

### **III LEAD LAWS OF THE STATE OF ILLINOIS**

#### **SUMMARY: ILLINOIS LEAD POISONING PREVENTION ACT and ILLINOIS LEAD POISONING PREVENTION CODE**

##### **I. Purpose**

The purpose of the Illinois Lead Poisoning Prevention Act and Code is to reduce and prevent the occurrence of lead poisoning in the children of Illinois by:

- Establishing a definition of “lead bearing substance.” (410 ILCS 45/2)
- Prohibiting the use or application of a lead bearing substance:
  - in or upon any exposed surface of a dwelling or dwelling unit; or
  - in or around exposed surfaces of structures frequented by children; or
  - in or upon objects used, installed, or located in or upon areas or structures that, in the ordinary course of use, are accessible to or chewable by children; or
  - in or upon any items used by or intended to be chewable by children. (410 ILCS 45/3-5)
- Prohibiting the sale of items and objects containing lead bearing substance. (410 ILCS 45/4 and 45/5)
- Providing for warning statements on certain lead bearing substances. (410 ILCS 45/6)
- Requiring the screening or risk assessment of all children six years of age and under. (410 ILCS 45/6.2)
- Establishing elevated blood lead levels (77 Ill. Adm. Code 845.20) and authorizing the Illinois Department of Public Health (IDPH) to determine high/low risk areas in Illinois. (410 ILCS 45/6.2)
- Enacting a procedure for reporting lead poisoning and for follow-up. (410 ILCS 45/7)
- Establishing a Lead Poisoning Screening, Prevention, and Abatement Fund in the State treasury. (410 ILCS 45/7.2)
- Authorizing the IDPH to enact procedures upon finding of a child with an elevated blood lead level and adopt rules regarding acceptable methods of mitigating lead hazards. (410 ILCS 45/8 and 45/9)

##### **II. Requirements**

###### **A. Screening**

Children from 6 months through 6 years of age must have their blood lead level tested if they reside in an area determined by the IDPH as “high risk.”<sup>1</sup> If they reside in a “low risk” area, they need to be assessed for exposure to risks by a procedure developed by the department. (410 ILCS 45/6.2(a); 77 Ill. Adm. Code 845.55)

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<sup>1</sup> All Chicago zip codes are considered high risk. See Appendix B for the Pediatric Lead Poisoning High-Risk ZIP Code Areas.

Medicaid enrolled children must be tested. (77 Ill. Adm. Code 845.55(a))

## **B. Reporting**

IDPH has determined that for purposes of reporting permissible blood lead levels are under 10µg/dL for children under age 16 years and for pregnant or breast-feeding women and less than 25 µg/dL for all others. (77 Ill. Adm. Code 845.20)

Every health care provider who finds a blood lead level in excess of permissible levels shall report the individual's name, address, date of birth, sex, race, test type and date, and name and address of physician and reporting agency to IDPH within 48 hours of confirmation of the elevated blood lead level. All negative results must be reported within 30 days. (77 Ill. Adm. Code 845.60)

## **C. Inspection of Buildings**

1. After an individual is found with an elevated blood lead level, a representative of the IDPH may inspect the dwelling and common areas for lead bearing substances. If the occupant of a residential building or dwelling designated for inspection under the law refuses to allow inspection, an agent of the IDPH may apply for a warrant, which will be issued upon showing that a victim of lead poisoning resides or has recently resided in the building. (410 ILCS 45/8) The inspector must prepare a report of his inspection. If a lead hazard exists, the report must describe the nature of the hazard. (410 ILCS 45/8.1)

2. Inspection of dwellings, buildings, child care facilities to determine source of lead poisoning is required when (77 Ill. Adm. Code 845.85):

- A child has a confirmed blood lead level at or above 20 µg/dL.
- A child has three successive confirmed blood lead levels of 15 -19 µg/dL.
- A child has a single confirmed blood lead level at or above 10 µg/dL and the child's physician requests an investigation.
- A child less than three years of age has a single confirmed blood lead level at or above 10 µg/dL.
- A mitigation notice has been issued for two or more dwelling units in a building within a five year time period (this inspection may include common areas) and
  - i. a child under 6 years resides and the parent or guardian has requested the inspection or
  - ii. a pregnant woman resides and has requested the inspection

3. Inspection of a dwelling consists at least of:

- An interview with the owner or occupant about activities that might result in lead poisoning. (77 Ill. Adm. Code 845.85(a)(2))
- A visual assessment of conditions of the dwelling. (77 Ill. Adm. Code 845.85(a)(2))

- Environmental sampling of deteriorating paint and dust. (77 Ill. Adm. Code 845.85(a)(2))
- An investigation report sent to the owner and the occupant. If lead substances are found, the report shall describe the source, nature, and location of the hazard. (77 Ill. Adm. Code 845.85(a)(5))

### **III. Procedure upon determination of lead hazard**

#### **A. Mitigation and Abatement**

Mitigation is the remediation of lead hazards so that the lead bearing substance no longer poses an immediate threat to people's health. Abatement is the removal or encapsulation of all lead-bearing substances in a residential building or dwelling unit. (410 ILCS 45/2)

1. If the inspector identifies a lead hazard, the IDPH serves a mitigation notice on the owner, describing the activities required and setting a time period in which the owner must mitigate the hazard. (410 ILCS 45/9)
  3. The owner must mitigate within 30 days of receiving the mitigation notice if the premises were inspected because a child or pregnant woman tested with an elevated blood lead level or a child less than 6 years old or pregnant woman resides there. All other mitigation must be within 90 days of receiving the mitigation notice. (77 Ill. Adm. Code 845.85(a)(5)(E))
  4. The owner may apply to the Department for an extension of the deadline. (77 Ill. Adm. Code 845.85(a)(5)(F))
2. If, after inspecting mitigation efforts, the IDPH finds that the mitigation requirements have been satisfied, the owner is provided with a certificate of compliance. (77 Ill. Adm. Code 845.85(a)(5)(G)).
3. Lead paint or other coating is considered mitigated if there are no hazardous levels of leaded chips, flakes, or dust that can be inhaled by humans. If leaded surface is accessible to children, the coating must be removed, covered, or otherwise treated to prevent the accessibility to children. (410 ILCS 45/9 (2))
4. If the IDPH finds that the lead hazard for which the mitigation notice was issued is *not* mitigated, the Department may issue a deficiency notice indicating specific actions the owner must take to comply. This may include abatement. (77 Ill. Adm. Code 845.85(a)(5)(G)).
5. All mitigation and abatement activities shall be done in a way that will not endanger the occupants, including work area isolation, preparation and containment, safe work practices, and safe removal of all potentially harmful materials (410 ILCS 45/11) (77 Ill. Adm. Code 845.265(a))

- a. To ensure the health and safety of occupants and workers, a Work Practice and Occupant Protection Plan shall be produced by a licensed lead supervisor and followed for each project. The plan shall include, among other things, the requirements for pre-cleaning, specification of the barriers and containment systems, and description of the lead safe work practices to be used. (77 Ill. Adm. Code 845.255(a))
- b. The lead abatement contractor shall display caution signs outside all entrances and exits to each work area before beginning work and keep the signs posted until the abatement or mitigation is completed and final dust clearance results have been obtained. (77 Ill. Adm. Code 845.255(b))
- c. Unauthorized persons are not permitted to enter the work area. The contractor shall ensure that occupants and pets use alternative entrances and exits. (77 Ill. Adm. Code 845.265(d)(2))
- d. The following work practices are prohibited for any lead abatement or mitigation activities: open flame burning, dry sanding, open abrasive blasting, uncontained hydro-blasting, methylene chloride, and dry scraping. (77 Ill. Adm. Code 845.270)

**B. Owner's obligation to post notice**

The owner of a dwelling unit of a residential building who has received a mitigation notice shall post notices in common areas of the building specifying the following information (410 ILCS 45/9.4)

- that a unit(s) have been found to have lead hazards
- the identified lead hazards
- that other units in the building may have lead hazards
- that the Department recommends that children 6 years of age or younger receive a blood screening
- where to see further information
- whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period

**A. Multiple mitigation notices**

When mitigation notices are issued for 2 or more dwelling units in a building within a 5 year period, the Department may inspect common areas in the building and shall inspect units where (i) children under the age of 6 reside, at the request of the child's parent or guarding or (ii) a pregnant woman resides, at the pregnant woman's request. (410 ILCS 45/9.2)

**E. Financial assistance for mitigation**

Whenever a mitigation notice is issued pursuant to section 9 or 9.2 of the Act, the Department shall make the owner aware of any financial assistance programs that may be available for lead mitigation. (410 ILCS 45/9.3)

**F. Notice to Prospective Lessees (410 ILCS 45/9.1)**

The owner must provide a prospective lessee with a copy of the written notice that a lead hazard has been identified in the dwelling unit unless there was a certificate of compliance issued.

All owners of buildings built prior to 1978 are required to give prospective lessees a copy of the brochure prepared by the department that informs of the potential health hazards posed by lead in residential dwellings.

**G. Training and Licensing of Lead Contractors and Inspectors**

IDPH is required to establish standards for education and training to license lead inspectors. Performing inspections without a license is a Class A misdemeanor. (410 ILCS 45/8.1 (a))

Pursuant to Section 11.1 of the Illinois Lead Poisoning Prevention Act, the IDPH establishes guidelines for training and licensing lead abatement workers and certification and approval of such training programs by the Department. Training and licensing requirements are set out in Subpart C of the Illinois Lead Poisoning Prevention Code, Sections 845.100 – 845.140.

