

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the
5 Electronic Products Recycling and Reuse Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds all of the following:

8 (1) Electronic products are the fastest growing
9 portion of the solid waste stream. In 2005, 2,600,000 tons
10 of electronic products became obsolete yet only 13% of
11 those products were recycled.

12 (2) Many electronic products contain lead, mercury,
13 cadmium, hexavalent chromium, and other materials that
14 pose environmental and health risks that must be managed.

15 (3) Many obsolete electronic products can be recycled
16 or refurbished for reuse and then returned to the economic
17 mainstream in the form of raw materials or products.

18 (4) Electronic products contain metals, plastics, and
19 leaded glass that have resale value. The reuse of these
20 components conserves natural resources and energy, and the
21 reuse also reduces air and water pollution and greenhouse
22 gas emissions.

23 (5) A management is necessary to place the reuse and

1 recycling of obsolete residential electronic products as
2 the preferred management strategy over incineration and
3 landfill disposal.

4 (6) The Illinois Recycling Economic Information Study
5 of 2001 estimates that the total economic impact of
6 establishing statewide recycling and reuse programs for
7 residential electronic products may result in the creation
8 of nearly 4,000 new jobs and \$740 million in annual
9 receipts.

10 (7) The State-appointed Computer Equipment Disposal
11 and Recycling Commission issued a final report in May 2006
12 recommending legislative, regulatory, or other actions to
13 properly address the recycling and reuse of obsolete
14 residential electronic products.

15 (b) The purpose of this Act is to set forth procedures by
16 which the recycling and processing for reuse of covered
17 electronic devices will be accomplished in Illinois.

18 Section 10. Definitions. As used in this Act:

19 "Agency" means the Environmental Protection Agency.

20 "Cathode-ray tube" means a vacuum tube or picture tube used
21 to convert an electronic signal into a visual image, such as a
22 television or computer monitor.

23 "Collector" means a person who receives covered electronic
24 devices or eligible electronic devices directly from a
25 residence for recycling or processing for reuse. "Collector"

1 includes, but is not limited to, manufacturers, recyclers, and
2 refurbishers who receive CEDs or EEDs directly from the public.

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

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

1 keyboard, and mouse with an external or internal power
2 supply for a power source. Desktop computer does not
3 include an automated typewriter or typesetter; or

4 (2) "Notebook computer", which means an electronic,
5 magnetic, optical, electrochemical, or other high-speed
6 data processing device performing logical, arithmetic, or
7 storage functions for general purpose needs that are met
8 through interaction with a number of software programs
9 contained therein, and that is not designed to exclusively
10 perform a specific type of logical, arithmetic, or storage
11 function or other limited or specialized application.
12 Human interface with a notebook computer is achieved
13 through a keyboard, video display greater than 4 inches in
14 size, and mouse or other pointing device, all of which are
15 contained within the construction of the unit that
16 comprises the notebook computer; supplemental stand-alone
17 interface devices typically can also be attached to the
18 notebook computer. Notebook computers can use external,
19 internal, or batteries for a power source. Notebook
20 computer does not include a portable hand-held calculator,
21 or a portable digital assistant or similar specialized
22 device. A notebook computer has an incorporated video
23 display greater than 4 inches in size and can be carried as
24 one unit by an individual. A notebook computer is sometimes
25 referred to as a laptop computer.

26 "Computer monitor" means an electronic device that is a

1 cathode-ray tube or flat panel display primarily intended to
2 display information from a computer and is used only in a
3 residence.

4 "Covered electronic device" or "CED" means any computer,
5 computer monitor, television, or printer that is taken out of
6 service from a residence in this State regardless of purchase
7 location. "Covered electronic device" does not include any of
8 the following:

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

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

21 (3) an electronic device that is contained within a
22 clothes washer, clothes dryer, refrigerator, refrigerator
23 and freezer, microwave oven, conventional oven or range,
24 dishwasher, room air conditioner, dehumidifier, water
25 pump, sump pump, or air purifier.

26 To the extent allowed under federal and State laws and

1 regulations, a CED that is being collected, recycled, or
2 processed for reuse is not considered to be hazardous waste,
3 household waste, solid waste, or special waste.

4 "Developmentally disabled" means having a severe
5 disability, as defined by the Office of Rehabilitation Services
6 of the Illinois Department of Human Services, that can be
7 expected to result in death or that has lasted, or is expected
8 to last, at least 12 months and that prevents working at a
9 "substantial gainful activity" level.

10 "Dismantling" means the demanufacturing and shredding of a
11 CED.

12 "Eligible electronic device" or "EED" means any of the
13 following electronic products taken out of service from a
14 residence in this State regardless of purchase location: mobile
15 telephone; computer cable, mouse, or keyboard; stand-alone
16 facsimile machine; MP3 player; portable digital assistant
17 (PDA); video game console, video cassette recorder/player,
18 digital video disk player, or similar video device; zip drive;
19 or scanner. To the extent allowed under federal and state laws
20 and regulations, an EED that is being collected, recycled, or
21 processed for reuse is not considered to be hazardous waste,
22 household waste, solid waste, or special waste.

23 "Low income children and families" mean those children and
24 families that are subject to the most recent version of the
25 United States Department of Health and Human Services Federal
26 Poverty Guidelines.

1 "Manufacturer" means a person, or a successor in interest
2 to a person, under whose brand or label a CED is or was sold at
3 retail. For CEDs sold at retail under a brand or label that is
4 licensed from a person who is a mere brand owner and who does
5 not sell or produce the CED, the person who produced the CED or
6 his or her successor in interest is the manufacturer. For CEDs
7 sold that were at retail under the brand or label of both the
8 retail seller and the person that produced the CED, the person
9 that produced the CED, or his or her successor in interest, is
10 the manufacturer. A retail seller of CEDs may elect to be the
11 manufacturer of one or more CEDs if the retail seller provides
12 written notice to the Agency that it is accepting
13 responsibility as the manufacturer of the CED under this Act
14 and identifies the CEDs for which it is electing to be the
15 manufacturer.

16 "Orphan CEDs" means those CEDs that are returned for
17 recycling, or processing for reuse, whose manufacturer cannot
18 be identified, or whose manufacturer is no longer conducting
19 business and has no successor in interest.

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

25 "Printer" means desktop printers, multifunction printer
26 copiers, and printer/fax combinations taken out of service from

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

12 "Processing for reuse" means any method, technique, or
13 process by which CEDs or EEDs that would otherwise be disposed
14 of or discarded are instead separated, processed, and returned
15 to their original intended purposes or to other useful purposes
16 as electronic devices.

17 "Program Year" means a calendar year. The first program
18 year is 2010.

19 "Recycler" means a person who engages in the recycling of
20 CEDs or EEDs, but does not include telecommunications carriers,
21 telecommunications manufacturers, or commercial mobile service
22 providers with an existing recycling program.

