

# 2005

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 29 Issue 10  
March 4, 2005  
Pages 3049-3392

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

Printed on recycled paper

# TABLE OF CONTENTS

March 04, 2005 Volume 29, Issue 10

## PROPOSED RULES

EDUCATION, ILLINOIS STATE BOARD OF	
Secular Textbook Loan	
23 Ill. Adm. Code 350 .....	3049
EXECUTIVE ETHICS COMMISSION	
Organization, Information, Rulemaking and Hearings	
2 Ill. Adm. Code 1620 .....	3054
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Health Maintenance Organization	
50 Ill. Adm. Code 5421 .....	3057
FIRE MARSHAL, OFFICE OF THE STATE	
Policy and Procedures Manual for Fire Protection Personnel	
41 Ill. Adm. Code 140 .....	3069
GOVERNOR'S ETHICS COMMISSION	
Rules Governing Commission Meetings and Hearings	
2 Ill. Adm. Code 1610 .....	3189
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS	
Notice Procedures Under the Federally Assisted Housing Preservation Act	
47 Ill. Adm. Code 375 .....	3191
PUBLIC HEALTH, ILLINOIS DEPARTMENT OF	
Physical Fitness Facility Medical Emergency Preparedness Code	
77 Ill. Adm. Code 527 .....	3200

## ADOPTED RULES

EMERGENCY MANAGEMENT AGENCY	
Licensing of Radon Detection and Mitigation Services	
32 Ill. Adm. Code 422 .....	3212
PUBLIC HEALTH, ILLINOIS DEPARTMENT OF	
Visa Waiver Program for International Medical Graduates	
77 Ill. Adm. Code 591 .....	3327

## EMERGENCY RULES

EXECUTIVE ETHICS COMMISSION	
Organization, Information, Rulemaking and Hearings	
2 Ill. Adm. Code 1620 .....	3340
GOVERNOR'S ETHICS COMMISSION	
Rules Governing Commission Meetings and Hearings	
2 Ill. Adm. Code 1610 .....	3365

## JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

PUBLIC AID, ILLINOIS DEPARTMENT OF	
Specialized Health Care Delivery Systems	
89 Ill. Adm. Code 146 .....	3377

<b>JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING</b>	
PUBLIC AID, ILLINOIS DEPARTMENT OF	
Specialized Health Care Delivery Systems	
89 Ill. Adm. Code 146 .....	3378
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	3379
<b>NOTICE OF PUBLIC INFORMATION</b>	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
4 Notices Regarding the Residential Mortgage License Act of 1987.....	3381
LABOR, DEPARTMENT OF	
Contractor Prohibited From An Award of a Contract or Subcontract	
For Public Works Projects.....	3385
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>	
EXECUTIVE ORDERS	
Executive Order On Collective Negotiation By Day Care Home Providers	
2005-1.....	3386
PROCLAMATIONS	
Music Education Day	
2005-41.....	3386
Engineers Week	
2005-42.....	3388
School Health Center Awareness Month	
2005-43.....	3388
Affordable Housing Week	
2005-44.....	3389
Illinois State Historical Society Markers Awareness Week	
2005-45.....	3389
Medical Laboratory Week	
2005-46.....	3390
Nutrition Month	
2005-47.....	3391

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Secular Textbook Loan
- 2) Code Citation: 23 Ill. Adm. Code 350
- 3) Section Number:        Proposed Action:  
350.15                            Amendment
- 4) Statutory Authority: 105 ILCS 5/18-17
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment responds to two separate issues.

1. Section 18-17 of the School Code authorizes either a parent/guardian or a student to request the loan of a textbook under the Secular Textbook Loan Program. The rules implementing this provision, however, have stipulated the content of that request in such a way that it appears only a parent can request the loan of a textbook.

The proposed amendments would require that school districts establish procedures for parents/guardians and students to use when requesting the loan of a textbook and that information about the process be provided to parents in writing (e.g., student handbook, newsletter, flyer).

2. The rules set forth the deadlines by which applicants may request the purchase of textbooks for use under the loan program. Under the current timeline, textbooks ordered by applicants sometimes are not received by the start of the school year. Additionally, problems arose for the agency when vendors could not be paid by the end of the fiscal year for books ordered in that fiscal year.

Deadlines associated with the textbook ordering process are being moved to earlier in the fiscal year, allowing request forms to be submitted to and processed by the agency sooner. The earlier dates ensure that the program is implemented in a more timely and efficient manner.

- 6) Will these proposed rules replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, W-475  
Springfield, Illinois 62777-0001

(217) 782-5270

Comments may also be submitted electronically, addressed to:

[rules@isbe.net](mailto:rules@isbe.net)

- 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: January 2005

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

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
 SUBTITLE A: EDUCATION  
 CHAPTER I: STATE BOARD OF EDUCATION  
 SUBCHAPTER j: TEXTBOOKS

PART 350  
 SECULAR TEXTBOOK LOAN

Section	
350.10	Definition of Terms
350.15	Acquisition Procedures
350.20	Administrative Practices (Repealed)
350.25	Disposal Procedures
350.30	Fiscal Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 18-17 of the School Code [105 ILCS 5/18-17].

SOURCE: Adopted September 27, 1976; amended at 2 Ill. Reg. 27, p. 163, effective June 27, 1978; amended at 4 Ill. Reg. 37, p. 770, effective September 6, 1980; codified at 7 Ill. Reg. 13870; amended at 8 Ill. Reg. 2462, effective February 15, 1984; amended at 15 Ill. Reg. 17597, effective November 20, 1991; amended at 20 Ill. Reg. 9951, effective July 12, 1996; amended at 24 Ill. Reg. 7256, effective May 1, 2000; amended at 28 Ill. Reg. 7050, effective May 3, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### Section 350.15 Acquisition Procedures

- a) Students shall not be assessed a fee for any textbook or book substitute provided under the Secular Textbook Loan Program.
- b) Eligible applicants shall provide parents with a brief written explanation of the textbook loan program and the process for a parent/guardian or student to request the loan of a secular textbook in a student handbook, newsletter or, flyer or by similar means. A parent/guardian or student may request the loan of a secular textbook(s) by submitting an individual request (see Section 18-17 of the School Code). School districts shall develop procedures for taking a request from a parent/guardian or student that shall contain the following language: "I hereby request the loan of secular textbooks in accordance with Section 18-17 of the School Code. I understand that this request will remain valid so long as my son/daughter is enrolled in (name of school) and that I may at any time withdraw

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

~~this request."~~

- c) Requested textbooks shall be those that have been adopted for use in the district or school and that are available from those vendors that are bonded through the State Board of Education. The State Board of Education each fiscal year shall provide on its textbook loan website the list of vendors from which materials may be purchased and the list of secular textbooks that the State Board of Education has identified as eligible under the program.
- d) ~~By the end of November~~~~In January~~ of each year, the State Board of Education will identify the grade levels to be funded and calculate the per-pupil allocation. Those school administrators with schools eligible to participate will be notified in writing as to:
- 1) the total amount available to their students to be used for the grade levels identified for funding (the per-pupil allocation will be based upon the total amount of funds appropriated for the program and the total statewide public and nonpublic school enrollment in the specific grade levels to be funded, as of the last school day in September of the current school year); and
  - 2) the password to be used to access the textbook loan website for the purposes of completing a Request Form.
- e) The Request Forms shall be completed by the school administrator. Electronic submission of the Request Form shall certify compliance with Section 18-17 of the School Code and this Part, as well as with Article X, Section 3, of the Illinois Constitution, which provides in pertinent part that *no funds may be used to help support or sustain any institution controlled by any church or sectarian denomination.*
- f) Each eligible applicant shall submit its completed Request Form on or before ~~March~~~~April~~ 15. Eligible applicants will be unable to access the Request Form after this deadline.
- g) Each school administrator shall be informed via U.S. mail by ~~April 15~~~~the end of May~~ as to the specific textbooks that will be purchased.
- h) On a form provided by the State Board of Education, the school administrator shall confirm that the quantity and titles of all textbooks received are the same as

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENT

ordered. Such confirmation shall be mailed or faxed to the State Board of Education, using the address or fax number provided on the form, within seven days after receipt of the textbooks.

- i) All textbooks provided through the program shall be listed on an inventory maintained by the State Board of Education. Each school shall identify (stamp) the materials received under the program as "Property of the State of Illinois, School Year\_\_".
- j) Each recipient shall have procedures to assure the return of all textbooks from those to whom they have been loaned.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1620.10	New Section
1620.20	New Section
1620.30	New Section
1620.40	New Section
1620.50	New Section
1620.110	New Section
1620.120	New Section
1620.130	New Section
1620.140	New Section
1620.200	New Section
1620.310	New Section
1620.320	New Section
1620.330	New Section
1620.340	New Section
1620.350	New Section
1620.360	New Section
1620.410	New Section
1620.420	New Section
1620.430	New Section
1620.440	New Section
1620.450	New Section
1620.460	New Section
1620.470	New Section
1620.480	New Section
1620.490	New Section
1620.500	New Section
1620.510	New Section
1620.520	New Section
1620.530	New Section
1620.600	New Section
1620.610	New Section
1620.620	New Section
1620.630	New Section
1620.640	New Section

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF PROPOSED RULES

1620.650	New Section
1620.700	New Section
1620.800	New Section
1620.810	New Section
1620.820	New Section

- 4) Statutory Authority: Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules define the Executive Ethics Commission, provide a means for the public to obtain information about the Commission, provide a process for adopting rules, govern the investigations of the Executive Inspectors General, govern the hearings before the Commission, provide a process for obtaining waivers of certain revolving door prohibitions, define terms related to the ban of gifts to State officers and employees, and provide more detailed direction for the Executive Inspectors General to file reports and documents with the Commission.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 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 a State mandate under the State Mandates Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:  

Chad Fornoff, Executive Director  
Executive Ethics Commission  
601 Stratton Building  
Springfield IL 62706

(217) 558-1393
- 12) Initial Regulatory Flexibility Analysis:

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF PROPOSED RULES

- 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 Executive Ethics Commission is a newly-created commission. Since this Part represents the initial rules of the Commission, no regulatory agenda has yet been published.

The full text of the Proposed Rules is identical to the Emergency Rules that begin on page 3340 of this issue of the *Illinois Register*.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health Maintenance Organization
- 2) Code Citation: 50 Ill. Adm. Code 5421
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5421.20	Amendment
5421.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4-6.1, 4-17, 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/4-6.1, 4-17, 5-2 and 5-7].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment will establish a bond/letter of credit requirement for HMO Managed Care Organization (MCO) contracts for the financial protection of providers in case of MCO insolvencies and require all contracts to have a provider hold harmless clause to ensure enrollees are not held liable for provider payments when MCO's go insolvent.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
No
- 7) Do these proposed amendments 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 will not require a local government to establish, expand or modify its 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: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton  
Rules Unit Supervisor  
Department of Financial and  
Professional Regulation  
Division of Insurance  
320 West Washington

or

James C. Rundblom  
Staff Attorney  
Department of Financial and  
Professional Regulation  
Division of Insurance  
320 West Washington

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62767-0001

Springfield, Illinois 62767-0001

(217) 785-8560

(217) 785-8559

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: NoneB) Reporting, bookkeeping or other procedures required for compliance: Please refer specifically to the proposed amendments that follow.C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: January 2005The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL  
REGULATION](#) [INSURANCE](#)

## SUBCHAPTER kkk: HEALTH CARE SERVICE PLANS

## PART 5421

## HEALTH MAINTENANCE ORGANIZATION

## Section

5421.10	Scope
5421.20	Definitions
5421.30	Valuation of Investments
5421.40	Grievance Procedure
5421.50	Contracts, Administrative Arrangements and Material Modifications
5421.60	Rates
5421.70	Subordinated Indebtedness
5421.80	Financial Reporting
5421.90	Conflict of Interest and Required Disclosure
5421.100	Solicitation
5421.110	Requirements for Group Contracts, Evidences of Coverage and Individual Contracts
5421.111	Cancellation
5421.112	Form Filing Requirements
5421.113	Point of Service Plan Requirements
5421.120	Internal Security Standards and Fidelity Bonds
5421.130	Basic Health Care Services
5421.131	Basic Outpatient Preventive and Primary Health Care Services for Children
5421.132	Required Coverage for Reconstructive Surgery Following Mastectomies
5421.140	General Provisions
5421.141	HMO Producer Licensing Requirements
5421.142	Limited Insurance Representative Requirements - Public Aid and Medicare Enrollers
5421.150	Severability
5421.160	Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Sections 4-6.1, 4-17, 5-2 and 5-7 of the Health Maintenance Organization Act [215 ILCS 125/4-6.1, 4-17, 5-2 and 5-7].

SOURCE: Filed June 16, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 3016; amended at 15 Ill. Reg. 199, effective December 28, 1990; amended at 20 Ill. Reg. 10639, effective July 25,

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

1996; recodified at 21 Ill. Reg. 1729; emergency amendment at 21 Ill. Reg. 15262, effective November 18, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 6671, effective March 31, 1998; amended at 23 Ill. Reg. 5690, effective May 3, 1999; emergency amendment at 26 Ill. Reg. 5146, effective March 25, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13088, effective August 19, 2002; amended at 28 Ill. Reg. 14412, effective October 19, 2004; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 5421.20 Definitions**

Act means the Health Maintenance Organization Act [215 ILCS 125/1-1] (~~see P.A. 90-376, effective August 14, 1997, hereinafter referred to as the "Act".~~

*Advertisement means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations:* (Section 1-2(1) of the Act).

Base Rates means the rate generated before any classification deviations are applied.

Basic Health Care Services means emergency care, and inpatient hospital and physician care, outpatient medical services, mental health services and care for alcohol and drug abuse, including any reasonable deductibles and co-payments, all of which are subject to such limitations as are set forth in this Part (see Section 1-2(3) of the Act).

Cancellation means the termination of a group contract, evidence of coverage or individual contract by an HMO prior to the expiration date of the group contract, evidence of coverage or individual contract.

Consumer means any enrollee, provided that such individual is not or has not been in the previous two years: an employee (including his spouse or dependent) of the HMO or affiliate of the HMO; or a provider furnishing health care services to the HMO or affiliate of the HMO.

Copayment means the amount an enrollee must pay in order to receive a specific covered service which is not fully prepaid.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

Deductible means the amount an enrollee is responsible to pay out-of-pocket before the HMO begins to pay the costs associated with treatment.

~~Division~~~~Department~~ of Insurance Complaint means a written complaint filed by or on behalf of an enrollee, with the ~~Division~~~~Department~~ pursuant to Section 4-6 of the Act [215 ILCS 125/4-6], excluding complaints filed by Illinois Department of Public Aid HMO members under Section 5-11 [305 ILCS 5/5-11] and complaints subject to handling by the ~~Centers for Medicare and Medicaid Services (CMMS)~~~~Health Care Financing Administration~~ pursuant to a contract entered into between ~~CMMS~~~~the Health Care Financing Administration~~ and the HMO.

Director means the Director of the Illinois Department of ~~Financial and Professional Regulation-Division of~~ Insurance (see Section 1-2(2) of the Act).

~~Division means~~~~Department mean~~ the Illinois ~~Department of Financial and Professional Regulation-Division~~~~Department~~ of Insurance.

*Enrollee means an individual who has been enrolled in a health care plan.* (Section 1-2(4) of the Act).

Evidence of Coverage means any certificate, agreement, or contract issued to enrollees setting out the coverage to which they are entitled in exchange for a per capita prepaid sum (Section 1-2(5) of the Act).

Governing Body means the ~~board~~~~Board~~ of trustees, or directors, or if otherwise designated in the basic organizational document bylaws, those individuals vested with the ultimate responsibility for the management of any organization that has been issued, or is applying for, a certificate of authority as an HMO.

Grievance means any written complaint submitted to the HMO by or on behalf of an enrollee regarding any aspect of the HMO relative to the enrollee, but shall not include any complaint by or on behalf of a provider.

Grievance Committee means individuals who have been appointed by the HMO to respond to grievances which have been filed on appeal from the HMO's simplified complaint process established pursuant to Section 5421.40(d) of this Part. At least 50 % of the individuals on this committee shall be composed of enrollees who are consumers.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

*Group Contract means a contract for health care services which by its terms limits eligibility to members of a specified group:* (Section 1-2(6) of the Act).

Health Care Plan means any arrangement whereby any organization undertakes to provide or arrange for and pay for or reimburse the cost of any basic health care services from providers selected by the HMO and such arrangement consists of arranging for or the provision of such health care services, as distinguished from mere indemnification against the cost of such services, except as otherwise authorized by Section 2-3 of the Act, on a per capita prepaid basis, through insurance or otherwise (see Section 1-2(7) of the Act). A health care plan also includes any arrangement whereby an organization undertakes to provide, or arrange for, or pay for, or reimburse the cost of any health care services for persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code [305 ILCS 5/5-16.3] through providers selected by the organization and the arrangement consists of making provision for the delivery of health care services, as distinguished from mere indemnification. A health care plan also includes any arrangement pursuant to Section 4-17 of the Act [215 ILCS 125/4-17]. Nothing in the definition of Health Care Plan, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

*Health Care Services means any services included in the furnishing to any individual of medical or dental care, or the hospitalization or incident to the furnishing of such care or hospitalization as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury:* (Section 1-2(8) of the Act).

HMO means Health Maintenance Organization.

Individual Contract means a contract for health care services issued to and covering an individual. The individual contract may include dependents of the subscriber.

Limited Insurance Representative means an individual appointed by an HMO to represent the HMO in the enrollment of recipients of ~~public aid~~Public Aid or Medicare in the HMO.

Managed Care Organization (MCO) means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

(IPAs) and Physician Hospital Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

Notice of Availability of the [DivisionDepartment](#) as required by this Part shall be no less informative than the following:

The regulations of the Illinois [DivisionDepartment](#) of Insurance (50 Ill. Adm. Code 5421.110(n)) [requirerequires](#) that we advise you that if you wish to take this matter up with the Illinois [DivisionDepartment](#) of Insurance it maintains a Consumer Division in Chicago at 100 W. Randolph Street, Suite [9-30115-100](#), Chicago, Illinois 60601-3251 and in Springfield at 320 West Washington Street, Springfield, Illinois 62767-0001.

Point of Service Plan means a plan in which an eligible enrollee is covered under both an HMO evidence of coverage and an indemnity insurance policy or certificate and may select, on a point of service basis, between using the HMO or the indemnity benefit program.

Primary Care Physician means a provider who has contracted with an HMO to provide primary care services as defined by the contract and who is:

a physician licensed to practice medicine in all of its branches who spends a majority of clinical time engaged in general practice of internal medicine, pediatrics, gynecology, obstetrics or family practice, or

a chiropractic physician licensed to treat human ailments without the use of drugs or operative surgery (77 Ill. Adm. Code 240.2).

Producer means a person directly or indirectly associated with a health care plan who engages in solicitation or enrollment (see Section 1-2(13) of the Act).

Provider means any physician, hospital facility, or other person which is licensed or otherwise authorized to furnish health care [servicesservice](#) and also includes any other entity that arranges for the delivery or furnishing of health care services (Section 1-2(12) of the Act). [For purposes of Section 5421.50 of this Part, Provider shall also mean an MCO.](#)

Renewal means the issuance and delivery by an HMO of a group contract or

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

individual contract superseding at the end of the contract period a contract previously issued and delivered by the same HMO or the issuance and delivery of a certificate or notice extending the term of the group or individual contract beyond its contract term.

Solicitation means any method by which information relative to an HMO is made known to the public for the purpose of informing or influencing potential enrollees to enroll in a Health Care Plan, regardless of the media or technique used.

State means any governing body, department, or agency of the State of Illinois which has regulatory authority governing the Act.

Subscriber means a person who has entered into a contractual relationship with the HMO for the provision of or arrangement of at least Basic Health Care Services to the beneficiaries of such contract (Section 1-2(15) of the Act).

Supplemental Health Care Services means any health care service other than basic health care services.

Usual and Customary Fee shall mean the fee as reasonably determined by the HMO that is based on the fee which the provider who renders the service usually charges its patients for the same service and the fee is within the range of usual fees other providers of similar type, training and experience in a similar geographic area charge their patients for the same service, under similar or comparable circumstances.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 5421.50 Contracts, Administrative Arrangements and Material Modifications**

## a) Agreements or Contracts

- 1) All sample agreements or contracts, with variable language bracketed, under which any person is delegated management duties or control of the HMO or which transfer a substantial part of any major function of the HMO including, but not limited to, all reinsurance treaties, all agreements with providers ~~and MCO's~~ and all administrative service contracts must be submitted to the ~~Division~~Department of Insurance and the HMO must file with the ~~Division~~Department any contract amendments, renewals,

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

addendums thereto, or any change from those originally submitted and any material modification to the application submitted pursuant to Section 1-2 of the Act [215 ILCS 125/1-2] including, but not limited to, extension of service area.

- 2) The Illinois Department of Public Health shall also receive for review copies of all sample agreements with providers ~~and MCO's~~, as well as any amendments, addendums or any change from those agreements originally submitted.
- 3) ~~Beginning February 1, 2006~~~~On a quarterly basis~~, each HMO must submit quarterly a list identifying any MCO with which the HMO has a current contract. Such list must contain the name, address and telephone number of the MCO as well as the name of its Administrator and must identify the bond or letter of credit issuer as required by subsection (d)(2), along with the expiration date and principal dollar amount for such instrument. The quarterly report shall be due at the ~~Division~~Department within ten days following the end of each quarter.
- 4) All types of written health care provider agreements must contain provisions whereby the provider shall provide, arrange for, or participate in the quality assurance programs mandated by the Act [215 ILCS 125/2-8(b)], unless the Illinois Department of Public Health certifies that such programs will be fully implemented without any participation or action from such contracting provider.
- 5) All provider agreements shall provide for at least ~~6030~~ days notice by the provider for termination with cause, as defined in such provider agreement, and at least 90 days notice by the provider for termination without cause. The HMO must inform the ~~Division~~Department immediately of any known or intended termination, with or without cause, of an MCO.
- 6) Subscribers must receive notice from the HMO at least ~~6045~~ days in advance of any termination which would curtail or eliminate services to subscribers. However, in the event that the HMO receives notice of less than ~~6045~~ days from any provider for termination of any contract which would curtail or eliminate services to subscribers, the HMO must provide immediate notice to the subscribers. Such Notice shall include instructions regarding referrals which have been issued and appointments

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

which may be pending.

- 7) The contractual agreement between the provider and the HMO must contain evidence that the provider has professional liability insurance and that such insurance coverage is effective as of the effective date of such contract. Furthermore, the contract must set forth that the Provider will give at least 15 days advance notice of cancellation of such insurance. In those instances in which the HMO will provide physician services directly through employed physicians and not through contractual arrangement with a provider, the HMO shall provide evidence to the [Division](#)~~Department~~ that each individual physician has such professional liability insurance or that the HMO has such coverage on behalf of such employed physicians.
- b) The Director must disapprove any provider agreement if, at any time, he finds:
- 1) that the charges to the HMO are based on factors unrelated to the value of providing services to the HMO; or
  - 2) that the contract will significantly impact or threaten the financial viability of the HMO; or
  - 3) that the provider agreement would transfer substantial control of the HMO or any powers vested in the board of directors, by statute, articles of incorporation or bylaws, or substantially all of the basic functions of the HMO management; or
  - 4) that the provider agreement contains provisions contrary to the Illinois Insurance Code; or
  - 5) that the provider is or has been affiliated directly or indirectly, through ownership, control, management, reinsurance transactions or other insurance, or business relations with any person or persons known to have been involved in the improper manipulation of assets, accounts or reinsurance; or-
  - 6) [that the provider agreement does not contain the provisions required by subsections \(d\) and \(e\) of this Section.](#)
- c) If the Director disapproves of any provider agreement, notice of such action shall

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

be given to the HMO assigning the reasons therefor in writing. The Director shall grant any party to the provider agreement a hearing upon request according to Article XXIV [215 ILCS 5/~~Art. XXIV401 et seq.~~] of the Illinois Insurance Code.

- d) This subsection shall apply to all ~~MCOcapitated provider~~ agreements with physicians, hospital facilities, or other persons licensed or otherwise authorized to furnish health care services, where the fees for furnishing, arranging or providing such the provider furnishes, arranges, or provides for health care services are capitated to greater than or equal to ten percent (10%) of the HMO's current enrollment.
- 1) All such capitated ~~MCOprovider~~ agreements shall contain a provision ~~thatwhich~~ states that the ~~MCOprovider~~ will submit, to the HMO, copies of its quarterly financial statements, which shall include ~~the MCO'sprovider's~~ balance sheet and statements of income and cash flow within ~~forty-five (45)~~ days after the end of each fiscal period. In addition, the HMOs shall require the ~~MCOprovider~~ to submit within ~~ninety (90)~~ days after the end of the ~~MCO'sprovider's~~ fiscal year copies of its audited annual financial statements prepared in accordance with generally accepted accounting principles if available. The ~~Division,Department~~ at its discretion, may require the HMO to submit for inspection by the ~~DivisionDepartment~~ such statements as the HMO has received from the ~~MCOproviders~~. Such information shall be deemed confidential by the ~~DivisionDepartment~~.
- 2) All MCO capitated agreements shall contain provisions whereby the parties obtain, for the duration of the agreement, either a surety bond or an irrevocable and unconditional letter of credit, to be held by the Division for the benefit of unpaid physicians, hospital facilities, or other persons who are licensed or otherwise authorized to furnish health care services, and have rendered care to the enrollees pursuant to such agreement. The Director may exercise the bond or draw on the letter of credit for payment to unpaid physicians, hospital facilities, or other persons licensed or otherwise authorized to furnish health care services, at the Director's discretion, until such instruments are depleted. The bond or letter of credit will be in an initial unexpended amount equal to the greater of \$200,000 or \$200 per patient covered by the agreement, not to exceed \$2,000,000. The financial instrument shall be renewed at least annually at an amount consistent with the requirements specified in this subsection (d)(2), and issued by a company acceptable to the Director.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- e) All capitated provider agreements shall contain the following hold-harmless clause:

"The provider agrees that in no event, including but not limited to nonpayment by the HMO of amounts due the provider under this contract, insolvency of the HMO or any breach of this contract by the HMO, shall the provider or its assignees or subcontractors have a right to or seek any type of payment from, bill, charge, collect a deposit from, or have any recourse against, the enrollee, persons acting on the enrollee's behalf (other than the HMO), the employer or group contract holder for services provided pursuant to this contract; except for the payment of applicable co-payments or deductibles for services covered by the organization or fees for services not covered by the HMO. The requirements of this clause shall survive any termination of this contract for services rendered prior to such termination, regardless of the cause of such termination. The HMO's enrollees, the persons acting on the enrollee's behalf (other than the HMO), and the employer or group contract holder shall be third party beneficiaries of this clause. This clause supersedes any oral or written agreement now existing or hereafter entered into between the provider and the enrollee, persons acting on the enrollee's behalf (other than the HMO) and the employer or group contract holder."

- fe) The procedure to be followed by HMOs for extension of operations into additional counties in Illinois shall be as follows:

- 1) Upon receipt of certification by the Illinois Department of Public Health, the HMO shall submit a letter to the Director amending its service area. This letter will indicate that all subscription certificates, rates, provider agreements, and any other applicable documents to be used to service the extended area are those previously filed or, if not, new or revised documents will be submitted to the ~~Division~~Department for review.
- 2) Each such notification for extension of operations shall be accompanied by a list of the counties in which the HMO is authorized to operate prior to any requested extension of service area.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 140
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
140.2	Amendment
140.8	Amendment
140.11	Amendment
140.12	Amendment
140.13	Amendment
140.15	Amendment
140.16	Amendment
140.18	Amendment
140.20	Amendment
140.25	Amendment
140.50	Amendment
140.55	Amendment
140.60	Amendment
140.65	Amendment
140.70	Amendment
140.71	New
140.80	Amendment
140.90	Amendment
140.110	Repealed
140.130	Amendment
140.140	Amendment
140.150	Amendment
140.155	New
140.160	Repealed
140.171	Amendment
140.172	New
140.180	Amendment
140.185	Amendment
140.190	Amendment
140.200	Amendment
140.210	Amendment
140.215	Amendment
140.220	Amendment
140.225	Amendment

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

140.230	Amendment
140.232	Amendment
140.234	Repealed
140.236	Repealed
140.238	Amendment
140.239	New
140.240	Amendment
140.241	Repealed
140.242	Amendment
140.243	Amendment
140.245	Amendment
140.246	Amendment
140.248	New
140.251	New
140.300	Amendment
140.305	Amendment
140.315	Amendment
140.320	Amendment
140.325	Amendment
140.350	Amendment
140.390	Amendment
140.400	Amendment
140.405	New
140.420	Amendment
140.430	Amendment
140.500	Amendment

- 4) Statutory Authority: Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Office Fire Investigation Act [20 ILCS 2910].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the rules to update the training requirements to the current national standards, add new certification levels, and repeal certain certifications for lack of participation and consolidation with other certifications.
- 6) Will these proposed amendments replace any emergency amendments currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules have no impact on local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Susie Alwerdt, Division Manager  
Division of Career Development & Public Education  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield IL 62703-4259
- Facsimile: 217-782-1062
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All fire departments in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: The fire departments must maintain certain training records for compliance with the rules.
- 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 agendas because the need for the new amendments was not anticipated at the time that the agendas were published.

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 41: FIRE PROTECTION

## CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 140

POLICY AND PROCEDURES MANUAL  
FOR FIRE PROTECTION PERSONNEL

## Section

140.1	Authority Notes
140.2	Definitions
140.3	Applicability of Part 140
140.4	Program Goals (Repealed)
140.8	State Examinations
140.10	Division Responsibilities (Repealed)
140.11	Resources Required for Certification as a Provisionally Approved Training Facility
140.12	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
140.13	Certificates Earned by Bypass Examination
140.15	Course Approval
140.16	Examination Procedures for End-of-Course <u>Examinations</u> <del>Exams</del> -Not Administered by the Office
140.18	Course Approval Equivalency
140.20	Requirements for Participation <u>in Training, Certification and Reimbursement</u>
140.25	Course Approval Standards
140.30	Developmental Sequence (Repealed)
140.40	Certified Firefighter I (Repealed)
140.50	<del>Certified</del> Firefighter II
140.55	Airport Firefighter
140.60	<del>Certified</del> Firefighter III
140.65	<del>Certified</del> Fire Apparatus Engineer
140.70	Fire Officer I
<u>140.71</u>	<u>Fire Service Executive Support</u>
140.80	Fire Officer II
140.90	Fire Officer III
140.100	Instructor (Repealed)
140.110	Interim Instructor ( <u>Repealed</u> )
140.120	Special Instructor (Repealed)
140.130	Fire Service Instructor I
140.140	Fire Service Instructor II

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

140.150	Fire Service Instructor III
<u>140.155</u>	<u>Training Program Manager</u>
140.160	Fire Service Instructor IV ( <del>Repealed</del> )
140.170	Airport Firefighter ( <del>Repealed</del> )
140.171	Fire Prevention Officer
<u>140.172</u>	<u>Juvenile Firesetter Intervention Specialist</u>
140.180	Public Fire and Life Safety Educator II
140.185	Public Fire and Life Safety Educator III
140.190	Bypass Examination
140.200	Fire Investigator
140.210	Arson Investigator
140.215	Fire Inspector II <u>and Plan Examiner I</u>
140.220	Fire Inspector III <u>and Plan Examiner II</u>
140.225	Hazardous Materials <del>First Responder</del> -Awareness
140.230	Hazardous Materials First Responder – Operations
140.232	Hazardous Materials Technician
140.234	Chemistry of Hazardous Materials ( <del>Repealed</del> )
140.236	Hazardous Materials Refresher Training ( <del>Repealed</del> )
140.238	Hazardous Materials Incident Command
<u>140.239</u>	<u>Technical Rescue Awareness</u>
140.240	Rescue Specialist-Roadway Extrication
140.241	Confined Space/Trench Rescue Awareness ( <del>Repealed</del> )
140.242	Rescue Specialist – Confined Space
140.243	<del>Rescue Specialist</del> —Trench <u>Operations I</u>
140.245	Rescue Specialist – Vertical I/ <del>Ropes and Rigging</del>
140.246	Rescue Specialist – Vertical II/ <del>High Angle</del>
<u>140.248</u>	<u>Structural Collapse Operations</u>
140.250	Hazardous Materials Specialist ( <del>Repealed</del> )
<u>140.251</u>	<u>Vehicle and Machinery Operations</u>
140.300	Rules and Regulations for Reimbursement <del>Funding</del>
140.305	Prerequisites for Participation for Reimbursement <del>Funding</del>
140.310	Requirements
140.315	Claim Forms
140.320	Claim Deadline
140.325	Amount of Reimbursement
140.350	Appropriations
140.360	Advanced Training Programs
140.370	Funding Hours ( <del>Repealed</del> )
140.380	Prerequisites Necessary to Qualify an Individual for Reimbursement Funding <u>(Repealed)</u>

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

140.390	Advisory Committees
140.400	Invalidation of a Student's State Examination Score
<u>140.405</u>	<u>Invalidation of Certification</u>
140.420	<del>Appeal Appeals</del> Process
<u>140.430</u>	<u>Reciprocity</u>
<u>140.500</u>	<u>Fees</u>

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1982; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12944, effective September 23, 1983; amended at 10 Ill. Reg. 4231, effective February 20, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 11181, effective June 29, 1993, for a maximum of 150 days; emergency expired on November 26, 1993; amended at 18 Ill. Reg. 12696, effective August 8, 1994; amended at 21 Ill. Reg. 8211, effective July 1, 1997; amended at 22 Ill. Reg. 1314, effective December 23, 1997; amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 140.2 Definitions**

~~Unless Definitions are those which follow, unless~~ the context requires otherwise, the following terms have the meanings ascribed in this Section:

"Accredit" means to supply with credentials or authority ~~or~~; authorize ~~or~~; certify as meeting a prescribed standard.

"Accreditation" means the act of accrediting or the state of being accredited, especially the granting of approval to an institution of learning by an official review board after the school has met specific requirements.

"Act" means the Illinois Fire Protection Training Act [50 ILCS 740].

"Application for Certification/Validation-Attestation" means the official document submitted to the Office, signed by the employing Fire Chief and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

qualified instructor, verifying successful completion of a series of prerequisites as required by this Part.

"Certification" means the official documentation awarded by the Office to eligible firefighters/allied field agency personnel after successful completion of a series of assigned tasks, both cognitive and psychomotor. This certificate is the award for the completion of tasks, such as a school diploma, and, as such, remains in the possession of the individual.

"Division" means the Office's Division of Personnel Standards and Education.

"Fire Brigade" means an entity, privately owned, possessing those resources necessary for fire suppression in ~~its~~<sup>their</sup> own premises.

"Fire Department" or "Department" means an entity, public or private, possessing those resources necessary for fire administration, fire prevention, fire suppression, fire education and arson investigation.

*"Fire ~~Protection Personnel~~<sup>protection personnel</sup>" and "~~Firefighter~~<sup>firefighter</sup>" mean any person engaged in fire administration, fire prevention, fire suppression, fire education and arson investigation, including any permanently employed trainee or volunteer firefighter, whether or not such person, trainee or volunteer is compensated for all or any fraction of his/her time. (Section 2 of the Act)*

"Fire Service ~~Experience~~<sup>experience</sup>" means ~~a~~ fire suppression training, fire administration, fire investigation or fire prevention experience in a fire department, including executive support~~excluding clerical~~.

"Fire Service Organizations" means the organizations listed in Section 140.70(e)(4)(C).

"IFSTA" means International Fire Service Training Association, Oklahoma State University, Stillwater, Oklahoma 74074; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

~~"Local governmental agency" means any local governmental unit or municipal corporation in this State.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~"Maximum reimbursable funding" means the number of hours for which the office will reimburse for training of an individual; this is in addition to tuition and other fees as later described in these rules.~~

"Member" means an individual engaged by a fire department or fire brigade to carry out assigned duties, whether or not that person is compensated for all or any fraction of ~~his/her~~their time.

"NFPA" means National Fire Protection Association, Batterymarch Park, Quincy; ~~MA~~Mass. 02269; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Office" means the Office of the State Fire Marshal.

"Request for Examination Form" means the form provided by the Office that a fire department or school will complete and send to the Office requesting the Office to schedule a date for an examination.

"School" means any school located within the State of Illinois, whether privately or publicly owned, ~~that~~which offers a course in fire protection training or related subjects and ~~that~~which ~~has been approved by~~ the Office has approved.

"Standards" means the applicable NFPA standard.

"Student Performance Objectives" means the course objectives that have been established and implemented by the Office.

"Trainee" means a recruit firefighter required to complete initial minimum basic training ~~requirements~~ at an approved ~~training facility~~school to be eligible for permanent employment as a firefighter.

