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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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

PART 830
STRUCTURAL PEST CONTROL CODE

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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. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 830.20 Referenced Materials

~~The following State and federal laws and State rules are referenced in this Part:~~

- a) The following State laws are referenced in this Part:
 - 1) Illinois Pesticide Act [415 ILCS 60] (Sections 830.710 and 830.860);
 - 2) Structural Pest Control Act [225 ILCS 235] (Section 830.10);
 - 3) Illinois Groundwater Protection Act [415 ILCS 55] (Sections 830.10 and 830.1100);
 - 4) Environmental Protection Act [415 ILCS 5] (Sections 830.10, 830.1000 and 830.1100);
 - 5) Electronic Commerce Security Act [5 ILCS 175] (Section 830.820)
- b) The following State administrative rules are referenced in this Part:

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- 1) Illinois Pesticide Act (8 Ill. Adm. Code 250) promulgated by the Illinois Department of Agriculture (Section 830.860);
 - 2) ~~Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)~~ promulgated by the Illinois Department of Public Health (Section 830.700);
 - 3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);
 - 4) Existing Activities ~~in a~~ ~~In A~~ Setback Zone ~~or~~ ~~Or~~ Regulated Recharge Area (35 Ill. Adm. Code 615) promulgated by the Illinois Pollution Control Board (Section 830.1000);
 - 5) New Activities ~~in a~~ ~~In A~~ Setback Zone ~~or~~ ~~Or~~ Regulated Recharge Area (35 Ill. Adm. Code 616) promulgated by the Illinois Pollution Control Board (Section 830.1000);
 - 6) Minimal Hazard Certification (35 Ill. Adm. Code 670) promulgated by the Illinois Pollution Control Board (Section 830.1000);
 - 7) Cooperative Groundwater Protection Program (8 Ill. Adm. Code 257) promulgated by the Illinois Department of Agriculture (Section 830.1000);
- c) The following federal laws are referenced in this Part:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 USC 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Sections 830.10, 830.710 and 830.860);

- d) ~~All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART B: LICENSURE AND CERTIFICATION~~GENERAL~~ REQUIREMENTS

Section 830.100 License Application for Commercial Structural Pest Control Business Location

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- a) Any person who engages in commercial structural pest control at or from any commercial structural pest control business location in Illinois, or from a location outside the State and doing business within Illinois, shall be required to obtain a business license from the Department.
- b) To obtain a business license, an applicant ~~shall~~must first meet the certification requirements of the Act and this Part and:
 - 1) Complete the Structural Pest Control Business License Application~~structural pest control business license application~~ (Form IL 482-0156);
 - 2) Obtain a certificate of insurance with general liability insurance coverage in accordance with Section 9(b) of the Act and Sections 830.250 and 830.260 of this Part;
 - 3) Pay the required ~~license fee~~ for an original commercial structural pest control business license as specified in Section 9(a) of the Act and on the application; and
 - 4) Submit the ~~above~~ items in subsections (b)(1) through (3) to the Department.
- c) The license shall be available to any individual desiring to perform structural pest control services for hire who employs at least one Illinois certified structural pest control technician at the business location to oversee pest control activities, which may include the use of general use pesticides (restricted use pesticides if ~~qualified~~qualified under Section 5B of the Act) as long as the requirements of the Act and this Part are met. All licenses shall be issued to the owner named in the application, and are not transferable or assignable.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.110 Registration Application for Non-Commercial Structural Pest Control Location

- a) Any person who engages in non-commercial structural pest control using restricted pesticides, at or from any non-commercial structural pest control location, shall be required to obtain a non-commercial structural pest control

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registration from the Department prior to the ~~application~~application of any restricted pesticide by ~~the~~the said person or facility.

