Illinois

Enacted Legislation

Name (bill number)	Year	PFAS Addressed	Agency Responsible	Summary of Action	Citation
SB 561 – PFAS Reduction Act (Public Act 102-0290)	2021	Perfluoroalkyl and polyfluoroalkyl substances	Illinois EPA, Office of State Fire Marshal	Prohibits a person, local government, fire department, or State agency from using a Class B firefighting foam containing intentionally added PFAS for training or testing purposes, with limited exceptions. Beginning January 1, 2025, a manufacturer of Class B firefighting foam may not knowingly manufacture, sell, offer for sale, distribute for sale, or distribute a Class B firefighting foam containing intentionally added PFAS. Imposes notification requirements on manufacturers of Class B firefighting foam with respect to sales. Requires the Illinois Emergency Management Agency be notified of discharges or releases Class B firefighting foam that contains intentionally added PFAS chemicals. Requires the Office of the State Fire Marshal to conduct a survey of fire departments every 5 years to determine their inventory, use, and disposal of Class B firefighting foam. Requires the proper disposal of Class B firefighting foam within 90 days of the expiration date provided by the manufacturer.	415 ILCS 170/1 – 170/99

SB 3905 (Public Act 102-0865)	2022	Emerging Contaminants, including PFAS	Governor's Office	*Legislation is primarily focused on water system funding. PFAS mentioned only in passing.* Established the Municipal Water and Wastewater Funding Study Committee to study and provide recommendations concerning municipal water and wastewater funding to the Illinois Environmental Protection Agency and Illinois Pollution Control Board, including funding for addressing PFAS contaminants. This section had a repeal date of January 1, 2024.	65 ILCS 5/8-4-27
HB 4818 (Public Act 102-1048)	2022	Toxic Release Inventory Perfluoroalkyl and Polyfluoroalkyl Substances ("TRI-PFAS")	Illinois EPA	Amends the Illinois Environmental Protection Act to prohibit the disposal of any TRI-PFAS by incineration including aqueous film-forming foam that includes TRI-PFAS. Grants Illinois EPA authority to adopt rules as necessary to implement provisions.	415 ILCS 5/22.62
H.B. 2289 (Public Act 103-154)	2023	Emerging contaminants, including PFAS	Governor's Office	Makes technical corrections to the Municipal Water and Wastewater Funding Study Committee legislation	65 ILCS 5/8-4-27
H.B. 2527 – An Act Concerning Local Government (Public Act 103-316)	2023	Emerging contaminants, including PFAS	Governor's Office	Amends the Municipal Water and Wastewater Funding Study Committee legislation to expand the membership to include the Executive Director of the Illinois Finance Authority and extend the repeal date to January 1, 2025	65 ILCS 5/8-4-27
HB 3508 – An Act Concerning Safety (Public Act 103–351)	2023	Perfluoroalkyl and polyfluoroalkyl substances	Illinois EPA	Amends the PFAS Reduction Act to require the Illinois EPA establish a take-back program for fire departments that use and store firefighting foam containing PFAS. The program is to continue for 5 years or until the Office of the State Fire Marshal finds that no firefighting foam containing PFAS is reported in the survey.	415 ILCS 170/40

Enacted Regulations

Name	Year	PFAS Addressed	Authorizing Statute	Summary of Action	Citation
Incorporation by Reference	2024	per- and polyfluoroalkyl substances (PFOS/PFOA)	Illinois Environmental Protection Act (415 ILCS 5)	Illinois EPA incorporates EPA testing methods for PFAS by reference into its standards for accreditation of environmental laboratories to enable labs within the state to offer a wastewater/solid material analytical method for testing.	35 IL ADC 186.115

Other Administrative Action (executive orders, fish advisories, drinking water advisories)