"Training Facility" means an organization, institution, fire department, school, college or other entity certified by the Office, under Section 140.11 or 140.12, to provide the training of fire protection personnel required by this Part.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.8 State Examinations**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Except as otherwise noted in this Part, all State written examinations will be developed, provided, and administered by Office personnel. Local ~~instructors~~~~Instructors~~ desiring to schedule ~~State~~~~state~~ examinations should contact the Office to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested, the number of examination requests may necessitate delays and regional testing. ~~The training facility~~~~Instructors~~ requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

- a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby ~~that~~~~which~~ might interfere with ~~the need for a quiet area for~~ taking ~~the~~ written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the ~~examination~~~~exam~~ must be adhered to:
- 1) Candidates not present in the room at the time the proctor starts the ~~examination~~~~exam~~ will be disqualified from taking the ~~examination~~~~exam~~.
  - 2) There can be nothing on the walls at ~~the~~ test site that could pertain to ~~examination~~~~exam~~ questions.
  - 3) ~~The test~~ ~~Test~~ administrator must be provided a table at least 6 feet in length.
  - 4) Loudspeakers, monitors, portable radios and beepers must be turned off.
  - 5) The department hosting the test must supply a representative from the department at the test site during the ~~examination~~~~exam~~. This will be the only representative of the department allowed in the test room at the time of the test.
  - 6) ~~The test~~ ~~Test~~ site must have toilet facilities in proximity in the same building.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 7) All candidates must be in clear view of the proctor's table.
  - 8) The test site must have temperature control for comfort of candidates.
- b) All State written examinations will require a 70% overall passing rate. In the case of modular examinations, a 70% overall passing rate for each module is required. ~~Passing rate for all written certification examinations will be 70% of the test, overall.~~
- 1) ~~Firefighter II and Firefighter III exams including Hazardous Materials Awareness and Hazardous Materials Operations, respectively, will require 70% overall passing rate for Module C or for the entire exam.~~
  - 2) ~~Seventy percent pass rate shall also be required of the Hazardous Materials Awareness and Hazardous Materials Operations sections of these exams to qualify for certification.~~
- c) Examination results will be sent to the individual taking the examination through the employing fire department, the chief of the individual's fire department and, when applicable, the training facility that school which provided training. The Office will maintain these scores and shall use them internally for statistical and/or employment purposes. Otherwise, the Office will not release the examination scores of any individual without the prior written approval of the individual.
- d) State certifications for qualified fire service personnel may be awarded to individuals employed ~~both~~ by local governmental agencies and fire brigades and to State of Illinois employees, after successful completion of all requirements. It is the responsibility of the Fire Chief, Chief Executive Officer or designee to sign off, verifying completion of all requirements, on all Requests for Examination and Applications for Certification/Validation-Attestation.
- e) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Illinois Fire Chief of the individual seeking certification.
- f) Procedure to Request State Administered Certification Examination Exam.
- 1) At least 30 days prior to the anticipated day for testing at a given training

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~facility~~~~fire department or school~~, the Office shall be in receipt of a completed form entitled "Request for Examination", signed by the Fire Chief ~~or training facility Director, or his/her designee~~, and the Certified Instructor, ~~that~~~~which~~ will attest to the fact that each individual has:

- A) A documented learning experience in each of the subject areas of the course required;
  - B) Satisfactory scores on all local examinations; and
  - C) Demonstrated the proficiency required ~~by~~~~in~~ each skill ~~requirement~~~~requirements~~ for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and an officer of the fire department or his/~~her~~ designee in the accomplishment of these skills; ~~(and that local records are maintained that~~~~which~~ contain copies of the evaluator's checklists and evaluation sheets for each individual).
- 2) ~~In the case of State required practical examinations for Fire Apparatus Engineer, a copy of the State Practical Examination Key must be submitted to the Division before certification may be issued. In the case of State required practical exams, a copy of the evaluator's checklist or Practical Examination Key must be submitted to the Division before certificates will be issued.~~
- 3) ~~In the case of all other State required practical examinations, Application for Certification/Validation-Attestation must be submitted to the Division before certifications may be issued.~~
- g) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-~~course~~~~subject~~ written examinations ~~conducted by~~~~of~~ fire departments and ~~approved training facilities that~~~~community colleges which~~ show satisfactory ~~completion of learning experiences and scores are recognized as satisfying~~ the learning experience requirements ~~are acceptable~~.
  - h) Persons who have not met all prerequisites listed in subsection (e)-~~above~~, will not be examined, ~~nor~~. ~~Nor~~ will persons who are ill, ~~persons on duty who may be called out during the examination~~, or ~~persons~~ obviously under the influence of drugs or alcohol, ~~persons on duty who may be called out during the examination~~.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

In making the determination of ~~drug or alcohol~~~~such~~ impairment, the Office will consider, but is not limited to, observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would ~~help benefit~~ in making ~~the~~~~such~~ determination.

- i) The proctor will not be permitted to discuss or answer questions regarding any questions on the examination. No one will be permitted to enter once the examination has started. Students are not permitted to have notes or reference material in their possession, including calculators, and slide rules. The only paper allowed in the test center ~~is a tablet which~~ will be distributed in single sheets by the proctor according to the examination directions. There will be no scheduled breaks during examination. Persons should be advised at the beginning of the examination that no one will be allowed to leave the room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".
- j) Results of examinations taken for the purpose of State certification will be retained ~~in the individual training record file maintained for each individual~~ in the Office. All participants who receive certification will have notification of successful completion sent to their department.
- k) Re-examination:
  - 1) No person shall be re-examined without further documented learning experiences in each of the subject areas.
  - 2) The Request for Examination form contains an attestation that proof exists that the individual has had the required additional learning experience before re-examination.
  - 3) ~~In the case of failure, individuals must wait 60 days before retaking the State written examination of that level.~~
  - 34) There is no limit set by the Office for the number of times that an individual may take the written or practical portion of a State certification

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

examination.

- 45) The battery of ~~examination~~ ~~examination~~ to be given will be determined by the Office.
- l) Practical ~~skills~~ ~~skill~~ ~~examination~~ ~~exams~~ required by the Office for Fire Apparatus Engineer, Hazardous Materials and Rescue Specialist certifications remain valid for 12 months. If an individual has not passed the written ~~examination~~ ~~exam~~ within 12 months ~~after~~ ~~of~~ the practical skills evolutions, the candidate will be required to retake the State practical ~~skills examinations~~ ~~exam~~.
- 1) Passing rate of ~~the~~ Fire Apparatus Engineer practical ~~skills examinations~~ ~~exam~~ is 70%.
- 2) Passing rate of all other practical ~~skills~~ ~~skill~~ examinations ~~is~~ ~~shall be~~ 100%.
- 3) ~~After the practical skill examination is completed and scored, the examination answer key and/or the validation and attestation sheets shall be sent to the Office for inclusion in the student's file.~~
- 4) ~~Certification will not be granted until both the State written exam is successfully passed and the answer key for the practical exam is submitted to the Office with passing rate.~~
- m) State required practical skills evolutions for Firefighter II and III may be administered at any time during the course of training. It is the responsibility of the Certified Instructor to ~~follow the Office's~~ ~~set~~ standards and assure currency of skills.
- n) If firefighters from a given fire department experience excessive or repeated failures of a firefighter examination, the Fire Chief and appropriate officers of the department are encouraged to ~~contact the Office~~ ~~visit the Division to discuss the department's training program~~, or may request a field ~~visit~~ for assistance.
- o) ~~Certification will not be granted until both the State written examination is successfully passed and the Application for Certification/Validation Attestation for the practical skills examinations is submitted to the Office.~~
- p) ~~If the completion of the State written examination is more than 10 years old and a certification was not awarded at the time even though all other prerequisites were~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

met, the individual will be required to successfully complete the current State practical skills examinations. Certification will be awarded when receipt of passage for the current practical skills examinations is received.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 140.11 Resources Required for Certification as a Provisionally Approved Training Facility

Any training installation or facility may, upon submitting an application and an inventory to the Office, be certified as an approved training facility for conducting training required by this Part as prescribed by the Office of the State Fire Marshal.

- a) The administrator of a training facility may request, in writing, a re-evaluation ~~reevaluation~~ of the facility's level of certification at any time. The Office will cause such a review to be conducted; and, where justified, re-certify ~~recertify~~ the facility at the appropriate level.
- b) A training facility ~~Facilities~~ at which all of the listed resources are not readily available may be certified as a "Provisional" Facility ~~from the Office~~ for conducting training in those subject areas for which adequate resources are available. Specific ~~There are specific~~ requirements for "Provisional" Facility approval ~~and these~~ are:
  - 1) A fire station that serves as a classroom or access to a classroom facility;
  - 2) A pumper apparatus equipped in accordance with National Fire Protection Association ~~(NFPA) No. 1901 (1999-1991)~~, Automotive Fire Apparatus;
  - 3) A current set of applicable referenced manuals ~~International Fire Service Training Association (IFSTA) Manuals~~;
  - 4) Improvise to provide all learning experiences required in the "Certified Firefighter II" course; and
  - 5) Keep the complete approved training records required by ~~based on the Training Records Jacket and Course Approval outline, as specified in Section 140.12(d)(4)(e).~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

**Section 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center**

In order to qualify for Unlimited Facility Certification, a training facility ~~center~~ must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

## a) Facilities:

- 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
- 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious unsuitability, complaints received and other factors deemed relevant by the Office);
- 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;
- 4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and
- 5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies and in accordance with NFPA 1403 (2002), Standard on Live Fire Training Evolutions) and rescue ~~that~~which must include:
  - A) Structural fires;
  - B) Flammable ~~liquid~~ Liquid fires;
  - C) LP and natural gas fires; and
  - D) Automobile fires.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- b) Apparatus:  
Pumper apparatus, fully equipped as prescribed in NFPA ~~No.~~ 1901 (~~1999~~1994), "Automotive Fire Apparatus".
- c) Equipment:
- 1) All current types and classes of portable fire extinguishers;
  - 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;
  - 3) Ropes of assorted lengths, which can be used for rescue, rappeling and practicing knots and lashings;
  - 4) All equipment specified by NFPA ~~No.~~ 1901 (~~1999~~1994);
  - 5) Salvage and overhaul equipment, including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
  - 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his/her training;
  - 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;
  - 8) ~~Electronic audio, video and projection equipment~~Slide and/or overhead projector and a 16mm movie projector and screen;
  - 9) Standard classroom equipment: chalk board, speaker's rostrum;
  - 10) Protective clothing, in accordance with NFPA 1971 (2000), Standard on Protective Ensemble for Structural Firefighting (one full set for each student), including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station); ~~and~~
  - 11) Any equipment needed to complete the subject objectives established by

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

the Office; and

~~12)44)~~ Other instructional aids as may be needed, such as, cutaways of equipment, models, flip charts.

d) Records and Established Procedures:

An established system of records maintenance that includes:

- 1) Training records ~~that which~~ reflect who was trained, objectives of subject taught ~~referenced in the applicable relating to~~ Instructor Reference Manual, hours trained, by whom, how, when and where conducted.
- 2) A system of evaluating the effectiveness of the class, the instructor and all participants, including:
  - A) Testing technique utilized: oral, written, practical or combination; and
  - B) Performance appraisal and evaluation, ~~such as:~~ ranking, factor comparison, grading, graphic rating scale, checklist.
- 3) Individual training records ~~that which~~ show when each person began training in each subject area, ~~the instructor individual~~ to whom he/she is responsible, the objective of his/her training, intermediate goals, performance criteria, ultimate goal and estimated completion date.
- 4) Records of training. A training facility shall maintain and submit to the ~~The Office shall approve~~ training records ~~that which~~ contain the following:
  - A) Location of training.
  - B) Dates of training.
  - C) Hours of training and hours trained.
  - ~~D)E)~~ Name of instructor ~~Instructor~~ – printed and signature.
  - E)D) Name of trainee – printed and signature.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~F)E)~~ Academic/practical training record.

~~G)F)~~ Subject training record correlated to objectives.

~~H)G)~~ Receipts of training expenses.

~~D)H)~~ Training facility documentation of Schools shall document training.

5) Computerized records of training. The Office accepts computerized training records as long as they are printed (individually for each student) and signed off by instructors and students at least once per month. This monthly printout must contain items listed in subsections (d)(4)(A)-(G) and be filed in the department at a location readily available for Office review.

- e) One or more persons who have been certified by the Office as an instructor for the level of training being conducted.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.13 Certificates Earned by Bypass Examination**

- a) Certification at the level of Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, ~~and~~ Fire Investigator or Arson Investigator may be achieved after successful completion of a "Bypass Examination" in lieu of meeting the prerequisite of Firefighter II or Firefighter III, ~~where required.~~ The use of the Bypass Examination is limited to personnel employed for the specific positions identified above and will not have fire suppression responsibilities within the fire department not identified as fire protection sworn personnel. No person employed by a local governmental agency who has current fire suppression responsibilities as a firefighter, fire officer, or fire service instructor shall be able to take a ~~Firefighter~~ Bypass Examination.
- b) If an individual is assigned to fire ~~department~~ suppression duties, he/she they must take and pass the Firefighter II ~~examination~~ exam before proceeding with advanced certifications.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

**Section 140.15 Course Approval**

All ~~training facilities, organizations, institutions, fire departments, colleges and companies~~ wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

- a) Fire Departments:
  - 1) Fire departments must submit a "Course Approval Form" ~~every one each~~ five years, ~~with the exception of Rescue Specialist. (See Section 140.241, 242, 243, 245, 246.)~~ New forms must be submitted if:
    - A) A new Fire Chief or Training Facility Director is employed; or
    - B) Additional ~~course or~~ courses are added to the training schedule.
  - 2) Forms are due January 1 ~~and must be renewed by June 30 of the fifth year following approval. Approvals not renewed by June 30 will not be approved for that calendar year. The Office will not reimburse a department or trainee for a course Reimbursement funding will not be honored~~ until the course approval is renewed.
  - 3) Approvals will be granted on a calendar year basis.
- b) Training Facilities ~~Colleges, organizations, institutions and companies~~:
  - 1) End-of-course examinations, course syllabi and content shall be correlated to the Office established objectives. A "Course Approval Form" must be submitted ~~every one each~~ five years, along with the following accompanying materials:
    - A) Appropriate ~~appropriate~~ course correlation form;
    - B) Syllabi ~~syllabi~~ and course content; end-of-course examination ~~exam~~; name and credentials of instructor;
    - C) ~~End-of-course exams, course syllabi and content shall be correlated to the Office established objectives.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 2) If the required course curriculum is changed due to a change in the applicable standards or rules before the course approval cycle has ended, the curriculum and end-of-course examinations for the course must be resubmitted for approval. Course approval extension forms may be used for the next four years if no changes are made in previously approved course.
  
- c) Instructor Requirements. Approval will be granted upon proof of the following: certification, experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.
  - 1) Instructor qualifications for Firefighter II, Hazardous Materials Awareness, Hazardous Materials First Responder – Operations, and Technical Rescue Awareness require certifications as Instructor I and the level being taught, except in specialty certifications where noted.
  - 2) Instructor qualifications for all other certifications require certification as Instructor II and the level being taught, except in specialty certifications where noted.
  - 3) Instructors of Juvenile Firesetter Intervention Specialist (JFIS) courses must, in addition to meeting all other applicable requirements of this Section, have three year's experience as a JFIS.
  - 4) Instructors of Arson Investigator courses must, in addition to meeting all other requirements of this Section, have demonstrated experience in education in the technical areas to be taught and must be approved by the Office and the Illinois Law Enforcement Training and Standards Board prior to the course offering.
  
- d) When updating a certification program to a new edition of NFPA or IFSTA or any other reason, instructor quality is critical to the success of training. Due to the expanded skills in the courses, instructors should have to demonstrate competency, both written and practical, to teach a new course. The Office is committed to providing professional development to the instructors in this area by providing standardized measurable objectives and minimum course outline. For course quality reasons, only those instructors who can demonstrate knowledge of the course materials should be certified to teach the course. All job performance

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

requirements for any level of fire service instructor shall be performed to a level of competence that shall be established by the authority having jurisdiction. The training facility shall:

- 1) Select instructors who have appropriate subject matter skill, knowledge and ability.
- 2) Establish a policy and procedure that identifies and verifies the minimum experience and training requirements necessary to instruct a topic or subject matter.

e)d) Validation-Attestation and course ~~Course~~ completion rosters must be submitted to the Office listing individuals who successfully complete courses~~completed course~~.

f)e) The Office reserves the right to monitor and evaluate the delivery of all approved courses.~~Approved Courses, including the following requirements:~~ Training facilities shall:

- 1) Provide ~~for~~ records of student attendance (i.e., a minimum of 80% ~~per cent~~ is required) and ~~for~~ student evaluations of the course.
- 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
- 3) The length of time required to retain training records shall be determined by the local government based on its ~~their~~ Records Retention schedule, but shall be retained for at least five years for audit purposes.
- 4) Maintain complete student records of course completion and test scores for at least five years.
  - A) If a course involves college credit, the student's transcript is the complete student record.
  - B) If a course is non-credit, the training facility ~~delivering agency~~ shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~g)4~~ The Office may revoke course approvals if an agency is found to be in violation of ~~course approval requirements or requirements contained elsewhere in this Part these rules~~. In determining whether to revoke, the Office shall consider the seriousness ~~and or~~ frequency of the offenses.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.16 Examination Procedures for End-of-Course Examinations Exams Not Administered by the Office**

Certification of personnel, ~~like all levels and subject areas in the State Training and Certification Program~~, is contingent upon the successful completion of competency-based examinations. Only those courses ~~that which~~ conclude with a prescribed written, practical examination, or practice teaching examination, ~~as where~~ required, will be approved ~~for reimbursement funding~~. A minimum of one question per cognitive objective, but not fewer than 50 written examination fifty questions is required at the end of the course. The end-of-course examination must be submitted to the Office notated with the correct answer and correlated to both the applicable Office objective and reference source. Questions are to be developed by the training facility school authority or teacher. All questions are to be keyed directly to the material contained in the course outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course. A 70% seventy percent score is required to pass. Facility School authorities are required to submit end-of-course examinations to the Office for approval, prior to administration. Any changes in approved examinations must be submitted to the Office for review and approval prior to administration. A current copy of each approved end-of-course examination will be kept on file at the Office. The Office reserves the right to rescind approval of any or all approved end-of-course examinations without recourse. Since the purpose of the written ~~examination exam~~ is to test retention, open book and other similar ~~examination exams~~ are not acceptable. The end-of-course ~~examination examination~~ must use objective test items and be kept secure.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.18 Course Approval Equivalency**

Courses not having prior Office approval, but that correlate with the content areas of the required courses by meeting the performance objectives required of the applicable NFPA Standard, may be granted equivalent status by the Office. The course must conclude with an evaluation of the individual's retention of course materials and will be approved for certification purposes only, not for training cost reimbursement. Equivalency for an approved course will be granted if the following conditions are met:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- a) Complete course outline with measurable objectives is submitted to the Office for review. College catalog descriptions of a paragraph or less are not sufficient documentation for review. The request for equivalency must be accompanied by a fee of \$100. This fee is non-refundable and must be in the form of a certified check or money order made payable to the Office of the State Fire Marshal. No personal checks are accepted. ~~1) A~~ These objectives must meet a minimum of 80% of the ~~course~~ Office requirements; must relate to the measurable objectives as illustrated by a ~~2) A~~ checklist that of required objectives must be completed by correlating the course with required objectives. The checklist will be prepared by the Office and may be requested from ~~by contacting~~ the Office.
- b) ~~Final written and, where applicable, practical exams are submitted to Office for review.~~
- be) Courses will ~~may~~ be audited by a member of the ~~Division of Personnel Standards and Education~~ staff or another person designated by the Office.
- cd) If a course is approved, a completion roster must be submitted along with a record of attendance (hours).
- de) All the requirements of this Part ~~Division of Personnel Standards prerequisites~~ are met according to appropriate rulemaking.
- ef) When a course is granted equivalency or courses are evaluated as equivalent, the course participant individual will be allowed to take the State written and practical skills examinations ~~exam~~ one time. Failure of either the written or practical skills examination ~~exams~~ will invalidate the equivalency determination ~~evaluation~~ and require the course participant individual to successfully complete the Office approved program prior to taking the State written and practical examination ~~exam~~ a second time.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 140.20 Requirements for Participation in Training, Certification and Reimbursement**

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to this Part ~~the rules and regulations of the Office.~~ Units of local government and individuals may elect to participate for certification only, or for

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

- a) The local government agency must pass an ~~ordinance Ordinance~~ agreeing to participate if reimbursement funding is to be sought.
  - 1) The Office will provide the governing body with a copy of a model ~~ordinance Ordinance~~ upon request.
  - 2) For participation for reimbursement, ~~funding~~ each local governmental agency must pass an ~~ordinance Ordinance~~ requiring trainees to be certified at the Firefighter II level by the end of the probationary period. The ordinance must state the length of the probationary period. A certified copy of the required ~~ordinance Ordinance~~ must be sent to the Office.
    - A) Local governmental agencies under ~~Sections 10-7-7 and 10-2-1-4~~ of the Illinois Municipal Code [65 ILCS 5/~~10-7-7 and 10-2-1-4~~] are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.
    - B) All local governmental agencies ~~that which~~ participate for reimbursement ~~funding~~ and file a certified copy of the required ~~ordinance Ordinance~~ shall be eligible for reimbursement ~~funding~~ from the date a certified copy of the ~~ordinance Ordinance~~ is received by the Office. Reimbursement ~~funding~~ for trainees and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of ~~the ordinance Ordinance~~.
    - C) Failure of any trainee to complete ~~the prescribed such~~ basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement ~~funding~~ for basic training for that individual in the year in which his/her probationary period ends. The individual may later become certified without reimbursement.
  - 3) Personnel who are department members prior to the date of the ~~ordinance Ordinance~~ are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement ~~funding~~ is available for such training for three years from the date that a certified

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

copy of the ~~ordinance~~ Ordinance is filed with the Office.

- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government ~~that which~~ participates for reimbursement ~~funding~~ and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.
  - 5) ~~Individual firefighters~~ Individuals and departments may participate in all aspects of the programs for certification without ~~passage of a local governmental ordinance~~ passing the Ordinance. The ~~ordinance~~ Ordinance is required, however, to qualify an agency and its individual firefighters to receive reimbursement ~~funding~~.
  - 6) The Board of Police and Fire Commissioners, or the Civil Service ~~Commission~~ commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file with the Office a copy of ~~its~~ their rules ~~requiring which require such~~ certification prior to commencing regular employment as a firefighter ~~with the Office~~. Any subsequent changes to the rules must be sent to the Office.
- b) Facility approval
- 1) A training facility ~~A department~~ must have a Provisionally Approved Training Facility to offer Firefighter II, Hazardous Materials First Responder – Operations and all Awareness training. (See Section 140.11.)
  - 2) A training facility ~~department~~ must have an Unlimited Approved Training Facility to offer all other levels of Firefighter III training. (See Section 140.12.)
  - 3) A training facility ~~department~~ must have a Unlimited Facility Approval to operate as a regional training center.
  - 4) A training facility ~~department~~ may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.
- c) Instructor Certification. The Fire Service Instructors must meet the requirements

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~of See Section 140.15(c). Sections 140.110, 140.130, 140.140, 140.150 and 140.160.~~

- d) Course Approval. Courses must be approved in accordance with See Section 140.15 of this Part.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.25 Course Approval Standards**

In determining whether to grant approval of courses, instructors, or tests, the Office will consider, but is not limited to, whether the applicant for approval:

- a) Is prepared to maintain the records required by this Part. Necessary records
- b) Has appropriate staff, facilities and equipment to teach Teaching-all required topics of the course.
- e) Possession of all necessary equipment
- ~~cd)~~ Is prepared to utilize end-of-course Suitable-testing methods approved by the Office in compliance with Section 140.16 of this Part. ~~1) The test must be related to the subject matter 2) The test must be workable 3) The test must be as objective and neutral as possible. (See Section 140.16).~~
- ~~de)~~ Will utilize instructors approved by the Office under Instructor approval. See Section 140.15(c).200(d) for Instructor qualifications unless specific qualifications are required for the individual course.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.50 ~~Certified~~ Firefighter II**

An The-Illinois Firefighter II program meets or exceeds the ~~Firefighter I~~-level identified in NFPA 1001 ~~(1997), Firefighter I(1992)~~. The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

- a) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Illinois Fire Chief of

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

the individual seeking certification.

- b) Reimbursement may be received for training costs for a Firefighter II (see Sections 140.300-350). Funding hours.
- 1) ~~A maximum of 450 hours is available for reimbursement funding. The Office will fund this level of training only one time.~~
  - 2) ~~Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required to pass the Firefighter II examination due to the date of passage of the Ordinance) qualify for reimbursement funding three years from the date of the passage of the Ordinance.~~
- c) No specific ~~requirement in terms of~~ hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor (see Section 140.15(c)) and employing Fire Chief or his/her designee sign the Request for Examination Form.
- d) The Fire Service Instructor must meet the requirements of Section 140.15(c). Instructor Requirements.
- 1) ~~This course must be supervised by an instructor who is certified by the Office at the Fire Service Instructor I level. Those portions of the Firefighter II Course that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.225(e)(3).~~
  - 2) ~~Departments lacking Instructor I's are urged to apply for the Interim Instructor credentials during the first year of involvement in the program.~~
- e) The course and facility must be approved by the Office as provided in Sections 140.11 and 140.15. Facility Certification and Delivery Systems.
- 1) ~~The course will be taught at a facility which is in possession of minimum resources required for a Provisional Facility Certification. See Section 140.11.~~
  - 2) ~~See Section 140.15 for Course Approval.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- f) ~~Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.~~
- g) ~~Curriculum Subject Headings for Modular courses.~~
  - 1) ~~MODULE A.~~
    - A) ~~General/Orientation.~~
    - B) ~~Fire Behavior.~~
    - C) ~~Self-Contained Breathing Apparatus.~~
    - D) ~~Ladders.~~
    - E) ~~Fire Hose and Appliances.~~
    - F) ~~Personal Safety.~~
    - G) ~~Portable Fire Extinguishers.~~
  - 2) ~~MODULE B.~~
    - A) ~~Water Supply.~~
    - B) ~~Nozzles, Fire Streams.~~
    - C) ~~Ventilation.~~
    - D) ~~Rescue.~~
    - E) ~~Emergency Medical Care.~~
    - F) ~~Forcible Entry.~~
    - G) ~~Overhaul.~~
    - H) ~~Building Construction.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

3) ~~MODULE C:~~A) ~~Communications.~~B) ~~Sprinkler Systems.~~C) ~~Salvage.~~D) ~~Fire Prevention, Public Education and Fire Cause.~~E) ~~Ropes.~~F) ~~Hazardous Materials Awareness.~~fh) Modular Training

Firefighter II training can be ~~taken instructed~~ in a series of modules or as a complete course. The State examinations (see Section 140.8) Examinations can be taken by module or by taking the complete examination. ~~Hazardous Materials Awareness exams may be taken separately. i) Depth of coverage of the subjects listed varies for each firefighter level. j) When an individual takes the examination~~ exam by modules, the passed modules will be kept on file until all modules are passed ~~before certification is granted. k) If an individual is training by module, and then enters a training facility an Academy or a college College program that which~~ instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the examination ~~exam~~; the complete examination must be taken. If an individual fails the complete examination, he or she may elect to then test using the modular system. ~~l) When an individual elects to be trained using the modular system, he or she may select the order of any module and its examination in any sequence; however, the individual must take the examination after each module. A passing grade on all three modules is required before certification will be granted. (See Section 140.8.)~~ (b)(2).

g)4) Firefighter II Certification

For certification as a Certification at Firefighter II, the firefighter trainee shall meet the job performance requirements ~~defined~~ in NFPA 1001 (1997), Standard for Firefighter Professional Qualifications, including (1992 edition), and the requirements defined in Chapter 2, Competencies for the First Responder at the Awareness Level level of NFPA 472 (1997), Standard for Professional

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Competence of Responders to Hazardous Materials Incidents and NFPA 1500 (1997), Standard on Fire Department Occupational Safety and Health Program, as it applies to Firefighter II.

h) Education and Training

12) Employing fire ~~It will be determined by the fire~~ department officials will determine when the education and training are to be received by the ~~firefighter~~ Firefighter II candidate.

2) Employing Fire department officials will determine when education, training and experience requirements have been met to be awarded the Firefighter II certificate.

3) All requirements of the Office shall ~~must~~ be met for each certification level before certificates will be issued. This includes passing the State written examination and State practical skills examinations ~~exams~~ and submission of the Validation-Attestation to the Office ~~practical examination keys of the appropriate level.~~

im) State Certification Practical Skills Examination-

1) Training facilities ~~Local fire departments or schools~~ are responsible for administering the practical skills examinations ~~examination~~ prepared by the Office.

2) Records and documented proof of such tests must be maintained by the training facility/employing fire department for audit purposes. Training facilities ~~A) Fire Chiefs~~ are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.

3B) Practical Skills ~~Skill~~ Examinations-

Ai) All practical skills ~~skill~~ examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Skills Examination Key. The evaluation package contains an attestation by the employing Fire Chief or Training Facility School Director and certified ~~instructor~~ Certified Instructor that all ~~the~~ tasks have been 100%

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

successfully completed, with each task requiring a score of 100%.

~~B#)~~ The Validation-Attestation shall be submitted~~The Practical Examination Key and the attestation must be returned~~ to the Division before certification will be issued.

~~C)~~ The practical skills examinations and key shall be retained in the employing fire department's trainee files for at least five years.

~~in)~~ State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State written examination. (See Section 140.8.)

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.55 Airport Firefighter**

Professional qualifications for Airport Firefighter are identified in ~~the~~ NFPA 1003 (~~1994~~1992), Standard for Airport Firefighter Professional Qualifications ~~hereby incorporated by reference.~~ The Illinois program does not recognize ~~rank as equivalent to the level of~~ Airport Firefighter as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

a) Prerequisites:

- 1) Certification as a Firefighter II (see Section 140.50).
- 2) Attainment of one year of experience in airport fire protection.
- 3) Successful completion of the Airport Firefighter course, ~~including the skill examination and passage of the State written examination.~~
- 4) Passage of the State written examination (see Section 140.8).
- 5) Passage of the State practical skills examinations (see Sections 140.8 and 140.50(g)).
- 4) See Section 140.50(a).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 6) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
  - 7) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for an Airport Firefighter (see Sections 140.300-350). Funding Hours. A maximum of 120 hours is available for reimbursement funding. The Office will fund this level of training only one time. No funding is available for repeat courses.
  - c) The instructor must meet the requirements of Section 140.15(c). Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. The Interim Fire Service Instructor policy (see Section 140.110 Interim Instructor) is applicable to airports seeking to begin training for Airport Firefighter.
  - d) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:
    - 1) File Course Approval Forms See Section 140.15.
    - 2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:
      - A) A complete set of the IFSTA Training Manuals.
      - B) A classroom.
      - C) An airport firefighting vehicle.
  - e) Curriculum Subject Headings:
    - 1) Introduction.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~2) Aircraft Familiarization.~~
  - ~~3) Airport Familiarization.~~
  - ~~4) Personnel Safety.~~
  - ~~5) Firefighting Equipment.~~
  - ~~6) Firefighting Operations.~~
  - ~~7) Communications.~~
  - ~~8) Fire Prevention.~~
- ~~f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.~~
- ~~g) **State Certification Practical Skills Examinations.** Evaluations of the student's performance of the psychomotor objectives are to be done by independent evaluators, each using identical checklists which have been approved by the Office prior to its administration. Psychomotor skills checklists must be related to IFSTA 206 (1992) requirements to qualify for approval. It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives of all personnel as part of the certification testing process. See the Airport Firefighter Instructor Reference Package for certification of Airport Firefighter for skill requirements. Answer keys for practical exams must be submitted before certification will be awarded.~~
- ~~h) **State Certification Written Examination.** To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.60 Certified Firefighter III**

The Office recognizes the Firefighter III level as equivalent to or exceeding the Firefighter II level identified in ~~the~~ NFPA 1001 (~~1997~~1992). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- a) Prerequisites-
- 1) Certification as a Firefighter II (see Section 140.50).
  - ~~2) Certification as a Hazardous Materials First Responder – Operations.~~
  - ~~2) See Section 140.50(a).~~
  - 3) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
  - ~~43) Attainment of three years cumulative fire service experience in a fire department that which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.~~
  - ~~54) Successful completion of the Firefighter III course. Documented learning experiences in each of the 20 subject areas outlined in subsection (e) of this Section and contained in the Student Study Guide.~~
  - 6) Passage of the State written examination (see Section 140.8).
  - ~~75) Passage of the State practical skills examinations (see Sections 140.8 and 140.50(g)). Documented demonstration of competence in all manipulative skills contained in the Student Study Guide.~~
- b) Reimbursement may be received for training costs for a Firefighter III (see Sections 140.300-350). Funding Hours
- ~~Maximum funding is 450 hours.~~
- c) The instructor of a Firefighter III course must meet the requirements of Section 140.15(c). Instructor Requirements.
- ~~1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.~~
- ~~3) Those portions of the Firefighter III that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.230(d)(3).~~
- d) The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15 Facility Certification and Delivery System. ~~Educational institutions, fire departments and fire service organizations must:~~
  - ~~1) Have access to an Unlimited Training Facility. See Section 140.12.~~
  - ~~2) File necessary Course Approval Forms. See Section 140.15.~~
- e) ~~Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.~~
- f) ~~Curriculum Subject Headings for Modular Courses.~~
  - 1) ~~MODULE A.~~
    - ~~A) Fire Department Organization.~~
    - ~~B) Fire Behavior.~~
    - ~~C) Self-Contained Breathing Apparatus.~~
    - ~~D) Ladders.~~
    - ~~E) Fire Hose and Appliances.~~
    - ~~F) Personal Safety.~~
  - 2) ~~MODULE B.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- A) ~~Water Supply.~~
- B) ~~Nozzles and Fire Streams.~~
- C) ~~Ventilation.~~
- D) ~~Rescue.~~
- E) ~~Building Construction.~~
- F) ~~Emergency Medical Care.~~
- G) ~~Overhaul.~~
- 3) ~~MODULE C.~~
  - A) ~~Communications.~~
  - B) ~~Sprinkler Systems.~~
  - C) ~~Ropes.~~
  - D) ~~Fire Prevention, Public Education and Fire Cause.~~
  - E) ~~Hazardous Materials First Responder Operations.~~
- g) ~~State Certification Practical Skill Examination.~~
  - 1) ~~Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office. Records and documented proof of such tests must be maintained by the department for audit purposes.~~
  - 2) ~~Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.~~
  - 3) ~~Practical Skill Examinations.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~A) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.~~
- ~~B) The Practical Examination Key and the attestation must be returned to the Division before certification will be issued.~~
- h) ~~State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8.~~
- ei) Modular Training  
Firefighter III training can be ~~taken instructed~~ in a series of modules. The State written examination Examinations can be taken by module or by taking the complete examinationexam. ~~Hazardous Materials Operations exams may be taken separately. j) Depth of coverage of the subjects listed varies for each firefighter level. k) When an individual takes the examination exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted. l) If an individual is training by module, and then enters a training facility an Academy or a college College program that which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the examinationexam; the complete examination must be taken. m) When an individual elects to be trained using the modular system, he or she may select the order of any module and its examination. in any sequence; however, the individual must take the examination after each module. A passing grade on all modules is required before certification will be granted.~~
- f) Firefighter III Certification  
For certification as a Firefighter III, the candidate shall meet the job performance requirements in NFPA 1001 (1997), Standard for Firefighter Professional Qualifications, including requirements defined in Chapter 3, Competencies of Responders to Hazardous Materials Incidents and NFPA 1500 (1997), Standard on Fire Department Occupational Safety and Health Programs, as it applies to Firefighter III.
- g) Education and Training

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Fire department officials will determine when the education and training are to be received by the Firefighter III candidate.
- 2) Fire department officials will determine when the education, training and experience of a candidate are adequate for the officials to sign a Request for Examination form authorizing the Firefighter III candidate to take the State examinations.
- 3) All requirements of the Office shall be met for each certification level before certificates will be issued. This includes passing the State written examination and practical skills examinations and submission of the Validation-Attestation to the Office.
- ~~1) For Certification at Firefighter III, the firefighter shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighters Professional Qualifications (1992 edition), and the requirements defined in Chapter 3, Competencies for the First Responder at the Operational level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.~~
- ~~2) It will be determined by the Authority Having Jurisdiction when the education and training are to be received by the firefighter candidate.~~
- ~~3) All requirements as listed must be met for each certification level before certificates will be issued. This includes passing State written exams and submission of practical examination keys of the appropriate level.~~

hn) Refresher Training-

- ~~1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training reflecting applicable objectives. For the purpose of funding, 100 hours of reimbursable time per year will be funded by the Office for refresher training.~~
- ~~2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification. The failure to participate in the annual 60 hours of refresher training does not revoke the individual's certification, since such certification has historically been seen as a personal~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~achievement, and maintenance of the certificate a personal commitment. Refresher training must encompass at least four subject areas annually to claim for funding, with the minimum intent to cover all subject areas at least once each five years.~~

- 3) ~~Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.65 ~~Certified~~ Fire Apparatus Engineer**

The ~~Certified~~ Fire Apparatus Engineer ~~program course~~ is designed to meet a specialty need within the fire service. The ~~designation program~~ equals or exceeds the requirements of NFPA 1002 (1998), Fire Apparatus Driver/Operator Professional Qualifications, and NFPA 1500 (1997), Fire Department Occupational Safety and Health Programs 1993 edition.

## a) Prerequisites:

- 1) Certification as a Firefighter II (see Section 140.50).
- 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a) above.
- 3) ~~Successful completion~~ Completion of the ~~Certified~~ Fire Apparatus Engineer course of two modules: pumper operations and apparatus driving.
- 4) ~~Passage of the Pass State end-of-course~~ written ~~and practical skill~~ examination (see Section 140.8).
- 5) Passage of the State practical skills examinations (see Section 140.8 and subsection (c) of this Section).
- 6) ~~Possession of~~ Possess the appropriate class of driver's license in accordance with the Illinois Vehicle Code [625 ILCS 5].
- 7) Application for Certification/Validation-Attestation, certification which

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~shall include~~ ~~includes~~ driving validation attestation by the employing Fire Chief that all practical driving skills as specified in NFPA 1002 have been taught. This application and driving validation must be sent to the Office before the certification is granted.

- b) Reimbursement may be received for training costs for a Fire Apparatus Engineer (see Sections 140.300-350). ~~Funding. A maximum of 108 hours is available for reimbursement funding. No funding is available for repeat courses.~~
- c) Instructor Qualifications. The instructor must meet the requirements of Section 140.15(c). ~~There is no Fire Apparatus Engineer Instructor certification level. Persons planning to offer this program must:~~
- 1) ~~Be the Instructor of Record who must be an Instructor II and Certified Fire Apparatus Engineer.~~
  - 2) ~~When a department is initiating a Fire Apparatus Engineer program, the initial course may be conducted by a Certified Fire Service Instructor II who is not a Certified Fire Apparatus Engineer. However, the practical skill examination must be conducted by a Certified Fire Apparatus Engineer. The department should contact the Office for the names of Certified Fire Apparatus Engineers who have agreed to conduct practical skill examinations.~~
- d) Facility Certification and Delivery Systems. The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15.
- 1) ~~Course Approval. (See Section 140.15)~~
  - 2) ~~The course must be taught at an Unlimited Training Facility. (See Section 140.12)~~
- e) ~~Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1993 edition. This standard is incorporated by reference and includes no later standard or edition.~~
- ef) State Certification Practical Skills Examinations ~~Skill Examination.~~
- 1) The State practical skills examinations ~~skill examinations~~ consist of a

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

series of evolutions covering pumper operations and apparatus driving.

~~Instructors should contact the Office for the practical skill package.~~

- 2) All practical ~~skills~~ skill examinations must be administered by an Instructor II and ~~Certified~~ Fire Apparatus Engineer and observed by two additional persons assigned by the Fire Chief.
  - 3) After the practical examination is completed and scored by the ~~instructor~~ Instructor, a copy of the hydraulics answer key must be sent to the Office ~~for inclusion in the student's file before certification will be granted.~~
  - 4) The driving validation practical skills examinations and Application for Certification/Validation-Attestation must be sent to the Office. A copy shall be retained in the employing fire department files.
- ~~g) State Certification Written Examination. To be certified as a Fire Apparatus Engineer, candidates must take and pass the State examination. Firefighter II certification is required before the Fire Apparatus Engineer examination may be taken. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Fire Apparatus Engineer. (See Section 140.8)~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.70 Fire Officer I**

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1997), Fire Officer Professional Qualifications(1992), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

- a) Prerequisites. ~~Fire Officer I certification is granted to those individuals who have achieved the following:~~
  - 1) Certification as Firefighter III (see Section 140.60) and as Fire Service Instructor I (see Section 140.130).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).
- 3) Attainment of four~~three~~ years minimum current fire service experience in a fire department or as current full time staff instructor of the Fire Service Institute.
- 4) Successful completion of the required three-semester credit (40 student-contact hours ~~hour~~-minimum) courses or equivalent (see according to ~~Section 140.18, Course Approval Equivalency~~). A course taken for certification credit of 40 student contact hours (minimum) can only-be used for only one area of career hierarchy. ~~Individuals must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, hereby incorporated by reference, including no later amendments or editions.~~
- 5) Experience Requirements:
  - A) Candidates~~The candidates~~ for Fire Officer I certification must have ~~served~~ a minimum of one year current experience as a Provisional Fire Officer I (see subsection (a)(5)(B)) or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Certified Instructor and employing Fire Chief must document this ~~current~~the experience as a Provisional Fire Officer I or Fire Officer I trainee.
  - B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a certificate attesting to his/her "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.
  - C) For purposes of figuring the year of experience, the applicant must have been assigned to Fire Officer I duties at least 80% of the time

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

based on a 120 workday period (i.e., 96 days of 120 days).

