

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845
LEAD POISONING PREVENTION CODE

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AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg. 19019, and new Part adopted at 32 Ill. Reg. 19023, effective November 25, 2008; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 845.10 Applicability ([Repealed](#))

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- a) ~~Subpart A of this Part contains incorporated and referenced materials and definitions. This Subpart applies to all activities conducted in accordance with the Lead Poisoning Prevention Act (Act) and Lead Poisoning Prevention Code (Code).~~
- b) ~~Subpart B of this Part contains information that pertains only to activities conducted by the Illinois Department of Public Health or its delegate agency for cases in which a child has been identified with an elevated blood lead level.~~
- c) ~~Subpart C of this Part contains requirements for licensure of individuals and firms, approval of training program providers and requirements for the Department's third-party examination.~~
- d) ~~Subpart D of this Part contains the responsibilities for licensed individuals, firms and approved training program providers.~~
- e) ~~Subpart E of this Part contains standards and requirements to be used by licensed individuals for conducting lead investigation services in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.~~
- f) ~~Subpart F of this Part contains the standards and requirements for conducting lead mitigation and lead abatement activities in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.~~
- g) ~~Subpart G of this Part contains provisions for administrative enforcement, including the issuance of fines and penalties and procedures governing administrative hearings for violations of applicable laws or this Part for any lead services conducted in regulated facilities.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 845.15 Incorporated and Referenced Materials

- a) The following materials are incorporated in this Part.
 - 1) Federal Regulations:
 - A) Lead Standard: 29 CFR 1910.1025 and 29 CFR 1926.62, Occupational Safety and Health Administration (OSHA) ([20114993](#))

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- B) Respiratory Protection Standard: 29 CFR 1910.134, OSHA (~~2012~~1998)
 - C) Lead-Based Paint Poisoning Prevention in Certain Residential Structures: 40 CFR 745, subparts D, F and L, United States Environmental Protection Agency (USEPA) (2011)~~Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupational Facilities: 40 CFR 745, United States Environmental Protection Agency (USEPA) (1996)~~
 - ~~D) Requirements for Hazard Education Before Renovation of Target Housing: 40 CFR 745, USEPA (1998)~~
 - ~~E) Identification of Dangerous Levels of Lead: 40 CFR 745, USEPA (2001)~~
 - ~~DF) Protection of Identity – Research Subjects: 42 CFR 2a 4, Department of Health and Human Services (2004~~2000)
 - ~~EG) Lead and Copper Rule: 40 CFR 141, subpart I, as amended by the Lead and Copper Rule: 56 FR 26460 through 26564, USEPA (2007~~June 7, 1991)
 - ~~FH) Lead-Safe Housing Rule: 24 CFR 35, Department of Housing and Urban Development (HUD) (2004)~~
 - ~~G) State or Indian Tribal Lead-based Paint Compliance and Enforcement Programs; Flexible Remedies: 40 CFR 745, subpart Q, part 327(b)(3), USEPA (2011)~~
 - ~~H) Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing: 40 CFR 745, USEPA and HUD (1996)~~
- 2) Federal Guidelines:
- A) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Department of Housing and Urban

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Development (HUD) (~~2012~~~~June 1995~~); ~~Chapter Seven of the HUD Guidelines, Lead-Based Paint Inspection, 1997~~

Available from: Office of [Healthy Homes and Lead Hazard Control](#), ~~Lead-Based Paint Abatement and Poisoning Prevention~~
HUD, Room ~~8236B-133~~, 451 Seventh Street, SW, Washington DC 20410

Also available online at: https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines~~http://www.hud.gov/officeslead/guidelines/index.cfm~~

- ~~B)~~ ~~A Field Test of Lead-Based Paint Testing Technologies (USEPA report # EPA 747-R-96-001) (March 1997)~~
~~Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460~~
~~Also available online at:~~
~~http://www.hud.gov/offices/lead/reports/DAT_files/LBPTTech/R96-001.pdf~~

- ~~B)~~ Residential Sampling for Lead: Protocols for Dust and Soil Sampling (USEPA report # EPA 747-R-95-001) (1995)
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460
Also available online at: <http://www.epa.gov/sites/production/files/2014-03/documents/2002quz.pdf>
<http://www.hud.gov/offices/lead/reports/R95-001.pdf>

- ~~C)~~ USEPA Methodology for XRF Performance Characteristic Sheets (USEPA report # EPA 747-R-95-008) (1997)
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460
Also available online at: <http://www.epa.gov/sites/production/files/documents/r95-008.pdf>~~http://www.epa.gov/lead/pub/r95-008.pdf~~

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- ~~D~~E) Laboratory Accreditation Guidelines; Measurement of Lead in Paint, Dust, and Soil (USEPA report # EPA 747-R-92-001) (March 1992)

Available from: Exposure Evaluation Division, TS-798, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460

Also available online at: <http://www.epa.gov/sites/production/files/documents/92-001.pdf>

<http://www.hud.gov/offices/lead/labs/nllap.cfm>

- E) [American Water Works Association Illinois Section: A Guidance Document for Drinking Water Testing \(2017\)](#)

Available from: American Water Works Association Illinois Section, 545 S. Randall Road, St. Charles IL 60174

Also available online at: http://c.ygcdn.com/sites/www.isawwa.org/resource/collection/EFBDCA3F-9F6-4EA1-8A75-C74E82CA020D/Sampling_Drinking_Water_Guidance-rev2.pdf

- b) All incorporation by reference of federal regulations or guidelines refer to the regulation or guideline on the date specified and do not include any subsequent editions or amendments.

- c) The following State statutes and rules are referenced in this Part:

~~1~~) [Lead Poisoning Prevention Act \[410 ILCS 45\]](#)

~~2~~) Code of Civil Procedure [735 ILCS 5]

~~3~~) Communicable Disease Report Act [745 ILCS 45]

~~4~~) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

~~5~~) Freedom of Information Act [5 ILCS 140]

~~6~~) State Records Act [5 ILCS 160]

~~7~~) Medical Studies Act [735 ILCS 5/Art. VIII, Part 21]

~~8~~) [Administrative Review Law \[735 ILCS 5/Art. III\]](#)

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97) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

108) Child ~~and Student~~ Health ~~Examination and Immunization~~~~Environmental~~ Code (77 Ill. Adm. Code 665)

11) Laboratory Service Fees (77 Ill. Adm. Code 475)

12) Illinois Plumbing Code (77 Ill. Adm. Code 890)

d) The following federal statute is referenced in this Part:

Toxic Substance Control Act (TSCA) (15 USC 2685 405(b)), Standards for Environment Sampling Laboratories

e) The following laboratory accreditation program ~~Department of Public Health form~~ is referenced in this Part: The National Lead Laboratory Accreditation Program (NLLP), also available on line at: <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-nllap>. ~~Childhood Lead Risk Assessment Questionnaire~~www.idph.state.il.us/envhealth/pdf/Lead_LRAQ_6_07.pdf.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.20 Definitions

For purposes of this Part, the following terms have the meanings ascribed in this Section.

"Act" means the Lead Poisoning Prevention Act [410 ILCS 45].

"Blood Lead Test" means a blood lead testing by venous or capillary methodology. ~~The terms "blood lead test" and "screen" are used interchangeably.~~

"Case Management" means any activity that involves coordinating, providing and overseeing the services required to reduce blood levels.

"Child" means a person under the age of 16.

"Child Care Facility" means any structure used by a child care provider required to be licensed by the Department of Children and Family Services or public or

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private school structure frequented by children ~~under~~ 6 years of age or younger.
(Section 2 of the Act)

~~"Childhood Lead Risk Assessment" means administration of the risk assessment questionnaire to the parent.~~

"Childhood Lead Risk Questionnaire" means the questionnaire developed by the Department for use by physicians and other health care providers to determine risk factors for children 6 years of age or younger residing in areas designated as low risk for lead exposure. (Section 2 of the Act)

"Common Area" means a portion of a regulated facility that is generally accessible to all occupants, including, but not limited to, hallways, stairways, laundry rooms, playgrounds, garages, and boundary fences.

"Complete Address" means an address that states the full street name, street number, unit number, city, state and zip code. A post office box number with city, state and zip code does not constitute a "complete address".

~~"Compliance Investigation" means the activity of performing a visual assessment and collecting dust wipe samples for the purpose of determining compliance with the Department's standard for lead dust levels.~~

"Confirmed Blood Lead Level" means ~~that an elevated~~ blood lead level resulting from a single ~~is confirmed by a~~ venous blood lead test. Elevated capillary blood test results shall be confirmed by a venous test.

~~"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.~~

"Delegate Agency" means a unit of local government or health department approved by the Department in accordance with Section 845.50 of this Part to carry out the provisions of the Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

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"Director" means the Director of ~~the Department of Public Health of the State of Illinois.~~ (Section 2 of the Act)

~~"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)~~

"Dwelling Unit" means an individual unit within a residential building used or intended to be used as living quarters for one household. (Section 2 of the Act)

"Elevated Blood Lead Level" or "EBL" means a blood lead level greater than or equal to 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$) of whole blood.

"EBL Inspection" means an on-site inspection and any necessary follow-up in a regulated facility where a child or pregnant person is reported to have a confirmed blood lead level greater than or equal to 10 $\mu\text{g}/\text{dL}$ has frequented. EBL inspections shall only be performed by the Department or delegate agency personnel licensed as a lead risk assessor.

~~"Elevated Results" means a blood lead test result of 10 micrograms/deciliter or higher.~~

~~"Encapsulant" means a substance that forms a barrier between a lead-bearing substance and the environment using a liquid-applied coating or an adhesively bonded covering material.~~

"Final Clearance Evaluation" means the activity of performing a visual assessment and collecting dust wipe samples following a lead abatement or lead mitigation for the purpose of determining compliance with the Department's standard for lead dust levels.

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25] to request the testing of specimens, ~~but does not include dentists.~~

"HEPA" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

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"Intact Surface" means a surface with no loose, peeling, chipping or flaking paint. ~~Intact surfaces that are painted must be free from crumbling, cracking or deterioration.~~ Intact surfaces must not be damaged or worn down in any way that would make paint or debris ~~from the damaged area~~ accessible to children.

"Lead Abatement" means any approved work practices found in Subpart F activity that will permanently eliminate lead exposure or remove the lead-bearing~~lead-bearing~~ substances in a regulated facility. (Section 2 of the Act)

"Lead Abatement Contractor" means any person or entity licensed by the Department to perform lead abatement ~~and~~ mitigation. (Section 2 of the Act)

"Lead Abatement Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and lead mitigation and to supervise lead workers who perform lead abatement and lead mitigation. (Section 2 of the Act)

"Lead Abatement Worker" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation. (Section 2 of the Act)

"Lead Activities" means the conduct of any lead services, including lead inspection, lead risk assessment, lead mitigation, or lead abatement work or supervision in a regulated facility. (Section 2 of the Act)

"Lead Bearing Substance" means any item or part of an item containing or coated with lead such that the lead content is more than 0.06% lead by total weight; or any dust on surfaces or in furniture or other nonpermanent elements of the regulated facility with lead content in excess of the limits specified in Section 845.205(c) ~~dwelling~~; or any accessible or bare soil containing lead in excess of the limits specified in Section 845.205(b); or any paint or other surface coating material containing more than 0.5% lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; or lead-bearing~~lead-bearing~~ substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or rule~~regulation~~; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or item or dust on item containing lead in excess of the amount specified in this Part or a lower standard for lead content as may be established by federal law or rule~~regulation~~. "Lead-bearing~~Lead-bearing~~ substance" does not include firearm ammunition or

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components as defined by the Firearm Owners Identification Card Act. (Section 2 of the Act)

"Lead Hazard" means a ~~lead-bearing~~ lead-bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)

"Lead Hazard Screen" means a lead risk assessment that involves limited dust and paint sampling for ~~lead-bearing~~ lead-bearing substances and lead hazards. This service is used as a screening tool designed to determine if further lead investigative services are required for the regulated facility. (Section 2 of the Act)

"Lead Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. (Section 2 of the Act) ~~Lead inspection includes sampling or investigation for lead associated with a lead inspection as defined in this Section and outlined in Section 845.210, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.~~

"Lead Inspector" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead inspections; to sample for the presence of lead in paint, dust, soil, and water; and to conduct final clearance evaluations and compliance investigations. (Section 2 of the Act)

"Lead Mitigation" means the remediation of a lead hazard so that a ~~lead-bearing~~ lead-bearing substance does not pose an immediate health hazard to humans. (Section 2 of the Act)

"Lead Poisoning" means the condition of having an EBL ~~blood lead levels in excess of those considered safe under this Part (see the definition of "permissible limits") and federal rules and regulations.~~ (Section 2 of the Act)

"Lead Risk Assessment" means an on-site investigation to determine the existence, nature, severity and location of lead hazards. Lead risk assessment includes any lead sampling and visual assessment associated with conducting a lead risk assessment and lead hazard screen and all lead sampling associated with final clearance evaluations ~~as defined in this Section and outlined in Sections 845.215 and 845.220, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.~~ (Section 2 of the Act)

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"Lead Risk Assessor" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead risk assessments, lead ~~inspections~~~~inspection~~, and lead hazard screens; to sample for the presence of lead in paint, dust, soil and water; and to conduct compliance investigations and final clearance evaluations. (Section 2 of the Act)

~~"Lead Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and to supervise lead workers who perform lead abatement and mitigation. ("Lead Abatement Supervisor" was formerly called "Lead Abatement Contractor/Supervisor".)~~

"Lead Training Program Provider" means any person providing Department-approved lead training in Illinois to individuals seeking licensure in accordance with the Act and this Part. (Section 2 of the Act)

~~"Lead Worker" means any person employed by a licensed lead abatement contractor and licensed by the Department to perform lead abatement and mitigation. (Section 2 of the Act)~~

"Local Health Department" means the health department or board of health, as recognized by the Department, that has jurisdiction over the particular geographical area in which the person lives.

~~"Negative Blood Lead Test Result" means a blood lead test with a blood lead level of less than 10 micrograms/deciliter (mcg/dL) or less of whole blood in a child under age 16 years.~~

"Owner" means any person who alone, jointly, or severally with others:

Has legal title to any ~~regulated facility~~~~dwelling or residential building~~, with or without ~~accompanying~~ actual possession of the regulated facility~~; dwelling or residential building~~; or

Has charge, care, or control of the ~~regulated facility~~~~dwelling or residential building~~ as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. (Section 2 of the Act)

~~"Permissible Limits", for reporting purposes, means a confirmed blood lead level of less than 10 micrograms/deciliter (mcg/dL) of whole blood in a child under age~~

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~~16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman, and less than 25 mcg/dL for all other persons.~~

~~"Person" means any individual, partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assignee or more natural persons, legal entities, governmental bodies, or any combination. (Section 2 of the Act)~~

~~"Positive Blood Lead Test Result" means a blood lead level test with a blood lead level of 10 micrograms/deciliter (mcg/dL) or higher of whole blood in a child under age 16 years.~~

~~"Regulated Facility" means a residential building or child care facility dwelling, residential building, child care facility, or any other structure as defined in the Act or this Part. (Section 2 of the Act)~~

~~"Regulatory Investigation" means the activities of the Department or delegate agency to determine compliance with the Act and this Part, including, but not limited to, records review of licensed lead risk assessor or lead inspector reports, visual inspection and records review of a lead abatement contractor's work practices at a lead abatement or lead mitigation project, and assessment of penalties for non-compliance when warranted.~~

~~"Renovation" means the modification of any existing structure, or portion thereof, of a regulated facility that results in the disturbance of painted surfaces.~~

~~"Renovator" means any person who conducts renovation in a regulated facility for compensation, including barter.~~

~~"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures. (Section 2 of the Act)~~

~~"Room Equivalent" means an identifiable part of a regulated facility residence, such as a room, a house exterior, a foyer, a staircase, a hallway or an exterior area.~~

~~"STELLAR" means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.~~

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"Testing Combination" means a unique combination of room equivalent, building component type, and substrate.

"Training Hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, ~~and~~/or hands-on experience.

"USEPA" means the United States Environmental Protection Agency.

"Window Stool" means the lower part of the window's shelf-like portion of the frame, inside the house, that is flat and extends inward from the bottom rail of a sash (sometimes called a "window sill").

"Work Area" means the interior and exterior areas where lead mitigation or lead abatement ~~activities~~ are conducted. ~~These areas may include any room or rooms undergoing lead mitigation or lead abatement activities in a regulated facility, including any common area of these facilities.~~

"XRF" means X-ray fluorescence ~~analyzer~~. ~~XRF instruments are typically~~ used to measure lead in soil, dust and paint samples.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.25 Disclosure Requirements

- a) An owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall, before entering into a lease or purchase agreement for the regulated facility for which the mitigation notice was issued, provide prospective lessees or purchasers of that unit with written notice that a lead hazard has previously been identified in the regulated facility. An owner may satisfy this notice requirement by providing the prospective lessee or purchaser with a copy of the inspection report, mitigation notice and subsequent certificate of compliance prepared pursuant to Section 9 of the Act.
- b) Before entering into a residential lease or purchase agreement, all owners of regulated facilities built before 1978 shall ~~inform~~ prospective lessees or purchasers ~~of information on~~ the potential health hazards posed by lead ~~in residential dwellings~~ by providing the prospective lessee or purchaser with a copy of an informational brochure on lead poisoning. The disclosure and informational

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brochure shall be consistent with the requirements set forth in 40 CFR 745, [subpart F \(Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property\)](#) "~~Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing~~".

