

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

AIR & WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to Air Quality Standards (35 IAC 243; 46 Ill Reg 3485) updating the Part to correspond with recent amendments to the National Ambient Air Quality Standards (NAAQS) adopted by the U.S. Environmental Protection Agency during the first half of 2020. A public hearing on these amendments will take place by videoconference **Thurs. April 21, at 11:45 a.m.** in Room 11-512 of the James R. Thompson Center, 100 W. Randolph St., Chicago, and simultaneously in the PCB Hearing Room at the Sangamo Building, 1021 N. Grand Ave., Springfield.

PCB also proposed an amendment to Pretreatment Programs (35 IAC 310; 46 Ill Reg 3497) updating an incorporation by reference of recently updated

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

wastewater treatment reporting requirements for the National Pollutant Discharge Elimination System (NPDES). Business and local government entities subject to these air and water pollution rules are affected.

Requests for copies/comments on the 2 PCB rulemakings through 4/18/22: Don A. Brown, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago, IL 60601.

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Emergency Rulemaking

DOL REPEALER

The DEPARTMENT OF LABOR adopted an emergency amendment to the Part titled Health and Safety (56 IAC 350; 46 Ill Reg 3598) effective 2/15/22 for a maximum of 150 days. An identical proposed rulemaking appears in this week's *Illinois Register* at 46 Ill Reg 3482. These rulemakings repeal a peremptory rule, effective 1/7/22, implementing the federal Occupational Safety and Health Administration's COVID-19 vaccination/testing mandate (since withdrawn) for employers with more than 100 workers.

Questions/requests for copies/comments on the proposed rulemaking through 4/18/22: Anna Koeppel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217/558-1270, Anna.Koeppel@illinois.gov

ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

■ WORKPLACE SAFETY

The DEPARTMENT OF LABOR adopted amendments to Health and Safety (56 IAC 350; 45 Ill Reg 11485) effective 2/15/22, reflecting updates to the Occupational Health and Safety Act [820 ILCS 219], which applies to all public employers in Illinois (including counties, townships, municipalities, school districts and public colleges/universities). The rulemaking clarifies the inspection and enforcement process for these employers; reflects the redesignation of the DOL Safety Inspection and Education Division as the DOL Division of Occupational Safety and Health (Illinois OSHA); details employer recordkeeping and reporting requirements; and requires

employers to keep a log of work-related injuries, illnesses and deaths and submit reports electronically. Since 1st Notice, DOL has clarified that illnesses resulting from SARS CoV-1 or CoV-2, including COVID-19, may be considered work related if the infection occurs at work. Municipalities, school districts and other public bodies may be affected by this rulemaking.

Questions/requests for copies: Anna Koepfel, DOL, 524 S. Second St., Suite 400, Springfield IL 62701, 217/558-1270, Anna.Koepfel@illinois.gov

STATE POLICE RANKS

The ILLINOIS STATE POLICE MERIT BOARD adopted

amendments to Procedures of the Department of State Police Merit Board (80 IAC 150; 45 Ill Reg 11555) effective 2/17/22 that remove references to the promotion testing process for the rank of Major. Other changes add an assessment exercise component to the Sergeant promotional examination and clarify, for purposes of the bachelor's degree requirement for the ranks of Lieutenant and Captain, the regional agencies that must accredit the college or university from which the degree was earned.

Questions/requests for copies: Daniel Dykstra, ISPMB, 531 E. Sangamon Ave., Springfield IL 62702, fax: 217/786-0181, ddykstra@ispmeritboard.org

Proposed Rulemakings

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Please reference Docket R22-8 for Part 243 and R22-7 for Part 310. Questions: Michael J. McCambridge, same address, 3 1 2 / 8 1 4 - 6 9 2 4 , michael.mccambridge@illinois.gov.

■ DUI TESTING

The ILLINOIS STATE POLICE proposed an amendment to the Part titled Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds (20 IAC 1286; 46 Ill Reg 3509) updating the list of approved instruments for measuring blood alcohol levels to remove obsolete or no longer approved

instruments. The amendment also reduces from 16 to 8 hours the minimum required training for licensed breath analysis operators (BAOs). Local law enforcement agencies may be affected by this rulemaking.

Questions/requests for copies/ comments through 4/18/22: Maureen B. McCurry, ISP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

HOSPITAL ASSISTANCE

The OFFICE OF THE ATTORNEY GENERAL proposed an amendment to Hospital Financial Assistance under the Fair Patient

Billing Act (77 IAC 4500; 46 Ill Reg 3478) updating the Part's income criteria for financial assistance to reflect the 2022 Federal Poverty Level guidelines.

Questions/requests for copies/ comments through 4/18/22: Kristin Creel, OAG, 100 W. Randolph St., 12th Fl., Chicago IL 60601, 312/814-7236, or David F. Buysse, OAG, 500 S. Second St., Springfield IL 62701, 217/524-1504.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will appear in next week's *Illinois Register* and be considered at the March 22, 2022, JCAR meeting in Springfield. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 15576) proposed 12/17/21

Educator Licensure (23 IAC 25; 45 Ill Reg 12277) proposed 10/8/21

Standards for Endorsements in Special Education (23 IAC 28; 45 Ill Reg 12296) proposed 10/8/21

Standards for Administrative Endorsements (23 IAC 29; 45 Ill Reg 12375) proposed 10/8/21

New Teacher Induction and Mentoring (23 IAC 65; 45 Ill Reg 12393) proposed 10/8/21

Illinois Hope and Opportunity Pathways Through Education Program (23 IAC 210; 45 Ill Reg 12398) proposed 10/8/21

Special Education (23 IAC 226; 45 Ill Reg 12404) proposed 10/8/21

Driver Education (23 IAC 252; 45 Ill Reg 12442) proposed 10/8/21

Special Education Facilities under Section 14-7.02 of the School Code (23 IAC 401; 45 Ill Reg 12450) proposed 10/8/21

Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 45 Ill Reg 15892) proposed 12/17/21

DEPT OF AGRICULTURE

Illinois Pesticide Act (8 IAC 250; 45 Ill Reg 15494) proposed 12/17/21

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

Chief Procurement Officer for General Services Standard Procurement (44 IAC 1; 45 Ill Reg 10293) proposed 8/20/21

IL HOUSING DEVELOPMENT AUTHORITY

COVID-19 Affordable Housing Grant Program (47 IAC 369; 45 Ill Reg 11732) proposed 10/1/21

SECRETARY OF STATE

Illinois State Library Grant Programs (23 IAC 3035; 45 Ill Reg 14410) proposed 11/19/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator John F. Curran
Senator Donald DeWitte
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin

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