

1 AN ACT concerning asbestos abatement.

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

4 Section 5. The Commercial and Public Building Asbestos  
5 Abatement Act is amended by changing Sections 15 and 35 as  
6 follows:

7 (225 ILCS 207/15)

8 Sec. 15. Definitions. As used in this Act:

9 "Asbestos abatement contractor" means any entity that  
10 provides removal, enclosure, encapsulation, or disposal of  
11 asbestos containing materials.

12 "Asbestos containing building materials" or "ACBM" means  
13 surfacing asbestos containing materials or ACM, thermal  
14 system insulation ACM, or miscellaneous ACM that is found in  
15 or on interior structural members or other parts of a  
16 building.

17 "Asbestos" means the asbestiform varieties of chrysotile,  
18 amosite, crocidolite, tremolite, anthrophyllite, and  
19 actinolite.

20 "Asbestos inspector" means an individual who performs  
21 inspections of commercial and public buildings for the  
22 presence of asbestos containing materials.

23 "Asbestos materials" means any material or product that  
24 contains more than 1% asbestos.

25 "Asbestos consultant" means a person offering expert or  
26 professional advice as an asbestos professional or designated  
27 person.

28 "Asbestos professional" means an individual who is  
29 licensed by the Department to perform the duties of a  
30 contractor, inspector, management planner, project designer,  
31 project supervisor, or air sampling professional, as

1 applicable.

2 "Asbestos supervisor" means an asbestos abatement  
3 contractor, foreman, or person designated as the asbestos  
4 abatement contractor's representative who is responsible for  
5 the onsite supervision of the removal, encapsulation, or  
6 enclosure of friable or nonfriable asbestos-containing  
7 materials in a commercial or public building.

8 "Asbestos worker" means an individual who cleans,  
9 removes, encapsulates, encloses, hauls, or disposes of  
10 friable asbestos material.

11 "Building/facility owner" is the legal entity, including  
12 a lessee, that exercises control over management and record  
13 keeping functions relating to a building or facility in which  
14 activities covered by this standard take place.

15 "Commercial or public building" means the interior  
16 space of any building, except that the term does not include  
17 any residential apartment building of fewer than 10 units or  
18 detached single family homes. The term includes, but is not  
19 limited to: industrial and office buildings, residential  
20 apartment buildings and condominiums of 10 or more dwelling  
21 units, government-owned buildings, colleges, museums,  
22 airports, hospitals, churches, schools, preschools, stores,  
23 warehouses, and factories. Interior space includes exterior  
24 hallways connecting buildings, porticos, and mechanical  
25 systems used to condition interior space.

26 "Department" means the Department of Public Health.

27 "Designated person" means a person designated by the  
28 local education agency, as defined by the Asbestos Abatement  
29 Act, to ensure that the management plan has been properly  
30 implemented.

31 "Director" means the Director of Public Health.

32 "Encapsulation" means the treatment of ACBM with a  
33 material that surrounds or embeds asbestos fibers in an  
34 adhesive matrix that prevents the release of fibers as the

1 encapsulant creates a membrane over the surfaces (bridging  
2 encapsulant) or penetrates the material and binds its  
3 components together (penetrating encapsulant).

4 "Enclosure" means the construction of airtight walls and  
5 ceilings between the asbestos containing material and the  
6 building environment, or around surfaces coated with asbestos  
7 containing materials, or any other appropriate scientific  
8 procedure as determined by the Department that prevents the  
9 release of asbestos.

10 "Friable", when referring to material in a commercial or  
11 public building, means that the material, when dry, may be  
12 crumbled, pulverized, or reduced to powder by hand pressure  
13 and includes previously nonfriable materials after such  
14 previously nonfriable material becomes damaged to the extent  
15 that, when dry, it may be crumbled, pulverized, or reduced to  
16 powder by hand pressure.

17 "Inspection" means an activity undertaken in a public or  
18 commercial building to determine the presence or location, or  
19 to assess the condition of, friable or nonfriable asbestos  
20 containing building material (ACBM) or suspected ACBM,  
21 whether by visual or physical examination, or by collecting  
22 samples of such material.

23 "Nonfriable" means material in a commercial or public  
24 building which, when dry, may not be crumbled, pulverized, or  
25 reduced to powder by hand pressure.

26 "Person" means any individual, group of individuals,  
27 association, trust, partnership, corporation, person doing  
28 business under an assumed name, or any other entity.

29 "Project designer" means an individual who designs  
30 response actions for commercial or public buildings.

31 "Response action" means a method, including removal,  
32 encapsulation, enclosure, repair, operations and maintenance,  
33 that protects human health and the environment from friable  
34 ACBM.

1 "Response action contractor" means any entity that  
2 engages in response action services.

3 "Response action services" means the service of designing  
4 and conducting removal, encapsulation, enclosure, repair, or  
5 operations and maintenance of friable asbestos containing  
6 building materials, inspection of public or commercial  
7 buildings, and inspection of asbestos containing materials.  
8 The term does not include the design or conducting of  
9 response actions that involve removal or possible disturbance  
10 of an amount of asbestos containing building material  
11 comprising less than 3 square feet of other friable asbestos  
12 containing building material.

13 (Source: P.A. 89-143, eff. 7-14-95.)

14 (225 ILCS 207/35)

15 Sec. 35. Licensing.

16 (1) No person may act as an asbestos abatement  
17 contractor providing response action services unless the  
18 person is licensed as an Asbestos Abatement Contractor by the  
19 Department in accordance with the Asbestos Abatement Act and  
20 rules promulgated under it.

21 (2) No person may act as an asbestos supervisor  
22 providing response action services unless the person is  
23 licensed as a Supervisor by the Department in accordance with  
24 the Asbestos Abatement Act and rules promulgated under it.

25 (3) No person may act as a project designer providing  
26 response action services unless the person is licensed as a  
27 Project Designer by the Department in accordance with the  
28 Asbestos Abatement Act and rules promulgated under it.

29 (4) No person may act as an asbestos worker providing  
30 response action services unless the person is licensed as an  
31 Asbestos Worker or a Supervisor by the Department in  
32 accordance with the Asbestos Abatement Act and rules  
33 promulgated under it.

1 (5) No person may act as an asbestos inspector unless  
2 the person is licensed as an Asbestos Inspector by the  
3 Department in accordance with the Asbestos Abatement Act and  
4 rules promulgated under it.

5 (6) Beginning January 1, 2004, no person may act as an  
6 asbestos consultant unless the person is licensed as a  
7 consultant by the Department in accordance with the Asbestos  
8 Abatement Act and rules promulgated under it. An employee of  
9 a local education agency who is that local education agency's  
10 designated person is exempt from the licensure requirement of  
11 this subsection.

12 (7) Individuals and entities that wish to be licensed  
13 shall make application on forms prescribed and furnished by  
14 the Department. Licenses shall expire annually according to  
15 a schedule determined by the Department. Applications for  
16 renewal of licenses shall be filed with the Department at  
17 least 30 days before the expiration date. When a licensure  
18 examination is required, the license application shall be  
19 submitted to the Department at least 30 days prior to the  
20 date of the scheduled examination. The Department shall  
21 evaluate each application based on its minimum standards for  
22 licensure, promulgated as rules, and render a decision. Such  
23 standards may include a requirement for the successful  
24 completion of a course of training approved by the  
25 Department. If the Department denies the application, the  
26 applicant may appeal the decision under the provisions of the  
27 Administrative Review Law.

28 (Source: P.A. 89-143, eff. 7-14-95.)

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.