- c) No more than 60 days before beginning [lead mitigation or lead abatement](#)~~renovation activities~~ in any regulated facility, a [lead abatement contractor](#)~~renovator~~ shall, at a minimum:
- 1) Provide the owner ~~of the unit~~ with the pamphlet as required in subsection (b) of this Section, and comply with one of the following:
 - A) Obtain from the owner a written acknowledgment that the owner has received the pamphlet; or
 - B) Obtain a certificate of mailing from the United States Postal Service (USPS) at least ~~7~~seven days prior to beginning the [lead mitigation or lead abatement](#)~~renovation~~; and
 - 2) Provide the tenant with the pamphlet required in subsection (b) of this Section and comply with subsections (c)(1)(A) and (B) of this Section, or:
 - A) Obtain from the tenant a written acknowledgment that the tenant has received the pamphlet. If the [lead abatement contractor](#)~~renovator~~ cannot get written acknowledgment from the tenant, the [lead abatement contractor](#)~~renovator~~ shall document the attempts and the reason why the acknowledgment was not obtained (i.e., tenant refused, no tenant available); or
 - B) Obtain a certificate of mailing from the USPS at least ~~7~~seven days prior to beginning the [lead mitigation or lead abatement](#)~~renovation~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

Section 845.55 Lead [Testing](#)~~Screening~~

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- a) ~~Any~~Every physician licensed to practice medicine in all its branches or health care provider ~~who sees or treats~~shall screen children ~~6 months through~~ 6 years of age ~~or younger shall test those children for lead poisoning when those children who are determined to~~ reside in an area defined as high risk by the Department. Children residing in areas defined as low risk by the Department shall be evaluated for risk by the Childhood Lead Risk Questionnaire developed by the Department, or tested if indicated. (Section 6.2 of the Act) Medicaid enrolled children ~~shall receive a blood test~~must be tested as required in the Healthy ~~Kids~~Kids Early and Periodic Screening, Diagnosis and Treatment Program (89 Ill. Adm. Code 140). ~~Children residing in areas defined as low risk by the Department shall be assessed for their risk for lead exposure by providing the information contained in the Childhood Lead Risk Assessment Questionnaire provided by the Department.~~
- 1) Children determined to be at high risk based upon ~~the~~a Childhood Lead Risk Questionnaire ~~Assessment~~ shall ~~receive~~have a blood lead ~~test~~measurement.
 - 2) Children who have elevated capillary results of 5 µg/dL or greater shall be confirmed by a venous sample~~screening results shall have follow-up testing.~~
 - 3) ~~Elevated capillary results 10 mcg/dL and above shall be confirmed by a venous sample.~~
- b) ~~Each licensed, registered, or approved health care facility serving children from 6 months through 6 years of age or younger, including, but not limited to, health departments, hospitals, clinics, and health maintenance organizations approved, registered or licensed by the Department, shall take the appropriate steps (referral of children with identified risk factors as defined in the Department-provided Childhood Lead Risk Assessment Questionnaire to a physician or health care provider) to ensure that children 6 years of age or younger be evaluated for risk or tested for lead poisoning or both~~the patients receive lead poisoning screening, where medically indicated or appropriate, consistent with the risk factors in the Childhood Lead Risk Lead Assessment Questionnaire provided by the Department. (Section 6.2 of the Act) ~~Patients are those children receiving complete health care provided by the approved health care facility.~~

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- c) Physicians and health care providers may ~~evaluate~~ assess children 7 years of age and older, and pregnant persons, in accordance with the Childhood Lead Risk ~~Assessment~~ Questionnaire provided by the Department.
- d) *Each day care center, day care home, preschool, nursery school, kindergarten, or other ~~child care~~ child-care facility, licensed or approved by the State, including programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between one and 7 ~~the ages of 6 months through 6~~ years of age provide a statement from a physician or health care provider that the child has been screened ~~or assessed~~ for risk of lead poisoning, or tested, or both. This statement shall be provided prior to admission and subsequently in conjunction with physical examinations required by 77 Ill. Adm. Code 665.140 of the Department's rules titled Child and Student Health Examination and Immunization Code. (Section 7.1 of the Act)*
- e) *~~Nothing in this Part shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects to such screening on the grounds that the screening or test conflicts with his or her religious beliefs. (Section 7.1 of the Act)~~*

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.60 Reporting

- a) Every physician who diagnoses, or health care provider, nurse, hospital administrator, public health officer or director of a clinical laboratory who has verified information of the existence of a blood lead test result for any child or pregnant person, shall report the result to the Department. (Section 7 of the Act) If the analysis has been performed at the Department laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting is not required. Any blood lead test results of 5µg/dL or greater shall be reported to the Department within 48 hours after analysis. All other verified blood lead test results shall be reported to the Department no later than 30 days following the last day of the month in which the test results were analyzed. The information included in the laboratory report on all blood lead test results shall include the blood lead level, the child's or pregnant person's name, date of birth, sex and race, complete address (including street, apartment number, city, state and ZIP code), date of test, test type, date of report, physician or clinic address, Medicaid identification number (if applicable), and the reporting agency. All

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reports submitted shall identify blood lead test results quantitatively. These requirements shall be the same for all health care providers, hospital administrators and public health officers conducting a blood lead test by venous or capillary blood draw.~~The Department requires the following persons and facilities to report all blood levels to the Department:~~

- 1) ~~Every physician who diagnoses, or health care provider, nurse, hospital administrator, or public health officer who has verified information of any person who has a level of lead in the blood in excess of the permissible limits, as defined in Section 845.20, is required to report pursuant to this Section, starting with a confirmed lead level of 10 mcg/dL. (Section 7 of the Act) If the analysis has been performed at the State laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting of elevated levels is not required. Upon the request of a provider, the Department may generate a list of individual patients treated by that provider according to the claims records and the patients' lead test results. (Section 6.3(b) of the Act)~~
 - 2) ~~Directors of clinical laboratories who have verified information of any positive blood lead test results, as defined in Section 845.20, are required to report the results to the Department within 48 hours after receipt of verification. Negative blood lead test results shall be reported to the Department no later than 30 days following the last day of the month in which the test results are obtained by the laboratory. The information included in the clinical laboratory report on positive and negative blood lead test results shall include the blood lead level; the child's name; address, date of birth, sex and race; date of test; test type; date of report; physician and/or clinic, with address; Medicaid identification number (if applicable); and the reporting agency. Verification and test information on positive blood lead test results shall be submitted as a distinct report separate from the cumulated negative blood lead test information. All reports submitted shall identify the report content as either negative or positive blood lead test results.~~
- b) Reports ~~required pursuant to this Section~~ shall be made to the Department, and all reported information, including the source of ~~the such~~ information, received by the Department shall be considered confidential in nature. Any information submitted to a laboratory at the request of the Department and in accordance with this Part shall be treated as confidential by the laboratory that receives the

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information on behalf of and as required by the Department. ~~All~~The reports and information provided under this Section shall be confidential and subject to the provisions of the Medical Studies Act and the Communicable Disease Report Act, and shall not be disclosed. It is the right, however, of any patient to obtain his or her own data.

- c) Reports ~~required pursuant to this Section~~ shall be submitted in a format approved by the Department within 48 hours after receipt of verification. ~~Methods of submission can include written or electronic reporting as detailed in Appendix A.~~
- d) ~~Reports of blood lead levels shall be on the form specified in Appendix A.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.65 Provision of Data

- a) ~~Only~~All reports issued by the Department, ~~which are~~ aggregated medical data from which to make it is impossible to identify any patient, reporting entity, or primary caregiver, shall be made available via an annual lead poisoning surveillance report drafted by the Department to the public pursuant to the Freedom of Information Act.
- b) All requests by ~~medical or epidemiologic~~ researchers for confidential data shall be submitted in writing to the Department. The request shall include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; methods for documenting compliance with Department of Health and Human Services – Protection of Identity – Research Subjects; 42 CFR 2a.4(a) through (j), 2a.6(a) and (b), 2a.7(a) and (b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify what patient identifying information is needed and how the information will be used. Identifying information concerning the reporting entity will not be made available by the Department. Identifying information is defined as any information, collection, or groups of data from which the identity of the patient or reporting entity to which it relates may be discerned, e.g., name, address or ID number.

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- e) ~~All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient identifying information shall be subject to a review to determine compliance with the following conditions:~~
- ~~1) The request for patient identifying information contains stated goals or objectives;~~
 - ~~2) The request documents the feasibility of the study design in achieving the stated goals and objectives;~~
 - ~~3) The request documents the need for the requested data to achieve the stated goals and objectives;~~
 - ~~4) The requested data can be provided within the time frame set forth in the request;~~
 - ~~5) The request documents that the researcher has qualifications relevant to the type of research being conducted;~~
 - ~~6) The research will not duplicate other research already underway using the same data when both require the contact of a patient involved in the previously approved concurrent research; and~~
 - ~~7) Other conditions relevant to the need for the patient identifying information and the patient's confidentiality rights. (The Department will release only the patient identifying information that is necessary for research.)~~
- d) ~~The Director or designee will review the request and approve or deny the request. The Information Agreement (Appendix B) shall contain the signatures of the Director and the applicant before data can be provided. Reasons for denial may include the following:~~
- ~~1) Confidentiality, privacy and/or security measures are unsatisfactory in the opinion of the Department;~~
 - ~~2) Data requested are unavailable or unreliable in the opinion of the Department;~~

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- 3) ~~The stated purpose does not meet the Department's mission statement;~~
- 4) ~~The Department is unable to provide the data in the requested format;~~
- 5) ~~The applicant is not an accredited or licensed research institution, a government agency, legislative commission, or other organization with the ability to conduct research, such as a university research center or private research firm; or~~
- 6) ~~The information cannot be provided by the requested date.~~
- e) ~~Denied requests may be revised and resubmitted.~~
- f) ~~Information Agreements~~
 - 1) ~~The Department will enter into information agreements for all approved research requests. These agreements shall specify the information that is being released and how it can be used in accordance with subsection (c) of this Section. In addition, the researcher shall include an assurance that:~~
 - A) ~~Use of data is restricted to the specifications of the protocol;~~
 - B) ~~All data that may lead to the identity of any patient, research subject, physician, other person, or hospital are strictly privileged and confidential, and the researcher agrees to keep all such data strictly confidential at all times;~~
 - C) ~~All officers, agents and employees will keep all such data strictly confidential. The researcher will communicate the requirements of this Section to all officers, agents and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;~~
 - D) ~~All data provided by the Department pursuant to the agreement may be used only for the purposes named in the agreement and any other or additional use of the data may result in immediate termination of the agreement by the Department; and~~

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- ~~E) All data provided by the Department pursuant to the agreement are the sole property of the Department and may not be copied or reproduced in any form or manner, except for research use by the researcher, and that all data, copies and reproductions of the data made for the researcher's internal use shall be returned to the Department upon termination of the agreement.~~
- ~~2) Any departures from the approved protocol shall be submitted in writing and approved by the Director or designee in accordance with subsections (c) and (d) of this Section prior to initiation. A researcher shall not release identifying information to a third party.~~
- cg) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity that originally supplied that information to the Department.
- dh) By written reciprocating agreement, the Department may disclose individual patient information concerning residents of another state to the Childhood Lead Poisoning Prevention Program in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Medical Studies Act.
- ei) The identity of any person (or any group of facts that tends to lead to the identity of any person) whose blood test result is submitted to the Illinois Childhood Lead Poisoning Prevention Program is confidential and shall not be open to public inspection or dissemination. ~~This Such~~ information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.
- fi) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Medical Studies Act and is privileged from disclosure by the Medical Studies Act.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.70 Laboratory Fees for Blood Lead TestingScreening

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- a) The fee schedule for a sample of blood submitted to the Department for blood lead analysis and necessary follow-up by the Department shall be in accordance with the Laboratory Service Fees~~\$25.75~~. The fee shall be assessed to the provider who submits the sample. Statements of fee assessment shall be mailed to the submitter of the specimens on a monthly basis. Payment and/or appropriate information as required in subsections (b) and (c) ~~of this Section~~ shall be submitted to the Department upon receipt of the monthly statement.
- b) The Medicaid Recipient Identification Number may be provided for Medicaid eligible recipients in lieu of payment.
- c) Medically indigent recipients shall be those recipients with family incomes under 185% of the federal poverty guidelines, not eligible for Medicaid, and screened by local health departments, Rural Health Clinics, Federally Qualified Health Centers and facilities designated by the Department of Health and Human Services as look-alike Federally Qualified Health Centers. No fee shall be charged for these recipients.
- d) Fees collected from the Department's testing service will be placed in a special fund in the State Treasury known as the Lead Poisoning Screening, Prevention and Abatement Fund.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.75 Requirements for Licensing of Department and Delegate Agency Personnel

- a) Any Department or delegate agency personnel who conduct lead inspections, lead risk assessments, ~~lead hazard screens, regulatory compliance~~ investigations, final clearance evaluations, or any combination of these services in a regulated facility ~~in which a child with an elevated blood lead level has been identified~~ shall comply with the following:
 - 1) Complete the required training outlined in Subpart C of this Part ~~to conduct lead investigation services; and~~
 - 2) Complete and pass the appropriate third party examination as required in Subpart C. Be licensed in accordance with Subpart C of this Part to ~~conduct lead investigation services; and~~

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- 3) ~~Complete the appropriate third party examination as required in Subpart C of this Part.~~
- b) Employees of the Department, a delegate agency, or a local health department shall be exempt from licensure fees and third party examination fees required by Subpart C ~~of this Part~~ when those employees' licenses are used only for purposes related to employment at the above-mentioned agencies.
- 1) Licenses issued pursuant to this Section shall be specifically noted as Health Department Employee (HDE) licenses.
 - 2) The HDE license shall not allow the licensed individual to provide private lead inspection, lead risk assessment, or final clearance evaluation~~investigation~~ services for personal profit.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.80 ~~Surveillance and~~ Case Management

- a) Case management services shall be provided by the Department or a delegate agency when a confirmed EBL is indicated.~~Surveillance and Case Management~~
- 1) Interviews shall be conducted with the parent or guardian or with attending physicians as needed to assure the accuracy and completeness of reports and to perform the activities of case follow-up for confirmed EBLs~~elevated blood lead levels above 15 mcg/dL~~.
 - 2) The following activities shall be conducted and documented concerning patient or case follow-up:
 - A) ~~Track/Trace~~ the case using the Department's surveillance database;
 - B) Counsel the pregnant person, parent or guardian of the case;
 - C) Educate the pregnant person, parent or guardian of the case;
 - D) Conduct a home visit to interview~~Interview~~ the pregnant person, parent or guardian of the case for purposes of collecting, verifying and~~or~~ completing the Prenatal Risk Evaluation for Lead Exposure

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~~form provided by the Department information identified in Appendix A, Exhibit A and Appendix A, Exhibit B of this Part;~~

- E) Refer the pregnant person, parent or guardian of the case for medical treatment, early intervention services, or early childhood special education, when appropriate; and
 - F) Submit completed reports to the Department as specified in the agreement between the delegate agency and the Department.
- b) *Any delegate agency may establish fees, according to a reasonable fee structure, to be determined by the delegate agency, to cover the costs of drawing blood for blood lead testing and evaluation~~screening~~ and any necessary follow-up.* (Section 7.2 of the Act) Necessary follow-up includes individual case management and environmental inspection~~management~~. In accordance with federal regulations, fees may not be charged to Medicaid recipients.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.85 Environmental Follow-Up

- a) Upon notification that a child or pregnant person who is an occupant or frequent visitor of a regulated facility is reported to have a confirmed blood lead level greater than or equal to 10 µg/dL, an EBL inspection shall be conducted.~~Environmental Investigation of Regulated Facilities—Child Confirmed With Elevated Blood Lead Level~~
- 1) ~~Upon notification that a child who is an occupant or frequent inhabitant of a regulated facility is reported to have a confirmed blood lead level that would necessitate an environmental investigation,~~ a representative of the Department or a delegate agency is authorized to inspect any regulated facility for the purpose of determining the source of lead poisoning. In the following cases, an EBL inspection~~environmental investigation and follow-up~~ shall be conducted by the Department or delegate agency:
 - A) If a child or pregnant person has a confirmed blood lead level greater than or equal to 10 µg/dL~~at or above 20 mcg/dL~~; or
 - B) If a regulated facility is occupied by a child of less than 3 years of age with an elevated blood lead level greater than or equal to 10

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µg/dL, the Department, in addition to all other requirements of the Act, must inspect the dwelling unit of the child and common area of the regulated facility. (Section 8 of the Act)~~If a child has three successive confirmed blood lead levels of 15–19 mcg/dL with no time requirement between tests;~~

