

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Structural Pest Control Code
- 2) Code Citation: 77 Ill. Adm. Code 830
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
830.10	Amendment
830.240	Amendment
830.270	Amendment
830.410	Amendment
830.710	Amendment
830.820	Amendment
830.1000	Amendment
- 4) Statutory Authority: Authorized by the Structural Pest Control Act [225 ILCS 235].
- 5) Effective Date of Amendments:
- 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendments Published in Illinois Register: 39 Ill. Reg. 2010; February 6, 2015.
- 10) Has JCAR issued a State of Objection to these amendments? No
- 11) Difference(s) between proposal and final version: Typographical, grammatical, and form changes were made in response to the comments from JCAR.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This rulemaking updates the Structural Pest Control Code to fix grammatical errors, better define certain terms, insert a few clarifications, provide for reasonable classification of violations and ensure accurate information is provided to property owners. This rulemaking clarifies language pertinent to violations being calculated on a per-day basis; transfers the violation of operating without a license from a Type A to Type B fine schedule, and transfers failure to provide information upon request from a Type C to Type B fine. The rulemaking also requires pest control companies to retain employee training records until the employee is no longer employed, or becomes certified. The service records of certified technicians will no longer require the review of another certified technician, and the rule provides means by which certified technicians review electronic (non-paper) records of uncertified technicians. The rule requires the estimated amount of pesticide recorded on service records to be accurate to within 10 percent of the actual amount of pesticide applied. Pest control companies will be required to provide a copy of the service record (required by the statute) upon request of the owner, manager or tenant of the property serviced. Accurate diagrams will be required to be a part of service records for services in which termiticide is applied.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
- 217/782-2043
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The full text of the adopted amendments begin on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 0: PEST CONTROL

PART 830
STRUCTURAL PEST CONTROL CODE

SUBPART A: GENERAL PROVISIONS

Section	
830.10	Definitions
830.20	Referenced Materials

SUBPART B: LICENSURE AND CERTIFICATION REQUIREMENTS

Section	
830.100	License Application for Commercial Structural Pest Control Business Location
830.110	Registration Application for Non-Commercial Structural Pest Control Location
830.120	Application for Examination as a Certified Structural Pest Control Technician
830.130	Re-examination Applications
830.140	Application of Certified Technicians for Examination in Other Sub-categories
830.150	Processing (Repealed)
830.160	Approved Applications (Repealed)
830.170	Disapproved Applications (Repealed)
830.180	License and Registration Renewals
830.190	Change of Business Ownership
830.200	Certification Renewals
830.210	Late Filing Charge
830.220	Non-renewal of Technician Certificates
830.230	Certified Technician at Each Location
830.240	Change of Certified <u>Structural Pest Control</u> Technician at Place of Employment
830.250	Certificates of Insurance
830.260	Insurance Coverage
830.270	Supervision of a Non-certified Technician
830.280	Inspections and Investigations (Repealed)
830.290	Classification of Pesticides
830.300	Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity
830.310	Display of License, Registration and Certification
830.315	Procedures for Certification as a Structural Pest Control Technician in Wood

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Products Pest Control (Repealed)

SUBPART C: EXAMINATIONS

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830.400	General Provisions
830.410	Examinations
830.420	Examination Schedules (Repealed)
830.430	Grades
830.440	Notification of Examination Results
830.450	Confidentiality of Examination Scores
830.460	Examinee's Review of Examination (Repealed)
830.470	Applicant Unable to Attend Scheduled Examination

SUBPART D: PEST CONTROL COURSES

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830.500	Application
830.510	Application (Repealed)
830.520	Instructors
830.530	Pest Control Course Description
830.540	Record of Completion
830.550	Pest Control Course Evaluation
830.560	Approval (Repealed)
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SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

