

1 AN ACT concerning safety.

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 9.18 as follows:

6 (415 ILCS 5/9.18 new)

7 Sec. 9.18. Ethylene oxide phase-out.

8 (a) In this Section:

9 "Densely populated location" means a location that does not
10 qualify as a remote location as defined in this subsection.

11 "Ethylene oxide emissions source" means a stationary
12 source that currently, or at any point in the previous 15
13 years, emits, emitted, or has the potential to emit ethylene
14 oxide into the atmosphere, regardless of the specific emissions
15 source. "Ethylene oxide emissions source" does not include an
16 ethylene oxide sterilization source, hospital, or natural
17 biological source such as the human body, plant, or animal.

18 "Ethylene oxide sterilization operation" means the process
19 of using ethylene oxide to make one or more items free from
20 microorganisms, pathogens, or both microorganisms and
21 pathogens.

22 "Ethylene oxide sterilization source" means a stationary
23 source where operations include ethylene oxide sterilization

1 operations and that currently, or at any point in the previous
2 15 years, emits, emitted, or has the potential to emit ethylene
3 oxide into the atmosphere, regardless of its emissions source.
4 "Ethylene oxide sterilization source" does not include a
5 hospital as defined in this subsection.

6 "Hospital" means a hospital licensed under the Hospital
7 Licensing Act or operated under the University of Illinois
8 Hospital Act.

9 "Remote location" means a location removed from
10 populations especially vulnerable to the emission of ethylene
11 oxide. "Remote location" only includes a location meeting the
12 requirements of the following paragraphs (1) or (2).

13 (1) In counties with an average population density of
14 less than 1,000 people per square mile, the location must
15 be:

16 (A) at the center of a 5 mile radius within which
17 there is a population density of 100 people or fewer
18 per square mile; and

19 (B) at least 5 miles from the nearest registered
20 day care or school serving students in grades preschool
21 through 12 and in existence before October 1, 2019.

22 (2) In counties with an average population density
23 equal to or greater than 1,000 people per square mile, the
24 location must be:

25 (A) at the center of a 10 mile radius within which
26 there is a population density of 100 people or fewer

1 per square mile; and

2 (B) at least 10 miles from the nearest registered
3 day care or school serving students in grades preschool
4 through 12 and in existence before October 1, 2019.

5 (b) Ethylene oxide sterilization sources are subject to the
6 following requirements:

7 (1) On and after January 1, 2021, no ethylene oxide
8 sterilization source in a densely populated location shall
9 conduct ethylene oxide sterilization operations that
10 result in the emission of ethylene oxide or propylene
11 oxide.

12 (2) On and after January 1, 2021, no ethylene oxide
13 sterilization source in a remote location shall emit more
14 than 30 pounds of ethylene oxide or 30 pounds of propylene
15 oxide annually.

16 (3) Within 90 days after the effective date of this
17 amendatory Act of the 101st General Assembly, each ethylene
18 oxide sterilization source shall submit a letter to the
19 Agency stating whether they intend to modify or phase out
20 the emissions of ethylene oxide consistent with their
21 obligations established under this Section. Upon receipt
22 by the Agency, the Agency shall make the letter publicly
23 available on the Agency's website.

24 (4) No ethylene oxide sterilization source shall
25 conduct ethylene oxide sterilization operations or other
26 activities that cause ethylene oxide or propylene oxide

1 emissions unless the owner or operator of the ethylene
2 oxide sterilization source submits for review and approval
3 by the Agency a plan describing how the owner or operator
4 will continuously collect emissions information. The plan
5 must also specify locations at the source from which
6 emissions will be collected and identify equipment used for
7 their collection and analysis, including the equipment's
8 individual system components. Emissions monitoring
9 equipment must be tested and validated at least once in any
10 12-month period and the results forwarded to the Agency.

