



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB0797

Introduced 2/5/2015, by Sen. Linda Holmes - Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

415 ILCS 150/15  
415 ILCS 150/50  
415 ILCS 150/80

Amends the Electronic Products Recycling and Reuse Act. Provides that a manufacturer may count the total weight of a cathode ray tube device, prior to processing, towards its goal under this Section if all recyclable components are removed from the device and the cathode ray tube glass is managed in a manner that complies with all Illinois Environmental Protection Agency regulations for handling, treatment, and disposition of cathode ray tubes. Provides that, for specified categories of electronic devices, each manufacturer shall recycle or reuse at least 80% (was at least 50%) of the total weight of the electronic devices that the manufacturer sold in that category in Illinois during the calendar year 2 years before the applicable program year. Provides that a registered recycler or a refurbisher of CEDs and EEDs for a manufacturer obligated to meet goals may not charge individual consumers or units of local government acting as collectors a fee to recycle or refurbish CEDs and EEDs, unless the recycler or refurbisher provides (i) a financial incentive, such as a coupon, that is of greater or equal value to the fee being charged or (ii) premium service, such as curbside collection, home pick-up, drop-off locations, or a similar methods of collection. Provides that, in program year 2015, and each year thereafter, if the total weight of CEDs and EEDs recycled or processed for reuse by the manufacturer is less than 100% of the manufacturer's individual recycling or reuse goal set forth in a specified provision of the Act, the manufacturer shall pay a penalty equal to the product of (i) \$0.70 per pound; multiplied by (ii) the difference between the manufacturer's individual recycling or reuse goal and the total weight of CEDs and EEDs recycled or processed for reuse by the manufacturer during the program year. Effective immediately.

LRB099 05769 MGM 25813 b

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 15, 50, and 80 as follows:

6 (415 ILCS 150/15)

7 Sec. 15. Statewide recycling and reuse goals for all  
8 covered electronic devices.

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

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

17 For the purposes of this subsection (b):

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

1 as reported to the Agency under subsection (c) of Section 55.

2 The "2010 goal attainment percentage" means:

3 (1) 90% if the 2010 base weight is less than 90% of the  
4 statewide recycling or reuse goal for program year 2010;

5 (2) 95% if the 2010 base weight is 90% or greater, but  
6 does not exceed 95%, of the statewide recycling or reuse  
7 goal for program year 2010;

8 (3) 100% if the 2010 base weight is 95% or greater, but  
9 does not exceed 105%, of the statewide recycling or reuse  
10 goal for program year 2010;

11 (4) 105% if the 2010 base weight is 105% or greater,  
12 but does not exceed 110%, of the statewide recycling or  
13 reuse goal for program year 2010; and

14 (5) 110% if the 2010 base weight is 110% or greater of  
15 the statewide recycling or reuse goal for program year  
16 2010.

17 (c) For program year 2012 and for each of the following  
18 categories of electronic devices, each manufacturer shall  
19 recycle or reuse at least 40% of the total weight of the  
20 electronic devices that the manufacturer sold in that category  
21 in Illinois during the calendar year beginning January 1, 2010:  
22 computers, monitors, televisions, printers, electronic  
23 keyboards, facsimile machines, video cassette recorders,  
24 portable digital music players, digital video disc players,  
25 video game consoles, electronic mice, scanners, digital  
26 converter boxes, cable receivers, satellite receivers, digital

1 video disc recorders, and small-scale servers. To determine the  
2 manufacturer's annual recycling or reuse goal, the  
3 manufacturer shall use its own Illinois sales data or its own  
4 national sales data proportioned to Illinois' share of the U.S.  
5 population, based on the U.S. Census population estimate for  
6 2009.

