

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

PART 845
LEAD POISONING PREVENTION CODE

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

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg. 19019, and new Part adopted at 32 Ill. Reg. 19023, effective November 25, 2008; amended at 43 Ill. Reg. 2440, effective February 8, 2019.

SUBPART A: GENERAL PROVISIONS

Section 845.10 Applicability (Repealed)

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

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) (2011)
 - B) Respiratory Protection Standard: 29 CFR 1910.134, OSHA (2012)
 - C) Lead-Based Paint Poisoning Prevention in Certain Residential Structures: 40 CFR 745, subparts D, F and L, United States Environmental Protection Agency (USEPA) (2011)
 - D) Protection of Identity – Research Subjects: 42 CFR 2a 4, Department of Health and Human Services (2004)
 - E) Lead-Safe Housing Rule: 24 CFR 35, Department of Housing and Urban Development (HUD) (2004)
 - F) State or Indian Tribal Lead-based Paint Compliance and Enforcement Programs; Flexible Remedies: 40 CFR 745, subpart Q, part 327(b)(3), USEPA (2011)
 - 2) Federal Guidelines:
 - A) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Department of Housing and Urban Development (HUD) (2012)
Available from: Office of Lead Hazard Control and Healthy Homes, HUD, Room 8236, 451 Seventh Street, SW, Washington DC 20410
Also available online at: https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines
 - B) Residential Sampling for Lead: Protocols for Dust and Soil Sampling (USEPA report # EPA 747-R-95-001) (1995)
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460

Also available online at: <http://www.epa.gov/sites/production/files/2014-03/documents/2002quz.pdf>

- C) USEPA Methodology for XRF Performance Characteristic Sheets (USEPA report # EPA 747-R-95-008) (1997)
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460
Also available online at: <http://www.epa.gov/sites/production/files/documents/r95-008.pdf>
 - D) Laboratory Accreditation Guidelines; Measurement of Lead in Paint, Dust, and Soil (USEPA report # EPA 747-R-92-001) (March 1992)
Available from: Exposure Evaluation Division, TS-798, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460
Also available online at: <http://www.epa.gov/sites/production/files/documents/92-001.pdf>
 - E) American Water Works Association Illinois Section: A Guidance Document for Drinking Water Testing (2017)
Available from: American Water Works Association Illinois Section, 545 S. Randall Road, St. Charles IL 60174
Also available online at: http://c.ymcdn.com/sites/www.isawwa.org/resource/collection/EFBDCA3F-9F6-4EA1-8A75-C74E82CA020D/Sampling_Drinking_Water_Guidance-rev2.pdf
- b) All incorporation by reference of federal regulations or guidelines refer to the regulation or guideline on the date specified and do not include any subsequent editions or amendments.
- c) The following State statutes and rules are referenced in this Part:
- 1) Lead Poisoning Prevention Act [410 ILCS 45]
 - 2) Code of Civil Procedure [735 ILCS 5]
 - 3) Communicable Disease Report Act [745 ILCS 45]
 - 4) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

- 5) Freedom of Information Act [5 ILCS 140]
 - 6) State Records Act [5 ILCS 160]
 - 7) Medical Studies Act [735 ILCS 5/Art. VIII, Part 21]
 - 8) Administrative Review Law [735 ILCS 5/Art. III]
 - 9) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - 10) Child and Student Health Examination and Immunization Code (77 Ill. Adm. Code 665)
 - 11) Laboratory Service Fees (77 Ill. Adm. Code 475)
 - 12) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - 13) Early Intervention Services System Act [325 ILCS 20]
 - 14) Healthy Kids Program (89 Ill. Adm. Code 140.485)
- d) The following federal statute is referenced in this Part:
- Toxic Substance Control Act (TSCA) (15 USC 2685 405(b)), Standards for Environment Sampling Laboratories
- e) The following laboratory accreditation program is referenced in this Part: The National Lead Laboratory Accreditation Program (NLLP), also available on line at: <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-nllap>.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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.

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

"CDC" means the Centers for Disease Control and Prevention.

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

"Child Care Facility and School" means any structure used by a child care provider required to be licensed by the Department of Children and Family Services or charter, public or private school structure frequented by children 6 years of age or younger. (Section 2 of the Act)

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

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

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

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

"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 Public Health. (Section 2 of the Act)

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

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

"EBL Inspection" means a lead inspection, lead risk assessment, and any necessary follow-up in a regulated facility to determine the sources of lead exposure. EBL inspections shall only be performed by the Department or delegate agency personnel licensed as a lead risk assessor.

"Final Clearance Evaluation" means the activity of performing a visual assessment and collecting dust wipe samples following a lead abatement or lead mitigation for the purpose of determining compliance with the Department's standard for lead dust levels to ensure that lead hazard control work was successfully completed.

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

"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.

"HUD" means United States Department of Housing and Urban Development.

"Intact Surface" means a surface with no loose, peeling, chipping, flaking, or otherwise separating from substrate. Intact surfaces must not be damaged or worn down in any way that would make paint or debris accessible to children.

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

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

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

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

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

"Lead Bearing Substance" means any item or part of an item, excluding existing paint already applied to a regulated facility, containing or coated with lead such that the lead content is greater than or equal to 90 ppm; or any dust on surfaces or in furniture or other non-permanent elements of the regulated facility with lead content in excess of the limits specified in Section 845.205(c); or any accessible or bare soil containing lead in excess of the limits specified in Section 845.205(b); or any existing house paint or other surface coating material containing greater than or equal to 0.5% lead or greater than or equal to 1.0 mg/cm² lead; or paint or consumer product that exceeds federal Consumer Products Safety Commission or USEPA or HUD standards; or item or dust on item containing lead in excess of the amount specified in this Part or a lower standard for lead content as may be established by federal law or rule. "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 includes a condition in which exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint, or lead in water from a plumbing system would have an adverse effect on human health.

"Lead Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and lead-bearing substances. (Section 2 of the Act)

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

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

"Lead Poisoning" means the condition of having an EBL. (Section 2 of the Act)

"Lead Risk Assessment" means an on-site investigation to determine the existence, nature, severity and location of lead hazards. Lead risk assessment includes any lead sampling and visual assessment associated with conducting a lead risk assessment and lead hazard screen and all lead sampling associated with final clearance evaluations. (Section 2 of the Act)

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

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

"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.

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

Has legal title to any regulated facility, with or without actual possession of the regulated facility; or

Has charge, care, or control of the regulated facility 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)

"Person" means any individual, partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assign. (Section 2 of the Act)

"Prenatal-risk Evaluation for Lead Exposure" means the questionnaire developed by the Department for use by physicians and other health care providers to

determine if a pregnant person is at risk for lead exposure and should be administered a blood lead test.

"Regulated Facility" means a residential building or child care facility or school. (Section 2 of the Act)

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

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

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

"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, or hands-on experience.

"USEPA" means the United States Environmental Protection Agency.

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

"Work Area" means the interior and exterior areas where lead mitigation or lead abatement are conducted.

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.25 Disclosure Requirements

- a) An owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall, before entering into a lease or purchase agreement for the regulated facility for which the mitigation notice was issued, provide prospective lessees or purchasers of that unit with written notice that a lead hazard has previously been identified in the regulated facility. An owner may satisfy this notice requirement by providing the prospective lessee or purchaser with a copy of the inspection report, mitigation notice and subsequent certificate of compliance prepared pursuant to Section 9 of the Act.
- b) Before entering into a residential lease or purchase agreement, all owners of regulated facilities built before 1978 shall inform prospective lessees or purchasers of the potential health hazards posed by lead by providing the prospective lessee or purchaser with a copy of an informational brochure on lead poisoning. The disclosure and informational brochure shall be consistent with the requirements set forth in 40 CFR 745, subpart F (Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property).
- c) No more than 60 days before beginning lead mitigation or lead abatement in any regulated facility, a lead abatement contractor shall, at a minimum:
 - 1) Provide the owner with the pamphlet as required in subsection (b) of this Section, and comply with one of the following:
 - A) Obtain from the owner a written acknowledgment that the owner has received the pamphlet; or
 - B) Obtain a certificate of mailing from the United States Postal Service (USPS) at least 7 days prior to beginning the lead mitigation or lead abatement; and
 - 2) Provide the tenant with the pamphlet required in subsection (b) of this Section and comply with subsections (c)(1)(A) and (B) of this Section, or:
 - A) Obtain from the tenant a written acknowledgment that the tenant has received the pamphlet. If the lead abatement contractor cannot get written acknowledgment from the tenant, the lead abatement contractor shall document the attempts and the reason why the acknowledgment was not obtained (i.e., tenant refused, no tenant available); or

