

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER i: PESTICIDE CONTROL

PART 250
ILLINOIS PESTICIDE ACT

Section		effective August 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5715, effective March 18, 2003; amended at 30 Ill. Reg. 12756, effective July 14, 2006; amended at 35 Ill. Reg. 351, effective January 1, 2011.
250.10	Definitions	
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides	Section 250.10 Definitions
250.30	Registration of Pesticides	
250.40	Registration of Experimental Use Pesticides	“Act” means the Illinois Pesticide Act (Ill. Rev. Stat. 1987, ch. 5, par. 801 et seq.).
250.50	Registration of Special Local Need Pesticides	
250.60	Emergency Exemption Registration	
250.70	Method of Becoming Certified Applicators	“Commercial operator” is a licensed operator who works under the supervision of a commercial applicator.
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training	
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing	“Commercial not for hire operator” is a licensed operator who works under the supervision of a commercial not for hire applicator.
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing	“Department” means the Illinois Department of Agriculture.
250.110	General Competency Standards to be Covered on the Tests	“FIFRA” means the Federal Insecticide, Fungicide, Rodenticide Act (7 U.S.C. 136 et seq.).
250.120	Technical Category Areas of Pesticide Use	
250.130	Surety Bond or Liability Insurance	“Public operator” is a licensed operator who works under the supervision of a public applicator.
250.140	Interagency Committee on Pesticides	
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250.160	Permits	(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)
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250.180	Administrative Penalties	Section 250.20 Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides
250.190	Formulation Violations of Label Claim	
250.200	Reporting of Pesticide Incidents or Misuse Complaints	
250.210	Special Application of Solid Mosquito Larvicides	a) Pesticide dealers who sell restricted use pesticides in containers of any size, or pesticide dealers who sell non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater, or 10 pounds or greater, shall be registered annually with the Director, in accordance with Section 13 of the Act. The registration shall expire December 31. The registration shall be made upon forms provided by the Director for this purpose. The registration information shall include the:
250.220	Special Application of Herbicides to Control Invasive Plants on Public Lands	1) name of the pesticide dealer business, 2) address of the registered dealer,

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [450 ILCS 60]

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill. Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg. 13093,

- 3) name of the person to contact at the place of business, and
 - 4) information concerning the type of business registered (e.g., hardware store, department store).
- b) A separate license shall be required for each person who sells restricted use pesticides in containers of any size, or for each person who sells non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater, or 10 pounds or greater. For the purpose of this subsection, a person shall mean any individual.
- c) Testing of pesticide dealers who sell restricted use pesticides in containers of any size, or pesticide dealers who sell non-restricted use pesticides for use in the production of an agricultural commodity in containers with a capacity of 2.5 gallons or greater, or 10 pounds or greater, shall consist of a 50-question, multiple choice, closed book examination on the Act and rules. A passing grade shall be when 70 percent of the questions are answered correctly. The pesticide dealer examination will be scheduled at least annually at various regional locations throughout the state. Examinations will also be scheduled by prior appointment at the Springfield office of the Department of Agriculture during normal work hours as set forth in Section 5-635 of the Civil Administrative Code of Illinois [20 ILCS 5/5-635]. A person may make only two attempts to successfully demonstrate competency in any one normal work day.

(Source: Amended at 30 Ill. Reg. 12756, effective July 14, 2006)

Section 250.30 Registration of Pesticides

Except as otherwise provided by the Act or specified by rules promulgated thereunder, any pesticide which is an USEPA registered product may be registered with the Director. Any pesticide distributed, sold, transported or used within Illinois shall be registered with the Director on designated forms available from the Director. Registration of pesticides shall be in accordance with Section 6 of the Act.

Section 250.40 Registration of Experimental Use Pesticides

- a) Pesticides for which USEPA has issued an Experimental Use Permit and for which the applicant or registrant has specified an Illinois cooperator for conducting experimental studies shall be registered with the Director. If experimental studies are not to be conducted within Illinois with an Illinois cooperator, the Experimental Use

Pesticide shall not be registered by the Director. Registration shall expire on the date designated by USEPA upon granting or extending approval for the Experimental Use Permit.

