

SB0203



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0203

Introduced 1/31/2023, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

415 ILCS 60/24.1

from Ch. 5, par. 824.1

Amends the Illinois Pesticide Act. Provides that for any person applying a pesticide that results in exposure to the pesticide by a human, the penalty shall be \$2,500. Provides that an additional penalty of \$1,000 shall be assessed for each individual human exposed to the pesticide. Effective immediately.

LRB103 25085 CPF 51420 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 24.1 as follows:

6 (415 ILCS 60/24.1) (from Ch. 5, par. 824.1)

7 Sec. 24.1. Administrative actions and penalties.

8 (1) The Director is authorized after an opportunity for an
9 administrative hearing to suspend, revoke, or modify any
10 license, permit, special order, registration, or certification
11 issued under this Act. This action may be taken in addition to
12 or in lieu of monetary penalties assessed as set forth in this
13 Section. When it is in the interest of the people of the State
14 of Illinois, the Director may, upon good and sufficient
15 evidence, suspend the registration, license, or permit until a
16 hearing has been held. In such cases, the Director shall issue
17 an order in writing setting forth the reasons for the
18 suspension. Such order shall be served personally on the
19 person or by registered or certified mail sent to the person's
20 business address as shown in the latest notification to the
21 Department. When such an order has been issued by the
22 Director, the person may request an immediate hearing.

23 (2) Before initiating hearing proceedings, the Director

1 may issue an advisory letter to a violator of this Act or its
2 rules and regulations when the violation points total 6 or
3 less, as determined by the Department by the Use and Violation
4 Criteria established in this Section. When the Department
5 determines that the violation points total more than 6 but not
6 more than 13, the Director shall issue a warning letter to the
7 violator.

8 (3) The hearing officer upon determination of a violation
9 or violations shall assess one or more of the following
10 penalties:

11 (A) For any person applying pesticides without a
12 license or misrepresenting certification or failing to
13 comply with conditions of an agrichemical facility permit
14 or failing to comply with the conditions of a written
15 authorization for land application of agrichemical
16 contaminated soils or groundwater, a penalty of \$500 shall
17 be assessed for the first offense and \$1,000 for the
18 second and subsequent offenses.

19 (B) For violations of a stop use order imposed by the
20 Director, the penalty shall be \$2500.

21 (C) For violations of a stop sale order imposed by the
22 Director, the penalty shall be \$1500 for each individual
23 item of the product found in violation of the order.

24 (D) For selling restricted use pesticides to a
25 non-certified applicator the penalty shall be \$1000.

26 (E) For selling restricted use pesticides without a

1 dealer's license the penalty shall be \$1,000.

2 (F) For constructing or operating without an
3 agrichemical facility permit after receiving written
4 notification, the penalty shall be \$500 for the first
5 offense and \$1,000 for the second and subsequent offenses.

6 (F-5) For any person applying a pesticide that results
7 in exposure to the pesticide by a human, the penalty shall
8 be \$2,500. An additional penalty of \$1,000 shall be
9 assessed for each individual human exposed to the
10 pesticide.

11 (G) For violations of the Act and rules and
12 regulations, administrative penalties will be based upon
13 the total violation points as determined by the Use and
14 Violation Criteria as set forth in paragraph (4) of this
15 Section. The monetary penalties shall be as follows:

Total Violation Points	Monetary Penalties
14-16	\$750
17-19	\$1000
20-21	\$2500
22-25	\$5000
26-29	\$7500
30 and above	\$10,000

23 (4) The following Use and Violation Criteria establishes
24 the point value which shall be compiled to determine the total
25 violation points and administrative actions or monetary
26 penalties to be imposed as set forth in paragraph (3)(G) of

1 this Section:

2 (A) Point values shall be assessed upon the harm or
3 loss incurred.

4 (1) A point value of 1 shall be assessed for the
5 following:

6 (a) Exposure to a pesticide by plants, animals
7 or humans with no symptoms or damage noted.

