

HB3429



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3429

Introduced 2/22/2021, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

415 ILCS 60/4

from Ch. 5, par. 804

415 ILCS 60/14.1 new

Amends the Illinois Pesticide Act. Provides that, on and after January 1, 2021, no pesticide containing a neonicotinoid may be used outdoors on any land owned or maintained by the State, except for use in structural pest control or abatement of non-native insect borers, subject to specified restrictions. Defines "neonicotinoid". Makes other changes. Effective immediately.

LRB102 10270 CPF 15597 b

A BILL FOR

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 4 and by adding Section 14.1 as follows:

6 (415 ILCS 60/4) (from Ch. 5, par. 804)

7 Sec. 4. Definitions. As used in this Act:

8 1. "Director" means Director of the Illinois Department of
9 Agriculture or his authorized representative.

10 2. "Active Ingredient" means any ingredient which will
11 prevent, destroy, repel, control or mitigate a pest or which
12 will act as a plant regulator, defoliant or desiccant.

13 3. "Adulterated" shall apply to any pesticide if the
14 strength or purity is not within the standard of quality
15 expressed on the labeling under which it is sold, distributed
16 or used, including any substance which has been substituted
17 wholly or in part for the pesticide as specified on the
18 labeling under which it is sold, distributed or used, or if any
19 valuable constituent of the pesticide has been wholly or in
20 part abstracted.

21 4. "Agricultural Commodity" means produce of the land
22 including but not limited to plants and plant parts, livestock
23 and poultry and livestock or poultry products, seeds, sod,

1 shrubs and other products of agricultural origin including the
2 premises necessary to and used directly in agricultural
3 production. Agricultural commodity also includes aquatic
4 products as defined in the Aquaculture Development Act.

5 5. "Animal" means all vertebrate and invertebrate species
6 including, but not limited to, man and other mammals, bird,
7 fish, and shellfish.

8 6. "Beneficial Insects" means those insects which during
9 their life cycle are effective pollinators of plants,
10 predators of pests or are otherwise beneficial.

11 7. "Certified applicator".

12 A. "Certified applicator" means any individual who is
13 certified under this Act to purchase, use, or supervise
14 the use of pesticides which are classified for restricted
15 use.

16 B. "Private applicator" means a certified applicator
17 who purchases, uses, or supervises the use of any
18 pesticide classified for restricted use, for the purpose
19 of producing any agricultural commodity on property owned,
20 rented, or otherwise controlled by him or his employer, or
21 applied to other property if done without compensation
22 other than trading of personal services between no more
23 than 2 producers of agricultural commodities.

24 C. "Licensed Commercial Applicator" means a certified
25 applicator, whether or not he is a private applicator with
26 respect to some uses, who owns or manages a business that

1 is engaged in applying pesticides, whether classified for
2 general or restricted use, for hire. The term also applies
3 to a certified applicator who uses or supervises the use
4 of pesticides, whether classified for general or
5 restricted use, for any purpose or on property of others
6 excluding those specified by subparagraphs 7 (B), (D), (E)
7 of Section 4 of this Act.

8 D. "Commercial Not For Hire Applicator" means a
9 certified applicator who uses or supervises the use of
10 pesticides classified for general or restricted use for
11 any purpose on property of an employer when such activity
12 is a requirement of the terms of employment and such
13 application of pesticides under this certification is
14 limited to property under the control of the employer only
15 and includes, but is not limited to, the use or
16 supervision of the use of pesticides in a greenhouse
17 setting. "Commercial Not For Hire Applicator" also
18 includes a certified applicator who uses or supervises the
19 use of pesticides classified for general or restricted use
20 as an employee of a state agency, municipality, or other
21 duly constituted governmental agency or unit.

22 8. "Defoliant" means any substance or combination of
23 substances which cause leaves or foliage to drop from a plant
24 with or without causing abscission.

25 9. "Desiccant" means any substance or combination of
26 substances intended for artificially accelerating the drying

1 of plant tissue.

2 10. "Device" means any instrument or contrivance, other
3 than a firearm or equipment for application of pesticides when
4 sold separately from pesticides, which is intended for
5 trapping, repelling, destroying, or mitigating any pest, other
6 than bacteria, virus, or other microorganisms on or living in
7 man or other living animals.

8 11. "Distribute" means offer or hold for sale, sell,
9 barter, ship, deliver for shipment, receive and then deliver,
10 or offer to deliver pesticides, within the State.

11 12. "Environment" includes water, air, land, and all
12 plants and animals including man, living therein and the
13 interrelationships which exist among these.