- B) Obtain a certificate of mailing from the USPS at least 7 days prior to beginning the lead mitigation or lead abatement.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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 Testing

- a) *Any physician licensed to practice medicine in all its branches or health care provider who sees or treats children 6 years of age or younger shall test those children for lead poisoning when those children reside in or frequently visit an area defined as high risk by the Department. Children residing in areas defined as low risk by the Department shall be evaluated for risk by the Childhood Lead Risk Questionnaire developed by the Department, and, if determined to be a high risk, shall receive a blood lead test. (Section 6.2 of the Act) Medicaid enrolled children shall receive a blood test as required in the Healthy Kids' Early and Periodic Screening, Diagnosis and Treatment Program. Children who have elevated capillary results of 5 µg/dL or greater shall be confirmed by a venous sample. All children with an elevated blood lead level that has been confirmed shall receive follow-up blood lead testing according to the schedule set forth by the Department.*
- 1) Children determined to be at high risk based upon the Childhood Lead Risk Questionnaire shall receive a blood lead test.
 - 2) Children who have elevated capillary results of 5 µg/dL or greater shall be confirmed by a venous sample.
- b) *Each licensed, registered, or approved health care facility serving children 6 years of age or younger, including, but not limited to, health departments, hospitals, clinics, and health maintenance organizations approved, registered or licensed by the Department, shall take the appropriate steps to ensure that children 6 years of age or younger be evaluated for risk or tested for lead poisoning or both. (Section 6.2 of the Act)*
- c) Physicians and health care providers should evaluate children 7 years of age and older, and pregnant persons, in accordance with the Childhood Lead Risk Questionnaire and Prenatal-risk Evaluation of Lead Exposure 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 one and 7 years of age provide a statement from a physician or health care provider that the child has been screened for risk of lead poisoning, or tested, or both. This statement shall be provided prior to admission and subsequently in conjunction with physical examinations required by both the Healthy Kids Program and 77 Ill. Adm. Code 665.140 of the*

Department's rules titled Child and Student Health Examination and Immunization Code. (Section 7.1 of the Act) Day care centers and day care homes licensed by the Department of Children and Family Services must also be in compliance with the drinking water standards found in 89 Ill. Adm. Code 406.8, 407.370 and 408.30.

- e) *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 exposure. Pamphlets shall be produced and made available by the Department and shall be downloadable from the Department's internet website. (Section 7.1 of the Act)*

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.60 Reporting

- a) *Every physician who diagnoses, or health care provider, nurse, hospital administrator, public health officer or director of a clinical laboratory who has verified information of the existence of a blood lead test result for any child or pregnant person, shall report the result to the Department. (Section 7 of the Act)* If the analysis has been performed at the Department laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting is not required. Any blood lead test results of 5µg/dL or greater shall be reported to the Department within 48 hours after analysis. All other verified blood lead test results shall be reported to the Department no later than 30 days following the last day of the month in which the test results were analyzed. The information included in the laboratory report on all blood lead test results shall include the blood lead level, the child's or pregnant person's name, date of birth, sex and race, complete address (including street, apartment number, city, state and ZIP code), date of test, test type, date of report, primary care provider and clinic address where blood was drawn, Medicaid identification number (if applicable), and the reporting agency. All reports submitted shall identify blood lead test results quantitatively. These requirements shall be the same for all health care providers, hospital administrators and public health officers conducting a blood lead test by venous or capillary blood draw.
- b) Reports shall be made to the Department, and all reported information, including the source of the 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. All reports and information provided under this Section shall be confidential and subject to the provisions of the Medical Studies Act and the Communicable Disease Report Act, and shall not be disclosed. It is the right, however, of any patient to obtain his or her own data.
- c) Reports shall be submitted in a format approved by the Department.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.65 Provision of Data

- a) Only aggregated medical data from which it is impossible to identify any patient, reporting entity, or primary caregiver, shall be made available via an annual lead poisoning surveillance report drafted by the Department.
- b) All requests by 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 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) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity that originally supplied that information to the Department.
- d) 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.
- e) The identity of any person (or any group of facts that tends to lead to the identity of any person) whose blood test result is submitted to the Illinois Childhood Lead Poisoning Prevention Program is confidential and shall not be open to public inspection or dissemination. This 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.

- f) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Medical Studies Act and is privileged from disclosure by the Medical Studies Act.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.70 Laboratory Fees for Blood Lead Testing

- a) The fee schedule for a sample of blood submitted to the Department for blood lead analysis and necessary follow-up by the Department shall be in accordance with the Laboratory Service Fees. 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) 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, WIC Clinics, 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 the Lead Poisoning Screening, Prevention and Abatement Fund.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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, regulatory investigations, final clearance evaluations, or any combination of these services in a regulated facility shall comply with the following:
 - 1) Complete the required training outlined in Subpart C of this Part; and
 - 2) Complete and pass the appropriate third party examination as required in Subpart C.
- 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 when those employees' licenses are used only for purposes related to employment at the above-mentioned agencies.
 - 1) Licenses issued pursuant to this Section shall be specifically noted as Health Department Employee (HDE) licenses.
 - 2) The HDE license shall not allow the licensed individual to provide private lead inspection, lead risk assessment, or final clearance evaluation services for personal profit.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.80 Case Management

- a) Case management services shall be provided by the Department or a delegate agency when a confirmed EBL is indicated.
 - 1) Interviews shall be conducted with the pregnant person, parent or guardian or with attending physicians as needed to assure the accuracy and completeness of reports and to perform the activities of case follow-up for confirmed EBLs.
 - 2) The following activities shall be conducted and documented concerning patient or case follow-up:
 - A) Track the case using the Department's surveillance database;
 - B) Counsel the pregnant person, parent or guardian of the case;
 - C) Educate the pregnant person, parent or guardian of the case;
 - D) Conduct a home visit to interview the pregnant person, parent or guardian of the case for purposes of collecting, verifying and completing the Prenatal Risk Evaluation for Lead Exposure form provided by the Department;
 - E) Refer the pregnant person, parent or guardian of the case for medical treatment, early intervention services, or early childhood special education, when appropriate; and
 - F) Submit completed reports to the Department as specified in the agreement between the delegate agency and the Department.
- b) *Any delegate agency may establish fees, according to a reasonable fee structure, to be determined by the delegate agency, to cover the costs of drawing blood for blood lead testing and evaluation and any necessary follow-up. (Section 7.2 of the Act) Necessary follow-up includes individual case management and environmental inspection. In accordance with federal regulations, fees may not be charged to Medicaid recipients.*

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.85 Environmental Follow-Up

- a) Environmental Investigation of Regulated Facilities
 - 1) An EBL inspection to determine the source of lead exposure shall be conducted under any of the following circumstances:
 - A) If a child or pregnant person who is an occupant or frequent visitor of a regulated facility has an EBL;
 - B) If a child or pregnant person has a confirmed EBL;
 - C) *If a regulated facility is occupied or frequently visited by a child or a pregnant person, the Department, in addition to all other requirements of the Act, must inspect the dwelling unit of the child and common area of the regulated facility. (Section 8 of the Act)*
 - D) At the request of a pregnant person or parent or guardian of a child, if they reside in a residential building where mitigation notices have been issued for two or more dwelling units within a five year period previous to the request.
 - 2) An EBL inspection of a regulated facility to determine the source of lead poisoning as required by this Section shall be conducted and shall consist of at least the following:
 - A) An interview with the owner or occupant about regulated facility use patterns and potential lead hazards, including, but not limited to, inquiries such as:
 - i) Glazed pottery;
 - ii) Ethnic or folk medicines;
 - iii) Hobbies and occupation;
 - iv) Other regulated facilities visited by the child or pregnant person;
 - v) International travel;
 - vi) Recent renovations;

- vii) Products recalled for containing lead or other products that may contain lead, such as imported jewelry, toys and candies; and
 - viii) the plumbing materials used in the regulated facility.
 - B) A visual assessment of the condition of the building, appurtenant structures and painted surfaces, and identification of premise plumbing, any drinking fountains and premise service line; and
 - C) Environmental sampling in accordance with subsection (a)(3).
 - 3) Sampling shall be conducted by as many of the following methods as necessary to determine if lead hazards are present in the regulated facility:
 - A) 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 incorporated in Section 845.15. Dust samples collected with laboratory analysis reported as equal to or greater than the levels referenced in Section 845.205 are considered lead hazards.
 - C) Paint Chip Sampling. Paint chip samples shall be collected in accordance with documented methodologies incorporated in Section 845.15. Surfaces where paint chip samples are collected with analysis reported as equal to or greater than the levels referenced in Section 845.205 are considered to be lead-bearing substances.
 - D) Soil Sampling. Soil samples shall be collected where bare, accessible soil is identified. If collected, soil samples shall be collected in accordance with documented methodologies incorporated in Section 845.15. Soil samples with laboratory analysis reported as equal to or greater than the levels referenced in Section 845.205 are considered lead hazards.

