



Sen. Pamela J. Althoff

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1 AMENDMENT TO HOUSE BILL 3248

2 AMENDMENT NO. _____. Amend House Bill 3248 by replacing
3 everything after the enacting clause with the following:

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.

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

5 (4) Illinois counties and municipalities may face
6 significant cost burdens in collecting and processing
7 obsolete electronic products for reuse and recycling.

8 (5) Manufacturers of electronic products should share
9 responsibility for the proper management of obsolete
10 consumer electronic products.

11 (6) Illinois counties and municipalities, and the
12 citizens of Illinois, will benefit from the implementation
13 of a program or programs for the proper management of
14 obsolete consumer electronic products operated by
15 manufacturers that are actively overseen by the State.

16 (7) It is the intent of the State to allow
17 manufacturers to coordinate their activities and programs
18 related to the proper management of obsolete covered
19 electronic devices as defined under this Act under strict
20 State supervision regardless of the effect the
21 manufacturers' actions or such coordination will have on
22 competition.

23 (8) It is in the best interest of the State to promote
24 the coordination of manufacturer activities and programs
25 related to the proper management of obsolete covered
26 electronic devices through participation in a manufacturer

1 clearinghouse as set forth in the Act.

2 (b) The purpose of this Act is to further the interest of
3 the State of Illinois in the proper management of obsolete
4 consumer electronic products by setting forth procedures by
5 which the recycling and processing for reuse of covered
6 electronic devices will be accomplished by manufacturers for
7 those counties and municipalities that wish to opt-in to
8 electronic product manufacturer-run recycling and processing
9 programs that are approved and overseen by the State of
10 Illinois.

11 (415 ILCS 151/1-5)

12 (Section scheduled to be repealed on December 31, 2026)

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

14 "Agency" means the Illinois Environmental Protection
15 Agency.

16 "Best practices" means standards for collecting and
17 preparing items for shipment and recycling. "Best practices"
18 may include standards for packaging for transport, load size,
19 acceptable load contamination levels, non-CED items included
20 in a load, and other standards as determined under Section 1-85
21 of this Act. "Best practices" shall consider the desired intent
22 to preserve existing collection programs and relationships
23 when possible.

24 "Collector" means a person who collects residential CEDs at
25 any program collection site or one-day collection event and

1 prepares them for transport.

2 "Computer", often referred to as a "personal computer" or
3 "PC", means a desktop or notebook computer as further defined
4 below and used only in a residence, but does not mean an
5 automated typewriter, electronic printer, mobile telephone,
6 portable hand-held calculator, portable digital assistant
7 (PDA), MP3 player, or other similar device. "Computer" does not
8 include computer peripherals, commonly known as cables, mouse,
9 or keyboard. "Computer" is further defined as either:

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

1 supply for a power source. Desktop computer does not
2 include an automated typewriter or typesetter; or

3 (2) "Notebook 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 notebook computer is achieved
12 through a keyboard, video display greater than 4 inches in
13 size, and mouse or other pointing device, all of which are
14 contained within the construction of the unit that
15 comprises the notebook computer; supplemental stand-alone
16 interface devices typically can also be attached to the
17 notebook computer. Notebook computers can use external,
18 internal, or batteries for a power source. Notebook
19 computer does not include a portable hand-held calculator,
20 or a portable digital assistant or similar specialized
21 device. A notebook computer has an incorporated video
22 display greater than 4 inches in size and can be carried as
23 one unit by an individual. A notebook computer is sometimes
24 referred to as a laptop computer.

25 (3) "Tablet computer", which means an electronic,
26 magnetic, optical, electrochemical, or other high-speed

1 data processing device performing logical, arithmetic, or
2 storage functions for general purpose needs that are met
3 through interaction with a number of software programs
4 contained therein, and that is not designed to exclusively
5 perform a specific type of logical, arithmetic, or storage
6 function or other limited or specialized application.
7 Human interface with a tablet computer is achieved through
8 a touch screen and video display screen greater than 6
9 inches in size (all of which are contained within the unit
10 that comprises the tablet computer). Tablet computers may
11 use an external or internal power source. "Tablet computer"
12 does not include a portable hand-held calculator, a
13 portable digital assistant, or a similar specialized
14 device.