6) Application for Certification/Validation-Attestation.

- b) Reimbursement may be received for training costs for a Fire Officer I (see Sections 140.300-350). Funding Hours. A maximum of 324 hours is available for reimbursement funding with no more than 54 hours being allowed for any one of the courses required in subsection(a)(4) of this Section. Work experience does not qualify for funding. The Office will fund this level of education only one time. A candidate must be certified as a Firefighter III prior to the beginning of Fire Officer I classes to qualify for reimbursement funding.
- c) Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.
- 1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, Chapters 2 and 3.
  - 2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.
  - 3) Course approval Equivalency: See Section 140.18 Course Approval Equivalency. Documentation and proof necessary to establish course equivalency shall include but is not limited to:
    - A) Course titles or transcripts.
    - B) Syllabi and course outlines.
    - C) Test scores or grades.
    - D) College and Institute catalog course descriptions.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- E) ~~Other supporting material.~~
- F) ~~See Section 140.18(f).~~
- d) Instructors for Fire Officer I courses must meet the requirements of Section 140.15(c), Instructor Requirements. See Section 140.200(d) for instructor approval requirements.
- e) Facility Certification and Delivery Systems:  
Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive approval from the Office facility certification. Such approval certification requires:
  - 1) Facility approval in accordance with Sections 140.11 and 140.12.
  - 2) Course approval in accordance with Section 140.15. See Section 140.15 for course approval requirements.
  - 3) End-of-course examinations in accordance with Section 140.16. See Section 140.16 for end-of-course examination requirements.
  - 4) All courses will be delivered under the auspices of approved institutions, which are identified as follows:
    - A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
    - B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
    - C) The following fire service Fire Service organizations may receive approval from the Office to deliver specialized courses:—Such approval will be granted based on compliance with all applicable rules in this Part, including Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:
      - i) The Illinois Fire ChiefsChiefs Association (IFCA).
      - ii) The Illinois Fire InspectorsInspector's Association (IFIA).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- iii) The Illinois Society of Fire Service Instructors (ISFSI).
- iv) The Illinois ~~Firefighters~~Firefighter's Association (IFA).
- v) The Associated Firefighters of Illinois (AFFI).
- vi) The Illinois Association of Fire Protection Districts (IAFPD).
- vii) The Illinois Professional Firefighters Association (IPFA).
- viii) The Illinois Fire ~~Safety~~Service Alliance (IFSA).
- ix) ~~The Illinois Fire Prevention Education Association (IFPEA).~~

54) All organizations and institutions desiring to offer programs and/or courses ~~shall will be required to~~ meet all ~~requirements rules and regulations~~ established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications ~~in, including~~ Sections 140.11, 140.12, 140.15, 140.16 and 140.25.

f) ~~Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 1992 edition. This standard is incorporated by reference and includes no later editions or amendments.~~

fg) State Certification Written Examination  
To be certified as a Fire Officer I, one of the following means of examination ~~and evaluation~~ must be successfully passed, with proof of course completion and ~~passage passing~~ submitted to the Office:

- 1) Written examination administered by the ~~training facility school~~.  
~~Examinations Exam~~ must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.
- 2) Written examination administered by the Office ~~in accordance with~~  
~~Section 140.8~~.
- 3) ~~Examinations Exams~~ shall be taken either by subject area or entire

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

certification requirements. ~~Request for exam must be submitted to the Office and meet requirements in Section 140.8.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.71 Fire Service Executive Support**

Professional qualifications for Fire Service Executive Support are identified in NFPA 1021 (1997), Fire Officer Professional Qualifications. The Office recognizes the level of Fire Service Executive Support for those individuals who perform administrative duties in support of fire departments.

**a) Prerequisites**

- 1) Successful completion of Bypass Examination. (See Sections 140.13 and 140.190.)
- 2) Attainment of three years minimum experience in a fire department.
- 3) Successful completion of Fire Service Executive Support courses.
- 4) Validation of skills, completed and attested to by the employing Fire Chief/Administrator and submitted to the Office.
- 5) Application for Certification/Validation-Attestation.

**b) The instructor must meet the requirements of Section 140.15(c).****c) The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15.****d) The end-of-course examination shall be approved in accordance with Section 140.16.**

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.80 Fire Officer II**

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1997), Fire Officer

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Professional Qualifications(1992), ~~hereby incorporated by reference~~. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. ~~(See Section 140.70)~~

- a) Prerequisites. ~~The candidate seeking Fire Officer II certification must have achieved the following qualifications:~~
- 1) Certification as a Fire Officer I (see Section 140.70) and as a Fire Service Instructor II (see Section 140.140).
  - 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.~~See Section 140.50(a).~~
  - 3) Five years minimum current fire service experience in a fire department or as a current full-time staff instructor of the Fire Service Institute.
  - 4) Successful completion of the identified 3-semester credit courses (40 student contact hours minimum); or equivalent, according to Section 140.18, Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) can only be used for only one area in the career hierarchy. ~~Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, hereby incorporated by reference and includes no later editions or amendments.~~
  - 5) Experience Requirements:
    - A) ~~Candidates~~The candidates for Fire Officer II certification must have ~~served~~ a minimum of one year current experience as a Provisional Fire Officer II (see subsection (a)(5)(B)) or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The Certified Instructor and Fire Chief must document ~~this the current~~ experience as a Provisional Fire Officer II or Fire Officer II trainee.
    - B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a certificate attesting to his/her

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~"Provisional Qualification provisional qualification"~~ as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer III courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional ~~Qualification qualification~~ can only be given after completion of all required courses.

C) An individual must be a certified Fire Officer I to receive a Provisional Fire Officer II certification.

D) For purposes of figuring the year of experience, the applicant must have been assigned to Fire Officer II duties at least 80% of the time based on a 120 workday period (i.e., 96 days of 120 days).

6) Application for Certification/Validation-Attestation.

- b) ~~Reimbursement may be received for training costs for a Fire Officer II (see Sections 140.300-350). Funding Hours. A maximum of 324 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with no more than 54 hours being allowed for any one of the courses required in subsection (a)(4) of this Section. Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II course to qualify for reimbursement funding.~~
- c) ~~Credit for equivalent courses may be available in accordance with Equivalent courses. See Section 140.18, 140.70(e).~~
- d) ~~Instructors of Fire Officer II courses must meet the requirements of Instructor Requirements. See Section 140.15(c) 140.70(d).~~
- e) ~~The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. See Section 140.70 (e).~~
- f) ~~Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standard or edition.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- fg) ~~A State Certification— written examination must be administered in accordance with Section 140.70(f). To be certified as a Fire Officer II, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:~~
- ~~1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.~~
  - ~~2) Written examination administered by the Office.~~
  - ~~3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.~~
- g) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.90 Fire Officer III**

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1997+1992), Fire Officer Professional Qualifications hereby incorporated by reference. The Office identifies the Fire Officer III as a person who has administrative responsibilities, the authority to affect practices, policies, and procedures of the department, and is, or reports directly to, the Fire Chief, Fire Administrator, ~~chief administrator~~ or head of department.

- a) ~~Prerequisites—Fire Officer III certification is granted to those persons who have met the following qualifications:~~
- ~~1) Certified as a Fire Officer II (see Section 140.80).~~
  - 2) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).
  - 3) Ten Attained ten years minimum fire service experience in a fire department.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~43~~) Successful completion of the Fire Officer III required courses ~~or equivalent as established by Section 140.18 Course Approval Equivalency, including the following topics:~~
- ~~A) Introduction.~~
  - ~~B) Communications.~~
  - ~~C) Government Structures and The Political Arena.~~
  - ~~D) Fire Department Operations and Administration.~~
  - ~~E) Human Resource Administration.~~
  - ~~F) Public Fiscal Planning and Administration.~~
- 54) Experience Requirements-
- A) The applicant must have current experience in performing administrative duties for a minimum of two years to be certified. Individuals applying with prior experience shall be evaluated individually. ~~(See Section 140.50(a))~~
  - B) Documentation of work experience as a Provisional Fire Officer III (see subsection (a)(5)(C)) shall consist of:
    - i) ~~Completion~~ completion of a specified ~~Office~~ office checklist showing completion of work experience related to objectives.
    - ii) ~~The~~ the official job description of the applicant.
    - iii) ~~An~~ An official, legible, definitive department organization chart on fire department letterhead, signed by the Fire Chief or, in the case of the applicant being the Fire Chief, the Supervisor of the Fire Chief (such as Mayor, President of Trustees, or similar official).
  - C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a certificate attesting to his/her

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Provisional Qualification ~~"provisional qualification"~~ as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.

- D) A person possessing a certificate as a Provisional~~provisional~~ Fire Officer II may take and be reimbursed for Fire Officer III courses (see Sections 140.300-350)~~and receive funding for Fire Officer III courses~~. However, an individual must be certified as a Fire Officer II to receive Provisional a provisional Fire Officer III certification.

6) Application for certification and documentation of work experience.

- b) A State Certification Written Examination must be administered in accordance with Section 140.70(f). ~~—To be certified as a Fire Officer III, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:~~

- 1) ~~Written examination administered by the school. Exam must be approved by the office as meeting the criteria in Sections 140.15 and 140.16.~~
- 2) ~~Written examination administered by the Office.~~
- 3) ~~Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.~~

- c) Reimbursement may be received for training costs for Fire Officer III (see Sections 140.300-350). ~~Funding hours. A maximum of 400 hours is available for reimbursement funding with no more than 54 hours being allowed for any one of the 6 courses required in subsection(a)(3) of this Section. Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding.~~

- d) Credit for equivalent courses may be available in accordance with Section 140.18. ~~Equivalent courses. See Section 140.70(e).~~

- e) Instructors for Fire Officer III courses must meet the requirements in Instructor

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~Requirements. See Section [140.15\(c\)](#), [140.70\(d\)](#).~~

- f) ~~The course and facility must be approved by the Office in accordance with [Sections 140.11](#), [140.12](#) and [140.15](#). Facility Certification and Delivery Systems. See Section [140.70\(e\)](#).~~
- g) ~~All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section [140.70\(e\)](#).~~
- g) ~~Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021 (1992). This standard is incorporated by reference and includes no later editions or amendments.~~
- h) ~~Refresher training of up to 120 hours may be funded annually. Funding documentation must be proof of completed class, course or seminar that meets the objectives of NFPA 1021 (1992). Funding will not be available for repeat courses. Refresher training must encompass at least three subject areas to claim for funding.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.110 Interim Instructor ([Repealed](#))**

- a) ~~The Interim Instructor is equivalent to the Instructor Candidate identified in NFPA 1041 (1981), hereby incorporated by reference. See Chapter 1 for requirements. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. An individual granted temporary (interim) certification is a person who serves as instructor for fire departments without certified instructors; those engaged in training for Fire Service Instructor I certification.~~
- b) ~~Interim Instructor certification will be granted to those individuals who have met the following qualifications:~~
  - 1) ~~are recommended and approved by their Fire Chief or Training Officer.~~
  - 2) ~~have demonstrated an interest and proficiency in instructing.~~
  - 3) ~~have minimum of three years in a fire department.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~4) agree to conditions stipulated by the Office in conducting training, controlling examinations, maintaining records and submitting reports.~~
- ~~5) agree that during this interim period they will complete all requirements for Fire Service Instructor I certification.~~
- ~~e) Interim Instructor certificates authorize the recipient to teach Firefighter II courses to personnel within their own fire department for a period of one year from the date of issue.~~
- ~~d) An extension of one year will be given to an individual who was not able to attend an Instructor I course in the first year at a time or location which the person would be able to attend consistent with the person's employment. The maximum period for an individual to serve as Interim Instructor is two years.~~
- ~~e) One interim instructor may be authorized for each fire department.~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.130 Fire Service Instructor I**

~~Professional qualifications for Fire Service Instructor I are identified in NFPA 1041 (2001), [Fire Service Instructor Professional Qualifications](#). Fire Service Instructor I is defined as an instructor who has demonstrated the knowledge of and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning is maximized; and meet the record keeping requirements of the authority having jurisdiction. Professional qualifications for Fire Service Instructor I are identified in the NFPA 1041 (1992), Chapter 3, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor I as a certified individual who has successfully completed the required academic program; an Instructor in the fire department who is authorized to teach courses in the Firefighter II programs for State certification and to validate training records for these levels. A fire service instructor who has demonstrated the knowledge of and the ability to conduct instruction from prepared material.~~

- ~~a) Prerequisites: Fire Service Instructor I is granted to those individuals who have met the following qualifications:~~
  - ~~1) Certification as a Firefighter II ([see Section 140.50](#)).~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 2) Attainment of three years of documented cumulative fire service experience in a fire department.
  - 3) Successful completion of the Fire Service Instructor Ia course, with a minimum of 40 hours in instructional techniques equivalent to NFPA 1041 (1992), Chapter 2, or State Teacher's Certification Board, State of Illinois Teacher's Certificate. Such certificate will be accepted only for certification for Fire Service Instructor, if all other certification requirements are met. A current State Teacher's Certification Board Certificate is deemed equivalent to the Fire Service Instructor I course. A copy of the teacher's certificate ~~Teacher's Certificate~~ must be submitted with the Request for Examination form ~~application for certification.~~
  - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. ~~See Section 140.50(a) above.~~
  - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Service Instructor I. (see Sections 140.300-350). Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II to qualify for reimbursement funding.
  - c) The instructor of a Fire Service Instructor I course must meet the requirements in Section 140.15(c). Instructor Requirements.
    - 1) ~~Course must be taught under auspices of an instructor who is recognized and approved by an educational institution or major fire service organization which has the approval of the Office. The Instructor qualifications are flexible in that no specific discipline is required of the person employed to teach the Instructor course.~~
    - 2) ~~It is strongly recommended that fire protection personnel not be authorized as instructors for this course unless the fire service personnel have been previously recognized by the institution offering the course and the Office~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~as an educator qualified to teach others how to teach.~~

- d) ~~A course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Service Instructor program will be required to receive facility certification. Such certification requires:~~
- 1) ~~See Section 140.15 for course approval requirements.~~
  - 2) ~~See Section 140.16 for end of course written examination requirements.~~
  - 3) ~~A practice teaching evaluation system for Fire Service Instructor I and Fire Service Instructor II must be approved by the Office. This system must contain at least one practice teaching evaluation to be conducted by two or more evaluators. All evaluators will utilize a checklist, approved by the Office, to independently evaluate the candidates performance.~~
  - 4) ~~Fire Service Instructor courses will be delivered under the auspices of approved institutions identified as follows:~~
    - A) ~~All Fire Service Instructor I, II and III courses may be delivered by any accredited college or university in Illinois.~~
    - B) ~~All Fire Service Instructor IV courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.~~
    - C) ~~Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:~~
      - i) ~~The Illinois Fire Chiefs Association (IFCA).~~
      - ii) ~~The Illinois Fire Inspector's Association (IFIA).~~
      - iii) ~~The Illinois Society of Fire Service Instructors (ISFSI).~~
      - iv) ~~The Illinois Firefighter's Association (IFA).~~
      - v) ~~The Associated Firefighters of Illinois (AFFI).~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- vi) ~~The Illinois Association of Fire Protection Districts (IAFPD).~~
  - vii) ~~The Illinois Professional Firefighter's Association (IPFA).~~
  - viii) ~~The Illinois Fire Service Alliance (IFSA).~~
  - ix) ~~The Illinois Fire Prevention Education Association (IFPEA).~~
- e5) All fire service organizations and educational institutions desiring to offer programs and/or courses ~~shall will be required to~~ meet the requirements of all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications (see Section 140.70(e).140.25).
- f) Credit for equivalent courses may be available in accordance with Section 140.18.
- e) ~~Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041, Chapter 2. This standard is incorporated by reference and includes no later editions or amendments.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.140 Fire Service Instructor II**

Professional qualifications for Fire Service Instructor II are identified in the NFPA 1041 (2001+992), Fire Service Instructor Professional Qualifications Chapter 3, hereby incorporated by reference. The Illinois program does not recognize ~~rank as equivalent to the various levels of~~ Fire Service Instructor as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. ~~The Office defines the~~ Fire Service Instructor II isas a fire service instructor who, in addition to meeting Fire Service Instructor I qualifications, has demonstrated the knowledge and ability to coordinate other instructors and who is capable of using a variety of teaching strategies to develop lesson plans and instructional aids based on a task analysis. ~~Instructor II's are authorized to teach all subjects of the Firefighter II and III courses and to validate training records for these levels of training.~~

- a) Prerequisites. ~~Fire Service Instructor II certification is granted to those individuals who have:~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Certification as a Firefighter III (see Section 140.60) and as a Fire Service Instructor I (see Section 140.130).
  - 2) ~~Certification as a Fire Service Instructor I.~~
  - 23) Attained five years of documented fire service experience in a fire department.
  - 34) Successful completion of the Fire Service Instructor II~~Successfully completed a course with a minimum of 40 hours in methods and techniques of teaching equivalent to NFPA 1041 (1992), Chapter 3, hereby incorporated by reference, including no later editions or amendments.~~
  - 45) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.~~See Section 140.50(a).~~
  - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Service Instructor II (see Sections 140.300-350).~~Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor I prior to starting this course to qualify for reimbursement funding.~~
  - c) Instructors of a Fire Service Instructor II course must meet the requirements of Section 140.15(c).~~Instructor Requirements. (See Section 140.130(e))~~
  - d) The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15.~~Facility Certification and Delivery Systems. See Section 140.130(d).~~
  - e) Credit for equivalent courses may be available in accordance with Section 140.18.
  - f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- e) ~~Curriculum Subject Headings. The general course content is identified in NFPA 1041 (1992), Chapter 3. In addition to meeting the qualifications of Instructor I, the objectives of the course are designed to prepare the candidate in the ability to demonstrate knowledge and skills in preparing Instructional Materials, Techniques of Testing and Evaluations and writing Behavioral Objectives or Performance Objectives.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.150 Fire Service Instructor III**

Professional qualifications for Fire Service Instructor III are in ~~the~~ NFPA 1041 (~~2001~~1992), Fire Service Instructor Professional Qualifications ~~Chapter 4, hereby incorporated by reference and including no later editions or amendments.~~ The Illinois program does not recognize ~~rank as equivalent to the various levels of~~ Fire Service Instructor as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. ~~The Office defines the~~ Fire Service Instructor III is a certified individual serving in a fire department or allied field ~~or~~ agency who, in addition to meeting Fire Service Instructor II qualifications, has demonstrated the knowledge and ability to develop comprehensive training curricula and programs for use by single or multiple organizations; conduct organization needs analysis; and develop training goals and implementation strategies; assigned supervisory/administrative duties with some instructional responsibilities; responsible for the development of courses and the selection and development of appropriate instructional materials; and responsible for supervising instructors and support staff. ~~The term Technical Manager is synonymous with Fire Service Instructor III.~~

- a) ~~Prerequisites. Fire Service Instructor III certification is granted to those individuals who:~~
- 1) Certification ~~Have certification~~ as a Fire Service Instructor II.
  - 2) Attained ~~Have served~~ a minimum of three years in the capacity of a Fire Service Instructor ~~fire service instructor or training officer.~~
  - 3) Successful completion of the Fire Service Instructor III course. ~~Successful completion of 80 hours of courses equivalent to NFPA 1041 (1992), Chapter 4.~~
  - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Fire Chief of the individual seeking certification. See Section 140.50(a).

- b) Reimbursement may be received for training costs for a Fire Service Instructor III (see Sections 140.300-350). Funding Hours. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor II prior to starting this course to qualify for reimbursement funding.
- c) The instructor of a Fire Service Instructor III course must meet the requirements in Section 140.15(c). Instructor Requirements. (See Section 140.130(e))
- d) The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery System. See Section 140.130(d).
- e) Credit for equivalent courses may be available in accordance with Section 140.18.
- f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).
- e) Curriculum Subject Headings. The general course content is identified in NFPA 1041, (1992), Chapter 4.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 140.155 Training Program Manager**

Professional qualifications for a Training Program Manager are identified in NFPA 1041 (2001), Fire Service Instructor Professional Qualifications. The Illinois program does not recognize Fire Service Instructor as a rank because it is not possible to insure that every rank used by local fire or allied field agencies to identify employees would be consistent throughout the State. The Training Program Manager is a certified individual serving in a fire department or allied field agency who, in addition to meeting Fire Service Instructor II qualifications, has demonstrated the knowledge and ability to administer and manage a fire service training program, including budget preparation, personnel management, maintenance of positive public relations and organizational goal setting.

- a) Prerequisites

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Certification as a Fire Service Instructor II (see Section 140.140).
  - 2) Attained a minimum of five years in the capacity of a Fire Service Instructor or training officer.
  - 3) Successful completion of the Training Program Manager course.
  - 4) Application for Certification/Validation-Attestation.
  - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Training Program Manager (see Sections 140.300-350).
  - c) The instructor of a Training Program Manager course must meet the requirements in Section 140.15(c).
  - d) The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15.
  - e) Credit for equivalent courses may be available in accordance with Section 140.18.
  - f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.160 Fire Service Instructor IV (Repealed)**

~~Professional qualifications for Fire Service Instructor IV are in the NFPA 1041 (1992), Chapter 5, hereby incorporated by reference and including no later editions or amendments. The Office defines the Instructor IV who, in addition to meeting Instructor III qualifications, has demonstrated the knowledge and ability to administer and manage a fire service training program including budget preparation, personnel management, maintenance of positive public relations, and organizational goal setting.~~

- a) ~~Prerequisites. Instructor IV certification will be granted to those individuals who have met the following qualifications:~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~Certification as a Fire Service Instructor III.~~
- 2) ~~Have served a minimum of five years in the capacity of a fire service instructor or training officer.~~
- 3) ~~Successful completion of the course (40 student contact hours minimum) or equivalent.~~
- 4) ~~See Section 140.50(a).~~
- b) ~~Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor III prior to starting this course to qualify for reimbursement funding.~~
- e) ~~Equivalent courses. (See Section 140.70(e))~~
- d) ~~Instructor Requirements. See Section 140.70(d).~~
- e) ~~Facility Certification and Delivery System. See Section 140.70(e).~~
- f) ~~Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041, Chapter 6.~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.171 Fire Prevention Officer**

Professional qualifications for Fire Prevention Officer, except ~~firefighter~~ **Firefighter** qualifications, are identified in ~~the~~ NFPA 1031, 1033 ~~and~~, 1035 ~~(1998)(1993), hereby incorporated by reference, including no later amendments or editions.~~ **A** ~~The Office defines the~~ Fire Prevention Officer **is as** a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, reporting inspection results of fire safety conditions, conducting basic fire investigation, and performing basic fire prevention education activities. The term synonymous with Fire Prevention Officer is Technical Specialist.

- a) ~~Prerequisites. Fire Prevention Officer certification is granted to those individuals who have met the following qualifications:~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Certification as a Firefighter III (see Section 140.60) or successful completion of successfully completing the ~~Firefighter~~ Bypass Examination (see Sections 140.13 and 140.190). ~~Entrance~~ Entrances into this program through the Bypass Examination is limited to:
  - A) Office personnel.
  - B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.
- 2) Attainment of three years cumulative fire service experience, which must include one year of experience in fire prevention.
- 3) Successful completion of the ~~Office approved~~ Fire Prevention Officer course ~~or provide proof of equivalent courses~~.
- 4) Successful completion of the State Fire Prevention Officer examination. ~~Prerequisite for taking State written examination is Firefighter II certification or successful completion of the Bypass Examination.~~
- 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for a Fire Prevention Officer (see Sections 140.300-350). Funding Hours. A maximum of 162 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II or have successfully completed the Firefighter Bypass Examination to qualify for reimbursement funding.
- c) Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent courses.
  - 1) ~~See Section 140.18 Course Approval Equivalency.~~
  - 2) ~~See Section 140.70(c) for requirements.~~
  - 3) ~~Equivalent course must meet the performance objectives in NFPA 1031, 1033, and 1035 (1993) hereby incorporated by reference.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 4) ~~When courses are evaluated as equivalent, the individual will be allowed to take the State written examination one time. Failure of the State written examination will invalidate the equivalency evaluation and require the individual to successfully complete the Fire Prevention Officer program prior to taking the State written examination a second time.~~
- 5) ~~Equivalent courses are not eligible for reimbursement.~~
- d) ~~The instructor of a Fire Prevention Officer course must meet the requirements in Section 140.15(c). Instructor Requirements. The Fire Prevention Officer program must be taught under the auspices of instructors who are recognized and approved by an educational institution and/or fire service organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline or degree is required.~~
- e) ~~The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Prevention Officer program will be required to receive facility certification. Such certification requires:~~
- 1) ~~See Section 140.15 for Course Approval requirements.~~
- 2) ~~See Section 140.8 for State written examination requirements.~~
- 3) ~~See Section 140.16 for End of Course examination requirements.~~
- 4) ~~All courses will be delivered under the auspices of approved institutions identified as follows:~~
- A) ~~Fire Prevention Officer, Public Fire and Life Safety Educator II, Fire Inspector II, Public Fire and Life Safety Educator III and Fire Inspector III courses may be delivered by any accredited college or university in Illinois.~~
- B) ~~Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:~~
- i) ~~The Illinois Fire Chiefs Association (IFCA).~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~ii) The Illinois Fire Inspector's Association (IFIA).~~
  - ~~iii) The Illinois Society of Fire Service Instructors (ISFSI).~~
  - ~~iv) The Illinois Firefighter's Association (IFA).~~
  - ~~v) The Associated Firefighters of Illinois (AFFI).~~
  - ~~vi) The Illinois Association of Fire Protection Districts (IAFPD).~~
  - ~~vii) The Illinois Professional Firefighters Association (IPFA).~~
  - ~~viii) The Illinois Fire Service Alliance (IFSA).~~
  - ~~ix) The Illinois Fire Prevention Education Association (IFPEA).~~
- 5) ~~All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications.~~
- f) ~~Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1993), NFPA 1033 Professional Qualifications for Fire Investigator (1993), and NFPA 1035 Professional Qualifications for Public Fire Educator (1993).~~
- fg) State Certification Written Examination. To be certified as a Fire Prevention Officer, candidates must take and pass the State written examination. (See Section 140.8.)
- g) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.172 Juvenile Firesetter Intervention Specialist**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Professional qualifications for a Juvenile Firesetter Intervention Specialist (JFIS) are identified in NFPA 1035 (1998), Professional Qualifications for Public Fire Educator. A JFIS is an individual who has the knowledge, skills and responsibility to serve in a fire department or allied field agency to facilitate case management of identified juvenile firesetters for assessment, education and referral purposes.

a) Prerequisites

- 1) Certification as Firefighter II (see Section 140.50) or successful completion of the Bypass Examination (see Sections 140.13 and 140.190).
- 2) Achievement of the following:
  - A) Basic knowledge of educational methods and types of interventions, interagency protocols and abuse, neglect and legal issues as they apply.
  - B) High school diploma or equivalent.
- 3) The authority having jurisdiction shall attest that the applicant has the required knowledge, skills, education and experience. Application for Certification/Validation-Attestation must be submitted to the Office before the certification is granted.
- 4) Successful completion of the Juvenile Firesetter Intervention Specialist course.

b) Instructor Requirements

- 1) See Section 140.15(c).
- 2) Attainment of three years experience as a Juvenile Firesetter Intervention Specialist.

c) The course and facility must be approved by the Office in accordance with Sections 140.11, 140.12 and 140.15.

d) Examination Procedures. To be certified as a JFIS, candidates must take and pass the State written examination (see Section 140.8).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- e) [Credit for equivalent courses may be available in accordance with Section 140.18.](#)
- f) [All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70\(e\).](#)

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.180 Public Fire and Life Safety Educator II**

Professional qualifications for Public Fire and Life Safety Educator II are identified in ~~the~~ NFPA 1035 (1998~~1993~~), [Professional Qualifications for Public Fire Educator](#) ~~hereby incorporated by reference. A The Office defines the~~ Public Fire and Life Safety Educator II [is as](#) an individual serving in a fire department or allied agency with primary responsibility for the development and dissemination of fire prevention education materials and programs.

- a) ~~Prerequisites. Public Fire and Life Safety Educator II certification is granted to those individuals who have achieved the following:~~
  - 1) Certification as a Fire Prevention Officer [\(see Section 140.171\)](#).
  - 2) Attainment of three years of documented fire prevention experience.
  - 3) Successful completion of [the Public Fire and Life Safety Educator II course or equivalent courses \(see Section 140.18\) meeting the objectives in NFPA 1035 \(1993\), Chapter 4. This standard is incorporated by reference and includes no later editions or amendments.](#)
  - 4) [Application for Certification/Validation-Attestation.](#)
- b) [Reimbursement may be received for training costs for a Public Fire and Life Safety Educator II \(see Sections 140.300-350\). Funding Hours. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. Candidates must be certified as a Fire Prevention Officer to qualify for reimbursement funding.](#)
- c) [Credit for equivalent courses may be available in accordance with Equivalent courses. \(See Section 140.70\(e\) and Section 140.18, Course Approval Equivalency for requirements\)](#)
- d) [The instructor of a Public Fire and Life Safety Educator II course must meet the](#)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~requirements of Section 140.15(c). Instructor Requirements. (See Section 140.171(d))~~

- e) ~~The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. See Section 140.171(e).~~
- f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).
- f) ~~The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035, Professional Qualifications for Public Fire Educator (1993), Chapter 4.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.185 Public Fire and Life Safety Educator III**

Professional qualifications for Public Fire and Life Safety Educator III are identified in NFPA 1035 (~~1998~~1993), Professional Qualifications for Public Fire Educator Chapter 5, hereby incorporated by reference. A The Office defines the Public Fire and Life Safety Educator III is as a person serving in a fire department or allied agency assigned supervisory and administrative responsibilities within a public fire education program.

- a) Prerequisites. ~~Public Fire and Life Safety Educator III certification is granted to those individuals who have met the following qualifications:~~
  - 1) Certification as a Public Fire and Life Safety Educator II (see Section 140.180).
  - 2) Attainment of five years of documented fire prevention experience with two years in fire education.
  - 3) Successful completion of the ~~course or courses required for~~ Public Fire and Life Safety Educator III courses or equivalent courses (see Section 140.18). certification meeting the objectives in NFPA 1035 (1993), Chapter 5.
  - 4) Application for Certification/Validation-Attestation.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- b) Reimbursement may be received for training costs for a Public Fire and Life Safety Educator III (see Sections 140.300-350). ~~Funding Hours. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Public Fire and Life Safety Educator II prior to taking these courses to qualify for reimbursement funding.~~
- c) Credit for equivalent courses may be available in accordance with Equivalent Courses. ~~(See Section 140.70(e) and Section 140.18. Course Approval Equivalency for requirements)~~
- d) The instructor of a Public Fire and Life Safety Educator III course must meet the requirements of Section 140.15(c). ~~Instructor Requirements. (See Section 140.15(d))~~
- e) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. ~~Facility Certification and Delivery Systems. (See Section 140.70(e) and)~~
- f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).
- f) ~~The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035, Professional Qualifications for Public Fire and Life Safety Educator (1993), Chapter 5.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.190 Bypass Examination**

a) This examination is provided for special fire and police personnel and allied field agencies who are charged with duties governing fire prevention, fire inspection, fire investigation, and arson investigation, but who do not have, or will not be assigned, fire suppression duties and/or responsibilities. Recognition of this condition in the State Training and Certification Program is accomplished through the implementation of the Bypass Examination. The Firefighter Bypass Examination is limited to personnel identified as fire protection non-sworn personnel and the law enforcement personnel seeking Arson Investigator certification. This examination does not provide State certification as a firefighter ~~Firefighter~~, but provides a method for individuals who may have not receive ~~received~~ Firefighter II certification to participate in the Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, Fire

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Investigator, and Arson Investigator programs ~~for certification and funding by the Office.~~

~~ab)~~ Examination Procedures

- 1) All State written examinations, including a Bypass Examination, will be given by the Office ~~of the State Fire Marshal.~~
- 2) At least 30 days prior to the anticipated day for testing, the Fire or Police Chief employing the candidate must will submit ~~to the Office of the State Fire Marshal~~ a "Request for Examination" form. The Office ~~of the State Fire Marshal~~ will endeavor to schedule examinations throughout the State as requested.

~~e)~~ ~~The Bypass Examination will consist of multiple-choice items in the following subject areas:~~

- ~~1) Fire Behavior~~
- ~~2) Portable Fire Extinguishers~~
- ~~3) Personal Safety~~
- ~~4) Water Supply~~
- ~~5) Building Construction~~
- ~~6) Communications~~
- ~~7) Sprinkler Systems~~
- ~~8) Fire Inspections.~~

~~bd)~~ Individuals choosing to take the Bypass Examination ~~this examination~~ must plan to enter into or have completed the training program for Fire Prevention Officer, Juvenile Firesetter Intervention Specialist, Fire Service Executive Support, Fire Investigator or Arson Investigator.

- ~~1) Sign the Request for Examination form submitted to the Office of the State Fire Marshal by the respective Chief.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 2) ~~Plan to enter into the training program for Fire Prevention Officer, Fire Investigator or Arson Investigator.~~
- e) ~~No funding is provided for salary, travel, lodging or other expenses associated with the study for or the taking of this examination.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.200 Fire Investigator**

Professional qualifications for Fire Investigator are identified in NFPA 1033 (1998), Professional Qualifications for Fire Investigator, and NFPA 921 (1998), Guide for Fire and Explosion Investigations. The Illinois program does not recognize ~~rank as equivalent to the various levels of~~ Fire Investigator as a rank because it is not possible to insure that every rank used by local fire departments or allied field agencies to identify persons serving as Fire Investigators would be consistent throughout the State. ~~The Office of the State Fire Marshal defines~~ Fire Investigator is an individual, serving in an agency or a fire department, specifically responsible for the investigation of fire incidents. The term ~~synonymous~~ with Fire Investigator is Technical Specialist.

- a) Prerequisites ~~for Certification as Fire Investigator. Individuals wishing to be certified as a Fire Investigator must:~~
  - 1) Certification as a Firefighter II (see Section 140.50) be a Certified Firefighter II (see Section 140.50), or successful completion of successfully complete the Bypass Examination (see Sections 140.13 and 140.190).(see Section 140.190).
  - 2) Successful completion of successfully complete the Fire Investigator course consisting of three Modules, or Modules I and II and the Arson Investigator course ~~Course~~ (see Section 140.210).
  - 3) Application for Certification/Validation-Attestation.
  - 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for a Fire Investigator (see Sections 140.300-350).~~Funding Hours. A maximum of 120 hours is available for~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~reimbursement funding. All programs can be funded only one time. No funding is available for repeat courses. All persons for whom reimbursement is sought must be Certified as a Firefighter II or above or have successfully completed the Bypass Examination prior to commencement of the program's courses, and must be employed as fire protection personnel by a participating local governmental agency.~~

- e) ~~Curriculum. The Fire Investigator course is based upon three modules. Modules I and II must be taken consecutively. Module III is designed for those persons who do not intend to take the Arson Investigator Course. Topics of the course and outline are contained in the book entitled Fire Arson Investigation published by the Illinois Fire Service Institute, University of Illinois, Urbana, Illinois 61801, in cooperation with the Illinois Office of the State Fire Marshal, the University of Illinois Police Training Institute and the Illinois Local Government Law Enforcement Officer's Training Board (1996) or the Office of the State Fire Marshal, Division of Personnel Standards and Education, approved course.~~
- cd) The instructor of a Fire Investigator course or an Arson Investigator course must meet the requirements of Instructor Requirements. (See Section 140.15(c)).  
~~Because of the specialty topics in this course, it shall be required that knowledgeable instructors in each special topic be utilized to teach in their area of expertise.~~
- de) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems.
- 1) ~~Courses will be approved if they meet all rules and regulations established by the Office of the State Fire Marshal regarding curricula, student control, examinations, financial records maintenance and instructor qualifications and have the physical resources necessary for the course.~~
- 2) ~~Due to the sensitive nature of the material, no approval for course or facilities will be given if the course is offered to persons other than fire or allied field agencies.~~
- f) ~~State Certification Written Examination—See Section 140.70(g).~~
- eg) Credit for equivalent courses may be available in accordance with Fire Investigator Equivalent Courses—See Section 140.18.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.210 Arson Investigator**

The Illinois program does not recognize ~~rank as equivalent to the various levels of~~ Arson Investigator as a rank because it is not possible to insure that every rank used by local fire and police departments or allied field agencies to identify persons serving as Arson Investigators would be consistent throughout the State. ~~An~~The Office of the State Fire Marshal defines Arson Investigator is an individual, who is a full-time paid and sworn employee of the Office or a local governmental agency, specifically responsible for the investigation of suspected arson fire incidents.

- a) Prerequisites ~~for Certification as an Arson Investigator. Individuals wishing to be certified as an Arson Investigator must:~~
- 1) Certification as a Firefighter II (see Section 140.50) or successful completion of the Bypass Examination (see Sections 140.13 and 140.190).~~Meet the requirement in Section 140.200(a)(1);~~
  - 2) Successful completion of~~Have successfully completed~~ Modules I and II of the Fire Investigator Course, or equivalent course (see Section 140.18).~~;(See Section 140.200 (g); and~~
  - 3) Successful completion of~~Successfully complete~~ an Arson Investigator course approved by the Office ~~of the State Fire Marshal~~ and the Illinois Local Governmental Law Enforcement ~~Officer's~~ Training and Standards Board, or provide proof of equivalent courses to be evaluated by the Executive Director of the Illinois Local Governmental Law Enforcement ~~Officer's~~ Training and Standards Board.;
  - 4) Be employed full-time by a local governmental agency, the Office, or other organization investigating fires and explosions believed to be arson.
  - 5) Application for Certification/Validation-Attestation.
- b) Reimbursement may be received for training costs for an Arson Investigator (see Sections 140.300-350).~~Funding Hours. A maximum of 260 hours is available for~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~reimbursement funding for fire protection personnel. All courses can be funded only one time. No funding is available for repeat courses. All persons for whom reimbursement funding is sought must be certified as a Fire Investigator or have completed Modules I and II or an equivalent course prior to commencement of the program's courses.~~

- e) ~~Curriculum Subject Headings.~~
- 1) ~~Legal Issues~~
  - 2) ~~Human Behavior~~
  - 3) ~~Police Functions~~
  - 4) ~~Case Processing and Development~~
  - 5) ~~Investigations~~
  - 6) ~~Firearms and Physical Training~~
- cd) ~~Instructor Requirements. Instructors must have demonstrated experience and education in the technical areas to be taught and must be approved by the Office of the State Fire Marshal and the Illinois Local Governmental Law Enforcement Officer's Training and Standards Board prior to the course offering.~~
- de) ~~The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. (See Section 140.200(e)).~~
- ef) ~~Firearms Training. Examination Procedures. 1) See Section 140.200(f) for written examinations. 2) Upon successful completion of the Firearms and Physical Training portion of the Arson Investigator program, records of completion shall~~should be forwarded to the Illinois ~~Local Governmental Law Enforcement Officer's Training and Standards Board~~ for personnel of fire and police departments or allied field agencies. ~~The Board who~~ will review the records and issue appropriate firearms training certificates.
- fg) The Office will issue the Arson Investigator certificate upon ~~receipt receipts~~ of firearms ~~training~~, physical training, and all other documents from the ~~Illinois Dept. of State Police, or the~~ Illinois ~~Local Governmental Law Enforcement~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~Officers~~ Training and Standards Board.