23 "Recycling" means any method, technique, or process by
24 which CEDs or EEDs that would otherwise be disposed of or
25 discarded are instead collected, separated, or processed and
26 are returned to the economic mainstream in the form of raw

1 materials or products. "Recycling" includes the collection,
2 transportation, dismantling, and shredding of the CEDs or EEDs.

3 "Refurbisher" means any person who processes CEDs or EEDs
4 for reuse, but does not include telecommunications carriers,
5 telecommunications manufacturers, or commercial mobile service
6 providers with an existing recycling program.

7 "Residence" means a dwelling place or home in which one or
8 more individuals live.

9 "Retailer" means a person who sells, rents, or leases,
10 through sales outlets, catalogues, or the Internet, computers,
11 computer monitors, or televisions at retail to individuals in
12 this State. For purposes of this Act, sales to individuals at
13 retail are considered to be sales for residential use.
14 "Retailer" includes, but is not limited to, manufacturers who
15 sell computers, computer monitors, or televisions at retail
16 directly to individuals in this State.

17 "Sale" means any retail transfer of title for consideration
18 of title including, but not limited to, transactions conducted
19 through sales outlets, catalogs, or the Internet or any other
20 similar electronic means but does not mean financing or
21 leasing.

22 "Television" means an electronic device (i) containing a
23 cathode-ray tube or flat panel screen the size of which is
24 greater than 4 inches when measured diagonally, (ii) that is
25 intended to receive video programming via broadcast, cable, or
26 satellite transmission or to receive video from surveillance or

1 other similar cameras, and (iii) that is used only in a
2 residence.

3 Section 15. Statewide recycling and reuse goals for all
4 covered electronic devices.

5 (a) For program year 2010, the statewide recycling or reuse
6 goal for all CEDs is the product of: (i) the latest population
7 estimate for the State, as published on the U.S. Census
8 Bureau's website on January 1, 2010; multiplied by (ii) 2.5
9 pounds per capita.

10 (b) For program year 2011, the statewide recycling or reuse
11 goal for all CEDs is the product of: (i) the 2010 base weight;
12 multiplied by (ii) the 2010 goal attainment percentage.

13 For the purposes of this subsection (b):

14 The "2010 base weight" means the greater of: (i) twice the
15 total weight of all CEDs that were recycled or processed for
16 reuse between January 1, 2010 and June 30, 2010 as reported to
17 the Agency under subsection (i) or (j) of Section 30; or (ii)
18 twice the total weight of all CEDs that were recycled or
19 processed for reuse between January 1, 2010 and June 30, 2010
20 as reported to the Agency under subsection (c) of Section 55.

21 The "2010 goal attainment percentage" means:

22 (1) 90% if the 2010 base weight is less than 90% of the
23 statewide recycling or reuse goal for program year 2010;

24 (2) 95% if the 2010 base weight is 90% or greater, but
25 does not exceed 95%, of the statewide recycling or reuse

1 goal for program year 2010;

2 (3) 100% if the 2010 base weight is 95% or greater, but
3 does not exceed 105%, of the statewide recycling or reuse
4 goal for program year 2010;

5 (4) 105% if the 2010 base weight is 105% or greater,
6 but does not exceed 110%, of the statewide recycling or
7 reuse goal for program year 2010; and

8 (5) 110% if the 2010 base weight is 110% or greater of
9 the statewide recycling or reuse goal for program year
10 2010.

11 (c) For program years 2012 and thereafter, the statewide
12 recycling or reuse goal for all CEDs is the product of: (i) the
13 base weight; multiplied by (ii) the goal attainment percentage.

14 For the purposes of this subsection (c):

15 The "base weight" means the greater of: (i) the total
16 weight of all CEDs recycled or processed for reuse during the
17 previous program year as reported to the Agency under
18 subsection (k) or (l) of Section 30; or (ii) the total weight
19 of all CEDs recycled or processed for reuse during the previous
20 program year as reported to the Agency under subsection (d) of
21 Section 55.

22 The "goal attainment percentage" means:

23 (1) 90% if the base weight is less than 90% of the
24 statewide recycling or reuse goal for the previous program
25 year;

26 (2) 95% if the base weight is 90% or greater, but does

1 not exceed 95%, of the statewide recycling or reuse goal
2 for the previous program year;

3 (3) 100% if the base weight is 95% or greater, but does
4 not exceed 105%, of the statewide recycling or reuse goal
5 for the previous program year;

6 (4) 105% if the base weight is 105% or greater, but
7 does not exceed 110%, of the statewide recycling or reuse
8 goal for the previous program year; and

9 (5) 110% if the base weight is 110% or greater of the
10 statewide recycling or reuse goal for the previous program
11 year.

12 Section 16. Statewide recycling or reuse goals for all
13 television manufacturers.

14 (a) For program year 2010, the statewide recycling or reuse
15 goal for television manufacturers is 53% of the statewide goal
16 for all CEDs under subsection (a) of Section 15.

17 (b) For program year 2011, the statewide recycling or reuse
18 goal for television manufacturers is the product of: (i) an
19 amount equal to the total weight of televisions that were
20 recycled or processed for reuse between January 1, 2010 and
21 June 30, 2010, as reported under subsection (i) of Section 30,
22 divided by the total weight of all CEDs that were recycled or
23 processed for reuse between January 1, 2010 and June 30, 2010,
24 as reported under subsection (i) of Section 30; multiplied by
25 (ii) the statewide recycling or reuse goal for all CEDs under

1 subsection (b) of Section 15.

2 (c) For program years 2012 and thereafter, the statewide
3 recycling or reuse goal for television manufacturers is the
4 product of: (i) an amount equal to the total weight of
5 televisions recycled or processed for reuse during the previous
6 program year, as reported under subsection (d) of Section 20,
7 divided by the total weight of all CEDs recycled or processed
8 for reuse, as reported under subsection (d) of Section 20;
9 multiplied by (ii) the statewide recycling or reuse goal for
10 all CEDs under subsection (c) of Section 15.

11 Section 17. Statewide recycling or reuse goals for all
12 computer, computer monitor, and printer manufacturers.

13 (a) For program year 2010, the statewide recycling or reuse
14 goal for computer, computer monitor, and printer manufacturers
15 is 47% of the statewide goal for all CEDs under subsection (a)
16 of Section 15.

17 (b) For program year 2011, the statewide recycling or reuse
18 goal for computer, computer monitor, and printer manufacturers
19 is the product of: (i) an amount equal to the total weight of
20 computers, computer monitors, and printers that were recycled
21 or processed for reuse between January 1, 2010 and June 30,
22 2010, as reported under subsection (j) of Section 30, divided
23 by the total weight of all CEDs that were recycled or processed
24 for reuse between January 1, 2010 and June 30, 2010, as
25 reported under subsection (j) of Section 30; multiplied by (ii)

1 statewide recycling or reuse goal for all CEDs under subsection
2 (b) of Section 15.

