



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1266

Introduced 02/08/11, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

415 ILCS 5/25b-10 new

Amends the Environmental Protection Act. Requires the Illinois Environmental Protection Agency, by January 1, 2013, and from time to time thereafter, to file with the Governor and the General Assembly and publish on its website a list of chemical substances (i) that are produced or distributed in the State in quantities that the Director deems to have a potentially significant impact on the health and safety of persons in, or the environment of, the State and (ii) that have not been required to be tested by rule of the United States Environmental Protection Agency under a specified provision of the Toxic Substances Control Act. Requires the Agency, within one year after the filing and publishing of the list of chemical substances, to develop testing protocols to assess the safety of listed chemical substances. Requires the Agency, if necessary, to make an application to the United States Environmental Protection Agency to implement the testing protocols. Requires the Agency to implement the testing protocols as soon as possible, subject to any necessary approval by the United States Environmental Protection Agency. Authorizes the Agency to collect certain information. Defines "chemical substance", "Director", and "environment".

LRB097 07238 JDS 47346 b

FISCAL NOTE ACT
MAY APPLY

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 25b-10 as follows:

6 (415 ILCS 5/25b-10 new)

7 Sec. 25b-10. Chemical safety testing.

8 (a) By January 1, 2013, and from time to time thereafter,
9 the Agency shall file with the Governor and General Assembly
10 and publish on its website a list of chemical substances (i)
11 that are produced or distributed in the State in quantities
12 that the Director deems to have a potentially significant
13 impact on the health and safety of persons in, or the
14 environment of, the State and (ii) that have not been required
15 to be tested by rule of the United States Environmental
16 Protection Agency under Section 4 of the Toxic Substances
17 Control Act.

18 The Director may determine that a chemical substance exists
19 in quantities that have a potentially significant impact on the
20 health and safety of persons in, or the environment of, the
21 State, based upon any of the following factors:

22 (1) the chemical characteristics of the substance,
23 including, but not limited to, its mutagenicity,

1 teratogenicity, or toxicity;

2 (2) its ubiquity in the environment;

3 (3) its existence in consumer products;

4 (4) the likelihood that persons will otherwise come
5 into contact with the substance; or

6 (5) any other factor that the Director deems relevant.

7 (b) Within one year after filing and publishing a list
8 under subsection (a), the Agency shall, by administrative rule,
9 develop testing protocols to assess the safety of chemical
10 substances listed under subsection (a). When selecting testing
11 protocols, the Agency shall, to the maximum extent possible,
12 adopt protocols substantially equivalent to those adopted
13 under the authority of the European Union's Registration,
14 Evaluation, Authorization, and Restriction of Chemicals
15 (REACH) law (EC 1907/2006).

16 (c) If necessary, the Agency shall make an application in a
17 timely manner to the United States Environmental Protection
18 Agency under subsection (b) of Section 18 of the Toxic
19 Substances Control Act to begin implementing the testing
20 protocols developed under subsection (b) of this Section.

21 (d) The Agency shall implement the testing protocols
22 developed under subsection (b) of this Section as soon as
23 possible, subject to any necessary approval by the United
24 States Environmental Protection Agency.

25 (e) In order to facilitate the development of the list
26 required under subsection (a), the Agency may require persons

1 or classes of persons to report the identity and quantity of
2 chemical substances that they produce or distribute in the
3 State and may also require those persons to produce any other
4 information that the Agency may deem relevant in establishing
5 protocols under subsection (b) of this Section.

6 (f) For the purposes of this Section:

7 "Chemical substance" has the same meaning as under Section
8 3 of the federal Toxic Substances Control Act.

9 "Director" means the Director of the Environmental
10 Protection Agency.

11 "Environment" has the same meaning as under Section 3 of
12 the federal Toxic Substances Control Act.