- b) To obtain a location registration, an applicant ~~shall~~must first meet the restricted use certification requirements of the Act and this Part and:
- 1) Complete the Non-commercial Structural Pest Control Business Application~~non-commercial structural pest control business application~~ (Form IL 482-0157) (Form IL 482-0159 if facility is State~~state~~, federal or unit of local government);
 - 2) Pay any applicable ~~registration~~fee for an original non-commercial structural pest control business registration in accordance with ~~Sections~~Section 9(a) and 22 of the Act; and
 - 3) Submit the forms and applicable fees to the Department in accordance with Sections 9(2) and 22 of the Act.
- c) The registration shall be available to any non-commercial structural pest control location where restricted pesticides will be ~~used~~utilized by Illinois structural pest control technicians employed at the location and certified (in accordance with the Act and this Part) by the Department to use restricted pesticides. All registrations shall be issued to the owner named in the application; and are not transferable or assignable.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.180 License and Registration Renewals

- a) Renewal applications will be mailed to all licensees and registrants at least 30 days prior to December 1 of each calendar year.
- b) The licensee or applicant shall review the renewal application~~Renewal applications shall be reviewed for accuracy by the licensee or registrant.~~ The following information shall be recorded where indicated on the ~~back of the~~ renewal application before the application is being submitted to the Department:
- 1) Any changes in business name (that do not result in a change in ownership) and mailing, ownership or location address. If there is a change in the location address, the current business license or registration

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shall be attached to the renewal application and submitted with the fee for replacement of a license or registration prescribed in Section 9(a) of the Act;

- 2) The signature of the location manager/owner; ~~and-~~
 - 3) The signature and certification number (i.e., 052-) of a technician (certified in accordance with Section 5 of the Act and this Part) employed at the business location processing a certificate expiring beyond the license or registration renewal period. A technician possessing a certificate expiring at the same time as the business license or registration may sign the renewal, provided that~~providing~~ the technician certificate is renewed prior to, or at the same time as, the business license or registration.
- c) If a renewal application is filed in a timely and sufficient manner, the Department will process the application, and the current license or registration shall continue in effect until the Department issues either a new license or registration or a Final Order denying the application. Renewal applications shall be filed with the Department prior to December 1 of each year.
- d) For the purposes of this Section, a timely and sufficient manner means that: A license/registration shall be issued providing:
- 1) The renewal application is postmarked no later than December 1 of the year of license or registration expiration;~~the business employs at least one Illinois certified technician at the business location (registrants are required to employ at least one Illinois certified technician at any location where restricted pesticides are utilized);~~ and
 - 2) The Department receives the completed renewal application (in accordance with Section 830.180(b) of this Part) and appropriate renewal (and any replacement of license or registration) fee as set forth in Section 9(a) of the Act is received by the Department; and
 - 3) A~~a~~ valid certificate of insurance is on file with the Department (or attached to the renewal) ~~that~~which provides the minimum liability insurance requirements ~~as detailed in Section 9(b) of the Act and Sections 830.250 and 830.260 of this Part (not applicable for registrants).~~ The certificate of insurance form is available on the Structural Pest Control

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web page at: <http://www.idph.state.il.us/envhealth/structuralpest.htm>; and

- 4) ~~there has been no change in the ownership of the business; and~~
- 5) ~~the Department has no other grounds for denying the application pursuant to Section 13 of the Act or this Part.~~
- e) A renewal application that does not comply with subsections (d)(2) and (d)(3) of this Section shall be considered insufficient and shall be returned to the applicant, and the current license or registration shall lapse on the December 31 expiration date. Renewal applications filed with the Department postmarked after December 31 of each year, or renewal applications filed with the Department but not renewed by the Department prior to December 31 of the year of expiration because they were submitted in violation of this Part, shall be assessed a late filing charge in accordance with Section 9 of the Act and Section 830.210 of this Part.
- f) The Department will process a renewal application that is sufficient but not timely (filed with the Department postmarked after December 1 up to and including December 31), but the current license or registration shall lapse on the December 31 expiration date. The application shall be accompanied by the required late filing charge prescribed in Section 9(a) of the Act.
- g) No license or registration shall be renewed after the December 31 expiration date. Renewal applications postmarked after December 31 will be subject to the requirements and fees for obtaining an original commercial or non-commercial structural pest control business license or registration as detailed in Section 830.100 or 830.110 of this Part.
- h) Renewal applications shall not be used to obtain a license or registration when there has been a change in ownership. For a change in business ownership, the application for a Commercial (or Non-commercial) Structural Pest Control Business Location License (or Registration) and the Change of Business Ownership forms shall be completed and mailed to the Department in accordance with Sections 830.180 (or 830.110) and 830.190 of this Part in lieu of the renewal application. Forms may be obtained from the Structural Pest Control web page at: <http://www.idph.state.il.us/envhealth/structuralpest.htm>.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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Section 830.200 Certification Renewals

