

1 TITLE 77: PUBLIC HEALTH
2 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
3 SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES
4

5 PART 845
6 LEAD POISONING PREVENTION CODE
7

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- 95 Childhood Lead Poisoning (Repealed)
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- 97 Blood Lead Levels ≥ 15 mcg/dL (Repealed)
- 98 845.APPENDIX B Information Agreement (Repealed)
- 99

100 AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS
101 45].

102
103 SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules
104 repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982;
105 amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May
106 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884,
107 effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended
108 at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680,
109 effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in
110 response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August
111 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg.
112 19019, and new Part adopted at 32 Ill. Reg. 19023, effective November 25, 2008; amended at 43
113 Ill. Reg. 2440, effective February 8, 2019; emergency amendment at 44 Ill. Reg. 6130, effective
114 March 31, 2020, for a maximum of 150 days; emergency expired August 27, 2020; amended at
115 48 Ill. Reg. _____, effective _____.

116
117 **SUBPART A: GENERAL PROVISIONS**

118
119 **Section 845.20 Definitions**

120
121 For purposes of this Part, the following terms have the meanings ascribed in this Section.

122
123 "Act" means the Lead Poisoning Prevention Act [410 ILCS 45].

124
125 "Blood Lead Test" means a blood lead testing by venous or capillary
126 methodology.

127
128 "Case Management" means any activity that involves coordinating, providing and
129 overseeing the services required to reduce blood lead levels.

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"CDC" means the Centers for Disease Control and Prevention.

"Child" means a person under the age of 16.

"Child Care Facility and School" means any structure used by a child care provider required to be licensed by the Department of Children and Family Services or charter, public or private school structure frequented by children 6 years of age or younger. (Section 2 of the Act)

"Childhood Lead Risk Questionnaire" means the questionnaire developed by the Department for use by physicians and other health care providers to determine risk factors for children 6 years of age or younger residing in areas designated as low risk for lead exposure. (Section 2 of the Act)

"Common Area" means a portion of a regulated facility that is generally accessible to all occupants, including, but not limited to, hallways, stairways, laundry rooms, playgrounds, garages, and boundary fences.

"Complete Address" means an address that states the full street name, street number, unit number, city, state and zip code. A post office box number with city, state and zip code does not constitute a "complete address".

"Confirmed Blood Lead Level" means a blood lead level resulting from a single venous blood lead test. Elevated capillary blood test results shall be confirmed by a venous test.

"Delegate Agency" means a unit of local government or health department approved by the Department in accordance with Section 845.50 of this Part to carry out the provisions of the Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of Public Health. (Section 2 of the Act)

"Dwelling Unit" means an individual unit within a residential building used or intended to be used as living quarters for one household. (Section 2 of the Act)

"Elevated Blood Lead Level" or "EBL" means a blood lead level greater than or equal to ~~3.5~~ micrograms per deciliter (µg/dL) of whole blood.

172 "EBL Inspection" means a lead inspection, lead risk assessment, and any
173 necessary follow-up in a regulated facility to determine the sources of lead
174 exposure. EBL inspections shall only be performed by the Department or delegate
175 agency personnel licensed as a lead risk assessor.
176

177 "Final Clearance Evaluation" means the activity of performing a visual
178 assessment and collecting dust wipe samples following a lead abatement or lead
179 mitigation for the purpose of determining compliance with the Department's
180 standard for lead dust levels to ensure that lead hazard control work was
181 successfully completed.
182

183 "Health Care Provider" means any person providing health care services to
184 children, including, but not limited to, anyone who is authorized pursuant to the
185 Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25] to request the
186 testing of specimens.
187

188 "HEPA" means a high efficiency particulate air filter capable of trapping and
189 retaining 99.97 percent of particles greater than 0.3 micrometers in mass median
190 aerodynamic equivalent diameter.
191

192 "HUD" means United States Department of Housing and Urban Development.
193

194 "Intact Surface" means a surface with no loose, peeling, chipping, flaking, or
195 otherwise separating from substrate. Intact surfaces must not be damaged or worn
196 down in any way that would make paint or debris accessible to children.
197