3 (c) For program years 2012 and thereafter, the statewide
4 recycling or reuse goal for computer, computer monitor, and
5 printer manufacturers is the product of: (i) an amount equal to
6 the total weight of computers, computer monitors, and printers
7 recycled or processed for reuse during the previous program
8 year, as reported under subsection (d) of Section 20, divided
9 by the total weight of all CEDs recycled or processed for
10 reuse, as reported under subsection (d) of Section 20;
11 multiplied by (ii) statewide recycling or reuse goal for all
12 CEDs under subsection (c) of Section 15.

13 Section 18. Determination of market shares and return
14 shares.

15 (a) The recycling or reuse goal for each television
16 manufacturer is based upon that manufacturer's market share.
17 The market share for each television manufacturer is the
18 following:

19 (1) For program year 2010, the quotient of: (i) the
20 total weight of the manufacturer's televisions that were
21 sold at retail in this State to individuals between October
22 1, 2008 and March 31, 2009, as reported under subsection
23 (h) of Section 30; divided by (ii) the total weight of all
24 televisions that were sold at retail in this State to
25 individuals between October 1, 2008 and March 31, 2009, as

1 reported under subsection (h) of Section 30.

2 (2) For program year 2011, the quotient of: (i) the
3 total weight of the manufacturer's televisions that were
4 sold at retail in this State to individuals between January
5 1, 2010 and June 30, 2010, as reported under subsection (i)
6 of Section 30; divided by (ii) the total weight of all
7 televisions that were sold at retail in this State to
8 individuals between January 1, 2010 and June 30, 2010, as
9 reported under subsection (i) of Section 30.

10 (3) For program years 2012 and thereafter, the quotient
11 of: (i) the total weight of the manufacturer's televisions
12 that were sold at retail in this State to individuals
13 during the previous program year, as reported under
14 subsection (k) of Section 30; divided by (ii) the total
15 weight of all televisions sold at retail in this State to
16 individuals during the previous program year, as reported
17 under subsection (k) of Section 30.

18 (b) The recycling or reuse goals for each manufacturer of
19 computers, computer monitors, or printers is based upon that
20 manufacturer's return share. The return share for each
21 manufacturer of computers or computer monitors is the
22 following:

23 (1) For program year 2010, the return share for each
24 manufacturer shall be determined using the information the
25 Florida Department of Environmental Protection used to
26 create its October 5, 2007, report entitled "Quantifying

1 Electronic Product Brand Market Share as a Metric for
2 Apportioning Manufacturer Share of Recycling System
3 Costs". Using the same information that was used to
4 generate Tables 6 and 9 of the report, a manufacturer's
5 return share shall be equal to the quotient of: (i) the sum
6 of the number of the manufacturer's computers received for
7 recycling plus the number of the manufacturer's computer
8 monitors received for recycling, plus the number of the
9 manufacturer's printers received for recycling, divided by
10 (ii) the sum of the total number of computers received for
11 recycling plus the total number of computer monitors
12 received for recycling, plus the sum of the total number of
13 printers received for recycling.

14 (2) For program year 2011, the quotient of: (i) the
15 total weight of the manufacturer's computers, computer
16 monitors, and printers that were taken out of service from
17 a residence in this State and recycled or processed for
18 reuse between January 1, 2010 and June 30, 2010, as
19 reported under subsection (j) of Section 30; divided by
20 (ii) the total weight of all computers, computer monitors,
21 and printers that were taken out of service from a
22 residence in this State and recycled or processed for reuse
23 between January 1, 2010 and June 30, 2010, as reported
24 under subsection (j) of Section 30.

25 (3) For program years 2012 and thereafter, the quotient
26 of: (i) the total weight of the manufacturer's computers,

1 computer monitors, and printers that were taken out of
2 service from a residence in this State and recycled or
3 processed for reuse during the previous program year, as
4 reported under subsection (1) of Section 30; divided by
5 (ii) the total weight of all computers, computer monitors,
6 and printers that were taken out of service from a
7 residence in this State and recycled or processed for reuse
8 during the previous program year, as reported under
9 subsection (1) of Section 30.

10 Section 19. Recycling or reuse goals for individual
11 manufacturers.

12 (a) The individual recycling and reuse goal for each
13 television manufacturer is the product of (i) the statewide
14 goal for the recycling and reuse for all television
15 manufacturers under Section 16; multiplied by (ii) that
16 manufacturer's market share under subsection (a) of Section 18.

17 (b) The individual recycling and reuse goal for each
18 manufacturer of computers, computer monitors, or printers is
19 the product of (i) the statewide goal for the recycling and
20 reuse for all all computer, computer monitor, and printer
21 manufacturers under Section 17; multiplied by (ii) that
22 manufacturer's return share under subsection (b) of Section 18.

23 Section 20. Agency responsibilities.

24 (a) The Agency has the authority to monitor compliance with

1 this Act and to refer violations of this Act to the Attorney
2 General.

3 (b) No later than October 1 of each program year, the
4 Agency shall post on its website a list of underserved counties
5 in the State for the next program year. The list of underserved
6 counties for the first program year is set forth in subsection
7 (a) of Section 60.

8 (c) By July 1, 2009, the Agency shall implement a county
9 and municipal government education campaign to inform those
10 entities about this Act and the implications on solid waste
11 collection in their localities.

12 (d) By July 1, 2011 for the first program year, and by
13 April 1 for all subsequent program years, the Agency shall
14 report to the Governor and to the General Assembly annually on
15 the previous program year's performance. The report must be
16 posted on the Agency's website. The report must include, but
17 not be limited to, the following:

18 (1) the total overall weight of CEDs, as well as the
19 sub-total weight of computers, the sub-total weight of
20 computer monitors, the sub-total weight of printers, the
21 sub-total weight of televisions, and the total weight of
22 EEDs that were recycled or processed for reuse in the State
23 during the program year, as reported by manufacturers and
24 collectors under Sections 30 and 55;

25 (2) a listing of all collection sites as set forth
26 under subsection (e) of Section 55;

1 (3) a statement of the manufacturers' progress toward
2 achieving the statewide recycling goal set forth in Section
3 15 (calculated from the manufacturer reports pursuant to
4 Section 30 and the collector reports pursuant to Section
5 55) and any identified State actions that may help expand
6 collection opportunities to help manufacturers achieve the
7 statewide recycling goal;

8 (4) a listing of any manufacturers whom the Agency
9 referred to the Attorney General's Office for enforcement
10 as a result of a violation of this Act;

11 (5) a discussion of the Agency's education and outreach
12 activities; and

13 (6) a discussion of the penalties, if any, incurred by
14 manufacturers for failure to achieve recycling goals, and a
15 recommendation to the General Assembly of any necessary or
16 appropriate changes to the statewide recycling goals,
17 manufacturer's recycling goals, or penalty provisions
18 included in this Act.