- b) Registration of an Experimental Use Pesticide shall be made on forms available from the Director. Registration forms will include or be accompanied by detailed filing instructions.
- c) Registration of Experimental Use Pesticides shall contain the following information:
 - 1) Name and address of the registrant.
 - 2) The applicant's local representative if different than the person completing the registration form for the registrant.
 - 3) The name and address of the Illinois cooperator or each Illinois cooperator if there be more than one.
 - 4) The amount of Experimental Use Pesticide product to be used within the State.
 - 5) The label or labeling information currently available which will accompany the product being distributed to the cooperator. All labeling information submitted for this regulation purpose shall be treated as confidential.
 - 6) Additional information regarding product toxicity, antidote and/or treatment in case of poisoning or contamination.
- d) The fee for an Experimental Use Permit and the fee to register the pesticide product shall be as set forth in Section 6 of the Act.
- e) Distribution, use, storage and disposition of agricultural commodities treated with Experimental Use Pesticides shall be in compliance with provisions of the FIFRA and regulations promulgated thereunder unless specified differently by the terms of the Experimental Use Permit.

(Source: Amended at 10 Ill. Reg. 7663, effective April 28, 1986)

Section 250.50 Registration of Special Local Need Pesticides

- a) Pesticides may be registered for distribution and use solely within the State of Illinois as provided under Section 24(c) of the FIFRA. These are referred to as SLN or "Special Local Need" registrations.
- b) Registration of a pesticide to meet a special local need shall be made on forms available from the Director or the USEPA. Registration forms shall include or be accompanied by detailed filing instructions.
- c) The application to register a pesticide to meet a special local need shall contain:
 - 1) Name and address of registrant.
 - 2) The person representing the registrant.
 - 3) A statement of special local need problem.
 - 4) Information on the type of registration.
 - 5) Data relative to product efficacy and product hazard.
 - 6) A copy of the label showing claim and warnings, direction for use and ingredient statement.
- d) When registering products for SLN, the Director may call upon persons with technical expertise within and outside the Department to review each application to register pesticide to meet a special local need pest condition. The reviewer(s) will advise the Director as to the appropriateness of each registration. The Director may formally constitute a review committee. The Director shall consider the data submitted in the application and the advice of the reviewer(s) when deciding to approve a registration.
- e) The Director shall advise each applicant for SLN registration of his/her decision relative to granting or denial of the registration within sixty (60) days of the date the registration was received.
- f) SLN registration shall be for a limited period of time sufficient to control the pest but under no circumstances shall the period exceed five (5) years.
- g) Pesticides not previously registered with the State which are granted a special local need registration are subject to the fee specified in Section 6 of the Act.

Section 250.60 Emergency Exemption Registration

- a) Any person may petition the Director to declare a pest emergency and request approval for nonregistered use of a pesticide or pesticide combination. The Director may on his own initiative also determine a pest emergency exists. The Director shall approve an emergency exemption registration of pesticide application(s) as provided in Section 18 of the FIFRA.
- b) An emergency is deemed to exist when:
 - 1) A pest outbreak occurs or is expected to occur and no pesticide is registered for that particular use or no alternative method of control is available;
 - 2) Significant economic losses or health problems will occur without the use of the pesticide or pesticide combination; and
 - 3) The time available from discovery of pest problem is insufficient for a pesticide to be registered for that particular use.
- c) The Director may grant a specific emergency exemption for pesticide registration to meet emergency conditions.
- d) The Director may grant a quarantine emergency exemption to prevent the introduction or spread of a foreign pest into or throughout the State. A foreign pest is a pest not known to occur within the United States or a pest not previously known to be established within the State or the United States.
- e) The Director may grant a public health pest emergency exemption to control pests which pose or can be expected to pose a threat to the health of Illinois citizens. The petition to declare such an emergency must be approved by the Director of the Department of Public Health.
- f) The emergency exemption registration petition to the Director must be made in accordance with the Rules and Regulations promulgated by the Department of Agriculture under the authority of the Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) and contain the following information:
 - 1) The nature, scope and frequency of the emergency.
 - 2) A description of the pest known to occur, the places or times it may be likely to occur, and the estimated time when treatment must be commenced to be effective.

