



Rep. Jehan Gordon-Booth

Filed: 4/4/2018

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LRB100 03186 MJP 36671 a

1 AMENDMENT TO HOUSE BILL 1439

2 AMENDMENT NO. _____. Amend House Bill 1439 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Section 50 as follows:

6 (415 ILCS 150/50)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 50. Recycler and refurbisher registration.

9 (a) Prior to January 1 of each program year, through
10 program year 2018, each recycler and refurbisher must register
11 with the Agency and submit a registration fee pursuant to
12 subsection (b) for that program year. Registration must be on
13 forms and in a format prescribed by the Agency and shall
14 include, but not be limited to, the address of each location
15 where the recycler or refurbisher manages CEDs or EEDs and
16 identification of each location at which the recycler or

1 refurbisher accepts CEDs or EEDs from a residence.

2 (b) The registration fee for program year 2010 is \$2,000.
3 For program year 2011, if a recycler's or refurbisher's annual
4 combined total weight of CEDs and EEDs is less than 1,000 tons
5 per year, the registration fee shall be \$500. For program year
6 2012 and for all subsequent program years, through program year
7 2018, both registration fees shall be increased each year by an
8 inflation factor determined by the annual Implicit Price
9 Deflator for Gross National Product as published by the U.S.
10 Department of Commerce in its Survey of Current Business. The
11 inflation factor must be calculated each year by dividing the
12 latest published annual Implicit Price Deflator for Gross
13 National Product by the annual Implicit Price Deflator for
14 Gross National Product for the previous year. The inflation
15 factor must be rounded to the nearest 1/100th, and the
16 resulting registration fee must be rounded to the nearest whole
17 dollar. No later than October 1 of each program year, through
18 October 1, 2017, the Agency shall post on its website the
19 registration fee for the next program year.

20 (c) Through program year 2018, no person may act as a
21 recycler or a refurbisher of CEDs for a manufacturer obligated
22 to meet goals under this Act unless the recycler or refurbisher
23 is registered with the Agency and has paid the registration fee
24 as required under this Section. Beginning in program year 2016,
25 and through program year 2018, all recycling or refurbishing
26 facilities used by collectors of CEDs and EEDs shall be

1 accredited by the Responsible Recycling (R2) Practices or
2 e-Stewards certification programs or any other equivalent
3 certification programs recognized by the United States
4 Environmental Protection Agency. Accreditation is not required
5 for facilities that place cathode ray tube (CRT) glass in
6 storage cells for future retrieval in accordance with
7 subsection (d) of Section 15 of this Act. Manufacturers of CEDs
8 and EEDs shall ensure that recycling or refurbishing facilities
9 used as part of their recovery programs meet this requirement.
10 Any organization that accredits facilities pursuant to this
11 Section is prohibited from penalizing or taking other negative
12 actions against any recycler, refurbisher, or collector of CEDs
13 and EEDs based on the recycler's, refurbisher's, or collector's
14 use of a facility that places CRT glass in storage cells for
15 future retrieval in accordance with subsection (d) of Section
16 15 of this Act.

17 (c-5) Through program year 2018, a registered recycler or
18 refurbisher of CEDs and EEDs for a manufacturer obligated to
19 meet goals under this Act may not charge individual consumers
20 or units of local government acting as collectors a fee to
21 recycle or refurbish CEDs and EEDs, unless the recycler or
22 refurbisher provides (i) a financial incentive, such as a
23 coupon, that is of greater or equal value to the fee being
24 charged or (ii) premium service, such as curbside collection,
25 home pick-up, or similar methods of collection. Local units of
26 government serving as collectors of CEDs and EEDs shall not

1 charge a manufacturer for collection costs and shall offer the
2 manufacturer or its representative all CEDs and EEDs collected
3 by the local government at no cost. Nothing in this Act
4 requires a local unit of government to serve as a collector.

5 (c-10) Nothing in this Act prohibits any waste hauler from
6 entering into a contractual agreement with a unit of local
7 government to establish a collection program for the recycling
8 or reuse of CEDs or EEDs, including services such as curbside
9 collection, home pick-up, drop-off locations, or similar
10 methods of collection.

