

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Pesticide Act is amended by changing Sections 6 and 12 as follows:

(415 ILCS 60/6) (from Ch. 5, par. 806)

Sec. 6. Registration.

1. Every pesticide which is distributed, sold, offered for sale within this State, delivered for transportation or transported in interstate commerce or between points within the State through any point outside the State, shall be registered with the Director or his designated agent, subject to provisions of this Act. Such registration shall be for a period determined under item 1.5 of this Section and shall expire on December 31st. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse by the same person and is used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under provisions of this Act and FIFRA.

1.5. In order to stagger product registrations, the Department shall, for the 2011 registration year, register half of the applicants and their products for one year and the other half for 2 years. Thereafter, a business registration and

product registration shall be for 2 years.

2. Registration applicant shall file a statement with the Director which shall include:

A. The name and address of the applicant and the name and address of the person whose name will appear on the label if different from the applicant's.

B. The name of the pesticide.

C. A copy of the labeling accompanying the pesticide under customary conditions of distribution, sale and use, including ingredient statement, direction for use, use classification, and precautionary or warning statements.

3. The Director may require the submission of complete formula data.

4. The Director may require a full description of tests made and the results thereof, upon which the claims are based, for any pesticide not registered pursuant to FIFRA, or on any pesticide under consideration to be classified for restricted use.

A. The Director will not consider data he required of the initial registrant of a pesticide in support of another applicants' registration unless the subsequent applicant has obtained written permission to use such data.

B. In the case of renewal registration, the Director may accept a statement only with respect to information which is different from that furnished previously.

5. The Director may prescribe other requirements to support

a pesticide registration by regulation.

6. For the years preceding the year 2004, any registrant desiring to register a pesticide product at any time during one year shall pay the annual registration fee of \$100 per product registered for that applicant. For the years 2004 through 2010, the annual product registration fee is \$200 per product. For the years 2011 and thereafter, the product registration fee shall be \$600 per product per 2-year registration period ~~\$300 per product per year~~ and shall be paid at the time of registration.

In addition, for the years preceding the year 2004 any business registering a pesticide product at any time during one year shall pay the annual business registration fee of \$250. For the years 2004 through 2010, the annual business registration fee shall be \$400. For the years 2011 and thereafter, the business registration fee shall be \$800 per 2-year registration period ~~\$400 per year~~ and shall be paid at the time of registration. Each legal entity of the business shall pay the business registration fee.

For the years preceding the year 2004, any applicant requesting an experimental use permit shall pay the annual fee of \$100 per permit and all special local need pesticide registration applicants shall pay an annual fee of \$100 per product. For the years 2004 through 2010, the annual experimental use permit fee and special local need pesticide registration fee is \$200 per permit. For the years 2011 and

thereafter, the annual experimental use permit and special local need pesticide registration fee shall be \$300 per product. Subsequent SLN registrations for a pesticide already registered shall be exempted from the registration fee.

A. All registration accepted and approved by the Director shall expire on the 31st day of December in any one year unless cancelled. Registration for a special local need may be granted for a specific period of time with the approval date and expiration date specified.

B. If a registration for special local need granted by the Director does not receive approval of the Administrator of USEPA, the registration shall expire on the date of the Administrator's disapproval.

7. Registrations approved and accepted by the Director and in effect on the 31st day of December, for which renewal application is made, shall continue in full force and effect until the Director notifies the registrant that the renewal has been approved and accepted or the registration is denied under this Act. Renewal registration forms will be provided to applicants by the Director.

8. If the renewal of a pesticide registration is not filed within 30 days of the date of expiration, a penalty late registration assessment of \$100 per product shall apply in addition to the regular product registration fee ~~\$400 per product shall apply in lieu of the normal annual product registration fee~~. The late registration assessment shall not

apply if the applicant furnishes an affidavit certifying that no unregulated pesticide was distributed or sold during the period of registration. The late assessment is not a bar to prosecution for doing business without proper registry.

9. The Director may prescribe by regulation to allow pesticide use for a special local need, pursuant to FIFRA.

10. The Director may prescribe by regulation the provisions for and requirements of registering a pesticide intended for experimental use.

11. The Director shall not make any lack of essentiality a criterion for denial of registration of any pesticide. Where 2 pesticides meet the requirements, one should not be registered in preference to the other.

12. It shall be the duty of the pesticide registrant to properly dispose of any pesticide the registration of which has been suspended, revoked or cancelled or which is otherwise not properly registered in the State.

(Source: P.A. 96-1310, eff. 7-27-10.)

(415 ILCS 60/12) (from Ch. 5, par. 812)

Sec. 12. Licensed operator. No pesticide operator shall use any pesticides without a pesticide operator license issued by the Director.

1. Application for an operator license shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the nature of

applicants pesticide use, his qualifications, and such other facts as prescribed on the form. The application shall also include the following:

A. The full name of applicant.

B. The address of the applicant.

C. The name of and license/certification number of the pesticide applicator under whom the applicant will work.

2. The Director shall not issue a pesticide operator license until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. The Director shall not issue an operator license to any person who is unable to provide the name and license/certification number of an applicator under whom the operator will work.

4. For the years preceding the year 2001, a licensed commercial operator working for or under the supervision of a certified licensed commercial pesticide applicator shall pay an annual fee of \$25. For the years 2001, 2002, and 2003, the annual fee for a commercial operator license is \$30. For the years 2004, 2005, and 2006, the annual fee for a commercial operator license is \$35. For the years 2007 through 2017, the annual fee for a commercial operator license is \$40. For the years 2018 and thereafter, the fee for a multi-year commercial operator ~~applicator~~ license is \$120. The late application fee for an operator license shall be \$20 in addition to the normal

license fee. A licensed operator shall be assessed a fee of \$10 for a duplicate license.

5. For the years 2011 through 2017, the commercial not-for-hire pesticide operator license fee shall be \$15. For the years 2018 and thereafter, the fee for a multi-year commercial not-for-hire pesticide operator ~~applicator~~ license is \$45. The late application fee for a ~~public or~~ commercial not-for-hire operator ~~applicator~~ license shall be \$20 in addition to the normal license fee ~~fees~~. A commercial not-for-hire operator shall be assessed a fee of \$10 for a duplicate license.

(Source: P.A. 99-540, eff. 1-1-17.)

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