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830.600	Application
830.610	Application (Repealed)
830.620	Instructors
830.630	Pest Control Seminars
830.640	Record of Completion
830.650	Pest Control Seminar Evaluation
830.660	Approval (Repealed)
830.670	Disapproval of an Application or Recision of Approval (Repealed)

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

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Section
830.700 Hearings
830.710 Administrative Fines

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section
830.800 General Safety Precautions
830.810 Misuse of Pesticides
830.820 Records
830.830 Pesticide Storage Area
830.840 Service Vehicles
830.850 Pesticide Storage Practices
830.860 Orders to Stop Sale, Stop Use, Seize or Regulate Removal
830.870 Hazardous Incident Notification and Abatement

SUBPART H: BIRD CONTROL REQUIREMENTS

Section
830.880 Avicide Permit Requirements (Repealed)
830.885 Denial or Revocation of Avicide Permits (Repealed)
830.890 Bird Control Monitoring and Reporting Requirements (Repealed)
830.900 Bird Control Training Requirements (Repealed)

SUBPART I: GROUNDWATER PROTECTION

Section
830.1000 Scope and Applicability
830.1100 Protection of Potable Water Supplies

SUBPART J: INTEGRATED PEST MANAGEMENT COURSE REQUIREMENTS

Section
830.2000 Application
830.2100 Instructors
830.2200 Integrated Pest Management Course Content
830.2300 Integrated Pest Management Course Evaluation
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830.ILLUSTRATION A Warning Sign – Pesticide Treatment & Ventilation
830.ILLUSTRATION B Restricted Use Pesticide Sign
830.TABLE A Schedule of Administrative Fines

AUTHORITY: Implementing and authorized by the Structural Pest Control Act [225 ILCS 235], Illinois Pesticide Act [415 ILCS 60] and Sections 3.2 and 14.6 of the Environmental Protection Act [415 ILCS 5/3.2 and 14.6].

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; emergency amendment expired on February 24, 1987; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989; emergency amendments at 14 Ill. Reg. 1036, effective December 22, 1989, for a maximum of 150 days; emergency amendment expired on May 21, 1990; amended at 14 Ill. Reg. 12889, effective August 1, 1990; amended at 16 Ill. Reg. 11612, effective July 6, 1992; amended at 18 Ill. Reg. 14404, effective September 15, 1994; amended at 21 Ill. Reg. 15010, effective November 10, 1997; amended at 23 Ill. Reg. 5620, effective May 1, 1999; amended at 25 Ill. Reg. 8303, effective June 25, 2001; amended at 37 Ill. Reg. 3288, effective March 1, 2013; amended at 39 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 830.10 Definitions

In addition to the definitions contained in the Structural Pest Control Act ~~[225 ILCS 235]~~, the following definitions, ~~when used herein~~, shall apply:

"Act" means the Structural Pest Control Act ~~[225 ILCS 235]~~.

"Active ingredient" means any ingredient ~~that~~which will prevent, destroy, repel, control or mitigate a pest.

"Applicant" means any person making an application for a license, registration, examination or certification.

"Back flow preventer or vacuum breaker device" means a device, approved by the Illinois Plumbing Code, ~~(77 Ill. Adm. Code 890)~~ used to prevent backflow or backsiphonage of contaminated water or liquid into a water supply system.

"College or university course in related field" means three semester hours or four

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quarter hours of a college course in biological sciences, physics or chemistry.

"Community Water System" means a public water system ~~that~~*which* serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year. (Section 9(a)(1) of the Illinois Groundwater Protection Act ~~[415 ILCS 55/9(a)(1)]~~)

"Crack and crevice treatment" means the application of small amounts of a pesticide directly into a crack, crevice, expansion joint, between different elements of construction, between equipment and floors, or into an opening that leads into voids such as hollow walls, equipment legs and bases, conduits, motor housings, junction or switch boxes, where insects may be present.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Existing storage unit" means a storage unit that was in operation or for which ~~there was commencement of~~ construction began on or before the effective date of a minimum setback zone, maximum setback zone, or regulated recharge ~~are~~regulation affecting the storage unit.

