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Bill Status of HB3888 101st General Assembly

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Short Description: EPA-ETHYLENE OXIDE PHASE OUT

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Rep. [Rita Mayfield](#) - [Joyce Mason](#) - [Sam Yingling](#) - [Anne Stava-Murray](#) - [Daniel Didech](#)

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Last Action

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Date	Chamber	Action
9/13/2019	House	Filed with the Clerk by Rep. Rita Mayfield

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Statutes Amended In Order of Appearance

415 ILCS 5/9.18 new

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Synopsis As Introduced

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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.

Actions

Date	Chamber	Action
9/13/2019	House	Filed with the Clerk by Rep. Rita Mayfield
9/13/2019	House	Added Chief Co-Sponsor Rep. Joyce Mason
9/13/2019	House	Added Chief Co-Sponsor Rep. Sam Yingling
9/13/2019	House	Added Chief Co-Sponsor Rep. Anne Stava-Murray
9/13/2019	House	Added Chief Co-Sponsor Rep. Daniel Didech

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HB3888



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3888

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

415 ILCS 5/9.18 new

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.

LRB101 14210 CPF 63238 b

A BILL FOR

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

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

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

1 "Ethylene oxide sterilization source" means a source where
2 operations include ethylene oxide sterilization operations and
3 that currently, or at any point in the previous 15 years,
4 emits, emitted, or has the potential to emit ethylene oxide
5 into the atmosphere, regardless of its emissions source.

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

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

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

17 (2) Within 90 days after the effective date of this
18 amendatory Act of the 101st General Assembly, each ethylene
19 oxide sterilization source shall submit for review and
20 approval by the Agency a plan describing how the owner or
21 operator of the ethylene oxide sterilization source will
22 phase out the emissions of ethylene oxide by January 1,
23 2021. Upon approval by the Agency the plan shall be made
24 publicly available on the Agency's website.

25 (A) The owner or operator of the ethylene oxide
26 sterilization source must provide a notice of

1 acceptance of any conditions added by the Agency to the
2 plan, or correct any deficiencies identified by the
3 Agency in the plan, within 3 business days after
4 receiving the Agency's conditional acceptance or
5 denial of the plan.

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

10 (3) No ethylene oxide sterilization source shall
11 conduct ethylene oxide sterilization operations or other
12 activities that cause ethylene oxide or propylene oxide
13 emissions unless the owner or operator of the ethylene
14 oxide sterilization source submits for review and approval
15 by the Agency a plan describing how the owner or operator
16 will continuously collect emissions information. The plan
17 must also specify locations at the source from which
18 emissions will be collected and identify equipment used for
19 their collection and analysis, including the equipment's
20 individual system components. Emissions monitoring
21 equipment must be tested and validated at least once in any
22 12-month period and the results forwarded to the Agency.

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

1 of ethylene oxide or 30 pounds of propylene oxide annually.

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

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

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

21 (2) On and after January 1, 2022, any hospital not
22 designated as a critical access hospital by the Centers for
23 Medicare and Medicaid Services shall not conduct ethylene
24 oxide sterilization operations or other activities that
25 cause ethylene oxide emissions within a densely populated
26 region or within 5 miles of a school or daycare in

1 existence on or before August 1, 2019.

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

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

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

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

1 equipment's individual system components.

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

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

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

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

23 (2) Beginning 90 days after the effective date of this
24 amendatory Act of the 101st General Assembly, no ethylene
25 oxide emissions source shall conduct activities that cause
26 ethylene oxide emissions unless the owner or operator of

1 the ethylene oxide emissions source submits for review and
2 approval by the Agency a plan describing how the owner or
3 operator of the ethylene oxide emissions source will
4 continuously collect emissions information. The owner or
5 operator of each ethylene oxide emissions source must
6 specify in his or her plan all locations at which ethylene
7 oxide may enter the atmosphere at each emissions source and
8 shall install proper monitoring equipment. The equipment
9 for monitoring and collecting emissions must be installed
10 and the owner or operator of the ethylene oxide emissions
11 source must begin reporting the results to the Agency
12 within 120 days of the effective date of this amendatory
13 Act of the 101st General Assembly. The plan must also
14 specify locations at the source from which emissions will
15 be collected and identify equipment used for collection and
16 analysis, including the equipment's individual system
17 components. The emissions monitoring equipment must be
18 tested and validated at least once in any 12-month period
19 and the results forwarded to the Agency.

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

26 (B) Upon the Agency's approval of the plan, the

1 owner or operator of the ethylene oxide emissions
2 source shall implement the plan in accordance with its
3 approved terms.

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

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

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

25 (e) On and after January 1, 2022, the maximum cumulative
26 emissions from any sum of ethylene oxide emissions sources

1 located within 3 and one half miles of each other shall not
2 exceed 35 pounds annually, inclusive of any emissions not
3 emanating from any stack. The Agency shall set emissions
4 limitations for individual ethylene oxide emissions sources to
5 comply with this requirement.

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

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

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

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

22 (g) No person or entity shall dispose of ethylene oxide or
23 cause the emission of ethylene oxide through methods not
24 explicitly authorized in an applicable permit issued by the
25 Agency.

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

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