- a) Renewal applications will be mailed to all certified technicians in possession of a valid structural pest control technician certificate at least 30 days prior to December 1 during the year of certification expiration, provided that the following items are on file with the Department by October 1 of that year:
 - 1) A valid, current home address; and
 - 2) Verification of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, at Department-approved pest control training seminars~~attendance at the required number of recertification seminars~~ during the certification period.
- b) A certified technician who does not receive a renewal application pursuant to subsection (a) of this Section may obtain one by submitting a written request to the Department after the requirements of Section 830.200(a) of this Part have been met.
- c) ~~The certified technician shall review the renewal application~~ Renewal applications shall be reviewed for accuracy by the certified technician. Any changes of employment, name, or home or mailing address shall be recorded where indicated on the renewal application.
- d) If a renewal application is filed in a timely and sufficient manner, ~~it will be processed by the Department~~ will process the application, and the current certification shall continue in ~~full force and effect~~ until the Department issues either a certification renewal or a Final Order denying the application.
- e) For the purposes of this Section, a timely and sufficient manner means that:
 - 1) ~~The~~ application is postmarked no later than by December 1 of the year of certification expiration;
 - 2) ~~The~~ application is made using the Department's technician renewal form;
 - 3) The child support section of the application has been completed and the application is signed and dated by the certified technician;

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- 4) ~~A~~ A check or money order for the renewal fee required by Section 9(a) of the Act is enclosed; ~~and~~
- 5) ~~Documentation~~ documentation of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, ~~attending at least one~~ Department approved pest control training ~~seminars~~ seminar during the ~~three~~ 3 years prior to the renewal application is either on file with the Department or enclosed with the renewal application; ~~and~~.
- 6) A current 2-inch by 2-inch head and shoulders color photograph of the applicant printed on photographic paper is attached to the application or on file with the Department.
- f) A renewal application ~~that~~ which does not comply with ~~subsections~~ subsection (e)(2) through ~~(6)(5)~~ of this Section shall be considered insufficient and shall be returned to the applicant, and the current certification shall lapse on the December 31 expiration date.
- g) The Department will process a A renewal application ~~that~~ which is sufficient but not timely (filed with the Department postmark after December 1) ~~shall be processed by the Department~~, but the current certification shall lapse on the December 31 expiration date. The application shall be accompanied by the required late filing charge prescribed in Section 9(a) of the Act. ~~If such application is postmarked after December 31 of the year of expiration, the renewal fee shall include the late filing charge required by Section 9 of the Act and Section 830.210 of this Part in order to be considered a sufficient application.~~
- h) The Department's acceptance of an application as sufficient for processing shall not be construed as a determination of the merits of the application or the technician's qualifications for certification renewal.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.210 Late Filing Charge

- a) A late filing charge (see Section 9(a) of the Act) shall be assessed for any license, registration or certification renewal ~~that~~ which is not properly filed with the Department postmarked no later than the December 1 due date ~~of expiration~~.
- b) A renewal is improperly filed when a license, registration, or technician certificate

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cannot be issued because the requirements of the Act and Sections 830.180 or 830.200 of this Part have not been fulfilled.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.220 Non-renewal of Technician Certificates

