**Section 848.120 Inclusion on Nontoxic or Toxic List of Materials**

a) Art or craft materials are classified as nontoxic or toxic for grades K through 6 based upon an evaluation of the potential health hazard (acute or chronic effects) by ingestion, inhalation, skin absorption or combination during any reasonably forseeable use of the product by students in the classroom.

b) This evaluation of art and craft materials consists of a review of the following to determine the potential health hazards:

1) Review of Material Safety Data Sheet (MSDS) as required under 29 CFR 1915 (1988).

2) Review of recommendations of any of the Illinois Department of Public Health approved voluntary art and craft material certifying organizations.

3) Consultation with Illinois Department of Public Health Toxicologist.

c) *The Department shall consider the findings and conclusions of a voluntary art and craft material certifying organization as to the appropriateness of placement of any product on the Department's art and craft materials exclusion list if:*

1) *Such voluntary certifying organization bases its findings and conclusions upon the findings of an independent certified toxicologist; and*

2) *Such voluntary certifying organization discloses to the Department the standards and procedures used by its certifying toxicologist for determining whether art and craft materials contain toxic substances causing chronic illness and if so, whether such substances can reasonably be expected to pose or not to pose a risk of adverse health effects. The Department may determine to add any product to such art and craft materials exclusion list for good cause. (Good cause* shall mean what the department, through its evaluation or based upon the findings and conclusion of an approved organization, finds that an art or craft material is hazardous). *Such determination shall afford due consideration to uniform determinations by other state health departments or agencies and voluntary certifying organizations as specified above on this subject.*

(Section 9(b) of the Act

d) Exclusion List Development:

1) *In developing the exclusion lists, the Department may, as a condition of placement on such list, demand, under appropriate provisions or confidentiality to protect a manufacturer's trade secrets, submission of such lists of ingredients and the results of tests, studies, findings and an analyses as may be extant from manufacturers if manufacturers do not voluntarily submit this information.* (Section 9(a) of the Act)

2) If the requested information is not provided, then the art or craft materials in question shall be listed as toxic because insufficient information exists to determine the potential health hazards.