8 (b) Fraudulent sales practices or
9 representations with no apparent monetary losses
10 involved.

11 (2) A point value of 2 shall be assessed for the
12 following:

13 (a) Exposure to a pesticide which resulted in:

14 (1) Plants or property showing signs of
15 damage including but not limited to leaf curl,
16 burning, wilting, spotting, discoloration, or
17 dying.

18 (2) Garden produce or an agricultural crop
19 not being harvested on schedule.

20 (3) Fraudulent sales practices or
21 representations resulting in losses under
22 \$500.

23 (3) A point value of 4 shall be assessed for the
24 following:

25 (a) Exposure to a pesticide resulting in a
26 human experiencing headaches, nausea, eye

1 irritation and such other symptoms which persisted
2 less than 3 days.

3 (b) Plant or property damage resulting in a
4 loss below \$1000.

5 (c) Animals exhibiting symptoms of pesticide
6 poisoning including but not limited to eye or skin
7 irritations or lack of coordination.

8 (d) Death to less than 5 animals.

9 (e) Fraudulent sales practices or
10 representations resulting in losses from \$500 to
11 \$2000.

12 (4) A point value of 6 shall be assessed for the
13 following:

14 (a) Exposure to a pesticide resulting in a
15 human experiencing headaches, nausea, eye
16 irritation and such other symptoms which persisted
17 3 or more days.

18 (b) Plant or property damage resulting in a
19 loss of \$1000 or more.

20 (c) Death to 5 or more animals.

21 (d) Fraudulent sales practices or
22 representations resulting in losses over \$2000.

23 (B) Point values shall be assessed based upon the
24 signal word on the label of the chemical involved:

25	Point Value	Signal Word
26	1	Caution

1 2 Warning

2 4 Danger/Poison

3 (C) Point values shall be assessed based upon the
4 degree of responsibility.

5	Point Value	Degree of Responsibility
6	2	Accidental (such as equipment
7		malfunction)
8	4	Negligence
9	10	Knowingly

10 (D) Point values shall be assessed based upon the
11 violator's history for the previous 3 years:

12	Point Value	Record
13	2	Advisory letter
14	3	Warning letter
15	5	Previous criminal conviction of
16		this Act or administrative
17		violation resulting in a
18		monetary penalty
19	7	Certification, license or
20		registration currently
21		suspended or revoked

22 (E) Point values shall be assessed based upon the
23 violation type:

24 (1) Application Oriented:

25	Point Value	Violation
26	1	Inadequate records

1	2	Lack of supervision
2	2	Faulty equipment
3		Use contrary to label directions:
4	2	a. resulting in exposure to
5		applicator or operator
6	3	b. resulting in exposure to
7		other persons or the
8		environment
9	3	c. precautionary statements,
10		sites, rates, restricted use
11		requirements
12	3	Water contamination
13	3	Storage or disposal contrary
14		to label directions
15	3	Pesticide drift
16	4	Direct application to a
17		non-target site
18	6	Falsification of records
19	6	Failure to secure a permit or
20		violation of permit or special
21		order
22		(2) Product Oriented:
23	Point Value	Violation
24	6	Pesticide not registered
25	4	Product label claims differ
26		from approved label

1 4 Product composition (active
2 ingredients differs from
3 that of approved label)
4 4 Product not colored as required
5 4 Misbranding as set forth in
6 Section 5 of the Act (4
7 points will be assessed for
8 each count)

9 (5) Any penalty not paid within 60 days of notice from
10 the Department shall be submitted to the Attorney
11 General's Office for collection. Failure to pay a penalty
12 shall also be grounds for suspension or revocation of
13 permits, licenses and registrations.

14 (6) Private applicators, except those private
15 applicators who have been found by the Department to have
16 committed a "use inconsistent with the label" as defined
17 in subsection 40 of Section 4 of this Act, are exempt from
18 the Use and Violation Criteria point values.

19 (Source: P.A. 102-558, eff. 8-20-21.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.