



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5985

by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.16 new

Amends the Environmental Protection Act. Provides that ethylene oxide may only be used for the sterilization of medical products. Prohibits the use of ethylene oxide on and after January 1, 2021. Provides that the Environmental Protection Agency shall reevaluate emissions standards and regulations for ethylene oxide and promulgate new emissions standards and regulations. Provides reporting requirements. Provides that the Agency shall conduct an evaluation of ethylene oxide emissions by facilities with a Clean Air Act Permit Program permit and evaluate and modify any such permit as needed. Provides that the Agency shall revoke a facility's CAAPP permit if a significant public health hazard is determined to exist due to ethylene oxide emissions. Provides that a facility permitted to emit ethylene oxide shall halt emissions of ethylene oxide for a specific amount of time. Provides that it is a violation to emit ethylene oxide at a level that violates any federal or State emissions standards or regulations and the Agency shall not renew the permit of any facility in violation. Provides a right of action for any person exposed to ethylene oxide. Provides notice requirements regarding ethylene oxide. Effective immediately.

LRB100 24117 LNS 43239 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 adding Section 9.16 as follows:

6 (415 ILCS 5/9.16 new)

7 Sec. 9.16. Emissions standards; regulations; notice to
8 facilities emitting ethylene oxide.

9 (a) Beginning 30 days after the effective date of this
10 amendatory Act of the 100th General Assembly, ethylene oxide
11 may only be used for the sterilization of medical products;
12 however, ethylene oxide may not be used for the sterilization
13 of medical products when an alternative method of sterilization
14 exists which is less hazardous to the public health.

15 On and after January 1, 2021, any use of ethylene oxide is
16 a violation of this Act.

17 (b) The Agency, in cooperation with the Department of
18 Public Health, the USEPA, and universities conducting research
19 on the effects of ethylene oxide emission exposure, shall
20 immediately reevaluate emissions standards and regulations for
21 ethylene oxide and promulgate new emissions standards and
22 regulations that are in accordance with the most recently
23 issued scientific standards for ethylene oxide based on

1 reports, findings, and statements on the health impacts of
2 ethylene oxide produced by the USEPA, the Agency for Toxic
3 Substances and Disease Registry, the Centers for Disease
4 Control and Prevention, the National Air Toxics Assessment,
5 this State, or such universities. When determining emissions
6 standards and regulations for ethylene oxide, the Agency shall:

7 (1) account for the effect of both short-term and
8 long-term exposure to ethylene oxide; and

9 (2) set the emission standards and regulations to
10 maximize the health and safety of workers who are exposed
11 to ethylene oxide in the course of their employment and
12 members of the public exposed as a result of emissions.

13 Within 30 days from this amendatory Act of the 100th
14 General Assembly, the Agency shall submit new regulations
15 regarding emission standards for ethylene oxide to the Board
16 and provide a report detailing these new standards, along with
17 a brief explanation of any changes, to all CAAPP permit holders
18 permitted to use ethylene oxide, the Department of Public
19 Health, and the Attorney General. The Agency shall post the
20 same report on its website and social media accounts.

21 (c) The Agency, in cooperation with the Department of
22 Public Health and the USEPA, shall conduct an evaluation of the
23 ethylene oxide emissions by CAAPP permit holders and the
24 associated risks to public health. A report detailing the
25 levels of ethylene oxide emissions and risks to public health
26 shall be submitted to the Department of Public Health, the

1 Attorney General, and the General Assembly within 60 days from
2 the effective date of this amendatory Act of the 100th General
3 Assembly. The report to the General Assembly shall be filed
4 with the Clerk of the House of Representatives and the
5 Secretary of the Senate in electronic form only, in the manner
6 that the Clerk and the Secretary shall direct. The Agency shall
7 post the same report on its website and social media accounts.

