



Sen. Karina Villa

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LRB103 25085 LNS 59984 a

1 AMENDMENT TO SENATE BILL 203

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 203 by replacing  
3 everything after the enacting clause with the following:

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

1 an order in writing setting forth the reasons for the  
2 suspension. Such order shall be served personally on the  
3 person or by registered or certified mail sent to the person's  
4 business address as shown in the latest notification to the  
5 Department. When such an order has been issued by the  
6 Director, the person may request an immediate hearing.

7 (2) Before initiating hearing proceedings, the Director  
8 may issue an advisory letter to a violator of this Act or its  
9 rules and regulations when the violation points total 6 or  
10 less, as determined by the Department by the Use and Violation  
11 Criteria established in this Section. When the Department  
12 determines that the violation points total more than 6 but not  
13 more than 13, the Director shall issue a warning letter to the  
14 violator.

15 (3) The hearing officer upon determination of a violation  
16 or violations shall assess one or more of the following  
17 penalties:

18 (A) For any person applying pesticides without a  
19 license or misrepresenting certification or failing to  
20 comply with conditions of an agrichemical facility permit  
21 or failing to comply with the conditions of a written  
22 authorization for land application of agrichemical  
23 contaminated soils or groundwater, a penalty of \$500 shall  
24 be assessed for the first offense and \$1,000 for the  
25 second and subsequent offenses.

26 (B) For violations of a stop use order imposed by the

1 Director, the penalty shall be \$2500.

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

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

7 (E) For selling restricted use pesticides without a  
8 dealer's license the penalty shall be \$1,000.

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

13 (F-5) For any person found by the Department to have  
14 committed a use inconsistent with the label, as defined in  
15 subsection 40 of Section 4, that results in human exposure  
16 to a pesticide, the penalty shall be assessed in  
17 accordance with this paragraph (F-5). The Department shall  
18 impose a penalty under this paragraph (F-5) only if it  
19 represents an amount greater than the penalty assessed  
20 under subparagraph (G). The amount of the penalty under  
21 this paragraph (F-5) is calculated as follows:

22 (a) If fewer than 3 humans are exposed, then the  
23 penalty shall be \$500 for each human exposed.

24 (b) If 3 or more humans but fewer than 5 humans are  
25 exposed, then the penalty shall be \$750 for each human  
26 exposed.

1           (c) If 5 or more humans are exposed, then the  
 2           penalty shall be \$1,250 for each human exposed.

3           If a penalty is imposed under this paragraph (F-5),  
 4           the Department shall redetermine the total violation  
 5           points under subsection (4), less any points under  
 6           subsection (4) stemming from human exposure, and impose  
 7           any additional penalty under subparagraph (G) based on the  
 8           new total. The reassessed total shall not affect any  
 9           determination under subsection (2); any determination  
 10           under subsection (2) shall be determined by the full  
 11           application of points under subsection (4).

12           (G) For violations of the Act and rules and  
 13           regulations, administrative penalties will be based upon  
 14           the total violation points as determined by the Use and  
 15           Violation Criteria as set forth in paragraph (4) of this  
 16           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

24           (4) Subject to paragraph (F-5), the ~~The~~ following Use and  
 25           Violation Criteria establishes the point value which shall be  
 26           compiled to determine the total violation points and

1 administrative actions or monetary penalties to be imposed as  
2 set forth in paragraph (3) (G) of this Section:

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

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

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

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

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

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

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

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

21 (3) Fraudulent sales practices or  
22 representations resulting in losses under  
23 \$500.

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

26 (a) Exposure to a pesticide resulting in a

1 human experiencing headaches, nausea, eye  
2 irritation and such other symptoms which persisted  
3 less than 3 days.

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

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

9 (d) Death to less than 5 animals.

10 (e) Fraudulent sales practices or  
11 representations resulting in losses from \$500 to  
12 \$2000.

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

15 (a) Exposure to a pesticide resulting in a  
16 human experiencing headaches, nausea, eye  
17 irritation and such other symptoms which persisted  
18 3 or more days.

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

21 (c) Death to 5 or more animals.

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

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

26 Point Value Signal Word

1	1	Caution
2	2	Warning
3	4	Danger/Poison

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

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

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

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

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

25 (1) Application Oriented:

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



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

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

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

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

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