11 (d) Through program year 2018, recyclers and refurbishers
12 must, at a minimum, comply with all of the following:

13 (1) Recyclers and refurbishers must comply with
14 federal, State, and local laws and regulations, including
15 federal and State minimum wage laws, specifically relevant
16 to the handling, processing, refurbishing and recycling of
17 residential CEDs and must have proper authorization by all
18 appropriate governing authorities to perform the handling,
19 processing, refurbishment, and recycling.

20 (2) Recyclers and refurbishers must implement the
21 appropriate measures to safeguard occupational and
22 environmental health and safety, through the following:

23 (A) environmental health and safety training of
24 personnel, including training with regard to material
25 and equipment handling, worker exposure, controlling
26 releases, and safety and emergency procedures;

1 (B) an up-to-date, written plan for the
2 identification and management of hazardous materials;
3 and

4 (C) an up-to-date, written plan for reporting and
5 responding to exceptional pollutant releases,
6 including emergencies such as accidents, spills,
7 fires, and explosions.

8 (3) Recyclers and refurbishers must maintain (i)
9 commercial general liability insurance or the equivalent
10 corporate guarantee for accidents and other emergencies
11 with limits of not less than \$1,000,000 per occurrence and
12 \$1,000,000 aggregate and (ii) pollution legal liability
13 insurance with limits not less than \$1,000,000 per
14 occurrence for companies engaged solely in the dismantling
15 activities and \$5,000,000 per occurrence for companies
16 engaged in recycling.

17 (4) Recyclers and refurbishers must maintain on file
18 documentation that demonstrates the completion of an
19 environmental health and safety audit completed and
20 certified by a competent internal and external auditor
21 annually. A competent auditor is an individual who, through
22 professional training or work experience, is appropriately
23 qualified to evaluate the environmental health and safety
24 conditions, practices, and procedures of the facility.
25 Documentation of auditors' qualifications must be
26 available for inspection by Agency officials and

1 third-party auditors.

2 (5) Recyclers and refurbishers must maintain on file
3 proof of workers' compensation and employers' liability
4 insurance.

5 (6) Recyclers and refurbishers must provide adequate
6 assurance (such as bonds or corporate guarantee) to cover
7 environmental and other costs of the closure of the
8 recycler or refurbisher's facility, including cleanup of
9 stockpiled equipment and materials.

10 (7) Recyclers and refurbishers must apply due
11 diligence principles to the selection of facilities to
12 which components and materials (such as plastics, metals,
13 and circuit boards) from CEDs and EEDs are sent for reuse
14 and recycling.

15 (8) Recyclers and refurbishers must establish a
16 documented environmental management system that is
17 appropriate in level of detail and documentation to the
18 scale and function of the facility, including documented
19 regular self-audits or inspections of the recycler or
20 refurbisher's environmental compliance at the facility.

21 (9) Recyclers and refurbishers must use the
22 appropriate equipment for the proper processing of
23 incoming materials as well as controlling environmental
24 releases to the environment. The dismantling operations
25 and storage of CED and EED components that contain
26 hazardous substances must be conducted indoors and over

1 impervious floors. Storage areas must be adequate to hold
2 all processed and unprocessed inventory. When heat is used
3 to soften solder and when CED and EED components are
4 shredded, operations must be designed to control indoor and
5 outdoor hazardous air emissions.

6 (10) Recyclers and refurbishers must establish a
7 system for identifying and properly managing components
8 (such as circuit boards, batteries, CRTs, and mercury
9 phosphor lamps) that are removed from CEDs and EEDs during
10 disassembly. Recyclers and refurbishers must properly
11 manage all hazardous and other components requiring
12 special handling from CEDs and EEDs consistent with
13 federal, State, and local laws and regulations. Recyclers
14 and refurbishers must provide visible tracking (such as
15 hazardous waste manifests or bills of lading) of hazardous
16 components and materials from the facility to the
17 destination facilities and documentation (such as
18 contracts) stating how the destination facility processes
19 the materials received. No recycler or refurbisher may
20 send, either directly or through intermediaries, hazardous
21 wastes to solid waste (non-hazardous waste) landfills or to
22 non-hazardous waste incinerators for disposal or energy
23 recovery. For the purpose of these guidelines, smelting of
24 hazardous wastes to recover metals for reuse in conformance
25 with all applicable laws and regulations is not considered
26 disposal or energy recovery.