- g) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.215 Fire Inspector II and Plan Examiner I**

Professional qualifications for Fire Inspector II and Plan Examiner I are identified in ~~the~~ NFPA 1031 (2003~~1993~~), Professional Qualifications for Fire Inspector hereby incorporated by ~~reference and containing no later amendments or editions.~~ A ~~The Office defines the~~ Fire Inspector II and Plan Examiner I ~~is~~ a person serving in a fire department or allied agency assigned fire inspection and supervisory responsibilities. The term synonymous with Fire Inspector II and Plan Examiner I is Senior Technician.

- a) Prerequisites ~~Fire Inspector II certification is granted to those individuals who have met the following qualifications:~~
- 1) Certification as a Fire Prevention Officer (see Section 140.171)~~certification.~~
  - 2) Attainment of three years of documented experience in fire inspection.
  - 3) Successful completion of the Fire Inspection II and Plan Examiner Ia course ~~or courses meeting the objectives specified in NFPA 1031 (1993), Chapter 4.~~
  - 4) Application for Certification/Validation-Attestation. ~~Successful completion of the State written examination.~~
  - 5) Passage of the State written examination (see Section 140.8). ~~Prerequisite for taking Inspector II Examination is successful completion of Fire Prevention Officer State written examination.~~
- b) Reimbursement may be received for training costs for a Fire Inspector II and Plan Examiner I (see Sections 140.300-350). ~~Funding Hours. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Officer to qualify for reimbursement~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~funding.~~

- c) ~~Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent Courses. See Sections 140.18 and 140.70(e) for requirements.~~
- d) ~~An instructor of a Fire Inspector II and Plan Examiner I course must meet the requirements of Instructor Requirements. See Section 140.15(c).~~
- e) ~~The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility Certification and Delivery Systems. See Section 140.171 (e).~~
- f) ~~All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).~~
- f) ~~The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031 (1993), Chapter 4.~~
- g) ~~State Certification Written Examination.~~
  - 1) ~~To be certified as a Fire Inspector II, candidates must take and pass the State examination. See Section 140.8.~~
  - 2) ~~Certification as a Fire Prevention Officer is a prerequisite to taking the written examination.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.220 Fire Inspector III and Plan Examiner II**

Professional qualifications for Fire Inspector III and Plan Examiner II are identified in ~~the~~ NFPA 1031 (~~1998~~1993), Professional Qualifications for Fire Inspector Chapter 5, hereby incorporated by reference. ~~A The Office defines the~~ Fire Inspector III and Plan Examiner II ~~is~~ a person serving in a fire department or allied agency assigned primarily supervisory and administrative responsibilities within a fire prevention program~~bureau~~.

- a) ~~Prerequisites. Fire Inspector III certification is granted to those individuals who have met the following qualifications:~~
  - 1) Certification as a Fire Inspector II and Plan Examiner I (see Section

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

140.215).

- 2) Attainment of five years of documented experience in fire inspection.
  - 3) Successful completion of the Fire Inspector III and Plan Examiner II course~~the courses required for Inspector III.~~
  - 4) Application for Certification/Validation-Attestation.
  - 5) Passage of the State written examination (see Section 140.8).
- b) Reimbursement may be received for training costs for a Fire Inspector III and Plan Examiner II (see Section 140.300-350)~~Funding Hours. A maximum of 80 hours is available for reimbursement funding with no more than 54 hours allowed for any one of the 6 courses in Section 140.90(a)(3). The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Inspector II to qualify for reimbursement funding.~~
  - c) Credit for equivalent courses may be available in accordance with Section 140.18.~~Equivalent Courses. (See Section 140.70(e) for requirements)~~
  - d) An instructor of a Fire Inspection III and Plan Examiner II course must meet the requirements of Instructor Requirements. Section 140.15(c).~~(See Sections 140.171(d) and 140.200)~~
  - e) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15.~~Facility Certification and Delivery Systems. (See Section 140.171(e))~~
  - f) All fire service organizations and educational institutions desiring to offer programs and/or courses shall meet the requirements of Section 140.70(e).
  - g) The curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1993), Chapter 5.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.225 Hazardous Materials ~~First Responder~~-Awareness**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~a) Hazardous Materials First Responder Awareness personnel are fire personnel trained to the level of awareness as defined by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) at 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (USEPA)(EPA), at 40 CFR 311 (1990), whichever is appropriate for their jurisdiction. b) Fire protection personnel at this level of certification are persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release. e) Professional qualifications for Hazardous Materials First Responder Awareness are identified in NFPA 472 (1997+1992), Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standards or reference.~~

- ~~a1) Prerequisites — Hazardous Materials First Responder Awareness Certification is granted to those persons who have met the following qualifications:~~
- ~~1A) Certification as a Firefighter II (see Section 140.50).~~
  - ~~2B) Successful completion of a course consisting of Hazardous Materials First Responder Awareness course meeting the requirements of NFPA 472 (1997+1992), including passage of local testing including practical and State written exam.~~
  - ~~3) Passage of the State written examination (see Section 140.8).~~
  - ~~4)C) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).~~
  - ~~D) See Section 140.50(1)(1).~~
- ~~b2) Reimbursement may be received for training costs for Hazardous Materials Awareness personnel (see Sections 140.300-350). Funding. A maximum of 16 hours is available for reimbursement funding. The Office will fund this level of training only one time.~~
- ~~c3) An instructor of a Hazardous Materials Awareness course must meet the requirements of Section 140.15(c). Instructor Requirements.— Certified Fire Service Instructor I who has been certified at any level of Hazardous Materials.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- d4) ~~The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the Hazardous Materials First Responder Awareness program will be required to:~~
- A) ~~File Course Approval forms. See Section 140.15.~~
  - B) ~~Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.~~
- e) ~~Credit for equivalent courses may be available in accordance with Section 140.18.~~
- 5) ~~State Certification Written Examination. To be certified in Hazardous Materials First Responder Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) or locally administered written and practical exams and pass the State written examination. See Section 140.8.~~
- 6) ~~State Certification Practical Skills Examination.~~
- A) ~~The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder Awareness. The Instructor should contact the Office for this practical skill examination.~~
  - B) ~~After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted.~~
- 7) ~~Objectives for Hazardous Materials First Responder Awareness are identical to Objectives for Awareness in Firefighter II.~~
- 8) ~~Refresher Training—Awareness Level.~~
- A) ~~Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the Awareness Level Responders meet CFR 1910.120 (1993) and the~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~guidelines of the Office of the State Fire Marshal for First Responder Awareness Level training. The training should include identification of hazardous materials, local response plans, and other areas as directed by the employer.~~

- B) ~~Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.230 Hazardous Materials First Responder – Operations**

~~First responders, for the purpose of this level of certification, are fire protection personnel trained to the levels of Awareness and First Responder – Operations as defined in 29 CFR 1910.120 (1990). First Responders shall be trained to meet requirements of OSHA (29 CFR 1910.120 (1990)) or USEPA (40 CFR 311 (1990)), whichever is appropriate for their jurisdiction. Fire protection personnel at this level of certification are both: persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release; and persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. Hazardous Materials First Responder – Operations is designed as the introductory step in the acquisition of knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120. Professional qualifications for Hazardous Materials First Responder – Operations are identified in NFPA 472 (1997), Standard for Professional Competence of Responders to Hazardous Materials Incidents.~~

- a) ~~First responders, for the purpose of this level of certification, are fire protection personnel trained to the levels of "First Responder Awareness" and "First Responder Operations" as defined in 29 CFR 1910.120. First Responders shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.~~
- b) ~~Fire protection personnel at this level of certification are both:~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~1)~~ ~~Persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release; and~~
- ~~2)~~ ~~Persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.~~
- ~~e)~~ ~~Professional qualifications for Hazardous Materials First Responder Operations are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standard or reference.~~
- ~~d)~~ ~~Hazardous Materials First Responder Operations is designed as the introductory step in the acquisition of all knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120.~~
- ~~a4)~~ ~~Prerequisites – Hazardous Materials First Responder Operations Certification is granted to those persons who have met the following qualifications.~~
  - ~~1A)~~ ~~Certification as a Firefighter II (see Section 140.50).~~
  - ~~2B)~~ ~~Successful completion of a course consisting of Hazardous Materials First Responder – Operations course, including passage of local testing including practical and State written examination.~~
  - ~~3C)~~ ~~Passage of a State practical skills examination (see Sections 140.8 and 140.50(g)). Prerequisite for taking the State written exam is Firefighter II certification.~~
  - ~~4)~~ ~~Passage of the State written examination (see Section 140.8).~~
  - ~~5)D)~~ ~~Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Fire Chief of the individual seeking certification~~See Section 140.50(a).~~

~~E) Certification as Hazardous Materials Awareness.~~

~~F) See Section 140.60(m)(1).~~

b2) Reimbursement may be received for training costs for a Hazardous Materials First Responder – Operations (see Sections 140.300-350).~~Funding. A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.~~

c3) An instructor of a Hazardous Materials First Responder – Operations course must meet the requirements of Section 140.15(c).~~Instructor Requirements. Certified Fire Service Instructor I and Certified Hazardous Materials First Responder-Operations or higher.~~

d4) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15.~~Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the First Responder program will be required to:~~

~~A) File Course Approval forms. (See Section 140.15.)~~

~~B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.~~

~~5) Course description. The course is described as a specialized course to provide those persons whose duties include responding to the scene of emergencies that may involve hazardous materials with competencies to respond safely to hazardous materials incidents. Course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992), hereby incorporated by reference and including no later standards or amendments. Objectives in this course are identical to the Hazardous Materials Operations objectives in Firefighter III. See Section 140.18 Course Approval Equivalency.~~

e) Credit for equivalent courses may be available in accordance with Section 140.18.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 6) ~~State Certification Written Examination. To be Certified as a Hazardous Materials First Responder Operations, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written and practical exams and pass the State written examination. (See Section 140.8)~~
- 7) ~~State Certification Practical Skill Examination.~~
- A) ~~The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder Operations. The instructor should contact the Office for this practical skill examination.~~
- B) ~~After the practical examination is completed and scored by the Instructor, a copy of the practical examination key must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted.~~
- 8) ~~Refresher Training—First Responder/Operations Level.~~
- A) ~~Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the First Responder Operations level responders meet CFR 1910.120 (1993) and the guidelines of the Office of the State Fire Marshal for First Responder Operations Level training. The training should include all the recurrence training for Awareness Level and in addition, methods and procedures for evaluating and controlling a hazardous materials incident, guidelines and principles for protecting the health and safety of response personnel, fundamentals of response team organizations and operations, proper use of chemical protective clothing and direct reading instruments, defensive confinement techniques, evaluation considerations and methods of communicating the status of the planned response, and any other areas as directed by the employer.~~
- B) ~~Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.232 Hazardous Materials Technician**

a) Hazardous Materials Technician is a series of two courses designed for the training and development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a First Responder ~~first responder~~ at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance. ~~b)~~ Hazardous Materials Technician A involves procedures for and entry into the "hot zone-". ~~e)~~ Hazardous Materials Technician B involves ~~the thought processes,~~ rescue procedures, ~~and~~ tactics and strategy. ~~d)~~ Both Hazardous Materials Technician A and Technician B are required to satisfy the requirements in NFPA 472 (1997), Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992). Technicians are trained to meet requirements of ~~the United States Department of Labor, Occupational Safety and Health Administration (OSHA), (29 CFR 1910.120 (1990)), or USEPA the United States Environmental Protection Agency (EPA), (40 CFR 311 (1990)),~~ whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120 (1990).

ae) Prerequisites – Hazardous Materials Technician A ~~is granted to those persons who have met the following qualifications:~~

- 1) Certification as a Hazardous Materials First Responder – Operations (see Section 140.230).
- 2) Successful completion of the Hazardous Materials ~~Material~~ Technician A course.
- 3) Passage of the State written examination (see Section 140.8). ~~Be a Certified Firefighter III.~~
- 4) Passage of the State practical skills examinations (see Section 140.8 and 140.50(g)). ~~The individual must be a certified Firefighter III and Certified Hazardous Materials Operations to take State written and practical exam.~~
- 5) Engagement in firefighting in an organized Illinois Fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. ~~See Section 140.50(a).~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- bf) Prerequisites – Hazardous Materials Technician B ~~is granted to those persons who have met the following qualifications:~~
- 1) Certification as a Hazardous Materials Technician A (see subsection (a)) ~~Hazardous Materials First Responder Operations.~~
  - 2) Successful completion of the Hazardous ~~Materials Technician A and~~ Materials Technician B ~~course~~courses.
  - 3) Passage of the State written examination (see Section 140.8). ~~Be a Certified Firefighter III.~~
  - 4) Passage of the State practical skills examination (see Sections 140.8 and 140.50(g)). ~~The individual must be certified Firefighter III, Certified Hazardous Materials Operations, and have successfully completed a Hazardous Materials Technician A course before taking the State exam.~~
  - 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. ~~See Section 140.50(a).~~
- cg) Reimbursement may be received for training costs for a Hazardous Materials Technician (see Sections 140.300-350). ~~Funding. A minimum of 40 hours and a maximum of 56 hours is available for reimbursement funding for Technician A and a minimum of 40 hours and maximum of 56 hours is available for reimbursement funding for Technician B. The Office will fund this level of training only one time.~~
- dh) An instructor of a Hazardous Materials Technician A or B course must meet the requirements of Section 140.15(c). ~~Instructor Requirements. Certified Fire Service Instructor II and certified to the level the individual is teaching.~~
- ei) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. ~~Facility Certification and delivery systems. Educational institutions and fire departments desiring to offer the Hazardous Materials Technician A and Technician B programs will be required to:~~
- 1) File Course Approval forms. (See Section 140.15.)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~2) Use a facility which has a classroom and have the equipment which meets the Office approved course.~~
- f) Credit for equivalent courses may be available in accordance with Section 140.18.
- ~~j) State Certification Practical Skill Examination.~~
  - ~~1) The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Technician.~~
  - ~~2) Instructors should contact the Office for this practical skill examination.~~
  - ~~3) All practical skill examinations must be administered by a Certified Hazardous Materials Technician.~~
  - ~~4) After the Practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file.~~
- ~~k) State Certification Written Examination. To be certified as a Hazardous Materials Technician A and Technician B, candidates must take and pass the State written examinations for each module. See Section 140.8. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Hazardous Materials Technician. Prerequisite for taking the State examination is certification as a Hazardous Materials First Responder Operations.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.234 Chemistry of Hazardous Materials (Repealed)**

- ~~a) Chemistry of Hazardous Materials is a course designed to give first responders a broader understanding of the chemistry and toxicology of hazardous materials.~~
- ~~b) Professional qualifications for the course are identified in NFPA 472 (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapters 3 and 4, hereby incorporated by reference and containing no later standard or reference.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~Funding—A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of training only one time. The individual must be a certified Hazardous Materials First Responder Operations prior to taking this course to claim for reimbursement funding and must successfully complete this course.~~
- 2) ~~Instructor requirements (must have two instructors):~~
  - A) ~~Option one: two National Fire academy Instructors.~~
  - B) ~~Option two: One individual who is a Fire Service Instructor II, and certified Hazardous Materials Technician AND one expert in Chemistry (a college level chemistry instructor or a person with a minimum of a bachelor's degree).~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.236 Hazardous Materials Refresher Training (Repealed)**

- a) ~~Annual refresher training shall comply with United States Department of Labor, Occupational Safety and Health Administration, 29 CFR 1910.120.~~
- b) ~~Because of the uniqueness of this type of training, refresher training in hazardous materials will be funded for specific training meeting any of the objectives in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and including no later standard or edition or the objectives listed in the certification course for First Responder Operations, Technician, or the Chemistry course.~~
- e) ~~Funding:~~
  - 1) ~~Prerequisites—Hazardous Materials First Responder Operations certification~~
  - 2) ~~Funding—a maximum of 40 hours is available for reimbursement funding annually.~~
  - 3) ~~Funding claimed for Hazardous Materials refresher training cannot be claimed for any other certification, or refresher training.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 4) ~~Records required by 29 CFR 1910.120 and Sections 140.12 and 140.325 of this Part must be maintained and established procedures followed.~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.238 Hazardous Materials Incident Command**

~~a) Hazardous Materials Incident Command is designed for the training of Certified Hazardous Materials First Responders and Technicians to manage a hazardous materials Hazardous Materials emergency incident. An Incident Command System fixes command Command on one particular individual or a group of individuals throughout the incident to ensure a strong visible direct command. If the incident is above the level of training of the Incident Commander, management of all tactical operations shall be delegated to an appropriately trained individual. This does not relieve the Incident Commander of the responsibilities outlined in OSHA 1910.120(q)(3). ~~b) This course has been developed to meet the requirements of the United States Department of Labor Occupational Safety and Health Administration (OSHA), (29 CFR 1910.120 (1990)), or USEPA the United States Environmental Protection Agency (USEPA), (40 CFR 311 (1990)), whichever is appropriate for the jurisdiction. ~~e) Professional qualifications for Incident Command are identified in NFPA 472 (1997+992), Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later editions or amendments.~~~~~~

~~a1) Prerequisites—Hazardous Materials Incident Command certification is granted to those persons who have met the following qualifications: A) Certification as a Firefighter II;~~

~~1B) Certification as a Hazardous Materials First Responder – Operations (see Section 140.230);~~

~~2C) Successful completion of the Hazardous Materials Incident Command course;~~

~~D) The individual must be a Certified Firefighter II and Certified Hazardous Materials First Responder Operations to take the exam;~~

~~3) Passage of the State written examination (see Section 140.8).~~

~~4) Passage of the State practical skills examination (see Sections 140.8 and 140.50(g)).~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 5) Application for Certification/Validation-Attestation.
- 6E) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).
- b2) Reimbursement may be received for training costs for a Hazardous Materials Incident Command (see Sections 140.300-350). Funding. A maximum of 24 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- c3) An instructor of a Hazardous Materials Incident Command course must meet the requirements of Section 140.15(c). Instructor Requirements. Certified Fire Service Instructor II, certified Hazardous Materials First Responder Operations, and certified Hazardous Materials Incident Command.
- d4) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility certification and delivery systems. Educational institutions and fire departments desiring to offer the Hazardous Materials Incident Command program will be required to:
- A) File Course Approval forms. (See Section 140.15)
  - B) Use a facility which has a classroom and the equipment needed to complete the student performance objectives.
- 5) State Certification Written Examination.
- A) To be certified in Hazardous Materials Incident Command, candidates must take and pass the State Written examination. (See Section 140.8)
  - B) Request for exam must be signed by a Fire Service Instructor II who has been certified in Hazardous Materials First Responder Operations and Incident Command.
- e) Credit for equivalent courses may be available in accordance with Section 140.18.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

**Section 140.239 Technical Rescue Awareness**

Technical Rescue Awareness is designed to give first due companies a basic awareness of requirements and hazards at technical rescue incidents. Training will meet standards of State, federal, and local jurisdictions; OSHA (29 CFR 1910.146 (1993) and 29 CFR 1926, subpart P (1994)); Illinois Department of Labor (56 Ill. Adm. Code 350.280); and NFPA 1670 (1999), Standard on Operation of Training for Technical Rescue Incidents. Professional qualifications require completion of the approved Technical Rescue Awareness course. Technical Rescue Awareness is designed as the introductory step in the acquisition of knowledge and skills required for first due company operations.

**a) Prerequisites**

- 1) Certification as a Firefighter II (see Section 140.50).
- 2) Successful completion of the Technical Rescue Awareness course.
- 3) Successful completion of the State written examination (see Section 140.8).
- 4) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.

**b) An instructor of a Technical Rescue Awareness course must meet the requirements of Section 140.15(c).****c) The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15.****d) Credit for equivalent courses may be available in accordance with Section 140.18.**

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.240 Rescue Specialist – Roadway Extrication**

**a)**Extrication Specialists, for the purpose of this level of certification, are firefighters trained to the level specified in the Division of Personnel Standards and Education Instructor Reference Manual (~~1992~~), ~~hereby incorporated by reference.~~ **b)** Persons who respond to incidents that

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

require the ~~specialty~~speciality training for rescue specialist will be trained in the basic skills to perform this operation. This course is designed as the introductory step in the acquisition of ~~all~~ knowledge and skills required ~~by in the~~ various ~~specialties~~specialities of extrication. Rescue Specialist – Roadway Extrication certification is required before proceeding to other ~~specialties~~specialities of extrication.

- ~~ae)~~ Prerequisites—Rescue Specialist Roadway Extrication certification is granted to those persons who have completed a minimum 40 student contact hour course and met the following qualification:
- ~~1)~~ Certification as a Firefighter II (see Section 140.50).
  - ~~2)~~ Successful completion of the Roadway Extrication course, including passage of local testing and State written and practical examinations.
  - ~~3)~~ Passage of the State written examination (see Section 140.8). Prerequisite for taking the written exam is Firefighter II certification.
  - ~~4)~~ Passage of the State practical skills examination (see Sections 140.8 and 140.50(g)). See Section 140.50(a).
  - ~~5)~~ Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
- ~~bd)~~ Reimbursement may be received for training costs for a Rescue Specialist – Roadway Extrication (see Sections 140.300-350). Funding. A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- ~~ce)~~ An instructor of a Roadway Extrication course must meet the requirements of Section 140.15(c). Instructor Requirements— Certified Fire Service Instructor II and Certified Rescue Specialist Roadway Extrication. Successful completion of required courses for Rescue Specialist Roadway Extrication is prerequisite.
- ~~d)~~ The course and facility must be approved by the Office as provided in Sections 140.11, 140.12 and 140.15. Facility certification and delivery system. Educational institutions and fire departments desiring to offer the Rescue Specialist Roadway Extrication program will be required to:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~File Course Approval forms. See Section 140.15~~
- 2) ~~Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives. The equipment is listed in the Office Instructor Reference Manual for Rescue Specialist Roadway Extrication.~~

g) ~~State Certification Written Examination.~~

~~To be certified as a Rescue Specialist Roadway Extrication, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written examination. (See Section 140.8.)~~

h) ~~State Certification Practical Skill Examination.~~

- 1) ~~The State practical skill examination consists of a series of evolutions contained in a document published by the Division of Personnel Standards and Education, entitled Practical Skill Examination for Rescue Specialist Roadway Extrication. The Certified instructor should contact the Office for this practical examination.~~
- 2) ~~After the practical examination is completed and scored by the Certified Instructor, a copy of the practical examination key must be sent to the Office for inclusion in the student's file. Certificates will not be released by the Office until practical scores are received.~~

ei) Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent Courses

- 1) ~~See Section 140.70(c) for requirements.~~
- 2) ~~An equivalent course must meet the performance objectives listed in Office Instructor Reference Manual.~~
- 3) ~~When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time.~~

~~Failure on either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~the Extrication Specialist program prior to taking the State written and practical exam a second time.~~

- 4) ~~Equivalent courses are not eligible for reimbursement.~~
- j) ~~An individual with an Emergency Rescue Technician Certificate issued by the Illinois Department of Transportation shall be allowed to take the State Written and Practical Examination one time without taking the course, if the individual:~~
  - 1) ~~Meets the requirement of fire protection personnel. (See Section 140.50(a))~~
  - 2) ~~Is certified at the Firefighter II level, or above.~~
  - 3) ~~Completes a refresher course on the subject areas that were not covered in the earlier course.~~
  - 4) ~~The individual must take the entire course if either of the exams is not passed on the first attempt.~~

~~No reimbursement funding is available for the refresher course or examination.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.241 Confined Space/Trench Rescue Awareness (Repealed)**

- a) ~~Confined Space/Trench Rescue Awareness is designed to give fire personnel a basic awareness of requirements, hazards and techniques of rescue in confined spaces and trenches.~~
- b) ~~Training will meet rulings of federal, State and local jurisdictions; OSHA 29 CFR 1910.146 (1993); OSHA 29 CFR 1926 Subpart P; and Illinois Department of Labor (56 Ill. Adm. Code 350.280).~~
- e) ~~Professional qualifications require completion of the Office approved Confined Space/Trench Rescue Awareness course.~~
- d) ~~Confined Space/Trench Rescue Awareness is designed as the introductory step in the acquisition of knowledge and skills required to safely perform a rescue.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~Prerequisites—Confined Space/Trench Rescue Awareness Certification is granted to those persons in the fire service who have met the following qualifications:~~
    - A) ~~Certification as a Firefighter II.~~
    - B) ~~Successful completion of a course consisting of Confined Space/Trench Rescue Awareness, including written exams.~~
    - C) ~~Prerequisite for taking State examination is Firefighter II certification.~~
    - D) ~~See Section 140.50(a).~~
  - 2) ~~Funding—A maximum of 12 hours is available for reimbursement funding. The Office will fund this level of training only one time.~~
  - 3) ~~Instructor Requirements—Instructor of Record shall be an Instructor I and certified in Confined Space/Trench Rescue Awareness.~~
  - 4) ~~Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Confined Space/Trench Rescue Awareness program will be required to:~~
    - A) ~~File Course Approval forms annually. See Section 140.15.~~
    - B) ~~Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.~~
  - 5) ~~State Certification Written Examination. To be certified in Confined Space/Trench Rescue Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written exam and pass the State written examination. See Section 140.8.~~
- e) ~~Equivalent courses. Only approved courses will be acceptable for certification.~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.242 Rescue Specialist – Confined Space**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

a) Rescue Specialist – Confined Space is designed to give fire service personnel the basic knowledge and skills to safely perform confined space rescue as defined by the Illinois Department of Labor (56 Ill. Adm. Code 350.280) and OSHA (29 CFR 146 (1993)).

~~ab) Prerequisites. Rescue Specialist – Confined Space certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:~~

1) Certification as a ~~Firefighter II, Confined Space/Trench Rescue Awareness and~~ Rescue Specialist – Vertical I (see Section 140.245)/Ropes and Rigging.

2) Successful completion of ~~the Confined Space Office approved course, including passage of local testing and State written and practical examinations.~~

3) Passage of the State written examination (see Section 140.8).

4) Passage of the State practical skills examinations (see Sections 140.8 and 140.50(g)). See Section 140.50(a).

~~53) Prerequisite for taking the course is: Successful A) Successful completion of Confined Space/Trench Rescue Awareness or Technical Rescue Awareness and Vertical I course/Ropes and Rigging.~~

~~B) Prerequisite for taking State written and practical examination is certification as Firefighter II.~~

64) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).

~~be) Reimbursement may be received for training costs for a Rescue Specialist – Confined Space (see Sections 140.300-350). Funding. A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.~~

~~cd) Special Instructor Requirements.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Instructor of Record shall be certified as a Fire Service ~~an~~ Instructor II (see Section 140.140) and ~~certified in Confined Space/Trench Rescue Awareness;~~ Rescue Specialist – Confined Space.
  - 2) ~~Instructor of Record shall recertify annually.~~
  - 3) ~~Instructor recertification shall consist of a method of refresher and evaluation in Office approved course.~~
  - 24) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least ~~and~~ one instructor for each ~~additional~~ six students.
  - 35) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 140.130) and certified as a Rescue Specialist – Confined Space ~~to the level they are teaching.~~
- de) The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15. Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Rescue Specialist – Confined Space program will be required to:
- 1) ~~File Course Approval Forms annually – see Section 140.15).~~
  - 2) ~~Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified by the Office.~~
  - 3) ~~Notify the Office prior to each course delivery.~~
- f) ~~State Certification Written Examination. To be certified as a Rescue Specialist – Confined Space, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examination (see Section 140.8).~~
- g) ~~State Certification Practical Skill Examination.~~
- 1) ~~The State practical skill examination consists of a series of evolutions contained in an Office approved course. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

2) ~~The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist—Confined Space.~~

3) ~~See Section 140.8(1)(1), (2) and (3).~~

eh) Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent courses.

1) ~~See Section 140.70(c)(2) and (3).~~

2) ~~An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.~~

3) ~~When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exam will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical exam a second time.~~

4) ~~Equivalent courses are not eligible for reimbursement funding.~~

5) ~~Requests for equivalency course will not be accepted after June 30, 1998.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **Section 140.243 ~~Rescue Specialist—Trench~~ Operations**

~~a) Rescue Specialist—Trench~~ Operations is designed to give fire service personnel the basic knowledge and skills to safely perform trench stabilization, shoring equipment placement, and excavation and freeing of the victim from engulfment, as defined by NFPA 1670 (1999), Operations and Training for Technical Rescue Incidents ~~the Illinois Department of Labor (56 Ill. Adm. Code 350.280)~~ and OSHA (29 CFR 1926, subpart Subpart P (1994)).

ab) Prerequisites: ~~Rescue Specialist—Trench I certification is granted to those individuals who have completed a minimum 16 student contact hour course and meet the following qualifications:~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Certification ~~in~~ as Technical Rescue Awareness (see Section 140.239) or successful a Firefighter II and Confined Space/Trench Rescue Awareness. ~~2) Successful~~ completion of the Trench Operations Office approved course, ~~including passage of local testing and State written and practical examinations.~~ ~~3) Prerequisite for taking the course is successful completion of the Confined Space/Trench ~~Rescue~~ Awareness course (see Section 140.242(a)(5)) or the Technical Rescue Awareness Course (see Section 140.239(a)(2)).~~
- ~~24)~~ 24) Passage of the State written examination (see Section 140.8). Prerequisite for taking State written and practical examination is certification as Firefighter II.
- ~~3)~~ 3) Passage of the State practical skills examinations (see Sections 140.8 and 140.50(g)).
- ~~45)~~ 45) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).
- be) Reimbursement may be received for training costs for Trench Operations (see Sections 140.300-350). Funding: A maximum of 24 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- cd) Special Instructor Requirements:
  - 1) Instructor of Record shall be certified as a an Fire Service Instructor II (see Section 140.140), certified in Confined Space/Trench Awareness, and ~~Rescue Specialist~~—certified in Trench OperationsI.
  - ~~2)~~ 2) An Instructor of Record shall recertify annually.
  - ~~3)~~ 3) Instructor recertification shall consist of a refresher and evaluation of Office approved course.
  - ~~24)~~ 24) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record, and There shall be at least one instructor for each ~~additional~~ six students.
  - ~~35)~~ 35) All other instructors on site shall be a minimum of Fire Service Instructor

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

I (~~see Section 140.130~~) and certified ~~in Trench Operation~~ to the level they are teaching.

- ~~de) The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15. Educational institutions and fire departments desiring to offer the Rescue Specialist—Trench I program will be required to:~~
- ~~1) File Course Approval Forms annually (See Section 140.15).~~
  - ~~2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the specifications Office approved course.~~
  - ~~3) Notify the Office before each course delivery.~~
- ~~f) State Certification Written Examination. To be certified as a Rescue Specialist—Trench I, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.8).~~
- ~~g) State Certification Practical Skill Examination.~~
- ~~1) The State practical skill examination consists of a series of evolutions contained in the Office approved course.~~
  - ~~2) The State practical skill examination shall be administered by an Instructor of Record, who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist—Trench I. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.~~
  - ~~3) See Section 140.8(1)(1), (2) and (3).~~
- ~~eh) Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent courses.~~
- ~~1) See Section 140.70(c)(2) and (3).~~
  - ~~2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 3) ~~When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to successfully complete an Office approved program prior to taking the State written and practical examination a second time.~~
- 4) ~~Equivalency courses are not eligible for reimbursement funding.~~
- 5) ~~Requests for equivalency course will not be accepted after June 30, 1998.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.245 Rescue Specialist – Vertical I/~~Ropes and Rigging~~**

a) ~~Rescue Specialist – Vertical I/~~Ropes and Rigging~~~~ is designed to give fire service personnel the basic knowledge and skills to safely ~~use perform~~ ropes and rigging for vertical rescue as defined by NFPA 1983 (~~2001~~~~1990~~ ~~edition~~), Fire Service Life Safety Rope and System Components, and OSHA (29 CFR 1910.146 (1993)).

~~ab) Prerequisites: ~~Rescue Specialist – Vertical I/~~Ropes and Rigging~~ is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:~~~~

- 1) Certification in as a Firefighter II, Confined Space/Trench Rescue Awareness ~~Technical Rescue Awareness~~ (see Section 140.239).
- 2) Successful completion of the Vertical I Office approved course, including passage of local testing, and State written and practical examinations.  
~~3) Prerequisite for taking the Vertical I course is ~~Successful~~ completion of the Confined Space/Trench ~~Rescue~~ Awareness course (see Section 140.242(a)(5) or the Technical Rescue Awareness course (see Section 140.239(a)(2)).~~
- 34) Passage of the State written examinations (see Section 141.8). ~~Prerequisite for taking State written and practical examination is certification as Firefighter II.~~
- 4) Passage of the State practical skills examinations (see Sections 140.8 and

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

140.50(g)).

- 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. See Section 140.50(a).

be) Reimbursement may be received for training costs for a Rescue Specialist – Vertical I (see Sections 140.300-350). Funding: A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

cd) Special Instructor Requirements:

- 1) Instructor of Record shall be certified as a Fire Service ~~an~~ Instructor II (see Section 140.140), certified in Confined Space/Trench Awareness, and Rescue Specialist – Vertical II (see Section 140.246)/High Angle.

~~2) Instructor of Record shall recertify annually.~~

~~3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.~~

~~24) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least, and one instructor for each ~~additional~~ six students.~~

~~35) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 140.130) and certified in Vertical I ~~to the level they are teaching.~~~~

de) The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15. Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Rescue Specialist – Vertical I/Ropes and Rigging program will be required to:

~~1) File Course Approval Forms annually (see Section 140.15).~~

~~2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified in the Office approved course.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 3) ~~Notify the Office prior to any course delivery.~~
- f) ~~State Certified Written Examination. To be certified as a Rescue Specialist—Vertical I/Ropes and Rigging, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams.~~
- g) ~~State Certification Practical Skill Examination.~~
- 1) ~~All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.~~
  - 2) ~~The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Rescue Specialist Vertical I/Ropes and Rigging and Vertical II/High Angle.~~
  - 3) ~~See Section 140.8(1)(1),(2) and (3).~~
- eh) ~~Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent courses.~~
- 1) ~~See Section 140.70(c)(2) and (3).~~
  - 2) ~~An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.~~
  - 3) ~~When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical examination a second time.~~
  - 4) ~~Equivalency courses are not eligible for reimbursement funding.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~5) Requests for equivalency course will not be accepted after June 30, 1998.~~

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

**Section 140.246 Rescue Specialist – Vertical II/High Angle**

~~a) Rescue Specialist – Vertical II/High Angle is designed to give fire service personnel the basic knowledge and skills to safely perform advanced high angle and below grade rescues as defined by NFPA 1983 (2001-1990 edition), Fire Service Life Safety Rope and System Components, and OSHA (29 CFR 1910.146 (1993)).~~

~~ab) Prerequisites: Rescue Specialist – Vertical II/High Angle certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:~~

- ~~1) Certification as a Firefighter II and Rescue Specialist – Vertical I (see Section 140.245) Ropes and Rigging.~~
- ~~2) Successful completion of the Vertical II Office approved course, including passage of local testing and State written and practical examinations.~~  
~~3) Prerequisite for taking the Vertical II course is successful completion of the Confined Space/Trench Rescue Awareness course (see Section 140.242(a)(5)) or the Technical Rescue Awareness course (see Section 140.239(a)(2)) and the Vertical I course (see Section 140.245(a)(2)).~~
- ~~34) Passage of the State written examination (see Section 140.8). Prerequisite for taking State written and practical examination is certification as Firefighter II.~~
- ~~4) Passage of the State practical skills examinations (see Sections 140.8 and 140.50(g)).~~
- ~~5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification. 5) See Section 140.50(a).~~

~~be) Reimbursement may be received for training costs for a Rescue Specialist – Vertical II (see Sections 140.300-350). Funding: A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~only one time.~~

~~cd) Special Instructor Requirements:~~

- ~~1) Instructor of Record shall be certified as a Fire Servicean Instructor II (see Section 140.140), ~~certified in Confined Space/Trench Awareness~~, and Rescue Specialist – Vertical II ~~– High Angle~~.~~
- ~~2) Instructor of Record shall recertify annually.~~
- ~~3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.~~
- ~~24) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least, ~~and~~ one instructor for each ~~additional~~ six students.~~
- ~~35) All other instructors on site shall be a minimum of Fire Service Instructor I (see Section 140.130) and certified in Vertical II ~~to the level they are teaching~~.~~

~~de) The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15. Facility Certification and Delivery System. Educational institutions and fire departments desiring to offer the Rescue Specialist – Vertical II/High Angle program will be required to:~~

- ~~1) File Course Approval Forms annually (see Section 140.15).~~
- ~~2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified in the Office approved course.~~
- ~~3) Notify the Office prior to each course delivery.~~

~~f) State Certification Written Examination. To be certified as a Rescue Specialist – Vertical II/High Angle, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.8).~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- ~~g) State Certification Practical Skill Examination.~~
- ~~1) The State practical skill examination consists of a series of evolutions contained in the Office approved course. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.~~
  - ~~2) The State practical skill examination shall be administered by an Instructor of Record who is certified as a Fire Service Instructor II, Rescue Specialist—Vertical I/Ropes and Riggings and Rescue Specialist—Vertical II/High Angle.~~
  - ~~3) See Section 140.8(1)(1), (2), and (3).~~
- ~~eh) Credit for equivalent courses may be available in accordance with Section 140.18. Equivalent Course. Only approved courses will be approved for certification.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.248 Structural Collapse Operations**

Structural Collapse Operations is designed to give fire service personnel the basic knowledge and skills to safely perform structural collapse rescues as defined by NFPA 1670 (1999), Operations and Training for Technical Rescue Incidents.

- a) Prerequisites
- 1) Certification in Technical Rescue Awareness (see Section 140.239).
  - 2) Successful completion of Structural Collapse Operations course. Prerequisite for taking the Structural Collapse Operations course is successful completion of the Technical Rescue Awareness or Structural Collapse Awareness course.
  - 3) Passage of the State written examination (see Section 140.8).
  - 4) Passage of the State practical skills examinations (see Section 140.8 and 140.50(g)).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 5) Engagement in firefighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Structural Collapse Operations (see Sections 140.300-350).
- c) Special Instructor Requirements
  - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 140.140) and in Structural Collapse Operations.
  - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each six students.
- d) The course and facility must be approved by the office as provided in Sections 140.12 and 140.15.
- e) Credit for equivalent courses may be available in accordance with Section 140.18.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.251 Vehicle and Machinery Operations**

The Vehicle and Machinery Operations certification is designed to give fire service personnel the basic knowledge and skills to safely perform vehicle and machinery rescues as defined by NFPA 1670 (1999), Operations and Training for Technical Rescue Incidents.