~~"FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act.~~

"File a renewal application" means the process of completing the renewal form and submitting it to the Department along with the applicable renewal fee as set forth in Section 9 of the Act. ~~Evidence shall be and evidence~~ either attached to the renewal form or on file with the Department ~~that indicates~~*which would indicate* that the license, certification or registration renewal requirements of Sections 4(e) and 6 of the Act and Sections 830.180 and 830.200 ~~of this Part~~ have been met.

"Food area" means an area where food is handled, received, packaged, held, processed, prepared, or served.

"Groundwater" means underground water ~~that~~*which* occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. (Section 3(g) of the Illinois Groundwater Protection Act ~~[415 ILCS 55/3(g)]~~)

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"Insurance company authorized to transact business" means an insurance company ~~that~~which has been issued a Certificate of Authority by the Director of the Department of Insurance.

"Licensee" means any person who has a valid commercial structural pest control business license.

"Method" means any action or procedure used to determine the presence or absence of a pest.

"Pest control course" means an educational program ~~that~~which addresses the basic theoretical or practical knowledge of pesticides and their application, approved by the Department pursuant to Subpart D-~~of this Part~~, and is equivalent to six months of experience for original certification.

"Pest control specialist" means a person who has a degree from a recognized college or university in one or more fields related to structural pest control ~~and~~or pesticides or has a specialized area of interest pertaining to chemical manufacturing ~~and~~or research, chemistry, entomology, or environmental sanitation and engineering.

"Pest control training seminar" means a recertification training program ~~that~~which provides the technical and legal aspects of present structural pest control technology, approved by the Department pursuant to Subpart E-~~of this Part~~.

"Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices. (Section 3(h) of the Illinois Groundwater Protection Act-~~415 ILCS 55/3(h)~~)

"Private Water System" means any supply ~~that~~which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling. (Section 9(a)(5) of the Illinois Groundwater Protection Act-~~415 ILCS 55/9(a)(5)~~)

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of ~~the~~such system and used

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primarily in connection with ~~the~~^{such} system and any collection or pretreatment storage facilities not under ~~the operator's~~^{such} control ~~that~~^{which} are used primarily in connection with ~~the~~^{such} system. (Section 9(a)(6) of the Illinois Groundwater Protection Act ~~[415 ILCS 55/9(a)(6)]~~)

"Purchasing group" means a purchaser of group insurance ~~that~~^{which} group has registered with the Director of the Department of Insurance.

"Recognized college or university" means an educational institution ~~that~~^{which} has been recognized or approved by the Board of Higher Education, or equivalent, in the State in which it is located; ~~and~~/or an educational institution accredited by a regional accrediting association recognized by the Council on Post Secondary Accreditation. In either instance, the college or university must be authorized to confer a degree in the fields of Biological Sciences, Entomology, Zoology, or related fields.

"Registrant" means any person who has a valid non-commercial structural pest control registration.

"Regulated Recharge Area" means a compact geographic area, as determined by the ~~Illinois Pollution Control~~^{Illinois Pollution Control} Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination. (Section 3(j) of the Illinois Groundwater Protection Act ~~[415 ILCS 55/3(j)]~~)

"Risk retention group" means an insurance company incorporated and licensed in one of the states of the United States and registered with the Director of the Department of Insurance.

"Secondary containment structure" means any structure used to contain liquid pesticides and prevent runoff or leaching into the groundwater.

"Service container" means any non-food container ~~used~~^{utilized to} temporarily ~~to~~ hold, store or transport a pesticide concentrate or registered ready-to-use product other than the original labeled container provided by the manufacturer, the measuring device or the application device.

"Setback zone" means a geographic area established under the Environmental Protection Act ~~that~~^[415 ILCS 5] ~~which~~, for the purposes of Subpart I ~~of this Part~~, contains a potable water supply well and a storage unit, having a continuous

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boundary within which certain prohibitions or regulations for groundwater protection are applicable.