7 (c-5) For program year 2013 and thereafter and for each of  
8 the following categories of electronic devices, each  
9 manufacturer shall recycle or reuse at least 80% ~~50%~~ of the  
10 total weight of the electronic devices that the manufacturer  
11 sold in that category in Illinois during the calendar year 2  
12 years before the applicable program year: computers, monitors,  
13 televisions, printers, electronic keyboards, facsimile  
14 machines, video cassette recorders, portable digital music  
15 players, digital video disc players, video game consoles,  
16 electronic mice, scanners, digital converter boxes, cable  
17 receivers, satellite receivers, digital video disc recorders,  
18 and small-scale servers. To determine the manufacturer's  
19 annual recycling or reuse goal, the manufacturer shall use its  
20 own Illinois sales data or its own national sales data  
21 proportioned to Illinois' share of the U.S. population, based  
22 on the most recent U.S. Census data. For the purpose of this  
23 Section, a manufacturer may count the total weight of a cathode  
24 ray tube device, prior to processing, towards its goal under  
25 this Section if all recyclable components are removed from the  
26 device and the cathode ray tube glass is managed in a manner

1 that complies with all Agency regulations for handling,  
2 treatment, and disposition of cathode ray tubes.

3 (Source: P.A. 97-287, eff. 8-10-11.)

4 (415 ILCS 150/50)

5 Sec. 50. Recycler and refurbisher registration.

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

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

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

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

12 (c-5) A ~~Neither a~~ registered recycler ~~or nor a~~ refurbisher  
13 of CEDs and EEDs for a manufacturer obligated to meet goals may  
14 not charge individual consumers or units of local government  
15 acting as collectors a fee to recycle or refurbish CEDs and  
16 EEDs, unless the recycler or refurbisher provides (i) a  
17 financial incentive, such as a coupon, that is of greater or  
18 equal value to the fee being charged or (ii) premium service,  
19 such as curbside collection, home pick-up, drop-off locations  
20 or a similar ~~methods~~ ~~method~~ of collection.

21 (c-7) Nothing in this Act prohibits any person or entity  
22 other than those covered by subsection (c-5) of this Section  
23 from entering into a contractual agreement with a unit of local  
24 government to establish a program for the recycling or reuse of  
25 CEDs or EEDs.

26 (d) Recyclers and refurbishers must, at a minimum, comply

1 with all of the following:

2 (1) Recyclers and refurbishers must comply with  
3 federal, State, and local laws and regulations, including  
4 federal and State minimum wage laws, specifically relevant  
5 to the handling, processing, refurbishing and recycling of  
6 residential CEDs and must have proper authorization by all  
7 appropriate governing authorities to perform the handling,  
8 processing, refurbishment, and recycling.

9 (2) Recyclers and refurbishers must implement the  
10 appropriate measures to safeguard occupational and  
11 environmental health and safety, through the following:

12 (A) environmental health and safety training of  
13 personnel, including training with regard to material  
14 and equipment handling, worker exposure, controlling  
15 releases, and safety and emergency procedures;

16 (B) an up-to-date, written plan for the  
17 identification and management of hazardous materials;  
18 and

19 (C) an up-to-date, written plan for reporting and  
20 responding to exceptional pollutant releases,  
21 including emergencies such as accidents, spills,  
22 fires, and explosions.

23 (3) Recyclers and refurbishers must maintain (i)  
24 commercial general liability insurance or the equivalent  
25 corporate guarantee for accidents and other emergencies  
26 with limits of not less than \$1,000,000 per occurrence and

1           \$1,000,000 aggregate and (ii) pollution legal liability  
2           insurance with limits not less than \$1,000,000 per  
3           occurrence for companies engaged solely in the dismantling  
4           activities and \$5,000,000 per occurrence for companies  
5           engaged in recycling.

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

17          (5) Recyclers and refurbishers must maintain on file  
18          proof of workers' compensation and employers' liability  
19          insurance.

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

25          (7) Recyclers and refurbishers must apply due  
26          diligence principles to the selection of facilities to



1           which components and materials (such as plastics, metals,  
2           and circuit boards) from CEDs and EEDs are sent for reuse  
3           and recycling.

4           (8) Recyclers and refurbishers must establish a  
5           documented environmental management system that is  
6           appropriate in level of detail and documentation to the  
7           scale and function of the facility, including documented  
8           regular self-audits or inspections of the recycler or  
9           refurbisher's environmental compliance at the facility.

