

2004

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 28 Issue 22
May 28, 2004
Pages 7351-7589

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

May 28, 2004 Volume 28, Issue 22

PROPOSED RULES

AGRICULTURE, DEPARTMENT OF

Animal Welfare Act
8 Ill. Adm. Code 257351

Humane Care for Animals Act
8 Ill. Adm. Code 357366

Livestock Auction Markets
8 Ill. Adm. Code 407371

Bovine Brucellosis
8 Ill. Adm. Code 757375

Diseased Animals
8 Ill. Adm. Code 857380

Illinois Dead Animal Disposal Act
8 Ill. Adm. Code 907390

CORRECTIONS, DEPARTMENT OF

Internal Investigations
20 Ill. Adm. Code 1127408

Closed Maximum Security Facility
20 Ill. Adm. Code 5057414

EMERGENCY MANAGEMENT AGENCY

Licensing of Radon Detection and Mitigation Services
32 Ill. Adm. Code 4227422

ILLINOIS LABOR RELATIONS BOARD

General Procedures
80 Ill. Adm. Code 12007529

Police Officer Decertification Proceedings
80 Ill. Adm. Code 12407531

RACING BOARD, ILLINOIS

Medication
11 Ill. Adm. Code 6037533

ADOPTED RULES

HUMAN SERVICES, DEPARTMENT OF

Audit Requirements of DHS
89 Ill. Adm. Code 5077535

EMERGENCY RULES

ILLINOIS LABOR RELATIONS BOARD

General Procedures
80 Ill. Adm. Code 12007540

Police Officer Decertification Proceedings
80 Ill. Adm. Code 12407544

RACING BOARD, ILLINOIS

Medication

11 Ill. Adm. Code 603	7565
NOTICE OF EXPEDITED CORRECTION	
STATE UNIVERSITIES RETIREMENT SYSTEM	
Universities Retirement	
80 Ill. Adm. Code 1600	7575
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	7580
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Lewis and Clark Commemorative Days	
2004-132.....	7582
Little City - Center For Employment and Business	
Development Day	
2004-133.....	7582
Home Education Week in Illinois	
2004-134.....	7583
Shared Housing Week	
2004-135.....	7584
Poppy Days	
2004-136.....	7584
Masonic Community Days	
2004-137.....	7585
Drive Your Mustang Day	
2004-138.....	7586
Access Living Day	
2004-139.....	7586
Wireless Safety Week	
2004-140.....	7587
School Counselor Week	
2004-141.....	7587
Missing Children's Day	
2004-142.....	7588
Small Business Week	
2004-143.....	7588

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Animal Welfare Act
- 2) Code Citation: 8 Ill. Adm. Code 25
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
25.10	Amend
25.20	Amend
25.30	Amend
25.40	Amend
25.45	Add
25.50	Amend
25.80	Amend
25.90	Amend
25.110	Amend
25.120	Amend
25.130	Amend
25.150	Add
- 4) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: A definition is being added for “exotic or non-domesticated animals”.

References are being added for the Companion Animal Cremation Act, the Illinois Humane Euthanasia in Animal Shelters Act, the Illinois Diseased Animals Act and citations to the Code of Federal Regulations are being updated to the 2004 edition.

Conditions for maintaining animals are being updated and revised.

All animals entering Illinois will be required to be accompanied by a certificate of veterinary inspection, and exotic or non-domestic animals will be required to obtain a permit from the Department prior to entry.

Records will be required on the sale of all exotic or non-domesticated animals in Illinois and the records must be available for inspection during regular working hours.

Licensees, shelters and animal control facilities will be required to annually report the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals received, sold, adopted, euthanized or reclaimed.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Civets, servals, and hybrid animals are being added to the list of animals prohibited for sale.

- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, July 8, 2004 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than July 2, 2004. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Pet shop operators, kennel operators, dog dealers, cattery operators, animal shelter operators

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: Permits will be required for importing certain types of animals; additional records will be required for animal shelters, pet shops, dog dealers, kennel operators and cattery operators.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 25
ANIMAL WELFARE ACT

Section

25.10	Definitions
25.15	Incorporations By Reference
25.20	Buildings and Premises
25.30	General Care of Animals
25.40	<u>Companion Animals</u> Dogs Brought into Illinois
<u>25.45</u>	<u>Importation of Exotic or Non-Domestic Animals; Permit</u>
25.50	Shipment of Mammals and Birds
25.60	Health of Animals at Time of Release
25.70	Department May Restrict The Sale of Animals
25.80	Quarantine
25.90	Records
25.100	Consent Statement and Inspection
25.110	Animals Prohibited from Sale
25.115	Guard and Sentry Dogs
25.120	Boarding and Training
25.130	Animal Control Facilities and Animal Shelters
25.140	Foster Homes
<u>25.150</u>	<u>Illinois Diseased Animals Act</u>

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 14898, effective September 26, 1994; amended at 20 Ill. Reg. 265, effective January 1, 1996; amended at 23 Ill. Reg. 9758, effective August 9, 1999; amended at 28 Ill. Reg. _____, effective _____.

Section 25.10 Definitions

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

"Animal" as used in this Act means any mammal, bird, fish, or reptile offered for sale, trade, or adoption or for which a service is provided by any person licensed under this Act.

“Exotic or non-domesticated animals” means mammals (including non-human primates), reptiles and birds that are not native to North America and are not maintained livestock (llamas, ratites, cervids and similar animals are considered livestock under this definition) or native mammals that are not domesticated and maintained as pets (i.e., prairie dogs). Not included in this definition are hamsters, guinea pigs and gerbils or any member of the species felius catus or canis familiaris.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.20 Buildings and Premises

- a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:
 - 1) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.
 - 2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and rules enacted pursuant to that law (8 Ill. Adm. Code 85) or the Companion Animal Cremation Act [815 ILCS 381]. Compliance with this State Law shall not exempt licensee from compliance with local ordinances.
 - 3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
 - 4) Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment, and utensils.
 - 5) Provide hand washing facilities.
- b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for ~~isolation~~separation of diseased animals and their waste to avoid exposure to healthy and salable animals.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
- d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
- 1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.
 - 2) All empty cages shall be kept clean at all times.
 - 3) Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie, and offer freedom of movement.
 - 4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; ~~20041999~~) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.
- e) Runs shall be constructed of material of sufficient strength and design to confine the ~~animals~~ animal(s).
- 1) They shall be kept in good repair and condition.
 - 2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.
 - 3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
 - 4) Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.
- f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2½ times the body volume of living creatures contained therein.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female ~~animal~~~~dog or cat~~ in estrus shall be placed in a pen with male animals, except for breeding purposes.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.30 General Care of Animals

- a) All persons or establishments licensed under this Act shall comply with all Sections of the Humane Care for Animals Act [510 ILCS 70].
- b) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5-3.7; ~~20041999~~). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.
- c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.
- d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthful condition. Any dead fish shall be removed from aquariums.
- e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.40 Companion Animals~~Dogs~~ Brought into Illinois

- a) Companion animals~~Dogs~~ of any age brought into Illinois shall be accompanied by an official health certificate issued within 30 days prior to entry, showing the age, sex, breed, and description of each animal; that the animals in shipment are free from visible evidence of communicable diseases; that they originated in an area not under quarantine because of rabies; and that all animals over 16 weeks of age have been vaccinated against rabies as set forth in Section 30.90 of the rules for the Illinois Animal Control Act (8 Ill. Adm. Code ~~Part~~ 30). A copy of the health certificate bearing the approval of the Animal Health Official of the state of origin shall be filed with the Department.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- b) "This rule shall not apply to dogs consigned to hospitals, pharmaceutical companies, or licensed research institutions for research or teaching, nor to performing dogs or dogs brought in for a limited period of time for exhibition or breeding purposes and kept under direct control while in Illinois."*

AGENCY NOTE* Quoted from Section 30.10 of the rules for the Animal Control Act (8 Ill. Adm. Code ~~Part~~ 30).

- c) All other companion animals, including cats and rabbits, entering Illinois for sale or resale shall be accompanied by a certificate of veterinary inspection issued within 30 days prior to entry showing the age, sex and number of animals in the shipment. The certificate of veterinary inspection must also indicate that the animals are free from visible evidence of communicable diseases.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.45 Importation of Exotic or Non-Domestic Animals; Permit

- a) All exotic or non-domestic animals, including prairie dogs, entering Illinois must be accompanied by a permit from the Department and an official certificate of veterinary inspection.
- b) The official certificate of veterinary inspection must:
- 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture or by a licensed veterinarian of the country of origin;
 - 2) Be approved by the Animal Health official of the state or country of origin;
 - 3) Show that the animals are free from visible evidence of contagious, infectious or communicable diseases; and
 - 4) Show the state or country of origin.
- c) Permits:
- 1) Permits will be issued by telephoning or writing the Department.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 2) Applicants for permits shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor; and
 - C) Number and species of animals in shipment.
- 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or any Section of this Part; and
 - B) Presence of a disease that might endanger the Illinois livestock or companion animal industry or pose a threat to public health.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 25.50 Shipment of Mammals and Birds

- a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:
 - 1) Have a solid floor which may have a false bottom above it.
 - 2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; ~~20041999~~) as to provide maximum safety for the particular animal or animals being transported.
 - 3) Have openings on 2 sides and the top to assure adequate ventilation.
- b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.13-3.19; ~~20041999~~). When the temperature is over 85° F., increased space shall be provided within reason.
- c) The crates shall be cleaned before use for each trip.
- d) Food and water containers shall be cleaned and sanitized before each trip.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- e) If bedding is used it shall be clean, dry, and relatively dust-free.
- f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.
- g) The person or persons responsible for the welfare of the animal or animals while in transit shall:
 - 1) Offer the animals food at least once each 24 hours, except that newly weaned young shall be offered suitable food at 4-hour intervals.
 - 2) Offer all animals water at ~~8-12~~-hour intervals at least, except that water shall be offered at 24-hour intervals when the temperature reaches 90° F.
 - 3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.
 - 4) Inspect each animal at 4-hour intervals, or oftener.
- h) No female obviously near parturition shall be transported.
- i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.80 Quarantine

- a) The Director of the Illinois Department of Agriculture may order a quarantine as prescribed in the Illinois Diseased Animals Act [510 ILCS 50] and 8 Ill. Adm. Code 85 placed on the entire premises of the licensee, on a specific species of animals, or on a specific group of animals for any one of the following:
 - 1) Excessive parasitism.
 - 2) General malnutrition.
 - 3) Contagious~~Presence of contagious~~ disease ~~on premises~~.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- b) This quarantine may be placed after consultation with licensee or his duly authorized representative concerning the nature, frequency, and extent of the disease or diseases involved.
- c) Conditions not specified above may be cause for quarantine at the discretion of the Director of the Illinois Department of Agriculture.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.90 Records

- a) Records~~Record~~ of each sale of a dog, cat, or non-human primate, or exotic or non-domesticated animal, including prairie dogs, sale shall be maintained by the licensee for a minimum period of 12 months after date of sale or transfer of animal, and shall include the source of animal, date of sale, description and sex of animal sold, and the name and address of purchaser. Records of sales of small mammals (i.e., hamsters, mice, gerbils or rats that were born in the United States), birds, and fish are not required. These records must be available for inspection during normal business hours by Department employees or persons designated by the Department. Each licensee must report to the Department the number of dogs, puppies, cats, kittens and exotic or non-domesticated animals sold. Shelters and animal control facilities must report to the Department the total number of dogs, cats and other animals received, adopted, euthanized or reclaimed by the owner for the previous calendar year at the time of license renewal.
- b) If record of prophylactic medication is used in advertisement or is furnished the purchaser or person acquiring an animal, specific information regarding type, amount, and date of prophylactic medication shall be kept by the licensee and shall become a part of the retail sales record.
- c) The licensee or his representative shall furnish the purchaser of a dog, cat or non-human primate a written statement at the time of sale. The statement shall show:
 - 1) Date of sale and date of birth, if known.
 - 2) Name, address, and telephone number of licensee.
 - 3) Name, address, and telephone number of purchaser.
 - 4) Breed and description of dog, cat or non-human primate, including age.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

sex and weight of the animal.

- 5) Prophylactic immunizations and dates administered.
- 6) Internal parasite medicationsmedication(s) and datesdate(s) administered.
- 7) A record of sterilization or lack of sterilization.
- 87) Guarantee, if offered; if none, so state.
- 9) If the dog or cat is being sold as being capable of registration, the name and registration numbers of the sire and dam and registry information.

This information may be recorded on Department Form PS-5 (Animal Welfare Release Statement), or on a similar form prepared by the licensee and approved in advance by the Department.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.110 Animals Prohibited from Sale

- a) Licensees shall not offer skunks for sale as pets ~~as prescribed in Section 3.25 of the Wildlife Code [520 ILCS 5/3.25].~~
- b) Licensees shall not offer for sale those animals the ownership of which would constitute a violation of Section 1 of the Illinois Dangerous Animals Act [720 ILCS 585/1]. These include the following animals and any hybrids thereof: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, ~~Canada~~-lynx, bobcat, jaguarundi, civet, serval, hyena, bear, wolf or coyote, or any poisonous or life-threatening reptile. A life-threatening reptile is any member of the crocodylian family or any constricting snake six feet or over in length, such as boa, python, and anaconda. This does not include any canine or feline breeds registered by the American Kennel Club, the United Kennel Club, the Cat Fancier's Association or the International Cat Association.
- c) Licensees shall not possess or offer for sale turtle or viable turtle eggs which would constitute a violation of Section 264 of the Public Health Service Act (42 USCA 264), the rules for that Act (21 CFR 1240.62; 20041999) and Section 3372 of the Lacey Act (16 USCA 3372).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 25.120 Boarding and Training

Persons licensed as kennel operators shall comply with the following rules, in addition to 8 Ill. Adm. Code 25.10 through 25.110:

- a) Records shall be maintained for a period of ~~twelve~~(12) months after the boarding or training is completed. The record shall state the owner's name, address, and telephone number; expected duration of the stay; service to be provided; and owner's agent for emergency contacts.
- b) No dog or cat shall be accepted for boarding or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the kennel operator. (Exemption to distemper vaccination requirement is available upon written recommendation from owner's veterinarian.) Any dog accepted must be in compliance with the rabies vaccination requirements of the Illinois Animal Control Act [510 ILCS 5].
- c) Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.
- d) In the event an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:
 - 1) The body preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which time the body may be disposed of in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] or the Companion Animal Cremation Act [815 ILCS 318]; or
 - 2) Bodies are to be submitted to a licensed veterinarian and a necropsy performed at the kennel operator's expense, unless prior agreement for payment of such services by the owner is made. A copy of the necropsy report is to be given to the owner.
- e) Animals shall not be group-housed at any time, unless they are owned by the same person and are compatible.
- f) If the owners of animals do not appear or contact the kennel operator within ~~thirty~~(30) days of their stated return time, the kennel operator has the right to dispose of

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

the animal.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 25.130 Animal Control Facilities and Animal Shelters

Persons licensed to operate Animal Control Facilities and Animal Shelters shall comply with the Illinois Humane Euthanasia in Animal Shelters Act [510 ILCS 72], the Humane Care for Animals Act [510 ILCS 70], and the following rules, in addition to the other rules already prescribed.

- a) Licensee shall make a record of each animal received, including the date it was received, the source, and the eventual disposition.
- b) Euthanasia shall be done in compliance with the Humane Euthanasia in Animal Shelters Act [510 ILCS 72]. If the species is not covered by the Act, the most recent American Veterinary Medical Association Panel on Euthanasia guidelines shall be used. Under no circumstances can unacceptable agents or methods of euthanasia be used. Approved equipment as described in the Journal of the American Veterinary Medical Association, 930 North Meacham Road, Schaumburg, Illinois 60196 (January 15, 1993) shall be used for euthanasia.
- c) Licensee shall accept any animal for which the person wishing to dispose of the animal is willing to sign an affidavit of ownership giving his name, address, telephone number, reasons for wishing to dispose of the animal, and description of the animal, including distinguishing marks and pertinent medical information, if any.
- d) Any animal presented to an animal control facility or shelter in an injured, diseased, or ill condition shall be examined by and, if feasible, treated by a licensed veterinarian as soon as possible. If the veterinarian deems that, for humane reasons, the animal should be euthanized, his recommendations for euthanasia shall be followed.
- e) Licensee operating an animal control facility for a municipality or other political subdivision shall, in a conspicuous place at the establishment, post the hours the facility will be open with an attendant on duty to release estrayed pets back to their owner. Any expense incurred during the period of impoundment shall be paid by the owner prior to release of the impounded animal.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Section 25.150 Illinois Diseased Animals Act

All persons licensed under this Part must also comply with the provisions of the Illinois Diseased Animals Act [510 ILCS 50] and 8 Ill. Adm. Code 85.

(Source: Added at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Humane Care For Animals Act
- 2) Code Citation: 8 Ill. Adm. Code 35
- 3) Section Numbers: Proposed Action:
35.10 Amend
- 4) Statutory Authority: Humane Care for Animals Act [510 ILCS 70]
- 5) A Complete Description of the Subjects and Issues Involved: The definition of approved humane investigator is being amended to include persons from governmental agencies that have been officially designated by their agency. Grounds for suspension of an approved humane investigator have been expanded.
- 6) Will this proposed rulemaking replace any emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, July 8, 2004 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

In order for mailed comments to be available for consideration at the public hearing, please mail no later than July 2, 2004. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Humane societies
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 35
HUMANE CARE FOR ANIMALS ACT

Section

- 35.10 Approved Humane Investigator; Qualifications; Requirements; Termination; Reports; Appointment Period
35.20 Notice of Violation; Impoundment Procedure (Repealed)
35.30 Administrative Hearings

AUTHORITY: Implementing and authorized by the Humane Care for Animals Act [510 ILCS 70].

SOURCE: Rules and Regulations Relating to Humane Care for Animals, filed December 14, 1973, effective December 24, 1973; codified at 5 Ill. Reg. 10441; amended at 7 Ill. Reg. 865, effective January 10, 1983; amended at 8 Ill. Reg. 5936, effective April 23, 1984; amended at 9 Ill. Reg. 4498, effective March 22, 1985; amended at 18 Ill. Reg. 14909, effective September 26, 1994; amended at 28 Ill. Reg. _____, effective _____.

Section 35.10 Approved Humane Investigator; Qualifications; Requirements; Termination; Reports; Appointment Period

Persons, when submitting an application for appointment as an Approved Humane Investigator, will furnish the following information: name, address, telephone number; name and address of the Humane Society or governmental agency with whom they are affiliated, and a brief resume of their experience and education, both practical and formal, relative to the humane care of animals.

- a) Qualifications for appointment as an Approved Humane Investigator shall include:
- 1) Membership in or employment by a humane society, as defined in Section 2.05 of the Act, or other individual so designated by official action of that particular humane society's board of directors, or any law enforcement officer who has been officially designated by the governmental agency responsible for his/her action or duty;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 2) Responsibility to ~~his/her~~ organization, in compliance with all administrative rules issued by the Department;
- 3) Demonstration of satisfactory knowledge of this Act and its applications by oral and written examination to be given by the Department at times to be designated and as needed by the Department.
 - A) Knowledge of how to conduct and complete an investigation, including legally guided knowledge of how to file charges if required.
 - B) Applicant shall have a high school diploma or its equivalent and two years experience raising, caring for or breeding the particular species of animal being investigated.
- b) The Department shall require additional consultation and training when the applicant does not have experience in caring for certain animals that could reasonably be encountered in the performance of his/her duties or has no experience in conducting investigations and the proceedings that accompany such investigations.
- c) An Approved Humane Investigator shall comply with the following:
 - 1) Cooperation, whenever possible, with other Approved Humane Investigators or law enforcement authorities, if requested, to aid in an investigation of complaints relative to the care and treatment of animals;
 - 2) Except when so authorized by the Department, no Approved Humane Investigator shall represent himself/herself, at any stage in the conduct of an investigation, as acting directly in behalf of or as an agent of the Department.
- d) ~~An Approved Humane Investigator will be suspended for any of the following reasons: All hearings for termination of approval as a Humane Investigator will be conducted in accordance with 8 Ill. Adm. Code 35.30. The appointment as an Approved Humane Investigator will be terminated following hearing for:~~
 - 1) Material misstatement in the original application;
 - 2) Wilful disregard or violation of ~~the Humane Care for Animals~~ Act or rules issued pursuant ~~to that Act~~ thereto;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 3) Pursuing a continued course of misrepresentation or false statements regarding investigations relative to humane care of animals after a warning letter is given;
 - 4) Failure to perform his/her investigational duties and enforcement of the Humane Care for Animals Act or rules ~~issued pursuant thereto~~;
 - 5) Loss of membership in or employment by a humane society as defined in ~~subsection~~ Section 35.10(a)(1) or on written request ~~of the society's~~ by their board of directors;
 - 6) Failure to perform job duties, including failure to promptly submit documents in a case where enforcement actions have been taken (i.e., Notice of Violation, impoundments or prosecution); and
 - 7) Conduct, while performing duties, that is unprofessional or contrary to customary investigative procedures.
- e) Reinstatement as an Approved Humane Investigator will require the person to submit a new application and to successfully complete the requirements for becoming an Approved Humane Investigator (see subsection (a)).
- f) All Approved Humane Investigators shall prepare and submit to the Department an annual report on forms furnished by the Department. It shall contain the species and number of animals involved, and total number of investigations performed that calendar year. The annual report shall be filed by April 1 for the preceding calendar year's activity.
- g) The appointment as an Approved Humane Investigator shall be for 2 years or for any portion ~~of that period thereof~~ and shall be renewable on January 1 of each ~~year~~ even-numbered years. The reappointment procedure shall be the same procedure used for the original appointment as set forth in this Section. Qualifications for reappointment as an Approved Humane Investigator shall be as set forth in subsection ~~Section 35.10~~(a).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Number: 40.250 Proposed Action:
Amend
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640]
- 5) A Complete Description of the Subjects and Issues Involved: The right ear is where the veterinarians put the metal eartags for bangs testing or vaccinations, so this ear may already have an eartag in it. The left ear is used by the veterinarian to red tag an animal, and the Department "J" punches positive Johne cattle in the left ear.
- 6) Will this proposed rulemaking replace any emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, July 8, 2004 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than July 2, 2004. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock auction markets and livestock dealers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: No additional professional skills are necessary.
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: Agency did not anticipate rulemaking within the timeframe of the January 2004 regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 40
LIVESTOCK AUCTION MARKETS

Section

40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis CalfhooD Vaccinates
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep and Goats
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)
40.250	Animals Designated for Slaughter Only

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 205-410 of the Civil Administrative Code of Illinois [20 ILCS 205/205-410].

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20 Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. 9780, effective August 9, 1999; amended at 26 Ill. Reg. 127, effective January 1, 2002; amended at 26 Ill. Reg. 14624, effective September 23, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 40.250 Animals Designated for Slaughter Only

When an animal is presented at an auction market by the owner and is designated as being sold for slaughter only, the animal shall be "C" punched in the ~~left~~~~right~~ ear. The "C" punch must be a minimum of one inch tall. The animal shall be placed in the slaughter pen and cannot be sold, other than for slaughter. The consignor shall sign a form stating that the animal cannot be sold for any reason other than for slaughter and that the animal must be "C" punched prior to sale. These forms must be sent to the Department on a weekly basis, together with the name and address of the purchaser of the animal.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
75.5	Amend
75.10	Amend
75.80	Amend
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]
- 5) A Complete Description of the Subjects and Issues Involved: All citations to the Code of Federal Regulations are being updated to the 2004 edition.
- 6) Will this proposed rulemaking replace any emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, July 8, 2004 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

In order for mailed comments to be available for consideration at the public hearing, please mail no later than July 2, 2004. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock owners and buyers, slaughter establishments, public stockyards, marketing centers or licensed livestock auction markets
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures required.
 - C) Types of professional skills necessary for compliance: No additional skills necessary.
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 75
BOVINE BRUCELLOSIS

Section

75.5	Definitions
75.7	Incorporation by Reference
75.10	Official Classification of the Results of the Brucellosis Blood Test
75.15	Permits to Conduct Official Brucellosis Tests
75.20	Reports Required
75.30	Tests Conducted at State Expense or for Interstate or Export Shipment
75.40	Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)
75.50	Indemnity
75.60	Identification of Cattle or Bison
75.70	Herds Revealing Reactors
75.80	Sale of Suspects and Negative Animals From Quarantined Herds
75.90	Release of Herds or Cattle or Bison Under Quarantine
75.100	Herds Revealing Suspects Only
75.110	Identification Tags
75.120	Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle or Bison for Immediate Slaughter
75.160	Female Cattle – Beef Breeds – 18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or Breeding Cattle or Bison
75.190	Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States
75.200	Slaughter Cattle and Bison from Class B or Class C States
75.210	Official CalfhooD Vaccination
75.220	Recognition of Brucellosis State Status
75.TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)
75.TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

[510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 23 Ill. Reg. 397, effective January 1, 1999; amended at 23 Ill. Reg. 9764, effective August 9, 1999; amended at 28 Ill. Reg. _____, effective _____.

Section 75.5 Definitions

The definitions for this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, ~~20041999~~).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

- a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998) and the United States Department of Agriculture and/or 9 CFR 78.1 (~~2004~~~~1999~~).

- b) The card (Buffered Brucella Antigen) test and Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.
- c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
85.15	Amend
85.55	Amend
85.75	Amend
85.80	Amend
85.115	Amend
85.150	Amend
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65]
- 5) A Complete Description of the Subjects and Issues Involved: The United States Department of Agriculture (USDA) adopted the Uniform Methods and Rules for scrapie eradication effective October 1, 2003. The Department will revise Sections 85.55 and 85.80 to adopt this document.

All citations to the Code of Federal Regulations are being updated to the 2004 edition.
- 6) Will this rulemaking replace any emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes – references the most current edition of the Code of Federal Regulations (2004).
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, July 8, 2004 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds,

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than July 2, 2004. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Sheep and goat producers
 - B) Reporting, bookkeeping or other procedures required for compliance: Will provide producers with a live animal test for scrapie and make it easier for them to move sheep and goats.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 85
DISEASED ANIMALS

Section

85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis
85.135	Requirements for Establishing and Maintaining a Herd Under the Voluntary

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 85.140 Paratuberculosis (Johne's Disease) Certification Program
Requirements for Establishing and Maintaining a Herd Under the Voluntary
Paratuberculosis (Johne's Disease) Risk Management Program
- 85.145 Johne's Disease Positive Animals
- 85.150 Importation of Animals; Permit Required

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 13, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; emergency expired November 6, 2003; amended at 28 Ill. Reg. 2086, effective February 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Federal Regulations (9 CFR 71.7, 71.10-71.12; ~~2004~~2003).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 85.55 Scrapie in Sheep and Goats

- a) The Scrapie Eradication Uniform Methods and Rules (U.S. Department of Agriculture, AHPIS 91-55-066, effective October 1, 2003) is the basis of the scrapie program within the State, except where modified by this Part.
- ba) No sheep or goats ~~that~~which are known to be from an infected or source herd or flock, or considered to be suspect or high risk animals, (9 CFR 79; 2003) and no progeny of sheep or goats known to be from an infected or source herd or flock shall be transported or moved into or within the State of Illinois, except as provided in 8 Ill. Adm. Code 40.190(c). Any sheep or goat entering Illinois from a U.S. Department of Agriculture Pilot Project Herd or Flock must be approved for import by the Department and be accompanied by a Certificate of Veterinary Inspection.
- cb) Scrapie monitored herds or flocks may be established and maintained in accordance with the ~~Voluntary~~ Scrapie Flock Certification Program Standards.
- de) When a herd or flock has been designated as an infected or source herd or flock, the herd or flock will be placed under quarantine and will remain under quarantine until the herd or flock has been depopulated, enters into the ~~Voluntary~~ Scrapie Flock Certification Program, or develops an approved herd or flock plan (9 CFR 79.1 (2003)). No animals will be allowed to move from the quarantined herd or flock except for slaughter, research, or medical treatment or examination, and must be accompanied by VS Form 1-27.
- e) Any animal that has been determined to be a high risk animal will be restricted to the herd or flock and cannot be moved from the herd or flock unless accompanied by VS Form 1-27 and moved only for medical treatment or research or directly to slaughter.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 85.75 Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas

- a) A prior permit must be obtained from the Department before cattle, except those

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.

- b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (~~20042003~~).
- c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; ~~20042003~~).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 85.80 Sheep and Goats

- a) All sheep and goats entering Illinois for breeding, exhibition or feeding purposes, except for sheep or goats consigned directly to ~~an approved~~ livestock auction market where the animals will be officially identified if required by the Scrapie Eradication Uniform Methods and Rules, shall be accompanied by an official health certificate showing the individual approved official identification and permit number issued by the Department (see Section 85.150) and including the following owner statement: "These animals are not scrapie positive, suspect, high risk or exposed and are not from an infected, source, exposed or non-compliant herd or flock."~~"The sheep or goats listed above were not exhibiting clinical signs of scrapie at the time of examination"~~. The health certificate shall indicate the sheep or goats were examined within ~~6030~~ days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed to infectious or communicable disease~~thereto~~.
- b) Any sheep or goats ~~that~~which show lesions of contagious ecthyma (sore mouth) or club lamb fungus disease (sheep ringworm) shall not be exhibited in the State and must be removed immediately from the exhibition area.
- c) All sheep or goats moving within Illinois must be officially identified to the herd or flock of birth except for: Illinois sheep or goats changing ownership for exhibition within the State must be accompanied by a official health certificate

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

~~issued within 30 days for change of ownership or 90 days for exhibition showing individual approved identification and including the following statement: "The sheep or goats listed above were not exhibiting clinical signs of scrapie at the time of examination."~~

- ~~1) Sheep or goats moving directly to an auction market or to a livestock dealer where they will be identified as necessary;~~
 - ~~2) Sheep under 18 months of age moving directly to slaughter that have not lambed or are not pregnant; or~~
 - ~~3) All goats moving directly to slaughter.~~
- ~~d) Illinois origin sheep or goats being exhibited in Illinois must be accompanied by an official Certificate of Veterinary Inspection, issued within 90 days prior to exhibition, showing official individual identification.~~
- ~~ed) Sheep or goats originating in Illinois from a herd or flock that has previously been classified as either an infected or source herd or flock cannot be exhibited in Illinois for one year from the date of completion of the approved herd/flock plan with a laboratory diagnosis of scrapie are not permitted to exhibit, unless they have been in the Voluntary Scrapie Flock Certification Program for at least three years.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 85.115 Salmonella enteritidis serotype enteritidis

- a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36 (~~20042003~~) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.
- b) All flocks found to be infected with Salmonella enteritidis serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for Salmonella enteritidis serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).
- c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

shall be the same as interstate movement requirements.

- d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:
- 1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;
 - 2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;
 - 3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. S. Enteritidis Monitored" for egg type birds and "U.S. S. Enteritidis Clean" for meat type birds under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147; ~~20042003~~);
 - 4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d); ~~20042003~~);
 - 5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;
 - 6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and
 - 7) Replacement poultry shall be from flocks that are classified "U.S. S. Enteritidis Monitored" or "U.S. S. Enteritidis Clean" under the National Poultry Improvement Plan and Auxiliary Provisions.
- e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:
- 1) Initial purchase price of each bird;
 - 2) Age of the bird and its egg production capabilities or value for producing

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

progeny; and

- 3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.
- f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 85.150 Importation of Animals; Permit Required

- a) All animals entering Illinois for the purpose of livestock production or exhibition must be accompanied by a permit from the Department and an official certificate of veterinary inspection or VS Form 9-2 or 9-3 in the case of poultry.
- b) The official certificate of veterinary inspection must:
 - 1) Be issued by an accredited veterinarian of the state of origin, by a veterinarian in the employ of the United States Department of Agriculture, or by a licensed veterinarian of the country of origin;
 - 2) Be approved by the animal health official of the state or country of origin;
 - 3) Show that the animals are free from visible evidence of contagious, infectious or communicable diseases; and
 - 4) Show the state or country of origin.
- c) Permits:
 - 1) Permits will be issued by telephoning or writing the Department.
 - 2) An applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor; and

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- C) Number and species of animals in shipment.
- 3) Grounds for refusal to issue a permit are:
- A) Violation of the Act or this Part; or
 - B) Presence of a disease that might endanger the Illinois livestock industry or pose a threat to public health.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Dead Animal Disposal Act
- 2) Code Citation: 8 Ill. Adm. Code 90
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
90.5	Amend
90.110	Amend
90.120	Amend
- 4) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]
- 5) A Complete Description of the Subjects and Issues Involved: Persons utilizing composters for the disposal of dead animals will be required to register the composter with the Department and allow inspection during normal working hours.

Cites to the Code of Federal Regulations are being updated to the 2004 edition.
- 6) Will this proposed rulemaking replace any emergency rulemaking in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, July 8, 2004 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Telephone: 217/785-5713

Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than July 2, 2004. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Persons operating composters for dead animal disposal
 - B) Reporting, bookkeeping or other procedures required for compliance: Composters will be required to register with the Department.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2004

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 90
ILLINOIS DEAD ANIMAL DISPOSAL ACT

Section

90.5	Definitions
90.10	Plant Facilities
90.20	Plant Premises
90.30	Annual Truck Permits (Repealed)
90.40	Truck Operator's Records (Repealed)
90.50	Odors and Insects Shall Be Controlled
90.60	Salmonella Control For Renderers and Blenders
90.70	Inspection of Premise (Repealed)
90.80	Identification of Receptacles
90.90	Records (Repealed)
90.100	Transportation and Transactions (Repealed)
90.105	Owner Transportation to Landfill
90.110	On-The-Farm Disposal
90.120	Collection Center
90.130	Disposal By Collection Center of Unusable Materials

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610].