- 3) Whether a pesticide registered for the particular use, or other method of eradicating or controlling the pest, is available to meet the emergency, and the basis for such determination.
- 4) A listing of the pesticide or pesticides proposed for use in the event of an outbreak.
- 5) Description of the nature of the program for eradication or control. Such description should include:
 - A) Quantity of the pesticide expected to be applied.
 - B) Area or place of application.
 - C) Method of application.
 - D) Duration of application.
 - E) Qualifications of personnel involved in such application.
- 6) Statement of economic benefits and losses anticipated with and without the exemption and other reasonable alternatives.
- 7) Analysis of possible adverse effects on man and the environment and non-target organisms.
- g) The Director may grant a crisis exemption registration to meet a pest emergency. A crisis exemption may be required when the pest outbreak is unexpected and unpredictable and the time element with respect to application of pest control measures is so critical that a specific exemption petition could not be considered. For crisis exemption, the petition does not need to include support data or information. Within 10 days of granting the crisis exemption the Director must be provided with all the support data and information as specified in Section 250.60(f).
- h) The Director may require posting of public notice and/or conducting a public information meeting if the pesticide use poses a hazard to man or the environment.
- i) The fee to register a pesticide product shall be as set forth in Section 6 of the Act.

(Source: Amended at 10 Ill. Reg. 7663, effective April 28, 1986)

Section 250.70 Method of Becoming Certified Applicators

Persons may become certified applicators by demonstrating an understanding of and competence for the handling and use of pesticides as established in Sections 250.80 and 250.90 of this Part.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.80 Private Pesticide Applicators: Certification, Licensing, Testing and Training

- a) Private pesticide applicators shall re-establish certification when required to do so in accordance with Section 9 of the Act.
- b) A person may make application to the Director to become licensed as a private applicator in accordance with Section 11 of the Act.
- c) A person may become certified or recertified as a private applicator by:
 - 1) attending a training session conducted by the University of Illinois Cooperative Extension Service which has been approved by or is in cooperation with the Department and by successful completion of a written, closed book, competency examination; or
 - 2) in lieu of attendance at a training session, successfully complete a written closed book examination pursuant to subsection (e).
- d) Training sessions for private applicators will be conducted as needed on a local basis, usually but not strictly limited to the geographic area of one county. Each training session will be a minimum of three (3) hours duration and must address all general competency standards and current pesticide use information.
- e) The closed book examination will consist of questions pertinent to general competency standards (see Section 250.110) for which a correct answer is to be selected for each question from multiple choice answers.
- f) Private applicator certification will be granted or denied by the Director after grading of the examination. If a minimum of 70% of the answers are not correct or the information requested on the examination application is not provided, certification will be withheld.

- g) Examination/application form and training materials for private applicator certification will be available at the local level at the Director's direction and at the Director's office.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.90 Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing

- a) A person may make application to the Director to become licensed as a licensed commercial applicator, commercial not for hire applicator or licensed public applicator only after successfully demonstrating comprehension of the general competency standards (Section 250.110) and one or more of the technical category areas of pesticide use (Section 250.120).
- b) A person establishing qualifications for certification to become a licensed commercial applicator, commercial not for hire applicator or public applicator for the first time or needing to re-establish qualifications for certification shall apply to the Director for examination in accordance with Sections 10, 11 and 11.1 of the Act.
- c) Closed book examinations for certified commercial, commercial not for hire or public applicators will be scheduled by the Director at least once annually at various regional locations throughout the State. Examinations will also be scheduled by prior appointment at appropriate state regional offices at other times during the year.
- d) A person desiring certification or recertification shall demonstrate competency in pesticide use by answering 70% or better of the examination questions correctly. A person must successfully demonstrate competence in the general competency standard before being permitted to take specific technical category examination(s).
- e) A person may only make two attempts to successfully demonstrate competence in any one normal work day. The examination can only be taken a maximum of three (3) times within any six month period.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.100 Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing

- a) A person may make application to the Director to become a licensed operator only after successfully demonstrating comprehension of the general competency standards (see Section 250.110). A license will not be issued unless the person is working under the supervision of a licensed/certified applicator. The licensed operator must notify the Director when the license/certified applicator under whose supervision he is working changes.
- b) A person establishing qualifications to become a licensed commercial operator, licensed commercial not for hire operator or public operator for the first time or needing to re-establish qualifications must apply to the Director for examination on forms available from the Director.
- c) A closed book examination for commercial operator, commercial not for hire operator or public operator will be scheduled at least once annually at various regional locations throughout the state. Examinations will also be scheduled by prior appointment at appropriate state regional offices at other times during the year.
- d) A person becoming licensed as an operator for the first time or re-establishing competency must answer correctly 70% or more of the examination questions.
- e) A person may make only two attempts to successfully demonstrate competence in any one normal work day. The examination can only be taken a maximum of three (3) times within any six month period.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.110 General Competency Standards to be Covered on the Tests

The general competency standards will deal with the following:

- a) Label and Labeling Comprehension:
 - 1) The general format and terminology of pesticide labels and labeling;
 - 2) The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;
 - 3) Classification of the product, general or restricted; and
 - 4) Necessity for use consistent with label.

