

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the Carpet
5 Stewardship Act.

6 Section 5. Findings and purpose. The General Assembly finds
7 that:

8 (1) Based on data contained in the Illinois Commodity
9 Waste Generation and Characterization Study, commissioned
10 in 2014 by the Illinois Department of Commerce and Economic
11 Opportunity, approximately 229,000 tons of carpet and
12 carpet padding are landfilled each year, 1.5% of the total
13 waste landfilled in this State.

14 (2) Discarded carpet and padding are currently being
15 recycled in this State at a recycling rate estimated to be
16 less than 1%, compared to a 15.4% recycling rate for the
17 first 6 months of 2018 in California, which has enacted
18 Extended Producer Responsibility legislation for carpet.

19 (3) Carpet recycling can be significantly expanded by
20 utilizing an Extended Producer Responsibility approach
21 which will lead to job creation through the collection,
22 processing, and marketing of discarded carpet and padding.
23 In California, this approach has created approximately 150

1 direct jobs.

2 (4) According to the U.S. Environmental Protection
3 Agency, the recycling of discarded carpet has a positive
4 impact on the reduction of greenhouse gases when compared
5 to the landfilling or incineration of discarded carpet,
6 which increases the generation of greenhouse gases.

7 Section 10. Definitions. In this Act:

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

10 "Blended carpet" means carpet with a nonuniform face fiber,
11 which is manufactured with multiple polymer types, fiber types,
12 or both, in the face of the constructed material.

13 "Brand" means a name, symbol, word, or mark that identifies
14 the carpet, rather than its components, and attributes the
15 product to the owner or licensee of the brand as the producer.

16 "Carpet" means a manufactured article that is (i) used in
17 commercial buildings or single or multifamily residential
18 buildings, (ii) affixed or placed on the floor or building
19 walking surface as a decorative or functional building interior
20 or exterior feature, and (iii) primarily constructed of a top
21 visible surface of synthetic face fibers or yarns or tufts
22 attached to a backing system derived from synthetic or natural
23 materials. "Carpet" includes, but is not limited to, a
24 commercial or residential broadloom carpet, modular carpet
25 tiles, and artificial turf. "Carpet" includes a pad or

1 underlayment used in conjunction with a carpet. "Carpet" does
2 not include handmade rugs, area rugs, or mats.

3 "Clearinghouse" means the entity incorporated as a
4 nonprofit within the meaning of 26 U.S.C. 501 representing
5 carpet producers, and other designated representatives who are
6 cooperating with one another to collectively establish and
7 operate a discarded carpet recycling and reuse program for the
8 purpose of complying with this Act.

9 "Clearinghouse plan" means a single, detailed plan
10 prepared by the clearinghouse that includes all the information
11 required by this Act.

12 "Consumer" means any person who makes a purchase at retail.

13 "Discarded carpet" means carpet that is no longer used for
14 its manufactured purpose.

15 "Distributor" or "wholesaler" means a person who buys or
16 otherwise acquires carpet from another source and sells or
17 offers to sell that carpet to retailers in this State.

18 "Nylon carpet" means carpet made with a uniform face fiber
19 made with either nylon 6 or nylon 6,6.

20 "Person" means any individual, partnership,
21 co-partnership, firm, company, corporation, association, joint
22 stock company, trust, estate, political subdivision, State
23 agency, or any other legal entity, or their legal
24 representative, agent, or assign.

25 "PET carpet" means carpet made from polyethylene
26 terephthalate.

1 "Producer" means a person that:

2 (1) has legal ownership of the brand, brand name, or
3 co-brand of carpet sold in this State;

4 (2) imports carpet branded by a producer who meets the
5 definition under paragraph (1) when that producer has no
6 physical presence in the United States;

7 (3) if paragraphs (1) and (2) do not apply, makes
8 unbranded carpet that is sold in this State; or

9 (4) sells carpet at wholesale or retail, does not have
10 legal ownership of the brand, and elects to fulfill the
11 responsibilities of the producer for the product.