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. 11773, effective July 8, 1992; amended at 18 Ill. Reg. 14917, effective September 26, 1994; amended at 20 Ill. Reg. 294, effective January 1, 1996; amended at 28 Ill. Reg. _____, effective _____.

Section 90.5 Definitions

For the purposes of this Part, the following definitions shall apply:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

"Compost" means the humus-like product of the process of composting waste, which may be used as a soil conditioner.

"Composting" means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

"Fish" means the bodies and parts of bodies of all animal aquatic life and the parts or waste of that aquatic life~~thereof~~.

"Poultry" means chickens, turkeys, domestic game birds, and domestic water fowl.

"Poultry litter" means a nitrogen source such as manure or cake (i.e., the wet, compact crust that forms around feeders and waterers or litter such as found in layer operations and slatted-floor breeders).

"Straw" or "bulking agent" means straw or any alternative carbon source including, but not limited to, corn stover, soybean pods and trash, hay, sawdust, grass clippings, rice and peanut hulls, tomatoes, peat moss, pomace of grapes, wood chips, bark, shredded brush, municipal sludge and leaves.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 90.110 On-The-Farm Disposal

Persons disposing of animals, poultry, fish, or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

- a) Disposal by Burning.
 - 1) No open burning will be permitted.
 - 2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5].
- b) Disposal by Burying.
 - 1) Burial shall be on the premises owned or operated by the owner of the dead animal.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- A) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - i) Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - ii) Dead Animals shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - B) Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.
 - C) No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every two years for burial purposes. There shall be no more than three site locations within a radius of 120 feet.
- 2) Burial depth shall be sufficient to provide at least a six-inch compacted soil cover over the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.
 - 3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.
 - 4) Lime or other chemical agent shall not be used to prevent decomposition.
 - 5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
 - 6) Disease and nuisance vectors are to be minimized and controlled.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 7) Final cover or settling shall be limited to a 5% or less slope differential from the normal gradient of its general surroundings.
- 8) Burial site locations shall be available for inspection by Department personnel during normal working hours.
- c) Disposal of poultry by composting. Persons disposing of poultry by means of composting shall comply with the following requirements:
 - 1) The composter shall meet the following criteria:
 - A) A roof shall cover the entire composting area.
 - B) An impervious, weight-bearing foundation such as concrete shall be used.
 - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
 - D) The composter shall consist of primary and secondary bins.
 - E) The size of the composter shall be based on the farm's projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.
 - 2) Composting shall comply with the following guidelines:
 - A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of poultry litter and 40 pounds of straw.
 - B) Layering shall be done in the following order, starting from the floor: (First layer) Straw, poultry litter, straw, birds, and poultry litter. Second and subsequent layers: straw, birds, and poultry litter.
 - C) A 36-inch probe-type thermometer shall be inserted daily into the pile to check the temperature. Within two to four days, the temperature should peak between 135°F. and 150°F.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment bin.
 - E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection ~~(c)(2)(E)~~, the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- 3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.
- d) Disposal of fish by composting. Persons disposing of fish by means of composting shall comply with the following requirements:
- 1) The composter shall meet the following criteria:
 - A) A roof shall cover the entire composting area.
 - B) An impervious, weight-bearing foundation such as concrete shall be used.
 - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
 - 2) The base layer shall meet the following criteria:
 - A) Use 6 to 12 inches thick of a bulking agent.
 - B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of compost material.
 - 3) Composting shall meet the following guidelines:
 - A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

bulking agent and shall be mixed prior to use in the composting layer. The mixing of the materials for the composting layer shall be done in a manner to prevent leakage (e.g., stock tank, bucket, mixing drum).

- B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12 inches.
 - C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.
 - D) Additions to the compost pile are done by adding new material to the end of the pile.
 - E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140°F. and 165°F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.
 - F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection, the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- e) Disposal of swine by composting. Persons disposing of swine by means of composting shall comply with the following requirements:
- 1) The composter shall be located entirely over impervious foundation materials.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- A) One of two foundations shall be used:
- i) impervious soil (permeability equal to or less than 1×10^{-7} cm/sec. as defined in Section 651.0703 "Geotechnical considerations in waste facility siting", Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6 inch base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - ii) an impervious, weight-bearing foundation such as concrete or asphalt.
- 2) Surface water shall be diverted away from the composter.
- 3) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
- A) Composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - B) Composter shall not be constructed within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
- 4) The composter shall consist of primary and secondary bins. The size of the composter shall be based on the farm's projected mortality rate of swine during any three-month period. The primary and secondary bins shall each contain a minimum of 10 square feet of composting area for each 1000 pounds of carcass to be composted.
- 5) The composter shall be constructed of permanent rot-resistant wall materials, such as preservative-treated wood, concrete, or precast concrete such as highway lane dividers. Each composter bin shall be three sides of a rectangle or square. One side of the bin shall be left open for loading, unloading and mixing the compost. In emergency situations, hay bales of 48 inches or greater in diameter may be used on a temporary basis in the

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

above configuration of side walls.

- 6) Composting shall comply with the following guidelines:
 - A) Sawdust shall be the primary carbon source material. Sawdust from treated wood products shall not be used in any composting processes under any circumstance. Other carbon source materials may be used for no more than ~~50~~⁵⁰ percent (by volume) of the total carbon source, with sawdust making up the remaining fraction. When more than one carbon source material is used, sawdust shall be distributed by mixing throughout the secondary carbon source materials. Other carbon source materials could include chopped straw or chopped corn cobs.
 - B) It is expected that sawdust will be required in the ratio of approximately one cubic foot of sawdust per ten pounds of carcass (3.7 cubic yards of sawdust per 1000 pounds of carcass). A supply of sawdust shall be stockpiled and maintained on the premises at all times when the composter is in operation.
 - C) Each compost bin shall have a layer of sawdust a minimum of 10 inches deep placed on the floor before the first carcass is placed in the bin. There shall be a minimum of 10 inches of sawdust between the carcass and each of the vertical walls of the bin. The carcass shall be covered with a minimum of 10 inches of sawdust. Sawdust shall be added to the pile as composting begins, daily or as frequently as needed to sustain a 10 inch cover of sawdust over all carcasses in the bin's uppermost layer.
 - D) A compost thermometer with a probe at least 36" long shall be obtained and used daily to measure the temperature of the compost in the middle of each bin. The compost temperature should reach 135 to 160°F. (57 to 71 C.) and be recorded daily. Compost temperature indicates microbial activity and stage of composting process. The composting process shall be managed in such a way that the heating and decomposition can proceed to completion. If aerobic composting does not begin with 7 days, i.e., if temperatures do not rise above 135°F., the compost pile shall be turned and moisture content of the sawdust adjusted to allow the process to proceed. Temperature records shall be available for

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

examination until the compost is disposed of as in subsection ~~(e)(6)(G) below~~.

- E) Sawdust and carcasses may be placed in the bin until the bin is full.
 - F) All compost from the primary bin shall be allowed to undergo a second composting phase as follows:
 - i) When the temperature surrounding the last carcass placed in the composter drops below 130°F. (typically up to three months after the last carcass addition), the compost in that bin shall be transferred to a second bin and allowed to reheat, through a second composting cycle. Moisture shall be added to the compost as needed to promote further composting activity.
 - ii) Compost shall remain in the second bin for the duration of the secondary composting cycle (typically three months). Temperature of the compost shall be measured using the compost thermometer to monitor the composting process.
 - G) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in the ratio of up to 50 percent finished compost to fresh sawdust. For the purpose of this subsection, the agronomic rate is the annual application rate of swine compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- f) Disposal of cattle, sheep, or goats by composting. Persons disposing of cattle, sheep or goats by means of composting shall comply with the following requirements:
- 1) Carcasses of those animals dying of suspect neurological causes shall not be composted.
 - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- A) Impervious soil (permeability equal to less than 1×10^7 cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6 inch base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - B) An impervious, weight-bearing foundation such as concrete or asphalt.
- 3) Surface water shall be diverted away from the composter.
- 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
- A) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - B) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - C) A composting site shall be located at least $\frac{1}{4}$ mile from the nearest occupied residence (other than a residence located on the same property as the facility).
- 5) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
- 6) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- 7) The size of the composter shall be based on the facility's greatest projected mortality rate of animals during any three-month period of the year.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 8) The composter bin minimum width dimension shall be large enough to allow placement of the largest carcass with at least one foot of space all around the carcass for carbon source material, or at least one foot greater than the width of the loader bucket used for turning the compost, whichever is larger.
- 9) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- 10) Records of carcass additions, composter operation and land application of finished compost shall be maintained on the premises.
- 11) Composting shall comply with the following guidelines:
 - A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended.
 - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
 - C) Finished compost from the carcass composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).
 - D) Each carcass placed on the floor of a primary bin shall be underlain with at least 12 inches of absorbent carbon source material.
 - E) Carcasses weighing more than 300 lb. shall be processed prior to covering with carbon source material. Processing may consist of, but is not limited to:
 - i) opening the abdominal cavity to facilitate contact of carbon source material and reduce distention of carcass with gases; and

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- ii) incising the large limb muscles to facilitate contact of carbon source material and thereby hasten composting.
- F) Each carcass placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
- G) Carcasses and carbon source material may be added to the primary bin until the bin is full.
- H) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically three months in the primary bin from the time the last carcass is placed in the bin and another three months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- I) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50 percent finished compost to fresh carbon source material. For the purpose of this subsection (f)(11)(I), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- g) Disposal of sheep and goat offal by composting. Persons disposing of sheep or goat offal by means of composting shall comply with the following requirements:
 - 1) Offal of those animals dying of suspect neurological causes shall not be composted.
 - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- A) Impervious soil (permeability equal to less than 1×10^7 cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1991). A 4 to 6 inch base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
- B) An impervious, weight-bearing foundation such as concrete or asphalt.
- 3) Surface water shall be diverted away from the composter.
- 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
- 5) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
- 6) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
- 7) A composting site shall be located at least $\frac{1}{4}$ mile from the nearest occupied residence (other than a residence located on the same property as the facility).
- 8) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
- 9) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- 10) The size of the composter shall be based on the greatest projected of fall rate from animals during any three-month period of the year.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 11) The composter bin minimum width dimension shall be at least one foot greater than the width of the loader bucket used for turning the compost.
- 12) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- 13) Records of offal additions, composter operation and land application of finished compost shall be maintained on the premises.
- 14) Composting shall comply with the following guidelines:
 - A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended.
 - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
 - C) Finished compost from the offal composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).
 - D) Offal placed on the floor of a primary bin shall be mixed in a 50/50 ratio to carbon source material and underlain with at least 12 inches of absorbent carbon source material.
 - E) Any offal placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
 - F) Offal and carbon source material may be added to the primary bin until the bin is full.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- G) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically three months in the primary bin from the time the last carcass is placed in the bin and another three months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- H) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50 percent finished compost to fresh carbon source material. For the purpose of this subsection (g)(14)(H), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 90.120 Collection Center

A collection center shall comply with the following requirements:

- a) The location of a collection center shall be in compliance with local zoning ordinances before the Department will issue a license.
- b) The collection center shall be covered by a metal roof or other permanent type structure. The building shall be equipped with louver-type ventilators which are so screened as to prevent rodents and other animals, birds, flies, and insects from entering.
- c) Hot water or steam shall be provided to thoroughly clean the collection center premises.
- d) The collection center equipment and premises shall be disinfected with a product approved by the United States Department of Agriculture (9 CFR 71.10 (20041995)). Incorporation by reference does not include any amendments or editions beyond the date specified and may be viewed and/or copied at the

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Department's Springfield office.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Internal Investigations
- 2) Code Citation: 20 Ill. Adm. Code 112
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
112.10	Amended
112.12	New
112.15	New
112.30	Amended
112.35	Amended
112.37	New
112.40	Amended
- 4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections (730 ILCS 5/3-2-2 and 5/3-7-1).
- 5) A Complete Description of the Subjects and Issues Involved: To comply with PA 93-206 [705 ILCS 405/5-401.5 and 725 ILCS 5/103-2.1], a new Interrogations Section has been added to require electronic recording of interrogations of individuals suspected of committing specific offenses. Additionally, due to organizational changes and for clarification purposes, rules are being amended. Specifically, Definitions and Responsibilities Sections have been added and the more generic term “offender” is being used instead of “committed person” throughout the rules.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period that commences on the issue date of this publication of the *Illinois Register* to:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Beth Kiel, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Phone: (217) 522-2666, extension 6511

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was not anticipated at the time the agenda was published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER a: ADMINISTRATION AND RULESPART 112
INTERNAL INVESTIGATIONS

Section

112.10	Applicability
<u>112.12</u>	<u>Definitions</u>
<u>112.15</u>	<u>Responsibilities</u>
112.20	Investigation of Incidents (Renumbered)
112.30	Reporting of Incidents
112.35	Investigation of Incidents
<u>112.37</u>	<u>Interrogations</u>
112.40	Polygraph Examinations
112.50	Referral for Prosecution

AUTHORITY: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].

SOURCE: Adopted at 8 Ill. Reg. 14502, effective August 1, 1984; amended at 10 Ill. Reg. 12570, effective August 1, 1986; amended at 28 Ill. Reg. _____, effective _____.

Section 112.10 Applicability

This Part applies to all offices and divisions within and bureaus of the Department.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 112.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Electronic Recording" means creating an audio or video record by means such as

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

motion picture, audiotape, videotape, or digital recording.

"Interrogation" means an interview during which a question is asked that is reasonably likely to elicit an incriminating response.

"Offender" means a person committed to the Department or to the custody of the Department.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 112.15 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 112.30 Reporting of Incidents

- a) Each employee shall completely and accurately document any unusual incident ~~that~~which he or she observes or ~~that~~which is reported to him or her, including any:
- 1) Serious disturbance;
 - 2) Physical or sexual assault or use of force;
 - 3) Death, suicide, or suicide attempt;
 - 4) Major loss or damage to property;
 - 5) Fire;

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 6) Use or discharge of a weapon;
 - 7) Use of chemical agents; and
 - 8) Other incidents as determined by the Chief Administrative Officer.
- b) The employee shall promptly prepare the Incident Report and forward the report ~~shall be forwarded~~ to the Director ~~or his designee~~.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 112.35 Investigation of Incidents

- a) All unusual incidents, suspected violations of criminal law, or serious violations of departmental rules shall be investigated as determined necessary by the Director ~~or his designee~~.
- b) Employees shall be required to cooperate with all investigations. Employees ~~shall~~ may be required to truthfully respond to questions related to their employment or ability to perform their job duties. Failure to do so shall be grounds for discipline, including discharge.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 112.37 Interrogations

- a) In accordance with 705 ILCS 405/5-401.5 and 725 ILCS 5/103-2.1, interrogation of individuals suspected of committing the offenses under 720 ILCS 5/9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, and 9-3.3 (first degree murder, intentional homicide of an unborn child, second degree murder, voluntary manslaughter of an unborn child, involuntary manslaughter and reckless homicide, involuntary manslaughter and reckless homicide of an unborn child, and drug-induced homicide) shall be electronically recorded.
- b) Video taping of minors and adults shall be done during an interrogation when a reasonable person in the subject's position would consider himself or herself to be in custody or when a question is asked that is reasonably likely to elicit an incriminating response.
- c) All electronic recordings shall:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Be accurate and not altered;
- 2) Be preserved until the conviction or adjudication is final and all appeals are exhausted, or prosecution is barred by law;
- 3) Be confidential and exempt from public inspection and copying as provided by the Freedom of Information Act [5 ILCS 140];
- 4) Be secured in a designated area and made part of the investigative file.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 112.40 Polygraph Examinations

- a) Polygraph examinations may be administered as approved by the Director, ~~or his designee.~~
- b) The employee or ~~offendereommitted person~~ asked to submit to a polygraph examination shall be informed of the nature of the incident being investigated and his ~~or her~~ alleged involvement or knowledge of the incident. An employee or ~~an offendera-ommitted person~~ who refuses to take such an examination may not be disciplined for refusing to do so.
- c) The scope of the examination shall be limited to matters related to the incident under investigation.
- d) The employee or ~~offendereommitted person~~ shall be advised that the results of the examination will be made known to him ~~or her~~ upon receipt of the results by the correctional or employing facility and that he ~~or she~~ may, upon review of the results, submit a written request for a copy of the results to the Division of Investigations and Intelligence. ~~Bureau of Inspections and Audits.~~ A copy of the results shall be provided within five days ~~after~~ receipt of the written request.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Closed Maximum Security Facility
- 2) Code Citation: 20 Ill. Adm. Code 505
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
505.10	Amend
505.15	Amend
505.20	Amend
505.30	Amend
505.40	Amend
505.60	Amend
505.70	Amend
505.80	Amend
505.90	Amend
- 4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].
- 5) A Complete Description of the Subjects and Issues Involved: Due to organizational changes and for clarification purposes, rules are being amended. Specifically, Administrator titles are being updated; the approval levels for releasing offenders from Tamms is being changed to the Director; and the more generic term “offender” is being used instead of “committed person” throughout the rules.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain any incorporation by reference? No.
- 9) Are there any other rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period that commences on the issue date of this publication of the *Illinois Register* to:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

Beth Kiel, Rules Coordinator
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Phone: (217) 522-2666, extension 6511

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was not anticipated at the time the agenda was published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONSPART 505
CLOSED MAXIMUM SECURITY FACILITY

Section

505.10	Applicability
505.15	Responsibilities
505.20	Definitions
505.30	Facility Designation
505.40	Placement at the Tamms Correctional Center
505.50	Transfer Review Committee
505.60	Transfer Review Hearing
505.70	Review of Administrative Detention Status
505.80	Rights and Privileges
505.90	Personal Property
505.100	Commissary
505.110	Smoking and Tobacco Products

AUTHORITY: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].

SOURCE: Adopted at 22 Ill. Reg. 1199, effective January 1, 1998; amended at 28 Ill. Reg. _____, effective _____.

Section 505.10 Applicability

This Part applies to the adult correctional facilities within~~Adult Division of~~ the Department of Corrections.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.15 Responsibilities

- a) Unless otherwise specified, the Director, Deputy Director, ~~Assistant Deputy Director,~~ or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

perform the duties specified.

- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Deputy Director, ~~Assistant Deputy Director~~, or Chief Administrative Officer shall personally perform the duties. However, the Director, Deputy Director, ~~Assistant Deputy Director~~, or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.20 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Closed maximum security facility" means a facility ~~that~~which houses only those ~~offenderseommittee persons~~ who are classified as maximum security and who present a threat to the safety or security of a correctional facility, the public, or any person and in which movement and privileges are limited.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Working days" means Monday through Friday, excluding State holidays.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.30 Facility Designation

The Tamms Correctional Center is designated a closed maximum security facility. The Tamms Correctional Center shall house only those ~~offenderseommitted persons~~ who are classified as maximum security and who are in disciplinary segregation or administrative detention, as defined in 20 Ill. Adm. Code 504.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.40 Placement at the Tamms Correctional Center

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- a) ~~An offender~~~~A committed person~~ may be assigned to the Tamms Correctional Center if the ~~offendereommitted person~~ is in disciplinary segregation or is in or is being recommended for placement in administrative detention and the transfer is approved by the ~~respective~~ Deputy Director ~~or the appropriate Assistant Deputy Director of the Adult Division~~.
- b) Among other matters, ~~an offender~~~~a committed person~~ who the Department has determined has engaged in the following activities or who may be planning to engage in these activities may be referred for placement in the Tamms Correctional Center:
- 1) Escaping or attempting to escape;
 - 2) Assaulting staff, inmates, or other persons ~~that~~~~which~~ caused death or serious bodily injury;
 - 3) Engaging in dangerous disturbances;
 - 4) Having influence in activities of a ~~security threat group~~~~gang~~ or other unauthorized organization;
 - 5) Engaging in non-consensual sexual conduct; or
 - 6) Possessing weapons.
- c) The transfer request may be either written or verbal with confirmation in writing. The written request, signed by the Chief Administrative Officer, shall include the recommendation and reasons for the request and shall be submitted to the ~~respective~~~~appropriate Assistant~~ Deputy Director for approval. Approval by the ~~Assistant~~ Deputy Director shall result in the ~~offendereommitted person~~ being classified as maximum security and those ~~offenderseommitted persons~~ who are in general population shall be placed in administrative detention.
- d) Placement in the Tamms Correctional Center shall be based upon the following considerations, including but not limited to:
- 1) The safety and security of the facility, the public, or any person;
 - 2) The ~~offender's~~~~ommitted person's~~ disciplinary and behavioral history;

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 3) Reports and recommendations concerning the ~~offender~~~~committed person~~;
 - 4) The feasibility of a transfer to another facility;
 - 5) Medical concerns; and
 - 6) Mental health concerns.
- e) ~~Offenders~~~~Committed persons~~ who are transferred to the Tamms Correctional Center who are not in disciplinary segregation at the time of the transfer and ~~offender~~~~se~~~~committed persons~~ who complete their term of disciplinary segregation while at the Tamms Correctional Center shall be provided a hearing before the Transfer Review Committee in accordance with Section 505.60 to determine whether they should remain in administrative detention at the Tamms Correctional Center.

Section 505.60 Transfer Review Hearing

- a) Whenever possible, a transfer review hearing shall be conducted within ten working days ~~after of an offender's~~~~a committed person's~~ placement in the Tamms Correctional Center or expiration of the ~~offender's~~~~committed person's~~ term of disciplinary segregation.
- b) The ~~offender~~~~committed person~~ shall be afforded the opportunity to appear at the hearing, to make statements relevant to his or her placement in the Tamms Correctional Center, and to present relevant documents. The ~~offender~~~~committed person~~ may also request that the Committee interview persons with relevant information.
- c) In determining whether to continue placement in administrative detention in the Tamms Correctional Center, the Committee may consider, among other matters, the factors set forth in Section 505.40(d).
- d) The Committee shall make recommendations to the Chief Administrative Officer of the Tamms Correctional Center. The Chief Administrative Officer shall approve or disapprove the Committee's recommendations and shall submit his or her recommendation to ~~the Director for a final decision~~~~the appropriate Assistant Deputy Director for a final decision~~. The ~~offender~~~~committed person~~ shall be informed in writing of the final decision.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.70 Review of Administrative Detention Status

- a) The Transfer Review Committee shall review the record of each ~~offendereommitted person~~ in administrative detention at the Tamms Correctional Center every 90 days to determine whether continued placement is appropriate.
- 1) The ~~offendereommitted person~~ need not be interviewed during these reviews.
 - 2) The Committee shall make written recommendations to the Chief Administrative Officer.
 - 3) If the Chief Administrative Officer recommends the ~~offendereommitted person~~ be transferred, a hearing shall be conducted in accordance with Section 505.60 to determine whether continued placement in administrative detention in the Tamms Correctional Center is appropriate ~~the recommendation shall be forwarded to the appropriate Assistant Deputy Director for final approval.~~
- b) A hearing shall be held every year in accordance with Section 505.60 to determine whether continued placement in administrative detention in the Tamms Correctional Center is appropriate.
- c) Other reviews set forth under 20 Ill. Adm. Code 504.660 shall not apply to ~~offendereommitted persons~~ in administrative detention at the Tamms Correctional Center.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.80 Rights and Privileges

~~OffendersCommitted persons~~ assigned to the Tamms Correctional Center shall have the rights and privileges outlined in 20 Ill. Adm. Code 525 except as provided herein.

- a) Telephone
Use of the telephone shall be prohibited except as required by law, for legal phone calls, or as approved by the Chief Administrative Officer in an emergency.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- b) Visits
- 1) Except for legal visits, persons wishing to visit ~~an offender must~~ ~~committed person should~~ submit a request sufficiently in advance to the Chief Administrative Officer of the Tamms Correctional Center. Visits must be approved in advance by the Chief Administrative Officer.
 - 2) All visits shall be non-contact.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 505.90 Personal Property

~~Offenders~~~~Committed persons~~ assigned to the Tamms Correctional Center shall have the rights and privileges outlined in 20 Ill. Adm. Code 535 except as provided in this Section~~herein~~.

- a) ~~Offenders~~~~Committed persons~~ in administrative detention may possess audiovisual property in accordance with institutional status as approved by the Chief Administrative Officer. ~~Offenders~~~~Committed persons~~ confined in disciplinary segregation shall have no audiovisual property for recreational purposes.
- b) The ~~offender's~~~~committed person's~~ property, excluding legal materials and a television, shall be limited to items ~~that~~~~which~~ may be properly stored in a Department issued personal property storage box.
- c) Legal materials must be properly stored in the Department issued personal property box or in an additional Department issued storage box provided for legal materials.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing of Radon Detection and Mitigation Services
- 2) Code Citation: 32 Ill. Adm. Code 422
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
422.15	New
422.20	Amendment
422.30	Amendment
422.40	Amendment
422.45	Amendment
422.50	Amendment
422.60	Amendment
422.70	Amendment
422.80	Amendment
422.85	Amendment
422.90	Amendment
422.100	Amendment
422.110	Amendment
422.120	Amendment
422.130	Amendment
422.140	Amendment
422.150	Amendment
APPENDIX A	Amendment
APPENDIX B	Amendment
APPENDIX C	Amendment
APPENDIX D	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44].
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this amendment: (a) by adding a new Section 422.15 incorporation by reference; (b) in Section 422.20, by changing several definitions and adding new terms to provide clarification to the regulated community; (c) in Section 422.70, by adding a provision that radon measurement and mitigation licenses shall have a location where records are maintained for inspection that is in Illinois or within 50 miles of the Illinois border; (d) in Section 422.80(a), by changing the continuing education requirements for Radon Professionals and Radon Technicians; (This change will ensure that the quality of service performed by Radon Technicians will be improved and the increase in training will match core training of Radon Professionals.) (e) in Section 422.85(a), by deleting the 2

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

year approval period for training programs; (f) in Section 422.90(a), by deleting the licensing time frame from the Part; (g) In Section 422.100(a), by changing the fees to an annual fee; (h) in Section 422.110(c), by revising the requirement that non-conformance reports be submitted to the Agency; and (i) in Section 422.140, by revising the device protocol to include the requirements for quality controls so applicants and licensees have them available for inspection.

- 6) Will this rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Laura Stolpman
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities or not for profit corporations affected: The Agency believes that this rulemaking will have no direct impact on any small businesses, small municipalities or not for profit corporations.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2002

The full text of the Proposed Amendments begins on the next page:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 422

LICENSING OF RADON DETECTION AND MITIGATION SERVICES

Section	
422.10	Purpose and Scope
<u>422.15</u>	<u>Incorporations by Reference</u>
422.20	Definitions
422.30	Exemptions from <u>Requirements for a License</u> License
422.40	Categories of Licenses
422.45	<u>Form, Location and Retention of Records</u> Practice by Out-of-State Licensees
422.50	Application for Licenses
422.60	Requirements for Issuance or Renewal of Licenses
422.70	Conditions of <u>Licenses</u> License
422.80	Continuing Education Requirements
422.85	<u>Agency</u> Department Approval of Radon Courses
422.90	<u>Renewal and Termination of Licenses</u> Implementation
422.100	<u>License</u> Fees
422.110	Reports to the <u>Agency</u> Department
422.120	<u>Disciplinary Action by the Agency</u> Suspension and Revocation of License
422.130	Measurement Protocol
422.140	Device Protocol
422.150	Mitigation Standard
422.APPENDIX A	Recommended Testing Strategy for Home Environment Measurements (<u>Buildings</u> Not Involved in a Real Estate Transaction)
422.APPENDIX B	Recommended Testing Strategy for <u>Measurements in Buildings Involved in</u> Real Estate Transactions
422.APPENDIX C	Radon and Radon Decay Product Measurement Method Categories
422.APPENDIX D	Sample Notice

AUTHORITY: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44].

SOURCE: Emergency rule adopted at 21 Ill. Reg. 1568, effective January 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 10499, effective June 1, 1998; recodified from the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 28 Ill. Reg. _____, effective _____.

Section 422.15 Incorporations by Reference

- a) All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois.
- b) In addition, copies of ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories Compliance may be obtained through the American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018 and directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Source: Added at 28 Ill. Reg. _____, effective _____)

Section 422.20 Definitions

As used in this Part:

"Act" means the Radon Industry Licensing Act [420 ILCS 44].

"Active Soil Depressurization" or "ASD" means a family of radon mitigation systems involving mechanically driven soil depressurization, including sub-slab depressurization (SSD), drain tile depressurization (DTD), block wall depressurization (BWD), and sub-membrane depressurization (SMD).

"Agency" means the Illinois Emergency Management Agency (IEMA).

"Altering" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design.

"Backdrafting" means a condition where the normal movement of combustion products up a flue, resulting from the buoyant forces on the hot gases, is reversed, so that the combustion products can enter the house. Backdrafting of combustion

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

appliances (such as fireplaces and furnaces) can occur when depressurization in the house overwhelms the buoyant force on the hot gases. Backdrafting can also be caused by high air pressures or blockage at the chimney or flue termination.

"Backer Rod" means a semi-rigid foam material resembling a rope of various diameters used to fill around pipes, etc., and to assist in making a sealed penetration. For example, where a pipe is inserted through a concrete slab, a length of backer rod is jammed into the opening around the pipe. Caulking is then applied to the space above the backer rod and between the outside of the pipe and the slab opening. The purpose of the backer rod is to hold the semi-fluid caulk in place until it sets or hardens. It is most important that a sealant only adhere to the two sides of the joint and not the base of the joint (third side). Adhesion to all three sides will prevent the sealant from elongating properly and will cause sealant failure.

"Block Wall Depressurization" means a radon mitigation technique that depressurizes the void network within a block wall foundation by drawing air from inside the wall and venting it to the outside.

"Category I CE Credits" means those continuing education credits received for documented successful completion of [Agency](#)-approved CE courses or for instructing an approved CE course.

"Category II CE Credits" means those continuing education credits received for documented participation in approved professional meetings, seminars and conferences.

"Client" means any person who contracts for measurement or mitigation services.

"Combination Foundations" means buildings constructed with more than one foundation type, e.g., basement/crawlspace or basement/slab-on-grade.

"Communication Test" means a diagnostic test designed to qualitatively measure the ability of a suction field and air flow to extend through the material beneath a concrete slab floor and thus evaluate the potential effectiveness of a sub-slab depressurization system. This qualitative test is commonly conducted by applying suction on a centrally located hole drilled through the concrete slab and simultaneously observing the movement of smoke downward into small holes drilled in the slab at locations separated from the central suction hole. (See also Pressure Field Extension.)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Crawlspace Depressurization" means a radon control technique designed to achieve lower air pressure in the crawlspace relative to indoor air pressure by use of a fan-powered vent drawing air from within the crawlspace. (See also Mechanically Ventilated Crawlspace System.)

~~"Department" means the Illinois Department of Nuclear Safety.~~

"Diagnostic Tests" means procedures used to identify or characterize conditions within buildings that may contribute to radon entry or elevated radon levels or may provide information regarding the performance of a mitigation system.

"Drain Tile Depressurization" or "DTD" means a type of active soil depressurization system where the suction point piping attaches to a drain tile or is located in the gas-permeable material near the drain tile. The drain tile may be inside or outside the footings of the building.

"Drain Tile Loop" means a continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawlspace footing.

"Dwelling" means a single family home or a single unit within a multiple family complex.

"Eave" means the border of a roof that overhangs any wall. Eave includes any portion of a gable.

"Footprint" means each foundation type in direct contact with soil.

"Foundation type" means basement, crawlspace, slab-on-grade or any other construction technique approved by local building code.

"Government Entity" means the State, a State agency, a political subdivision, or any entity of local government.

"Individual" means any human being.

"Interfere" means *to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment*

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

or an indoor radon mitigation system installation or operation. [420 ILCS 44/15]

"Laboratory" means any organization that: analyzes or calibrates radon or radon progeny measurement devices or detectors, and produces an analysis report as from continuous radon (CR) or working level monitors (CW), the grab activated charcoal (GC) method, scintillation cells (GS), or the grab working level (GW) method;

~~analyzes and produces an analysis report as from alpha track detectors (AT), activated charcoal absorbers (AC), charcoal liquid scintillation devices (LS), pump collapsible bag devices (PB), radon progeny integrated sampling units (RP) and unfiltered track detectors (UT); or~~

~~exposes radon measurement devices to known radon concentrations, as in a radon chamber.~~

"Laboratory Analysis" means *the act of analyzing the determining radon or radon progeny concentrations within air, water, soil, or passive radon testing devices, the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service.* [420 ILCS 44/15]

AGENCY NOTE: Use of an electret for measuring radon or radon progeny is not considered laboratory analysis. Electret system calibration is considered laboratory analysis.

"Living Area" means any area in a building that is, or could be, adapted for human habitation whether the area is located in a basement, over a crawlspace, or situated on a slab-on-grade.

"Measurement" means any radon or radon progeny tests, laboratory analysis, or exposure in a known radon or radon progeny environment, as in a radon calibration chamber.

"Mechanically Ventilated Crawlspace System" means a radon control technique designed to increase ventilation within a crawlspace, achieve higher air pressure in the crawlspace relative to air pressure in the soil beneath the crawlspace, or achieve lower air pressure in the crawlspace relative to air pressure in the living spaces, by use of a fan. (See also Crawlspace Depressurization.)

