



Sen. Melinda Bush

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1 AMENDMENT TO SENATE BILL 557

2 AMENDMENT NO. _____. Amend Senate Bill 557 by replacing
3 everything after the enacting clause with the following:

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

1 first 6 months of 2018 in California, which has enacted
2 Extended Producer Responsibility legislation for carpet.

3 (3) Carpet recycling can be significantly expanded by
4 utilizing an Extended Producer Responsibility approach
5 which will lead to job creation through the collection,
6 processing, and marketing of discarded carpet and padding.
7 In California, this approach has created approximately 150
8 direct jobs.

9 (4) According to the U.S. Environmental Protection
10 Agency, the recycling of discarded carpet has a positive
11 impact on the reduction of greenhouse gases when compared
12 to the landfilling or incineration of discarded carpet,
13 which increases the generation of greenhouse gases.

14 Section 10. Definitions. In this Act:

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

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

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

23 "Carpet" means a manufactured article that is (i) used in
24 commercial buildings or single or multifamily residential
25 buildings, (ii) affixed or placed on the floor or building

1 walking surface as a decorative or functional building interior
2 or exterior feature, and (iii) primarily constructed of a top
3 visible surface of synthetic face fibers or yarns or tufts
4 attached to a backing system derived from synthetic or natural
5 materials. "Carpet" includes, but is not limited to, a
6 commercial or residential broadloom carpet, modular carpet
7 tiles, and artificial turf. "Carpet" includes a pad or
8 underlayment used in conjunction with a carpet. "Carpet" does
9 not include handmade rugs, area rugs, or mats.

10 "Clearinghouse" means the entity incorporated as a
11 nonprofit within the meaning of 26 U.S.C. 501 representing
12 carpet producers, and other designated representatives who are
13 cooperating with one another to collectively establish and
14 operate a discarded carpet recycling and reuse program for the
15 purpose of complying with this Act.

16 "Clearinghouse plan" means a single, detailed plan
17 prepared by the clearinghouse that includes all the information
18 required by this Act.

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

20 "Discarded carpet" means carpet that is no longer used for
21 its manufactured purpose.

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

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

1 "Person" means any individual, partnership,
2 co-partnership, firm, company, corporation, association, joint
3 stock company, trust, estate, political subdivision, State
4 agency, or any other legal entity, or their legal
5 representative, agent, or assign.

6 "PET carpet" means carpet made from polyethylene
7 terephthalate.

8 "Producer" means a person that:

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

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

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

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

19 "Polypropylene carpet" means carpet made from
20 polypropylene.

21 "Program year" means a calendar year. The first program
22 year is 2021.

23 "PTT carpet" means carpet made from polytrimethylene
24 terephthalate.

25 "Recycling" means the process by which discarded carpet is
26 collected, processed, and returned to the economic mainstream

1 in the form of raw materials or products. "Recycling" is
2 further defined to include only those pounds of discarded
3 carpet that are an output of a recycling facility destined for
4 an end market or reuse and is not meant to mean the gross input
5 pounds of discarded carpet accepted by a recycling facility.
6 "Recycling" does not include energy recovery or energy
7 generation by means of combusting discarded carpet, and it does
8 not include any disposal or use of discarded carpet within the
9 permitted boundaries of a municipal solid waste landfill unit.

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

19 "Retailer" means any person engaged in the business of
20 making sales at retail that generate occupation or use tax
21 revenue.

22 "Reuse" means donating or selling a discarded carpet back
23 into the market for its original intended use, when the
24 discarded carpet retains its original purpose and performance
25 characteristics.

26 "Sale" or "sell" means a transfer of title to carpet for

1 consideration, including a remote sale conducted through a
2 sales outlet, catalog, website, or similar electronic means.

3 "Sale" or "sell" includes a lease through which carpet is
4 provided to a consumer by a producer, distributor, or retailer.

5 "Stewardship assessment" means the amount added to the
6 purchase price of carpet sold in this State that is necessary
7 to cover the cost of collecting, transporting, processing and
8 marketing discarded carpet by the clearinghouse pursuant to the
9 clearinghouse plan, and shall not be used to pay for any fines
10 or penalties levied pursuant to this Act or for the final
11 disposal or incineration of discarded carpet.