19 (e) The Agency shall post on its website a list of
20 registered collectors to whom Illinois residents can bring CEDs
21 and EEDs for recycling or processing for reuse, including links
22 to the collectors' websites and the collectors' phone numbers.

23 (f) In program years 2012, 2013, and 2014, and at its
24 discretion thereafter, the Agency shall convene and host an
25 Electronic Products Recycling Conference. The Agency may host
26 the conferences alone or with other public entities or with

1 organizations associated with electronic products recycling.

2 (g) No later than October 1 of each program year, the
3 Agency must post on its website the following information for
4 the next program year:

5 (1) The overall statewide recycling and reuse goal for
6 CEDs, as well as the sub-goals for televisions, and
7 computers, computer monitors, and printers as set forth in
8 Section 15.

9 (2) The market shares of television manufacturers and
10 the return shares of computer, computer monitor, and
11 printer manufacturers, as set forth in Section 18, and

12 (3) The individual recycling and reuse goals for each
13 manufacturer, as set forth in Section 19.

14 (h) By April 1, 2011, and by April 1 of all subsequent
15 years, the Agency shall recognize those manufacturers that have
16 met or exceeded their recycling or reuse goals for the previous
17 program year. Such recognition shall be the awarding to all
18 such manufacturers of an Electronic Industry Recycling Award,
19 which shall be recognized on the Agency website and other media
20 as appropriate.

21 (i) By April 1, 2012, the Agency shall solicit written
22 comments regarding all aspects of the program codified in this
23 Act, for the purpose of determining if the program requires any
24 modifications that would take effect as of January 1, 2013.

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

1 (A) Sufficiency of the annual statewide recycling
2 goals.

3 (B) Fairness of the formulas used to determine
4 individual manufacturer goals.

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

7 (D) Any temporary recissions of county landfill
8 bans granted by the Illinois Pollution Control Board
9 pursuant to Section 95(e).

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

13 (F) Adequacy of the collection systems that have
14 been implemented as a result of this Act, with a
15 particular focus on promoting the most cost-effective
16 and convenient collection system possible for Illinois
17 residents.

18 (2) By June 1, 2012, the Agency shall complete its
19 review of the written comments received, as well as its own
20 reports on program years 2010 and 2011, and hold a public
21 hearing to present its findings and solicit additional
22 comments.

23 (3) The Agency's final report, which shall be issued no
24 later than September 1, 2012, shall be submitted to the
25 Governor and the General Assembly and shall include
26 specific recommendations for any necessary or appropriate

1 modifications to the program.

2 Section 30. Manufacturer responsibilities.

3 (a) Prior to April 1, 2009 for the first program year, and
4 by October 1 for program year 2011 and thereafter,
5 manufacturers whose computers, computer monitors, printers, or
6 televisions are sold in this State must register with the
7 Agency. The registration must be submitted in the form and
8 manner required by the Agency. The registration must include,
9 without limitation, all of the following:

10 (1) a list of all of the manufacturer's brands of
11 computers, computer monitors, printers, or televisions to
12 be offered for sale in the next program year;

13 (2) for manufacturers of both televisions and
14 computers, computer monitors, or printers, an
15 identification of whether, for residential use, (i)
16 televisions or (ii) computers, computer monitors, and
17 printers, represent the larger number of units sold for the
18 manufacturer; and

19 (3) a statement disclosing whether:

20 (A) any computer, computer monitor, printer, or
21 television sold in this State exceeds the maximum
22 concentration values established for lead, mercury,
23 cadmium, hexavalent chromium, polybrominated biphenyls
24 (PBBs), and polybrominated diphenyl ethers (PBDEEs)
25 under the RoHS (restricting the use of certain

1 hazardous substances in electrical and electronic
2 equipment) Directive 2002/95/EC of the European
3 Parliament and Council and any amendments thereto and,
4 if so, an identification of that computer, computer
5 monitor, or television; or

6 (B) the manufacturer has received an exemption
7 from one or more of those maximum concentration values
8 under the RoHS Directive that has been approved and
9 published by the European Commission.

10 If, during the program year, a manufacturer's computer,
11 computer monitor, printer, or television is sold or offered for
12 sale under a new brand that is not listed in the manufacturer's
13 registration, then, within 30 days after the first sale or
14 offer for sale under the new brand, the manufacturer must amend
15 its registration to add the new brand.

16 (b) Prior to July 1, 2009 for the first program year, and
17 by the November 1 preceding program years 2011 and later, all
18 manufacturers whose computers, computer monitors, or
19 televisions are sold in the State shall submit to the Agency,
20 at an address prescribed by the Agency, the registration fee
21 for the next program year. The registration fee for program
22 year 2010 is \$5,000.

23 For program years 2011 and later, the registration fee is
24 increased each year by an inflation factor determined by the
25 annual Implicit Price Deflator for Gross National Product, as
26 published by the U.S. Department of Commerce in its Survey of

1 Current Business. The inflation factor must be calculated each
2 year by dividing the latest published annual Implicit Price
3 Deflator for Gross National Product by the annual Implicit
4 Price Deflator for Gross National Product for the previous
5 year. The inflation factor must be rounded to the nearest
6 1/100th, and the resulting registration fee must be rounded to
7 the nearest whole dollar. No later than October 1 of each
8 program year, the Agency shall post on its website the
9 registration fee for the next program year.

10 (c) A manufacturer whose computers, computer monitors,
11 printers, or televisions are first sold or offered for sale in
12 this State on or after January 1 of a program year must
13 register with the Agency in accordance with subsection (a) of
14 this Section and submit the registration fee required under
15 subsection (b) of this Section prior to the manufacturer's
16 computers, computer monitors, printers, or televisions being
17 sold or offered for sale.

18 (d) Each manufacturer shall recycle or process for reuse
19 CEDs and EEDs whose total weight equals or exceeds the
20 manufacturer's individual recycling and reuse goal set forth in
21 Section 19 of this Act. Individual consumers may not be charged
22 an end-of-life fee when bringing their CEDs and EEDs to
23 permanent or temporary collection locations, unless a
24 financial incentive of equal or greater value, such as a
25 coupon, is provided. Collectors may charge a fee for premium
26 services such as curbside collection, home pick-up, or a

1 similar method of collection.

2 When determining whether a manufacturer has met or exceeded
3 its individual recycling and reuse goal set forth in Section 19
4 of this Act, all of the following adjustments must be made:

5 (1) The total weight of CEDs processed for reuse by the
6 manufacturer, its recyclers, or its refurbishers is
7 doubled.

