



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5891

Introduced 2/16/2012, by Rep. Mike Bost

SYNOPSIS AS INTRODUCED:

415 ILCS 65/3

from Ch. 5, par. 853

Amends the Lawn Care Products Application and Notice Act. Requires the Department of Agriculture, subject to appropriation, to compile an annual registry of individuals requesting advance notice of the application of fertilizers, pesticides, or plant protectants. Authorizes an individual to seek advance notice of the application of these products to any parcels of land located on the block where that individual resides or on any blocks immediately adjacent to that block. Requires the Department, upon request, to provide a free copy of the registry to applicators for hire. Requires applicators for hire to give advance notice 12 hours before applying a fertilizer, pesticide, or plant protectant to a parcel on the list. Sets forth requirements for the notice.

LRB097 18858 JDS 64096 b

FISCAL NOTE ACT
MAY APPLY

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 Lawn Care Products Application and Notice
5 Act is amended by changing Section 3 as follows:

6 (415 ILCS 65/3) (from Ch. 5, par. 853)

7 Sec. 3. Notification requirements for application of lawn
8 care products.

9 (a) Lawn Markers.

10 (1) Immediately following application of lawn care
11 products to a lawn, other than a golf course, an applicator
12 for hire shall place a lawn marker at the usual point or
13 points of entry.

14 (2) The lawn marker shall consist of a 4 inch by 5 inch
15 sign, vertical or horizontal, attached to the upper portion
16 of a dowel or other supporting device with the bottom of
17 the marker extending no less than 12 inches above the turf.

18 (3) The lawn marker shall be white and lettering on the
19 lawn marker shall be in a contrasting color. The marker
20 shall state on one side, in letters of not less than 3/8
21 inch, the following: "LAWN CARE APPLICATION - STAY OFF
22 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall
23 be inserted the name and business telephone number of the

1 applicator for hire)."

2 (4) The lawn marker shall be removed and discarded by
3 the property owner or resident, or such other person
4 authorized by the property owner or resident, on the day
5 following the application. The lawn marker shall not be
6 removed by any person other than the property owner or
7 resident or person designated by such property owner or
8 resident.

9 (5) For applications to residential properties of 2
10 families or less, the applicator for hire shall be required
11 to place lawn markers at the usual point or points of
12 entry.

13 (6) For applications to residential properties of 2
14 families or more, or for application to other commercial
15 properties, the applicator for hire shall place lawn
16 markers at the usual point or points of entry to the
17 property to provide notice that lawn care products have
18 been applied to the lawn.

19 (b) Notification requirement for application of plant
20 protectants on golf courses.

21 (1) Blanket posting procedure. Each golf course shall
22 post in a conspicuous place or places an all-weather poster
23 or placard stating to users of or visitors to the golf
24 course that from time to time plant protectants are in use
25 and additionally stating that if any questions or concerns
26 arise in relation thereto, the golf course superintendent

1 or his designee should be contacted to supply the
2 information contained in subsection (c) of this Section.

3 (2) The poster or placard shall be prominently
4 displayed in the pro shop, locker rooms and first tee at
5 each golf course.

6 (3) The poster or placard shall be a minimum size of 8
7 1/2 by 11 inches and the lettering shall not be less than
8 1/2 inch.

9 (4) The poster or placard shall read: "PLANT
10 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
11 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT
12 FOR FURTHER INFORMATION."

13 (c) Information to Customers of Applicators for Hire. At
14 the time of application of lawn care products to a lawn, an
15 applicator for hire shall provide the following information to
16 the customer:

17 (1) The brand name, common name, and scientific name of
18 each lawn care product applied;

19 (2) The type of fertilizer or pesticide contained in
20 the lawn care product applied;

21 (3) The reason for use of each lawn care product
22 applied;

23 (4) The range of concentration of end use product
24 applied to the lawn and amount of material applied;

25 (5) Any special instruction appearing on the label of
26 the lawn care product applicable to the customer's use of

1 the lawn following application;

2 (6) The business name and telephone number of the
3 applicator for hire as well as the name of the person
4 actually applying lawn care products to the lawn; and

5 (7) Upon the request of a customer or any person whose
6 property abuts or is adjacent to the property of a customer
7 of an applicator for hire, a copy of the material safety
8 data sheet and approved pesticide registration label for
9 each applied lawn care product.

10 (d) Prior notification of application to lawn. In the case
11 of all lawns other than golf courses:

12 (1) Any neighbor whose property abuts or is adjacent to
13 the property of a customer of an applicator for hire may
14 receive prior notification of an application by contacting
15 the applicator for hire and providing his name, address and
16 telephone number.

17 (2) At least the day before a scheduled application, an
18 applicator for hire shall provide notification to a person
19 who has requested notification pursuant to paragraph (1) of
20 this subsection (d), such notification to be made in
21 writing, in person or by telephone, disclosing the date and
22 approximate time of day of application.

23 (3) In the event that an applicator for hire is unable
24 to provide prior notification to a neighbor whose property
25 abuts or is adjacent to the property because of the absence
26 or inaccessibility of the individual, at the time of

1 application to a customer's lawn, the applicator for hire
2 shall leave a written notice at the residence of the person
3 requesting notification, which shall provide the
4 information specified in paragraph (2) of this subsection
5 (d).

6 (d-5) Registry of individuals requesting advance notice of
7 landscape applications.