- b) Safety - Factors including:
 - 1) Pesticide toxicity and hazard to man and common exposure routes;
 - 2) Common types and causes of pesticide accidents;
 - 3) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;
 - 4) Need for and use of protective clothing and equipment;
 - 5) Symptoms of pesticide poisoning;
 - 6) First aid and other procedures to be followed in case of a pesticide accident; and
 - 7) Proper identification, storage, transport, handling, mixing procedures and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticide and pesticide containers.
- c) Environment - The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:
 - 1) Weather and other climatic conditions;
 - 2) Types of terrain, soil or other substrate;
 - 3) Presence of fish, wildlife and other nontarget organisms;
 - 4) Drainage patterns;
 - 5) Potential groundwater contamination; and
 - 6) Endangered species.
- d) Pests - Factors such as:
 - 1) Common features of pest organisms and characteristics of damage needed for pest recognition;
 - 2) Recognition of relevant pests; and
 - 3) Pest development and biology as it may be relevant to problem identification and control.
- e) Pesticides - Factors such as:
 - 1) Types of pesticides;
 - 2) Types of formulations;
 - 3) Compatibility, synergism, persistence and animal and plant toxicity of the formulation;
 - 4) Hazards and residues associated with use;
 - 5) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and
 - 6) Dilution procedures.
- f) Application techniques - Factors including:
 - 1) Methods of procedure used to apply various formulations of pesticides, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;
 - 2) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and
 - 3) Prevention of drift and pesticide loss into the environment.
- g) Laws and Regulations - applicable state and federal laws and regulations.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.120 Technical Category Areas of Pesticide Use

- a) Category 1 is Agricultural Pest Control containing six subcategories as follows:

- 1) Field Crop Control

This category of pesticide applicators includes those applying pesticides in production of agricultural field crops including but not limited to field corn, soybeans, feed grains and forage as well as on grasslands and noncrop agricultural lands.

- 2) Vegetable Crop Pest Control

This category includes applicators using or supervising the use of pesticides in production of vegetable crops, including but not limited to tomatoes, sweetcorn, asparagus, peas, or beans as

well as on grasslands and noncrop agricultural lands associated with the land on which vegetable crops are grown.

3) Fruit Crop Pest Control

This category includes applicators using or supervising the use of pesticides in the production of small fruits or tree fruits and nuts as well as on grasslands and noncrop agricultural lands associated with the land on which fruit or nut crops are grown.

4) Grain Facility Pest Control

This category includes applicators using pesticides for the prevention and control of pests in, on or around grain elevators or similar grain holding facilities which are not included under or classified as a part of the classification of Food Manufacturing, Food Processing, and Food Storage Facility. Pest control in, on, around food or feed facilities is one of the subcategories under Category 7.

5) Animal-Livestock Pest Control

This category includes applicators using or supervising the use of pesticides on animals, including but not limited to the following: beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock and to places on or in which animals are confined or housed. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators or engaged in large scale use of pesticides are included in this category.

6) Grain Fumigation Pest Control

This category includes private applicators (farmers) who use pesticides to treat stored grain upon their own property.

b) Category 2 is Forest Pest Control.

This category includes applicators using pesticides in forests, forest nurseries and forest seed producing areas.

c) Category 3 is Ornamental and Turf Pest Control containing the subcategories as follows:

1) Ornamental Pest Control

This category includes pesticide applicators applying pesticides in the maintenance and production of trees, ornamental trees, shrubs and flowers.

2) Turf Pest Control

This category includes pesticide applicators applying pesticides in the maintenance and production of sod and/or turf.

3) Plant Management Pest Control

This category includes pesticide applicators applying pesticides in the maintenance of portable plants used for interior landscaping and interior design.

d) Category 4 is Seed Treatment Pest Control.

This category includes applicators using pesticides on seeds.

e) Category 5 is Aquatic Pest Control.