- ~~C) If a child has a single confirmed blood lead level at or above 10 mcg/dL and the child's physician requests an investigation to determine whether the child should be removed from the regulated facility because of the lead hazard;~~
- ~~D) If a child less than three years of age has a single confirmed blood lead level at or above 10 mcg/dL; or~~
- ~~E) If mitigation notices are issued for two or more dwelling units in a building within a five year time period, the Department may inspect common areas in the building and shall inspect units where children under the age of 6 reside, at the request of a parent or guardian of the child, or a pregnant woman resides, at the pregnant woman's request.~~

2) An EBL inspection~~investigation~~ of a regulated facility to determine the source of lead poisoning as required by this Section shall be conducted ~~using procedures and guidance outlined in this Section and the documented methodologies specified in Section 845.15,~~ and shall consist of at least the following:

- A) An interview with the owner or occupant about regulated dwelling~~or~~ facility use patterns and potential lead hazards, including inquiries such as~~regarding~~:
 - i) Glazed~~Improperly glazed~~ pottery;
 - ii) Ethnic or folk medicines;
 - iii) Hobbies and occupation;
 - iv) Other regulated facilities visited by the child or pregnant person~~dwellings~~;

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- v) International travel; ~~and~~
 - vi) Recent renovations; ~~and~~
 - vii) Products recalled for containing lead or other products that may contain lead, such as imported jewelry, toys and candies;
- B) A visual assessment of the condition of the building, appurtenant structures and painted surfaces; and
- C) Environmental sampling ~~in accordance with deteriorated paint and dust based upon~~ subsection (a)(~~34~~) ~~of this Section~~.
- 3) Sampling shall be conducted by at least one of the following methods or a combination ~~of these methods thereof~~:
- A) ~~XRF Testing~~ X-Ray fluorescence (XRF) testing. XRF equipment shall be operated in accordance with work practice standards incorporated in Section 845.15 and the manufacturer's operational manual. Surfaces sampled with XRF readings equal to or greater than the levels specified in Section 845.205 are considered to be ~~lead-bearing~~ lead-bearing substances.
 - B) Dust ~~Wipe Sampling~~ wipe sampling. Dust wipe samples shall be collected in accordance with documented methodologies ~~incorporated specified~~ in Section 845.15. Dust samples collected with laboratory analysis reported as equal to or greater than the levels ~~referenced specified~~ in Section 845.205 are considered ~~elevated and are considered~~ lead hazards.
 - C) Paint ~~Chip Sampling~~ chip sampling. Paint chip samples shall be collected in accordance with documented methodologies ~~incorporated specified~~ in Section 845.15. Surfaces where paint chip samples are collected with analysis reported as equal to or greater than the levels ~~referenced specified~~ in Section 845.205 are considered to be lead-bearing substances.
 - D) Soil ~~Samplingsampling~~ sampling. Soil samples ~~shall be collected where bare, accessible soil is identified~~ are discretionary based on the

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~~visual assessment~~. If collected, soil samples shall be collected in accordance with documented methodologies ~~incorporated~~~~specified~~ in Section 845.15. Soil samples with laboratory analysis reported as equal to or greater than the levels ~~referenced~~~~specified~~ in Section 845.205 are considered ~~lead hazard~~~~elevated~~.

E) Water ~~Samplingsampling~~. Water samples ~~are discretionary~~. ~~If collected, water samples~~ shall be collected in accordance with documented methodologies ~~incorporated~~~~specified~~ in Section 845.15. Water samples with laboratory analysis reported as equal to or greater than the levels ~~referenced~~~~specified~~ in Section 845.205 are considered ~~lead hazard~~~~elevated~~.

4) All environmental samples, excluding XRF sampling, shall be submitted to and analyzed by ~~an accredited~~ laboratory ~~accredited by the National Lead Laboratory Accreditation Program (NLLAP), as defined in Section 845.20~~.

5) *Following ~~the EBL inspection~~~~an investigation~~, the Department or its delegate agency shall:*

A) *Prepare an ~~inspection~~~~investigation~~ report that shall:*

i) *~~State the address of the dwelling unit or~~~~State the address of the~~ regulated facility;*

ii) *Describe the scope of the ~~inspection~~~~investigation~~, the ~~inspection~~~~investigation~~ procedures used, and the method of ascertaining the existence of a ~~lead-bearing~~~~lead-bearing~~ substance in the ~~dwelling unit or~~ regulated facility;*

iii) *State whether any ~~lead-bearing~~~~lead-bearing~~ substances were found in the ~~dwelling unit or~~ regulated facility;*

iv) *Describe the nature, extent, and location of any ~~lead-bearing~~~~lead-bearing~~ substance that is found;*

v) *State either that a lead hazard does exist or that a lead hazard does not exist. ~~If a lead hazard does exist~~~~If a determination is made that a lead hazard does exist~~, the*

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report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section; and

- vi) *Give the name of the person who conducted the ~~inspection~~ investigation and the person to contact for further information regarding the ~~inspection~~ investigation and the requirements of the Act and this Part ~~and the Act~~. (Section 8(1) of the Act)*

- B) *Provide a copy of the ~~inspection~~ investigation report to the property owner and to the occupants ~~of the dwelling unit or~~ of the regulated facility. If a ~~lead-bearing~~ lead-bearing substance is found, at the time of providing a copy of the inspection report, the Department or its delegate agency shall attach a brochure containing information on lead abatement and lead mitigation to the copy of the ~~inspection~~ investigation report provided to the property owner and the occupants of the regulated facility. (Section 8(2) of the Act)*

- C) *If the ~~inspection~~ investigation report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner ~~stating~~ that the owner is required to mitigate the lead hazard and. ~~The mitigation notice shall indicate the time period specified in the Act in which the owner must complete the mitigation. The notice shall include information as required by this Section, and shall include information describing mitigation activities that meet the requirements of the Act and this Part and the Act. (Section 9(1) of the Act) Whenever a mitigation notice is issued pursuant to Section 9 or Section 9.2 of the Act, the Department shall make the owner aware of any financial assistance programs that may be available for lead mitigation through the federal, State or local government or a not for profit organization. (Section 9.3 of the Act)~~*

- D) *If the source of the lead hazard identified in the ~~inspection~~ investigation report is lead-based ~~lead~~ paint or any other lead-bearing substance ~~leaded surface coating~~, the lead hazard shall be deemed to have been mitigated if:*

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- i) *The surface identified as the source of the lead hazard is no longer in a condition that produces a hazardous level of ~~lead/leaded~~ chips, flakes, dust or any other form of lead-bearing/leaded substance that can be ingested or inhaled by humans; ~~or~~*
- ii) *The surface identified as the source of the lead hazard is no longer accessible to children and could not reasonably be chewed on by children; ~~or, the surface coating is either removed or covered, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department in this Part.~~*
- iii) *The surface coating identified as the source of the lead hazard is either removed or covered (enclosed or encapsulated), or child access to the lead-bearing surface is otherwise prevented as prescribed by the Department. (Section 9(2) of the Act)*
- E) *When a mitigation notice is issued for a dwelling unit or regulated facility/regulated facility inspected as a result of an elevated blood lead level in a pregnant ~~person/woman~~ or a child, or if the dwelling unit or regulated facility is occupied by a child ~~under~~ 6 years of age or younger or a pregnant ~~person/woman~~, the owner shall mitigate the hazard within 30 days after receiving the notice. ~~When no such child or pregnant person occupies the dwelling unit or regulated facility otherwise,~~ the owner shall complete the mitigation within 90 days. (Section 9(5) of the Act)*
- F) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation. If the Department or its delegate agency determines that the owner is making substantial progress toward mitigation, or that the failure to meet the deadline is the result of a shortage of licensed lead abatement contractors, or that the failure to meet the deadline is because the owner is awaiting the review and approval of a mitigation plan, the Department or delegate agency may grant an extension of the deadline. (Section 9(6) of the Act)*

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G) *The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any ~~dwelling unit or regulated facility~~ regulated facility for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of the Act, which may include lead abatement if lead abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of the Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9(7) of the Act)*

b) ~~Mitigation or Abatement of Lead Hazards in Regulated Facilities.~~ Lead mitigation or lead abatement activities in regulated facilities shall not result in lead contamination of areas outside of the lead mitigation or lead abatement work area. The removal of lead-bearing~~lead-bearing~~ substances from regulated facilities shall be conducted in a manner that will not endanger the health or well-being of occupants and will result in the safe removal of lead-bearing~~lead-bearing~~ substances from the work area and the safe disposal of flakes, chips, debris, dust, and other lead-bearing~~lead-bearing~~ substances. Lead mitigation or lead ~~abatement~~hazard repairs shall be completed within the time specified after receipt of written notification. Lead mitigation or lead abatement activities required by this Section may be conducted using any or all of the procedures outlined in Subpart F, or as prescribed by the Department or its delegate agency.

1) ~~All loose paint shall be moistened and carefully scraped from defective surfaces. These areas shall then be covered with contact paper, cloth, canvas, or other material that will create an intact surface for the purpose~~

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~~of preventing the paint chips from falling on the floor. All debris shall be collected and sealed in plastic bags for proper disposal.~~

- 2) ~~Any surfaces that have collected dust shall be cleaned by damp mopping with a detergent and water solution or a phosphate-free, lead-dissolving detergent.~~
- 13) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency, specifying the method or methods by which surfaces that will be managed in place are to be maintained in an intact condition. The plan shall include an inspection schedule that includes inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in this Section until deemed to be intact surfaces by the lead risk assessor.
- 24) Alternative Procedures
- A) The Department or delegate agency may allow an alternative procedure for lead abatement, lead mitigation, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department or delegate agency that the proposed alternative procedure provides a level of abatement and safety at least equivalent to the requirements of this Section.
- B) In all cases in which the Department or delegate agency allows the use of an alternative procedure, the owner and occupant shall, for a one-year period after completion of the lead abatement or lead mitigation project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.
- c) ~~Regulated Facilities Not Requiring Abatement or Mitigation.~~ Notwithstanding any other provision of this Part, lead abatement or lead mitigation is not required when the property owner enters into a stipulation with the Department that will protect children and pregnant persons from exposure to lead-bearing~~lead bearing~~

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substances. The stipulation shall be by written agreement, and shall provide that any violation of the agreement shall cause the immediate issuance of a mitigation ~~or abatement~~ order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:

- 1) The property shall be demolished; or
- 2) The property shall be vacated.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: TRAINING COURSE APPROVAL AND
LICENSING OF INDIVIDUALS AND FIRMS

Section 845.100 Approval of Lead Training Program Providers

- a) Any firm providing lead training in Illinois to individuals seeking certification and licensure in accordance with the Act and this Part, and requirements outlined in USEPA regulations (40 CFR 745), is required to be approved in accordance with the Act and this Part.
 - 1) A person seeking approval as a lead training program provider shall submit a completed written application to the Department containing the following information:
 - A) The lead training program provider's name, address, fax number, e-mail address, website, social media site and telephone number;
 - B) A list of courses for which approval is sought, including the requirements for each course as specified in Section 845.105;
 - C) A statement signed by the program training manager certifying that the lead training program meets all of the requirements established in this Section;
 - D) A copy of the student and instructor manuals to be used for each course;
 - E) A copy of the agenda for each course;

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- F) A description of the facilities and equipment to be used for lecture and hands-on training;
- G) A description of the examination for each discipline indicating the percentage of examination questions relating to each course objective;
- H) The final examination for each course, the answer key for the examination and the criteria for pass/fail (at least 70% correct to pass);
- I) An example of the certificate of course completion, which shall include:
 - i) Student name;
 - ii) An identification number unique to each student;
 - iii) The course name;
 - iv) Dates of the course;
 - v) Exam date;
 - vi) Name, address and telephone number of the [lead](#) training program provider;
 - vii) A statement that the course is approved by the Department, [including the lead training program provider number designated by the Department](#);
 - viii) A statement that the student has completed the course and passed the course examination; ~~and~~
 - ix) Signature of the training manager; [and](#)
 - [x\) Training certificate expiration date](#);
- J) A description of the activities and procedures that will be used for conducting and assessing hands-on skills requirements;

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- K) A quality control plan, which shall include:
 - i) Procedures for periodic revision of training materials and the course examination to reflect innovations in the lead industry;
 - ii) Procedures for the training manager's annual review of principal instructors' and guest instructors' competencies;
 - iii) Procedures and protocols for re-administration of course exam in case of student failure; and
 - iv) An instructor-to-student ratio no greater than 1:30 for lecture portions and 1:15 for hands-on portions;
 - L) The name of the training manager employed by the lead training program provider, with supporting qualifications as required by subsection (b) this Section, including the completed Training Manager Qualifications form provided by the Department; and
 - M) The name of the principal instructor employed by the lead training program provider for each discipline, with supporting qualifications as required by subsection (c) this Section, including the Principle Instructor Qualifications form provided by the Department.
- b) The lead training program provider shall employ a training manager with the following minimum requirements and responsibilities.
- 1) Requirements
 - A) A resume or letters of reference documenting at least 2~~two~~ years of experience, education, or training in teaching adults; and
 - B) Education and/or work experience equivalent to the following:
 - i) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene,

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safety, public health, education, business administration or program management or a related field; or

- ii) A resume or letters of reference documenting at least ~~two~~ years of experience in managing a training program specializing in environmental hazards, and experience, education or training in lead or asbestos abatement, construction, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

2) Responsibilities

- A) Ensuring that the lead training program provider complies at all times with the requirements of this Part;
- B) All formal correspondence, such as training course certificates, approval requests and renewal applications;
- C) Maintaining lead training program provider records and making those records available to the Department, as specified in this Section;
- D) Designating a qualified principal instructor for each discipline, as required by subsection (c) ~~of this Section~~; and
- E) Designating guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

c) The lead training program provider shall employ a principal instructor for each discipline, with the following minimum requirements and responsibilities:

- 1) A resume or letters of reference documenting at least ~~two~~ years of demonstrated experience, education or training in teaching workers or adults; and
- 2) A current Department-approved training course certificate for the lead disciplines for which ~~he or she~~ is designated as principal instructor. A current lead abatement supervisor certificate meets the requirement for instruction of all lead abatement supervisor and lead abatement worker

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[courses. A current lead risk assessor certificate meets the requirement for instruction of all lead risk assessor and lead inspector courses.](#)

- d) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.105 Lead Training Course Approval Requirements

- a) ~~Requirements for Approval of Lead Inspector Training Courses.~~ To obtain approval for a lead inspector training course, a lead training program provider shall submit information to confirm that the program provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk (*) require lecture and hands-on activities):
 - A) Role and responsibilities of a lead inspector;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local ~~rules~~regulations and guidance pertaining to lead-based paint and lead-based paint activities;
 - D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
 - E) Paint, dust, water and soil sampling methodologies;*
 - F) Final clearance evaluation~~Clearance~~ standards and testing, including random sampling;*
 - G) Preparation of the final lead inspection report;* and
 - H) Record keeping.

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- 2) The one-day (8-hour) ~~lead inspector~~Lead Inspector refresher course content shall be the same as the course content specified in subsection (a)(1) of this Section, and any current safety practices, new laws and ~~rules~~regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.