- E) Water Sampling. Water samples shall be collected in accordance with documented methodologies incorporated in Section 845.15. Water samples with laboratory analysis reported as equal to or greater than the levels referenced in Section 845.205 are considered lead hazards.
- 4) All environmental samples, excluding XRF sampling, shall be submitted to and analyzed by a laboratory accredited by the National Lead Laboratory Accreditation Program (NLLAP); water samples shall be submitted to and analyzed by a laboratory accredited by the National Environmental Laboratory Accreditation Program (NELAP).
- 5) *Following the EBL inspection, the Department or its delegate agency shall:*
 - A) *Prepare an inspection report that shall:*
 - i) *State the address of the dwelling unit or regulated facility;*
 - ii) *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 or regulated facility;*
 - iii) *State whether any lead-bearing substances were found in the dwelling unit or 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 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 inspection and the person to contact for further information regarding the inspection and the requirements of the Act and this Part. (Section 8(1) of the Act)*

- B) *Provide a copy of the inspection report to the property owner and to the occupants of the dwelling unit or regulated facility. 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 a brochure containing information on lead abatement and lead mitigation to the copy of the inspection report provided to the property owner and the occupants of the regulated facility. (Section 8(2) of the Act) The brochure should include the topic of lead in water and ways to mitigate this potential exposure path.*
- C) *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 the Act in which the owner must complete the mitigation. The notice shall include information describing mitigation activities that meet the requirements of the Act and this Part. (Section 9(1) of the Act) The notice shall include information on mitigating the potential risks of lead in drinking water, such as replacing the lead water service line and older water fountains containing lead if found during facility lead abatement work. Partial replacement of the lead service line is prohibited.*
- D) *If the source of the lead hazard identified in the inspection report is lead-based paint or any other lead-bearing substance, the lead hazard shall be deemed to have been mitigated if:*
- i) *The surface identified as the source of the lead hazard is no longer in a condition that produces a hazardous level of lead chips, flakes, dust, soil or any other form of lead-bearing substance that can be ingested or inhaled by humans;*
 - ii) *The surface identified as the source of the lead hazard is no longer accessible to children and could not reasonably be chewed on by children; or*
 - iii) *The surface coating identified as the source of the lead hazard is either removed or covered (enclosed or encapsulated), or child access to the lead-bearing surface is otherwise prevented as prescribed by the Department. (Section 9(2) of the Act)*

- E) *When a mitigation notice is issued for a dwelling unit or regulated facility inspected as a result of an elevated blood lead level in a pregnant person or a child, or if the dwelling unit or regulated facility is occupied by a child 6 years of age or younger or a pregnant person, the owner shall mitigate the hazard within 30 days after receiving the notice. When no such child or pregnant person occupies the dwelling unit or regulated facility, the owner shall complete the mitigation within 90 days. (Section 9(5) of the Act)*
- F) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation. If the Department or its delegate agency determines that the owner is making substantial progress toward mitigation, or that the failure to meet the deadline is the result of a shortage of licensed lead abatement contractors, or that the failure to meet the deadline is because the owner is awaiting the review and approval of a mitigation plan, the Department or delegate agency may grant an extension of the deadline. (Section 9(6) of the Act)*
- G) *The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any dwelling unit or regulated facility for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of the Act, which may include lead abatement if lead abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of the Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9(7) of the Act)*

- b) Lead mitigation or lead abatement activities in regulated facilities shall not result in contamination of areas outside of the lead mitigation or lead 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 mitigation or lead abatement shall be completed within the time specified after receipt of written notification. Lead mitigation or lead abatement activities required by this Section may be conducted using any or all of the procedures outlined in Subpart F.
- 1) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency, specifying the method or methods by which surfaces that will be managed in place are to be maintained in an intact condition. The plan shall include an inspection schedule that includes inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in this Section until deemed to be intact surfaces by the lead risk assessor. Replacement of lead-containing plumbing and water fixtures containing lead components or linings shall be conducted by a licensed plumber and reviewed by a licensed plumbing inspector.
 - 2) Alternative Procedures
 - A) When an occupant also owns the regulated facility subject to a mitigation notice, 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) Notwithstanding any other provision of this Part, lead abatement or lead mitigation is not required when the property owner enters into a stipulation with the Department that will protect children and pregnant persons from exposure to lead-bearing 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 order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:
- 1) The property shall be demolished; or
 - 2) The property shall be vacated.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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

Section 845.100 Approval of Lead Training Program Providers

- a) Any firm providing lead training in Illinois to individuals seeking certification and licensure in accordance with the Act and this Part, and requirements outlined in USEPA regulations (40 CFR 745), is required to be approved in accordance with the Act and this Part.
 - 1) A person seeking approval as a lead training program provider shall submit a completed written application to the Department containing the following information:
 - A) The lead training program provider's name, address, fax number, e-mail address, website, social media site and telephone number;
 - B) A list of courses for which approval is sought, including the requirements for each course as specified in Section 845.105;
 - C) A statement signed by the program training manager certifying that the lead training program meets all of the requirements established in this Section;
 - D) A copy of the student and instructor manuals to be used for each course;
 - E) A copy of the agenda for each course;
 - F) A description of the facilities and equipment to be used for lecture and hands-on training;
 - G) A description of the examination for each discipline indicating the percentage of examination questions relating to each course objective;
 - H) The final examination for each course, the answer key for the examination and the criteria for pass/fail (at least 70% correct to pass);
 - I) An example of the certificate of course completion, which shall include:

- i) Student name;
 - ii) An identification number unique to each student;
 - iii) The course name;
 - iv) Dates of the course;
 - v) Exam date;
 - vi) Name, address and telephone number of the lead training program provider;
 - vii) A statement that the course is approved by the Department, including the lead training program provider number designated by the Department;
 - viii) A statement that the student has completed the course and passed the course examination;
 - ix) Signature of the training manager; and
 - x) Training certificate expiration date;
- J) A description of the activities and procedures that will be used for conducting and assessing hands-on skills requirements;
- K) A quality control plan, which shall include:
- i) Procedures for periodic revision of training materials and the course examination to reflect innovations in the lead industry;
 - ii) Procedures for the training manager's annual review of principal instructors' and guest instructors' competencies;
 - iii) Procedures and protocols for re-administration of course exam in case of student failure; and
 - iv) An instructor-to-student ratio no greater than 1:30 for lecture portions and 1:15 for hands-on portions;

- L) The name of the training manager employed by the lead training program provider, with supporting qualifications as required by subsection (b); and
 - M) The name of the principal instructor employed by the lead training program provider for each discipline, with supporting qualifications as required by subsection (c).
- b) The lead training program provider shall employ a training manager with the following minimum requirements and responsibilities.
- 1) Requirements
 - A) A resume or letters of reference documenting at least 2 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 2 years of experience in managing a training program specializing in environmental hazards, and experience, education or training in lead or asbestos abatement, construction, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
 - 2) Responsibilities
 - A) Ensuring that the lead training program provider complies at all times with the requirements of this Part;
 - B) All formal correspondence, such as training course certificates, approval requests and renewal applications;
 - C) Maintaining lead training program provider records and making those records available to the Department, as specified in this Section;

- D) Designating a qualified principal instructor for each discipline, as required by subsection (c); and
 - E) Designating guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
- c) The lead training program provider shall employ a principal instructor for each discipline, with the following minimum requirements and responsibilities:
- 1) A resume or letters of reference documenting at least 2 years of demonstrated experience, education or training in teaching workers or adults; and
 - 2) A current Department-approved training course certificate for the lead disciplines for which he or she is designated as principal instructor. A current lead abatement supervisor certificate meets the requirement for instruction of all lead abatement supervisor and lead abatement worker courses. A current lead risk assessor certificate meets the requirement for instruction of all lead risk assessor and lead inspector courses.
- d) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.105 Lead Training Course Approval Requirements

- a) To obtain approval for a lead inspector training course, a lead training program provider shall submit information to confirm that the program provides:
 - 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk (*) require lecture and hands-on activities):
 - A) Role and responsibilities of a lead inspector;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local rules and guidance pertaining to lead-based paint and lead-based paint activities;
 - D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
 - E) Paint, dust, water and soil sampling methodologies;*
 - F) Final clearance evaluation standards and testing, including random sampling;*
 - G) Preparation of the final lead 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 rules, and current technologies relating to lead in drinking water and lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- b) To obtain approval for a lead risk assessor training course, a lead training program provider shall submit information to confirm that the course provides:
 - 1) A minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):