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

21          (10) Recyclers and refurbishers must establish a  
22          system for identifying and properly managing components  
23          (such as circuit boards, batteries, CRTs, and mercury  
24          phosphor lamps) that are removed from CEDs and EEDs during  
25          disassembly. Recyclers and refurbishers must properly  
26          manage all hazardous and other components requiring

1 special handling from CEDs and EEDs consistent with  
2 federal, State, and local laws and regulations. Recyclers  
3 and refurbishers must provide visible tracking (such as  
4 hazardous waste manifests or bills of lading) of hazardous  
5 components and materials from the facility to the  
6 destination facilities and documentation (such as  
7 contracts) stating how the destination facility processes  
8 the materials received. No recycler or refurbisher may  
9 send, either directly or through intermediaries, hazardous  
10 wastes to solid waste (non-hazardous waste) landfills or to  
11 non-hazardous waste incinerators for disposal or energy  
12 recovery. For the purpose of these guidelines, smelting of  
13 hazardous wastes to recover metals for reuse in conformance  
14 with all applicable laws and regulations is not considered  
15 disposal or energy recovery.

16 (11) Recyclers and refurbishers must use a regularly  
17 implemented and documented monitoring and record-keeping  
18 program that tracks inbound CED and EED material weights  
19 (total) and subsequent outbound weights (total to each  
20 destination), injury and illness rates, and compliance  
21 with applicable permit parameters including monitoring of  
22 effluents and emissions. Recyclers and refurbishers must  
23 maintain contracts or other documents, such as sales  
24 receipts, suitable to demonstrate: (i) the reasonable  
25 expectation that there is a downstream market or uses for  
26 designated electronics (which may include recycling or

1           reclamation processes such as smelting to recover metals  
2           for reuse); and (ii) that any residuals from recycling or  
3           reclamation processes, or both, are properly handled and  
4           managed to maximize reuse and recycling of materials to the  
5           extent practical.

6           (12) Recyclers and refurbishers must comply with  
7           federal and international law and agreements regarding the  
8           export of used products or materials. In the case of  
9           exports of CEDs and EEDs, recyclers and refurbishers must  
10          comply with applicable requirements of the U.S. and of the  
11          import and transit countries and must maintain proper  
12          business records documenting its compliance. No recycler  
13          or refurbisher may establish or use intermediaries for the  
14          purpose of circumventing these U.S. import and transit  
15          country requirements.

16          (13) Recyclers and refurbishers that conduct  
17          transactions involving the transboundary shipment of used  
18          CEDs and EEDs shall use contracts (or the equivalent  
19          commercial arrangements) made in advance that detail the  
20          quantity and nature of the materials to be shipped. For the  
21          export of materials to a foreign country (directly or  
22          indirectly through downstream market contractors): (i) the  
23          shipment of intact televisions and computer monitors  
24          destined for reuse must include only whole products that  
25          are tested and certified as being in working order or  
26          requiring only minor repair (e.g. not requiring the

1 replacement of circuit boards or CRTs), must be destined  
2 for reuse with respect to the original purpose, and the  
3 recipient must have verified a market for the sale or  
4 donation of such product for reuse; (ii) the shipments of  
5 CEDs and EEDs for material recovery must be prepared in a  
6 manner for recycling, including, without limitation,  
7 smelting where metals will be recovered, plastics recovery  
8 and glass-to-glass recycling; or (iii) the shipment of CEDs  
9 and EEDs are being exported to companies or facilities that  
10 are owned or controlled by the original equipment  
11 manufacturer.

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

22 (15) Recyclers and refurbishers must employ  
23 industry-accepted procedures for the destruction or  
24 sanitization of data on hard drives and other data storage  
25 devices. Acceptable guidelines for the destruction or  
26 sanitization of data are contained in the National

1 Institute of Standards and Technology's Guidelines for  
2 Media Sanitation or those guidelines certified by the  
3 National Association for Information Destruction;

4 (16) No recycler or refurbisher may employ prison labor  
5 in any operation related to the collection,  
6 transportation, recycling, and refurbishment of CEDs and  
7 EEDs. No recycler or refurbisher may employ any third party  
8 that uses or subcontracts for the use of prison labor.

