

## Enforcement & Penalties

Aerial application is a vital part of the agrichemical supply and service industry. Equally important is compliance, stewardship and demonstrating to the general public that our industry is professional and responsible in our application of pesticides.

The IDA has the authority to assess penalties of \$500 for the first offense and \$1000 for subsequent offenses for failure to comply with licensing requirements and violating the agrichemical facility containment regulations. Each application of product can be considered a separate offense. Additional penalties also apply for pesticide applications that are inconsistent with the labeled use and cause damage to off target plants, property, animals or people.

The United States Environmental Protection Agency also has the authority to investigate and penalize the misapplication of pesticides. They can, and they have, referred pesticide misuse cases to the US Dept of Justice for civil and criminal penalties.

For more information, please contact:

**The Illinois Fertilizer & Chemical Association**

Phone 309.827.2774

Jean Payne, President; jeanp@ifca.com

To obtain the forms for licensing or containment permit application please contact:

**The Illinois Department of Agriculture**

Jerry Kirbach, Manager of Permits & Downstate Field Operations

Gerald.Kirbach@Illinois.Gov

(send an email and he will reply with the necessary forms or call 217.785.2427)

Illinois Fertilizer & Chemical Association  
P.O. Box 1326, Bloomington, Illinois 61702-1326 • Telephone: 309.827.2774 • Fax: 309.827.2779 • www.ifca.com



## Illinois Fertilizer & Chemical Association Supply • Service • Stewardship

### *Illinois Aerial Application*

## How to Comply with Licensing and Containment Requirements



### **IFCA's Mission Statement:**

To assist and represent the crop production supply and service industry while promoting the sound stewardship and utilization of agricultural inputs.

## *Aerial Application: Illinois Regulations*

The Illinois Department of Agriculture has authority under The Illinois Pesticide Act (415 ILCS 60/1) to administer and enforce the regulations pertaining to aerial application of pesticides. The Act can be accessed online from the IFCA website by clicking on “Regulations.”

### **Commercial Applicators**

Persons who use or supervise the application of pesticides for hire must obtain a commercial applicator license from the IDA on forms provided by the IDA. This application requires at a minimum:

1. The full name and address of the applicant.
2. Evidence of financial responsibility not less than \$500,000 per year.
3. The applicant must prove competence and knowledge of pesticide use by passing a written exam once every three years.
4. Licenses are valid for one year upon payment of a \$60 fee.

### **Commercial Operators**

Persons may apply pesticides commercially under the supervision of a licensed commercial applicator, but must obtain an operators license. This application requires similar information as the commercial applicators license and a competency test is also required. The fee is \$40 per year.

Please contact the IDA at 217.785.2427 to obtain the licensing application or to make an appointment to take the appropriate exam(s).

### **Containment Requirements**

In addition to meeting the licensing requirements, when more than 300 gallons of pesticides are being mixed, repackaged or transferred between containers or into application equipment within a 30 day period, the site meets the definition of an “Agrichemical Facility” and must provide containment as approved via a permit issued by the IDA. Go to [www.ifca.com](http://www.ifca.com), click on “Regulations” and download “Part 255 Containment Rules” to see the regulations.

### **Containment & Out of State Aerial Applicators**

The IDA requires that all out-of-state aerial applicators, in addition to being properly licensed in Illinois, must also report on their license application:

1. the FAA certification number;
2. the “N” number on the aircraft; and
3. the permit number of an Illinois aerial agrichemical containment facility where they will load product.

While the regulations allow for temporary loading sites remote from the permitted aerial containment facility to be utilized, each aerial applicator/operator must designate at least one permitted Illinois aerial containment facility as their base of operation and must utilize that location when required by the regulations.

“Temporary” sites are viewed as those used no more than 3 out of 5 years and therefore if mixing and loading of airplanes is expected to occur in future years, then containment is required.

### **The Permit Process**

If you are interested in obtaining a permit which authorizes construction of containment structures for storage, mixing and loading operations, please contact the IDA at 217.785.2427. **While not overly complicated, the permit process takes a minimum of 90 days for approval.** There is currently no fee to obtain this permit.

### **What Does this All Mean?**

Illinois ag retailers who are working with out-of-state aerial applicators should ensure that these applicators are in full compliance with the regulations. You can work with them to achieve compliance or point them to the IDA or IFCA for direct assistance. Either way, IFCA encourages you to protect your interests and that of your farmer customers by ensuring that all parties follow the regulations to avoid penalties and unnecessary liability.