



Sen. Melinda Bush

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1 AMENDMENT TO SENATE BILL 1091

2 AMENDMENT NO. _____. Amend Senate Bill 1091 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
7 finds 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
11 Economic Opportunity, approximately 229,000 tons of carpet
12 and carpet padding are landfilled each year, 1.5% of the
13 total waste landfilled in this State.

14 (2) Old carpet and padding are currently being
15 recycled in this State at a carpet recycling rate
16 estimated to be less than 1%, compared to a 19% carpet

1 recycling rate for 2019 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 old carpet and padding. In
7 California, this approach has created approximately 150
8 direct jobs.

9 (4) According to the U.S. Environmental Protection
10 Agency, the carpet recycling of old carpet has a positive
11 impact on the reduction of greenhouse gases when compared
12 to the landfilling or incineration of old carpet, which
13 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
18 fiber, which is manufactured with multiple polymer types,
19 fiber types, or both, in the face of the constructed material.

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

24 "Carpet" means a manufactured article that is (i) used in
25 commercial buildings or single or multifamily residential

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

11 "Carpet recycling" means the process by which old carpet
12 is collected, processed, and returned to the economic
13 mainstream in the form of raw materials or products. "Carpet
14 recycling" is further defined to include only those pounds of
15 old carpet that are an output of a recycling facility destined
16 for an end market or carpet reuse and is not meant to mean the
17 gross input pounds of old carpet accepted by a recycling
18 facility. "Carpet recycling" does not include energy recovery
19 or energy generation by means of combusting old carpet, and it
20 does not include any disposal or use of old carpet within the
21 permitted boundaries of a municipal solid waste landfill unit.

22 "Carpet recycling rate" means the percentage of old carpet
23 that is an output of a recycling facility destined for an end
24 market or carpet reuse by the total amount of old carpet that
25 is generated over a program year. To determine the annual
26 carpet recycling rates required by this Act the amount of old

1 carpet generated shall be calculated using an industry
2 standard calculation based on annual sales, replacement rate,
3 and the average weight of carpet.

4 "Carpet reuse" means donating or selling an old carpet
5 back into the market for its original intended use, when the
6 old carpet retains its original purpose and performance
7 characteristics.

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

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

17 "Collection" means any method of consolidating and
18 temporarily storing old carpet.

19 "Collection site" means a site managed by a
20 clearinghouse-approved collector to collect and temporarily
21 store old carpet as provided by this Act.

22 "Collector" means any public or private entity approved by
23 the clearinghouse that provides old carpet collection
24 services.

25 "Comptroller" means the Comptroller of the State of
26 Illinois.

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

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

6 "Installer" means any person or entity contracted for the
7 purpose of installing flooring where old carpet is removed.

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

10 "Old carpet" means carpet that is no longer used for its
11 manufactured purpose.

12 "Person" means any individual, partnership,
13 co-partnership, firm, company, corporation, association, joint
14 stock company, trust, estate, political subdivision, State
15 agency, or any other legal entity, or their legal
16 representative, agent, or assign.

17 "PET carpet" means carpet made from polyethylene
18 terephthalate.

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

21 "Processor" means a public or private entity approved by
22 the clearinghouse to prepare old carpet for reuse, recycling,
23 or disposal that uses industry recognized processes, such as
24 shredding, grinding, sheering, depolymerization, or other
25 methods recognized by the clearinghouse, to convert old carpet
26 into finished recycled output ready to be used as an input

1 material for secondary products.

2 "Producer" means a person who manufactures carpet that is
3 sold, offered for sale, or distributed in this State. Producer
4 includes any person who imports carpet into the United States
5 that is sold, offered for sale, or distributed in this State
6 and that is manufactured by a person who does not manufacture
7 the carpet in the United States. "Producer" does not include a
8 retailer that trademarks or brands carpet that is sold,
9 offered for sale, or distributed in this State that is
10 manufactured by a person other than the retailer.

11 "Program year" means a calendar year. The first program
12 year is 2023.

