



Sen. Susan Garrett

Filed: 2/25/2010

09600SB3611sam001

LRB096 20795 JDS 36689 a

1 AMENDMENT TO SENATE BILL 3611

2 AMENDMENT NO. _____. Amend Senate Bill 3611 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 5, 10, 15, 20, 30, 40, 50, 55,
6 60, 65, and 80 as follows:

7 (415 ILCS 150/5)

8 Sec. 5. Findings and purpose.

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

10 (1) Electronic products are the fastest growing
11 portion of the solid waste stream. In 2007 ~~2005~~, 3,000,000
12 ~~2,600,000~~ tons of electronic products became obsolete yet
13 only 14% ~~13%~~ of those products were recycled.

14 (2) Many electronic products contain lead, mercury,
15 cadmium, hexavalent chromium, and other materials that
16 pose environmental and health risks that must be managed.

1 (3) Many obsolete electronic products can be recycled
2 or refurbished for reuse and then returned to the economic
3 mainstream in the form of raw materials or products.

4 (4) Electronic products contain metals, plastics, and
5 leaded glass that have resale value. The reuse of these
6 components conserves natural resources and energy, and the
7 reuse also reduces air and water pollution and greenhouse
8 gas emissions.

9 (5) Management ~~A management~~ is necessary to place the
10 reuse and recycling of obsolete ~~residential~~ electronic
11 products from residences as the preferred management
12 strategy over incineration and landfill disposal.

13 (6) The Illinois Recycling Economic Information Study
14 of 2001 estimates that the total economic impact of
15 establishing statewide recycling and reuse programs for
16 obsolete residential electronic products from residences
17 may result in the creation of nearly 4,000 new jobs and
18 \$740 million in annual receipts.

19 (7) The State-appointed Computer Equipment Disposal
20 and Recycling Commission issued a final report in May 2006
21 recommending legislative, regulatory, or other actions to
22 properly address the recycling and reuse of obsolete
23 residential electronic products.

24 (b) The purpose of this Act is to set forth procedures by
25 which the recycling and processing for reuse of covered
26 electronic devices will be accomplished in Illinois.

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

2 (415 ILCS 150/10)

3 Sec. 10. Definitions. As used in this Act:

4 "Agency" means the Environmental Protection Agency.

5 "Cathode-ray tube" means a vacuum tube or picture tube used
6 to convert an electronic signal into a visual image, such as a
7 television or computer monitor.

8 "Collection" means the process of receiving covered
9 electronic devices or eligible electronic devices from a
10 residence for recycling or processing for reuse.

11 "Collector" means a person who receives covered electronic
12 devices or eligible electronic devices directly from a
13 residence for recycling or processing for reuse. "Collector"
14 includes, but is not limited to, manufacturers, recyclers, and
15 refurbishers who receive CEDs or EEDs directly from a residence
16 ~~the public.~~

17 "Computer", often referred to as a "personal computer" or
18 "PC", means a desktop or notebook computer as further defined
19 below and used only in a residence, but does not mean an
20 automated typewriter, electronic printer, mobile telephone,
21 portable hand-held calculator, portable digital assistant
22 (PDA), MP3 player, or other similar device. "Computer" does not
23 include computer peripherals, commonly known as cables, mouse,
24 or keyboard. "Computer" is further defined as either:

25 (1) "Desktop computer", which means an electronic,

1 magnetic, optical, electrochemical, or other high-speed
2 data processing device performing logical, arithmetic, or
3 storage functions for general purpose needs that are met
4 through interaction with a number of software programs
5 contained therein, and that is not designed to exclusively
6 perform a specific type of logical, arithmetic, or storage
7 function or other limited or specialized application.
8 Human interface with a desktop computer is achieved through
9 a stand-alone keyboard, stand-alone monitor, or other
10 display unit, and a stand-alone mouse or other pointing
11 device, and is designed for a single user. A desktop
12 computer has a main unit that is intended to be
13 persistently located in a single location, often on a desk
14 or on the floor. A desktop computer is not designed for
15 portability and generally utilizes an external monitor,
16 keyboard, and mouse with an external or internal power
17 supply for a power source. Desktop computer does not
18 include an automated typewriter or typesetter; or

19 (2) "Notebook computer", which means an electronic,
20 magnetic, optical, electrochemical, or other high-speed
21 data processing device performing logical, arithmetic, or
22 storage functions for general purpose needs that are met
23 through interaction with a number of software programs
24 contained therein, and that is not designed to exclusively
25 perform a specific type of logical, arithmetic, or storage
26 function or other limited or specialized application.

1 Human interface with a notebook computer is achieved
2 through a keyboard, video display greater than 4 inches in
3 size, and mouse or other pointing device, all of which are
4 contained within the construction of the unit that
5 comprises the notebook computer; supplemental stand-alone
6 interface devices typically can also be attached to the
7 notebook computer. Notebook computers can use external,
8 internal, or batteries for a power source. Notebook
9 computer does not include a portable hand-held calculator,
10 or a portable digital assistant or similar specialized
11 device. A notebook computer has an incorporated video
12 display greater than 4 inches in size and can be carried as
13 one unit by an individual. A notebook computer is sometimes
14 referred to as a laptop computer.

15 "Computer monitor" means an electronic device that is a
16 cathode-ray tube or flat panel display primarily intended to
17 display information from a computer and is used only in a
18 residence.

19 "Covered electronic device" or "CED" means any computer,
20 computer monitor, television, or printer that is taken out of
21 service from a residence in this State regardless of purchase
22 location. "Covered electronic device" does not include any of
23 the following:

24 (1) an electronic device that is a part of a motor
25 vehicle or any component part of a motor vehicle assembled
26 by or for a vehicle manufacturer or franchised dealer,

1 including replacement parts for use in a motor vehicle;

2 (2) an electronic device that is functionally or
3 physically part of a larger piece of equipment or that is
4 taken out of service from an industrial, commercial
5 (including retail), library checkout, traffic control,
6 kiosk, security (other than household security),
7 governmental, agricultural, or medical setting, including
8 but not limited to diagnostic, monitoring, or control
9 equipment; or

10 (3) an electronic device that is contained within a
11 clothes washer, clothes dryer, refrigerator, refrigerator
12 and freezer, microwave oven, conventional oven or range,
13 dishwasher, room air conditioner, dehumidifier, water
14 pump, sump pump, or air purifier.

