

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 Consumer Electronics Recycling Act is  
5 amended by changing Sections 1-5, 1-10, 1-25, and 1-30 and by  
6 adding Sections 1-3, 1-33, 1-84.5, and 1-87 as follows:

7 (415 ILCS 151/1-3 new)

8 Sec. 1-3. Findings; purpose.

9 (a) The General Assembly finds all of the following:

10 (1) Many older and obsolete consumer electronic  
11 products contain materials which may pose environmental  
12 and health risks that should be managed.

13 (2) Consumer electronic products contain metals,  
14 plastics, glass, and other potentially valuable materials.  
15 The reuse and recycling of these materials can conserve  
16 natural resources and energy.

17 (3) The recycling and reuse of the covered electronic  
18 devices defined under this Act falls within the State of  
19 Illinois' interest in the proper management of such  
20 products.

21 (4) Illinois counties and municipalities may face  
22 significant cost burdens in collecting and processing  
23 obsolete electronic products for reuse and recycling.

1           (5) Manufacturers of electronic products should share  
2           responsibility for the proper management of obsolete  
3           consumer electronic products.

4           (6) Illinois counties and municipalities, and the  
5           citizens of Illinois, will benefit from the implementation  
6           of a program or programs for the proper management of  
7           obsolete consumer electronic products operated by  
8           manufacturers that are actively overseen by the State.

9           (7) It is the intent of the State to allow  
10           manufacturers to coordinate their activities and programs  
11           related to the proper management of obsolete covered  
12           electronic devices as defined under this Act under strict  
13           State supervision regardless of the effect the  
14           manufacturers' actions or such coordination will have on  
15           competition.

16           (8) It is in the best interest of the State to promote  
17           the coordination of manufacturer activities and programs  
18           related to the proper management of obsolete covered  
19           electronic devices through participation in a manufacturer  
20           clearinghouse as set forth in the Act.

21           (b) The purpose of this Act is to further the interest of  
22           the State of Illinois in the proper management of obsolete  
23           consumer electronic products by setting forth procedures by  
24           which the recycling and processing for reuse of covered  
25           electronic devices will be accomplished by manufacturers for  
26           those counties and municipalities that wish to opt-in to

1 electronic product manufacturer-run recycling and processing  
2 programs that are approved and overseen by the State of  
3 Illinois.

4 (415 ILCS 151/1-5)

5 (Section scheduled to be repealed on December 31, 2026)

6 Sec. 1-5. Definitions. As used in this Act:

7 "Agency" means the Illinois Environmental Protection  
8 Agency.

9 "Best practices" means standards for collecting and  
10 preparing items for shipment and recycling. "Best practices"  
11 may include standards for packaging for transport, load size,  
12 acceptable load contamination levels, non-CED items included  
13 in a load, and other standards as determined under Section 1-85  
14 of this Act. "Best practices" shall consider the desired intent  
15 to preserve existing collection programs and relationships  
16 when possible.

17 "Collector" means a person who collects residential CEDs at  
18 any program collection site or one-day collection event and  
19 prepares them for transport.

20 "Computer", often referred to as a "personal computer" or  
21 "PC", means a desktop or notebook computer as further defined  
22 below and used only in a residence, but does not mean an  
23 automated typewriter, electronic printer, mobile telephone,  
24 portable hand-held calculator, portable digital assistant  
25 (PDA), MP3 player, or other similar device. "Computer" does not

1 include computer peripherals, commonly known as cables, mouse,  
2 or keyboard. "Computer" is further defined as either:

3 (1) "Desktop computer", which means an electronic,  
4 magnetic, optical, electrochemical, or other high-speed  
5 data processing device performing logical, arithmetic, or  
6 storage functions for general purpose needs that are met  
7 through interaction with a number of software programs  
8 contained therein, and that is not designed to exclusively  
9 perform a specific type of logical, arithmetic, or storage  
10 function or other limited or specialized application.  
11 Human interface with a desktop computer is achieved through  
12 a stand-alone keyboard, stand-alone monitor, or other  
13 display unit, and a stand-alone mouse or other pointing  
14 device, and is designed for a single user. A desktop  
15 computer has a main unit that is intended to be  
16 persistently located in a single location, often on a desk  
17 or on the floor. A desktop computer is not designed for  
18 portability and generally utilizes an external monitor,  
19 keyboard, and mouse with an external or internal power  
20 supply for a power source. Desktop computer does not  
21 include an automated typewriter or typesetter; or

22 (2) "Notebook computer", which means an electronic,  
23 magnetic, optical, electrochemical, or other high-speed  
24 data processing device performing logical, arithmetic, or  
25 storage functions for general purpose needs that are met  
26 through interaction with a number of software programs