12 "Polypropylene carpet" means carpet made from
13 polypropylene.

14 "Program year" means a calendar year. The first program
15 year is 2021.

16 "PTT carpet" means carpet made from polytrimethylene
17 terephthalate.

18 "Recycling" means the process by which discarded carpet is
19 collected, processed, and returned to the economic mainstream
20 in the form of raw materials or products. "Recycling" is
21 further defined to include only those pounds of discarded
22 carpet that are an output of a recycling facility destined for
23 an end market or reuse and is not meant to mean the gross input
24 pounds of discarded carpet accepted by a recycling facility.

25 "Recycling" does not include energy recovery or energy
26 generation by means of combusting discarded carpet, and it does

1 not include any disposal or use of discarded carpet within the
2 permitted boundaries of a municipal solid waste landfill unit.

3 "Recycling rate" means the percentage of discarded carpet
4 that is managed through recycling or reuse, as defined by this
5 Act, and is computed by dividing the amount of discarded carpet
6 that is collected and recycled or reused by the total amount of
7 discarded carpet that is generated over a program year. To
8 determine the annual recycling rates required by this Act the
9 amount of discarded carpet generated shall be calculated using
10 an industry standard calculation based on annual sales,
11 replacement rate, and the average weight of carpet.

12 "Retailer" means any person engaged in the business of
13 making sales at retail that generate occupation or use tax
14 revenue.

15 "Reuse" means donating or selling a discarded carpet back
16 into the market for its original intended use, when the
17 discarded carpet retains its original purpose and performance
18 characteristics.

19 "Sale" or "sell" means a transfer of title to carpet for
20 consideration, including a remote sale conducted through a
21 sales outlet, catalog, website, or similar electronic means.
22 "Sale" or "sell" includes a lease through which carpet is
23 provided to a consumer by a producer, distributor, or retailer.

24 "Stewardship assessment" means the amount added to the
25 purchase price of carpet sold in this State that is necessary
26 to cover the cost of collecting, transporting, processing and

1 marketing discarded carpet by the clearinghouse pursuant to the
2 clearinghouse plan, and shall not be used to pay for any fines
3 or penalties levied pursuant to this Act or for the final
4 disposal or incineration of discarded carpet.

5 "Wool carpet" means carpet made from wool.

6 Section 15. Formation, duties and powers of the
7 clearinghouse.

8 (a) To administer the carpet stewardship program a
9 clearinghouse shall be created, and shall consist of the
10 following members, to be appointed by the Director of the
11 Agency:

12 (1) two individuals who are representatives of a
13 statewide association representing retailers;

14 (2) two individuals who are representatives of carpet
15 producers;

16 (3) one individual who is a representative of a
17 national association representing manufacturers of carpet;

18 (4) two individuals who are representatives of carpet
19 recyclers;

20 (5) two individuals who are representatives of a
21 statewide association representing waste disposal
22 companies;

23 (6) two individuals who are representatives of
24 environmental organizations;

25 (7) two individuals who are representatives of county

1 or municipal joint action agency waste management
2 programs;

3 (8) one individual who is a representative of a company
4 that utilizes discarded carpet to manufacture a new
5 product, not including new carpet; and

6 (9) one individual who is a representative of an
7 association representing installers of carpet.

8 (b) Members of the clearinghouse shall serve without
9 compensation but shall be reimbursed for travel expenses with
10 proceeds from the stewardship assessment, and the Agency shall
11 be responsible for monitoring these expenses. Members shall
12 serve on the clearinghouse until a successor is appointed and
13 qualified.