14 13. "Equipment" means any type of instruments and
15 contrivances using motorized, mechanical or pressure power
16 which is used to apply any pesticide, excluding pressurized
17 hand-size household apparatus containing dilute ready to apply
18 pesticide or used to apply household pesticides.

19 14. "FIFRA" means the Federal Insecticide, Fungicide, and
20 Rodenticide Act, as amended.

21 15. "Fungi" means any non-chlorophyll bearing
22 thallophytes, any non-chlorophyll bearing plant of a lower
23 order than mosses or liverworts, as for example rust, smut,
24 mildew, mold, yeast and bacteria, except those on or in living
25 animals including man and those on or in processed foods,
26 beverages or pharmaceuticals.

1 16. "Household Substance" means any pesticide customarily
2 produced and distributed for use by individuals in or about
3 the household.

4 17. "Imminent Hazard" means a situation which exists when
5 continued use of a pesticide would likely result in
6 unreasonable adverse effect on the environment or will involve
7 unreasonable hazard to the survival of a species declared
8 endangered by the U.S. Secretary of the Interior or to species
9 declared to be protected by the Illinois Department of Natural
10 Resources.

11 18. "Inert Ingredient" means an ingredient which is not an
12 active ingredient.

13 19. "Ingredient Statement" means a statement of the name
14 and percentage of each active ingredient together with the
15 total percentage of inert ingredients in a pesticide and for
16 pesticides containing arsenic in any form, the ingredient
17 statement shall include percentage of total and water soluble
18 arsenic, each calculated as elemental arsenic. In the case of
19 spray adjuvants the ingredient statement need contain only the
20 names of the functioning agents and the total percent of those
21 constituents ineffective as spray adjuvants.

22 20. "Insect" means any of the numerous small invertebrate
23 animals generally having the body more or less obviously
24 segmented for the most part belonging to the class Insects,
25 comprised of six-legged, usually winged forms, as for example
26 beetles, caterpillars, and flies. This definition encompasses

1 other allied classes of arthropods whose members are wingless
2 and usually have more than 6 legs as for example spiders,
3 mites, ticks, centipedes, and millipedes.

4 21. "Label" means the written, printed or graphic matter
5 on or attached to the pesticide or device or any of its
6 containers or wrappings.

7 22. "Labeling" means the label and all other written,
8 printed or graphic matter: (a) on the pesticide or device or
9 any of its containers or wrappings, (b) accompanying the
10 pesticide or device or referring to it in any other media used
11 to disseminate information to the public, (c) to which
12 reference is made to the pesticide or device except when
13 references are made to current official publications of the U.
14 S. Environmental Protection Agency, Departments of
15 Agriculture, Health, Education and Welfare or other Federal
16 Government institutions, the state experiment station or
17 colleges of agriculture or other similar state institution
18 authorized to conduct research in the field of pesticides.

19 23. "Land" means all land and water area including
20 airspace, and all plants, animals, structures, buildings,
21 contrivances, and machinery appurtenant thereto or situated
22 thereon, fixed or mobile, including any used for
23 transportation.

24 24. "Licensed Operator" means a person employed to apply
25 pesticides to the lands of others under the direction of a
26 "licensed commercial applicator" or a "licensed commercial

1 not-for-hire applicator".

2 25. "Nematode" means invertebrate animals of the phylum
3 nemathelminthes and class nematoda, also referred to as nemas
4 or eelworms, which are unsegmented roundworms with elongated
5 fusiform or sac-like bodies covered with cuticle and
6 inhabiting soil, water, plants or plant parts.

7 26. "Permit" means a written statement issued by the
8 Director or his authorized agent, authorizing certain acts of
9 pesticide purchase or of pesticide use or application on an
10 interim basis prior to normal certification, registration, or
11 licensing.

12 27. "Person" means any individual, partnership,
13 association, fiduciary, corporation, or any organized group of
14 persons whether incorporated or not.

15 28. "Pest" means (a) any insect, rodent, nematode, fungus,
16 weed, or (b) any other form of terrestrial or aquatic plant or
17 animal life or virus, bacteria, or other microorganism,
18 excluding virus, bacteria, or other microorganism on or in
19 living animals including man, which the Director declares to
20 be a pest.

21 29. "Pesticide" means any substance or mixture of
22 substances intended for preventing, destroying, repelling, or
23 mitigating any pest or any substance or mixture of substances
24 intended for use as a plant regulator, defoliant or desiccant.

25 30. "Pesticide Dealer" means any person who distributes
26 registered pesticides to the user.