15 "Computer monitor" means an electronic device that is a
16 cathode-ray tube or flat panel display primarily intended to
17 display information from a computer and is used only in a
18 residence.

19 "County recycling coordinator" means the individual who is
20 designated as the recycling coordinator for a county in a waste
21 management plan developed pursuant to the Solid Waste Planning
22 and Recycling Act.

23 "Covered electronic device" or "CED" means any computer,
24 computer monitor, television, printer, electronic keyboard,
25 facsimile machine, videocassette recorder, portable digital
26 music player that has memory capability and is battery powered,

1 digital video disc player, video game console, electronic
2 mouse, scanner, digital converter box, cable receiver,
3 satellite receiver, digital video disc recorder, or
4 small-scale server sold at retail. "Covered electronic device"
5 does not include any of the following:

6 (1) an electronic device that is a part of a motor
7 vehicle or any component part of a motor vehicle assembled
8 by or for a vehicle manufacturer or franchised dealer,
9 including replacement parts for use in a motor vehicle;

10 (2) an electronic device that is functionally or
11 physically part of a larger piece of equipment or that is
12 taken out of service from an industrial, commercial
13 (including retail), library checkout, traffic control,
14 kiosk, security (other than household security),
15 governmental, agricultural, or medical setting, including
16 but not limited to diagnostic, monitoring, or control
17 equipment; or

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

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

- 3 (1) computers and small-scale servers;
- 4 (2) computer monitors;
- 5 (3) televisions;
- 6 (4) printers, facsimile machines, and scanners;
- 7 (5) digital video disc players, digital video disc
8 recorders, and videocassette recorders;
- 9 (6) video game consoles;
- 10 (7) digital converter boxes, cable receivers, and
11 satellite receivers; and
- 12 (8) electronic keyboards, electronic mice, and
13 portable digital music players that have memory capability
14 and are battery powered.

15 "Manufacturer" means a person, or a successor in interest
16 to a person, under whose brand or label a CED is or was sold at
17 retail. For any CED sold at retail under a brand or label that
18 is licensed from a person who is a mere brand owner and who
19 does not sell or produce a CED, the person who produced the CED
20 or his or her successor in interest is the manufacturer. For
21 any CED sold at retail under the brand or label of both the
22 retail seller and the person that produced the CED, the person
23 that produced the CED, or his or her successor in interest, is
24 the manufacturer.

25 "Manufacturer clearinghouse" means an entity that prepares
26 and submits a manufacturer e-waste program plan to the Agency,

1 and oversees the manufacturer e-waste program, on behalf of a
2 group of 2 or more manufacturers cooperating with one another
3 to collectively establish and operate an e-waste program for
4 the purpose of complying with this Act and that collectively
5 represent, ~~representing~~ at least 50% of the manufacturers'
6 total obligations under this Act for a program year, ~~that are~~
7 ~~cooperating with one another to collectively establish and~~
8 ~~operate an e waste program for the purpose of complying with~~
9 ~~this Act.~~

10 "Manufacturer e-waste program" means any program
11 established, financed, and operated by a manufacturer,
12 individually or collectively as part of a manufacturer
13 clearinghouse, to transport and subsequently recycle, in
14 accordance with the requirements of this Act, residential CEDs
15 collected at program collection sites and one-day collection
16 events.

17 "Municipal joint action agency" means a municipal joint
18 action agency created under Section 3.2 of the
19 Intergovernmental Cooperation Act.

20 "One-day collection event" means a one-day event used as a
21 substitute for a program collection site pursuant to Section
22 1-15 of this Act.