"Signal word" means a word or phrase found prominently displayed on the pesticide label ~~that~~which offers an indication of the toxicity and potential danger of a pesticide.

"Storage unit" means an area, structure, or any other mechanism used to store or accumulate pesticides for commercial application purposes.

"To use any registered pesticide in a manner inconsistent with its labeling" means to use any registered pesticide in a manner not permitted by the labeling, except that the term shall not include:

applying a pesticide at any dosage, concentration, or frequency less than that specified on the labeling, unless the labeling specifically prohibits deviation from the specified dosage, concentration or frequency;

applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, unless the Administrator of the US Environmental Protection Agency (USEPA) has required that the labeling specifically state that the pesticide may be used only for the pests specified on the labeling after the Administrator of the USEPA has determined that the use of the pesticide against other pests would cause an unreasonable adverse effect on the environment;

employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may be applied only by the methods specified on the labeling;

any use of a pesticide in ~~compliance~~conformance with Section 5, 18, or 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) ~~(7 USC 136(ee))~~; or

any use of a pesticide in a manner that the Administrator of the USEPA determines to be consistent with the purpose of FIFRA.

"Treatment period" means the period of time necessary for a room or area to remain closed to unauthorized individuals ~~in order~~ to allow an effective treatment

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and subsequent drying or settling of the pesticide in accordance with label directions or, in ~~the~~^{their} absence of label directions, with, manufacturer's recommendations.

~~"USEPA" means the United States Environmental Protection Agency.~~

"Water well" means any excavation, except a monitoring well, that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of ~~the~~^{such} excavation is for the location, diversion, artificial re-charge, or acquisition of groundwater, but the term does not include an excavation made to obtain or prospect oil, natural gas, minerals or products of mining; or quarrying or inserting media to re-pressure an oil- or natural gas-bearing formation; or for storing petroleum, natural gas or other products; or for observation or any other purpose in connection with developing or operating a gas storage project.

"Work Site" means and includes any location at which pesticides are handled, mixed, stored, or applied.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART B: LICENSURE AND CERTIFICATION REQUIREMENTS

Section 830.240 Change of Certified Structural Pest Control Technician at Place of Employment

- a) Each Illinois certified structural pest control technician shall ~~be required to~~ notify the Department in writing within 15 days ~~after~~ any change in home address or employment. The notification shall also include the date of employment termination at the previous business location, if applicable. A new structural pest control technician certificate will be issued with the technician's new home address, provided that all copies of the old certificate are submitted to the Department along with the appropriate fee specified in Section 9(~~a~~^f) of the Act.
- b) When a licensee or registrant loses the services of the only certified structural pest control technician employed at the business location, the licensee or registrant shall notify the Department in writing within seven⁷ days ~~after~~ the certified technician's departure. In addition:
 - 1) All commercial structural pest control business operations shall cease

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effective the date of the certified structural pest control technician's departure and shall not resume until a replacement technician has been employed;

2) All non-commercial structural pest control businesses ~~using~~utilizing restricted pesticides shall cease application with restricted pesticides effective the date of the certified structural pest control technician's departure and shall not resume until a replacement technician has been employed; and

3) The licensee or registrant shall notify the Department in writing within ~~seven~~7 days after another certified structural pest control technician certified in accordance with Section 5 of the Act and this Part has been employed at the business location. ~~The~~Said notification shall also list the certified structural pest control technician's starting date of employment.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 830.270 Supervision of a Non-certified Technician

a) Each non-certified technician using any pesticide under the Act for commercial structural pest control shall be under the supervision of a certified structural pest control technician employed at the business location, who shall be responsible for the non-certified technician's pest control activities.

b) Each non-certified technician using any restricted pesticide under ~~the~~this Act for non-commercial structural pest control shall be under the supervision of a certified structural pest control technician employed at the business location, ~~whose~~ shall be responsible for the non-certified technician's pest control activities.

