



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3881

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

415 ILCS 150/20
415 ILCS 150/30
415 ILCS 150/50
415 ILCS 150/55

Amends the Electronic Products Recycling and Reuse Act. Provides that the Environmental Protection Agency shall (rather than has the authority to) monitor compliance with the Act. Provides that the Agency shall perform a quarterly review of specified items that are collected by collectors, processed by recyclers and refurbishers, and assigned to manufacturers. Provides that the Agency shall publish the results of the quarterly review on its website that shall include specified information. Makes corresponding changes requiring manufacturers, recyclers and refurbishers, and collectors to submit quarterly reports of specified information to the Agency.

LRB100 10502 MJP 20716 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 20, 30, 50, and 55 as follows:

6 (415 ILCS 150/20)

7 Sec. 20. Agency responsibilities.

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

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

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

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

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

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

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

19 (d) By July 1, 2011 for the first program year, and by May
20 15 for all subsequent program years, except for program years
21 2015, 2016, and 2017, the Agency shall report to the Governor
22 and to the General Assembly annually on the previous program
23 year's performance. The report must be posted on the Agency's
24 website. The report must include, but not be limited to, the
25 following:

26 (1) the total overall weight of CEDs, as well as the

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

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

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

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

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

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

1 appropriate changes to the manufacturers' recycling goals
2 or penalty provisions included in this Act.

3 For program years 2015, 2016, and 2017, the Agency shall
4 make available on its website the information described in
5 paragraphs (1) through (6) in whatever format it deems
6 appropriate.

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

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

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

1 (h) By April 1, 2011, and by April 1 of all subsequent
2 years, the Agency shall award those manufacturers that have met
3 or exceeded their recycling or reuse goals for the previous
4 program year with an Electronic Industry Recycling Award. The
5 award shall acknowledge that the manufacturer has met or
6 exceeded its recycling goals and shall be posted on the Agency
7 website and in other media as appropriate.

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

12 (j) By July 1, 2015, the Agency shall solicit written
13 comments regarding all aspects of the program codified in this
14 Act, for the purpose of determining if the program requires any
15 modifications.

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

18 (A) Sufficiency of the annual statewide recycling
19 goals.

20 (B) Fairness of the formulas used to determine
21 individual manufacturer goals.

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

24 (D) Any temporary rescissions of county landfill
25 bans granted by the Illinois Pollution Control Board
26 pursuant to Section 95(e).

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

4 (F) Adequacy of the collection systems that have
5 been implemented as a result of this Act, with a
6 particular focus on promoting the most cost-effective
7 and convenient collection system possible for Illinois
8 residents.

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

16 (3) The Agency's final report, which shall be issued no
17 later than February 1, 2016, shall be submitted to the
18 Governor and the General Assembly and shall include
19 specific recommendations for any necessary or appropriate
20 modifications to the program.

21 (k) Any violation of this Act shall be enforceable by
22 administrative citation. Whenever the Agency personnel or
23 county personnel to whom the Agency has delegated the authority
24 to monitor compliance with this Act shall, on the basis of
25 direct observation, determine that any person has violated any
26 provision of this Act, the Agency or county personnel may issue

1 and serve, within 60 days after the observed violation, an
2 administrative citation upon that person or the entity
3 employing that person. Each citation shall be served upon the
4 person named or the person's authorized agent for service of
5 process and shall include the following:

6 (1) a statement specifying the provisions of this Act
7 that the person or the entity employing the person has
8 violated;

9 (2) a copy of the inspection report in which the Agency
10 or local government recorded the violation and the date and
11 time of the inspection;

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

13 (4) an affidavit by the personnel observing the
14 violation, attesting to their material actions and
15 observations.

16 (l) If the person named in the administrative citation
17 fails to petition the Illinois Pollution Control Board for
18 review within 35 days after the date of service, the Board
19 shall adopt a final order, which shall include the
20 administrative citation and findings of violation as alleged in
21 the citation and shall impose the penalty specified in Section
22 80.

23 (m) If a petition for review is filed with the Board to
24 contest an administrative citation issued under this Section,
25 the Agency or unit of local government shall appear as a
26 complainant at a hearing before the Board to be conducted

1 pursuant to subsection (n) of this Section at a time not less
2 than 21 days after notice of the hearing has been sent by the
3 Board to the Agency or unit of local government and the person
4 named in the citation. In those hearings, the burden of proof
5 shall be on the Agency or unit of local government. If, based
6 on the record, the Board finds that the alleged violation
7 occurred, it shall adopt a final order, which shall include the
8 administrative citation and findings of violation as alleged in
9 the citation, and shall impose the penalty specified in Section
10 80 of this Act. However, if the Board finds that the person
11 appealing the citation has shown that the violation resulted
12 from uncontrollable circumstances, the Board shall adopt a
13 final order that makes no finding of violation and imposes no
14 penalty.