13 "PTT carpet" means carpet made from polytrimethylene
14 terephthalate.

15 "Retailer" means any person engaged in the business of
16 making sales at retail that generate occupation or use tax
17 revenue. "Retailer" does not include a distributor, producer,
18 or wholesaler, as those terms are defined in this Section.

19 "Roll-off dumpster" means a waste container that holds at
20 least 40 cubic yards of waste.

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

1 "Semitrailer" means any vehicle without motive power,
2 other than a pole trailer, designed for carrying persons or
3 property and for being drawn by a motor vehicle and so
4 constructed that some part of its weight and that of its load
5 rests upon or is carried by another vehicle.

6 "Sorter" means a public or private entity approved by the
7 clearinghouse that performs the sorting of old carpet for
8 third-party reuse.

9 "Sorting" means the method used for sorting old carpet
10 into its various backing types or fiber types.

11 "Stewardship assessment" means the amount added to the
12 purchase price of carpet sold in this State that is necessary
13 to cover the cost of collecting, transporting, processing and
14 marketing old carpet by the clearinghouse pursuant to the
15 clearinghouse plan, and shall not be used to pay for any fines
16 or penalties levied pursuant to this Act or for the final
17 disposal or incineration of old carpet.

18 "Wool carpet" means carpet made from wool.

19 Section 15. Formation, duties and powers of the
20 Clearinghouse.

21 (a) To administer the carpet stewardship program a
22 clearinghouse shall be incorporated as a nonprofit, and shall
23 consist of the following members, to be appointed by the
24 Director of the Agency:

25 (1) one individual who is a representative of a

1 statewide association representing retailers;

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

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

6 (4) two individuals who are representatives of carpet
7 recyclers;

8 (5) two individuals who are representatives of a
9 statewide association representing waste disposal
10 companies;

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

13 (7) two individuals who are representatives of county
14 or municipal joint action agency waste management
15 programs;

16 (8) one individual who is a representative of a
17 company that utilizes old carpet to manufacture a new
18 product, not including new carpet; and

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

21 (b) Members of the clearinghouse shall serve without
22 compensation but shall be reimbursed for travel expenses with
23 proceeds from the stewardship assessment, and the Agency shall
24 be responsible for monitoring these expenses. Members shall
25 serve on the clearinghouse until a successor is appointed and
26 qualified.

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

3 (1) preparing the clearinghouse plan, and any required
4 amendments, in compliance with this Act;

5 (2) implementing the clearinghouse plan;

6 (3) approving collectors, sorters, and processors to
7 provide services under this Act;

8 (4) creating and administering a grant program to
9 assist in subsidizing the costs to collect, process, or
10 market old carpet for carpet reuse or carpet recycling;

11 (5) being responsible for meeting the performance
12 goals specified by this Act;

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

15 (7) submitting to the Agency in the clearinghouse plan
16 any increases or decreases in the stewardship assessment;
17 and

18 (8) overseeing an annual audit of the carpet
19 stewardship program's revenues and expenditures, and
20 reporting those findings to the Comptroller.

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

25 Section 20. Carpet stewardship program and sale

1 requirement.

2 (a) For all carpet sold in this State, the clearinghouse
3 shall implement and finance a statewide carpet stewardship
4 program that: manages carpet by reducing its waste generation;
5 promotes its carpet recycling and carpet reuse; and provides
6 for negotiation and execution of agreements to collect,
7 transport, process, or market the old carpet for end-of-life
8 carpet recycling or carpet reuse.

9 (b) On and after January 1, 2022, a producer or
10 distributor that offers carpet for sale in this State is not in
11 compliance with this Act and is subject to penalties under
12 Section 70 if the carpet stewardship assessment fee is not
13 added to the purchase price of the carpet offered for sale
14 pursuant to Section 35.

15 Section 25. Clearinghouse plan.

16 (a) By July 1, 2022 and by July 1 every 3 years thereafter,
17 beginning with program year 2023, the clearinghouse shall
18 submit a 3-year plan to the Agency and receive approval of the
19 plan. The clearinghouse plan shall include, at a minimum, each
20 of the following:

21 (1) Certification that the carpet stewardship program
22 will accept for collection all old carpet, regardless of
23 type or which producer manufactured the product and its
24 individual components.

