

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 Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 20, 30, and 55 as follows:

6 (415 ILCS 150/20)

7 Sec. 20. Agency responsibilities.

8 (a) The Agency has the authority to monitor compliance with
9 this Act, enforce violations of the Act by administrative
10 citation, and refer violations of this Act to the Attorney
11 General.

12 (b) No later than October 1 of each program year, the
13 Agency shall post on its website a list of underserved counties
14 in the State for the next program year. The list of underserved
15 counties for program years 2010 and 2011 is set forth in
16 subsection (a) of Section 60.

17 (c) From July 1, 2009 until December 31, 2015, the Agency
18 shall implement a county and municipal government education
19 campaign to inform those entities about this Act and the
20 implications on solid waste collection in their localities.

21 (c-5) No later than February 1, 2012 and every February 1
22 thereafter, the Agency shall use a portion of the manufacturer,
23 recycler, and refurbisher registration fees to provide a \$2,000

1 grant to the recycling coordinator in each county of the State
2 in order to inform residents in each county about this Act and
3 opportunities to recycle CEDs and EEDs. The recycling
4 coordinator shall expend the \$2,000 grant before December 31 of
5 the program year in which the grant is received. The recycling
6 coordinator shall maintain records that document the use of the
7 grant funds.

8 (c-10) By June 15, 2012 and by December 15, 2012, and by
9 every June 15 and December 15 thereafter through December 15,
10 2015, the Agency shall meet with associations that represent
11 Illinois retail merchants twice each year to discuss compliance
12 with Section 40.

13 (c-15) By December 15, 2012 and each December 15
14 thereafter, the Agency shall post on its website: (i) the
15 mailing address of each collection site at which collectors
16 collected CEDs and EEDs during the program year and (ii) the
17 amount in pounds of total CEDs and total EEDs ~~each CED~~
18 collected at the collection site during the program year.

19 (d) By July 1, 2011 for the first program year, and by May
20 15 for all subsequent program years, the Agency shall report to
21 the Governor and to the General Assembly annually on the
22 previous program year's performance. The report must be posted
23 on the Agency's website. The report must include, but not be
24 limited to, the following:

- 25 (1) the total overall weight of CEDs, as well as the
26 sub-total weight of computers, the sub-total weight of

1 computer monitors, the sub-total weight of printers, the
2 sub-total weight of televisions, and the total weight of
3 EEDs that were recycled or processed for reuse in the State
4 during the program year, as reported by manufacturers and
5 collectors under Sections 30 and 55;

6 (2) a listing of all collection sites, as set forth
7 under subsection (a) of Section 55, and the addresses of
8 those sites;

9 (3) a statement showing, for the preceding program
10 year, (i) the total weight of CEDs and EEDs collected,
11 recycled, and processed for reuse by the manufacturers
12 pursuant to Section 30, (ii) the total weight of CEDs
13 processed for reuse by the manufacturers, and (iii) the
14 total weight of CEDs collected by the collectors;

15 (4) a listing of all entities or persons to whom the
16 Agency issued an administrative citation or with respect to
17 which the Agency made a referral for enforcement to the
18 Attorney General's Office as a result of a violation of
19 this Act;

20 (5) a discussion of the Agency's education and outreach
21 activities as set forth in subsection (c) of this Section;
22 and

23 (6) a discussion of the penalties, if any, incurred by
24 manufacturers for failure to achieve recycling goals, and a
25 recommendation to the General Assembly of any necessary or
26 appropriate changes to the manufacturers' recycling goals

1 or penalty provisions included in this Act.

2 (e) The Agency shall post on its website: (1) a list of
3 manufacturers that have paid the current year's registration
4 fee as set forth in subsection (b) of Section 30; (2) a list of
5 manufacturers that failed to pay the current year's
6 registration fee as set forth in subsection (b) of Section 30;
7 and (3) a list of registered collectors, the addresses of their
8 collection sites, their business telephone numbers, and a link
9 to their websites.

10 (f) In program years 2012, 2013, and 2014, and at its
11 discretion thereafter, the Agency shall convene and host an
12 Electronic Products Recycling Conference. The Agency may host
13 the conferences alone or with other public entities or with
14 organizations associated with electronic products recycling.