23 "Person" means an individual, partnership, co-partnership,
24 firm, company, limited liability company, corporation,
25 association, joint stock company, trust, estate, political
26 subdivision, State agency, or any other legal entity; or a

1 legal representative, agent, or assign of that entity. "Person"
2 includes a unit of local government.

3 "Printer" means desktop printers, multifunction printer
4 copiers, and printer/fax combinations taken out of service from
5 a residence that are designed to reside on a work surface, and
6 include various print technologies, including without
7 limitation laser and LED (electrographic), ink jet, dot matrix,
8 thermal, and digital sublimation, and "multi-function" or
9 "all-in-one" devices that perform different tasks, including
10 without limitation copying, scanning, faxing, and printing.
11 Printers do not include floor-standing printers, printers with
12 optional floor stand, point of sale (POS) receipt printers,
13 household printers such as a calculator with printing
14 capabilities or label makers, or non-stand-alone printers that
15 are embedded into products that are not CEDs.

16 "Program collection site" means a physical location that is
17 included in a manufacturer e-waste program and at which
18 residential CEDs are collected and prepared for transport by a
19 collector during a program year in accordance with the
20 requirements of this Act. Except as otherwise provided in this
21 Act, "program collection site" does not include a retail
22 collection site.

23 "Program year" means a calendar year. The first program
24 year is 2019.

25 "Recycler" means any person who transports or subsequently
26 recycles residential CEDs that have been collected and prepared

1 for transport by a collector at any program collection site or
2 one-day collection event.

3 "Recycling" has the meaning provided under Section 3.380 of
4 the Environmental Protection Act. "Recycling" includes any
5 process by which residential CEDs that would otherwise be
6 disposed of or discarded are collected, separated, or processed
7 and returned to the economic mainstream in the form of raw
8 materials or products.

9 "Residence" means a dwelling place or home in which one or
10 more individuals live.

11 "Residential covered electronic device" or "residential
12 CED" means any covered electronic device taken out of service
13 from a residence in the State.

14 "Retail collection site" means a private sector collection
15 site operated by a retailer collecting on behalf of a
16 manufacturer.

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

22 "Sale" means any retail transfer of title for consideration
23 of title including, but not limited to, transactions conducted
24 through sales outlets, catalogs, or the Internet or any other
25 similar electronic means. "Sale" does not include financing or
26 leasing.

1 "Small-scale server" means a computer that typically uses
2 desktop components in a desktop form designed primarily to
3 serve as a storage host for other computers. To be considered a
4 small-scale server, a computer must: be designed in a pedestal,
5 tower, or other form that is similar to that of a desktop
6 computer so that all data processing, storage, and network
7 interfacing is contained within one box or product; be designed
8 to be operational 24 hours per day and 7 days per week; have
9 very little unscheduled downtime, such as on the order of hours
10 per year; be capable of operating in a simultaneous multi-user
11 environment serving several users through networked client
12 units; and be designed for an industry-accepted operating
13 system for home or low-end server applications.

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

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

21 (415 ILCS 151/1-10)

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

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

24 (a) For program year 2019 and each program year thereafter,
25 each manufacturer shall, individually or collectively as part

1 of a manufacturer clearinghouse, provide a manufacturer
2 e-waste program to transport and subsequently recycle, in
3 accordance with the requirements of this Act, residential CEDs
4 collected at, and prepared for transport from, the program
5 collection sites and one-day collection events included in the
6 program during the program year.

7 (b) Each manufacturer e-waste program must include, at a
8 minimum, the following:

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

11 (2) instructions for designated county recycling
12 coordinators and municipal joint action agencies to
13 annually file notice to participate in the program;

14 (3) transportation and subsequent recycling of the
15 residential CEDs collected at, and prepared for transport
16 from, the program collection sites and one-day collection
17 events included in the program during the program year; and

18 (4) submission of a report to the Agency, by March 1,
19 2020, and each March 1 thereafter, which includes:

20 (A) the total weight of all residential CEDs
21 transported from program collection sites and one-day
22 collection events throughout the State during the
23 preceding program year by CED category;

24 (B) the total weight of residential CEDs
25 transported from all program collection sites and
26 one-day collection events in each county in the State

1 during the preceding program year by CED category; and

2 (C) the total weight of residential CEDs
3 transported from all program collection sites and
4 one-day collection events in each county in the State
5 during that preceding program year and that was
6 recycled.