c) Any technician providing supervision for the use of restricted pesticides must be certified in the subcategory for which the technician is providing supervision.

d) The physical presence of the supervising certified structural pest control technician is required in the immediate area of the work site ~~when~~:

1) When required by the pesticide labeling; or ~~if~~2) the non-certified technician has not had the minimum on-the-job training with a supervising certified structural pest control technician. At a minimum, on-the-job

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training requires at least two ~~previous~~ supervised uses of ~~each~~the same type of ~~a~~ pesticide applied at each type of a similar work site as verified by records kept in accordance with Section 830.820 ~~of this Part~~; and

23) ~~In~~ other situations ~~where~~ required by the Act or this Part.

e) If the physical presence of the supervising certified structural pest control technician is not required at the work site as specified in subsection ~~Section~~ 830.270(d) ~~above~~, then:

1) ~~A~~ copy of the label for the pesticide used shall be available for immediate review by the non-certified technician; ~~and~~

2) ~~The~~ supervising certified structural pest control technician ~~shall~~must be able to have direct voice contact, or immediate voice contact by telephone or radio, with the non-certified technician at all times during the application; and

3) ~~The~~ supervising certified structural pest control technician shall be able to be physically on the work site within one hour if needed~~should the need arise~~.

f) ~~If the~~In instances where labeling instructions on the pesticide label provide more stringent requirements regarding direct supervision than those listed in this Section~~above~~, the more stringent requirements shall be followed.

g) In all cases of supervision, the certified structural pest control technician shall give the non-certified technician any site- or pesticide-specific instructions necessary to prevent the misuse of a pesticide.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART C: EXAMINATIONS

Section 830.410 Examinations

a) Examinations for certification as structural pest control technicians are divided into two classifications: General Standards Examination (General Use Pesticides) and Sub-category Examinations (Restricted Use Pesticides).

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- b) General Standards (General Use Pesticides). ~~All applicants shall take the~~The general standards examination. ~~The examination will shall be written by all applicants and shall~~ test each applicant's general knowledge in the following areas: label and labeling comprehension; safe handling, storage and disposal of pesticides; environmental awareness; types of equipment; application techniques; pests and pesticide formulations; protective clothing and equipment; symptoms of pesticide poisoning; and Illinois laws and regulations related to structural pest control. Individuals who successfully pass the general standards examination shall be entitled to use or oversee the use of any general use pesticide in accordance with the Act or this Part, provided that ~~providing~~ the individual meets the requirements of Section 4 of the Act.
- c) Sub-category Examinations (Restricted Use Pesticides). Any individual who satisfactorily passes the general standards examination and meets the requirements ~~as set forth~~ in Section 5B of the Act may take a sub-category examination. The individual shall ~~must~~ satisfactorily complete ~~be examined in~~ at least one ~~(1)~~ of the eight ~~(8)~~ sub-category examinations listed in subsections (c)(4)(A) through (H) of this subsection with a minimum score of 70 percent before the applicant will be awarded a technician's ~~technicians's~~ certificate to use or oversee the use of restricted pesticides within the appropriate sub-category.
- 1) Any person using or overseeing the use of restricted pesticides while performing commercial structural pest control shall be examined in each sub-category listed in subsections (4)(A) through (D) and (H) ~~of this subsection~~ for which the said person performs structural pest control.
 - 2) Any person using or overseeing the use of restricted pesticides while engaging in non-commercial structural pest control shall be examined in one of the sub-categories listed in subsections (c)(4)(A) through (H) of this subsection for which the said person performs structural pest control on behalf of the registrant.
 - 3) A person who is ~~Persons who are~~ examined in the sub-categories listed in subsections (c)(4)(E) through (G)"E" through "G" of this Section shall not engage in commercial structural pest control using restricted use pesticides unless he or she is ~~they are~~ examined in one or more of the sub-categories listed in subsections (c)(4)(A) through (D) ~~of this subsection~~ and has ~~have~~ complied with the licensure requirements for commercial structural pest control locations ~~as found~~ in the Act and this Part.