1 contained therein, and that is not designed to exclusively  
2 perform a specific type of logical, arithmetic, or storage  
3 function or other limited or specialized application.  
4 Human interface with a notebook computer is achieved  
5 through a keyboard, video display greater than 4 inches in  
6 size, and mouse or other pointing device, all of which are  
7 contained within the construction of the unit that  
8 comprises the notebook computer; supplemental stand-alone  
9 interface devices typically can also be attached to the  
10 notebook computer. Notebook computers can use external,  
11 internal, or batteries for a power source. Notebook  
12 computer does not include a portable hand-held calculator,  
13 or a portable digital assistant or similar specialized  
14 device. A notebook computer has an incorporated video  
15 display greater than 4 inches in size and can be carried as  
16 one unit by an individual. A notebook computer is sometimes  
17 referred to as a laptop computer.

18 (3) "Tablet computer", which means an electronic,  
19 magnetic, optical, electrochemical, or other high-speed  
20 data processing device performing logical, arithmetic, or  
21 storage functions for general purpose needs that are met  
22 through interaction with a number of software programs  
23 contained therein, and that is not designed to exclusively  
24 perform a specific type of logical, arithmetic, or storage  
25 function or other limited or specialized application.  
26 Human interface with a tablet computer is achieved through

1 a touch screen and video display screen greater than 6  
2 inches in size (all of which are contained within the unit  
3 that comprises the tablet computer). Tablet computers may  
4 use an external or internal power source. "Tablet computer"  
5 does not include a portable hand-held calculator, a  
6 portable digital assistant, or a similar specialized  
7 device.

8 "Computer monitor" means an electronic device that is a  
9 cathode-ray tube or flat panel display primarily intended to  
10 display information from a computer and is used only in a  
11 residence.

12 "County recycling coordinator" means the individual who is  
13 designated as the recycling coordinator for a county in a waste  
14 management plan developed pursuant to the Solid Waste Planning  
15 and Recycling Act.

16 "Covered electronic device" or "CED" means any computer,  
17 computer monitor, television, printer, electronic keyboard,  
18 facsimile machine, videocassette recorder, portable digital  
19 music player that has memory capability and is battery powered,  
20 digital video disc player, video game console, electronic  
21 mouse, scanner, digital converter box, cable receiver,  
22 satellite receiver, digital video disc recorder, or  
23 small-scale server sold at retail. "Covered electronic device"  
24 does not include any of the following:

25 (1) an electronic device that is a part of a motor  
26 vehicle or any component part of a motor vehicle assembled

1 by or for a vehicle manufacturer or franchised dealer,  
2 including replacement parts for use in a motor vehicle;

3 (2) an electronic device that is functionally or  
4 physically part of a larger piece of equipment or that is  
5 taken out of service from an industrial, commercial  
6 (including retail), library checkout, traffic control,  
7 kiosk, security (other than household security),  
8 governmental, agricultural, or medical setting, including  
9 but not limited to diagnostic, monitoring, or control  
10 equipment; or

11 (3) an electronic device that is contained within a  
12 clothes washer, clothes dryer, refrigerator, refrigerator  
13 and freezer, microwave oven, conventional oven or range,  
14 dishwasher, room air conditioner, dehumidifier, water  
15 pump, sump pump, or air purifier. To the extent allowed  
16 under federal and State laws and regulations, a CED that is  
17 being collected, recycled, or processed for reuse is not  
18 considered to be hazardous waste, household waste, solid  
19 waste, or special waste.

20 "Covered electronic device category" or "CED category"  
21 means each of the following 8 categories of residential CEDs:

22 (1) computers and small-scale servers;

23 (2) computer monitors;

24 (3) televisions;

25 (4) printers, facsimile machines, and scanners;

26 (5) digital video disc players, digital video disc

1 recorders, and videocassette recorders;

2 (6) video game consoles;

3 (7) digital converter boxes, cable receivers, and  
4 satellite receivers; and

5 (8) electronic keyboards, electronic mice, and  
6 portable digital music players that have memory capability  
7 and are battery powered.

8 "Manufacturer" means a person, or a successor in interest  
9 to a person, under whose brand or label a CED is or was sold at  
10 retail. For any CED sold at retail under a brand or label that  
11 is licensed from a person who is a mere brand owner and who  
12 does not sell or produce a CED, the person who produced the CED  
13 or his or her successor in interest is the manufacturer. For  
14 any CED sold at retail under the brand or label of both the  
15 retail seller and the person that produced the CED, the person  
16 that produced the CED, or his or her successor in interest, is  
17 the manufacturer.