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

1 shall be open to public inspection, and copies of those
2 materials shall be made available to any person upon payment of
3 the actual cost of reproducing the original.

4 (o) Counties that have entered into a delegation agreement
5 with the Agency pursuant to subsection (r) of Section 4 of the
6 Illinois Environmental Protection Act for the purpose of
7 conducting inspection, investigation, or enforcement-related
8 functions may conduct inspections for noncompliance with this
9 Act.

10 (p) The Agency shall perform a quarterly review of: the
11 total weight of computers; the total of computer monitors; the
12 total weight of printers, facsimile machines, and scanners; the
13 total weight of televisions; and the total weight of the
14 remaining CEDs and the total weight of EEDs that are (1)
15 collected by collectors, (2) processed by recyclers and
16 refurbishers, and (3) assigned to manufacturers. The Agency
17 shall publish the results of the quarterly review on its
18 website and identify the total weight of CEDs and EEDs
19 collected by each collector, processed by each recycler or
20 refurbisher, and assigned to each manufacturer or
21 manufacturers. The Agency shall publish the total weight of
22 CEDs and EEDs collected on a quarterly basis and include
23 information on where the CEDs and EEDs were collected.

24 (Source: P.A. 98-714, eff. 7-16-14; 99-13, eff. 7-10-15.)

25 (415 ILCS 150/30)

1 Sec. 30. Manufacturer responsibilities.

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

14 (1) a list of all of the manufacturer's brands of
15 computers, computer monitors, printers, televisions,
16 electronic keyboards, facsimile machines, videocassette
17 recorders, portable digital music players, digital video
18 disc players, video game consoles, electronic mice,
19 scanners, digital converter boxes, cable receivers,
20 satellite receivers, digital video disc recorders, and
21 small-scale servers to be offered for sale in the next
22 program year;

23 (2) (blank); and

24 (3) a statement disclosing whether any of the
25 manufacturer's computers, computer monitors, printers,
26 televisions, electronic keyboards, facsimile machines,

1 videocassette recorders, portable digital music players,
2 digital video disc players, video game consoles,
3 electronic mice, scanners, digital converter boxes, cable
4 receivers, satellite receivers, digital video disc
5 recorders, or small-scale servers sold in this State exceed
6 the maximum concentration values established for lead,
7 mercury, cadmium, hexavalent chromium, polybrominated
8 biphenyls (PBBs), and polybrominated diphenyl ethers
9 (PBDEEs) under the RoHS (restricting the use of certain
10 hazardous substances in electrical and electronic
11 equipment) Directive 2002/95/EC of the European Parliament
12 and Council and any amendments thereto and, if so, an
13 identification of the aforementioned electronic device
14 that exceeds the directive.

15 If, during the program year, any of the manufacturer's
16 aforementioned electronic devices are sold or offered for sale
17 in Illinois under a new brand that is not listed in the
18 manufacturer's registration, then, within 30 days after the
19 first sale or offer for sale under the new brand, the
20 manufacturer must amend its registration to add the new brand.

21 (b) Prior to July 1, 2009 for the first program year, and
22 by the November 1 preceding program years 2011 and later, all
23 manufacturers whose computers, computer monitors, printers,
24 televisions, electronic keyboards, facsimile machines,
25 videocassette recorders, portable digital music players,
26 digital video disc players, video game consoles, electronic

1 mice, scanners, digital converter boxes, cable receivers,
2 satellite receivers, digital video disc recorders, or
3 small-scale servers are offered for sale in the State shall
4 submit to the Agency, at an address prescribed by the Agency,
5 the registration fee for the next program year. The
6 registration fee for program year 2010 is \$5,000. The
7 registration fee for program year 2011 is \$5,000, increased by
8 the applicable inflation factor as described below. In program
9 year 2012, if, in program year 2011, a manufacturer sold 250 or
10 fewer of the aforementioned electronic devices in the State,
11 then the registration fee for that manufacturer is \$1,250. In
12 each program year after 2012, if, in the preceding program
13 year, a manufacturer sold 250 or fewer of the aforementioned
14 electronic devices in the State, then the registration fee is
15 the fee that applied in the previous year to manufacturers that
16 sold that number of the aforementioned electronic devices,
17 increased by the applicable inflation factor as described
18 below. In program year 2012, if, in the preceding program year
19 a manufacturer sold 251 or more of the aforementioned
20 electronic devices in the State, then the registration fee for
21 that manufacturer is \$5,000. In each program year after 2012,
22 if, in the preceding program year, a manufacturer sold 251 or
23 more of the aforementioned electronic devices in the State,
24 then the registration fee is the fee that applied in the
25 previous year to manufacturers that sold that number of the
26 aforementioned electronic devices, increased by the applicable