8 (2) The total weight of CEDs is tripled if they are
9 donated for reuse by the manufacturer to a primary or
10 secondary public education institution or to a
11 not-for-profit entity that is established under Section
12 501(c)(3) of the Internal Revenue Code of 1986 and whose
13 principal mission is to assist low-income children or
14 families or to assist the developmentally disabled in
15 Illinois. This subsection applies only to CEDs for which
16 the manufacturer has received a written confirmation that
17 the recipient has accepted the donation. Copies of all
18 written confirmations must be submitted in the annual
19 report required under Section 30.

20 (3) The total weight of CEDs collected by manufacturers
21 free of charge in underserved counties is doubled. This
22 subsection applies only to CEDs that are documented by
23 collectors as being collected or received free of charge in
24 underserved counties. This documentation must include,
25 without limitation, the date and location of collection or
26 receipt, the weight of the CEDs collected or received, and

1 an acknowledgement by the collector that the CEDs were
2 collected or received free of charge. Copies of the
3 documentation must be submitted in the annual report
4 required under subsection (h), (i), (j), (k), or (l) of
5 Section 30.

6 (e) Manufacturers of computers, computer monitors, or
7 printers, either individually or collectively, shall hire an
8 independent third-party auditor to perform statistically
9 significant return share samples of CEDs received by recyclers
10 and refurbishers for recycling or processing for reuse. Each
11 third-party auditor shall perform a return share sample of CEDs
12 for at least one 8-hour period, once a quarter during the
13 program year at the facility of each registered recycler and
14 refurbisher under contract with the manufacturer or group of
15 manufacturers that has hired the auditor. The audit shall
16 contain the following data:

17 (1) the number and weight of CEDs, sorted by brand name
18 and product type, including a category for orphan CEDs;

19 (2) the total weight of the sample by product type;

20 (3) the date, location, and time of the sampling;

21 (4) the name or names of the manufacturer for whom the
22 recycler is performing activities under this Act; and

23 (5) a certification by the third-party auditor that the
24 sampling is statistically significant and, if not, an
25 explanation as to what occurred to render the sampling
26 insignificant.

1 The manufacturer shall notify the Agency 30 days prior to
2 the third-party auditor's return share sampling by providing
3 the Agency with the time and date on which the third-party
4 auditor will perform the return share sample. The Agency may,
5 at its discretion, be present at any sampling event and may
6 audit the methodology and the results of the third-party
7 auditor.

8 No less than 30 days after the close of each calendar
9 quarter, the manufacturer shall submit to the Agency the
10 results of the third-party samplings conducted during the
11 quarter. The results shall be submitted in the form and manner
12 required by the Agency.

13 (f) Manufacturers shall ensure that only recyclers and
14 refurbishers that have registered with the Agency are used to
15 meet the individual recycling and reuse goals set forth in this
16 Act.

17 (g) Manufacturers shall ensure that the recyclers and
18 refurbishers used to meet the individual recycling and reuse
19 goals set forth in this Act shall, at a minimum, comply with
20 the standards set forth under subsection (d) of Section 50 of
21 this Act.

22 (h) By August 15, 2009, television manufacturers shall
23 submit to the Agency, in the form and manner required by the
24 Agency, a report that contains the total weight of televisions
25 sold under each of the manufacturer's brands to individuals at
26 retail in this State, as set forth in the reports to

1 manufacturers by retailers under subsection (c) of Section 40.

2 (i) No later than September 1, 2010, television
3 manufacturers must submit to the Agency, in the form and manner
4 required by the Agency, a report for the period January 1, 2010
5 through June 30, 2010 that contains the following information:

6 (1) the total weight of televisions sold under each of
7 the manufacturer's brands to individuals at retail in this
8 State, as set forth in the reports submitted under
9 subsection (d) of Section 40; and

10 (2) the total weight of computers, the total weight of
11 computer monitors, the total weight of printers, the total
12 weight of televisions, and the total weight of EEDs
13 recycled or processed for reuse.

14 (j) By August 15, 2010, computer, computer monitor, and
15 printer manufacturers shall submit to the Agency, on forms and
16 in a format prescribed by the Agency, a report for the period
17 January 1, 2010 through June 30, 2010 that contains the total
18 weight of computers, the total weight of computer monitors, the
19 total weight of printers, the total weight of televisions, and
20 the total weight of EEDs, recycled or processed for reuse.

21 (k) No later than April 1 of program years 2011 and
22 thereafter, television manufacturers shall submit to the
23 Agency, in the form and manner required by the Agency, a report
24 that contains the following information for the previous
25 program year:

26 (1) the total weight of televisions sold under each of

1 the manufacturer's brands to individuals at retail in this
2 State, as set forth in the reports submitted under
3 subsection (e) of Section 40;

4 (2) the total weight of computers, the total weight of
5 computer monitors, the total weight of printers, the total
6 weight of televisions, and the total weight of EEDs
7 recycled or processed for reuse;

8 (3) the identification of all weights that are adjusted
9 under subsection (d) of this Section. For all weights
10 adjusted under item (2) of subsection (d), the manufacturer
11 must include copies of the written confirmation required
12 under that subsection;

13 (4) a list of each recycler, refurbisher, and collector
14 used by the manufacturer to fulfill the manufacturer's
15 individual recycling and reuse goal set forth in Section 19
16 of this Act;

17 (5) a summary of the manufacturer's consumer education
18 program required under subsection (m) of this Section.

19 (1) No later than April 1 of program years 2011 and
20 thereafter, computer, computer monitor, and printer
21 manufacturers shall submit to the Agency, on forms and in a
22 format prescribed by the Agency, a report that contains the
23 following information for the previous program year:

24 (1) the total weight of computers, the total weight of
25 computer monitors, the total weight of printers, the total
26 weight of televisions, and the total weight of EEDs

1 recycled or processed for reuse;

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

7 (3) a list of each recycler, refurbisher, and collector
8 used by the manufacturer to fulfill the manufacturer's
9 individual recycling and reuse goal set forth in subsection
10 (c) of Section 15 of this Act; and

11 (4) a summary of the manufacturer's consumer education
12 program required under subsection (m) of this Section.

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

19 (n) Beginning January 1 2010, no manufacturer may sell a
20 computer, computer monitor, printer, or television in this
21 State unless the manufacturer is registered with the State as
22 required under this Act, has paid the required registration
23 fee, and is otherwise in compliance with the provisions of this
24 Act.

25 (o) Beginning January 1, 2010, no manufacturer may sell a
26 computer, computer monitor, printer, or television in this

1 State unless the manufacturer's brand name is permanently
2 affixed to, and is readily visible on, the computer, computer
3 monitor, printer, or television.