18 "Manufacturer clearinghouse" means an entity that prepares  
19 and submits a manufacturer e-waste program plan to the Agency,  
20 and oversees the manufacturer e-waste program, on behalf of a  
21 group of 2 or more manufacturers cooperating with one another  
22 to collectively establish and operate an e-waste program for  
23 the purpose of complying with this Act and that collectively  
24 represent, ~~representing~~ at least 50% of the manufacturers'  
25 total obligations under this Act for a program year, ~~that are~~  
26 ~~cooperating with one another to collectively establish and~~



1 ~~operate an e-waste program for the purpose of complying with~~  
2 ~~this Act.~~

3 "Manufacturer e-waste program" means any program  
4 established, financed, and operated by a manufacturer,  
5 individually or collectively as part of a manufacturer  
6 clearinghouse, to transport and subsequently recycle, in  
7 accordance with the requirements of this Act, residential CEDs  
8 collected at program collection sites and one-day collection  
9 events.

10 "Municipal joint action agency" means a municipal joint  
11 action agency created under Section 3.2 of the  
12 Intergovernmental Cooperation Act.

13 "One-day collection event" means a one-day event used as a  
14 substitute for a program collection site pursuant to Section  
15 1-15 of this Act.

16 "Person" means an individual, partnership, co-partnership,  
17 firm, company, limited liability company, corporation,  
18 association, joint stock company, trust, estate, political  
19 subdivision, State agency, or any other legal entity; or a  
20 legal representative, agent, or assign of that entity. "Person"  
21 includes a unit of local government.

22 "Printer" means desktop printers, multifunction printer  
23 copiers, and printer/fax combinations taken out of service from  
24 a residence that are designed to reside on a work surface, and  
25 include various print technologies, including without  
26 limitation laser and LED (electrographic), ink jet, dot matrix,

1 thermal, and digital sublimation, and "multi-function" or  
2 "all-in-one" devices that perform different tasks, including  
3 without limitation copying, scanning, faxing, and printing.  
4 Printers do not include floor-standing printers, printers with  
5 optional floor stand, point of sale (POS) receipt printers,  
6 household printers such as a calculator with printing  
7 capabilities or label makers, or non-stand-alone printers that  
8 are embedded into products that are not CEDs.

9 "Program collection site" means a physical location that is  
10 included in a manufacturer e-waste program and at which  
11 residential CEDs are collected and prepared for transport by a  
12 collector during a program year in accordance with the  
13 requirements of this Act. Except as otherwise provided in this  
14 Act, "program collection site" does not include a retail  
15 collection site.

16 "Program year" means a calendar year. The first program  
17 year is 2019.

18 "Recycler" means any person who transports or subsequently  
19 recycles residential CEDs that have been collected and prepared  
20 for transport by a collector at any program collection site or  
21 one-day collection event.

22 "Recycling" has the meaning provided under Section 3.380 of  
23 the Environmental Protection Act. "Recycling" includes any  
24 process by which residential CEDs that would otherwise be  
25 disposed of or discarded are collected, separated, or processed  
26 and returned to the economic mainstream in the form of raw

1 materials or products.

2 "Residence" means a dwelling place or home in which one or  
3 more individuals live.

4 "Residential covered electronic device" or "residential  
5 CED" means any covered electronic device taken out of service  
6 from a residence in the State.

7 "Retail collection site" means a private sector collection  
8 site operated by a retailer collecting on behalf of a  
9 manufacturer.

10 "Retailer" means a person who first sells, through a sales  
11 outlet, catalogue, or the Internet, a covered electronic device  
12 at retail to an individual for residential use or any permanent  
13 establishment primarily where merchandise is displayed, held,  
14 stored, or offered for sale to the public.

15 "Sale" means any retail transfer of title for consideration  
16 of title including, but not limited to, transactions conducted  
17 through sales outlets, catalogs, or the Internet or any other  
18 similar electronic means. "Sale" does not include financing or  
19 leasing.

20 "Small-scale server" means a computer that typically uses  
21 desktop components in a desktop form designed primarily to  
22 serve as a storage host for other computers. To be considered a  
23 small-scale server, a computer must: be designed in a pedestal,  
24 tower, or other form that is similar to that of a desktop  
25 computer so that all data processing, storage, and network  
26 interfacing is contained within one box or product; be designed

1 to be operational 24 hours per day and 7 days per week; have  
2 very little unscheduled downtime, such as on the order of hours  
3 per year; be capable of operating in a simultaneous multi-user  
4 environment serving several users through networked client  
5 units; and be designed for an industry-accepted operating  
6 system for home or low-end server applications.

7 "Television" means an electronic device that contains a  
8 cathode-ray tube or flat panel screen the size of which is  
9 greater than 4 inches when measured diagonally and is intended  
10 to receive video programming via broadcast, cable, satellite,  
11 Internet, or other mode of video transmission or to receive  
12 video from surveillance or other similar cameras.