1 inflation factor as described below. For program year 2011,
2 program year 2013, and each program year thereafter, the
3 applicable registration fee is increased each year by an
4 inflation factor determined by the annual Implicit Price
5 Deflator for Gross National Product, as published by the U.S.
6 Department of Commerce in its Survey of Current Business. The
7 inflation factor must be calculated each year by dividing the
8 latest published annual Implicit Price Deflator for Gross
9 National Product by the annual Implicit Price Deflator for
10 Gross National Product for the previous year. The inflation
11 factor must be rounded to the nearest 1/100th, and the
12 resulting registration fee must be rounded to the nearest whole
13 dollar. No later than October 1 of each program year, the
14 Agency shall post on its website the registration fee for the
15 next program year.

16 (c) A manufacturer whose computers, computer monitors,
17 printers, televisions, electronic keyboards, facsimile
18 machines, videocassette recorders, portable digital music
19 players, digital video disc players, video game consoles,
20 electronic mice, scanners, digital converter boxes, cable
21 receivers, satellite receivers, digital video disc recorders,
22 or small-scale servers are sold or offered for sale in this
23 State on or after January 1 of a program year must register
24 with the Agency within 30 days after the first sale or offer
25 for sale in accordance with subsection (a) of this Section and
26 submit the registration fee required under subsection (b) of

1 this Section prior to the aforementioned electronic devices
2 being sold or offered for sale.

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

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

15 (1) The total weight of CEDs processed by the
16 manufacturer, its recyclers, or its refurbishers for reuse
17 is doubled.

18 (2) The total weight of CEDs is tripled if they are
19 donated for reuse by the manufacturer to a primary or
20 secondary public education institution the majority of
21 whose students are considered low income or
22 developmentally disabled or to low-income children or
23 families or to assist the developmentally disabled in
24 Illinois. This subsection applies only to CEDs for which
25 the manufacturer has received a written confirmation that
26 the recipient has accepted the donation. Copies of all

1 written confirmations must be submitted in the annual
2 report required under Section 30.

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

15 (4) If an entity (i) collects, recycles, or refurbishes
16 CEDs for a manufacturer, (ii) qualifies for non-profit
17 status under Section 501(c)(3) of the Internal Revenue Code
18 of 1986, and (iii) at least 75% of its employees are
19 developmentally disabled, then the total weight of CEDs
20 will be tripled. A manufacturer that uses such a recycler
21 or refurbisher shall submit documentation in the annual
22 report required under Section 30 identifying the name,
23 location, and length of service of the entity that
24 qualifies for credit under this subsection.

25 (e) (Blank).

26 (f) Manufacturers shall ensure that only recyclers and

1 refurbishers that have registered with the Agency are used to
2 meet the individual recycling and reuse goals set forth in this
3 Act.

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

15 (h) By September 1, 2012 and every September 1 thereafter,
16 manufacturers of computers, computer monitors, printers,
17 televisions, electronic keyboards, facsimile machines,
18 videocassette recorders, portable digital music players,
19 digital video disc players, video game consoles, electronic
20 mice, scanners, digital converter boxes, cable receivers,
21 satellite receivers, digital video disc recorders, or
22 small-scale servers shall submit to the Agency, in the form and
23 manner required by the Agency, a report that contains the total
24 weight of the aforementioned electronic devices sold under each
25 of the manufacturer's brands to individuals in this State as
26 calculated under subsection (c) and (c-5) of Section 15, as

1 applicable. Each manufacturer shall indicate on the report
2 whether the total weight of the aforementioned electronic
3 devices was derived from its own sales records or national
4 sales data. If a manufacturer's weight for aforementioned
5 electronic devices is derived from national sales data, the
6 manufacturer shall indicate the source of the sales data.

7 (i) (Blank).

8 (j) (Blank).

9 (k) (Blank).

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

21 (1) The total weight of computers, the total weight of
22 computer monitors, the total weight of printers, facsimile
23 machines, and scanners, the total weight of televisions,
24 the total weight of the remaining CEDs, and the total
25 weight of EEDs recycled or processed for reuse.