This category includes applicators using pesticides purposefully applied to standing or running water, excluding applicators engaged in public health programs for the management and control of pests having medical and public health importance.

f) Category 6 is Right-of-Way Pest Control.

This category includes applicators using pesticides in the maintenance of public roads, electric powerlines, pipelines, railway right-of-way or other similar areas.

g) Category 7 is Industrial, Institutional, Structural, and Health Related Pest Control.

This category is under the jurisdiction of the Illinois Department of Public Health, Structural Pest Control Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2202 et seq.) and rules for that Act (77 Ill. Adm. Code 830).

h) Category 8 is Public Health Pest Control.

This category is under the jurisdiction of the Illinois Department of Public Health, except as hereafter provided. Mosquito Pest Control is a category of pesticide applicators using pesticides for the prevention and control of mosquitoes. Pesticide applications may be made on or around, although not limited to structures such as schools and hospitals, industrial and business establishments and adjacent areas, including ditches,

canals, low wet areas, and stagnant pools, to prevent or control the spread of mosquito borne diseases and for control of nuisance level populations of pest mosquitoes. In accordance with Section 3(2) of the Act and the Structural Pest Control Act, the examination and training for this category is developed by the Department of Public Health. The examination, certification and licensing of applicants is administered by the Department of Agriculture. No other public health and structural pest control activities in fact or by implication are permitted under this license.

i) Category 9 is Regulatory Pest Control.

This category includes state, federal or other governmental employees who use or supervise the use of pesticides in the control of pesticide enforcement or regulatory activities.

j) Category 10 is Demonstration and Research Pest Control.

This category includes:

- 1) Individuals who demonstrate to the public the proper use and techniques of application of restricted use or general use pesticides or supervise such demonstration. Included in this group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.
- 2) Persons conducting field research with pesticides, and in doing so, use or supervise the use of restricted or general use pesticides.

k) Category 11 is Soil Fumigation Pest Control.

This category includes applicators using pesticides for soil fumigation.

l) Category 12 is Sewer Root Control.

This category includes applicators using pesticides for the control of roots within sewer systems.

(Source: Amended at 24 Ill. Reg. 7191, effective April 27, 2000)

Section 250.130 Surety Bond or Liability Insurance

Procedures for the cancellation, collection, control and distribution of surety bonds shall be as established in 8 Ill.

Adm. Code 3: Subpart A. Insurance policies shall be handled in the same manner as surety bonds.

(Source: Amended at 8 Ill. Reg. 855, effective January 5, 1984)

Section 250.140 Interagency Committee on Pesticides

- a) Each member of the Interagency Committee on Pesticides when assigning a designee to serve in his stead shall notify the Director in writing. The Director shall be notified in writing when designee changes are made.
- b) Proceedings of the Interagency Committee on Pesticides shall be governed by "Roberts Rules of Order."
- c) The duties and responsibilities of the Interagency Committee on Pesticides shall be as established in Section 19 of the Act.
- d) The meetings shall be open to the public and the Director shall issue a press release advising the public of regularly scheduled meetings. Persons desiring to submit data and/or comments before the Interagency Committee on Pesticides must register with the chairman.

Section 250.150 Record Keeping

- a) Pesticide dealers shall retain a record of all sales of restricted use pesticides or pesticides that the Director has declared to be a pesticide requiring a permit for two (2) years. The record shall include, but is not limited to, the following for each individual sale of such a pesticide:
 - 1) Quantity and kind of pesticide for individual sales.
 - 2) Name and address of purchaser.
 - 3) Purchaser's certification number and type of certification if appropriate.
 - 4) Date of sale.
- b) Certified commercial applicators and operators shall keep a record of all restricted pesticide usage for two (2) years. The record shall include, but is not limited to, the following for each individual use of a restricted use pesticide:
 - 1) Name of the chemical.
 - 2) USEPA registration number.

- 3) Amount of chemical concentration per unit treated (e.g., pounds or ounces per acre).
- 4) Date of application.
- 5) Use site(s).

