Pesticide Pre-Emption Exemption (SB3565)

IFCA Position:

IFCA opposes SB 3565, the Pesticide Pre-Emption Exemption. This legislation amends the Illinois Pesticide Act to provide that municipalities entirely within Cook County with a population over 50,000 may independently regulate pesticides.

Background:

- This legislation has the ability to create a patchwork of regulations at the local level that would be difficult to administer.
- SB 3565 is repetitive and unnecessary as the Illinois Department of Agriculture administers several programs to implement the various provisions of the current law:
  - Pesticide Applicator/Operator Certification and Licensing
  - Pesticide Product Registration
  - Agrichemical Facility and Lawncare Containment programs
  - Pesticide Container Recycling
  - Pesticide Clean Sweep Program
  - Groundwater Monitoring Well Network

- New mandates and regulations can shift funds away from valuable programs and services in order to satisfy the regulations. Public safety and awareness can be better achieved through education and other voluntary means without adding more regulations and increased exposure to liability.

- There are currently notification requirements in Illinois statutes which apply to schools, daycare centers, golf courses, and lawn applicators (applies to all properties where pesticides are applied).

If you have any questions regarding SB3565 please contact:

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Representing the Agricultural Input Industry
Here are the current notification requirements –

For Schools and Daycare – both inside and on grounds

• School districts and day care centers must provide written or telephonic notification to all parents and guardians of students before such pesticide application.

• Notification must be given at least 2 business days before application of the pesticide and should identify the intended date of the application of the pesticide and the name and telephone contact number for the school or day care center personnel responsible for the pesticide application program.

• Only time that notification doesn’t happen in this manner is if there is an imminent threat to health or property. If such a situation arises, the appropriate school or day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written or telephonic notice is provided as soon as practicable.

• The only exemption for this notification is for pesticides that include an antimicrobial agent, such as disinfectant, sanitizer, or deodorizer, or insecticide baits and rodenticide baits.

Golf Courses –

• Each golf course shall post in a conspicuous place or places an all-weather poster or placard stating to users of or visitors to the golf course that from time to time plant protectants are in use and additionally stating that if any questions or concerns arise in relation thereto, the golf course superintendent or his designee should be contacted to supply the information.

• The poster or placard shall be prominently displayed in the pro shop, locker rooms and first tee at each golf course. The poster or placard shall be a minimum size of 8 1/2 by 11 inches and the lettering shall not be less than 1/2 inch. The poster or placard shall read: "PLANT PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE. IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT FOR FURTHER INFORMATION."

Lawn applicators –

• Immediately following application of lawn care products to a lawn, other than a golf course, an applicator for hire shall place a lawn marker at the usual point or points of entry.
The lawn marker shall consist of a 4 inch by 5 inch sign, vertical or horizontal, attached to the upper portion of a dowel or other supporting device with the bottom of the marker extending no less than 12 inches above the turf. The lawn marker shall be white and lettering on the lawn marker shall be in a contrasting color. The marker shall state on one side, in letters of not less than 3/8 inch, the following: "LAWN CARE APPLICATION - STAY OFF GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall be inserted the name and business telephone number of the applicator for hire)."

The lawn marker shall be removed and discarded by the property owner or resident, or such other person authorized by the property owner or resident, on the day following the application. The lawn marker shall not be removed by any person other than the property owner or resident or person designated by such property owner or resident.

For applications to residential properties of 2 families or less, the applicator for hire shall be required to place lawn markers at the usual point or points of entry.

For applications to residential properties of 2 families or more, or for application to other commercial properties, the applicator for hire shall place lawn markers at the usual point or points of entry to the property to provide notice that lawn care products have been applied to the lawn.

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