**H. Authority given to the IDPH**

The IDPH may adopt any rules necessary to implement the Lead Poisoning Prevention Act. (410 ILCS 45/13)

**IV. Violations/Failure to Comply**

**A. Reports to the State’s Attorney**

Any violations of this Act must be reported to the State’s Attorney of the county within which the dwelling is located, and the State’s Attorney may charge the owner with a class A Misdemeanor. The State’s Attorney shall ensure that rent is withheld until mitigation is complete. An occupant cannot be evicted because of an elevated blood lead level or suspected lead poisoning, or because rent is withheld or the occupant acts to enforce this Act. (410 ILCS 45/10)

**B. Enforcement**

The State’s Attorney or Attorney General may bring an action to enforce this Act and its adopted rules. In addition, the State’s Attorney or Attorney General may bring an action for a temporary restraining order, a preliminary injunction or an injunction. (410 ILCS 45/12)

**C. Penalties**

1. Violations of the Act, other than a violation under Section 7 (regarding health care reporting of lead poisoning) and Section 6.01 (regarding warning statements where supplies are sold), shall be punishable as a Class A misdemeanor.
2. In addition to any other penalty, the court may impose a civil penalty not exceeding \$2500 for each violation plus \$250 for each day that a violation continues for failure to comply with a notice of deficiency and a mitigation order issued under subsection 7 of Section 9 of the Act. (410 ILCS 45/12)
3. If the owner does not act within the stated time, local health officials and building officials may use community resources to relocate occupants. (410 ILCS 45/10)
4. The IDPH may deny, suspend, or revoke a contractor or worker's license for failure to comply. (410 ILCS 45/11.2)

#### **IV. Case Law**

In an action against a landlord for damages caused by the plaintiff minor's exposure to lead, the Illinois Supreme Court held that there is no strict liability private cause of action under the Illinois Lead Poisoning Prevention Act. A common law negligence action allowed adequate remedy. However, violation of the Act can be used as prima facie evidence of negligence. Abassi v. Paraskevoulakos 718 N.E.2d 181 (Ill. 1999). (See Appendix I)

**STATE OF ILLINOIS  
LEAD POISONING PREVENTION ACT  
410 ILCS 45**

West's Smith-Hurd Illinois Compiled Statutes Annotated  
Chapter 410. Public Health  
    ▣ Health Prevention and Protection  
        ▣ Act 45. Lead Poisoning Prevention Act (Refs & Annos)  
            → **45/1. Short title**

§ 1. Short title. This Act may be cited as the Lead Poisoning Prevention Act.

**45/2. Definitions**

§ 2. Definitions. As used in this Act:

“Abatement” means the removal or encapsulation of all leadbearing substances in a residential building or dwelling unit.

“Child care facility” means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children through 6 years of age.

“Delegate agency” means a unit of local government or health department approved by the Department to carry out the provisions of this Act.

“Department” means the Department of Public Health of the State of Illinois.

“Dwelling” means any structure all or part of which is designed or used for human habitation.

“High risk area” means an area in the State determined by the Department to be high risk for lead exposure for children through 6 years of age. The Department shall consider, but not be limited to, the following factors to determine a high risk area: age and condition (using Department of Housing and Urban Development definitions of “slum” and “blighted”) of housing, proximity to highway traffic or heavy local traffic or both, percentage of housing determined as rental or vacant, proximity to industry using lead, established incidence of elevated blood lead levels in children, percentage of population living below 200% of federal poverty guidelines, and number of children residing in the area who are 6 years of age or younger.

“Exposed surface” means any interior or exterior surface of a dwelling or residential building.

“Lead abatement contractor” means any person or entity licensed by the Department to perform lead abatement and mitigation.

“Lead abatement worker” means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation.

“Lead bearing substance” means any item containing or coated with lead such that the lead content is more than six-hundredths of one percent (0.06%) lead by total weight; or any dust on surfaces or in furniture or other nonpermanent elements of the dwelling; or any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; or 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 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 the rules and regulations authorized by this Act or a lower standard for lead content as may be established by federal law or regulation. “Lead bearing substance” does not include firearm ammunition or components as defined by the Firearm Owners Identification Card Act.



“Lead hazard” means a lead bearing substance that poses an immediate health hazard to humans.

“Lead poisoning” means the condition of having blood lead levels in excess of those considered safe under State and federal rules and regulations.

“Low risk area” means an area in the State determined by the Department to be low risk for lead exposure for children through 6 years of age. The Department shall consider the factors named in “high risk area” to determine low risk areas.

“Mitigation” means the remediation, in a manner described in Section 9, of a lead hazard so that the lead bearing substance does not pose an immediate health hazard to humans.

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

(a) Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or

(b) Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.

“Person” means any one or more natural persons, legal entities, governmental bodies, or any combination.

“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.

“Risk assessment” means a questionnaire to be developed by the Department for use by physicians and other health care providers to determine risk factors for children through 6 years of age residing in areas designated as low risk for lead exposure.

#### **45/3. Lead bearing substance use**

§ 3. Lead bearing substance use. No person shall use or apply lead bearing substances:

(a) In or upon any exposed surface of a dwelling or dwelling unit;

(b) In or around the exposed surfaces of a child care facility or other structure frequented by children;

(c) In or upon any fixtures or other objects used, installed, or located in or upon any exposed surface of a dwelling or residential building, or child care facility, or intended to be so used, installed, or located and that, in the ordinary course of use, are accessible to or chewable by children;

(d) In or upon any items, including, but not limited to, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, toys, furniture, or other articles used by or intended to be chewable by children;

(e) Within or upon a residential building or dwelling, child care facility, school, playground, park, or recreational area, or other areas regularly frequented by children.

#### **45/4. Sale of items containing lead bearing substance**

§ 4. Sale of items containing lead bearing substance. No person shall sell, have, offer for sale, or transfer toys, furniture, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, or other articles used by or intended to be chewable by children that contains a lead bearing substance.

#### **45/5. Sale of objects containing lead bearing substance**

§ 5. Sale of objects containing lead bearing substance. No person shall sell or transfer or offer for sale or transfer any fixtures or other objects intended to be used, installed, or located in or upon any surface of a dwelling or residential building, or child care facility, that contains a lead bearing substance and that, in the ordinary course of use, are accessible to or chewable by children.

#### **45/6. Warning statement**

§ 6. Warning statement. No person, firm, or corporation shall have, offer for sale, sell, or give away any lead bearing substance that may be used by the general public unless it bears the warning statement as prescribed by federal regulation. If no regulation is prescribed the warning statement shall be as follows when the lead bearing substance is a lead-based paint or surface coating: "WARNING--CONTAINS LEAD. DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior, or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF THE REACH OF CHILDREN.". If no regulation is prescribed the warning statement shall be as follows when the lead bearing substance contains lead-based paint or a form of lead other than lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN.".

(a) The generic term of a product, such as "paint" may be substituted for the word "substance" in the above labeling.

(b) The placement, conspicuousness, and contrast of the above labeling shall be in accordance with 16 C.F.R. 1500.121.

#### **45/6.01. Warning statement where supplies sold**

§ 6.01. Warning statement where supplies sold.

(a) Any retailer, store, or commercial establishment that offers paint or other supplies intended for the removal of paint shall display, in a prominent and easily visible location, a poster containing, at a minimum, the following:

- (1) a statement that dry sanding and dry scraping of paint in dwellings built before 1978 is dangerous;
- (2) a statement that the improper removal of old paint is a significant source of lead dust and the primary cause of lead poisoning; and
- (3) contact information where consumers can obtain more information.

(b) The Department shall provide sample posters and brochures that commercial establishments may use. The Department shall make these posters and brochures available in hard copy and via download from the Department's Internet website.

(c) A commercial establishment shall be deemed to be in compliance with this Section if the commercial establishment displays lead poisoning prevention posters or provides brochures to its customers that meet the minimum requirements of this Section but come from a source other than the Department.

#### **45/6.1. Removal of leaded soil**

§ 6.1. Removal of leaded soil. The Department shall, in consultation with the IEPA, specify safety guidelines for workers undertaking removal or covering of leaded soil. Soil inspection requirements shall apply to inspection of residential buildings or child care facilities subject to the requirements of this Section.

#### **45/6.2. Physicians to screen children**

§ 6.2. Physicians to screen children.

(a) Every physician licensed to practice medicine in all its branches or health care provider shall screen children 6 months through 6 years of age for lead poisoning 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 assessed for risk by a risk assessment procedure developed by the Department. Children shall be screened, in accordance with guidelines and criteria set forth by the American Academy of Pediatrics, at the priority intervals and using the methods specified in the guidelines.

(b) Each licensed, registered, or approved health care facility serving children from 6 months through 6 years of age, 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 to ensure that the patients receive lead poisoning screening, where medically indicated or appropriate.

(c) Children 6 years and older may also be screened by physicians or health care providers, in accordance with guidelines and criteria set forth by the American Academy of Pediatrics, according to the priority intervals specified in the guidelines. Physicians and health care providers shall also screen children for lead poisoning in conjunction with the school health examination, as required under the School Code, [FN1] when, in the medical judgement of the physician, advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advance practice nurse to perform health examinations, or physician assistant who has been delegated to perform health examinations by the supervising physician, the child is potentially at high risk of lead poisoning.

(d) Nothing in this Section shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects on the grounds that the screening or test conflicts with his or her religious beliefs.

[FN1]105 ILCS 5/1-1 et seq.

#### **45/6.3. Information provided by the Department of Healthcare and Family Services**

§ 6.3. Information provided by the Department of Healthcare and Family Services.

(a) The Director of Healthcare and Family Services shall provide, upon request of the Director of Public Health, an electronic record of all children less than 7 years of age who receive Medicaid, Kidcare, or other health care benefits from the Department of Healthcare and Family Services. The records shall include a history of claims filed for each child and the health care provider who rendered the services. On at least an annual basis, the Director of Public Health shall match the records provided by the Department of Healthcare and Family Services with the records of children receiving lead tests, as reported to the Department under Section 7 of this Act.