"Mitigation" means *the act of repairing or altering a building or building design*

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere. [420 ILCS 44/15]

"Mitigation System" means any system or steps designed to reduce radon concentrations in the indoor air of a building.

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

"Passive New Construction System" means a system installed in new construction that relies solely on the convective flow of air upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to at least 12 inches above the roof.

"Passive Monitor" means a measurement tool that does not require external power or batteries to operate, such as charcoal detectors or alpha track detectors.

"Perimeter Channel Drain" means a system for collecting water in a basement by means of a large gap or channel between the concrete floor and the wall. Collected water may flow to aggregate beneath the slot ("French Drain") or to a sump where it can be drained or pumped away.

"Person" means an entity including, but not limited to, an individual, company, corporation, firm, group, association, partnership, joint venture, trust, or government agency or subdivision. [420 ILCS 44/15]

"Picocurie per Liter (pCi/L)" means 2.2 disintegrations per minute of radioactive material per liter of air.

"Pressure Field Extension" means the distance that a pressure change is induced in the sub-slab area, measured from a single or multiple suction points. (See also Communication Test.)

"Radon (Radon Decay Products)" means a *gaseous radioactive decay product of uranium or thorium.* [420 ILCS 44/15]

"Radon Chamber" means a facility that exposes radon measurement devices or detectors to known radon concentrations.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

"Radon Contractor" or "Contractor" means a *person licensed to perform radon or radon progeny mitigation or to perform ~~radon~~ measurements ~~of to detect~~ radon or radon progeny in an indoor atmosphere.* [420 ILCS 44/15]

"Radon Progeny" means any *combination of the radioactive decay products of radon.* [420 ILCS 44/15]

"Real Estate Testing" means short-term measurements that may be requested by a party not residing in the dwelling and that are performed in, or as a result of, or in expectation of, a real estate transaction and are time-limited due to this transaction.

"Re-Entrainment" means the unintended re-entry into a building of radon that is being exhausted from the vent of a radon mitigation system.

"Research" means ~~Agency~~~~Department~~-approved scientific investigation by testing and/or mitigating for radon or radon progeny.

"Sealing and Caulking" means to plug and make tight to reduce the passage of gas. Sealing and caulking enhances radon reduction techniques; however, sealing and caulking alone has not been shown to lower radon levels significantly or consistently.

"Skeletal New Construction System" means a system installed in new construction that is designed for the installation of a vent fan and may consist of multiple vent pipes, including vertical and angled runs not necessarily routed through conditioned space, that may be joined to a single termination above the roof or may terminate separately above the roof.

"Soil Gas" means the gas mixture present in soil which may contain radon.

"Soil Gas Retarder" means a continuous membrane or other comparable material used to retard the flow of soil gases into a building.

"Stack Effect" means the overall upward movement of air inside a building that results from heated air rising and escaping through openings in the building envelope, thus causing indoor air pressure in the lower portions of a building to be lower than the pressure in the soil beneath or surrounding the building foundation.

"Sub-Membrane Depressurization (SMD)" means a radon control technique

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

designed to achieve lower air pressure in the space under a soil gas retarder membrane laid on the crawlspace floor, relative to air pressure in the crawlspace, by use of a fan-powered vent drawing air from beneath the membrane.

"Sub-Slab Depressurization (SSD)(Active)" means a radon control technique designed to achieve lower sub-slab pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the concrete slab.

"Sub-Slab Depressurization (SSD) (Passive)" means a radon control technique designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe (without a fan) routed through the conditioned space of a building and connecting the sub-slab area to the outdoor air. This system relies primarily on the convective flow of warmed air upward in the vent to draw air from beneath the concrete slab.

"Suitable for Occupancy" means a structural area in a home currently lived in or an area not currently used for occupancy, such as a basement, that an occupant or homeowner could use for living space without renovations. This includes an unfinished basement that could be used regularly as, for example, a recreation room, playroom, exercise room or workshop.

"USEPA" means the United States Environmental Protection Agency.

"Working Level" ~~(or "WL")~~ means any combination of short-lived radon progeny in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon progeny ~~are~~ for radon-222 ~~are~~; polonium-218, lead-214, bismuth-214 and polonium-214.

"Working Level Month" ~~or "(WLM)"~~ means a unit of exposure used to express the accumulated human exposure to radon decay products. It is calculated by multiplying the average working level to which a person has been exposed by the number of hours exposed and dividing the product by 170.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.30 Exemptions from Requirements for a License~~Licensure~~

The ~~Agency~~~~Department~~ shall, upon application therefor, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety. The following persons are exempt from the licensing

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

requirements of this Part.

- a) A person performing radon ~~measurementstests~~ or mitigation on a dwelling in which the person resides.
- b) A person temporarily practicing in Illinois who possesses a license granted by another state's regulatory authority which is recognized by this State under principles of mutual reciprocity ~~as described in Section 422.45 of this Part.~~
- c) Retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that do not perform laboratory analysis, measurement or mitigation services.
- d) Persons who do not perform radon measurements or mitigation, but who are employed for the purpose of disseminating beneficial information to the public for agencies that the USEPA considers to be partners in providing accurate radon information to the public, such as educational institutions, the American Lung Association, the National Safety Council, and the National Association of City and County Governments and State and local public health officials who ~~disseminate radon measurement devices to the public perform radon screening services without charge to the recipient of the service.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.40 Categories of Licenses

- a) The following types of licenses are issued by the ~~Agency~~Department to individuals:
 - 1) Radon Measurement Professional license;
 - 2) Radon Measurement Technician license;
 - 3) Radon Mitigation Professional license; and
 - 4) Radon Mitigation Technician license.
- b) The ~~Agency~~Department also issues licenses to persons performing radon-related laboratory analysis.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.45 Form, Location and Retention of Records~~Practice by Out-of-State Licensees~~

- a) Each record required by this Part and other applicable Parts of Title 32 shall be legible throughout the specific retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of reproducing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate and complete records during the required retention period. Records such as letters, drawings and specifications shall include all pertinent information, stamps, initials and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.~~A person that holds a valid license issued by a reciprocating state authorizing practice for radon measurement or mitigation, or both, under the laws of that state may practice, in accordance with the license issued by the reciprocating state, radon measurement or mitigation, or both, in Illinois without licensing under this Part for not more than 90 days in any calendar year.~~
- b) Each licensee shall maintain copies of records required by this Part and other applicable Parts of Title 32 at the locations specified in Section 422.50(i) of this Part.~~A person licensed to perform radon measurement or mitigation, or both, by a reciprocating state shall notify the Department in writing at least three days prior to engaging in radon or radon progeny measurement or mitigation, or both, within Illinois.~~
- c) Records required by this Part or other Parts of Title 32, including but not limited to records of radon measurements, mitigations, quality assurance programs, calibration measurements, equipment repairs and worker protection plans, shall be retained by the licensee for at least 5 years or the length of time of any warranty or guarantees, whichever is longer.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.50 Application for Licenses

- a) Any person applying to the Agency~~Department~~ for a new license or a renewal of a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

license to perform radon-related measurement, mitigation or laboratory analysis services shall:

- 1) Submit a complete and legible application form;
 - 2) Pay the appropriate non-refundable fee prescribed in Section 422.100 of this Part; and
 - 3) Meet the licensing requirements, as applicable, and as set forth in Section 422.60 of this Part.
- b) Any ~~individual or~~ person who anticipates conducting radon-related measurement, mitigation, or laboratory analysis services shall receive the license prior to providing such services in Illinois. file a complete application for licensure with the Department a minimum of 30 days prior to the anticipated starting date of the activities.
- c) The ~~Agency~~Department may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the ~~Agency~~Department to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.
- d) An application for renewal of a license shall be submitted at least 30 days prior to the expiration date of the license. An application shall be deemed filed on the date that it is received by the ~~Agency~~Department ~~or on the date that it is postmarked by the United States Postal Service.~~
~~AGENCY NOTE: The Department shall accept as the filing date for an application that is received by mail the date that it is postmarked by the United States Postal Service. If an application is received by the Department in any other manner, the filing date of that application will be the date it is received by the Department.~~
- e) The application for renewal shall demonstrate~~Licenses issued pursuant to this Part may be renewed by the Department every 2 years upon demonstration of~~ successful completion of continuing education requirements as specified in Section 422.80 of this Part, as applicable, satisfactory inspection or audit results, submittal of a complete and accurate ~~renewal~~ application form for renewal, and the payment of the appropriate fee as specified in Section 422.100 of this Part. ~~The renewal application shall be submitted in the same form as the initial~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~application.~~

- f) The ~~AgencyDepartment~~ shall deny a license to any person if the ~~AgencyDepartment~~ has evidence that the applicant has engaged in any of the acts listed in Section 422.120 of this Part unless the condition listed in Section 422.120 of this Part no longer exists and the applicant submits documentation that the applicant satisfies the requirements of Section 422.120 of this Part.
- g) *The ~~AgencyDepartment~~ shall deny an original or renewal license to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission. However, the ~~AgencyDepartment~~ may issue an original or renewal license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.* [420 ILCS 44/45]
- h) The ~~AgencyDepartment~~ shall refuse to issue or renew a ~~license~~~~licensure~~ to any individual if the ~~AgencyDepartment~~ has received evidence from the Department of Public Aid that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65(c).
- i) The person applying for a license or renewal of a license shall specify, for Agency approval, a location where records required by this Part and other applicable Parts of Title 32 shall be maintained for inspection by the Agency.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.60 Requirements for Issuance or Renewal of Licenses

- a) The ~~AgencyDepartment~~ shall issue a Radon Measurement Professional license to any individual who fulfills the following requirements:
- 1) Is at least 18 years of age.
 - 2) Provides evidence of relevant work experience and education that meets any one of the following criteria:
 - A) ~~At least 4 years of radiological safety, environmental sampling, or industrial hygiene experience;~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Documented work history approved by the AgencyDepartment demonstrating completion of 50 radon measurements; or
- ~~BC)~~ No experience. A new license~~six-month probationary period~~ performance audit will be performed by the AgencyDepartment.
- 3) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the AgencyDepartment.
- 4) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the AgencyDepartment.
- 5) Submits a complete and accurate application form prescribed by the AgencyDepartment that includes:
 - A) A description of all types of indoor radon measurements performed and any other related services offered;
 - B) A description of all measurement devices the applicant or licensee plans to use;
 - C) A worker protection program description acceptable to the AgencyDepartment that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny concentrations in the work area ~~procedures to keep radiation exposures to workers as low as reasonably achievable~~; and
 - D) A quality assurance program description acceptable to the AgencyDepartment that includes, but is not limited to:
 - i) A policy statement committing to provide quality work; ~~signed and dated by the applicant~~;
 - ii) A description of management and structure of the organization;
 - iii) A listing of Requirements for personnel, their qualifications ~~qualification~~ and training;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~iv~~iii) Procedures for procurement of items and services;
- ~~v~~iv) Procedures for maintaining documents and records;
- ~~vi~~v) A description of relevant computer hardware and software;
- ~~vii~~) A planning process for radon and radon progeny services;
- ~~viii~~) Procedures for calibration and testing of instruments; ~~and~~
- ~~ix~~) A corrective action program; and
- ~~x~~vi) Standard operating procedures.

AGENCY NOTE: Professional licensees shall submit standard operating procedures for the performance of School and Commercial Measurements unless the business will be limited to homes.

- 6) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.
- b) The ~~Agency~~Department shall issue a Radon Measurement Technician license to any individual authorizing work under the general supervision of a Radon Measurement Professional licensee, if the applicant meets the following requirements:
 - 1) Is at least 18 years of age.
 - 2) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the ~~Agency~~Department.
 - 3) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the ~~Agency~~Department.
 - 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirement in Section 422.80 of this Part.
- c) The ~~Agency~~Department shall issue a Radon Mitigation Professional license to any

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

individual who fulfills the following requirements:

- 1) Is at least 18 years of age.
- 2) Provides evidence of relevant work experience and education ~~that~~the meets any of the following criteria:
 - A) At least 4 years of design and construction of buildings, or associated Heating, Ventilation and Air Conditioning (HVAC) heating, ventilation and air conditioning systems, or closely related activities approved by the AgencyDepartment; ~~or~~
 - B) Documented work history approved by the AgencyDepartment demonstrating completion of 50 radon mitigation installations; ~~or~~
 - C) No experience. A new license performance audit will be performed by the Agency.
- 3) Provides proof of successful completion of the USEPA Radon Mitigation Course, or an equivalent indoor radon and radon progeny mitigation course approved by the AgencyDepartment.
- 4) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent mitigation examination approved by the AgencyDepartment.
- 5) Submits a complete and accurate application form prescribed by the AgencyDepartment that includes:
 - A) A description of all diagnostic tests that may be performed to determine the mitigation strategy and any other radon related services offered;
 - B) A description of all mitigation system designs or strategies offered. Materials and design controls shall be included in the professional licensees' quality assurance program description;
 - C) A worker protection program description acceptable to the AgencyDepartment, to be followed when performing mitigation installations, that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny concentrations in the work

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

area.:

- ~~i) Procedures to keep radiation exposure to workers as low as reasonably achievable;~~
- ~~ii) Methods to follow to reduce or minimize the radon or radon progeny concentrations in the work area;~~
- ~~iii) Methods to ensure appropriate safety equipment such as hard hats, face shields, ear protection, steel-toed boots and protective gloves are available on the job site during cutting, drilling, grinding, polishing, demolishing or other activities associated with radon mitigation projects;~~
- ~~iv) Methods to ensure all electrical equipment used during radon mitigation projects is properly grounded and that any circuit used as a power source is protected by Ground Fault Circuit Interrupters (GFCI);~~
- ~~v) Methods to ensure ladders or scaffolding is safely installed and operated, as needed for the mitigation project;~~
- ~~vi) Procedures to ensure work areas are ventilated to reduce worker exposure to less than 0.3 WL (30 pCi/L of air) and to reduce worker exposure to dust or other airborne pollutants;~~
- ~~vii) Procedures to ensure availability of type A, B and C fire extinguisher(s) in the immediate work area;~~
- ~~viii) Procedures to ensure mitigation work shall not be conducted in any work area within a school, commercial building or 10-unit (or greater) apartment building where it is suspected that friable asbestos may exist, and be disturbed, until a determination is made by an Illinois Department of Public Health Licensed Inspector that such work will be undertaken in accordance with applicable asbestos regulations; and~~
- ~~ix) Procedures to ensure workers are provided Material Safety~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~Data Sheets (MSDS) and trained in applicable safety procedures for each sealant, adhesive, paint or other substance used in the mitigation project that may be hazardous to health.~~

- D) A quality assurance program description acceptable to the ~~Agency~~Department that includes, but is not limited to:
- i) A policy statement committing to provide quality work; ~~signed and dated by the applicant;~~
 - ii) A description of management and structure of the organization;
 - iii) A listing of Requirements for personnel, their qualifications ~~qualification~~ and training;
 - iv) Procedures for procurement of items and services;
 - v) Procedures for maintaining documents and records;
 - vi) A description of relevant computer hardware and software;
 - vii) A planning process for radon and radon progeny services;
 - viii) Procedures for calibration and testing of instruments; ~~and~~
 - ix) A corrective action program; and
 - x) Standard operating procedures.

AGENCY NOTE: Professional licensees shall submit standard operating procedures for the performance of School and Commercial Mitigations unless the business will be limited to homes.

- 6) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.
- d) The ~~Agency~~Department shall issue a Radon Mitigation Technician license to any

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

individual authorizing work under the general supervision of a Radon Mitigation Professional licensee, if the applicant meets the following requirements:

- 1) Is at least 18 years of age.
 - 2) Provides proof of successful completion of the USEPA Radon Mitigation Operators Course, or an equivalent indoor radon and radon progeny mitigation course approved by the AgencyDepartment.
 - 3) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent examination approved by the AgencyDepartment.
 - 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.
- e) The AgencyDepartment shall issue a Laboratory Analysis ~~of Radon Devices~~ license to any person ~~or company~~ who ~~fulfills the following requirements:~~ submits ~~1) Be successfully enrolled in the USEPA radon measurement proficiency program, or an equivalent program approved by the Department, for the devices listed in subsection (e)(2)(B) of this Section. 2) Submit~~ a complete and accurate application form prescribed by the AgencyDepartment that includes:
- 1A) The name of one individual who is responsible for the laboratory radon analytical activities;
 - 2B) A description of all measurement devices used and services offered; and
 - 3) Documentation of a Quality Assurance Program that meets one of the following:
 - A) A quality assurance program description consistent with ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories Compliance, published December 15, 1999, exclusive of subsequent amendments or editions; or acceptable to the Department that includes, but is not limited to:
 - i) ~~A policy statement committing to provide quality work, signed and dated by the applicant;~~
 - ii) ~~Requirements for personnel qualification and training;~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- iii) ~~Procedures for procurement of items and services;~~
- iv) ~~Procedures for maintaining records;~~
- v) ~~Procedures for calibration and testing of instruments; and~~
- vi) ~~Standard operating procedures.~~

B) Is successfully enrolled in an independent third party accreditation/certification program consistent with national laboratory accreditation and certification standards, or an equivalent program approved by the Agency, for the devices listed pursuant to subsection (e)(2) of this Section.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.70 Conditions of ~~Licenses~~License

- a) Any person licensed by the ~~Agency~~Department to perform radon measurement shall perform in accordance with the measurement protocol provided in Section 422.130 of this Part as applicable to the measurement type performed and the device(s) used.
- b) Any person licensed by the ~~Agency~~Department to perform radon measurements shall use devices approved by USEPA or the ~~Agency~~Department to measure radon and radon progeny.
- c) ~~No unlicensed individual shall perform radon measurement or mitigation activities without the direct on-site supervision of a licensed individual. Any person licensed by the Department to perform radon mitigation shall perform in accordance with the mitigation standards provided in Section 422.150 of this Part.~~
- d) ~~Within 45 days after providing post-mitigation radon measurements, the individual providing the service shall report the results in picocuries per liter (pCi/L) to the occupant, the owner of the building, his/her representatives or the client. Licensees shall provide adequate equipment for worker protection to keep exposures to radon or radon progeny as low as reasonably achievable.~~
- e) ~~Licensees shall provide basic training to all employees on safety and operational~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~policies and the proper use of equipment.~~

- ~~f) No unlicensed employee shall perform radon measurement or mitigation activities without the direct on-site supervision of a licensed individual.~~
- ~~g) Within 45 days after providing post-mitigation testing, the individual providing the service shall report the results in picocuries per liter (pCi/L) to the owner of the building, its representatives or the client.~~
- ~~h) Licensees shall comply with all applicable Occupational Safety and Health Administration (OSHA) standards and guidelines relating to occupational worker exposure, health and safety.~~

~~AGENCY NOTE: Information on worker health and safety contained in USEPA, Illinois EPA, or Department publications is not considered a substitute for any provisions of the Occupational Safety and Health Act of 1970 or for any standards issued by OSHA.~~

- ~~ei) Licensees shall comply with 32 Ill. Adm. Code 340. This means that the radiationRadiation exposure shall not exceed 30 pCi/L or 0.3 WL, based on continuous workplace exposure for 40 hr/week, 52 weeks per year and shall not exceed 4 working level months (WLM) over a 12 month period, using an equilibrium ratio of 50 percent to convert radon exposure to WLM.~~
- ~~jj) Radiation exposure shall be tracked, recorded and reported annually to the workers. Radiation exposure records of personnel shall be retained for inspection by the Department.~~
- ~~kk) Records of radon measurements, mitigations, quality assurance programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for a least 5 years or the length of time of any warranty or guarantees, whichever is longer.~~
- ~~gl) No person shall interfere with, or cause another to interfere with, the successful completion of a radon measurement or the installation or operation of a radon mitigation.~~
- ~~hm) The radon laboratory licensee shall notify the AgencyDepartment in writing within 5 working days when it loses or replaces the individual named pursuant to ~~in~~ Section 422.60(e)(1)(2)(A) of this Part.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~i~~h) Mitigators shall not perform radon measurements before or after the installation of a mitigation system at the same address as the mitigation installation, unless a measurement has been made by another independent person in accordance with this Part.
- j) Licensees shall inform the Agency of changes in biographical information, such as addresses and telephone numbers, within 10 days after the change is effective.
- k) Substantive changes to license application representations require an amendment to the license and Agency approval. Licensees shall request amendments to documents at least 30 days prior to the effective date of the desired revision.
- l) The licensee shall comply with the Agency-approved quality assurance program.
- m) The professional licensee who provides general supervision of technician licensees shall be located in Illinois or within 50 miles of the Illinois border.
- n) Contractors installing research or innovative radon techniques or otherwise deviating from the standards in this Part shall notify the Agency in writing 7 working days prior to the commencement of work. When such research is conducted, a performance standard shall be applied, for example, post-mitigation radon levels shall be below USEPA's action level (4.0 pCi/L). Written notification to the Agency shall include:
- 1) Written acknowledgement signed by the client stating that the client understands the reasons the contractor plans to deviate from the standards of this Part;
 - 2) The technical bases for the measurement or mitigation technique and a description of the functional accomplishments that will be achieved; and
 - 3) The identity of the client and the address of the building, including the zip code.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.80 Continuing Education Requirements

All applicants for renewal of individual licenses shall provide evidence of having participated in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

an Agency-approved program of continuing education as indicated in this Section below:

- a) ~~Effective January 1, 2005, the~~ required ~~effort in~~ continuing education per ~~2~~ year ~~period~~ for ~~categories each category~~ of ~~licenses license~~ issued pursuant to this Part is as follows:

- | | | |
|----|--------------------------------|---|
| 1) | Radon Measurement Professional | 616 credits (8 Category II) |
| 2) | Radon Measurement Technician | 68 credits |
| 3) | Radon Mitigation Professional | 616 credits (8 Category II) |

~~AGENCY NOTE: Effective January 1, 2005, the individual who is licensed for both Measurement and Mitigation needs 6 credits per year for each license (i.e., 12 credits per year). All applicants for individual licenses shall provide evidence of participating in an approved program of continuing education as indicated in this subsection (a). All credits are Category I, unless otherwise noted. Category I can be substituted for Category II.~~

- b) Until January 1, 2005, the individual may choose to meet the continuing education criteria that becomes effective January 1, 2005, or the required continuing education per year period for the category of license issued pursuant to the following:

- | | | |
|----|---------------------------------------|-----------------------------------|
| 1) | <u>Radon Measurement Professional</u> | <u>16 credits (8 Category II)</u> |
| 2) | <u>Radon Measurement Technician</u> | <u>8 credits</u> |
| 3) | <u>Radon Mitigation Professional</u> | <u>16 credits (8 Category II)</u> |
| 4) | <u>Radon Mitigation Technician</u> | <u>8 credits</u> |

AGENCY NOTE: All applicants for individual licenses shall provide evidence of participating in an approved program of continuing education as indicated in subsections (a) and (b) of this Section. All credits are Category I, unless otherwise noted. Category I can be substituted for Category II.

- ~~cb)~~ Effectived January 1, 2005, continuing~~Continuing~~ education credits may be obtained via participation in courses or, teaching approved courses. Until January 1, 2005, the individual may choose to meet the criteria that becomes effective January 1, 2005 or continuing education credits may be obtained via participation in courses, teaching approved courses, and by documented attendance at seminars

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~or meetings of professional organizations. To obtain credit for attendance at seminars and meetings, licensees shall submit a copy of the agenda and the sign-in sheet or other similar proof of attendance, and by documented attendance at seminars or meetings of professional organizations. To obtain credit for attendance at seminars and meetings, licensees shall submit a copy of the agenda and the sign-in sheet or other similar proof of attendance.~~

- ~~de) Effective January 1, 2005, licensed individuals shall receive~~ For Radon Measurement Professionals and Radon Mitigation Professionals, at least 8 of the required 16 continuing education credits (CECs) ~~for an~~ shall be in approved radon ~~course only once during a 5 year interval~~ courses. Until January 1, 2005, the individual may choose to meet the criteria that becomes effective January 1, 2005 or, for Radon Measurement Professionals and Radon Mitigation Professionals, at least 8 of the required 16 CECs shall be in approved radon courses.
- ~~ed) The basis for a unit of continuing education credit shall be the contact hour (50 minutes) of lecture. Activity other than lecture shall be submitted to the~~ AgencyDepartment for evaluation in accordance with Section 422.85 of this Part.
- ~~fe) Licensees shall submit required documentation for CECs~~ as part of the application for at the time of renewal.
- ~~gf) Continuing education credit for courses shall be given for courses approved by USEPA or the~~ AgencyDepartment in accordance with the procedures specified in Section 422.85 of this Part.
- ~~hg) For courses not approved by USEPA or the~~ AgencyDepartment, a licensee may submit the information required by Section 422.85 of this Part to the AgencyDepartment for approval. ~~This~~ Such documentation shall be submitted at least 180 days prior to license expiration.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.85 AgencyDepartment Approval of Radon Courses

- a) ~~Radon courses approved by USEPA shall be deemed approved by the Department.~~
- b) Persons offering continuing education for a licensed individual may apply for approval by submitting to the AgencyDepartment, 90 days prior to the start of the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

course, the following:

- 1) A completed application on a form prescribed by the Agency that Department which shall include, but not be limited to, the following information:
 - A) Name, business address, telephone number, fax number and e-mail address of the person providing the training;
 - B) Type of course and title; and
 - C) Total hours of supervised instruction within the course;
- 2) Copies of the syllabus and all training materials to be used in the training course;
- 3) Pertinent biographical information~~Biographies~~ or credentials of all individuals instructing the training course participants; ~~and~~
- 4) Criteria upon which successful completion of the course by participants will be judged, such as the test and the correct answers; and-
- 5) A sample copy of a course completion certificate.

AGENCY NOTE: Operators of training courses shall submit a separate application for each course, but if a single course will provide instruction for more than one type of licensed individual, only one application is required.

- be) To maintain approval of a training course, the course operator shall do all of the following:
- 1) Issue a certificate of completion to each individual who successfully completes the course;
 - 2) Submit to the Agency~~Department~~ a list of all individuals who successfully completed the course within 30 days after completion of the course. The list shall include name, business address, telephone number and radon license number;
 - 3) Request, in writing, the Agency's~~Department's~~ approval of any changes

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

that would render the information contained in the application for approval inaccurate; and

- 4) For a revised course, submit within 30 days before first teaching the revised course, an informational copy of the complete revised course, whether or not the revisions render the information contained in the application for approval inaccurate.
- ~~cd)~~ The ~~Agency~~Department may refuse to issue an approval and may revoke or suspend an approval issued pursuant to ~~under~~ this Part if the operator of the course fails to meet the criteria specified in subsection ~~(ab)~~ or ~~(be)~~ of this Section or if the course is not updated to incorporate new information pertinent to licensed activities.
- ~~de)~~ Approval of a training course shall be valid until the course is revised.~~expire 2 years after the date of approval.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.90 Renewal and Termination of LicensesImplementation

- a) ~~The duration of initial issuance of any license issued under this Part shall be 2 years.~~ Licenses shall be renewed~~renewable for subsequent 2 year terms~~ in accordance with Section 422.60 of this Part.
- b) ~~The expiration date of a renewed license that has been renewed on or before the expiration of the previous license term shall be 2 years from the expiration date of the prior licensing period. For renewal of a license that has lapsed, or that has been surrendered, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.~~
- e) ~~Applicants who were registered on January 1, 1998, or became provisionally licensed during the 5 month term of the emergency rule (January 1, 1998 through May 31, 1998) by meeting all the requirements of the Department as stated in Section 422.50 of the emergency rule, may be granted a license on or after June 1, 1998, provided that by July 31, 1998, each applicant pays the appropriate non-refundable license fee pursuant to Section 422.100 of this Part.~~
- d) ~~All new applicants who apply to the Department for a license on or after June 1, 1998, shall comply with the application provisions in Section 422.50 of this Part.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~be) All applicants seeking renewal shall complete the continuing education requirements in Section 422.80 of this Part. in subsequent 2-year terms shall meet all applicable requirements in Section 422.60 of this Part.~~
- ~~f) Individuals who were provisionally licensed to perform radon or radon progeny measurement, but who have not previously taken USEPA's "Measurement Operators" course or successfully completed USEPA's "RPP Measurement" examination, shall do so prior to their license renewal date of June 1, 2000.~~
- ~~cg) Licensees shall notify the Agency when they wish the Agency to terminate the license. All other licensees shall complete the continuing education requirements in Section 422.80 of this Part.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.100 License Fees

- a) The ~~annual license application~~ fee in all categories shall be non-refundable and shall be as follows:

Radon Measurement Professional license – Individual	\$ 200 400
Radon Measurement Technician license – Individual	\$ 125 250
Radon Mitigation Professional license – Individual	\$ 200 400
Radon Mitigation Technician license – Individual	\$ 125 250
Laboratory Analysis of Radon Devices	\$ 250 500

- b) The appropriate fees shall accompany ~~a new the~~ application when filed with the ~~Agency~~Department.

AGENCY NOTE: ~~When the first annual fee statement is mailed, a licensee who has a full year or more remaining before expiration of the license shall be given a credit of one half the amount of the two-year fee paid. Any provisional licensee as of May 31, 1998, shall receive a \$100 credit towards the fee as shown in subsection (a) of this Section.~~

AGENCY NOTE: A ~~local government or~~ school employee may, upon application for a ~~Radon Measurement Professional~~professional license, have the ~~fees~~fee waived ~~if and~~ his/her practice ~~is~~ limited to his/her employer's facilities ~~and is not charging a fee for this service.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- c) The appropriate fees shall be paid within 60 days after the date on the statement issued by the Agency.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.110 Reports to the Agency Department

- a) All individuals licensed to perform radon measurements shall submit to the Agency Department the results and the address of all radon and radon progeny measurements on an annual basis in a format acceptable to the Agency.
- b) All individuals licensed to perform radon mitigations shall submit to the Agency the address of all radon and radon progeny mitigations on an annual basis in a format acceptable to the Agency. Records of radon measurements, mitigations, quality assurance programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for at least 5 years or the length of time of any warranty or guarantees, whichever is longer.
- c) All licensees shall report apparent non-compliances with either the Radon Industry Licensing Act or this Part to the professional licensee upon discovery; then to the Agency Department in writing within 45 days upon discovery unless appropriate corrective action has been performed within 30 days after discovery.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.120 Disciplinary Action by the Agency~~Suspension and Revocation of Licensure~~

- a) The Agency Department may act to suspend or revoke a person's license, may issue a civil penalty, or may issue a civil penalty in addition to suspending or revoking a person's license for any one or a combination of the following causes:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for a license~~licensure~~, if such misstatement or misrepresentation would impair the Agency's Department's ability to assess and evaluate the applicant's qualifications for license pursuant to a licensure ~~under~~ this Part, such as a misstatement or misrepresentation regarding training or experience;
 - 2) Willfully evading the statute or regulations pertaining to a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~license~~licensure, or willfully aiding another person in evading the ~~such~~ statute or regulations pertaining to ~~license~~licensure;

- 3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the ~~Agency~~Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
 - 4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the results of a test to detect or measure radon or radon progeny;
 - 5) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered; and
 - 6) ~~Failure of a licensed technician to identify to the Agency a new professional licensee within 5 days after termination of employment with the professional licensee identified on the technician's license. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.~~
- b) If, based upon any of the grounds in subsection (a) of this Section, ~~disciplinary action to suspend or revoke licensure~~ disciplinary action is initiated, the ~~Agency~~Department shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the ~~Agency~~Department takes action to suspend or revoke a person's license.
 - c) Suspension of ~~a license~~licensure shall be for up to 1 year in time. The term of suspension shall be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, and the Director concurs, that the conditions leading to the Preliminary Order for Suspension can be cured in less than 1 year. However, if the ~~Agency~~Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to public health or safety, deficiencies that cannot be cured within 1 year or frequent child support arrearages, the ~~Agency~~Department shall revoke the person's license.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- d) The Director may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. *If the Director summarily suspends a license without a hearing, a hearing by the ~~Agency~~Department shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.* [420 ILCS 44/50] ~~The Such~~ hearing shall be held in accordance with 32 Ill. Adm. Code 200.
- e) When a person's license is suspended or revoked, the person shall surrender the license to the ~~Agency and cease licensed activities~~Department.
- f) A person whose license has been revoked may seek reinstatement of the license by filing with the ~~Agency~~Department a petition for reinstatement. Such petition may be filed after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation.
- g) ~~A An individual or~~ person who violates any provisions of this Part shall be guilty of a business offense and shall be assessed a penalty in accordance with Section 35 of the Act.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.130 Measurement Protocol

- a) Measurement Location
- 1) Short-term or long-term measurements shall be made in each lowest structural area suitable for occupancy. For example, a split-level building with a basement, a slab-on-grade room and a room over crawlspace shall have measurements made in each of the foundation types: the basement, in a slab-on-grade room and in a room over the crawlspace.
 - A) Measurements shall be made in rooms that can be regularly occupied by individualsused, such as family rooms, living rooms, dens, playrooms and bedrooms.
 - B) Charcoal canisters of any type shall not be placed in bathrooms,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

kitchens, laundry rooms, spa rooms or other areas of high humidity.

