



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6250

Introduced 2/11/2010, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

415 ILCS 150/20
415 ILCS 150/30
415 ILCS 150/50

Amends the Electronic Products Recycling and Reuse Act. Provides that a refurbisher is exempt from the refurbisher registration fee if it (i) is a not-for-profit entity established under Section 501(c)(3) of the Internal Revenue Code, (ii) had, during its most recent fiscal year, an annual operating budget of less than \$250,000, and (iii) distributes refurbished products to low-income families or the developmentally disabled. Requires the Environmental Protection Agency to identify on its website the refurbishers that meet these requirements. Grants manufacturers that donate CEDs to refurbishers meeting these requirements a triple credit that they may apply to their recycling and reuse goals.

LRB096 17413 JDS 32766 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 20, 30, and 50 as follows:

6 (415 ILCS 150/20)

7 Sec. 20. Agency responsibilities.

8 (a) The Agency has the authority to monitor compliance with
9 this Act and to refer violations of this Act to the Attorney
10 General.

11 (b) No later than October 1 of each program year, the
12 Agency shall post on its website a list of underserved counties
13 in the State for the next program year. The list of underserved
14 counties for the first program year is set forth in subsection
15 (a) of Section 60.

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

20 (d) By July 1, 2011 for the first program year, and by
21 April 1 for all subsequent program years, the Agency shall
22 report to the Governor and to the General Assembly annually on
23 the previous program year's performance. The report must be

1 posted on the Agency's website. The report must include, but
2 not be limited to, the following:

3 (1) the total overall weight of CEDs, as well as the
4 sub-total weight of computers, the sub-total weight of
5 computer monitors, the sub-total weight of printers, the
6 sub-total weight of televisions, and the total weight of
7 EEDs that were recycled or processed for reuse in the State
8 during the program year, as reported by manufacturers and
9 collectors under Sections 30 and 55;

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

12 (3) a statement of the manufacturers' progress toward
13 achieving the statewide recycling goal set forth in Section
14 15 (calculated from the manufacturer reports pursuant to
15 Section 30 and the collector reports pursuant to Section
16 55) and any identified State actions that may help expand
17 collection opportunities to help manufacturers achieve the
18 statewide recycling goal;

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

22 (5) a discussion of the Agency's education and outreach
23 activities; and

24 (6) a discussion of the penalties, if any, incurred by
25 manufacturers for failure to achieve recycling goals, and a
26 recommendation to the General Assembly of any necessary or

1 appropriate changes to the statewide recycling goals,
2 manufacturer's recycling goals, or penalty provisions
3 included in this Act.

4 (e) The Agency shall post on its website (1) a list of
5 manufacturers that have paid the current year's registration
6 fee as set forth in Section 30(b) and (2) a list of registered
7 collectors to whom Illinois residents can bring CEDs and EEDs
8 for recycling or processing for reuse, including links to the
9 collectors' websites and the collectors' phone numbers.

10 (f) In program years 2012, 2013, and 2014, and at its
11 discretion thereafter, the Agency shall convene and host an
12 Electronic Products Recycling Conference. The Agency may host
13 the conferences alone or with other public entities or with
14 organizations associated with electronic products recycling.

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

18 (1) The overall statewide recycling and reuse goal for
19 CEDs, as well as the sub-goals for televisions, and
20 computers, computer monitors, and printers as set forth in
21 Section 15.

22 (2) The market shares of television manufacturers and
23 the return shares of computer, computer monitor, and
24 printer manufacturers, as set forth in Section 18. ~~7, and~~

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

1 (4) A list of refurbishers that were not required to
2 pay a registration fee in the last program year because of
3 the operation of subsection (e) of Section 50.

4 (h) By April 1, 2011, and by April 1 of all subsequent
5 years, the Agency shall recognize those manufacturers that have
6 met or exceeded their recycling or reuse goals for the previous
7 program year. Such recognition shall be the awarding to all
8 such manufacturers of an Electronic Industry Recycling Award,
9 which shall be recognized on the Agency website and other media
10 as appropriate.

11 (i) By March 1, 2011, and by March 1 of each subsequent
12 year, the Agency shall post on its website a list of registered
13 manufacturers that have not met their annual recycling and
14 reuse goal for the previous program year.

15 (j) By July 1, 2012, the Agency shall solicit written
16 comments regarding all aspects of the program codified in this
17 Act, for the purpose of determining if the program requires any
18 modifications.

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

21 (A) Sufficiency of the annual statewide recycling
22 goals.

23 (B) Fairness of the formulas used to determine
24 individual manufacturer goals.

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

1 (D) Any temporary recissions of county landfill
2 bans granted by the Illinois Pollution Control Board
3 pursuant to Section 95(e).

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

7 (F) Adequacy of the collection systems that have
8 been implemented as a result of this Act, with a
9 particular focus on promoting the most cost-effective
10 and convenient collection system possible for Illinois
11 residents.