7 (c) Each manufacturer e-waste program shall make the
8 instructions required under paragraph (2) of subsection (b)
9 available on its website by December 1, 2017, and the program
10 shall provide to the Agency a hyperlink to the website for
11 posting on the Agency's website.

12 (d) Nothing in this Act shall prevent a manufacturer from
13 accepting, through a manufacturer e-waste program, residential
14 CEDs collected through a curbside collection program that is
15 operated pursuant to an agreement between a third party and a
16 unit of local government located within a county or municipal
17 joint action agency that has elected to participate in a
18 manufacturer e-waste program.

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

20 (415 ILCS 151/1-25)

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

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

23 (a) By July 1, 2018, and by July 1 of each year thereafter
24 for the upcoming program year, beginning with program year
25 2019, each manufacturer shall, individually or through ~~as~~ a

1 manufacturer clearinghouse, submit to the Agency a
2 manufacturer e-waste program plan, which includes, at a
3 minimum, the following:

4 (1) the contact information for the individual who will
5 serve as the point of contact for the manufacturer e-waste
6 program;

7 (2) the identity of each county that has elected to
8 participate in the manufacturer e-waste program during the
9 program year;

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

13 (4) the collector operating each program collection
14 site and one-day collection event included in the
15 manufacturer e-waste program for the program year;

16 (5) the recyclers that manufacturers plan to use during
17 the program year to transport and subsequently recycle
18 residential CEDs under the program, with the updated list
19 of recyclers to be provided to the Agency no later than
20 December 1 preceding each program year; ~~and~~

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

1 (7) if a group of 2 or more manufacturers are
2 participating in a manufacturer clearinghouse,
3 certification that the methodology used for allocating
4 responsibility for the transportation and recycling of
5 residential CEDs by manufacturers participating in the
6 manufacturer clearinghouse for the program year will be in
7 compliance with the allocation methodology established
8 under Section 1-84.5 of this Act.

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

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

21 (2) If the Agency determines the plan will not satisfy
22 the convenience standard set forth in Section 1-15 of this
23 Act, then the Agency shall disapprove the manufacturer
24 e-waste program plan and provide written notification of
25 the disapproval and the reasons for the disapproval to the
26 individual who serves as the point of contact for the

1 manufacturer. Within 30 days after the date of disapproval,
2 the manufacturer shall submit a revised manufacturer
3 e-waste program plan that addresses the deficiencies noted
4 in the Agency's disapproval.

5 (c) Manufacturers shall assume financial responsibility
6 for carrying out their e-waste program plans, including, but
7 not limited to, financial responsibility for providing the
8 packaging materials necessary to prepare shipments of
9 collected residential CEDs in compliance with subsection (e) of
10 Section 1-45, as well as financial responsibility for bulk
11 transportation and recycling of collected residential CEDs.

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

13 (415 ILCS 151/1-30)

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

15 Sec. 1-30. Manufacturer registration.

16 (a) By April 1, 2018, and by April 1 of each year
17 thereafter for the upcoming program year, beginning with
18 program year 2019, each manufacturer who sells CEDs in the
19 State must register with the Agency by: (i) submitting to the
20 Agency a \$5,000 registration fee; and (ii) completing and
21 submitting to the Agency the registration form prescribed by
22 the Agency. Information on the registration form shall include,
23 without limitation, all of the following:

24 (1) a list of all of the brands and labels under which
25 the manufacturer's CEDs are sold or offered for sale in the

1 State; and

2 (2) the total weights, by CED category, of ~~residential~~
3 CEDs sold in the United States to individuals, or offered
4 ~~for sale~~ under any of the manufacturer's brands or labels,
5 ~~in the United States~~ during the calendar year that is 2
6 years before ~~immediately preceding~~ the applicable program
7 year.