(b) The Director shall prepare a report documenting the frequency of lead testing and elevated blood and lead levels among children receiving benefits from the Department of Healthcare and Family Services. On at least an annual basis, the Director shall prepare and deliver a report to each health care provider who has rendered services to children receiving benefits from the Department of Healthcare and Family Services. The report shall contain the aggregate number of children receiving benefits from the Department of Healthcare and Family Services to whom the provider has provided services, the number and percentage of children tested for lead poisoning, and the number and percentage of children having an elevated lead level. The Department of Public Health may exclude health care providers who provide specialized or emergency medical care and who are unlikely to be the primary medical care provider for a child. Upon the request of a provider, the Department of Public Health may generate a list of individual patients treated by that provider according to the claims records and the patients' lead test results.

#### **45/7. Reports of lead poisoning required**

§ 7. Reports of lead poisoning required. Every physician who diagnoses, or a nurse, hospital administrator or public health officer who has verified information of the existence of any person found or suspected to have a level of lead in the blood in excess of the permissible limits set forth in regulations adopted by the Department, within 48 hours of receipt of verification, shall report to the Department the name, address, laboratory results, date of birth, and any other information about the person deemed essential by the Department. Directors of clinical laboratories must report to the Department, within 48 hours of receipt of verification, positive results of all blood lead analyses performed in their facility. The information included in the clinical laboratories report shall include, but not be limited to, the child's name, address, date of birth, name of physician ordering analysis, and specimen type. All negative results must be reported to the Department in accordance with rules adopted by the Department. These rules shall not require reporting in less than 30 days after the end of the month in which the negative results are obtained. All reports shall be treated in the same manner as information subject to the provisions of Part 21 of Article VIII of the Code of Civil Procedure. [FN1] Any physician, nurse, hospital administrator, director of a clinical laboratory, public health officer, or allied health professional making a report in good faith shall be immune from any civil or criminal liability that otherwise might be incurred from the making of a report.

[FN1]735 ILCS 5/8-2101 et seq.

#### **45/7.1. Child care facilities must require lead blood level screening for admission**

§ 7.1. Child care facilities must require lead blood level screening for admission. By January 1, 1993, each day care center, day care home, preschool, nursery school, kindergarten, or other child care facility, licensed or approved by the State, including such programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between the ages of 6 months through 6 years provide a statement from a physician or health care provider that the child has been risk assessed, as provided in Section 6.2, if the child resides in an area defined as low risk by the Department, or screened for lead poisoning as provided for in Section 6.2, if the child resides in an area defined as high risk. This statement shall be provided prior to admission and subsequently in conjunction with required physical examinations.

Nothing in this Section shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects on the grounds that the screening or test conflicts with his or her religious beliefs.

Child care facilities that participate in the Illinois Child Care Assistance Program (CCAP) shall annually send or deliver to the parents or guardians of children enrolled in the facility's care an informational pamphlet regarding awareness of lead paint poisoning. Pamphlets shall be produced and made available by the Department and shall be downloadable from the Department's Internet website. The Department of Human Services and the Department of Public Health shall assist in the distribution of the pamphlet.

**45/7.2. Laboratory fees for blood lead screening; Lead Poisoning Fund**

§ 7.2. Laboratory fees for blood lead screening; Lead Poisoning Fund.

(a) The Department may establish fees according to a reasonable fee structure to cover the cost of providing a testing service for laboratory analysis of blood lead tests and any necessary follow-up. Fees collected from the Department's testing service shall be placed in a special fund in the State treasury known as the Lead Poisoning Screening, Prevention, and Abatement Fund. Other State and federal funds for expenses related to lead poisoning screening, follow-up, treatment, and abatement programs may also be placed in the Fund. Moneys shall be appropriated from the Fund to the Department of Public Health solely for the purposes of providing lead screening, follow-up, and treatment programs.

(b) Any delegate agency may establish fees, according to a reasonable fee structure, to cover the costs of drawing blood for blood lead screening and any necessary follow-up.

**45/8. Inspection of buildings occupied by a person screening positive**

§ 8. Inspection of buildings occupied by a person screening positive. A representative of the Department, or delegate agency, may, after notification that an occupant of the dwelling unit in question is found to have a blood lead value of the value set forth in Section 7, upon presentation of the appropriate credentials to the owner, occupant, or his representative, inspect dwelling or dwelling units, at reasonable times, for the purposes of ascertaining that all surfaces accessible to children are intact and in good repair, and for purposes of ascertaining the existence of lead bearing substances. Such representative of the Department, or delegate agency, may remove samples or objects necessary for laboratory analysis, in the determination of the presence of lead-bearing substances in the designated dwelling or dwelling unit.

If a building is occupied by a child of less than 3 years of age screening positive, the Department, in addition to all other requirements of this Section, must inspect the dwelling unit and common place area of the child screening positive.

Following the inspection, the Department or its delegate agency shall:

(1) Prepare an inspection report which shall:

(A) State the address of the dwelling unit.

(B) Describe the scope of the inspection, the inspection procedures used, and the method of ascertaining the existence of a lead bearing substance in the dwelling unit.

(C) State whether any lead bearing substances were found in the dwelling unit.

(D) Describe the nature, extent, and location of any lead bearing substance that is found.

(E) State either that a lead hazard does exist or that a lead hazard does not exist. If a lead hazard does exist, the 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.

(F) Give the name of the person who conducted the inspection and the person to contact for further information regarding the inspection and the requirements of this Act.

(2) Mail or otherwise provide a copy of the inspection report to the property owner and to the occupants of the dwelling unit. If a lead bearing substance is found, at the time of providing a copy of the inspection report, the Department or its delegate agency shall attach an informational brochure.

#### **45/8.1. Licensing of lead inspectors**

§ 8.1. Licensing of lead inspectors.

(a) By January 1, 1994, the Department shall establish standards and licensing procedures for lead inspectors. An integral element of these procedures shall be an education and training program prescribed by the Department which shall include but not be limited to scientific sampling, chemistry, and construction techniques. No person shall make inspections without first being licensed by the Department. The penalty for inspection without a license shall be a Class A misdemeanor.

(b) The Department shall charge licensed inspectors reasonable license fees and the fees shall be placed in the Lead Poisoning Screening, Prevention, and Abatement Fund and used to fund the Department's licensing of inspectors and any other activities prescribed by this Act. An inspector employed by the Department or its delegate agency shall not be charged a license fee.

#### **45/8.2. Warrant procedures**

§ 8.2. Warrant procedures. If the occupant of a residential building or dwelling designated for inspection under Section 8 refuses to allow inspection, an agent of the Department or of the Department's delegate agency may apply for a search warrant to permit entry. A court may issue a warrant upon a showing that a victim of lead poisoning resides or has recently resided in the residential building. The findings of the inspection shall be reported to the Department and to the appropriate enforcement authorities established in this Act.

#### **45/9. Procedures upon determination of lead hazard**

§ 9. Procedures upon determination of lead hazard.

(1) If the inspection report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner that the owner is required to mitigate the lead hazard, and shall indicate the time period specified in this Section in which the owner must complete the mitigation. The notice shall include information describing mitigation activities which meet the requirements of this Act.

(2) If the inspection report identifies a lead hazard, the owner shall mitigate the lead hazard in a manner prescribed by the Department and within the time limit prescribed by this Section. The Department shall adopt rules regarding acceptable methods of mitigating a lead hazard. If the source of the lead hazard identified in the inspection report is lead paint or any other leaded surface coating, the lead hazard shall be deemed to have been mitigated if:

(A) The surface identified as the source of the hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substance, that can be ingested or inhaled by humans, or;

(B) If the surface identified as the source of the hazard is accessible to children and could reasonably be chewed on by children, the surface coating is either removed or covered, the surface is removed, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department.

(3) Mitigation activities which involve the destruction or disturbance of any leaded surface shall be conducted by a licensed lead abatement contractor using licensed lead abatement workers. The Department may prescribe by

rule mitigation activities that may be performed without a licensed contractor or worker. The Department may, on a case by case basis, grant a waiver of the requirement to use licensed lead abatement contractors and workers, provided the waiver does not endanger the health or safety of humans.

(4) The Department shall establish procedures whereby an owner, after receiving a mitigation notice under this Section, may submit a mitigation plan to the Department or delegate agency for review and approval.

(5) When a mitigation notice is issued for a dwelling unit inspected as a result of an elevated blood lead level in a pregnant woman or a child, or if the dwelling unit is occupied by a child under 6 years of age or a pregnant woman, the owner shall mitigate the hazard within 30 days of receiving the notice; otherwise, the owner shall complete the mitigation within 90 days.

(6) 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 abatement contractors or workers, 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.

(7) The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any dwelling 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 as provided under this Section. 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 this Act, which may include abatement if 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 this 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.

#### **45/9.1. Owner's obligation to give notice**

§ 9.1. Owner's obligation to give notice. An owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of this Act shall, before entering into a lease agreement for the dwelling unit for which the mitigation notice was issued, provide prospective lessees of that unit with written notice that a lead hazard has previously been identified in the dwelling unit, unless the owner has obtained a certificate of compliance for the unit under Section 9. An owner may satisfy this notice requirement by providing the prospective lessee with a copy of the inspection report prepared pursuant to Section 9.

Before entering into a residential lease agreement, all owners of residential buildings or dwelling units built before 1978 shall give prospective lessees information on the potential health hazards posed by lead in residential dwellings by providing the prospective lessee with a copy of an informational brochure prepared by the Department. Within one year of the effective date of this amendatory Act of 1992, owners of residential buildings or dwelling units built before 1978 shall provide current lessees with such brochure.

#### **45/9.2. Multiple mitigation notices**

§ 9.2. Multiple mitigation notices. When mitigation notices are issued for 2 or more dwelling units in a building within a 5-year time period, the Department may inspect common areas in the building and shall inspect units where (i) children under the age of 6 reside, at the request of a parent or guardian of the child or (ii) a pregnant

woman resides, at the pregnant woman's request. All lead hazards must be mitigated in a reasonable time frame, as determined by rules adopted by the Department. In determining the time frame for completion of mitigation of hazards identified under this Section, the Department shall consider, in addition to the considerations in subsection (6) of Section 9 of this Act, the owner's financial ability to complete the mitigation.

