



Filed: 3/10/2010

09600HB5907ham001

LRB096 15145 JDS 38582 a

1 AMENDMENT TO HOUSE BILL 5907

2 AMENDMENT NO. _____. Amend House Bill 5907 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 10, 30, 40, 50, 55, and 65 as
6 follows:

7 (415 ILCS 150/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Agency" means the Environmental Protection Agency.

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

13 "Collector" means a person who receives covered electronic
14 devices or eligible electronic devices directly from a
15 residence for recycling or processing for reuse. "Collector"
16 includes, but is not limited to, manufacturers, recyclers, and

1 refurbishers who receive CEDs or EEDs directly from the public.

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

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

1 supply for a power source. Desktop computer does not
2 include an automated typewriter or typesetter; or

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

25 "Computer monitor" means an electronic device that is a
26 cathode-ray tube or flat panel display primarily intended to

1 display information from a computer and is used only in a
2 residence.

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

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

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

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

25 To the extent allowed under federal and State laws and
26 regulations, a CED that is being collected, recycled, or

1 processed for reuse is not considered to be hazardous waste,
2 household waste, solid waste, or special waste.

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

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

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

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

26 "Manufacturer" means a person, or a successor in interest

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

15 "Municipal joint action agency" means a municipal joint
16 action agency created under Section 3.2 of the
17 Intergovernmental Cooperation Act.

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

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

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

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

19 "Program Year" means a calendar year. The first program
20 year is 2010.

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

25 "Recycling" means any method, technique, or process by
26 which CEDs or EEDs that would otherwise be disposed of or

1 discarded are instead collected, separated, or processed and
2 are returned to the economic mainstream in the form of raw
3 materials or products. "Recycling" includes the collection,
4 transportation, dismantling, and shredding of the CEDs or EEDs.

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

9 "Residence" means a dwelling place or home in which one or
10 more individuals live.

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

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

24 "Television" means an electronic device (i) containing a
25 cathode-ray tube or flat panel screen the size of which is
26 greater than 4 inches when measured diagonally, (ii) that is

1 intended to receive video programming via broadcast, cable, or
2 satellite transmission or to receive video from surveillance or
3 other similar cameras, and (iii) that is used only in a
4 residence.

5 (Source: P.A. 95-959, eff. 9-17-08.)

6 (415 ILCS 150/30)

7 Sec. 30. Manufacturer responsibilities.

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

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

18 (2) for manufacturers of both televisions and
19 computers, computer monitors, or printers, an
20 identification of whether, for residential use, (i)
21 televisions or (ii) computers, computer monitors, and
22 printers, represent the larger number of units sold for the
23 manufacturer; and

24 (3) a statement disclosing whether:

25 (A) any computer, computer monitor, printer, or

1 television sold in this State exceeds the maximum
2 concentration values established for lead, mercury,
3 cadmium, hexavalent chromium, polybrominated biphenyls
4 (PBBs), and polybrominated diphenyl ethers (PBDEEs)
5 under the RoHS (restricting the use of certain
6 hazardous substances in electrical and electronic
7 equipment) Directive 2002/95/EC of the European
8 Parliament and Council and any amendments thereto and,
9 if so, an identification of that computer, computer
10 monitor, printer, or television; or

11 (B) the manufacturer has received an exemption
12 from one or more of those maximum concentration values
13 under the RoHS Directive that has been approved and
14 published by the European Commission.

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

21 (b) Prior to July 1, 2009 for the first program year, and
22 by the November 1 preceding program years 2011 and later, all
23 manufacturers whose computers, computer monitors, printers, or
24 televisions are sold in the State shall submit to the Agency,
25 at an address prescribed by the Agency, the registration fee
26 for the next program year. The registration fee for program

1 year 2010 is \$5,000.

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

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

23 (d) Each manufacturer shall recycle or process for reuse
24 CEDs and EEDs whose total weight equals or exceeds the
25 manufacturer's individual recycling and reuse goal set forth in
26 Section 19 of this Act. Individual consumers may not be charged

1 an end-of-life fee when bringing their CEDs and EEDs to
2 permanent or temporary collection locations, unless a
3 financial incentive of equal or greater value, such as a
4 coupon, is provided. Collectors may charge a fee for premium
5 services such as curbside collection, home pick-up, or a
6 similar method of collection.