12 (2) By July 1, 2012, the Agency shall complete its
13 review of the written comments received, as well as its own
14 reports on program years 2010 and 2011. By August 1, 2012,
15 the Agency shall hold a public hearing to present its
16 findings and solicit additional comments. All additional
17 comments shall be submitted to the Agency in writing no
18 later than October 1, 2012.

19 (3) The Agency's final report, which shall be issued no
20 later than February 1, 2013, shall be submitted to the
21 Governor and the General Assembly and shall include
22 specific recommendations for any necessary or appropriate
23 modifications to the program.

24 (Source: P.A. 95-959, eff. 9-17-08; 96-328, eff. 8-11-09.)

1 Sec. 30. Manufacturer responsibilities.

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

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

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

18 (3) a statement disclosing whether:

19 (A) any computer, computer monitor, printer, or
20 television sold in this State exceeds the maximum
21 concentration values established for lead, mercury,
22 cadmium, hexavalent chromium, polybrominated biphenyls
23 (PBBs), and polybrominated diphenyl ethers (PBDEEs)
24 under the RoHS (restricting the use of certain
25 hazardous substances in electrical and electronic
26 equipment) Directive 2002/95/EC of the European

1 Parliament and Council and any amendments thereto and,
2 if so, an identification of that computer, computer
3 monitor, or television; or

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

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

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

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

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

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

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

26 When determining whether a manufacturer has met or exceeded

1 its individual recycling and reuse goal set forth in Section 19
2 of this Act, all of the following adjustments must be made:

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

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

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

1 documentation must be submitted in the annual report
2 required under subsection (h), (i), (j), (k), or (l) of
3 Section 30.

4 (4) The total weight of CEDs is tripled if they are
5 donated for reuse by the manufacturer to a refurbisher that
6 is not required to pay a registration fee because of the
7 operation of subsection (e) of Section 50.

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

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

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

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

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

25 (5) a certification by the third-party auditor that the
26 sampling is statistically significant and, if not, an

1 explanation as to what occurred to render the sampling
2 insignificant.

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

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

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

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

24 (h) By August 15, 2009, television manufacturers shall
25 submit to the Agency, in the form and manner required by the
26 Agency, a report that contains the total weight of televisions

1 sold under each of the manufacturer's brands to individuals at
2 retail in this State, as set forth in the reports to
3 manufacturers by retailers under subsection (c) of Section 40.

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

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

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

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

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

1 program year:

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

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

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

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

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

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

26 (1) the total weight of computers, the total weight of

1 computer monitors, the total weight of printers, the total
2 weight of televisions, and the total weight of EEDs
3 recycled or processed for reuse;

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

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

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

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

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

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

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

7 (415 ILCS 150/50)

8 Sec. 50. Recycler and refurbisher registration.

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

18 (b) The registration fee for program year 2010 is \$2,000.
19 For program years 2011 and thereafter, the registration fee is
20 increased each year by an inflation factor determined by the
21 annual Implicit Price Deflator for Gross National Product as
22 published by the U.S. Department of Commerce in its Survey of
23 Current Business. The inflation factor must be calculated each
24 year by dividing the latest published annual Implicit Price
25 Deflator for Gross National Product by the annual Implicit

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

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

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

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

20 (2) Recyclers and refurbishers must implement the
21 appropriate measures to safeguard occupational and
22 environmental health and safety, through the following:

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

1 (B) an up-to-date, written plan for the
2 identification and management of hazardous materials;
3 and

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

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

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

1 third-party auditors.

2 (5) Recyclers and refurbishers must maintain on file
3 proof of workers' compensation and employers' liability
4 insurance.

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

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

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

21 (9) Recyclers and refurbishers must use the
22 appropriate equipment for the proper processing of
23 incoming materials as well as controlling environmental
24 releases to the environment. The dismantling operations
25 and storage of CED and EED components that contain
26 hazardous substances must be conducted indoors and over

1 impervious floors. Storage areas must be adequate to hold
2 all processed and unprocessed inventory. When heat is used
3 to soften solder and when CED and EED components are
4 shredded, operations must be designed to control indoor and
5 outdoor hazardous air emissions.

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

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

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

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

23 (14) Recyclers and refurbishers must maintain the
24 following export records for each shipment on file for a
25 minimum of 3 years: (i) the facility name and the address
26 to which shipment is exported; (ii) the shipment contents

1 and volumes; (iii) the intended use of contents by the
2 destination facility; (iv) any specification required by
3 the destination facility in relation to shipment contents;
4 and (v) an assurance that all shipments for export, as
5 applicable to the CED manufacturer, are legal and satisfy
6 all applicable laws of the destination country.

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

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

20 (e) A refurbisher that is a not-for-profit entity
21 established under Section 501(c)(3) of the Internal Revenue
22 Code, had, during its most recent fiscal year, an annual
23 operating budget of less than \$250,000, and distributes
24 refurbished products to low-income families or the
25 developmentally disabled is exempt from the registration fee
26 otherwise required under this Section.

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