Bill Status of HB3888 101st General Assembly

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Short Description:  EPA-ETHYLENE OXIDE PHASE OUT

House Sponsors
Rep. Rita Mavfield - Joyce Mason - Sam Yingling - Anne Stava-Murray - Daniel Didech

Last Action

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Statutes Amended in Order of Appearance

415 ILCS 5/9.18 new

Synopsis As Introduced
Amends the Environmental Protection Act. Provides requirements for the prohibition of the conduct of ethylene oxide sterilization operations or other activities that emit ethylene oxide (and, for ethylene oxide sterilization sources, propylene oxide). Requires entities to submit a plan to the Environmental Protection Agency describing how they will continuously collect emissions information. Provides requirements for emissions monitoring and testing. Requires specified hospitals to submit a plan to the Agency describing how the hospital will phase out the emissions of ethylene oxide by an established deadline. Provides that when issuing permits to ethylene oxide sterilization sources, hospitals, and ethylene oxide emissions sources, the Agency shall include limitations on the amount of ethylene oxide that may be stored on-site to protect public health, public safety, and the environment. Requires storage of ethylene oxide in excess of 100 pounds to be underground. Provides that the unit of local government in which an ethylene oxide sterilization source, hospital, or ethylene oxide emissions source is located may regulate the storage and location of ethylene oxide in a manner that is more restrictive or matches the standards established by the Agency. Requires the Agency to set annual emissions limitations on ethylene oxide for all ethylene oxide emissions sources. Provides that, on and after January 1, 2022, the maximum cumulative emissions from any sum of ethylene oxide emissions sources located within 3 and one half miles of each other shall not exceed 35 pounds annually. Requires the Agency to conduct a comprehensive review of ethylene oxide use and emissions within the State and to submit its findings in a report to the General Assembly. Effective immediately.

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AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by adding Section 9.18 as follows:

(415 ILCS 5/9.18 new)

Sec. 9.18. Ethylene oxide phase-out.

(a) In this Section:

"Densely populated region" means any 5 mile radius, centered around an ethylene oxide emissions source, with a population density of at least 10 residents per square mile.

"Ethylene oxide emissions source" means a source that currently, or at any point in the previous 15 years, emits, emitted, or has the potential to emit ethylene oxide into the atmosphere, regardless of its emissions source. "Ethylene oxide emissions source" does not include ethylene oxide sterilization sources, nor hospitals licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act.

"Ethylene oxide sterilization operations" means the process of using ethylene oxide to make one or more items free from microorganisms, pathogens, or both microorganisms and pathogens.
"Ethylene oxide sterilization source" means a source where operations include ethylene oxide sterilization operations and that currently, or at any point in the previous 15 years, emits, emitted, or has the potential to emit ethylene oxide into the atmosphere, regardless of its emissions source.

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

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

(1) On and after January 1, 2021, no ethylene oxide sterilization source shall conduct ethylene oxide sterilization operations or other activities that emit ethylene oxide or propylene oxide within a densely populated region or within 5 miles of a school or daycare in existence on or before August 1, 2019.

(2) Within 90 days after the effective date of this amendatory Act of the 101st General Assembly, each ethylene oxide sterilization source shall submit for review and approval by the Agency a plan describing how the owner or operator of the ethylene oxide sterilization source will phase out the emissions of ethylene oxide by January 1, 2021. Upon approval by the Agency the plan shall be made publicly available on the Agency's website.

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

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

(3) No ethylene oxide sterilization source shall
conduct ethylene oxide sterilization operations or other
activities that cause ethylene oxide or propylene oxide
emissions unless the owner or operator of the ethylene
oxide sterilization source submits for review and approval
by the Agency a plan describing how the owner or operator
will continuously collect emissions information. The plan
must also specify locations at the source from which
emissions will be collected and identify equipment used for
their collection and analysis, including the equipment's
individual system components. Emissions monitoring
equipment must be tested and validated at least once in any
12-month period and the results forwarded to the Agency.

(4) On and after January 1, 2021, no ethylene oxide
sterilization source outside of a densely populated area or
further than 5 miles from a school or daycare in existence
on or before August 1, 2019 shall emit more than 30 pounds
of ethylene oxide or 30 pounds of propylene oxide annually.

(5) In issuing the applicable permits to ethylene oxide sterilization sources, the Agency shall include limitations on the amount of ethylene oxide that may be stored on-site to protect public health, public safety, and the environment. Storage of ethylene oxide in excess of 100 pounds shall only be permitted underground. The unit of local government in which the ethylene oxide sterilization source is located may regulate the storage and location of ethylene oxide in a manner that is more restrictive or matches the standards established by the Agency.