#### **45/9.3. Financial assistance for mitigation**

§ 9.3. Financial assistance for mitigation. Whenever a mitigation notice is issued pursuant to Section 9 or Section 9.2 of this 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.

#### **45/9.4. Owner's obligation to post notice**

§ 9.4. Owner's obligation to post notice. The owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of this Act shall post notices in common areas of the building 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:

- (1) that a unit or units in the building have been found to have lead hazards;
- (2) that other units in the building may have lead hazards;
- (3) that the Department recommends that children 6 years of age or younger receive a blood lead screening;
- (4) where to seek further information; and
- (5) whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.

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.

#### **45/10. Report of violations; withholding rent; eviction; relocation**

§ 10. The Department, or representative of a unit of local government or health department approved by the Department for this purpose, shall report any violation of this Act to the State's Attorney of the county in which the dwelling is located, who has then the authority to charge the owner with Class A misdemeanor, and who shall take additional measures to insure that rent is withheld from the owner by the occupants of the dwelling or dwelling units affected, until the mitigation requirements under Section 9 of this Act are complied with.

No tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling unit, or because rent is withheld under the provisions of this Act, or because of any action required of the dwelling owner as a result of enforcement of this Act.

In cases where no action is taken which will result in the remedy of the hazard created by the lead-bearing substances within the stated time period, the local health officer and the local building officials may as practical utilize such community resources as are available to effect the relocation of the individuals who occupied the dwelling or dwelling unit affected until the remedy is made by the owner.

#### **45/11. Manner of mitigation of lead hazards**



§ 11. Manner of mitigation of lead hazards. All mitigation shall be accomplished in a manner which will not endanger the health or well-being of residential building or dwelling unit occupants, and will result in the safe removal from the premises, and the safe disposition, of flakes, chips, debris, dust, and other potentially harmful materials.

#### **45/11.05. Advisory Council**

§ 11.05. Advisory Council.

(a) The General Assembly finds the following:

(1) Lead-based paint poisoning is a potentially devastating but preventable disease and is the number one environmental threat to children's health in the United States.

(2) The number of lead-poisoned children in Illinois is among the highest in the nation, especially in older, affordable properties.

(3) Lead poisoning causes irreversible damage to the development of a child's nervous system. Even at low and moderate levels, lead poisoning causes learning disabilities, speech problems, shortened attention span, hyperactivity, and behavioral problems. Recent research links high levels of lead exposure to lower IQ scores and to juvenile delinquency.

(4) Older housing is the number one risk factor for childhood lead poisoning. Properties built before 1950 are statistically much more likely to contain lead-based paint hazards than buildings constructed more recently.

(5) Illinois ranks 10th out of the 50 states in the age of its housing stock. More than 50% of the housing units in Chicago and in Rock Island, Peoria, Macon, Madison, and Kankakee counties were built before 1960 and more than 43% of the housing units in St. Clair, Winnebago, Sangamon, Kane, and Cook counties were built before 1950.

(6) There are nearly 1.4 million households with lead-based paint hazards in Illinois.

(7) Most children are lead-poisoned in their own homes through exposure to lead dust from deteriorated lead-paint surfaces, like windows, and when lead paint deteriorates or is disturbed through home renovation and repainting.

(8) The control of lead hazards significantly reduces lead poisoning rates. Other communities, including New York City and Milwaukee, have successfully reduced lead poisoning rates by removing lead-based paint hazards on windows.

(9) Windows are considered a higher lead exposure risk more often than other components in a housing unit. Windows are a major contributor of lead dust in the home, due to both weathering conditions and friction effects on paint.

(10) There is an insufficient pool of licensed lead abatement workers and contractors to address the problem in some areas of the State.

(11) Training, insurance, and licensing costs for lead removal workers are prohibitively high.

(12) Through grants from the United States Department of Housing and Urban Development, some communities in Illinois have begun to reduce lead poisoning of children. While this is an ongoing effort, it addresses only a

small number of the low-income children statewide in communities with high levels of lead paint in the housing stock.

(b) For purposes of this Section:

“Advisory Council” means the Lead-Safe Housing Advisory Council created under subsection (c).

“Lead-Safe Housing Maintenance Standards” or “Standards” means standards developed by the Advisory Council pursuant to this Section.

“Low-income” means a household at or below 80% of the median income level for a given county as determined annually by the United States Department of Housing and Urban Development.

“Primary prevention” means removing lead hazards before a child is poisoned rather than relying on identification of a lead poisoned child as the triggering event.

(c) The Lead-Safe Housing Advisory Council is created to advise the Department on lead poisoning prevention activities. The Advisory Council shall be chaired by the Director or his or her designee and the chair of the Illinois Lead Safe Housing Task Force and provided with administrative support by the Department. The Advisory Council shall be comprised of (i) the directors, or their designees, of the Illinois Housing Development Authority and the Environmental Protection Agency; and (ii) the directors, or their designees, of public health departments of counties identified by the Department that contain communities with a concentration of high-risk, lead-contaminated properties.

The Advisory Council shall also include the following members appointed by the Governor:

- (1) One representative from the Illinois Association of Realtors.
- (2) One representative from the insurance industry.
- (3) Two pediatricians or other physicians with knowledge of lead-paint poisoning.
- (4) Two representatives from the private-sector, lead-based-paint-abatement industry who are licensed in Illinois as an abatement contractor, worker, or risk assessor.
- (5) Two representatives from community based organizations in communities with a concentration of high risk lead contaminated properties. High-risk communities shall be identified based upon the prevalence of low-income families whose children are lead poisoned and the age of the housing stock.
- (6) At least 3 lead-safe housing advocates, including (i) the parent of a lead-poisoned child, (ii) a representative from a child advocacy organization, and (iii) a representative from a tenant housing organization.
- (7) One representative from the Illinois paint and coatings industry.

Within 9 months after its formation, the Advisory Council shall submit a written report to the Governor and the General Assembly on:

- (1) developing a primary prevention program for addressing lead poisoning;
- (2) developing a sufficient pool of lead abatement workers and contractors;

- (3) targeting blood lead screening to children residing in high-risk buildings and neighborhoods;
- (4) ensuring lead-safe work practices in all remodeling, rehabilitation, and weatherization work;
- (5) funding mechanisms to assist residential property owners in costs of lead abatement and mitigation;
- (6) providing insurance subsidies to licensed lead abatement contractors who target their work to high-risk communities; and
- (7) developing any necessary legislation or rulemaking to improve the effectiveness of State and local programs in lead abatement and other prevention and control activities.

The Advisory Council shall develop handbooks and training for property owners and tenants explaining the Standards and State and federal requirements for lead-safe housing.

The Advisory Council shall meet at least quarterly. Its members shall receive no compensation for their services, but their reasonable travel expenses actually incurred shall be reimbursed by the Department.

#### **45/11.1. Licensing of lead abatement contractors and workers**

§ 11.1. Licensing of lead abatement contractors and workers. Except as otherwise provided in this Act, performing lead abatement or mitigation without a license is a Class A misdemeanor. The Department shall provide by rule for the licensing of lead abatement contractors and lead abatement workers and shall establish standards and procedures for the licensure. The Department may collect a reasonable fee for the licenses. The fees shall be deposited into the Lead Poisoning Screening, Prevention, and Abatement Fund and used by the Department for the costs of licensing lead abatement contractors and workers and other activities prescribed by this Act.

The Department shall promote and encourage minorities and females and minority and female owned entities to apply for licensure under this Act as either licensed lead abatement workers or licensed lead abatement contractors.

The Department may adopt any rules necessary to ensure proper implementation and administration of this Act and of the federal Toxic Substances Control Act, 15 USC 2682 and 2684, and the regulations promulgated thereunder: Lead; Requirements for Lead-Based Paint Activities (40 CFR 745). The application of this Section shall not be limited to the activities taken in regard to lead poisoned children and shall include all activities related to lead abatement, mitigation and training.

#### **45/11.2. Administrative action**

§ 11.2. Administrative action. Pursuant to the Illinois Administrative Procedure Act [FN1] and rules promulgated thereunder, the Department may deny, suspend, or revoke any license if the Department finds failure or refusal to comply with provisions of this Act or rules promulgated pursuant to the Act.

The Department may assess civil penalties against any licensed lead worker, licensed lead professional, licensed lead contractor, or approved lead training provider for violations of this Act and the rules promulgated hereunder, pursuant to rules for penalties established by the Department. Any penalties collected shall be deposited into the Lead Poisoning Screening, Prevention, and Abatement Fund.

[FN1]5 ILCS 100/1-1 et seq.

## **45/12. Violations of Act**

### § 12. Violations of Act.

(a) Violation of any Section of this Act other than Section 6.01 or Section 7 shall be punishable as a Class A misdemeanor. A violation of Section 6.01 shall cause the Department to issue a written warning for a first offense and shall be a petty offense for a second or subsequent offense if the violation occurs at the same location within 12 months after the first offense.

(b) In cases where a person is found to have mislabeled, possessed, offered for sale or transfer, sold or transferred, or given away lead-bearing substances, a representative of the Department shall confiscate the lead-bearing substances and retain the substances until they are shown to be in compliance with this Act.

(c) In addition to any other penalty provided under this Act, the court in an action brought under subsection (e) may impose upon any person who violates or does not comply with a notice of deficiency and a mitigation order issued under subsection (7) of Section 9 of this Act or who fails to comply with subsection (3) or subsection (5) of Section 9 of this Act a civil penalty not exceeding \$2,500 for each violation, plus \$250 for each day that the violation continues.