13 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

14 (415 ILCS 151/1-10)

15 (Section scheduled to be repealed on December 31, 2026)

16 Sec. 1-10. Manufacturer e-waste program.

17 (a) For program year 2019 and each program year thereafter,  
18 each manufacturer shall, individually or collectively as part  
19 of a manufacturer clearinghouse, provide a manufacturer  
20 e-waste program to transport and subsequently recycle, in  
21 accordance with the requirements of this Act, residential CEDs  
22 collected at, and prepared for transport from, the program  
23 collection sites and one-day collection events included in the  
24 program during the program year.

25 (b) Each manufacturer e-waste program must include, at a

1 minimum, the following:

2 (1) satisfaction of the convenience standard described  
3 in Section 1-15 of this Act;

4 (2) instructions for designated county recycling  
5 coordinators and municipal joint action agencies to  
6 annually file notice to participate in the program;

7 (3) transportation and subsequent recycling of the  
8 residential CEDs collected at, and prepared for transport  
9 from, the program collection sites and one-day collection  
10 events included in the program during the program year; and

11 (4) submission of a report to the Agency, by March 1,  
12 2020, and each March 1 thereafter, which includes:

13 (A) the total weight of all residential CEDs  
14 transported from program collection sites and one-day  
15 collection events throughout the State during the  
16 preceding program year by CED category;

17 (B) the total weight of residential CEDs  
18 transported from all program collection sites and  
19 one-day collection events in each county in the State  
20 during the preceding program year by CED category; and

21 (C) the total weight of residential CEDs  
22 transported from all program collection sites and  
23 one-day collection events in each county in the State  
24 during that preceding program year and that was  
25 recycled.

26 (c) Each manufacturer e-waste program shall make the

1 instructions required under paragraph (2) of subsection (b)  
2 available on its website by December 1, 2017, and the program  
3 shall provide to the Agency a hyperlink to the website for  
4 posting on the Agency's website.

5 (d) Nothing in this Act shall prevent a manufacturer from  
6 accepting, through a manufacturer e-waste program, residential  
7 CEDs collected through a curbside collection program that is  
8 operated pursuant to an agreement between a third party and a  
9 unit of local government located within a county or municipal  
10 joint action agency that has elected to participate in a  
11 manufacturer e-waste program.

12 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

13 (415 ILCS 151/1-25)

14 (Section scheduled to be repealed on December 31, 2026)

15 Sec. 1-25. Manufacturer e-waste program plans.

16 (a) By July 1, 2018, and by July 1 of each year thereafter  
17 for the upcoming program year, beginning with program year  
18 2019, each manufacturer shall, individually or through ~~as~~ a  
19 manufacturer clearinghouse, submit to the Agency a  
20 manufacturer e-waste program plan, which includes, at a  
21 minimum, the following:

22 (1) the contact information for the individual who will  
23 serve as the point of contact for the manufacturer e-waste  
24 program;

25 (2) the identity of each county that has elected to

1 participate in the manufacturer e-waste program during the  
2 program year;

3 (3) for each county, the location of each program  
4 collection site and one-day collection event included in  
5 the manufacturer e-waste program for the program year;

6 (4) the collector operating each program collection  
7 site and one-day collection event included in the  
8 manufacturer e-waste program for the program year;

9 (5) the recyclers that manufacturers plan to use during  
10 the program year to transport and subsequently recycle  
11 residential CEDs under the program, with the updated list  
12 of recyclers to be provided to the Agency no later than  
13 December 1 preceding each program year; ~~and~~

14 (6) an explanation of any deviation by the program from  
15 the standard program collection site distribution set  
16 forth in subsection (a) of Section 1-15 of this Act for the  
17 program year, along with copies of all written agreements  
18 made pursuant to paragraphs (1) or (2) of subsection (b) of  
19 Section 1-15 for the program year; and

20 (7) if a group of 2 or more manufacturers are  
21 participating in a manufacturer clearinghouse,  
22 certification that the methodology used for allocating  
23 responsibility for the transportation and recycling of  
24 residential CEDs by manufacturers participating in the  
25 manufacturer clearinghouse for the program year will be in  
26 compliance with the allocation methodology established

1           under Section 1-84.5 of this Act.

2           (b) Within 60 days after receiving a manufacturer e-waste  
3 program plan, the Agency shall review the plan and approve the  
4 plan or disapprove the plan.