- a) Structural pest control technician certificates shall be renewed up to one~~1~~ year after expiration by paying the renewal fee, late filing charge (as required by Section 9(a) of the Act) and furnishing evidence of attendance at a minimum of nine classroom contact hours, in increments of three hours or more, at Department-approved participation at an approved pest control training seminars~~seminar~~. A certificate issued by the Department pursuant to this Section shall expire three~~3~~ years after~~from~~ the technician's original renewal date.
- b) Certificates lapsing more than one~~1~~ year but less than five~~5~~ years after expiration shall be renewed only after the individual files an application for examination, pays all required fees (i.e., a total fee composed of the application, renewal and late filing fee) and successfully passes the certification examinations.
- c) No previously certified technician shall be allowed to attain certification without meeting the appropriate requirements as detailed in subsections~~subsections~~ (a) or (b)~~above~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity

- a) An individual classified as a certified structural pest control technician, or applicator, in another state and who is not an Illinois resident, may obtain Illinois certification as a structural pest control technician provided that~~providing~~:
 - 1) The state~~the State~~ in which the applicant is certified has certification requirements substantially equal to those of the State of Illinois; and
 - 2) The~~the~~ individual is~~was~~ a resident of the state where original certification was obtained and is still actively certified in that state.
- b) An~~Illinois reciprocal certification shall be by examination unless a formal~~

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~~agreement exists between both states. In addition, an individual shall only be~~ allowed to obtain reciprocal certification only in the areas or categories for which he/she was certified by closed book examination in the other state.

- c) An applicant desiring to obtain reciprocal certification shall have the state in which he/she is certified submit a letter on agency letterhead to the Department ~~that~~which includes the following information:
- 1) Name and address of applicant;:-
 - 2) Employer name and address;:-
 - 3) Classification of certification (commercial for hire, commercial not-for-hire, etc.);:-
 - 4) Certificate I.D. number and license I.D. number;:-
 - 5) Date first certified/licensed;:-
 - 6) Date of certification/license expiration;:-
 - 7) Categories for which the individual is certified, along with a brief description of each category;:-
 - 8) Overall certification status (legal action against certificate/license holder in the past or present, etc.); and:-
 - 9) Whether the certification examination was an open book or closed book examination.
- d) An applicant who has received approval for reciprocal certification pursuant to this Section will then be required to complete the application~~applications~~ for certification as a structural pest control technician and submit the application and fees~~them~~ to the Department in accordance with Section 830.120.
- e) Reciprocal applicants shall maintain their certification in their resident state in order for their reciprocal certification to remain active in Illinois. Loss of certification in the reciprocal applicant's resident state for any reason shall also result in the loss of reciprocal certification in Illinois.

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- f) Residents of Illinois shall not be allowed to obtain reciprocal certification in Illinois.
- g) Once an applicant receives reciprocal certification in Illinois, the applicant shall be subject to all of the requirements of the Act and this Part.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: EXAMINATIONS

Section 830.460 Examinee's Review of Examination (Repealed)

~~Applicants may review their examination(s) at the Department's office in Springfield, or at the Regional Office located near the applicant's home, on an individual basis and by appointment only. No person will be permitted to bring any paper, writing instrument or recording device into the review room, nor will anyone be allowed to copy any portion of the examination.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 830.470 Applicant Unable to Attend Scheduled Examination

- a) An applicant who is unable to attend a scheduled pest control certification examination shall provide written notification submitted by mail to, and received by, the Illinois Department of Public Health, Division of Environmental Health, 525 W. Jefferson Street, Springfield, Illinois 62761, or by e-mail to DPH.pestcontrol@Illinois.gov, at least two business days prior to the scheduled examination date.
- b) An applicant who files written notification in accordance with this Part will receive no more than one excused absence from an examination per year.
- c) An applicant who fails to provide written notification in accordance with this Part and fails to attend the scheduled examination shall be required to file a new application and fee in accordance with Subpart B of this Part to be eligible to take an examination on another date.
- d) Written notification shall be sent to the Department's main office in Springfield by U.S. mail, by fax or by electronic mail as indicated on Department examination applications and correspondence.