Any civil penalties collected in a court proceeding shall be deposited into a delegated county lead poisoning screening, prevention, and abatement fund or, if no delegated county or lead poisoning screening, prevention, and abatement fund exists, into the Lead Poisoning Screening, Prevention, and Abatement Fund established under Section 7.2.

(d) Whenever the Department finds that an emergency exists that requires immediate action to protect the health of children under this Act, it may, without administrative procedure or notice, cause an action to be brought by the Attorney General or the State's Attorney of the county in which a violation has occurred for a temporary restraining order or a preliminary injunction to require such action as is required to meet the emergency and protect the health of children.

(e) The State's Attorney of the county in which a violation occurs or the Attorney General may bring an action for the enforcement of this Act and the rules adopted and orders issued under this Act, in the name of the People of the State of Illinois, and may, in addition to other remedies provided in this Act, bring an action for a temporary restraining order or preliminary injunction as described in subsection (d) or an injunction to restrain any actual or threatened violation or to impose or collect a civil penalty for any violation.

### **45/12.1. Attorney General and State's Attorney report to General Assembly**

§ 12.1. Attorney General and State's Attorney report to General Assembly. The Attorney General and State's Attorney offices shall report to the General Assembly annually the number of lead poisoning cases that have been referred by the Department for enforcement due to violations of this Act or for failure to comply with a notice of deficiency and mitigation order issued pursuant to subsection (7) of Section 9 of this Act.

## **45/13. Rules and regulations**

§ 13. The Department is authorized to promulgate reasonable rules and regulations for carrying out the provisions of this Act.

### **45/13.1. Administrative Procedures Act; Application**

§ 13.1. Administrative Procedures Act; Application. The provisions of the Illinois Administrative Procedure Act [FN1] are adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that in cases of conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control. Section 5-35 of the Illinois Administrative Procedure Act [FN2] relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

[FN1]5 ILCS 100/1-1 et seq.

[FN2]5 ILCS 100/5-35.

#### **45/14. Departmental regulations and activities**

§ 14. Departmental regulations and activities. The Department shall establish and publish regulations and guidelines governing permissible limits of lead in and about residential buildings and dwellings.

The Department shall also initiate activities that:

- (a) Will either provide for or support the monitoring and validation of all medical laboratories and private and public hospitals that perform lead determination tests on human blood or other tissues.
- (b) Will, subject to Section 7.2 of this Act, provide laboratory testing of blood specimens for lead content to any physician, hospital, clinic, free clinic, municipality, or private organization that cannot secure or provide the services through other sources. The Department shall not assume responsibility for blood lead analysis required in programs currently in operation.
- (c) Will develop or encourage the development of appropriate programs and studies to identify sources of lead intoxication and assist other entities in the identification of lead in children's blood and the sources of that intoxication.
- (d) May provide technical assistance and consultation to local, county, or regional governmental or private agencies for the promotion and development of lead poisoning prevention programs.
- (e) Will provide recommendations by the Department on the subject of identification and treatment of lead poisoning.
- (f) Will maintain a clearinghouse of information, and will develop additional educational materials, on (i) lead hazards to children, (ii) lead poisoning prevention, (iii) lead poisoning screening, (iv) lead mitigation, abatement, and disposal, and (v) health hazards during abatement. The Department shall make this information available to the general public.

#### **45/15. Other relief**

§ 15. Other relief. Nothing in this Act shall be interpreted or applied in any manner to defeat or impair the right of any person, entity, municipality or other political subdivision to maintain an action or suit for damages sustained or for equitable relief, or for violation of an ordinance by reason of or in connection with any violation of this Act. The failure to remove lead based substances within the time prescribed by this Act shall be prima facie evidence of negligence in any action brought to recover damages for injuries incurred after the expiration of that period. This Act shall not prohibit any city, village, incorporated township or other political subdivision from enacting and enforcing ordinances establishing a system of lead poisoning control which provide the same or higher standards than those set forth in this Act.

**45/16. Effect of invalid provisions or applications of Act**

§ 16. Effect of invalid provisions or applications of Act. If any provision of this Act or the application of this Act to any person or circumstances shall be held invalid, the invalidity shall not affect the provisions or application of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**45/17. Effective date**

§ 17. This act takes effect upon its becoming a law.

**RULES OF THE ILLINOIS  
DEPARTMENT OF PUBLIC HEALTH**

**TITLE 77: PUBLIC HEALTH  
PART 845 LEAD POISONING PREVENTION CODE  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH**

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

PART 845  
LEAD POISONING PREVENTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
845.10	Applicability
845.15	Incorporated and Referenced Materials
845.20	Definitions
845.25	Disclosure Requirements

SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

Section	
845.50	Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Act
845.55	Lead Screening
845.60	Reporting
845.65	Provision of Data
845.70	Laboratory Fees for Blood Lead Screening
845.75	Requirements for Licensing of Department and Delegate Agency Personnel
845.80	Surveillance and Case Management
845.85	Environmental Follow-Up

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

Section	
845.100	Approval of Training Program Providers
845.105	Lead Training Course Approval Requirements
845.110	Lead Training Course Notification Requirements
845.115	Application Fees for Approval and Renewal of Lead Training Courses
845.120	Lead Training Program Provider Record Keeping Requirements
845.125	Individual Licensing Requirements for Lead Activities
845.130	Requirements for Lead Abatement Contractor Licensing
845.135	Third Party Examination Requirements
845.140	Reciprocity Requirements

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



Section	
845.150	Lead Worker Responsibilities
845.155	Lead Supervisor Responsibilities
845.160	Lead Inspector Responsibilities
845.165	Lead Risk Assessor Responsibilities
845.170	Lead Abatement Contractor Responsibilities
845.175	Lead Training Program Provider Responsibilities

**SUBPART E: STANDARDS FOR CONDUCTING  
ENVIRONMENTAL INVESTIGATIONS FOR LEAD**

Section	
845.200	Environmental Lead Sampling Protocol
845.205	Regulatory Limits of Lead
845.210	Procedures for Lead Inspections in Regulated Facilities
845.215	Procedures for Lead Risk Assessments in Regulated Facilities
845.220	Procedures for Lead Hazard Screens in Regulated Facilities
845.225	Compliance Investigation in Regulated Facilities
845.230	Record Keeping Requirements for Environmental Investigations for Lead

**SUBPART F: STANDARDS FOR LEAD MITIGATION  
AND LEAD ABATEMENT**

Section	
845.250	Submissions and Notices
845.255	Work Practice and Occupant Protection Program
845.260	Personnel Protection Program
845.265	Work Area Isolation, Preparation and Containment
845.270	Prohibited Work Practices
845.275	Safe Work Practices
845.280	Guidelines for Abatement and Mitigation of Lead-Contaminated Soil
845.285	Clean-Up Procedures
845.290	Disposal Procedures
845.295	Reoccupation of the Work Area
845.300	Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

**SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS**

Section	
845.350	Denial, Suspension and Revocation of Lead Training Course Approval
845.355	Denial, Suspension and Revocation of Licenses
845.360	Fines and Penalties

845.365 Emergency Stop Work Orders for Regulated Facilities  
845.370 Administrative Hearings

845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System

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

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

845.APPENDIX B Information Agreement

**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. \_\_\_\_\_, and new Part adopted at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 845.10 Applicability**

- 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.

**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) (1993)
    - B) Respiratory Protection Standard: 29 CFR 1910.134, OSHA (1998)
    - C) 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)
    - F) Protection of Identity – Research Subjects: 42 CFR 2a 4, Department of Health and Human Services (2000)
    - G) Lead and Copper Rule: 56 FR 26460 through 26564, USEPA (June 7, 1991)
    - H) Lead-Safe Housing Rule: 24 CFR 35, Department of Housing and Urban Development (HUD) (2004)
    - I) 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 Development (HUD) (June 1995); Chapter Seven of the HUD Guidelines, Lead-Based Paint Inspection, 1997

Available from: Office of Lead-Based Paint Abatement and Poisoning Prevention HUD, Room B-133, 451 Seventh Street, SW, Washington DC 20410

Also available online at:

<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](http://www.hud.gov/offices/lead/reports/DAT_files/LBPTTech/R96-001.pdf).
- C) 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.hud.gov/offices/lead/reports/R95-001.pdf>
- D) 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/lead/pub/r95-008.pdf>
- 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  
<http://www.hud.gov/offices/lead/labs/nllap.cfm>

- 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) Code of Civil Procedure [735 ILCS 5]
  - 2) Communicable Disease Report Act [745 ILCS 45]
  - 3) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
  - 4) Freedom of Information Act [5 ILCS 140]
  - 5) State Records Act [5 ILCS 160]
  - 6) Medical Studies Act [735 ILCS 5/Art. VIII, Part 21]
  - 7) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - 8) Child Health Environmental Code (77 Ill. Adm. Code 665)
- 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 Department of Public Health form is referenced in this Part:
- Childhood Lead Risk Assessment Questionnaire  
[www.idph.state.il.us/envhealth/pdf/Lead\\_LRAQ\\_6\\_07.pdf](http://www.idph.state.il.us/envhealth/pdf/Lead_LRAQ_6_07.pdf).

**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.

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

*"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children under 6 years of age. (Section 2 of the Act)*

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

"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 is confirmed by a venous blood lead 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)*

"Director" means the Director of the Department of Public Health of the State of Illinois.

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

"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.

"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.

"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 activity that will permanently eliminate lead exposure or remove the lead bearing substances in a regulated facility.

*"Lead Abatement Contractor" means any person or entity licensed by the Department to perform lead abatement or mitigation. (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 dwelling; 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 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 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 regulation. "Lead bearing substance" does not include firearm*



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

*"Lead Hazard" means a 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 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.

"Lead Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. 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 compliance investigations.

"Lead Mitigation" means the remediation of a lead hazard so that a lead bearing substance does not pose an immediate health hazard to humans.