25 (2) Contact information for each individual

1 representing the clearinghouse, designation of a program
2 manager responsible for administering the program in this
3 State, a list of all producers participating in the carpet
4 stewardship program, and the brands covered by the product
5 stewardship program.

6 (3) A description of the methods by which old carpet
7 will be collected in this State, including an explanation
8 of how the collection system will achieve a convenience
9 standard of having collection sites in all counties with a
10 population density of greater than or equal to 100
11 individuals per square mile in this State by January 1,
12 2023 for program year 2023, and all counties with a
13 population density of greater than or equal to 50
14 individuals per square mile for program year 2024 and
15 thereafter.

16 (4) An evaluation, beginning with the second
17 three-year plan submitted by July 1, 2025, of the
18 feasibility and cost of expanding the convenience standard
19 to at least one collection site in every county in the
20 State.

21 (5) A description of how the adequacy of the
22 collection program will be monitored, evaluated, and
23 maintained.

24 (6) The names and locations of collectors, sorters,
25 and processors who have been approved by the clearinghouse
26 to manage old carpet.

1 (7) A description of how the old carpet and the
2 products' components will be safely and securely
3 transported, tracked, and handled from collection through
4 final carpet recycling and processing.

5 (8) A description of the methods to be used to reuse,
6 deconstruct, or recycle old carpet to ensure that the
7 products' components, to the extent feasible, are
8 transformed or remanufactured into finished products for
9 use.

10 (9) A description of the methods to be used to manage
11 or dispose of old carpet that cannot be carpet recycled or
12 carpet reused.

13 (10) A description of the promotion and outreach
14 activities and proposed budget that will be used to
15 encourage participation in the collection and carpet
16 recycling programs and how the activities' effectiveness
17 will be evaluated and the program modified, if necessary.

18 (11) Evidence of adequate insurance or financial
19 assurance for any person that may be involved in
20 collection, handling, or disposal operations.

21 (12) A 3-year rolling performance goal, including an
22 estimate of the percentage of old carpet that will be
23 collected, carpet reused, and carpet recycled during each
24 of the next 3 years of the stewardship plan, with a minimum
25 goal of achieving a 25% carpet recycling rate by December
26 31, 2025. The performance goals shall include a specific

1 goal for the amount of old carpet that will be collected,
2 carpet recycled, and carpet reused during each year of the
3 plan. The performance goals must be based on:

4 (A) the most recent collection data available for
5 this State;

6 (B) the estimated amount of old carpet disposed of
7 annually;

8 (C) the weight of the old carpet that is expected
9 to be available for collection annually; and

10 (D) actual collection data from other existing
11 carpet stewardship programs.

12 The clearinghouse plan must state the methodology used
13 to determine these goals. By March 1, 2025, the
14 clearinghouse shall establish a recycling rate goal for
15 the 3-year plan period beginning January 1, 2026.
16 Thereafter, the clearinghouse shall establish a carpet
17 recycling rate goal for each subsequent 3-year plan period
18 by March 1 of the calendar year preceding the first year of
19 that 3-year plan period.

20 (13) A discussion of the status of end markets for old
21 carpet and what, if any, additional end markets are needed
22 to improve the functioning of the program.

23 (14) A discussion of carpet design and manufacturing
24 changes that the producers are considering or have
25 implemented in order to reduce toxicity, water use, or
26 energy use associated with the production of carpet and

1 efforts to increase the recycled content, recyclability,
2 or carpet longevity.

3 (15) A funding mechanism consistent with Section 35
4 that demonstrates sufficient funding to carry out the
5 plan, including the administrative, operational, and
6 capital costs of the plan, and payment of incentive
7 payments to carpet collectors, processors, and end use
8 markets to assist with the implementation of this Act.

9 (16) Annual budgets showing revenue and expenditure
10 projections for the current program year and projected for
11 the next 2 years of the program.