9 (Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)

10 (415 ILCS 150/80)

11 Sec. 80. Penalties.

12 (a) Except as otherwise provided in this Act, any person  
13 who violates any provision of this Act or fails to perform any  
14 duty under this Act is liable for a civil penalty of \$7,000 for  
15 the violation and an additional civil penalty not to exceed  
16 \$1,000 for each day the violation continues.

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

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

1           (1) In program year 2012, if the total weight of CEDs  
2           and EEDs recycled or processed for reuse by the  
3           manufacturer is less than 50% of the manufacturer's  
4           individual recycling or reuse goal set forth in subsection  
5           (c) of Section 15 of this Act, the manufacturer shall pay a  
6           penalty equal to the product of: (i) \$0.70 per pound;  
7           multiplied by (ii) the difference between the  
8           manufacturer's individual recycling or reuse goal and the  
9           total weight of CEDs and EEDs recycled or processed for  
10          reuse by the manufacturer during the program year.

11          (2) In program year 2013, if the total weight of CEDs  
12          and EEDs recycled or processed for reuse by the  
13          manufacturer is less than 60% of the manufacturer's  
14          individual recycling or reuse goal set forth in subsection  
15          (c-5) of Section 15 of this Act, the manufacturer shall pay  
16          a penalty equal to the product of: (i) \$0.70 per pound;  
17          multiplied by (ii) the difference between the  
18          manufacturer's individual recycling or reuse goal and the  
19          total weight of CEDs and EEDs recycled or processed for  
20          reuse by the manufacturer during the program year.

21          (3) In program year 2014, ~~and each year thereafter~~, if  
22          the total weight of CEDs and EEDs recycled or processed for  
23          reuse by the manufacturer is less than 70% of the  
24          manufacturer's individual recycling or reuse goal set  
25          forth in subsection (c-5) of Section 15 of this Act, the  
26          manufacturer shall pay a penalty equal to the product of:

1 (i) \$0.70 per pound; multiplied by (ii) the difference  
2 between the manufacturer's individual recycling or reuse  
3 goal and the total weight of CEDs and EEDs recycled or  
4 processed for reuse by the manufacturer during the program  
5 year.

6 (4) In program year 2015, and each year thereafter, if  
7 the total weight of CEDs and EEDs recycled or processed for  
8 reuse by the manufacturer is less than 100% of the  
9 manufacturer's individual recycling or reuse goal set  
10 forth in subsection (c-5) of Section 15 of this Act, the  
11 manufacturer shall pay a penalty equal to the product of  
12 (i) \$0.70 per pound; multiplied by (ii) the difference  
13 between the manufacturer's individual recycling or reuse  
14 goal and the total weight of CEDs and EEDs recycled or  
15 processed for reuse by the manufacturer during the program  
16 year.

17 (d) A manufacturer in violation of subsection (e), (h),  
18 (i), (j), (k), (l), or (m) of Section 30 is liable for a civil  
19 penalty not to exceed \$5,000 for the violation.

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

23 (f) A knowing violation of subsection (a), (b), or (c) of  
24 Section 95 of this Act by anyone other than a residential  
25 consumer is a petty offense punishable by a fine of \$500. A  
26 knowing violation of subsection (a), (b), or (c) of Section 95

1 of this Act by a residential consumer is a petty offense  
2 punishable by a fine of \$25 for a first violation; however, a  
3 subsequent violation by a residential consumer is a petty  
4 offense punishable by a fine of \$50.

5 (g) The penalties provided for in this Act may be recovered  
6 in a civil action brought by the Attorney General in the name  
7 of the People of the State of Illinois. Any moneys collected  
8 under this Section in which the Attorney General has prevailed  
9 may be deposited into the Electronic Recycling Fund,  
10 established under this Act.

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

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

21 (j) A fine imposed by administrative citation pursuant to  
22 subsection (k) of Section 20 shall be limited to \$1,000.  
23 Administrative citations may be used to enforce violations of  
24 the landfill ban subject to fines set forth in subsection (f)  
25 of this Section.

26 (Source: P.A. 97-287, eff. 8-10-11.)



1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.