



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4057**

Introduced 1/14/2004, by Michael P. McAuliffe

**SYNOPSIS AS INTRODUCED:**

225 ILCS 207/15  
225 ILCS 207/35

Amends the Commercial and Public Building Asbestos Abatement Act. Requires licensure for persons acting as consultants, air sampling professionals, project managers, and management planners. Exempts from licensure as a consultant an employee of a local education agency who is that local education agency's designated person. Makes changes in the definition of "response action services". Effective immediately.

LRB093 15084 AMC 40672 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 system  
14 insulation ACM, or miscellaneous ACM that is found in or on  
15 interior structural members or other parts of a building.

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

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

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

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

27 "Asbestos professional" means an individual who is  
28 licensed by the Department to perform the duties of an  
29 inspector, management planner, project designer, project  
30 supervisor, project manager, or air sampling professional, as  
31 applicable, except project supervisors under the direct employ  
32 of a licensed asbestos abatement contractor.

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

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

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

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

25 "Department" means the Department of Public Health.

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

29 "Director" means the Director of Public Health.

30 "Encapsulation" means the treatment of ACBM with a material  
31 that surrounds or embeds asbestos fibers in an adhesive matrix  
32 that prevents the release of fibers as the encapsulant creates  
33 a membrane over the surfaces (bridging encapsulant) or  
34 penetrates the material and binds its components together  
35 (penetrating encapsulant).

36 "Enclosure" means the construction of airtight walls and

1 ceilings between the asbestos containing material and the  
2 building environment, or around surfaces coated with asbestos  
3 containing materials, or any other appropriate scientific  
4 procedure as determined by the Department that prevents the  
5 release of asbestos.

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

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

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

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

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

27 "Response action" means a method, including removal,  
28 encapsulation, enclosure, repair, operations and maintenance,  
29 that protects human health and the environment from friable  
30 ACBM.

31 "Response action contractor" means any entity that engages  
32 in response action services.

33 "Response action services" means the service of designing  
34 and conducting removal, encapsulation, enclosure, repair, or  
35 operations and maintenance of friable asbestos containing  
36 building materials, inspection of public or commercial

1 buildings, and inspection of asbestos containing materials.  
2 The term does not include the design or conducting of response  
3 actions that involve removal or possible disturbance of an  
4 amount of asbestos containing building material comprising  
5 less than 3 square feet or less than 3 lineal feet of other  
6 friable asbestos containing building material.

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

8 (225 ILCS 207/35)

9 Sec. 35. Licensing.

10 (1) No person may act as an asbestos abatement contractor  
11 providing response action services unless the person is  
12 licensed as an Asbestos Abatement Contractor by the Department  
13 in accordance with the Asbestos Abatement Act and rules  
14 promulgated under it.

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

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

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

27 (5) No person may act as an asbestos inspector unless the  
28 person is licensed as an Asbestos Inspector by the Department  
29 in accordance with the Asbestos Abatement Act and rules  
30 promulgated under it.

31 (6) No person may act as an air sampling professional  
32 unless the person is licensed as an air sampling professional  
33 by the Department in accordance with the Asbestos Abatement Act  
34 and rules promulgated under it.

35 (7) No person may act as a project manager unless the

1 person is licensed as a project manager by the Department in  
2 accordance with the Asbestos Abatement Act and rules  
3 promulgated under it.

4 (8) No person may act as a management planner unless the  
5 person is licensed as a management planner by the Department in  
6 accordance with the Asbestos Abatement Act and rules  
7 promulgated under it.

8 (9) Beginning January 1, 2005, no person may act as an  
9 asbestos consultant unless the person is licensed as a  
10 consultant by the Department in accordance with this Act and  
11 rules promulgated under it. An employee of a local education  
12 agency who is that local education agency's designated person  
13 is exempt from the licensure requirement of this subsection.

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

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

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