- C) Radon in air measurements shall be made either concurrently with or prior to any diagnostic radon in water measurements.
- D) Measurement devices shall be:
- i) Undisturbed during the ~~measurement~~test period;
 - ii) At least ~~3~~three feet from doors, windows to the outside, or ventilation ducts; and out of the direct flow of air from the ventilation duct;
 - iii) At least ~~1~~one foot from exterior walls;
 - iv) ~~At least~~ 20 inches to ~~6~~six feet from the floor;
 - v) ~~At least 4~~ Four inches away from other objects horizontally or vertically above the detector;
 - vi) ~~At least 4~~Four feet from heat, fireplaces and furnaces, out of direct sunlight, etc.
- E) Measurement devices may be suspended in the general breathing zone and, if suspended, shall be ~~at least~~ 20 inches to ~~6~~six feet above the floor.
- F) Measurements made in closets, cupboards, sumps, crawlspaces or nooks within the foundation shall not be used as a representative measurement and shall not be the basis for a decision to, or not to, mitigate the radon level within a building.
- b) ~~Initial~~ Measurements
- 1) ~~A The initial measurement shall be a~~ short-term measurement ~~that~~ may range in duration from 48 hours to 90 days, depending upon the measurement device used. Unoccupied homes shall be tested with the HVAC system set and operating throughout the measurement interval in the normal range, such as 72 degrees F plus or minus 5 degrees F.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Short-term measurements shall be made under closed-building conditions. In ~~measurements tests~~ lasting more than ~~7~~seven days and less than 90 days, closed-house conditions shall be maintained as much as possible while the ~~measurement test~~ is in progress.
- B) Closed building conditions shall begin at least 12 hours prior to the beginning of the measurement period ~~for measurements lasting less than 4 days and shall be maintained throughout the measurement interval. The following conditions shall be complied with during closed-building conditions:~~
- C) ~~The following conditions shall be complied with during closed-building conditions:~~
- i) Normal operation of permanently installed ~~HVAC systems energy recovery ventilators~~ may continue during closed-building conditions. Radon Measurement Professional licensees shall inform the resident in writing that operation of dryers, range hoods, bathroom fans and other mechanical systems that draw air out of the building may adversely affect ~~the measurement test~~ results.
 - ii) In buildings having permanently installed radon mitigation systems, the mitigation system shall be functioning during the measurement interval.
 - iii) Air conditioning systems that recycle interior air may be operated during closed-building conditions.
 - iv) All windows shall be kept closed.
 - v) All external doors shall be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of closed-building conditions. All exterior windows and doors shall be inspected by a Radon Measurement Professional licensee or Radon Measurement Technician at the placement and retrieval of the ~~detectors~~detector(s) and the result of the inspection

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

documented for the measurement file.

- vi) Whole-house fans shall not be operated. Portable window fans shall be removed from the window or sealed in place. Window air conditioning units shall only be operated in a recirculating mode. If the building contains an air handling system, the air handling system shall not be set for continuous operation unless the air handling equipment is specifically used for radon control and is so labeled.
- vii) Fireplaces or combustion appliances, except hot-water heaters, shall not be operated unless they are the primary sources of heat for the building. Ceiling fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners shall not be operated within 20~~twenty~~ feet of the detector.

- DE) Short-term measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement Professional licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or ¾-inch diameter hail and that may produce tornadoes – not necessarily in that order.

- ED) The Radon Measurement Professional licensee shall document that instructions describing closed-building conditions in subsection (b)(1) of this Section were provided for ~~are given to~~ the person who controls the building in accordance with subsections (d)(1) and (2) of this Section.
- 2) The Radon Measurement Professional licensee shall advise the resident in accordance with ~~Section 422~~.Appendix A of this Part.
 - 3) Follow-up measurements shall be conducted in the same location as the initial measurement.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 4) The results of both initial and follow-up measurements and the average of duplicate measurements shall be reported. The average shall be considered appropriate as the basis for determining the need for mitigation.
- c) Options for Real Estate Testing
- 1) Option 1: Sequential Testing
- A) ~~Sequential tests shall be conducted under the conditions described in subsection (b)(1) of this Section.~~
- B) The results of the first ~~measurement~~test shall not be reported prior to making the second measurement. The results of sequential ~~measurements~~tests shall be reported to the client at the same time.
- ~~BC~~) The average of the sequential ~~measurements~~tests shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.
- ~~CD~~) Sequential tests shall be:
- i) Made with similar measurement devices (see ~~Section 422~~.Appendix C of this Part);
- ii) For similar time periods;
- iii) In ~~the same~~similar locations; and
- iv) Reported in the same units (pCi/L).
- 2) Option 2: Simultaneous Testing
- A) Simultaneous ~~testing~~Testing shall be comprised of a minimum of 2 indoor radon ~~measurements~~tests conducted simultaneously with similar measurement devices (see ~~Section 422~~.Appendix ~~CA~~ of this Part). ~~that:~~
- B) Simultaneous tests shall:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- i) ~~Be co-located~~ ~~Are co-located~~ and spaced ~~4~~four to 5 inches apart;
- ii) ~~Be exposed~~ ~~Are exposed~~ for the same measurement period; and
- iii) Produce results in the same units (pCi/L or WL).

C) ~~The results of both measurements and the average of the simultaneous measurements shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.~~

DB) Simultaneous ~~measurement~~~~test~~ results that are both less than 4.0 pCi/L shall agree with a Relative Percent Difference (RPD) of less than 67 percent. ~~RPD~~~~Relative Percent Difference~~ is the difference between the two results divided by the average of the two results ~~times 100.~~ ~~(See Section 422 Appendix A of this Part.)~~ If the RPD is greater than 67 percent, the Radon Measurement Professional licensee shall investigate, document and correct the ~~source~~~~source(s)~~ of the error.

EC) When one of the measurements is equal to or greater than 4.0 pCi/L and one is less than 4.0 pCi/L, and the higher result is greater than twice the lower result, the client shall be informed of the large discrepancy and the simultaneous ~~measurements~~~~tests~~ repeated at no added cost to the client.

E) ~~All simultaneous test results shall be reported to the client.~~

FD) Simultaneous ~~measurement~~~~test~~ results that are both equal to or greater than 4.0 pCi/L shall agree with a RPD ~~Relative Percent Difference~~ of less than 36 percent. If the RPD is greater than 36 percent, the Radon Measurement Professional licensee shall investigate, document and correct the ~~source~~~~source(s)~~ of the error.

G) The precision of simultaneous measurements shall be monitored and recorded in the quality assurance records. The analysis of data from simultaneous measurements shall be plotted on range control charts. If the precision estimated by the user is not within the precision

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

expected of the measurement method, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved quality program.

- 3) Option 3: Performing A Single Test
 - A) This option requires an active continuous monitor that has the capability to integrate and record a new result at least hourly. Shorter integration periods and more frequent data logging afford greater ability to detect unusual variations in radon or radon progeny concentrations. ~~Continuous monitors that cannot integrate over a period of one hour or less shall be used with an additional passive or active measurement device used either sequentially or simultaneously with the continuous monitor as described in subsections (c)(1) and (c)(2) of this Section.~~
 - B) The minimum single test measurement period shall be 48 hours. The first ~~four~~ hours of data from a continuous monitor may be discarded or incorporated into the result using system correction factors. There shall be at least 44 contiguous hours of usable data to produce a valid average.
 - i) The "backing out" of data (i.e., removal of portions imbedded in the 44 contiguous hours of monitoring) shall invalidate the measurement.
 - ii) The periodic results shall be averaged to produce a result that is reported to the client.
- 4) Additional Requirement for Real Estate Option Testing
 - A) Real Estate Option tests shall be conducted in accordance with subsections (a)(1) and (b)(1) of this Section. ~~Measurement Location. Measurement location shall be in accordance with subsection (a) of this Section.~~
 - B) The measurement exposure time shall be a minimum of 48 hours.
 - C) Measurement licensees shall establish controls consistent with the devices used in their measurements to prevent interference and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~document those controls in accordance with subsection (l)(1) of this Section. Real Estate Option measurements shall be performed under closed-building conditions as described in subsection (b)(1) of this Section.~~

- d) Non-Interference Agreement
- 1) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a non-interference agreement indicating an understanding of the testing conditions of this Part and of the penalties for interference with an in-progress radon measurement.
 - 2) If such an agreement cannot be or will not be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the Radon Measurement Professional licensee shall document on the agreement why the signature was not obtained. The agreement shall be retained for inspection by the ~~Agency~~Department.
- e) Radon Measurement in Progress Notification. The licensee shall post at every building entry and in a conspicuous location a Radon Measurement in Progress Notification. The Notice shall be posted upon initiation of a radon measurement. A copy of a Radon Measurement ~~in~~ Progress Notice is provided in ~~Section 422~~Appendix D of this Part.
- f) School and Commercial Building Measurements
- 1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in ~~all~~ frequently occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, berm, a room above a crawlspace or any combination.
 - A) Frequently occupied rooms include classrooms, offices, conference rooms, gymnasiums, auditoriums, cafeterias and break rooms.
 - B) Testing need not be conducted in infrequently used areas such as storage rooms, stairwells, restrooms, utility closets, ~~kitchens~~, elevator shafts or hallways.
 - C) A minimum of one detector shall be placed per every 2000 square

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

feet of open floor area.

- 2) All rooms shall be tested simultaneously.
 - A) The licensee shall ensure that the teacher or frequent adult user of the room being tested is aware of the detector.
 - B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.
- 3) Follow-up measurements shall be performed in every room with a short-term, initial measurement~~test~~ result of 4.0 pCi/L or greater. Refer to Section 422.Appendix A of this Part.
- 4) During both initial and follow-up measurement~~testing~~, the Heating, Ventilation and Air Conditioning~~(HVAC)~~ system shall be operated normally.
- 5) The Radon Measurement Professional licensee shall recommend in writing to the school or commercial building management, owners or representatives that a decision to mitigate not be based on initial measurement results.
- 6) School and commercial building measurements shall be performed in accordance with subsections (a) and (b) of this Section.
 - A) School and commercial building measurements of less than 4~~four~~ days duration shall be performed under closed-building conditions as described in subsection (b)(1) of this Section.
 - B) Duplicate measurements shall be performed and shall represent 10 percent of all the detectors deployed, or a maximum of 50 detectors, whichever is less, within the building.
 - C) Blank measurements shall be performed and shall represent 5 percent of all the detectors deployed, or a maximum of 25 detectors, whichever is less, within the building.
 - D) A Device Placement Log and Floor Plan shall be finalized for each school or commercial building in which radon or radon progeny

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

measurements are made. All measurement devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and Floor Plan by serial number.

- 7) Requirements for Specific School and Commercial Building Designs
- A) Slab-on-grade Design. Measure all frequently-occupied rooms in contact with the ground.
 - B) Open-plan or Pod Design. If sections of a pod have moveable walls that can physically separate them from other sections, measure each section separately. If moveable walls are absent or inoperable, measure the pod as one room placing detectors every 2000 square feet.
 - C) Crawlspace Design. Measure all rooms directly above an enclosed crawlspace.
 - D) Basement Design. In addition to measuring all frequently-occupied basement rooms, measure all frequently occupied rooms above the basement that have at least one wall with substantial contact with the ground.
- g) New Construction Testing Conditions-
- 1) Newly constructed buildings shall not be tested for radon or radon progeny unless the installation of the following items is completed:
 - 4A) All insulation;
 - 2B) All exterior doors with associated hardware shall be installed prior to testing;
 - 3C) All windows;
 - 4D) All fireplaces and fireplace dampers;
 - 5E) All heating, air conditioning, and plumbing appliances;
 - 6F) All ceiling covers;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~7G)~~ All interior trim and coverings for the exterior walls;
 - ~~8H)~~ All exterior siding, weatherproofing and caulking;
 - ~~9I)~~ All interior and exterior structural components; and
 - ~~10J)~~ Any interior or exterior work that may adversely affect the measurement validity.
- ~~211)~~ ~~Occupied homes shall be tested with the HVAC system operating in the normal temperature range for the family.~~ Unoccupied homes shall be tested with the HVAC system set and operating in the normal range, such as of 68-72 degrees F plus or minus 5 degrees F.
- h) Post-Mitigation Testing
- 1) Post-mitigation measurements shall not be conducted if temporary radon reduction measures have been implemented.
 - 2) Post-mitigation ~~measurements~~measurement(s) shall be conducted to determine a system's effectiveness after a permanent radon reduction system has been fully operational for at least 24 hours but not later than 30 days following completion and activation of a mitigation system. The mitigation system shall be operated normally and continuously during the entire measurement period.
 - 3) Post-mitigation measurements shall be conducted in accordance with subsections (a), (b) and (c) of this Section.
- i) Temporary Radon Reduction Measures
- 1) Temporary radon reduction measures include:
 - A) The introduction of unconditioned air into the building; or
 - B) Closure of normally accessible areas of the building; or
 - C) Lowering the thermostat below its normal use range, such as 72 degrees F plus or minus 5 degrees F setting.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) Any of the conditions listed in subsection (i)(1)~~(A), (B) or (C)~~ of this Section shall invalidate measurement results. The Radon Measurement Professional licensee shall not conduct a measurement until the conditions have been corrected. The Radon Measurement Professional licensee shall inform the client and other parties involved in a real estate transaction that these conditions invalidate the measurement results.
- 3) Any improper radon reduction efforts identified, prior to, during, or after initial, follow-up, real estate option or post-mitigation measurements, shall invalidate the **measurement** results. The Radon Measurement Professional licensee shall not conduct a measurement until the improper conditions have been corrected.

j) When Radon Measurements Shall Not Be Made

- 1) Short-term radon measurements of less than 96 hours shall not be conducted during severe storms or periods of sustained high winds (30 miles per hour or more). Radon Measurement Professional licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or 3/4-inch diameter hail and that may produce tornadoes – not necessarily in that order.

- 2) Radon measurements of any duration shall not be made during renovation of a building, especially renovations involving structural changes, or during renovation of the HVAC systems or any change that disturbs the normal airflow of the building.

AGENCY NOTE: When renovations are planned, radon measurements should be made prior to renovations and immediately upon the completion of renovations.

- 3) Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating as it is normally operated when the buildings are occupied, even if the testing occurs when school is not in session or during long holidays.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~Measurement Documentation~~

- ~~1) Radon Measurement Professional licensees shall ensure that sufficient information on each measurement is recorded in a permanent log to allow for future data comparisons, interpretations and reporting to clients. Radon Measurement Professional licensees shall keep the following information in a measurement log that shall be retained for 5 years. Additional method-specific documentation is outlined in Section 422.140 of this Part.~~
 - ~~A) A copy of the final report, including the measurement results, and the statement describing any recommendations concerning retesting or mitigation provided to the building owner, occupant or agent;~~
 - ~~B) The address of the building measured, including zip code;~~
 - ~~C) A diagram of the test area noting the exact location(s) of all measurement devices deployed;~~
 - ~~D) Exact start and stop dates and times of the measurement period as required for analysis;~~
 - ~~E) A description of the device used and serial number;~~
 - ~~F) A description of the condition of any permanent vents, such as crawlspace vents or combustion air supply to combusive appliances;~~
 - ~~G) The name and Illinois license number, or USEPA RPP identification number, of the service or analysis organizations used to analyze devices;~~
 - ~~H) The name and Illinois license number of the individual who conducted the test;~~
 - ~~I) A description of any variations from or uncertainties about standard measurement procedures, closed building conditions or other factors that may affect the measurement result;~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~J) A description of any non-interference controls used and original copies of signed non-interference agreements; and~~
- ~~K) A record of any quality control measures associated with the test, such as the results of simultaneous or secondary measurements.~~
- k) Quality Assurance for Radon Measurements. Radon Measurement Professional licensees shall abide by the quality assurance program described in Section 422.60(a)(5)(D) of this Part. Providing Information to Clients. Radon Measurement Professional licensees shall provide the client with the following information:
 - l) Measurement Documentation
 - 1) Radon Measurement Professional licensees shall ensure that sufficient information on each measurement is recorded in a permanent record to allow for future data comparisons, interpretations and reporting to clients. Radon Measurement Professional licensees shall keep the following information in a measurement record that shall be retained for a minimum of 5 years. Additional method-specific documentation is outlined in Section 422.140 of this Part.
 - A) A copy of the final report, including the measurement results, and the statement describing any recommendations concerning retesting or mitigation provided to the occupant, the owner of the building, his/her representatives or the client;
 - B) The address of the building measured, including zip code;
 - C) A diagram of the footprint of the building, noting the exact locations of all measurement devices deployed and any information that would allow for future data comparisons and interpretations, such as the information in subsection (l)(1)(F) of this Section.
 - D) Exact start and stop dates and times of the measurement period, as required for analysis;
 - E) A description of the measurement devices used and serial numbers;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- F) A description of the condition of any permanent vents, such as crawlspace vents or combustion air supply to combustive appliances;
 - G) The name and Illinois license number of the service or analysis organizations used to analyze devices;
 - H) The name and Illinois license number of the individual who conducted the test;
 - I) A description of any variations from or uncertainties about standard measurement procedures, closed-building conditions or other factors that may affect the measurement result;
 - J) A description of any non-interference controls used and copies of signed non-interference agreements; and
 - K) A record of any quality control measures associated with the test, such as the results of simultaneous or secondary measurements.
- m) Reporting Measurement Results. Radon Measurement Professional licensees shall return radon measurement results to the occupant, the owner of the building, his/her representatives or the client within 45 days after retrieving exposed devices. Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. As a minimum, the measurement report shall contain:
- 1) Measurement results reported in the units that the device measures. Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L. Any measurement result based on radon progeny shall be reported to no more than three decimal places, e.g., 0.033 WL.
 - 2) Both the working level values and the WL values converted to pCi/L. The conversions from WL to pCi/L shall be presented and explained clearly in the report to the client. A statement shall be included in the measurement report stating that this approximate conversion is based on a 50 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical but that any indoor environment may have a different and varying relationship between radon and radon progeny.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) The dates of the measurement period and address of the building tested.
- 4) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.
- 5) The name and Illinois license numbers of the person placing and retrieving the device and the Illinois license number of the laboratory analyzing the device.
- 6) A statement describing any observed tampering or deviations from the required measurement conditions.
- 7) A copy of the diagram required in accordance with subsection (I)(1)(C) of this Section.
- 8) Grab sampled measurements shall be reported with written notification stating that grab sample results are useful diagnostic tools, but are not a basis for making a decision regarding mitigation.
- 1) ~~Devices that will be placed by the client shall be accompanied by instructions on how to use the device. These instructions shall be consistent with the Illinois Device Protocol described in Section 422.140 of this Part and include specific information on the minimum and maximum length of time that the device must be exposed.~~
- 2) ~~The Department's Radon Program address and telephone number.~~

~~Reporting Test Results. Radon Measurement Professional licensees shall return radon measurement results to the client within 45 days after retrieving exposed devices. Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. As a minimum, the test result report shall contain:~~

- 1) ~~Measurement results reported in the units that the device measures. Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L. Any measurement result based on radon progeny shall be reported to no more than three decimal places, e.g., 0.033 WL.~~
- 2) ~~Working level values shall be converted to pCi/L and both reported to the client. The conversions from WL to pCi/L shall be presented and~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~explained clearly in the report to the client. A statement shall be included in the test report stating that this approximate conversion is based on a 50 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical but that any indoor environment may have a different and varying relationship between radon and radon progeny.~~

- ~~3) The dates of the measurement period and address of the building tested.~~
- ~~4) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.~~
- ~~5) The name and Illinois license numbers of the individual or person placing and retrieving the device and the Illinois license number, or USEPA RPP identification number, of the laboratory analyzing the device.~~
- ~~6) A statement describing any observed tampering or deviations from the required test conditions.~~
- ~~7) Measurement Professional licensees shall provide a diagram of the test area noting the exact location(s) of all measurement devices deployed.~~
- ~~8) Grab sampled measurements shall be reported with written notification stating that grab sample results are useful diagnostic tools, but are not a basis for making a decision regarding mitigation.~~

~~Quality Assurance for Radon Measurements. Radon Measurement Professional licensees shall abide by the quality assurance program described in Section 422.60(a)(5)(D) of this Part.~~

- n) Devices Placed by Clients. Radon Professional licensees shall provide the client with the following:
 - 1) For licensees providing measurement devices to clients, sufficient detectors to ensure that testing is performed consistent with this Part.
 - 2) The Agency's address and telephone number.
 - 3) Instructions on how to use the device. These instructions shall be consistent with this Section and include specific information on the minimum and maximum length of time that the device shall be exposed.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~When Radon Measurements Shall Not Be Made~~

- ~~1) Short-term radon measurements of less than 96 hours shall not be conducted during severe storms or periods of high winds (30 miles per hour or more). Radon Measurement Professional licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.~~

~~AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or 3/4 inch diameter hail and that may produce tornadoes not necessarily in that order.~~

- ~~2) Radon measurements of any duration shall not be made during renovation of a building, especially those involving structural changes, or during renovations of the HVAC systems or any change that disturbs the normal airflow of the building.~~

~~AGENCY NOTE: When renovations are planned, radon measurements should be made prior to renovations and immediately upon the completion of renovations.~~

- ~~3) Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating normally even when school is not in session or on long holidays.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.140 Device Protocol**a) Quality Assurance**

- 1) Persons providing measurement services using radon and radon decay product measurement devices shall establish and maintain a quality assurance program (QAP). These programs shall include written procedures for attaining quality assurance objectives and a system for recording and monitoring the results of the quality assurance measurements for each device used by the professional licensee. The QAP shall include the maintenance of control charts and related statistical data.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) The objective of quality assurance is to ensure that data are scientifically sound and of known precision and accuracy. This subsection (a)(2) discusses the 6 general categories of quality control measurements. Specific guidance is provided for each method in the relevant protocol.
- A) Calibration Measurements. Calibration measurements are samples collected or measurements made in a known radon environment, such as a radon chamber. Instruments providing immediate results, such as continuous working level and radon monitors, shall be operated in a radon chamber to establish individual instrument calibration factors.
- i) Calibration measurements must be conducted to determine and verify the conversion factors used to derive the concentration results. These factors are determined normally for a range of concentrations and exposure times, and for a range of other exposure and/or analysis conditions pertinent to the particular device.
- ii) Determination of these calibration factors is a necessary part of the laboratory analysis and is the responsibility of the laboratory. These calibration measurement procedures, including the frequency of tests and the number of devices to be tested, shall be specified in the QAP maintained by manufacturers and analysis laboratories.
- iii) Licensees providing measurements with active devices are required to recalibrate their instruments at least once every 12 months.
- B) Known Exposure Measurements (Spikes). Known exposure measurements or spiked samples consist of detectors that have been exposed to known concentrations in a radon chamber. These detectors, such as charcoal canisters, alpha track detectors and electret ion chambers, are labeled and submitted to the laboratory in the same manner as ordinary samples to preclude special processing.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- i) Suppliers and analysis laboratories shall provide for the blind introduction of spiked samples into their measurement processes and the monitoring of the results in their QAPs.
 - ii) Licensees using passive measurement devices shall conduct spiked measurements at a rate of 3 per 100 measurements, with a minimum of 3 per year and a maximum required of 6 per month.
 - iii) Spikes shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded. Any significant deviation from the known concentration to which they were exposed shall be investigated.
- C) Background Measurements. Background measurements are required both for continuous monitors and for passive detectors requiring laboratory analysis.
- i) Professional licensees using continuous monitors shall perform sufficient instrument background measurements to establish a reliable instrument background and to act as a check on instrument operation.
AGENCY NOTE: Calibration laboratories routinely perform background measurements of continuous monitors during the calibration of instruments.
 - ii) Passive detectors requiring laboratory analysis require one type of background measurement made in the laboratory and another in the field.
 - iii) Laboratories shall measure the background of a statistically significant number of unexposed detectors from each batch or lot to establish the laboratory background for the batch and the entire measurement system. This laboratory blank value is subtracted (by the laboratory) from the field

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

sample results reported to the user and shall be made available to the users for quality assurance purposes.

- iv) Laboratories performing these measurements shall calculate the lower limit of detection (LLD) for their measurement systems. This LLD is based on the detector and analysis system's background and can restrict the ability of some measurement systems to measure low concentrations.
 - v) Licensees using passive detectors shall employ field controls (called blanks) equal to approximately 5 percent of the detectors that are deployed, or 25 each month, whichever is smaller.
 - vi) These controls shall be set aside from each detector shipment, kept sealed and in a low radon environment, labeled in the same manner as the field samples to preclude special processing, and returned to the analysis laboratory along with each shipment. These field blanks measure the background exposure that may accumulate during shipment and storage. The results shall be monitored and recorded.
 - vii) The recommended action to be taken if the concentrations measured by one or more of the field blanks is significantly greater than the LLD is dependent upon the type of detector and is discussed in the protocol for each method.
- D) Duplicate Measurements. Duplicate measurements provide a check on the quality of the measurement result and allow the user to make an estimate of the relative precision. Large precision errors may be caused by detector manufacture or improper data transcription or handling by suppliers, laboratories, or technicians performing placements. Precision error can be an important component of the overall error; therefore, licensees performing measurements shall monitor precision.
- i) Duplicate measurements shall be side-by-side measurements made in at least 10 percent of the total number of measurement locations, or 50 each month,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

whichever is smaller. The locations selected for duplication shall be distributed systematically throughout the entire population of samples.

ii) The precision of duplicate measurements shall be monitored and recorded in the quality assurance records. The analysis of data from duplicates shall be plotted on range control charts. If the precision estimated by the user is not within the precision expected of the measurement method, the cause of the problem shall be investigated.

iii) Detectors shall be treated identically in every respect. They shall be shipped, stored, opened, installed, removed and processed together, and not identified as duplicates to the processing laboratory.

E) Routine Instrument Performance Checks. Proper functioning of analysis equipment and operator usage require that the equipment and measurement system be subject to routine checks. Regular monitoring of equipment and operators is vital to ensure consistently accurate results. Performance checks include the frequent use of an instrument check source. Components of the device (such as a pump, battery or electronics) shall be checked regularly and the results noted in a record. Each user shall develop methods for regularly monitoring (preferably daily with use) their measurement system and for recording and reviewing results.

F) Cross-checks. Professional licensees using active monitors shall check their monitors for bias on a regular basis. Ideally, such measurements are made in a radon chamber. Exposure in a radon chamber is required during calibration. It can be difficult to expose active monitors more often than once every 12 months. It is important to more frequently access the continued satisfactory operation of the instrument response and to ensure damage from shipping has not occurred prior to an instrument being placed into service after calibration. Cross-checks shall be performed prior to placing an instrument being returned to service after calibration and at 6 months (plus or minus a month) after calibration. The following conditions shall be met:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- i) Where feasible, a cross-check shall begin with an instrument background measurement.
 - ii) The cross-check measurement shall be made in an environment that has been chosen for its stability and radon concentration that is above the lower limit of detection.
 - iii) Cross-checks shall be side-by-side measurements.
 - iv) One of the instruments shall have been calibrated within the last 45 days.
 - v) A measurement of at least 48 hours duration shall be conducted.
 - vi) The bias of cross-check measurements shall be monitored and recorded in the quality assurance records. If the bias estimated by the user is not within the bias expected of the measurement, the cause of the problem shall be investigated and corrective action taken in accordance with the licensee's Agency-approved QAP.
- ba) Protocol for using continuous radon monitors (CRMs) to measure indoor radon concentrations
- 1) Refer to Section 422.130(j) of this Part for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) When performing a radon measurement, the CR shall be programmed to run continuously, recording periodically (hourly or more frequently) the radon concentration for at least 48 hours. Longer measurements may be required based on the continuous monitor type and the radon level being measured. Every continuous monitor shall be calibrated in a radon calibration chamber, approved by the Department or certified by USEPA, before being placed into service, and after any repairs or modifications. Subsequent recalibrations and background checks shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually. Each scintillation cell requires an individual calibration factor.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~If the first 4 hours of data from a 48-hour measurement are discarded because data are produced prior to the establishment of equilibrium conditions, the remaining hours of data shall be averaged and shall be sufficient to represent a 2-day measurement. Background measurements shall be performed after every 1,000 hours of operation of scintillation cell-type CMs and whenever any type of CM is calibrated. The background shall be checked by purging the monitor with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate shall be monitored in accordance with the manufacturer's instruction.~~
- 4) ~~Every CR shall be calibrated in a radon chamber, approved by the Agency, before being placed into service, and after any repairs or modifications that could affect the calibration. Subsequent recalibrations and background checks shall be performed at least once every 12 months. Each scintillation cell requires an individual calibration factor. When performing a radon measurement, the CM shall be programmed to run continuously, recording periodically (hourly or more frequently) the radon concentration for at least 48 hours. Longer measurements may be required per the continuous monitor type and the radon level being measured.~~
- 5) ~~Background measurements shall be performed after every 1,000 hours of operation of scintillation cell-type CRs and whenever any type of CR is calibrated. The background shall be checked by purging the monitor with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate shall be monitored in accordance with the manufacturer's instructions. Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction.~~
- 6) ~~Licensees providing measurement services with CR devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section. If the first four hours of data from a 48-hour measurement are discarded because data are produced prior to the establishment of equilibrium conditions in a flow through cell, the remaining hours of data shall be averaged and shall be sufficient to represent a two-day measurement.~~
- 7) ~~Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instructions.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 8) Licensees providing measurement services with CR devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section.
- cb) Protocol for using alpha track (AT) detectors (ATs) to measure indoor radon concentrations
- 1) Refer to Section 422.130(~~+~~) of this Part for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) The laboratory background level for each batch of ATs shall be established by each laboratory licensed by the Agency~~Department~~. Laboratories shall measure the background of a statistically significant number of unexposed ATs that have been processed according to the licensee's quality assurance program implementing/operating procedures.
 - 3) Every AT laboratory system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination of a calibration factor requires exposures of ATs to a known radon concentration in a radon exposure chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration.
 - A) ATs shall be exposed in a radon chamber at a minimum of three different radon concentrations (such as approximately 1.0-4.0, 5-15, 20-50 pCi/L) or exposure levels similar to those found in the tested buildings.
 - B) A minimum of 10 detectors shall be exposed at each level of the chamber.
 - C) A calibration factor shall be determined for each batch or sheet of detector material received from the supplier. Alternatively, calibration factors may be established for several sheets, and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- D) Analysis instruments shall be checked at least daily for operability prior to operation. Analysis instruments do not need to be checked on days not used.
- 4) Licenses providing measurement services with AT devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.~~Analysis instruments shall be checked at least daily for operability prior to operation.~~
- 5) Licenses providing measurement services with AT devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~ATs exposed at known concentrations shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded.~~
- 6) Licenses providing measurement services with AT devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
- A) The results shall be monitored and recorded. One or a few field blanks having concentrations significantly greater than the LLD established by the supplier may indicate defective packaging or handling and the licensee shall investigate the cause. If the average value from the field control devices (field blanks) is significantly greater than the LLD established by the supplier, this average value shall be subtracted from the individual values reported for the other devices in the exposure group.
- B) It may be advisable to use 3 sets of detectors (pre-exposure, field and post-exposure background) in order to allow the most thorough and complete evaluation of radon levels. For example, one group of detectors (pre-exposure detectors) may be earmarked for background measurement and returned for processing immediately after the other detectors are deployed. The results from these detectors determine if the number of tracks acquired before deployment is significant and should be subtracted from the gross result. The second set of background detectors (post-

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

exposure background detectors) are obtained just before the field monitors are to be collected and are opened and kept in the same location as the returning field monitors for the same duration, and returned with them. Finally, this "post-exposure background" is subtracted from the field results, if found to be significant. In general, a value of 1 pCi/L or greater for any blank AT indicates a significant level that should be investigated and potentially subtracted from the field AT results.

- de) Protocol for using electret ion chamber radon (ES or EL) detectors (~~ECs, ESs, ELs~~) to measure indoor radon concentrations
- 1) Refer to Section 422.130(~~+~~) of this Part for a list of general conditions that shall met and standard information that shall be documented.
 - 2) Every short-term and long-term electret ~~detector~~ system and the electret ~~readers~~reader(s) shall be calibrated in a radon calibration chamber, approved by the Agency~~Department or certified by USEPA~~. Initial calibration for the system is provided by the manufacturer. Subsequent recalibrations shall be performed at least once every 12 months. Determination of calibration factors for short-term or long-term detectors requires exposure of detectors to known concentrations of radon-222 in a radon exposure chamber. Since short-term and long-term electret detector systems are also sensitive to exposure to gamma radiation, a gamma exposure rate measurement in the test chamber is also required annually.
 - 3) The following is provided to manufacturers and suppliers of ES or EL services as minimum requirements in determining the calibration factor.~~Every short-term and long-term electret system and the electret reader are calibrated.~~
 - A) Detectors shall be exposed in a radon chamber at a minimum of 3~~three~~ different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L, or exposure levels similar to those found in the tested buildings.
 - B) Expose a minimum of 10 detectors at each radon concentration of the chamber.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- C) Ensure a period of exposure sufficient to allow the detector to achieve equilibrium with the radon chamber atmosphere.
- 4) Licenses providing measurement services with ES or EL devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
- ~~4)~~ ~~As a minimum, laboratories performing electret calibration services shall:~~
- ~~A)~~ ~~Expose a minimum of 10 detectors at each level of the chamber.~~
- ~~B)~~ ~~Ensure a period of exposure sufficient to allow the detector to achieve equilibrium with the chamber atmosphere.~~
- 5) Licenses providing measurement services with ES or EL devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
- ~~65)~~ ~~Licenses~~~~Anyone~~ providing measurement services with short-term or long-term electrets shall set aside a minimum of ~~5~~five percent of the electrets or 10, whichever number is smaller, from each shipment and evaluate them for voltage drift. The electrets shall be kept covered with protective caps in a low radon environment and analyzed for voltage drift over a time period similar to the time period used for those deployed in measurements. Any voltage loss found in the control electrets of more than one volt per week over a ~~3~~three-week test period for short-term electrets, or one volt per month over a ~~3~~three-month period for long-term electrets, shall be investigated.
- ~~76)~~ Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing a reference electret. These checks shall be conducted at least once a week while the voltmeter is in use.
- ~~ed)~~ Protocol for using activated charcoal adsorption (AC) devices (~~ACs~~) to measure indoor radon concentrations
- 1) Refer to Section 422.130(~~+~~) of this Part for a list of general conditions that

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

shall be met and standard information that shall be documented.

