
- (2) Use of a pesticide in a manner contrary to the product label.
- (3) Failure to keep required records or file required reports.
- (4) Handling, storing, using or disposing of pesticides or used pesticide containers in a way that would endanger human life, the environment, or food, feed or other products.

SPECIAL NOTES OR ADVISORIES

EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Pesticide Regulation Division, Illinois Department of Agriculture, Springfield, Illinois 62794 (217-785-8312)*. The state Department of Agriculture has general responsibility for enforcing the Act, and more particularly as it applies to the use of pesticides in the production, storage and transportation of agricultural commodities and the use of pesticides applied by agricultural equipment. Representatives of the Department are authorized to enter public and private premises (1) to determine the facts in complaints of pesticide injury, misuse, mishandling or reported excessive pesticide exposure, (2) to observe pesticide use, and (3) to sample pesticides being applied and sample plants and soil being treated. The Department may bring action in the appropriate court to enjoin a violation or threatened violation of any provision of the Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Illinois Environmental Protection Agency, Springfield, Illinois 62794 (217-782-3397)*. This agency enforces those sections of the Act intended to preserve air and water quality and prevent unreasonable contamination of land resources.