

HB5075



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5075

Introduced 2/8/2024, by Rep. Jenn Ladisch Douglass

SYNOPSIS AS INTRODUCED:

415 ILCS 60/4

from Ch. 5, par. 804

Amends the Illinois Pesticide Act. Adds 2,4-dichlorophenoxyacetic acid, 3,6-dichloro-2-methoxybenzoic acid, and atrazine to the definition of "Restricted Use Pesticide".

LRB103 37293 BDA 67414 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 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,
23 livestock and poultry and livestock or poultry products,

1 seeds, sod, shrubs and other products of agricultural origin
2 including the premises necessary to and used directly in
3 agricultural production. Agricultural commodity also includes
4 aquatic products, including any aquatic plants and animals or
5 their by-products that are produced, grown, managed, harvested
6 and marketed on an annual, semi-annual, biennial or short-term
7 basis, in permitted aquaculture facilities.

8 5. "Animal" means all vertebrate and invertebrate species
9 including, but not limited to, man and other mammals, birds,
10 fish, and shellfish.

11 5.5. "Barrier mosquitocide" means a pesticide that is
12 formulated to kill adult mosquitoes and that is applied so as
13 to leave a residual mosquitocidal coating on natural or
14 manmade surfaces. "Barrier mosquitocide" does not include a
15 product that is exempt from registration under the Federal
16 Insecticide, Fungicide, and Rodenticide Act, or rules adopted
17 pursuant to that Act.

18 5.6. "Barrier mosquitocide treatment" means application of
19 a barrier mosquitocide to a natural or manmade surface.

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

23 7. "Certified applicator".

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

1 use.

2 B. "Private applicator" means a certified applicator
3 who purchases, uses, or supervises the use of any
4 pesticide classified for restricted use, for the purpose
5 of producing any agricultural commodity on property owned,
6 rented, or otherwise controlled by him or his employer, or
7 applied to other property if done without compensation
8 other than trading of personal services between no more
9 than 2 producers of agricultural commodities.

10 C. "Licensed Commercial Applicator" means a certified
11 applicator, whether or not he is a private applicator with
12 respect to some uses, who owns or manages a business that
13 is engaged in applying pesticides, whether classified for
14 general or restricted use, for hire. The term also applies
15 to a certified applicator who uses or supervises the use
16 of pesticides, whether classified for general or
17 restricted use, for any purpose or on property of others
18 excluding those specified by subparagraphs 7 (B), (D), (E)
19 of Section 4 of this Act.

20 D. "Commercial Not For Hire Applicator" means a
21 certified applicator who uses or supervises the use of
22 pesticides classified for general or restricted use for
23 any purpose on property of an employer when such activity
24 is a requirement of the terms of employment and such
25 application of pesticides under this certification is
26 limited to property under the control of the employer only

1 and includes, but is not limited to, the use or
2 supervision of the use of pesticides in a greenhouse
3 setting. "Commercial Not For Hire Applicator" also
4 includes a certified applicator who uses or supervises the
5 use of pesticides classified for general or restricted use
6 as an employee of a state agency, municipality, or other
7 duly constituted governmental agency or unit.

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

11 9. "Desiccant" means any substance or combination of
12 substances intended for artificially accelerating the drying
13 of plant tissue.

14 10. "Device" means any instrument or contrivance, other
15 than a firearm or equipment for application of pesticides when
16 sold separately from pesticides, which is intended for
17 trapping, repelling, destroying, or mitigating any pest, other
18 than bacteria, virus, or other microorganisms on or living in
19 man or other living animals.

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

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

26 13. "Equipment" means any type of instruments and

1 contrivances using motorized, mechanical or pressure power
2 which is used to apply any pesticide, excluding pressurized
3 hand-size household apparatus containing dilute ready to apply
4 pesticide or used to apply household pesticides.

5 14. "FIFRA" means the Federal Insecticide, Fungicide, and
6 Rodenticide Act, as amended.

7 15. "Fungi" means any non-chlorophyll bearing
8 thallophytes, any non-chlorophyll bearing plant of a lower
9 order than mosses or liverworts, as for example rust, smut,
10 mildew, mold, yeast and bacteria, except those on or in living
11 animals including man and those on or in processed foods,
12 beverages or pharmaceuticals.

13 16. "Household Substance" means any pesticide customarily
14 produced and distributed for use by individuals in or about
15 the household.

16 17. "Imminent Hazard" means a situation which exists when
17 continued use of a pesticide would likely result in
18 unreasonable adverse effects on the environment or will
19 involve unreasonable hazard to the survival of a species
20 declared endangered by the U.S. Secretary of the Interior or
21 to species declared to be protected by the Illinois Department
22 of Natural Resources.

23 18. "Inert Ingredient" means an ingredient which is not an
24 active ingredient.

25 19. "Ingredient Statement" means a statement of the name
26 and percentage of each active ingredient together with the

1 total percentage of inert ingredients in a pesticide and for
2 pesticides containing arsenic in any form, the ingredient
3 statement shall include percentage of total and water soluble
4 arsenic, each calculated as elemental arsenic. In the case of
5 spray adjuvants the ingredient statement need contain only the
6 names of the functioning agents and the total percent of those
7 constituents ineffective as spray adjuvants.

8 20. "Insect" means any of the numerous small invertebrate
9 animals generally having the body more or less obviously
10 segmented for the most part belonging to the class Insects,
11 comprised of six-legged, usually winged forms, as for example
12 beetles, caterpillars, and flies. This definition encompasses
13 other allied classes of arthropods whose members are wingless
14 and usually have more than 6 legs as for example spiders,
15 mites, ticks, centipedes, and millipedes.