- 2) Every activated charcoal adsorption system shall be calibrated in a radon ~~calibration~~ chamber at least once every 12 months. Determination of calibration factors for ACs requires exposure of the detectors to known concentrations of radon-222 in a radon exposure chamber. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the charcoal container during exposure. Calibration factors shall be determined for each AC measurement system (container type, amount of charcoal, gamma detector type, etc.).
- 3) ~~Licenses providing measurement services with AC devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section. Laboratory Control Detectors. The laboratory background level for each batch of ACs shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures (laboratory blanks).~~
- 4) ~~Licenses providing measurement services with AC devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section. Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (two standard deviations). The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.~~
- 5) ~~Laboratory Control Detectors. The laboratory background level for each batch of ACs shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, which are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 6) Licensees providing measurement services with AC devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
- A) If one or a few of the field blanks have concentrations significantly greater than LLD established by the supplier it may indicate defective devices or poor procedures and the licensee shall investigate the cause.
- B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- f) Protocol for using charcoal liquid scintillation (LS) devices to measure indoor radon concentrations-
- 1) Refer to Section 422.130(~~+~~) of this Part for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) Every LS laboratory system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination of calibration factors for LS devices requires exposure of calibration devices to known concentrations of radon-222 in a radon exposure chamber at carefully measured radon concentrations. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the device during exposure. Calibration factors shall be determined for a range of different exposure times and, as appropriate, humidities.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) Licensees providing measurement services with LS devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section. Laboratory Control Devices. The laboratory background level for each batch of LS devices shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed LS devices that have been processed according to their standard operating procedures (laboratory blanks).
- 4) Licensees providing measurements services with LS devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section. Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (two standard deviations). The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- 5) Laboratory Control Devices. The laboratory background level for each batch of LS devices shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed LS devices that have been processed according to their standard operating procedures (laboratory blanks). The analysis laboratory or supplier calculates the net readings, which are used to calculate the reported sample radon concentrations, by subtracting the laboratory blank values from the results obtained from the field detectors.
- 6) Licensees providing measurement services with LS devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
 - A) One or a few of the field blanks having concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (2 standard deviations). Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- g) Protocol for using grab radon sampling (GB, GC, GS) pump/collapsible bag devices (PBs), and ~~3~~three-day integrating evacuated scintillation cells (SCs) to measure indoor radon concentrations-
- 1) Refer to Section 422.130(~~f~~) of this Part for a list of general conditions that shall be met and standard information that shall be documented.
- 2) ~~The serial numbers of cells, cartridges, bags, pumps and counting or analysis equipment shall be recorded. The start time and stop time vacuum gauge readings shall be recorded along with the serial numbers of the SCs and counting equipment.~~
- 23) Every GB, GC, GS, PB or SC device shall be calibrated in a radon calibration chamber before being put into service and at subsequent intervals of not more than 12 months, ~~with cross checks to a recently calibrated instrument at least semiannually.~~
- A) Calibration Factors. Determination of calibration factors requires exposure of calibration devices to known concentrations of radon-222 in a radon exposure chamber at carefully measured radon concentrations. The cells shall be recalibrated annually at radon levels similar to those found in tested buildings. Scintillation counting systems used to count exposed cells shall be either the system used to calibrate the cell or one calibrated against that system.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) Cell Calibration. If a GS method of measuring the radon concentration is used in the PB or GB methods, the following calibration procedure shall be followed.
- i) The cell counting system consisting of the scaler, detector and high voltage supply shall be calibrated. The correct high voltage is determined by increasing the high voltage by increments and plotting the resultant counts. Each counting system shall be calibrated in a radon calibration chamber before use and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed once every 12 months, with cross-checks to a recently calibrated instrument at least semiannually. A check source or calibration cell shall be counted in each analysis system each day of use to demonstrate proper operation prior to counting any samples.
 - ii) A separate calibration factor shall be obtained for each cell in the counting system. Each cell shall be filled with radon of a known concentration and counted to determine the conversion factor (in counts per minute per pCi). The known concentration of radon may be obtained from a radon calibration chamber or estimated from a bubbler tube containing a known concentration of radium.
- C) Grab-Radon/Activated Charcoal (GC) Method Calibration. The special cartridge shall be calibrated in a radon chamber prior to use and at least once every 12 months thereafter to establish a calibration factor. Samples shall be taken at different humidities and temperatures to establish correction factors.
- 3) Licensees providing measurement services with GB, GC, GS, PB or SC devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
- 4) Licensees providing measurement services with GB, GC, GS, PB or SC devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section. Calibration Factors. Determination of calibration

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~factors requires exposure of calibration devices to known concentrations of radon-222 in a radon exposure chamber at carefully measured radon concentrations. The cells shall be recalibrated annually at radon levels similar to those found in tested buildings. Scintillation counting systems used to count exposed cells shall be either the system used to calibrate the cell or one calibrated against that system.~~

- 5) Laboratory Control Devices. The background level for each device shall be established by each supplier. Suppliers shall measure the background of each device before each use.
- A) A background count for each type of system is determined prior to measurement.
- B) When the GC method is used, the background of the charcoal shall also be assessed.
- 6) Licensees providing measurement services with GB, GC, GS, PB or SC devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
- 5) ~~Cell Flushing and Storage. After cells have been counted and data are satisfactorily recorded, the cells shall be flushed with aged air or nitrogen to remove the sample. Flow through cells shall be flushed with at least 10 volume exchanges at a flow of two liters per minute. Cells with single valves shall be evacuated and refilled with aged air or nitrogen at least five times. Flushed cells shall be left filled with aged air or nitrogen and allowed to sit overnight before being counted for background.~~
- 6) ~~Cell Calibration. If a GS method of measuring the radon concentration is used in the PB or GB methods, the following calibration procedure shall be followed.~~
- A) ~~The cell counting system consisting of the scaler, detector and high voltage supply shall be calibrated. The correct high voltage is determined by increasing the high voltage by increments and plotting the resultant counts. Each counting system shall be calibrated in a radon calibration chamber before use and after any repairs or modifications. Subsequent recalibrations shall be~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~performed once every 12 months, with cross checks to a recently calibrated instrument at least semiannually. A check source or calibration cell shall be counted in each analysis system each day to demonstrate proper operation prior to counting any samples.~~
- ~~B) A separate calibration factor shall be obtained for each cell in the counting system. Each cell shall be filled with radon of a known concentration and counted to determine the conversion factor (in counts per minute per pCi). The known concentration of radon may be obtained from a radon calibration chamber or estimated from a bubbler tube containing a known concentration of radium.~~
- 7) Counting equipment shall be checked prior to each day's use with a check source. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent. ~~Grab-Radon/Activated Charcoal (GC) Method Calibration. The special cartridge shall be calibrated in a radon calibration chamber prior to use and at least once every 12 months thereafter to establish a calibration factor. Samples shall be taken at different humidities and temperatures to establish correction factors.~~
- 8) Pumps and flow meters shall be checked in accordance with the manufacturer's specifications to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy. ~~Laboratory Control Devices. The background level for each device shall be established by each supplier. Suppliers shall measure the background of each device before each use.~~
- 9) Licenses providing measurement services with GB, GC, GS, or SC devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section. Counting equipment shall be checked prior to each day's use with a check source. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~percent.~~

~~10) Pumps and flow meters shall be checked in accordance with the manufacturer's specification to ensure accuracy of volume measurements. This may be performed using a dry gas meter or other flow measurement device of traceable accuracy.~~

hg) Protocol for using unfiltered track detection (UT) to measure indoor radon concentrations

- 1) Refer to Section 422.130~~(j)~~ of this Part for a list of general conditions that shall be met and standard information that shall be documented.
- 2) ~~The laboratory background level shall be measured for a statistically significant number of unexposed UTs for each batch of UTs and this measure shall be established by each laboratory licensed by the Department.~~
- 3) Every UT laboratory system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination of a calibration factor requires exposure of UT detectors to a known radon and decay product concentration in a radon exposure chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration. The following is provided to manufacturers and suppliers of this device as minimum requirements in determining the calibration factor:
 - A) UT detectors shall be exposed in a radon chamber at a minimum of three different radon and decay product concentrations similar to those expected in the tested buildings. Concentrations of radon decay products shall be known in order to be included in the calculation of the calibration factor.
 - B) A minimum of 10 detectors shall be exposed at each radon concentration level of the chamber.
 - C) A calibration factor shall be determined for each batch of detector material received from the material supplier. Alternatively, calibration factors may be established from several sheets and these factors extended to detectors from sheets exhibiting similar

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

sensitivities (within pre-established tolerance limits).

D) Altitude of the radon chamber shall be known if located at more than 600 feet (200 meters) above sea level so that a correction can be included in the calculation of the calibration factor.

- 3) Licensees providing measurement services with UT devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section.
- 4) Licensees providing measurement services with UT devices shall perform duplicate measurements~~Duplicate Measurements~~. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~Analysis instruments shall be checked at least daily for operability prior to operation.~~
- 5) ~~UTs exposed at known concentrations shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded.~~
- 6) Laboratory Control Detectors. The laboratory background level for each batch of UT detectors shall be established by each supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures. Normally, the analysis laboratory or supplier calculates the net readings (which are used to calculate the reported sample radon concentrations) by subtracting the laboratory blank values from the results obtained from the field detectors.
- 6) Licensees providing measurement services with UT devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
- A) One or a few of the field blanks having concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Analysis instruments shall be checked at least daily for operability prior to operation. Daily operability checks do not need to be performed on days the instrument is not used.
- ih) Protocol for using continuous working level (CW) monitors (~~CWs~~) to measure indoor radon decay product concentrations
- 1) Refer to Section 422.130(~~h~~) of this Part for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The longer the operating time the smaller the uncertainty associated with using the measurement result to estimate a longer-term average concentration.~~Every continuous monitor shall be calibrated in a radon calibration chamber, approved by the Department or certified by USEPA, before being placed into service, and after any repairs or modifications. Subsequent recalibrations and background checks shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually.~~
 - 3) The integrated average WL over the measurement period shall be reported as the measurement result.~~Background measurements shall be performed after every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions.~~
 - 4) Every continuous monitor shall be calibrated in a radon chamber, approved by the Agency, before being placed into service and after any repairs or modifications that could affect the calibration. Subsequent recalibrations and background checks shall be performed at least once every 12 months.~~When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The sampling period shall be at least 46 to 50 (48 \pm a 2 hour grace period). The longer the operating time the smaller the~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~uncertainty associated with using the measurement result to estimate a longer term average concentration. The integrated average WL over the measurement period shall be reported as the measurement result.~~

- 5) ~~Background measurements shall be performed after every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate may be monitored more frequently by operating the CW in a low radon concentration. Pumps and flow meters shall be checked quarterly to ensure accuracy of volume measurements.~~
 - 6) ~~Measurement licensees providing measurement services with CM devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~
 - 7) ~~Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instructions to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.~~
 - 8) ~~Licensees providing measurement services with CW devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section.~~
- ii) Protocol for using radon progeny integrating sampling units (RPISUs or RPs) to measure indoor radon decay product concentrations
- 1) Refer to Section 422.130(+) of this Part for a list of general conditions that shall be met and standard information that shall be documented.
 - 2) Every RP shall be calibrated in a radon calibration chamber, approved by the Agency Department or certified by USEPA, before being placed into service, and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually. Calibration of RPs requires exposure in a controlled radon-exposure chamber where the radon decay product concentration is known during the exposure period. The detector shall be exposed in the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

radon chamber using the normal operating flow rate for the RP sampling pumps. Calibration shall include exposure to a minimum of ~~4~~four detectors exposed at different radon decay product concentrations representative of the range found in routine measurements. The relationship of thermoluminescent dosimeter (TLD) reader units or etched track reader units to working level (WL) for a given sample volume and the standard error associated with this measurement shall be determined. Calibration of the RPs includes testing to ensure accuracy of the flow rate measurement.

- 3) ~~Licenses providing measurement services with RP devices shall perform known exposure measurements (spikes). The performance and analysis of spikes shall be completed in accordance with subsection (a)(2)(B) of this Section. Laboratory Control Detectors. The laboratory background level for each batch of assembled TLDs should be established by each supplier. Suppliers shall measure the background of a statistically significant number of unexposed thermoluminescent assemblies that have been processed according to their standard operating procedures. To calculate the net readings used to calculate the reported sample radon concentrations, the analysis laboratory shall subtract this laboratory blank value from the results obtained from the field detectors.~~
- 4) ~~Licenses providing measurement services with RP devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.~~
- 5) ~~Laboratory Control Detectors. The laboratory background level for each batch of assembled TLDs should be established by each supplier. Suppliers shall measure the background of a statistically significant number of unexposed thermoluminescent assemblies that have been processed according to their standard operating procedures. To calculate the net readings used to calculate the reported sample radon concentrations, the analysis laboratory shall subtract this laboratory blank value from the results obtained from the field detectors.~~
 - A) ~~Similarly, the laboratory background level for each batch of AT-type RPs shall be established by each supplier of these detectors. Suppliers shall measure the background of a statistically significant number of unexposed detector films that have been processed according to their standard operating procedures. The analysis~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- laboratory shall subtract this laboratory blank value from the results obtained from the field detectors before calculating the final result.
- B) Users of electret-type RPs shall follow control detector procedures described in subsection (d) of this Section.
- 6) Licensees providing measurement services with RP devices shall perform background measurements. The performance of background measurements shall be completed in accordance with subsection (a)(2)(C) of this Section.
- A) One or a few of the field blanks having concentrations significantly greater than the LLD established by the supplier may indicate defective devices or poor procedures and the licensee shall investigate the cause.
- B) If most of the field blanks have concentrations significantly greater than the LLD, the average value of the field blanks shall be subtracted from the reported field detector concentrations and the supplier notified of a possible problem.
- 7) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instructions to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.
- A) Similarly, the laboratory background level for each batch of AT-type RPs shall be established by each supplier of these detectors. Suppliers shall measure the background of a statistically significant number of unexposed detector films that have been processed according to their standard operating procedures. The analysis laboratory shall subtract this laboratory blank value from the results obtained from the field detectors before calculating the final result.
- B) Users of electret-type RPs shall follow control detector procedures described in subsection (e) of this Section.
- kj) Protocol for using the grab sampling-working level (GW) technique to measure indoor radon decay product concentrations

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Refer to Section 422.130~~(f)~~ of this Part for a list of general conditions that shall be met and standard information that shall be documented.
- 2) Pumps and flow meters used to sample air shall be calibrated annually to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.
- 3) Every GW device shall be calibrated in a radon ~~(decay product)~~ calibration chamber before being put into service, and after any repairs or modifications that could affect the calibration. Subsequent recalibrations shall be performed once every 12 months, ~~with cross checks to a recently calibrated instrument at least semiannually~~. Grab measurements shall be made in a radon calibration chamber of known radon decay product concentrations to verify the calibration factor. These measurements shall also be used to test the collection efficiency and self-absorption of the filter material being used for sampling. A change in the filter material being used shall require that the new material be checked for collection efficiency in a radon calibrated chamber.
- 4) Counting equipment shall be checked to ensure proper operation. This shall be achieved by counting an instrument check source at least once per day prior to instrument use. Daily operability checks do not need to be performed on days the instrument is not used. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
 - A) The radiological counters shall have calibration checks run daily prior to use to determine counter efficiency. Daily operability checks do not need to be performed on days the instrument is not used. These checks shall be made using ~~an~~ NIST-traceable alpha calibration source such as Am-241. In addition, the system background count rate shall be assessed in accordance with the manufacturer's specification.
 - B) Pumps and flow meters shall be checked in accordance with the manufacturer's specification to ensure accuracy of volume

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.

- 5) Licenses providing measurement services with GW devices shall perform duplicate measurements. The performance and analysis of duplicates shall be completed in accordance with subsection (a)(2)(D) of this Section.
- 6) Licenses providing measurement services with GW devices shall perform cross-checks. The performance and analysis of cross-checks shall be completed in accordance with subsection (a)(2)(F) of this Section.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 422.150 Mitigation Standard

- a) The Mitigation Standard (MS) includes requirements for installation of radon remediation systems and provides a basis for evaluating the quality of such installations. It provides the basis against which in-progress or completed inspections will be evaluated.
- b) Radon Mitigation Professional licensees shall be responsible for all radon mitigation systems installed by their firm or its subcontractors to ensure compliance with the requirements of this Mitigation Standard.
- c) Limitations
 - 1) Where discrepancies exist between provisions of the MS and municipal codes, the municipal codes shall take precedence, except that the municipal codes shall not take precedence with regard to alterations that may adversely impact the radon reduction functions for which such systems were originally designed and may adversely impact public health and safety regarding exposure to a radioactive element.
 - 2) Compliance with the MS does not guarantee reduction of indoor radon concentrations to any specific level.
 - 3) Mitigation systems altered after June 1, 1998, shall be upgraded to the requirements of this Section. Altering radon mitigation systems does not include activities such as replacing worn out equipment or providing new filters, while leaving the remainder of the system unchanged. When

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

maintenance is performed by a licensee on a mitigation system that does not comply with this Part ~~is altered after June 1, 1998~~, the client shall be notified in writing that the mitigation system does not comply with the mitigation standards of this Part. In addition, the professional licensee shall provide a written estimate of the upgrades needed and the cost to bring the system into compliance.

- 4) Radon Mitigation Professional licensees shall have, as reference documents for the design, size, operation, use and selection of the most appropriate mitigation strategy for a given building, the following references, as a minimum:
- A) "Radon Reduction Techniques for Detached Houses, Technical Guidance (Second Edition)", EPA/625/5-87/019, January 1988. EPA Training Manual, "Reducing Radon In Structures," (Third Edition), January 1993.
 - B) "Radon Reduction Techniques for Detached Houses, Technical Guidance (Third(Second Edition) for Active Soil Depressurization Systems," EPA/625/R-93/011 EPA/625/5-87/019, October 1993 January 1988.
 - C) "Application of Radon Reduction Methods," EPA/625/5-88/024, August 1988.

~~AGENCY NOTE: Copies of these documents are available from the Department.~~

- 5) ~~Contractors installing research or innovative radon techniques or otherwise deviating from the mitigation standards in this Part shall notify the Department in writing 7 working days prior to the commencement of work. When such research is conducted, a performance standard shall be applied, i.e., post-mitigation radon levels shall be below USEPA's action level (4.0 pCi/L). Written notification to the Department shall include:~~
- ~~A) Written acknowledgement signed by the client stating that the client understands that the installation deviates from standard installations; and~~
 - ~~B) The technical bases for the mitigation design and description of~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~the functional accomplishments the installed system will achieve.~~

- d) Quality Assurance. Radon Mitigation Professional licensees shall follow the procedures specified in the Quality Assurance Program as required by Section 422.60(c)(5)(D) of this Part.
- e) General Practices. The following general practices are required for all contacts between Radon Mitigation licensees and clients.
- 1) In the initial contact with a client, the licensee shall review any available results from previous radon ~~measurements~~tests to assist in developing an appropriate mitigation strategy.
 - 2) The licensee shall ~~inform~~refer the client ~~of documents that discuss interpretation of to discussions of interpreting~~ indoor radon test results and the health risk associated with the radon level found in the building. These documents are available from the Agency and are on the Agency web site. and shall have available for the client a copy of:
 - A) ~~USEPA "A Citizen's Guide to Radon (Second Edition)"; and~~
 - B) ~~USEPA "Consumers Guide to Radon Reduction."~~
 - 3) Whenever a temporary radon reduction system is installed in lieu of a permanent radon reduction system, the licensee shall:
 - A) Obtain a signed acknowledgement that the client understands the temporary nature of the system;
 - B) Label the system as temporary with a label readable from at least ~~3~~three feet away and that states "This system is temporary and will be replaced with a permanent radon reduction system. The estimated date of installation of the permanent radon reduction system is ____."
 - C) Inform the ~~Agency~~Department when the permanent installation is postponed for over 60 days.
 - 4) The licensee shall inform the client in writing, at the time a proposal for the installation of a radon reduction system is offered, of any sealants,

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

caulks, or bonding chemicals containing volatile solvents and of the need to ventilate work areas during and after the use of such materials. The licensee shall provide ventilation as recommended by the manufacturer of the material used if existing ventilation does not meet the recommendations of the manufacturer of the material used.

f) Building Investigation

- 1) The licensee shall conduct a thorough visual inspection of the building prior to initiating any radon mitigation work. The results of the inspection shall be recorded in detail on a drawing of the floor plan. The licensee shall identify and describe any specific building characteristics and configurations, such as large cracks in slabs, exposed earth in crawlspaces, open stairways to basements, and operational conditions, such as continuously running HVAC systems or operation windows, that may affect the design, installation, and effectiveness of radon mitigation systems.
 - A) As part of this inspection, the licensee shall request from the client any available information on the building, such as construction specifications, pictures, drawings, etc., that might be valuable in determining the radon mitigation strategy.
 - B) A floor-plan drawing shall be finalized from preliminary inspection sketches and shall include illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices.
 - C) The finalized drawing shall be an auditable part of the mitigation file and shall be available to the occupant, the owner of the building, his/her representatives or the client, ~~or its representatives,~~ upon request.
- 2) The licensee shall conduct diagnostic tests to assist in identifying and verifying radon entry points and shall document the results of these tests in writing. Such tests may include radon grab sampling, continuous radon monitoring, and the use of smoke sticks.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~If a contractor has concerns about backdrafting potential at a particular site, the contractor shall recommend that a qualified person inspect the natural draft combustion appliances and venting systems for compliance with local codes and regulations. The contractor shall recommend that the building owner bring into compliance any combustion appliance or venting system found to be non-complying. The licensee shall conduct diagnostic tests to evaluate the existence of, or the potential for, backdrafting of natural draft combustion appliances and shall document the results of this evaluation in writing. The licensee shall conduct backdrafting tests in accordance with any of the following procedures:~~
- ~~A) American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standard 62-1989, Appendix B, Positive Combustion Air Supply;~~
 - ~~B) National Gas Code, Appendix H (p. 2223.3-98), 1988, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; or~~
 - ~~C) A procedure, approved by the Department, that incorporates, as a minimum, all of the check list items in USEPA's Radon Mitigation Standard, Section 11.3 (1)-(10), page 8, Revised April 1994.~~
- 4) Licensees shall not install a fan-powered radon reduction system in any building ~~in which~~wherein confirmed spillage from any natural combustion appliance occurs, until the licensee has confirmed that the problem has been corrected by the client. ~~Licensees shall advise the client to contact an HVAC contractor to correct an existing or potential backdrafting condition.~~
- 5) Licensees shall conduct a communication test prior to completing a proposal for the installation of a radon reduction system in any building where the characteristics of the sub-slab material are unknown to the licensee. The results of the communication test shall be documented in writing or on a drawing of the building floor plan.
- g) Systems Design
- 1) All radon mitigation systems shall be designed and installed as permanent, integral additions to a building, except in accordance with subsection

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

(e)(3) of this Section.

- 2) All radon mitigation systems shall be designed to avoid the creation of other health, safety, or environmental hazards to building occupants, such as backdrafting of natural draft combustion appliances.
- 3) The main run of vent pipe, from primary suction point to exhaust, shall be a minimum 3 inches in diameter to avoid excessive flow noise inside the pipe and noise when the exhaust jet is released.
- 4) All radon mitigation systems and their components shall be designed to comply with the laws, ordinances, codes, and regulations of relevant jurisdictional authorities, including applicable mechanical, electrical, building, plumbing, energy and fire prevention codes.
- 5) All radon mitigation systems shall be designed to reduce a radon concentration in each area within the footprint of the building as low as reasonably achievable (ALARA).

h) Systems Installation

1) General Requirements

- A) All components of radon mitigation systems shall also be in compliance with the applicable mechanical, electrical, building, plumbing, energy and fire prevention codes, standards, and regulations of local jurisdictions.
- B) ~~The licensee shall obtain all required licenses and permits, and display them in the work areas as required by local ordinances.~~
- ⊖) Where portions of structural framing material must be removed to accommodate radon vent pipes, material removed shall be no greater than that permitted for plumbing installations by applicable building or plumbing codes.
- ⊖) Where radon mitigation system installation requires pipes or ducts to penetrate a firewall or other fire resistance rated wall, floor or ceiling penetrations shall be protected in accordance with applicable building, mechanical, fire and electrical codes.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

AGENCY NOTE: An example of a protected penetration would be the installation of a fire collar on a vent pipe penetrating a ceiling.

- ~~D~~E) Sump pits shall not be used as the primary suction point for mitigation systems, unless in accordance with subsection ~~(h)(7)(e)(5)~~ of this Section. ~~When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.~~
- E) Installations that require greater than 5 days for installation shall be treated as temporary installations in accordance with subsection (e)(3) of this Section.
- 2) Passive or skeletal new construction systems are not required components of new building construction, except as included in municipal building codes. Mitigation systems installed in new construction must be performed by a licensed mitigation professional or technician.
- 3) Radon Vent Pipe Installation
- A) All joints and connections in radon mitigation systems using plastic vent pipes shall be permanently sealed with adhesives as specified by the manufacturer of the pipe material used, with two exceptions:
- i) If secondary suction points are installed in sump pits, the system shall be designed with removable or flexible couplings to facilitate removal of the sump pit cover and for sump pump maintenance; and
- ii) To facilitate maintenance and future replacement, radon vent fans shall be installed in the vent pipe using removable couplings or flexible connections that can be tightly secured to both the fan and the vent pipe.
- B) Attic and external piping runs shall be directed vertically with no obstructions in the discharge except for a rodent screen of wire mesh no smaller than one-fourth inch. Rain caps shall not be

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

installed on the discharge.

- C) Radon vent pipes shall be fastened to the structure of the building with hangers, strapping, or other supports that will adequately secure the vent material. Existing plumbing pipes, ducts, or mechanical equipment shall not be used to support or secure a radon vent pipe.
- D) Radon vent pipes shall be supported as follows:
- i) Supports for radon vent pipes shall be installed at least every 6 feet on horizontal runs.
 - ii) Vertical runs shall be secured either above or below the points of penetration through floors, ceilings, and roofs, ~~or~~
 - iii) Vertical runs shall be secured at least every 8 feet on runs that do not penetrate floors, ceilings, or roofs.
- E) To prevent blockage of air flow into the bottom of radon vent pipes, these pipes shall be supported or secured in a permanent manner that prevents their downward movement to the bottom of suction pits or sump pits, or into the soil beneath an aggregate layer under a slab.
- F) Radon vent pipes shall be installed in a configuration that ensures that any rain water or condensation within the pipes drains downward into the ground beneath the slab or soil gas retarder membrane.
- G) Radon vent pipes shall not block access to any areas requiring maintenance or inspection. Radon vents shall not be installed in front of or interfere with any light, opening, door, window or equipment access area required by code.
- H) When a radon mitigation system is designed to draw soil gas from a perimeter drain tile loop (internal or external) that discharges water through a drain line to daylight or a soakaway, a one-way flow valve, water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system. To prevent re-

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~entrainment of radon, the point of discharge from vents of fan-powered soil depressurization and block wall depressurization systems shall meet all of the following requirements:~~

- 4) Vent Stack Discharge Point. The discharge from vent stack pipes of active soil depressurization systems shall prevent re-entrainment of radon, prevent vent stack blockage due to heavy snowfall, and prevent the direct exposure of individuals outside of buildings to high levels of radon by meeting all the following requirements:
- A) Above the highest eave of the roof and as close to the roof ridge line as possible, unless an attached garage may be used for vent stack pipe discharge and all the following additional conditions are met:
- i) The vent stack point penetrates the highest point on the roof that maximizes distance from people using the house, yard, patio, deck, etc.;
- ii) There are no windows in the direct line of sight from the vent stack point;
- iii) The vent stack point penetrates the farthest point on the roof that maximizes distance from the nearest opening (such as windows, doors, etc.) into the house and garage that is less than 2 feet below the exhaust point; and
- iv) The reason for routing through an attached garage shall be documented and maintained for inspection by the Agency;
- B) 10 feet or more above ground level;
- C) 10 feet or more from any window, door or other opening into conditioned spaces of the structure that is less than 2 feet below the exhaust point. The 10 feet may be measured either directly between the 2 points or be the sum of measurements made around intervening obstacles. Chimney flues shall be considered openings into conditioned or otherwise occupiable space;
- D) 10 feet or more from any opening into an adjacent building;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~E) For vent stack pipes that penetrate the roof, at least 12 inches above the surface of the roof; and~~
- ~~F) For vent stack pipes attached to or penetrating the sides of buildings, vertical and at least 12 inches above the edge of the roof and in a position to prevent blockage from snow or other materials and from being filled with water from the roof or an overflowing gutter.~~
- ~~i) Above the highest eave of the roof and as close to the roof ridge line as possible;~~
- ~~ii) 10 feet or more above ground level;~~
- ~~iii) 10 feet or more from any window, door, or other opening into conditioned spaces of the structure that is less than 2 feet below the exhaust point; and~~
- ~~iv) 10 feet or more from any opening into an adjacent building.~~
- ~~I) The total required distance (10 feet) from the point of discharge to openings in the structure may be measured either directly between the two points or be the sum of measurements made around intervening obstacles. The exhaust point shall be positioned above the highest eave of the building and as close to the roof ridge line as possible.~~
- ~~J) When a radon mitigation system is designed to draw soil gas from a perimeter drain tile loop (internal or external) that discharges water through a drain line to daylight or a soakaway, a one-way flow valve, water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system.~~
- 54) Radon Vent Fan Installation
- A) Vent fans used in radon mitigation systems shall be designed or otherwise sealed to reduce the potential for leakage of soil gas from the fan housing.
- B) Radon vent fans used in active soil depressurization or block wall ~~depressurization~~ systems shall be installed in attics, in garages that

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

are not beneath conditioned spaces, or on the exterior of the building. Radon vent fans shall not be installed below ground nor in the conditioned (heated/cooled) space of a building, nor in any basement, crawlspace, or other interior location directly beneath the conditioned spaces of a building.

- C) Radon vent fans shall be installed in a configuration that avoids condensation buildup in the fan housing. Fans shall be installed in vertical runs of the vent pipe.
- D) Radon vent fans shall be mounted and secured in a manner that minimizes transfer of vibration to the structural framing of the building.
- E) Radon vent fans shall be mounted ~~to~~ the vent pipe with removable couplings or flexible connections to facilitate fan removal for repair or replacement.
- F) The intakes of fans used in crawlspace pressurization, or in pressurizing the building itself, shall be screened or filtered to prevent ingestion of debris or personal injury. Screens or filters shall be removable to permit cleaning or replacement and ~~the~~ building ~~occupant and owner~~owners shall be informed of the need to periodically replace or clean ~~thesuch~~ screens and filters. This information shall be included in documentation provided to the client.

~~65)~~ Suction Pit Requirement for Sub-Slab Depressurization (SSD) Systems:

- ~~A)~~ Materials shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes to provide optimum pressure field extension.

