

SB0673



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0673

Introduced 1/26/2017, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

New Act

Creates the Saving Illinois' Pollinators Act. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply any neonicotinoid insecticides on any public lands owned or maintained by the State. Provides that beginning 9 months after the effective date of the Act, it shall be unlawful to apply neonicotinoid insecticides in any other outdoor residential settings, including landscaping, ornamental, or other outdoor applications in this State. Establishes exemptions to the prohibitions. Provides that the Department of Agriculture shall, within 6 months after the effective date of the Act, adopt rules further defining and implementing specified provisions of the Act. Provides that the Department shall, within one year after the effective date of this Act, issue a draft report evaluating whether clear, peer-reviewed, published scientific evidence exists that outdoor applications of these insecticides are safe for honey bees, other pollinators, other beneficial insects, the broader environment, and human health. Effective immediately.

LRB100 06773 SLF 16816 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Saving
5 Illinois' Pollinators Act.

6 Section 5. Findings.

7 (a) Pollination services, including by honey bees and
8 numerous other pollinators, are a vital part of agricultural
9 production in this State.

10 (b) One-third of food produced in North America depends on
11 pollination by honey bees, including nearly 95 varieties of
12 fruits and other foods of high nutritional value to all of this
13 State's citizens. In Illinois, bees provide pollination for red
14 clover, alfalfa, apple trees, cranberries, and more. These
15 crops must be pollinated by bees to produce fruit or seed.

16 (c) Over the past several years, documented incidents of
17 colony collapse disorder and excessive honey bee mortality have
18 been at a record high, with some beekeepers losing large
19 portions of their operations and suffering reduced production
20 of their valuable honey. Illinois saw a dramatic 62.4% loss of
21 honey bee colonies in 2014-2015.

22 (d) Scientists have linked the use of systemic
23 neonicotinoid insecticides to the rapid decline of honey bees

1 and other pollinators and to the deterioration of pollinator
2 health. This class of insecticides damages the central nervous
3 system of insects, causing tremors, paralysis, and death at
4 very low doses. They are systemic insecticides, meaning they
5 are absorbed into treated plants and distributed throughout
6 their vascular systems. As a result, treating a plant or
7 coating a seed with neonicotinoids can render parts of the
8 plant, including the roots, leaves, stems, flowers, nectar,
9 pollen, and guttation fluid, toxic to insects. They are
10 persistent in soil and easily transported via air, dust, and
11 water.

12 (e) Neonicotinoid insecticides cause sublethal effects
13 including impaired foraging and feeding behavior,
14 disorientation, weakened immunity, delayed larval development,
15 and increased susceptibility to viruses, diseases, and
16 parasites and numerous studies have also demonstrated acute,
17 lethal effects from the application of these toxins. They have
18 also been found to kill or weaken beneficial invertebrates,
19 birds, and other wildlife, through direct and indirect effects.

20 (f) Bumblebees, beneficial insects of all kinds, and whole
21 food chains of aquatic invertebrates, insects, birds, bats and
22 other pollinators in this State are at risk from environmental
23 contamination by highly-persistent neonicotinoids. In
24 Illinois, 5 species of bat (Rafinesque's Big-eared Bat, Gray
25 Bat, Indiana Bat, Eastern Small-footed Bat, and Northern
26 Long-eared Bat) are already listed as threatened or endangered

1 and may be harmed by neonicotinoid use in this State.
2 Additionally, 7 species of butterfly, one species of dragonfly,
3 and more than 30 species of bird are also threatened or
4 endangered and could be at risk from neonicotinoids.

5 (g) Scientists have also found that the use of
6 neonicotinoids in seed treatment is harmful to birds. Recent
7 science has demonstrated that consumption of a single corn
8 kernel coated with a neonicotinoid is toxic enough to kill a
9 medium-sized songbird. Illinois is home of a diverse array of
10 birds including the American goldfinch, Eastern bluebird, and
11 red-winged blackbirds, all of which could be at risk from the
12 use of neonicotinoids.

13 (h) In 2013, the European Union voted to suspend use of 3
14 major neonicotinoids (imidacloprid, clothianidin, and
15 thiamethoxam) on certain agricultural crops pending a review of
16 their safety. Other U.S. States, such as New York, have
17 restricted some neonicotinoid uses to address their risks.

18 Section 10. Definitions. As used in this Act:

19 "Neonicotinoid insecticides" means a class of systemic
20 pesticides with a common mode of action that affects the
21 central nervous system of insects that includes the following
22 active ingredients: acetamiprid, clothianidin, dinotefuran,
23 imidacloprid, thiacloprid and thiamethoxam, and such other new
24 neonicotinoid insecticides as may be identified after the
25 effective date of this Act by rules adopted by the Department

1 of Agriculture.

2 Section 15. Statement of purpose. The purposes of this Act
3 are: (1) to protect this State's honey bees, native bees, other
4 pollinators, insects, birds, and animals from exposure to
5 neonicotinoid insecticides; and (2) to defend and protect this
6 State's agricultural economy and natural ecosystems. This Act
7 shall be liberally construed to fulfill these purposes.

8 Section 20. Restrictions on use of neonicotinoid
9 insecticides.

10 (a) Beginning 9 months after the effective date of this
11 Act, it shall be unlawful to apply any neonicotinoid
12 insecticides on any public lands owned or maintained by the
13 State.