14 (c) The clearinghouse's duties include, but are not limited
15 to:

16 (1) preparing the clearinghouse plan, and any required
17 amendments, on an annual basis in compliance with this Act;

18 (2) implementing the clearinghouse plan;

19 (3) creating and administering a grant program to
20 assist in subsidizing the costs to collect, process, or
21 market discarded carpet for reuse or recycling;

22 (4) being responsible for meeting the performance
23 goals specified by this Act;

24 (5) submitting annual program reports as required by
25 this Act;

26 (6) recommending to the Agency in the annual

1 clearinghouse plan any increases or decreases in the
2 stewardship assessment; and

3 (7) overseeing an annual audit of the carpet
4 stewardship program's revenues and expenditures, and
5 reporting those findings to the Agency.

6 (d) The clearinghouse may hire a director and necessary
7 staff, and may organize itself into committees to implement
8 this Act, which shall be funded by the stewardship assessment.
9 The Agency shall monitor these expenses.

10 Section 20. Carpet stewardship program and sale
11 requirement.

12 (a) For all carpet sold in this State, producers shall,
13 through the clearinghouse, implement and finance a statewide
14 carpet stewardship program that: manages carpet by reducing its
15 waste generation; promotes its recycling and reuse; and
16 provides for negotiation and execution of agreements to
17 collect, transport, process, or market the discarded carpet for
18 end-of-life recycling or reuse.

19 (b) On and after January 1, 2021, a producer, distributor,
20 or retailer that offers carpet for sale in this State is not in
21 compliance with this Act and is subject to penalties under
22 Section 70 if the carpet is not subject to the clearinghouse
23 plan that is submitted by the clearinghouse and approved by the
24 Agency under Section 30.

1 Section 25. Clearinghouse plan.

2 (a) By July 1, 2020 and by July 1 every 3 years thereafter,
3 beginning with program year 2021, the clearinghouse shall
4 submit a 3-year plan to the Agency and receive approval of the
5 plan. The clearinghouse plan shall include, at a minimum, each
6 of the following:

7 (1) Certification that the carpet stewardship program
8 will accept for collection all discarded carpet,
9 regardless of type or which producer manufactured the
10 product and its individual components.

11 (2) Contact information for each individual
12 representing the clearinghouse, designation of a program
13 manager responsible for administering the program in this
14 State, a list of all producers participating in the carpet
15 stewardship program, and the brands covered by the product
16 stewardship program.

17 (3) A description of the methods by which discarded
18 carpet will be collected in this State with no charge to
19 any person, including an explanation of how the collection
20 system will be convenient and adequate to serve the needs
21 of businesses and residents in both urban and rural areas
22 on an ongoing basis and how the stewardship group will
23 achieve a convenience standard of having collection sites
24 in all counties with a population density of greater than
25 or equal to 100 individuals per square mile in this State
26 by January 1, 2021 for program year 2021, and all counties

1 with a population density of greater than or equal to 50
2 individuals per square mile for program year 2022 and
3 thereafter.

4 (4) An evaluation, beginning with the second 3-year
5 plan submitted by July 1, 2023, of the feasibility and cost
6 of expanding the convenience standard to at least one
7 collection site in every county in the State.

8 (5) A description of how the adequacy of the collection
9 program will be monitored, evaluated, and maintained.

10 (6) The names and locations of collectors,
11 transporters, and processors who will manage discarded
12 carpet.

13 (7) A description of how the discarded carpet and the
14 products' components will be safely and securely
15 transported, tracked, and handled from collection through
16 final recycling and processing.

17 (8) A description of the methods to be used to reuse,
18 deconstruct, or recycle discarded carpet to ensure that the
19 products' components, to the extent feasible, are
20 transformed or remanufactured into finished products for
21 use.

22 (9) A description of the methods to be used to manage
23 or dispose of discarded carpet that cannot be recycled or
24 reused.

25 (10) A description of the promotion and outreach
26 activities and proposed budget that will be used to

1 encourage participation in the collection and recycling
2 programs and how the activities' effectiveness will be
3 evaluated and the program modified, if necessary.