15 To the extent allowed under federal and State laws and
16 regulations, a CED that is being collected, recycled, or
17 processed for reuse is not considered to be hazardous waste,
18 household waste, solid waste, or special waste.

19 "Developmentally disabled" means, as defined by the
20 Illinois Department of Human Services, Division of
21 Developmental Disabilities Program Manual, a person who has
22 mental retardation or a related condition.

23 (1) "A person who has mental retardation" means an
24 individual who has significantly subaverage general
25 intellectual functioning as well as deficits in adaptive
26 behavior that manifested before the age of 22 years. A

1 person's general intellectual functioning is significantly
2 subaverage if that person has an intelligence quotient (IQ)
3 of 70 or below on standardized measures of intelligence.
4 This upper limit, however, may be extended upward depending
5 on the reliability of the intelligence test used.

6 (2) "A person who has a related condition" means an
7 individual who has a severe chronic disability that (i) is
8 attributable to cerebral palsy, epilepsy, or any other
9 condition other than mental illness, (ii) is found to be
10 closely related to mental retardation because the
11 condition results in impairment of general intellectual
12 functioning or adaptive behavior similar to that of a
13 person with mental retardation, and (iii) requires
14 treatment or services similar to those required for persons
15 who have mental retardation. ~~having a severe disability, as~~
16 ~~defined by the Office of Rehabilitation Services of the~~
17 ~~Illinois Department of Human Services, that can be expected~~
18 ~~to result in death or that has lasted, or is expected to~~
19 ~~last, at least 12 months and that prevents working at a~~
20 ~~"substantial gainful activity" level.~~

21 "Dismantling" means the demanufacturing or ~~and~~ shredding
22 of a CED.

23 "Eligible electronic device" or "EED" means any of the
24 following electronic products taken out of service from a
25 residence in this State regardless of purchase location: mobile
26 telephone; computer cable, mouse, or keyboard; stand-alone

1 facsimile machine; MP3 player; portable digital assistant
2 (PDA); video game console, video cassette recorder/player,
3 digital video disk player, or similar video device; zip drive;
4 or scanner. To the extent allowed under federal and state laws
5 and regulations, an EED that is being collected, recycled, or
6 processed for reuse is not considered to be hazardous waste,
7 household waste, solid waste, or special waste.

8 "Low income children and families" mean those children and
9 families that are subject to the most recent version of the
10 United States Department of Health and Human Services Federal
11 Poverty Guidelines.

12 "Manufacturer" means a person, or a successor in interest
13 to a person, under whose brand or label a CED is or was sold at
14 retail. For CEDs sold at retail under a brand or label that is
15 licensed from a person who is a mere brand owner and who does
16 not sell or produce the CED, the person who produced the CED or
17 his or her successor in interest is the manufacturer. For CEDs
18 sold that were at retail under the brand or label of both the
19 retail seller and the person that produced the CED, the person
20 that produced the CED, or his or her successor in interest, is
21 the manufacturer. A retail seller of CEDs may elect to be the
22 manufacturer of one or more CEDs if the retail seller provides
23 written notice to the Agency that it is accepting
24 responsibility as the manufacturer of the CED under this Act
25 and identifies the CEDs for which it is electing to be the
26 manufacturer.

1 "Municipal joint action agency" means a municipal joint
2 action agency created under Section 3.2 of the
3 Intergovernmental Cooperation Act.

4 "Orphan CEDs" means those CEDs that are returned for
5 recycling, or processing for reuse, whose manufacturer cannot
6 be identified, or whose manufacturer is no longer conducting
7 business and has no successor in interest.

8 "Person" means any individual, partnership,
9 co-partnership, firm, company, limited liability company,
10 corporation, association, joint stock company, trust, estate,
11 political subdivision, State agency, or any other legal entity,
12 or a legal representative, agent, or assign of that entity.

13 "Printer" means desktop printers, multifunction printer
14 copiers, and printer/fax combinations taken out of service from
15 a residence that are designed to reside on a work surface, and
16 include various print technologies, including without
17 limitation laser and LED (electrographic), ink jet, dot matrix,
18 thermal, and digital sublimation, and "multi-function" or
19 "all-in-one" devices that perform different tasks, including
20 without limitation copying, scanning, faxing, and printing.
21 Printers do not include floor-standing printers, printers with
22 optional floor stand, point of sale (POS) receipt printers,
23 household printers such as a calculator with printing
24 capabilities or label makers, or non-stand-alone printers that
25 are embedded into products that are not CEDs.

26 "Processing for reuse" means any method, technique, or

1 process by which CEDs or EEDs that would otherwise be disposed
2 of or discarded are instead separated, processed, and returned
3 to their original intended purposes or to other useful purposes
4 as electronic devices. "Processing for reuse" includes the
5 collection and transportation of CEDs and EEDs.

6 "Program Year" means a calendar year. The first program
7 year is 2010.

8 "Recycler" means a person who engages in the recycling of
9 CEDs or EEDs, but does not include telecommunications carriers,
10 telecommunications manufacturers, or commercial mobile service
11 providers with an existing recycling program.

12 "Recycling" means any method, technique, or process by
13 which CEDs or EEDs that would otherwise be disposed of or
14 discarded are instead collected, separated, or processed and
15 are returned to the economic mainstream in the form of raw
16 materials or products. "Recycling" includes the collection,
17 transportation, dismantling, and shredding of the CEDs or EEDs.

18 "Refurbisher" means any person who processes CEDs or EEDs
19 for reuse, but does not include telecommunications carriers,
20 telecommunications manufacturers, or commercial mobile service
21 providers with an existing recycling program.

22 "Residence" means a dwelling place or home in which one or
23 more individuals live.

24 "Retailer" means a person who sells, rents, or leases,
25 through sales outlets, catalogues, or the Internet, computers,
26 computer monitors, printers, or televisions at retail to

1 individuals in this State. For purposes of this Act, sales to
2 individuals at retail are considered to be sales for
3 residential use. "Retailer" includes, but is not limited to,
4 manufacturers who sell computers, computer monitors, printers,
5 or televisions at retail directly to individuals in this State.

6 "Sale" means any retail transfer of title for consideration
7 ~~of title~~ including, but not limited to, transactions conducted
8 through sales outlets, catalogs, or the Internet or any other
9 similar electronic means, but does not mean financing or
10 leasing.

11 "Television" means an electronic device (i) containing a
12 cathode-ray tube or flat panel screen the size of which is
13 greater than 4 inches when measured diagonally, (ii) that is
14 intended to receive video programming via broadcast, cable, or
15 satellite transmission or to receive video from surveillance or
16 other similar cameras, and (iii) that is used only in a
17 residence.