26 (2) The identification of all weights that are adjusted

1 under subsection (d) of this Section. For all weights
2 adjusted under item (2) of subsection (d), the manufacturer
3 must include copies of the written confirmation required
4 under that subsection.

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

9 (4) A summary of the manufacturer's consumer education
10 program required under subsection (m) of this Section.

11 (m) Manufacturers must develop and maintain a consumer
12 education program that complements and corresponds to the
13 primary retailer-driven campaign required under Section 40 of
14 this Act. The education program shall promote the recycling of
15 electronic products and proper end-of-life management of the
16 products by consumers.

17 (n) Beginning January 1, 2012, no manufacturer may sell a
18 computer, computer monitor, printer, television, electronic
19 keyboard, facsimile machine, videocassette recorder, portable
20 digital music player, digital video disc player, video game
21 console, electronic mouse, scanner, digital converter box,
22 cable receiver, satellite receiver, digital video disc
23 recorder, or small-scale server in this State unless the
24 manufacturer is registered with the State as required under
25 this Act, has paid the required registration fee, and is
26 otherwise in compliance with the provisions of this Act.

1 (o) Beginning January 1, 2012, no manufacturer may sell a
2 computer, computer monitor, printer, television, electronic
3 keyboard, facsimile machine, videocassette recorder, portable
4 digital music player, digital video disc player, video game
5 console, electronic mouse, scanner, digital converter box,
6 cable receiver, satellite receiver, digital video disc
7 recorder, or small-scale server in this State unless the
8 manufacturer's brand name is permanently affixed to, and is
9 readily visible on, the computer, computer monitor, printer, or
10 television.

11 (p) Each manufacturer or group of manufacturers shall
12 submit a quarterly report to the Agency that shall include: the
13 total weight of computers; the total of computer monitors; the
14 total weight of printers, facsimile machines, and scanners; the
15 total weight of televisions; and the total weight of the
16 remaining CEDs and the total weight of EEDs attributed to the
17 manufacturer's or group of manufacturers' annual goal. The
18 manufacturer's quarterly report shall include: (1) the dates,
19 locations, and names of the registered collectors, and the
20 total weight of CEDs and EEDs that the manufacturer or group of
21 manufacturers attributed to an annual recycling goal; (2) the
22 name of the recycler or refurbisher that processed the CEDs and
23 EEDs on behalf of the manufacturer or group of manufacturers;
24 and (3) a list of the end markets where the processed material
25 were sent.

26 (Source: P.A. 97-287, eff. 8-10-11; 98-714, eff. 7-16-14.)

1 (415 ILCS 150/50)

2 Sec. 50. Recycler and refurbisher registration.

3 (a) Prior to January 1 of each program year, each recycler
4 and refurbisher must register with the Agency and submit a
5 registration fee pursuant to subsection (b) for that program
6 year. Registration must be on forms and in a format prescribed
7 by the Agency and shall include, but not be limited to, the
8 address of each location where the recycler or refurbisher
9 manages CEDs or EEDs and identification of each location at
10 which the recycler or refurbisher accepts CEDs or EEDs from a
11 residence.

12 (b) The registration fee for program year 2010 is \$2,000.
13 For program year 2011, if a recycler's or refurbisher's annual
14 combined total weight of CEDs and EEDs is less than 1,000 tons
15 per year, the registration fee shall be \$500. For program year
16 2012 and for all subsequent program years, both registration
17 fees shall be increased each year by an inflation factor
18 determined by the annual Implicit Price Deflator for Gross
19 National Product as published by the U.S. Department of
20 Commerce in its Survey of Current Business. The inflation
21 factor must be calculated each year by dividing the latest
22 published annual Implicit Price Deflator for Gross National
23 Product by the annual Implicit Price Deflator for Gross
24 National Product for the previous year. The inflation factor
25 must be rounded to the nearest 1/100th, and the resulting

1 registration fee must be rounded to the nearest whole dollar.
2 No later than October 1 of each program year, the Agency shall
3 post on its website the registration fee for the next program
4 year.

5 (c) No person may act as a recycler or a refurbisher of
6 CEDs for a manufacturer obligated to meet goals under this Act
7 unless the recycler or refurbisher is registered with the
8 Agency and has paid the registration fee as required under this
9 Section. Beginning in program year 2016, all recycling or
10 refurbishing facilities used by collectors of CEDs and EEDs
11 shall be accredited by the Responsible Recycling (R2) Practices
12 or e-Stewards certification programs or any other equivalent
13 certification programs recognized by the United States
14 Environmental Protection Agency. Manufacturers of CEDs and
15 EEDs shall ensure that recycling or refurbishing facilities
16 used as part of their recovery programs meet this requirement.