12 (17) A process by which the financial activities of
13 the clearinghouse that are related to the implementation
14 of the plan shall be subject to an annual independent
15 audit, which shall be reviewed by the Comptroller.

16 (18) A description of an educational program and
17 materials that shall be implemented and used to train
18 operators of collection sites on how to properly collect
19 old carpet and reduce contamination. At no time shall a
20 collection site be subject to a fine or extra charge for
21 contamination by either the clearinghouse or a carpet
22 processor. However, collection sites that continue to ship
23 contaminated old carpet to processors may be removed from
24 the stewardship program by the clearinghouse.

25 (19) Baseline information, for the most current year
26 for which data is available, on the amount of square feet

1 and pounds of carpet sold in this State, by type of polymer
2 or non-polymer material used to make the carpet.

3 (20) A discussion of the feasibility, cost, and
4 effectiveness of labeling the backside of new carpet with
5 the polymer type or non-polymer material used to
6 manufacture the carpet to assist processors in more easily
7 identifying the type of old carpet collected for
8 processing.

9 (21) A description of the program that shall be
10 implemented to train carpet installers on how to properly
11 manage old carpet so that it can be carpet reused or carpet
12 recycled pursuant to this Act, including, but not limited
13 to, the development of videos and written materials
14 regarding the carpet recycling program.

15 (b) An update to the plan shall be submitted, at a minimum,
16 every 3 years, or if the Agency determines that a plan update
17 is needed, prior to the minimum of once every 3 years.

18 (c) The clearinghouse shall notify the Agency within 30
19 days of any significant changes or modifications to the plan
20 or its implementation. Within 30 days of the notification, a
21 written plan revision shall be submitted to the Agency for
22 review and approval.

23 Section 30. Review and approval of the clearinghouse plan
24 and plan updates.

25 (a) Within 90 days after receipt of the proposed plan or

1 plan update, the Agency shall determine whether the plan or
2 plan update complies with Section 25. If the Agency approves a
3 plan or plan update, the Agency shall notify the clearinghouse
4 of the plan approval in writing within 14 days of receipt. If
5 the Agency rejects a plan or plan update, the Agency shall
6 notify the clearinghouse in writing of the reasons for
7 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 (b) The clearinghouse plan and plan updates approved by
13 the Agency shall be placed on the Agency's website and made
14 available at the Agency's headquarters for public review
15 within 30 days of the Agency's approval.

16 Section 32. Implementation of clearinghouse plan. The
17 clearinghouse shall implement the clearinghouse plan
18 components under subsection (a) of Section 25 upon approval of
19 the clearinghouse plan or plan update by the Agency under
20 Section 30. The Agency shall monitor the clearinghouse's
21 implementation of the clearinghouse plan and shall have the
22 authority to require specific action by the clearinghouse to
23 meets its clearinghouse plan implementation requirements under
24 this Section.

1 Section 35. Carpet stewardship assessment.

2 (a) On and after January 1, 2022 a producer of carpet shall
3 add a carpet stewardship assessment fee of 4 cents per square
4 foot to the purchase price of nylon carpet, polypropylene
5 carpet, and wool carpet, and 6 cents per square foot to the
6 purchase price of PET carpet, PTT carpet, and blended carpet
7 sold in this State by that producer. The assessment added
8 under this Section shall be remitted by the producer on a
9 quarterly basis to the clearinghouse. The amount each producer
10 pays in assessments shall be considered proprietary
11 information that is privileged or confidential and shall not
12 be disclosed to the clearinghouse or the public. However, in
13 order to determine if each producer is paying the proper
14 assessments, an independent professional accounting firm shall
15 be hired by the clearinghouse to review and verify the
16 quarterly square foot sales data by carpet type provided by
17 each producer and the quarterly payments remitted to the
18 clearinghouse by each producer.

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

23 (1) The assessment may be added by the producer to the
24 purchase price of all carpet sold by producers to an
25 Illinois retailer or distributor or otherwise sold for use
26 in this State.