- A) Assurance to the Department that a lead inspector training course certificate of completion is required of each applicant as a prerequisite for lead risk assessor training course attendance;
 - B) Role and responsibilities of the lead risk assessor;
 - C) Collection of necessary building information required to perform a lead risk assessment;
 - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging and food);
 - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint and lead in drinking water hazards;*
 - F) Sampling for sources of lead exposure;*
 - G) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and rules);*
 - H) Development of lead hazard-control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
 - I) 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), and any current safety practices, new laws and rules, and current technologies relating to lead in drinking water and lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- c) To obtain approval for a lead abatement worker training course, a lead training program provider shall submit information to confirm that the course provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead abatement worker;

- B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local rules and guidance that pertain to lead-based paint abatement;
 - D) Lead-based paint hazard recognition and control;*
 - E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
 - F) Interior dust abatement or cleanup methods;*
 - 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 abatement worker refresher course content shall be the same as the course content specified in subsection (c)(1), and any current safety practices, new laws and rules, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- d) To obtain approval for a lead abatement supervisor training course, a lead training program provider shall submit information to confirm that the course provides:
- 1) A minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead abatement supervisor;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local rules and guidance that pertain to lead-based paint abatement;
 - D) Liability and insurance issues relating to lead-based paint abatement;
 - E) Lead risk assessment and lead inspection report interpretation;*

- F) Development and implementation of an occupant protection plan and lead abatement report;
 - G) Lead-based paint hazard recognition and control;*
 - H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
 - I) Interior dust abatement or cleanup methods;*
 - J) Soil and exterior dust abatement methods;*
 - K) Final clearance evaluation standards and testing;
 - L) Cleanup and waste disposal;
 - M) Record keeping;
 - N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects; and
 - O) Respiratory protection, including review of the OSHA Lead Standard.
- 2) The one-day (8-hour) lead abatement supervisor refresher course content shall be the same as the course content specified in subsection (d)(1), and any current safety practices, new laws and rules, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- e) The lead training program provider may seek approval of alternative training course schedules.
- 1) An alternative training 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 abatement worker course and also a 4-day lead abatement worker course); or
 - F) Any combined lead training course that covers more than one lead training course discipline.
- 2) Application for alternative training course schedules shall be made in accordance with the appropriate discipline requirements set forth in this Section.
- f) The lead training program provider may seek approval of foreign language courses. The lead abatement worker training course discipline is the only discipline that will be approved to be offered in a foreign language. All other lead training course disciplines shall be offered in English. Foreign language lead abatement worker disciplines shall meet all of the requirements specified in subsection (c). All foreign language course manuals, exams and other course material required by this Section shall be provided in both the language in which the course is to be offered and English.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.110 Lead Training Course Notification Requirements

- a) Notification of Course Schedules and Course Cancellations
 - 1) Notification of upcoming lead training courses shall be made to the Department no less than 7 calendar days prior to the start of all Department-approved courses. The notification shall be made for all lead training courses offered in Illinois and all adjoining states. Prior notification is not required when courses are offered in states other than Illinois and adjoining states; however the following conditions shall apply separately and jointly:
 - A) Upon request by the Department, the lead training program provider shall provide the Department with a copy of the notification of upcoming or past lead training courses as submitted to the USEPA authorized lead program in the state where the approved lead training course is offered.
 - B) Upon request by the Department, the lead training program provider shall provide the Department with a copy of the class roster as required by this Section.
 - C) The Department may verify that the notification was submitted to and received by a USEPA authorized lead program in accordance with the requirements established by the state agency.
 - 2) The Department provides a class notification form in the application package to all lead training program providers. This form shall be completed in its entirety and shall include the following minimum requirements:
 - 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 lead training program providers. This form shall be completed in its entirety and shall include the following minimum requirements:
 - 1) Name of approved training program provider;
 - 2) Name of course (lead discipline);
 - 3) Type of course (initial or refresher);
 - 4) Language of course;
 - 5) Course location;
 - 6) Course hours;
 - 7) Start date;
 - 8) End date;
 - 9) Exam date;
 - 10) Instructors;
 - 11) Student names;
 - 12) Social Security number or unique identification number assigned by the training program provider to each student;
 - 13) Certificate number unique to each certificate issued; and
 - 14) Student percent score on course examination.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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

- a) All lead training course approvals expire on October 15 of each year, except that a first-time approval issued after July 15 and before October 15 shall expire October 15 of the following year.
- b) Non-refundable application fees for all lead training courses are as follows:
 - 1) Fees will be waived for any Illinois State agency or unit of local government seeking approval as a lead training program provider;
 - 2) Initial lead training course for each discipline: \$500 per course;
 - 3) Refresher lead training course for each discipline: \$250 per course; and
 - 4) Combination lead abatement worker and lead abatement supervisor initial lead training course: \$1,000.
- c) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
 - 1) To renew a lead training course that has been expired for fewer than 3 years, the lead training program provider shall pay the current application fee, plus a reinstatement fee of \$100 for each year the course approval is expired.
 - 2) To renew a lead training course that has been expired for a period of 3 years or more, the lead training program provider shall re-submit the complete training course with the appropriate application and fees for review and approval as required by Section 845.105.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.120 Lead Training Program Provider Record Keeping Requirements

- a) Lead training program provider records shall be made available to the Department for review as follows.
 - 1) The lead training program provider shall retain records at the address specified on the lead training program provider approval application (or as modified) for a minimum of 4 years.
 - 2) The lead training program provider shall notify the Department in writing before changing the address specified on its lead training program provider approval application or transferring records from that address to a new address.
 - 3) The Department shall have the authority to enter, inspect and audit training activities and training records to determine compliance with the Act and this Part.
 - 4) Training records that shall be maintained by the lead training program provider include the following:
 - A) All materials specified in Section 845.100 that have been submitted to the Department as part of the lead training program provider's approval;
 - B) Current 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 lead training course and course modifications.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.125 Individual Licensing Requirements for Lead Activities

- a) To conduct any lead services, including lead inspection, lead risk assessment, lead hazard screen, lead mitigation and lead abatement work and supervision, in a regulated facility in Illinois, an individual shall be licensed in accordance with the Act and this Section. To qualify for a license as a lead inspector, lead risk assessor, lead abatement supervisor or lead abatement worker, an applicant shall meet the following requirements:
 - 1) Be at least 18 years of age;
 - 2) Submit a current Department-approved lead training course certificate.
 - A) A current lead abatement supervisor certificate meets the requirement for obtaining a lead abatement supervisor or lead abatement worker license. A current lead risk assessor certificate meets the requirement for obtaining a lead risk assessor or lead inspector license.
 - B) Lead training course certificates are valid for 3 years from the date the applicant passed the approved lead training course examination.
 - C) Lead training course certificates shall be renewed every 3 years by successfully completing a Department-approved refresher training course in the discipline for which the original training course was passed.
 - D) If 4 years have passed since the applicant passed the approved lead training course examination, the lead training course certificate cannot be refreshed. An applicant is required to complete the initial lead training course as required by this Section;
 - 3) Submit a recent 1" x 1" or high resolution digital photograph of the applicant for proper identification of the licensee. Non-digital pictures shall have the printed name and lead license number of applicant on the reverse side. The license will not be issued without an identification photograph;
 - 4) Submit the appropriate completed application form provided by the Department;

- 5) Submit the required license application fee; and
 - 6) For applicants seeking licensure as a lead inspector, lead risk assessor and lead abatement supervisor, the applicant must meet the third party examination requirements of subsection (e) and Section 845.135.
- b) Fees for Lead Licensure, Renewal, Late Renewals, Duplicate Licenses and Reinstatement of Expired Licenses
- 1) Applicants for an initial lead license or renewal of an existing lead license shall pay an annual non-refundable fee as specified below:
 - A) Lead abatement worker license – \$50;
 - B) Lead abatement supervisor license – \$100;
 - C) Lead inspector license – \$100; and
 - D) Lead risk assessor license – \$100.
 - 2) In addition to the annual renewal license fee, an applicant shall pay a non-refundable late fee of \$25:
 - A) If a renewal application for a lead inspector or lead risk assessor license is received on or after January 1, but before February 1; or
 - B) If a renewal application for a lead abatement worker or a lead abatement supervisor license is received on or after March 1, but before April 1.
 - 3) An applicant whose license has been expired for a period less than 3 years may apply to the Department for reinstatement of the license. The Department shall issue a reinstated license provided that:
 - A) The applicant pays to the Department the current license fee applicable to the discipline to be reinstated, in accordance with subsection (b)(1).
 - B) The applicant pays a non-refundable reinstatement fee based on the following:
 - i) Lead abatement workers: \$25 for each year that begins the day after the license has expired; and