7) Sump Pit Requirements

- A) Sump pits shall not be used as the primary suction point for mitigation systems.
- B) When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit or in areas where

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

the water table is near the surface, causing flooding of the basement or interfering with the effectiveness of the mitigation system. Pedestal pumps with a higher pumping capacity may be installed in accordance with all the following conditions:

- i) The pump is installed in accordance with the manufacturer's instructions.
 - ii) The sump lid can be sealed air tight with the exception of the tiny opening necessary to permit free operation of the pedestal pump's float.
 - iii) The design does not create noise, through the float opening, that is objectionable to the client.
- C) Sump pits that permit entry of soil gas or that would allow conditioned air to be drawn into a mitigation system shall be covered and sealed.
- D) The covers on sumps that previously provided protection or relief from surface water collection shall be fitted with a water or mechanically trapped drain. Water traps shall be fitted with an automatic supply of priming water.
- E) Sump pit covers shall incorporate a clear view-port to permit observations of conditions in the sump pit.
- F) Sump pit covers shall be made of durable plastic or clear polycarbonate and be designed to permit air-tight sealing.
- G) Sump pit covers shall be designed to support the weight of a 155-pound individual standing on the cover.
- H) To permit easy removal for sump pump servicing, the sump pit cover shall be sealed using silicone or other non-permanent type caulking materials or an air-tight gasket.
- B) Sump pits shall not be used as the primary suction point for mitigation systems. When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~pit.~~

- ~~C) Sump pit covers shall permit observation of conditions in the sump pit.~~

86) Sealing Requirements

- A) ~~Openings around radon vent pipe penetrations of the slab, the foundation walls, or the crawlspace soil gas retarder membrane shall be cleaned, prepared and sealed in a permanent, air-tight manner using compatible caulks or other sealants. Sump pits that permit entry of soil gas or that would allow conditioned air to be drawn into a sub-slab depressurization system shall be covered and sealed. The covers on sumps that previously provided protection or relief from surface water collection shall be fitted with a water or mechanically trapped drain. Water traps shall be fitted with an automatic supply of priming water. Sump pit covers shall incorporate a viewport to permit observations of conditions in the sump pit, be made of durable plastic or clear polycarbonate, and be designed to permit air-tight sealing and to support the weight (not to exceed 155 pounds) of an individual standing on the cover. To permit easy removal for sump pump servicing, the cover shall be sealed using silicone or other non-permanent type caulking materials or an air-tight gasket.~~
- B) ~~Openings around radon vent pipe penetrations of the slab, the foundation walls, or the crawlspace soil gas retarder membrane shall be cleaned, prepared and sealed in a permanent, air-tight manner using compatible caulks or other sealants.~~ Openings around other utility penetrations of the slab, walls, or soil gas retarder shall also be sealed. Cracks in slabs and other small openings around penetrations of the slab and foundation walls shall be cleaned, prepared, and sealed in a permanent air-tight manner using caulks or other sealants designed for such application.
- C) Where a Block Wall Depressurization (BWD) system is used to mitigate radon, openings in the tops of ~~thesueh~~ walls and all accessible openings or cracks in the interior surfaces of the walls shall be cleaned, prepared and sealed with caulks or other sealants designed for such application. ~~When sealing holes for plumbing~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam, or other sealants designed for such application shall be used.~~

D) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grout, expanding foam, or other sealants designed for such application shall be used.

ED) Openings or cracks that are determined to be inaccessible or beyond the ability of the licensee to seal shall be disclosed to the client and included in the documentation.

FE) Openings, perimeter channel drains or cracks that exist where the slab meets the foundation wall (floor-wall joint), shall be sealed with urethane caulk or other sealants designed for such application. When the opening or channel is greater than ½ inch in width, a foam backer rod shall be inserted in the channel before application of the sealant. This sealing technique shall be done in a manner that retains the channel feature as a water control system. Other openings or cracks in slabs or at expansion or control joints should also be sealed.

GF) When installing baseboard type suction systems, all seams and joints in the baseboard material shall be joined and sealed using materials recommended by the manufacturer of the baseboard system. Baseboards shall be secured to walls and floors with adhesives designed and recommended for such installations. If a baseboard system is installed on a block wall foundation, the tops of the blockwall shall be closed and sealed ~~in accordance with the manufacturer's recommendation.~~

G) ~~Any seams in soil gas retarder membranes used in crawlspaces for sub-membrane depressurization systems shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. To enhance the effectiveness of sub-membrane depressurization systems, the membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and sealant.~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~H) In combination with basement/crawlspace foundations, where the crawlspace has been confirmed as a source of radon entry, a soil gas retarder membrane shall be installed in accordance with subsection (h)(6)(G) of this Section. Access doors required by code shall be fitted with air tight gaskets and a means of positive closure, but shall not be permanently sealed. In cases where both the basement and the adjacent crawlspace areas are being mitigated with active SSD and SMD systems, sealing of the openings between those areas is not required.~~

~~I) Crawlspace depressurization without the use of a soil gas retarder membrane shall only be used when the crawlspace is inaccessible. When crawlspace depressurization is used for radon mitigation, openings and cracks in floors above the crawlspace that would permit conditioned air to pass out of the living spaces of the building, shall be identified, closed, and sealed. Sealing of openings around hydronic heat or steam pipe penetrations shall be done using non-combustible materials.~~

9) Soil Gas Retarder Requirements

A) A soil gas retarder membrane shall be installed in basement or crawlspace areas without a concrete floor.

B) Plastic sheeting installed in crawlspaces as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting shall be used when crawlspaces are used for storage or frequent entry is required for maintenance of utilities.

C) Any seams in soil gas retarder membranes shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. The membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and sealant or in accordance with specific procedures approved by the Agency.

D) Access doors required by code shall be fitted with air tight gaskets and a means of positive closure, but shall not be permanently sealed. In cases where both the basement and the adjacent crawlspace areas

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

are being mitigated with active SSD and SMD systems, sealing of the openings between those areas is not required.

- E) Crawlspace depressurization without the use of a soil gas retarder membrane shall only be used when the crawlspace is inaccessible. When crawlspace depressurization is used for radon mitigation, openings and cracks in floors above the crawlspace that would permit conditioned air to pass out of the living spaces of the building shall be identified, closed and sealed. Sealing of openings around hydronic heat or steam pipe penetrations shall be done using non-combustible materials.
- F) Drain tile depressurization in a crawlspace shall only be installed under the following conditions:
- i) In conjunction with a sub-membrane depressurization system; or
 - ii) Suction can be obtained beneath the soil gas retarder.

107) Electrical Requirements

- A) All electrical components of radon mitigation systems shall conform to provisions of the National Electrical Code and any additional local regulations.
- B) Wiring shall not be located in or chased through the radon vent piping mitigation installation ducting or any ~~other~~ heating or cooling ductwork.
- C) Any plugged cord used to supply power to a radon vent fan shall be no longer than 6 feet in length.
- D) No plugged cord shall penetrate a wall or be concealed within a wall.
- E) Radon mitigation fans installed on the exterior of buildings shall be hard-wired into an electrical circuit. Electrical disconnects shall be installed within line of sight and within 4 feet of the fan. Exteriorly, plugged fans shall be used only inside of weather-

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

proofed fan housings or weather-proofed chases.

- F) If the rated electricity requirements of a radon mitigation system fan exceeds 50 percent of the circuit capacity into which it will be connected, or if the total connected load on the circuit (including the radon vent fan) exceeds 80 percent of the circuit's rated capacity, a separate, dedicated circuit shall be installed to power the fan.
- G) An electrical disconnect switch or circuit breaker shall be installed in radon mitigation system fan circuits to permit deactivation of the fan for maintenance or repair. Disconnect switches are not required with plugged fans.

118) Drain Installation Requirements

- A) If drains discharge directly into soil beneath the slab or through solid pipe to a soakaway, the licensee shall install a drain that meets local building codes. ~~(See Sealing Requirements, subsection (h)(6) of this Section.)~~
- B) If condensate drains from air conditioning units terminate beneath the floor slab, the licensee shall install a trap in the drain that provides a minimum 6-inch standing water seal depth, reroute the drain directly into a trapped floor drain, or reconnect the drain to a condensate pump.
- C) Perimeter (channel or French) drains shall be sealed with backer rods and urethane or comparable sealants in a manner that will retain the channel feature as a water control system. ~~(See Sealing Requirement, subsection (h)(6) of this Section.)~~
- D) When a sump pit is the only system in a basement for protection or relief from excess surface water and a cover is installed on the sump for radon control, the cover shall be recessed and fitted with a trapped drain meeting the requirements of subsection ~~(h)(7)(6)~~ of this Section.

129) HVAC Installation Requirements

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- A) Modifications to an existing HVAC system that are proposed to mitigate elevated levels of radon should be reviewed and approved by the original designer of the installed HVAC system or by a licensed mechanical contractor.
 - B) Foundation vents, installed specifically to reduce indoor radon levels by increasing the natural ventilation of a crawlspace, shall be non-closeable. In areas subject to sub-freezing conditions, the existing location of water supply and distribution pipes in the crawlspace, and the need to insulate or apply heat tape to those pipes, shall be considered when selecting locations for installing foundation vents.
 - C) Heat Recovery Ventilation (HRV) systems shall not be installed in rooms that contain friable asbestos.
 - D) In HRV installations, supply and exhaust ports in the interior shall be located a minimum of 12 feet apart. The exterior supply and exhaust ports shall be positioned to avoid blockage by snow or leaves and be a minimum of 10 feet apart.
 - E) Contractors installing HRV systems shall verify that the incoming and outgoing airflow is balanced to ensure that the system does not create a negative pressure within the building. Contractors shall inform the building occupant and owner that periodic filter replacement and inlet grill cleaning are necessary to maintain a balanced airflow. Information on filter replacement and inlet grill cleaning shall be provided to the client and shall be included in the documentation.
 - F) Both internal and external intake and exhaust vents in HRV systems shall be covered with wire mesh or screening to prevent entry of animals or debris or injury to occupants.
- 1340) Materials
- A) As a minimum, all plastic vent pipes in mitigation systems shall be smooth-walled Schedule 40 PVC.
 - B) Piping routed exteriorly shall be rated against deterioration from

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

ultra-violet radiation from the sun.

- C) Exteriorly, Schedule 40 PVC or 3-inch by 4-inch metal downspout ~~shall~~may be used as the vent pipe.
- D) Vent pipe fittings in a mitigation system shall be of the same material as the vent pipes except as noted in subsection (h)(3)(A) of this Section.
- E) Cleaning solvents and adhesives used to join plastic pipes and fittings shall be as recommended by manufacturers for use with the type of pipe material used in the mitigation system.
- F) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam or other sealants designed for such application shall be used.
- G) Penetrations of sump covers to accommodate electrical wiring, water ejection pipes, or radon vent pipes shall be designed to permit air-tight sealing around penetrations, using caulk or grommets.
- H) Plastic sheeting installed in crawlspaces as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting should be used when crawlspaces are used for storage, or frequent entry is required for maintenance of utilities.
- I) Any wood that comes into direct contact with the soil or concrete and is used in attaching soil gas retarder membranes to crawlspace walls or piers shall be pressure treated or naturally resistant to decay and termites.
- J) ~~When transitioning from one material or shape to another, an adapter specifically designed for the transition shall be used.~~

1411) Monitors and Labeling

- A) All active soil depressurization ~~and block wall depressurization~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

systems shall include a mechanism to monitor system performance and warn of system failure.

- B) Electrical radon mitigation system monitors (whether visual or audible) shall be installed on non-switched circuits and be designed to reset automatically when power is restored after service or power supply failure. Battery operated monitoring devices shall not be used unless they are equipped with a low-power warning feature.
- C) Mechanical radon mitigation system monitors, such as manometer type pressure gauges, shall be clearly marked to indicate the range or zone of pressure readings that existed when the system was initially activated.
- D) A system description label shall be placed on the vent pipe next to the manometer. This label shall be legible from a distance of ~~3~~three feet and include the following information: "Radon Reduction System"; the installer's name, phone number ~~and, the~~ Illinois license number; the date of installation; and an advisory that the building should be tested for radon at least every 2 years.
- E) All exposed and visible interior radon mitigation system vent pipe sections shall be identified with at least one label on each floor level that reads; "Radon Reduction System". ~~Fans mounted outdoors and exterior vent pipe shall be labelled "Radon Reduction System" in a weatherproof manner.~~
- F) Fans mounted outdoors and exterior vent pipe shall be identified with a label that reads; "Radon Reduction System". ~~Fans mounted outdoors and exterior vent pipe shall be labelled "Radon Reduction System" in a weatherproof manner.~~
- G) Sump pits ~~that are depressurized by the mitigation system or covered to minimize radon entry used as suction pits~~ shall be identified with a label that reads; "Radon Reduction System – Removal of this cover may result in failure of the Radon Reduction System. Consult (~~installer's name and phone number~~) before removing this cover and for instructions on the correct procedure for replacing it".

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- H) Circuit breakers controlling the circuits on which the radon vent fan and system failure warning devices operate shall be labeled "Radon Reduction System".

1512) Post Installation Checklist

- A) Upon completion of the installation of any radon mitigation system, the licensee shall complete the following steps, and document them on an installation check sheet that shall be signed and dated by a ~~mitigation licensed individual employed by the professional~~ licensee and shall become auditable evidence.
- i) Re-examine and verify the integrity of the fan mounting seals and all joints in the interior vent piping.
 - ii) Verify suctions or flows in the system piping or ducting to assure that the system is operating as designed.
 - iii) ~~Test for backdrafting of any natural draft combustion appliances.~~
 - ~~iv)~~ Advise the client ~~that retesting to retest~~ the building at least every 2 years, or if the building undergoes significant alteration, is recommended.
 - ~~iv)~~ Request a copy of the report of any post-mitigation testing conducted by the client or by a Radon Measurement Professional licensee.
- B) Radon Mitigation Professional licensees shall inform the client in writing that post-mitigation testing should be conducted no sooner than 24 hours nor later than 30 days following completion and activation of the mitigation system and that the test may be conducted by an independent radon measurement professional or by the resident of the dwelling.

1613) Post-Mitigation Testing

- A) Evaluate the effectiveness of the mitigation system using an

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

approved ~~measurement~~test device to assure the system is performing as designed.

- B) Post-mitigation tests shall be performed in accordance with the applicable requirements of Section 422.130 of this Part.

1744) Contracts and Documentation

- A) No mitigation activity shall be undertaken before a proposal for the work is accepted by the client, as evidenced by the client's signature and date on the proposal. A proposal for the installation of any radon mitigation system shall include as a minimum:

- i) The Radon Mitigation Professional licensee's Illinois license licensees registration number;
- ii) A statement describing the planned scope of the work and an estimated completion date;
- iii) A statement describing any known hazards associated with chemicals used in or as part of the installation;
- iv) A statement indicating compliance with and implementation of the mitigation standards described in this Section;
- v) A description of any system maintenance that the client, the occupant, or the building owner would be required to perform;
- vi) A firm price of the installation cost and an estimate of the ~~installation cost and~~ annual operating costs of the system; and

AGENCY NOTE: The firm price may include stepped approaches.

- vii) A statement that the system is guaranteed to reduce the average radon concentration to less than 4.0 pCi/L and the conditions thereof or a statement explaining that there is no

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~guarantee and the reasons why there is no guarantee. Any warranty or guarantees and the conditions thereof.~~

- B) Licensees shall maintain the following records for ~~53~~ years or for the period of any warranty or guarantees, whichever is longer, and shall make the following records available to the homeowner upon request and documentation of home ownership:
- i) ~~Any building permits required by local codes;~~
 - ii) Copies of the building investigation summary and floor plan sketch;
 - ii) The finalized drawing that includes illustration of the building foundation; the location of all walls, drain fixtures, HVAC systems and radon entry points; results of any diagnostic testing; the layout of any radon mitigation system piping; and the location of any vent fan and system warning devices;
 - iii) Pre- and post-mitigation radon test data;
 - iv) Copies of contracts and warranties;
 - v) A description of the mitigation system installed and its basic operating principles;
 - vi) A description of any deviations from the MS and applicable regulations of this Part;
 - vii) A description of the proper operating procedures of any mechanical or electrical systems installed, including manufacturer's operation and maintenance instructions and warranties; and
 - viii) The proposal, contract, and warranties or guarantees made to the client, and any other documentation important to the mitigation system installed.
- C) Licensees shall, upon completion of the mitigation project, provide

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

clients with an information package that includes:

- i) A list of appropriate actions for clients to take if the system failure warning device indicates system degradation or failure; and
- ii) The name, telephone number, and ~~license registration~~ number of the professional licensee and the phone number of the ~~Agency's Radon Program~~State radon program.

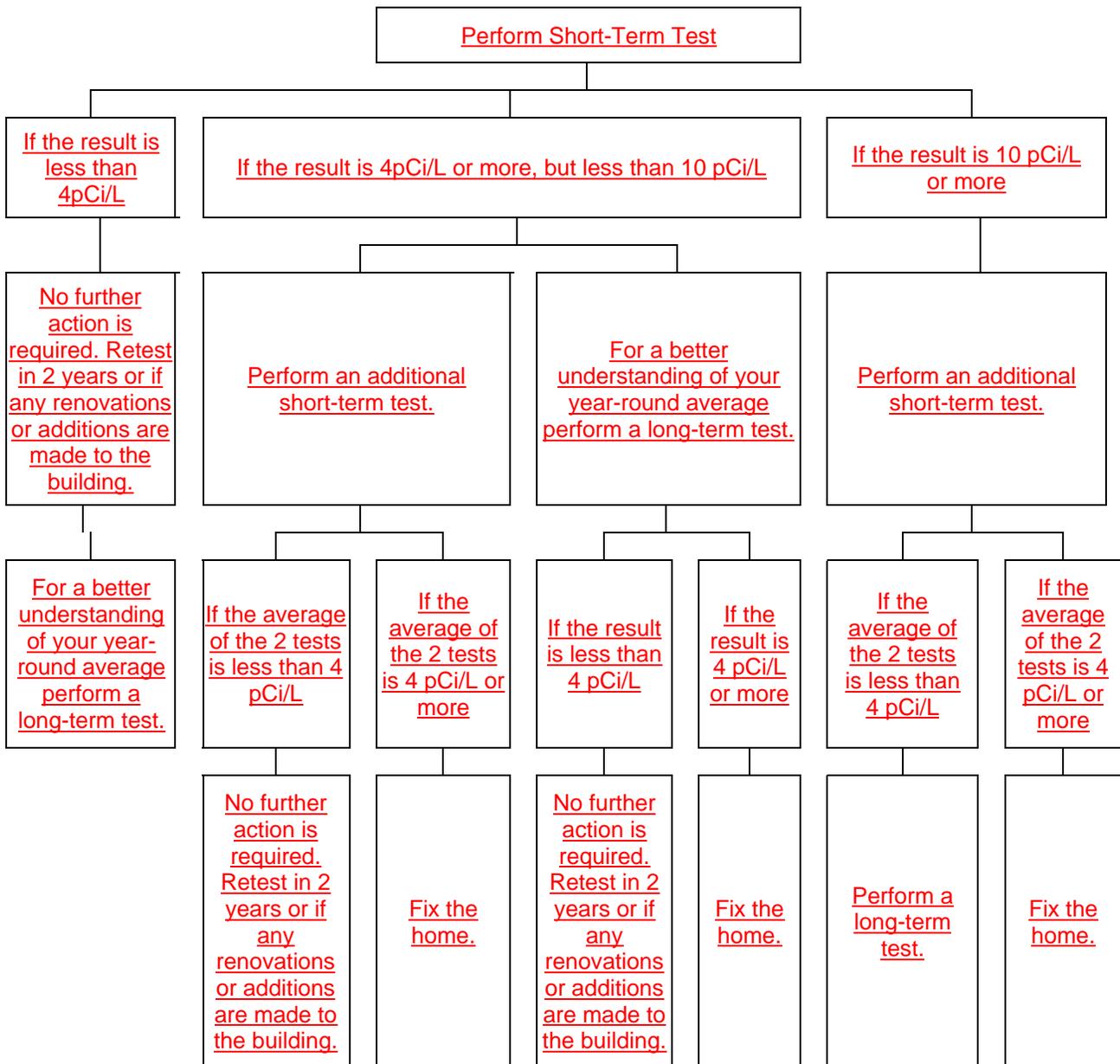
(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements (**Buildings** Not Involved in a Real Estate Transaction)

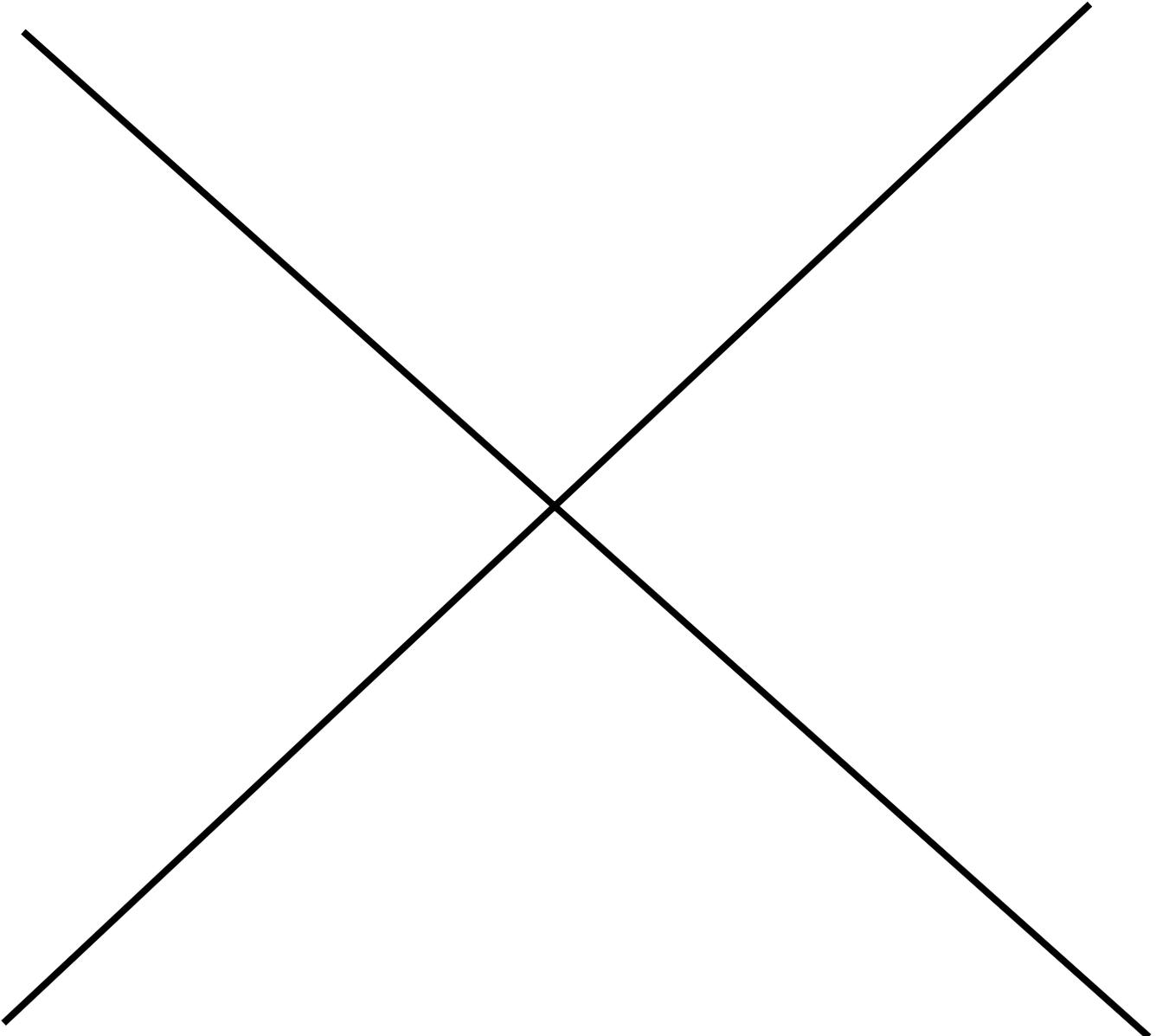
The first step is to perform a short-term measurement* in the lowest structural areas**.



ILLINOIS EMERGENCY MANAGEMENT AGENCY

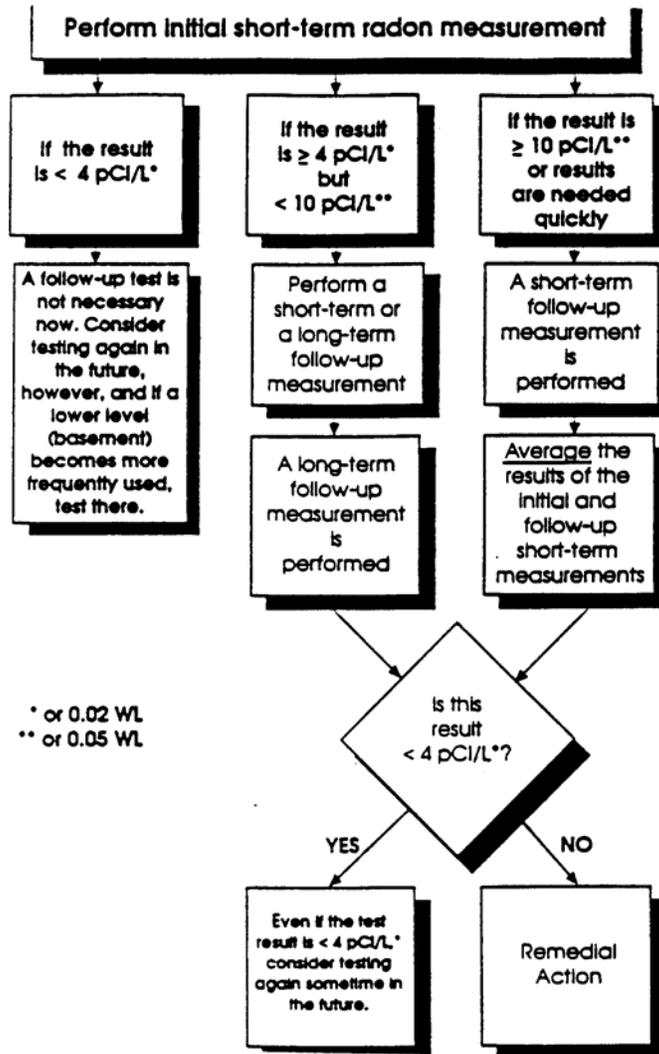
NOTICE OF PROPOSED AMENDMENTS

- * Short-term tests may last between 2 and 90 days, most last between 2 and 7 days. Examples of short-term detectors used in home environment testing include: activated charcoal canisters, charcoal liquid scintillation vials, electret chambers and continuous monitors. Examples of long-term detectors used in home environment testing include: alpha track detectors and electret chambers.
- ** Conduct a short-term test in each of the lowest structural areas suitable for occupancy in the home. For example, if the home is a split-level building with one or more foundation types: test in the basement, in a room over the crawlspace and in a slab-on-grade room. In accordance with this protocol, measurement professionals are required to test in each of the foundation types.



ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS



AGENCY NOTE: This graphic has been taken from the Protocols for Radon and Radon Decay Product Measurements in Homes, EPA 402-R-93-003, June 1993.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

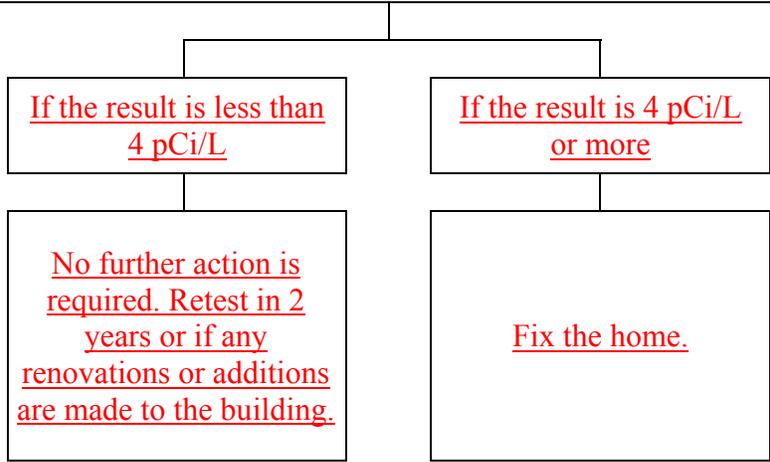
NOTICE OF PROPOSED AMENDMENTS

Section 422.APPENDIX B Recommended Testing Strategy for Measurements in Buildings Involved in Real Estate Transactions

The first step is to perform a short-term measurement* in the lowest structural areas**.

Perform a Short-Term Test
The minimum length of a short-term test shall be 48 hours.

There are 3 methods that may be used for short-term testing during a Real Estate transaction:
(1) Sequential Tests – 2 short-term tests, set in the same location, performed on sequential days.
(2) Simultaneous Tests – 2 short-term tests set side by side conducted simultaneously.
(3) Single Test Using Electronic Monitors – A Continuous Monitor that measures in hourly increments.



* Short-term tests may last between 2 and 90 days, most last between 2 and 7 days. Tests between 7 and 90 days are usually impractical for real estate transactions but are fine for homeowners assessing their own radon situation. Examples of short-term detectors used in home environment testing include: activated charcoal canisters, charcoal liquid scintillation vials, electret chambers and continuous monitors.

** Conduct a short-term test in each of the lowest structural areas suitable for occupancy in the home. For example, if the home is a split-level building with one or more foundation types: test in the basement, in a room over the crawlspace and in a slab-on-grade room. In accordance with this protocol, measurement professionals are required to test in each of the foundation types.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Radon Testing Guidelines for Real Estate Transactions

Because of the unique nature of real estate transactions, which involve multiple parties and financial interests, the U.S. Environmental Protection Agency (U.S. EPA) designed special protocols for radon testing in real estate transactions that have been adapted for the Illinois Department of Nuclear Safety (IDNS) Radon Regulations. These options are listed in simplified form in the table below. If you do not reside in the home being sold, you may need the full protocol, contact the IDNS Radon Program for a copy of the regulations.

Test Options for Real Estate Transactions...

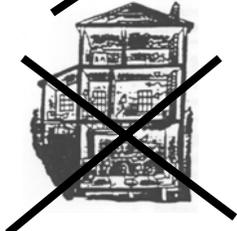
— If you reside in the home and may sell but are not currently in a real estate transaction, and you have at least a few months before you expect to be involved in a real estate transaction, you might want to consider home environment testing for radon. See our fact sheet, "Guidelines for Home Environment Radon Measurements."

What to Look for in Short-Term* Real Estate Testing Options		
Option	Detector Location	What to do Next
Simultaneous Two tests, 48 hours or longer, performed at the same time.	Two detectors, four inches apart, in the lowest liveable level, or buyer's preference (if buyer exists).	Fix the home if the average of the two tests is 4 pCi/L or more.
Sequential Two tests, 48 hours or longer, performed one right after the other.	Initial and follow-up detectors are placed in approximately the same location, in the lowest liveable level, or buyer's preference.	Fix the home if the average of two tests is 4 pCi/L or more.
Single Test One test, 48 hours or longer, performed with an active continuous monitor that integrates and records radon levels hourly.	Continuous monitor placed in lowest livable level, or buyer's preference.	Fix the home if the average radon level is 4 pCi/L or more.

*Short term tests may last between two and 90 days. Most last between two and seven days. Tests between seven and 90 days are usually impractical for real estate transactions. Examples of short-term detectors used in real estate testing include: activated charcoal canisters, charcoal liquid

scintillation vials, electret chambers and continuous radon monitors.

If your tests don't agree, contact the IDNS...



ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

—If your simultaneous or sequential tests are not in agreement (of if you're not sure whether or not they agree), contact the IDNS Radon Program or your licensed radon measurement professional. While the following table contains



examples developed for simultaneous tests, the same general rules apply to sequential tests.

Interpreting Two-Detector Test Results—Are They "In Agreement?"		
Both tests below 4 pCi/L	One above and one below	Both tests above 4 pCi/L
<p>Example:</p> <p>2 pCi/L and 3 pCi/L— Are in Agreement</p>	<p>Example:</p> <p>3 pCi/L and 5 pCi/L— Are in Agreement</p>	 <p>Example:</p> <p>7 pCi/L and 8 pCi/L— Are in Agreement</p>
<p>Example:</p> <p>1 pCi/L and 3.5 pCi/L— Not in Agreement</p>	<p>Example:</p> <p>3 pCi/L and 7 pCi/L— Not in Agreement</p>	<p>Example:</p> <p>17 pCi/L and 36 pCi/L— Not in Agreement</p>

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~PROPOSED CHANGES FROM 1ST NOTICE TO SECOND NOTICE IN RESPONSE TO COMMENTS REGARDING THIS RULEMAKING~~**~~IDNS Recommendations for Real Estate Radon Measurements~~**

- ~~• Hire an IDNS-licensed radon measurement professional.~~
- ~~• Be sure that IDNS radon testing protocols are followed.~~
- ~~• Use tamper indicators on all windows and doors not used for normal entry and exit.~~
- ~~• Call the IDNS Radon Program if you are uncertain about anything regarding radon testing.~~

~~The Disclosure Act . . .~~

~~The Illinois Real Property Disclosure Act, effective October 1994, requires that a home seller disclose any knowledge about radon levels in the home. The act does not require that testing or remediation work be conducted. However, many relocation companies and lending institutions, as well as home buyers, request a radon test when purchasing a house. Sellers and brokers are cautioned to err on the side of full disclosure of material facts prior to entering into a purchase agreement.~~

~~When Testing . . .~~

~~Be aware that any test lasting less than a week requires closed house conditions. Closed house conditions mean keeping all windows closed, keeping doors closed except for normal entry and exit, and not operating fans or other machines which bring air in from outside (except for fans that are part of a radon reduction system, or small exhaust fans that operate for only short periods of time).~~

- ~~• Before Testing: Begin closed house conditions at least 12 hours before the start of the short term test.~~
- ~~• During Testing: Maintain closed house conditions during the entire duration of the short term test, especially for tests less than one week in duration. Operate home heating or cooling systems normally during the test. For tests lasting less than one week, only operate air conditioning units that recirculate interior air.~~

~~Where the test should be conducted . . .~~

~~Place the detector or detectors in the lowest level or levels containing a room that is used regularly, such as:~~

- ~~• a family room, living room, den, playroom, or bedroom; and/or~~
- ~~• in the lowest level suitable for occupancy, even if it isn't currently used but could be, without renovating.~~

~~For instance, if the house has one or more of the following foundations: basement, crawl space, slab-on-grade; a test, in accordance with this protocol, in each area is necessary.~~

DO NOT MEASURE:

- ~~• in the kitchen, laundry room and bathroom (because fan systems and humidity may affect some detectors); or~~
- ~~• in crawl spaces, on floor or wall cracks, or right next to a sump pump, as this may cause a false high reading.~~

The detector should be placed:

- ~~• in an area where it will not be disturbed;~~
- ~~• at least three feet from doors and windows to the outside;~~
- ~~• at least one foot from exterior walls;~~
- ~~• twenty to thirty inches away from the floor;~~
- ~~• four inches away from other objects horizontally and directly above the detector;~~
- ~~• away from drafts; and~~
- ~~• 4 feet from heat, fireplaces, furnaces, and away from direct sunlight and areas of high humidity.~~

If the test results show radon levels above 4 pCi/L . . .

