

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 Section 4 and by adding Sections 13.4 and 13.5 as follows:

(415 ILCS 60/4) (from Ch. 5, par. 804)

Sec. 4. Definitions. As used in this Act:

1. "Director" means Director of the Illinois Department of Agriculture or his authorized representative.

2. "Active Ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate a pest or which will act as a plant regulator, defoliant or desiccant.

3. "Adulterated" shall apply to any pesticide if the strength or purity is not within the standard of quality expressed on the labeling under which it is sold, distributed or used, including any substance which has been substituted wholly or in part for the pesticide as specified on the labeling under which it is sold, distributed or used, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

4. "Agricultural Commodity" means produce of the land including but not limited to plants and plant parts, livestock

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

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

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

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

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

7. "Certified applicator".

A. "Certified applicator" means any individual who is certified under this Act to purchase, use, or supervise

the use of pesticides which are classified for restricted use.

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

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

D. "Commercial Not For Hire Applicator" means a certified applicator who uses or supervises the use of pesticides classified for general or restricted use for any purpose on property of an employer when such activity is a requirement of the terms of employment and such application of pesticides under this certification is

limited to property under the control of the employer only and includes, but is not limited to, the use or supervision of the use of pesticides in a greenhouse setting. "Commercial Not For Hire Applicator" also includes a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a state agency, municipality, or other duly constituted governmental agency or unit.

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

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

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

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

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

13. "Equipment" means any type of instruments and contrivances using motorized, mechanical or pressure power which is used to apply any pesticide, excluding pressurized hand-size household apparatus containing dilute ready to apply pesticide or used to apply household pesticides.

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

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

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

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

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

19. "Ingredient Statement" means a statement of the name

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

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

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

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

S. Environmental Protection Agency, Departments of Agriculture, Health, Education and Welfare or other Federal Government institutions, the state experiment station or colleges of agriculture or other similar state institution authorized to conduct research in the field of pesticides.

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

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

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

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

27. "Person" means any individual, partnership, association, fiduciary, corporation, or any organized group of

persons whether incorporated or not.

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

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

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

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

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

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

34. "Restricted Use Pesticide" means any pesticide with one or more of its uses classified as restricted by order of

the Administrator of USEPA.

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

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

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

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

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

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

41. "Weed" means any plant growing in a place where it is not wanted.

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

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

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

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

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

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

48. "Use" means any activity covered by the pesticide label including but not limited to application of pesticide,

mixing and loading, storage of pesticides or pesticide containers, disposal of pesticides and pesticide containers and reentry into treated sites or areas.

(Source: P.A. 102-555, eff. 1-1-22.)

(415 ILCS 60/13.4 new)

Sec. 13.4. Barrier mosquitocides.

(a) Except as provided under subsection (e) and rules adopted by the Department of Agriculture under subsection (b), no commercial applicator shall apply a barrier mosquitocide between October 16 and April 14.

(b) The Department of Agriculture may adopt rules allowing for the application of barrier mosquitocides by commercial applicators between October 16 and April 14, provided that the Department of Agriculture determines, as a part of the rulemaking proceeding, that there is evidence of a significant unmet need for the commercial application of barrier mosquitocides between October 16 and April 14 due to the abundance of target mosquito populations in the State during that period.

(c) A commercial applicator of a barrier mosquitocide must, at a minimum:

(1) not apply a barrier mosquitocide when wind speeds are greater than or equal to 10 miles per hour;

(2) be licensed under this Act and have completed the additional licensure and testing requirements established

by the Department of Agriculture under subsection (d);

(3) erect, immediately following application of the barrier mosquitocide, signage for residential properties treated with barrier mosquitocides that is comparable to the notification requirements under subsection (a) of Section 3 of the Lawn Care Products Application and Notice Act; and

(4) provide, upon request and in a manner that is comparable to the notification requirements under subsection (d) of Section 3 of the Lawn Care Products Application and Notice Act, a copy of the product labels required for the barrier mosquitocide under the Federal Insecticide Fungicide, and Rodenticide Act (FIFRA).

(d) The Department of Agriculture shall adopt rules to expand its existing commercial applicator licensure and testing program to include training in the residential application of barrier mosquitocides. The training developed by the Department of Agriculture shall include a course on mosquito control and pollinator protection in the residential environment and shall also include training in the following topics:

(1) requirements for domestic inspections by commercial applicators prior to application of barrier mosquitocides;

(2) identification of mosquitoes in areas to be treated with the barrier mosquitocide;

- (3) distinguishing between species of mosquitoes;
 - (4) mosquito behavior, biology, and life cycle;
 - (5) pesticide-free source mosquito-reduction methods;
 - (6) pesticide drift and the protection of bystanders during pesticide application;
 - (7) pesticide label requirements;
 - (8) proper technique for application of barrier mosquitocides;
 - (9) protection of pollinators from barrier mosquitocides;
 - (10) mosquito-borne diseases;
 - (11) proper use of equipment for application of mosquitocides;
 - (12) use of personal protective equipment during application of barrier mosquitocides;
 - (13) areas where barrier mosquitocides cannot be applied; and
 - (14) any other topic the Department of Agriculture determines to be relevant.
- (e) Any barrier mosquitocide treatment made for public health purposes by or on behalf of a mosquito abatement district, public health department, township, municipality, or other unit of local government is exempt from this Section and any rules adopted under this Section.
- (f) The Department of Agriculture may partner with the University of Illinois to develop and administer a voluntary

continuing education curriculum that includes as a curricular element a unit on pollinator protection and ecological protection.

(415 ILCS 60/13.5 new)

Sec. 13.5. Mosquito misters prohibited. No person shall install or use any residential automatic pesticide misting system in this State. For purposes of this Section, "residential automatic pesticide misting system" means any device that is designed to be installed on, near, or around the exterior of any residential dwelling or the grounds of a residential dwelling and to automatically spray any pesticide solution at timed intervals.

Section 99. Effective date. This Act takes effect January 1, 2023.