



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 102

2 AMENDMENT NO. _____. Amend Senate Bill 102 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Plastic Bag and Film Recycling Act.

6 Section 5. Findings and purpose.

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

8 (1) Senate Bill 303 of the 95th General Assembly, as
9 amended, became law in August of 2007 (effective January 1,
10 2008) and was referred to as the Plastic Bag Recycling Act
11 (P.A. 095-0268).

12 (2) The Plastic Bag Recycling Act required a Task Force
13 to be assembled to administer a pilot collection program
14 for plastic bags and plastic film within the confines of
15 Lake County, Illinois that would engage retail businesses
16 that operated stores of 10,000 square feet or greater to

1 voluntarily participate in the pilot program, and, in May
2 of 2010, the Task Force submitted a report of the pilot
3 program findings to the Governor and the leadership of the
4 General Assembly.

5 (3) The Task Force findings referred to data contained
6 in the Illinois Commodity Waste Generation and
7 Characterization Study commissioned in 2008 by the
8 Illinois Department of Commerce and Economic Opportunity
9 which indicate that nearly 500,000 tons of plastic film
10 material is generated each year in Illinois that has a
11 potential market value of \$100 million; however, 98.5% of
12 this plastic film is landfilled. The Study also found that
13 plastic grocery bags represent only about 15% of all
14 plastic film disposed of in Illinois landfills, which led
15 the Task Force to focus attention on not only the recovery
16 of plastic grocery bags, but also the recovery of plastic
17 film product wrap that is used to package numerous consumer
18 products.

19 (4) The Task Force concluded that the disposal of
20 plastic bags and film represents a tremendous waste of
21 non-renewable resources that can be recycled, but that lack
22 an adequate collection infrastructure, and that
23 participating retailers responded favorably overall to the
24 pilot program and intended to continue collecting plastic
25 bags from their customers with the majority of them
26 indicating that their overall costs to operate the

1 collection program were minimal and were built into daily
2 operational procedures.

3 (5) Markets for plastic bags and film do exist, and, if
4 this material can be successfully diverted from final
5 disposal, it has the potential to conserve a non-renewable
6 resource by reusing it as a feedstock for new plastic bags
7 and plastic lumber, as well as for other beneficial uses.
8 In addition to conserving resources the recycling of
9 plastic bags and film reduces air, land, and water
10 pollution.

11 (6) The 2010 Recycling Economic Information Study
12 Update for Illinois estimates that the plastics industry
13 employs approximately 3,114 people in Illinois, generating
14 an annual payroll of \$98,887,000, and, based on this data,
15 it is estimated that a statewide plastic bag and film
16 recycling program would generate over 300 jobs with an
17 estimated payroll of \$9,500,000.

18 (7) The plastic bag industry has taken great strides in
19 promoting increased recycling of plastic bags in the State,
20 and this Act recognizes that continued and increased
21 responsibility of industry to support increased plastic
22 bag recycling is in the State's and the public's interests.

23 (8) A consistent and uniform statewide approach to
24 collecting, processing, and recycling plastic bags and
25 film is preferable to legislation enacted by local
26 jurisdictions that may conflict with this Act.

1 (b) The purpose of this Act is to set forth the procedures
2 by which the collection and recycling of plastic bags and film
3 will be accomplished in Illinois.

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

5 "Agency" means the Illinois Environmental Protection
6 Agency.

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

8 "Manufacturer" means a manufacturer of plastic carryout
9 bags used or distributed in Illinois.

10 "Percent post-consumer recycled content" means the
11 percentage of recycled plastic carryout bags, plastic film
12 product wrap, or both, that is present in a new plastic
13 carryout bag following an original use of the bag or wrap by a
14 consumer.

15 "Person" means any individual, partnership,
16 co-partnership, firm, company, corporation, association, joint
17 stock company, trust, estate, political subdivision, State
18 agency, or any other legal entity, or their legal
19 representative, agent, or assigns.

20 "Plastic carryout bag" means any polyethylene bag that is
21 provided to a consumer by a retailer at checkout.

22 "Plastic film product wrap" means a polyethylene wrap used
23 to cover, wrap, or otherwise package consumer goods, such as
24 paper towels, bathroom tissue, cases of sodas, diapers, and
25 other dry goods.