15 (g) No later than October 1 of each program year, the
16 Agency must post on its website the following information for
17 the next program year: (i) the individual recycling and reuse
18 goals for each manufacturer, as set forth in subsections (c)
19 and (c-5) of Section 15, as applicable, and (ii) the total
20 statewide recycling goal, determined by adding each individual
21 manufacturer's annual goal.

22 (h) By April 1, 2011, and by April 1 of all subsequent
23 years, the Agency shall award those manufacturers that have met
24 or exceeded their recycling or reuse goals for the previous
25 program year with an Electronic Industry Recycling Award. The
26 award shall acknowledge that the manufacturer has met or

1 exceeded its recycling goals and shall be posted on the Agency
2 website and in other media as appropriate.

3 (i) By March 1, 2011, and by March 1 of each subsequent
4 year, the Agency shall post on its website a list of registered
5 manufacturers that have not met their annual recycling and
6 reuse goal for the previous program year.

7 (j) By July 1, 2015, the Agency shall solicit written
8 comments regarding all aspects of the program codified in this
9 Act, for the purpose of determining if the program requires any
10 modifications.

11 (1) Issues to be reviewed by the Agency are, but not
12 limited to, the following:

13 (A) Sufficiency of the annual statewide recycling
14 goals.

15 (B) Fairness of the formulas used to determine
16 individual manufacturer goals.

17 (C) Adequacy of, or the need for, continuation of
18 the credits outlined in Section 30(d)(1) through (3).

19 (D) Any temporary rescissions of county landfill
20 bans granted by the Illinois Pollution Control Board
21 pursuant to Section 95(e).

22 (E) Adequacy of, or the need for, the penalties
23 listed in Section 80 of this Act, which are scheduled
24 to take effect on January 1, 2013.

25 (F) Adequacy of the collection systems that have
26 been implemented as a result of this Act, with a

1 particular focus on promoting the most cost-effective
2 and convenient collection system possible for Illinois
3 residents.

4 (2) By July 1, 2015, the Agency shall complete its
5 review of the written comments received, as well as its own
6 reports on the preceding program years. By August 1, 2015,
7 the Agency shall hold a public hearing to present its
8 findings and solicit additional comments. All additional
9 comments shall be submitted to the Agency in writing no
10 later than October 1, 2015.

11 (3) The Agency's final report, which shall be issued no
12 later than February 1, 2016, shall be submitted to the
13 Governor and the General Assembly and shall include
14 specific recommendations for any necessary or appropriate
15 modifications to the program.

16 (k) Any violation of this Act shall be enforceable by
17 administrative citation. Whenever the Agency personnel or
18 county personnel to whom the Agency has delegated the authority
19 to monitor compliance with this Act shall, on the basis of
20 direct observation, determine that any person has violated any
21 provision of this Act, the Agency or county personnel may issue
22 and serve, within 60 days after the observed violation, an
23 administrative citation upon that person or the entity
24 employing that person. Each citation shall be served upon the
25 person named or the person's authorized agent for service of
26 process and shall include the following:

1 (1) a statement specifying the provisions of this Act
2 that the person or the entity employing the person has
3 violated;

4 (2) a copy of the inspection report in which the Agency
5 or local government recorded the violation and the date and
6 time of the inspection;

7 (3) the penalty imposed under Section 80; and

8 (4) an affidavit by the personnel observing the
9 violation, attesting to their material actions and
10 observations.

11 (1) If the person named in the administrative citation
12 fails to petition the Illinois Pollution Control Board for
13 review within 35 days after the date of service, the Board
14 shall adopt a final order, which shall include the
15 administrative citation and findings of violation as alleged in
16 the citation and shall impose the penalty specified in Section
17 80.

18 (m) If a petition for review is filed with the Board to
19 contest an administrative citation issued under this Section,
20 the Agency or unit of local government shall appear as a
21 complainant at a hearing before the Board to be conducted
22 pursuant to subsection (n) of this Section at a time not less
23 than 21 days after notice of the hearing has been sent by the
24 Board to the Agency or unit of local government and the person
25 named in the citation. In those hearings, the burden of proof
26 shall be on the Agency or unit of local government. If, based

1 on the record, the Board finds that the alleged violation
2 occurred, it shall adopt a final order, which shall include the
3 administrative citation and findings of violation as alleged in
4 the citation, and shall impose the penalty specified in Section
5 80 of this Act. However, if the Board finds that the person
6 appealing the citation has shown that the violation resulted
7 from uncontrollable circumstances, the Board shall adopt a
8 final order that makes no finding of violation and imposes no
9 penalty.