*"Lead Poisoning" means the condition of having 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 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.

"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 inspection, and lead hazard screens; to sample for the presence of lead in paint, dust, soil and water; and to conduct compliance investigations.

"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 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 dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or*

*Has charge, care or control of the 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 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 one 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 dwelling, residential building, child care facility, or any other structure as defined in the Act or this Part.

"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 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.

"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.

"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. XRF instruments are typically used to measure lead in soil, dust and paint samples.

**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 agreement for the regulated facility for which the mitigation notice was issued, provide prospective lessees 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 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 agreement, all owners of regulated facilities built before 1978 shall give prospective lessees information on the potential health hazards posed by lead in residential dwellings by providing the prospective lessee with a copy of an informational brochure on lead. The disclosure and informational brochure shall be consistent with the requirements set forth in 40 CFR 745, "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 renovation activities in any regulated facility, a renovator shall:
  - 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 seven days prior to beginning the 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 renovator cannot get written acknowledgment from the tenant, the 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 seven days prior to beginning the renovation.

## SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

**Section 845.50 Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Act**

- a) The Department may approve units of local government or health departments as delegate agencies to administer and enforce the Act in accordance with individually negotiated delegate agency agreements. No unit of local government or health department shall be approved for this purpose except upon request. Approval shall be rescinded in the event that the delegate agency agreement is subsequently violated. Rescission shall become effective 30 days after the Department serves written notice on the unit of local government or local health department of the Department's intention to rescind approval.
- b) The Department shall approve units of local government or local health departments as delegate agencies that enter into written cooperative agreements with the Department to conduct the activities specified in this Subpart B. The delegate agency shall provide information to the Department on any environmental inspection completed for identified cases and on remediation action taken.

**Section 845.55 Lead Screening**

- a) *Every physician licensed to practice medicine in all its branches or health care provider shall screen children 6 months through 6 years of age for lead poisoning who are determined to reside in an area defined as high risk by the Department.* (Section 6.2 of the Act) Medicaid enrolled children must be tested as required in the Healthy 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 a Childhood Lead Assessment shall have a blood lead measurement.
  - 2) Children who have elevated 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, 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 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.
- c) Physicians and health care providers may assess children 7 years of age and older 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 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 the ages of 6 months through 6 years provide a statement from a physician or health care provider that the child has been*

*screened or assessed for lead poisoning. 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 Health Examination 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)*



**Section 845.60 Reporting**

- a) 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 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 information on behalf of and as required by the Department. The reports provided under this Section shall be confidential and subject to the provisions of the

Medical Studies Act and the Communicable Disease Report Act. 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 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.

**Section 845.65 Provision of Data**

- a) All reports issued by the Department, which are aggregated to make it impossible to identify any patient, reporting entity, or primary caregiver, shall be made available 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.
- c) 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;
  - 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
  - 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.
- g) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity that originally supplied that information to the Department.
  - h) 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.

- i) 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. 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.
- j) 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.

**Section 845.70 Laboratory Fees for Blood Lead Screening**

- 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 \$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.

**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, compliance investigations 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;
  - 2) Be licensed in accordance with Subpart C of this Part to conduct lead investigation services; and
  - 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 investigation services for personal profit.



**Section 845.80 Surveillance and Case Management**

- a) 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 elevated blood lead levels above 15 mcg/dL.
  - 2) The following activities shall be conducted and documented concerning patient or case follow-up:
    - A) Trace the case;
    - B) Counsel the parent or guardian of the case;
    - C) Educate the parent or guardian of the case;
    - D) Interview the parent or guardian of the case for purposes of collecting, verifying or completing the information identified in Appendix A.Exhibit A and Appendix A.Exhibit B of this Part;
    - E) Refer the parent or guardian of the case for medical treatment 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 screening and any necessary follow-up. (Section 7.2 of the Act)* Necessary follow-up includes individual case management and environmental management. In accordance with federal regulations, fees may not be charged to Medicaid recipients.

**Section 845.85 Environmental Follow-Up**

- a) 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 environmental investigation and follow-up shall be conducted by the Department or delegate agency:
    - A) If a child has a confirmed blood lead level at or above 20 mcg/dL;
    - B) 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 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 dwelling or facility use patterns and potential lead hazards, including inquiries regarding:

- i) Improperly glazed pottery;
    - ii) Ethnic or folk medicines;
    - iii) Hobbies and occupation;
    - iv) Other dwellings;
    - v) International travel; and
    - vi) Recent renovations;
  - B) A visual assessment of the condition of the building, appurtenant structures and painted surfaces; and
  - C) Environmental sampling of deteriorated paint and dust based upon subsection (a)(4) of this Section.
- 3) Sampling shall be conducted by at least one of the following methods or a combination thereof:
- A) 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 substances.
  - B) Dust wipe sampling. Dust wipe samples shall be collected in accordance with documented methodologies specified in Section 845.15. Dust samples collected with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated and are considered lead hazards.
  - C) Paint chip sampling. Paint chip samples shall be collected in accordance with documented methodologies specified in Section 845.15. Surfaces where paint chip samples are collected with analysis reported as equal to or greater than the levels specified in Section 845.205 are considered to be lead bearing substances.

- D) Soil sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with documented methodologies specified in Section 845.15. Soil samples with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
  - E) Water sampling. Water samples are discretionary. If collected, water samples shall be collected in accordance with documented methodologies specified in Section 845.15. Water samples with laboratory analysis reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.
- 4) All environmental samples, excluding XRF sampling, shall be submitted to and analyzed by an accredited laboratory, as defined in Section 845.20.
- 5) *Following an investigation, the Department or its delegate agency shall:*
- A) *Prepare an investigation report that shall:*
    - i) State the address of the regulated facility;
    - ii) *Describe the scope of the investigation, the investigation procedures used, and the method of ascertaining the existence of a lead bearing substance in the regulated facility;*
    - iii) *State whether any lead bearing substances were found in the regulated facility;*
    - iv) *Describe the nature, extent, and location of any 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 determination is made that a lead hazard does exist, the 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 investigation and the person to contact for further*

*information regarding the investigation and the requirements of this Part and the Act.*

- B) *Provide a copy of the investigation report to the property owner and to the occupants of the regulated facility. If a lead bearing substance is found, the Department or its delegate agency shall attach a brochure containing information on lead abatement and mitigation to the copy of the investigation report provided to the property owner and the occupants of the regulated facility.*
- C) *If the 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. The mitigation notice shall indicate the time period in which the owner must complete the mitigation as required by this Section, and shall include information describing mitigation activities that meet the requirements of this Part and 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 investigation report is lead paint or any other leaded surface coating, the lead hazard shall be deemed to have been mitigated if:*
- i) *The surface identified as the source of the hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled by humans; or*
  - ii) *The surface identified as the source of the hazard is accessible to children and could reasonably be chewed on by children, 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.*
- E) *When a mitigation notice is issued for a regulated facility inspected as a result of an elevated blood lead level in a pregnant woman or a child, or if the dwelling unit is occupied by a child*

*under 6 years of age or a pregnant woman, the owner shall mitigate the hazard within 30 days after receiving the notice; otherwise, the owner shall complete the mitigation within 90 days.*

- F) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation.*
- G) *The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any 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 abatement if 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 of the Act)*

- b) Mitigation or Abatement of Lead Hazards in Regulated Facilities. Lead mitigation or lead abatement activities shall not result in lead contamination of areas outside of the abatement work area. The removal of 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 substances from the work area and the safe disposal of flakes, chips, debris, dust, and other lead bearing substances. Lead 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, 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 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.
- 3) 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.
- 4) 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, abatement or mitigation is not required when the property owner enters into a stipulation with the Department that will protect children from exposure to lead bearing 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.



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

**Section 845.100 Approval of 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 training program provider shall submit a completed written application to the Department containing the following information:
    - A) The training program provider's name, address 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 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;
    - 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 training program provider;
  - vii) A statement that the course is approved 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;
- J) A description of the activities and procedures that will be used for conducting and assessing hands-on skills requirements;
- 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;
  - 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 training program provider, with supporting qualifications as required by this Section, including the completed Training Manager Qualifications form provided by the Department; and
  - M) The name of the principal instructor employed by the training program provider for each discipline, with supporting qualifications as required by this Section, including the Principle Instructor Qualifications form provided by the Department.
- b) The 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 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, 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 training program 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 training program 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 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/she is designated as principal instructor.
- d) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material.

**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 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 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 and soil sampling methodologies;\*
    - F) Clearance standards and testing, including random sampling;\*
    - G) Preparation of the final inspection report;\* and
    - H) Record keeping.
  - 2) The one day (8 hour) 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 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 risk assessor training course, a 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 risk assessor training course attendance;
  - B) Role and responsibilities of the 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 regulations);\*
  - I) Development of 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 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 worker training course, a 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 worker;
    - B) Information on lead and the adverse health effects of lead exposure;
    - C) Information on federal, State and local 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 methods/cleanup;\*
    - G) Soil and exterior dust abatement methods;\* and
    - H) Respiratory protection, including review of the OSHA Lead Standard.
  - 2) The one day (8 hour) lead 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 regulations, 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 supervisor training course, a person 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 supervisor;
  - B) Information on lead and its adverse health effects;
  - C) Information on federal, State and local regulations and guidance that pertain to lead-based abatement;
  - D) Liability and insurance issues relating to lead-based abatement;
  - E) Lead risk assessment and inspection report interpretation;\*
  - F) Development and implementation of an occupant protection plan and 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;\*
  - I) Interior dust abatement/cleanup;\*
  - J) Soil and exterior dust abatement;\*
  - K) 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 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 regulations, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.



- e) Approval of Lead Alternative Course Schedules.
  - 1) An 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;
    - 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 worker course and also a four-day lead worker course); or
    - F) Any combined training course that covers more than one training course discipline.
  - 2) Application for Alternative Course Schedules shall be made in accordance with the appropriate discipline requirements set forth in this Section.
- f) Approval of Foreign Language Courses. The lead 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 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.