198 "*Lead Abatement*" means any approved work practices found in Subpart F that
199 will permanently eliminate lead exposure or remove the lead-bearing substances
200 in a regulated facility. (Section 2 of the Act)
201

202 "*Lead Abatement Contractor*" means any person or entity licensed by the
203 Department to perform lead abatement and mitigation. (Section 2 of the Act)
204

205 "*Lead Abatement Supervisor*" means any person employed by a lead abatement
206 contractor and licensed by the Department to perform lead abatement and lead
207 mitigation and to supervise lead workers who perform lead abatement and lead
208 mitigation. (Section 2 of the Act)
209

210 "*Lead Abatement Worker*" means any person employed by a lead abatement
211 contractor and licensed by the Department to perform lead abatement and lead
212 mitigation. (Section 2 of the Act)
213

214 *"Lead Activities" means the conduct of any lead services, including lead*
215 *inspection, lead risk assessment, lead mitigation, or lead abatement work or*
216 *supervision in a regulated facility. (Section 2 of the Act)*
217

218 *"Lead Bearing Substance" means any item or part of an item, excluding existing*
219 *paint already applied to a regulated facility, containing or coated with lead such*
220 *that the lead content is greater than or equal to 90 ppm; or any dust on surfaces or*
221 *in furniture or other non-permanent elements of the regulated facility with lead*
222 *content in excess of the limits specified in Section 845.205(c); or any accessible*
223 *or bare soil containing lead in excess of the limits specified in Section 845.205(b);*
224 *or any existing house paint or other surface coating material containing greater*
225 *than or equal to 0.5% lead or greater than or equal to 1.0 mg/cm² lead; or paint or*
226 *consumer product that exceeds federal Consumer Products Safety Commission or*
227 *USEPA or HUD standards; or item or dust on item containing lead in excess of*
228 *the amount specified in this Part or a lower standard for lead content as may be*
229 *established by federal law or rule. "Lead-bearing Substance" does not include*
230 *firearm ammunition or components as defined by the Firearm Owners*
231 *Identification Card Act. (Section 2 of the Act)*
232

233 *"Lead Hazard" means a lead-bearing substance that poses an immediate health*
234 *hazard to humans. (Section 2 of the Act) Lead hazard includes a condition in*
235 *which exposure to lead from lead-contaminated dust, lead-contaminated soil,*
236 *deteriorated lead-based paint, or lead in water from a plumbing system would*
237 *have an adverse effect on human health.*
238

239 *"Lead Inspection" means a surface-by-surface investigation to determine the*
240 *presence of lead-based paint and lead-bearing substances. (Section 2 of the Act)*
241

242 *"Lead Inspector" means an individual who has been trained by a Department-*
243 *approved training program and is licensed by the Department to conduct lead*
244 *inspections; to sample for the presence of lead in paint, dust, soil, and water; and*
245 *to conduct final clearance evaluations and compliance investigations. (Section 2*
246 *of the Act)*
247

248 *"Lead Mitigation" means the remediation of a lead hazard so that a lead-bearing*
249 *substance does not pose an immediate health hazard to humans. (Section 2 of the*
250 *Act)*
251

252 *"Lead Poisoning" means the condition of having an EBL. (Section 2 of the Act)*
253

254 *"Lead Risk Assessment" means an on-site investigation to determine the existence,*
255 *nature, severity and location of lead hazards. Lead risk assessment includes any*
256 *lead sampling and visual assessment associated with conducting a lead risk*

257 *assessment and lead hazard screen and all lead sampling associated with final*
258 *clearance evaluations. (Section 2 of the Act)*

259
260 *"Lead Risk Assessor" means an individual who has been trained by a*
261 *Department-approved training program and is licensed by the Department to*
262 *conduct lead risk assessments, lead inspections, and lead hazard screens; to*
263 *sample for the presence of lead in paint, dust, soil and water; and to conduct*
264 *compliance investigations and final clearance evaluations. (Section 2 of the Act)*
265

266 *"Lead Training Program Provider" means any person providing Department-*
267 *approved lead training in Illinois to individuals seeking licensure in accordance*
268 *with the Act and this Part. (Section 2 of the Act)*
269

