

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Illinois Pesticide Act
- 2) Code Citation: 8 Ill. Adm. Code 250
- 3) Section Number: 250.220 Adopted Action:
New Section
- 4) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]
- 5) Effective Date of Amendment: January 1, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 6, 2010; 34 Ill. Reg. 10937
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Non-substantive technical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Some public institutions charged with the maintenance and upkeep of publicly-owned lands such as park districts and forest preserve districts routinely rely on citizen volunteers to make very limited herbicide applications for the control of certain non-native plant species and noxious weeds on their lands. Under the former provisions of the Illinois Pesticide Act and rules, these individuals were required to successfully complete the current licensing process which includes passing one or more written examinations and submitting a license application to

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the state. The amendment creates a streamlined certification process whereby individuals volunteering for such activities annually receive specific training from a properly licensed employee of the public institution regarding specific herbicide application(s) to be performed and, as a result, are authorized to make them without further licensing requirements. The certification process is very similar to the process for the special application of solid mosquito larvicides used by many counties, cities and villages, found at 8 IAC 250.210.

- 16) Information and questions regarding this adopted amendment shall be directed to:

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The full text of Adopted Amendment begins on the next page:

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

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.

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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, 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.

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)

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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:

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- 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, 2010)