12 "Wool carpet" means carpet made from wool.

13 Section 15. Formation, duties and powers of the
14 Clearinghouse.

15 (a) To administer the carpet stewardship program a
16 clearinghouse shall be created, and shall consist of the
17 following members, to be appointed by the Director of the
18 Agency:

19 (1) two individuals who are representatives of a
20 statewide association representing retailers;

21 (2) two individuals who are representatives of carpet
22 producers;

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

25 (4) two individuals who are representatives of carpet

1 recyclers;

2 (5) two individuals who are representatives of a
3 statewide association representing waste disposal
4 companies;

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

7 (7) two individuals who are representatives of county
8 or municipal joint action agency waste management
9 programs;

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

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

15 (b) Members of the clearinghouse shall serve without
16 compensation but shall be reimbursed for travel expenses with
17 proceeds from the stewardship assessment, and the Agency shall
18 be responsible for monitoring these expenses. Members shall
19 serve on the clearinghouse until a successor is appointed and
20 qualified.

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

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

25 (2) implementing the clearinghouse plan;

26 (3) creating and administering a grant program to

1 assist in subsidizing the costs to collect, process, or
2 market discarded carpet for reuse or recycling;

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

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

7 (6) recommending to the Agency in the annual
8 clearinghouse plan any increases or decreases in the
9 stewardship assessment; and

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

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

17 Section 20. Carpet stewardship program and sale
18 requirement.

19 (a) For all carpet sold in this State, producers shall,
20 through the clearinghouse, implement and finance a statewide
21 carpet stewardship program that: manages carpet by reducing its
22 waste generation; promotes its recycling and reuse; and
23 provides for negotiation and execution of agreements to
24 collect, transport, process, or market the discarded carpet for
25 end-of-life recycling or reuse.

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

7 Section 25. Clearinghouse plan.

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

13 (1) Certification that the carpet stewardship program
14 will accept for collection all discarded carpet,
15 regardless of type or which producer manufactured the
16 product and its individual components.

17 (2) Contact information for each individual
18 representing the clearinghouse, designation of a program
19 manager responsible for administering the program in this
20 State, a list of all producers participating in the carpet
21 stewardship program, and the brands covered by the product
22 stewardship program.

23 (3) A description of the methods by which discarded
24 carpet will be collected in this State with no charge to
25 any person, including an explanation of how the collection

1 system will be convenient and adequate to serve the needs
2 of businesses and residents in both urban and rural areas
3 on an ongoing basis and how the stewardship group will
4 achieve a convenience standard of having collection sites
5 in all counties with a population density of greater than
6 or equal to 100 individuals per square mile in this State
7 by January 1, 2021 for program year 2021, and all counties
8 with a population density of greater than or equal to 50
9 individuals per square mile for program year 2022 and
10 thereafter.

11 (4) An evaluation, beginning with the second
12 three-year plan submitted by July 1, 2023, of the
13 feasibility and cost of expanding the convenience standard
14 to at least one collection site in every county in the
15 State.

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

18 (6) The names and locations of collectors,
19 transporters, and processors who will manage discarded
20 carpet.

21 (7) A description of how the discarded carpet and the
22 products' components will be safely and securely
23 transported, tracked, and handled from collection through
24 final recycling and processing.

25 (8) A description of the methods to be used to reuse,
26 deconstruct, or recycle discarded carpet to ensure that the

1 products' components, to the extent feasible, are
2 transformed or remanufactured into finished products for
3 use.

4 (9) A description of the methods to be used to manage
5 or dispose of discarded carpet that cannot be recycled or
6 reused,

7 (10) A description of the promotion and outreach
8 activities and proposed budget that will be used to
9 encourage participation in the collection and recycling
10 programs and how the activities' effectiveness will be
11 evaluated and the program modified, if necessary.

12 (11) Evidence of adequate insurance and financial
13 assurance that may be required for collection, handling,
14 and disposal operations.