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

19 (415 ILCS 150/15)

20 Sec. 15. Statewide recycling and reuse goals for all
21 covered electronic devices.

22 (a) For program year 2010, the statewide recycling or reuse
23 goal for all CEDs is the product of: (i) the latest population
24 estimate for the State, as published on the U.S. Census
25 Bureau's website on January 1, 2010; multiplied by (ii) 2.5

1 pounds per capita.

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

5 For the purposes of this subsection (b):

6 The "2010 base weight" means the greater of: (i) twice the
7 total weight of all CEDs that were recycled or processed for
8 reuse between January 1, 2010 and June 30, 2010, including any
9 extra credits derived from the formulas in subsection (d) of
10 Section 30, as reported to the Agency under subsection (i) or
11 (j) of Section 30; or (ii) twice the total weight of all CEDs
12 that were recycled or processed for reuse between January 1,
13 2010 and June 30, 2010, including any extra credits derived
14 from the formulas in subsection (d) of Section 30, as reported
15 to the Agency under subsection (c) of Section 55.

16 The "2010 goal attainment percentage" means:

17 (1) 90% if the 2010 base weight is less than 90% of the
18 statewide recycling or reuse goal for program year 2010;

19 (2) 95% if the 2010 base weight is 90% or greater, but
20 does not exceed 95%, of the statewide recycling or reuse
21 goal for program year 2010;

22 (3) 100% if the 2010 base weight is 95% or greater, but
23 does not exceed 105%, of the statewide recycling or reuse
24 goal for program year 2010;

25 (4) 105% if the 2010 base weight is 105% or greater,
26 but does not exceed 110%, of the statewide recycling or

1 reuse goal for program year 2010; and

2 (5) 110% if the 2010 base weight is 110% or greater of
3 the statewide recycling or reuse goal for program year
4 2010.

5 (c) For program years 2012 and thereafter, the statewide
6 recycling or reuse goal for all CEDs is the product of: (i) the
7 base weight; multiplied by (ii) the goal attainment percentage.

8 For the purposes of this subsection (c):

9 The "base weight" means the greater of: (i) the total
10 weight of all CEDs recycled or processed for reuse during the
11 previous program year, including any extra credits derived from
12 the formulas in subsection (d) of Section 30, as reported to
13 the Agency under subsection (k) or (l) of Section 30; or (ii)
14 the total weight of all CEDs recycled or processed for reuse
15 during the previous program year, including any extra credits
16 derived from the formulas in subsection (d) of Section 30, as
17 reported to the Agency under subsection (d) of Section 55.

18 The "goal attainment percentage" means:

19 (1) 90% if the base weight is less than 90% of the
20 statewide recycling or reuse goal for the previous program
21 year;

22 (2) 95% if the base weight is 90% or greater, but does
23 not exceed 95%, of the statewide recycling or reuse goal
24 for the previous program year;

25 (3) 100% if the base weight is 95% or greater, but does
26 not exceed 105%, of the statewide recycling or reuse goal

1 for the previous program year;

2 (4) 105% if the base weight is 105% or greater, but
3 does not exceed 110%, of the statewide recycling or reuse
4 goal for the previous program year; and

5 (5) 110% if the base weight is 110% or greater of the
6 statewide recycling or reuse goal for the previous program
7 year.

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

9 (415 ILCS 150/20)

10 Sec. 20. Agency responsibilities.

11 (a) The Agency has the authority to monitor compliance with
12 this Act and to refer violations of this Act to the Attorney
13 General.

14 (b) (Blank). ~~No later than October 1 of each program year,~~
15 ~~the Agency shall post on its website a list of underserved~~
16 ~~counties in the State for the next program year. The list of~~
17 ~~underserved counties for the first program year is set forth in~~
18 ~~subsection (a) of Section 60.~~

19 (c) (1) By July 1, 2009, the Agency shall implement a
20 county and municipal government education campaign to inform
21 those entities about this Act and the implications on solid
22 waste collection in their localities.

23 (2) The Agency shall place on the front page of its website
24 a link, labeled "recycling", in order to provide Illinois
25 residents with a direct connection to fact sheets regarding

1 electronic-waste sites located in the State.

2 (3) During the third calendar quarter of 2010, the Agency
3 must gather feedback from all registered collectors concerning
4 the adequacy of efforts to inform Illinois residents about the
5 requirements of this Act. The Agency must collaborate with the
6 collectors to distribute information where gaps are
7 identified.

8 (4) During the fourth calendar quarter of 2010, the Agency
9 must gather feedback from the Illinois Retail Merchants
10 Association, Illinois Recycling Association, Illinois
11 Municipal League, Illinois Counties Solid Waste Management
12 Association, and Metropolitan Mayors Caucus on the adequacy of
13 efforts to inform Illinois residents about the requirements of
14 this Act. The Agency must collaborate with these groups to
15 distribute information where gaps are identified.

16 (d) By July 1, 2011 for the first program year, and by
17 April 1 for all subsequent program years, the Agency shall
18 report to the Governor and to the General Assembly annually on
19 the previous program year's performance. The report must be
20 posted on the Agency's website. The report must include, but
21 not be limited to, the following:

22 (1) the total overall weight of CEDs, as well as the
23 sub-total weight of computers, the sub-total weight of
24 computer monitors, the sub-total weight of printers, the
25 sub-total weight of televisions, and the total weight of
26 EEDs that were recycled or processed for reuse in the State

1 during the program year, as reported by manufacturers and
2 collectors under Sections 30 and 55;

3 (2) a listing of all collection sites as set forth
4 under subsection (e) of Section 55;

5 (3) a statement of the manufacturers' progress toward
6 achieving the statewide recycling goal set forth in Section
7 15 (calculated from the manufacturer reports pursuant to
8 Section 30 and the collector reports pursuant to Section
9 55) and any identified State actions that may help expand
10 collection opportunities to help manufacturers achieve the
11 statewide recycling goal;

12 (4) a listing of all entities or persons that ~~any~~
13 ~~manufacturers whom~~ the Agency referred to the Attorney
14 General's Office for enforcement as a result of a violation
15 of this Act;

16 (5) a discussion of the Agency's education and outreach
17 activities required under subsection (c) of Section 20; and

18 (6) a discussion of the penalties, if any, incurred by
19 manufacturers for failure to achieve recycling goals, and a
20 recommendation to the General Assembly of any necessary or
21 appropriate changes to the statewide recycling goals,
22 manufacturer's recycling goals, or penalty provisions
23 included in this Act.