11 (5) In issuing the applicable permits to ethylene oxide
12 sterilization sources, the Agency shall include
13 limitations, informed by each ethylene oxide sterilization
14 source's risk management plan, on the amount of ethylene
15 oxide that may be stored on-site to protect public health,
16 public safety, and the environment. Prior to issuing the
17 applicable permits, the Agency shall require the
18 submission of documentation demonstrating that the permit
19 applicant is in compliance, and will maintain compliance,
20 with local, State, and federal law governing the storage of
21 ethylene oxide. All permits issued by the Agency shall
22 grant the Agency the authority to modify the permit to
23 change limitations on the amount of ethylene oxide that can
24 be stored on-site at any time and to modify storage
25 practices or equipment requirements. All permits issued by
26 the Agency shall grant the Agency the right to conduct

1 unannounced inspections. The Agency shall conduct at least
2 one unannounced inspection annually of the ethylene oxide
3 storage system for each permit holder.

4 (6) Ethylene oxide sterilization sources shall be
5 required to submit or resubmit a risk management plan to
6 the Agency within 90 days of the effective date of this
7 amendatory Act of the 101st General Assembly, on or before
8 December 31, 2020, and on or before December 31 of every
9 fifth year thereafter.

10 (c) Hospitals are subject to the following requirements:

11 (1) On and after January 1, 2023, any hospital
12 designated as a critical access hospital by the Centers for
13 Medicare and Medicaid Services under the federal Balanced
14 Budget Act of 1997 shall not conduct ethylene oxide
15 sterilization operations.

16 (2) On and after January 1, 2022, any hospital not
17 designated as a critical access hospital by the Centers for
18 Medicare and Medicaid Services shall not conduct ethylene
19 oxide sterilization operations.

20 (3) Within 90 days after the effective date of this
21 amendatory Act of the 101st General Assembly, any hospital
22 conducting ethylene oxide sterilization operations shall
23 submit a letter to the Agency committing the hospital to
24 phase out the emissions of ethylene oxide by applicable
25 deadlines established under this Section.

26 (d) Ethylene oxide emissions sources are subject to the

1 following requirements:

2 (1) On and after January 1, 2021, no ethylene oxide
3 emissions source in a densely populated location shall
4 conduct operations or other activities that emit ethylene
5 oxide in excess of 30 pounds annually and 3 pounds monthly.

6 (2) Beginning 90 days after the effective date of this
7 amendatory Act of the 101st General Assembly, no ethylene
8 oxide emissions source shall conduct activities that cause
9 ethylene oxide emissions unless the owner or operator
10 submits for review and approval by the Agency a plan
11 describing how the ethylene oxide emissions source will
12 continuously collect emissions information. Each ethylene
13 oxide emissions source must specify in its plan all
14 locations at which ethylene oxide may enter the atmosphere
15 at each emissions source and shall install proper
16 monitoring equipment. The equipment for monitoring and
17 collecting emissions must be installed and the owner or
18 operator of the ethylene oxide emissions source must begin
19 reporting the results to the Agency within 120 days of the
20 effective date of this amendatory Act of the 101st General
21 Assembly. The plan must also specify locations at the
22 source from which emissions will be collected and identify
23 equipment used for collection and analysis, including the
24 equipment's individual system components. The emissions
25 monitoring equipment must be tested and validated at least
26 once in any 12-month period and the results forwarded to

1 the Agency.

2 (A) The owner or operator of an ethylene oxide
3 emissions source must provide a notice of acceptance of
4 any conditions added by the Agency to the plan, or
5 correct any deficiencies identified by the Agency in
6 the plan, within 10 business days after receiving the
7 Agency's conditional acceptance or denial of the plan.

8 (B) Upon the Agency's approval of the plan, the
9 owner or operator of the ethylene oxide emissions
10 source shall implement the plan in accordance with its
11 approved terms.

12 (3) Each ethylene oxide emissions source shall report
13 to the Agency the amount of ethylene oxide used and the
14 ethylene oxide emissions created at the ethylene oxide
15 emissions source annually. All reports submitted to the
16 Agency shall include documentation necessary to verify the
17 quantity used and purchased by the ethylene oxide emissions
18 source.