~~Call the IDNS Radon Program. Staff there can provide you with names and addresses of professional radon mitigators who are trained to reduce radon levels. If you reside in the dwelling, the IDNS can provide you information on how to fix the radon problem yourself.~~

After a radon reduction system is installed . . .

~~Perform another short term test, following the IDNS protocols outlined here, to ensure that the reduction system is~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~effective. Make sure the system is operating during the entire test.~~

~~The IDNS Radon Program can provide:~~

- ~~• Information about radon and radon testing;~~
- ~~• Names of licensed radon measurement professionals;~~
- ~~• Names of licensed radon mitigation professionals trained to reduce radon.~~

~~Additional information about radon measurement and mitigation can be found in your local library.~~

~~Call the IDNS Radon Program at: 1(800)325-1245~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 422.APPENDIX C Radon and Radon Decay Product Measurement Method Categories

A (pCi/L)	B (WL)
AC AC Activated charcoal adsorption integrating	RP Radon progeny sampling unit
AT Alpha track detection	CW Continuous <u>working level</u> monitor
LS Charcoal liquid scintillation	
CR Continuous radon monitor	
PB Pump-collapsible bag	
SC Evacuated scintillation cell (three day integrating)	
EL Electret ion chamber; long-term	
ES Electret ion chamber; short-term	
UT Unfiltered track detection	
<u>GB</u> <u>Grab radon collapsible bag</u>	
<u>GC</u> <u>Grab radon activated charcoal</u>	
<u>GS</u> <u>Grab radon scintillation cell</u>	

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 422.APPENDIX D Sample Notice

Radon Measurement in Progress

THIS NOTICE IS POSTED IN ACCORDANCE WITH TITLE 32, CHAPTER II, SUBCHAPTER b: RADIATION PROTECTION, MEASUREMENT PROTOCOL, SECTION 22.130(e).

Tampering with a radon or radon progeny measurement is prohibited by law and may result in civil penalties.

Removal of this Notice, except by the Radon Measurement Professional licensee named below, is considered tampering.

Radon Measurement Professional licensee: _____

License No.: _____

Company: _____

Telephone No(s): _____

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

The Board requests the submission of written comments within 45 days after the publication of this notice. The Board will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]. It will also hold public hearings upon request.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small municipalities which employ police officers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the amendments to this Part were not anticipated when the two most recent agendas were published.

The full Text of the Proposed Amendments is the same as the text for the emergency amendments and begins on page 7529 of the *Illinois Register*.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Police Officer Decertification Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1240.10	New Section
1240.20	New Section
1240.30	New Section
1240.40	New Section
1240.50	New Section
1240.60	New Section
1240.70	New Section
1240.80	New Section
1240.90	New Section
1240.100	New Section
1240.110	New Section
1240.120	New Section
1240.130	New Section
1240.140	New Section
1240.150	New Section
1240.160	New Section
1240.170	New Section
1240.180	New Section
1240.190	New Section
- 4) Statutory Authority: 5 ILCS 315; Implementing 50 ILCS 705/6.1
- 5) A Complete Description of the Subjects and Issues Involved: The Board is seeking to amend portions of its Rules and Regulations in order to create procedures to implement P.A. 93-655. P.A. 93-655 requires the Board, under certain circumstances, to conduct a hearing to determine whether a police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.
- 6) Will the proposed rules replace emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do the proposed rules contain incorporations by reference? Yes

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED RULES

- 9) Are there any other proposed amendments pending on this Part? No
- 7) Statement of Statewide Policy Objectives: These proposed rules affect units of local government in that they require those entities, as employers, to indemnify an officer named in a complaint for his or her reasonable attorney's fees and costs. The rulemaking regarding indemnification was made consistent with the provisions of P.A. 93-655, specifically Section 6.1(1) of the Illinois Police Training Act [50 ILCS 705/6.1(1)].
- 8) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Michele Cotrupe
Illinois Labor Relations Board
160 N. LaSalle St., Suite S-400
Chicago, Illinois 60601
Phone: (312) 793-6418
Fax: (312) 793-6989
e-mail: cotrupe@ilrb.state.il.us

The Board requests the submission of written comments within 45 days after the publication of this notice. The Board will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40]. The Board will also conduct public hearings upon request.

- 12) Initial Regulatory Flexibility Analysis:
- A) **Types of small businesses, small municipalities and not for profit corporations affected: Small municipalities that employ police officers**
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the proposed rules were not anticipated when the two most recent agendas were published.

The full text of the Proposed Rules is the same as the text for the Emergency Rules and begins on page 7531 of the *Illinois Register*.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.70 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Currently, if the Racing Board laboratory reports a furosemide amount of 99 nanograms, the trainer of the horse receives a written warning. If the laboratory reports an amount of 100 nanograms, an increase of only one nanogram, the trainer receives a \$1,000 fine, a suspension of not less than 30 days and loss of the purse. As written, the penalties contained in Section 603.70(g)(4) are too severe and inconsistent. This emergency rulemaking would amend the penalties to more accurately reflect the nature of the violation.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph,
Suite 11-100
Chicago, Illinois 60601
(312) 814-5017.

- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because: it was not anticipated when they were submitted.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that begins on page 7565 of this *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Audit Requirements of DHS
- 2) Code Citation: 89 Ill. Adm. Code 507
- 3) Section Number: 507.10 Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305]
- 5) Effective date of amendment: May 17, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes, references were made to the Federal OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (Financial Standards and Reporting Branch, Office of Federal Financial Management, Office of Management and Budget, Washington, DC 20503).
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the Illinois Register: February 13, 2004; 28 Ill. Reg. 2582
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In 507.10(c)(3), a comma was added after "Governments". In 507.10(c)(3), after the comma, "725 17th Street, NW," was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendment: In order to follow the Federal guidelines set by the OMB Circular A-133, this rulemaking raises the cut-off point for the independent audit requirement from \$300,000 to \$500,000 and will exempt approximately 150 contracted

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

providers. The annual audit cost for these providers could be up to \$10,000. This rulemaking saves money for the persons affected by it.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONSPART 507
AUDIT REQUIREMENTS OF DHS

Section
507.10 Audit Requirements

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12154, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; adopted at 22 Ill. Reg. 22386, effective December 8, 1998; emergency amendment at 23 Ill. Reg. 7768, effective June 24, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12627, effective October 4, 1999; amended at 24 Ill. Reg. 9424, effective June 22, 2000; emergency amendment at 25 Ill. Reg. 7324, effective May 18, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13586, effective October 10, 2001; amended at 26 Ill. Reg. 8542, effective May 30, 2002; amended at 28 Ill. Reg. 7535, effective May 17, 2004.

Section 507.10 Audit Requirements

- a) Based on the specific requirements of subsection (b) or (c), whichever applies, each Provider receiving purchase of service or grant contract funding (~~Provider~~) from the Department of Human Services (Department) shall annually submit to the Department a Financial Summary, Personnel/Administrative Information Fiscal/Administrative Checklist, ~~an~~ independent audit report, ~~and/or~~ revenue and expense data in a form prescribed by the Department, and/or a Grant Report to enable the Department to perform fiscal monitoring and to account for the usage of funds paid to the Provider under Agreements with the Department. The information necessary to complete these reports must be obtained from the Provider's accounting records. These reports must be maintained on any generally accepted accounting principles (GAAP) basis or adjusted to report on any GAAP basis. Providers subject to these requirements shall be notified by registered or certified letter no later than May 31 of the year of the contract. This letter shall contain detailed instructions related to the Financial Summary, Personnel/Administrative Information Fiscal/Administrative Checklist, independent audit requirements, and Grant Report, including provisions for requesting waivers, modifications and filing extensions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- b) If the Provider's combined purchase of service or grant contract funding for Department programs is less than ~~\$500,000~~~~\$300,000~~ and/or the Department performs rate calculations or expense and revenue analysis, the Provider will be required to submit revenue and expense data in a form prescribed by the Department. Copies shall be filed with the Department's Office of Contract Administration as directed in the registered or certified letter referenced in subsection (a). The report shall be submitted within 120 days after the end of the Provider's fiscal year. If any of the programs are grants the Provider will be required to submit a Grant Report.
- c) If the Provider's combined purchase of service or grant contract funding for Department programs is ~~\$500,000~~~~\$300,000~~ or more and/or the Department performs rate calculations or expense and revenue analysis, the Provider shall be required to submit revenue and expense data in a form prescribed by the Department. If any of the programs are grants the Provider will be required to submit a Grant Report. All Providers with a combined purchase of service or grant funding for Department programs of ~~\$500,000~~~~\$300,000~~ or more are required to submit an independent audit report, the basic requirements are:
- 1) The audit shall be conducted by a Certified Public Accountant or Certified Public Accounting Firm licensed in the State of Illinois;
 - 2) The audit report shall include the financial statements prescribed by the Financial Accounting Standards Board for Not-For-Profit Organizations, or the Governmental Accounting Standards Board for Governmental Entities, as appropriate;
 - 3) The audits shall be conducted in accord with the "single audit" requirements and standards when the Provider receives or expends Federal funds that cumulatively exceed the Federal threshold. These requirements are detailed in Federal OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations" (~~2003-1997~~, no later amendments or editions included) (Financial Standards and Reporting Branch, Office of Federal Financial Management, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503); and
 - 4) The report shall be submitted within 120 days after the end of the Provider's fiscal year. Two copies of any reports prepared in accordance with Federal OMB Circular A-133 shall be filed with the Department's Office of Contract Administration. Any request for an extension of time

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

to file an independent audit report, ~~Fiscal and Administrative Checklist~~ Financial Summary, Personnel/Administrative Information, Grant Report or supplemental revenue and expense data shall be submitted to the Department's Manager of the Office of Contract Administration. The Manager of the Office of Contract Administration shall respond in writing to each such request within 14 days after it is received by the Office of Contract Administration.

- d) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Manager of the Office of Contract Administration. Such requests shall be approved only when convincingly justified. The Department's Manager of the Office of Contract Administration shall respond in writing to each request for exception within 14 days after it is received by the Office of Contract Administration.
- e) Audit requirements may be waived by the Manager of the Office of Contract Administration when it is deemed to be in the interest of the State of Illinois or when it enhances the operating efficiency of the State. A written determination for the waiver shall be maintained by the Office of Contract Administration.
- f) Failure to meet the audit requirements contained in this Section shall result in the suspension of funding.

(Source: Amended at 28 Ill. Reg. 7535, effective May 17, 2004)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.3 Emergency Action:
New Section
- 4) Statutory Authority: 5 ILCS 315; Implementing 50 ILCS 705/6.1
- 5) Effective Date of Rules: May 12, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: May 12, 2004
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking implements P.A. 93-655, which became effective on January 20, 2004. P.A. 93-655 requires the Board, under certain circumstances, to conduct a hearing to determine whether a police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.
- 10) A Complete Description of the Subjects and Issues Involved: As stated above, this emergency rulemaking implements P.A. 93-655, which requires the Board, under certain circumstances, to conduct a hearing to determine whether a police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This amendment affects units of local government in that it requires those entities, as employers, to indemnify an officer named in a complaint for his or her reasonable attorney's fees and costs. The rulemaking regarding indemnification was made consistent with the provisions of P.A. 93-655, specifically Section 6.1(1) of the Illinois Police Training Act [50 ILCS 705/6.1(1)].

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this amendments shall be directed to:

Michele Cotrupe
Illinois Labor Relations Board
160 N. LaSalle St., Suite S-400
Chicago, Illinois 60601
Phone: (312) 793-6418
Fax: (312) 793-6989
e-mail: cotrupe@ilrb.state.il.us

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

The full text of the Emergency Amendment begins on the next page:

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section

1200.3 General Statement of PurposeEMERGENCY

1200.5	Board Information and Business Hours
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.45	Motions
1200.50	Recording of Hearings
1200.60	Closing Arguments and Briefs Before an Administrative Law Judge
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs (Repealed)
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.135	Appeals Procedures, Board Review and Court Review
1200.140	Amicus Curiae Briefs
1200.143	Declaratory Rulings
1200.145	Filing of Contracts
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill. Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004; emergency amendment at 28 Ill. Reg. 7529, effective May 12, 2004, for a maximum of 150 days.

Section 1200.3 General Statement of Purpose
EMERGENCY

The regulations contained in this Part detail the procedures that employers, employees and labor organizations should use when filing petitions and charges pursuant to Parts 1210, 1220 and 1230, which implement the provisions of the Illinois Public Labor Relations Act [5 ILCS 315]. This Part shall not apply to cases filed pursuant to Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1].

(Source: Added by emergency rulemaking at 28 Ill. Reg. 7529, effective May 12, 2004, for a maximum of 150 days)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Police Officer Decertification Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1240
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1240.10	New Section
1240.20	New Section
1240.30	New Section
1240.40	New Section
1240.50	New Section
1240.60	New Section
1240.70	New Section
1240.80	New Section
1240.90	New Section
1240.100	New Section
1240.110	New Section
1240.120	New Section
1240.130	New Section
1240.140	New Section
1240.150	New Section
1240.160	New Section
1240.170	New Section
1240.180	New Section
1240.190	New Section
- 4) Statutory Authority: 5 ILCS 315; Implementing 50 ILCS 705/6.1
- 5) Effective Date of Rules: May 12, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules are to expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: May 12, 2004
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking implements P.A. 93-655, which became effective on January 20, 2004. P.A. 93-655 requires the Board, under certain

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

circumstances, to conduct a hearing to determine whether a police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

- 10) A complete Description of the Subjects and Issues Involved: As stated above, this emergency rulemaking implements P.A. 93-655, which requires the Board, under certain circumstances, to conduct a hearing to determine whether a police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These proposed rules affect units of local government in that they require those entities, as employers, to indemnify an officer named in a complaint for his or her reasonable attorney's fees and costs. The rulemaking regarding indemnification was made consistent with the provisions of P.A. 93-0655, specifically Section 6.1(1) of the Illinois Police Training Act [50 ILCS 705/6.1(1)].
- 13) Information and questions regarding these emergency amendments shall be directed to:

Michele Cotrupe
Illinois Labor Relations Board
160 N. LaSalle St., Suite S-400
Chicago, Illinois 60601
Phone: (312) 793-6418
Fax: (312) 793-6989
e-mail: cotrupe@ilrb.state.il.us

The full text of the Emergency Rules begins on the next page:

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARD

PART 1240
POLICE OFFICER DECERTIFICATION PROCEEDINGS

Section

1240.10 General Statement of Purpose

EMERGENCY

1240.20 Board Information and Business Hours

EMERGENCY

1240.30 Definitions

EMERGENCY

1240.40 Board's Jurisdiction

EMERGENCY

1240.50 Filing and Service

EMERGENCY

1240.60 Investigation

EMERGENCY

1240.70 Hearing

EMERGENCY

1240.80 Authority of Administrative Law Judges

EMERGENCY

1240.90 Computation and Extensions of Time

EMERGENCY

1240.100 Motions

EMERGENCY

1240.110 Subpoenas

EMERGENCY

1240.120 Officer Indemnification

EMERGENCY

1240.130 Representation of Parties

EMERGENCY

1240.140 Board Review of the Administrative Law Judge's Recommended Decision

EMERGENCY

1240.150 Appellate Review

EMERGENCY

1240.160 Conflicts of Interest

EMERGENCY

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

1240.170 Ex Parte Communications

EMERGENCY

1240.180 Amicus Curiae Briefs

EMERGENCY

1240.190 Variances and Suspensions of Rules

EMERGENCY

AUTHORITY: Implementing Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1] and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 7531, effective May 12, 2004, for a maximum of 150 days.

Section 1240.10 General Statement of Purpose

EMERGENCY

The regulations contained in this Part detail the procedures for obtaining an Illinois Labor Relations Board hearing to determine decertification of a police officer based upon that officer's commission of perjury in a murder case pursuant to Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]. The Illinois Labor Relations Board does not recognize or effectuate any other type of police officer decertification. The provisions of this Part shall not apply to any charges or petitions filed with the Illinois Labor Relations Board pursuant to the Illinois Public Labor Relations Act [5 ILCS 315].

Section 1240.20 Board Information and Business Hours

EMERGENCY

The State Panel of the Illinois Labor Relations Board can be contacted at:

Springfield Office:
320 West Washington Street, Suite 500
Springfield, Illinois 62701
(217)785-3155
Facsimile: (217)785-4146
Website: www.state.il.us/ilrb

Chicago Office:
160 North LaSalle Street, Suite S-400
Chicago, Illinois 60601
(312)793-6400

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

Facsimile: (312)793-6989
Website: www.state.il.us/ilrb

The official business hours of the Illinois Labor Relations Board are 8:30 a.m. to 5:00 p.m., Monday through Friday.

Section 1240.30 Definitions
EMERGENCY

Some of the terms used in this Part have the definition ascribed in Section 6.1 of the Illinois Police Training Act. Other definitions of terms used in this Part follow.

"Act" means the Illinois Police Training Act [50 ILCS 705].

"Administrative Law Judge" means an employee of the Illinois Labor Relations Board who is an attorney licensed to practice in Illinois.

"Board" means the Illinois Labor Relations Board State Panel, individually as applicable, or an agent designated by the Illinois Labor Relations Board State Panel.

"Board agent" means any Board employee who is designated by the Board to perform the acts and/or responsibilities outlined in this Part.

"Complainant" means the individual who has filed a verified complaint or petition for hearing pursuant to Sec 6.1 of the Act [50 ILCS 705/6.1].

"Interested party" means *the defendant or any police officer who has personal knowledge that the police officer who is the subject of a complaint has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.* [50 ILCS 705/6.1(q)]

"LETSB" means the Illinois Law Enforcement Training Standards Board created by the Illinois Police Training Act [50 ILCS 705].

"Perjury" is, while under oath, knowingly and willfully making false statements as to a material fact going to an element of the offense of murder.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

"Petition for hearing" means a document filed with the Board by a defendant or police officer with personal knowledge of perjured testimony in a murder prosecution where there has been a finding of guilt.

"Police officer" or "officer" means any individual who has been certified pursuant to the Act.

"Respondent" means the officer named in a verified complaint or petition for hearing filed pursuant to Section 6.1 of the Act.

"Verified complaint" or "complaint" means the document filed with the Illinois Law Enforcement Training Standards Board by a defendant or police officer with personal knowledge of perjured testimony in a murder prosecution where there has been an acquittal.

**Section 1240.40 Board's Jurisdiction
EMERGENCY**

The Board shall undertake the process of determining whether a police officer has committed perjury only under the following circumstances:

- a) Where there has been an acquittal on a charge of murder and the defendant, or a police officer with personal knowledge of perjury, files a verified complaint with the Illinois Law Enforcement Training Standards Board (LETSB) and LETSB has investigated the case and submitted a report to the Board's Executive Director; or
- b) Where there has been a finding of guilt on the offense of murder and a new trial has been granted on direct appeal or a State post-conviction evidentiary hearing has been ordered based on the claim that a police officer committed perjury and an interested party has filed a timely petition for hearing with the Board.

**Section 1240.50 Filing and Service
EMERGENCY**

- a) General Procedures
 - 1) All initial documents relating to the decertification of police officers, except those filed pursuant to subsection (b), must be filed in the Board's Springfield office (see Section 1240.20). All subsequent documents shall

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

be filed in the Board's Chicago office, as directed by the Board. Two copies of each document shall be filed.

- 2) Documents may be filed by any of the following methods:
 - A) By actual delivery of documents to the Board;
 - B) By first class, registered or certified United States mail or by commercial parcel delivery company; or
 - C) By fax, subject to the following limitations:
 - i) Parties shall transmit one copy of the documents, accompanied by a cover sheet or form identifying the party filing the documents, the total number of pages in the fax transmission, and the name, address, telephone number and fax number of the person sending the fax;
 - ii) The original documents filed by fax shall be mailed or delivered to the appropriate Board office on the same day the fax is transmitted, together with a fax confirmation receipt;
 - iii) The appropriate case number shall be indicated on the front page of each document filed by fax, unless the document is being filed to initiate proceedings before the Board; and
 - iv) If receipt of a fax transmission commences after the close of the Board's business hours, the documents will be deemed filed on the next business day.
- 3) All petitions for hearing, amendments to verified complaints and amendments to petitions for hearing shall be served on the appropriate parties by the Board by certified mail. All other documents shall be served by the party filing the document on all other parties to the proceeding. The document shall not be considered properly served unless accompanied by proof of service. Proof of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- 4) When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party.
 - 5) A document shall be considered filed with the Board on the date that it is postmarked, tendered to a delivery service or received by personal delivery in the appropriate Board office before the close of the Board's business hours. Service made by fax shall be regarded as completed upon production by the fax machine of confirmation of transmission, together with the same-day mailing of a copy of the papers, postage pre-paid and properly addressed, to the person being served.
- b) Cases Arising Upon Acquittal
- 1) In the case of an acquittal on a charge of murder, the defendant in the criminal case or a police officer with personal knowledge of perjured testimony may file a verified complaint with the Executive Director of LETSB, pursuant to 20 Ill. Adm. Code 1720.120.
 - 2) The Illinois Labor Relations Board will not accept the filing of the verified complaint at its offices.
- c) Cases Arising Upon a Finding of Guilt
- 1) In the case of a finding of guilt on the offense of murder, the Board will hold a hearing where either a new trial was granted on direct appeal or a State post-conviction evidentiary hearing has been ordered *based on a claim that a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.* [50 ILCS 705/6.1(k)]
 - 2) An interested party must file a petition for hearing with the Board within 2 years after the court's decision in order for the petition to be considered timely filed.
 - 3) The petition for hearing must contain the following information:
 - A) names and, to the extent known, addresses of individuals and representatives of the parties involved;

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- B) a summary of the procedural history of the underlying criminal case;
- C) a description of the conduct alleged to be remediable by the Board within the meaning of Section 6.1 of the Act; and
- D) a copy of the court order granting either a new trial or a State post-conviction evidentiary hearing.

**Section 1240.60 Investigation
EMERGENCY**

- a) Cases Arising Upon a Finding of Acquittal
 - 1) LETSB will investigate the verified complaint pursuant to 20 Ill. Adm. Code 1720.120.
 - 2) Upon receipt of a report from LETSB, the Illinois Labor Relations Board's Executive Director shall, within 30 days, review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint.
 - A) If the Executive Director determines that a hearing should not be conducted, a written order dismissing the complaint will be issued. *This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.* [50 ILCS 705/6.1(j)]
 - B) If the Executive Director determines that there is sufficient evidence to warrant a hearing to determine, by clear and convincing evidence, whether a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, he or she will issue an order notifying the parties that a hearing in the matter has been granted. The Executive Director will assign the case to an Administrative Law Judge within 30 days following that order. The Board will serve a copy of the verified complaint and a copy of the Executive Director's order on the Illinois Department of Professional Regulation within 30 days after issuance of the Executive Director's order.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- b) Cases Arising Upon a Finding of Guilt
- 1) If a complainant seeks a Board-conducted hearing where either a new trial has been granted on direct appeal or a State post-conviction evidentiary hearing has been ordered based upon the claim that a police officer committed perjury, the Board's Executive Director will assign the case to an Administrative Law Judge within 30 days after filing of the petition for hearing. The Board will serve a copy of the petition for hearing on the Department of Professional Regulation within 30 days after filing of the petition for hearing.
 - 2) If a complainant seeks a Board-conducted hearing where the requirements set forth in Sections 1240.40(b) and 1240.50(c) have not been met, the Executive Director will issue an order dismissing the petition without prejudice.
 - 3) Appeal of Dismissal
 - A) Parties may appeal the dismissal to the Board by filing an appeal with the Board's General Counsel, in the Board's Chicago office, no later than 10 days after service of the Executive Director's dismissal. The appeal shall be served on all other parties by the party filing the appeal.
 - B) A party may file a response to the appeal and any materials in support of the response no later than 5 days after service of the appeal. The response shall be served on all other parties by the party filing the response.
 - C) The Board will review the dismissal only upon the timely filing of an appeal. Parties desiring oral argument before the Board shall request oral argument and state the reasons for the requests in their appeals or responses. The Board shall grant or deny requests for oral argument depending on the significance, complexity and novelty of the issues. In addition, the Board may, on its own motion, request oral argument, depending upon the significance, complexity and novelty of the issues. The Board may adopt all, part or none of the order depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

**Section 1240.70 Hearing
EMERGENCY**

An Administrative Law Judge (ALJ) employed by the Board shall conduct a hearing for the purpose of receiving into evidence relevant testimony and documents to support or disprove the allegations of perjury. The ALJ shall make a recommended decision to the Board as to whether the complainant proved by clear and convincing evidence that the respondent had, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

- a) Process
 - 1) The ALJ shall set dates for a hearing and serve notice of the hearing on all parties. A hearing shall be set not less than 14 days after service of the verified complaint or petition for hearing on the Illinois Department of Professional Regulation (DPR).
 - 2) DPR shall proceed first and present its case in support of the verified complaint or petition for hearing. DPR shall have the burden of proving the allegations in the verified complaint or petition for hearing by clear and convincing evidence. After DPR has completed presenting its case, the Respondent may present evidence in support of his/her defense.
 - 3) The ALJ shall inquire fully into all matters in dispute and shall obtain a full and complete record either by taking evidence or accepting parties' stipulations.
 - 4) Upon request, a party is entitled to a reasonable period of time at the close of the hearing for oral argument, which shall be made part of the record. The ALJ may direct the filing of briefs when the filing is, in the opinion of the ALJ, warranted by the nature of the proceedings or the particular issues involved.
 - 5) The ALJ shall issue a recommended decision. That recommended decision shall be served upon all parties to the proceeding and upon the Executive Director of LETSB.
- b) Intermediate Rulings

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

Intermediate rulings of the ALJ shall not be subject to interlocutory appeal. Parties may raise objections to intermediate rulings in their exceptions to the ALJ's recommended decision.

- c) **Amendments to Complaints**
The ALJ, on his or her own motion, or on the motion of a party, may allow amendments to the verified complaint or petition for hearing only if the amendments are related to the allegations that the respondent knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.
- d) **Recording of Hearings**
Whenever a hearing is held pursuant to the provisions of this Part, it shall be recorded by stenographic or other means that adequately preserves the record. The ALJ or the Board may order that the hearings be transcribed. Parties may order transcripts and shall bear the costs of any transcripts that they order.
- e) **Rules of Evidence**
Considering the nature of the case and the representatives of the parties, the ALJ will, insofar as practicable, apply the rules of evidence applicable in Illinois courts. The ALJ may, upon proper objection, exclude evidence that is irrelevant, immaterial or unduly repetitious. Evidence may be presented in the form of testimony, exhibits or stipulations. Testimonial evidence shall be taken only on oath or affirmation.
- f) **Brief Requirements**
All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All of the pages in excess of the 50-page limit will be rejected. The ALJ may grant approval of briefs containing more than 50 pages only in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression or in cases involving a lengthy factual record).
- g) **Security**
The ALJ may, for safety and security reasons, convene the hearing at a location different from the Board's offices.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

The Administrative Law Judge (ALJ) shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order and to ensure development of a clear and complete record. The ALJ shall have all powers necessary to achieve these ends, including, but not limited to, the discretionary authority to:

- a) Require the parties to participate in a pre-hearing conference before proceeding with a hearing;
- b) Require all parties to submit pre-hearing information, including, but not limited to, a detailed written statement of the issue to be resolved at hearing and its position; a list of witnesses each party intends to call, the nature of their testimony, the estimated time for each witness' testimony, and the estimated time for the party's case in chief; a list of exhibits to be offered by each party in its case in chief and a copy of each exhibit; and all other information the ALJ requests;
- c) Regulate the proceedings of the case and the conduct of the parties and their counsel;
- d) Administer oaths and affirmations;
- e) Receive relevant testimony and evidence;
- f) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitious or cumulative testimony;
- g) Examine witnesses and direct witnesses to testify; however, this provision does not lessen any party's burden of proof;
- h) Issue subpoenas and rule upon motions to revoke subpoenas;
- i) Take administrative notice of generally recognized facts of which Illinois courts may take judicial notice and of other facts within the specialized knowledge and experience of the Board;
- j) Rule on objections, motions and questions of procedure;
- k) Authorize the submission of briefs and set the time for their filing;
- l) Hear closing argument;

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- m) Order a hearing reopened prior to the issuance of the ALJ's recommended decision;
- n) Render and serve the recommended decision on the parties to the proceeding;
- o) Carry out the duties of ALJs as provided or otherwise authorized by this Part, 80 Ill. Adm. Code 1200, 1210, 1220 or 1230, or Section 6.1 of the Act.

**Section 1240.90 Computation and Extensions of Time
EMERGENCY**

- a) In computing any period of time prescribed by this Part, the designated period of time begins to run the day after the act, event, or default and ends on the last day of the period so computed. If the last day falls on a Saturday, Sunday, or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.
- b) When a time period prescribed under this Part is less than 7 days, intervening Saturdays, Sundays, or legal holidays shall not be included.
- c) Service of a document upon a party by mail shall be presumed complete 3 days after mailing, if proof of service shows the document was properly addressed. This presumption may be overcome by the addressee, with evidence establishing that the document was not delivered or was delivered at a later date. A party's failure to accept or claim a document served by mail shall not be grounds for overcoming the presumption.
- d) Requests for postponements of hearings shall be filed in accordance with Section 1240.100. Requests for postponements of investigations or scheduled conferences, as well as requests for extensions for the filing of briefs, exceptions or responses must be made prior to the existing deadlines. Such requests will not be granted unless good and sufficient cause is shown and the following requirements are met:
 - 1) all requests must be in writing directed to the Administrative Law Judge, Executive Director or General Counsel responsible for the proceeding;
 - 2) the grounds for the request must be set forth in detail;

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- 3) the requesting party must specify alternative dates for scheduling the hearing or conference or for the due date of any documents;
- 4) the position of all parties concerning both the postponement or extension requested and the proposed alternative dates must be ascertained in advance by the requesting party and set forth in the request;
- 5) for the purposes of this Section, good and sufficient cause may include a showing to the satisfaction of the Board or its agents that a postponement or extension will result in settlement of the case;
- 6) except for good cause shown, no request for postponement will be granted on any of the 3 days immediately preceding the date of a hearing, investigation or conference;
- 7) all continuances must be to a date and time certain; in no event shall an indefinite continuance be granted.

**Section 1240.100 Motions
EMERGENCY**

- a) In matters set for hearing, all motions must be filed with the assigned Administrative Law Judge (ALJ). Once the ALJ's recommended decision has issued, all motions should be filed with the General Counsel in the Board's Chicago office.
- b) Motions must be made in writing unless made during the hearing, at which time the motions may be made orally on the record. Motions must briefly state the grounds for the motion and any relief requested. Written motions must be served in accordance with Section 1240.50.
 - 1) Motions to extend time for the filing of documents must contain a statement that the moving party discussed the requested extension with the other parties. If no objections were raised, the moving party must certify that the other parties were consulted and authorized the moving party to represent that they have no objections. If objections were raised, the moving party must describe those objections and its response.
 - 2) At any time prior to the issuance of the recommended decision, a party may move to disqualify the ALJ on the grounds of bias or conflict of

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

interest. The motion shall be in writing to the General Counsel, with a copy to the ALJ, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, will not be considered grounds for disqualification. The General Counsel may decline to disqualify the ALJ or may appoint another ALJ to hear the case.

- c) Responses and any other answering documents, including memoranda and affidavits, must be filed within 5 days after service of the motion, or as otherwise required by the ALJ or the Board. Responses must be served in accordance with Section 1240.50.
- d) Rulings on motions shall be made in writing and served on all parties to the proceeding. The ALJ may reserve ruling on any motion until the issuance of the recommended decision.
- e) Rulings on motions shall not be appealed to the Board, unless as otherwise provided by the Board.

**Section 1240.110 Subpoenas
EMERGENCY**

The Board, upon the request of an Administrative Law Judge (ALJ) or upon the written application of a party, shall have the power to issue subpoenas for witnesses and subpoenas for documents.