5           (1) If the Agency determines that the program  
6 collection sites and one-day collection events specified  
7 in the plan will satisfy the convenience standard set forth  
8 in Section 1-15 of this Act, then the Agency shall approve  
9 the manufacturer e-waste program plan and provide written  
10 notification of the approval to the individual who serves  
11 as the point of contact for the manufacturer. The Agency  
12 shall make the approved plan available on the Agency's  
13 website.

14           (2) If the Agency determines the plan will not satisfy  
15 the convenience standard set forth in Section 1-15 of this  
16 Act, then the Agency shall disapprove the manufacturer  
17 e-waste program plan and provide written notification of  
18 the disapproval and the reasons for the disapproval to the  
19 individual who serves as the point of contact for the  
20 manufacturer. Within 30 days after the date of disapproval,  
21 the manufacturer shall submit a revised manufacturer  
22 e-waste program plan that addresses the deficiencies noted  
23 in the Agency's disapproval.

24           (c) Manufacturers shall assume financial responsibility  
25 for carrying out their e-waste program plans, including, but  
26 not limited to, financial responsibility for providing the



1 packaging materials necessary to prepare shipments of  
2 collected residential CEDs in compliance with subsection (e) of  
3 Section 1-45, as well as financial responsibility for bulk  
4 transportation and recycling of collected residential CEDs.

5 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

6 (415 ILCS 151/1-30)

7 (Section scheduled to be repealed on December 31, 2026)

8 Sec. 1-30. Manufacturer registration.

9 (a) By April 1, 2018, and by April 1 of each year  
10 thereafter for the upcoming program year, beginning with  
11 program year 2019, each manufacturer who sells CEDs in the  
12 State must register with the Agency by: (i) submitting to the  
13 Agency a \$5,000 registration fee; and (ii) completing and  
14 submitting to the Agency the registration form prescribed by  
15 the Agency. Information on the registration form shall include,  
16 without limitation, all of the following:

17 (1) a list of all of the brands and labels under which  
18 the manufacturer's CEDs are sold or offered for sale in the  
19 State; and

20 (2) the total weights, by CED category, of ~~residential~~  
21 CEDs sold in the United States to individuals, ~~or offered~~  
22 ~~for sale~~ under any of the manufacturer's brands or labels,  
23 ~~in the United States~~ during the calendar year that is 2  
24 years before ~~immediately preceding~~ the applicable program  
25 year.

1           If, during a program year, any of the manufacturer's CEDs  
2 are sold or offered for sale in the State under a brand that is  
3 not listed in the manufacturer's registration, then, within 30  
4 days after the first sale or offer for sale under that brand,  
5 the manufacturer must amend its registration to add the brand.  
6 All registration fees collected by the Agency pursuant to this  
7 Section shall be deposited into the Solid Waste Management  
8 Fund.

9           (b) The Agency shall post on its website a list of all  
10 registered manufacturers.

11           (c) Beginning in program year 2019, a manufacturer whose  
12 CEDs are sold or offered for sale in this State for the first  
13 time on or after April 1 of a program year must register with  
14 the Agency within 30 days after the date the CEDs are first  
15 sold or offered for sale in the State.

16           (d) Beginning in program year 2019, manufacturers shall  
17 ensure that only recyclers that have registered with the Agency  
18 and meet the recycler standards set forth in Section 1-40 are  
19 used to transport or recycle residential CEDs collected at any  
20 program collection site or one-day collection event.

21           (e) Beginning in program year 2019, no manufacturer may  
22 sell or offer for sale a CED in this State unless the  
23 manufacturer is registered and operates a manufacturer program  
24 either individually or as part of the manufacturer  
25 clearinghouse as required in this Act.

26           (f) Beginning in program year 2019, no manufacturer may

1 sell or offer for sale a CED in this State unless the  
2 manufacturer's brand name is permanently affixed to, and is  
3 readily visible on, the CED.

4 (g) In accordance with a contract or agreement with a  
5 county, municipality, or municipal joint action agency that has  
6 elected to participate in a manufacturer e-waste program under  
7 this Act, manufacturers may, either individually or through the  
8 manufacturer clearinghouse, audit program collection sites and  
9 proposed program collection sites for compliance with the terms  
10 and conditions of the contract or agreement. Audits shall be  
11 conducted during normal business hours, and a manufacturer or  
12 its designee shall provide reasonable notice to the collection  
13 site in advance of the audit. Audits of all program collection  
14 sites may include, among other things, physical site location  
15 visits and inspections and review of processes, procedures,  
16 technical systems, reports, and documentation reasonably  
17 related to the collecting, sorting, packaging, and recycling of  
18 residential CEDs in compliance with this Act.