10 (n) All hearings under this Act shall be held before a
11 qualified hearing officer, who may be attended by one or more
12 members of the Board, designated by the Chairman. All of these
13 hearings shall be open to the public, and any person may submit
14 written statements to the Board in connection with the subject
15 of these hearings. In addition, the Board may permit any person
16 to offer oral testimony. Any party to a hearing under this
17 subsection may be represented by counsel, make oral or written
18 argument, offer testimony, cross-examine witnesses, or take
19 any combination of those actions. All testimony taken before
20 the Board shall be recorded stenographically. The transcript so
21 recorded and any additional matter accepted for the record
22 shall be open to public inspection, and copies of those
23 materials shall be made available to any person upon payment of
24 the actual cost of reproducing the original.

25 (o) Counties that have entered into a delegation agreement
26 with the Agency pursuant to subsection (r) of Section 4 of the

1 Illinois Environmental Protection Act for the purpose of
2 conducting inspection, investigation, or enforcement-related
3 functions may conduct inspections for noncompliance with this
4 Act.

5 (Source: P.A. 96-328, eff. 8-11-09; 97-287, eff. 8-10-11.)

6 (415 ILCS 150/30)

7 Sec. 30. Manufacturer responsibilities.

8 (a) Prior to April 1, 2009 for the first program year, and
9 by October 1 for program year 2011 and each program year
10 thereafter, manufacturers who sell computers, computer
11 monitors, printers, televisions, electronic keyboards,
12 facsimile machines, videocassette recorders, portable digital
13 music players, digital video disc players, video game consoles,
14 electronic mice, scanners, digital converter boxes, cable
15 receivers, satellite receivers, digital video disc recorders,
16 or small-scale servers in this State must register with the
17 Agency. The registration must be submitted in the form and
18 manner required by the Agency. The registration must include,
19 without limitation, all of the following:

20 (1) a list of all of the manufacturer's brands of
21 computers, computer monitors, printers, televisions,
22 electronic keyboards, facsimile machines, videocassette
23 recorders, portable digital music players, digital video
24 disc players, video game consoles, electronic mice,
25 scanners, digital converter boxes, cable receivers,

1 satellite receivers, digital video disc recorders, and
2 small-scale servers to be offered for sale in the next
3 program year;

4 (2) (blank); and

5 (3) a statement disclosing whether any of the
6 manufacturer's computers, computer monitors, printers,
7 televisions, electronic keyboards, facsimile machines,
8 videocassette recorders, portable digital music players,
9 digital video disc players, video game consoles,
10 electronic mice, scanners, digital converter boxes, cable
11 receivers, satellite receivers, digital video disc
12 recorders, or small-scale servers sold in this State exceed
13 the maximum concentration values established for lead,
14 mercury, cadmium, hexavalent chromium, polybrominated
15 biphenyls (PBBs), and polybrominated diphenyl ethers
16 (PBDEEs) under the RoHS (restricting the use of certain
17 hazardous substances in electrical and electronic
18 equipment) Directive 2002/95/EC of the European Parliament
19 and Council and any amendments thereto and, if so, an
20 identification of the aforementioned electronic device
21 that exceeds the directive.

22 If, during the program year, any of the manufacturer's
23 aforementioned electronic devices are sold or offered for sale
24 in Illinois under a new brand that is not listed in the
25 manufacturer's registration, then, within 30 days after the
26 first sale or offer for sale under the new brand, the

1 manufacturer must amend its registration to add the new brand.