What	Year	Who	PFAS Addressed	Summary of Action
Statewide PFAS Drinking Water Health Advisories	various	Illinois EPA	PFOA, PFOS, PFNA, PFBS, PFHxS, PFHxA, PFBA	The Illinois Environmental Protection Agency has issued Health Advisories for seven types of PFAS detected and confirmed in community water supply wells.
Drinking Water Guidelines	no date indicated on website	Illinois EPA	PFOA, PFOS, HFPO-DA, PFNA, PFBS, PFHxS, PFHxA, PFBA, PFDoDA, PFODA, PFTeDA, PFPrA, PFUnA, HQ-115, TFSI	The Illinois Environmental Protection Agency has developed health-based guidance levels for fifteen types of PFAS. PFOA (2 ppt); PFOS (14 ppt); HFPO-DA (21 ppt); PFNA (21 ppt); PFBS (2,100 ppt); PFHxS (140 ppt), PFHxA (3,500 ppt), PFBA (7,000 ppt), PFDoDA (350 ppt), PFODA (280,000 ppt), PFTeDA (7,000 ppt), PFPrA (3,500 ppt), PFUnA (2,100 ppt). HQ-115 (2,100 ppt), TFSI (2,100 ppt) . https://epa.illinois.gov/topics/water-quality/pfas/pfas-healthadvisory.html
Fish Advisory	2024	Illinois Department of Health	PFUnA	Issued consumption advisories for PFOS in certain species for the Chicago River, Lake Michigan, Midlothian Reservoir, Sycamore Lake, and Waukegan North Harbor, and for PFUnA contamination in certain species for Crab Orchard Lake, Franklin Creek, Lake Zurich, Wolf Lake, and Indian Creek. IL DOH map of all current fish advisories.

Other State Actions (planning, research, etc.)

What/Title	Year	PFAS Addressed	Who	Summary of Action
Community Water Supply Sampling	2021	18 types	Illinois EPA	Completed a statewide investigation into the prevalence and occurrence PFAS in finished water at 1,749 community water supplies (CWSs) across Illinois. Website.

Proposed Legislation

Name (bill number)	Year	PFAS Addressed	Summary of Action	Status
HB 3982	2019-2020 Session	PFAS	Directs the Illinois Department of Health to establish statewide MCLs for PFAS compounds in drinking water.	Died in Committee
HB 5003	2019-2020 Session	PFAS Chemicals	Would have prohibited the use of class B firefighting foam with intentionally added PFAS chemicals for training and testing purposes, with limited exemptions	Died in Committee.
HB 5529	2019-2020 Session	PFAS	Would authorize the Illinois Environmental Protection Agency to establish a take back program for local fire departments that use and store older firefighting foam made with PFAS.	Died in Committee.
SB 3154	2019-2020 Session	PFAS Chemicals	Would have prohibited the use of class B firefighting foam with intentionally added PFAS chemicals for training and testing purposes, with limited exemptions. Contains a prohibition and exemption for the manufacture, sale, offering for sale, or distribution for sale of food packaging containing intentionally added PFAS. Would require State Fire Marshall to conduct a survey of fire departments and create a PFAS Program Fund.	Died in Committee
HB 3190	2021-2022 Session	Perfluoroalkyl and polyfluoroalkyl substances	Sought to amend the Illinois Environmental Protection act to prohibit the disposal of PFAS by incineration.	Veto'd by Governor