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- 4) The sub-category examinations for restricted pesticides are as follows:
- A) Insects, Rodents and Other Pests – includes the use or supervision of the use of restricted pesticides other than fumigants~~;~~ for the prevention and control of:
 - (i) insects, mites, ticks and other related pests, but does not include termites and other wood destroying organisms;~~and~~
 - (ii) rats and mice; and
 - (iii) upon consent and permit from the Illinois Department of Conservation, protected mammals (bats, squirrels, skunks, etc.) and other protected animals (snakes, etc.).
 - B) Termites and Other Wood~~-~~Destroying Organisms – includes the use or supervision of the use of restricted pesticides other than fumigants~~;~~ in, on or under a structure, for the prevention or control of termites and other wood~~-~~destroying organisms.
 - C) Birds – includes the use or supervision of the use of restricted pesticides for the prevention and control of pest birds such as~~the~~ English house sparrows, pigeons and starlings in, on or around structures.
 - D) Fumigation – includes the use or supervision of the use of restricted fumigants for the control of pests in commercial and non-commercial pest control locations~~;~~ including~~;~~ but not limited to~~;~~ rail cars, trucks, ships, airplanes, docks and warehouses~~;~~ and involves general, spot, tarpaulin chamber, vehicle and in~~-~~transit fumigation.
 - E) Food Processing, Manufacturing and Storage – includes the use or supervision of the use of restricted pesticides~~;~~ excluding fumigants~~;~~ for the prevention and control of insect and rodent pests associated with the manufacturing, processing, packaging or holding of food products for ultimate consumption by man or animals ~~when~~^{where} ~~these~~ products are not served or offered for sale directly to the ultimate consumer.

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- F) Institutional and Multi-unit Residential Housing – includes the use or supervision of the use of restricted pesticides excluding fumigants for the prevention and control of insect (excluding termites and other wood destroying organisms) and rodent pests in, on or around nursing homes, hospitals, public housing facilities, state institutions and similar structures.
- G) Public Health Pest Control – includes State, ~~federal~~Federal or other ~~government~~governmental employees using or supervising the use of restricted pesticides in public health programs for the prevention and control of pests having medical and public health importance other than mosquitoes.
- H) Wood Products Pest Control – includes the use of restricted use pesticides (i.e., creosote, pentachlorophenol and inorganic arsenical formulations) to control or prevent wood degradation by wood-destroying organisms, which include, but are not limited to, insects, and the fungi or bacteria ~~that~~which cause surface molding, surface staining, sap staining, brown rot, white rot, dry rot and soft rot. Certification in this sub-category is limited to those individuals who work in non-commercial wood treatment plants, or for commercial businesses whose function is to treat existing structures or structural components.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section 830.710 Administrative Fines

- a) The Department is authorized to assess administrative civil fines against a licensee, registrant, certified structural pest control technician, public school, licensed day care center or other person for violations of the Act or this Part. ~~Fines~~These fines may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations.
- b) The amount of a fine shall be determined in accordance with the Schedule of Administrative Civil Fines in Table A and the following criteria:

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- 1) A violation, for the purposes of this Section, will be considered to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other state, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with Section 14 of the Act.
- 2) For purposes of determining a second violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous three years. Each day in which the same violation exists shall constitute a separate violation.
- 3) Each location shall be considered separately with regard to violation determinations under this Part.
- 4) A Type A violation is any one of the following:
 - A) Failure to observe the general safety precautions of Section 830.800.
 - B) Failure to abide by any stop sale or stop use order issued under Section 830.860.
 - C) Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870.
 - D) Use of a pesticide in a manner inconsistent with its labeling directions (Section 830.810).
 - E) Performing a pesticide application or inspection in a faulty, careless, or negligent manner (Section 13(d) of the Act).
 - ~~F) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.~~
 - FG) Performing structural pest control in violation of the certification requirements of Sections 4(c) and 5 of the Act and Sections 830.230 and 830.270.
 - GH) Performing structural pest control in violation of an order issued by the Director ~~or designee~~ (Sections 10(f), 13(a) and 14 of the Act).