1 "Recycling" means any process by which plastic carryout
2 bags, plastic film product wrap, or both, are collected and
3 processed and returned to the economic mainstream in the form
4 of raw materials or products. "Recycling" does not include
5 energy recovery or energy generation by means of combusting
6 plastic carryout bags and plastic film product wrap, and it
7 does not include any use within the permitted boundaries of a
8 municipal solid waste landfill unit.

9 "Retailer" means a person engaged in the business of making
10 sales at retail that generates occupation or use tax revenue.

11 Section 15. Registration and fee required.

12 (a) Beginning March 15, 2012, each manufacturer shall
13 register with the Agency annually and, at the time of
14 registration, shall pay an annual registration fee of \$500 to
15 the Agency. Registrations and registration fees are due by
16 March 15th of the year for which they are submitted and shall
17 remain valid until March 15th of the following year. A
18 manufacturer shall not be considered registered until the
19 Agency receives a complete registration form, the required
20 registration fee, and the recycling plan. Registrations must be
21 submitted on forms and in a format prescribed by the Agency.
22 The Agency shall deposit all registration fees collected under
23 this Section into the Environmental Protection Permit and
24 Inspection Fund.

25 (b) No manufacturer shall sell or offer to sell plastic

1 carryout bags for use or distribution in Illinois unless the
2 manufacturer is registered with the Agency and has paid the
3 required registration fee in accordance with subsection (a) of
4 this Section.

5 Section 20. Manufacturer label required. Beginning March
6 15, 2012, no manufacturer shall sell or offer to sell plastic
7 carryout bags in Illinois unless the name of the manufacturer
8 is printed on the bag so that the manufacturer's identity is
9 readily identifiable.

10 Section 25. Plastic carryout bag and plastic film product
11 wrap recycling plan.

12 (a) No later than March 15, 2012, each manufacturer shall
13 develop and thereafter maintain a plan for supporting the
14 collection and recycling of carryout plastic bags and plastic
15 film product wrap and shall submit a copy of the plan to the
16 Agency for posting to the Agency's website. Manufacturers may
17 develop and implement the plan individually, or jointly with
18 other manufacturers. The plan shall:

19 (1) describe the recycling program to be implemented
20 throughout the State, including collection locations,
21 events, or both;

22 (2) include a detailed description as to how the plan
23 will be implemented;

24 (3) describe the performance measures that will be used

1 to document collection efforts for plastic carryout bags
2 and plastic film product wrap;

3 (4) include a public education plan on the reuse and
4 recycling of plastic carryout bags and plastic film product
5 wrap; and

6 (5) include the mailing address or email address of the
7 manufacturer for the submission of comments regarding the
8 plan.

9 (b) No later than April 15, 2012 or 30 days after receiving
10 the plan, whichever is later, the Agency shall post the plan on
11 its website. Within 30 days after the plan is posted on the
12 Agency's website, a person may provide written comments to the
13 manufacturer regarding the plan. The manufacturer whose plan is
14 commented on shall respond in writing to the person making the
15 comments within 30 days after receipt of the comments, and may
16 make revisions to the plan if appropriate. If a plan receives
17 no comments within the 30-day comment period it shall be
18 considered final after the comment period ends. If comments are
19 received on a plan it shall be considered final after the
20 comments have been responded to in writing by the manufacturer
21 and a revised plan, if applicable, has been submitted, no later
22 than June 15, 2012, to the Agency for posting on its website no
23 later than July 15, 2012.

24 (c) A manufacturer may prepare a revised plan and submit it
25 to the Agency, for posting on the Agency's website no later
26 than 30 days after receipt by the Agency, in response to

1 changed circumstances or needs.

2 (d) Each manufacturer is responsible for all costs
3 associated with the development and implementation of its plan.

4 (e) By June 1, 2013 and by June 1 of each year thereafter,
5 each manufacturer shall submit a report to the Agency that
6 includes, for the previous calendar year, a description of the
7 manufacturer's collection and recycling program, including,
8 but not limited to, the collection locations for plastic
9 carryout bags and plastic film product wrap, the processing
10 locations for the collected plastic carryout bags and plastic
11 film product wrap, the weight in pounds of plastic carryout
12 bags and plastic film product wrap collected and processed for
13 recycling, the weight in pounds of plastic carryout bags the
14 manufacturer sold for use or distribution in Illinois, and
15 samples of the education materials provided to consumers.
16 Beginning with the annual report due June 1, 2015, the report
17 shall also state the amounts of pre-consumer recycled content
18 and post-consumer recycled content in the plastic carryout bags
19 the manufacturer sold for use or distribution in Illinois.