4 (11) Evidence of adequate insurance and financial
5 assurance that may be required for collection, handling,
6 and disposal operations.

7 (12) A 3-year rolling performance goal, including an
8 estimate of the percentage of discarded carpet that will be
9 collected, reused, and recycled during each of the next 3
10 years of the stewardship plan, with a minimum goal of
11 achieving a 15% recycling rate by December 31, 2023. The
12 performance goals shall include a specific goal for the
13 amount of discarded carpet that will be collected,
14 recycled, and reused during each year of the plan. The
15 performance goals must be based on:

16 (A) the most recent collection data available for
17 this State;

18 (B) the estimated amount of discarded carpet
19 disposed of annually;

20 (C) the weight of the discarded carpet that is
21 expected to be available for collection annually; and

22 (D) actual collection data from other existing
23 carpet stewardship programs.

24 The clearinghouse plan must state the methodology used
25 to determine these goals. By March 1, 2023, the Agency, in
26 consultation with the clearinghouse, shall establish a

1 recycling rate goal for the 3-year plan period beginning
2 January 1, 2024. Thereafter, the Agency, in consultation
3 with the clearinghouse, shall establish a recycling rate
4 goal for each subsequent 3-year plan period by March 1 of
5 the calendar year preceding the first year of that 3-year
6 plan period.

7 (13) A discussion of the status of end markets for
8 discarded carpet and what, if any, additional end markets
9 are needed to improve the functioning of the program.

10 (14) A discussion of carpet design and manufacturing
11 changes that the producers are considering or have
12 implemented in order to reduce toxicity, water use, or
13 energy use associated with the production of carpet and
14 efforts to increase the recycled content, recyclability,
15 or carpet longevity.

16 (15) A funding mechanism consistent with Section 35
17 that demonstrates sufficient funding to carry out the plan,
18 including the administrative, operational, and capital
19 costs of the plan, and payment of incentive payments to
20 carpet collectors, processors, and end use markets to
21 assist with the implementation of this Act.

22 (16) Annual budgets showing revenue and expenditure
23 projections for the current program year and projected for
24 the next 2 years of the program.

25 (17) A process by which the financial activities of the
26 clearinghouse that are related to the implementation of the

1 plan shall be subject to an annual independent audit, which
2 shall be reviewed by the Agency.

3 (18) An evaluation of the feasibility and
4 effectiveness of a ban on landfilling discarded carpet in
5 this State, and an opinion on whether to recommend a
6 landfill ban.

7 (19) Baseline information, for the most current year
8 for which data is available, on the amount of square feet
9 and pounds of carpet sold in this State, by type of polymer
10 or non-polymer material used to make the carpet.

11 (20) A discussion of the feasibility, cost, and
12 effectiveness of labeling the backside of new carpet with
13 the polymer type or non-polymer material used to
14 manufacture the carpet to assist processors in more easily
15 identifying the type of discarded carpet collected for
16 processing.

17 (21) A description of the program that shall be
18 implemented to train carpet installers on how to properly
19 manage discarded carpet so that it can be reused or
20 recycled pursuant to this Act.

21 (b) An update to the plan shall be submitted, at a minimum,
22 every 3 years, or if the Agency determines that a plan update
23 is needed, prior to the minimum of once every 3 years. If the
24 Agency determines that a plan update is necessary, such update
25 shall be submitted to the Agency by the clearinghouse within 30
26 days of receiving notice from the Agency of the update's

1 necessity.

2 (c) The clearinghouse shall notify the Agency within 30
3 days of any significant changes or modifications to the plan or
4 its implementation. Within 30 days of the notification, a
5 written plan revision shall be submitted to the Agency for
6 review and approval.

7 Section 30. Review and approval of the clearinghouse plan
8 and plan updates.

9 (a) Within 14 days of receipt of the clearinghouse plan,
10 the Agency shall post the plan or plan update on its website.
11 Within 30 days of its posting on the Agency website, any
12 interested person living within the State of Illinois may
13 provide written comments to the clearinghouse regarding the
14 plan or plan update and those comments shall be responded to by
15 the clearinghouse within 30 days after receipt of the comments.