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- ~~H~~) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).
- ~~I~~) *Performing structural pest control utilizing or authorizing the use or sale of pesticides ~~that~~^{which} are in violation of the FIFRA or the Illinois Pesticide Act.* (Section 13(i) of the Act)
- ~~J~~) Failure to notify employees and parents and guardians of students of a public school or licensed day care center two business days before a pesticide application as specified in Section 10.3 of the Act.

5) A Type B violation is any one of the following:

- A) Failure to cease pest control operations when ~~there is an interruption in~~ insurance coverage is interrupted (Section 830.260(d)).
- B) Making or reporting false, misleading, or fraudulent information. (See Section 13(c) of the Act.)
- C) *Fraudulent advertising or solicitations relating to structural pest control.* (Section 13(f) of the Act)
- D) Allowing a license, permit, registration or certification to be used by another person, in violation of Sections 4(f) and 6(b) of the Act.
- E) Using the certification of a structural pest control technician to secure or maintain a license or registration when that individual is not actively employed at the business location, in violation of Section 6(b) of the Act.
- F) *Aiding or abetting a person to evade any provision of the Act.* (Section 13(g) of the Act)
- G) *Impersonating any federal, State, county, or city official.* (Section 13(h) of the Act)
- H) Failure to allow the Department to perform inspections and

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investigations in accordance with Section 10(g) and (h) of the Act.

I) Failure to comply with a written notice issued in accordance with Section 830.860.

J) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.

K) Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.

6) A Type C violation is any one of the following:

A) Failure to observe the pesticide storage requirements of Section 830.830.

B) Failure to observe the service vehicle requirements of Section 830.840.

C) Failure to observe the pesticide storage practices of Section 830.850.

D) Failure to establish and maintain insurance in accordance with Section 9 of the Act and Sections 830.250 and 830.260 and excluding subsection (b)(5)(A) ~~of this Section~~.

E) Failure to establish and maintain records of pesticide applications in accordance with Section 830.820.

F) Failure of a licensee or registrant to provide written notification to the Department concerning the loss of the licensee's or registrant's only certified structural pest control technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).

G) Failure of a certified structural pest control technician to provide written notification to the Department in accordance with Section 830.240(a).

H) Failure to renew a license or registration in accordance with

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Section 4(e) of the Act and Section 830.180.

- I) Failure to renew a structural pest control technician certification in accordance with Section 6 of the Act and Section 830.200.
- J) Failure to notify the Department of a change in business ownership in accordance with Section 830.190.
- K) Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there is a change in business location.
- ~~L)~~ ~~Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.~~
- LM) Failure to display or provide a current license, registration and certification in accordance with Section 830.310.
- ~~MN~~) Failure to observe the groundwater protection requirements in accordance with Subpart ~~I~~ of this Part.
- ~~NO~~) Failure to follow and observe the integrated pest management requirements of Section 10.2 of the Act.
- O) Failure to provide copies of applicable service records to a property's owner, manager or tenant as specified in Section 830.820(f).

- c) Any penalty not paid within 60 days after notice from the Department ~~will~~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 a license, permit, registration, or certification.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section 830.820 Records

- a) Each commercial structural pest control business location shall ~~be required to~~

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keep records of all pesticide applications for a minimum period of two years. On-the-job training records, in accordance with Section 830.270, shall be kept for as long as the employee is employed or until the employee becomes certified.