2 (b) Prior to July 1, 2009 for the first program year, and
3 by the November 1 preceding program years 2011 and later, all
4 manufacturers whose computers, computer monitors, printers,
5 televisions, electronic keyboards, facsimile machines,
6 videocassette recorders, portable digital music players,
7 digital video disc players, video game consoles, electronic
8 mice, scanners, digital converter boxes, cable receivers,
9 satellite receivers, digital video disc recorders, or
10 small-scale servers are offered for sale in the State shall
11 submit to the Agency, at an address prescribed by the Agency,
12 the registration fee for the next program year. The
13 registration fee for program year 2010 is \$5,000. The
14 registration fee for program year 2011 is \$5,000, increased by
15 the applicable inflation factor as described below. In program
16 year 2012, if, in program year 2011, a manufacturer sold 250 or
17 fewer of the aforementioned electronic devices in the State,
18 then the registration fee for that manufacturer is \$1,250. In
19 each program year after 2012, if, in the preceding program
20 year, a manufacturer sold 250 or fewer of the aforementioned
21 electronic devices in the State, then the registration fee is
22 the fee that applied in the previous year to manufacturers that
23 sold that number of the aforementioned electronic devices,
24 increased by the applicable inflation factor as described
25 below. In program year 2012, if, in the preceding program year
26 a manufacturer sold 251 or more of the aforementioned

1 electronic devices in the State, then the registration fee for
2 that manufacturer is \$5,000. In each program year after 2012,
3 if, in the preceding program year, a manufacturer sold 251 or
4 more of the aforementioned electronic devices in the State,
5 then the registration fee is the fee that applied in the
6 previous year to manufacturers that sold that number of the
7 aforementioned electronic devices, increased by the applicable
8 inflation factor as described below. For program year 2011,
9 program year 2013, and each program year thereafter, the
10 applicable registration fee is increased each year by an
11 inflation factor determined by the annual Implicit Price
12 Deflator for Gross National Product, as published by the U.S.
13 Department of Commerce in its Survey of Current Business. The
14 inflation factor must be calculated each year by dividing the
15 latest published annual Implicit Price Deflator for Gross
16 National Product by the annual Implicit Price Deflator for
17 Gross National Product for the previous year. The inflation
18 factor must be rounded to the nearest 1/100th, and the
19 resulting registration fee must be rounded to the nearest whole
20 dollar. No later than October 1 of each program year, the
21 Agency shall post on its website the registration fee for the
22 next program year.

23 (c) A manufacturer whose computers, computer monitors,
24 printers, televisions, electronic keyboards, facsimile
25 machines, videocassette recorders, portable digital music
26 players, digital video disc players, video game consoles,

1 electronic mice, scanners, digital converter boxes, cable
2 receivers, satellite receivers, digital video disc recorders,
3 or small-scale servers are sold or offered for sale in this
4 State on or after January 1 of a program year must register
5 with the Agency within 30 days after the first sale or offer
6 for sale in accordance with subsection (a) of this Section and
7 submit the registration fee required under subsection (b) of
8 this Section prior to the aforementioned electronic devices
9 being sold or offered for sale.

10 (d) Each manufacturer shall recycle or process for reuse
11 CEDs and EEDs whose total weight equals or exceeds the
12 manufacturer's individual recycling and reuse goal set forth in
13 Section 15 of this Act. Individual consumers shall not be
14 charged a fee when bringing their CEDs and EEDs to collection
15 locations, unless a financial incentive of equal or greater
16 value, such as a coupon, is provided. Collectors may charge a
17 fee for premium services such as curbside collection, home
18 pick-up, or a similar method of collection.

19 When determining whether a manufacturer has met or exceeded
20 its individual recycling and reuse goal set forth in Section 15
21 of this Act, all of the following adjustments must be made:

22 (1) The total weight of CEDs processed by the
23 manufacturer, its recyclers, or its refurbishers for reuse
24 is doubled.

25 (2) The total weight of CEDs is tripled if they are
26 donated for reuse by the manufacturer to a primary or

1 secondary public education institution the majority of
2 whose students are considered low income or
3 developmentally disabled or to low-income children or
4 families or to assist the developmentally disabled in
5 Illinois. This subsection applies only to CEDs for which
6 the manufacturer has received a written confirmation that
7 the recipient has accepted the donation. Copies of all
8 written confirmations must be submitted in the annual
9 report required under Section 30.