270 "Local Health Department" means the health department or board of health, as
271 recognized by the Department, that has jurisdiction over the particular
272 geographical area in which the person lives.
273

274 *"Owner" means any person who alone, jointly, or severally with others:*

275
276 *Has legal title to any regulated facility, with or without actual possession*
277 *of the regulated facility; or*
278

279 *Has charge, care, or control of the regulated facility as owner or agent of*
280 *the owner, or as executor, administrator, trustee, or guardian of the estate*
281 *of the owner. (Section 2 of the Act)*
282

283 *"Person" means any individual, partnership, firm, company, limited liability*
284 *company, corporation, association, joint stock company, trust, estate, political*
285 *subdivision, State agency, or any other legal entity, or their legal representative,*
286 *agent or assign. (Section 2 of the Act)*
287

288 "Prenatal-risk Evaluation for Lead Exposure" means the questionnaire developed
289 by the Department for use by physicians and other health care providers to
290 determine if a pregnant person is at risk for lead exposure and should be
291 administered a blood lead test.
292

293 *"Regulated Facility" means a residential building or child care facility or school.*
294 *(Section 2 of the Act)*
295

296 "Regulatory Investigation" means the activities of the Department or delegate
297 agency to determine compliance with the Act and this Part, including, but not
298 limited to, records review of licensed lead risk assessor or lead inspector reports,
299 visual inspection and records review of a lead abatement contractor's work

300 practices at a lead abatement or lead mitigation project, and assessment of
301 penalties for non-compliance when warranted.

302
303 *"Residential Building" means any room, group of rooms, or other interior areas*
304 *of a structure designed or used for human habitation; common areas accessible*
305 *by inhabitants; and the surrounding property or structures. (Section 2 of the Act)*
306

307 "Room Equivalent" means an identifiable part of a regulated facility, such as a
308 room, a house exterior, a foyer, a staircase, a hallway or an exterior area.

309 "Testing Combination" means a unique combination of room equivalent, building
310 component type, and substrate.

311
312
313 "Training Hour" means at least 50 minutes of actual teaching, including time
314 devoted to lecture, learning activities, small group activities, demonstrations,
315 evaluations, or hands-on experience.

316 "USEPA" means the United States Environmental Protection Agency.

317
318
319 "Window Stool" means the lower part of the window's shelf-like portion of the
320 frame, inside the house, that is flat and extends inward from the bottom rail of a
321 sash (sometimes called a "window sill").

322
323 "Work Area" means the interior and exterior areas where lead mitigation or lead
324 abatement are conducted.

325
326 "XRF" means X-ray fluorescence analyzer used to measure lead in soil, dust and
327 paint samples.

328
329 (Source: Amended at 48 Ill. Reg. _____, effective _____)

330
331 **SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES**

332
333 **Section 845.55 Lead Testing**

- 334
335 a) *Any physician licensed to practice medicine in all its branches or health care*
336 *provider who sees or treats children 6 years of age or younger shall test those*
337 *children for lead poisoning when those children reside in or frequently visit an*
338 *area defined as high risk by the Department. Children residing in areas defined*
339 *as low risk by the Department shall be evaluated for risk by the Childhood Lead*
340 *Risk Questionnaire developed by the Department, and, if determined to be a high*
341 *risk, shall receive a blood lead test. (Section 6.2 of the Act) Medicaid enrolled*
342 *children shall receive a blood test as required in the Healthy Kids' Early and*

343 Periodic Screening, Diagnosis and Treatment Program. Children who have
 344 elevated capillary results of ~~3.55~~ $\mu\text{g/dL}$ or greater shall be confirmed by a venous
 345 sample. All children with an elevated blood lead level that has been confirmed
 346 shall receive follow-up blood lead testing according to the schedule set forth by
 347 the Department.
 348

- 349 1) Children determined to be at high risk based upon the Childhood Lead
 350 Risk Questionnaire shall receive a blood lead test.
- 351
- 352 2) Children who have elevated capillary results of ~~3.55~~ $\mu\text{g/dL}$ or greater shall
 353 be confirmed by a venous sample.
 354