- b) ~~Requirements for Approval of Risk Assessor Training Courses.~~ To obtain approval for a lead risk assessor training course, a lead training program provider~~person~~ shall submit information to confirm that the course provides:
 - 1) A minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Assurance to the Department that a lead inspector training course certificate of completion is required of each applicant as a prerequisite for lead risk assessor training course attendance;
 - B) Role and responsibilities of the lead risk assessor;
 - C) Collection of necessary building information required to perform a lead risk assessment;
 - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging and food);
 - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint hazards;*
 - F) Lead hazard screening protocol;
 - G) Sampling for sources of lead exposure;*
 - H) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and rules~~regulations~~);*

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- I) Development of lead hazard-control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
 - J) Preparation of a final lead risk assessment report.
- 2) The one-day (8-hour) lead risk assessor refresher course content shall be the same as the course content specified in subsection (b)(1) ~~of this Section~~, and any current safety practices, new laws and rules/regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- c) Requirements for Approval of Lead Worker Training Courses.—To obtain approval for a lead abatement worker training course, a lead training program provider/person shall submit information to confirm that the course provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead abatement worker;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local rules and guidance that pertain to lead-based paint abatement/regulations;
 - D) Lead-based paint hazard recognition and control;*
 - E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
 - F) Interior dust abatement or cleanup methods/methods/cleanup;*
 - G) Soil and exterior dust abatement methods;* and

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- H) Respiratory protection, including review of the OSHA Lead Standard.
-
- 2) The one-day (8-hour) lead [abatement](#) worker refresher course content shall be the same as the course content specified in subsection (c)(1) ~~of this Section~~, and any current safety practices, new laws and [rulesregulations](#), and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
-
- d) ~~Requirements for Approval of Supervisor Training Courses.~~ To obtain approval for a lead [abatement](#) supervisor training course, a [lead training program providerperson](#) shall submit information to confirm that the course provides:
 - 1) A minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead [abatement](#) supervisor;
 - B) Information on lead and ~~theirs~~ adverse health effects [of lead exposure](#);
 - C) Information on federal, State and local [rulesregulations](#) and guidance that pertain to lead-based [paint](#) abatement;
 - D) Liability and insurance issues relating to lead-based [paint](#) abatement;
 - E) Lead risk assessment and [lead](#) inspection report interpretation;*
 - F) Development and implementation of an occupant protection plan and [lead](#) abatement report;
 - G) Lead-based paint hazard recognition and control;*
 - H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*

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- D) Interior dust ~~abatement or cleanup methods~~ abatement/cleanup;^{*}
 - J) Soil and exterior dust abatement methods;^{*}
 - K) Final clearance evaluation ~~Clearance~~ standards and testing;
 - L) Cleanup and waste disposal;
 - M) Record keeping;
 - N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects; and
 - O) Respiratory protection, including review of the OSHA Lead Standard.
- 2) The one-day (8-hour) lead abatement supervisor refresher course content shall be the same as the course content specified in subsection (d)(1) ~~of this Section~~, and any current safety practices, new laws and rules/regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- e) The lead training program provider may seek approval ~~Approval~~ of alternative training course schedules ~~Lead Alternative Course Schedules~~.
- 1) An alternative training course schedule ~~Alternative Course Schedule~~ is defined as:
 - A) Any training agenda that includes a training day of more than 8 hours, but fewer than 12 hours. Courses that consist of more than 12 hours of training per day will not be approved by the Department (Note: a training hour consists of 50 minutes of training time);
 - B) Any training agenda that includes a training day of fewer than 8 hours;

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- C) Any training agenda that includes more training days than required by this Part;
 - D) Any training agenda that includes fewer training days than required by this Part;
 - E) Any altered training course that may be offered in addition to the standard lead training course (an example is a training course provider offering the standard 3-day (8 hours per day) lead abatement worker course and also a ~~4~~four-day lead abatement worker course); or
 - F) Any combined lead training course that covers more than one lead training course discipline.
- 2) Application for ~~alternative training course schedules~~Alternative Course Schedules shall be made in accordance with the appropriate discipline requirements set forth in this Section.
- f) ~~The lead training program provider may seek approval~~Approval of foreign language courses~~Foreign Language Courses~~. The lead abatement worker training course discipline is the only discipline that will be approved to be offered in a foreign language. All other lead training course disciplines shall be offered in English. Foreign language lead abatement worker disciplines shall meet all of the requirements specified in subsection (c) ~~of this Section~~. All foreign language course manuals, exams and other course material required by this Section shall be provided in both the language in which the course is to be offered and English.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.110 Lead Training Course Notification Requirements

- a) Notification of Course Schedules and Course Cancellations
 - 1) Notification of upcoming lead training courses shall be made to the Department no ~~less~~later than 7 calendar days prior to the start of all Department-approved courses. The notification shall be made for all lead training courses offered in Illinois and all adjoining states. Prior notification is not required when courses are offered in states other than

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Illinois and adjoining states; however the following conditions shall apply separately and jointly:

- A) Upon request by the Department, the [lead](#) training program provider shall provide the Department with a copy of the notification of upcoming or past lead [training](#) courses as submitted to the USEPA authorized lead program in the state ~~or tribal area~~ where the approved lead training course is offered.
- B) Upon request by the Department, the [lead](#) training program provider shall provide the Department with a copy of the class roster as required by this Section.
- C) The Department may verify that the notification was submitted to and received by a USEPA authorized lead program in accordance with the requirements established by ~~the such state or tribal~~ agency.

2) The Department provides a class notification form in the application package to all [lead](#) training program providers. [This form shall be completed in its entirety and shall include the following minimum requirements:](#)~~If the class notification form provided by the Department is not used, the following information shall be submitted to the Department to be used as the class notification:~~

- A) Name of training program provider;
- B) Location where the course is to be held, including street address, city and state;
- C) Which lead discipline is to be taught and in which language, including indication of initial or refresher course;
- D) Course start date and end date (days of course need not be consecutive, but no more than 10 calendar days shall lapse between the start date of the course and the completion of the course and/or course examination); and
- E) Course start time and end time.

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- 3) Notice of cancellation of courses shall be made to the Department no later than the day the course is scheduled to be conducted.

- b) Class rosters shall be submitted to the Department within 7 calendar days after completion of the course. The Department provides a class roster report form in the application package to all lead training program providers. This form shall be completed in its entirety and shall include the following minimum requirements:~~If the class roster form provided is not used, the following information shall be submitted to the Department to be used as the class roster:~~
 - 1) Name of approved training program provider;
 - 2) Name of course (lead discipline);
 - 3) Type of course (initial or refresher);
 - 4) Language of course;
 - 5) Course location;
 - 6) Course hours;
 - 7) Start date;
 - 8) End date;
 - 9) Exam date;
 - 10) Instructors;
 - 11) Student names;
 - 12) Social Security number or unique identification number assigned by the training program provider to each student;
 - 13) Certificate number unique to each certificate issued; and
 - 14) Student percent score on course examination.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 845.115 Application Fees for Approval and Renewal of Lead Training Courses

- a) All lead training course approvals expire on October 15 of each year, except that a first-time approval issued after July 15 and before October 15 shall expire October 15 of the following year.
- b) Non-refundable application ~~Application~~ fees for all lead training courses are as follows:
 - 1) Fees will be waived for any Illinois State agency~~state~~ or unit of local government seeking approval as a lead training program provider;
 - 2) Initial lead training course for each discipline: \$500 per course;
 - 3) Refresher lead training course for each discipline: \$250 per course; and
 - 4) Combination lead abatement worker and lead abatement supervisor initial lead training course: \$1,000~~Late fees for each discipline: \$50 per course.~~
- ~~e)~~ Alternative course schedules:
 - 1) ~~If the only course being offered in a lead discipline is an alternative course schedule, then the fees outlined in subsections (b)(2) and (3) of this Section shall apply.~~
 - 2) ~~If the training program provider is approved to conduct the standard lead course for a specific discipline, the application fee for an alternative course schedule of that discipline shall be \$100.~~
- ~~cd)~~ Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
 - 1) To renew a lead training course that has been expired for fewer than 3 years, the lead training program provider shall pay the current application fee, plus a reinstatement fee of \$100 for each year the course approval is expired.

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- 2) To renew a [lead](#) training course that has been expired for a period of 3 years or more, the [lead](#) training program provider shall re-submit the complete training course with the appropriate application and fees for review and approval as required by Section 845.105.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.120 Lead Training Program Provider Record Keeping Requirements

- a) ~~Lead training~~[Training](#) program [provider](#) records shall be made available to the Department for review as follows.
 - 1) The [lead](#) training program provider shall retain records at the address specified on the [lead](#) training program provider approval application (or as modified) for a minimum of 4 years.
 - 2) The [lead](#) training program provider shall notify the Department in writing before changing the address specified on its [lead](#) training program provider approval application or transferring records from that address to a new address.
 - 3) The Department shall have the authority to enter, inspect and audit training activities and training records to determine compliance with the Act and this Part.
 - 4) Training records that shall be maintained by the [lead](#) training program provider include the following:
 - A) All materials specified in Section 845.100 that have been submitted to the Department as part of the [lead training program provider's program's](#) approval;
 - B) Current ~~curriculum~~/course materials and documents reflecting any changes made to these materials;
 - C) Results of the students' hands-on skills assessments and course examinations and a record of each student's course completion certificate;

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- D) Qualifications for each guest instructor designated by the training manager in accordance with Section 845.100, including: resume, letters of reference, documentation of work experience, certifications, professional licenses, etc.; and
- E) Approval letters from the Department for the training manager, principal instructors, each lead training course and course modifications.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.125 Individual Licensing Requirements for Lead Activities

- a) To conduct any lead services, including lead inspection, lead risk assessment, lead hazard screen, lead mitigation and lead abatement work and supervision, in a regulated facility in Illinois, an individual shall be licensed in accordance with the Act and this Section. To qualify for a license as a lead inspector, lead risk assessor, lead abatement supervisor or lead abatement worker, an applicant shall meet the following requirements:
 - 1) Be at least 18 years of age;
 - 2) Submit a current ~~the~~ Department-approved lead training course certificate.
 - A) A current lead abatement supervisor certificate meets the requirement for obtaining a lead abatement supervisor or lead abatement worker license. A current lead risk assessor certificate meets the requirement for obtaining a lead risk assessor or lead inspector license. The training course completed shall be for the discipline for which licensure is sought.
 - B) Lead training~~Training~~ course certificates are valid for 3 years from the date the applicant passed the approved lead training course examination.
 - C) Lead training~~Training~~ course certificates shall be renewed every 3 years by successfully completing a Department-approved refresher training course in the appropriate discipline for which the original training course was passed.

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- D) If 4 years have passed since the applicant passed the approved [lead](#) training course examination, the [lead](#) training course certificate cannot be refreshed. An applicant is required to complete the initial lead training course as required by this Section;
 - 3) Submit a recent 1" x 1" [or high resolution digital](#) photograph of the applicant for proper identification of the licensee. ~~Non-digital pictures~~[The picture](#) shall have the printed name [and lead license number](#) of applicant on the reverse side. The license will not be issued without an identification photograph;
 - 4) Submit the appropriate completed application form provided by the Department;
 - 5) Submit the required license application fee; and
 - 6) For applicants seeking licensure as a lead inspector, lead risk assessor and lead [abatement](#) supervisor, the applicant must meet the third party examination requirements of subsection (e) ~~of this Section~~ and Section 845.135 ~~of this Part~~.
- b) Fees for Lead Licensure, Renewal, Late Renewals, [Duplicate Licenses](#) and Reinstatement of Expired Licenses
- 1) Applicants for an initial lead license or renewal of an existing lead license shall pay an annual non-refundable fee as specified below:
 - A) Lead [abatement](#) worker license – \$50;
 - B) Lead [abatement](#) supervisor license – \$100;
 - C) Lead inspector license – \$100; and
 - D) Lead risk assessor license – \$100.
 - 2) In addition to the annual renewal license fee, an applicant shall pay a non-refundable late fee of \$25:
 - A) If a renewal application for a lead inspector or lead risk assessor license is received [on or after January 1, but before February 1](#); or

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- B) If a renewal application for a lead [abatement](#) worker or a lead [abatement](#) supervisor license is received [on or](#) after March 1, [but before April 1](#).
- 3) An applicant whose license has been expired for a period less than 3 years may apply to the Department for reinstatement of the license. The Department shall issue a reinstated license provided that:
 - A) The applicant pays to the Department the current license fee applicable to the discipline to be reinstated, in accordance with subsection (b)(1).
 - B) The applicant pays a non-refundable reinstatement fee based on the following:
 - i) Lead [abatement](#) workers: \$25 for each year [that begins the day after](#) the license has expired; and
 - ii) Lead [abatement](#) supervisors, [lead](#) inspectors and lead risk assessors: \$50 for each year [that begins the day after](#) the license has expired.
- 4) A license that has been expired for more than 3 years may be restored only by submitting a new application in accordance with subsection (a) ~~of this Section~~.
- 5) [An applicant who wishes to receive a duplicate license shall pay a non-refundable fee of \\$25 for each duplicate license requested.](#)
- 6) [The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \\$100.](#)
- c) All lead licenses expire annually in accordance with the following:
 - 1) Lead inspector and lead risk assessor licenses expire January 31 of each year, except that a first-time license issued after October 31 and before January 31 shall expire the next following January 31; and

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- 2) Lead [abatement](#) worker and lead [abatement](#) supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before March 31 shall expire the next following March 31.
- d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits:
 - 1) The completed renewal application;
 - 2) The non-refundable license renewal fee outlined in subsection (b)(1);
 - 3) A recent 1" x 1" [or high resolution digital](#) photograph of the applicant for proper identification of the licensee. The picture shall have the printed name [and lead license number](#) of the applicant on the reverse side. The license ~~will shall~~ not be issued without an identification photograph; and
 - 4) A current certificate of completion from a Department-approved training course in accordance with subsection (a)(2) ~~of this Section~~.
- e) In addition to meeting the general requirements outlined in subsections (a) and (b) ~~of this Section~~, lead inspector, lead risk assessor and lead [abatement](#) supervisor disciplines have specific training course requirements, examination and education and experience requirements as specified in this subsection (e):
 - 1) To qualify for a license as a lead risk assessor, a person shall:
 - A) Submit the training course completion certificates, including one of the 2 following combinations:
 - i) An initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~, and an initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~; or
 - ii) An initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain

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accreditation as outlined in subsection (a) ~~of this Section~~,
and a current Illinois lead inspector license;

- B) Possess one of the following combinations of education and experience:
 - i) A bachelor of science degree in engineering, or an environmental or health-related field; ~~or~~
 - ii) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); ~~or~~
 - iii) An associate's degree in any discipline and 2 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); ~~or~~
 - iv) A high school diploma (or equivalent) and at least 3 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
 - v) Licensure as an industrial hygienist, professional engineer, architect or environmental health practitioner; and
 - C) Pass the Department's third party examination for lead risk assessor, as required by Section 845.135.
- 2) To qualify for a license as a lead inspector, a person shall:
- A) Submit the training course completion certificates, including an initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~; and
 - B) Pass the Department's third party examination for lead inspector, as required by Section 845.135.
- 3) To qualify for a license as a lead [abatement](#) supervisor, a person shall:

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- A) Submit the training course completion certificates, including an initial lead [abatement](#) supervisor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~; and
- B) Meet the experience requirements as follows:
 - i) One year of experience as a [licensed lead](#)~~certified lead-based paint~~ abatement worker; or
 - ii) Two years of experience in a related field (e.g., lead, asbestos or environmental remediation work) or in the building trades.
- C) Pass the Department's third party examination for lead [abatement](#) supervisor, as required by Section 845.135.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.130 Requirements for Lead Abatement Contractor Licensing

- a) To conduct any lead mitigation or lead abatement activities in a regulated facility in Illinois, a person shall be licensed in accordance with the Act and this Section. To qualify for licensure as a lead abatement contractor, an applicant shall:
 - 1) Submit a completed application on a form provided by the Department;
 - 2) Submit a \$500 non-refundable licensure fee.
 - A) A \$250 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved by the Department between December 1 and March 1 for licenses that will expire on May 31 of the current year;
 - B) A \$750 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved by the Department between December 1 and March 1 for licenses that will expire May 31 of the following year;

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C) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$200;

- 3) Submit the name of the person with a valid Illinois lead abatement supervisor license who will act as the designated lead abatement supervisor for the lead abatement contractor. The license must be held by the lead abatement contractor or an employee of the lead abatement contractor;
 - 4) Submit a written statement signed by the contractor specifying that only lead abatement workers licensed by the Department will be employed for lead abatement;
 - 5) Submit a copy of the contractor's written standard operating procedures and employee protection plan, which shall include the following:
 - A) A description of medical monitoring, respirator training and personal protective equipment programs required in Respiratory Protection Standard (OSHA); and
 - B) A description of safe work practices to be used when conducting lead mitigation or lead abatement that ensure compliance with this Part. The lead abatement supervisor training curricula used for training of the designated licensed lead abatement supervisor provides guidance and direction on standard operating procedures for lead safe work practices and should be referred to when preparing the work practices manual; and
 - 6) Submit a description of all legal proceedings, lawsuits or claims that have been filed or levied against the contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims against the contractor, ~~then~~ a signed statement to that effect shall be submitted to the Department.
- b) Renewal of License. All lead abatement contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year.

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- 1) If a renewal application is received on or after May 1, but before May 31~~April 30~~, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee.
- 2) An applicant whose license has expired for a period of less than 3 years ~~or less~~ may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department the current license fee and a non-refundable reinstatement fee of \$200~~\$100~~ for each year the license was expired.
- 3) A license that has expired for more than 3 years is not eligible for renewal. In these ~~such~~ instances, the applicant shall submit an initial application and supporting documentation, as required by this Section.
- 4) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$200.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.135 Third Party Examination Requirements

- a) Applicants for lead inspector, lead risk assessor and lead abatement supervisor licenses are required to pass the Department's third party examination.
 - 1) To qualify to take the third party examination, an applicant shall:
 - A) Comply with the requirements of Section 845.125;
 - B) Submit a completed third party examination application form provided by the Department; and
 - C) Submit a \$50 non-refundable third party examination application fee for each separate discipline examination each time the examination is taken. The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$100.
 - 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:

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- A) Date, time and location for the applicant to take the third party examination;
 - B) A detailed information packet [and](#), instructions for registration at the examination site, ~~and directions to the facility where the examination is being administered~~; and
 - C) Date the Department accepted the application.
- b) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies, in accordance with Section 845.125.
- c) If the applicant does not pass the third party examination:
- 1) The Department will notify the applicant in writing;
 - 2) The applicant may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than 3 times within the 6 months. If an applicant does not pass the third party examination within the 6 months, the applicant must retake the initial training course for that discipline from a Department-approved [lead](#) training program provider before reapplying for approval to take the third party examination.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.140 Reciprocity Requirements

- a) Each applicant for licensure who is licensed or certified by another USEPA authorized state or tribal lead program in any of the disciplines specified in Section 845.125 may request reciprocal licensure.
 - 1) The Department shall evaluate the requirements for licensure established by the other authorized state or tribal program and shall issue the license if the Department determines that the requirements for licensure by that program are as protective of health and the environment as the requirements for licensure in Illinois.