**Section 845.110 Lead Training Course Notification Requirements**

- a) Notification of Course Schedules and Course Cancellations
  - 1) Notification of upcoming lead courses shall be made to the Department no later than 7 calendar days prior to the start of all Department-approved courses. The notification shall be made for all courses offered in Illinois and all adjoining states. Prior notification is not required when courses are offered in states other than Illinois and adjoining states; however the following conditions shall apply separately and jointly:
    - A) Upon request by the Department, the training program provider shall provide the Department with a copy of the notification of upcoming or past lead 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 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 such state or tribal agency.
  - 2) The Department provides a class notification form in the application package to all training program providers. 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.
- 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 training program providers. 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.

**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.
- b) Application fees for all lead training courses are as follows:
  - 1) Fees will be waived for any state or unit of local government seeking approval as a training provider;
  - 2) Initial training course for each discipline: \$500 per course;
  - 3) Refresher training course for each discipline: \$250 per course; and
  - 4) Late fees for each discipline: \$50 per course.
- c) 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.
- d) 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 training course that has been expired for fewer than 3 years, the training program provider shall pay the current application fee, plus a reinstatement fee of \$100 for each year the course approval is expired.
  - 2) To renew a training course that has been expired for a period of 3 years or more, the 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.

**Section 845.120 Lead Training Program Provider Record Keeping Requirements**

- a) Training program records shall be made available to the Department for review as follows.
  - 1) The training program provider shall retain records at the address specified on the training program provider approval application (or as modified) for a minimum of 4 years.
  - 2) The training program provider shall notify the Department in writing before changing the address specified on its 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 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 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;
    - 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 training course and course modifications.

**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 supervisor or lead worker, an applicant shall meet the following requirements:
- 1) Be at least 18 years of age;
  - 2) Submit the Department-approved lead training course certificate.
    - A) The training course completed shall be for the discipline for which licensure is sought.
    - B) Training course certificates are valid for 3 years from the date the applicant passed the approved lead training course examination.
    - C) Training course certificates shall be renewed every 3 years by successfully completing a Department-approved refresher training course in the appropriate discipline.
    - D) If 4 years have passed since the applicant passed the approved training course examination, the 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" photograph of the applicant for proper identification of the licensee. The picture shall have the printed name 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 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 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 worker license – \$50;
    - B) Lead 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 after January 1; or
    - B) If a renewal application for a lead worker or a lead supervisor license is received after March 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 workers: \$25 for each year the license has expired; and
      - ii) Lead supervisors, inspectors and lead risk assessors: \$50 for each year 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.
- 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
  - 2) Lead worker and lead 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" photograph of the applicant for proper identification of the licensee. The picture shall have the printed name of the applicant on the reverse side. The license 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 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 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 supervisor, a person shall:
- A) Submit the training course completion certificates, including an initial lead 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 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 supervisor as required by Section 845.135.

**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;
  - 3) Submit the name of the person with a valid Illinois lead supervisor license who will act as the designated lead supervisor for the lead abatement contractor. The license must be held by the contractor or an employee of the contractor;
  - 4) Submit a written statement signed by the contractor specifying that only lead 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 supervisor training curricula used for training of the designated licensed lead 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.
- 1) If a renewal application is received after 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 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 reinstatement fee of \$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 such instances, the applicant shall submit an initial application and supporting documentation as required by this Section.

**Section 845.135 Third Party Examination Requirements**

- a) Applicants for lead inspector, risk assessor and 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.
  - 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
    - A) Date, time and location for the applicant to take the third party examination;
    - B) A detailed information packet, 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

training program provider before reapplying for approval to take the third party examination.

**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.
  - 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;
      - 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 of an examination offered by another authorized state or tribal program shall pass the Illinois Reciprocal Supplemental Examination (IRSE) 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 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;
  - B) Submit the \$50 non-refundable IRSE fee; and
  - C) Submit the completed IRSE 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 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 one month after the Department accepts the application for reciprocal licensure.
- c) If an applicant does not pass the IRSE within 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 as specified in accordance with Section 845.125.



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

**Section 845.150 Lead Worker Responsibilities**

- a) Any individual conducting lead mitigation and lead abatement is required to be licensed as a lead worker in accordance with the Act and Section 845.125. The licensed lead 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 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 surfaces or coatings.
- b) The lead worker shall possess the valid and current license issued by the Department on-site at any lead mitigation or lead abatement project.
- c) Licensed lead workers can conduct lead mitigation and lead abatement activities only with a licensed lead abatement contractor under the direct supervision of a licensed lead supervisor.

**Section 845.155 Lead Supervisor Responsibilities**

- a) Any individual supervising lead mitigation and lead abatement work practices is required to be licensed as a lead supervisor in accordance with the Act and Section 845.125. The licensed lead supervisor is responsible for the following:
- 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 workers conducting lead mitigation and lead abatement are licensed in accordance with Section 845.125.
    - A) The lead supervisor shall maintain on-site copies of licenses for each of the lead workers conducting lead mitigation and lead abatement; and
    - B) The lead supervisor shall ensure that each lead worker conducting lead mitigation and lead abatement possesses the valid and current license issued by the Department on-site;
  - 6) Being on-site and overseeing all lead mitigation and lead abatement that are occurring;
  - 7) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and Subpart F of this Part; and

- 8) Providing a written document stating that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Plan have been completed. The document shall be provided to the owner of the regulated facility and the licensed lead inspector or lead risk assessor conducting the compliance investigation.
- b) A licensed lead supervisor can conduct lead mitigation and lead abatement activities only with a licensed lead abatement contractor. The licensed lead supervisor can conduct lead mitigation and lead abatement without a lead worker license.

**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 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;
- 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 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.

**Section 845.165 Lead Risk Assessor Responsibilities**

Any individual conducting lead risk assessment 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;
- e) Conducting compliance investigations in accordance with Section 845.225;
- f) 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;
- g) 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 compliance investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- h) Maintaining records required by Section 845.230.

**Section 845.170 Lead Abatement Contractor Responsibilities**

Any person conducting lead mitigation and lead abatement work in a regulated facility 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 renovation techniques, including lead-based paint (LBP) mitigation and abatement;
- c) Assuring that all lead workers and lead supervisors have received Department-approved lead training 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 workers employed by the lead abatement contractor possess a current and valid lead worker license issued by the Department;
- e) Employing a licensed lead supervisor;
- f) Assigning a licensed lead supervisor to oversee all project activities for each lead mitigation and lead abatement project;
- g) Assuring the safety of workers and preparing a personnel protection plan;
- h) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and this Part;
- i) 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;
- j) Submitting the required notification outlined in Section 845.250 for any lead mitigation or lead abatement project; and
- k) Maintaining records for licensure and records required for each lead mitigation or lead abatement project conducted in accordance with Section 845.300.

**Section 845.175 Lead Training Program Provider Responsibilities**

Any person providing lead training in Illinois 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 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 in accordance with Subpart C of this Part;
- c) Assuring that all lead training is provided in accordance with requirements set forth in Subpart C of this Part; and
- d) Maintaining all records as required by Subpart C of this Part.

SUBPART E: STANDARDS FOR CONDUCTING  
ENVIRONMENTAL INVESTIGATIONS FOR LEAD

**Section 845.200 Environmental Lead Sampling Protocol**

- a) Only licensed 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) All samples shall be analyzed by an accredited 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) 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.
- g) Water sampling shall be collected using 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.



- h) 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.

**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  $\geq 1.0 \text{ mg/cm}^2$  in the dried film of paint.
- b) The regulatory limit of lead in bare soil that is readily accessible to children shall be 400 mcg/g. The regulatory limit of lead in other bare soil areas shall be 1000 mcg/g.
- c) The regulatory limit of lead in dust shall be:
  - 1) 40 mcg/ft<sup>2</sup> on all interior and exterior floors; and
  - 2) 200 mcg/ft<sup>2</sup> on all other horizontal surfaces.
- d) The regulatory limit of lead in dust for lead hazard screens shall be:
  - 1) 25 mcg/ft<sup>2</sup> on all interior and exterior floors; and
  - 2) 100 mcg/ft<sup>2</sup> on all other horizontal surfaces.
- e) The regulatory limit of lead in drinking water is established by the USEPA as 0.015 mg/L (i.e., 15 ppb).
- f) 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.

**Section 845.210 Procedures for Lead Inspections in Regulated Facilities**

- 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 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 abatement or mitigation project for which clearance is being evaluated.
- c) **Lead inspectors and 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 comprehensive lead inspection. If the service was not a comprehensive 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 systematic 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 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 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 risk assessor determines do not contain lead bearing substances.

- 2) Additional samples for each component that has a distinct painting history in every common area, except for components that the lead inspector or risk assessor determines do not contain 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.
- g) Preparation of Inspection Report. The lead inspection 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 inspector or 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 performed as specified 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;
  - 6) Results of the visual inspections, including a narrative description of the regulated facility, including general condition, painted surfaces condition and maintenance practices;
  - 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) A copy of all XRF sampling reports and laboratory analyses;
  - 9) Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and

- 10) 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 the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 7.
- h) 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.

**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 abatement or mitigation project for which clearance is being evaluated.
- 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 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.**
- d) **Visual Assessment.** A visual inspection for risk assessment to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and evaluate other potential lead hazards shall be conducted prior to environmental sampling.
- e) **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 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 following locations shall be tested for the presence of a 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.
- 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 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. 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 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 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;
  - 6) A list of the location and type of lead hazards and lead bearing substances identified. The lead hazards and lead bearing substances shall be cross-referenced with a basic floor plan drawing of the 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;
  - 7) If the service was conducted for a regulated facility with multiple dwelling units, recommendations for maintenance of lead bearing substances and lead hazards that may be employed universally for all units in the complex shall be provided to the property owner;
  - 8) A copy of all XRF sampling reports and laboratory analyses, and a statement as to how the samples were collected; and
  - 9) 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.
- l) 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.