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(Source: Added at 37 Ill. Reg. _____, effective _____)

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Section 830.600 Application

- a) ~~To~~In order to satisfy the training seminar requirements of the Act pertaining to recertification (i.e., certification renewal), each educational institution or any other entity ~~that~~which has established or proposes to establish a recertification training seminar on structural pest control shall submit its program to the Department in writing for review and approval.
- b) ~~The~~Such request shall be submitted to the Department no later than four weeks prior to the date of the program. The program information shall include:
- 1) The title of the program;
 - 2) Sponsor information, including name, address, telephone number, e-mail address (if available), and contact person~~sponsor~~;
 - 3) Dates and location of the program;
 - 4) Type~~type~~ of audience;
 - 5) An agenda listing the title of each topic, listing speakers, and amount of time per topic, breaks, and start and end times;
 - 6) A brief description of each topic;
 - 7) Background~~background~~ information and qualifications of each speaker; and
 - 8) Total~~total~~ classroom contact hours excluding breaks (a classroom contact hour shall be composed of 60 minutes).
- c) ~~9)~~ Requirements for certification as a structural pest control technician (in accordance with Section 5 of the Act and Section 830.120 of this Part) shall be included in the program brochure if in the event Department approval for certification examinations is ~~to be~~ granted.

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- d)e) Any seminar sponsor ~~request for~~requesting the Department's participation ~~shall~~must be submitted for approval no later than ~~eight~~8 weeks prior to the meeting date.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.630 Pest Control Seminars

- a) Pest control recertification training seminars shall be in increments of three or more classroom contact hours ~~a minimum of 1 day (7 classroom contact hours~~ excluding breaks) and shall cover one or more categories as outlined in ~~Subpart D,~~Section 830.530.
- b) The seminar sponsor shall notify all interested participants of the seminar date or dates and location.
- c)b) Sponsors shall incorporate audio-visual aids, handouts ~~and/or~~ demonstrations into their programs to help assure audience attentiveness and comprehension. In addition, a written evaluation form ~~provided by the Department~~ shall be included for completion by all participants. The sponsor shall use the evaluation form ~~shall be utilized by the seminar sponsor in order to~~ improve seminar content and presentation.
- e) ~~The seminar sponsor shall be responsible for notifying all interested participants of the seminar date(s) and location.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.640 Record of Completion

- a) Each educational institution or other entity whose pest control recertification training seminar has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the seminar.
- b) Each educational institution or other entity shall maintain a copy of the typed list of individuals attending each seminar, which shall be signed by each attendee and shall include sign in/out times ~~submit a copy of the letter or certificate for each individual who has successfully completed the seminar to the Department. The original~~ A typed listing of those individuals who have satisfactorily completed the

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seminar ~~shall~~ may be submitted to the Department ~~and shall in lieu of a copy of the letter or certificate which was issued to the participant. The list shall~~ include the following:

- 1) ~~Information~~ information pertaining to the seminar (i.e., title, dates and locations of seminar ~~and~~; sponsoring agency);
 - 2) ~~Participant's~~ participant's ~~printed name and signature beside sign-in and sign-out times;~~
 - 3) ~~Participant's~~ participant's Illinois certification number (052-);
 - 4) ~~Date~~ date of ~~participant's~~ participant's certificate expiration;
 - 5) ~~Participant's~~ participant's home address; and
 - 6) ~~Employer's~~ employer's name and address.
- c) ~~The list required in subsection (b) Notification shall be filed with the Department no later than 45 calendar days after the conclusion of the seminar. The seminar sponsor may also electronically submit to the Department a spreadsheet containing each participant's name and certification number, along with the title, location, program date or dates and the number of classroom contact hours awarded for the program. This electronic filing will enable seminar hours to be credited to the participant prior to the Department's receipt of the original copy of the list. An individual must attend all classroom portions pertaining to the seminar in order to receive credit.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: HEARINGS AND ADMINISTRATIVE FINES