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

10 (1) The total weight of CEDs processed for reuse by the
11 manufacturer, its recyclers, or its refurbishers is
12 doubled.

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

25 (3) The total weight of CEDs collected by manufacturers
26 free of charge in underserved counties is doubled. This

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

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

- 22 (1) the number and weight of CEDs, sorted by brand name
23 and product type, including a category for orphan CEDs;
24 (2) the total weight of the sample by product type;
25 (3) the date, location, and time of the sampling;
26 (4) the name or names of the manufacturer for whom the

1 recycler is performing activities under this Act; and

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

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

13 No less than 30 days after the close of each calendar
14 quarter, the manufacturer shall submit to the Agency the
15 results of the third-party samplings conducted during the
16 quarter. The results shall be submitted in the form and manner
17 required by the Agency.

18 (f) Manufacturers shall ensure that only recyclers and
19 refurbishers that have registered with the Agency are used to
20 meet the individual recycling and reuse goals set forth in this
21 Act.

22 (g) Manufacturers shall ensure that the recyclers and
23 refurbishers used to meet the individual recycling and reuse
24 goals set forth in this Act shall, at a minimum, comply with
25 the standards set forth under subsection (d) of Section 50 of
26 this Act.

1 (h) By August 15, 2009, television manufacturers shall
2 submit to the Agency, in the form and manner required by the
3 Agency, a report that contains the total weight of televisions
4 sold under each of the manufacturer's brands to individuals at
5 retail in this State, as set forth in the reports to
6 manufacturers by retailers under subsection (c) of Section 40.

7 (i) No later than September 1, 2010, television
8 manufacturers must submit to the Agency, in the form and manner
9 required by the Agency, a report for the period January 1, 2010
10 through June 30, 2010 that contains both of the following
11 ~~information:~~

12 (1) The total weight of televisions sold under each of
13 the manufacturer's brands to individuals at retail in this
14 State, from one of the following 2 sources, with the
15 manufacturer indicating in the report which of the 2 data
16 sources was used, and, if a national sales data report was
17 used, the name of the national sales data source:

18 (A) the manufacturer's own sales reports; or

19 (B) national sales data reports obtained by the
20 manufacturer and pro-rated to Illinois by multiplying
21 the weight of the manufacturer's televisions sold
22 nationally by the quotient that results from dividing
23 the population of Illinois by the population of the
24 United States. The population of Illinois and the
25 United States shall be obtained using the most recent
26 U.S. census data. ~~the total weight of televisions sold~~

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

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

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

15 (k) No later than April 1 of program years 2011 and
16 thereafter, television manufacturers shall submit to the
17 Agency, in the form and manner required by the Agency, a report
18 that contains all of the following information for the previous
19 program year:

20 (1) The total weight of televisions sold under each of
21 the manufacturer's brands to individuals at retail in this
22 State, from one of the following 2 sources, with the
23 manufacturer indicating in the report which of the two data
24 sources was used, and, if a national sales data report was
25 used, the name of the national sales data source:

26 (a) the manufacturer's own sales reports; or

1 (b) national sales data reports obtained by the
2 manufacturer and pro-rated to Illinois by multiplying
3 the weight of the manufacturer's televisions sold
4 nationally by the quotient that results from dividing
5 the population of Illinois by the population of the
6 United States. The population of Illinois and the
7 United States shall be obtained using the most recent
8 U.S. census data. ~~the total weight of televisions sold~~
9 ~~under each of the manufacturer's brands to individuals~~
10 ~~at retail in this State, as set forth in the reports~~
11 ~~submitted under subsection (c) of Section 40;~~

12 (2) The ~~the~~ total weight of computers, the total weight
13 of computer monitors, the total weight of printers, the
14 total weight of televisions, and the total weight of EEDs
15 recycled or processed for reuse. †

16 (3) The ~~the~~ identification of all weights that are
17 adjusted under subsection (d) of this Section. For all
18 weights adjusted under item (2) of subsection (d), the
19 manufacturer must include copies of the written
20 confirmation required under that subsection. †