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

1 costs and shall offer the manufacturer or its representative
2 all CEDs and EEDs collected by the local government at no cost.
3 Nothing in this Act requires a local unit of government to
4 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) Recyclers and refurbishers must, at a minimum, comply
12 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 (e) Each recycler and refurbisher shall submit a quarterly
21 report to the Agency that shall include: the total weight of
22 computers; the total of computer monitors; the total weight of
23 printers, facsimile machines, and scanners; the total weight of
24 televisions; and the total weight of the remaining CEDs and the
25 total weight of EEDs processed, and the manufacturer or group
26 of manufacturers the CEDs and EEDs were attributed to in order

1 to meet the manufacturer's or manufacturers' annual recycling
2 goal. The recycler and refurbishers quarterly report shall
3 include: (1) the dates, locations, and names of the registered
4 collectors, and the total weight of CEDs and EEDs that the
5 recycler or refurbisher received; and (2) a list of the end
6 markets where the processed materials were sent, by category
7 and weight.

8 (Source: P.A. 99-13, eff. 7-10-15.)

9 (415 ILCS 150/55)

10 Sec. 55. Collector responsibilities.

11 (a) No later than January 1 of each program year,
12 collectors that collect or receive CEDs or EEDs for one or more
13 manufacturers, recyclers, or refurbishers shall register with
14 the Agency. Registration must be in the form and manner
15 required by the Agency and must include, without limitation,
16 the address of each location where CEDs or EEDs are received
17 and the identification of each location at which the collector
18 accepts CEDs or EEDs from a residence. Beginning January 1,
19 2016, collectors shall work only with certified recyclers and
20 refurbishers as provided in subsection (c) of Section 50 of
21 this Act.

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

25 (c) No later than August 15, 2010, collectors must submit

1 to the Agency, on forms and in a format prescribed by the
2 Agency, a report for the period from January 1, 2010 through
3 June 30, 2010 that contains the following information: the
4 total weight of computers, the total weight of computer
5 monitors, the total weight of printers, the total weight of
6 televisions, and the total weight of EEDs collected or received
7 for each manufacturer.

8 (d) By January 31 of each program year, collectors must
9 submit to the Agency, on forms and in a format prescribed by
10 the Agency, a report that contains the following information
11 for the previous program year:

12 (1) The total weight of computers, the total weight of
13 computer monitors, the total weight of printers, facsimile
14 machines, and scanners, the total weight of televisions,
15 the total weight of the remaining CEDs collected, and the
16 total weight of EEDs collected or received for each
17 manufacturer during the previous program year.

18 (2) A list of each recycler and refurbisher that
19 received CEDs and EEDs from the collector and the total
20 weight each recycler and refurbisher received.

21 (3) The address of each collector's facility where the
22 CEDs and EEDs were collected or received. Each facility
23 address must include the county in which the facility is
24 located.

25 (e) Collectors may accept no more than 10 CEDs or EEDs at
26 one time from individual members of the public and, when

1 scheduling collection events, shall provide no fewer than 30
2 days' notice to the county waste agency of those events.

3 (f) No collector of CEDs and EEDs may recycle, or refurbish
4 for reuse or resale, CEDs or EEDs to a third party unless the
5 collector registers as a recycler or refurbisher pursuant to
6 Section 50 and pays the registration fee pursuant to Section
7 50.

8 (g) Each registered collector shall submit a quarterly
9 report to the Agency that shall include: the total weight of
10 computers; the total of computer monitors; the total weight of
11 printers, facsimile machines, and scanners; the total weight of
12 televisions; and the total weight of the remaining CEDs and the
13 total weight of EEDs processed, and to which manufacturer or
14 group of manufacturers the CEDs and EEDs were attributed to
15 meet the manufacturer's or manufacturers' annual recycling
16 goal. The collectors quarterly report shall include: (1) the
17 date of collection and total weight of CEDs and EEDs collected;
18 (2) the name of the recycler or refurbisher to whom the
19 collector provided the collected CEDs and EEDs to, including
20 the date that the recycler received the CEDs and EEDs from the
21 collector and the weight; and (3) the name of the manufacturer
22 or manufacturers that the collected CEDs and EEDs were assigned
23 to meet the manufacturer's or manufacturers' annual goal.

24 (Source: P.A. 98-714, eff. 7-16-14; 99-13, eff. 7-10-15.)