(c) Hospitals are subject to the following requirements:

(1) On and after January 1, 2025, any hospital designated as a critical access hospital by the Centers for Medicare and Medicaid Services under the federal Balanced Budget Act of 1997 shall not conduct ethylene oxide sterilization operations or other activities that cause ethylene oxide emissions within a densely populated region or within 5 miles of a school or daycare in existence on or before August 1, 2019.

(2) On and after January 1, 2022, any hospital not designated as a critical access hospital by the Centers for Medicare and Medicaid Services shall not conduct ethylene oxide sterilization operations or other activities that cause ethylene oxide emissions within a densely populated region or within 5 miles of a school or daycare in
existence on or before August 1, 2019.

(3) Within 90 days after the effective date of this amendatory Act of the 101st General Assembly, any hospital conducting ethylene oxide sterilization operations shall submit for review and approval by the Agency a plan describing how the hospital will phase out the emissions of ethylene oxide by the deadline established in this subsection. Upon approval by the Agency the plan shall be made publicly available on the Agency's website.

(A) The hospital must provide a notice of acceptance of any conditions added by the Agency to the plan, or correct any deficiencies identified by the Agency in the plan, within 3 business days after receiving the Agency's conditional acceptance or denial of the plan.

(B) Upon the Agency's approval of the plan, the hospital shall implement the plan in accordance with its approved terms.

(4) No hospital shall conduct ethylene oxide sterilization operations or other activities that cause ethylene oxide emissions unless the hospital submits for review and approval by the Agency a plan describing how the hospital will continuously collect emissions information. The plan must also specify locations at the source from which emissions will be collected and identify equipment used for their collection and analysis, including the
equipment's individual system components.

(5) On and after January 1, 2022, no hospital outside of a densely populated area or further than 5 miles from a school or daycare in existence on or before August 1, 2019 shall emit more than 30 pounds of ethylene oxide annually.

(6) In issuing the applicable permits to hospitals, the Agency shall include limitations on the amount of ethylene oxide that may be stored on-site to protect public health, public safety, and the environment. Storage of ethylene oxide in excess of 100 pounds shall only be permitted underground. The unit of local government in which the hospital is located may regulate the storage and location of ethylene oxide in a manner that is more restrictive or matches the standards established by the Agency.

(d) Ethylene oxide emissions sources are subject to the following requirements:

(1) On and after January 1, 2021, no ethylene oxide emissions source shall conduct operations or other activities that emit ethylene oxide in excess of 30 pounds annually within a densely populated region or within 5 miles of a school or daycare in existence on or before August 1, 2019.

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

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

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

(3) An ethylene oxide emissions source shall report to the Agency the amount of ethylene oxide used and the ethylene oxide emissions created at the ethylene oxide emissions source annually. All reports submitted to the Agency shall include documentation necessary to verify the quantity used and purchased by the ethylene oxide emissions source.

(4) In issuing the applicable permits to ethylene oxide emissions sources, the Agency shall include limitations on the amount of ethylene oxide that may be stored on-site to protect public health, public safety, and the environment. Storage of ethylene oxide in excess of 100 pounds shall only be permitted underground. The unit of local government in which the ethylene oxide emissions source is located may regulate the storage and location of ethylene oxide in a manner that is more restrictive or matches the standards established by the Agency.

(5) The Agency shall set annual emissions limitations on ethylene oxide for all ethylene oxide emissions sources. The limitations shall be set to provide maximum protection for public health without consideration of cost.

(e) On and after January 1, 2022, the maximum cumulative emissions from any sum of ethylene oxide emissions sources
located within 3 and one half miles of each other shall not exceed 35 pounds annually, inclusive of any emissions not emanating from any stack. The Agency shall set emissions limitations for individual ethylene oxide emissions sources to comply with this requirement.

(f) Within 180 days after the effective date of this amendatory Act of the 101st General Assembly, the Agency shall conduct a comprehensive review of ethylene oxide use and emissions within the State of Illinois. The Agency shall submit its findings in a report to the General Assembly and make the report publicly available on the Agency's website. At a minimum, the report shall include the following:

(1) A comprehensive list of all locations where ethylene oxide is used at levels that may cause measurable emissions.

(2) The Agency's recommendations for future regulation or legislation of ethylene oxide use, designed to provide maximum protection to public health.

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

(q) No person or entity shall dispose of ethylene oxide or cause the emission of ethylene oxide through methods not explicitly authorized in an applicable permit issued by the Agency.
Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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