16 21. "Label" means the written, printed or graphic matter
17 on or attached to the pesticide or device or any of its
18 containers or wrappings.

19 22. "Labeling" means the label and all other written,
20 printed or graphic matter: (a) on the pesticide or device or
21 any of its containers or wrappings, (b) accompanying the
22 pesticide or device or referring to it in any other media used
23 to disseminate information to the public, (c) to which
24 reference is made to the pesticide or device except when
25 references are made to current official publications of the U.
26 S. Environmental Protection Agency, Departments of

1 Agriculture, Health, Education and Welfare or other Federal
2 Government institutions, the state experiment station or
3 colleges of agriculture or other similar state institution
4 authorized to conduct research in the field of pesticides.

5 23. "Land" means all land and water area including
6 airspace, and all plants, animals, structures, buildings,
7 contrivances, and machinery appurtenant thereto or situated
8 thereon, fixed or mobile, including any used for
9 transportation.

10 24. "Licensed Operator" means a person employed to apply
11 pesticides to the lands of others under the direction of a
12 "licensed commercial applicator" or a "licensed commercial
13 not-for-hire applicator".

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

19 26. "Permit" means a written statement issued by the
20 Director or his authorized agent, authorizing certain acts of
21 pesticide purchase or of pesticide use or application on an
22 interim basis prior to normal certification, registration, or
23 licensing.

24 27. "Person" means any individual, partnership,
25 association, fiduciary, corporation, or any organized group of
26 persons whether incorporated or not.

1 28. "Pest" means (a) any insect, rodent, nematode, fungus,
2 weed, or (b) any other form of terrestrial or aquatic plant or
3 animal life or virus, bacteria, or other microorganism,
4 excluding virus, bacteria, or other microorganism on or in
5 living animals including man, which the Director declares to
6 be a pest.

7 29. "Pesticide" means any substance or mixture of
8 substances intended for preventing, destroying, repelling, or
9 mitigating any pest or any substance or mixture of substances
10 intended for use as a plant regulator, defoliant or desiccant.

11 30. "Pesticide Dealer" means any person who distributes
12 registered pesticides to the user.

13 31. "Plant Regulator" means any substance or mixture of
14 substances intended through physiological action to affect the
15 rate of growth or maturation or otherwise alter the behavior
16 of ornamental or crop plants or the produce thereof. This does
17 not include substances which are not intended as plant
18 nutrient trace elements, nutritional chemicals, plant or seed
19 inoculants or soil conditioners or amendments.

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

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

24 34. "Restricted Use Pesticide" means any pesticide with
25 one or more of its uses classified as restricted by order of
26 the Administrator of USEPA. "Restricted Use Pesticide" also

1 includes 2,4-dichlorophenoxyacetic acid,
2 3,6-dichloro-2-methoxybenzoic acid, and atrazine.

3 35. "SLN Registration" means registration of a pesticide
4 for use under conditions of special local need as defined by
5 FIFRA.

6 36. "State Restricted Pesticide Use" means any pesticide
7 use which the Director determines, subsequent to public
8 hearing, that an additional restriction for that use is needed
9 to prevent unreasonable adverse effects.

10 37. "Structural Pest" means any pests which attack and
11 destroy buildings and other structures or which attack
12 clothing, stored food, commodities stored at food
13 manufacturing and processing facilities or manufactured and
14 processed goods.

15 38. "Unreasonable Adverse Effects on the Environment"
16 means the unreasonable risk to the environment, including man,
17 from the use of any pesticide, when taking into account
18 accrued benefits of as well as the economic, social, and
19 environmental costs of its use.

20 39. "USEPA" means United States Environmental Protection
21 Agency.

22 40. "Use inconsistent with the label" means to use a
23 pesticide in a manner not consistent with the label
24 instruction, the definition adopted in FIFRA as interpreted by
25 USEPA shall apply in Illinois.

26 41. "Weed" means any plant growing in a place where it is

1 not wanted.

2 42. "Wildlife" means all living things, not human,
3 domestic, or pests.

4 43. "Bulk pesticide" means any registered pesticide which
5 is transported or held in an individual container in undivided
6 quantities of greater than 55 U.S. gallons liquid measure or
7 100 pounds net dry weight.

8 44. "Bulk repackaging" means the transfer of a registered
9 pesticide from one bulk container (containing undivided
10 quantities of greater than 100 U.S. gallons liquid measure or
11 100 pounds net dry weight) to another bulk container
12 (containing undivided quantities of greater than 100 U.S.
13 gallons liquid measure or 100 pounds net dry weight) in an
14 unaltered state in preparation for sale or distribution to
15 another person.

16 45. "Business" means any individual, partnership,
17 corporation or association engaged in a business operation for
18 the purpose of selling or distributing pesticides or providing
19 the service of application of pesticides in this State.

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

23 47. "Chemigation" means the application of a pesticide
24 through the systems or equipment employed for the primary
25 purpose of irrigation of land and crops.

26 48. "Use" means any activity covered by the pesticide

1 label, including, but not limited to, application of
2 pesticide, mixing and loading, storage of pesticides or
3 pesticide containers, disposal of pesticides and pesticide
4 containers and reentry into treated sites or areas.

5 (Source: P.A. 102-555, eff. 1-1-22; 102-916, eff. 1-1-23;
6 103-154, eff. 6-30-23.)