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- 2) To be considered for reciprocal license, each applicant for licensure pursuant to this Section shall submit:
 - A) The appropriate application and application fee ~~as~~ required in Section 845.125;
 - B) Supporting documentation from the USEPA authorized state or tribal program for which reciprocity is being requested, including:
 - i) Copies of the initial training certificate and subsequent refresher certificates required to maintain accreditation as required by that authorized program; and
 - ii) Copies of the applicant's license issued by the authorized program, ~~if applicable; and~~
 - iii) ~~Copies of the results of the third party examination administered by the authorized program, if applicable.~~
- b) Applicants requesting ~~third party examination~~ reciprocity for licensure as a lead inspector, lead risk assessor or lead abatement supervisor~~of an examination offered by another authorized state or tribal program~~ shall pass the Illinois Reciprocal Supplemental Examination (IRSE)₂ as required by this Section. The IRSE is used to evaluate the applicant's understanding of Illinois' requirements.
 - 1) The Department shall provide, ~~by mail,~~ the following to applicants who are required to pass the IRSE:
 - A) The IRSE application;
 - B) The IRSE and answer form;
 - C) Copies of the Act and this Part; and
 - D) Date the Department accepted the reciprocal application.
 - 2) The applicant shall:
 - A) Complete and submit the IRSE application;

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- B) Submit the \$50 non-refundable IRSE fee; and
 - C) Submit the completed IRSE [and answer](#) form.
- 3) The applicant may use any resource material for completion of the IRSE [form](#).
 - 4) When an applicant receives a score of at least 70% on the IRSE, the Department ~~will shall~~ issue the reciprocal license to the applicant in the discipline for which the applicant qualifies, in accordance with this Section.
 - 5) If the applicant does not pass the IRSE:
 - A) The Department will notify the applicant in writing;
 - B) The applicant may reapply to the Department to complete the IRSE again. An applicant may attempt to pass the IRSE twice within [30 days](#)~~one month~~ after the Department accepts the [initial](#) application for reciprocal licensure.
 - c) If an applicant does not pass the IRSE within [30 days](#)~~one month~~ after the Department accepts the reciprocal application for licensure, the applicant must take a Department-approved refresher training course for the discipline for which the applicant is seeking Illinois licensure.
 - d) Reciprocal licenses shall expire in accordance with Section 845.125.
 - e) Applicants for renewal of an existing reciprocal lead license shall pay an annual non-refundable fee [and complete a Department-approved refresher training course within one year, as specified](#) in accordance with Section 845.125.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART D: RESPONSIBILITIES OF LICENSED INDIVIDUALS,
CONTRACTORS AND APPROVED TRAINING PROGRAM PROVIDERS

Section 845.150 Lead [Abatement](#) Worker Responsibilities

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- a) Any individual conducting lead mitigation and lead abatement is required to be licensed as a lead abatement worker in accordance with the Act and Section 845.125. The licensed lead abatement worker is responsible for the following:
- 1) Compliance with the Act and this Part;
 - 2) Following the direction and guidance provided by a licensed lead abatement supervisor as outlined in the Work Practice and Occupant Protection Plan required by Section 845.255;
 - 3) Proper implementation of lead mitigation and lead abatement methods; and
 - 4) Using work practices that:
 - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
 - B) Ensure the safety of the occupants of the regulated facility; and
 - C) Control dust produced during mitigation or abatement of lead-bearing~~lead-bearing~~ surfaces or coatings.
- b) The lead abatement worker shall possess ~~athe~~ valid and current Department-issued license ~~issued by the Department while~~ on-site at any lead mitigation or lead abatement project.
- c) Licensed lead abatement workers ~~shall~~ conduct lead mitigation and lead abatement activities only while employed by~~with~~ a licensed lead abatement contractor ~~and only while under the direct supervision of~~ a licensed lead abatement supervisor is on site.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.155 Lead Abatement Supervisor Responsibilities

- a) Any individual supervising lead mitigation and lead abatement work practices is required to be licensed as a lead abatement supervisor in accordance with the Act and Section 845.125. The licensed lead abatement supervisor is responsible for the following:

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- 1) Compliance with the Act and this Part;
- 2) Development and implementation of the Work Practice and Occupant Protection Plan required by Section 845.255;
- 3) Ensuring proper implementation of lead mitigation and lead abatement methods;
- 4) Enforcing work practices that:
 - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
 - B) Ensure the safety of the occupants of the regulated facility; and
 - C) Control dust produced during mitigation or abatement of lead-bearing surfaces ~~or coatings~~;
- 5) Assuring that all lead abatement workers conducting lead mitigation and lead abatement are licensed in accordance with Section 845.125.
 - A) The lead abatement supervisor shall maintain ~~on-site~~ copies of licenses on site for each of the lead abatement workers conducting lead mitigation and lead abatement; and
 - B) The lead abatement supervisor shall ensure that each lead abatement worker conducting lead mitigation and lead abatement possesses ~~at~~ the valid and current Department-issued license while on site ~~issued by the Department on-site~~;
- 6) Being on site ~~on-site~~ and overseeing all lead mitigation and lead abatement activities that are occurring; and
- ~~7) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and Subpart F of this Part; and~~
- 78) Providing a written document stating that all lead mitigation and lead abatement activities identified in the Work Practice and Occupant Protection Plan have been completed. The document shall be provided to

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the owner of the regulated facility and the licensed lead inspector or lead risk assessor conducting the ~~final clearance evaluation~~~~compliance~~ investigation.

- b) A licensed lead abatement supervisor ~~shall~~~~can~~ conduct lead mitigation and lead abatement activities only while employed by~~with~~ a licensed lead abatement contractor. The licensed lead abatement supervisor ~~may~~~~can~~ conduct lead mitigation and lead abatement without a lead abatement worker license.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.160 Lead Inspector Responsibilities

Any individual conducting lead inspections in regulated facilities in Illinois is required to be licensed as a lead inspector in accordance with the Act and Section 845.125. The licensed lead inspector is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead inspections in accordance with Section 845.210;
- c) Conducting ~~final clearance evaluation~~~~compliance~~ investigations in accordance with Section 845.225;
- d) Using procedures that:
- 1) Ensure the safety of the occupants of the regulated facility; and
 - 2) Control dust and debris produced during lead inspections; and
- e) Submitting quarterly reports to the Department identifying:
- 1) The number of lead inspections conducted, including the addresses of the regulated facilities; and
 - 2) The number of ~~final clearance evaluation~~~~compliance~~ investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- f) Maintaining records required by Section 845.230.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.165 Lead Risk Assessor Responsibilities

Any individual conducting lead risk assessment [or lead inspection](#) services in a regulated facility in Illinois is required to be licensed as a lead risk assessor in accordance with the Act and Section 845.125. The licensed lead risk assessor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead risk assessments in accordance with Section 845.215;
- c) Conducting lead inspections in accordance with Section 845.210;
- ~~d) Conducting lead hazard screens in accordance with Section 845.220;~~
- ~~de) Conducting [final clearance evaluation](#)~~compliance investigations~~ in accordance with Section 845.225;~~
- ~~ef) Using procedures that:~~
 - 1) Ensure the safety of the occupants of the regulated facility; and
 - 2) Control dust and debris produced during lead risk assessment services;
- ~~fg) Submitting quarterly reports to the Department identifying:~~
 - 1) The number of lead inspections conducted, including the addresses of the regulated facilities;
 - 2) The number of lead risk assessments conducted, including the addresses of the regulated facilities;
 - 3) The number of lead hazard screens conducted, including the addresses of the regulated facilities; and
 - 4) The number of [final clearance evaluation](#)~~compliance investigations~~ conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and

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~~gh~~) Maintaining records required by Section 845.230.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.170 Lead Abatement Contractor Responsibilities

Any person conducting lead mitigation and lead abatement work in a regulated facility ~~shall~~^{is} ~~required to~~ be licensed as a lead abatement contractor in accordance with the Act and Section 845.130. The licensed lead abatement contractor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Comprehensive knowledge about general ~~construction~~^{renovation} techniques, including ~~lead~~^{lead-based-paint (LBP)} mitigation and ~~lead~~ abatement;
- c) Assuring that all lead ~~abatement~~ workers and lead ~~abatement~~ supervisors have received Department-approved lead training ~~by possessing a copy of the Department-approved lead training course certificate on engineering controls and good work practices relating to lead mitigation and lead abatement and on the importance of adherence to these controls and practices;~~
- d) Assuring that all lead ~~abatement~~ workers employed by the lead abatement contractor possess a current and valid ~~Department-issued~~ lead ~~abatement~~ worker license ~~issued by the Department;~~
- e) Employing a licensed lead ~~abatement~~ supervisor;
- f) Assigning a licensed lead ~~abatement~~ supervisor to oversee all project activities for each lead mitigation and lead abatement project;
- g) Assuring the safety of workers ~~by developing and preparing~~ a personnel protection plan, ~~as required by Section 845.260;~~
- ~~h)~~ ~~Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and this Part;~~
- ~~hi)~~ Assuring that the Work Practice and Occupant Protection Plan required by Section 845.255 is developed and implemented for each lead mitigation and lead abatement project that is conducted;

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- ij) Submitting the required notification outlined in Section 845.250 for any lead mitigation or lead abatement project; and
- jk) Maintaining records ~~for licensure and records required for each lead mitigation or lead abatement project conducted~~ in accordance with Section 845.300.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.175 Lead Training Program Provider Responsibilities

Any person providing lead training in Illinois ~~shall to individuals seeking licensure in accordance with the Act and this Part is required to~~ be approved in accordance with the Act and Section 845.100. The approved lead training program provider is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Assuring that all lead training courses provided are approved and conducted in accordance with Subpart C ~~of this Part~~; and
- e) ~~Assuring that all lead training is provided in accordance with requirements set forth in Subpart C of this Part; and~~
- cd) Maintaining all records as required by Subpart C ~~of this Part~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS FOR CONDUCTING ENVIRONMENTAL INVESTIGATIONS FOR LEAD

Section 845.200 Environmental Lead Sampling Protocol

- a) Only licensed lead inspectors and lead risk assessors ~~individuals as specified in Section 845.125~~ shall perform the activities specified in this Section and shall do so in accordance with the appropriate methodologies referenced in this Section.
- b) Any sampling for lead in paint, dust or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies. All samples shall be analyzed by an accredited

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~~laboratory that has been recognized by the USEPA as capable of performing analyses for lead compounds in paint chip, dust, soil or water, as appropriate.~~

- c) ~~All samples shall be analyzed by a laboratory currently recognized by the National Lead Laboratory Accreditation Program (NLLAP). Paint chip samples shall be collected using methodologies outlined in the USEPA Guidance on Residential Lead Based Paint, Lead Contaminated Dust and Lead Contaminated Soil. Surfaces where paint chip samples are collected with analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.~~
- d) XRF testing shall be performed using the USEPA Methodology for XRF Performance Characteristic Sheets and in accordance with the XRF manufacturer's instructions. ~~Surfaces sampled with XRF readings equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.~~
- e) ~~Dust sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Composite dust sampling is not permitted. Dust samples collected with laboratory analyses reported as equal to or greater than the levels set forth in Section 845.205 are considered elevated.~~
- f) ~~Soil sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Soil samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.~~
- eg) Water sampling shall be collected using procedures outlined in the American Water Association Illinois Section: A Guidance Document for Drinking Water Testing (2017)~~methodologies outlined in the Lead and Copper Rule of the USEPA Safe Drinking Water Act. Water samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.~~
- fh) Composite sampling, as outlined in the HUD Guidelines USEPA protocols, may be applied to soil sampling only. No other environmental samples shall be collected using a composite sample method.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 845.205 Regulatory Limits of Lead

- a) The regulatory limit of lead in any ~~lead-bearing~~ substance on an interior or exterior surface of a regulated facility shall be 0.5% lead by weight (calculated as lead metal) in the total non-volatile content of liquid paint, or ≥ 1.0 mg/cm² in the dried film of paint.
- b) The regulatory limit of lead in bare soil that is readily accessible to children shall be 400 ~~µg/g (or parts per million or ppm)~~mg/g. The regulatory limit of lead in other bare soil areas shall be 1000 ~~µg/g~~mg/g.
- c) The regulatory limit of lead in dust shall be:
- 1) ~~1040 µg/mg~~/ft² on all interior ~~and exterior~~ floors and stair treads; ~~and~~
 - 2) ~~40200 µg/mg~~/ft² on all ~~exterior porch floors~~other horizontal surfaces; ~~and~~
 - 3) 100 µg/ft² on all horizontal surfaces.
- ~~d) The regulatory limit of lead in dust for lead hazard screens shall be:~~
- ~~1) 25 mg/ft² on all interior and exterior floors; and~~
 - ~~2) 100 mg/ft² on all other horizontal surfaces.~~
- de) The regulatory limit of lead in drinking water shall be 5 µg/L (or parts per billion or ppb)~~is established by the USEPA as 0.015 mg/L (i.e., 15 ppb).~~
- ef) Storage of any lead-containing or lead-contaminated article in an area accessible to children shall be prohibited. This includes automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.210 Procedures for Lead Inspections in Regulated Facilities

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- a) ~~Licensure.~~ A lead inspection shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead inspector or lead risk assessor. Licensed lead inspectors and risk assessors shall present, upon request, proof of licensure in the form of the Department-issued ~~photo-identification~~ license.
- b) ~~Conflict of Interest.~~ Lead inspectors and lead risk assessors conducting lead inspections shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the lead abatement or lead mitigation project for which final clearance is being evaluated.
- c) Lead inspectors and lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead inspection, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate if the service was a ~~partialeomprehensive~~ lead inspection. If the service was ~~not~~ a partialeomprehensive lead inspection, the extent and limitations of the service shall be clearly stated.
- d) ~~Visual Assessment and Property Diagram.~~ A visual assessment of the condition of the building, structures, surfaces and ~~or~~ components to be included in the lead inspection shall be performed prior to environmental sampling.
- 1) A detailed property diagram shall be produced using a consistentsystematic labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) ~~Sampling Locations for Paint.~~ When conducting a lead inspection, a lead inspector or lead risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines and shall test the following locations for the presence of a lead-bearinglead-bearing substance in accordance with Section 845.200:
- 1) Each interior and exterior component that has a distinct painting history, except for components that the lead inspector or lead risk assessor determines do not contain lead-bearinglead-bearing substances.

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2) Additional samples for each component that has a distinct painting history in every common area, except for components that the lead inspector or lead risk assessor determines do not contain ~~lead-bearing~~lead-bearing substances.

~~f) Any sampling for lead in paint, dust, water or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies.~~

~~fg) Preparation of Inspection Report.~~ The lead inspection shall be documented in a written report that shall include the following:

1) The name and complete address of the regulated facility;

2) The name, complete address, and telephone number of the property owner or owners of the regulated facility;

3) The name, ~~license number and~~ written signature and a copy of each individual's Department-issued the lead inspector or lead risk assessor license performing the work. A copy of the individual's license current at the time of the work shall be included in the report;

4) The name, complete address, and telephone number of the licensed lead abatement contractor employing the services of each lead inspector or lead risk assessor, if applicable;

54) The date of the field work and the date of the report;

65) A summary statement indicating what service was performed as specified in subsection (c) by the client in the contract for services. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated;

76) Results of the visual inspections, including a narrative description of the regulated facility, including general condition, surface substrate type, painted surfaces condition, and maintenance practices;

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- 87) A list of the locations of the ~~lead-bearing~~lead-bearing substances identified. The list shall be cross-referenced with a basic floor plan drawing of the regulated facility inspected;
- 98) A copy of all XRF sampling reports and laboratory analyses;
- 109) Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and
- 1140) A statement that the presence of ~~lead-bearing~~lead-bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25 and federal Lead Safe Housing Rule (24 CFR 35) and Lead-Bearing Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745). Sample disclosure language can be found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 7.
- gh) The written report required by this Section shall be provided to the owner, who shall make the report available to any occupant, tenant or parent (in the case of a child care facility). A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.215 Procedures for Lead Risk Assessments in Regulated Facilities

- a) ~~Licensure~~-A lead risk assessment shall be conducted only by a person licensed by the Department, as set forth in Section 845.125, as a lead risk assessor. A licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department-issued ~~photo-identification~~ license.
- b) ~~Conflict of Interest~~-Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the lead abatement or lead mitigation project for which final clearance is being evaluated.