**Section 845.220 Procedures for Lead Hazard Screens in Regulated Facilities**

- 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:
  - 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.
- 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.
- l) 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.

**Section 845.225 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 clean-up procedures outlined in Section 845.285, each work area shall pass a visual inspection and final clearance dust sampling, which shall include the following minimum requirements:
  - 1) A licensed lead inspector or risk assessor shall review the Work Practice and Occupant Protection Plan, developed by the licensed lead supervisor as outlined in Section 845.255, to determine the areas that require final clearance.
  - 2) A licensed lead inspector or risk assessor shall receive and review the written assurance statement provided by the licensed lead supervisor as required in Section 845.155.
  - 3) A licensed lead inspector or 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 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 with inadequate treatment. The visual assessment shall be documented in writing by the licensed lead inspector or risk assessor.
  - 4) For work areas that pass the final visual inspection, a licensed lead inspector or risk assessor shall collect at least the following dust wipe samples for no fewer than four rooms within the work area identified in the Work Practice and Occupant Protection Plan (if there are fewer than 4 rooms, all rooms shall be sampled):
    - A) At least one sample shall be collected from the 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 at or near the entrance to the work area.
- 5) For areas that fail the final visual inspections, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285.
  - 6) For areas that pass the final visual inspection, but are found in non-compliance with the regulatory limits established in Section 845.205, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285 for non-compliant surfaces and those horizontal surfaces below the non-compliant surfaces. Upon completion of these procedures, the licensed lead inspector or risk assessor shall repeat the visual assessment and dust sampling specified in subsection (b) for those non-compliant surfaces and the horizontal surfaces below the non-compliant surfaces. This process shall continue until compliance with the regulatory limits established in Section 845.205 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 (a), ensuring that all abated or mitigated surfaces and all uncarpeted floors have been treated to provide smooth and easily cleanable surfaces.
    - 2) Lead dust levels on horizontal surfaces are below the levels established in Section 845.205. All environmental lead samples must be submitted and analyzed by an accredited laboratory.
  - d) Upon achieving acceptable clearance results, the licensed lead inspector or risk assessor shall prepare a written compliance investigation report. A copy of the compliance investigation report shall be provided to the licensed lead abatement contractor and to the owner of the regulated facility. The report shall include the following:
    - 1) The written statement required by subsection (b)(2) of this Section stating that the work area has passed the final visual inspection;
    - 2) A written statement that the dust wipe samples collected in the work area were within acceptable limits as outlined in Section 845.205;

- 3) The printed name, license number and written signature of the person who conducted the clearance 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 risk assessor shall keep a copy of the compliance investigation report as required by the record keeping requirements outlined in Section 845.230.

**Section 845.230 Record Keeping Requirements for Environmental Investigations for Lead**

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 investigation;
- b) The licensed lead inspector and lead risk assessor shall allow the Department or its delegate agency access to 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.

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 of a 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 reflect a start date that corresponds with the beginning of abatement setup and an end date 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 calendar days shall be counted starting with the day the notice is received by the Department. The date received will be based on the postmarked date if mailed and/or the facsimile receipt date. The lead abatement contractor may start work on the eighth calendar day;
  - 4) In the event that a project is delayed for any reason, a notification shall be submitted to the Department stating so. The notification shall be updated every 7 days until the project begins again. If the notification dates expire before the job re-commences, a new 7-day notification shall be submitted to the Department in accordance with subsections (a)(1)-(3).
- b) Notice to Occupants
- 1) 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:
    - A) The area that is to be abated or mitigated;
    - B) The date on which abatement or mitigation is to commence;



- C) The name and telephone number for the licensed lead abatement contractor;
  - D) The occupants' obligations under this Section to remove personal items from the proposed work area; and
  - E) *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)*

**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 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 supervisor employed by the licensed lead abatement contractor performing the lead abatement or lead mitigation work;
  - 4) Provide the name, written signature and license number of the licensed lead 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;
  - 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 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 clearance requirements specified in Section 845.225;
  - 12) Be kept at the site and updated as necessary by the lead 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 substances shall display a caution sign at each work area in the regulated facility in the following manner:
- 1) Before abating or mitigating a 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 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
    - C) Include the phrase "Warning, Lead Work Area, Poison, No Smoking or Eating" in bold lettering, at least 2 inches high.

**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 supervisor or 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 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 to 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.

**Section 845.265 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 clean-up is conducted and the 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 clean-up is conducted and the final dust clearance samples have 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 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 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 vacuum equipment and/or wet cleaning methods as appropriate.
- f) **Interior Containment.** Before beginning 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;
  - 4) Cover floors in the work area with plastic sheeting at least 6 mils thick 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

- 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, including meeting the regulatory limits of lead for floors as specified in Section 845.205.
- g) Exterior Containment. Before beginning 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 shall be restricted as required in subsection (d) of this Section.
  - 2) Pre-cleaning of the work area shall be completed as required by subsection (e) of this Section, 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 to collect any debris generated. The plastic sheeting shall be attached below the surface to be abated or mitigated to collect and contain any waste and debris. The plastic sheeting shall extend out from the foundation 3 feet per story being abated or mitigated, with a minimum of 5 feet and a maximum of 20 feet.
    - A) When liquid waste is produced, excluding hydro-blasting, the lead abatement contractor shall install a waste collection system capable 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 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 may be required to erect vertical shrouds to prevent dispersal or spread of generated debris.

- 5) If the lead abatement contractor is to employ vacuum blasting or contained hydro-blasting, interior 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).



**Section 845.270 Prohibited Work Practices**

- a) No person conducting lead abatement or lead mitigation of lead bearing substances shall employ the following methods:
  - 1) Open flame burning;
  - 2) Dry sanding;
  - 3) Open abrasive blasting;
  - 4) Uncontained hydro-blasting;
  - 5) Methylene chloride; or
  - 6) Dry scraping.

**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. Any component part of a building may be abated by replacement with a part free of lead bearing substances.
  - 2) Removal. Any component part of a building may be abated by the following techniques:
    - A) Off-site chemical stripping;
    - B) Heat gun (operating 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 on-site shall be supplied by the lead abatement contractor;
    - C) Nonflammable chemical strippers that do not contain methylene chloride;
    - D) Sander equipped with HEPA vacuum attachment;
    - E) Wet planing to substrate;
    - F) 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. A lead bearing substance may be abated by covering the lead bearing surface with any of the following materials, provided use of the material complies with local building ordinances or codes and is applied in accordance with methodologies outlined in Section 845.15.

- A) Gypsum board;
  - B) Fiberglass mats;
  - C) Canvas-backed vinyl wall coverings;
  - D) High pressure laminated plastic sheet, such as Formica<sup>®</sup>;
  - 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. A lead bearing substance may be abated by encapsulation if the encapsulating product is applied in accordance with the manufacturer's directions and is 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 include a wide range of interim lead hazard control work practices, including:
- 1) 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;

- 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.

**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 outlined in Section 845.15 and meet the following requirements;
  - 1) All soil removal work shall be conducted by licensed lead abatement contractors employing licensed lead workers who are supervised by a licensed lead supervisor;
  - 2) Worker protection shall be provided as required in Section 845.260. At a minimum, all workers removing leaded soil shall be provided with a changing area equipped with a facility for washing or showering. 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 contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.285. 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 outlined in Section 845.290. Off-site vehicular or foot tracking of contaminated soil shall be avoided;
  - 9) Any 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 as defined in Section 845.20.
- 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 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 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 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 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;
- 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.

**Section 845.285 Clean-Up Procedures**

- a) Clean up 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 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 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.
  - 6) All surfaces in the work area shall be HEPA vacuumed.
  - 7) All lead waste, isolation barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited 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 conduct exterior clean up according to the following:
  - 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. 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 in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.

**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.

**Section 845.295 Reoccupation of the Work Area**

- a) Before a work area may be released for reoccupancy, 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 horizontal surfaces shall be below the levels established in Section 845.205. 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 dust sample clearance results, the licensed lead abatement contractor shall obtain a signed copy of the compliance investigation report required by Section 845.225 before being released from the work area.
- c) Upon receipt of the signed 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 reoccupancy.

**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 abatement/mitigation notification form submitted to the Department prior to commencement;
  - 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 copy of the Work Practice and Occupant Protection Plan developed for the regulated facility;
  - 5) A copy of the OSHA personal monitoring results conducted for the project;
  - 6) A list of the names of the licensed lead workers and lead supervisors employed for each project, including their license numbers;
  - 7) A copy of the written assurance statement provided by the licensed lead 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 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 subsection (a)(1)-(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;
  - 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 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 its representative access to records pertaining to all lead mitigation and lead abatement projects conducted in regulated facilities.

## 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, 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 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 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.

**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, the Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, lead supervisor, lead worker, lead risk assessor or lead inspector.
- b) The 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.

**Section 845.360 Fines and Penalties**

- a) In addition to any other action authorized by the Act or this Part, *the Department may assess civil penalties against any 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;
  - 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 \$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 \$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: \$1,000.
    - D) For each violation that may cause or result in contamination with lead dust or debris of any surrounding areas to the regulated facility: \$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 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.

**Section 845.365 Emergency Stop Work Orders for Regulated Facilities**

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.

**Section 845.370 Administrative Hearings**

All hearings shall be conducted pursuant to the Act and the Department's Rules of Practice and Procedure in Administrative Hearings.



**Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System****Section 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning**

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).  
  
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).
- 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  
535 West Jefferson Street  
Springfield, Illinois 62761





5. **Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System**

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

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.



**Section 845.APPENDIX B Information Agreement**

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 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)

\_\_\_\_\_  
(Typed/printed name)

\_\_\_\_\_  
(Execution date)