

# SB3721



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3721

Introduced 2/11/2010, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

415 ILCS 150/30  
415 ILCS 150/40

Amends the Electronic Products Recycling and Reuse Act. Requires each television manufacturer to submit an estimate of the total weight of televisions sold under its brand to individuals at retail in the State (rather than the total weight of its televisions sold under its brand to individuals at retail in the State). Specifies a formula that manufacturers may use to estimate that weight. Deletes provisions requiring retailers to report the number of televisions sold at retail to individuals in the State. Effective immediately.

LRB096 16682 JDS 31966 b

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 30 and 40 as follows:

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

1 (3) a statement disclosing whether:

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

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

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

23 (b) Prior to July 1, 2009 for the first program year, and  
24 by the November 1 preceding program years 2011 and later, all  
25 manufacturers whose computers, computer monitors, or  
26 televisions are sold in the State shall submit to the Agency,

1 at an address prescribed by the Agency, the registration fee  
2 for the next program year. The registration fee for program  
3 year 2010 is \$5,000.

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

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

25 (d) Each manufacturer shall recycle or process for reuse  
26 CEDs and EEDs whose total weight equals or exceeds the

1 manufacturer's individual recycling and reuse goal set forth in  
2 Section 19 of this Act. Individual consumers may not be charged  
3 an end-of-life fee when bringing their CEDs and EEDs to  
4 permanent or temporary collection locations, unless a  
5 financial incentive of equal or greater value, such as a  
6 coupon, is provided. Collectors may charge a fee for premium  
7 services such as curbside collection, home pick-up, or a  
8 similar method of collection.

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

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

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

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

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

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

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

- 1           (3) the date, location, and time of the sampling;
- 2           (4) the name or names of the manufacturer for whom the  
3           recycler is performing activities under this Act; and
- 4           (5) a certification by the third-party auditor that the  
5           sampling is statistically significant and, if not, an  
6           explanation as to what occurred to render the sampling  
7           insignificant.

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

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

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

24          (g) Manufacturers shall ensure that the recyclers and  
25          refurbishers used to meet the individual recycling and reuse  
26          goals set forth in this Act shall, at a minimum, comply with

1 the standards set forth under subsection (d) of Section 50 of  
2 this Act.

3 (h) By August 15, 2009, television manufacturers shall  
4 submit to the Agency, in the form and manner required by the  
5 Agency, a report that contains an estimate of the total weight  
6 of televisions sold under each of the manufacturer's brands to  
7 individuals at retail in this State, as calculated by  
8 multiplying the weight of its televisions sold nationally by  
9 the quotient that results from dividing the population of  
10 Illinois by the population of the United States ~~as set forth in~~  
11 ~~the reports to manufacturers by retailers under subsection (c)~~  
12 ~~of Section 40.~~

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

17 (1) an estimate of the total weight of televisions sold  
18 under each of the manufacturer's brands to individuals at  
19 retail in this State, as calculated by multiplying the  
20 weight of its televisions sold nationally by the quotient  
21 that results from dividing the population of Illinois by  
22 the population of the United States ~~set forth in the~~  
23 ~~reports submitted under subsection (d) of Section 40; and~~

24 (2) 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 (j) By August 15, 2010, computer, computer monitor, and  
3 printer manufacturers shall submit to the Agency, on forms and  
4 in a format prescribed by the Agency, a report for the period  
5 January 1, 2010 through June 30, 2010 that contains the total  
6 weight of computers, the total weight of computer monitors, the  
7 total weight of printers, the total weight of televisions, and  
8 the total weight of EEDs, recycled or processed for reuse.

9 (k) No later than April 1 of program years 2011 and  
10 thereafter, television manufacturers shall submit to the  
11 Agency, in the form and manner required by the Agency, a report  
12 that contains the following information for the previous  
13 program year:

14 (1) an estimate of the total weight of televisions sold  
15 under each of the manufacturer's brands to individuals at  
16 retail in this State, as calculated by multiplying the  
17 weight of its televisions sold nationally by the quotient  
18 that results from dividing the population of Illinois by  
19 the population of the United States ~~set forth in the~~  
20 ~~reports submitted under subsection (c) of Section 40;~~

21 (2) the total weight of computers, the total weight of  
22 computer monitors, the total weight of printers, the total  
23 weight of televisions, and the total weight of EEDs  
24 recycled or processed for reuse;

25 (3) the identification of all weights that are adjusted  
26 under subsection (d) of this Section. For all weights

1 adjusted under item (2) of subsection (d), the manufacturer  
2 must include copies of the written confirmation required  
3 under that subsection;

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

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

10 (1) No later than April 1 of program years 2011 and  
11 thereafter, computer, computer monitor, and printer  
12 manufacturers shall submit to the Agency, on forms and in a  
13 format prescribed by the Agency, a report that contains the  
14 following information for the previous program year:

15 (1) the total weight of computers, the total weight of  
16 computer monitors, the total weight of printers, the total  
17 weight of televisions, and the total weight of EEDs  
18 recycled or processed for reuse;

19 (2) the identification of all weights that are adjusted  
20 under subsection (d) of this Section. For all weights  
21 adjusted under item (2) of subsection (d), the manufacturer  
22 must include copies of the written confirmation required  
23 under that subsection;

24 (3) a list of each recycler, refurbisher, and collector  
25 used by the manufacturer to fulfill the manufacturer's  
26 individual recycling and reuse goal set forth in subsection

1 (c) of Section 15 of this Act; and

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

4 (m) Manufacturers must develop and maintain a consumer  
5 education program that complements and corresponds to the  
6 primary retailer-driven campaign required under Section 40 of  
7 this Act. The education program shall promote the recycling of  
8 electronic products and proper end-of-life management of the  
9 products by consumers.

10 (n) Beginning January 1 2010, no manufacturer may sell a  
11 computer, computer monitor, printer, or television in this  
12 State unless the manufacturer is registered with the State as  
13 required under this Act, has paid the required registration  
14 fee, and is otherwise in compliance with the provisions of this  
15 Act.

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

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

22 (415 ILCS 150/40)

23 Sec. 40. Retailer responsibilities.

24 (a) Retailers shall be a primary source of information  
25 about end-of-life options to residential consumers of

1 computers, computer monitors, printers, and televisions. At  
2 the time of sale, the retailer shall provide each residential  
3 consumer with information from the Agency's website that  
4 provides information detailing where and how a consumer can  
5 recycle a CED or return a CED for reuse.

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

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

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

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

18 (c) (Blank). ~~By July 1, 2009, retailers shall report to~~  
19 ~~each television manufacturer, by model, the number of~~  
20 ~~televisions sold at retail to individuals in this State under~~  
21 ~~each of the manufacturer's brands during the 6-month period~~  
22 ~~from October 1, 2008 through March 31, 2009.~~

23 (d) (Blank). ~~By August 1, 2010, retailers shall report to~~  
24 ~~each television manufacturer, by model, the number of~~  
25 ~~televisions sold at retail to individuals in this State under~~  
26 ~~each of the manufacturer's brands between January 1, 2010 and~~

1 ~~June 30, 2010.~~

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

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

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