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

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

18 (c) Beginning in program year 2019, a manufacturer whose
19 CEDs are sold or offered for sale in this State for the first
20 time on or after April 1 of a program year must register with
21 the Agency within 30 days after the date the CEDs are first
22 sold or offered for sale in the State.

23 (d) Beginning in program year 2019, manufacturers shall
24 ensure that only recyclers that have registered with the Agency
25 and meet the recycler standards set forth in Section 1-40 are
26 used to transport or recycle residential CEDs collected at any

1 program collection site or one-day collection event.

2 (e) Beginning in program year 2019, no manufacturer may
3 sell or offer for sale a CED in this State unless the
4 manufacturer is registered and operates a manufacturer program
5 either individually or as part of the manufacturer
6 clearinghouse as required in this Act.

7 (f) Beginning in program year 2019, no manufacturer may
8 sell or offer for sale a CED in this State unless the
9 manufacturer's brand name is permanently affixed to, and is
10 readily visible on, the CED.

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

26 (h) Nothing in this Act shall require a manufacturer or

1 manufacturer e-waste program to collect, transport, or recycle
2 any CEDs other than residential CEDs, or to accept for
3 transport or recycling any pallet or bulk container of
4 residential CEDs that has not been prepared by the collector
5 for shipment in accordance with subsection (e) of Section 1-45.
6 (Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

7 (415 ILCS 151/1-33 new)

8 Sec. 1-33. Manufacturer clearinghouse.

9 (a) A manufacturer e-waste program plan submitted by a
10 manufacturer clearinghouse may take into account and
11 incorporate individual plans or operations of one or more
12 manufacturers that are participating in the manufacturer
13 clearinghouse.

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

25 (c) A manufacturer clearinghouse shall have no authority to

1 enforce manufacturer compliance with the requirements of this
2 Act, including compliance with the allocation methodology set
3 forth in a manufacturer e-waste program plan, but shall, upon
4 prior notice to the manufacturer, refer any potential
5 non-compliance to the Agency. A manufacturer clearinghouse may
6 develop and implement policies and procedures that exclude from
7 participation in the manufacturer clearinghouse any
8 manufacturers found by the Illinois Pollution Control Board or
9 a court of competent jurisdiction to have failed to comply with
10 this Act.

11 (415 ILCS 151/1-84.5 new)

12 Sec. 1-84.5. Manufacturer clearinghouse; allocation of
13 financial responsibility for the transportation and recycling
14 of covered electronic devices.

15 (a) As used in this Section, unless the context otherwise
16 requires:

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

20 "Market share" means the percentage that results from
21 dividing:

22 (1) the product of the total weight reported for a CED
23 category by a manufacturer, for the calendar year 2 years
24 before the applicable program year, under paragraph (2) of
25 subsection (a) of Section 1-30 of this Act, multiplied by

1 the population adjustment factor for that year; by

2 (2) the product of the total weight reported for that
3 CED category by all manufacturers, for the calendar year 2
4 years before the applicable program year, under paragraph
5 (2) of subsection (a) of Section 1-30 of this Act,
6 multiplied by the population adjustment factor for that
7 year.

8 "Participating manufacturer" means a manufacturer that a
9 manufacturer clearinghouse has listed, pursuant to subsection
10 (c) of this Section, as a participant in the manufacturer
11 clearinghouse for a program year.

12 "Population adjustment factor" means the percentage that
13 results when (i) the population of Illinois, as reported in the
14 most recent federal decennial census, is divided by (ii) the
15 population of the United States, as reported in the most recent
16 federal decennial census.

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

1 events during the applicable program year, as reported to the
2 Agency under subsection (b) of this Section.