19 (h) Nothing in this Act shall require a manufacturer or  
20 manufacturer e-waste program to collect, transport, or recycle  
21 any CEDs other than residential CEDs, or to accept for  
22 transport or recycling any pallet or bulk container of  
23 residential CEDs that has not been prepared by the collector  
24 for shipment in accordance with subsection (e) of Section 1-45.  
25 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

1 (415 ILCS 151/1-33 new)

2 Sec. 1-33. Manufacturer clearinghouse.

3 (a) A manufacturer e-waste program plan submitted by a  
4 manufacturer clearinghouse may take into account and  
5 incorporate individual plans or operations of one or more  
6 manufacturers that are participating in the manufacturer  
7 clearinghouse.

8 (b) If a manufacturer clearinghouse allocates  
9 responsibility to manufacturers for manufacturers'  
10 transportation and recycling of residential CEDs during a  
11 program year as part of a manufacturer e-waste program plan,  
12 then the manufacturer clearinghouse shall identify the  
13 allocation methodology in its plan submission to the Agency  
14 pursuant to Section 1-25 of this Act for review and approval.  
15 Any allocation of responsibility among manufacturers for the  
16 collection of covered electronic devices shall be in accordance  
17 with the allocation methodology established pursuant to  
18 Section 1-84.5 of this Act.

19 (c) A manufacturer clearinghouse shall have no authority to  
20 enforce manufacturer compliance with the requirements of this  
21 Act, including compliance with the allocation methodology set  
22 forth in a manufacturer e-waste program plan, but shall, upon  
23 prior notice to the manufacturer, refer any potential  
24 non-compliance to the Agency. A manufacturer clearinghouse may  
25 develop and implement policies and procedures that exclude from  
26 participation in the manufacturer clearinghouse any

1 manufacturers found by the Illinois Pollution Control Board or  
2 a court of competent jurisdiction to have failed to comply with  
3 this Act.

4 (415 ILCS 151/1-84.5 new)

5 Sec. 1-84.5. Manufacturer clearinghouse; allocation of  
6 financial responsibility for the transportation and recycling  
7 of covered electronic devices.

8 (a) As used in this Section, unless the context otherwise  
9 requires:

10 "Adjusted total proportional responsibility" means the  
11 percentage calculated for each participating manufacturer for  
12 a program year under subsection (f) of this Section.

13 "Market share" means the percentage that results from  
14 dividing:

15 (1) the product of the total weight reported for a CED  
16 category by a manufacturer, for the calendar year 2 years  
17 before the applicable program year, under paragraph (2) of  
18 subsection (a) of Section 1-30 of this Act, multiplied by  
19 the population adjustment factor for that year; by

20 (2) the product of the total weight reported for that  
21 CED category by all manufacturers, for the calendar year 2  
22 years before the applicable program year, under paragraph  
23 (2) of subsection (a) of Section 1-30 of this Act,  
24 multiplied by the population adjustment factor for that  
25 year.

1       "Participating manufacturer" means a manufacturer that a  
2 manufacturer clearinghouse has listed, pursuant to subsection  
3 (c) of this Section, as a participant in the manufacturer  
4 clearinghouse for a program year.

5       "Population adjustment factor" means the percentage that  
6 results when (i) the population of Illinois, as reported in the  
7 most recent federal decennial census, is divided by (ii) the  
8 population of the United States, as reported in the most recent  
9 federal decennial census.

10       "Return share" means the percentage, by weight, of each CED  
11 category that is returned to the program collection sites and  
12 one-day collection events operated by or on behalf of either a  
13 manufacturer clearinghouse or one or more of its participating  
14 manufacturers during the calendar year 2 years before the  
15 applicable program year, as reported to the Agency under  
16 Section 1-10 of this Act; except that, for program year 2019  
17 and program year 2020, "return share" means the percentage, by  
18 weight, of each CED category that is estimated by the  
19 manufacturer clearinghouse to be returned to those sites and  
20 events during the applicable program year, as reported to the  
21 Agency under subsection (b) of this Section.

22       "Unadjusted total proportional responsibility" means the  
23 percentage calculated for each participating manufacturer  
24 under subsection (e) of this Section.

25       (b) By March 1, 2018, each manufacturer clearinghouse shall  
26 provide the Agency with a statement of the return share for

1 each CED category for program year 2019, and by March 1, 2019,  
2 each manufacturer clearinghouse shall provide the Agency with a  
3 statement of the return share for each CED category for program  
4 year 2020.

5 (c) If a manufacturer clearinghouse submits to the Agency a  
6 manufacturer e-waste program plan under Section 1-25 of this  
7 Act, then the manufacturer clearinghouse shall include in the  
8 plan a list of manufacturers that have agreed to participate in  
9 the manufacturer clearinghouse for the upcoming program year.