1 (c) It is the intent of the General Assembly that the
2 amount of the assessment fee be reduced by the clearinghouse
3 as the carpet stewardship program is implemented over time and
4 becomes more efficient.

5 (d) If the amount of the assessment is too low to properly
6 fund the carpet stewardship program the clearinghouse may
7 adopt rules increasing the assessment fee, which must be
8 approved by the Joint Committee on Administrative Rules prior
9 to the fee being increased.

10 (e) The assessment shall be lowered if at any time the fee
11 generates a fund balance at the end of a program year that is
12 greater than one year's operating costs of the carpet
13 stewardship program. If a fund balance greater than one year's
14 operating cost is reached after the fifth program year, the
15 clearinghouse shall adopt rules decreasing the assessment fee,
16 which must be approved by the Joint Committee on
17 Administrative Rules prior to the fee being decreased.

18 (f) The assessment fee shall be deposited by the
19 clearinghouse into an Illinois chartered bank, and if for any
20 reason this Act is repealed, the entire assessment fund
21 balance shall be transferred by the clearinghouse to the State
22 of Illinois to be deposited into the Solid Waste Management
23 Fund.

24 Section 36. Collection of discarded carpet.

25 (a) No later than June 1, 2023, in any county with a

1 population of greater than 200,000 people, any installer
2 engaged in removing old carpet from a residence or business
3 must transport, or contract to transport, all old carpet to a
4 clearinghouse-approved old carpet collection site as defined
5 in Section 10.

6 (b) Approved carpet collection sites as defined in Section
7 10 shall ensure that old carpet is collected in the prescribed
8 conditions required by the clearinghouse plan. The conditions
9 must also include, but are not limited to, the following
10 requirements:

11 (1) Old carpet must be kept in a location that allows
12 it to remain dry at all times.

13 (2) Containers holding collected old carpet must be
14 free of all non-carpet discarded waste items.

15 (3) Prior to shipment to a recycler, containers
16 holding discarded carpet must be filled to the following
17 minimum standards:

18 (A) Roll off dumpsters shall be filled to a
19 minimum of 8 tons.

20 (B) Semitrailers shall be filled to a minimum of
21 13 tons.

22 (4) Approved collection sites must permit an approved
23 recycler's prescribed container to be housed on site for
24 loading by the collector for pickup at the collection
25 site.

26 (c) Any approved collection site that has collected old

1 carpet as prescribed by the clearinghouse plan and whose full
2 container volume is not removed by a registered recycler upon
3 3-business day's electronic notice to the recycler stating
4 that collected old carpet is ready for removal may dispose of
5 that container's contents in a landfill. For purposes of this
6 Act, old carpet collected by a clearinghouse certified entity
7 at a regulated waste transfer station or landfill shall not be
8 considered as being stored under the terms of any applicable
9 waste disposal permit, and shall not impact the status of an
10 existing waste disposal permit, until the seventh business day
11 after electronic notice has been given to the recycler stating
12 that collected old carpet is ready for removal.

13 Section 37. Economic support for approved carpet
14 collection sites. The clearinghouse shall use revenues from
15 the carpet stewardship assessment fee to pay approved old
16 carpet collection sites for costs, services, and
17 infrastructure improvements as follows:

18 (1) Reimbursement for reasonable costs, as
19 pre-approved by the clearinghouse, to adapt sites for old
20 carpet collection as required by this Act, including, but
21 not limited to, one-time costs for constructing the needed
22 structure to make the collection of carpet safe and
23 convenient, and to ensure adequate room to maneuver old
24 carpet collection equipment in such a manner so as to not
25 disrupt the normal flow of activity at the collection

1 site.

2 (2) A recovery fee equivalent to \$20 per ton for all
3 old carpet collected that is subject to this Act and
4 loaded into trailers at the collector's site in accordance
5 with subsection (b) of Section 36.

6 (3) Approved carpet collection sites located at waste
7 transfer or waste disposal facilities permitted by the
8 Agency may, at their discretion, charge the generator of
9 such discarded carpet customary and proprietary collection
10 and disposal fees.