- a) Subpoenas for Witnesses
 - 1) A party's written application for subpoenas for witnesses must be directed to the ALJ, and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) the name of the person to be subpoenaed; and
 - D) the date, time and place of the appearance to be commanded.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- 2) Applications must be filed with the Board and served on the other parties to the case at least 10 days before the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request. Upon request, the Board will mail the subpoenas to the applicant.
 - 3) The party requesting the subpoenas shall be responsible for serving the subpoenas on the witnesses at least 5 days before the hearing date. The party requesting the subpoenas shall also be responsible for payment of the witness fees for attendance, subsistence and mileage at the time the subpoena is served. Witnesses appearing at a hearing pursuant to subpoena are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Circuit Court Act [705 ILCS 35/4.3]. The requesting party must tender all fees with the subpoena. A witness appearing at the request of the Board shall submit the subpoena with a voucher when claiming reimbursement.
 - 4) Board employees shall not be subpoenaed to testify regarding matters that occurred during their employment with the Board.
 - 5) Subpoenas shall remain in effect throughout the course of the proceedings.
- b) Subpoenas for Documents (Subpoena Duces Tecum)
- 1) A party's written application for subpoenas for documents must be directed to the ALJ and must contain the following information:
 - A) the title and case number of the proceeding;
 - B) the name, address and phone number of the party requesting the subpoena and its representative;
 - C) a detailed description of the books, papers, documents or other objects to be produced pursuant to the subpoena;
 - D) the name of the person to be served with the subpoena; and
 - E) the date, time and place of production to be commanded.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- 2) Applications must be filed with the Board and served on the other parties to the case at least 10 days before the hearing and 10 days before the date on which the documents are to be produced. The date and time for production of documents may be prior to the hearing. The requested subpoenas may be picked up at the Board's office where the hearing will be held or at the office specified by the applicant in the subpoena request. Upon request, the Board will mail the subpoenas to the applicant.
 - 3) The party requesting the subpoenas shall be responsible for serving the subpoenas at least 5 days before the hearing date and 5 days before the date on which the documents are to be produced.
 - 4) Confidential Board documents as defined in 2 Ill. Adm. Code 2501.20(c) shall not be subpoenaed.
- c) Motions to Revoke Subpoenas
A person objecting to the subpoena may file a motion to revoke the subpoena. The motion must be filed at least 3 days prior to the hearing and shall be filed with the ALJ assigned to the case. Grounds for revocation shall include irrelevance, undue burden and privilege.

**Section 1240.120 Officer Indemnification
EMERGENCY**

An officer named in any verified complaint shall be indemnified for his or her reasonable attorney's fees and costs by his or her employer. *These fees shall be paid in a regular and timely manner. The State, upon application by the public employer, shall reimburse the public employer for the accused officer's reasonable attorney's fees and costs. At no time and under no circumstances will the accused officer be required to pay his or her own reasonable attorney's fees and costs.* [50 ILCS 705/6.1(1)]

**Section 1240.130 Representation of Parties
EMERGENCY**

- a) A verified complaint or petition for hearing shall be prosecuted by an agent of the Illinois Department of Professional Regulation.
- b) The complainant or respondent may be represented by counsel or any other representative of his or her choosing.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- c) The representative of each party shall file a Notice of Appearance with the Board. Filing pleadings on behalf of a party shall be equivalent to filing a Notice of Appearance.

**Section 1240.140 Board Review of the Administrative Law Judge's Recommended Decision
EMERGENCY**

The State Panel of the Illinois Labor Relations Board shall review the Administrative Law Judge's (ALJ's) recommended decision and determine by a majority vote whether there was clear and convincing evidence that the respondent, while under oath, knowingly and willfully made false statements as to a material fact going to the offense of murder.

- a) Parties may file exceptions to the ALJ's recommended decision and briefs in support of those exceptions no later than 30 days after service of the recommended decision. Exceptions must be filed with the Board's General Counsel in the Board's Chicago office. Exceptions shall specifically set forth the questions of procedure, fact, law or policy to which exception is taken, shall identify that part of the ALJ's recommended decision to which exception is made, and shall state the grounds for the exceptions and shall include the citation of authorities unless set forth in a supporting brief. Any exception to a ruling, finding, conclusion or recommendation that is not specifically raised shall be deemed to have been waived. Any exception that fails to comply with the foregoing requirements may be disregarded. If no exceptions to the ALJ's recommended decision are filed within the prescribed time period, the parties will be deemed to have waived their exceptions.
- b) Parties may file responses to the exceptions and briefs in support of those responses no later than 15 days after service of the exceptions. Responses shall be limited to the issues raised in the exceptions.
- c) Any brief in support of the exceptions or responses shall be confined to the subjects raised in the exceptions and shall contain:
 - 1) a clear and concise statement of the case containing all that is material to the consideration of the questions presented;
 - 2) a specification of the questions involved and the issues to be argued; and
 - 3) an argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

- d) All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All of the pages in excess of the 50-page limit will be rejected. The General Counsel may grant approval of briefs containing more than 50 pages only in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression, or in cases involving a lengthy factual record).
- e) The Board will review the ALJ's recommended decision upon the timely filing of exceptions. The Board will make a finding to uphold, vacate or modify the recommended decision. The Board may adopt all, part or none of the recommended decision depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve its decision and order upon the parties and upon LETSB. If no exceptions to the ALJ's recommended decision are filed within the prescribed time period, the Board's General Counsel shall issue an order so providing and serve it upon the parties and upon LETSB.
- f) *None of the Illinois Labor Relations Board State Panel's findings or determinations shall set any precedent in any of its decisions decided pursuant to the Illinois Public Labor Relations Act by the Illinois Labor Relations Board or the courts.* [50 ILCS 705/6.1(o)]

**Section 1240.150 Appellate Review
EMERGENCY**

- a) A party aggrieved by a final order of the Illinois Labor Relations Board State Panel may obtain judicial review of that order in accordance with the provisions of the Administrative Review Law [735 ILCS 5/Art. III], except that such review shall be afforded directly in the Appellate Court for the district in which the accused officer resides. The appeal shall be filed within 35 days from the date that a copy of the Board's decision was served upon the party affected by the decision.
- b) If LETSB has revoked an accused officer's certification as the result of an adverse finding of the Board, the officer may petition the Appellate Court to stay the revocation of his or her certification pending the court's review of the matter.

**Section 1240.160 Conflicts of Interest
EMERGENCY**

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY RULES

No person who has been a Board member or an employee of the Board shall engage in practice before the Board in any respect in connection with any case or proceeding that was pending during the person's membership on or employment with the Board.

Section 1240.170 Ex Parte Communications
EMERGENCY

No party or other persons legally interested in the outcome of a hearing may communicate ex parte, either directly or indirectly, with an Administrative Law Judge or with any member of the Board regarding matters pending before the Board.

Section 1240.180 Amicus Curiae Briefs
EMERGENCY

Parties may file a motion with the Board to request leave to file an amicus curiae brief or the Board, on its own motion, may solicit such briefs. The Board's standards by which to grant leave to file an amicus curiae brief will include the importance of the issue presented, the general application of the issue presented and the need perceived by the Board for additional briefing on the issue presented. The amicus curiae brief shall conform to any conditions imposed by the Board for briefs in the case in which the brief is filed. Amicus curiae parties may be invited to participate in oral arguments heard by the Board. The Board will accept amicus curiae briefs in its proceedings. The filing of such briefs shall not serve to postpone or delay the proceedings.

Section 1240.190 Variances and Suspensions of Rules
EMERGENCY

The provisions of this Part may be waived by the Board when it finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by the granting of the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.70 Emergency Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: May 11, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: May 11, 2004
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The penalties contained in Section 603.70(g)(4), a \$1,000 fine and a suspension of not less than 30 days, are inconsistent in comparison to the penalty found in Section 603.70(g)(3). The penalties found in Section 603.70(g)(4) should be amended to be more in line with the penalty contained in Section 603.70(g)(3).
- 10) A Complete Description of the Subjects and Issues Involved: Currently, if the Racing Board laboratory reports a furosemide amount of 99 nanograms, the trainer of the horse receives a written warning. If the laboratory reports an amount of 100 nanograms, an increase of only one nanogram, the trainer receives a \$1,000 fine, a suspension of not less than 30 days and loss of the purse. As written, the penalties contained in Section 603.70(g)(4) are too severe and inconsistent. This emergency rulemaking would amend the penalties to more accurately reflect the nature of the violation.
- 11) Are there any proposed amendments pending in this Part? Yes
- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 13) Information and questions regarding this amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Mickey Ezzo
Illinois Racing Board
100 West Randolph Street
Suite 11-100
Chicago, Illinois 60601
(312) 814-5017

The full text of the Emergency Amendment begins on the next page.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section

- 603.10 Pre-Race Saliva Tests
603.20 Racing Soundness Exam
603.30 Foreign Substances and Pharmaceutical Aids Banned
603.40 Twenty-four Hour Ban
603.50 Trainer Responsibility
603.55 Prima Facie Evidence
603.60 Permitted Use of Foreign Substances and Threshold Levels
603.70 Furosemide

EMERGENCY

- 603.80 Needles, Syringes and Injectables
603.90 Drugs, Chemicals and Prescription Items
603.100 Detention Barn
603.110 Test Samples
603.120 Referee Samples
603.130 Laboratory Findings and Reports
603.140 Distribution of Purses and Retention of Samples
603.150 Post Mortems
603.160 Penalties
603.170 Veterinarian's Records
603.180 Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Section 603.70 Furosemide**EMERGENCY**

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.

- b) Veterinarian's List
 - 1) When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D). During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait 9 days following the certification date before participating in a qualifying race.
 - 2) A horse bleeding while racing with furosemide shall be barred from racing for a minimum of 30 days.
 - 3) A horse bleeding a second time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 60 days.
 - 4) A horse bleeding a third time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 180 days or the ~~remainder~~reminder of the 12 month period, whichever is greater.
 - 5) After the expiration of the barred periods in subsections (b)(2), (3) and (4), a horse must qualify on furosemide by participating in a qualifying race or

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

- c) Eligibility for Furosemide Treatment
- 1) A horse is eligible to race with furosemide if at least one of the following occurs:
 - A) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;
 - B) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants approval. This subsection (c)(1)(B) applies to thoroughbred horses only;
 - C) The trainer provides the Board or its designee with evidence that the horse bled in another racing jurisdiction. Acceptable evidence shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate;
 - D) The trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for harness horses shall be the official past performances of the United States

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

- 2) Signing a Furosemide Certification Affidavit
 - A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsection (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.
 - B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1).
 - C) Any purse money earned by the horse in the race shall be held during the 10 day period.
 - D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.
- d) Removal from Furosemide List
 - 1) Once a horse is placed on the furosemide list, it must continue to race with furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.

- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- e) Administration of Furosemide
- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
 - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
 - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
 - 4) The trainer or his/her licensed employee shall witness the furosemide administration.
 - 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
 - 6) For violations of this subsection (e), the stewards shall scratch a horse from the race and the trainer may be fined not less than \$200 and not more than \$500.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- f) **Absence of Furosemide**
In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.
- g) **Excessive Use of Furosemide**
- 1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.
 - 2) The first two times the laboratory reports an amount of furosemide between 61 ng-85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$200.
 - 3) The first time the laboratory reports an amount of furosemide between 86 ng-99 ng/ml inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$500 and suspended not more than 30 days.
 - 4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than ~~\$2500~~~~\$1000~~ and/or suspended ~~no more~~~~not less~~ than ~~60~~~~30~~ days and the purse shall be redistributed.
- h) **Trainer's Responsibilities for Horses on the Furosemide List**
- 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
 - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
 - C) notifying his/her veterinarian of furosemide horses and the date

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

and times for race day treatment;

- D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
 - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
 - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
- 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).
- i) Veterinarian's Responsibilities
- 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
 - 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).
- j) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 2) The barn area is a secure area and shall be under the supervision of the Board.
 - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
 - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- k) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days)

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3) Section Number: 1600.60
- 4) Date Proposal published in Illinois Register: May 30, 2003; 27 Ill. Reg. 8849
- 5) Date Adoption published in Illinois Register: February 6, 2004; 28 Ill. Reg. 2292
Also, a Notice of Publication Error appeared in the February 13, 2004 *Illinois Register* at 28 Ill. Reg. 2856.
- 6) Date Request for Expedited Correction published in Illinois Register: March 26, 2004; 28 Ill. Reg. 5556
- 7) Adoption Effective Date: January 23, 2004
- 8) Correction Effective Date: January 23, 2004
- 9) Reason for Approval of Expedited Correction: The changes were non-substantive, technical changes only, which included changing "the effective date of this rule" to "January 23, 2004" at several places in the rule text.

The full text of the corrected rulemaking begins on the following page:

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF EXPEDITED CORRECTION

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO
1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF EXPEDITED CORRECTION

1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004.

Section 1600.10 Definitions

Unless the context requires a different meaning, terms used in this ~~Partpart~~ shall be defined and interpreted in accordance with Article 15 of the Illinois Pension Code [40 ILCS 5/~~Art.~~ 15].

"Unmarried". The definition of unmarried as referred to in Section 15-145(c) shall include never married and divorced persons.

(Source: Expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004)

Section 1600.60 Sick Leave Accrual Schedule

- a) Under Section 15-113.4 of the Illinois Pension Code [40 ILCS 5/15-113.4] SURS grants service credit for unused sick leave.
- b) A member who retires within 60 days immediately following his or her termination with an employer covered under the State Universities Retirement

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF EXPEDITED CORRECTION

System or other reciprocal system is entitled to credit for service for that portion of unused and unpaid sick leave earned in the course of employment.

- c) The employer must certify the number of unused and unpaid sick days consistent with subsection (e) on the member's termination report provided to SURS, or other form acceptable to SURS.
- d) Service credit is granted for unused and unpaid sick leave verified by the employer in accordance with the following schedule:
 - 1) 0-29 full calendar days and 0-19 full work days = no service credit
 - 2) 30-90 full calendar days and 20-59 full work days = 0.25 years of service credit
 - 3) 91-180 full calendar days and 60-119 full work days = 0.50 years of service credit
 - 4) 181-270 full calendar days and 120-179 full work days = 0.75 years of service credit
 - 5) 271 or more full calendar days and 180 or more full work days = 1 year of service credit
- e) Only uncompensated, unused sick leave earned in accordance with an employer's sick leave accrual policy generally applicable to employees or a class of employees will be taken into account in calculating service credit under this Section. Any sick leave granted by an employer to facilitate the hiring, retirement, termination, or other special circumstances of an employee will not be taken into account in calculating service credit for retirement.
- f) If a participant transfers from one employer to another, the unused sick leave credited by the previous employer will be considered in determining service to be credited under this Section, even if the participant terminated prior to the effective date of P.A. 86-272 (August 23, 1989), so long as the subsequent employer did not credit the participant with that sick leave from the previous employer.
- g) This ~~Section rule~~ is effective for all retirements after January 23, 2004~~the effective date of this rule~~. However, a participant who entered into a written retirement

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

NOTICE OF EXPEDITED CORRECTION

agreement, for example pursuant to a collective bargaining agreement, prior to ~~January 23, 2004, the effective date of this rule~~ with a retirement date not exceeding four years from ~~January 23, 2004, the effective date of this rule~~ will not be limited to the schedule set forth in subsection (d), provided that:

- 1) the ~~System~~system is provided with documentation that, in the System's sole discretion, establishes that the retirement agreement was entered into prior to ~~January 23, 2004, the effective date of this rule~~; and
- 2) a copy of such written retirement agreement is filed with the System within 90 days ~~after January 23, 2004, of the effective date of this rule.~~

(Source: Expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 11, 2004 through May 17, 2004 and have been scheduled for review by the Committee at its June 15, 2004 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/23/04	<u>Office of the State Fire Marshal</u> , Fire Sprinkler Contractor Licensing Rules (41 Ill. Adm. Code 109)	3/5/04 28 Ill. Reg. 3941	6/15/04
6/25/04	<u>Department of Central Management Services</u> , Senior Citizens and Disabled Persons Prescription Drug Discount Program (80 Ill. Adm. Code 2151)	3/5/04 28 Ill. Reg. 3939	6/15/04
6/25/04	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	2/6/04 28 Ill. Reg. 1973	6/15/04
6/26/04	<u>Department of Natural Resources</u> , Illinois Snowmobile Grant Program (17 Ill. Adm. Code 3010)	3/26/04 28 Ill. Reg. 5135	6/15/04
6/26/04	<u>Department of Natural Resources</u> , Snowmobile Trail Establishment Fund Grant Program (17 Ill. Adm. Code 3020)	3/26/04 28 Ill. Reg. 5139	6/15/04
6/26/04	<u>Department of Natural Resources</u> , Open Space Lands Acquisition and Development Grant Program (17 Ill. Adm. Code 3025)	3/26/04 28 Ill. Reg. 5142	6/15/04
6/26/04	<u>Department of Natural Resources</u> , Boat Access Area Development Program (17 Ill. Adm. Code	3/26/04 28 Ill. Reg.	6/15/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	3035)	5149	
6/26/04	<u>Department of Natural Resources</u> , Illinois Bicycle Path Grant Program (17 Ill. Adm. Code 3040)	3/26/04 28 Ill. Reg. 5152	6/15/04
6/26/04	<u>Department of Natural Resources</u> , Off-Highway Vehicle Recreational Trails Grant Program (17 Ill. Adm. Code 3045)	3/26/04 28 Ill. Reg. 5157	6/15/04
6/26/04	<u>Department of Natural Resources</u> , Open Land Trust Grant Program (17 Ill. Adm. Code 3050)	3/26/04 28 Ill. Reg. 5160	6/15/04

PROCLAMATIONS

2004-132**Lewis and Clark Commemorative Days**

WHEREAS, in 1803, President Thomas Jefferson commissioned Meriwether Lewis to lead an expedition, called the Corps of Discovery, on an epic journey to explore the headwaters of the Missouri River, and find an overland route to the Pacific Ocean by way of the Columbia River; and

WHEREAS, Lewis, along with his personal friend William Clark, who enthusiastically agreed to join the expedition, led the Corps of Discovery to a territory near present-day Cairo, Illinois where they began preparation for their journey. They would spend more than six months in what is now known as Illinois, recruiting military and civilian volunteers to become part of the Corps; and

WHEREAS, on May 14, 1804, the Corps of Discovery embarked from Illinois, on their historic mission to explore the uncharted West. Throughout their journey, Lewis and Clark collected plant and animal specimens, studied Native American cultures, conducted diplomatic councils, established trading relationships with tribes, and recorded weather data. Because of their efforts, our nation was forever changed; and

WHEREAS, the State of Illinois proudly recognizes its significant involvement in the Lewis and Clark expedition; and

WHEREAS, to mark the 200th anniversary of the Corps of Discovery's departure, Illinois is holding special commemorative events on May 13 – 16, 2004, to educate citizens, locally and nationally, on the significance of the expedition, and the important role that Illinois played in its beginnings; and

WHEREAS, the efforts of the Illinois Lewis and Clark Expedition Commission have been instrumental in planning and promoting this historical commemoration:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 13 – 16, 2004 as LEWIS AND CLARK COMMEMORATIVE DAYS in Illinois, and encourage all citizens to join in celebrating the tremendous achievements of these two brave Americans.

Issued by the Governor May 10, 2004.

Filed by the Secretary of State May 11, 2004.

2004-133**Little City – Center for Employment and Business Development Day**

WHEREAS, a small group of parents, whose children had mental retardation or other developmental challenges, planted the seed for Little City in 1959, thereby, forming an alternative to institutional living and creating an environment that fosters acceptance and individuality; and

WHEREAS, the mission of the Little City Foundation is to “provide state-of-the art services to help children and adults with mental retardation or other developmental, emotional, and behavioral challenges to lead meaningful, productive, and dignified lives;” and

PROCLAMATIONS

WHEREAS, Little City encompasses programs in foster care, special needs adoption, family support services, occupation, therapeutic, speech, and hearing therapy, supported and community integrated living arrangements, fine and performing arts, job coaching, sharing, and training in over 140 locations throughout the Chicago metropolitan area; and

WHEREAS, recently, Little City has adopted a new venture, exposing their students to “real work for real pay.” There are two objectives of this venture: to find more work opportunities for the members of the community and to create more opportunities on campus; and

WHEREAS, the mission of the Center for Employment and Business Development is to develop “self-supporting, self-sustaining industries on the campus of Little City that will provide employment, financial support, and training that Little City participants will be able to carry into the larger community;” and

WHEREAS, Robert J. Washlow, Chairman and CEO of Lawson Products, has been an active, committed supporter of Little City’s mission and programs for over 20 years, serving as treasurer and a member of the executive committee and Board of Directors; and

WHEREAS, Lawson Products, providing opportunities for Little City workers for nearly 14 years, is just one of the companies in the Chicagoland area that has partnered with Little City Foundation’s Employment Services, to provide off-campus job opportunities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 3, 2004 as LITTLE CITY – CENTER FOR EMPLOYMENT AND BUSINESS DEVELOPMENT DAY in Illinois, and encourage all citizens to embrace the spirit of Little City and their commitment to helping disadvantaged children live happy and productive lives.

Issued by the Governor May 10, 2004.

Filed by the Secretary of State May 11, 2004.

2004-134**Home Education Week in Illinois**

WHEREAS, the growth and development of young people is of paramount importance here in Illinois, and across the United States; and

WHEREAS, a quality education is at the center of a child’s development, and it is critical that all children are afforded strong educational opportunities so that they may lead successful lives; and

WHEREAS, homeschooling presents children and families with an alternative option to public and private schools; and

WHEREAS, adults that have been homeschooled as children have gone on to achieve success in a variety of different careers and endeavors:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10 – May 14, 2004 as HOME EDUCATION WEEK IN ILLINOIS, and encourage all citizens to recognize the efforts of families who choose homeschooling as a way to educate their children.

Issued by the Governor May 10, 2004.

PROCLAMATIONS

Filed by the Secretary of State May 11, 2004.

2004-135
Shared Housing Week

WHEREAS, shared housing offers older adults, people with disabilities and other special populations a housing alternative that enables them to remain in the community; and

WHEREAS, this type of living arrangement matches unrelated persons together to share living quarters in homes, apartments or a group shared residence, which provides affordable community-based living for hundreds of Illinois residents; and

WHEREAS, shared housing also provides an economical housing option to people of all ages in transitional periods such as divorce, loss of a spouse, company downsizing, and educational pursuits; and

WHEREAS, applicants for shared housing programs are carefully screened and monitored by recognized not-for-profit community organizations to ensure a compatible match or a comfortable group living arrangement; and

WHEREAS, group shared residences offer meals, housekeeping, laundry and other types of assistance, which promote independence and self-determination for older persons; and whereas, shared housing can actually delay entry into an institutional medical environment such as a nursing home; and

WHEREAS, the Illinois Shared Housing Network recognizes that shared housing helps the state of Illinois increase the number of housing units that are affordable and available to its residents:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as SHARED HOUSING WEEK in Illinois, and encourage all citizens to support shared housing facilities as they work to renew a sense of self-sufficiency back to these special populations.

Issued by the Governor May 10, 2004.

Filed by the Secretary of State May 11, 2004.

2004-136
Poppy Days

WHEREAS, America is the land of freedom. That freedom has been preserved and protected by the brave men and women of the United States Armed Forces, who in times of distress have fought valiantly for their country; and

WHEREAS, in their efforts to keep their country free, millions who have answered the call to arms, have died on the battlefield; and

WHEREAS, intrigued by the small red flowers that grew in a field in France after a battle in the first World War, Canadian Colonel John McCrae wrote his famous poem, In Flander's Fields; and

PROCLAMATIONS

WHEREAS, the poem paralleled the battlefield tombs of the honorable soldiers that died there with the red poppy flowers that grew on top of them, thus immortalizing an image in our history that we must never forget; and

WHEREAS, throughout the years, the red poppy flower has become an international symbol of the lives that have been lost in war; and

WHEREAS, displaying a small poppy flower is considered a proper tribute to those who have made the ultimate sacrifice in the name of freedom; and

WHEREAS, both the American Legion and American Legion Auxiliary have pledged to remind America annually of this sacrifice through the distribution of the memorial flower during their Memorial Day fundraising campaign to help disabled veterans:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 27 – 29, 2004 as POPPY DAYS in Illinois, and encourage all citizens to join the American Legion and American Legion Auxiliary in honoring our fallen heroes by wearing the Memorial Poppy on these days.

Issued by the Governor May 13, 2004.

Filed by the Secretary of State May 14, 2004.

2004-137**Masonic Community Days**

WHEREAS, historically, the term mason has been used to describe highly skilled craftsmen that work or build with stone, brick, concrete blocks, etc. However, as terminology has evolved, mason has come to also mean strength, character, and spiritual upbringing; and

WHEREAS, the Masonry was built on these principles, and today teaches men the principles of personal responsibility and righteousness, character building, and how to apply these lessons in daily life; and

WHEREAS, the Masons have a very strong presence in Illinois, supporting a membership of 80,000, with lodges based in 100 of the 102 counties in the state; and

WHEREAS, the entire Masonic organization is dedicated to strengthening their communities, and their country, through charitable events that address public needs and concerns; and

WHEREAS, each year, Masonic lodges throughout the state help thousands of people in need with their youth programs, blood and food drives, school assistance, community programs, and assistance to individuals with special needs; and

WHEREAS, Masonic Community Days is a four-week program in which the members of the Masonry in the state of Illinois can demonstrate, and reaffirm their active support of civic and charitable projects in their communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 25 – July 25, 2004 as MASONIC COMMUNITY DAYS in Illinois, and encourage all citizens to support organizations and events that help to renew community spirit, and improve the quality of life in our state.

Issued by the Governor May 13, 2004.

PROCLAMATIONS

Filed by the Secretary of State May 14, 2004.

2004-138
Drive Your Mustang Day

WHEREAS, the Ford Mustang is a symbol of American craftsmanship, and has stood as a cultural icon since the 1960's; and

WHEREAS, the Central Illinois Mustangers have been asked to host the Mustang Club of America's Grand National Mustang Show this year in Springfield; and

WHEREAS, the show will bring Mustang drivers and fans from throughout the country to Illinois to see over 500 Mustangs, ranging from the first model, made in 1964, to the most current models on the market; and

WHEREAS, all profits from the show will be donated to the Shriners Hospital in St. Louis, Missouri; and

WHEREAS, Shriners Hospital in St. Louis provides unique orthopaedic care to children at no charge. Their benevolent services are utilized daily by many families in central Illinois:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 4, 2004 as DRIVE YOUR MUSTANG DAY in Illinois, and encourage all citizens to recognize and support events that are held in the interest of charity.

Issued by the Governor May 13, 2004.

Filed by the Secretary of State May 14, 2004.

2004-139
Access Living Day

WHEREAS, founded in 1980, Access Living is a non-residential center in Chicago that serves the city's more than 500,000 disabled citizens by recognizing their rights, abilities, needs, and differences, while working toward their integration into community life; and

WHEREAS, Access Living fosters the dignity, pride and self-esteem of people with disabilities by offering peer-oriented independent living services, public education programs and individual and systemic advocacy; and

WHEREAS, on June 1, 2004, elected officials, corporate leaders, representatives from the disabled community and citizens from throughout Chicago will celebrate Access Living's 2004 Annual Gala; and

WHEREAS, the 2004 Annual Gala aims to involve Chicago's corporate community in disability issues, promote public understanding and awareness of people with disabilities and reinforce positive and accurate images of the disabled community; and

WHEREAS, this year's program will include a special tribute to the late Senator Paul Simon for his commitment to the same noble goal as Access Living:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim June 1, 2004 as ACCESS LIVING DAY in Illinois, and encourage all citizens to recognize the many services that Access Living provides to those living with disabilities in our state.

Issued by the Governor May 13, 2004.

PROCLAMATIONS

Filed by the Secretary of State May 14, 2004.

2004-140
Wireless Safety Week

WHEREAS, in 2003, AAA released the results of a study which researched distracted driving. It was found that using wireless phones is one of the most common activities people engage in while driving; and

WHEREAS, wireless phone usage is far less prevalent of a distraction than other distracted driving activities such as eating, talking, or changing the dial on a radio; and

WHEREAS, in an effort to publicly educate consumers on the safe use of wireless phones while driving, and to promote the use of wireless phones as a safety device, the Cellular Telecommunications & Internet Association (CTIA) and its member organizations will sponsor National Wireless Safety Week; and

WHEREAS, wireless phones have helped reduce response times in emergency situations and have assisted in the apprehension of drunk, impaired, and aggressive drivers. Nearly 118,000 wireless calls are made each day to 911 and other emergency numbers; and

WHEREAS, the CTIA believes using your wireless phone responsibly and safely while driving begins with ten steps that include: the use of a hands free device when available, not engaging in stressful or emotional conversations that may divert your attention from the road, and using your wireless phone to help others in emergencies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24 – 28, 2004 as WIRELESS SAFETY WEEK in Illinois, and urge all citizens to use caution while driving and using your wireless devices.

Issued by the Governor May 13, 2004.

Filed by the Secretary of State May 14, 2004.

2004-141
School Counselor Week

WHEREAS, school counselors offer support and guidance for many middle and high school aged children in regular and special education settings, working tirelessly to help adolescents realize their potential, both academically and socially; and

WHEREAS, by providing opportunities for students to develop leadership skills, to apply for scholarships, to develop special interests, and to understand their strengths and weaknesses, school counselors are helping students develop skills that are necessary for a successful future; and

WHEREAS, in addition to their work with the students, school counselors help teachers and administrators provide curricula which stresses developmental and career goals providing the youth with a smooth transition from their life as a student to having a career; and

WHEREAS, school counselors work closely with parents and outside agencies to ensure that the best interest of the child is being met:

PROCLAMATIONS

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 24 – 28, 2004 as SCHOOL COUNSELOR WEEK in Illinois, and encourage all citizens to recognize the efforts of the school counselors in this state who are shaping and molding the minds of our future leaders.

Issued by the Governor May 13, 2004.

Filed by the Secretary of State May 14, 2004.

2004-142**Missing Children's Day**

WHEREAS, there are 2,320 missing children in the state of Illinois, this number represents only a small percentage of the 797,500 children that are estimated missing, as reported through a national study conducted by the United States Department of Justice; and

WHEREAS, there are four different categories that classify missing children. The largest number of missing children are runaways, followed by those that have been abducted by family members, next are those that are lost, injured, or otherwise missing, and finally, the smallest category, but the one in which the child is at the greatest risk of injury or death, are those that have been abducted by nonfamily members; and

WHEREAS, locating and safely returning missing children to their homes is a statewide, national, and international objective; and

WHEREAS, on August 29, 1985 in Chicago, Illinois, Governors from the state of Illinois, Indiana, Iowa, Kentucky, Missouri and Wisconsin signed the "Interstate Agreement on Missing and Exploited Children." This agreement was the beginning of the development of an interstate network established to improve the process of identifying and recovering missing children; and

WHEREAS, in addition, the Illinois State Police has implemented the America's Missing: Broadcast Emergency Response (AMBER) Alert Notification Plan. AMBER Alert was developed as a quick and efficient way to notify the public and any city, town, village, county, or state law enforcement agency in Illinois, of specific information regarding the abduction of a child whose life may be in danger; and

WHEREAS, teaching your children to run away from danger, never letting your children go places alone, knowing where and with whom your children are at all times, talking openly to your children about safety and having a list of family members who can be contacted in case of an emergency, are among the list of preventative tips that will help keep your children safe from kidnapping and abductions:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2004 as MISSING CHILDREN'S DAY in Illinois, and strongly encourage all citizens to be supportive of the efforts this state is making to reduce the number of missing children reported each year.

Issued by the Governor May 13, 2004.

Filed by the Secretary of State May 14, 2004.

2004-143

PROCLAMATIONS

Small Business Week

WHEREAS, small businesses make tremendous contributions to the economic makeup of our nation, accounting for 75 percent of the new jobs added to the economy; and

WHEREAS, Illinois agencies play a significant role in the development of small businesses within the state. The Illinois Secretary of State's office is responsible for incorporating such businesses, while the Illinois Department of Commerce and Economic Opportunity assists new and existing small businesses with various matters including: providing business counseling, assisting with the development of business plans, and providing business education and training opportunities; and

WHEREAS, the Office of Advocacy, a division of the United States Small Business Administration (SBA), reports that "small businesses continue to be a source of economic strength nationally and in Illinois," employing 48.4 percent of the state's 5.5 million non-farm sector employees in 2000; and

WHEREAS, SBA has created Small Business Week as a time to celebrate and recognize the achievements of the estimated 23 million small businesses in the United States; and

WHEREAS, SBA was created in 1953 to protect the interests of small businesses. Their current loan portfolio of more than 200,000 loans worth an estimated \$45 billion, makes SBA the largest single financial backer of U.S. businesses in the nation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 16 – 22, 2004 as SMALL BUSINESS WEEK in Illinois and encourage all citizens to recognize the contributions these businesses make to our society.

Issued by the Governor May 13, 2004.

Filed by the Secretary of State May 14, 2004.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 28, Issue 22 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

8 - 25	.....	7351
8 - 35	.....	7366
8 - 40	.....	7371
8 - 75	.....	7375
8 - 85	.....	7380
8 - 90	.....	7390
20 - 112	.....	7408
20 - 505	.....	7414
32 - 422	.....	7422
80 - 1200	.....	7529
80 - 1240	.....	7531
11 - 603	.....	7533

ADOPTED RULES

89 - 507	05/17/2004.....	7535
----------	-----------------	------

EMERGENCY RULES

80 - 1200	05/12/2004.....	7540
80 - 1240	05/12/2004.....	7544
11 - 603	05/11/2004.....	7565

APPROVAL OF EXPEDITED CORRECTION

80 - 1600	01/23/2004.....	7575
-----------	-----------------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

04 - 133	05/10/2004.....	7582
04 - 132	05/10/2004.....	7582
04 - 134	05/10/2004.....	7583
04 - 136	05/13/2004.....	7584
04 - 135	05/10/2004.....	7584
04 - 137	05/13/2004.....	7585
04 - 139	05/13/2004.....	7586
04 - 138	05/13/2004.....	7586
04 - 141	05/13/2004.....	7587
04 - 140	05/13/2004.....	7587
04 - 143	05/13/2004.....	7588
04 - 142	05/13/2004.....	7588

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Subscription to the Administrative Code on CD-ROM <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2001 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2002 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.) \$ 1.50 TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$1.50 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com