10 (d) By November 1, 2018, and each November 1 thereafter,  
11 the Agency shall provide each manufacturer clearinghouse with a  
12 statement of the unadjusted total proportional responsibility  
13 and adjusted total proportional responsibility of each of its  
14 participating manufacturers for the upcoming program year.

15 (e) For each program year, the Agency shall calculate the  
16 unadjusted total proportional responsibility of each  
17 participating manufacturer as follows:

18 (1) For each CED category, the Agency shall multiply  
19 (i) the participating manufacturer's market share for the  
20 CED category by (ii) the return share for the CED category,  
21 to arrive at the category-specific proportional  
22 responsibility of the participating manufacturer for the  
23 CED category.

24 (2) The Agency shall then, for each participating  
25 manufacturer, sum the category-specific proportional  
26 responsibilities of the participating manufacturer

1       calculated under paragraph (1), to arrive at the  
2       participating manufacturer's unadjusted total proportional  
3       responsibility.

4       (f) If the sum of all unadjusted total proportional  
5       responsibilities of a manufacturer clearinghouse's  
6       participating manufacturers for a program year accounts for  
7       less than 100% of the return share for that year, then the  
8       Agency shall divide the unallocated return share among  
9       participating manufacturers in proportion to their unadjusted  
10       total proportional responsibilities, to arrive at the adjusted  
11       total proportional responsibility for each participating  
12       manufacturer.

13       (g) A manufacturer may use retail collection sites to  
14       satisfy some or all of the manufacturer's responsibilities,  
15       including, but not limited to, the manufacturer's  
16       transportation and recycling of collected residential CEDs  
17       pursuant to any allocation methodology established under this  
18       Act. Nothing in this Act shall prevent a manufacturer from  
19       using retail collection sites to satisfy any percentage of the  
20       manufacturer's total responsibilities, including, but not  
21       limited to, the manufacturer's transportation and recycling of  
22       collected residential CEDs pursuant to any allocation  
23       methodology established under this Act or by administrative  
24       rule.

25               (415 ILCS 151/1-87 new)



1       Sec. 1-87. Antitrust. A manufacturer or manufacturer  
2       clearinghouse acting in accordance with the provisions of this  
3       Act may negotiate, enter into contracts with, or conduct  
4       business with each other and with any other entity developing,  
5       implementing, operating, participating in, or performing any  
6       other activities directly related to a manufacturer e-waste  
7       program approved pursuant to this Act, and the manufacturer,  
8       manufacturer clearinghouse, and any entity developing,  
9       implementing, operating, participating in, or performing any  
10       other activities related to a manufacturer e-waste program  
11       approved pursuant to this Act are not subject to damages,  
12       liability, or scrutiny under federal antitrust law or the  
13       Illinois Antitrust Act, regardless of the effects of their  
14       actions on competition. The supervisory activities described  
15       in this Act are sufficient to confirm that activities of the  
16       manufacturers, manufacturer clearinghouse, and any entity  
17       developing, implementing, operating, participating in, or  
18       performing any other activities related to a manufacturer  
19       e-waste program that is approved pursuant to Section 1-25 are  
20       authorized and actively supervised by the State.

21           (415 ILCS 151/1-84 rep.)

22           Section 10. The Consumer Electronics Recycling Act is  
23       amended by repealing Section 1-84.

24           Section 15. The Illinois Antitrust Act is amended by

1 changing Section 5 as follows:

2 (740 ILCS 10/5) (from Ch. 38, par. 60-5)

3 Sec. 5. No provisions of this Act shall be construed to  
4 make illegal:

5 (1) the activities of any labor organization or of  
6 individual members thereof which are directed solely to  
7 labor objectives which are legitimate under the laws of  
8 either the State of Illinois or the United States;

9 (2) the activities of any agricultural or  
10 horticultural cooperative organization, whether  
11 incorporated or unincorporated, or of individual members  
12 thereof, which are directed solely to objectives of such  
13 cooperative organizations which are legitimate under the  
14 laws of either the State of Illinois or the United States;

15 (3) the activities of any public utility, as defined in  
16 Section 3-105 of the Public Utilities Act to the extent  
17 that such activities are subject to a clearly articulated  
18 and affirmatively expressed State policy to replace  
19 competition with regulation, where the conduct to be  
20 exempted is actively supervised by the State itself;

21 (4) the ~~The~~ activities of a telecommunications  
22 carrier, as defined in Section 13-202 of the Public  
23 Utilities Act, to the extent those activities relate to the  
24 provision of noncompetitive telecommunications services  
25 under the Public Utilities Act and are subject to the

1 jurisdiction of the Illinois Commerce Commission or to the  
2 activities of telephone mutual concerns referred to in  
3 Section 13-202 of the Public Utilities Act to the extent  
4 those activities relate to the provision and maintenance of  
5 telephone service to owners and customers;