4 Section 40. Retailer responsibilities.

5 (a) Retailers shall be a primary source of information
6 about end-of-life options to residential consumers of
7 computers, computer monitors, printers, and televisions. At
8 the time of sale, the retailer shall provide each residential
9 consumer with information from the Agency's website that
10 provides information detailing where and how a consumer can
11 recycle a CED or return a CED for reuse.

12 (b) Beginning January 1, 2010, no retailer may sell or
13 offer for sale any computer, computer monitor, printer, or
14 television in or for delivery into this State unless:

15 (1) the computer, computer monitor, printer, or
16 television is labeled with a brand and the label is
17 permanently affixed and readily visible; and

18 (2) the manufacturer is registered with the Agency and
19 has paid the required registration fee as required under
20 Section 20 of this Act.

21 This subsection (b) does not apply to any computer, computer
22 monitor, printer, or television that was purchased prior to
23 January 1, 2010.

24 (c) By July 1, 2009, retailers shall report to each
25 television manufacturer, by model, the number of televisions

1 sold at retail to individuals in this State under each of the
2 manufacturer's brands during the 6-month period from October 1,
3 2008 through March 31, 2009.

4 (d) By August 1, 2010, retailers shall report to each
5 television manufacturer, by model, the number of televisions
6 sold at retail to individuals in this State under each of the
7 manufacturer's brands between January 1, 2010 and June 30,
8 2010.

9 (e) No later than February 15 of each program year,
10 retailers shall report to each television manufacturer, by
11 model, the number of televisions sold at retail to individuals
12 in this State under each of the manufacturer's brands during
13 the previous program year.

14 Section 50. Recycler and refurbisher registration.

15 (a) Prior to January 1 of each program year, each recycler
16 and refurbisher must register with the Agency and submit a
17 registration fee pursuant to subsection (b) for that program
18 year. Registration must be on forms and in a format prescribed
19 by the Agency and shall include, but not be limited to, the
20 address of each location where the recycler or refurbisher
21 manages CEDs or EEDs and identification of each location at
22 which the recycler or refurbisher accepts CEDs or EEDs from a
23 residence.

24 (b) The registration fee for program year 2010 is \$2,000.
25 For program years 2011 and thereafter, the registration fee is

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

13 (c) No person may act as a recycler or a refurbisher of
14 CEDs for a manufacturer obligated to meet goals under this Act
15 unless the recycler or refurbisher is registered and has paid
16 the registration fee as required under this Section.

17 (d) Recyclers and refurbishers must, at a minimum, comply
18 with all of the following:

19 (1) Recyclers and refurbishers must comply with
20 federal, State, and local laws and regulations, including
21 federal and State minimum wage laws, specifically relevant
22 to the handling, processing, refurbishing and recycling of
23 residential CEDs and must have proper authorization by all
24 appropriate governing authorities to perform the handling,
25 processing, refurbishment, and recycling.

26 (2) Recyclers and refurbishers must implement the

1 appropriate measures to safeguard occupational and
2 environmental health and safety, through the following:

3 (A) environmental health and safety training of
4 personnel, including training with regard to material
5 and equipment handling, worker exposure, controlling
6 releases, and safety and emergency procedures;

7 (B) an up-to-date, written plan for the
8 identification and management of hazardous materials;
9 and

10 (C) an up-to-date, written plan for reporting and
11 responding to exceptional pollutant releases,
12 including emergencies such as accidents, spills,
13 fires, and explosions.

14 (3) Recyclers and refurbishers must maintain (i)
15 commercial general liability insurance or the equivalent
16 corporate guarantee for accidents and other emergencies
17 with limits of not less than \$1,000,000 per occurrence and
18 \$1,000,000 aggregate and (ii) pollution legal liability
19 insurance with limits not less than \$1,000,000 per
20 occurrence for companies engaged solely in the dismantling
21 activities and \$5,000,000 per occurrence for companies
22 engaged in recycling.

23 (4) Recyclers and refurbishers must maintain on file
24 documentation that demonstrates the completion of an
25 environmental health and safety audit completed and
26 certified by a competent internal and external auditor

1 annually. A competent auditor is an individual who, through
2 professional training or work experience, is appropriately
3 qualified to evaluate the environmental health and safety
4 conditions, practices, and procedures of the facility.
5 Documentation of auditors' qualifications must be
6 available for inspection by Agency officials and
7 third-party auditors.

8 (5) Recyclers and refurbishers must maintain on file
9 proof of workers' compensation and employers' liability
10 insurance.

11 (6) Recyclers and refurbishers must provide adequate
12 assurance (such as bonds or corporate guarantee) to cover
13 environmental and other costs of the closure of the
14 recycler or refurbisher's facility, including cleanup of
15 stockpiled equipment and materials.

16 (7) Recyclers and refurbishers must apply due
17 diligence principles to the selection of facilities to
18 which components and materials (such as plastics, metals,
19 and circuit boards) from CEDs and EEDs are sent for reuse
20 and recycling.

21 (8) Recyclers and refurbishers must establish a
22 documented environmental management system that is
23 appropriate in level of detail and documentation to the
24 scale and function of the facility, including documented
25 regular self-audits or inspections of the recycler or
26 refurbisher's environmental compliance at the facility.

1 (9) Recyclers and refurbishers must use the
2 appropriate equipment for the proper processing of
3 incoming materials as well as controlling environmental
4 releases to the environment. The dismantling operations
5 and storage of CED and EED components that contain
6 hazardous substances must be conducted indoors and over
7 impervious floors. Storage areas must be adequate to hold
8 all processed and unprocessed inventory. When heat is used
9 to soften solder and when CED and EED components are
10 shredded, operations must be designed to control indoor and
11 outdoor hazardous air emissions.

12 (10) Recyclers and refurbishers must establish a
13 system for identifying and properly managing components
14 (such as circuit boards, batteries, CRTs, and mercury
15 phosphor lamps) that are removed from CEDs and EEDs during
16 disassembly. Recyclers and refurbishers must properly
17 manage all hazardous and other components requiring
18 special handling from CEDs and EEDs consistent with
19 federal, State, and local laws and regulations. Recyclers
20 and refurbishers must provide visible tracking (such as
21 hazardous waste manifests or bills of lading) of hazardous
22 components and materials from the facility to the
23 destination facilities and documentation (such as
24 contracts) stating how the destination facility processes
25 the materials received. No recycler or refurbisher may
26 send, either directly or through intermediaries, hazardous

1 wastes to solid waste (non-hazardous waste) landfills or to
2 non-hazardous waste incinerators for disposal or energy
3 recovery. For the purpose of these guidelines, smelting of
4 hazardous wastes to recover metals for reuse in conformance
5 with all applicable laws and regulations is not considered
6 disposal or energy recovery.