Section 830.700 Hearings

All hearings held pursuant to this Part shall be in accordance with the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (~~77 Ill. Adm. Code 100~~).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 830.710 Administrative Fines

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- a) The Department is authorized to assess administrative civil fines against a licensee, registrant, ~~or~~ certified technician, public school, licensed day care center or other person for violations of the Act or this Part. 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 ~~Section 830.~~Table A and the following criteria:
 - 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 ~~or since the effective date of this amendment,~~ whichever is less.;
 - 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).

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- F) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.
 - G) 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.
 - H) Performing structural pest control in violation of an order issued by the Director or ~~designee~~his authorized representative (Sections 10(f), 13(a) and 14 of the Act).
 - I) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).
 - J) ~~Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of the FIFRA or the Illinois Pesticide Act.~~ Performing structural pest control utilizing or authorizing the use or sale of pesticides which are in violation of FIFRA or the Illinois Pesticide Act (Section 13(i)(4) of the Act):
 - K) 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 (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.~~ Fraudulent advertisements 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 ~~(Section 4(f) and 6(b) of~~

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the Act).

- E) Using the certification of a structural pest control technician ~~in order 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. ~~Aiding or abetting a person to evade any provision of this Act~~ (Section 13(g) of the Act).
 - G) Impersonating any federal, State, county, or city official. ~~Impersonating any federal, State, county or city official~~ (Section 13(h) of the Act).
 - H) Failure to allow the Department to perform inspections and investigations in accordance with Section 10(g) and (h) of the Act.
 - D) Failure to comply with a written notice issued in accordance with Section 830.860.
- 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

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the Department concerning the loss of the licensee's or registrant's ~~their~~ only certified technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).

- G) Failure of a certified 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 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.
 - M) Failure to display or provide a current license, registration and certification in accordance with Section 830.310.
 - N) Failure to observe the groundwater protection requirements in accordance with Subpart I of this Part.
 - O) Failure to follow and observe the integrated pest management requirements of Section 10.2 of the Act.
- c) Any penalty not paid within 60 days after notice from the Department 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 ~~and~~ certification.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

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Section 830.820 Records

- a) Each commercial structural pest control business location shall be required to keep records of all pesticide applications for a minimum period of two years.
- 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.
- c) The certified technician responsible for using pesticides, or overseeing the use of pesticides by non-certified personnel, shall provide written verification (i.e., signature and certification number) of review for all pesticide records 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) An estimate of the amount of the finished product used.
- 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 provisions prescribed under the Act, and this Part and the Electronic Commerce Security Act.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART J: INTEGRATED PEST MANAGEMENT COURSE REQUIREMENTS

Section 830.2000 Application

- a) An educational institution or any other entity that has established or proposes to establish an integrated pest management course to satisfy the requirements of Section 10.2 of the Act shall submit its program to the Department for review and approval.
- b) The request shall be submitted to the Department at least 45 days prior to the beginning of the course and shall include:
 - 1) Information on the course sponsor, including name, address, telephone number, e-mail address (if available), and contact person;
 - 2) A complete outline and description of the subject material, including, but not limited to, proposed lesson plans, course textbook, handouts, worksheets, and laboratory exercises;
 - 3) Proposed dates and locations where the integrated pest management course is to be offered;
 - 4) Total classroom hours required to complete the course. Integrated pest management courses shall be a minimum of six classroom contact hours, excluding breaks;
 - 5) Background information and qualifications of instructors and speakers;
 - 6) Pre- and post-class knowledge evaluation sheet;
 - 7) Course evaluation form; and
 - 8) Course certificate of completion.
- c) The Department will issue a course approval number for each approved integrated pest management course.