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- c) Lead risk assessors shall obtain or prepare a statement of services in accordance with the client's specifications. The statement shall include the scope of the lead risk assessment, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate whether the service was a ~~partial~~comprehensive lead risk assessment. If the service was ~~not a partial~~comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated.
- d) ~~Visual Assessment.~~ A visual ~~inspection for risk~~ assessment to locate the existence of deteriorated paint, to assess the extent and causes of the deterioration, and to evaluate other potential lead hazards shall be conducted prior to environmental sampling.
- 1) A detailed property diagram shall be produced using a consistent labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) ~~Collection of Background Information.~~ The lead risk assessor shall collect background information regarding the physical characteristics of the property, including any previous lead inspection or risk assessment reports, maintenance history and use patterns that may cause exposure to a lead hazard.
- f) ~~Sample Locations for Paint.~~ When conducting a lead risk assessment, a lead risk assessor shall select ~~the following~~ locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The ~~selected~~following locations shall be tested for the presence of a ~~lead-bearing~~lead bearing substance, in accordance with Section 845.200. The following surfaces that are determined to be a distinct testing combination shall be tested for the presence of lead:
- 1) Each friction surface;
 - 2) Each impact surface with visibly deteriorated paint; and
 - 3) All other surfaces with visibly deteriorated paint.

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- g) ~~Sample Locations for Dust.~~ When conducting a lead risk assessment, a lead risk assessor shall select ~~the following~~ locations according to USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies, and test for the presence of lead hazards in dust in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
- 1) Two ~~single-surfacesingle-surface~~ dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust;
 - 2) Additionally, interior window stool and floor dust samples (single-surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. ~~Composite samples are not permitted.~~
- h) ~~Soil Sampling.~~ Soil samples are discretionary based on the visual assessment and the existence of bare soil. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies. ~~Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.~~
- i) ~~All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.~~
- j) ~~Any collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.~~
- k) The lead risk assessment shall be documented in a written report that shall include the following:
- 1) The name and complete address of the regulated facility;
 - 2) The name, complete address, and telephone number of the property owner;
 - 3) The name, ~~license number and~~ written signature, and a copy of each individual's Department-issued of the lead risk assessor licenseperforming

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~~the work. A copy of the individual's license current at the time of the work shall be included in the report;~~

- ~~4)~~ 4) The name, complete address, and telephone number of the licensed lead abatement contractor employing the services of each lead inspector or lead risk assessor, whichever is applicable;
- ~~54)~~ 54) The date of the field work and the date of the report;
- ~~65)~~ 65) A summary statement indicating what service was performed as specified in subsection (c)~~requested by the owner and the extent of service provided by the lead risk assessor. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces and maintenance practices;~~
- ~~76)~~ 76) A list of the location and type of lead hazards and lead-bearing~~lead bearing~~ substances identified. The lead hazards and lead-bearing~~lead bearing~~ substances shall be cross-referenced with a basic floor plan drawing of the regulated facility assessed. Each lead hazard identified shall be accompanied by written hazard control options available to the owner to address each lead hazard. The lead hazard listing shall be arranged based on priority;
- ~~87)~~ 87) If the service was conducted for a regulated facility with multiple dwelling units, recommendations for maintenance of lead-bearing~~lead bearing~~ substances and lead hazards that may be employed universally for all units in the complex shall be provided to the property owner;
- ~~98)~~ 98) A copy of all XRF sampling reports and laboratory analyses, ~~and a statement as to how the samples were collected; and~~
- ~~10)~~ 10) Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and
- ~~119)~~ 119) A statement that the presence of lead-bearing~~lead bearing~~ substances shall be disclosed to potential buyers and renters prior to obligation under a

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sales contract or lease in accordance with Section 845.25 and federal Lead Safe Housing Rule (24 CFR 35) and Lead-Based Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745). Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.

- j) The written report required by this Section shall be provided to the owner, who shall make the report available to any occupant, tenant or parent (in the case of a child care facility). A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.220 Procedures for Lead Hazard Screens in Regulated Facilities (Repealed)

- a) Licensure. A lead hazard screen shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead risk assessor. The licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department issued photo identification license.
- b) Conflict of Interest. Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.
- c) Lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead hazard screen, including a summary statement indicating what service was requested by the owner and the extent of service provided.
- d) Collection of Background Information. The lead risk assessor shall collect background information regarding the physical characteristics of the property, including use patterns that may cause exposure to lead hazards.
- e) Visual Inspection. A visual inspection of the regulated facility shall be conducted to:

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- 1) ~~Determine whether any deteriorated paint is present. Identification of 5 or more surfaces in poor condition constitutes failure of a lead hazard screen and requires a lead risk assessment; and~~
- 2) ~~Locate at least 2 dust sampling locations.~~
- f) ~~Sample Locations for Paint. When conducting a lead hazard screen, a lead risk assessor shall select locations that have deteriorated paint and are found to have a distinct painting history to sample for the presence of lead bearing substances.~~
- g) ~~Sample Locations for Dust. When conducting a lead hazard screen, a lead risk assessor shall select the following locations according to the methodologies referenced in this Section, and shall test for the presence of lead hazards in dust, in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
 - 1) ~~Two single surface dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust; and~~
 - 2) ~~Additionally, interior window stool and floor dust samples (single surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. Composite samples are not permitted.~~~~
- h) ~~Soil Sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing methodologies. Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.~~
- i) ~~All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.~~
- j) ~~All collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.~~

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- k) ~~The lead hazard screen shall be documented in a written report that shall include the following:~~
- ~~1) The name and address of the regulated facility;~~
 - ~~2) The name, address and telephone number of the property owner;~~
 - ~~3) The name, license number and written signature of the lead risk assessor performing the work. A copy of the individual's license current at the time of the work, shall be included in the report;~~
 - ~~4) The date of the field work and the date of the report;~~
 - ~~5) A summary statement indicating what service was requested by the owner as required by subsection (c) of this Section. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces condition and maintenance practices;~~
 - ~~6) Results of the visual inspections, including a narrative description of the facility, including general condition and condition of the painted surfaces;~~
 - ~~7) A list of the locations of the lead bearing substances identified. The list shall be cross referenced with a basic floor plan drawing of the regulated facility inspected;~~
 - ~~8) Recommendations for a follow up lead risk assessment, as appropriate, and any further necessary actions;~~
 - ~~9) A copy of all XRF sampling reports and laboratory analyses;~~
 - ~~10) Each testing method, device and XRF serial number (if applicable) and sampling procedures employed for paint analysis, including quality control data; and~~
 - ~~11) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.~~

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- ↳ ~~The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

Section 845.225 Final Clearance Evaluations ~~Compliance Investigation in Regulated Facilities~~

- a) The owner, its agent and ~~or~~ the licensed lead abatement contractor shall allow access to the Department or a delegate agency ~~authorized by the Department~~ to inspect a work area at any time during a lead abatement or lead mitigation project to determine compliance with the Act and this Part.
- b) Upon completion of the lead abatement or lead mitigation activities and the ~~cleanup~~ clean-up procedures outlined in Section 845.285, each work area shall pass a visual inspection and final clearance ~~evaluation~~ dust sampling, which shall include the following minimum requirements:
- 1) A licensed lead inspector or lead risk assessor shall review the Work Practice and Occupant Protection Plan, developed by the licensed lead abatement supervisor as outlined in Section 845.255, to determine the areas that require a final clearance evaluation.
 - 2) A licensed lead inspector or lead risk assessor shall receive and review the written assurance statement provided by the licensed lead abatement supervisor as required in Section 845.155.
 - 3) A licensed lead inspector or lead risk assessor shall conduct a visual inspection of the work areas identified in the above-referenced Work Practice and Occupant Protection Plan to ensure that the surfaces have been abated or mitigated. The licensed lead inspector or lead risk assessor shall notify the owner or its agent and the licensed lead abatement contractor of the results of the visual inspection, and shall include the locations and characteristics of surfaces requiring further lead abatement, lead mitigation or cleanup with inadequate treatment. The visual assessment shall be documented in writing by the licensed lead inspector or lead risk assessor.

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- 4) For work areas that pass the final visual inspection, a licensed lead inspector or lead risk assessor shall collect ~~at least the following~~ dust wipe samples ~~from~~ no fewer than ~~4~~ ~~four~~ rooms or common areas within the work area identified in the Work Practice and Occupant Protection Plan. If ~~(if~~ there are fewer than 4 rooms, all rooms and common areas shall be sampled):
 - A) At least one sample shall be collected from the bare floor;
 - B) At least one sample shall be collected from a window stool and one sample from a window well if available. ~~If there is not a window located within the work area, these dust samples shall be collected from alternative horizontal surfaces;~~
 - C) One sample shall be located on a horizontal surface or bare floor at or near the entrance to the work area.
 - 5) For work areas that fail the final visual inspections, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285.
 - 6) For work areas that pass the final visual inspection, but are found in non-compliance with the regulatory limits established in Section 845.205(c), the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285 for non-compliant surfaces and ~~these~~ horizontal surfaces located below the non-compliant surfaces. Upon completion of these procedures, the licensed lead inspector or lead risk assessor shall repeat the visual assessment and dust sampling specified in subsection (b) for those non-compliant surfaces and the horizontal surfaces located below the non-compliant surfaces. This process shall continue until compliance with the regulatory limits established in Section 845.205(c) is achieved.
- c) Before a work area may be released for re-occupancy, the work area must meet the following requirements.
- 1) The work area shall pass the visual inspection outlined in subsection (b)(a), ensuring that all abated or mitigated surfaces and all uncarpeted floors have been treated to provide smooth and easily cleanable surfaces; and

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- 2) Lead dust levels on horizontal surfaces are below the levels established in Section 845.205(c). All environmental lead samples must be submitted and analyzed by ~~an accredited~~ laboratory currently recognized by NLLAP.
- d) Upon achieving acceptable final clearance evaluation results, the licensed lead inspector or lead risk assessor shall prepare a written final clearance evaluation compliance investigation report. A copy of the final clearance evaluation compliance investigation report shall be provided to the licensed lead abatement contractor and to the owner of the regulated facility, who shall make the report available to any occupant tenant or parent (in the case of a child care facility). The report shall include the following:
 - 1) The written assurance statement ~~provided~~required by the licensed lead abatement supervisor, as required in Section 845.155 subsection (b)(2) of this Section stating that the work area has passed the final visual inspection;
 - 2) A written statement that the work area passed visual inspection and analyses for dust wipe samples collected in the work area were within acceptable regulatory limits as outlined in Section 845.205(c);
 - 3) The printed name, license number, and written signature of the person who conducted the final clearance evaluation sampling; and
 - 4) A copy of the field sampling forms utilized, including the locations where the samples were collected and a copy of the laboratory results.
- e) The licensed lead inspector or lead risk assessor shall keep a copy of the final clearance evaluation compliance investigation report, as required by the record keeping requirements outlined in Section 845.230.
- f) A final clearance evaluation shall not be conducted by a licensed lead inspector or lead risk assessor who is employed by or affiliated with the licensed lead abatement contractor that conducted the lead abatement or lead mitigation.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.230 Record Keeping Requirements for Environmental Investigations for Lead

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All written reports and records required in Sections 845.210, 845.215, ~~845.220~~ and 845.225 shall be maintained by the licensed lead inspector ~~and~~/or lead risk assessor who performed the lead investigation service.

- a) Copies of all written reports and records shall be maintained for no fewer than 6 years from the date ~~of the~~ final clearance evaluation report or certificate of compliance is issued~~investigation~~;
- b) The licensed lead inspector and lead risk assessor shall allow the Department or its delegate agency access to ~~the such~~ records as requested, and shall provide copies to the Department upon request;
- c) Copies of all written reports and records shall be provided to the person who contracted for the lead investigation service for the regulated facility.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART F: STANDARDS FOR LEAD MITIGATION
AND LEAD ABATEMENT

Section 845.250 Submissions and Notices

- a) ~~Notice to the Department.~~ The lead abatement contractor shall notify the Department at least 7 calendar days prior to the commencement of any lead abatement or lead mitigation project ~~at~~ a regulated facility. A separate notification shall be submitted for each unique regulated facility.
 - 1) Notifications and changes to the notification shall be submitted on a form provided by the Department and shall be complete and accurate;
 - 2) The notification shall ~~state the~~reflect a start date ~~of that corresponds with~~ the beginning of lead abatement setup and an end date indicating when final clearance evaluation results are to be received by the lead abatement contractor that corresponds with the achievement of clearance. The lead abatement contractor shall submit any changes to the notification to the Department at least one day prior to the changes taking place;
 - 3) The lead abatement contractor shall submit any changes in the notification sent to the Department. The calendar days shall be counted starting with the day the notice is received by the Department. The date received will be

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~~based on the postmarked date if mailed and/or the facsimile receipt date.~~
The lead abatement contractor may not start work sooner than ~~the~~ start date placed on the original notification~~eight~~ calendar day;

- 4) In the event that a project is delayed or cancelled for any reason, a revised notification shall be submitted to the Department, prior to the delay or cancellation, informing the Department of the delay or cancellation stating so. ~~The notification shall be updated every 7 days until the project begins again.~~ If the notification dates expire before the final clearance evaluation results are received by the lead abatement contractor~~job re-commences~~, a new 7-day notification shall be submitted to the Department in accordance with subsections (a)(1) through -(3).

- b) The owner or agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner or agent of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of: ~~Notice to Occupants~~

- 1) ~~The area that is to undergo lead abatement or lead mitigation;~~~~The owner or its agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of:~~
- 2) The date on which lead abatement or lead mitigation is to commence;
- 3) The name and telephone number for the Department-licensed lead abatement contractor;
- 4) The occupants' obligations under this Section to remove personal items from the proposed work area; and
- 5) The owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall post notices at all entrances to the regulated facility specifying the identified lead hazards. The posted notices, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:

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- A) ~~*that a unit or units in the building have been found to have lead hazards*~~~~The area that is to be abated or mitigated;~~
- B) ~~*that other units in the building may have lead hazards*~~~~The date on which abatement or mitigation is to commence;~~
- C) ~~*that the Department recommends that children 6 years of age or younger receive a blood lead testing*~~~~The name and telephone number for the licensed lead abatement contractor;~~
- D) ~~*where to seek further information*~~~~The occupants' obligations under this Section to remove personal items from the proposed work area; and~~
- E) ~~*whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time. The owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of the Act shall post notices in common areas of the building specifying the identified lead hazards. The posted notice, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:*~~
 - i) ~~*that a unit or units in the building have been found to have lead hazards;*~~
 - ii) ~~*that other units in the building may have lead hazards;*~~
 - iii) ~~*that the Department recommends that children 6 years of age or younger receive a blood lead screening;*~~
 - iv) ~~*where to seek further information; and*~~
 - v) ~~*whether mitigation notices have been issued for 2 or more dwelling units within a 5 year period of time.*~~

2) *Once the owner has complied with a mitigation notice or mitigation order issued by the Department, the owner may remove the notices posted pursuant to this Section. (Section 9.4 of the Act)*

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(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.255 Work Practice and Occupant Protection Program

- a) The lead abatement contractor shall protect occupants of a regulated facility undergoing lead abatement or lead mitigation activities from exposure to potential lead hazards that may be generated by the lead abatement or lead mitigation activities. To ensure the health and safety of occupants, a Work Practice and Occupant Protection Plan shall be ~~developed~~^{produced} and followed for each lead mitigation and lead abatement project. At a minimum, the plan shall describe the protocols, procedures and work practices to be employed by the lead abatement contractor to ensure that the occupants are properly protected from potential lead hazards that may be generated from the lead abatement or lead mitigation work. The plan shall be written and shall fulfill the following requirements:
- 1) Evaluate the need to remove the occupants from the regulated facility during the lead abatement or lead mitigation;
 - 2) Be unique to each lead abatement or lead mitigation work area;
 - 3) Be developed by a licensed lead [abatement](#) supervisor employed by the licensed lead abatement contractor performing the lead abatement or lead mitigation work;
 - 4) Provide the name, written signature and [Department-issued](#) license number of the licensed lead [abatement](#) supervisor who prepared the plan;
 - 5) Be developed and implemented prior to commencement of lead abatement or lead mitigation;
 - 6) Include the results of any lead inspection or lead risk assessment conducted in the regulated facility;
 - 7) Evaluate and establish the requirements for pre-cleaning the work areas before establishing work place barriers and containment systems as required by Section 845.265;
 - 8) Describe what work practices will be employed to prevent the uncontrolled release of dust and debris from the work area;

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- 9) Describe the method of separating the work area from non-work areas, and describe work area isolation methods to prevent unauthorized entry by non-licensed or non-protected individuals;
 - 10) Describe in writing work practices to be employed to abate or mitigate the ~~lead-bearing~~ lead-bearing substance and ~~or~~ lead hazard;
 - 11) Outline procedures to ensure that the work area or regulated facility is not re-occupied prior to final cleaning required in Section 845.285 and the final clearance evaluation requirements specified in Section 845.225;
 - 12) Be kept at the site and updated as necessary by the lead abatement supervisor employed by the lead abatement contractor performing the lead abatement or lead mitigation;
 - 13) Be kept by the lead abatement contractor after the completion of the lead mitigation or lead abatement project in accordance with the record keeping requirements outlined in Section 845.300; and
 - 14) Be made available for review by the building owner, its agent or a representative of the Department or its delegate agency.
- b) The lead abatement contractor performing a lead abatement or lead mitigation activity that is expected to break or disturb any ~~lead-bearing~~ lead-bearing substances shall display a caution sign outside ~~at~~ each work area ~~at~~ the regulated facility in the following manner:
- 1) Before abating or mitigating a ~~lead-bearing~~ lead-bearing substance, caution signs shall be posted by the lead abatement contractor immediately outside all entrances and exits to each work area;
 - 2) Caution signs shall be kept posted until the lead abatement or lead mitigation is completed and final ~~dust~~ clearance evaluation results have been obtained. Caution signs shall:
 - A) Be at least 11" by 8.5";
 - B) State the date and place of the lead abatement or lead mitigation project; and