- b) Each non-commercial structural pest control business location shall ~~be required to~~ keep records of all restricted pesticide applications at the location for a minimum period of two years. On-the-job training records, in accordance with Section 830.270, shall be kept for as long as the employee is employed or until the employee becomes certified.
- c) The certified structural pest control technician responsible for using pesticides, or overseeing the use of pesticides by non-certified personnel, shall provide documentation~~written verification~~ (i.e., ~~name, signature and~~ certification number and dates of service) of review ~~offer~~ all pesticide records for services performed by uncertified technicians to determine compliance with this Section.
- d) Records of restricted pesticide usage shall be kept separate from those pertaining to general pesticide usage, and both shall include the following:
 - 1) Name and address of customer or site of application;
 - 2) Name of technician applying the pesticide;
 - 3) Date and time of the application;
 - 4) Target pest or purpose for the application;
 - 5) Pesticide use recorded in the following manner:
 - A) Brand or common name;
 - B) USEPA Registration Number;
 - C) Percentage of active ingredient in the finished product; and
 - D) Estimates accurate to within 10 percent~~An estimate~~ of the amount of each~~the~~ finished product used~~;~~:-
 - 6) For termite control treatments, a diagram showing foundation types and accurate dimensions of all portions of the structures being treated.

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- e) All records except those for the week prior to the inspection shall be kept at the business location and be available for inspection by the Department in accordance with the Act, this Part and the Electronic Commerce Security Act.

- f) Structural pest control businesses shall provide copies of service records upon request of a serviced property's current owner, manager or tenant.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

SUBPART I: GROUNDWATER PROTECTION

Section 830.1000 Scope and Applicability

- a) This Subpart shall apply to commercial structural pest control business locations that have pesticide storage units located as specified in subsection (a)(1), (2) or (3) ~~of this Section~~ and have certified their intent in writing to the Department to be subject to ~~the provisions of~~ Section 14.6 of the Environmental Protection Act ~~[415 ILCS 5/14.6]~~ for regulation by the Department in accordance with this Part. ~~Certification for businesses that have pesticide storage units meeting the following specifications shall be submitted to the Department by February 1, 1998, or within 90 days after the effective date of an ordinance or regulation establishing or expanding a maximum setback zone or regulated recharge area, pursuant to Section 14.3 or 17.3 of the Environmental Protection Act:~~
- 1) A storage unit located within a potable water supply well setback zone;
 - 2) An existing storage unit located within a community water supply well regulated recharge area not to exceed 2,500 feet from the wellhead; or
 - 3) A new storage unit located within a community water supply well regulated recharge area, unless prohibited by the Illinois Pollution Control Board.
- b) Certification for businesses that have pesticide storage units located as described in subsection (a)(1), (2) or (3) shall be submitted to the Department within 90 days after the effective date of an ordinance or regulation establishing a maximum setback zone or regulated recharge area, pursuant to Section 14.3 or 17.3 of the Environmental Protection Act.

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- cb) Commercial structural pest control business locations that have storage units located as specified in subsection (a)(1), (2) or (3) ~~of this Section~~ but have not certified their intent in writing to the Department to be subject to ~~the provisions of~~ Section 14.6 of the Environmental Protection Act shall be subject to Sections the provisions of Section 14.4 and 14.5 of the Environmental Protection Act ~~[415 ILCS 5/14.4 and 14.5]~~ and ~~the regulations promulgated by the~~ Illinois Pollution Control Board rules at 35 Ill. Adm. Code 615, 616 and 670 (Existing Activities in a Setback Zone or Regulated Recharge Area, New Activities in a Setback Zone or Regulated Recharge Area, or Minimal Hazard Certification) ~~(and administered by the Illinois Environmental Protection Agency)~~, or ~~the regulations promulgated by the~~ Illinois Department of Agriculture rules at 8 Ill. Adm. Code 257 (Cooperative Groundwater Protection Program) ~~Agriculture at 8 Ill. Adm. Code 257.~~

(Source: Amended at 39 Ill. Reg. _____, effective _____)