355 b) *Each licensed, registered, or approved health care facility serving children 6*
 356 *years of age or younger, including, but not limited to, health departments,*
 357 *hospitals, clinics, and health maintenance organizations approved, registered or*
 358 *licensed by the Department, shall take the appropriate steps to ensure that*
 359 *children 6 years of age or younger be evaluated for risk or tested for lead*
 360 *poisoning or both. (Section 6.2 of the Act)*
 361

362 c) Physicians and health care providers should evaluate children 7 years of age and
 363 older, and pregnant persons, in accordance with the Childhood Lead Risk
 364 Questionnaire and Prenatal-risk Evaluation of Lead Exposure provided by the
 365 Department.
 366

367 d) *Each day care center, day care home, preschool, nursery school, kindergarten, or*
 368 *other child care facility, licensed or approved by the State, including programs*
 369 *operated by a public school district, shall include a requirement that each parent*
 370 *or legal guardian of a child between one and 7 years of age provide a statement*
 371 *from a physician or health care provider that the child has been screened for risk*
 372 *of lead poisoning, or tested, or both. This statement shall be provided prior to*
 373 *admission and subsequently in conjunction with physical examinations required*
 374 *by both the Healthy Kids Program and 77 Ill. Adm. Code 665.140 of the*
 375 *Department's rules titled Child and Student Health Examination and*
 376 *Immunization Code. (Section 7.1 of the Act) Day care centers and day care*
 377 *homes licensed by the Department of Children and Family Services must also be*
 378 *in compliance with the drinking water standards found in 89 Ill. Adm. Code*
 379 *406.8, 407.370 and 408.30.*
 380

381 e) *Child care facilities that participate in the Illinois Child Care Assistance*
 382 *Program (CCAP) shall annually send or deliver to the parents or guardians of*
 383 *children enrolled in the facility's care an informational pamphlet regarding*
 384 *awareness of lead exposure. Pamphlets shall be produced and made available by*

385 *the Department and shall be downloadable from the Department's internet*
386 *website. (Section 7.1 of the Act)*

387 (Source: Amended at 48 Ill. Reg. _____, effective _____)
388
389

390 **Section 845.60 Reporting**

- 391
- 392 a) *Every physician who diagnoses, or health care provider, nurse, hospital*
393 *administrator, public health officer or director of a clinical laboratory who has*
394 *verified information of the existence of a blood lead test result for any child or*
395 *pregnant person, shall report the result to the Department. (Section 7 of the Act)*
396 If the analysis has been performed at the Department laboratory, or the provider
397 has ascertained that the clinical laboratory where specimens are processed
398 electronically reports all blood lead level results to the Department, then duplicate
399 reporting is not required. Any blood lead test results of ~~3.55~~ $\mu\text{g/dL}$ or greater shall
400 be reported to the Department within 48 hours after analysis. All other verified
401 blood lead test results shall be reported to the Department no later than 30 days
402 following the last day of the month in which the test results were analyzed. The
403 information included in the laboratory report on all blood lead test results shall
404 include the blood lead level, the child's or pregnant person's name, date of birth,
405 sex and race, complete address (including street, apartment number, city, state and
406 ZIP code), date of test, test type, date of report, primary care provider and clinic
407 address where blood was drawn, Medicaid identification number (if applicable),
408 and the reporting agency. All reports submitted shall identify blood lead test
409 results quantitatively. These requirements shall be the same for all health care
410 providers, hospital administrators and public health officers conducting a blood
411 lead test by venous or capillary blood draw.
412
- 413 b) Reports shall be made to the Department, and all reported information, including
414 the source of the information, received by the Department shall be considered
415 confidential in nature. Any information submitted to a laboratory at the request of
416 the Department and in accordance with this Part shall be treated as confidential by
417 the laboratory that receives the information on behalf of and as required by the
418 Department. All reports and information provided under this Section shall be
419 confidential and subject to the provisions of the Medical Studies Act and the
420 Communicable Disease Report Act, and shall not be disclosed. It is the right,
421 however, of any patient to obtain his or her own data.
422
- 423 c) Reports shall be submitted in a format approved by the Department.
424

425 (Source: Amended at 48 Ill. Reg. _____, effective _____)