24 (e) The Agency shall post on its website (1) a list of
25 manufacturers that have paid the current year's registration
26 fee as set forth in subsection (b) of Section 30, ~~Section 30(b)~~

1 ~~and~~ (2) a list of registered collectors to whom Illinois
2 residents can bring CEDs and EEDs for recycling or processing
3 for reuse, (3) the locations of registered collectors'
4 collection sites, and (4) the registered ~~including links to the~~
5 ~~collectors' websites and the~~ collectors' phone numbers.

6 (f) In program years 2012, 2013, and 2014, and at its
7 discretion thereafter, the Agency shall convene and host an
8 Electronic Products Recycling Conference. The Agency may host
9 the conferences alone or with other public entities or with
10 organizations associated with electronic products recycling.

11 (g) No later than October 1 of each program year, the
12 Agency must post on its website the following information for
13 the next program year:

14 (1) The overall statewide recycling and reuse goal for
15 CEDs, as well as the sub-goals for televisions, and
16 computers, computer monitors, and printers as set forth in
17 Section 15.

18 (2) The market shares of television manufacturers and
19 the return shares of computer, computer monitor, and
20 printer manufacturers, as set forth in Section 18, and

21 (3) The individual recycling and reuse goals for each
22 manufacturer, as set forth in Section 19.

23 (h) By April 1, 2011, and by April 1 of all subsequent
24 years, the Agency shall recognize those manufacturers that have
25 met or exceeded their recycling or reuse goals for the previous
26 program year. Such recognition shall be the awarding to all

1 such manufacturers of an Electronic Industry Recycling Award,
2 which shall be recognized on the Agency website and other media
3 as appropriate.

4 (i) By March 1, 2011, and by March 1 of each subsequent
5 year, the Agency shall post on its website a list of registered
6 manufacturers that have not met their annual recycling and
7 reuse goal for the previous program year.

8 (j) By July 1, 2012, the Agency shall solicit written
9 comments regarding all aspects of the program codified in this
10 Act, for the purpose of determining if the program requires any
11 modifications.

12 (1) Issues to be reviewed by the Agency are, but not
13 limited to, the following:

14 (A) Sufficiency of the annual statewide recycling
15 goals.

16 (B) Fairness of the formulas used to determine
17 individual manufacturer goals.

18 (C) Adequacy of, or the need for, continuation of
19 the credits outlined in Section 30(d)(1) through (3).

20 (D) Any temporary rescissions ~~recissions~~ of county
21 landfill bans granted by the Illinois Pollution
22 Control Board pursuant to Section 95(e).

23 (E) Adequacy of, or the need for, the penalties
24 listed in Section 80 of this Act, which are scheduled
25 to take effect on January 1, 2013.

26 (F) Adequacy of the collection systems that have

1 been implemented as a result of this Act, with a
2 particular focus on promoting the most cost-effective
3 and convenient collection system possible for Illinois
4 residents.

5 (G) Adequacy of the Agency, retailer, and
6 manufacturer education campaigns to inform the public
7 and other entities about this Act.

8 (2) By July 1, 2012, the Agency shall complete its
9 review of the written comments received, as well as its own
10 reports on program years 2010 and 2011. By August 1, 2012,
11 the Agency shall hold a public hearing to present its
12 findings and solicit additional comments. All additional
13 comments shall be submitted to the Agency in writing no
14 later than October 1, 2012.

15 (3) The Agency's final report, which shall be issued no
16 later than February 1, 2013, shall be submitted to the
17 Governor and the General Assembly and shall include
18 specific recommendations for any necessary or appropriate
19 modifications to the program.

20 (Source: P.A. 95-959, eff. 9-17-08; 96-328, eff. 8-11-09.)

21 (415 ILCS 150/30)

22 Sec. 30. Manufacturer responsibilities.

23 (a) Prior to April 1, 2009 for the first program year, and
24 by October 1 for program year 2011 and thereafter,
25 manufacturers who sell ~~whose~~ computers, computer monitors,

1 printers, or televisions ~~are sold~~ in this State must register
2 with the Agency. The registration must be submitted in the form
3 and manner required by the Agency. The registration must
4 include, without limitation, all of the following:

5 (1) a list of all of the manufacturer's brands of
6 computers, computer monitors, printers, or televisions to
7 be offered for sale in the next program year; and

8 ~~(2) for manufacturers of both televisions and~~
9 ~~computers, computer monitors, or printers, an~~
10 ~~identification of whether, for residential use, (i)~~
11 ~~televisions or (ii) computers, computer monitors, and~~
12 ~~printers, represent the larger number of units sold for the~~
13 ~~manufacturer; and~~

14 ~~(3) a statement disclosing whether:~~

15 (2) a statement disclosing whether ~~(A)~~ any computer,
16 computer monitor, printer, or television offered for sale
17 ~~sold~~ in this State exceeds the maximum concentration values
18 established for lead, mercury, cadmium, hexavalent
19 chromium, polybrominated biphenyls (PBBs), and
20 polybrominated diphenyl ethers (PBDEEs) under the RoHS
21 (restricting the use of certain hazardous substances in
22 electrical and electronic equipment) Directive 2002/95/EC
23 of the European Parliament and Council and any amendments
24 and exemptions thereto and, if so, an identification of
25 that computer, computer monitor, printer, or television. ~~†~~

26 ~~or~~

1 ~~(B) the manufacturer has received an exemption from one~~
2 ~~or more of those maximum concentration values under the~~
3 ~~RoHS Directive that has been approved and published by the~~
4 ~~European Commission.~~

5 If, during the program year, a manufacturer's computer,
6 computer monitor, printer, or television is sold or offered for
7 sale in Illinois under a new brand that is not listed in the
8 manufacturer's registration, then, within 30 days after the
9 first sale or offer for sale under the new brand, the
10 manufacturer must amend its registration to add the new brand.

11 (b) Prior to July 1, 2009 for the first program year, and
12 by the November 1 preceding program years 2011 and later, all
13 manufacturers whose computers, computer monitors, printers, or
14 televisions are offered for sale ~~sold~~ in the State shall submit
15 to the Agency, at an address prescribed by the Agency, the
16 registration fee for the next program year.