3 "Unadjusted total proportional responsibility" means the
4 percentage calculated for each participating manufacturer
5 under subsection (e) of this Section.

6 (b) By March 1, 2018, each manufacturer clearinghouse shall
7 provide the Agency with a statement of the return share for
8 each CED category for program year 2019, and by March 1, 2019,
9 each manufacturer clearinghouse shall provide the Agency with a
10 statement of the return share for each CED category for program
11 year 2020.

12 (c) If a manufacturer clearinghouse submits to the Agency a
13 manufacturer e-waste program plan under Section 1-25 of this
14 Act, then the manufacturer clearinghouse shall include in the
15 plan a list of manufacturers that have agreed to participate in
16 the manufacturer clearinghouse for the upcoming program year.

17 (d) By November 1, 2018, and each November 1 thereafter,
18 the Agency shall provide each manufacturer clearinghouse with a
19 statement of the unadjusted total proportional responsibility
20 and adjusted total proportional responsibility of each of its
21 participating manufacturers for the upcoming program year.

22 (e) For each program year, the Agency shall calculate the
23 unadjusted total proportional responsibility of each
24 participating manufacturer as follows:

25 (1) For each CED category, the Agency shall multiply
26 (i) the participating manufacturer's market share for the

1 CED category by (ii) the return share for the CED category,
2 to arrive at the category-specific proportional
3 responsibility of the participating manufacturer for the
4 CED category.

5 (2) The Agency shall then, for each participating
6 manufacturer, sum the category-specific proportional
7 responsibilities of the participating manufacturer
8 calculated under paragraph (1), to arrive at the
9 participating manufacturer's unadjusted total proportional
10 responsibility.

11 (f) If the sum of all unadjusted total proportional
12 responsibilities of a manufacturer clearinghouse's
13 participating manufacturers for a program year accounts for
14 less than 100% of the return share for that year, then the
15 Agency shall divide the unallocated return share among
16 participating manufacturers in proportion to their unadjusted
17 total proportional responsibilities, to arrive at the adjusted
18 total proportional responsibility for each participating
19 manufacturer.

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

1 manufacturer's total responsibilities, including, but not
2 limited to, the manufacturer's transportation and recycling of
3 collected residential CEDs pursuant to any allocation
4 methodology established under this Act or by administrative
5 rule.

6 (415 ILCS 151/1-87 new)

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

1 authorized and actively supervised by the State.

2 (415 ILCS 151/1-84 rep.)

3 Section 10. The Consumer Electronics Recycling Act is
4 amended by repealing Section 1-84.

5 Section 15. The Illinois Antitrust Act is amended by
6 changing Section 5 as follows:

7 (740 ILCS 10/5) (from Ch. 38, par. 60-5)

8 Sec. 5. No provisions of this Act shall be construed to
9 make illegal:

10 (1) the activities of any labor organization or of
11 individual members thereof which are directed solely to
12 labor objectives which are legitimate under the laws of
13 either the State of Illinois or the United States;

14 (2) the activities of any agricultural or
15 horticultural cooperative organization, whether
16 incorporated or unincorporated, or of individual members
17 thereof, which are directed solely to objectives of such
18 cooperative organizations which are legitimate under the
19 laws of either the State of Illinois or the United States;

20 (3) the activities of any public utility, as defined in
21 Section 3-105 of the Public Utilities Act to the extent
22 that such activities are subject to a clearly articulated
23 and affirmatively expressed State policy to replace

1 competition with regulation, where the conduct to be
2 exempted is actively supervised by the State itself;

3 (4) the ~~The~~ activities of a telecommunications
4 carrier, as defined in Section 13-202 of the Public
5 Utilities Act, to the extent those activities relate to the
6 provision of noncompetitive telecommunications services
7 under the Public Utilities Act and are subject to the
8 jurisdiction of the Illinois Commerce Commission or to the
9 activities of telephone mutual concerns referred to in
10 Section 13-202 of the Public Utilities Act to the extent
11 those activities relate to the provision and maintenance of
12 telephone service to owners and customers;