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- C) Include the phrase "Warning, Lead Work Area, Poison, No Smoking or Eating" in bold lettering, at least 2 inches high.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.260 Personnel Protection Program

- a) The lead abatement contractor, its agent, or any person who is performing lead abatement or lead mitigation in a regulated facility shall take the necessary precautions to protect his or her health, the health of any lead abatement supervisor or lead abatement worker~~employed~~, and the health of occupants of the regulated facility during any lead abatement or lead mitigation that may produce lead chips, dust or fumes.
- b) The lead abatement contractor shall comply with the requirements established for worker protection in accordance with 29 CFR 1926.62, 29 CFR 1910.1025 and 29 CFR 1910.134.
- c) The lead abatement contractor shall maintain copies of the written personnel protection program on-site at each lead abatement and lead mitigation project and make those copies available for review by Department or delegate agency staff. The written plan shall include:
- 1) The minimum requirements for personal protective equipment to enter the work area. If protective equipment is not provided, the lead abatement contractor shall have on-site air monitoring results and/or negative exposure assessment as required by OSHA, indicating that protective equipment is not required;
 - 2) The work practices ~~thatt~~e ensure ~~that~~ employees are not spreading potential lead contamination to other locations by transfer on protective equipment; and
 - 3) The personal hygiene practices to be used by personnel for decontamination prior to leaving the work area.
- d) Copies of the written personnel protection program shall be maintained as part of the records required in Section 845.300.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 845.265 Lead Work Area Isolation, Preparation and Containment

- a) Work area isolation, preparation and containment shall be in accordance with the written Work Practice and Occupant Protection Program required by Section 845.255 and the procedures specified in this Section.
- b) The licensed lead abatement contractor shall ensure that unauthorized persons are not permitted to enter a work area where lead mitigation or lead abatement is occurring.
- c) The licensed lead abatement contractor shall ensure that all warning signs required by Section 845.255 are clearly displayed, identifying each work area within the regulated facility.
- d) ~~Accessibility.~~ At all times when a lead abatement or lead mitigation project is being conducted in a regulated facility, the lead abatement contractor shall ensure that the following conditions are met:
 - 1) The Department or its delegate agency shall have access to the work area at any time during a lead abatement or lead mitigation project to determine compliance with the requirements of this Part;
 - 2) The lead abatement contractor shall ensure that occupants and pets use alternative entrances and exits that do not require passage through the work area. The lead abatement contractor shall use all reasonable efforts to create an uncontaminated passage for entrance and exit of all building occupants;
 - 3) If the entrance to and exit from a building can only be through the work area, the lead abatement contractor shall provide an enclosed passage through the work area, which serves as an air-tight isolation barrier from the work area and is to be used for entrance and exit from the building. The airtight enclosed passage must remain in place until work is complete, final ~~cleanup~~ ~~clean-up~~ is conducted, and the ~~final clearance evaluation~~ ~~compliance investigation~~ required by Section 845.225 has been successfully completed;
 - 4) Restricted access to each work area shall remain in place until work is completed, final ~~cleanup~~ ~~clean-up~~ is conducted, and the final ~~dust~~

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clearance evaluation samples have met the minimum requirements set forth~~passed the compliance investigation required~~ in Section 845.225.

- e) ~~Work Area Pre-cleaning.~~ The lead abatement contractor shall conduct ~~the required~~ pre-cleaning of each work area as stated in~~required by~~ the Work Practice and Occupant Protection Plan required by Section 845.255, including at least the following:
- 1) Turn off all forced air ventilation in the work area and seal exhaust and intake points in the work area;
 - 2) Pre-clean movable objects ~~within the proposed work area~~ using HEPA-filtered vacuum equipment ~~and/or~~ wet cleaning methods, ~~as appropriate,~~ and remove ~~those such~~ objects from the work area;
 - 3) Clean upholstered furniture, drapes and removable carpeting twice using HEPA-filtered vacuum equipment before removal from the work area;
 - 4) Pre-clean fixed objects using HEPA-filtered vacuum equipment and/or wet cleaning methods ~~as appropriate~~; and
 - 5) Pre-clean the ~~proposed~~ work area using ~~HEPA-filtered~~ HEPA filtered vacuum equipment ~~and/or~~ wet cleaning methods ~~as appropriate~~.
- f) ~~Interior Containment.~~ Before beginning lead abatement or lead mitigation in an interior~~to abate or mitigate a lead bearing substance that may cause lead chips, dust or fumes in the~~ work area, a licensed lead abatement contractor ~~performing lead abatement or lead mitigation~~ shall, ~~in the following order~~:
- 1) Ensure that access to the work area is restricted as required in subsection (d) ~~of this Section~~;
 - 2) Ensure that all requirements of work area pre-cleaning specified in subsection (e) ~~of this Section~~ have been completed;
 - 3) Cover and seal all objects that cannot be moved, such as radiators, refrigerators, stoves, kitchen cabinets, built-in furniture, and bookcases, with plastic sheeting at least 6 mils thick;

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- 4) Cover floors in the work area with plastic sheeting at least 6 mils thick ~~and sealed~~ in place. For projects that will last more than one day, 2 layers of plastic sheeting 6 mils thick shall be installed. At the end of each work day, the top layer of plastic sheeting shall be cleaned, removed and disposed of in accordance Section 845.285(b) ~~and replaced~~; and
- 5) Protect carpeting to ensure that contamination does not occur from the lead abatement or lead mitigation activities. Carpeting is subject to ~~the compliance~~ sampling outlined in Section 845.225, ~~and including meeting~~ the regulatory limits of lead for floors ~~as specified in Section 845.205(c)~~.
- g) ~~Exterior Containment.~~ Before beginning ~~lead abatement or lead mitigation to abate or mitigate a lead-bearing substance~~ in an exterior work area, a licensed lead abatement contractor ~~performing the abatement or mitigation~~ shall ensure ~~the following~~:
 - 1) Access to the work area ~~is shall be~~ restricted as required in subsection (d) of this Section.
 - 2) ~~All requirements of work area pre-cleaning specified in~~ ~~Pre-cleaning of the work area shall be completed as required by~~ subsection (e) of this Section ~~have been completed~~, including removal and disposal of visible paint chips and debris that are on the ground.
 - 3) When waste and debris will be generated from the lead mitigation or lead abatement activities, ~~the lead abatement contractor shall install at least one~~ layer of plastic sheeting at least 6 mils thick ~~shall be installed~~ to collect any debris ~~generated~~. The plastic sheeting shall be attached below the surface ~~that is~~ to be abated or mitigated to collect and contain any waste and debris. The plastic sheeting shall extend out from the foundation ~~at least~~ 3 feet per story being abated or mitigated, with a minimum of ~~65~~ feet and a maximum of 20 feet. ~~If these horizontal standards cannot be met for any reason, the lead abatement contractor shall erect vertical containment or equivalent extra precautions to contain the work area and ensure that dust and debris does not contaminate adjacent buildings or migrate to adjacent properties.~~
- A) When liquid waste is produced, ~~excluding hydro-blasting~~, the lead abatement contractor shall install a waste collection system capable

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of handling the amount of liquid waste to be generated by the procedure.

- B) The waste collection system shall be attached below the surface being abated or mitigated to assure that liquid waste does not leak from the contained work area.
- 4) Containment systems shall be installed to withstand ~~the forces of the~~ weather conditions and to contain all debris and waste generated during the lead abatement or lead mitigation activities. If inclement weather conditions persist during lead abatement or lead mitigation activities, the lead abatement contractor ~~shall may be required to~~ erect vertical containment or equivalent extra precautions to contain the work area and ensure that dust and debris does not contaminate adjacent buildings or migrate to adjacent properties~~shrouds to prevent dispersal or spread of generated debris.~~
- 5) If the lead abatement contractor is to employ vacuum blasting or contained hydro-blasting, the interior side of windows shall be sealed with at least 2 layers of plastic sheeting at least 6 mils thick.
- 6) Plastic containment barriers that cannot be secured to prevent unauthorized access in the absence of the lead abatement contractor shall be cleaned, removed and disposed of ~~daily~~ in accordance with Section 845.285(c) and replaced daily.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.270 Prohibited Work Practices

- a) No person conducting lead abatement or lead mitigation ~~of lead bearing substances~~ shall employ any of the following methods:
- 1) Open flame burning;
 - 2) Dry sanding;
 - 3) Open abrasive blasting;
 - 4) Uncontained exterior hydro-blasting;

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- 5) Interior hydro-blasting;
- 65) Methylene chloride application; or
- 76) Dry scraping.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.275 Safe Work Practices

- a) Lead abatement ~~is a work practice that when completed shall remove or permanently eliminate exposure to the lead bearing substances at a regulated facility. Abatement of lead bearing substances~~ may employ ~~a wide range of work practices outlined in the~~ methodologies specified in Section 845.15, including ~~the following methods:~~
 - 1) Replacement ~~of any. Any component~~ part of a building ~~may be abated by replacement with a~~ lead-free component~~part free of lead bearing substances.~~
 - 2) Removal ~~of any. Any component~~ part of a building ~~using~~may be abated by the following techniques:
 - A) Off-site chemical stripping;
 - B) Heat ~~guns~~gun (operating ~~at temperature~~temperature shall not exceed 1100° F). If using heat guns, the lead abatement contractor shall ensure that ~~appropriate fire extinguishing equipment is on-site and immediately accessible to the lead workers using the heat guns.~~ A minimum of one fire extinguisher for each heat gun being used ~~is on-site shall be~~ supplied ~~by the lead abatement contractor;~~
 - C) ~~Non-flammable~~Nonflammable chemical strippers that do not contain methylene chloride;
 - D) Sander equipped with HEPA vacuum attachment;
 - E) Wet planing to substrate;

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- F) Contained vacuum~~Vacuum~~ blasting in exterior work areas only;
 - G) Contained hydro-blasting in exterior work areas only; and
 - H) Mechanical paint removal systems equipped with a HEPA vacuum attachment.
- 3) Enclosure of a lead-bearing.~~A lead-bearing~~ substance may be achieved~~abated~~ by covering the lead-bearing~~lead-bearing~~ surface with an approved material. ~~Materials used shall comply with the following materials, provided use of the material complies with local building ordinances or codes and shall be~~ applied in accordance with methodologies outlined in Section 845.15. Materials approved for enclosure include:
- A) Gypsum board;
 - B) Fiberglass mats;
 - C) Canvas-backed vinyl wall coverings;
 - D) High pressure laminated plastic sheeting~~sheet, such as Formica®~~;
 - E) Tile;
 - F) Paneling;
 - G) Vinyl;
 - H) Wood;
 - I) Aluminum;
 - J) Stone; or
 - K) Other durable material that does not readily tear or peel.
- 4) Encapsulation of a lead-bearing.~~A lead-bearing~~ substance may be achieved~~abated~~ by applying an~~encapsulation if the~~ encapsulating product

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~~is applied~~ in accordance with the manufacturer's directions and ~~shall be~~ applied in accordance with methodologies specified in Section 845.15.

- b) Lead mitigation ~~is a work practice that when completed temporarily renders a lead bearing substance safe and removes an immediate health hazard to humans. Mitigation of lead bearing substances may employ~~ include a wide range of interim lead hazard control work practices, including:
- 1) ~~Procedures~~ Those procedures identified as interim controls outlined in the methodologies incorporated in Section 845.15;
 - 2) The methods outlined in subsection (a) ~~of this Section~~ that are not permanent;
 - 3) Paint film stabilization;
 - 4) Friction and impact surface treatment; ~~and~~
 - 5) Dust removal and control; ~~and~~
 - 6) ~~Reversal. A lead bearing substance may be mitigated by reversing component parts, provided that no lead bearing surface remains exposed at the completion of the process and all seams are caulked and sealed.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.280 ~~Guidelines for~~ Abatement and Mitigation of Lead-Contaminated Soil

- a) Soil abatement, including removal of lead-contaminated soil, shall be conducted in accordance with methodologies ~~incorporated~~ outlined in Section 845.15 and ~~shall~~ meet the following requirements:
- 1) All soil removal work shall be conducted by a ~~Department-licensed~~ licensed lead abatement ~~contractor~~ contractors employing licensed lead ~~abatement~~ workers who are supervised by a licensed lead ~~abatement~~ supervisor;
 - 2) Worker protection shall be provided as required in Section 845.260. At a minimum, all ~~lead abatement~~ workers removing ~~lead-contaminated~~ leaded soil shall be provided with a changing area equipped with a facility for

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washing or showering. ~~Lead abatement workers~~Workers shall be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area;

- 3) A Work Practice and Occupant Protection Program as required by Section 845.255 shall be developed;
- 4) Equipment decontamination procedures shall be employed to prevent the spread of lead ~~dust and debris~~contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.~~290~~285. The equipment decontamination procedures shall be outlined in the Work Practices and Occupant Protection Program required by Section 845.255;
- 5) Prior to beginning soil removal, the source of the lead contamination ~~of the soil~~ shall be identified and eliminated if possible,~~to prevent re-contamination of the abated area~~;
- 6) Removal of the lead-contaminated soil shall be accompanied by dust suppression methods to keep the generation of dust to a minimum;
- 7) Soil that is stockpiled prior to disposal shall be:
 - A) Placed on a layer of impermeable plastic;
 - B) Kept moist to avoid dust generation; and
 - C) Covered with impermeable plastic that is secured to the ground~~;~~;
- 8) Removed lead-contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle in accordance with disposal requirements ~~incorporated~~outlined in Section 845.290. Off-site vehicular or foot tracking of contaminated soil shall be avoided;
- 9) Any ~~replacement~~removed soil ~~that is to be replaced~~ shall be ~~replaced with soil that has been~~ tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis performed by ~~an accredited~~ laboratory currently recognized by NLLAPs as defined in Section 845.20.

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- b) Soil abatement, including the installation of a permanent cover, such as concrete or asphalt, over lead-contaminated soil shall be conducted in accordance with methodologies ~~incorporated~~ outlined in Section 845.15 and shall meet the following requirements:
- 1) Soil abatement work, including the installation of a permanent cover, may be conducted by non-licensed persons, provided that the abatement activities do not involve removal of the existing lead-contaminated soil;
 - 2) Dust suppression methods shall be employed ~~to keep the generation of dust to a minimum;~~
 - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead ~~dust and debris~~ contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
 - 4) Prior to beginning soil covering, the source of the lead contamination ~~of the soil~~ shall be identified and eliminated, if possible, ~~to prevent re-contamination of the work area.~~
- c) Soil mitigation, including the installation of a non-permanent cover, such as mulch, stone, gravel, soil, sod, etc., over lead-contaminated soil shall be conducted in accordance with documented methodologies ~~incorporated~~ outlined in Section 845.15 and shall meet the following requirements:
- 1) Soil mitigation work, including the installation of a non-permanent cover, may be conducted by non-licensed persons, provided that the mitigation activities do not include the removal of the existing lead-contaminated soil;
 - 2) Dust suppression methods shall be employed ~~to keep the generation of dust to a minimum;~~
 - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead ~~dust and debris~~ contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
 - 4) Prior to beginning soil mitigation, the source of the lead contamination ~~of the soil~~ shall be identified and eliminated if possible ~~to prevent re-contamination of the mitigation area;~~

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- 5) The non-permanent cover material shall be tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis conducted by ~~an accredited~~ laboratory currently recognized by NLLAP; and-
- 6) Installation of non-permanent covering shall be applied to a minimum depth of 2 inches over the lead-contaminated soil.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.285 Cleanup ~~Clean-Up~~ Procedures

- a) Cleanup of interior and exterior work areas shall be conducted at least daily at the end of the work shift, and upon completion of the lead mitigation and lead abatement work.
- b) ~~Clean Up of Interior Work Areas.~~ The lead abatement contractor shall clean up interior work areas using~~complete~~ the following procedures in the order that they appear:
 - 1) All work area isolation systems required in Section 845.265 shall remain in place until completion of the final clearance evaluation~~compliance investigation~~ in accordance with Section 845.225.
 - 2) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
 - 3) All surfaces and plastic containment barriers in the work area shall be HEPA vacuumed and wet washed with a detergent and water solution ~~or a phosphate-free lead-dissolving detergent.~~
 - 4) After wet washing and allowing all surfaces to dry, HEPA vacuuming of all surfaces in the work area shall be repeated.
 - 5) All plastic barriers used for containment, excluding isolation barriers, if present, shall be removed, ~~and~~ disposed of and replaced daily until final clean up.
 - 6) ~~All surfaces in the work area shall be HEPA vacuumed.~~

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67) All lead waste, isolation barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited and sealed airtight in double plastic bags at least 4 mils thick or single bags 6 mils thick, ~~and the bags shall be sealed.~~

c) ~~Clean Up of Exterior Work Area.~~ The lead abatement contractor shall clean up exterior work areas using~~conduct exterior clean up according to~~ the following procedures:

1) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.