16 (b) Within 90 days after receipt of the proposed plan or
17 plan update, and not prior to the public comment opportunity
18 provided in subsection (a), the Agency shall determine whether
19 the plan or plan update complies with Section 25. If the Agency
20 approves a plan or plan update, the Agency shall notify the
21 clearinghouse of the plan approval in writing within 14 days of
22 receipt. If the Agency rejects a plan or plan update, the
23 Agency shall notify the clearinghouse in writing of the reasons
24 for rejecting the plan within 14 days of receipt. The
25 clearinghouse shall submit a revised plan to the Agency within

1 60 days after receiving notice of rejection. Any proposed
2 changes to a plan or plan update must be approved by the Agency
3 in writing.

4 (c) The clearinghouse plan and plan updates approved by the
5 Agency shall be placed on the Agency's website and made
6 available at the Agency's headquarters for public review within
7 30 days of the Agency's approval.

8 Section 35. Carpet stewardship assessment.

9 (a) On and after January 1, 2020, a producer of carpet
10 shall add a carpet stewardship assessment fee of 4 cents per
11 square foot to the purchase price of nylon carpet,
12 polypropylene carpet, and wool carpet, and 6 cents per square
13 foot to the purchase price of PET carpet, PTT carpet, and
14 blended carpet sold in this State by that producer. The
15 assessment added under this Section shall be remitted by the
16 producer on a quarterly basis to the clearinghouse.

17 (b) Notwithstanding any provision of law to the contrary,
18 the assessment established under this Section is exempt from
19 taxes imposed by the Illinois Department of Revenue and shall
20 meet both of the following requirements:

21 (1) The assessment shall be added by the producer to
22 the purchase price of all carpet sold by producers to an
23 Illinois retailer or distributor or otherwise sold for use
24 in this State. The assessment shall be clearly visible on
25 all invoices or functionally equivalent billing documents

1 as a separate line item and shall be accompanied by a brief
2 description of the assessment.

3 (2) Each retailer and distributor shall add the
4 assessment to the purchase price of all carpet sold in this
5 State. The assessment shall be clearly visible on all
6 invoices or functionally equivalent billing documents as a
7 separate line item and shall be accompanied by a brief
8 description of the assessment.

9 (c) It is the intent of the General Assembly that the
10 amount of the assessment fee be reduced by the clearinghouse as
11 the carpet stewardship program is implemented over time and
12 becomes more efficient.

13 (d) If the amount of the assessment is too low to properly
14 fund the carpet stewardship program, the clearinghouse may
15 submit a plan update, which must be approved by the Agency, in
16 accordance with Section 30, prior to the fee being increased.

17 (e) The assessment shall be lowered if at any time the fee
18 generates a fund balance at the end of a program year that is
19 greater than one year's operating costs of the carpet
20 stewardship program. If a fund balance greater than one year's
21 operating cost is reached, the clearinghouse shall submit a
22 plan update to reduce the assessment in accordance with Section
23 30.

24 (f) The assessment fee shall be deposited by the
25 clearinghouse into an Illinois chartered bank, and if for any
26 reason this Act is repealed, the entire assessment fund balance

1 shall be transferred by the clearinghouse to the State of
2 Illinois to be deposited into the Solid Waste Management Fund.

3 Section 40. State action antitrust exemption. Each
4 producer and the clearinghouse shall be immune from liability
5 for any claim of violation of antitrust law or unfair trade
6 practice if the conduct is a violation of antitrust law, to the
7 extent the producer or clearinghouse is exercising authority
8 under the provisions of this Act.

9 Section 45. Requirements applicable to producers.

10 (a) On and after January 1, 2020, a producer of carpet
11 shall add the stewardship assessment, as established in Section
12 35, to the cost of carpet sold to retailers and distributors in
13 this State by the producer.