HB 3635	2021-2022 Session	PFAS Chemicals	Would have prohibited the use of class B firefighting foam with intentionally added PFAS chemicals for training and testing purposes, with limited exemptions	Died in Committee.
HB 4795	2021-2022 Session	PFAS	Would require the Illinois Environmental Protection Agency to establish a take back program for local fire departments that use and store older firefighting foam made with PFAS.	Died in Committee
SB 562	2021-2022 Session	PFAS	Would authorize the Illinois Environmental Protection Agency to establish a take back program for local fire departments that use and store older firefighting foam made with PFAS.	Died in Committee.
SB 2512	2021-2022 Session	PFAS Chemicals	Would have prohibited the use of class B firefighting foam with intentionally added PFAS chemicals for training and testing purposes, with limited exemptions	Died in Committee.
HB 1282	2023-2024 Session	PFAS	Beginning January 1, 2025, prohibits the manufacture or sale of any cosmetic product that contains specified intentionally added ingredients; ie, PFAS.	Re-referred to Rules Committee 3/10/23
HB 3128	2023-2024 Session	PFAS	Provides that the Illinois Environmental Protection Agency shall establish a take-back program for local fire departments and fire protection districts that use and store firefighting foam containing PFAS	Re-referred to Rules Committee 3/27/23
HB 4627	2023-2024 Session	PFAS	Establishes a system for the registration of PFAS-containing products or product components by manufacturers.	Re-referred to Rules Committee 4/19/24
HB 4702	2023-2024 Session	PFAS	Require water systema conduct monitoring for PFAS Initial monitoring must be completed by December 31, 2025, with continued monitoring thereafter. If PFAS contaminants are detected above specific levels the owner or operator must conduct continued monitoring and inform users of potential health risks.	Re-referred to Rules Committee 4/5/2024
HB 5042	2023-2024 Session	PFAS	Requires a manufacturer of a product sold, offered for sale, or distributed in the State that contains intentionally added PFAS to submit to the Environmental Protection Agency specified information. Would prohibit, after January 1, 2025, the sale, offer for sale, or distribution of certain products containing intentionally added PFAS is prohibited, including carpets, cleaning products, cookware, cosmetics, and others.	Re-referred to Rules Committee 4/5/2024

HB 5424	2023-2024 Session	PFAS	The legislation offers a tax credit to businesses that are actively researching and developing alternative fire prevention equipment without PFAS.	Re-referred to Rules Committee 4/5/2024
SB 1696	2023-2024 Session	PFAS	Requires IEPA to adopt rules that require the owner or operator of each landfill in the state to establish and implement a plan to identify and address PFAS-contaminated leachate that is generated at the landfill before it migrates off site or is sent off site for treatment or disposal. Requires the owner or operator of each wastewater treatment facility in the state to establish and implement a plan to treat PFAS-contaminated wastewater prior to its discharge from the facility.	Re-referred to assignments 3/31/23
SB 2705	2023-2024 Session	PFAS	Introduce stringent regulations on the use, sale, distribution, and testing of products containing intentionally added PFAS. Key provisions include the establishment of information requirements for manufacturers of PFAS-containing products, testing mandates, prohibitions on the sale of certain PFAS-containing products starting in 2025, fee structures for compliance, enforcement mechanisms, and exemptions for certain products or industries.	Referred to Assignments 1/10/24
SB 3360	2023-2024 Session	PFAS	Authorizes the Environmental Protection Agency to participate in a safe chemical clearinghouse and to cooperate with the clearinghouse to take specified actions. Directs manufacturers of PFAS or products or product components containing intentionally added PFAS to register the PFAS or product	Re-referred to Assignments 3/15/2024

Proposed Regulation

What/Title	Year	PFAS Addressed	Summary of Action	Status
Groundwater Standard Development	2024	PFOA, PFOS, PFNA, PFHxS, PFBS, and HFPO-DA or GenX	On December 8, 2021, Illinois EPA proposed amendments to the Part 620 regulations. The proposed amendments update toxicity data for various listed chemicals; update exposure factors; introduce groundwater quality standards for six PFAS and update other portions of the regulations.	The Illinois Pollution Control Board published its Opinion and First Notice of the proposed rule in the *Illinois Register* on March 29, 2024. Information on the proposed amendments may be found on the 620 Groundwater Quality page. The Board's Opinion and First Notice may be found here.

Cases

Clark v. Foresight Energy, LLC, 479, 228 N.E.3d 988 (2023). Landowner brought action against owners of two longwall mines in Thompsonville and Macedonia, Illinois (known as the Sugar Camp Energy Mining Complex), alleging negligence, nuisance, trespass, and strict liability due to ultrahazardous activity by owners from their use of PFAS to extinguish an underground fire in August 2021. The Circuit Court, Franklin County denied owners' motion for involuntary dismissal or, in the alternative, compel arbitration and stay proceedings. Owners appealed. The Appellate Court held that Illinois law, rather than federal law, applied to determine arbitrability of landowner's claims, and landowner's claims fell within scope of waiver and release's generic arbitration clause. Reversed and remanded with directions to grant defendants' motion to compel arbitration.