2) All plastic barriers used for containment shall be removed, ~~and~~ disposed of and replaced daily until final clean up. The plastic sheeting shall be removed in a manner to prevent release of any remaining debris.

A) Any surface ~~in the work area~~ with visible debris remaining after removal of plastic sheeting shall be HEPA vacuumed.

B) All exterior horizontal components in the work area shall be wet washed with a detergent and water solution ~~or a phosphate-free lead dissolving detergent as appropriate.~~

3) All lead waste, work area barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited and sealed airtight in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.290 Disposal Procedures

~~Waste Disposal.~~ The lead abatement contractor shall dispose of all waste generated from the lead abatement or lead mitigation in accordance with State, local and federal laws.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.295 Re-occupation~~Reoccupat~~ion of the Lead Work Area

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- a) Before a work area may be released for ~~re-occupancy~~~~reoccupaney~~, the work area must meet the following requirements:
- 1) The work area shall pass the visual inspection outlined in Section 845.225, ~~ensuring that all abated or mitigated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces~~; and
 - 2) Lead dust levels on ~~floors and other~~ horizontal surfaces shall be below the levels established in Section 845.205(c). ~~All environmental lead samples must be submitted and analyzed by an accredited laboratory, as defined in 845.20.~~
- b) Upon ~~the work area's~~ passing ~~of~~ the visual inspection and achieving acceptable ~~final dust sample~~ clearance ~~evaluation~~ results, the licensed lead abatement contractor shall obtain a signed copy of the ~~final clearance evaluation result~~~~compliance investigation report~~ required by Section 845.225 before being released from the work area.
- c) Upon receipt of the signed ~~final clearance evaluation result~~~~compliance investigation report~~ required by Section 845.225, the licensed lead abatement contractor shall remove the remaining isolation barriers and may release the work area for ~~re-occupancy~~~~reoccupaney~~.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.300 Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

- a) The lead abatement contractor shall retain the following information for every lead abatement or lead mitigation project conducted in a regulated facility in Illinois:
- 1) The name and address of the owner or its agent for whom the project was conducted;
 - 2) A copy of the ~~7-day~~~~abatement/mitigation~~ notification form ~~and all~~ ~~revisions~~ submitted to the Department prior to commencement;

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- 3) Copies of the results of any lead inspection or lead risk assessment conducted in the regulated facility ~~and provided to the lead abatement contractor;~~
 - 4) A signed copy of the Work Practice and Occupant Protection Plan developed for the regulated facility;
 - 5) A copy of the written personal protection plan ~~OSHA personal monitoring results conducted~~ for the project;
 - 6) A list of the names of the licensed lead abatement workers and lead abatement supervisors employed for each project, including a copy of their Department-issued lead abatement license ~~numbers~~;
 - 7) A copy of the written assurance statement provided by the licensed lead abatement supervisor as required in Section 845.155, ~~which states that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Program have been completed~~; and
 - 8) A copy of the final clearance evaluation results ~~written compliance investigation report~~ required by Section 845.225, ~~indicating that the project met the clearance criteria.~~
- b) The records shall be retained for at least 6 years from the date the lead mitigation or lead abatement project was completed.
 - c) The lead abatement contractor shall provide a copy of the items listed in subsections ~~subsection~~ (a)(1) through ~~(8)~~ to the owner of the regulated facility within 60 days after completion of the lead mitigation and/or abatement project.
 - d) The lead abatement contractor shall maintain the following records ~~pertaining to lead abatement contractor license application records and supporting documents~~ for as long as the company is licensed:
 - 1) Completed license application form;
 - 2) Proof of liability insurance for all of the time that the lead abatement contractor is licensed;
 - 3) Medical monitoring records for all employees;

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- 4) Copies of all correspondence from the Department; and
 - 5) Records of all legal proceedings, lawsuits or claims that have been filed or levied against the lead abatement contractor~~Contractor~~ during the time that it is licensed by the Department as a lead abatement contractor.
- e) The lead abatement contractor shall allow the Department or delegate agency's representative~~its representative~~ access to records pertaining to all lead mitigation and lead abatement projects conducted in regulated facilities.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

Section 845.350 Denial, Suspension and Revocation of Lead Training Course Approval

- a) ~~Suspension, Revocation, or Denial of Training Courses.~~ The Director ~~of Public Health~~, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the approval of, a lead training program provider, or the approval of an individual training course, in any case in which the Department finds substantial or continued failure to comply with the requirements of this Part, including but not limited to fraud, misrepresentation, working without approval, or not adhering to approved training materials.
- b) The hearing notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or approved lead training program provider with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.355 Denial, Suspension and Revocation of Licenses

- a) In any case in which the Director ~~of Public Health~~ finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice standards or failure to pay fines or penalties owed to the Department, the Director, after notice and opportunity for hearing, may deny the application for, or suspend

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or revoke the license of, a lead abatement contractor, lead supervisor, lead worker, lead [abatement](#) risk assessor or lead inspector.

- b) The [hearing](#) notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.360 Fines and Penalties

- a) In addition to any other action authorized by the Act or this Part, *the Department is authorized to ~~may~~ assess ~~administrative civil~~ penalties against any [licensee or any other person who violates the Act or this Part. \(Section 12.2\(b\) of the Act\)](#) ~~licensed lead worker, licensed lead professional, licensed lead abatement contractor or approved lead training provider for violation of any provision of the Act or this Part. (Section 11.2 of the Act)~~ The Department shall determine whether a fine will be assessed and the amount of any such fine.*
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:
- 1) Whether the Department issued a stop work order and whether the person strictly obeyed the order;
 - 2) Whether the person has previously been cited for a violation of the Act or this Part, except that any previously cited violation shall not be considered if the violation was held to be unfounded by a final order of the Department or by a court, or if any previous citations for violations occurred more than 3 years ago;
 - 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment; to the person's agents or employees; to the building owner, users or occupants; or to the general public;
 - 4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees;

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- 5) Whether the person demonstrated good faith efforts to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation;
 - 6) Whether the person has falsified any lead license or certificate or represents himself or herself as authorized to conduct work without a valid license in a fraudulent manner; and
 - 7) Whether the person falsified any record keeping information required by the Act or this Part.
- c) Criteria to determine the amount of a fine ~~and~~/or penalty for a violation of any provision of the Act or of this Part are as follows. All amounts determined pursuant to these criteria shall be added together to determine the total fine against the person.
- 1) First violation – the person may be issued a fine of up to ~~\$5,000~~\$1,000.
 - 2) Each day that a violation exists shall constitute a separate or repeat violation.
 - 3) Repeat violation – the person may be issued a minimum fine of ~~\$5,000~~\$1,000 plus additional fines calculated according to subsection (c)(4) ~~of this Section~~.
- A) For each violation that may cause or result in harm or injury to the health or safety of the agents or employees of the person present: \$100 multiplied by the number of agents or employees present at any time on the date of the violation.
 - B) For each violation that may cause or result in harm or injury to the health or safety of the building owners or users, occupants of the building or the general public: \$100 multiplied by the number of persons present in or around the regulated facility at any time on the date of violation.
 - C) For each violation that may cause or result in contamination with lead dust or debris of any part of the regulated facility other than the work area: ~~\$5,000~~\$1,000.

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- D) For each violation that may cause or result in contamination with lead dust or debris of any surrounding areas to the regulated facility: ~~\$5,000~~1,000.
- 4) For a third violation of a provision of the Act or this Part, a licensee or approved training program provider, in addition to the fines and penalties in subsection (c)(3), may have his/her license or Department approval denied, suspended or revoked in accordance with Sections 845.350 and 845.355.
- 5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of 5 or more violations during the same inspection that may cause or result in harm or injury to the health and safety of persons, assess a fine ~~and~~/or penalty pursuant to subsection (c)(3).
- d) The Department shall serve notice of fine and/or penalty assessments, and shall provide the same rights and opportunity for hearing as provided in Section 12.2 of the Act and this Section. In the event that a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law.
- e) All fine ~~and~~/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has within that time filed proceedings in administrative review specifically appealing the fine ~~and~~/or penalty assessment and unless the court has stayed enforcement of the fine ~~and~~/or penalty assessment.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 845.365 Emergency Stop Work Orders for Regulated Facilities

Whenever the Department or its delegate agency finds that a situation exists that requires immediate action to protect the public health, it may, without notice or hearing, issue an order requiring that such action be taken as it may deem necessary to protect the public health.

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including, but not limited to, the issuance of a stop work order, ordering the immediate suspension of any improper activities that may disturb a lead-bearing surface, and requiring that any person found to be improperly conducting such activities immediately cease work. Notwithstanding any other provision in the Act or this Part, such order shall be effective immediately. The Attorney General, State's Attorney, or Sheriff of the county in which the property is located has authority to enforce the order after receiving notice of the order. Any person subject to such an order is entitled, upon written request to the Department, to a hearing to determine the continued validity of the order. (Section 8.3 of the Act)~~In circumstances of substantial danger to the environment or to the health of persons, the Department may direct a person to cease and desist lead activities conducted pursuant to the Act and this Part, to halt the activity causing or contributing to the danger, or to take such other action as may be necessary. The persons, licensed lead worker, licensed lead professional, licensed lead contractor or approved lead training course provider subject to the order will be removed from the Department's list of approved and/or licensed individuals or firms. The Department shall authorize the reinstatement of the lead activities and reinstatement of the individual and/or firm to the Department's list when the activities that are the subject of the emergency stop work order have been brought into compliance with applicable State and federal requirements and this Part.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System (Repealed)

Section 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning (Repealed)

~~The Childhood Lead Poisoning Report form shall be completed for all blood lead test results on all persons 15 years of age and younger. Each laboratory in Illinois certified by the Department to conduct a blood lead analysis is required to complete the Childhood Lead Poisoning Report form, unless the laboratory is reporting to the Department using the electronic reporting system.~~

~~1) Complete the following information on the child's complete name:~~

~~LAST NAME: Enter the child's complete last name.~~

~~FIRST NAME: Enter the child's complete first name.~~

~~MIDDLE INITIAL: Enter the child's middle initial.~~

~~2) Complete the following information on the child's parent or guardian, if available:~~

~~LAST NAME: Enter the parent/guardian's complete last name.~~

~~FIRST NAME: Enter the parent/guardian's complete first name.~~

~~MAIDEN NAME: Enter the parent/guardian's complete maiden last name.~~

~~3) TELEPHONE NUMBER: If available, enter the child's telephone number (area code and 7-digit number).~~

~~4) DATE OF BIRTH: Enter the child's date of birth. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~

~~5) ADDRESS OF CHILD: Complete the following elements on the form. All elements refer to the current address for the child.~~

~~NUMBER: Enter the number of the child's current street address.~~

~~DIRECTION: Enter the direction that appears in the child's current street address (e.g., North).~~

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~~STREET NAME: Enter the name of the of the child's current street address.~~

~~TYPE: Enter the applicable type of street address (e.g., street, boulevard, avenue).~~

~~APARTMENT NUMBER: If applicable, enter the apartment number of the child's address.~~

~~COUNTY: Enter the complete name of the county where the child currently resides.~~

~~CITY: Enter the complete name of the city where the child current resides.~~

~~STATE: Enter the state where the child currently resides. Use the standard 2-character abbreviation.~~

~~ZIP: Enter the 5-digit zip code where the child currently resides.~~

- 6) ~~SEX: Check the appropriate box to indicate the child's sex.~~
- 7) ~~RACE: Check the appropriate box to indicate the child's race.~~
- 8) ~~HISPANIC: Check the appropriate box to indicate whether the child is Hispanic.~~

~~TEST DATA~~

- 1) ~~DATE OF FIRST TEST: Enter the month, day and year the first blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~
- 2) ~~TYPE: Check the appropriate box to indicate the specimen type (venous or capillary).~~
- 3) ~~TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).~~
- 4) ~~DATE OF SECOND TEST: Enter the month, day and year that the second blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~
- 5) ~~TYPE: Check the appropriate box to indicate the specimen type (venous or capillary).~~

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- 6) ~~TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).~~
- 7) ~~NAME OF LABORATORY: Enter the name of the laboratory analyzing the blood lead sample or the laboratory code number.~~
- 8) ~~LABORATORY TELEPHONE NUMBER: Enter the telephone number of the laboratory that analyzed the blood lead sample.~~

~~SUBMITTING PARTY DATA~~

- 1) ~~NAME: Enter the name of the physician, hospital staff member, laboratory technician, clinic employee or other person submitting the report of blood lead results.~~
- 2) ~~TELEPHONE NUMBER: Enter the telephone number of the submitting party (area code and 7 digit number).~~
- 3) ~~CLINIC/HOSPITAL: Enter the name of clinic or hospital.~~
- 4) ~~ADDRESS: Enter the address of the physician, hospital, laboratory, clinic or other person/facility submitting the report of the blood lead test. The street number, direction, street name, suite, city, state, zip code and county shall be included.~~

~~COMPLETION DATA~~

- 1) ~~SIGNATURE/TITLE: On the line provided on the form, the usual signature of the person (first and last name) completing the form shall be affixed. Enter the title of the person completing the form.~~
- 2) ~~DATE OF REPORT: Enter the month, day and year the form is completed. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~

~~All elevated blood lead levels of 45 mcg/dL shall be reported by telephone within 24 hours to the Childhood Lead Poisoning Prevention Program at (217) 785-9464 or (217) 782-0403.~~

~~Mail completed report within 48 hours to:~~

~~Illinois Department of Public Health
Division of Health Assessment and Screening
Childhood Lead Poisoning Prevention Program~~

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~~535 West Jefferson Street
Springfield, Illinois 62761~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System (Repealed)

Section 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels \geq 15 mcg/dL (Repealed)

~~Medical follow-up should be completed by delegate agencies for all persons 15 years of age and younger having had a blood lead test analyzed and confirmed at 15 mcg/dL or higher.~~

~~All medical and environmental follow-up data must be entered into a STELLAR database maintained by the delegate agency. A STELLAR report and any additional reports requested by the Illinois Department of Public Health should be run regularly, at intervals determined by the Department. Detailed instructions on the STELLAR procedures are available from the Department upon request.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)

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Section 845.APPENDIX B Information Agreement (Repealed)

The Illinois Department of Public Health ("Department") and _____
("Applicant"), agree as follows:

- 1) ~~The Department will provide data dealing with children who have been tested for lead poisoning in Illinois as outlined in the letter of application.~~
- 2) ~~The applicant agrees that:~~
 - a) ~~Use of data is restricted to the purpose outlined in the letter of application (Attachment A), and any other or additional use of the data may result in immediate termination of this agreement by the Department;~~
 - b) ~~Any and all data that may lead to the identity of any child or parent, research subject, physician, informant, other person or hospital is strictly privileged and confidential. Applicant agrees to keep all such data strictly confidential at all times;~~
 - c) ~~All officers, applicants and employees of Applicant will keep all such data strictly confidential. Applicant will communicate the requirements of this Section to all officers, applicants and employees, will discipline all persons who may violate the requirement of this section, and will notify the Department in writing within 48 hours after any violation of this section, including full details of the violation and corrective actions to be taken;~~
 - d) ~~All data provided by the Department pursuant to this agreement are the sole property of the Department. Any copies by applicant of data provided by the Department pursuant to this agreement are subject to all provisions contained in this agreement. Any copies of data created by Applicant will be destroyed upon completion of the purpose outlined in the application;~~
 - e) ~~The applicant agrees to forward to the Department copies of proposed publications containing data or interpretation of data received as a result of this agreement for the sole purpose of confirming compliance with this agreement;~~
 - f) ~~Any breach of any of the provisions of this agreement will void the agreement.~~
- 3) ~~The Applicant further agrees to state in publications and presentations concerning research that is the subject of this agreement that the Department was the source of data~~

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~~and conclusions, opinions and recommendations are not necessarily those of the Department.~~

- ~~4) The Applicant and the Department understand and agree that this agreement may not be sold, assigned or transferred in any matter and that any actual or attempted sale, assignment or transfer shall render this agreement null, void and of no further effect.~~
- ~~5) This agreement shall take effect upon signature by the Applicant and the Director of Public Health.~~
- ~~6) All notices required or requested by either the Department or the Applicant shall be sent to the following addresses:~~

~~To the Department:~~

~~Illinois Department of Public Health
Childhood Lead Poisoning Prevention Program
535 West Jefferson Street
Springfield, Illinois 62761~~

~~To the Applicant:~~

- ~~7) The Applicant and the Department understand and agree that this agreement constitutes the total agreement between them and that no promises, terms or conditions, either oral or written, express or implied, not recited, incorporated or referenced in this agreement shall be binding.~~

Applicant

Department

(Signature)

(Recommended by)

(Title)

(Director, Department)

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| _____
(Typed/printed name)

_____ (Execution date)

(Source: Repealed at 42 Ill. Reg. _____, effective _____)