- a) Prerequisites
  - 1) Certification in Technical Rescue Awareness (see Section 140.239).
  - 2) Successful completion of the Vehicle and Machinery Operations course.
  - 3) Passage of the State written examination (see Section 140.8).
  - 4) Passage of the State practical skills examinations (see Sections 140.8 and 140.50(g)).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 5) Engagement in fire fighting in an organized Illinois fire department as a fire protection person according to the Act as attested to by the employing Fire Chief of the individual seeking certification.
- b) Reimbursement may be received for training costs for Vehicle and Machinery Operations (see Sections 140.300-350).
- c) Special Instructor Requirements
  - 1) Instructor of Record shall be certified as a Fire Service Instructor II (see Section 140.140), Technical Rescue Awareness (see Section 140.239) and Vehicle and Machinery Operations.
  - 2) There shall be a minimum of two instructors per course, one of whom is an Instructor of Record. There shall be at least one instructor for each eight students.
  - 3) All other instructors on site shall be a minimum of a Fire Service Instructor I (see Section 140.130) and certified in Vehicle and Machinery Operations.
- d) The course and facility must be approved by the Office as provided in Sections 140.12 and 140.15.
- e) Credit for equivalent courses may be available in accordance with Section 140.18.
- f) Prerequisites for Vehicle and Machinery Operations Transitional Update Certification
  - 1) Certification as a Roadway Extrication Specialist (see Section 140.240) and in Technical Rescue Awareness (see Section 140.239).
  - 2) Successful completion of the Vehicle and Machinery Operations Transitional Update Course.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.300 Rules and Regulations for Reimbursement Funding**

- a) The Illinois Fire Protection Training Act (~~the Act~~) [50 ILCS 740] mandates the

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

Office to reimburse *local governmental agencies or individuals participating in the training program in an amount ~~equaling~~ equalling ½ of the sum total paid by them during the period established by the Office for tuition at training ~~facilities~~ schools, salary of trainees while in school, necessary travel expenses and room and board for each trainee. In addition to reimbursement for trainees, the Office in each year shall reimburse the local governmental agencies participating in the training program for permanent fire protection personnel in the same manner as trainees for each such training program. (Section 10 of the Act)*

- b) Section 10 of the Act also specifies that in the event that the annual appropriation for the reimbursement funding is insufficient to pay reimbursement in full (i.e., at the ~~50% percent~~ level), *the appropriation shall be apportioned among the participating local governmental agencies. Further, no local government agency which shall alter or change in any manner any of the training programs as promulgated under ~~the this~~ Act or fail to comply with rules and regulations promulgated under ~~the this~~ Act shall be entitled to receive any matching funds under ~~the this~~ Act.*
- c) Section 9 of the Act mandates that local governmental agencies *shall require by ordinance that a trainee complete a basic course approved by the Office, and pass the State test for certification at the basic level within the probationary period as established by the local governmental agency,* as a prerequisite to ~~participate for~~ reimbursement ~~funding~~. A certified copy of the ~~Ordinance ordinance~~ must be on file with the Office.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.305 Prerequisites for Participation for Reimbursement ~~Funding~~**

- a) Local governmental agencies electing to participate for reimbursement ~~funding~~ under ~~paragraphs 539 and 540 of~~ the Act shall so provide by local ordinance. A sample ordinance may be obtained from the ~~Office office~~. To apply for reimbursement, ~~funding~~ the local governmental agency must also agree to abide by all rules and regulations for the training of ~~firefighters~~ firefighter.
- b) Individuals who are employed as firefighters meeting the requirements in the Act by local governmental agencies ~~that as firefighters meeting the requirements in the Act which~~ have elected to participate for reimbursement ~~funding, and where the individual and the local government agency have abided by all the rules and regulations as promulgated by the Office,~~ may submit claims for reimbursement

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~funding~~ for expenses incurred ~~by them~~ during the training period. Reimbursement for individuals is limited to tuition, travel expenses and room and board. Reimbursable expenses are subject to the requirements and limitations ~~of covered in~~ this Part and ~~Travel Regulations as promulgated by the Governor's Travel Control Board~~ (80 Ill. Adm. Code 2800 ~~(Travel)~~).

- c) Payments to individuals, units of local government, and governmental agencies are limited to reimbursement.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.310 Requirements**

The Office defines the minimum basic requirement to be completed by a recruit or trainee prior to becoming a permanent member of the fire department to be the ~~Certified~~ Firefighter II level. All local governmental agencies electing to participate for reimbursement ~~funding~~ must have all firefighter trainees certified at the Firefighter II level by the end of their probationary period. The probationary period will be determined by the local governmental agency. The failure of any trainee to complete Firefighter II certification within the required probationary period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the calendar year in which his probationary period ends. The individual may later become certified without reimbursement.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.315 Claim Forms**

Forms upon which to claim reimbursement for training expenses are available from the Office, Division of Personnel Standards and Education. These forms require local governmental agencies to prove costs of transportation, room and board, tuition, and salary for the training of firefighters. Receipts must be attached evidencing ~~thesuch~~ claims. ~~Each firefighter must have a separate Claim for Reimbursement Form, indicating the number of hours, wages and amounts expended, for each level of certification.~~ Facsimiles ~~that which~~ have the same format as Office forms will be accepted, with prior approval ~~will be accepted~~.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.320 Claim Deadline**

Municipalities, fire protection districts ~~Fire Protection Districts~~ and individuals are encouraged to

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

submit claims as soon as possible after the successful completion of any reimbursable training.

- a) Claims for reimbursement can be made only for training within dates specified by the Office and may not include prior or subsequent training.
- b) For a calendar year (January 1-December 31), the deadline for the receipt of claim forms is 5:00 p.m. on February 28.
- c) In the event that February 28 falls on a Saturday or Sunday, the claim forms must be received by the Office by 5:00 p.m. on the next business day.
- d) Claim forms must be received by the Office, and not mailed, by the specified dates. Any claim forms arriving after the deadline date will not be processed for reimbursement and will be denied.
- e) ~~Claims for training from July 1, 1997 to December 31, 1997 must be submitted by March 2, 1998.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.325 Amount of Reimbursement**

The Office will reimburse up to ~~50% percent~~ of the following costs:

- a) Salary
  - 1) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (~~local governmental agency~~ Local Governmental Agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.
  - 2) The formula for computing a trainee's hourly salary is yearly salary divided by the number of hours for which paid. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above definition.
  - 3) If there is a variation in an ~~individual's~~ individuals salary or between firefighters of equal grade, the claimant should explain these variations on



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~location with another individual, reimbursement~~ Reimbursement **will be provided for only one vehicle (i.e., reimbursement** for mileage will only be provided for one person when two or more persons travel together, as in car pools).

- e) Lodging, not to exceed lodging costs approved ~~under 80 Ill. Adm. Code 2800~~ by the State Travel Regulations as promulgated by the Governor's Travel Control Board.
- f) The Office will reimburse for other expenses in the amount authorized for Office employees by ~~80 Ill. Adm. Code 2800~~ the State Travel Regulations as promulgated by the Governor's Travel Control Board, or the amount requested by the local governmental agency or individual, whichever is less.
- ~~4)g)~~ Applicants for reimbursement can ~~For the figures in effect for a given calendar year, individuals, municipalities and Fire Protection Districts should contact the Office for a list of current reimbursement limits prescribed by copy of the applicable travel regulations promulgated by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800), or their successors, for the calendar year.~~
- h) The following are the maximum hours for which reimbursement may be claimed:
- |            |  |                  |
|------------|--|------------------|
| <u>1)</u>  | <u>Firefighter II (includes Hazardous Materials Awareness)</u>   | <u>450 hours</u> |
| <u>2)</u>  | <u>Firefighter III (includes Hazardous Materials Operations)</u> | <u>450 hours</u> |
| <u>3)</u>  | <u>Fire Service Instructor I</u>                                 | <u>54 hours</u>  |
| <u>4)</u>  | <u>Fire Service Instructor II</u>                                | <u>54 hours</u>  |
| <u>5)</u>  | <u>Fire Apparatus Engineer</u>                                   | <u>54 hours</u>  |
| <u>6)</u>  | <u>Technical Rescue Awareness</u>                                | <u>12 hours</u>  |
| <u>7)</u>  | <u>Vehicle and Machinery Operations</u>                          | <u>54 hours</u>  |
| <u>8)</u>  | <u>Airport Firefighter</u>                                       | <u>54 hours</u>  |
| <u>9)</u>  | <u>Fire Investigator</u>   | <u>120 hours</u> |
| <u>10)</u> | <u>Fire Officer I</u>  | <u>324 hours</u> |
| <u>11)</u> | <u>Fire Officer II</u>   | <u>324 hours</u> |

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

12)	<u>Fire Officer III</u>	<u>400 hours</u>
13)	<u>Hazardous Materials Technician A and B</u>	<u>108 hours</u>
14)	<u>Hazardous Materials Incident Command</u>	<u>24 hours</u>

i) Reimbursement is not available for repeat courses.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.350 Appropriations**

In accordance with the enabling legislation, in the event that the appropriation for reimbursement for training of fire protection personnel is insufficient to meet all claims at the 50% percent level, all claims will be reduced proportionately and all claims will be paid in the same proportion. No more than 50% percent of the reimbursements distributed to local governmental agencies in any calendar year shall be distributed to local governmental agencies of more than 500,000 persons.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.380 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding (Repealed)**

~~Before a local governmental agency can participate in Office firefighter training programs for reimbursement funding, the local governmental agency must pass an ordinance which complies with paragraph 540 of the Act. Further, in order to qualify an individual for reimbursement funding under any programmatic area, an individual must meet the following requirements:~~

- a) ~~Certified Firefighter I~~
- ~~1) An individual must be employed in Illinois as a fire protection person or trainee.~~
  - ~~2) Volunteer and paid on-call personnel qualify at this level for two years from the date of initial employment if employed after passage of ordinance.~~
  - ~~3) Individuals employed by a fire department or fire protection district prior to the date of passage of the ordinance qualify for two years from the date of passage of the ordinance.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- b) ~~Certified Firefighter II~~
  - 1) ~~An individual must be employed in Illinois as a fire protection person or trainee.~~
  - 2) ~~Volunteer and paid-on-call personnel qualify at this level for three years from the date of initial employment if employed after passage of ordinance.~~
  - 3) ~~Individuals employed by a fire department or fire protection district prior to the date of passage of the ordinance qualify for three years from the date of passage of the ordinance.~~
- e) ~~Airport Firefighter. Certification as a Firefighter II~~
- d) ~~Certified Firefighter III~~
  - 1) ~~Certification as a Firefighter II~~
  - 2) ~~Claims for this level will be honored until the individual has passed all areas of the Firefighter III examination, or up to 600 hours maximum.~~
  - 3) ~~If an individual passes the Firefighter III examination before having three years in the fire service, the individual is not eligible for further Firefighter III funding.~~
- e) ~~Firefighter III Refresher~~
  - 1) ~~Certification as a Firefighter III~~
  - 2) ~~Individuals who have received certification as a Fire Officer I, Fire Service Instructor II or Fire Prevention Officer I are not eligible for Firefighter III refresher reimbursement.~~
- f) ~~Certified Fire Apparatus Engineer. Certification as a Firefighter II for the purpose of funding only. Also see Section 140.65(b).~~
- g) ~~Fire Officer I. Certification as a Firefighter III.~~
- h) ~~Fire Officer II. Certification as a Fire Officer I or provisionally qualified Fire~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~Officer I.~~

- ~~i) Fire Officer III. Certification as a Fire Officer II or a provisionally qualified Fire Officer II.~~
- ~~j) Fire Service Instructor I. Certification as a Firefighter II.~~
- ~~k) Fire Service Instructor II. Certification as a Fire Service Instructor I.~~
- ~~l) Fire Service Instructor III. Certification as a Fire Service Instructor II.~~
- ~~m) Fire Service Instructor IV. Certification as a Fire Service Instructor III.~~
- ~~n) Fire Prevention Officer I
  - ~~1) Certification as a Firefighter II for the purpose of funding only.~~
  - ~~2) Certification through a Firefighter Bypass Examination. Entrance into the Fire Prevention Officer program through a Firefighter Bypass examination is limited to:
    - ~~A) Office personnel.~~
    - ~~B) Personnel employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.~~~~~~
- ~~o) Fire Prevention Education Officer II. Certification as a Fire Prevention Officer I.~~
- ~~p) Fire Prevention Education Officer III. Certification as a Fire Prevention Education Officer II.~~
- ~~q) Fire Prevention Inspector II. Certification as a Fire Prevention Officer I.~~
- ~~r) Fire Prevention Inspector III. Certification as a Fire Prevention Inspector II.~~
- ~~s) Fire Investigator. Certification as a Firefighter II or successful completion of Firefighter Bypass examination.~~
- ~~t) Arson Investigator. Certification as Fire Investigator or have completed Modules~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~I and II or 80 hour Basic Arson Investigator course prior to January 1, 1983.~~

- ~~u) Hazardous Materials I. Certification as a Firefighter III.~~
- ~~v) Hazardous Materials II. Certification as a Hazardous Materials I.~~
- ~~w) Hazardous Materials III. Certification as a Hazardous Materials II.~~

(Source: Repealed at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.390 Advisory Committees**

- a) The purpose of this ~~Section rule~~ is to establish standing committees and to provide for the establishment of ad hoc committees from time to time to advise the Office on training programs.
  - 1) Ad hoc committees shall be made up of members of each of the organizations ~~thatwhich~~ have ex-officio members on the Illinois Fire Advisory Commission (as provided in ~~Ill. Rev. Stat. 1991, ch. 127½, par. 3-20 ILCS 2905/3~~) and individuals assigned by the Office who are deemed to have expertise in the training programs and the Illinois Community College Board.
    - A) Each organization shall have at least one member and one alternate member.
    - B) The ~~chairman, President or~~ head of each of the identified organizations listed under subsection ~~(a)~~(1) shall be contacted as to whom he or she desires to have serve on any given committee. In the case of the Illinois Fire Service Institute, ~~it will be~~ the Director ~~who~~ will be solicited for persons to serve.
      - i) Because each committee will deal with specific areas of expertise, the solicitation will be based on specific qualifications. Committee members shall also be solicited from various geographical areas of the ~~Statestate~~ consistent with geographical distribution of expertise to insure input reflecting a general consensus of the total fire service.
      - ii) In considering appointment of membersmember

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

~~appointments~~ to committees, the Division will not rely on an individual's rank in a given department, but will concentrate on that individual's area of responsibility and his or her level of certification.

~~C) Committees shall not exceed 25 members, excluding employees of the State of Illinois.~~

~~CD)~~ Committees shall be established by the ~~Division Manager Deputy State Fire Marshal~~ of ~~the Division of~~ Personnel Standards ~~and~~ Education when a problem or issue arises in an area of firefighter training not covered by a standing committee, or when creation of a new program is under consideration. Each committee shall be designated a specific duty and area of responsibility.

2) The following standing committees are ~~hereby~~ created with the following duties:

A) Fire ~~Officer~~Officers Committee – review applications and ~~develop and evaluate curriculum~~programs for ~~all levels of~~ Fire Officer certification;

B) Technical Review Committee – ~~develop~~review curriculum and proposals for new programs and evaluate existing ones;

C) Hazardous Materials Committee – develop and evaluate ~~curriculum for all levels of hazardous materials~~Hazardous Materials ~~training program~~;

D) Item Review Committee – develop and evaluate ~~examination~~exams for all ~~levels of~~Firefightersfirefighter ( II and III);

E) ~~Instructor~~Instructors Committee – ~~develop and evaluate~~establish ~~criteria and~~curriculum for all levels of ~~Fire Service~~ InstructorInstructors;

F) Fire Prevention and Investigation Committee – develop ~~and~~ evaluate curriculum for these areas of certification;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- G) Airport Firefighter Committee – develop and evaluate curriculum for Airport ~~Firefighter~~Firefighters;
- H) Fire Apparatus Engineer Committee – develop and evaluate curriculum ~~and study guide~~ for Fire Apparatus Engineer~~this field~~;
- I) Rescue ~~Committee~~Specialist – develop and evaluate curriculum for all levels of Rescue ~~Specialist~~training program; ~~and~~.
- J) Juvenile Firesetter Intervention Specialist Committee – develop and evaluate curriculum for Juvenile Firesetter Intervention Specialist.
- b) Committees shall advise the ~~Division Manager~~Deputy State Fire Marshal of Personnel Standards ~~and~~& Education on programs, procedures, courses, and other matters relating to the ~~Illinois Fire Protection Training~~ Act within the duties and areas designated. The committees are advisory only, ~~and advice will be:~~  
~~1) Subject to review and analysis by personnel of the Office prior to decision making. 2) The committees and their individual members shall not have the authority to bind the Office or make determinations that would confer a benefit or impose a duty upon the Office, the State of Illinois, any employee thereof, nor upon any other person or governmental body. 3) Committees shall meet only at the direction of~~ the Division Manager~~Deputy State Fire Marshal, Personnel Standards & Education.~~
- c) Committee members ~~shall be deemed independent contractors and~~ shall not be paid for their services, ~~but shall be reimbursed for their travel in the amount allowed by the Governor's Travel Control Board, 80 Ill. Adm. Code 2800.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.400 Invalidation of a Student's State Examination Score**

- a) When the examination proctor observes an individual looking at unauthorized notes or reference materials, obviously looking directly at another person's answer sheet or talking during the examination, the proctor shall immediately confiscate and invalidate the individual's examination.
- 1) The proctor shall also confiscate any unauthorized notes or reference materials.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 2) The proctor shall submit a written explanation of the facts involved in the invalidation of the student's examination with any confiscated materials to the Division Manager Head of the Division of Personnel Standards and Education.
- b) Confiscated materials will be retained by the Office.
- c) When the Office determines that evidence involved in the invalidation of an individual's Statestate examination is accurate, then:
  - 1) The individual will not be permitted to take another Statestate examination for 120 days.
  - 2) The Office shall inform the individual's Chief of the invalidation.
- d) Any individual whose examination paper is confiscated under subsection ~~Section 140.400(a), above,~~ may request a hearing within 20 days ~~after~~ of the event. The ~~Such~~ hearings will be governed by ~~the Appeal process (see 41 Ill. Adm. Code 140.420).~~
- e) In case of a training facility's ~~the~~ failure to ~~have or~~ maintain records of training and to produce those records before the individual takes the examination ~~individuals take examinations~~ or claims ~~claim for~~ reimbursement for training costs ~~funding~~, the individual's exam grades for that subject will be invalidated.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.405 Invalidation of Certification**

- a) Invalidation of certification will be processed when:
  - 1) Certification was awarded based on falsified office documentation, i.e., Application for Certification/Validation-Attestation, Request for Examination, etc.
  - 2) Certification was awarded based on falsified training records.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

3) The individual has been convicted of a felony, crime of moral turpitude, or criminal act arising out of employment as a firefighter according to applicable State of Illinois regulation.

4) Cheating on the State examination, including obtaining the exam prior to the examination date.

b) Records of invalidation of certifications will be retained by the Office.

c) An individual whose certification is invalidated under subsection (a) may request a hearing within 20 days after the event. 41 Ill. Adm. Code 140.420 will govern appeal hearings.

(Source: Added at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.430 Reciprocity**

~~a) Reciprocity.~~ The Office ~~will agree to~~ examine the certification credentials of individuals certified by other entities ~~accredited by the International Fire Service Accreditation Congress~~ to determine which level of Illinois certification, if any, is applicable according to. ~~(See Section 140.18.)~~

~~b) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Office approved program prior to taking the State written and practical exam a second time.~~

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 140.500 Fees**

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

Approval Review of Facilities ( <del>Sections</del> <u>Section</u> 140.11 and 140.12)	\$0.00
<del>Administering examinations, per examination (Section 140.8)</del>	<del>0.00</del>
Review of equivalency courses (Section 140.18)	<u>\$100</u>
Review of Course Approval Requests (Section 140.15)	<u>\$0.00</u>
Fee for Certificates (all training levels)	<u>\$0.00</u>

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

| Fee for special [examination sites](#)~~examinations~~ not on regular schedule

~~\$400~~\$300.00

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Rules Governing Commission Meetings and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1610
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1610.100	Repealed
1610.200	Repealed
1610.210	Repealed
1610.220	Repealed
1610.230	Repealed
1610.240	Repealed
1610.250	Repealed
1610.260	Repealed
1610.300	Repealed
1610.400	Repealed
- 4) Statutory Authority: Section 55(1) of the State Gift Ban Act [5 ILCS 425/55(1)].
- 5) A Complete Description of the Subjects and Issues Involved: Repeals the organizational rules of the obsolete Governor's Ethics Commission. The Commission was created under the State Gift Ban Act [5 ILCS 425], which was repealed by the State Officials and Employees Ethics Act [5 ILCS 430].
- 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 a State mandate under the State Mandates Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this rulemaking should send their comments within 45 days after this Notice is published in the *Illinois Register* to:

Chad Fornoff, Executive Director  
Executive Ethics Commission

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF PROPOSED REPEALER

601 Stratton Building  
Springfield IL 62706

- 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 Governor's Ethics Commission is now obsolete.

The full text of the Proposed Repealer is identical to the Emergency Repealer that appears on page 3365 of this *Illinois Register*.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Notice Procedures under the Federally Assisted Housing Preservation Act
- 2) Code Citation: 47 Ill. Adm. Code 375
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
375.101	New
375.102	New
375.103	New
375.104	New
375.105	New
375.106	New
375.107	New
375.201	New
375.202	New
375.203	New
- 4) Statutory Authority: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Federally Assisted Housing Preservation Act [310 ILCS 60].
- 5) A Complete Description of the Subjects and Issues Involved: The rules are established to implement the notice requirements under the Federally Assisted Housing Preservation Act. The purpose of these rules is to create a uniform procedure for producing and delivering notices under the Federally Assisted Housing Preservation Act.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The Federally Assisted Housing Preservation Act was enacted to provide the tenants of certain federally subsidized housing developments with the opportunity to purchase these developments if the subsidy is possibly being terminated. The proposed rules inform the owners of these developments how to provide notice to the tenants of the possible termination of the subsidy.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:
- Richard B. Muller, Esq.  
401 North Michigan Avenue, Suite 900  
Chicago, Illinois 60611
- 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: No new requirements.
- C) Types of Professional skills necessary for compliance: No new professional skills required.
- 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 Illinois Housing Development Authority failed to send submissions of proposed rulemakings for inclusion in a regulatory agenda due to an oversight.
- 14) Does this rulemaking require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## PART 375

NOTICE PROCEDURES UNDER THE FEDERALLY  
ASSISTED HOUSING PRESERVATION ACT

## SUBPART A: GENERAL RULES

Section	
375.101	Authority
375.102	Purposes and Objectives
375.103	Definitions
375.104	Amendment
375.105	Severability
375.106	Gender and Number
375.107	Titles and Captions

## SUBPART B: NOTICE PROCEDURES

Section	
375.201	Content of Notice of Intent to Terminate Subsidy
375.202	Form of Notice
375.203	Delivery of Notice to Tenants and Affected Public Entities

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Federally Assisted Housing Preservation Act [310 ILCS 60].

SOURCE: Adopted at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL RULES

**Section 375.101 Authority**

This Part is authorized by and adopted pursuant to Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Federally Assisted Housing Preservation Act [310 ILCS 60] and shall govern the provision of notices required by the Federally Assisted Housing Preservation Act.

**Section 375.102 Purposes and Objectives**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

This Part is established to implement the notice requirements under the Federally Assisted Housing Preservation Act. The purpose of this Part is to create a uniform procedure for producing and delivering notices under the Federally Assisted Housing Preservation Act.

**Section 375.103 Definitions**

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Affected Public Entities": The mayor of the city in which the Assisted Housing Development is located or, if the Assisted Housing Development is located in an unincorporated area, the chairperson of the county board; the public housing authority in whose jurisdiction the Assisted Housing Development is located, if any; and IHDA.

"Affordability Restrictions": The limits on rents that owners may charge for occupancy of a rental unit in Assisted Housing and the limits on tenant income for persons or families seeking to qualify as tenants in Assisted Housing.

"Assisted Housing" or "Assisted Housing Development": A rental housing development, or mixed use development that includes rental housing, that receives government assistance under any of the following programs:

New construction, substantial rehabilitation, moderate rehabilitation, property disposition and loan management set-aside programs, or any other program providing project-based rental assistance under Section 8 of the United States Housing Act of 1937, as amended.

The Below-Market-Interest-Rate Program under Section 221(d)(3) of the National Housing Act.

Section 236 of the National Housing Act.

Section 202 of the National Housing Act.

Programs for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

Programs under Section 514 or 515 of the Housing Act of 1949.

Section 42 of the Internal Revenue Code.

"IHDA": The Illinois Housing Development Authority.

"Members": The members of IHDA.

"Notice": The notice that an owner of an Assisted Housing Development must provide if that owner intends to sell or otherwise dispose of the Assisted Housing Development, complete a prepayment, or complete a termination.

"Owner": The person, partnership or corporation that holds title to an Assisted Housing Development.

"Prepayment": The payment in full or refinancing of the federally insured or federally held mortgage indebtedness prior to its original maturity date, or the voluntary cancellation of mortgage insurance, on an Assisted Housing Development under Section 221(d)(3), 236 or 202 of the National Housing Act that would have the effect of removing affordability restrictions applicable to the Assisted Housing Development under the programs described in those Sections.

"Preservation Act": Federally Assisted Housing Preservation Act [310 ILCS 60].

"Property": A property or development that contains Assisted Housing.

"Tenant": The tenant, subtenant, lessee, sublessee or other person entitled to possession, occupancy or benefits of a rental unit within an Assisted Housing Development.

"Termination": The:

expiration or early termination of an Assisted Housing Development's participation in a federal subsidy program for Assisted Housing under Section 8 of the United States Housing Act of 1937.

expiration or early termination of an Assisted Housing Development's affordability restrictions described in Section 42(g) of the Internal Revenue Code, when that event results in an increase in tenant rents, a change in the form of subsidy from project-based to tenant-based, or a

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

change in use of the Assisted Housing Development to a use other than rental housing.

**Section 375.104 Amendment**

This Part may be amended or repealed by the members from time to time in accordance with the Illinois Administrative Procedure Act and in such manner as the members may determine consistent with the Act, the purposes of the Preservation Act, and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

**Section 375.105 Severability**

If any clause, sentence, subsection, Section or Subpart of this Part shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, subsection, Section and Subpart to which the judgment is rendered.

**Section 375.106 Gender and Number**

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

**Section 375.107 Titles and Captions**

Titles and captions of Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

## SUBPART B: NOTICE PROCEDURES

**Section 375.201 Content of Notice of Intent to Terminate Subsidy**

For owners required to provide notice to tenants of an Assisted Housing Development and to affected public entities under the Preservation Act, the notice shall include the following information:

- a) the address of the property;
- b) a description of the property, including the number of units, commercial space, garage, etc.;

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

- c) the date on which owner intends to sell or otherwise dispose of the property, complete prepayment or complete a termination at the property;
- d) a detailed description of the affordability restrictions presently in place at the property;
- e) the name, address and contact information for the owner of the property; and
- f) a statement notifying the tenant that he/she has certain rights under the Preservation Act.

**Section 375.202 Form of Notice**

Where a provision of the Preservation Act requires that notice be given to the tenants of an Assisted Housing Development and to affected public entities, the format of the notice shall be as follows:

NOTICE OF INTENT TO TERMINATE SUBSIDY

Address:

Owner:

Property Description:

Anticipated Date of Sale or Other Action:

Affordability Restrictions:

Owner/Contact Information:

Please be advised that one of the following actions with respect to the above property will take place on the date referenced above:

- (i) the sale or other disposition of the property;
- (ii) the prepayment or refinancing of a federally insured or federally held mortgage secured by the property;

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- (iii) the termination of the property's participation in a federal subsidy program for assisted housing.

**One or all of these actions may have the effect of terminating the affordability restrictions noted above. You have certain rights under Illinois law. Please consult the Federally Assisted Housing Preservation Act [310 ILCS 60] for a statement of these rights.**

If you have any questions with regard to this notice, please contact the following individual at the number listed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

**Section 375.203 Delivery of Notice to Tenants and Affected Public Entities**

Where a provision of the Preservation Act requires that notice be given to tenants of the Assisted Housing Development and affected public entities, the requirements may be met by:

- a) delivering the notice, by certified mail or registered mail, return receipt requested, postmarked at least 12 months prior to the anticipated date of the action covered by the notice, to the following public persons or entities:
  - 1) the mayor of the city or village in which the Assisted Housing Development is located or, if in an unincorporated area, the chairperson of the county board;
  - 2) the public housing agency in whose jurisdiction the Assisted Housing Development is located, if any; and
  - 3) the Executive Director of IHDA;
- b) delivering the notice to all affected tenants by certified or registered mail, return receipt requested, postmarked at least 12 months prior to the anticipated date of the covered action; and

---

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- c) posting, at least 12 months prior to the anticipated date of the covered action, a copy of the notice in a readily accessible location within each affected building.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Physical Fitness Facility Medical Emergency Preparedness Code
- 2) Code Citation: 77 Ill. Adm. Code 527
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
527.100	New Section
527.200	New Section
527.300	New Section
527.400	New Section
527.500	New Section
527.600	New Section
527.700	New Section
527.800	New Section
527.900	New Section
527.1000	New Section
527.1100	New Section
- 4) Statutory Authority: Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74]
- 5) A Complete Description of the Subjects and Issues Involved: These rules require indoor physical fitness facilities (as defined herein) to have an automated external defibrillator (AED) on the premises at all times, which is readily accessible for medical emergencies. The facility must also file a medical emergency plan with the Department. The rules also provide that the Department may inspect facilities and may cite those that do not comply with the Act and these rules.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that may assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 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? Yes
- 9) Are there any other proposed rulemakings pending on this Part? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: This rulemaking may impose a state mandate on units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> Floor  
Springfield, Illinois 62761

217/78202043

e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Indoor physical fitness facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to develop a medical emergency plan, which will be submitted to the Department.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

## PART 527

## PHYSICAL FITNESS FACILITY MEDICAL EMERGENCY PREPAREDNESS CODE

## Section

527.100	Definitions
527.200	Incorporated and Referenced Materials
527.300	Indoor Physical Fitness Facility
527.400	Medical Emergency Plan
527.500	Coordination with Local Emergency Medical Services Systems
527.600	Automated External Defibrillators Required
527.700	Maintenance and Testing of Automated External Defibrillators
527.800	Training
527.900	Complaints and Inspections
527.1000	Violations
527.1100	Hearings

AUTHORITY: Implementing and authorized by the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

SOURCE: Adopted at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 527.100 Definitions**

Act – the Physical Fitness Facility Medical Emergency Preparedness Act [210 ILCS 74].

*Automated External Defibrillator (AED) – a medical device heart monitor and defibrillator that:*

*Has received approval of its pre-market notification, filed pursuant to 21 USC 360(k), from the United States Food and Drug Administration;*

*Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

*Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and*

*In the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the Automated External Defibrillator Act)*

*Defibrillation – administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia. (Section 10 of the Automated External Defibrillator Act)*

*Department – the Department of Public Health. (Section 5.15 of the Act)*

*Director – the Director of Public Health. (Section 5.10 of the Act)*

*Emergency Medical Services (EMS) System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS (basic life support), ILS (intermediate life support) and/or ALS (advanced life support) level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Emergency Medical Services (EMS) Systems Act)*

*Hospital – has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85].*

*Medical emergency – the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care. (Section 5.20 of the Act)*

*9-1-1 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Person – an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not).

Physical fitness facility or facility – has the meaning ascribed to that term in Section 527.300.

*Trained AED user – a person who has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with the Automated External Defibrillator Code (77 Ill. Adm. Code 525) to use an automated external defibrillator, or who is licensed to practice medicine in all its branches in this State. (Section 10 of the Automated External Defibrillator Act)*

**Section 527.200 Incorporated and Referenced Materials**

- a) The following private and professional organization standards are incorporated in this Part:
- 1) American Heart Association  
208 South LaSalle St.  
Suite 900  
Chicago, Illinois 60604-1197
    - A) Heartsaver AED for the Lay Rescuer and First Responder (1998)
    - B) Heartsaver Facts (1999)
    - C) Fundamentals of BLS for Healthcare Providers (2001)
    - D) BLS for Healthcare Providers (2001)
    - E) Heartsaver CPR and AED for Heartsaver CPR (2002)
    - F) Heartsaver AED and Heartsaver Pediatric CPR (2002)
    - G) Instructor's Manual for Basic Life Support (2002)
  - 2) American Red Cross  
311 W. John Gwynn Avenue

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Peoria, Illinois 61605-2566

American Red Cross First Aid/CPR/AED Program Manual:

- A) Section 12 Adult CPR/AED (2001)
  - B) Section 3 Standard First Aid with AED (2001)
  - C) AED Essentials (2001)
- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any subsequent amendments or editions.
- c) The following State of Illinois statutes are referenced in this Part:
- 1) Automated External Defibrillator Act [410 ILCS 4]
  - 2) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
  - 3) Hospital Licensing Act [210 ILCS 85]
  - 4) Illinois Administrative Procedure Act [5 ILCS 100]
- d) The following State of Illinois rules are referenced in this Part:
- 1) Automated External Defibrillator Code [77 Ill. Adm. Code 525].
  - 2) Rules of Practice and Procedure in Administrative Hearings [77 Ill. Adm. Code 100].

**Section 527.300 Indoor Physical Fitness Facility**

- a) For the purposes of this Part, the term "physical fitness facility" or "facility" includes any indoor establishment that meets all of the following requirements:
- 1) In whole or in part, *is owned or operated by a private person or by a park district, municipality, or other unit of local government, including a home rule unit, or by a public or private elementary or secondary school, college, university, or technical or trade school.*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 2) *Is supervised by one or more persons, other than maintenance or security personnel, employed by the private person, unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of the indoor facilities listed in this subsection (a). (Section 5.25 of the Act)*
  - 3) Serves a total of 100 or more individuals. The number of individuals served by a facility shall be determined by the greater of: the seating capacity; the capacity of the facility under applicable fire code, pool, or similar standards; or the number of members of the facility. The number of members of the facility includes the complete facility membership, whether or not these members are present at the facility at the same time.
  - 4) Is a swimming pool; stadium; athletic field; track and field facility; tennis court; basketball court; volleyball court; aerobics studio; dance studio; boxing gym; martial-arts or self-defense studio; wrestling gym; weight-lifting facility; treadmill or stationary bicycle facility; velodrome; racquetball court; gymnastics facility; or any other indoor establishment focusing primarily on cardiovascular exertion where participants engage in relatively continuous active physical exercise that uses large muscle groups and that substantially increases the heart rate.
- b) For the purposes of this Part, the term "physical fitness facility" or "facility" does not include:
- 1) *A facility serving less than a total of 100 individuals;*
  - 2) *An outdoor facility;*
  - 3) *A facility located in a hospital or in a hotel or motel;*
  - 4) *Any facility that does not employ any persons to provide supervision, instruction, training, or assistance for persons using the facility. (Section 5.25 of the Act)*
  - 5) Yoga studios; driving ranges; bowling lanes; putting greens; batting cages; or other facilities where participants do not focus primarily on cardiovascular exertion by engaging in relatively continuous active

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

physical exercise that uses large muscle groups and that substantially increases the heart rate.

**Section 527.400 Medical Emergency Plan**

- a) The operator of a facility shall adopt and implement a plan for responding to a medical emergency at the facility. The plan must encompass the use of an AED and shall provide a timely, proper response to the occurrence of any other sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care. The plan must also designate office contacts for the specific facility staff to be notified in the event of a medical emergency. The plan must be filed with the Department by submitting a copy to the following address:

Illinois Department of Public Health  
Division of EMS & Highway Safety  
525 West Jefferson Street  
Springfield IL 62761

- b) Facility staff shall ensure that 9-1-1 is called immediately for medical emergencies, including each time an AED is used at the facility.
- c) The plan must be updated with the Department after a change in the facility that affects the ability to comply with a medical emergency such as, but not limited to, facility closure for more than 45 days, inoperable AED for more than 45 days, or lack of trained staff for more than 45 days.

**Section 527.500 Coordination with Local Emergency Medical Services Systems**

- a) Each use of an AED shall be reported by the facility to the applicable EMS System Resource Hospital for the vicinity according to Section 525.500 of the Automated External Defibrillator Code. Third party users of the facility shall notify the facility operator if the AED is used.
- b) The AED must be registered with the applicable EMS System Resource Hospital for the area in which the AED is located. The EMS System Resource Hospital shall oversee use of the AED and shall ensure that training and maintenance requirements are met.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 1) The owner of the AED shall provide a list of trained users at the site, including copies of their certification cards, to the Resource Hospital.
- 2) The owner of the AED shall provide a copy of the manufacturer's guidelines for maintenance and training, and documentation confirming that these guidelines were met as requested.
- c) A facility possessing an AED shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the AED.

**Section 527.600 Automated External Defibrillators Required**

- a) According to the compliance dates of the Act and any applicable federal prescription requirements, each facility must have at least one operational AED on the premises at all times. If the AED becomes inoperable, the facility shall replace or repair the AED within 45 days. The AED must be mobile and accessible at all times.
- b) Questions concerning compliance with the Act shall be directed to the following address:

Illinois Department of Public Health  
Division of EMS & Highway Safety  
525 West Jefferson Street  
Springfield IL 62761
- c) Entities requesting a formal Department determination on the application of the Act shall be subject to inspection under Section 527.900.

**Section 527.700 Maintenance and Testing of Automated External Defibrillators**

- a) The AED shall be maintained and tested according to the manufacturer's guidelines.
- b) The owner of the AED shall retain a copy of the maintenance and testing manual at the physical fitness facility, shall keep a copy of the manual with the AED, and shall provide a copy of the manual to trained users.

**Section 527.800 Training**

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- a) Physical fitness facility staff shall be trained in cardiopulmonary resuscitation and the use of an AED according to Sections 525.300 and 525.400 of the Automated External Defibrillator Code. At least one trained AED user must be on the premises during facility operation, except as provided in subsection (b).
- b) If the operator of a facility authorizes its use by a third party when facility staff are not present, then the facility operator or third party must also ensure that a trained AED user is on the premises if the third party meets all the following requirements:
  - 1) Will employ persons to provide supervision, instruction, training, or assistance for persons using the facility for physical fitness activities.
  - 2) Will be supervising a total of 100 or more individuals at the facility.
  - 3) Will use the facility for physical fitness activities focusing primarily on cardiovascular exertion.
- b) Each member of the facility staff shall be trained on the location of the AED and the requirements of the facility's medical emergency plan. Third party operators of the facility shall also be informed, by postings or other notifications, of the AED and the emergency plan.
- c) The facility staff shall take reasonable measures to ensure that the AED is operated only by trained AED users for the intended purposes of the AED. This provision should not be construed to prohibit, however, the use of the AED by other than facility staff in the event of a medical emergency requiring the use of the AED.