14 (b) Producers shall provide consumers with educational
15 materials regarding the stewardship assessment and carpet
16 stewardship program as required by paragraph (1) of subsection
17 (b) of Section 35 of this Act. The materials shall include, but
18 are not limited to, (i) information regarding available
19 end-of-life management options for carpet offered through the
20 carpet stewardship program and (ii) information that notifies
21 the consumers that a charge for the operation of the carpet
22 stewardship program is included in the purchase price of carpet
23 sold in this State.

24 (c) Producers who sell carpet in this State shall register

1 with the Agency by January 1, 2020 and annually thereafter for
2 as long as that producer sells carpet in this State.

3 Section 50. Requirements applicable to retailers and
4 distributors.

5 (a) Three months after program plan approval, no carpet may
6 be sold in this State unless the product's producer is
7 participating in the clearinghouse plan.

8 (b) Any retailer or distributor may participate, on a
9 voluntary basis, as a designated collection point pursuant to a
10 product stewardship program and in accordance with applicable
11 law.

12 (c) No retailer or distributor shall be found to be in
13 violation of this Section if, on the date the carpet was
14 ordered from the producer or its agent, the producer was listed
15 as compliant on the Agency's website in accordance with this
16 Act.

17 Section 55. Requirements applicable to the Agency.

18 (a) Beginning January 1, 2020, and annually thereafter, the
19 Agency shall post on its website the list of carpet producers
20 that registered with the Agency, in accordance with Section 45,
21 and who are in compliance with this Act.

22 (b) Beginning January 1, 2021, and annually thereafter, for
23 the benefit of assisting consumers who wish to find collection
24 sites for recycling carpet, the Agency shall post on its

1 website the location of all collection sites identified to the
2 Agency by the clearinghouse in its plans and annual reports.

3 (c) The Agency shall post on its website the plan as
4 approved by the Agency and any subsequent updates within 30
5 days of receipt pursuant to Section 30.

6 (d) Beginning May 1, 2022, and annually thereafter, the
7 Agency shall post on its website copies of the annual reports.

8 (e) Beginning March 1, 2023, and once every 3 years
9 thereafter, the Agency shall, in consultation with the
10 clearinghouse, establish the recycling rate performance goal
11 in the clearinghouse plan, beginning with program year 2024.

12 Section 60. Annual stewardship reports.

13 (a) By April 1, 2022, and by April 1 of each year
14 thereafter, the clearinghouse shall submit a report to the
15 Agency that includes, for the previous program year, a
16 description of the carpet stewardship program, including, but
17 not limited to, the following:

18 (1) the amount of carpet sold by square feet and pounds
19 in this State during the reporting period by polymer type
20 or non-polymer material, including a separate reporting of
21 the amount of carpet sold in this State for which the
22 carpet stewardship assessment was collected;

23 (2) a description of the methods used to collect,
24 transport, and process discarded carpet in regions of this
25 State, and a listing of the persons used to collect,

1 transport, and process discarded carpet;

2 (3) identification of all discarded carpet collection
3 sites in this State and whether the requirement of
4 paragraph (3) of subsection (a) of Section 25 has been met;

5 (4) the weight of all discarded carpet collected and
6 reused or recycled in all regions of this State, a
7 comparison to the performance goals and recycling rates
8 established in the clearinghouse plan, and, if
9 appropriate, an explanation stating the reason or reasons
10 performance goals were not met;

11 (5) the weight of discarded carpet collected in this
12 State but not recycled and its ultimate disposition, and a
13 comparison to the performance goals in the clearinghouse
14 plan;

15 (6) the total cost of implementing the clearinghouse
16 plan and a copy of the independent audit regarding the
17 financial activities of the clearinghouse;

18 (7) a proposed budget for implementing the
19 clearinghouse plan in the subsequent calendar year;