17 The registration fee for program year 2010 is \$5,000.

18 The registration fee for program year 2011 is \$5,000 if the
19 manufacturer sold 250 or more CEDs during 2009, and is \$1,250
20 if the manufacturer sold 250 or fewer CEDs during 2009.

21 The registration fee for ~~For~~ program years 2012 2011 and
22 thereafter shall be later, the registration fee for program
23 year 2011 (based upon the number of sales in the calendar year
24 2 years before the applicable program year) ~~is~~ increased each
25 year by an inflation factor determined by the Agency from the
26 annual Implicit Price Deflator for Gross National Product, as

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

11 (c) A manufacturer whose computers, computer monitors,
12 printers, or televisions are first sold or offered for sale in
13 this State on or after January 1 of a program year must
14 register with the Agency in accordance with subsection (a) of
15 this Section within 30 days after the first sale or offer for
16 sale in this State and submit the registration fee required
17 under subsection (b) of this Section prior to the
18 manufacturer's computers, computer monitors, printers, or
19 televisions being sold or offered for sale.

20 (d) Each manufacturer shall recycle or process for reuse
21 CEDs and EEDs whose total weight equals or exceeds the
22 manufacturer's individual recycling and reuse goal set forth in
23 Section 19 of this Act. The cost of recycling includes the
24 costs of collection, transportation, and dismantling or
25 shredding of the CEDs or EEDs. The cost of processing for reuse
26 includes the costs of collection and transportation of CEDs or

1 EEDs. Individual consumers may not be charged an end-of-life
2 fee when bringing their CEDs and EEDs to ~~permanent or temporary~~
3 collection locations, unless a financial incentive of equal or
4 greater value, such as a coupon, is provided. Individual
5 consumers may not be charged a separate fee for the destruction
6 or sanitization of data on hard drives and other data storage
7 devices of CEDs and EEDs brought to collection locations.
8 Collectors may charge a fee for premium services such as
9 curbside collection, home pick-up, or a similar method of
10 collection.

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

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

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

1 written confirmations must be submitted in the annual
2 report required under Section 30.

3 (3) The total weight of CEDs is tripled if they are
4 collected, recycled, or refurbished for a manufacturer by a
5 not-for-profit entity that is established under Section
6 501(c)(3) of the Internal Revenue Code of 1986 and the
7 majority of whose employees are developmentally disabled
8 and engaged in the deconstruction or refurbishment of CEDs.
9 A manufacturer that uses such an entity shall submit
10 documentation in the annual report required under Section
11 30 identifying the name and location of the entity to
12 qualify for the credit under this subsection.

13 (4) In program year 2010, the ~~(3)~~ The total weight of
14 CEDs collected by manufacturers free of charge in
15 underserved counties is doubled. This subsection applies
16 only to CEDs that are documented by collectors as being
17 collected or received free of charge in underserved
18 counties. This documentation must include, without
19 limitation, the date and location of collection or receipt,
20 the weight of the CEDs collected or received, and an
21 acknowledgement by the collector that the CEDs were
22 collected or received free of charge. Copies of the
23 documentation must be submitted in the annual report
24 required under subsection (h), (i), or (j), ~~(k), or (l)~~ of
25 Section 30.

26 (5) In meeting their annual recycling and

1 refurbishment goals in program years 2011 and thereafter,
 2 manufacturers with annual goals of more than 1 million
 3 pounds shall, either individually or in groups, ensure that
 4 the residential CEDs and EEDs collected toward their annual
 5 goals are collected in the following areas according to the
 6 geographic population proportions in Tables 1 and 2:

7

8

TABLE 1

9

Northeastern Illinois (Cook, DuPage, Kane,

10 Kendall, Lake, McHenry, and Will counties): 66.3%

11 East St. Louis area (Madison and St. Clair

12 counties): 4.1%

13 Springfield/Decatur area (Sangamon and Macon

14 counties): 2.4%

15 Rockford area (Winnebago county): 2.3%

16 Champaign/Urbana/Danville area (Champaign and

17 Vermillion counties): 2.1%

18 Peoria area (Peoria and Tazewell counties): 1.4%

19 Bloomington/Normal area (McLean county): 1.3%

20 Quad Cities area (Rock Island county): 1.1%

21 The weight of all residential CEDs and EEDs collected

22 in the Table 1 areas shall count toward annual goal

23 achievement on a 1:1 scale.

1

2

TABLE 2

3

Northern area (Boone, Bureau, Carroll, DeKalb,

4

Grundy, Henry, Jo Daviess, LaSalle, Lee,

5

Ogle, Putnam, Stephenson, and Whiteside

6

counties):5.0%

7

Southwest area (Alexander, Bond, Christian,

8

Clinton, Fayette, Franklin, Jackson,

9

Jefferson, Johnson, Marion, Monroe,

10

Montgomery, Perry, Pulaski, Randolph, Union,

11

Washington, and Williamson counties):4.1%

12

East Central area (DeWitt, Ford, Iroquois,

13

Kankakee, Livingston, Logan, Macon,

14

Marshall, Mason, Menard, Platt, Stark,

15

and Woodford counties):3.5%

16

Western area (Adams, Brown, Calhoun, Cass, Fulton,

17

Greene, Hancock, Henderson, Jersey, Knox,

18

Macoupin, McDonough, Mercer, Morgan,

19

Pike Schuyler, Scott and Warren counties):3.3%

20

Eastern area (Clark, Clay, Crawford, Cumberland,

21

Douglas, Edgar, Effingham, Jasper,

22

Lawrence, Moultrie, Richland, and Shelby):1.6%

23

Southeastern area (Edwards, Gallatin, Hamilton,

24

Hardin, Massac, Pope, Saline, Wabash,

25

Wayne, and White):0.9%

1 The weight of all residential CEDs and EEDs collected
2 in the Table 2 areas shall count toward annual goal
3 achievement on a 2:1 scale; this double credit shall be
4 applicable to all manufacturers with an annual recycling
5 goal, an annual refurbishment goal, or both. Manufacturers
6 shall provide proof of the county of collection in the
7 annual report required under subsection (j), (k), or (l) of
8 Section 30.

9 (6) The Agency shall use any credit-enhanced
10 collection weights derived from the formulas in
11 subdivisions (d)(1) through (d)(4) of Section 30 when
12 calculating the manufacturers' "2010 base weight" and
13 "base weight", as those terms are defined in subsections
14 (b) and (c), respectively, of Section 15, for the next
15 program year's goals.