19 (4) In issuing the applicable permits to ethylene oxide
20 emissions sources, the Agency shall include limitations,
21 informed by each ethylene oxide emissions source's risk
22 management plan, on the amount of ethylene oxide that may
23 be stored on-site to protect public health, public safety,
24 and the environment. The unit of local government in which
25 the ethylene oxide emissions source is located may regulate
26 the storage of ethylene oxide in a manner that is more

1 restrictive or matches the standards established by the
2 Agency. Prior to issuing the applicable permits, the Agency
3 shall require the submission of documentation
4 demonstrating that the permit applicant is in compliance,
5 and will maintain compliance, with local, State, and
6 federal law governing the storage of ethylene oxide. All
7 permits issued by the Agency shall grant the Agency the
8 authority to modify the permit to change limitations on the
9 amount of ethylene oxide that can be stored on-site at any
10 time and to modify storage practices or equipment
11 requirements. All permits issued by the Agency shall grant
12 the Agency the right to conduct unannounced inspections.
13 The Agency shall conduct at least one unannounced
14 inspection annually of the ethylene oxide storage system
15 for each permit holder.

16 (5) The Agency shall set annual emissions limitations
17 on ethylene oxide emissions that are equal to or lesser
18 than the maximums established under this Section for all
19 ethylene oxide emissions sources. The limitations shall be
20 set to provide maximum protection for public health without
21 consideration of financial cost. No ethylene oxide
22 emissions source shall conduct operations or other
23 activities that emit ethylene oxide in excess of 150 pounds
24 annually.

25 (6) In establishing the annual emissions limitation on
26 ethylene oxide emissions sources in remote locations, the

1 Agency shall consider the health and safety of children in
2 rural schools. On and after January 1, 2021, no ethylene
3 oxide emissions source in a remote location shall conduct
4 operations or other activities that emit ethylene oxide in
5 excess of 30 pounds annually and 3 pounds monthly if the
6 emissions source is within 5 miles of the nearest
7 registered day care or school serving students in grades
8 preschool through 12 and in existence before October 1,
9 2019.

10 (7) Ethylene oxide emissions sources shall be required
11 to submit or resubmit a risk management plan to the Agency
12 within 90 days of the effective date of this amendatory Act
13 of the 101st General Assembly, on or before December 31,
14 2020, and on or before December 31 of every fifth year
15 thereafter.

16 (e) On and after January 1, 2022, the maximum cumulative
17 emissions in a densely populated location from any sum of
18 ethylene oxide emissions sources, hospitals, and ethylene
19 oxide sterilization sources located within 3 and one half miles
20 of each other shall not exceed 35 pounds annually, inclusive of
21 any emissions not emanating from any stack. The Agency shall
22 set emissions limitations for individual ethylene oxide
23 emissions sources to comply with this requirement. If multiple
24 applicants request to emit ethylene oxide in a collective sum
25 that is greater than the annual collective maximum regional
26 emissions established under this subsection, the Agency shall

1 prioritize applicants seeking to provide medical services,
2 such as hospitals and ethylene oxide sterilization sources that
3 sterilize medical products.

4 (f) The Agency shall conduct a comprehensive review of
5 ethylene oxide use and emissions within the State of Illinois.
6 The Agency shall submit its findings in a report to the General
7 Assembly and make the report publicly available on the Agency's
8 website on or before June 30, 2021. At a minimum, the report
9 shall include the following:

10 (1) A comprehensive assessment of where ethylene oxide
11 is used at levels that may cause measurable emissions.

12 (2) The Agency's recommendations for future
13 administrative actions, regulations, or legislation
14 pertaining to ethylene oxide, designed to provide maximum
15 protection to public health.

16 (3) The Agency's assessment of the risk to human health
17 and environmental damage that can be caused by exposure to
18 ethylene oxide.

19 Section 97. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.