15 (12) A 3-year rolling performance goal, including an
16 estimate of the percentage of discarded carpet that will be
17 collected, reused, and recycled during each of the next 3
18 years of the stewardship plan, with a minimum goal of
19 achieving a 15% recycling rate by December 31, 2023. The
20 performance goals shall include a specific goal for the
21 amount of discarded carpet that will be collected,
22 recycled, and reused during each year of the plan. The
23 performance goals must be based on:

24 (A) the most recent collection data available for
25 this State;

26 (B) the estimated amount of discarded carpet

1 disposed of annually;

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

4 (D) actual collection data from other existing
5 carpet stewardship programs.

6 The clearinghouse plan must state the methodology used
7 to determine these goals. By March 1, 2023, the Agency, in
8 consultation with the clearinghouse, shall establish a
9 recycling rate goal for the 3-year plan period beginning
10 January 1, 2024. Thereafter, the Agency, in consultation
11 with the clearinghouse, shall establish a recycling rate
12 goal for each subsequent 3-year plan period by March 1 of
13 the calendar year preceding the first year of that 3-year
14 plan period.

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

18 (14) A discussion of carpet design and manufacturing
19 changes that the producers are considering or have
20 implemented in order to reduce toxicity, water use, or
21 energy use associated with the production of carpet and
22 efforts to increase the recycled content, recyclability,
23 or carpet longevity.

24 (15) A funding mechanism consistent with Section 35
25 that demonstrates sufficient funding to carry out the plan,
26 including the administrative, operational, and capital

1 costs of the plan, and payment of incentive payments to
2 carpet collectors, processors, and end use markets to
3 assist with the implementation of this Act.

4 (16) Annual budgets showing revenue and expenditure
5 projections for the current program year and projected for
6 the next 2 years of the program.

7 (17) A process by which the financial activities of the
8 clearinghouse that are related to the implementation of the
9 plan shall be subject to an annual independent audit, which
10 shall be reviewed by the Agency.

11 (18) An evaluation of the feasibility and
12 effectiveness of a ban on landfilling discarded carpet in
13 this State, and an opinion on whether to recommend a
14 landfill ban.

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

19 (20) A discussion of the feasibility, cost, and
20 effectiveness of labeling the backside of new carpet with
21 the polymer type or non-polymer material used to
22 manufacture the carpet to assist processors in more easily
23 identifying the type of discarded carpet collected for
24 processing.

25 (21) A description of the program that shall be
26 implemented to train carpet installers on how to properly

1 manage discarded carpet so that it can be reused or
2 recycled pursuant to this Act.

3 (b) An update to the plan shall be submitted, at a minimum,
4 every 3 years, or if the Agency determines that a plan update
5 is needed, prior to the minimum of once every 3 years. If the
6 Agency determines that a plan update is necessary, such update
7 shall be submitted to the Agency by the clearinghouse within 30
8 days of receiving notice from the Agency of the update's
9 necessity.

10 (c) The clearinghouse shall notify the Agency within 30
11 days of any significant changes or modifications to the plan or
12 its implementation. Within 30 days of the notification, a
13 written plan revision shall be submitted to the Agency for
14 review and approval.

15 Section 30. Review and approval of the clearinghouse plan
16 and plan updates.

17 (a) Within 14 days of receipt of the clearinghouse plan,
18 the Agency shall post the plan or plan update on its website.
19 Within 30 days of its posting on the Agency website, any
20 interested person living within the State of Illinois may
21 provide written comments to the clearinghouse regarding the
22 plan or plan update and those comments shall be responded to by
23 the clearinghouse within 30 days after receipt of the comments.

24 (b) Within 90 days after receipt of the proposed plan or
25 plan update, and not prior to the public comment opportunity

1 provided in subsection (a), the Agency shall determine whether
2 the plan or plan update complies with Section 25. If the Agency
3 approves a plan or plan update, the Agency shall notify the
4 clearinghouse of the plan approval in writing within 14 days of
5 receipt. If the Agency rejects a plan or plan update, the
6 Agency shall notify the clearinghouse in writing of the reasons
7 for rejecting the plan within 14 days of receipt. The
8 clearinghouse shall submit a revised plan to the Agency within
9 60 days after receiving notice of rejection. Any proposed
10 changes to a plan or plan update must be approved by the Agency
11 in writing.

12 (c) The clearinghouse plan and plan updates approved by the
13 Agency shall be placed on the Agency's website and made
14 available at the Agency's headquarters for public review within
15 30 days of the Agency's approval.