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

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

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

4 (3) the date, location, and time of the sampling;

5 (4) the name or names of the manufacturer for whom the
6 recycler is performing activities under this Act; and

7 (5) a certification by the third-party auditor that the
8 sampling is statistically significant and, if not, an
9 explanation as to what occurred to render the sampling
10 insignificant.

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

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

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

1 (g) Manufacturers shall ensure that the recyclers and
2 refurbishers used to meet the individual recycling and reuse
3 goals set forth in this Act shall, at a minimum, comply with
4 the standards set forth under subsection (d) of Section 50 of
5 this Act. Beginning November 1, 2010, and every November 1
6 thereafter, manufacturers shall submit a document, as
7 prescribed by the Agency, listing the recyclers, refurbishers,
8 or both that will be used to meet the manufacturers' individual
9 recycling and reuse goals in the next program year, and
10 certifying that those recyclers, refurbishers, or both comply
11 with the standards set forth under subsection (d) of Section 50
12 of this Act. This report shall also include a list of counties
13 and municipalities in which collections will occur in the next
14 program year.

15 (h) By August 15, 2009, television manufacturers shall
16 submit to the Agency, in the form and manner required by the
17 Agency, a report that contains the total weight of televisions
18 sold under each of the manufacturer's brands to individuals at
19 retail in this State, as set forth in the reports to
20 manufacturers by retailers under subsection (c) of Section 40.

21 (i) No later than September 1, 2010, television
22 manufacturers must submit to the Agency, in the form and manner
23 required by the Agency, a report for the prior calendar year
24 period January 1, 2010 through June 30, 2010 that contains the
25 following information:

26 (1) the total weight of televisions, the total weight

1 of computers, the total weight of computer monitors, and
2 the total weight of printers sold under each of the
3 manufacturer's brands to individuals at retail in this
4 State; the following information:

5 (2) ~~(1)~~ the total weight of televisions sold under each
6 of the manufacturer's brands to individuals at retail in
7 this State, from one of the following two sources, with the
8 manufacturer indicating in the report which of the two data
9 sources was used, and, if a national sales data report was
10 used, the name of the national sales data source:

11 (i) the manufacturer's own sales reports or

12 (ii) national sales data reports obtained by the
13 manufacturer and pro-rated to Illinois by population,
14 based on the most recent U.S. census data; and

15 , ~~as set forth in the reports submitted under~~
16 ~~subsection (d) of Section 40; and~~

17 (3) ~~(2)~~ the total weight of computers, the total weight
18 of computer monitors, the total weight of printers, the
19 total weight of televisions, and the total weight of EEDs
20 recycled or processed for reuse.

21 (j) By August 15, 2010, computer, computer monitor, and
22 printer manufacturers shall submit to the Agency, on forms and
23 in a format prescribed by the Agency, a report for the period
24 January 1, 2010 through June 30, 2010 that contains the total
25 weight of computers, the total weight of computer monitors, the
26 total weight of printers, the total weight of televisions, and

1 the total weight of EEDs, recycled or processed for reuse.

2 (k) No later than April 1 of program years 2011 and
3 thereafter, television manufacturers shall submit to the
4 Agency, in the form and manner required by the Agency, a report
5 that contains the following information for the previous
6 program year:

7 (1) the total weight of televisions sold under each of
8 the manufacturer's brands to individuals at retail in this
9 State, ~~as set forth in the reports submitted under~~
10 ~~subsection (e) of Section 40;~~

11 (2) the total weight of computers, the total weight of
12 computer monitors, the total weight of printers, the total
13 weight of televisions, and the total weight of EEDs
14 recycled or processed for reuse;

15 (3) the identification of all weights that are adjusted
16 under subsection (d) of this Section. For all weights
17 adjusted under item (2) of subsection (d), the manufacturer
18 must include copies of the written confirmation required
19 under that subsection;

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

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

26 (l) No later than April 1 of program years 2011 and

1 thereafter, computer, computer monitor, and printer
2 manufacturers shall submit to the Agency, on forms and in a
3 format prescribed by the Agency, a report that contains the
4 following information for the previous program year:

5 (1) the total weight of computers, the total weight of
6 computer monitors, the total weight of printers, the total
7 weight of televisions, and the total weight of EEDs
8 recycled or processed for reuse;

9 (2) the identification of all weights that are adjusted
10 under subsection (d) of this Section. For all weights
11 adjusted under item (2) of subsection (d), the manufacturer
12 must include copies of the written confirmation required
13 under that subsection;

14 (3) a list of each recycler, refurbisher, and collector
15 used by the manufacturer to fulfill the manufacturer's
16 individual recycling and reuse goal set forth in subsection
17 (c) of Section 15 of this Act; and

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

20 (m) Manufacturers must develop and maintain a consumer
21 education program that complements and corresponds to the
22 primary retailer-driven campaign required under Section 40 of
23 this Act. The education program shall promote the recycling of
24 electronic products and proper end-of-life management of the
25 products by consumers.

26 (n) Beginning January 1 2010, no manufacturer may sell a

1 computer, computer monitor, printer, or television in this
2 State unless the manufacturer is registered with the State as
3 required under this Act, has paid the required registration
4 fee, and is otherwise in compliance with the provisions of this
5 Act.

6 (o) Beginning January 1, 2010, no manufacturer may sell a
7 computer, computer monitor, printer, or television in this
8 State unless the manufacturer's brand name is permanently
9 affixed to, and is readily visible on, the computer, computer
10 monitor, printer, or television.

11 (p) The cost of collection shall be paid by manufacturers.
12 Manufacturers shall pay for the cost of materials for sorting,
13 palletizing, and wrapping covered electronic devices and
14 eligible electronic devices, as well as the costs for
15 transportation from the collection site to the recycler or
16 refurbisher.

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

18 (415 ILCS 150/40)

19 Sec. 40. Retailer responsibilities.

20 (a) Retailers shall be a primary source of information
21 about end-of-life options to residential consumers of
22 computers, computer monitors, printers, and televisions. At
23 the time of sale, the retailer shall provide each residential
24 consumer with information from the Agency's website that
25 provides information detailing where and how a consumer can

1 recycle a CED or return a CED for reuse.

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

5 (1) the computer, computer monitor, printer, or
6 television is labeled with a brand and the label is
7 permanently affixed and readily visible; and

8 (2) the manufacturer is registered with the Agency and
9 has paid the required registration fee as required under
10 Section 20 of this Act.