6 (5) the activities (including, but not limited to, the  
7 making of or participating in joint underwriting or joint  
8 reinsurance arrangement) of any insurer, insurance agent,  
9 insurance broker, independent insurance adjuster or rating  
10 organization to the extent that such activities are subject  
11 to regulation by the Director of Insurance of this State  
12 under, or are permitted or are authorized by, the Illinois  
13 Insurance Code or any other law of this State;

14 (6) the religious and charitable activities of any  
15 not-for-profit corporation, trust or organization  
16 established exclusively for religious or charitable  
17 purposes, or for both purposes;

18 (7) the activities of any not-for-profit corporation  
19 organized to provide telephone service on a mutual or  
20 co-operative basis or electrification on a co-operative  
21 basis, to the extent such activities relate to the  
22 marketing and distribution of telephone or electrical  
23 service to owners and customers;

24 (8) the activities engaged in by securities dealers who  
25 are (i) licensed by the State of Illinois or (ii) members  
26 of the National Association of Securities Dealers or (iii)

1 members of any National Securities Exchange registered  
2 with the Securities and Exchange Commission under the  
3 Securities Exchange Act of 1934, as amended, in the course  
4 of their business of offering, selling, buying and selling,  
5 or otherwise trading in or underwriting securities, as  
6 agent, broker, or principal, and activities of any National  
7 Securities Exchange so registered, including the  
8 establishment of commission rates and schedules of  
9 charges;

10 (9) the activities of any board of trade designated as  
11 a "contract market" by the Secretary of Agriculture of the  
12 United States pursuant to Section 5 of the Commodity  
13 Exchange Act, as amended;

14 (10) the activities of any motor carrier, rail carrier,  
15 or common carrier by pipeline, as defined in the Common  
16 Carrier by Pipeline Law of the Public Utilities Act, to the  
17 extent that such activities are permitted or authorized by  
18 the Act or are subject to regulation by the Illinois  
19 Commerce Commission;

20 (11) the activities of any state or national bank to  
21 the extent that such activities are regulated or supervised  
22 by officers of the state or federal government under the  
23 banking laws of this State or the United States;

24 (12) the activities of any state or federal savings and  
25 loan association to the extent that such activities are  
26 regulated or supervised by officers of the state or federal

1 government under the savings and loan laws of this State or  
2 the United States;

3 (13) the activities of any bona fide not-for-profit  
4 association, society or board, of attorneys, practitioners  
5 of medicine, architects, engineers, land surveyors or real  
6 estate brokers licensed and regulated by an agency of the  
7 State of Illinois, in recommending schedules of suggested  
8 fees, rates or commissions for use solely as guidelines in  
9 determining charges for professional and technical  
10 services;

11 (14) conduct ~~Conduct~~ involving trade or commerce  
12 (other than import trade or import commerce) with foreign  
13 nations unless:

14 (a) such conduct has a direct, substantial, and  
15 reasonably foreseeable effect:

16 (i) on trade or commerce which is not trade or  
17 commerce with foreign nations, or on import trade  
18 or import commerce with foreign nations; or

19 (ii) on export trade or export commerce with  
20 foreign nations of a person engaged in such trade  
21 or commerce in the United States; and

22 (b) such effect gives rise to a claim under the  
23 provisions of this Act, other than this subsection  
24 (14).

25 ~~(e)~~ If this Act applies to conduct referred to in this  
26 subsection (14) only because of the provisions of paragraph

1 (a) (ii), then this Act shall apply to such conduct only for  
2 injury to export business in the United States which  
3 affects this State; or

4 (15) the activities of a unit of local government or  
5 school district and the activities of the employees, agents  
6 and officers of a unit of local government or school  
7 district; ~~or-~~

8 (16) the activities of a manufacturer, manufacturer  
9 clearinghouse, or any entity developing, implementing,  
10 operating, participating in, or performing any other  
11 activities related to a manufacturer e-waste program  
12 approved pursuant to the Consumer Electronics Recycling  
13 Act, to the extent that such activities are permitted or  
14 authorized by this Act or are subject to regulation by the  
15 Consumer Electronics Recycling Act and are subject to the  
16 jurisdiction of and regulation by the Illinois Pollution  
17 Control Board or the Illinois Environmental Protection  
18 Agency; this paragraph does not limit, preempt, or exclude  
19 the jurisdiction of any other commission, agency, or court  
20 system to adjudicate personal injury or workers'  
21 compensation claims.

22 (Source: P.A. 90-185, eff. 7-23-97; 90-561, eff. 12-16-97;  
23 revised 10-6-17.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.