16 Section 35. Carpet stewardship assessment.

17 (a) On and after January 1, 2020 a producer of carpet shall
18 add a carpet stewardship assessment fee of 4 cents per square
19 foot to the purchase price of nylon carpet, polypropylene
20 carpet, and wool carpet, and 6 cents per square foot to the
21 purchase price of PET carpet, PTT carpet, and blended carpet
22 sold in this State by that producer. The assessment added under
23 this Section shall be remitted by the producer on a quarterly
24 basis to the clearinghouse.

25 (b) Notwithstanding any provision of law to the contrary,

1 the assessment established under this Section is exempt from
2 taxes imposed by the Illinois Department of Revenue and shall
3 meet both of the following requirements:

4 (1) The assessment shall be added by the producer to
5 the purchase price of all carpet sold by producers to an
6 Illinois retailer or distributor or otherwise sold for use
7 in this State. The assessment shall be clearly visible on
8 all invoices or functionally equivalent billing documents
9 as a separate line item and shall be accompanied by a brief
10 description of the assessment.

11 (2) Each retailer and distributor shall add the
12 assessment to the purchase price of all carpet sold in this
13 State. The assessment shall be clearly visible on all
14 invoices or functionally equivalent billing documents as a
15 separate line item and shall be accompanied by a brief
16 description of the assessment.

17 (c) It is the intent of the General Assembly that the
18 amount of the assessment fee be reduced by the clearinghouse as
19 the carpet stewardship program is implemented over time and
20 becomes more efficient.

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

25 (e) The assessment shall be lowered if at any time the fee
26 generates a fund balance at the end of a program year that is

1 greater than one year's operating costs of the carpet
2 stewardship program. If a fund balance greater than one year's
3 operating cost is reached, the clearinghouse shall submit a
4 plan update to reduce the assessment in accordance with Section
5 30.

6 (f) The assessment fee shall be deposited by the
7 clearinghouse into an Illinois chartered bank, and if for any
8 reason this Act is repealed, the entire assessment fund balance
9 shall be transferred by the clearinghouse to the State of
10 Illinois to be deposited into the Solid Waste Management Fund.

11 Section 40. State action antitrust exemption. Each
12 producer and the clearinghouse shall be immune from liability
13 for any claim of violation of antitrust law or unfair trade
14 practice if the conduct is a violation of antitrust law, to the
15 extent the producer or clearinghouse is exercising authority
16 under the provisions of this Act.

17 Section 45. Requirements applicable to producers.

18 (a) On and after January 1, 2020, a producer of carpet
19 shall add the stewardship assessment, as established in Section
20 35, to the cost of carpet sold to retailers and distributors in
21 this State by the producer.

22 (b) Producers shall provide consumers with educational
23 materials regarding the stewardship assessment and carpet
24 stewardship program as required by paragraph (1) of subsection

1 (b) of Section 35 of this Act. The materials shall include, but
2 are not limited to, (i) information regarding available
3 end-of-life management options for carpet offered through the
4 carpet stewardship program and (ii) information that notifies
5 the consumers that a charge for the operation of the carpet
6 stewardship program is included in the purchase price of carpet
7 sold in this State.

8 (c) Producers who sell carpet in this State shall register
9 with the Agency by January 1, 2020 and annually thereafter for
10 as long as that producer sells carpet in this State.

11 Section 50. Requirements applicable to retailers and
12 distributors.

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

16 (b) Any retailer or distributor may participate, on a
17 voluntary basis, as a designated collection point pursuant to a
18 product stewardship program and in accordance with applicable
19 law.

20 (c) No retailer or distributor shall be found to be in
21 violation of this Section if, on the date the carpet was
22 ordered from the producer or its agent, the producer was listed
23 as compliant on the Agency's website in accordance with this
24 Act.

1 Section 55. Requirements applicable to the Agency.

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

6 (b) Beginning January 1, 2021, and annually thereafter, for
7 the benefit of assisting consumers who wish to find collection
8 sites for recycling carpet, the Agency shall post on its
9 website the location of all collection sites identified to the
10 Agency by the clearinghouse in its plans and annual reports.