**Section 527.900 Complaints and Inspections**

- a) Complaints against a facility alleging violations of the Act must be in writing and include the name, address, and telephone number of the complainant. These written complaints shall be submitted to the Illinois Department of Public Health at the following address:

Illinois Department of Public Health  
Division of EMS & Highway Safety  
525 West Jefferson Street

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Springfield IL 62761

- b) The Department or delegated representative will inspect a facility after receipt of a valid complaint. A complaint that does not include the complainant's name, address and telephone number or does not allege a specific violation of the Act will be deemed invalid. If a complaint is invalidated, then no inspection will be conducted and no further response to the complainant will be necessary.
- c) The Department or delegated representative also will inspect an entity requesting a formal determination of whether the Act applies to the entity. The determination shall be made in writing by the Director or the Director's designee, shall state the reasons for the determination, and may include the entity's reasons for disagreement, if any. If the entity disagrees with a determination that the Act's requirements apply, and the entity fails to comply with the Act, then the Department shall issue the facility an administrative warning. In the entity's comments to the administrative warning, it also may state the reasons for disagreeing with the Department's determination. Second or subsequent violations of the Act shall be subject to civil monetary penalties.

**Section 527.1000 Violations**

- a) A person violates the Act by:
  - 1) failing to comply with the Act;
  - 2) failing to adopt or implement a proper medical emergency plan;
  - 3) failing to have the requisite number of AEDs on the premises; or
  - 4) failing to have a trained AED user on the premises as provided in Section 527.800.
- b) Upon receipt of a written administrative warning to a facility for an initial violation of the Act, the facility has 10 business days to respond with written comments concerning the facility's remedial response. In the entity's comments to the administrative warning, it may state, for the Department's consideration, the reasons for disagreeing with the Department's determination. The facility may waive the right to submit a written response. Whether or not the facility waives the right to respond, the facility must immediately remediate the circumstances to cure the violation.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- c) Upon receipt of notice of a subsequent violation of the Act, the facility has 10 business days either to pay any assigned civil monetary penalty or to request an administrative hearing. If the facility fails to pay the civil monetary penalty or to submit a request for a hearing within 10 days after receipt of the notice, then the Department will issue a final order closing the case and will refer the matter to the Attorney General for collection of any monetary penalty.
- d) The civil monetary penalty for a second violation of the Act is \$1,500, and the penalty for a third or subsequent violation of the Act is \$2,000. The Department may assess only a total \$1,500 penalty for a second violation irrespective of the number of deficiencies found. For a third or subsequent violation, however, the Department may assess a separate \$2,000 monetary penalty for each deficiency if more than one violation of the Act is found at a facility during the third or subsequent inspection.
- e) Written comments to an administrative warning, requests for hearings, or fines shall be submitted to the following address:

Illinois Department of Public Health  
Division of EMS & Highway Safety  
525 West Jefferson Street  
Springfield IL 62761

**Section 527.1100 Hearings**

The Rules of Practice and Procedure in Administrative Hearings and Article 10 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/Art. 10] shall apply to all proceedings conducted under this Part. Where the terms "license" and "licensing" are used in Part 100 and the IAPA, the definitions of those terms and other terms in Part 100 shall be expanded to include hearings concerning physical fitness facilities. In case of conflict between the Rules of Practice and Procedure in Administrative Hearings and the Act or the IAPA and the Act, the terms of the Act shall control.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
422.15	New Section
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
422.APPENDIX A	Amendment
422.APPENDIX B	Amendment
422.APPENDIX C	Amendment
422.APPENDIX D	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44]
- 5) Effective Date of Amendments: February 22, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 9) Notice of Proposal published in the Illinois Register: May 28, 2004; 28 Ill. Reg. 7422
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Section 422.15(a), by adding “and copying” after “for public inspection”.

In Section 422.15(b), by adding “Copies of ISO/IEC 17025 can also be obtained from the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois 62704.”.

In Section 422.20, by adding ““As Low As Is Reasonably Achievable” or “ALARA” means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

In Section 422.20, in the definition of "Eave" by deleting “Eave includes any portion of a gable.” from the definition of “Eave”.

In Section 422.20, by adding “Electret Ion Chamber or electret” means an electrostatically charged piece-- usually a disk-- of Teflon, called an electret, located inside an electrically conducting plastic chamber of a known air volume. The electret serves as a source of high voltage needed for the chamber to operate as an ion chamber. It also serves as a sensor for the measurement of ionization in air. The ions produced inside the sensitive volume of the chamber are collected by the electret, causing a depleted charge. The measurement of the depleted charge during the exposure period is a measure of integrated ionization during the measurement period. The electret charge is read before and after the exposure using a specially built non-contact electret voltage reader.”

In Section 422.20, by adding “or other material” after the word “soil” in the definition of “Footprint”.

In Section 422.20, by adding “HVAC” means heating, ventilation and air conditioning.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Section 422.20, No changes to be made in the definition of "Laboratory Analysis". Definition will remain as shown on file with Secretary of State's office.

In Section 422.20, add "QAP" means Quality Assurance Program."

In Section 422.20, in the definition of "(Radon Chamber Decay Products)" by striking through "(Radon Decay Products)".

In Section 422.20, by changing the definition of "Radon Chamber" to read "Radon Chamber" means a facility in which radon measurement devices or detectors are exposed to known radon concentrations.

In Section 422.20, in the definition of a "Sub-Member Depressurization or (SMD)" change "Depressurization (SMD)" to "Depressurization "or (SMD); and on by adding "and sealed, after the word "floor".

In Section 422.20, in the definition of "Sub-Slab Depressurization (SSD)(Active)" strike "(SSD)" and before "means" add "or SSD (Active)".

In Section 422.20, in the definition of "Sub-Slab Depressurization (SSO)(Passive)" strike "(SSD)" and before "means" add "or SSD (Passive)".

In Section 422.45, and in Section 422.140, change "quality assurance programs" to "Quality Assurance Programs".

In Section 422.50(i), by adding a second sentence as follows" This location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located."

In Section 422.60(a)(5)(C), by changing the word "concentrations" to "exposures".

In Section 422.60(e)(30)(B), by deleting after the word "standards" ", or an equivalent program approved by the Agency,".

In Section 422.70(d), by deleting the phrase "post-mitigation" after the word "providing".

In Section 422.70, by adding the phrase "who are also licensed to perform measurements" after the word "Mitigators".

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Section 422.70, by rewriting subsection (m) as follows: “Professional licensees shall be located in Illinois or within 50 miles of the Illinois border. Professional licensees shall provide general supervision of technician licensees working under their Quality Assurance Program.”

In Section 422.80, change “January” to “July”.

In Section 422.110, by changing after the word “basis” “a format acceptable to the Agency” to “. The file submitted to the Agency shall be an ASCII, comma delimited file. In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.”

In Section 422.120(a)(6), by deleting the underlined language and removing the strike-through.

In Section 422.120(c), by adding “have been” and strike through “can be” after the word “Suspension”.

In Section 422.130(b)(1), by striking through “may” and adding “shall”.

In Section 422.130(b)(1)(C)(i), by striking through “Normal operation” and add “Operation”; by striking through “may” and adding “shall”; and by striking through “Professional”.

In Section 422.130(b)(1)(c)(v), by striking through the word “Professional”.

In Section 422.130(b)(1)(C)(vii), by changing “hot-water heater” to “water heaters and cooking appliances” and moving the second sentence (lines 1267 – 1269) to a new subsection (viii).

In Section 422.130(b)(1)(D), by striking through the word “Professional”.

In Section 422.130(b)(1)(E), by striking through the word “Professional”.

In Section 422.130(b)(2), by striking through the word “Professional”.

In Section 422.130(b)(3), by adding after the word “measurement” “, provided the initial measurement was performed in accordance with acceptable measurement placement protocol”.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Section 422.130(d)(2), by striking through the word “Professional”.

In Section 422.130(d)(2), by adding the phrase “frequently occupied” after “All” and before “rooms”.

In Section 422.130(h)(1), by striking through “have been” and adding “are in use”.

In Section 422.130(h)(1), by changing “~~have been implemented~~” to “are in use”.

In Section 422.130(i)(2) and (i)(3), by striking through “Professional”.

In Section 422.130(i)(3), by adding “that may affect the measurement results” after “effort” and before “identified”. A new subsection (i)(4) is added as follows: “4) Post-mitigation measurements shall not be conducted if any improper radon reduction efforts that may affect the measurement results are identified.”.

In Section 422.130(k), by changing subsection (k) to read as follows: “(k) Quality Assurance for Radon Measurements

Radon Measurement licensees shall abide by the Quality Assurance Program described in Section 422.60(a)(5)(D) of this Part.

Measurements not performed in accordance with subsections (a), (b) and (c) of this Section shall be considered inappropriate for the purpose of determining the need for mitigation or the effectiveness of a mitigation service. Providing Information to Clients Radon Measurement Professional Licensees shall provide the client with the following information:

In Section 422.130(1)(K), by changing “secondary” to “diagnostic”.

In Section 422.130(m)(2), by changing “Bothe working level values and the WL values converted to pCi/L.” to “Working level values shall be converted to pCi/L and both shall be reported to the client.”

In Section 422.130(m)(6), by adding “, interference” after the word “tampering”.

In Section 422.130(n)(3), by changing “Instructions” to “Devices that will be placed by the client shall be accompanied by instructions”

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Section 422.140(a)(1), by changing “Persons” to “Professional licensees”; “decay product” to “progeny”; change “quality assurance program” to “Quality Assurance Program” by deleting “by the professional licensee”.

In Section 422.140(a)(2)(B)(ii), by adding “Devices shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L after "month".”

In Section 422.140(a)(2)(B)(iii), by adding “and corrective action taken” after the word “investigated”.

In Section 422.140(a)(2)(C)(i), by changing “Professional licensee” to “Licensee”.

In Section 422.140(a)(2)(D), by changing “quality” to “precision”.

In Section 422.140(a)(2)(D)(i), by changing “duplication” to “duplicate measurements”.

In Section 422.140(a)(2)(E), by adding the required spaces after the period at the end of each sentence of this subsection.

In Section 422.140(a)(2)(F), by changing “access” to “assess”.

In Section 422.140(b)(1), by striking through “(j)” after 422.130.

In Section 422.140(b)(3), by adding “in the test device” after the word “conditions”.

In Section 422.140(c)(3), by striking through “exposure”.

In Section 422.140(c)(3)(A), by striking “three” and add “3”; and by striking through the parentheses and the phrase “1.0-4.0, 5-15, 20-50 pCi/L” and replacing with “4.0, 10-30 and 30-100 pCi/L”.

In Section 422.140(c)(3)(B), by striking through the language contained in this subsection and replacing with “Expose a minimum of 10 detectors at each radon concentration of the chamber.”

In Section 422.140(d)(2), by striking through “calibration” and by striking through “exposure to”.

In Section 422.140(e)(2), by striking through “exposure”.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Section 422.140(f)(2), by striking through “calibration” and by striking through “exposure”.

In Section 422.140(g)(2), by striking through “calibration”.

In Section 422.140(g)(2)(A), by striking through “exposure”.

In Section 422.140(g)(2)(B)(i), by striking through “calibration”.

In Section 422.140(g)(2)(B)(ii), by striking through “calibration”.

In Section 422.140(h)(2), by striking through “decay product” and inserting “radon progeny”; and in line 25251 by striking through “exposure”.

In Section 422.140(h)(2)(A), by striking through “decay product” and inserting “radon progeny”; and by striking through “decay product” and inserting “progeny”.

In Section 422.140(i), by striking through “decay product” and inserting “progeny”.

In Section 422.140(i)(4), by adding “WL” between “continuous” and “monitor”; and by deleting “and background checks”.

In Section 422.140(j), by striking through “decay product” and inserting “progeny”.

In Section 422.140(j)(2), by striking through “calibration”; by striking through “or certified by USEPA”; by striking through “decay product” and inserting “progeny”.

In Section 422.140(j)(5), change “should” to “shall”.

In Section 422.140(k), by striking through “decay product” and inserting “progeny”.

In Section 422.140(k)(2), by adding “at least” before “annually”.

In Section 422.140(k)(3), by striking through “decay product” and inserting “progeny”.

In Section 422.140(k)(4), by adding “alpha” after “an” and before “instrument”.

In Section 422.150(c)(4), by striking through “Professional”.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Section 422.150(d), by striking through “Professional”.

In Section 422.150(e)(2), by revising the subsection as follows: “The licensee shall ~~inform~~ refer the client ~~of or provide to the client, Illinois specific documents, approved by the Agency, 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.”

In Section 422.150(f)(1), by striking through “operation”.

In Section 422.150(f)(4), by adding “draft” after “natural”.

In Section 422.150(h)(1)(E), by adding “until the permanent installation is complete” to the end of the subsection.

In Section 422.150(h)(3)(B), by striking through “Attic and external piping runs” and adding “Vent stack discharge points”.

In Section 422.150(h)(3)(D)(i), by striking through “horizontal” and adding “non-vertical”.

In Section 422.150(h)(5)(B), by striking through “or block wall”.

In Section 422.150(h)(7)(C), by adding “to prevent such entry” after “sealed”.

In Section 422.150(h)(8)(G), by adding “block” between “the walls”.

In Section 422.150(h)(9)(D), change “code” to “local building codes”.

In Section 422.150(h)(12)(E), by changing the phrase “the building occupant and owner” to “their client, the occupant and the owner” and by changing “the client” to “their client, the occupant and the owner”.

In Section 422.150(h)(15)(A)(iv), by striking through “Professional”.

In Section 422.150(h)(15)(B), by striking through “Professional”.

In Section 422.150(h)(15)(B), by changing “radon measurement” to “Radon Measurement” and striking through “professional” and adding “licensee”.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

In Appendix A, by deleting “charcoal” after “canisters”.

In Appendix A, by deleting “professionals” and inserting “licensees”.

In Appendix B, by deleting “charcoal” after “canisters”.

In Appendix B, by deleting “professionals” and inserting “licensees”.

In Appendix C, in the entry for “SC”, strike “three” and add “3”.

In Appendix D, by changing “22.130(e) to “422.130(e)”.

IEMA also made a number of nonsubstantive technical changes.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: This amendment will (a) add 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 professional radon measurement and mitigation licensees shall have a location where general supervision is provided of technician licensees and 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 year approval period for training programs; (f) in Section 422.90(a), by deleting the licensing time frame from the rule; (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.
- 16) Information and questions regarding these adopted amendments shall be directed to:

---

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Kevin McClain  
Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9880 (voice)  
(217) 782-6133 (TDD)

The full text of the Adopted Amendments begins in the next page:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED 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> <del>License</del>
422.40	Categories of Licenses
422.45	<u>Form, Location and Retention of Records</u> <del>Practice by Out-of-State Licensees</del>
422.50	Application for Licenses
422.60	Requirements for Issuance or Renewal of Licenses
422.70	Conditions of <u>Licenses</u> <del>License</del>
422.80	Continuing Education Requirements
422.85	<u>Agency</u> <del>Department</del> Approval of Radon Courses
422.90	<u>Renewal and Termination of Licenses</u> <del>Implementation</del>
422.100	<u>License</u> <del>Fees</del>
422.110	Reports to the <u>Agency</u> <del>Department</del>
422.120	<u>Disciplinary Action by the Agency</u> <del>Suspension and Revocation of License</del>
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 ADOPTED AMENDMENTS

Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 3212, effective February 22, 2005.

**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 and copying 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. Copies of ISO/IEC 17025 can also be obtained from the Illinois Emergency Management Agency, 1035 Outer Park Drive, Springfield, Illinois 62704.

(Source: Added at 29 Ill. Reg. 3212, effective February 22, 2005)

**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.

"As Low As Is Reasonably Achievable" or "ALARA" means making every

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"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 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 ~~2two~~ sides of the joint and not the base of the joint (third side). Adhesion to all ~~3three~~ 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

"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.)

"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.

"Electret Ion Chamber" or "Electret" means an electrostatically charged piece – usually a disk – of Teflon, called an electret, located inside an electrically

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

conducting plastic chamber of a known air volume. The electret serves as a source of high voltage needed for the chamber to operate as an ion chamber. It also serves as a sensor for the measurement of ionization in air. The ions produced inside the sensitive volume of the chamber are collected by the electret, causing a depleted charge. The measurement of the depleted charge during the exposure period is a measure of integrated ionization during the measurement period. The electret charge is read before and after the exposure using a specially built non-contact electret voltage reader.

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

"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.

"HVAC" means heating, ventilation and air conditioning.

"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 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.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

"Laboratory Analysis" means *the act of determining radon or radon progeny concentrations in air, water, soil, or passive radon testing 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]

"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 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 ~~Perper~~ Liter" or "(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.)

"QAP" means Quality Assurance Program.

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

"Radon Chamber" means a facility in which radon measurement devices or detectors are exposed to known radon concentrations.

"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 AgencyDepartment-approved scientific investigation by testing and/or mitigating for radon or radon progeny.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

"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" or "(SMD)" means a radon control technique designed to achieve lower air pressure in the space under a soil gas retarder membrane laid on the crawlspace floor and sealed, 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)" or "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)" or "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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

"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  $1.3 \times 10^5$  MeV of potential alpha particle energy. The short-lived radon progeny ~~are~~ 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 29 Ill. Reg. 3212, effective February 22, 2005)

**Section 422.30 Exemptions from Requirements for a License~~Liensure~~**

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 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 dissiminate radon measurement devices to the public~~perform radon screening services without charge to the recipient of the service.~~

(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

**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.

(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

**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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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 29 Ill. Reg. 3212, effective February 22, 2005)

**Section 422.50 Application for Licenses**

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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 application.~~
- f) The ~~Agency~~Department shall deny a license to any person if the ~~Agency~~Department 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 ~~Agency~~Department 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 ~~Agency~~Department 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 ~~Agency~~Department shall refuse to issue or renew ~~a license~~license to any

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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. This location shall be in Illinois or within 50 miles of the Illinois border and at the location where the licensed professional who ensures the Quality Assurance Program is implemented is located.

(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

**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;~~
    - B) Documented work history approved by the Agency Department demonstrating completion of 50 radon measurements; or
    - BC) No experience. A new licensesix-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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 5) Submits a complete and accurate application form prescribed by the ~~Agency~~Department 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 ~~Agency~~Department that includes, but is not limited to, methods to reduce or minimize the radon or radon progeny exposures in the work area~~procedures to keep radiation exposures to workers as low as reasonably achievable~~; and
  - D) A ~~Quality Assurance Program~~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 qualificationand 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~xvi~~) 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 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 ~~Agency~~Department; ~~or~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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~~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 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- ~~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 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~~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;~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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 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 ~~Agency~~Department.
  - 3) Has successfully completed a USEPA Radon Mitigation Examination, or

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

an equivalent examination approved by the Agency~~Department~~.

- 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.
- e) The Agency~~Department~~ 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 Agency~~Department 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:
- AG) A Quality Assurance Program~~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;~~
- 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.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- B) Is successfully enrolled in an independent third party accreditation/certification program consistent with national laboratory accreditation and certification standards for the devices listed in subsection (e)(2) of this Section.

(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

**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 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 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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 radiation~~Radiation~~ 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.
- ~~ej)~~ 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.
- ~~ek)~~ Records of radon measurements, mitigations, Quality Assurance Programs~~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.
- ~~el)~~ 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.
- ~~em)~~ The radon laboratory licensee shall notify the Agency~~Department~~ 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.
- ~~en)~~ Mitigators who are also licensed to perform measurements 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.
- ~~ej)~~ Licensees shall inform the Agency of changes in biographical information, such as addresses and telephone numbers, within 10 days after the change is effective.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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) Professional licensees shall be located in Illinois or within 50 miles of the Illinois border. Professional licensees shall provide general supervision of technician licensees working under their Quality Assurance Program.
- 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 29 Ill. Reg. 3212, effective February 22, 2005)

**Section 422.80 Continuing Education Requirements**

All applicants for renewal of individual licenses shall provide evidence of having participated in an Agency-approved program of continuing education as indicated in this Section below:

- a) Effective July 1, 2005, the~~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)~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- |    |                               |   |
|----|-------------------------------|---|
| 2) | Radon Measurement Technician  | <u>68</u> credits                               |
| 3) | Radon Mitigation Professional | <u>616</u> credits ( <del>8 Category II</del> ) |
| 4) | Radon Mitigation Technician   | <u>68</u> credits                               |

AGENCY NOTE: Effective July 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 July 1, 2005, the individual may choose to meet the continuing education criteria that becomes effective July 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) Effective July 1, 2005, continuing~~Continuing~~ education credits may be obtained via participation in courses or; teaching approved courses. Until July 1, 2005, the individual may choose to meet the criteria that becomes effective July 1, 2005 or continuing education credits may be obtained via participation in courses, teaching approved courses, 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, 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- ~~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 July 1, 2005, the individual may choose to meet the criteria that becomes effective July 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 Agency~~Department~~ 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 Agency~~Department~~ in accordance with the procedures specified in Section 422.85 of this Part.
- ~~hg)~~ For courses not approved by USEPA or the Agency~~Department~~, a licensee may submit the information required by Section 422.85 of this Part to the Agency~~Department~~ for approval. This~~Such~~ documentation shall be submitted at least 180 days prior to license expiration.

(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

**Section 422.85 Agency~~Department~~ 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 Agency~~Department~~, 90 days prior to the start of the 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- ~~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 29 Ill. Reg. 3212, effective February 22, 2005)

**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.~~
- 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~~

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

~~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 29 Ill. Reg. 3212, effective February 22, 2005)

**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	\$ <del>200</del> 400
Radon Measurement Technician license – Individual	\$ <del>125</del> 250
Radon Mitigation Professional license – Individual	\$ <del>200</del> 400
Radon Mitigation Technician license – Individual	\$ <del>125</del> 250
Laboratory Analysis <del>of Radon Devices</del>	\$ <del>250</del> 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 2-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.~~~~

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

(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

**Section 422.110 Reports to the Agency Department**

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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. The file submitted to the Agency shall be an ASCII, comma delimited file. In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website.
- 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. The file submitted to the Agency shall be an ASCII, comma delimited file. In general, this type of file can be generated by most spreadsheet and database software. Instructions for the specific information and formatting are available from the Agency or on the Agency website. ~~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 29 Ill. Reg. 3212, effective February 22, 2005)

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

- 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~~license~~, if such misstatement or misrepresentation would impair the ~~Agency's~~Department's ability to assess and evaluate the applicant's qualifications for a license pursuant to license ~~under~~ this Part, such as a misstatement or misrepresentation regarding training or experience;
  - 2) Willfully evading the statute or regulations pertaining to a license~~license~~, or willfully aiding another person in evading the ~~such~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

statute or regulations pertaining to [a license](#)~~license~~sure;

- 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) 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 license~~ 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](#)~~license~~ 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 ~~have been~~~~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.
  - 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*

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

*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) ~~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 29 Ill. Reg. 3212, effective February 22, 2005)

**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 individuals~~used~~, such as family rooms, living rooms, dens, playrooms and bedrooms.
    - B) Charcoal canisters of any type shall not be placed in bathrooms, kitchens, laundry rooms, spa rooms or other areas of high humidity.
    - C) Radon in air measurements shall be made either concurrently with

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

or prior to any diagnostic radon in water measurements.

- D) Measurement devices shall be:
- i) Undisturbed during the measurementtest period;
  - ii) At least ~~3three~~ 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 ~~1one~~ foot from exterior walls;
  - iv) ~~At least~~ 20 inches to ~~6six~~ feet from the floor;
  - v) ~~At least 4Four~~ inches away from other objects horizontally or vertically above the detector;
  - vi) ~~At least 4Four~~ 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 ~~6six~~ 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) ~~The initial measurement shall be a~~ short-term measurement ~~shall 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.
  - A) Short-term measurements shall be made under closed-building conditions. In measurements tests lasting more than ~~7seven~~ days and less than 90 days, closed-house conditions shall be maintained

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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) ~~Operation~~Normal operation of permanently installed HVAC systems ~~shall~~ 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 documented for the measurement file.
- vi) Whole-house fans shall not be operated. Portable window

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 water heaters and cooking appliances, shall not be operated unless they are the primary sources of heat for the building.
- viii) Ceiling fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners shall not be operated within 20twenty 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  $\frac{3}{4}$ -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, provided the initial measurement was performed in accordance with acceptable measurement placement protocol.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED 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.

~~BE)~~ 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:

i) Be co-located~~Are co-located~~ and spaced 4four to 5 inches

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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.

D) 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.

E) 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.~~

F) 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 expected of the measurement method, the cause of the problem shall

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 document those controls in accordance with subsection (l)(1) of this

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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 feet of open floor area.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 2) All frequently occupied 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 measurementtest result of 4.0 pCi/L or greater. Refer to Section 422.Appendix A of this Part.
- 4) During both initial and follow-up measurementstesting, 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 measurements are made. All measurement devices, including

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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:
    - 1A) 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 ADOPTED 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 are in use~~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 ADOPTED 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 that may affect the measurement results 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 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 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 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 ADOPTED AMENDMENTS

- 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 combustive 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;~~
  - J) ~~A description of any non-interference controls used and original~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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.

1) Radon Measurement licensees shall abide by the Quality Assurance Program described in Section 422.60(a)(5)(D) of this Part.

2) Measurements not performed in accordance with subsections (a), (b) and (c) of this Section shall be considered inappropriate for the purpose of determining the need for mitigation or the effectiveness of a mitigation service. 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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;
  - 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 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 [diagnostic](#) 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 3 decimal places, e.g., 0.033 WL.
  - 2) [Working level values shall be converted to pCi/L and both shall be reported to the client.](#) 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 person placing and retrieving the device and the Illinois license number of the laboratory analyzing the device.
- 6) A statement describing any observed tampering, [interference](#) or deviations from the required measurement conditions.
- 7) A copy of the diagram required in accordance with subsection (1)(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.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- ~~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 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 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 3) 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 this Section and include specific information on the minimum and maximum length of time that the device shall be exposed.

~~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 29 Ill. Reg. 3212, effective February 22, 2005)

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

- 1) Professional licensees providing measurement services using radon and radon progeny 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

recording and monitoring the results of the quality assurance measurements for each device used. The QAP shall include the maintenance of control charts and related statistical data.

- 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

in the same manner as ordinary samples to preclude special processing.

- 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. Devices shall be exposed in a radon chamber at a minimum of 3 different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L.
- 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 and corrective action taken.

C) Background Measurements. Background measurements are required both for continuous monitors and for passive detectors requiring laboratory analysis.

- i) 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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 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) Licenseses 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 [precision](#) 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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, whichever is smaller. The locations selected for duplicate measurement 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 assess the continued satisfactory operation of the instrument response and to ensure damage from

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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:

- 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(+) 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,

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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.~~

- 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 in the test device, 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) ~~Licenses 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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.
- 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(~~g~~) 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~~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 3~~three~~ different radon concentrations (~~such as approximately 4.0, 10-30 and 30-100 pCi/L, 1.0-4.0, 5-15, 20-50 pCi/L~~) or exposure levels similar to those found in the tested buildings.
- B) Expose a minimum of 10 detectors at each radon concentration ~~A minimum of 10 detectors shall be exposed at each level~~ of the chamber.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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).

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,

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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-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 concentration
- 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) 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

in the tested buildings.

- B) Expose a minimum of 10 detectors at each radon concentration of the chamber.
  - 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- ed) Protocol for using activated charcoal adsorption (AC) devices(ACs) to measure indoor radon concentrations
- 1) Refer to Section 422.130(~~g~~) of this Part for a list of general conditions that 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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.

6) Licenses 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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.

- 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- A) One or a few of the field blanks have 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) 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.
- gf) Protocol for using grab radon sampling (GB, GC, GS) pump/collapsible bag devices (PBs), and 3three day integrating evacuated scintillation cells (SCs) to measure indoor radon concentrations:
- 1) Refer to Section 422.130(~~g~~) 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 chamber at carefully measured radon concentrations. The cells shall be recalibrated annually at radon levels similar to

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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.

- 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 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 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- ~~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 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) Licenseses 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~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.~~

- ~~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(~~g~~) 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 radon progenydecay 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 3three different radon and radon progenydecay product concentrations similar to those expected in the tested buildings. Concentrations of radon progenydecay 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 concentrationlevel 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

these factors extended to detectors from sheets exhibiting similar 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 ADOPTED 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 progeny decay product concentrations
- 1) Refer to Section 422.130(~~g~~) 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 WL 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 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 ADOPTED 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 ~~progeny decay product~~ concentrations
- 1) Refer to Section 422.130(~~g~~) 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 ~~progeny decay product~~ concentration is known during the exposure period. The detector shall be

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

exposed in the radon chamber using the normal operating flow rate for the RP sampling pumps. Calibration shall include exposure to a minimum of ~~four~~ detectors exposed at different radon decay product concentrations representative of the range found in routine measurements. The relationship of thermoluminescent dosimeters (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 shall 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 ADOPTED 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 progeny decay product concentrations

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED 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 at least 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 progeny 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 alpha 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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.

- 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 29 Ill. Reg. 3212, effective February 22, 2005)

**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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

filters, while leaving the remainder of the system unchanged. When 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~B) The technical bases for the mitigation design and description of 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 or provide to the client, Illinois specific documents, approved by the Agency, 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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, 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

monitoring, and the use of smoke sticks.

- 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 ~~draft~~ 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 1) All radon mitigation systems shall be designed and installed as permanent, integral additions to a building, except in accordance with subsection (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.~~
    - C) 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.
    - CD) Where radon mitigation system installation requires pipes or ducts to penetrate a firewall or other fire resistance rated wall, floor or

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

ceiling penetrations shall be protected in accordance with applicable building, mechanical, fire and electrical codes.

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 until the permanent installation is complete.
- 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 2 ~~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) Vent stack discharge points~~Attic and external piping runs~~ shall be

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 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 non-vertical~~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,

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system. To prevent re-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;
- D) 10 feet or more from any opening into an adjacent building;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~depressurization~~ systems shall be installed in attics, in garages that 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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 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 to prevent such entry.
- 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~mitigation systems. When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump 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 the blocks such walls and all accessible openings or cracks in the interior surfaces of the block

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

walls shall be cleaned, prepared and sealed with caulks or other sealants designed for such application. ~~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.~~

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.

EE) 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 ~~block walls~~block wall 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~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~around interior piers and to the inside of exterior walls with furring strips and sealant.~~

~~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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- D) Access doors required by local building codes 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.
- 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.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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-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)~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

of this Section.

129) HVAC Installation Requirements

- 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 their client, the building occupant and the owner~~owners~~ 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 their client, the occupant and the owner~~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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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 ultra-violet radiation from the sun.
- C) Exteriorly, Schedule 40 PVC or 3-inch by 4-inch metal downspout shall 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

specifically designed for the transition shall be used.

1411) Monitors and Labeling

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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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".

- 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 suction 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

~~licensee~~ ~~professional~~ or by the resident of the dwelling.

1613) Post-Mitigation Testing

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

1714) 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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 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

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 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 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~~.

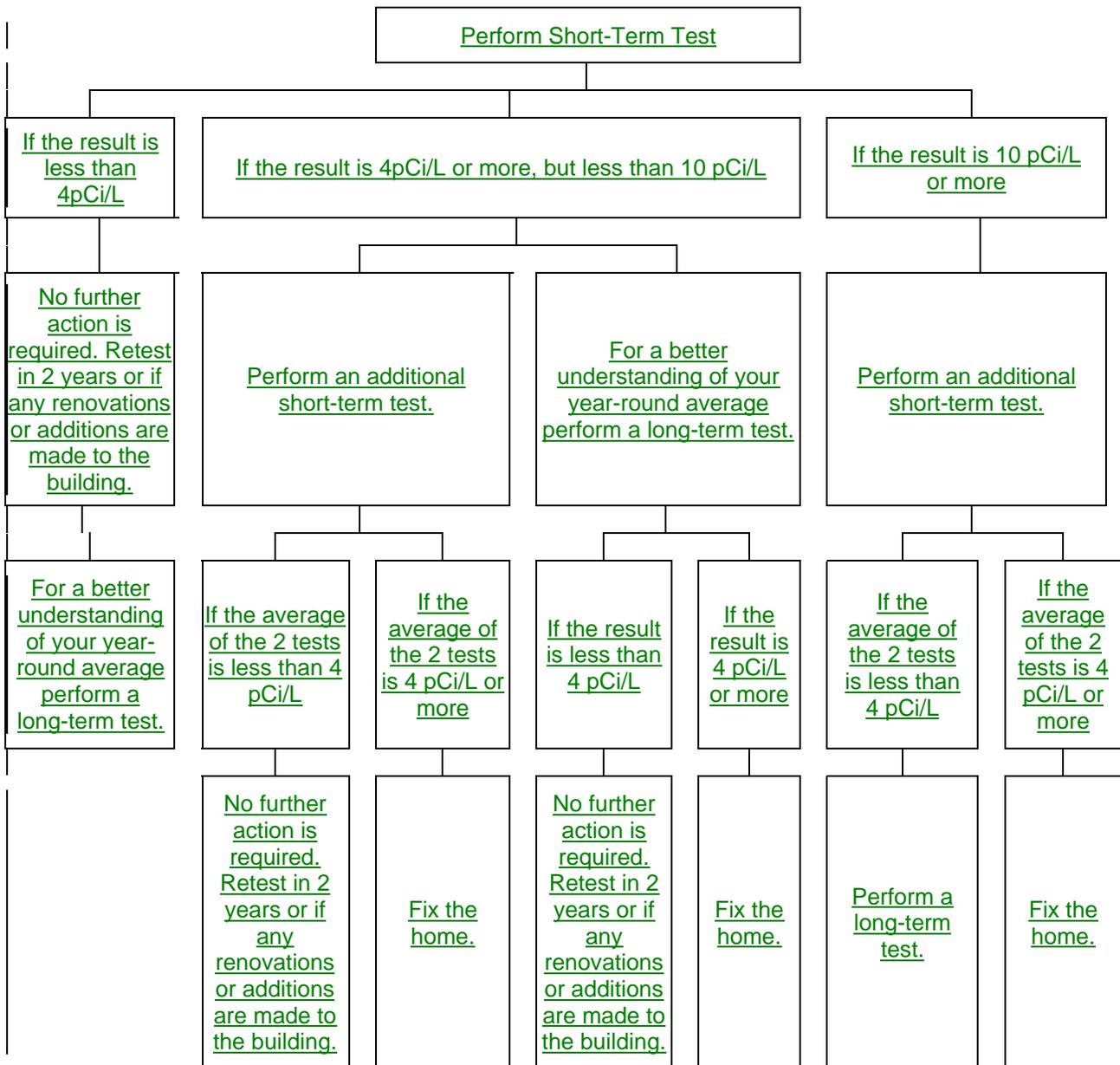
(Source: Amended at 29 Ill. Reg. 3212, effective February 22, 2005)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

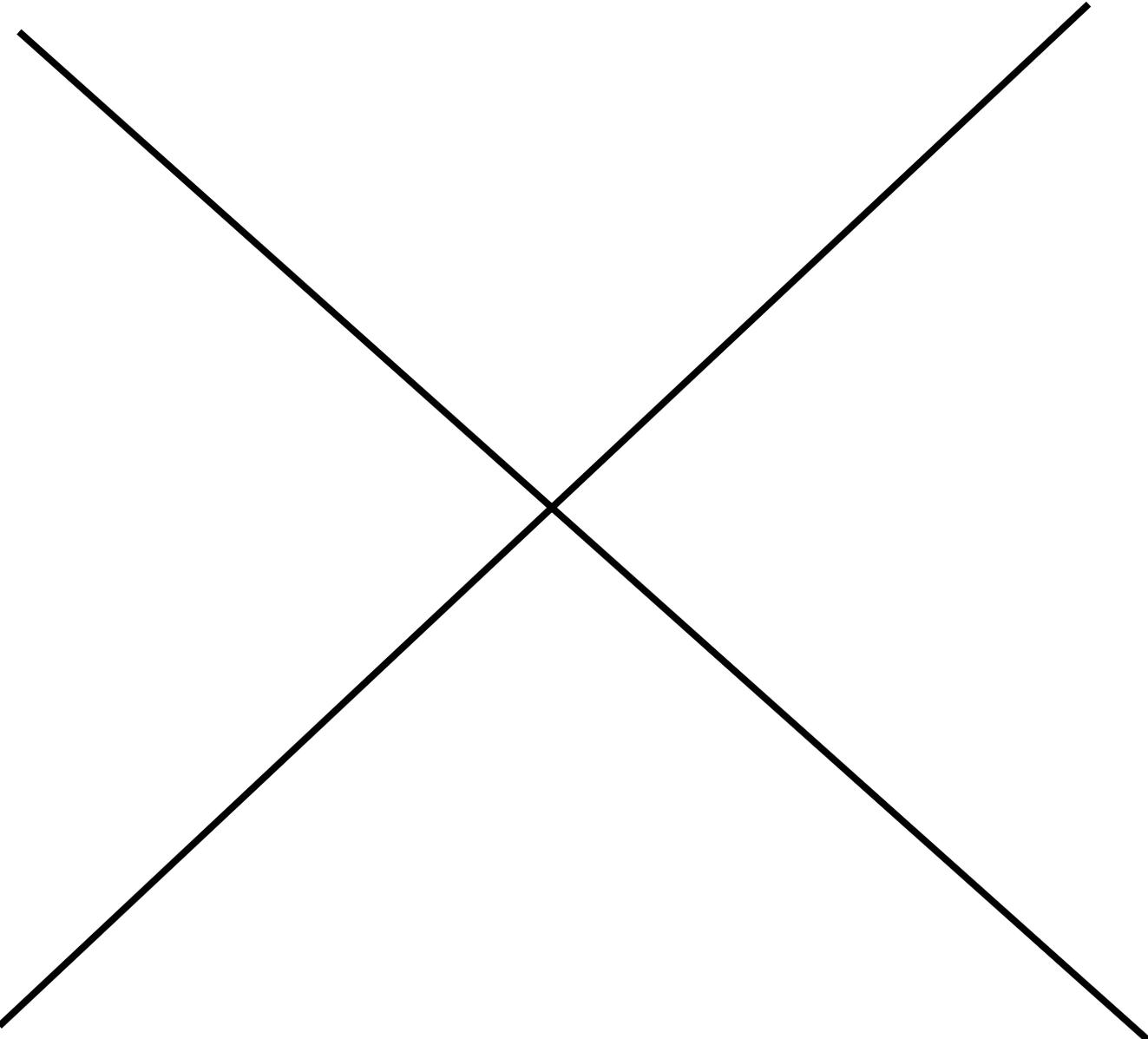
Section 422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements (**Buildings** Not Involved in a Real Estate Transaction)

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



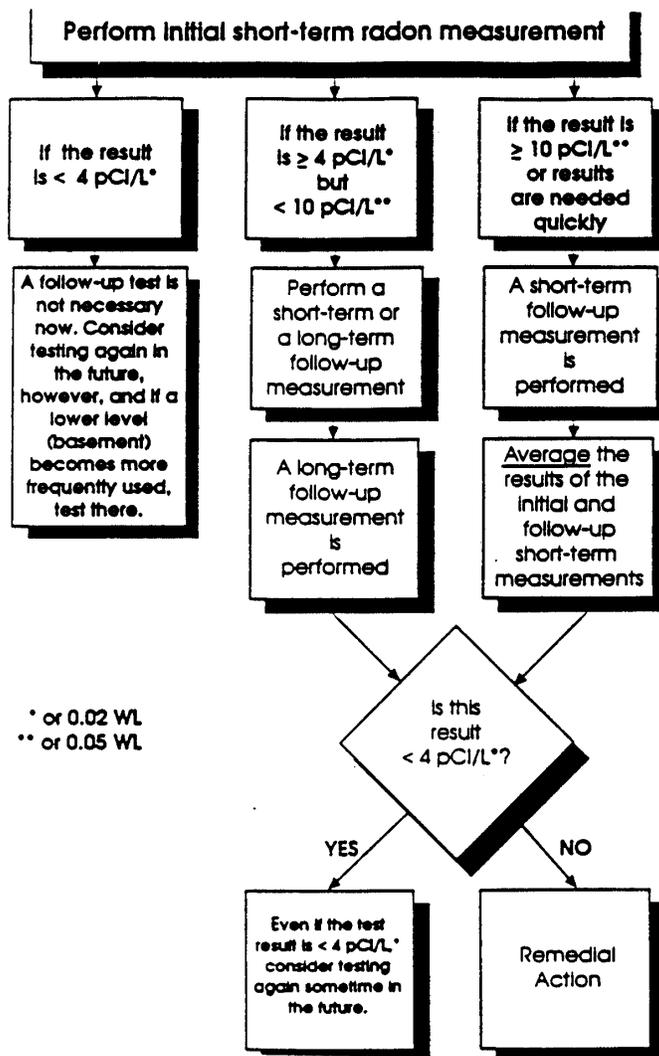
## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED 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, 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 [licensees](#) are required to test in each of the foundation types.
- 

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED 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 29 Ill. Reg. 3212, effective February 22, 2005)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

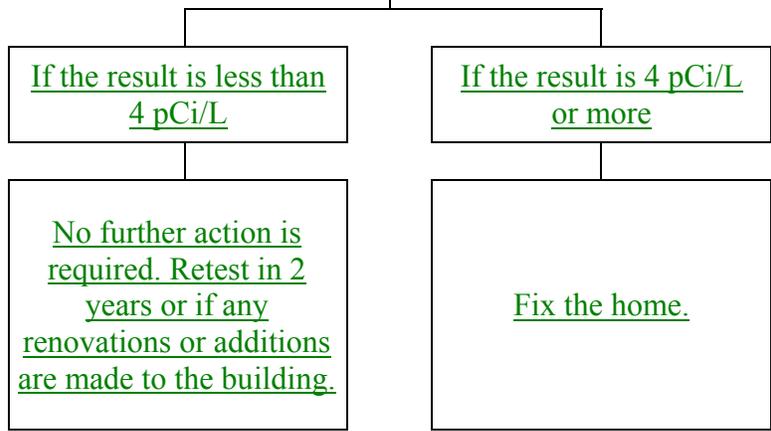
NOTICE OF ADOPTED AMENDMENTS

**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, 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 licensees are required to test in each of the foundation types.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

**Radon Testing Guidelines for Real Estate Transactions**

**B**ecause 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

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

— 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



**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
Example:	Example:	

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

<del>2 pCi/L and 3 pCi/L</del> <del>Are in Agreement</del>	<del>3 pCi/L and 5 pCi/L</del> <del>Are in Agreement</del>	<del>7 pCi/L and 8 pCi/L</del> <del>Are in Agreement</del>
Example: 1 pCi/L and 3.5 pCi/L <i>Not in Agreement</i>	Example: 3 pCi/L and 7 pCi/L <i>Not in Agreement</i>	Example: 17 pCi/L and 36 pCi/L <i>Not in Agreement</i>

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

---

**PROPOSED CHANGES FROM 1<sup>ST</sup> 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 exist.
  - 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 ADOPTED 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 29 Ill. Reg. 3212, effective February 22, 2005\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

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

A (pCi/L)	B (WL)
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 ( <u>3</u> 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 29 Ill. Reg. 3212, effective February 22, 2005)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED 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  
422.130(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 29 Ill. Reg. 3212, effective February 22, 2005)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates
- 2) Code Citation: 77 Ill. Adm. Code 591
- 3) Section Numbers:      Adopted Action:  
591.10                      Amended  
591.20                      Amended  
591.30                      Amended  
591.100                    Amended  
591.120                    Amended  
591.130                    Amended
- 4) Statutory Authority: Sections 212(e) and 214(l) of the federal Immigration and Nationality Act (8 USC 1182(e) and 1184(l)) and 22 CFR 62, Exchange Visitor Program.
- 5) Effective Date of Rulemaking: February 16, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, 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 Illinois Register: 28 Ill. Reg. 10556; July 30, 2004
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:
  1. In the definition of "Act" in Section 591.20, "k" was stricken and "l" was added.
  2. In Section 591.30(b)(1), "(1991)" was stricken out.
  3. In Section 591.100(a)(3), "are" was stricken out and "is" was added.