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.160 Permits

- a) The Director may declare a pesticide sale, use application within or shipment into the State prohibited without prior permit. A permit for sale, use or shipment is required for pesticides that USEPA has ordered registration cancelled or suspended even when such order provides for specific continued use registration, an orderly phase out of uses and/or continued use until current inventories are exhausted.
- b) The following pesticides must be accompanied by a permit:
 - 1) Dichloro diphenyl trichlorethane (DDT)
 - 2) Sodium fluoroacetate (Compound 1080)
 - 3) Fluoroacetamide (Compound 1081)
- c) A pesticide permit to allow the sale, use application or shipment of any pesticide determined to be a permitted pesticide, when such sale, use, application or shipment is in conjunction with a public health pest control problem or a structural pest control problem, may be issued by the Director of the Department of Public Health after consulting the Director of the Department of Agriculture. In other instances the Director of Agriculture will issue said permit after considering USEPA registration action, information relative to toxicity and environmental hazards, and other factors meriting consideration, including but not limited to, public health and welfare, past performance of applicant and economic matters.
- d) Application to sell, use, apply or ship pesticides requiring a permit shall be made to the respective responsible agency on forms provided by that agency.
- e) No pesticide permit will be issued contrary to USEPA product registration standards (40 U.S.C. 136a).
- f) A pesticide permit will be valid for a limited period sufficient to control the pest but under no circumstances shall that period exceed one year. Such permit will

specify the quantity of pesticides permitted, the purpose for which this pesticide is needed, and any conditions imposed by the Director in granting said permit.

- g) There is no charge for the pesticide permit.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.170 Administrative Hearings

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules. The respondent may request and the Department shall grant an administrative hearing sooner than the 10 days notice requirement for contested cases.

(Source: Amended at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.180 Administrative Penalties

- a) The Department will only assess a point value penalty from the violation criteria (Section 24.1 of the Act) when it is determined that such penalty can be assessed. In no case shall the same or similar violation criteria be assessed penalty points more than once for each violation.
- b) If the complaint or incident was caused by and the responsibility of the customer or purchaser of the product or service to perform their duties as agreed to either orally or by written contract, then the applicator shall not be subject to the penalty points assessment so long as the applicator has notified the customer or purchaser of their duties to comply with the pesticide use and that the applicator is consistent with that notification to all his customers or purchasers. Oral instructions or agreements shall be verified in writing and made available for review at the Department's request.

(Source: Added at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.190 Formulation Violations of Label Claim

- a) Any product that is under or over formulated according to the following tables shall be subject to Sections 14, 15, 16, and 24.1 of the Act.

- b) The allowable under formulation limits are as follows:
- 1) All products other than those listed in Section 250.190(b)(2) and (3):

If the Active Ingredient Claim is:	The Minimum Active Ingredient Content of Label Claim Shall be:
Less than 0.51%	80%
0.51 - 1.00%	85%
1.01 - 5.00%	90%
5.01 - 9.99%	92%
10.00 - 50.00%	94%
50.01 - 100%	96%

- 2) Fertilizers/pesticides mixtures, pressed blocks and non-uniform baits:

If the Active Ingredient Claim is:	The Minimum Active Ingredient Content of Label Claim Shall be:
Less than 1.26%	67%
1.26 - 5.00%	80%
Over 5.00%	85%

- 3) Rotenone, pyrethrin and other natural product formulations:

If the Active Ingredient Claim is:	The Minimum Active Ingredient Content of Label Claim Shall be:
Less than 0.51%	70%
0.51 - 1.25%	80%
Over 1.25%	85%

- c) The allowable over formulation limits are as follows:
- 1) All ingredients other than those listed in Section 250.190(c)(2):

If the Active Ingredient Claim is:	The Maximum Active Ingredient Content of Label Claim Shall be:
Less than 0.51%	150%
0.51 - 5.00%	140%
5.01 - 10.00%	130%
10.01 - 50.00%	125%
50.01 - 100%	115%

- 2) If the product contains a label claim of 40% sodium fluoride, 2% sodium arsenite, or 1.5% arsenic trioxide, and is intended for household use, the active ingredients shall not exceed the label claim by more than 10% relative.

(Source: Added at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.200 Reporting of Pesticide Incidents or Misuse Complaints

All pesticide incidents or misuse complaints shall be reported in writing to the Director at the time of occurrence or not later than 30 days after the incident or complaint or within 30 days of when damage or adverse effects as set forth in Section 24.1 of the Act are evident to the complainant.

