

# SB2770



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2770

Introduced 2/17/2016, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

415 ILCS 150/50

Amends the Electronic Products Recycling and Reuse Act. Provides that accreditation is not required for facilities that place cathode ray tube (CRT) glass in storage cells for future retrieval in accordance with specified provisions of the Act. Provides that any organization that accredits facilities pursuant to this Section is prohibited from penalizing or taking other negative actions against any recycler, refurbisher, or collector of CEDs and EEDs based on the recycler's, refurbisher's, or collector's use of a facility that places CRT glass in storage cells for future retrieval in accordance with specified provisions of the Act. Effective immediately.

LRB099 20392 MJP 44877 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 Section 50 as follows:

6 (415 ILCS 150/50)

7 Sec. 50. Recycler and refurbisher registration.

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

17 (b) The registration fee for program year 2010 is \$2,000.  
18 For program year 2011, if a recycler's or refurbisher's annual  
19 combined total weight of CEDs and EEDs is less than 1,000 tons  
20 per year, the registration fee shall be \$500. For program year  
21 2012 and for all subsequent program years, both registration  
22 fees shall be increased each year by an inflation factor  
23 determined by the annual Implicit Price Deflator for Gross

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

12 (c) No person may act as a recycler or a refurbisher of  
13 CEDs for a manufacturer obligated to meet goals under this Act  
14 unless the recycler or refurbisher is registered with the  
15 Agency and has paid the registration fee as required under this  
16 Section. Beginning in program year 2016, all recycling or  
17 refurbishing facilities used by collectors of CEDs and EEDs  
18 shall be accredited by the Responsible Recycling (R2) Practices  
19 or e-Stewards certification programs or any other equivalent  
20 certification programs recognized by the United States  
21 Environmental Protection Agency. Accreditation is not required  
22 for facilities that place cathode ray tube (CRT) glass in  
23 storage cells for future retrieval in accordance with  
24 subsection (d) of Section 15 of this Act. Manufacturers of CEDs  
25 and EEDs shall ensure that recycling or refurbishing facilities  
26 used as part of their recovery programs meet this requirement.

1 Any organization that accredits facilities pursuant to this  
2 Section is prohibited from penalizing or taking other negative  
3 actions against any recycler, refurbisher, or collector of CEDs  
4 and EEDs based on the recycler's, refurbisher's, or collector's  
5 use of a facility that places CRT glass in storage cells for  
6 future retrieval in accordance with subsection (d) of Section  
7 15 of this Act.

8 (c-5) A registered recycler or refurbisher of CEDs and EEDs  
9 for a manufacturer obligated to meet goals under this Act may  
10 not charge individual consumers or units of local government  
11 acting as collectors a fee to recycle or refurbish CEDs and  
12 EEDs, unless the recycler or refurbisher provides (i) a  
13 financial incentive, such as a coupon, that is of greater or  
14 equal value to the fee being charged or (ii) premium service,  
15 such as curbside collection, home pick-up, or similar methods  
16 of collection. Local units of government serving as collectors  
17 of CEDs and EEDs shall not charge a manufacturer for collection  
18 costs and shall offer the manufacturer or its representative  
19 all CEDs and EEDs collected by the local government at no cost.  
20 Nothing in this Act requires a local unit of government to  
21 serve as a collector.

22 (c-10) Nothing in this Act prohibits any waste hauler from  
23 entering into a contractual agreement with a unit of local  
24 government to establish a collection program for the recycling  
25 or reuse of CEDs or EEDs, including services such as curbside  
26 collection, home pick-up, drop-off locations, or similar

1 methods of collection.

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

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

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

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

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

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

25 (3) Recyclers and refurbishers must maintain (i)  
26 commercial general liability insurance or the equivalent

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

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

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

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

1           (7) Recyclers and refurbishers must apply due  
2 diligence principles to the selection of facilities to  
3 which components and materials (such as plastics, metals,  
4 and circuit boards) from CEDs and EEDs are sent for reuse  
5 and recycling.

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

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

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

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

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



1 expectation that there is a downstream market or uses for  
2 designated electronics (which may include recycling or  
3 reclamation processes such as smelting to recover metals  
4 for reuse); and (ii) that any residuals from recycling or  
5 reclamation processes, or both, are properly handled and  
6 managed to maximize reuse and recycling of materials to the  
7 extent practical.

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

18 (13) Recyclers and refurbishers that conduct  
19 transactions involving the transboundary shipment of used  
20 CEDs and EEDs shall use contracts (or the equivalent  
21 commercial arrangements) made in advance that detail the  
22 quantity and nature of the materials to be shipped. For the  
23 export of materials to a foreign country (directly or  
24 indirectly through downstream market contractors): (i) the  
25 shipment of intact televisions and computer monitors  
26 destined for reuse must include only whole products that

1 are tested and certified as being in working order or  
2 requiring only minor repair (e.g. not requiring the  
3 replacement of circuit boards or CRTs), must be destined  
4 for reuse with respect to the original purpose, and the  
5 recipient must have verified a market for the sale or  
6 donation of such product for reuse; (ii) the shipments of  
7 CEDs and EEDs for material recovery must be prepared in a  
8 manner for recycling, including, without limitation,  
9 smelting where metals will be recovered, plastics recovery  
10 and glass-to-glass recycling; or (iii) the shipment of CEDs  
11 and EEDs are being exported to companies or facilities that  
12 are owned or controlled by the original equipment  
13 manufacturer.

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

24 (15) Recyclers and refurbishers must employ  
25 industry-accepted procedures for the destruction or  
26 sanitization of data on hard drives and other data storage

1 devices. Acceptable guidelines for the destruction or  
2 sanitization of data are contained in the National  
3 Institute of Standards and Technology's Guidelines for  
4 Media Sanitation or those guidelines certified by the  
5 National Association for Information Destruction;

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

11 (Source: P.A. 99-13, eff. 7-10-15.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.