11 (4) Approved carpet collection sites may not charge a
12 processor any fee for removal of carpet discarded from the
13 collection site location.

14 (5) Economic support for approved carpet collectors
15 under this Section shall be reviewed every 3 years as
16 clearinghouse plans are submitted to the Agency.

17 Section 40. State action antitrust exemption. Each
18 producer and the clearinghouse shall be immune from liability
19 for any claim of violation of antitrust law or unfair trade
20 practice if the conduct is a violation of antitrust law, to the
21 extent the producer or clearinghouse is exercising authority
22 under the provisions of this Act.

23 Section 45. Requirements applicable to producers.

24 (a) On and after January 1, 2022, a producer of carpet

1 shall add the stewardship assessment, as established in
2 Section 35, to the cost of carpet sold to retailers and
3 distributors in this State by the producer.

4 (b) Producers, working with the clearinghouse, shall
5 provide consumers with educational materials regarding the
6 stewardship assessment and carpet stewardship program as
7 required by paragraph (1) of subsection (b) of Section 35 of
8 this Act. The materials shall include, but are not limited to,
9 (i) information regarding available end-of-life management
10 options for old carpet offered through the carpet stewardship
11 program and (ii) information that notifies the consumers that
12 a charge for the operation of the carpet stewardship program
13 is included in the purchase price of carpet sold in this State.

14 (c) Producers who sell carpet in this State shall register
15 with the Agency by January 1, 2022 and annually thereafter for
16 as long as that producer sells carpet in this State.

17 Section 50. Requirements applicable to retailers and
18 distributors.

19 (a) On and after January 1, 2022, no carpet may be sold in
20 this State unless the carpet's producer has registered with
21 the Agency under subsection (c) of Section 45.

22 (b) Any retailer or distributor may participate, on a
23 voluntary basis, as a designated collection point pursuant to
24 a product stewardship program and in accordance with
25 applicable law.

1 (c) No retailer or distributor shall be found to be in
2 violation of this Section if, on the date the carpet was
3 ordered from the producer or its agent, the producer was
4 registered on the Agency's website in accordance with this
5 Act.

6 (d) Retailers shall provide consumers with educational
7 materials, developed by producers and the clearinghouse, that
8 shall include, but are not limited to, information that (i)
9 regards available end-of-life management options for old
10 carpet, and (ii) notifies the consumer of the importance of
11 recycling.

12 Section 55. Requirements applicable to the Agency.

13 (a) Beginning March 1, 2022, and annually thereafter, the
14 Agency shall post on its website the list of carpet producers
15 that registered with the Agency, in accordance with subsection
16 (c) of Section 45.

17 (b) Beginning January 1, 2023, and annually thereafter,
18 for the benefit of assisting consumers who wish to find
19 collection sites for recycling carpet, the Agency shall post
20 on its website the location of all collection sites identified
21 to the Agency by the clearinghouse in its plans and annual
22 reports.

23 (c) The Agency shall post on its website the plan as
24 approved by the Agency and any subsequent updates within 30
25 days of approval pursuant to Section 30.

1 (d) Beginning May 1, 2024, and annually thereafter, the
2 Agency shall post on its website copies of the annual reports.

3 Section 60. Annual stewardship reports.

4 (a) By April 1, 2024, and by April 1 of each year
5 thereafter, the clearinghouse shall submit a report to the
6 Agency that includes, for the previous program year, a
7 description of the carpet stewardship program, including, but
8 not limited to, the following:

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

14 (2) a description of the methods used to collect,
15 transport, and process old carpet in regions of this
16 State, and a listing of the persons used to collect,
17 transport, and process old carpet;

18 (3) identification of all old carpet collection sites
19 in this State and whether the requirement of paragraph (3)
20 of subsection (a) of Section 25 has been met;

21 (4) the weight of all old carpet collected and carpet
22 reused or carpet recycled in all regions of this State, a
23 comparison to the performance goals and carpet recycling
24 rates established in the clearinghouse plan, and, if
25 appropriate, an explanation stating the reason or reasons