(Source: Added at 12 Ill. Reg. 12784, effective July 26, 1988)

Section 250.210 Special Application of Solid Mosquito Larvicides

- a) Any person who receives training pursuant to subsection (b) of this Section from an individual possessing a current category 8 Public Health Pest Control applicator license issued by the Department may apply a mosquito larvicide product for the control of mosquitoes that meets all of the following without further compliance with the licensing provisions of this Part:

- 1) the signal word contained on the product is "CAUTION";
- 2) the product application method is limited to simply placing a pre-packaged solid product, such as briquets, pellets, or granules, at the application site; and
- 3) a review of the specific product's label was included in the training program described in subsection (b) of this Section.

- b) The training shall be not less than one hour in duration and shall include a review of the product labels, use restrictions, application rates, application methods and any other information deemed appropriate by the trainer for the safe and effective use of the mosquito control materials identified in subsection (a) of this Section.

- c) Upon completion of the training, the trainer shall immediately provide to the Department a complete listing, including name, address, telephone number, birth date, and employer, of all individuals who received the training

and are thus eligible to apply only the specific mosquito control materials set forth in this Section.

- d) The trainer shall also provide to the Department the date and location of the training, the trainer's name, address, telephone number, pesticide applicator license number, pesticide applicator license expiration date and a legible copy of the specific product label or labels utilized in the training session.
- e) An individual trained to apply a mosquito larvicide under the provisions of this Section may only apply the specific mosquito larvicide or larvicides included in the training described in this Section and may only make applications during the calendar year in which the training was received.
- f) For the purpose of this Section, a person shall mean any individual over 18 years of age.

(Source: Added at 27 Ill. Reg. 5715, effective March 18, 2003)

Section 250.220 Special Application of Herbicides to Control Invasive Plants on Public Lands

- a) Any person who receives training, pursuant to subsection (b) of this Section from an individual possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department, after receipt of a certificate issued by the Department, may apply a herbicide product for the control of invasive plants on public lands without further compliance with the licensing provisions of this Part if all of the following are met:
 - 1) The individual providing training pursuant to subsection (b) must be a compensated employee of the organization that has direct control of the public lands upon which the herbicide product applications are to be made;
 - 2) The individual making herbicide product applications under the provisions of this Section shall not receive compensation for the herbicide product applications;
 - 3) The signal word contained on the herbicide product is "CAUTION";
 - 4) The herbicide product to be applied shall not be classified as a "restricted use" pesticide;

- 5) The herbicide product application method is limited to the method or methods included in the training provided pursuant to subsection (b) of this Section;
 - 6) A review of the specific herbicide product's label must have been included in the training program described in subsection (b);
 - 7) The herbicide product application site or sites are limited to the public lands identified during the training provided pursuant to subsection (b) and the public lands must be under the direct control of the trainer who provided the training or the trainer's organization;
 - 8) All mixing of the herbicide product and loading of the herbicide product into any required application device or devices shall be conducted by the trainer who provided the training or other licensed applicator possessing a current Category 6 Right-of-Way Pest Control applicator license issued by the Department; and
 - 9) Each individual making herbicide product applications under the provisions of this Section shall utilize the personal protective equipment specified on the herbicide product label for handlers during the application activity.
- b) The training shall be not less than one hour in duration and shall include a review of the herbicide product labels, use restrictions, application rates, application methods, first aid, potential environmental hazards, personal protective equipment, and any other information deemed appropriate by the trainer for the safe and effective use of the herbicide products that meet the criteria listed in subsection (a) of this Section.
 - c) Upon completion of the training, the trainer shall immediately provide to the Department a complete legible listing, including name, address, telephone number, birth date, and sponsoring organization for whom the herbicide product applications are to be made, of all individuals who received the training and are thus eligible to apply only the specific herbicide product or products set forth in this Section.
 - d) The trainer shall also provide to the Department the date and location of the training, the trainer's name, address, telephone number, pesticide applicator license number, pesticide applicator license expiration date, trainer's organization, and a legible copy of the specific herbicide product label or labels utilized in the training session.

- e) An individual trained to apply a herbicide product under the provisions of this Section, and only after receiving the certificate issued by the Department, may only:
 - 1) apply the specific herbicide products included in the training described in this Section;
 - 2) make such applications on the public lands identified in the training; and
 - 3) make applications during the calendar year in which the training was received.
- f) For the purpose of this Section, a person shall mean any individual over 18 years of age.

(Source: Added at 35 Ill. Reg. 351, effective January 1, 2011)