20 (f) A manufacturer shall conduct and document due diligence
21 assessments of any person with whom the manufacturer contracts
22 or arranges for any one or more of the following: a recycling
23 collection location; collection, processing or transportation
24 of plastic carryout bags or plastic film product wrap; or
25 recycling of plastic carryout bags and plastic film product
26 wrap.

1 (g) A manufacturer may fulfill the requirements of this
2 Section either individually or in participation with other
3 manufacturers.

4 Section 30. Requirements applicable to retailers.

5 (a) Beginning April 15, 2012, no retailer shall purchase
6 plastic carryout bags for use or distribution in Illinois
7 unless the manufacturer of the bags is registered with the
8 Agency in accordance with Section 15.

9 (b) Beginning April 15, 2012, no retailer shall purchase
10 plastic carryout bags for use or distribution in Illinois
11 unless the bag manufacturer's plan is posted on the Agency's
12 website in accordance with Section 25.

13 (c) Beginning March 15, 2012, no retailer shall purchase
14 plastic carryout bags for use or distribution in Illinois
15 unless the name of the manufacturer is printed on the bag so
16 that the manufacturer's identity is readily identifiable.

17 (d) Beginning March 1, 2015, no retailer shall purchase
18 plastic carryout bags unless the bag is labeled and is
19 compliant with Section 40.

20 Section 35. Responsibilities of the Agency.

21 (a) Beginning April 15, 2012, for the benefit of assisting
22 consumers who wish to find collection locations for recycling
23 plastic bags, the Agency shall post on its website the location
24 of all collection sites identified to the Agency by

1 manufacturers in their plans and annual reports.

2 (b) Beginning April 15, 2012, the Agency shall post on its
3 website the list of manufacturers that are registered in
4 accordance with Section 15.

5 (c) Beginning April 15, 2012, the Agency shall post on its
6 website the list of manufacturers for which the Agency has
7 received a plan in accordance with Section 25.

8 (d) Beginning September 1, 2013, the Agency shall post on
9 its website (i) the list of manufacturers for which the Agency
10 has received an annual report in accordance with Section 25,
11 and (ii) copies of the annual reports within 30 days after
12 receipt.

13 Section 40. Percent recycled content requirements.

14 (a) Beginning March 1, 2014, no manufacturer shall sell
15 plastic carryout bags for use or distribution in Illinois
16 unless each bag is labeled to identify the percent
17 post-consumer recycled content in the bag.

18 (b) Beginning March 1, 2015, no manufacturer shall sell
19 plastic carryout bags for use or distribution in Illinois
20 unless each bag includes at least 30% total recycled content,
21 of which at least 15% is pre-consumer recycled content and at
22 least 15% is post-consumer recycled content.

23 (c) Beginning with the annual report due in 2015 and
24 annually thereafter, each manufacturer shall include a
25 statement in the annual report submitted pursuant to subsection

1 (e) of Section 25 that it has met the recycled content and
2 labeling requirements of this Section. Each manufacturer shall
3 meet the recycled content requirements of subsection (b) of
4 this Section unless the manufacturer can demonstrate in its
5 annual report that there was not a sufficient quantity of
6 pre-consumer or post-consumer plastic bags and film available
7 to meet the requirements. The Agency may require additional
8 information or documentation, from a manufacturer that informs
9 the Agency that it was unable to meet the recycled content
10 requirement, to determine compliance with this Section.

11 Section 50. Penalties. Any manufacturer or retailer who
12 violates any provision of this Act or fails to perform any duty
13 under this Act shall be liable for a civil penalty not to
14 exceed \$1,000 and an additional civil penalty not to exceed
15 \$100 per day for each day the violation continues. The
16 penalties provided for in this Section may be recovered in a
17 civil action brought in the name of the People of the State of
18 Illinois by the State's Attorney of the county in which the
19 violation occurred or by the Attorney General. Any funds
20 collected under this Section in an action in which the Attorney
21 General has prevailed shall be deposited in the Environmental
22 Protection Trust Fund, to be used in accordance with the
23 provisions of the Environmental Protection Trust Fund Act.

24 Section 55. Report to the General Assembly. No later than

1 October 1, 2016, the Director of the Agency shall submit a
2 report to the General Assembly describing the results of the
3 plastic carryout bag and plastic film wrap collection and
4 recycling program on a statewide basis. The report shall also
5 contain recommendations regarding whether the program shall be
6 made permanent and any modifications to improve its function
7 and efficiency.

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