10 (3) The total weight of CEDs collected by manufacturers
11 free of charge in underserved counties is doubled. This
12 subsection applies only to CEDs that are documented by
13 collectors as being collected or received free of charge in
14 underserved counties. This documentation must include,
15 without limitation, the date and location of collection or
16 receipt, the weight of the CEDs collected or received, and
17 an acknowledgement by the collector that the CEDs were
18 collected or received free of charge. Copies of the
19 documentation must be submitted in the annual report
20 required under subsection (h), (i), (j), (k), or (l) of
21 Section 30.

22 (4) If an entity (i) collects, recycles, or refurbishes
23 CEDs for a manufacturer, (ii) qualifies for non-profit
24 status under Section 501(c)(3) of the Internal Revenue Code
25 of 1986, and (iii) at least 75% of its employees are
26 developmentally disabled, then the total weight of CEDs

1 will be tripled. A manufacturer that uses such a recycler
2 or refurbisher shall submit documentation in the annual
3 report required under Section 30 identifying the name,
4 location, and length of service of the entity that
5 qualifies for credit under this subsection.

6 (e) (Blank).

7 (f) Manufacturers shall ensure that only recyclers and
8 refurbishers that have registered with the Agency are used to
9 meet the individual recycling and reuse goals set forth in this
10 Act.

11 (g) Manufacturers shall ensure that the recyclers and
12 refurbishers used to meet the individual recycling and reuse
13 goals set forth in this Act shall, at a minimum, comply with
14 the standards set forth under subsection (d) of Section 50 of
15 this Act. By November 1, 2011 and every November 1 thereafter,
16 manufacturers shall submit a document, as prescribed by the
17 Agency, listing each registered recycler and refurbisher that
18 will be used to meet the manufacturer's annual CED recycling
19 and reuse goal and certifying that those recyclers or
20 refurbishers comply with the standards set forth in subsection
21 (d) of Section 50.

22 (h) By September 1, 2012 and every September 1 thereafter,
23 manufacturers of computers, computer monitors, printers,
24 televisions, electronic keyboards, facsimile machines,
25 videocassette recorders, portable digital music players,
26 digital video disc players, video game consoles, electronic

1 mice, scanners, digital converter boxes, cable receivers,
2 satellite receivers, digital video disc recorders, or
3 small-scale servers shall submit to the Agency, in the form and
4 manner required by the Agency, a report that contains the total
5 weight of the aforementioned electronic devices sold under each
6 of the manufacturer's brands to individuals in this State as
7 calculated under subsection (c) and (c-5) of Section 15, as
8 applicable. Each manufacturer shall indicate on the report
9 whether the total weight of the aforementioned electronic
10 devices was derived from its own sales records or national
11 sales data. If a manufacturer's weight for aforementioned
12 electronic devices is derived from national sales data, the
13 manufacturer shall indicate the source of the sales data.

14 (i) (Blank).

15 (j) (Blank).

16 (k) (Blank).

17 (l) On or before January 31, 2013 and on or before every
18 January 31 thereafter, manufacturers of computers, computer
19 monitors, printers, televisions, electronic keyboards,
20 facsimile machines, videocassette recorders, portable digital
21 music players, digital video disc players, video game consoles,
22 electronic mice, scanners, digital converter boxes, cable
23 receivers, satellite receivers, digital video disc recorders,
24 and small-scale servers shall submit to the Agency, on forms
25 and in a format prescribed by the Agency, a report that
26 contains all of the following information for the previous

1 program year:

2 (1) The total weight of computers, the total weight of
3 computer monitors, the total weight of printers, facsimile
4 machines, and scanners, the total weight of televisions,
5 the total weight of the remaining CEDs, ~~the total weight of~~
6 ~~electronic keyboards, the total weight of facsimile~~
7 ~~machines, the total weight of videocassette recorders, the~~
8 ~~total weight of portable digital music players, the total~~
9 ~~weight of digital video disc players, the total weight of~~
10 ~~video game consoles, the total weight of electronic mice,~~
11 ~~the total weight of scanners, the total weight of digital~~
12 ~~converter boxes, the total weight of cable receivers, the~~
13 ~~total weight of satellite receivers, the total weight of~~
14 ~~digital video disc recorders, the total weight of~~
15 ~~small-scale servers,~~ and the total weight of EEDs recycled
16 or processed for reuse.

