

CERTIFICATE OF EMERGENCY AMENDMENT

The Illinois Department of Agriculture certifies that the attached hereto is a true and correct copy of:

Heading of Part: Illinois Pesticide Act

Code Citation: 8 Ill. Adm. Code 250

Section Involved: 250.230

which was duly amended by emergency action by this agency.

The reason for the emergency is: In October 2020, USEPA announced that it had renewed the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") registrations for three dicamba pesticides for growing seasons 2021–2025. Contrary to prior practice, USEPA further declared that the only way for states to add additional safety restrictions is through Section 24(a) of FIFRA, which allows a state to make changes through its rulemaking.

These additional restrictions are necessary to protect the public interest, safety, and welfare. Over the past 2 years, the Department has received over 800 complaints from the public indicating potential damage to their property from Dicamba misuse. Since applicators may begin applying pesticides containing Dicamba as early as March, this emergency situation requires adoption of these rules upon fewer days than is required by Section 5-40 of the Illinois Administrative Procedure Act. It is essential to the public's general health and welfare that pesticides be regulated to prevent adverse effects on man and his environment.

Statutory Authority: Illinois Pesticide Act [415 ILCS 60]



Signature of Officer

By: Jerry Costello, II, Acting Director

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

PART 250
ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides or Certain Non-Restricted Use Pesticides
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
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
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearing
250.180	Administrative Penalties
250.190	Formulation Violations of Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints
250.210	Special Application of Solid Mosquito Larvicides
250.220	Special Application of Herbicides to Control Invasive Plants on Public Lands
250.230	Use of Pesticides Containing Dicamba on Soybeans
EMERGENCY	

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 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;

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amended at 24 Ill. Reg. 7191, effective April 27, 2000; emergency amendment at 26 Ill. Reg. 13093, effective August 14, 2002, for a maximum of 150 days; emergency amendment expired January 10, 2003; 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; emergency amendment at 43 Ill. Reg. 4340, effective March 22, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 7402, effective June 21, 2019; emergency amendment at 45 Ill. Reg. 2071, effective February 5, 2021, for a maximum of 150 days.

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**Section 250.230 Use of Pesticides Containing Dicamba on Soybeans
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In addition to the requirements of the federally-approved labels, all use on soybeans of pesticides containing dicamba shall comply with the following requirements:

- a) **Temperature Restriction**
A pesticide containing dicamba shall not be applied on soybeans if the air temperature at the field at the time of application is over 85 degrees Fahrenheit or if the National Weather Service's forecasted high temperature for the nearest available location for the day of application exceeds 85 degrees Fahrenheit. Local National Weather Service forecasts are available at <https://www.weather.gov>.
- b) **Cut-off Date Restriction**
Application on soybeans of a pesticide containing dicamba shall not be made after June 20 of each year.
- c) **Before applying a pesticide containing dicamba on soybeans, the applicator shall consult the FieldWatch sensitive crop registry (<https://www.fieldwatch.com>) and comply with all associated recordkeeping and label requirements.**
- d) **Application on soybeans of a pesticide containing dicamba shall not be made if the wind is blowing toward:**
 - 1) Any Illinois Nature Preserves Commission site that is adjacent to the field of application; or
 - 2) An adjacent residential area.
- e) **Any violation of the requirements of this Section shall be considered a use contrary to label directions (precautionary statements, sites, rates, restricted use requirements) and shall be assessed the associated point value of 3 (see Section 24.1(4)(E)(1) of the Illinois Pesticide Act [415 ILCS 60]) for purposes of determining the appropriate administrative action or penalty authorized by Section 24.1 of the Act.**

(Source: Added by emergency rulemaking at 45 Ill. Reg. 2071, effective February 5, 2021, for a maximum of 150 days)

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