The following change was made in response to comments and suggestions of JCAR:

In the definition of "Psychiatric physician" in Section 591.20, a closing quotation mark

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

was added after "physician"; "(psychiatrist)" was stricken; "or "psychiatrist" was added.

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

- 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 rulemaking replace any emergency rulemaking currently in effect? No. The companion emergency rulemaking expired September 11, 2004.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 591 regulates the Visa Waiver Program for International Medical Graduates. This rulemaking expands the eligible candidates for the program and increases the eligible areas in which an international medical graduate may practice. Since Fiscal Year 1994, the Center for Rural Health has participated in the Conrad State 30 Program, which allows the Department of Public Health to request J-1 visa waivers for up to 30 international medical graduate physicians to work in designated shortage areas of the State. All 30 waiver slots have, in past years, been reserved for physicians in the primary care specialties (family medicine, internal medicine, pediatrics and obstetrics/gynecology) and for psychiatrists. This fiscal year is the first year that the 30 slots have not been used in the first application cycle of the year. Many requests have been received to use the slots for specialties other than primary care that are very difficult to recruit because of shortages of the specialties among U.S. graduates. Health facilities report that they have tried to recruit some of these specialists for several years, with no success. If there are any physicians in the desired specialties, patients must wait anywhere from six to nine months for appointments. Many other states have been offering visa waivers for specialties other than primary care for a number of years. Illinois needs to offer the same service for its residents, especially if all of the slots are not needed for primary care physicians.

The rulemaking expands the eligible practice area to include medically underserved areas and medically underserved populations, both of which are defined in the rules. Eligibility standards are being added for physicians in specialties other than primary care and psychiatry. The Department's selection process for such physicians is also included.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Susan Meister

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Division of Legal Services  
Department of Public Health  
535 West Jefferson, 5<sup>th</sup> Floor  
Springfield, Illinois 62761

e-mail: [rules@idph.state.il.us](mailto:rules@idph.state.il.us)

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL  
MEDICAL GRADUATES

PART 591  
VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

## SUBPART A: GENERAL PROVISIONS

Section	
591.10	Applicability
591.20	Definitions
591.30	Incorporated or Referenced Materials
591.40	Administrative Hearings

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section	
591.100	Participation Eligibility of Physicians and Facilities
591.110	Application Submission Timeframes
591.120	Application Materials and Processing
591.130	Selection Process
591.140	Terms of Performance

**AUTHORITY:** Authorized by and implementing Sections 212(e) and 214(l) of the Immigration and Nationality Act (8 USC 1182(e) and 1184(l)), and 22 CFR 62, Exchange Visitor Program.

**SOURCE:** Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired June 20, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003; emergency amendment at 28 Ill. Reg. 6641, effective April 15, 2004, for a maximum of 150 days; emergency expired September 11, 2004; amended at 29 Ill. Reg. 3327, effective February 16, 2005.

## SUBPART A: GENERAL PROVISIONS

**Section 591.10 Applicability**

| This Part implements Section 1182(e) of the federal Immigration and Nationality Act, [which that](#)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

allows state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area [or medically underserved area, or serving a medically underserved population](#) in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized by the U.S. Information Agency to request J-1 Visa Waivers annually for [up to 30](#) eligible physicians.

- a) The provisions of this Part are organized into two Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.
- b) Subpart B establishes eligibility criteria for an international medical graduate to request that the Department seek a waiver of the J-1 Visa home-country requirements. The Subpart sets forth the application time table and components, and the criteria to be used to select those physicians for whom a waiver will be requested.

(Source: Amended at 29 Ill. Reg. 3327, effective February 16, 2005)

**Section 591.20 Definitions**

"Act" means the Immigration and Nationality Act (8 USC 1182(e) and 8 USC 1184(~~l~~k)).

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Section 329, 330 or 340 of the federal Public Health Service Act (42 USC 254b, 254c, and 256), respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

"Federal fiscal year" means the 12-month period beginning October 1 and ending September 30 of the following year. The federal fiscal year may be divided into four calendar quarters: October 1 through December 31; January 1 through March 31; April 1 through June 30; and July 1 through September 30.

"Full time practice" means maintaining 40 hours of ambulatory access as required under the Act and the Code of Federal Regulations.

"Health Professional Shortage Area" or "HPSA" is a designation given by the U.S. Department of Health and Human Services, Bureau of Primary Health Care, Shortage Designation Branch. The HPSA designation is based on the ratio of primary care physicians providers to population and is used to identify areas needing additional primary care physicians. The list of HPSAs is published periodically in the Federal Register, and can be found at <http://belize.hrsa.gov/newhpsa/newhpsa.cfm>~~<http://bphr.hrsa.gov>~~.

"Medical facility" means a facility for the delivery of health services and includes:

a community health center, local health department~~public health center~~, outpatient medical facility, or community mental health center;

a hospital, State mental hospital, facility for long-term care or rehabilitation facility;

a facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

a Public Health Service medical facility (used in connection with the delivery of health service under Section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act); or any other federal medical facility.

"Medically underserved area" or "MUA" is a designation given by the U.S. Department of Health and Human Services, Shortage Designation Branch. The MUA designation is based on the availability of primary care physicians, demographic characteristics, and health status of the residents of a service area and is used to identify areas in need of additional health care services. The list of MUAs can be found at <http://bphc.hrsa.gov/databases/newmua>.

"Medically underserved population" or "MUP" is a designation given by the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

U.S. Department of Health and Human Services, Shortage Designation Branch. The MUP designation means that a particular population group, such as a group of area residents with incomes at or below twice the federal poverty level, is in need of additional health care services. The list of MUPs can be found at <http://bphc.hrsa.gov/databases/newmua>.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologyradiologie, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] with a specialty in family practice, general internal medicine, general pediatrics, obstetrics/gynecology, or medicine/pediatrics.

"Psychiatric physician" or "psychiatrist"(~~psychiatrist~~) means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] with a specialty in psychiatry.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less.

"Urban" means any geographic area located in a U.S. Bureau of the Census Metropolitan Statistical Area, except a county located within a Metropolitan Statistical Area having a population of 60,000 or less.

(Source: Amended at 29 Ill. Reg. 3327, effective February 16, 2005)

**Section 591.30 Incorporated or Referenced Materials**

The following materials are incorporated or referenced in this Part:

- a) The following Illinois statutes and rules are referenced in this Part:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
  - 2) [Medical Practice Act of 1987 \[225 ILCS 60\]](#).
- b) The following federal statutes ~~are referenced and regulations are incorporated~~ in this Part:
- 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 ~~USCU.S.C.~~ 254e ~~(1991)~~).
  - 2) [Designation of Medically Underserved Areas/Populations, Section 330 of the Public Health Service Act \(42 USC 254e\)](#).
- c) [The following federal regulations are incorporated in this Part:](#)
- 2) Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program (22 CFR [62 \(April 1, 2004\)](#)). ~~Part 514, Rulemaking No. 115~~).
- d) All incorporations by reference of federal ~~statutes and~~ regulations refer to materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 29 Ill. Reg. 3327, effective February 16, 2005)

## SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

**Section 591.100 Participation Eligibility of Physicians and Facilities**

- a) [Primary care physicians and psychiatrists](#) ~~Physicians~~ eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:
  - 1) have entered into an employment contract with a facility located in an HPSA ~~with employment to begin no later than six months after the completion of their residency training in one of the primary care specialties, or general psychiatry;~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, obstetrics/gynecology, or ~~general~~ psychiatry; and
  - 3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties ~~is~~ are indicated in the application of the physician seeking participation in this program.
- b) Physicians in specialties other than primary care and psychiatry eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:
- 1) have entered into an employment contract with a facility located in an HPSA or MUA/P;
  - 2) be board eligible or board certified in their specialty.
- cb) Medical facilities eligible to participate in the J-1 Visa Waiver Program in Illinois shall meet the following requirements:
- 1) if contracting with a primary care physician or psychiatrist and located in a rural area~~areas~~, be located in a geographic HPSA, be designated as an HPSA~~a facility located in an HPSA~~, or if serving an HPSA~~serve a population group HPSA~~, ~~and be able to~~ document that at least 51~~75~~% of the participating physician's patients seen at the facility are a part of the HPSA's population group; or
  - 2) if contracting with physicians in specialties other than primary care and psychiatry, be in a geographic HPSA, be an HPSA facility, be located in an MUA, or document that at least 51% of the participating physician's patients come from the HPSA population group or from the MUP group~~in urban areas~~:
    - A) ~~be located in a geographic HPSA;~~
    - B) ~~be designated as a facility located in an HPSA or serve a population group HPSA and be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; and~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

⤷ ~~be a not-for-profit facility or a public facility.~~

(Source: Amended at 29 Ill. Reg. 3327, effective February 16, 2005)

**Section 591.120 Application Materials and Processing**

- a) Application materials are available from, and should be returned to, the following address:

J-1 Visa Waiver Program  
Illinois Department of Public Health  
Center for Rural Health  
535 West Jefferson Street  
Springfield, Illinois 62761

- b) The application materials to be prepared by or on behalf of the international medical graduate seeking the waiver of the two-year home-country residency requirement shall include the following items:
- 1) statement from the administrator or director of the health care facility or agency that will be employing the international medical graduate describing prior recruitment difficulties experienced by the facility, the expected practice arrangement for the international medical graduate, and the impact on the facility and the patients it serves if the home country residency requirement is not waived;
  - 2) copy of a minimum three-year employment contract between the international medical graduate and a health care facility. The contract shall include the name and address of the facility, the specific geographic area or areas in which the international medical graduate will practice, and a statement that the physician will practice full-time (40 hours) in the HPSA, ~~or~~ HPSAs, or MUA/P identified in the contract;
  - 3) statement from the employing health care facility or agency that the salary or other form of financial support offered to the international medical graduate is at a level equivalent to that offered to all other physicians with equivalent skills and experience recruited by the health care facility;
  - 4) letter of support from a hospital chief of staff verifying that hospital admitting privileges will be granted to the international medical graduate,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

and if not, how admissions of the international medical graduate's patients will be arranged;

- 5) letter of support for the visa requirements waiver from at least one local organization or agency such as the chamber of commerce, local health department, or other community-based organization;
  - 6) copy of the applicant's Illinois medical license or application for an Illinois medical license;
  - 7) completed United States Information Agency Data Sheet;
  - 8) copy of international medical graduate's curriculum vitae;
  - 9) copy of the IAP-66 (Certificate for Exchange Visitor J-1 Status) for each year international medical graduate was in J-1 status;
  - 10) completed and notarized Certification Statement A signed by the international medical graduate agreeing to the contractual requirements set forth in Section 214(k)(1)(B) and (C) of the Immigration and Nationality Act;
  - 11) completed and notarized Certification Statement B describing international medical graduate's obligation to his/her home country;
  - 12) completed and notarized Certification Statement C in which international medical graduate states that his or her medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;
  - 13) completed and notarized Certification Statement D regarding accuracy of application materials; and
  - 14) completed and notarized Certification Statement E regarding specialty status.
- c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

requested materials are not received within one month after the date of the written request, the application will be returned to the applicant.

(Source: Amended at 29 Ill. Reg. 3327, effective February 16, 2005)

**Section 591.130 Selection Process**

- a) In the first and second calendar quarters of the federal fiscal year, a maximum of two Visa Waiver applications will be approved per facility requesting J-1 Visa Waivers for international medical graduates. In subsequent calendar quarters, facilities that have already had two waivers approved may apply for additional waivers; however, selection priority will be given to applications from facilities that have not previously had waivers approved.
- b) The following selection criteria will apply to primary care physicians and psychiatrists:
  - 1b) Selection preference will be given to the Visa Waiver application for the international medical graduate whose position represents the largest proportion of primary care or psychiatrists specialty vacancies at the facility offering employment to the physician.
  - 2e) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.
- c) The following selection criteria will apply to physicians in specialties other than primary care and psychiatry:
  - 1) Selection preference will be given to applicants who can demonstrate the greatest shortage of their specialty in the underserved area or for the underserved population group they propose to serve.
  - 2) Selection preference will be given to applicants who can demonstrate the longer waiting time for an appointment with a physician of the same specialty in the underserved area or for the underserved population group they propose to serve.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- d) ~~Applications received in the first and second calendar quarters of the federal fiscal year will not be considered if the addition of the international medical graduate will increase the number of primary care physicians beyond the number needed to eliminate the health professional shortage area designation for the geographic area, facility or population group.~~
- de) The following selection allocations will be used in processing waiver applications:
- 1) ~~In the first and second calendar quarters of the federal fiscal year (October 1 through December 31 and January 1 through March 31), 6 waivers will be reserved for psychiatrists who will serve in rural facilities; 12 of the remaining 24 waivers will be reserved for primary care physicians; 12 waivers will be available to physicians in other specialties. The Department will reserve 50% of the waivers allocated to primary care physicians and 50% of the waivers allocated to physicians in other specialties for physicians who will serve in rural areas; the balance of the waivers will be used for urban locations.~~
  - 2) ~~In the first and second quarters of the federal fiscal year, if enough applications from rural areas are submitted, the Department will reserve 50% of the waiver applications for primary care physicians serving rural, underserved areas.~~
  - 23) ~~In the third and fourth quarters of the federal fiscal year, (April through June), if all 6 waivers that were reserved for psychiatrists have not been used, those remaining waivers may be used for primary care, or psychiatrist and other specialty waiver applicants, both rural and urban.~~

(Source: Amended at 29 Ill. Reg. 3327, effective February 16, 2005)

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1620.10	New Section
1620.20	New Section
1620.30	New Section
1620.40	New Section
1620.50	New Section
1620.110	New Section
1620.120	New Section
1620.130	New Section
1620.140	New Section
1620.200	New Section
1620.310	New Section
1620.320	New Section
1620.330	New Section
1620.340	New Section
1620.350	New Section
1620.360	New Section
1620.410	New Section
1620.420	New Section
1620.430	New Section
1620.440	New Section
1620.450	New Section
1620.460	New Section
1620.470	New Section
1620.480	New Section
1620.490	New Section
1620.500	New Section
1620.510	New Section
1620.520	New Section
1620.530	New Section
1620.600	New Section
1620.610	New Section
1620.620	New Section
1620.630	New Section
1620.640	New Section
1620.650	New Section

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

1620.700	New Section
1620.800	New Section
1620.810	New Section
1620.820	New Section

- 4) Statutory Authority: Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55].
- 5) Effective Date of Rulemaking: February 23, 2005
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date filed with the Index Department: February 18, 2005
- 8) A copy of the emergency rulemaking, 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 Executive Ethics Commission is a newly-formed commission that was granted specific authority to adopt emergency rules at 5 ILCS 430/20-25. The Commission anticipates cases to be filed and requires these rules in order to begin its adjudicatory functions.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules define the Executive Ethics Commission, provide a means for the public to obtain information about the Commission, provide a process for adopting rules, govern the investigations of the Executive Inspectors General, govern the hearings before the Commission, provide a process for obtaining waivers of certain revolving door prohibitions, define terms related to the ban of gifts to State officers and employees, and provide more detailed direction for the Executive Inspectors General to file reports and documents with the Commission.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act.
- 13) Information and questions regarding this rulemaking shall be directed to:

Chad Fornoff, Executive Director

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY RULES

Executive Ethics Commission  
601 Stratton Building  
Springfield IL 62706

(217) 558-1393

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620

ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section

1620.10 Composition of Executive Ethics Commission

EMERGENCY

1620.20 Officers

EMERGENCY

1620.30 Appointment of Executive Director

EMERGENCY

1620.40 Duties of Executive Director

EMERGENCY

1620.50 Duties of Staff

EMERGENCY

SUBPART B: INFORMATION

Section

1620.110 Requests for Records

EMERGENCY

1620.120 Response to Requests for Records

EMERGENCY

1620.130 Appeal of a Denial

EMERGENCY

1620.140 Copies of Public Records – Fees

EMERGENCY

SUBPART C: RULEMAKING

Section

1620.200 Rulemaking Procedures

EMERGENCY

SUBPART D: INVESTIGATIONS

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- 1620.310 State Officer or Employee Case Initiation Form  
EMERGENCY
- 1620.320 Case Initiation Form – Contents  
EMERGENCY
- 1620.330 Opening an Investigation File  
EMERGENCY
- 1620.340 Referral to the Appropriate Executive Inspector General  
EMERGENCY
- 1620.350 Investigations  
EMERGENCY
- 1620.360 Investigations Not Concluded Within Six Months  
EMERGENCY

## SUBPART E: HEARINGS

- Section
- 1620.410 Definitions  
EMERGENCY
- 1620.420 Attorney of Record  
EMERGENCY
- 1620.430 Filing Requirements  
EMERGENCY
- 1620.440 Petition for Leave to File a Complaint  
EMERGENCY
- 1620.450 Petition – Required Provisions  
EMERGENCY
- 1620.460 Service  
EMERGENCY
- 1620.470 Objections  
EMERGENCY
- 1620.480 Sufficiency of the Petition  
EMERGENCY
- 1620.490 Discovery  
EMERGENCY
- 1620.500 Subpoenas  
EMERGENCY
- 1620.510 Motions  
EMERGENCY
- 1620.520 Hearings

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY RULES

EMERGENCY

1620.530 Decision of the Commission

EMERGENCY

SUBPART F: WAIVER

1620.600 Definitions

EMERGENCY

1620.610 Waiver of Revolving Door Prohibition

EMERGENCY

1620.620 Waiver of Revolving Door Prohibition – Commission Procedure

EMERGENCY

1620.630 Finality of Decision

EMERGENCY

1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial  
Appointee

EMERGENCY

1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial  
Appointee – Commission Procedure

EMERGENCY

SUBPART G: GIFT BAN

1620.700 Gift Ban

EMERGENCY

SUBPART H: MISCELLANEOUS FILINGS

1620.800 Personnel Policies

EMERGENCY

1620.810 Quarterly Reports

EMERGENCY

1620.820 Ex Parte Communications

EMERGENCY

AUTHORITY: Implementing Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15].

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days.

## SUBPART A: ORGANIZATION

**Section 1620.10 Composition of Executive Ethics Commission  
EMERGENCY**

*The Executive Ethics Commission consists of nine commissioners. The Governor appoints five commissioners and the Attorney General, Secretary of State, Comptroller and Treasurer each appoint one commissioner. [5 ILCS 430/20-5(b)]*

**Section 1620.20 Officers  
EMERGENCY**

*The Executive Ethics Commission shall elect a Chair and Vice-Chair and any other officers it deems appropriate. The terms of officers shall be for two years commencing July 1 and running through June 30 of the second year. [5 ILCS 430/20-5(e)] Neither Chair nor Vice-Chair may succeed himself.*

**Section 1620.30 Appointment of Executive Director  
EMERGENCY**

*The Executive Ethics Commission shall appoint an Executive Director. [5 ILCS 430/20-5(h)]*

**Section 1620.40 Duties of Executive Director  
EMERGENCY**

The Executive Director serves as the director of the staff of the Executive Ethics Commission and is responsible for the employment of necessary professional, technical and secretarial staff as directed by the Executive Ethics Commission. The Executive Director shall serve at the pleasure of the Commission.

**Section 1620.50 Duties of Staff  
EMERGENCY**

The duties and organization of staff are established by the Executive Director as directed by the Executive Ethics Commission.

## SUBPART B: INFORMATION

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

**Section 1620.110 Requests for Records  
EMERGENCY**

- a) A request for access to records for inspection and copying shall be submitted in writing to the Freedom of Information Officer at the office of the Executive Ethics Commission. The Freedom of Information Officer shall be the Executive Director. The request shall include the name and address of the requestor and a telephone number where the requestor may be reached during the regular business day.
- b) The application must describe the requested document by subject matter and approximate date of issuance, if known. If the description is not sufficiently clear to allow easy identification of the records sought, the requestor may be asked to supply additional necessary information.
- c) Pursuant to Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], requests for copies of Executive Ethics Commission rules are not to be considered requests governed by the Freedom of Information Act (FOIA) are not subject to FOIA procedures.

**Section 1620.120 Response to Requests for Records  
EMERGENCY**

- a) The Freedom of Information Officer shall respond to a written request for public records within seven working days after receipt of the request.
- b) If, for one or more reasons provided in Section 3(d) of the Freedom of Information Act [5 ILCS 140/3(d)], the request cannot be responded to within seven working days, the Freedom of Information Officer shall have an additional seven working days in which to respond. Within the initial seven-day period, the Freedom of Information Officer shall give the requestor written notice of the extension of time to respond. Such notice shall set forth the reasons why the extension is necessary.
- c) When a request for public records has been approved, the Commission may give notice that the requested material will be made available upon payment of reproduction costs or give notice of the time and place for inspection of the requested material.

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- d) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial and shall inform the requestor of the right to appeal to the Chair of the Executive Ethics Commission.
- e) Failure to respond to a written request within seven working days may be considered by the requestor as a denial of the request.

**Section 1620.130 Appeal of a Denial  
EMERGENCY**

- a) A requestor whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Chair of the Executive Ethics Commission.
- b) The Notice of Appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a written statement setting forth the reasons why the requestor believes the appeal should be granted.

**Section 1620.140 Copies of Public Records – Fees  
EMERGENCY**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due.
- b) The fee for copying records shall be ten cents per page.
- c) Charges shall be waived if the requestor is a State officer or agency.

## SUBPART C: RULEMAKING

**Section 1620.200 Rulemaking Procedures  
EMERGENCY**

- a) Rules of the Executive Ethics Commission may be adopted, amended or repealed only by affirmative vote of at least five members of the Commission.
- b) Rulemaking of the Commission must be conducted in compliance with applicable provisions of the Illinois Administrative Procedure Act [5 ILCS 100].

## SUBPART D: INVESTIGATIONS

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

**Section 1620.310 State Officer or Employee Case Initiation Form  
EMERGENCY**

Each Executive Inspector General shall prescribe and make available a case initiation form for investigation of a complaint against a State officer or employee.

**Section 1620.320 Case Initiation Form – Contents  
EMERGENCY**

The case initiation form shall set out:

- a) the name of the employee or officer who is alleged to have committed misconduct;
- b) the identity of the State agency by which the employee or officer is employed;
- c) the name, address and telephone number of the complainant;
- d) the date and time of the alleged misconduct;
- e) a description of the acts and circumstances that surrounded the alleged misconduct;
- f) the names of any other person who witnessed or participated in the alleged misconduct;
- g) an address to which the completed form may be mailed;
- h) a statement of the confidentiality of the identity of the complainant (see 5 ILCS 430/20-90(a));
- i) a statement that penalties may be applied for intentionally making a false report alleging an ethics violation (see 5 ILCS 430/50-5(d)); and
- j) such other information that the Executive Inspector General reasonably requires.

**Section 1620.330 Opening an Investigation File  
EMERGENCY**

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- a) Upon receipt of a completed case initiation form, the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number, if upon information received and not upon his or her own prerogative, the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction.
- b) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation form as is known to the Executive Inspector General at the inception of the matter.

**Section 1620.340 Referral to the Appropriate Executive Inspector General  
EMERGENCY**

Notwithstanding Section 1620.630, if an Executive Inspector General receives a case initiation form or other information that alleges misconduct of an officer or employee outside his or her jurisdiction, he or she shall promptly forward the case initiation form or information to the appropriate Executive Inspector General, appropriate ethics commission or other appropriate body and shall keep a record of this referral and its recipients.

**Section 1620.350 Investigations  
EMERGENCY**

Investigations shall commence upon the opening of an investigation file in accordance with Section 1620.630. Investigations shall be conducted in accordance with Section 20-20 of the Act [5 ILCS 430/20-20].

**Section 1620.360 Investigations Not Concluded Within Six Months  
EMERGENCY**

- a) Should an investigation not be concluded within six months after opening an investigation file, the Executive Inspector General shall, on the fifteenth day of the following month, submit a report to the Commission. The report shall indicate the investigation's unique tracking number, the date the investigation began, a description of the nature of the alleged misconduct and reasons for the delay in concluding the investigation.

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- b) The Executive Inspector General shall continue to report each investigation not concluded within six months on the fifteenth day of each month in accordance with subsection (a) until the investigation has been concluded.
- c) Should the Commission find that the information provided in the reports from the Executive Inspector General is insufficient to determine whether a Special Executive Inspector General should be appointed in accordance with Section 20-21 of the Act [5 ILCS 430/20-21], the Commission may request additional information from the Executive Inspector General or may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file.

## SUBPART E: HEARINGS

**Section 1620.410 Definitions  
EMERGENCY**

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Chair" means the Chairperson of the Executive Ethics Commission as chosen in accordance with Section 20-5(e) of the Act.

"Commission" means the Executive Ethics Commission created by Section 20-5 of the Act.

"Commissioner" means a commissioner of the Executive Ethics Commission.

"Executive Inspector General" means one of the five appointees described in Section 20-10(b) of the Act.

"Petition" means a petition for leave to file a complaint as described in Section 20-50 of the Act.

**Section 1620.420 Attorney of Record  
EMERGENCY**

In all cases filed before the Commission, all respondents not appearing pro se must be represented of record by a member of the Illinois Bar. Attorneys admitted to practice in states other than Illinois may appear and be heard upon special leave of the Chair or administrative law judge, if any. Attorneys shall file a written appearance before addressing the Commission and may not withdraw an appearance for a party without leave of the Commission.

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY RULES

**Section 1620.430 Filing Requirements  
EMERGENCY**

- a) An original and two copies of all documents shall be filed with the Commission at the Commission's offices. The documents shall be produced on 8 1/2" x 11" white paper by a typing, printing, duplicating or copying process that provides a clear, readable image. If a filing is unreadable, it will be returned as unacceptable for filing. Parties represented by counsel shall send to the Commission an electronic copy of all documents via electronic mail on the same day that the paper documents are filed. Parties not represented by counsel are encouraged to send electronic copies of all filings.
- b) Each party who files a document with the Commission shall also send a copy of that document to the other party in the case, or, if represented, to the other party's attorney and to the administrative law judge, if any. Parties shall attach a certificate of service to each document in accordance with Illinois Supreme Court Rule 12.

**Section 1620.440 Petition for Leave to File a Complaint  
EMERGENCY**

- a) Cases shall be commenced by the filing of a petition for leave to file a complaint with the Commission.
- b) The Executive Inspector General shall be designated as "the petitioner" and the person who is alleged to have violated the Act shall be designated as "the respondent".
- c) The form of the petition shall be captioned substantially as follows:

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

A. B., in (his/her) capacity as	)	
Executive Inspector General for the	)	
(constitutional officer),	)	
	)	
Petitioner,	)	
	)	
v.	)	No. _____

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY RULES

	)
C. D.	)
	)
Respondent.	)

Petition for Leave to File a Complaint

- d) The Commission shall assign each petition a unique tracking number and all subsequent filings in each case shall reference this tracking number.

**Section 1620.450 Petition – Required Provisions  
EMERGENCY**

- a) The petition shall set forth the jurisdiction of the Commission by identifying the respondent, the respondent's employer and the Section of the Act the respondent is alleged to have violated. The petition shall also set forth the alleged violation and the grounds that exist to support the petition.
- b) Accompanying each petition shall be a complaint upon which the Attorney General and the Executive Inspector General wish to proceed. The complaint shall set forth the elements contained in subsection (a), as well as facts that fully describe the alleged violation of the Act, including, but not limited to, dates, times, locations and relationships between the respondent and other relevant parties.

**Section 1620.460 Service  
EMERGENCY**

After filing the petition and complaint, *the petitioner shall serve a file-stamped copy of both documents on all respondents and on each respondent's ultimate jurisdictional authority in the same manner as process is served under Part 2 (Process) of the Civil Practice Law of the Code of Civil Procedure* [735 ILCS 5/Art. II, Part 2]. [5 ILCS 430/20-50(d)] Petitioner shall file the proof of service with the Commission.

**Section 1620.470 Objections  
EMERGENCY**

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

*A respondent may file objections to the petition within 30 days after the notice of the petition has been served on the respondent. [5 ILCS 430/20-50(e)] If the respondent fails to object to the petition, a general denial of the facts set forth in the petition shall be considered filed.*

**Section 1620.480 Sufficiency of the Petition  
EMERGENCY**

- a) Within 60 days after the time for respondent to file an objection to the petition has expired, *the Commission shall meet in person or by telephone in a closed session to review the sufficiency of the petition.*
- b) *If the Commission finds that the petition is sufficient, the Commission shall grant the petition to file a complaint. The Commission shall notify the parties via certified mail, return receipt requested, of the decision to grant the petition. The notice shall include a hearing date scheduled within four weeks after the date of the notice. [5 ILCS 430/20-50(f)] The Commission may grant, for good cause shown, a continuance of the hearing date contained in the notice.*
- c) *If the Commission finds that the petition is insufficient for any reason, the Commission shall notify the parties via certified mail, return receipt requested, of the decision to deny the petition. The Commission may deny the petition with or without leave to refile. [5 ILCS 430/20-50(f)]*

**Section 1620.490 Discovery  
EMERGENCY**

- a) The parties shall not engage in discovery without leave of the Commission, but the Commission encourages the voluntary exchange of information by the parties.
- b) At least two weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any, each party must file with the Commission and disclose to the other party:
  - 1) the names of all witnesses expected to testify at hearing;
  - 2) a summary of the witnesses' expected testimony;
  - 3) copies of all documents expected to be introduced into evidence at hearing;

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- 4) a description of any physical evidence expected to be introduced at hearing; and
  - 5) any known evidence that tends to negate the allegations contained in the complaint.
- c) Any physical evidence expected to be introduced at hearing shall be made available to the other party for inspection at least two weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any.
  - d) All writings or electronic recordings in the possession of either party reflecting prior statements of an identified witness, which statements are related in any way to the subject matter of the witness' expected testimony, or to matters bearing on the witness' credibility, shall be filed with the Commission and be produced to the opposing party no later than one week prior to the commencement of the hearing or at a date determined by the Chair or administrative law judge, if any. If a statement is part of notes that were taken during the case investigation, the notes may be redacted to remove the author's thoughts, mental impressions or other work product.
  - e) A party offering testimony or evidence that has not been disclosed in accordance with this Section has the burden to show that the evidence was not available at the time required by this Section and that the other party has not been unfairly prejudiced by the failure to disclose.

**Section 1620.500 Subpoenas  
EMERGENCY**

The Chair and the administrative law judge, if any, shall have authority to issue subpoenas in the name of the Commission to compel the presence of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

- a) Subpoenas may be issued upon written request of either party if:
  - 1) the request is reasonably designed to produce or lead to the production of evidence related to the alleged violation;
  - 2) the terms of compliance are reasonable given the time frames and other circumstances;

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- 3) the party seeking the subpoena has attempted and failed to obtain the subject of the subpoena through other means; and
  - 4) the subpoena is properly prepared and presented for signature.
- b) Subpoenas for testimony of witnesses at hearing will be granted in the absence of compelling circumstances to the contrary.
  - c) Witnesses may be subpoenaed to give sworn evidentiary depositions, subject to cross-examination, if and only if they are unable to attend the hearing.
  - d) The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
  - e) The person requesting a subpoena shall be responsible for its service in accordance with the Illinois Code of Civil Procedure [735 ILCS 5] and the Illinois Supreme Court Rules.

**Section 1620.510 Motions  
EMERGENCY**

- a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on facts that are not in the record shall be supported by affidavit.
- b) The motion shall point out specifically the defect complained of or other grounds for relief and shall specify the requested relief. The moving party shall file a proposed order with each motion.
- c) The Chair or, if an administrative law judge has been appointed, the administrative law judge may determine all motions except motions that are potentially dispositive of the case. Motions that are potentially dispositive of the case must be determined by the Commission.
- d) All written motions that are potentially dispositive of the case shall be filed with the Commission and served on the other party at least one week prior to the scheduled hearing. Potentially dispositive motions filed less than one week prior

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

to a scheduled hearing may, in the Commission's discretion, be considered after the scheduled hearing. The scheduled hearing may be continued while the Commission considers the potentially dispositive motion if, in the opinion of the Chair or the administrative law judge, continuing the scheduled hearing is in the best interests of judicial economy.

- e) The Commission may consider potentially dispositive motions with or without oral argument by the parties and may direct the Chair or administrative law judge to conduct a hearing on the motion and present proposed findings of fact and conclusions of law to the Commission.
- f) Dispositive motions may not exceed 15 pages in length and non-dispositive motions may not exceed 5 pages in length without first obtaining leave of the Commission.

**Section 1620.520 Hearings  
EMERGENCY**

- a) The Chair shall preside over all hearings unless, at the election of the Commission, the Chair designates an administrative law judge to act as a hearing officer. The administrative law judges shall be licensed to practice law in the State of Illinois and may be a commissioner or regular or contractual employee of the Commission. The Commission shall grant, for good cause shown, a petition from either party seeking disqualification of the administrative law judge or a commissioner for bias or conflict of interest.
- b) All hearings shall be closed to the public.
- c) Hearings shall be conducted in accordance with the contested case provisions of Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10].
- d) At the conclusion of the hearing, the Chair or the administrative law judge, if any, may set a briefing schedule.
- e) If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with these Rules or with any order of the Commission, Chair or administrative law judge, the Chair or administrative law judge may enter an adverse finding, or order as may be necessary to ensure just disposition of the matter.

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- f) The Chair or the administrative law judge presiding at the hearing may conduct any additional proceedings ancillary to or related to the hearing as he deems appropriate.

**Section 1620.530 Decision of the Commission  
EMERGENCY**

- a) Within 60 days after the hearing or after briefs are due, whichever is later, the Commission shall enter a decision.
- b) *The decision shall include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline and the reasoning for that decision.*
- c) Decisions of the Commission shall be signed by at least five commissioners.
- d) *All decisions shall be sent to the parties, including the Executive Inspector General, the ultimate jurisdictional authority, the head of the appropriate State agency and the Attorney General. [5 ILCS 430/20-55(a)]*
- e) Once a complaint has been filed with the Commission, any proposed settlement reached by the parties must be submitted to the Commission for review and approval.