- ii) Lead abatement supervisors, lead inspectors and lead risk assessors: \$50 for each year that begins the day after the license has expired.
 - 4) A license that has been expired for more than 3 years may be restored only by submitting a new application in accordance with subsection (a).
 - 5) An applicant who wishes to receive a duplicate license shall pay a non-refundable fee of \$25 for each duplicate license requested.
 - 6) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$100.
- c) All lead licenses expire annually in accordance with the following:
- 1) Lead inspector and lead risk assessor licenses expire January 31 of each year, except that a first-time license issued after October 31 and before January 31 shall expire the next following January 31; and
 - 2) Lead abatement worker and lead abatement supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before March 31 shall expire the next following March 31.
- d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits:
- 1) The completed renewal application;
 - 2) The non-refundable license renewal fee outlined in subsection (b)(1);
 - 3) A recent 1" x 1" or high resolution digital photograph of the applicant for proper identification of the licensee. The picture shall have the printed name and lead license number of the applicant on the reverse side. The license will 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).
- e) In addition to meeting the general requirements outlined in subsections (a) and (b), lead inspector, lead risk assessor and lead abatement supervisor disciplines

have specific training course requirements, examination and education and experience requirements as specified in this subsection (e):

- 1) To qualify for a license as a lead risk assessor, a person shall:
 - A) Submit the training course completion certificates, including one of the 2 following combinations:
 - i) An initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a), and an initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a); or
 - ii) An initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a), 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;
 - 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);
 - 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);
 - 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); and
 - B) Pass the Department's third party examination for lead inspector, as required by Section 845.135.
- 3) To qualify for a license as a lead abatement supervisor, a person shall:
 - A) Submit the training course completion certificates, including an initial lead abatement supervisor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a); and
 - B) Meet the experience requirements as follows:
 - i) One year of experience as a licensed lead abatement worker; or
 - ii) Two years of experience in a related field (e.g., lead, asbestos or environmental remediation work) or in the building trades.
 - C) Pass the Department's third party examination for lead abatement supervisor, as required by Section 845.135.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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;
 - C) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$200;
 - 3) Submit the name of the person with a valid Illinois lead abatement supervisor license who will act as the designated lead abatement supervisor for the lead abatement contractor. The license must be held by the lead abatement contractor or an employee of the lead abatement contractor;
 - 4) Submit a written statement signed by the contractor specifying that only lead abatement workers licensed by the Department will be employed for lead abatement;
 - 5) Submit a copy of the contractor's written standard operating procedures and employee protection plan, which shall include the following:
 - A) A description of medical monitoring, respirator training and personal protective equipment programs required in Respiratory Protection Standard (OSHA); and

- B) A description of safe work practices to be used when conducting lead mitigation or lead abatement that ensure compliance with this Part. The lead abatement supervisor training curricula used for training of the designated licensed lead abatement supervisor provides guidance and direction on standard operating procedures for lead safe work practices and should be referred to when preparing the work practices manual; and
- 6) Submit a description of all legal proceedings, lawsuits or claims that have been filed or levied against the contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims against the contractor, 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 on or after May 1, but before May 31, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee.
 - 2) An applicant whose license has expired for a period of less than 3 years may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department the current license fee and a non-refundable reinstatement fee of \$200 for each year the license was expired.
 - 3) A license that has expired for more than 3 years is not eligible for renewal. In these instances, the applicant shall submit an initial application and supporting documentation, as required by this Section.
 - 4) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$200.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.135 Third Party Examination Requirements

- a) Applicants for lead inspector, lead risk assessor and lead abatement supervisor licenses are required to pass the Department's third party examination.
 - 1) To qualify to take the third party examination, an applicant shall:
 - A) Comply with the requirements of Section 845.125;
 - B) Submit a completed third party examination application form provided by the Department; and
 - C) Submit a \$50 non-refundable third party examination application fee for each separate discipline examination each time the examination is taken. The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$100.
 - 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
 - A) Date, time and location for the applicant to take the third party examination;
 - B) A detailed information packet and instructions for registration at the examination site; and
 - C) Date the Department accepted the application.
- b) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies, in accordance with Section 845.125.
- c) If the applicant does not pass the third party examination:
 - 1) The Department will notify the applicant in writing;
 - 2) The applicant may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than 3 times within the 6 months. If an applicant does not pass the third party examination within the 6 months, the applicant must retake the initial training course for that discipline from a Department-approved lead

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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 required in Section 845.125;
 - B) Supporting documentation from the USEPA authorized state or tribal program for which reciprocity is being requested, including:
 - i) Copies of the initial training certificate and subsequent refresher certificates required to maintain accreditation as required by that authorized program; and
 - ii) Copies of the applicant's license issued by the authorized program.
- b) Applicants requesting reciprocity for licensure as a lead inspector, lead risk assessor or lead abatement supervisor 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 the following to applicants who are required to pass the IRSE:
 - A) The IRSE application;
 - B) The IRSE and answer form;
 - C) Copies of the Act and this Part; and

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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

Section 845.150 Lead Abatement Worker Responsibilities

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.155 Lead Abatement Supervisor Responsibilities

- a) Any individual supervising lead mitigation and lead abatement work practices is required to be licensed as a lead abatement supervisor in accordance with the Act and Section 845.125. The licensed lead abatement supervisor is responsible for the following:
 - 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;
 - 5) Assuring that all lead abatement workers and lead abatement supervisors conducting lead mitigation and lead abatement are licensed in accordance with Section 845.125.
 - A) The lead abatement supervisor shall maintain copies of licenses on site for each of the lead abatement workers and lead abatement supervisors conducting lead mitigation and lead abatement; and
 - B) The lead abatement supervisor shall ensure that each lead abatement worker and lead abatement supervisor conducting lead mitigation and lead abatement possesses a valid and current Department-issued license while on site;
 - 6) Being on site during all lead mitigation and lead abatement activities; and
 - 7) Providing a written document stating that all lead mitigation and lead abatement activities identified in the Work Practice and Occupant

Protection Plan have been completed. The document shall be provided to the owner of the regulated facility and the licensed lead inspector or lead risk assessor conducting the final clearance evaluation.

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.160 Lead Inspector Responsibilities

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

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.165 Lead Risk Assessor Responsibilities

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

- a) Compliance with the Act and this Part;
- b) Conducting lead risk assessments in accordance with Section 845.215;
- c) Conducting lead inspections in accordance with Section 845.210;
- d) Conducting final clearance evaluations in accordance with Section 845.225;
- e) 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;
- f) 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; and
 - 3) The number of final clearance evaluations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- g) Maintaining records required by Section 845.230.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.170 Lead Abatement Contractor Responsibilities

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

- a) Compliance with the Act and this Part;
- b) Comprehensive knowledge about general construction techniques, including lead mitigation and lead abatement;
- c) Assuring that all lead abatement workers and lead abatement supervisors have received Department-approved lead training by possessing a copy of the Department-approved lead training course certificate;
- d) Assuring that all lead abatement workers and lead abatement supervisors employed by the lead abatement contractor possess a current and valid Department-issued lead license on site;
- e) Employing a licensed lead abatement supervisor;
- f) Assigning a licensed lead abatement supervisor to be on site during all project activities for each lead mitigation and lead abatement project;
- g) Assuring the safety of workers by developing a personnel protection plan, as required by Section 845.260;
- h) 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;
- i) Submitting the required notification outlined in Section 845.250 for any lead mitigation or lead abatement project; and
- j) Maintaining records in accordance with Section 845.300.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.175 Lead Training Program Provider Responsibilities

Any person providing lead training in Illinois shall be approved in accordance with the Act and Section 845.100. The approved lead training program provider is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Assuring that all lead training courses provided are approved and conducted in accordance with Subpart C; and
- c) Maintaining all records as required by Subpart C.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART E: STANDARDS FOR CONDUCTING
ENVIRONMENTAL INVESTIGATIONS FOR LEAD