20 (8) an evaluation of the funding mechanism and its
21 ability to properly fund the implementation of the
22 clearinghouse plan, and provide adequate incentive
23 payments to collectors, processors and end markets for
24 managing carpet;

25 (9) identification of the facilities processing
26 carpet, the weight processed at each facility, and each

1 facility's processing capacity;

2 (10) an evaluation of the effectiveness of the
3 clearinghouse plan, and anticipated steps, if needed, to
4 improve performance;

5 (11) a discussion of progress made toward achieving
6 carpet design changes according to paragraph (14) of
7 subsection (a) of Section 25;

8 (12) samples of educational materials provided to
9 consumers and carpet installers, and an evaluation of the
10 effectiveness of the materials and the methods used to
11 disseminate the materials. The evaluation shall include,
12 but shall not be limited to, information on the number of
13 consumers and carpet installers that received or viewed the
14 educational materials, and any consumer and carpet
15 installer survey data that may have been collected
16 regarding the educational materials used; and

17 (13) an evaluation of the feasibility and
18 effectiveness of a ban on landfilling carpet in this State,
19 and an opinion on whether to recommend a landfill ban.

20 Section 65. Administrative fee.

21 (a) The clearinghouse shall pay the Agency an annual
22 administrative fee of \$100,000 which may be paid for from
23 revenue from the carpet stewardship assessment.

24 (b) The clearinghouse shall pay the Agency's
25 administrative fee under subsection (a) on or before January 1,

1 2021, and annually thereafter.

2 (c) The Agency shall deposit the fees collected under this
3 Section into the Solid Waste Management Fund.

4 Section 70. Enforcement.

5 (a) On and after the implementation date of the carpet
6 stewardship program, no producer, distributor, or retailer
7 shall sell or offer for sale carpet to any person in this State
8 if the producer of the carpet is not registered with the Agency
9 pursuant to subsection (c) of Section 45 and participating in
10 implementing the clearinghouse plan.

11 (b) No retailer or distributor shall be found in violation
12 of the provisions of subsection (a) if, on the date the carpet
13 was ordered from the producer or its agent, the producer was
14 listed on the Agency's website in accordance with the
15 provisions of subsection (a) of Section 55.

16 (c) The Attorney General or State's Attorney may request,
17 and a Court may impose, after providing notice and opportunity
18 to be heard, a civil penalty in the amount of \$5,000 per day
19 per violation against any person who violates the terms of this
20 Act.

21 (d) Nothing in this Act prohibits a retailer or distributor
22 from selling their inventory of carpet existing prior to the
23 date the first stewardship plan prepared by the clearinghouse
24 is approved by the Agency.

25 (e) The penalties provided for in this Section may be

1 recovered in a civil action brought in the name of the People
2 of the State of Illinois by the State's Attorney of the county
3 in which the violation occurred or by the Attorney General. Any
4 funds collected under this Section in an action in which the
5 Attorney General has prevailed shall be deposited in the
6 Environmental Protection Trust Fund, to be used in accordance
7 with the provisions of the Environmental Trust Fund Act.

8 Section 75. State procurement of carpet. Beginning on
9 January 1, 2022, at least 35% of carpet purchased by State
10 agencies shall be carpet with a minimum of 10% post-consumer
11 recycled content by weight from discarded carpet and comply
12 with the National Science Foundation/American National
13 Standards Institute (NSF/ANSI) 140-2009 Standard, Platinum
14 Level or the most current version in effect as provided by the
15 American National Standards Institute. The carpet shall be
16 purchased from a carpet producer with a third party certified
17 closed loop recycling facility. Thereafter, those purchases
18 shall increase by a rate of 10% per year until it reaches 75%.
19 Prior to January 1, 2022, the clearinghouse shall provide a
20 report to the Illinois Department of Central Management
21 Services on the other types of products that contain recycled
22 carpet as a feedstock that the State should consider
23 purchasing.

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