8 (d) Upon the adoption of the new regulations under
9 subsection (b) and finalization of the evaluations under
10 subsection (c), the Agency shall evaluate CAAPP permits which
11 allow for use of ethylene oxide and modify the permits as
12 needed to reflect the new emissions standards and regulations
13 and prevent a public health hazard. Where a significant public
14 health hazard is determined to exist due to ethylene oxide
15 emissions, the Agency shall revoke the facility's CAAPP permit.
16 The modifications and revocations shall take effect
17 immediately upon notification to the permit holder and shall
18 not be subject to oversight of the Board prior to taking
19 effect. Within 15 days of the Agency modifying or revoking a
20 permit under this subsection, the Agency shall submit the
21 modified or revoked permit to the Board for approval, denial,
22 or modification. The Board shall not consider cost or
23 interruption in business practices when making its decision.

24 (e) Beginning 30 days after the effective date of this
25 amendatory Act of the 100th General Assembly until the
26 completion of the permit evaluation and modification process

1 under subsection (d), a facility permitted to emit ethylene
2 oxide shall halt emissions of ethylene oxide. The Agency shall
3 send notice to all permit holders of the reevaluation and the
4 facility's obligation to halt further emission of ethylene
5 oxide.

6 (f) The Agency shall not issue any new CAAPP permits for
7 the use of ethylene oxide on and after the effective date of
8 this amendatory Act of the 100th General Assembly.

9 (g) It is a violation of this Act for any person or entity
10 to emit ethylene oxide at a level that violates any federal or
11 State emissions standards or regulations. If the Agency finds
12 that such a violation has occurred, the Agency shall not renew
13 the facility's air pollution operating permit.

14 (h) Any person exposed to ethylene oxide shall have a right
15 of action in a State circuit court or as a supplemental claim
16 in federal district court against an offending party.

17 (i) Upon the Agency, the Department of Public Health, or
18 the Governor's Office receiving information in any form from
19 any State or federal agency related to: (1) elevated emissions
20 of ethylene oxide; (2) an update of emissions standards for
21 ethylene oxide; or (3) increased instances of adverse public
22 health effects related to emissions of ethylene oxide, the
23 Agency shall provide notice within 7 days to every hospital,
24 school district, local government, and resident within 5 miles
25 of the emitting facility by letter or electronic mail. The
26 Agency and Department of Public Health shall post notice on

1 their respective websites, and notify the Attorney General. The
2 Agency shall also give notice via broadcast over at least one
3 radio station and one television station in the area of the
4 emitting facility.

5 Notice required under this Section shall substantially
6 comply with the standards set forth in the Crisis and Emergency
7 Risk Communication manual published by the Centers for Disease
8 Control and Prevention, and, at a minimum, contain the
9 following:

10 (1) the name and address of the site or facility where
11 the leak occurred or is suspected to have occurred;

12 (2) the identification and approximate amount of
13 ethylene oxide emitted;

14 (3) the most recent emissions standard for ethylene
15 oxide, based on standards set forth by the USEPA and Agency
16 for Toxic Substances and Disease Registry, and the most
17 recent National Air Toxics Assessment reports;

18 (4) a brief description of the potential adverse health
19 effects posed by the contaminant, based upon the standards
20 provided by the USEPA, Agency for Toxic Substances and
21 Disease Registry, or Centers for Disease Control and
22 Prevention;

23 (5) the names, business addresses, and phone numbers of
24 persons at the Department of Public Health, the Agency, the
25 Attorney General's Office, the USEPA, the Center for
26 Disease Control and Prevention, and the Agency for Toxic

1 Substances and Disease Registry who may provide additional
2 information to the public on the health hazards and steps
3 to mitigate the hazards of the ethylene oxide emissions;
4 and

5 (6) a brief explanation of steps that residents may
6 take to mitigate the adverse health effects of the
7 emissions.

8 This information shall be provided in English and several
9 other locally-used languages, based on the most recent census
10 data for the municipality surrounding the emitting facility.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.