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

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

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

20 Section 60. Annual stewardship reports.

21 (a) By April 1, 2022, and by April 1 of each year
22 thereafter, the clearinghouse shall submit a report to the
23 Agency that includes, for the previous program year, a
24 description of the carpet stewardship program, including, but
25 not limited to, the following:

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

6 (2) a description of the methods used to collect,
7 transport, and process discarded carpet in regions of this
8 State, and a listing of the persons used to collect,
9 transport, and process discarded carpet;

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

13 (4) the weight of all discarded carpet collected and
14 reused or recycled in all regions of this State, a
15 comparison to the performance goals and recycling rates
16 established in the clearinghouse plan, and, if
17 appropriate, an explanation stating the reason or reasons
18 performance goals were not met;

19 (5) the weight of discarded carpet collected in this
20 State but not recycled and its ultimate disposition, and a
21 comparison to the performance goals in the clearinghouse
22 plan;

23 (6) the total cost of implementing the clearinghouse
24 plan and a copy of the independent audit regarding the
25 financial activities of the clearinghouse;

26 (7) a proposed budget for implementing the

1 clearinghouse plan in the subsequent calendar year;

2 (8) an evaluation of the funding mechanism and its
3 ability to properly fund the implementation of the
4 clearinghouse plan, and provide adequate incentive
5 payments to collectors, processors and end markets for
6 managing carpet;

7 (9) identification of the facilities processing
8 carpet, the weight processed at each facility, and each
9 facility's processing capacity;

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

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

16 (12) samples of educational materials provided to
17 consumers and carpet installers, and an evaluation of the
18 effectiveness of the materials and the methods used to
19 disseminate the materials. The evaluation shall include,
20 but shall not be limited to, information on the number of
21 consumers and carpet installers that received or viewed the
22 educational materials, and any consumer and carpet
23 installer survey data that may have been collected
24 regarding the educational materials used; and

25 (13) an evaluation of the feasibility and
26 effectiveness of a ban on landfilling carpet in this State,

1 and an opinion on whether to recommend a landfill ban.

2 Section 65. Administrative fee.

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

6 (b) The clearinghouse shall pay the Agency's
7 administrative fee under subsection (a) on or before January 1,
8 2021, and annually thereafter.

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

11 Section 70. Enforcement.

12 (a) On and after the implementation date of the carpet
13 stewardship program, no producer, distributor, or retailer
14 shall sell or offer for sale carpet to any person in this State
15 if the producer of the carpet is not registered with the Agency
16 pursuant to subsection (c) of Section 45 and participating in
17 implementing the clearinghouse plan.

18 (b) No retailer or distributor shall be found in violation
19 of the provisions of subsection (a) if, on the date the carpet
20 was ordered from the producer or its agent, the producer was
21 listed on the Agency's website in accordance with the
22 provisions of subsection (a) of Section 55.

23 (c) The Attorney General or State's Attorney may request,
24 and a Court may impose, after providing notice and opportunity

1 to be heard, a civil penalty in the amount of \$5,000 per day
2 per violation against any person who violates the terms of this
3 Act.

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

8 (e) The penalties provided for in this Section may be
9 recovered in a civil action brought in the name of the People
10 of the State of Illinois by the State's Attorney of the county
11 in which the violation occurred or by the Attorney General. Any
12 funds collected under this Section in an action in which the
13 Attorney General has prevailed shall be deposited in the
14 Environmental Protection Trust Fund, to be used in accordance
15 with the provisions of the Environmental Trust Fund Act.

16 Section 75. State procurement of carpet. Beginning on
17 January 1, 2022, at least 35% of carpet purchased by State
18 agencies shall be carpet with a minimum of 10% post-consumer
19 recycled content by weight from discarded carpet and comply
20 with the National Science Foundation/American National
21 Standards Institute (NSF/ANSI) 140-2009 Standard, Platinum
22 Level or the most current version in effect as provided by the
23 American National Standards Institute. The carpet shall be
24 purchased from a carpet producer with a third party certified
25 closed loop recycling facility. Thereafter, those purchases

1 shall increase by a rate of 10% per year until it reaches 75%.
2 Prior to January 1, 2022, the clearinghouse shall provide a
3 report to the Illinois Department of Central Management
4 Services on the other types of products that contain recycled
5 carpet as a feedstock that the State should consider
6 purchasing.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".