17 (2) The identification of all weights that are adjusted
18 under subsection (d) of this Section. For all weights
19 adjusted under item (2) of subsection (d), the manufacturer
20 must include copies of the written confirmation required
21 under that subsection.

22 (3) A list of each recycler, refurbisher, and collector
23 used by the manufacturer to fulfill the manufacturer's
24 individual recycling and reuse goal set forth in
25 subsections (c) and (c-5) of Section 15 of this Act.

26 (4) A summary of the manufacturer's consumer education

1 program required under subsection (m) of this Section.

2 (m) Manufacturers must develop and maintain a consumer
3 education program that complements and corresponds to the
4 primary retailer-driven campaign required under Section 40 of
5 this Act. The education program shall promote the recycling of
6 electronic products and proper end-of-life management of the
7 products by consumers.

8 (n) Beginning January 1, 2012, no manufacturer may sell a
9 computer, computer monitor, printer, television, electronic
10 keyboard, facsimile machine, videocassette recorder, portable
11 digital music player, digital video disc player, video game
12 console, electronic mouse, scanner, digital converter box,
13 cable receiver, satellite receiver, digital video disc
14 recorder, or small-scale server in this State unless the
15 manufacturer is registered with the State as required under
16 this Act, has paid the required registration fee, and is
17 otherwise in compliance with the provisions of this Act.

18 (o) Beginning January 1, 2012, no manufacturer may sell a
19 computer, computer monitor, printer, television, electronic
20 keyboard, facsimile machine, videocassette recorder, portable
21 digital music player, digital video disc player, video game
22 console, electronic mouse, scanner, digital converter box,
23 cable receiver, satellite receiver, digital video disc
24 recorder, or small-scale server in this State unless the
25 manufacturer's brand name is permanently affixed to, and is
26 readily visible on, the computer, computer monitor, printer, or

1 television.

2 (Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)

3 (415 ILCS 150/55)

4 Sec. 55. Collector responsibilities.

5 (a) No later than January 1 of each program year,
6 collectors that collect or receive CEDs or EEDs for one or more
7 manufacturers, recyclers, or refurbishers shall register with
8 the Agency. Registration must be in the form and manner
9 required by the Agency and must include, without limitation,
10 the address of each location where CEDs or EEDs are received
11 and the identification of each location at which the collector
12 accepts CEDs or EEDs from a residence.

13 (b) Manufacturers, recyclers, refurbishers also acting as
14 collectors shall so indicate on their registration under
15 Section 30 or 50 and not register separately as collectors.

16 (c) No later than August 15, 2010, collectors must submit
17 to the Agency, on forms and in a format prescribed by the
18 Agency, a report for the period from January 1, 2010 through
19 June 30, 2010 that contains the following information: the
20 total weight of computers, the total weight of computer
21 monitors, the total weight of printers, the total weight of
22 televisions, and the total weight of EEDs collected or received
23 for each manufacturer.

24 (d) By January 31 of each program year, collectors must
25 submit to the Agency, on forms and in a format prescribed by

1 the Agency, a report that contains the following information
2 for the previous program year:

3 (1) The total weight of computers, the total weight of
4 computer monitors, the total weight of printers, facsimile
5 machines, and scanners, the total weight of televisions,
6 the total weight of the remaining ~~individual~~ CEDs
7 collected, and the total weight of EEDs collected or
8 received for each manufacturer during the previous program
9 year.

10 (2) A list of each recycler and refurbisher that
11 received CEDs and EEDs from the collector and the total
12 weight each recycler and refurbisher received.

13 (3) The address of each collector's facility where the
14 CEDs and EEDs were collected or received. Each facility
15 address must include the county in which the facility is
16 located.

17 (e) Collectors may accept no more than 10 CEDs or EEDs at
18 one time from individual members of the public and, when
19 scheduling collection events, shall provide no fewer than 30
20 days' notice to the county waste agency of those events.

21 (f) No collector of CEDs and EEDs may recycle, or refurbish
22 for reuse or resale, CEDs or EEDs to a third party unless the
23 collector registers as a recycler or refurbisher pursuant to
24 Section 50 and pays the registration fee pursuant to Section
25 50.

26 (Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)

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