1 performance goals were not met;

2 (5) the weight of old carpet collected in this State
3 but not carpet reused or carpet recycled and its ultimate
4 disposition, and a comparison to the performance goals in
5 the clearinghouse plan;

6 (6) the total cost of implementing the clearinghouse
7 plan and a copy of the independent audit regarding the
8 financial activities of the clearinghouse;

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

11 (8) an evaluation of the funding mechanism and its
12 ability to properly fund the implementation of the
13 clearinghouse plan, including whether the incentive
14 payments to collectors, processors, and end markets for
15 managing carpet are adequate to ensure that the old carpet
16 can be carpet reused or carpet recycled under the program;

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

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

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

26 (12) samples of educational materials provided to

1 consumers and carpet installers, and an evaluation of the
2 effectiveness of the materials and the methods used to
3 disseminate the materials. The evaluation shall include,
4 but shall not be limited to, information on the number of
5 consumers and carpet installers that received or viewed
6 the educational materials, and any consumer and carpet
7 installer survey data that may have been collected
8 regarding the educational materials used.

9 Section 65. Administrative fee.

10 (a) The clearinghouse shall pay the Agency an annual
11 administrative fee of \$200,000 which may be paid for from
12 revenue from the carpet stewardship assessment.

13 (b) The clearinghouse shall pay the Agency's
14 administrative fee under subsection (a) on or before January
15 1, 2023, and annually thereafter.

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

18 Section 70. Enforcement.

19 (a) On and after January 1, 2022, no producer,
20 distributor, or retailer shall sell or offer for sale carpet
21 to any person in this State if the producer of the carpet is
22 not registered with the Agency pursuant to subsection (c) of
23 Section 45 or has not remitted the assessment pursuant to
24 Section 35.

1 (b) No retailer or distributor shall be found in violation
2 of the provisions of subsection (a) if, on the date the carpet
3 was ordered from the producer or its agent, the producer was
4 listed on the Agency's website in accordance with the
5 provisions of subsection (a) of Section 55.

6 (c) The Attorney General or State's Attorney may request,
7 and a Court may impose, after providing notice and opportunity
8 to be heard, a civil penalty in the amount of \$5,000 per day
9 per violation against any producer who violates the
10 registration requirements under subsection (c) of Section 45
11 or who fails to remit the assessment under Section 35.

12 (d) Nothing in this Act prohibits a retailer or
13 distributor from selling their inventory of carpet existing
14 prior to January 1, 2022.

15 (e) The penalties provided for in this Section may be
16 recovered in a civil action brought in the name of the People
17 of the State of Illinois by the State's Attorney of the county
18 in which the violation occurred or by the Attorney General.
19 Any funds collected under this Section in an action in which
20 the Attorney General has prevailed shall be deposited in the
21 Environmental Protection Trust Fund, to be used in accordance
22 with the provisions of the Environmental Trust Fund Act.

23 (f) Nothing in this Act mandates or otherwise requires and
24 nothing in the clearinghouse plan shall mandate or otherwise
25 require participation of the waste disposal industry in the
26 carpet stewardship program created by this Act.

1 Section 75. State procurement of carpet. Beginning on
2 January 1, 2024, at least 35% of carpet purchased by State
3 agencies shall be carpet with a minimum of 10% post-consumer
4 recycled content by weight from old carpet and comply with the
5 National Science Foundation/American National Standards
6 Institute (NSF/ANSI) 140-2009 Standard, Platinum Level or the
7 most current version in effect as provided by the American
8 National Standards Institute. The carpet shall be purchased
9 from a carpet producer with a third party certified closed
10 loop recycling facility. Thereafter, those purchases shall
11 increase by a rate of 10% per year until it reaches 75%. Prior
12 to January 1, 2024, the clearinghouse shall provide a report
13 to the Illinois Department of Central Management Services on
14 the other types of products that contain recycled carpet as a
15 feedstock that the State should consider purchasing.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."