

Illinois Pesticide Act

(415 ILCS 60/24.1) (from Ch. 5, par. 824.1)

Sec. 24.1. Administrative actions and penalties.

(1) The Director is authorized after an opportunity for an administrative hearing to suspend, revoke, or modify any license, permit, special order, registration, or certification issued under this Act. This action may be taken in addition to or in lieu of monetary penalties assessed as set forth in this Section. When it is in the interest of the people of the State of Illinois, the Director may, upon good and sufficient evidence, suspend the registration, license, or permit until a hearing has been held. In such cases, the Director shall issue an order in writing setting forth the reasons for the suspension. Such order shall be served personally on the person or by registered or certified mail sent to the person's business address as shown in the latest notification to the Department. When such an order has been issued by the Director, the person may request an immediate hearing.

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

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

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

(B) For violations of a stop use order imposed by the Director, the penalty shall be \$2500.

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

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

(E) For selling restricted use pesticides without a

dealer's license the penalty shall be \$1,000.

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

(G) For violations of the Act and Rules and Regulations, administrative penalties will be based upon the total violation points as determined by the Use and Violation Criteria as set forth in paragraph (4) of this 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

(4) The following Use and Violation Criteria establishes the point value which shall be compiled to determine the total violation points and administrative actions or monetary penalties to be imposed as set forth in paragraph (3)(G) of this Section:

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

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

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

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

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

(a) Exposure to a pesticide which resulted

in:

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

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

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

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

(a) Exposure to a pesticide resulting in a human experiencing headaches, nausea, eye irritation and such other symptoms which persisted less than 3 days.

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

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

(d) Death to less than 5 animals.

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

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

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

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

(c) Death to 5 or more animals.

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

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

Point Signal Word Value:

- 1 Caution
- 2 Warning
- 4 Danger/Poison

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

Point
Value Degree of Responsibility

- 2 Accidental (such as equipment malfunction)
- 4 Negligence
- 10 Knowingly

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

- Point
Value Record
- 2 Advisory letter
 - 3 Warning letter

- 5 Previous criminal conviction of this Act or administrative violation resulting in a monetary penalty
- 7 Certification, license or registration currently suspended or revoked

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

(1) Application Oriented:

Point Value	Violation
1	Inadequate records
2	Lack of supervision
2	Faulty equipment

Use contrary to label directions:

- 2 a. resulting in exposure to applicator or operator
- 3 b. resulting in exposure to other persons or the environment
- 3 c. precautionary statements, sites, rates, restricted use requirements
- 3 Water contamination
- 3 Storage or disposal contrary to label directions
- 3 Pesticide drift
- 4 Direct application to a non-target site
- 6 Falsification of records
- 6 Failure to secure a permit or violation of permit or special order

(2) Product Oriented:

Point Value	Violation
6	Pesticide not registered
4	Product label claims differ from approved label
4	Product composition (active ingredients differs from that of approved label)
4	Product not colored as required
4	Misbranding as set forth in Sec. 5 of the Act (4 points will be assessed for each count)

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

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

(Source: P.A. 90-403, eff. 8-15-97.)