Section 845.200 Environmental Lead Sampling Protocol

- a) Only licensed lead inspectors and lead risk assessors shall perform the activities specified in this Section and shall do so in accordance with the appropriate methodologies referenced in this Section.
- b) Any sampling for lead in paint, dust or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies.
- c) All samples shall be analyzed by a laboratory currently recognized by the National Lead Laboratory Accreditation Program (NLLAP).
- d) XRF testing shall be performed using the USEPA Methodology for XRF Performance Characteristic Sheets and in accordance with the XRF manufacturer's instructions.
- e) Water sampling shall be collected using procedures outlined in the American Water Association Illinois Section: A Guidance Document for Drinking Water Testing (2017).
- f) Composite sampling, as outlined in the HUD Guidelines USEPA protocols, may be applied to soil sampling only. No other environmental samples shall be collected using a composite sample method.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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 $400 \text{ }\mu\text{g/g}$ (or parts per million or ppm). The regulatory limit of lead in other bare soil areas shall be $1000 \text{ }\mu\text{g/g}$.
- c) The regulatory limit of lead in dust shall be:
 - 1) $10 \text{ }\mu\text{g/ft}^2$ on all interior floors and stair treads;
 - 2) $40 \text{ }\mu\text{g/ft}^2$ on all exterior porch floors; and
 - 3) $100 \text{ }\mu\text{g/ft}^2$ on all other horizontal surfaces.
- d) The regulatory limit of lead in drinking water shall be $5 \text{ }\mu\text{g/L}$ (or parts per billion or ppb).
- e) Storage of any lead-containing or lead-contaminated article in an area accessible to children shall be prohibited. This includes automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.210 Procedures for Lead Inspections in Regulated Facilities

- a) 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 license.
- b) Lead inspectors and lead risk assessors conducting lead inspections shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the lead abatement or lead mitigation project for which final clearance is being evaluated.
- c) Lead inspectors and lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead inspection, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate if the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated.
- d) A visual assessment of the condition of the building, structures, surfaces and 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 consistent labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) When conducting a lead inspection, a lead inspector or lead risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines and shall test the following locations for the presence of a lead-bearing substance in accordance with Section 845.200:
 - 1) Each interior and exterior component that has a distinct painting history, except for components that the lead inspector or lead risk assessor determines do not contain lead-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 lead risk assessor determines do not contain lead-bearing substances.
- f) The lead inspection shall be documented in a written report that shall include the following:
 - 1) The name and complete address of the regulated facility;
 - 2) The name, complete address, and telephone number of the property owner or owners of the regulated facility;
 - 3) The name, written signature and a copy of each individual's Department-issued lead inspector or lead risk assessor license;
 - 4) The name, complete address, and telephone number of the licensed lead abatement contractor employing the services of each lead inspector or lead risk assessor, if applicable;
 - 5) The date of the field work and the date of the report;
 - 6) A summary statement indicating what service was performed as specified in subsection (c);
 - 7) Results of the visual inspections, including a narrative description of the regulated facility, including general condition, surface substrate type, painted surfaces condition, and maintenance practices;
 - 8) 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;
 - 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 and federal Lead Safe Housing Rule (24 CFR 35) and Lead-Bearing Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745).

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.215 Procedures for Lead Risk Assessments in Regulated Facilities

- a) 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 license.
- b) Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the lead abatement or lead mitigation project for which final clearance is being evaluated.
- 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) A visual assessment to locate the existence of deteriorated paint, to assess the extent and causes of the deterioration, and to evaluate other potential lead hazards shall be conducted prior to environmental sampling.
 - 1) A detailed property diagram shall be produced using a consistent labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) The lead risk assessor shall collect background information regarding the physical characteristics of the property, including any previous lead inspection or risk assessment reports, maintenance history and use patterns that may cause exposure to a lead hazard.
- f) When conducting a lead risk assessment, a lead risk assessor shall select locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The selected 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) When conducting a lead risk assessment, a lead risk assessor shall select 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.
- h) Soil samples shall be taken based on the visual assessment and the existence of bare soil. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies.
- i) The lead risk assessment shall be documented in a written report that shall include the following:
- 1) The name and complete address of the regulated facility;
 - 2) The name, complete address, and telephone number of the property owner;
 - 3) The name, written signature, and a copy of each individual's Department-issued lead risk assessor license;
 - 4) The name, complete address, and telephone number of the licensed lead abatement contractor employing the services of each lead risk assessor;

- 5) The date of the field work and the date of the report;
 - 6) A summary statement indicating what service was performed as specified in subsection (c);
 - 7) 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 regulated facility assessed. Each lead hazard identified shall be accompanied by written hazard control options available to the owner to address each lead hazard. The lead hazard listing shall be arranged based on priority;
 - 8) 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;
 - 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 and federal Lead Safe Housing Rule (24 CFR 35) and Lead-Based Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745).
- j) The written report required by this Section shall be provided to the owner, who shall make the report available to any occupant, tenant or parent (in the case of a child care facility). A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.225 Final Clearance Evaluations in Regulated Facilities

- a) The owner, its agent and the licensed lead abatement contractor shall allow access to the Department or a delegate agency to inspect a work area at any time during a lead abatement or lead mitigation project to determine compliance with the Act and this Part.
- b) Upon completion of the lead abatement or lead mitigation activities and the cleanup procedures outlined in Section 845.285, each work area shall pass a visual inspection and final clearance evaluation, which shall include the following minimum requirements:
 - 1) A licensed lead inspector or lead risk assessor shall review the Work Practice and Occupant Protection Plan, developed by the licensed lead abatement supervisor as outlined in Section 845.255, to determine the areas that require a final clearance evaluation.
 - 2) A licensed lead inspector or lead risk assessor shall receive and review the written assurance statement provided by the licensed lead abatement supervisor as required in Section 845.155.
 - 3) A licensed lead inspector or lead risk assessor shall conduct a visual inspection of the work areas identified in the above-referenced Work Practice and Occupant Protection Plan to ensure that the surfaces have been abated or mitigated. The licensed lead inspector or lead risk assessor shall notify the owner or its agent and the licensed lead abatement contractor of the results of the visual inspection, and shall include the locations and characteristics of surfaces requiring further lead abatement, lead mitigation or cleanup. The visual assessment shall be documented in writing by the licensed lead inspector or lead risk assessor.
 - 4) For work areas that pass the final visual inspection, and after ensuring that at least one hour has passed since lead abatement or lead mitigation and cleanup activities last occurred, a licensed lead inspector or lead risk assessor shall collect dust wipe samples from no fewer than 4 rooms or common areas within the work area identified in the Work Practice and Occupant Protection Plan. If there are fewer than 4 rooms, all rooms and common areas shall be sampled:
 - A) At least one sample shall be collected from the bare floor;

- B) At least one sample shall be collected from a window stool and one sample from a window well if available;
 - C) One sample shall be located on a horizontal surface or bare floor at or near the entrance to the work area.
- 5) For work areas that fail the final visual inspections, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285.
- 6) For work areas that pass the final visual inspection, but are found in non-compliance with the regulatory limits established in Section 845.205(c), the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285 for non-compliant surfaces and horizontal surfaces located below the non-compliant surfaces. Upon completion of these procedures, the licensed lead inspector or lead risk assessor shall repeat the visual assessment and dust sampling specified in subsection (b) for those non-compliant surfaces and the horizontal surfaces located below the non-compliant surfaces. This process shall continue until compliance with the regulatory limits established in Section 845.205(c) is achieved.
- c) Before a work area may be released for re-occupancy, the work area must meet the following requirements.
- 1) The work area shall pass the visual inspection outlined in subsection (b), ensuring that all abated or mitigated surfaces and all uncarpeted floors have been treated to provide smooth and easily cleanable surfaces; and
 - 2) Lead dust levels on horizontal surfaces are below the levels established in Section 845.205(c). All environmental lead samples must be submitted and analyzed by a laboratory currently recognized by NLLAP.
- d) Upon achieving acceptable final clearance evaluation results, the licensed lead inspector or lead risk assessor shall prepare a written final clearance evaluation report. A copy of the final clearance evaluation report shall be provided to the licensed lead abatement contractor and to the owner of the regulated facility, who shall make the report available to any occupant tenant or parent (in the case of a child care facility). The report shall include the following:
- 1) The written assurance statement provided by the licensed lead abatement supervisor, as required in Section 845.155;

- 2) A written statement that the work area passed visual inspection and analyses for dust wipe samples collected in the work area were within acceptable regulatory limits as outlined in Section 845.205(c);
 - 3) The printed name, license number, and written signature of the person who conducted the final clearance evaluation sampling; and
 - 4) A copy of the field sampling forms utilized, including the locations where the samples were collected and a copy of the laboratory results.
- e) The licensed lead inspector or lead risk assessor shall keep a copy of the final clearance evaluation report, as required by the record keeping requirements outlined in Section 845.230.
- f) A final clearance evaluation shall not be conducted by a licensed lead inspector or lead risk assessor who is employed by or affiliated with the licensed lead abatement contractor that conducted the lead abatement or lead mitigation.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.230 Record Keeping Requirements for Environmental Investigations for Lead

All written reports and records required in Sections 845.210, 845.215 and 845.225 shall be maintained by the licensed lead inspector 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 the final clearance evaluation report or certificate of compliance is issued;
- b) The licensed lead inspector and lead risk assessor shall allow the Department or its delegate agency access to the records as requested, and shall provide copies to the Department upon request;
- c) Copies of all written reports and records shall be provided to the person who contracted for the lead investigation service for the regulated facility.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART F: STANDARDS FOR LEAD MITIGATION
AND LEAD ABATEMENT

Section 845.250 Submissions and Notices

- a) The lead abatement contractor shall notify the Department at least 7 calendar days prior to the commencement of any lead abatement or lead mitigation project at a regulated facility. A separate notification shall be submitted for each unique regulated facility.
 - 1) Notifications and changes to the notification shall be submitted on a form provided by the Department and shall be complete and accurate;
 - 2) The notification shall state the start date of the beginning of lead abatement setup and an end date indicating when final clearance evaluation results are to be received by the lead abatement contractor;
 - 3) The lead abatement contractor shall submit any changes in the notification sent to the Department. The lead abatement contractor may not start work sooner than the start date placed on the original notification;
 - 4) In the event that a project is delayed or cancelled for any reason, a revised notification shall be submitted to the Department, prior to the delay or cancellation, informing the Department of the delay or cancellation. If the notification dates expire before the final clearance evaluation results are received by the lead abatement contractor, a new 7-day notification shall be submitted to the Department in accordance with subsections (a)(1) through (3).