21 (4) A ~~a~~ list of each recycler, refurbisher, and
22 collector used by the manufacturer to fulfill the
23 manufacturer's individual recycling and reuse goal set
24 forth in Section 19 of this Act. †

25 (5) A ~~a~~ summary of the manufacturer's consumer
26 education program required under subsection (m) of this

1 Section.

2 (1) No later than April 1 of program years 2011 and
3 thereafter, computer, computer monitor, and printer
4 manufacturers shall submit to the Agency, on forms and in a
5 format prescribed by the Agency, a report that contains the
6 following information for the previous program year:

7 (1) the total weight of computers, the total weight of
8 computer monitors, the total weight of printers, the total
9 weight of televisions, and the total weight of EEDs
10 recycled or processed for reuse;

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

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

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

22 (m) Manufacturers must develop and maintain a consumer
23 education program that complements and corresponds to the
24 primary retailer-driven campaign required under Section 40 of
25 this Act. The education program shall promote the recycling of
26 electronic products and proper end-of-life management of the

1 products by consumers.

2 (n) Beginning January 1 2010, no manufacturer may sell a
3 computer, computer monitor, printer, or television in this
4 State unless the manufacturer is registered with the State as
5 required under this Act, has paid the required registration
6 fee, and is otherwise in compliance with the provisions of this
7 Act.

8 (o) Beginning January 1, 2010, no manufacturer may sell a
9 computer, computer monitor, printer, or television in this
10 State unless the manufacturer's brand name is permanently
11 affixed to, and is readily visible on, the computer, computer
12 monitor, printer, or television.

13 (Source: P.A. 95-959, eff. 9-17-08.)

14 (415 ILCS 150/40)

15 Sec. 40. Retailer responsibilities.

16 (a) Retailers shall be a primary source of information
17 about end-of-life options to residential consumers of
18 computers, computer monitors, printers, and televisions. At
19 the time of sale, the retailer shall provide each residential
20 consumer with information from the Agency's website that
21 provides information detailing where and how a consumer can
22 recycle a CED or return a CED for reuse.

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

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

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

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

10 (c) By July 1, 2009, retailers shall report to each
11 television manufacturer, by model, the number of televisions
12 sold at retail to individuals in this State under each of the
13 manufacturer's brands during the 6-month period from October 1,
14 2008 through March 31, 2009.

15 (d) (Blank) ~~By August 1, 2010, retailers shall report to~~
16 ~~each television manufacturer, by model, the number of~~
17 ~~televisions sold at retail to individuals in this State under~~
18 ~~each of the manufacturer's brands between January 1, 2010 and~~
19 ~~June 30, 2010.~~

20 (e) (Blank) ~~No later than February 15 of each program year,~~
21 ~~retailers shall report to each television manufacturer, by~~
22 ~~model, the number of televisions sold at retail to individuals~~
23 ~~in this State under each of the manufacturer's brands during~~
24 ~~the previous program year.~~

25 (Source: P.A. 95-959, eff. 9-17-08.)

1 (415 ILCS 150/50)

2 Sec. 50. Recycler and refurbisher registration.

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

12 (b) The registration fee for program year 2010 is \$2,000.
13 For program year years 2011 and thereafter, if a recycler's or
14 refurbisher's annual combined total weight of CEDs and EEDs is
15 less than 1,000 tons per year, the registration fee shall be
16 \$500. For program year 2012 and for all subsequent program
17 years, both registration fees shall be ~~the registration fee is~~
18 increased each year by an inflation factor determined by the
19 annual Implicit Price Deflator for Gross National Product as
20 published by the U.S. Department of Commerce in its Survey of
21 Current Business. The inflation factor must be calculated each
22 year by dividing the latest published annual Implicit Price
23 Deflator for Gross National Product by the annual Implicit
24 Price Deflator for Gross National Product for the previous
25 year. The inflation factor must be rounded to the nearest
26 1/100th, and the resulting registration fee must be rounded to

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

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

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

10 (1) Recyclers and refurbishers must comply with
11 federal, State, and local laws and regulations, including
12 federal and State minimum wage laws, specifically relevant
13 to the handling, processing, refurbishing and recycling of
14 residential CEDs and must have proper authorization by all
15 appropriate governing authorities to perform the handling,
16 processing, refurbishment, and recycling.