1 31. "Plant Regulator" means any substance or mixture of
2 substances intended through physiological action to affect the
3 rate of growth or maturation or otherwise alter the behavior
4 of ornamental or crop plants or the produce thereof. This does
5 not include substances which are not intended as plant
6 nutrient trace elements, nutritional chemicals, plant or seed
7 inoculants or soil conditioners or amendments.

8 32. "Protect Health and Environment" means to guard
9 against any unreasonable adverse effects on the environment.

10 33. "Registrant" means person who has registered any
11 pesticide pursuant to the provision of FIFRA and this Act.

12 34. "Restricted Use Pesticide" means any pesticide with
13 one or more of its uses classified as restricted by order of
14 the Administrator of USEPA or the Director, or any pesticide
15 which contains a neonicotinoid as defined in this Section.

16 35. "SLN Registration" means registration of a pesticide
17 for use under conditions of special local need as defined by
18 FIFRA.

19 36. "State Restricted Pesticide Use" means any pesticide
20 use which the Director determines, subsequent to public
21 hearing, that an additional restriction for that use is needed
22 to prevent unreasonable adverse effects.

23 37. "Structural Pest" means any pests which attack and
24 destroy buildings and other structures or which attack
25 clothing, stored food, commodities stored at food
26 manufacturing and processing facilities or manufactured and

1 processed goods.

2 38. "Unreasonable Adverse Effects on the Environment"
3 means the unreasonable risk to the environment, including man,
4 from the use of any pesticide, when taking into account
5 accrued benefits of as well as the economic, social, and
6 environmental costs of its use.

7 39. "USEPA" means United States Environmental Protection
8 Agency.

9 40. "Use inconsistent with the label" means to use a
10 pesticide in a manner not consistent with the label
11 instruction, the definition adopted in FIFRA as interpreted by
12 USEPA shall apply in Illinois.

13 41. "Weed" means any plant growing in a place where it is
14 not wanted.

15 42. "Wildlife" means all living things, not human,
16 domestic, or pests.

17 43. "Bulk pesticide" means any registered pesticide which
18 is transported or held in an individual container in undivided
19 quantities of greater than 55 U.S. gallons liquid measure or
20 100 pounds net dry weight.

21 44. "Bulk repackaging" means the transfer of a registered
22 pesticide from one bulk container (containing undivided
23 quantities of greater than 100 U.S. gallons liquid measure or
24 100 pounds net dry weight) to another bulk container
25 (containing undivided quantities of greater than 100 U.S.
26 gallons liquid measure or 100 pounds net dry weight) in an

1 unaltered state in preparation for sale or distribution to
2 another person.

3 45. "Business" means any individual, partnership,
4 corporation or association engaged in a business operation for
5 the purpose of selling or distributing pesticides or providing
6 the service of application of pesticides in this State.

7 46. "Facility" means any building or structure and all
8 real property contiguous thereto, including all equipment
9 fixed thereon used for the operation of the business.

10 47. "Chemigation" means the application of a pesticide
11 through the systems or equipment employed for the primary
12 purpose of irrigation of land and crops.

13 48. "Use" means any activity covered by the pesticide
14 label including but not limited to application of pesticide,
15 mixing and loading, storage of pesticides or pesticide
16 containers, disposal of pesticides and pesticide containers
17 and reentry into treated sites or areas.

18 49. "Neonicotinoid" means any pesticide that contains
19 clothianidin, imidacloprid, thiamethoxam, dinotefuran,
20 acetamiprid, thiacloprid, nithiazine, nitenpyram, or other
21 neonicotinoid as may be identified by rules adopted by the
22 Department of Agriculture.

23 (Source: P.A. 99-540, eff. 1-1-17; 100-201, eff. 8-18-17.)

24 (415 ILCS 60/14.1 new)

25 Sec. 14.1. Neonicotinoids. On and after January 1, 2021,

1 no pesticide containing a neonicotinoid may be used outdoors
2 on any land owned or maintained by the State, except for use
3 in:

4 (a) structural pest control; or

5 (b) abatement of non-native insect borers, such as Agrilus
6 planipennis or related or similar insect pests, subject to the
7 following:

8 (1) Abatement application is restricted to the
9 following methods:

10 (A) Basal bark spray.

11 (B) Basal drench solely at the base of a tree.

12 (C) Soil injection solely at the base of a tree.

13 (D) Systemic root flare or trunk injection.

14 (2) Broadcast soil treatment, foliar spraying, or
15 dusting is not permitted.

16 (3) Abatement application made to a zoophilous species
17 shall occur after the blooming period has passed and early
18 enough to ensure that chemical decomposition occurs prior
19 to the following bloom season.

20 (c) For purposes of this Section, "zoophilous species"
21 means plants pollinated by insects, birds, or bats.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.