

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7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 50. Recycler and refurbisher registration.

9 (a) Prior to January 1 of each program year, through
10 program year 2018, each recycler and refurbisher must register
11 with the Agency and submit a registration fee pursuant to
12 subsection (b) for that program year. Registration must be on
13 forms and in a format prescribed by the Agency and shall
14 include, but not be limited to, the address of each location
15 where the recycler or refurbisher manages CEDs or EEDs and
16 identification of each location at which the recycler or
17 refurbisher accepts CEDs or EEDs from a residence.

18 (b) The registration fee for program year 2010 is \$2,000.
19 For program year 2011, if a recycler's or refurbisher's annual
20 combined total weight of CEDs and EEDs is less than 1,000 tons
21 per year, the registration fee shall be \$500. For program year
22 2012 and for all subsequent program years, through program year
23 2018, both registration fees shall be increased each year by an

1 inflation factor determined by the annual Implicit Price
2 Deflator for Gross National Product as published by the U.S.
3 Department of Commerce in its Survey of Current Business. The
4 inflation factor must be calculated each year by dividing the
5 latest published annual Implicit Price Deflator for Gross
6 National Product by the annual Implicit Price Deflator for
7 Gross National Product for the previous year. The inflation
8 factor must be rounded to the nearest 1/100th, and the
9 resulting registration fee must be rounded to the nearest whole
10 dollar. No later than October 1 of each program year, through
11 October 1, 2017, the Agency shall post on its website the
12 registration fee for the next program year.

13 (c) Through program year 2018, no person may act as a
14 recycler or a refurbisher of CEDs for a manufacturer obligated
15 to meet goals under this Act unless the recycler or refurbisher
16 is registered with the Agency and has paid the registration fee
17 as required under this Section. Beginning in program year 2016,
18 and through program year 2018, all recycling or refurbishing
19 facilities used by collectors of CEDs and EEDs shall be
20 accredited by the Responsible Recycling (R2) Practices or
21 e-Stewards certification programs or any other equivalent
22 certification programs recognized by the United States
23 Environmental Protection Agency. Accreditation is not required
24 for facilities that place cathode ray tube (CRT) glass in
25 storage cells for future retrieval in accordance with
26 subsection (d) of Section 15 of this Act. Manufacturers of CEDs

1 and EEDs shall ensure that recycling or refurbishing facilities
2 used as part of their recovery programs meet this requirement.
3 Any organization that accredits facilities pursuant to this
4 Section is prohibited from penalizing or taking other negative
5 actions against any recycler, refurbisher, or collector of CEDs
6 and EEDs based on the recycler's, refurbisher's, or collector's
7 use of a facility that places CRT glass in storage cells for
8 future retrieval in accordance with subsection (d) of Section
9 15 of this Act.

10 (c-5) Through program year 2018, a registered recycler or
11 refurbisher of CEDs and EEDs for a manufacturer obligated to
12 meet goals under this Act may not charge individual consumers
13 or units of local government acting as collectors a fee to
14 recycle or refurbish CEDs and EEDs, unless the recycler or
15 refurbisher provides (i) a financial incentive, such as a
16 coupon, that is of greater or equal value to the fee being
17 charged or (ii) premium service, such as curbside collection,
18 home pick-up, or similar methods of collection. Local units of
19 government serving as collectors of CEDs and EEDs shall not
20 charge a manufacturer for collection costs and shall offer the
21 manufacturer or its representative all CEDs and EEDs collected
22 by the local government at no cost. Nothing in this Act
23 requires a local unit of government to serve as a collector.

24 (c-10) Nothing in this Act prohibits any waste hauler from
25 entering into a contractual agreement with a unit of local
26 government to establish a collection program for the recycling

1 or reuse of CEDs or EEDs, including services such as curbside
2 collection, home pick-up, drop-off locations, or similar
3 methods of collection.

4 (d) Through program year 2018, recyclers and refurbishers
5 must, at a minimum, comply with all of the following:

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

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

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

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

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

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

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

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

24 (6) Recyclers and refurbishers must provide adequate
25 assurance (such as bonds or corporate guarantee) to cover
26 environmental and other costs of the closure of the

1 recycler or refurbisher's facility, including cleanup of
2 stockpiled equipment and materials.

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

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

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

25 (10) Recyclers and refurbishers must establish a
26 system for identifying and properly managing components

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

20 (11) Recyclers and refurbishers must use a regularly
21 implemented and documented monitoring and record-keeping
22 program that tracks inbound CED and EED material weights
23 (total) and subsequent outbound weights (total to each
24 destination), injury and illness rates, and compliance
25 with applicable permit parameters including monitoring of
26 effluents and emissions. Recyclers and refurbishers must

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

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

20 (13) Recyclers and refurbishers that conduct
21 transactions involving the transboundary shipment of used
22 CEDs and EEDs shall use contracts (or the equivalent
23 commercial arrangements) made in advance that detail the
24 quantity and nature of the materials to be shipped. For the
25 export of materials to a foreign country (directly or
26 indirectly through downstream market contractors): (i) the

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

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

26 (15) Recyclers and refurbishers must employ

1 industry-accepted procedures for the destruction or
2 sanitization of data on hard drives and other data storage
3 devices. Acceptable guidelines for the destruction or
4 sanitization of data are contained in the National
5 Institute of Standards and Technology's Guidelines for
6 Media Sanitation or those guidelines certified by the
7 National Association for Information Destruction;

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

13 (Source: P.A. 99-13, eff. 7-10-15; 100-433, eff. 8-25-17.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.