17 (2) Recyclers and refurbishers must implement the
18 appropriate measures to safeguard occupational and
19 environmental health and safety, through the following:

20 (A) environmental health and safety training of
21 personnel, including training with regard to material
22 and equipment handling, worker exposure, controlling
23 releases, and safety and emergency procedures;

24 (B) an up-to-date, written plan for the
25 identification and management of hazardous materials;
26 and

1 (C) an up-to-date, written plan for reporting and
2 responding to exceptional pollutant releases,
3 including emergencies such as accidents, spills,
4 fires, and explosions.

5 (3) Recyclers and refurbishers must maintain (i)
6 commercial general liability insurance or the equivalent
7 corporate guarantee for accidents and other emergencies
8 with limits of not less than \$1,000,000 per occurrence and
9 \$1,000,000 aggregate and (ii) pollution legal liability
10 insurance with limits not less than \$1,000,000 per
11 occurrence for companies engaged solely in the dismantling
12 activities and \$5,000,000 per occurrence for companies
13 engaged in recycling.

14 (4) Recyclers and refurbishers must maintain on file
15 documentation that demonstrates the completion of an
16 environmental health and safety audit completed and
17 certified by a competent internal and external auditor
18 annually. A competent auditor is an individual who, through
19 professional training or work experience, is appropriately
20 qualified to evaluate the environmental health and safety
21 conditions, practices, and procedures of the facility.
22 Documentation of auditors' qualifications must be
23 available for inspection by Agency officials and
24 third-party auditors.

25 (5) Recyclers and refurbishers must maintain on file
26 proof of workers' compensation and employers' liability

1 insurance.

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

7 (7) Recyclers and refurbishers must apply due
8 diligence principles to the selection of facilities to
9 which components and materials (such as plastics, metals,
10 and circuit boards) from CEDs and EEDs are sent for reuse
11 and recycling.

12 (8) Recyclers and refurbishers must establish a
13 documented environmental management system that is
14 appropriate in level of detail and documentation to the
15 scale and function of the facility, including documented
16 regular self-audits or inspections of the recycler or
17 refurbisher's environmental compliance at the facility.

18 (9) Recyclers and refurbishers must use the
19 appropriate equipment for the proper processing of
20 incoming materials as well as controlling environmental
21 releases to the environment. The dismantling operations
22 and storage of CED and EED components that contain
23 hazardous substances must be conducted indoors and over
24 impervious floors. Storage areas must be adequate to hold
25 all processed and unprocessed inventory. When heat is used
26 to soften solder and when CED and EED components are

1 shredded, operations must be designed to control indoor and
2 outdoor hazardous air emissions.

3 (10) Recyclers and refurbishers must establish a
4 system for identifying and properly managing components
5 (such as circuit boards, batteries, CRTs, and mercury
6 phosphor lamps) that are removed from CEDs and EEDs during
7 disassembly. Recyclers and refurbishers must properly
8 manage all hazardous and other components requiring
9 special handling from CEDs and EEDs consistent with
10 federal, State, and local laws and regulations. Recyclers
11 and refurbishers must provide visible tracking (such as
12 hazardous waste manifests or bills of lading) of hazardous
13 components and materials from the facility to the
14 destination facilities and documentation (such as
15 contracts) stating how the destination facility processes
16 the materials received. No recycler or refurbisher may
17 send, either directly or through intermediaries, hazardous
18 wastes to solid waste (non-hazardous waste) landfills or to
19 non-hazardous waste incinerators for disposal or energy
20 recovery. For the purpose of these guidelines, smelting of
21 hazardous wastes to recover metals for reuse in conformance
22 with all applicable laws and regulations is not considered
23 disposal or energy recovery.

24 (11) Recyclers and refurbishers must use a regularly
25 implemented and documented monitoring and record-keeping
26 program that tracks inbound CED and EED material weights

1 (total) and subsequent outbound weights (total to each
2 destination), injury and illness rates, and compliance
3 with applicable permit parameters including monitoring of
4 effluents and emissions. Recyclers and refurbishers must
5 maintain contracts or other documents, such as sales
6 receipts, suitable to demonstrate: (i) the reasonable
7 expectation that there is a downstream market or uses for
8 designated electronics (which may include recycling or
9 reclamation processes such as smelting to recover metals
10 for reuse); and (ii) that any residuals from recycling or
11 reclamation processes, or both, are properly handled and
12 managed to maximize reuse and recycling of materials to the
13 extent practical.