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(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 830.2100 Instructors

An instructor in an approved integrated pest management course shall have a high school diploma or General Educational Development (GED) certificate and shall have minimum experience or education prior to the course, consisting of one or more of the following:

- a) Be an Illinois certified structural pest control technician or a pest control specialist in a related field; or
- b) Have one year of practical experience as an integrated pest management coordinator with written verification from an employer; or
- c) Have an Associate's Degree or higher degree with at least 15 semester hours or the equivalent in the fields of biological science, entomology, zoology, or related fields from a recognized college or university, as verified by that educational institution.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 830.2200 Integrated Pest Management Course Content

- a) Integrated pest management (IPM) courses shall cover, at a minimum, the following topics:
 - 1) Definition of integrated pest management in accordance with Section 3.25 of the Act;
 - 2) Development of an integrated pest management plan;
 - 3) Development of an official integrated pest management policy statement;
 - 4) Designating pest management roles;
 - 5) Setting pest management objectives;
 - 6) Inspecting, identifying, and monitoring for pests using, at a minimum, the following basic investigative techniques:

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- A) Common locations to look for specific pests;
 - B) Determining the evidence of pests;
 - C) Trap placement, inspection, and trap record keeping;
 - D) Basic pest identification; and
 - E) Communication of findings to staff and pest control operator;
- 7) Setting action thresholds and determining response times;
 - 8) Applying integrated pest management strategies;
 - 9) Evaluating results and record keeping;
 - 10) Selection of a proper pest control contractor for IPM;
 - 11) Safety issues, including the proper storage of pesticides, notification of application requirements, and label information; and
 - 12) Overview of the requirements of the Act and this Part pertaining to integrated pest management in public schools and licensed day care centers.
- b) The Department has published a guide on integrated pest management that shall be used in the development of an integrated pest management course. The guide can be found on the Department's web page at: <http://www.idph.state.il.us/envhealth/ipm/index.htm>.
 - c) The sponsor is responsible for establishing a system such as a sign in/out roster that verifies that participants have attended the training program throughout its stated length.
 - d) Courses shall incorporate audio-visual aids, handouts or demonstrations to help assure audience attentiveness and comprehension. In addition, a written evaluation form, provided by the sponsor, shall be included for completion by all participants. The course sponsor shall use the evaluation form to improve course content and presentation.

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- e) The course sponsor shall be responsible for notifying all interested participants of the course date, time, and location.
- f) All course material and evaluations, as outlined in this Section, and the list of participants, as outlined in Section 830.2400, shall be kept for a minimum of five years and shall be available to the Department upon request. Electronic copies of these materials will be acceptable.
- g) The sponsor shall, upon request, allow reasonable access by the Department to all of the records.
- h) If a training provider ceases to conduct training, the training provider shall notify the Department and provide the Department the opportunity to take possession of that provider's integrated pest management training records.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 830.2300 Integrated Pest Management Course Evaluation

All approved integrated pest management courses are subject to periodic Department evaluation to determine the level of the ongoing effectiveness of the training course.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 830.2400 Record of Completion

- a) Each educational institution or other entity whose integrated pest management course has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the course. The letter or certificate shall include the following:
 - 1) Information pertaining to the course (i.e., title, dates and locations of course, sponsoring agency, and the course number issued by the Department);
 - 2) Participant's name;
 - 3) Participant's place of employment;
 - 4) Instructor's name and signature; and

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- 5) Five-year expiration date.
- b) Within 30 days after the conclusion of each course, the educational institution or other entity shall electronically submit to the Department via e-mail a typed list of those individuals who have satisfactorily completed the course. The list shall include the following:
- 1) Information pertaining to the course (i.e., title, dates and locations of course, sponsoring agency, and the course number issued by the Department);
 - 2) Participants' names; and
 - 3) Participants' employer information, including name, address, and the day care center license number or public school district's nine-digit number issued by the State Board of Education.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 830.2500 Alternative Methods of Training

Alternative methods of training, such as interactive computer programming, interactive video, or distance learning, may not be used as a means to successfully complete an integrated pest management course.

(Source: Added at 37 Ill. Reg. _____, effective _____)