## SUBPART F: WAIVER

**Section 1620.600 Definitions  
EMERGENCY**

"Officer or employee" means a former or current officer or State employee of the executive branch.

"Relationship" means any arrangement between a source and the officer or employee for employment, compensation or fees for services.

"Requestor" means a person requesting the Commission's waiver of the revolving door prohibition (see 5 ILCS 430/5-45).

"Source" means a requestor's prospective employer or source of compensation of fees for services, including the parent or subsidiary of the same.

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

**Section 1620.610 Waiver of Revolving Door Prohibition  
EMERGENCY**

An officer or employee or the spouse or immediate family member living with such person may request the Commission to waive the revolving door prohibition (see 5 ILCS 430/5-45). The requestor shall file with the Commission a petition and two supporting statements.

- a) The petition shall be verified and describe in detail:
  - 1) the officer or employee's involvement in the decision to award any State contract to the source, and/or the officer or employee's involvement in any regulatory or licensing decision that directly applied to the source;
  - 2) the dates of the officer's or employee's involvement in these decisions;
  - 3) the date that the requestor and the source first began discussing or negotiating a relationship; and
  - 4) any other information that the requestor or Commission deems relevant.
- b) The requestor shall also submit two statements in support of the petition.
  - 1) One statement shall be from the ethics officer of the State agency that employed the officer or employee at the time that the officer or employee had involvement with the source. The statement shall be verified and state that the ethics officer has read the requestor's petition, that after surveying other officers and employees involved in the decisions with regard to the source, the statements made in the petition are true and complete, and that the ethics officer knows of no reason why the Commission should not grant the requestor's petition.
  - 2) The second statement shall be from the source. The statement shall be verified and state that the source, through its authorized representative, has read the requestor's petition, that the statements made in the petition are true and complete, and that the source knows of no reason why the Commission should not grant the requestor's petition.

**Section 1620.620 Waiver of Revolving Door Prohibition – Commission Procedure**

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

**EMERGENCY**

Upon receipt of the requestor's petition, the Commission may:

- a) grant the petition in a written finding that the officer's or employee's involvement in the decision to award any State contract to the source, or the officer's or employee's involvement in a regulatory or licensing decision that directly applied to the source, was not affected by the requestor's prospective relationship with the source;
- b) deny the petition;
- c) request additional written information from the requestor or other persons;
- d) request oral testimony from the requestor or other persons;
- e) conduct further inquiry related to the petition before the Commission; and/or
- f) determine that the revolving door prohibition does not apply.

**Section 1620.630 Finality of Decision****EMERGENCY**

A requestor may not file a request to reconsider the Commission's decision or a second petition for waiver of the revolving door prohibition without leave of the Commission.

**Section 1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee****EMERGENCY**

A current or former Executive Inspector General or a current or former employee of the office of the Executive Inspector General may request the Commission to waive the prohibition of judicial appointments (see 5 ILCS 430/20-10(e-1)). The requestor shall file a verified petition that identifies:

- a) the judicial office to which he or she intends to be appointed;
- b) the effect, if any, of his or her appointment on present or anticipated investigations conducted by any Executive Inspector General or law enforcement;

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- c) any Executive Inspector General investigations, current, anticipated or closed in the previous five years, related to the office, including employees of the office, to which he or she intends to be appointed; and
- d) any other information the requestor believes may support the waiver.

**Section 1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure  
EMERGENCY**

Upon receipt of the requestor's petition, the Commission may:

- a) grant the petition;
- b) deny the petition;
- c) request additional written information from the requestor or other persons;
- d) request oral testimony from the requestor or other persons; and/or
- e) conduct further inquiry related to the petition before the Commission.

## SUBPART G: GIFT BAN

**Section 1620.700 Gift Ban  
EMERGENCY**

For purposes of further defining exceptions to the Gift Ban [5 ILCS 430/10-15], the Commission defines the following terms:

- a) "Educational materials and missions" are those materials and missions that:
  - 1) have a close connection to the recipient officer's or employee's State employment;
  - 2) predominately benefit the public and not the employee or officer; and
  - 3) are approved by the agency's ethics officer in advance of the mission or receipt of the materials, if practicable. If it is not practicable to obtain advance approval, the mission and materials shall be reported to the

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

agency's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.

- b) "Travel expenses for a meeting to discuss State business" are those expenses that:
- 1) have a close connection to the recipient officer's or employee's State employment;
  - 2) predominately benefit the public and not the employee or officer;
  - 3) are for travel in a style and manner in character with the conduct of State business; and
  - 4) are approved by the agency's ethics officer in advance of the travel, if practicable. If it is not practicable to obtain advance approval, the travel shall be reported to the agency's ethics officer as soon as practicable and contain a detailed explanation of why approval could not be obtained in advance.

## SUBPART H: MISCELLANEOUS FILINGS

**Section 1620.800 Personnel Policies  
EMERGENCY**

- a) Each executive branch constitutional officer, the Board of Higher Education and the Community College Board shall file copies of the personnel policies adopted and implemented pursuant to 5 ILCS 430/5-5 with the Commission within 30 days after the publication of this Part.
- b) The officers and boards identified in subsection (a) of this Section shall also on July 1 of each year, file with the Commission copies of the personnel policies in effect on that date, or a statement that the policies are unchanged from the previous year.
- c) The officers and boards identified in subsection (a) of this Section shall also file with the Commission any amendments to the personnel policies within 30 days after the adoption of the amendments.
- d) The officers and boards identified in subsection (a) of this Section shall also file with the Commission the name, business address, telephone number and e-mail

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

address of ethics officers appointed pursuant to 5 ILCS 430/20-23 within 30 days after the adoption of this Part and within 30 days after the appointment of new ethics officers.

**Section 1620.810 Quarterly Reports****EMERGENCY**

- a) On January 15, April 15, July 15 and October 15 of each year, *each Executive Inspector General shall submit reports to the Commission indicating:*
- 1) *the number of allegations received in the previous quarter;*
  - 2) *the number of investigations initiated in the previous quarter;*
  - 3) *the number of investigations concluded in the previous quarter;*
  - 4) *the number of investigations pending as of the last day of the previous quarter;*
  - 5) *the number of complaints forwarded to the Attorney General in the previous quarter;*
  - 6) *the number of actions filed with the Commission in the previous quarter and the number of actions pending before the Commission on the last day of the previous quarter; and*
  - 7) *the number of actions pending before the Commission on the last day of the previous quarter. [5 ILCS 430/20-85]*
- b) On January 15, April 15, July 15 and October 15 of each year, *the Attorney General shall submit a report to the Commission indicating:*
- 1) *the number of complaints received from each Executive Inspector General since the date of the last report;*
  - 2) *the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and*

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY RULES

- 3) *the number of complaints still under review by the Attorney General.* [5 ILCS 430/20-86]

**Section 1620.820 Ex Parte Communications  
EMERGENCY**

- a) *Any State officer or employee affected by 5 ILCS 430/5-50 or 5 ILCS 100/5-165 who receives an ex parte communication as defined in that statute shall report this communication to his or her ethics officer within seven days.*
- b) *Any ethics officer who receives a report of ex parte communications described in subsection (a) shall forward the report to the Commission within seven days. The report shall include:*
  - 1) *all written ex parte communications, including all written responses to the communications;*
  - 2) *a memorandum prepared by the ethics officer containing:*
    - A) *the nature and substance of all oral ex parte communications;*
    - B) *the identity and job title of the person to whom each communication was made;*
    - C) *all responses made and the identity and job title of the person making each response;*
    - D) *the identity of each person from whom the written or oral ex parte communication was received and the date of receipt;*
    - E) *the individual or entity represented by that person;*
    - F) *any action the person requested or recommended; and*
    - G) *any other pertinent information.* [5 ILCS 430/5-50(c)]

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Rules Governing Commission Meetings and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1610
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
1610.100	Repealed
1610.200	Repealed
1610.210	Repealed
1610.220	Repealed
1610.230	Repealed
1610.240	Repealed
1610.250	Repealed
1610.260	Repealed
1610.300	Repealed
1610.400	Repealed
- 4) Statutory Authority: Section 55(1) of the State Gift Ban Act [5 ILCS 425/55(1)].
- 5) Effective Date of Repealer: February 23, 2005
- 6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency repealer will expire when the Commission adopts the proposed repealer.
- 7) Date Filed with the Index Department: February 18, 2005
- 8) A copy of the emergency repealer, 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 Governor's Ethics Commission is no longer in existence and has been effectively replaced by the Executive Ethics Commission. The Executive Ethics Commission has filed, simultaneous with this notice of repealer, emergency rules for the Executive Ethics Commission, which take effect on the same date that these are repealed.
- 10) A Complete Description of the Subjects and Issues Involved: The rules to be repealed described the organization of the Governor's Ethics Commission and the hearing procedures of that body. Since the Governor's Ethics Commission no longer exists and has been effectively replaced by the Executive Ethics Commission, these rules are no longer necessary.

EXECUTIVE ETHICS COMMISSION

NOTICE OF EMERGENCY REPEALER

- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: This emergency repealer does not create or expand a State mandate under the State Mandates Act.
- 13) Information and questions regarding this amendment shall be directed to:

Chad Fornoff, Executive Director  
Executive Ethics Commission  
601 Stratton Building  
Springfield IL 62706

(217) 558-1393

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

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER VI: GOVERNOR'S ETHICS COMMISSION

## PART 1610

RULES GOVERNING COMMISSION MEETINGS AND HEARINGS **(REPEALED)**

## Section

1610.100 Definitions

**EMERGENCY**

1610.200 Meetings of the Commission

**EMERGENCY**

1610.210 General Procedural Rules for Meetings to Determine Probable Cause, Meetings in Response to a Complaint, and Hearings

**EMERGENCY**

1610.220 Conduct of Meetings to Determine Probable Cause

**EMERGENCY**

1610.230 Conduct of Meetings in Response to a Complaint

**EMERGENCY**

1610.240 Authority of the Hearing Officer

**EMERGENCY**

1610.250 Authority of the Commission Over Hearing Officer

**EMERGENCY**

1610.260 Procedural Rules and Record for Hearings

**EMERGENCY**

1610.300 Ex Parte Consultations

**EMERGENCY**

1610.400 Administrative Review

**EMERGENCY**

AUTHORITY: Implementing and authorized by Section 55(1) of the State Gift Ban Act [5 ILCS 425/55(1)].

SOURCE: Adopted at 24 Ill. Reg. 13978, effective September 1, 2000; repealed by emergency rulemaking at 29 Ill. Reg. 3365, effective February 23, 2005, for a maximum of 150 days.

**Section 1610.100 Definitions****EMERGENCY**

For purposes of this Part:

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

"Clerk" shall mean a staff member of the Commission who has various duties, including, but not limited to, receiving complaints, ensuring proper notifications are made as required by law, and maintaining the official files of the Commission.

"Chairman" shall mean the person elected Chairman of the Governor's Ethics Commission.

"Commission" shall mean the Governor's Ethics Commission created by the State Gift Ban Act [5 ILCS 425].

"Complaint" shall mean a written, signed, notarized document that alleges a violation of the State Gift Ban Act by an officer or employee of the executive branch of State government under the jurisdiction of the Governor. A complaint must be on 8 1/2 x 11 paper, signed in ink by the party filing, and filed with the Office of the Commission. A complaint must also contain the address and telephone number of the complainant or, if represented, the name, business address, and telephone number of the representative.

"Complainant" shall mean that person or entity who submits a complaint to the Commission.

"Final" shall mean entered as signed by the Chairman and filed with the Commission.

"Final administrative decision" shall mean a decision subject to review by the Circuit Court under the Administrative Review Law of the Code of Civil Procedure [735 ILCS 5/Art. III] and includes only those cases in which a fine was imposed by the Commission.

"Hearing" shall mean a public hearing demanded by the respondent, conducted by the hearing officer, as described in 5 ILCS 425/60(f).

"Hearing officer" shall mean the independent person designated by the Commission to conduct hearings and make preliminary rulings and recommendations to the Commission. The hearing officer shall be an attorney licensed to practice law in Illinois.

"Meeting" shall mean a gathering of the Commission members, in person, by telephone, or by video conference, to discuss the business of the Commission in

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

general.

"Meeting in response to a complaint" shall mean the closed meeting held on the complaint during which both parties present testimony and evidence, as described in 5 ILCS 425/60(d).

"Meeting to determine probable cause" shall mean the closed meeting held on the complaint to decide the sufficiency of a complaint and probable cause, as described in 5 ILCS 425/60(c).

"Party" shall mean the complainant or the respondent.

"Respondent" shall mean that person or entity who is alleged to have violated the State Gift Ban Act as described in a complaint.

**Section 1610.200 Meetings of the Commission****EMERGENCY**

- a) The Governor's Ethics Commission shall hold meetings at least annually and as called by the Chairman or any two members of the Commission. Any in-person meetings shall be held in Chicago or Springfield. Commission members shall receive written notice of a meeting at least 24 hours in advance of the meeting.
- b) Meetings and meetings to determine probable cause may be held in person, by telephone conference call, or by video conferencing if done in compliance with all applicable laws. Meetings in response to a complaint and hearings require the physical presence of all participants in the same location.
- c) Concurrence of at least four members of the Commission shall be required for any action to be taken by the Commission.

**Section 1610.210 General Procedural Rules for Meetings to Determine Probable Cause, Meetings in Response to a Complaint, and Hearings****EMERGENCY**

The following rules apply to all meetings to determine probable cause, meetings in response to a complaint, and hearings:

- a) Filing and Form of Papers

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

- 1) Copies of all filed documents shall be served on the clerk of the Commission and on all known parties to proceedings, and notice of such service shall be given to the Commission.
  - 2) Whenever a time period commences upon receipt of service or notice and service is by mail, receipt shall be presumed to have occurred on the fourth day after mailing. If the last date for filing falls upon a weekend or legal holiday, the last date for filing is the first business day following such weekend or legal holiday. Filing may be by facsimile if done in accordance with all other rules in this Part.
- b) Continuances and Extensions
- 1) The Commission, at its discretion, for good cause shown (e.g., inclement weather, illness, death), on timely written motion, after notice to the opposite party, may continue for a limited period the date of a scheduled meeting in response to a complaint or a hearing. Length of continuances shall be determined on a case-by-case basis, not to exceed statutory limitations.
  - 2) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for a meeting in response to a complaint or a hearing, except for emergencies.
- c) Request for List of Witnesses and Documents
- Upon written request made at least seven days prior to the meeting in response to a complaint or a hearing, either party must furnish to the other party:
- 1) A list of names and home or work addresses of the witnesses the party proposes to call.
  - 2) All documents the party proposes to offer.
  - 3) All written or recorded statements of the party's witnesses, which may be used by an adverse party for the purpose of cross-examination.
- d) Right to Inspect and Interview
- Upon written motion and seven days notice, any party or his/her representative

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

shall have the right to inspect any relevant documents in the possession of or under the control of any other party and to interview persons having knowledge of relevant facts.

## e) Stipulations

It is the policy of the Commission to encourage stipulations of fact whenever possible. The parties to any proceeding may agree on the facts or any part thereof involved in the proceeding by stipulation. Stipulations must be filed in writing with the Commission or entered orally into the record.

## f) Burden of Proof

- 1) The complainant shall have the burden of proof to establish by a preponderance of evidence that the matter asserted is more probably true than not true.
- 2) When a party has the burden of proof and establishes the matter asserted by the required quantity of evidence, the party has made a prima facie case, and the burden of disproving the matter asserted goes to the opposing party by the same quantity of evidence.

**Section 1610.220 Conduct of Meetings to Determine Probable Cause****EMERGENCY**

- a) The Commission shall appoint an attorney to review any pending complaints and all supporting evidence of the allegations prior to a meeting to determine probable cause. Following this review, the attorney shall make a recommendation to the Commission on each complaint regarding its sufficiency and determination of probable cause.
- b) A meeting to determine probable cause shall be conducted by the Chairman, or his designee, and shall consist of a review of the complaint and all supporting evidence of the allegation.

**Section 1610.230 Conduct of Meetings in Response to a Complaint****EMERGENCY**

- a) The Chairman, or designee, shall conduct the meeting in response to a complaint. He/she shall open the meeting in response to a complaint by explaining the

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

procedures to be followed in the meeting in response to a complaint.

- b) The Commission shall appoint an attorney to present the case against the respondent with the complainant. The same attorney may review the sufficiency of complaints (see Section 1610.220 of this Part) and present the case against the respondent. The respondent may have the aid of counsel at his/her own expense.
- c) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven.
- d) The respective parties may bring witnesses, cross-examine opposing witnesses, and present documentary and demonstrative evidence. The Chairman, or designee, may also examine the witnesses.
- e) Before closing the meeting in response to a complaint, the Chairman, or designee, shall allow both parties the opportunity either to make brief oral closing statements or to submit written closing statements.

**Section 1610.240 Authority of the Hearing Officer****EMERGENCY**

The hearing officers appointed by the Commission shall have the authority to conduct hearings including the authority to hold prehearing conferences, to administer oaths, to examine witnesses, and to make rulings on motions. He/she shall also have authority to rule on any substantive or procedural matter not covered within this Part, subject to the final review of the Commission.

**Section 1610.250 Authority of the Commission Over Hearing Officer****EMERGENCY**

- a) The Commission shall hold a meeting following the conclusion of the hearing and the receipt of the recommendation of the hearing officer to review and rule on the recommendation of the hearing officer.
- b) The Commission shall have the authority to affirm, reverse, modify, or set aside in whole or in part the rulings, orders, decisions, or recommendations of the hearing officer.
- c) A decision shall become final on the date such decision is entered after the concurrence of at least four members at a meeting.

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

- d) Motions made after the proposal for decision has been forwarded to the parties shall be ruled on by the Commission prior to the rendering of the final decision, provided the motion is filed in accordance with this Part.

**Section 1610.260 Procedural Rules and Record for Hearings****EMERGENCY**

- a) Conduct of Hearings
- 1) The hearing officer shall open the hearing by explaining the procedure to be followed in the hearing. Upon motion of either party or at the discretion of the hearing officer, any or all witnesses may be sequestered.
  - 2) Preliminary matters such as objection to charges, disputes involving discovery, stipulation of facts and documents, and scheduling of witnesses may be resolved.
  - 3) The Commission shall appoint an attorney to present the case against the respondent with the complainant. The respondent may have the aid of counsel at his/her own expense.
  - 4) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. Each party may call witnesses to testify on his/her own behalf. All witnesses shall testify under oath or affirmation.
  - 5) The respective parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. The hearing officer may also examine the witnesses.
  - 6) Before closing the hearing, the hearing officer shall allow both parties the opportunity either to make brief oral closing statements or to submit written closing statements.
- b) Motions
- 1) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on a matter that does

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

not appear on record shall be supported by affidavit.

- 2) The motion shall point out specifically the defects complained of and shall ask for appropriate relief, such as: dismissal of the action, more clear definition of a specific charge, etc.

c) Appearances of Witnesses

The clerk is authorized to issue subpoenas for witnesses or documents that may be required by any party. Subpoenas duces tecum shall specify the books, papers, and accounts or documents desired to be produced. The appearance of a party or State agency and/or employee of a party may be secured by merely serving the party with written notice designating the persons required to appear. For good cause shown, the hearing officer on motion may quash or modify any subpoena or notice.

d) Pre-Hearing Conference

- 1) The hearing officer may hold a pre-hearing conference. At the conference, the parties, or their representatives, shall appear as the hearing officer directs to consider the simplification of the issue, amendment to the charges, the possibility of obtaining admissions and stipulations of fact and of documents that will avoid unnecessary proof, and any other matters that may aid in the disposition of the action.
- 2) After a pre-hearing conference, the hearing officer shall provide all parties with a statement including any ruling on motions or other actions taken, any agreements made by the parties as to any of the matters considered, and the issues still to be considered at the hearing.

e) Hostile Witnesses

If the hearing officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him/her as if under cross-examination. The party calling a witness may, upon showing that he/she called the witness in good faith but is surprised by his/her testimony, impeach the witness by proof of prior inconsistent statements.

f) Failure to Comply with Orders or Rules

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with this Part, or with any order of the hearing officer, the hearing officer may enter an adverse finding, order, or decision as may be necessary to ensure just disposition of the matter.

## g) Evidence

- 1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of Illinois shall be followed. However, evidence not admissible under those rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- 2) Objections to evidentiary offers may be made and shall be ruled upon by the hearing officer and noted in the record.

## h) Record of Proceedings

Whenever a hearing is held under the Act or this Part, it shall be recorded by stenographic or other means that adequately preserves the record. The Commission may order that the recording be transcribed. The Commission shall bear the costs of the stenographer. The parties or the Commission may order copies of the transcript at their own expense; however, if the matter is appealed under the Administrative Review Law, the Commission shall bear the cost of the transcript.

## i) Proposal for Decision

The hearing officer shall prepare a proposal for decision that shall be forwarded to each Commission member and the clerk of the Commission within two business days after the conclusion of the hearing.

**Section 1610.300 Ex Parte Consultations****EMERGENCY**

- a) Except in the disposition of matters that they are authorized by law to entertain or dispose of on an ex parte basis, neither the hearing officer, the Commission members, nor Commission staff shall, after notice of a meeting in response to a complaint in a contested case, communicate, directly or indirectly, in connection

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF EMERGENCY REPEALER

with any issue of fact, with any person or party, or in connection with any other issue with any party or the party's representative, except upon notice and opportunity for all parties to participate.

- b) Communications regarding procedure, such as, but not limited to, format of pleadings, number of copies required, manner of service, status of proceedings, and continuances, are not considered to be ex parte communications. However, requests for continuances shall not be granted until the opposing party is notified either orally or in writing that a request is going to be made and has an opportunity to respond to that request.

**Section 1610.400 Administrative Review****EMERGENCY**

When the Commission renders a final administrative decision, any party affected by that decision is entitled to have the decision reviewed by the Circuit Court under the Administrative Review Law of the Code of Civil Procedure [735 ILCS 5/Art. III] by filing a complaint and causing the issuance of summons on the Commission within 35 calendar days from the date that a copy of the decision to be reviewed was served on the affected party.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO  
EMERGENCY RULEMAKING

## DEPARTMENT OF PUBLIC AID

Heading of the Part: Specialized Health Care Delivery Systems

Code Citation: 89 Ill. Adm. Code 146

Section Numbers: 146.400 146.410 146.420  
146.430 146.440 146.450

Date Originally Published in the Illinois Register: 2/4/05  
29 Ill. Reg. 2014

At its meeting on February 17, 2005, the Joint Committee on Administrative Rules objected to the Department of Public Aid using emergency rulemaking to adopt the above cited rules. The Department took over 5 years to develop and adopt this amendment adding the State Hemophilia Program to its rules entitled Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146; 29 Ill. Reg. 2014), and then adopted them as emergency rules. The Hemophilia Program was statutorily moved from the Department of Human Services to the Department of Public Aid in 1998. At that time, the 2 agencies entered into an interagency agreement through which DPA would operate the program in accordance with the existing DHS rules while developing its own. While this arrangement may have been appropriate for a reasonable transition period, DPA let far too much time elapse before proposing its own rules. Any situation now requiring DPA to adopt these rules through the emergency rulemaking procedures is created by DPA's own failure to develop rules in a timely manner.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Specialized Health Care Delivery Systems

Code Citation: 89 Ill. Adm. Code 146

<u>Section Numbers:</u>	146.200	146.205	146.210	146.215
	146.220	146.225	146.230	146.235
	146.240	146.245	146.250	146.255
	146.260	146.265	146.270	146.275
	146.280	146.295	146.300	

Date Originally Published in the Illinois Register: 10/29/04  
28 Ill. Reg. 14087

At its meeting on February 17, 2005, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that DPA seek specific statutory authority for continuing the Supportive Living Facilities program beyond its current demonstration program status. Section 5-5.01A of the Public Aid Code authorizes only a supportive living facilities demonstration project.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 15, 2005 through February 21, 2005 and have been scheduled for review by the Committee at its March 15, 2005 meeting in Springfield. 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>
3/30/05	<u>State Police Merit Board</u> , Procedures of the Department of State Police Merit Board (80 Ill. Adm. Code 150)	12/27/04 28 Ill. Reg. 16458	3/15/05
3/31/05	<u>Department of Agriculture</u> , Motor Fuel Standards Act (8 Ill. Adm. Code 850)	12/17/04 28 Ill. Reg. 15935	3/15/05
3/25/05	<u>Department of Financial and Professional Regulation</u> , Required Procedure for Filing and Securing Approval of Policy Forms for Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Service Plans, Dental Service Plans, Limited Health Service Organizations and Health Maintenance Organizations (50 Ill. Adm. Code 916)	3/26/04 28 Ill. Reg. 5088	3/15/05
4/3/05	<u>Illinois Emergency Management Agency</u> , Transportation of Radioactive Material (Repeal) (32 Ill. Adm. Code 341)	12/3/04 28 Ill. Reg. 15396	3/15/05
4/3/05	<u>Illinois Emergency Management Agency</u> , Radioactive Materials Transportation (32 Ill. Adm. Code 341)	12/3/04 28 Ill. Reg. 15388	3/15/05
4/7/05	<u>Department of Public Aid</u> , Hospital Services	12/10/04	3/15/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

(89 Ill. Adm. Code 148)

28 Ill. Reg.  
15719

4/7/05

State Board of Education, Student Records (23  
Ill. Adm. Code 375)

12/3/04  
28 Ill. Reg.  
15382

3/15/05

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PENALTY FEE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$5,900 against C-Cess (Success) Mortgage Corporation, License No. MB.0006676, of Westchester, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 16, 2005. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of Signature Mortgage & Loans, Inc., License No. MB.0005432 of Niles, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 16, 2005. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of Illiana Mortgage Company, License No. MB.0005843 of Lansing, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 16, 2005. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF REVOCATION IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of Advanced Mortgage Services, License No. MB.0005380 of Peoria, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective February 16, 2005. For further reference link to: <http://www.obre.state.il.us/>

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT  
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Scott County Fence Company, IDOL File No. 2003-PW-EH12-0642, the Director of the Department of Labor gives notice that [Scott County Fence Company ], its member(s), officer(s), manager(s), agent(s), and all persons acting in Scott County Fence's Company interest and/or on Scott County Fence's Company behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Scott County Fence Company, its member(s), officer(s), manager(s), agent(s), and all other persons acting in Scott County Fence's Company interest and/or on Scott County Fence's Company behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing January 31, 2005 and continuing through January 31, 2007.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor  
Conciliation and Mediation Division  
One West Old State Capital Plaza, Room 300  
Springfield, Illinois 62701-1217

## EXECUTIVE ORDERS

**2005-1****EXECUTIVE ORDER ON COLLECTIVE NEGOTIATION  
BY DAY CARE HOME PROVIDERS**

WHEREAS, day care homes provide essential services to Illinois children and families in need as part of the State's child care assistance program administered by the Department of Human Services under 305 ILCS 5/9A-11 and 89 Ill. Adm. Code 50.210 et seq.; and

WHEREAS, the State Department of Human Services has adopted as priority goals: fully implementing a child care assistance system that enables all Illinois families to access quality care; supporting quality child care through a system of adequate base rates and financial incentives for implementing progressively higher quality standards; and supporting a child care workforce dedicated to providing the highest quality care;

WHEREAS, there is a continuing need to expand access to quality child care including that provided by day care home providers and low reimbursement rates have contributed to the decreasing numbers of licensed homes and the difficulties of parents in finding adequate care;

WHEREAS, there is a need to stabilize the day care home workforce which includes licensed and license exempt home providers;

WHEREAS, it is important to preserve freedom of choice for parents in selecting appropriate day care services for their children and to do so, the State must be able to ensure the availability of quality child care services on terms that will attract and retain sufficient numbers of licensed and license exempt day care home providers in the State's child care assistance program; and

WHEREAS, individual families receiving services through the State's child care assistance program do not control all the economic terms of the delivery of services and, therefore, cannot effectively address concerns common to day care home providers; and

WHEREAS, day care home providers are located throughout the State and, therefore, may not be able to effectively voice their common concerns about the State's child care assistance program, their role in the program, or the terms and conditions of their provision of services under the program without representation; and

WHEREAS, it is essential for the State to receive input from the day care home providers in order to improve the delivery of services under the State's child care assistance program; and

WHEREAS, the Department of Human Services would benefit from a system of representation for day care home providers in implementing its goals for improvement of the State's child care assistance program and in particular the delivery of quality day care home services; and

WHEREAS, a system of representation for providers should provide for a fair election, instituted by a reasonable percentage of providers, given the 70% provider turnover every year, and held promptly in accordance with nationally recognized standards for consent elections; and

WHEREAS, the Department of Human Services, subject to my constitutional authority to ensure the faithful execution of the laws, has plenary authority to determine the terms and conditions under which day care services are provided in the State's child care assistance

## EXECUTIVE ORDERS

program, including setting rates and other compensation and devising a process for ensuring that those rates are fair and reasonable; and

WHEREAS, day care home providers are not State employees for the purposes of eligibility to receive statutory benefits because the State does not hire, supervise or terminate their services.

THEREFORE, I hereby order the following:

- I. The State shall recognize a representative designated by a majority of day care home licensed and license-exempt providers, voting in a mail ballot election, as the exclusive representative of day care home providers that participate in the State's child care assistance program, accord said representative the same rights and duties granted to employee representatives by the Illinois Labor Relations Act, 5 ILCS 315, and engage in collective negotiations with said representative concerning all terms and conditions of the provision of services for day care home providers under the State's child care assistance program that are within the State's control. Any organization that can show that at least 10% of providers wish to be represented by it may participate in such an election, which shall be held within 42 days of a request for an election.
- II. In according the day care home providers and their selected representative these rights, the State intends that the "State action exemption" to application of the federal antitrust laws be fully available to the State, day care home providers and their selected representative to the extent that their activities are authorized pursuant to this Executive Order.
- III. This Executive Order is not intended to and will not alter in any way either (1) the role of parents in selecting, directing and terminating the services of day care home providers under the State's child care assistance program nor (2) the fact that the providers are not state employees.

This Executive Order #1 shall take effect upon filing with the Secretary of State.

Issued by the Governor: February 18, 2005

Filed with the Secretary of State: February 18, 2005

## PROCLAMATIONS

**2005-41  
Music Education Day**

WHEREAS, music education plays an essential role in the education of students of all ages; and

WHEREAS, music education programs enhance intellectual development and enrich the academic environment for all students. Studies show that students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol and have better attendance in school; and

WHEREAS, music education programs enrich the lives of all children by fostering discipline, creativity, imagination, self-expression, and problem solving skills. All of these attributes are essential to students' potential success in school as well as in their future endeavors; and

WHEREAS, the State of Illinois recognizes music education as an essential part of the learning process and supports the existence of this basic art form in the curricula of schools throughout Illinois; and

WHEREAS, Music Education Day at the Capitol is a special opportunity for all citizens, from students to legislators, to join in support of music education programs in our schools and communities:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim, March 2, 2005 as MUSIC EDUCATION DAY in Illinois, and encourage all citizens to recognize the important role that school music programs play in the academic and social development of children.

Issued by the Governor February 16, 2005.

Filed by the Secretary of State February 16, 2005.

**2005-42  
Engineers Week**

WHEREAS, according to the Illinois Department of Professional Regulation, there are approximately 20,700 registered professional engineers and 2,300 registered structural engineers in Illinois; and

WHEREAS, the engineering community in Illinois provides the people of this state and across the nation with a wealth of innovations in all fields, including agriculture, transportation, construction and education; and

WHEREAS, engineers are vital to allowing our society to function efficiently, particularly in the areas of public safety, health, welfare, transportation, water, power, communications, structures and environmental engineering; and

WHEREAS, we must depend upon the professional men and women in the field of engineering to find technological solutions to the problems we currently face, and those we might face in the future; and

## PROCLAMATIONS

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 20 – 26, 2005 as ENGINEERS WEEK in Illinois, and encourage all citizens to recognize and appreciate the countless benefits that engineers bring to this state, and to this country as a whole.

Issued by the Governor February 16, 2005.

Filed by the Secretary of State February 16, 2005.

**2005-43****SCHOOL HEALTH CENTER AWARENESS MONTH**

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the need to provide them with the primary and preventative health care services necessary for their overall well-being; and

WHEREAS, approximately one in seven teenagers has no health insurance, and private health insurance plans often place restrictions on services for teens; and

WHEREAS, in 1982, school health centers began to emerge in Illinois as a way to provide health services to children and adolescents who would not otherwise have access to those services; and

WHEREAS, today, there are over forty school health centers in Illinois providing accessible, affordable and quality health care and health education to school aged children; and

WHEREAS, research has shown that school health centers contribute to fewer school absences, higher compliance with required immunizations and physical exams, decreased smoking of tobacco and marijuana, fewer hospitalizations and emergency room visits, lower school drop-out rates and a decline in teen pregnancy:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as SCHOOL HEALTH CENTER AWARENESS MONTH in Illinois, and urge all citizens to recognize the role of local school-based and school-linked health centers in improving the lives of young people and their families.

Issued by the Governor February 18, 2005.

Filed by the Secretary of State February 18, 2005.

**2005-44****AFFORDABLE HOUSING WEEK**

WHEREAS, access to safe and affordable housing is one of the basic necessities of life; and

WHEREAS, over a quarter of all home owners in Illinois pay in excess of thirty percent of their income on housing. This illustrates a housing affordability problem that often results in homelessness; and

WHEREAS, all citizens require stable and affordable housing in order to achieve individual and family success, and it is essential that we have a full range of quality housing

## PROCLAMATIONS

options available and accessible to meet the needs of all income groups and special needs populations in communities across the state; and

WHEREAS, recognizing that housing is not just about bricks and mortar, it is crucial that grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others join forces to guide and promote affordable housing as fundamental to community and economic health; and

WHEREAS, the talents and efforts of grassroots organizations, non-profit housing professionals, financial institutions, elected officials, state agencies and others must be combined to address the challenge of increasing the amount of affordable housing:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 13 – 19, 2005 as AFFORDABLE HOUSING WEEK in Illinois, and encourage all citizens to recognize and appreciate the need for reasonably priced housing and its impact on our communities.

Issued by the Governor February 18, 2005.

Filed by the Secretary of State February 18, 2005.

**2005-45****ILLINOIS STATE HISTORICAL SOCIETY MARKERS AWARENESS WEEK**

WHEREAS, history shapes the way we view the present and helps us to understand our place in the world; and

WHEREAS, there are many places in Illinois which are significant sites of local, state, national and world history; and

WHEREAS, visitors to these sites are presented with information regarding historical people, ideas and events that lead to a deeper appreciation of history; and

WHEREAS, increasing visitations at historic sites stimulates beautification, preservation, conservation, tourism and business in Illinois communities, and particularly in the counties where these sites are located; and

WHEREAS, the Illinois State Historical Society, established by the Illinois General Assembly in 1899, has already placed markers at more than four hundred locations around the state to inform residents and tourists of the historical significance of these sites; and

WHEREAS, the Illinois General Assembly, in conjunction with the Illinois State Historical Society, seek to heighten the historical awareness of Illinois residents and visitors by calling attention to these markers and historic sites throughout the state:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28 through March 6, 2005 as ILLINOIS STATE HISTORICAL SOCIETY MARKERS AWARENESS WEEK in Illinois, and encourage all citizens to learn about and appreciate the rich history of our state.

Issued by the Governor February 18, 2005.

Filed by the Secretary of State February 18, 2005.

**2005-46**

## PROCLAMATIONS

**MEDICAL LABORATORY WEEK**

WHEREAS, the health and well-being of all citizens depends upon the hard work of individuals with educated minds and skilled hands; and

WHEREAS, medical laboratory professionals, which include pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians, phlebotomists, and other related professionals play a critical role in providing patients with the best possible health care; and

WHEREAS, the role of medical laboratory professionals is to perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment, and help prevent diseases. In addition, they perform tests to identify and detect biohazardous substances; and

WHEREAS, the tireless efforts of these dedicated health care professionals have helped to save countless lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 24 – 30, 2005 as MEDICAL LABORATORY WEEK in Illinois, and encourage all citizens to recognize the dedicated men and women who have made a vital contribution to the quality of health care in our state and across the United States.

Issued by the Governor February 18, 2005.

Filed by the Secretary of State February 18, 2005.

**2005-47****NUTRITION MONTH**

WHEREAS, the problems of obesity and food insecurity are growing issues in Illinois and across the country; and

WHEREAS, it is crucial that we as a state do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and

WHEREAS, according to the Illinois Behavioral Risk Factor Surveillance System, over 37 percent of all Illinois citizens are overweight. At the same time, nearly 8 percent of the state's population does not have routine access to adequate amounts of food; and

WHEREAS, it is important that people eat neither too much nor too little of any food or nutrient in order to help maintain a healthy lifestyle. Overindulgence in food can result in excess weight and related health complications, while eating too little can lead to numerous nutrient deficiencies and low body mass; and

WHEREAS, the Illinois Department of Human Services, along with the Illinois Interagency Nutrition Council, are joining forces with nutrition professionals in Illinois and throughout the United States to promote good nutrition during the month of March. The theme of this year's awareness campaign is "Providing Nutrition Education and Improving Access to Food":

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as NUTRITION MONTH in Illinois, and encourage all citizens to support food

PROCLAMATIONS

programs and establish healthy eating habits in hopes of reducing the risk for obesity and preventing hunger.

Issued by the Governor February 18, 2005.

Filed by the Secretary of State February 18, 2005.

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 10 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

23 - 350	.....	3049
2 - 1620	.....	3054
50 - 5421	.....	3057
41 - 140	.....	3069
2 - 1610	.....	3189
47 - 375	.....	3191
77 - 527	.....	3200

### ADOPTED RULES

32 - 422	02/22/2005.....	3212
77 - 591	02/16/2005.....	3327

### EMERGENCY RULES

2 - 1620	02/23/2005.....	3340
2 - 1610	02/23/2005.....	3365

### JOINT COMMITTEE ON ADMINISTRATIVE RULES

#### STATEMENTS OF RECOMMENDATION

89 - 146	.....	3377
----------	-------	------

### JOINT COMMITTEE ON ADMINISTRATIVE RULES

#### STATEMENTS OF OBJECTION

89 - 146	.....	3378
----------	-------	------

### EXECUTIVE ORDERS AND PROCLAMATIONS

05 - 1	02/18/2005.....	3386
05 - 41	02/16/2005.....	3386
05 - 43	02/18/2005.....	3388
05 - 42	02/16/2005.....	3388
05 - 45	02/18/2005.....	3389
05 - 44	02/18/2005.....	3389
05 - 46	02/18/2005.....	3390
05 - 47	02/18/2005.....	3391

## 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"/> 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
<b>TOTAL AMOUNT OF ORDER</b> \$ _____	

Check    Make Checks Payable To: **Secretary of State**

VISA     Master Card     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](http://www.cyberdriveillinois.com)