14 (12) Recyclers and refurbishers must comply with
15 federal and international law and agreements regarding the
16 export of used products or materials. In the case of
17 exports of CEDs and EEDs, recyclers and refurbishers must
18 comply with applicable requirements of the U.S. and of the
19 import and transit countries and must maintain proper
20 business records documenting its compliance. No recycler
21 or refurbisher may establish or use intermediaries for the
22 purpose of circumventing these U.S. import and transit
23 country requirements.

24 (13) Recyclers and refurbishers that conduct
25 transactions involving the transboundary shipment of used
26 CEDs and EEDs shall use contracts (or the equivalent

1 commercial arrangements) made in advance that detail the
2 quantity and nature of the materials to be shipped. For the
3 export of materials to a foreign country (directly or
4 indirectly through downstream market contractors): (i) the
5 shipment of intact televisions and computer monitors
6 destined for reuse must include only whole products that
7 are tested and certified as being in working order or
8 requiring only minor repair (e.g. not requiring the
9 replacement of circuit boards or CRTs), must be destined
10 for reuse with respect to the original purpose, and the
11 recipient must have verified a market for the sale or
12 donation of such product for reuse; (ii) the shipments of
13 CEDs and EEDs for material recovery must be prepared in a
14 manner for recycling, including, without limitation,
15 smelting where metals will be recovered, plastics recovery
16 and glass-to-glass recycling; or (iii) the shipment of CEDs
17 and EEDs are being exported to companies or facilities that
18 are owned or controlled by the original equipment
19 manufacturer.

20 (14) Recyclers and refurbishers must maintain the
21 following export records for each shipment on file for a
22 minimum of 3 years: (i) the facility name and the address
23 to which shipment is exported; (ii) the shipment contents
24 and volumes; (iii) the intended use of contents by the
25 destination facility; (iv) any specification required by
26 the destination facility in relation to shipment contents;

1 (v) an assurance that all shipments for export, as
2 applicable to the CED manufacturer, are legal and satisfy
3 all applicable laws of the destination country.

4 (15) Recyclers and refurbishers must employ
5 industry-accepted procedures for the destruction or
6 sanitization of data on hard drives and other data storage
7 devices. Acceptable guidelines for the destruction or
8 sanitization of data are contained in the National
9 Institute of Standards and Technology's Guidelines for
10 Media Sanitation or those guidelines certified by the
11 National Association for Information Destruction;

12 (16) No recycler or refurbisher may employ prison labor
13 in any operation related to the collection,
14 transportation, recycling, and refurbishment of CEDs and
15 EEDs. No recycler or refurbisher may employ any third party
16 that uses or subcontracts for the use of prison labor.

17 (Source: P.A. 95-959, eff. 9-17-08.)

18 (415 ILCS 150/55)

19 Sec. 55. Collector responsibilities.

20 (a) No later than January 1 of each program year,
21 collectors that collect or receive CEDs or EEDs for one or more
22 manufacturers, recyclers, or refurbishers shall register with
23 the Agency. Registration must be in the form and manner
24 required by the Agency and must include, without limitation,
25 the address of each location where CEDs or EEDs are received

1 and the identification of each location at which the collector
2 accepts CEDs or EEDs from a residence.

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

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

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

18 (1) the total weight of computers, the total weight of
19 computer monitors, the total weight of printers, the total
20 weight of televisions, and the total weight of EEDs
21 collected or received for each manufacturer during the
22 program year.

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

26 (3) the address of each collector's facility where the

1 CEDs and EEDs were collected or received. Each facility
2 address must include the county in which the facility is
3 located.

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

8 (Source: P.A. 95-959, eff. 9-17-08.)

9 (415 ILCS 150/65)

10 Sec. 65. State government procurement.

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

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

1 sufficiently competitive bidding environment.

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

4 (Source: P.A. 95-959, eff. 9-17-08.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".