13 (5) the activities (including, but not limited to, the
14 making of or participating in joint underwriting or joint
15 reinsurance arrangement) of any insurer, insurance agent,
16 insurance broker, independent insurance adjuster or rating
17 organization to the extent that such activities are subject
18 to regulation by the Director of Insurance of this State
19 under, or are permitted or are authorized by, the Illinois
20 Insurance Code or any other law of this State;

21 (6) the religious and charitable activities of any
22 not-for-profit corporation, trust or organization
23 established exclusively for religious or charitable
24 purposes, or for both purposes;

25 (7) the activities of any not-for-profit corporation
26 organized to provide telephone service on a mutual or

1 co-operative basis or electrification on a co-operative
2 basis, to the extent such activities relate to the
3 marketing and distribution of telephone or electrical
4 service to owners and customers;

5 (8) the activities engaged in by securities dealers who
6 are (i) licensed by the State of Illinois or (ii) members
7 of the National Association of Securities Dealers or (iii)
8 members of any National Securities Exchange registered
9 with the Securities and Exchange Commission under the
10 Securities Exchange Act of 1934, as amended, in the course
11 of their business of offering, selling, buying and selling,
12 or otherwise trading in or underwriting securities, as
13 agent, broker, or principal, and activities of any National
14 Securities Exchange so registered, including the
15 establishment of commission rates and schedules of
16 charges;

17 (9) the activities of any board of trade designated as
18 a "contract market" by the Secretary of Agriculture of the
19 United States pursuant to Section 5 of the Commodity
20 Exchange Act, as amended;

21 (10) the activities of any motor carrier, rail carrier,
22 or common carrier by pipeline, as defined in the Common
23 Carrier by Pipeline Law of the Public Utilities Act, to the
24 extent that such activities are permitted or authorized by
25 the Act or are subject to regulation by the Illinois
26 Commerce Commission;

1 (11) the activities of any state or national bank to
2 the extent that such activities are regulated or supervised
3 by officers of the state or federal government under the
4 banking laws of this State or the United States;

5 (12) the activities of any state or federal savings and
6 loan association to the extent that such activities are
7 regulated or supervised by officers of the state or federal
8 government under the savings and loan laws of this State or
9 the United States;

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

18 (14) conduct ~~Conduct~~ involving trade or commerce
19 (other than import trade or import commerce) with foreign
20 nations unless:

21 (a) such conduct has a direct, substantial, and
22 reasonably foreseeable effect:

23 (i) on trade or commerce which is not trade or
24 commerce with foreign nations, or on import trade
25 or import commerce with foreign nations; or

26 (ii) on export trade or export commerce with

1 foreign nations of a person engaged in such trade
2 or commerce in the United States; and

3 (b) such effect gives rise to a claim under the
4 provisions of this Act, other than this subsection
5 (14).

6 ~~(c)~~ If this Act applies to conduct referred to in this
7 subsection (14) only because of the provisions of paragraph
8 (a)(ii), then this Act shall apply to such conduct only for
9 injury to export business in the United States which
10 affects this State; or

11 (15) the activities of a unit of local government or
12 school district and the activities of the employees, agents
13 and officers of a unit of local government or school
14 district; or;

15 (16) the activities of a manufacturer, manufacturer
16 clearinghouse, or any entity developing, implementing,
17 operating, participating in, or performing any other
18 activities related to a manufacturer e-waste program
19 approved pursuant to the Consumer Electronics Recycling
20 Act, to the extent that such activities are permitted or
21 authorized by this Act or are subject to regulation by the
22 Consumer Electronics Recycling Act and are subject to the
23 jurisdiction of and regulation by the Illinois Pollution
24 Control Board or the Illinois Environmental Protection
25 Agency; this paragraph does not limit, preempt, or exclude
26 the jurisdiction of any other commission, agency, or court

1 system to adjudicate personal injury or workers'
2 compensation claims.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".