8 (1) Subject to appropriation, the Department shall
9 compile an annual registry of individuals requesting
10 advance notice of the application of fertilizers,
11 pesticides, or plant protectants to parcels of land
12 identified in the registry. An annual registry takes effect
13 on February 1 of each year and expires on January 31 of the
14 following year.

15 (2) An individual who registers under paragraph (3) may
16 request advance notice of landscape applications of
17 fertilizers, pesticides, or plant protectants (other than
18 applications for which the individual has contracted) to
19 any parcels located on the block where that individual
20 resides or on any blocks or parcels immediately adjacent to
21 that block.

22 (3) An individual shall register with the Department by
23 January 1 of each year to be included in the registry that
24 takes effect on February 1 of that year. An individual
25 shall register on a form provided by the Department. The
26 registration form shall include all of the following

1 information, which shall also be included in the registry
2 under paragraph (1) of this subsection (d-5):

3 (A) The individual's complete name, street
4 address, and mailing address if different from the
5 street address.

6 (B) A telephone number where the individual may be
7 contacted.

8 (C) The street address of each parcel for which the
9 individual is requesting, in accordance with paragraph
10 (2) of this subsection, advance notice of the
11 application of fertilizers, pesticides, or plant
12 protectants.

13 (D) Any other information that the Department
14 deems necessary to administer the registry.

15 (3) The Department shall provide a free copy of the
16 annual registry to each applicator for hire that requests
17 one.

18 (4) Before making any application of fertilizer,
19 pesticide, or plant protectant, an applicator for hire
20 shall give 12 hours advance notice to every individual who
21 is currently registered to receive notice of the
22 application of fertilizers, pesticides, or plant
23 protectants to that parcel.

24 (5) An applicator for hire may give the advance notice
25 required under paragraph (4) by telephone, or may mail or
26 deliver notice to the requester's address as listed in the

1 registry. Notice, if given by mail, shall be postmarked at
2 least 2 business days before the applicator for hire
3 applies the fertilizer, pesticide, or plant protectant. A
4 notice shall include all of the following:

5 (A) The complete name, business address, and
6 telephone number of the person making the application.

7 (B) The address of the parcel to be treated.

8 (C) The scheduled date of application.

9 (D) The brand name, product name, or common
10 chemical name of each fertilizer, pesticide, or plant
11 protectant that may be applied.

12 (6) If an application date is changed after the
13 applicator for hire gives the notice required under
14 paragraph (5) of this subsection (d-5), the applicator for
15 hire shall give revised notice to each individual
16 previously notified. The revised notice shall comply with
17 paragraph (5) of this subsection (d-5).

18 (e) Prior notification of application to golf courses.

19 (1) Any landlord or resident with property that abuts
20 or is adjacent to a golf course may receive prior
21 notification of an application of lawn care products or
22 plant protectants, or both, by contacting the golf course
23 superintendent and providing his name, address and
24 telephone number.

25 (2) At least the day before a scheduled application of
26 lawn care products or plant protectants, or both, the golf

1 course superintendent shall provide notification to any
2 person who has requested notification pursuant to
3 paragraph (1) of this subsection (e), such notification to
4 be made in writing, in person or by telephone, disclosing
5 the date and approximate time of day of application.

6 (3) In the event that the golf course superintendent is
7 unable to provide prior notification to a landlord or
8 resident because of the absence or inaccessibility, at the
9 time of application, of the landlord or resident, the golf
10 course superintendent shall leave a written notice with the
11 landlord or at the residence which shall provide the
12 information specified in paragraph (2) of this subsection
13 (e).

14 (f) Notification for applications of pesticides to day care
15 center grounds other than day care center structures and school
16 grounds other than school structures.

17 (1) The owner or operator of a day care center must
18 either (i) maintain a registry of parents and guardians of
19 children in his or her care who have registered to receive
20 written notification before the application of pesticide
21 to day care center grounds and notify persons on that
22 registry before applying pesticides or having pesticide
23 applied to day care center grounds or (ii) provide written
24 or telephonic notice to all parents and guardians of
25 children in his or her care before applying pesticide or
26 having pesticide applied to day care center grounds.

1 (2) School districts must either (i) maintain a
2 registry of parents and guardians of students who have
3 registered to receive written or telephonic notification
4 before the application of pesticide to school grounds and
5 notify persons on that list before applying pesticide or
6 having pesticide applied to school grounds or (ii) provide
7 written or telephonic notification to all parents and
8 guardians of students before applying pesticide or having
9 pesticide applied to school grounds.

10 (3) Written notification required under item (1) or (2)
11 of subsection (f) of this Section may be included in
12 newsletters, calendars, or other correspondence currently
13 published by the school district, but posting on a bulletin
14 board is not sufficient. The written or telephonic
15 notification must be given at least 4 business days before
16 application of the pesticide and should identify the
17 intended date of the application of the pesticide and the
18 name and telephone contact number for the school personnel
19 responsible for the pesticide application program or, in
20 the case of a day care center, the owner or operator of the
21 day care center. Prior notice shall not be required if
22 there is imminent threat to health or property. If such a
23 situation arises, the appropriate school personnel or, in
24 the case of a day care center, the owner or operator of the
25 day care center must sign a statement describing the
26 circumstances that gave rise to the health threat and

1 ensure that written or telephonic notice is provided as
2 soon as practicable.

3 (Source: P.A. 96-424, eff. 8-13-09.)