7 (11) Recyclers and refurbishers must use a regularly
8 implemented and documented monitoring and record-keeping
9 program that tracks inbound CED and EED material weights
10 (total) and subsequent outbound weights (total to each
11 destination), injury and illness rates, and compliance
12 with applicable permit parameters including monitoring of
13 effluents and emissions. Recyclers and refurbishers must
14 maintain contracts or other documents, such as sales
15 receipts, suitable to demonstrate: (i) the reasonable
16 expectation that there is a downstream market or uses for
17 designated electronics (which may include recycling or
18 reclamation processes such as smelting to recover metals
19 for reuse); and (ii) that any residuals from recycling or
20 reclamation processes, or both, are properly handled and
21 managed to maximize reuse and recycling of materials to the
22 extent practical.

23 (12) Recyclers and refurbishers must comply with
24 federal and international law and agreements regarding the
25 export of used products or materials. In the case of
26 exports of CEDs and EEDs, recyclers and refurbishers must

1 comply with applicable requirements of the U.S. and of the
2 import and transit countries and must maintain proper
3 business records documenting its compliance. No recycler
4 or refurbisher may establish or use intermediaries for the
5 purpose of circumventing these U.S. import and transit
6 country requirements.

7 (13) Recyclers and refurbishers that conduct
8 transactions involving the transboundary shipment of used
9 CEDs and EEDs shall use contracts (or the equivalent
10 commercial arrangements) made in advance that detail the
11 quantity and nature of the materials to be shipped. For the
12 export of materials to a foreign country (directly or
13 indirectly through downstream market contractors): (i) the
14 shipment of intact televisions and computer monitors
15 destined for reuse must include only whole products that
16 are tested and certified as being in working order or
17 requiring only minor repair (e.g. not requiring the
18 replacement of circuit boards or CRTs), must be destined
19 for reuse with respect to the original purpose, and the
20 recipient must have verified a market for the sale or
21 donation of such product for reuse; (ii) the shipments of
22 CEDs and EEDs for material recovery must be prepared in a
23 manner for recycling, including, without limitation,
24 smelting where metals will be recovered, plastics recovery
25 and glass-to-glass recycling; or (iii) the shipment of CEDs
26 and EEDs are being exported to companies or facilities that

1 are owned or controlled by the original equipment
2 manufacturer.

3 (14) Recyclers and refurbishers must maintain the
4 following export records for each shipment on file for a
5 minimum of 3 years: (i) the facility name and the address
6 to which shipment is exported; (ii) the shipment contents
7 and volumes; (iii) the intended use of contents by the
8 destination facility; (iv) any specification required by
9 the destination facility in relation to shipment contents;
10 (v) an assurance that all shipments for export, as
11 applicable to the CED manufacturer, are legal and satisfy
12 all applicable laws of the destination country.

13 (15) Recyclers and refurbishers must employ
14 industry-accepted procedures for the destruction or
15 sanitization of data on hard drives and other data storage
16 devices. Acceptable guidelines for the destruction or
17 sanitization of data are contained in the National
18 Institute of Standards and Technology's Guidelines for
19 Media Sanitation or those guidelines certified by the
20 National Association for Information Destruction;

21 (16) No recycler or refurbisher may employ prison labor
22 in any operation related to the collection,
23 transportation, recycling, and refurbishment of CEDs and
24 EEDs. No recycler or refurbisher may employ any third party
25 that uses or subcontracts for the use of prison labor.

1 Section 55. Collector responsibilities.

2 (a) No later than January 1 of each program year,
3 collectors that collect or receive CEDs or EEDs for one or more
4 manufacturers, recyclers, or refurbishers shall register with
5 the Agency. Registration must be in the form and manner
6 required by the Agency and must include, without limitation,
7 the address of each location where CEDs or EEDs are received
8 and the identification of each location at which the collector
9 accepts CEDs or EEDs from a residence.

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

13 (c) No later than August 15, 2010, collectors must submit
14 to the Agency, on forms and in a format prescribed by the
15 Agency, a report for the period from January 1, 2010 through
16 June 30, 2010 that contains the following information: the
17 total weight of computers, the total weight of computer
18 monitors, the total weight of televisions, and the total weight
19 of EEDs collected or received for each manufacturer.

20 (d) No later than May 1 of each program year, collectors
21 must submit to the Agency, on forms and in a format prescribed
22 by the Agency, a report that contains the following information
23 for the previous program year:

24 (1) the total weight of computers, the total weight of
25 computer monitors, the total weight of televisions, and the
26 total weight of EEDs collected or received for each

1 manufacturer during the program year.

2 (2) a list of each recycler and refurbisher that
3 received CEDs and EEDs from the collector and the total
4 weight each recycler and refurbisher received.

5 (3) the address of each collector's facility where the
6 CEDs and EEDs were collected or received. Each facility
7 address must include the county in which the facility is
8 located.

9 (e) Collectors may accept no more than 10 CEDs or EEDs at
10 one time from individual members of the public and, when
11 scheduling collection events, shall provide no fewer than 30
12 days' notice to the county waste agency of those events.

13 Section 60. Collection strategy for underserved counties.

14 (a) For program year 2010, all counties in this State
15 except the following are considered underserved: Champaign,
16 Clay, Clinton, Cook, DuPage, Fulton, Hancock, Henry, Jackson,
17 Kane, Kendall, Knox, Lake, Livingston, Macoupin, McDonough,
18 McHenry, McLean, Mercer, Peoria, Rock Island, St. Clair,
19 Sangamon, Schuyler, Stevenson, Warren, Will, Williamson, and
20 Winnebago.

21 (b) For program years 2011 and later, underserved counties
22 shall be counties in this State that, during the program year 2
23 years prior, were not served by a minimum of one collection
24 site that (i) accepted all types of CEDs and EEDs and (ii) was
25 open for a minimum of 8 hours on at least one day per month of

1 that program year. For the purposes of this subsection (b),
2 2009 shall be considered to have been a program year, and for
3 the program year 2012 the determination of whether a county is
4 underserved shall be based on the criteria of this subsection
5 (b) instead of the county's inclusion in the list set forth in
6 subsection (a) of this Section.

7 Section 65. State government procurement.

8 (a) The Department of Central Management Services shall
9 ensure that all bid specifications and contracts for the
10 purchase or lease of desktop computers, laptop or notebook
11 computers, and computer monitors, by State agencies under a
12 statewide master contract require that the electronic products
13 have a Bronze performance tier or higher registration under the
14 Electronic Product Environmental Assessment Tool ("EPEAT")
15 operated by the Green Electronics Council.

16 (b) The Department of Central Management Services shall
17 ensure that bid specifications and contracts for the purchase
18 or lease of televisions and printers by State agencies under a
19 statewide master contract require that the televisions have a
20 Bronze performance tier or higher registration under EPEAT if
21 the Department determines that there are an adequate number of
22 the televisions registered under EPEAT to provide a
23 sufficiently competitive bidding environment.