14 (b) Beginning 9 months after the effective date of this
15 Act, it shall be unlawful to apply neonicotinoid insecticides
16 in any other outdoor residential settings, including
17 landscaping, ornamental, or other outdoor applications in this
18 State.

19 Section 25. Exemptions. The provisions of Section 20 of
20 this Act shall not apply to: (1) the use of neonicotinoids
21 following the effective date of this Act that were purchased
22 before that date under a reasonable phase-out period to be
23 adopted by the Director of Agriculture by regulation, not to

1 exceed one year; or (2) to any facility or other entity that is
2 State-licensed or federally-licensed to conduct research on
3 neonicotinoid insecticides.

4 Section 30. Rulemaking. The Department of Agriculture
5 shall, within 6 months after the effective date of this Act,
6 adopt rules further defining and implementing the provisions of
7 Sections 20 and 25 of this Act.

8 Section 35. Study and reevaluation. The Department of
9 Agriculture shall, within one year after the effective date of
10 this Act, issue a draft report evaluating whether clear,
11 peer-reviewed, published scientific evidence exists that
12 outdoor applications of these insecticides are safe for honey
13 bees, other pollinators, other beneficial insects, the broader
14 environment, and human health. The public, including all
15 interested entities, then shall be allowed to comment on the
16 draft report. After considering the comments and any other
17 relevant information, the Department shall deliver its final
18 evaluation report on that topic to the Governor and to the
19 Chairs of the Senate Committee of Agriculture and the House
20 Committee of Agriculture and Conservation.

21 Section 40. Enforcement.

22 (a) Enforcement.

23 (1) The sampling and examination of pesticides,

1 devices, books and records, and the labeling of pesticides
2 or devices shall be made under the supervision of the
3 Director for the purposes of determining compliance with
4 provisions of this Act. The Director, upon presentation of
5 identification, may enter a premises at reasonable times
6 during normal working hours in order to have access to
7 pesticides, devices, books and records, and labeling for
8 pesticides or devices.

9 (A) The Director shall provide a copy of the
10 results of any analysis made of those samples to the
11 owner, operator or agent in charge of the site.

12 (B) If upon the analysis or examination there
13 appears to be a violation of provisions of this Act or
14 rules adopted under it, the Director shall cause notice
15 to be given to the owner, operator or agent in charge
16 and specify any administrative proceedings or criminal
17 actions that are contemplated against that person.

18 (C) In seeking the institution of criminal charges
19 against a violator, the Director shall refer copies of
20 findings or the results of analysis or both, to the
21 State's Attorney for the county in which the violation
22 occurred.

23 (2) For the purpose of carrying out the provisions of
24 this Act the Director, upon presentation of
25 identification, may enter upon public or private premises
26 at reasonable times during normal working hours to:

1 (A) Investigate or inspect to determine the facts
2 in complaints of pesticide injury, misuse,
3 mishandling, or reported excessive pesticide exposure.

4 (B) Determine the facts in any pesticide incident
5 reported to him or her, including collecting samples
6 for analysis.

7 (C) Observe pesticide use and sample the
8 pesticides being applied, as well as the site to which
9 the pesticide is being applied.

10 (D) Inspect and collect samples in any place where
11 pesticides are produced, manufactured, sold, or
12 distributed.

13 (3) The Director upon being denied access to any land
14 may apply to the court of jurisdiction for a search warrant
15 authorizing access for purpose of carrying out this Act.
16 The court may upon receiving the request issue the warrant.

17 (4) The Director, with or without the aid and advice of
18 the court of jurisdiction, shall enforce the requirements
19 of this Act and any rules adopted under it. If the
20 enforcement agent of local jurisdiction refuses to act on
21 behalf of the Director, the Attorney General may so act.

22 (5) The Director may bring an action to enjoin the
23 violation or threatened violation of any provision of this
24 Act or rule adopted in the court of jurisdiction for the
25 county in which the violation or threatened violation
26 occurs or is about to occur.

1 (6) Nothing in this Act shall be construed as requiring
2 the Director to report minor violations for prosecution or
3 the institution of condemnation proceedings when he or she
4 believes the public interest would be better served by a
5 suitable written notice of warning.

6 (7) Any person who impedes, obstructs, hinders, or
7 otherwise prevents or attempts to prevent the Director in
8 the performance of his or her official duties is guilty of
9 a Class A misdemeanor. Any person using physical force
10 against the Director in the performance of his or her
11 official duties is guilty of a Class 4 felony.

12 (b) The Attorney General may bring an action to enjoin a
13 violation of this Act in any circuit court of this State.

14 (c) Any injured citizen of this State may, after giving
15 notice of the alleged violation to the Attorney General and the
16 alleged violator and waiting 60 days, bring an action to enjoin
17 a violation of this Act by any person in any court of competent
18 jurisdiction. The court may, in the action, award to a citizen
19 who is a prevailing plaintiff reasonable attorney's fees and
20 costs incurred in investigating and prosecuting the action;
21 however, the court may not award monetary damages in the
22 action.

23 Section 45. Authority of local government. Nothing in this
24 Act shall be construed to prohibit or preempt the authority of
25 a unit of local government in this State to regulate

1 applications of neonicotinoid pesticides in a manner that is
2 equivalent to, or more stringent than, the provisions contained
3 in this Act.

4 Section 50. Severability. If any provision of this Act or
5 the application thereof to any person, entity, or circumstance
6 is held invalid, the invalidity does not affect other
7 provisions or applications of this Act which can be given
8 effect without the invalid provision or application, and to
9 this end the provisions of this Act are severable.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.