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

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

19 ~~(d) By August 1, 2010, retailers shall report to each~~
20 ~~television manufacturer, by model, the number of televisions~~
21 ~~sold at retail to individuals in this State under each of the~~
22 ~~manufacturer's brands between January 1, 2010 and June 30,~~
23 ~~2010.~~

24 ~~(e) No later than February 15 of each program year,~~
25 ~~retailers shall report to each television manufacturer, by~~
26 ~~model, the number of televisions sold at retail to individuals~~

1 ~~in this State under each of the manufacturer's brands during~~
2 ~~the previous program year.~~

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

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 (a-5) If, during the program year, an unregistered recycler
16 or refurbisher begins to recycle or refurbish CEDs or EEDs,
17 then, within 30 days after commencing the recycling or
18 refurbishing of CEDs or EEDs, the recycler or refurbisher must
19 register as required under subsection (a) of this Section 50
20 and remit the registration fee as required under subsection (b)
21 of this Section 50.

22 (b) The registration fee for program year 2010 is \$2,000.
23 For program year 2011, if a recycler's or refurbisher's annual
24 throughput is less than 1,000 tons per year as stated in the
25 Department of Economic Opportunity 2007 capacity study, the

1 registration fee shall be \$500. For program year 2012 and for
2 all subsequent program years, both registration fees shall be
3 ~~For program years 2011 and thereafter, the registration fee is~~
4 increased each year by an inflation factor determined by the
5 annual Implicit Price Deflator for Gross National Product as
6 published by the U.S. Department of Commerce in its Survey of
7 Current Business. The inflation factor must be calculated each
8 year by dividing the latest published annual Implicit Price
9 Deflator for Gross National Product by the annual Implicit
10 Price Deflator for Gross National Product for the previous
11 year. The inflation factor must be rounded to the nearest
12 1/100th, and the resulting registration fee must be rounded to
13 the nearest whole dollar. No later than October 1 of each
14 program year, the Agency shall post on its website the
15 registration fee for the next program year.

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

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

22 (1) Recyclers and refurbishers must comply with
23 federal, State, and local laws and regulations, including
24 federal and State minimum wage laws, specifically relevant
25 to the handling, processing, refurbishing and recycling of
26 residential CEDs and must have proper authorization by all

1 appropriate governing authorities to perform the handling,
2 processing, refurbishment, and recycling.

3 (2) Recyclers and refurbishers must implement the
4 appropriate measures to safeguard occupational and
5 environmental health and safety, through the following:

6 (A) environmental health and safety training of
7 personnel, including training with regard to material
8 and equipment handling, worker exposure, controlling
9 releases, and safety and emergency procedures;

10 (B) an up-to-date, written plan for the
11 identification and management of hazardous materials;
12 and

13 (C) an up-to-date, written plan for reporting and
14 responding to exceptional pollutant releases,
15 including emergencies such as accidents, spills,
16 fires, and explosions.

17 (3) Recyclers and refurbishers must maintain (i)
18 commercial general liability insurance or the equivalent
19 corporate guarantee for accidents and other emergencies
20 with limits of not less than \$1,000,000 per occurrence and
21 \$1,000,000 aggregate and (ii) pollution legal liability
22 insurance with limits not less than \$1,000,000 per
23 occurrence for companies engaged solely in the dismantling
24 activities and \$5,000,000 per occurrence for companies
25 engaged in recycling.

26 (4) Recyclers and refurbishers must maintain on file

1 documentation that demonstrates the completion of an
2 environmental health and safety audit completed and
3 certified by a competent internal and external auditor
4 annually. A competent auditor is an individual who, through
5 professional training or work experience, is appropriately
6 qualified to evaluate the environmental health and safety
7 conditions, practices, and procedures of the facility.
8 Documentation of auditors' qualifications must be
9 available for inspection by Agency officials and
10 third-party auditors.

11 (5) Recyclers and refurbishers must maintain on file
12 proof of workers' compensation and employers' liability
13 insurance.

14 (6) Recyclers and refurbishers must provide adequate
15 assurance (such as bonds or corporate guarantee) to cover
16 environmental and other costs of the closure of the
17 recycler or refurbisher's facility, including cleanup of
18 stockpiled equipment and materials.

19 (7) Recyclers and refurbishers must apply due
20 diligence principles to the selection of facilities to
21 which components and materials (such as plastics, metals,
22 and circuit boards) from CEDs and EEDs are sent for reuse
23 and recycling.

24 (8) Recyclers and refurbishers must establish a
25 documented environmental management system that is
26 appropriate in level of detail and documentation to the

1 scale and function of the facility, including documented
2 regular self-audits or inspections of the recycler or
3 refurbisher's environmental compliance at the facility.

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

15 (10) Recyclers and refurbishers must establish a
16 system for identifying and properly managing components
17 (such as circuit boards, batteries, CRTs, and mercury
18 phosphor lamps) that are removed from CEDs and EEDs during
19 disassembly. Recyclers and refurbishers must properly
20 manage all hazardous and other components requiring
21 special handling from CEDs and EEDs consistent with
22 federal, State, and local laws and regulations. Recyclers
23 and refurbishers must provide visible tracking (such as
24 hazardous waste manifests or bills of lading) of hazardous
25 components and materials from the facility to the
26 destination facilities and documentation (such as

1 contracts) stating how the destination facility processes
2 the materials received. No recycler or refurbisher may
3 send, either directly or through intermediaries, hazardous
4 wastes to solid waste (non-hazardous waste) landfills or to
5 non-hazardous waste incinerators for disposal or energy
6 recovery. For the purpose of these guidelines, smelting of
7 hazardous wastes to recover metals for reuse in conformance
8 with all applicable laws and regulations is not considered
9 disposal or energy recovery.

10 (11) Recyclers and refurbishers must use a regularly
11 implemented and documented monitoring and record-keeping
12 program that tracks inbound CED and EED material weights
13 (total) and subsequent outbound weights (total to each
14 destination), injury and illness rates, and compliance
15 with applicable permit parameters including monitoring of
16 effluents and emissions. Recyclers and refurbishers must
17 maintain contracts or other documents, such as sales
18 receipts, suitable to demonstrate: (i) the reasonable
19 expectation that there is a downstream market or uses for
20 designated electronics (which may include recycling or
21 reclamation processes such as smelting to recover metals
22 for reuse); and (ii) that any residuals from recycling or
23 reclamation processes, or both, are properly handled and
24 managed to maximize reuse and recycling of materials to the
25 extent practical.