1 (11) Recyclers and refurbishers must use a regularly
2 implemented and documented monitoring and record-keeping
3 program that tracks inbound CED and EED material weights
4 (total) and subsequent outbound weights (total to each
5 destination), injury and illness rates, and compliance
6 with applicable permit parameters including monitoring of
7 effluents and emissions. Recyclers and refurbishers must
8 maintain contracts or other documents, such as sales
9 receipts, suitable to demonstrate: (i) the reasonable
10 expectation that there is a downstream market or uses for
11 designated electronics (which may include recycling or
12 reclamation processes such as smelting to recover metals
13 for reuse); and (ii) that any residuals from recycling or
14 reclamation processes, or both, are properly handled and
15 managed to maximize reuse and recycling of materials to the
16 extent practical.

17 (12) Recyclers and refurbishers must comply with
18 federal and international law and agreements regarding the
19 export of used products or materials. In the case of
20 exports of CEDs and EEDs, recyclers and refurbishers must
21 comply with applicable requirements of the U.S. and of the
22 import and transit countries and must maintain proper
23 business records documenting its compliance. No recycler
24 or refurbisher may establish or use intermediaries for the
25 purpose of circumventing these U.S. import and transit
26 country requirements.

1 (13) Recyclers and refurbishers that conduct
2 transactions involving the transboundary shipment of used
3 CEDs and EEDs shall use contracts (or the equivalent
4 commercial arrangements) made in advance that detail the
5 quantity and nature of the materials to be shipped. For the
6 export of materials to a foreign country (directly or
7 indirectly through downstream market contractors): (i) the
8 shipment of intact televisions and computer monitors
9 destined for reuse must include only whole products that
10 are tested and certified as being in working order or
11 requiring only minor repair (e.g. not requiring the
12 replacement of circuit boards or CRTs), must be destined
13 for reuse with respect to the original purpose, and the
14 recipient must have verified a market for the sale or
15 donation of such product for reuse; (ii) the shipments of
16 CEDs and EEDs for material recovery must be prepared in a
17 manner for recycling, including, without limitation,
18 smelting where metals will be recovered, plastics recovery
19 and glass-to-glass recycling; or (iii) the shipment of CEDs
20 and EEDs are being exported to companies or facilities that
21 are owned or controlled by the original equipment
22 manufacturer.

23 (14) Recyclers and refurbishers must maintain the
24 following export records for each shipment on file for a
25 minimum of 3 years: (i) the facility name and the address
26 to which shipment is exported; (ii) the shipment contents

1 and volumes; (iii) the intended use of contents by the
2 destination facility; (iv) any specification required by
3 the destination facility in relation to shipment contents;
4 (v) an assurance that all shipments for export, as
5 applicable to the CED manufacturer, are legal and satisfy
6 all applicable laws of the destination country.

7 (15) Recyclers and refurbishers must employ
8 industry-accepted procedures for the destruction or
9 sanitization of data on hard drives and other data storage
10 devices. Acceptable guidelines for the destruction or
11 sanitization of data are contained in the National
12 Institute of Standards and Technology's Guidelines for
13 Media Sanitation or those guidelines certified by the
14 National Association for Information Destruction;

15 (16) No recycler or refurbisher may employ prison labor
16 in any operation related to the collection,
17 transportation, recycling, and refurbishment of CEDs and
18 EEDs. No recycler or refurbisher may employ any third party
19 that uses or subcontracts for the use of prison labor.

20 (Source: P.A. 99-13, eff. 7-10-15; 100-433, eff. 8-25-17.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."