- b) The owner or agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner or agent of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of:
 - 1) The area that is to undergo lead abatement or lead mitigation;
 - 2) The date on which lead abatement or lead mitigation is to commence;
 - 3) The name and telephone number for the Department-licensed lead abatement contractor;

- 4) The occupants' obligations under this Section to remove personal items from the proposed work area; and
- 5) *The owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall post notices at all entrances to the regulated facility specifying the identified lead hazards. The posted notices, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:*
 - A) *that a unit or units in the building or the building have been found to have lead hazards;*
 - B) *that other units in the building may have lead hazards;*
 - C) *that the Department recommends that children 6 years of age or younger and pregnant persons receive a blood lead testing;*
 - D) *where to seek further information; and*
 - E) *whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.*
- c) *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)*

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.255 Work Practice and Occupant Protection Program

- a) The lead abatement contractor shall protect occupants of a regulated facility undergoing lead abatement or lead mitigation activities from exposure to potential lead hazards that may be generated by the lead abatement or lead mitigation activities. To ensure the health and safety of occupants, a Work Practice and Occupant Protection Plan shall be developed and followed for each lead mitigation and lead abatement project. At a minimum, the plan shall describe the protocols, procedures and work practices to be employed by the lead abatement contractor to ensure that the occupants are properly protected from potential lead hazards that may be generated from the lead abatement or lead mitigation work. The plan shall be written and shall fulfill the following requirements:
- 1) Evaluate the need to remove the occupants from the regulated facility during the lead abatement or lead mitigation;
 - 2) Be unique to each lead abatement or lead mitigation work area;
 - 3) Be developed by a licensed lead abatement supervisor employed by the licensed lead abatement contractor performing the lead abatement or lead mitigation work;
 - 4) Provide the name, written signature and Department-issued license number of the licensed lead abatement supervisor who prepared the plan;
 - 5) Be developed and implemented prior to commencement of lead abatement or lead mitigation;
 - 6) Include the results of any lead inspection or lead risk assessment conducted in the regulated facility;
 - 7) Evaluate and establish the requirements for pre-cleaning the work areas before establishing work place barriers and containment systems as required by Section 845.265;
 - 8) Describe what work practices will be employed to prevent the uncontrolled release of dust and debris from the work area;
 - 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 lead hazard;
 - 11) Outline procedures to ensure that the work area or regulated facility is not re-occupied prior to final cleaning required in Section 845.285 and the final clearance evaluation requirements specified in Section 845.225;
 - 12) Be kept at the site and updated as necessary by the lead abatement supervisor employed by the lead abatement contractor performing the lead abatement or lead mitigation;
 - 13) Be kept by the lead abatement contractor after the completion of the lead mitigation or lead abatement project in accordance with the record keeping requirements outlined in Section 845.300; and
 - 14) Be made available for review by the building owner, its agent or a representative of the Department or its delegate agency.
- b) The lead abatement contractor performing a lead abatement or lead mitigation activity that is expected to break or disturb any lead-bearing substances shall display a caution sign outside each work area at 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 clearance evaluation results have been obtained. Caution signs shall:
 - A) Be at least 11" by 8.5";
 - B) State the date and place of the lead abatement or lead mitigation project; and
 - C) Include the phrase "Warning, Lead Work Area, Poison, No Smoking or Eating" in bold lettering, at least 2 inches high.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.260 Personnel Protection Program

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.265 Lead Work Area Isolation, Preparation and Containment

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

- e) The lead abatement contractor shall conduct pre-cleaning of each work area as stated in 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 using HEPA-filtered vacuum equipment or wet cleaning methods, and remove those 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; and
 - 5) Pre-clean the work area using HEPA-filtered vacuum equipment or wet cleaning methods.
- f) Before beginning lead abatement or lead mitigation in an interior work area, a licensed lead abatement contractor shall:
- 1) Ensure that access to the work area is restricted as required in subsection (d);
 - 2) Ensure that all requirements of work area pre-cleaning specified in subsection (e) 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 and seal in place. For projects that will last more than one day, 2 layers of plastic sheeting 6 mils thick shall be installed. At the end of each work day, the top layer of plastic sheeting shall be cleaned, removed and disposed of in accordance Section 845.285(b) and replaced; and
 - 5) Protect carpeting to ensure that contamination does not occur from the lead abatement or lead mitigation activities. Carpeting is subject to sampling outlined in Section 845.225, and the regulatory limits of lead for floors specified in Section 845.205(c).

- g) Before beginning lead abatement or lead mitigation in an exterior work area, a licensed lead abatement contractor shall ensure:
- 1) Access to the work area is restricted as required in subsection (d) of this Section.
 - 2) All requirements of work area pre-cleaning specified in subsection (e) of this Section have been completed, including removal and disposal of visible paint chips and debris that are on the ground.
 - 3) When waste and debris will be generated from the lead mitigation or lead abatement activities, a layer of plastic sheeting at least 6 mils thick shall be installed to collect any debris. The plastic sheeting shall be attached below the surface that is to be abated or mitigated to collect and contain any waste and debris. The plastic sheeting shall extend out from the foundation at least 3 feet per story being abated or mitigated, with a minimum of 6 feet and a maximum of 20 feet. If these horizontal standards cannot be met for any reason, the lead abatement contractor shall erect vertical containment or equivalent extra precautions to contain the work area and ensure that dust and debris does not contaminate adjacent buildings or migrate to adjacent properties.
 - A) When liquid waste is produced, 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 weather conditions and to contain all debris and waste generated during the lead abatement or lead mitigation activities. If inclement weather conditions persist during lead abatement or lead mitigation activities, the lead abatement contractor shall erect vertical containment or equivalent extra precautions to contain the work area and ensure that dust and debris does not contaminate adjacent buildings or migrate to adjacent properties.
 - 5) If the lead abatement contractor is to employ vacuum blasting or contained hydro-blasting, the interior side of windows shall be sealed with at least 2 layers of plastic sheeting at least 6 mils thick.

- 6) Plastic containment barriers that cannot be secured to prevent unauthorized access in the absence of the lead abatement contractor shall be cleaned, removed and disposed of in accordance with Section 845.285(c) and replaced daily.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.270 Prohibited Work Practices

No person conducting lead abatement or lead mitigation shall employ any of the following methods:

- a) Open flame burning;
- b) Dry sanding;
- c) Open abrasive blasting;
- d) Uncontained exterior hydro-blasting;
- e) Interior hydro-blasting;
- f) Methylene chloride application; or
- g) Dry scraping.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.275 Safe Work Practices

- a) Lead abatement may employ methodologies specified in Section 845.15, including:
 - 1) Replacement of any part of a building with a lead-free component.
 - 2) Removal of any part of a building using the following techniques:
 - A) Off-site chemical stripping;
 - B) Heat guns operating at temperatures not exceeding 1100° F. If using heat guns, the lead abatement contractor shall ensure that a minimum of one fire extinguisher for each heat gun being used is supplied;
 - C) Non-flammable chemical strippers that do not contain methylene chloride;
 - D) Sander equipped with HEPA vacuum attachment;
 - E) Wet planing to substrate;
 - F) Contained vacuum blasting in exterior work areas only;
 - G) Contained hydro-blasting in exterior work areas only; and
 - H) Mechanical paint removal systems equipped with a HEPA vacuum attachment.
 - 3) Enclosure of a lead-bearing substance may be achieved by covering the lead-bearing surface with an approved material. Materials used shall comply with local building ordinances or codes and shall be applied in accordance with methodologies outlined in Section 845.15. Materials approved for enclosure include:
 - A) Gypsum board;
 - B) Fiberglass mats;
 - C) Canvas-backed vinyl wall coverings;