24 (c) This Section applies to bid specifications issued, and
25 contracts entered into, on or after January 1, 2010.

1 Section 70. Relation to federal law. Following the adoption
2 of a federal law or regulation that establishes mandated
3 recycling goals for CEDs that equal or exceed the goals set
4 forth in this Act, the Agency shall notify the General Assembly
5 of the federal law or regulation and recommend the repeal of
6 this Act.

7 Section 75. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.

9 Section 80. Penalties.

10 (a) Except as otherwise provided in this Act, any person
11 who violates any provision of this Act or fails to perform any
12 duty under this Act is liable for a civil penalty not to exceed
13 \$1,000 for the violation and an additional civil penalty not to
14 exceed \$1,000 for each day the violation continues and is
15 liable for a civil penalty not to exceed \$5,000 for a second or
16 subsequent violation and an additional civil penalty not to
17 exceed \$1,000 for each day the second or subsequent violation
18 continues.

19 (b) A manufacturer that is not registered with the Agency
20 as required under this Act, or that has not paid the
21 registration fee as required under this Act, is liable for a
22 civil penalty not to exceed \$10,000 for the violation and an
23 additional civil penalty not to exceed \$10,000 for each day the

1 violation continues.

2 (c) A manufacturer in violation of subsection (d) of
3 Section 30 of this Act in program year 2012 or thereafter is
4 liable for a civil penalty equal to the following:

5 (1) In program year 2012, if the total weight of CEDs
6 and EEDs recycled or processed for reuse by the
7 manufacturer is less than 60% of the manufacturer's
8 individual recycling or reuse goal set forth in Section 19
9 of this Act, the manufacturer shall pay a penalty equal to
10 the product of: (i) \$0.70 per pound; multiplied by (ii) the
11 difference between the manufacturer's individual recycling
12 or reuse goal and the total weight of CEDs and EEDs
13 recycled or processed for reuse by the manufacturer during
14 the program year.

15 (2) In program year 2013, and each year thereafter, if
16 the total weight of CEDs and EEDs recycled or processed for
17 reuse by the manufacturer less than 75% of the
18 manufacturer's individual recycling or reuse goal set
19 forth in Section 19 of this Act, the manufacturer shall pay
20 a penalty equal to the product of: (i) \$0.70 per pound;
21 multiplied by (ii) the difference between the
22 manufacturer's individual recycling or reuse goal and the
23 total weight of CEDs and EEDs recycled or processed for
24 reuse by the manufacturer during the program year.

25 (d) Beginning January 1, 2010, a manufacturer in violation
26 of subsection (e), (h), (i), (j), (k), or (l) of Section 30 is

1 liable for a civil penalty not to exceed \$5,000 for the
2 violation.

3 (e) Any person in violation of Section 50 of this Act is
4 liable for a civil penalty not to exceed \$5,000 for the
5 violation.

6 (f) A knowing violation of subsections (a) and (c) of
7 Section 95 of this Act is a petty offense punishable by a fine
8 of \$100.

9 (g) The penalties provided for in this Act may be recovered
10 in a civil action brought by the Attorney General on behalf of
11 the Agency and the People of the State of Illinois. Any moneys
12 collected under this Section in which the Attorney General has
13 prevailed shall be deposited into the Electronic Recycling
14 Fund, established under this Act.

15 (h) The Attorney General, at the request of the Agency or
16 on his or her own motion, institute a civil action for an
17 injunction, prohibitory or mandatory, to restrain violations
18 of this Act or to require such actions as may be necessary to
19 address violations of this Act.

20 (i) The penalties and injunctions provided in this Act are
21 in addition to any penalties, injunctions, or other relief
22 provided under any other law. Nothing in this Act bars a cause
23 of action by the State for any other penalty, injunction, or
24 relief provided by any other law.

25 Section 85. Electronics Recycling Fund. The Electronics

1 Recycling Fund is created as a special fund in the State
2 treasury. The Agency shall deposit all registration fees
3 received under this Act into the Fund. All amounts held in the
4 Fund shall be invested at interest by the State Treasurer. All
5 income earned from the investments shall be deposited into the
6 Electronics Recycling Fund no less frequently than quarterly.
7 Pursuant to appropriation, all moneys in the Electronics
8 Recycling Fund may be used by the Agency for its administration
9 of this Act. Any moneys appropriated from the Electronics
10 Recycling Fund, but not obligated, shall revert to the Fund.

11 Section 90. Relation to other State laws. Nothing in this
12 Act affects the validity or application of any other law of
13 this State, or regulations adopted thereunder.

14 Section 95. Landfill ban.

15 (a) Beginning January 1, 2012, no person may knowingly
16 cause or allow the mixing of a CED, or any other computer,
17 computer monitor, printer, or television with municipal waste
18 that is intended for disposal at a landfill.

19 (b) Beginning January 1, 2012, no person may knowingly
20 cause or allow the disposal of a CED or any other computer,
21 computer monitor, printer, or television in a sanitary
22 landfill.

23 (c) Beginning January 1, 2012, no person may knowingly
24 cause or allow the mixing of a CED, or any other computer,

1 computer monitor, printer, or television with waste that is
2 intended for disposal by burning or incineration.

3 (d) Beginning January 1, 2012, no person may knowingly
4 cause or allow the burning or incineration of a CED, or any
5 other computer, computer monitor, printer, or television.

6 (e) Beginning April 1, 2012 through December 31, 2013, the
7 Illinois Pollution Control Board (Board) is granted the
8 authority to review petitions from any unit of local government
9 in the State regarding the unit of local government's financial
10 ability to collect the volume of CEDs and EEDs generated once
11 the manufacturer's recycling and collection funds in that unit
12 of local government's jurisdiction are exhausted.

13 (1) The Board shall consider the following criteria
14 when reviewing a county's petition:

15 (A) total weight of CEDs and EEDs collected in the
16 county during all preceding program years;

17 (B) total weight of CEDs and EEDs collected in the
18 county during the year in which the petition is filed;

19 (C) the projected difference in weight between
20 prior program years and the year in which the petition
21 is filed; and

22 (D) funds budgeted by the unit of local government
23 for solid waste removal in prior program years and the
24 year in which the petition is filed.

25 (2) Based on these data, the Board shall determine if a
26 county's landfill ban is eligible for temporary rescission

1 for the remainder of the program year in which the petition
2 is filed.

3 The Board shall inform the Agency in writing of any
4 temporary recission that is granted. Pursuant to Section 20,
5 the Agency in 2012 shall consider all recissions granted in its
6 review of modifications needed to the program.

7 Section 900. The State Finance Act is amended by adding
8 Section 5.708 as follows:

9 (30 ILCS 105/5.708 new)

10 Sec. 5.708. The Electronics Recycling Fund.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.