- D) High pressure laminated plastic sheeting;
 - E) Tile;
 - F) Paneling;
 - G) Vinyl;
 - H) Wood;
 - I) Aluminum;
 - J) Stone; or
 - K) Other durable material that does not readily tear or peel.
- 4) Encapsulation of a lead-bearing substance may be achieved by applying an encapsulating product in accordance with the manufacturer's directions and shall be applied in accordance with methodologies specified in Section 845.15.
- b) Lead mitigation may employ interim lead hazard control work practices, including:
- 1) Procedures identified as interim controls outlined in the methodologies incorporated in Section 845.15;
 - 2) The methods outlined in subsection (a) that are not permanent;
 - 3) Paint film stabilization;
 - 4) Friction and impact surface treatment; and
 - 5) Dust removal and control.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.280 Abatement and Mitigation of Lead-Contaminated Soil

- a) Soil abatement, including removal of lead-contaminated soil, shall be conducted in accordance with methodologies incorporated in Section 845.15 and shall meet the following requirements:
 - 1) All soil removal work shall be conducted by a Department-licensed lead abatement contractor employing licensed lead abatement workers who are supervised by a licensed lead abatement supervisor;
 - 2) Worker protection shall be provided as required in Section 845.260. At a minimum, all lead abatement workers removing lead-contaminated soil shall be provided with a changing area equipped with a facility for washing or showering. Lead abatement workers shall be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area;
 - 3) A Work Practice and Occupant Protection Program as required by Section 845.255 shall be developed;
 - 4) Equipment decontamination procedures shall be employed to prevent the spread of lead dust and debris. Disposable items are not to be reused and shall be discarded as provided in Section 845.290. 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 shall be identified and eliminated if possible;
 - 6) Removal of the lead-contaminated soil shall be accompanied by dust suppression methods to keep the generation of dust to a minimum;
 - 7) Soil that is stockpiled prior to disposal shall be:
 - A) Placed on a layer of impermeable plastic;
 - B) Kept moist to avoid dust generation; and
 - C) Covered with impermeable plastic that is secured to the ground;

- 8) Removed lead-contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle in accordance with disposal requirements incorporated in Section 845.290. Off-site vehicular or foot tracking of contaminated soil shall be avoided;
 - 9) Any replacement soil 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 performed by a laboratory currently recognized by NLLAP.
- b) Soil abatement, including the installation of a permanent cover, such as concrete or asphalt, over lead-contaminated soil shall be conducted in accordance with methodologies incorporated 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;
 - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead dust and debris. 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 shall be identified and eliminated, if possible.
- c) Soil mitigation, including the installation of a non-permanent cover, such as mulch, stone, gravel, soil, sod, etc., over lead-contaminated soil shall be conducted in accordance with documented methodologies incorporated 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;
 - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead dust and debris. 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 shall be identified and eliminated if possible;
- 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 a laboratory currently recognized by NLLAP; and
- 6) Installation of non-permanent covering shall be applied to a minimum depth of 2 inches over the lead-contaminated soil.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.285 Cleanup Procedures

- a) Cleanup of interior and exterior work areas shall be conducted at least daily at the end of the work shift, and upon completion of the lead mitigation and lead abatement work.
- b) The lead abatement contractor shall clean up interior work areas using the following procedures in the order that they appear:
 - 1) All work area isolation systems required in Section 845.265 shall remain in place until completion of the final clearance evaluation 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.
 - 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, disposed of and replaced daily until final clean up.
 - 6) All lead waste, isolation barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited and sealed airtight in double plastic bags at least 4 mils thick or single bags 6 mils thick.
- c) The lead abatement contractor shall clean up exterior work areas using the following procedures:
 - 1) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
 - 2) All plastic barriers used for containment shall be removed, disposed of and replaced daily until final clean up. The plastic sheeting shall be removed in a manner to prevent release of any remaining debris.

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.290 Disposal Procedures

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.295 Re-occupation of the Lead Work Area

- a) 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 Section 845.225; and
 - 2) Lead dust levels on floors and other horizontal surfaces shall be below the levels established in Section 845.205(c).
- b) Upon passing the visual inspection and achieving acceptable final clearance evaluation results, the licensed lead abatement contractor shall obtain a signed copy of the final clearance evaluation results required by Section 845.225 before being released from the work area.
- c) Upon receipt of the signed final clearance evaluation results required by Section 845.225, the licensed lead abatement contractor shall remove the remaining isolation barriers and may release the work area for re-occupancy.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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

- a) The lead abatement contractor shall retain the following information for every lead abatement or lead mitigation project conducted in a regulated facility in Illinois:
 - 1) The name and address of the owner or its agent for whom the project was conducted;
 - 2) A copy of the 7-day notification form and all revisions 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;
 - 4) A signed copy of the Work Practice and Occupant Protection Plan developed for the regulated facility;
 - 5) A copy of the written personal protection plan for the project;
 - 6) A list of the names of the licensed lead abatement workers and lead abatement supervisors employed for each project, including a copy of their Department-issued lead abatement license;
 - 7) A copy of the written assurance statement provided by the licensed lead abatement supervisor as required in Section 845.155; and
 - 8) A copy of the final clearance evaluation results required by Section 845.225.
- b) The records shall be retained for at least 6 years from the date the lead mitigation or lead abatement project was completed.
- c) The lead abatement contractor shall provide a copy of the items listed in subsections (a)(1) through (8) to the owner of the regulated facility within 60 days after completion of the lead mitigation and/or abatement project.
- d) The lead abatement contractor shall maintain the following records 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 lead abatement contractor during the time that it is licensed by the Department as a lead abatement contractor.
- e) The lead abatement contractor shall allow the Department or delegate agency access to records pertaining to all lead mitigation and lead abatement projects conducted in regulated facilities.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

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

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

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.355 Denial, Suspension and Revocation of Licenses

- a) In any case in which the Director finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice standards or failure to pay fines or penalties owed to the Department, the Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, lead supervisor, lead worker, lead abatement risk assessor or lead inspector.
- b) The hearing notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.360 Fines and Penalties

- a) In addition to any other action authorized by the Act or this Part, *the Department is authorized to assess administrative penalties against any licensee or any other person who violates the Act or this Part.* (Section 12.2(b) 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 or penalty for a violation of any provision of the Act or of this Part are as follows. All amounts determined

pursuant to these criteria shall be added together to determine the total fine against the person.

- 1) First violation – the person may be issued a fine of up to \$5,000.
 - 2) Each day that a violation exists shall constitute a separate or repeat violation.
 - 3) Repeat violation – the person may be issued a minimum fine of \$5,000 plus additional fines calculated according to the following:
 - A) For each violation that may cause or result in harm or injury to the health or safety of the agents or employees of the person present: \$100 multiplied by the number of agents or employees present at any time on the date of the violation.
 - B) For each violation that may cause or result in harm or injury to the health or safety of the building owners or users, occupants of the building or the general public: \$100 multiplied by the number of persons present in or around the regulated facility at any time on the date of violation.
 - C) For each violation that may cause or result in contamination with lead dust or debris of any part of the regulated facility other than the work area: \$5,000.
 - D) For each violation that may cause or result in contamination with lead dust or debris of any surrounding areas to the regulated facility: \$5,000.
 - 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 or penalty pursuant to subsection (c)(3).
- d) The Department shall serve notice of fine and/or penalty assessments, and shall provide the same rights and opportunity for hearing as provided in Section 12.2 of

the Act and this Section. In the event that a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law.

- e) All fine 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 or penalty assessment and unless the court has stayed enforcement of the fine or penalty assessment.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.365 Stop Work Orders for Regulated Facilities

Whenever the Department or its delegate agency finds that a situation exists that requires immediate action to protect the public health, it may, without notice or hearing, issue an order requiring that such action be taken as it may deem necessary to protect the public health, including, but not limited to, the issuance of a stop work order, ordering the immediate suspension of any improper activities that may disturb a lead-bearing surface, and requiring that any person found to be improperly conducting such activities immediately cease work. Notwithstanding any other provision in the Act or this Part, such order shall be effective immediately. The Attorney General, State's Attorney, or Sheriff of the county in which the property is located has authority to enforce the order after receiving notice of the order. Any person subject to such an order is entitled, upon written request to the Department, to a hearing to determine the continued validity of the order. (Section 8.3 of the Act)

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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 (Repealed)

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

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

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

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

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.APPENDIX B Information Agreement (Repealed)

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)