26 (12) Recyclers and refurbishers must comply with

1 federal and international law and agreements regarding the
2 export of used products or materials. In the case of
3 exports of CEDs and EEDs, recyclers and refurbishers must
4 comply with applicable requirements of the U.S. and of the
5 import and transit countries and must maintain proper
6 business records documenting its compliance. No recycler
7 or refurbisher may establish or use intermediaries for the
8 purpose of circumventing these U.S. import and transit
9 country requirements.

10 (13) Recyclers and refurbishers that conduct
11 transactions involving the transboundary shipment of used
12 CEDs and EEDs shall use contracts (or the equivalent
13 commercial arrangements) made in advance that detail the
14 quantity and nature of the materials to be shipped. For the
15 export of materials to a foreign country (directly or
16 indirectly through downstream market contractors): (i) the
17 shipment of intact televisions and computer monitors
18 destined for reuse must include only whole products that
19 are tested and certified as being in working order or
20 requiring only minor repair (e.g. not requiring the
21 replacement of circuit boards or CRTs), must be destined
22 for reuse with respect to the original purpose, and the
23 recipient must have verified a market for the sale or
24 donation of such product for reuse; (ii) the shipments of
25 CEDs and EEDs for material recovery must be prepared in a
26 manner for recycling, including, without limitation,

1 smelting where metals will be recovered, plastics recovery
2 and glass-to-glass recycling; or (iii) the shipment of CEDs
3 and EEDs are being exported to companies or facilities that
4 are owned or controlled by the original equipment
5 manufacturer.

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

16 (15) Recyclers and refurbishers must employ
17 industry-accepted procedures for the destruction or
18 sanitization of data on hard drives and other data storage
19 devices. Acceptable guidelines for the destruction or
20 sanitization of data are contained in the National
21 Institute of Standards and Technology's Guidelines for
22 Media Sanitation or those guidelines certified by the
23 National Association for Information Destruction;

24 (16) No recycler or refurbisher may employ prison labor
25 in any operation related to the collection,
26 transportation, recycling, and refurbishment of CEDs and

1 EEDs. No recycler or refurbisher may employ any third party
2 that uses or subcontracts for the use of prison labor.
3 (Source: P.A. 95-959, eff. 9-17-08.)

4 (415 ILCS 150/55)

5 Sec. 55. Collector responsibilities.

6 (a) No later than January 1 of each program year,
7 collectors that collect or receive CEDs or EEDs for one or more
8 manufacturers, recyclers, or refurbishers shall register with
9 the Agency. Registration must be in the form and manner
10 required by the Agency and must include, without limitation,
11 the address of each location where CEDs or EEDs are received
12 and the identification of each location at which the collector
13 accepts CEDs or EEDs from a residence.

14 (a-5) If during the program year an unregistered collector
15 commences collecting CEDs, EEDs, or both the unregistered
16 collector must register as required under subsection (a) of
17 Section 55 no later than 30 days prior to the first collection
18 of CEDs, EEDs, or both. The Agency shall post the name and
19 location of the registered collector within 30 days after
20 receiving the registration.

21 (b) Manufacturers, recyclers, refurbishers also acting as
22 collectors shall so indicate on their registration under
23 Section 30 or 50 and not register separately as collectors.

24 (c) No later than August 15, 2010, collectors must submit
25 to the Agency, on forms and in a format prescribed by the

1 Agency, a report for the period from January 1, 2010 through
2 June 30, 2010 that contains the following information: the
3 total weight of computers, the total weight of computer
4 monitors, the total weight of televisions, the total weight of
5 printers, and the total weight of EEDs collected or received
6 for each manufacturer.

7 (d) No later than May 1 of each program year, collectors
8 must submit to the Agency, on forms and in a format prescribed
9 by the Agency, a report that contains the following information
10 for the previous program year:

11 (1) the total weight of computers, the total weight of
12 computer monitors, the total weight of printers, the total
13 weight of televisions, and the total weight of EEDs
14 collected or received for each manufacturer during the
15 program year.

16 (2) a list of each recycler and refurbisher that
17 received CEDs and EEDs from the collector and the total
18 weight each recycler and refurbisher received.

19 (3) the address of each collector's facility where the
20 CEDs and EEDs were collected or received. Each facility
21 address must include the county in which the facility is
22 located.

23 (e) Collectors may accept no more than 10 CEDs or EEDs at
24 one time from individual members of the public and, when
25 scheduling collection events, shall provide no fewer than 30
26 days' notice to the county waste agency of those events.

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

2 (415 ILCS 150/60)

3 Sec. 60. Collection strategy for underserved counties.

4 (a) For program year 2010, all counties in this State
5 except the following are considered underserved: Champaign,
6 Clay, Clinton, Cook, DuPage, Fulton, Hancock, Henry, Jackson,
7 Kane, Kendall, Knox, Lake, Livingston, Macoupin, McDonough,
8 McHenry, McLean, Mercer, Peoria, Rock Island, St. Clair,
9 Sangamon, Schuyler, Stevenson, Warren, Will, Williamson, and
10 Winnebago.

11 (b) (Blank). ~~For program years 2011 and later, underserved~~
12 ~~counties shall be counties in this State that, during the~~
13 ~~program year 2 years prior, were not served by a minimum of one~~
14 ~~collection site that (i) accepted all types of CEDs and EEDs~~
15 ~~and (ii) was open for a minimum of 8 hours on at least one day~~
16 ~~per month of that program year. For the purposes of this~~
17 ~~subsection (b), 2009 shall be considered to have been a program~~
18 ~~year, and for the program year 2012 the determination of~~
19 ~~whether a county is underserved shall be based on the criteria~~
20 ~~of this subsection (b) instead of the county's inclusion in the~~
21 ~~list set forth in subsection (a) of this Section.~~

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

23 (415 ILCS 150/65)

24 Sec. 65. State government procurement.

1 (a) The Department of Central Management Services shall
2 ensure that all bid specifications and contracts for the
3 purchase or lease of desktop computers, laptop or notebook
4 computers, and computer monitors, by State agencies under a
5 statewide master contract require that the electronic products
6 have a Bronze performance tier or higher registration under the
7 Electronic Product Environmental Assessment Tool ("EPEAT")
8 operated by the Green Electronics Council.

9 (b) The Department of Central Management Services shall
10 ensure that bid specifications and contracts for the purchase
11 or lease of televisions and printers by State agencies under a
12 statewide master contract require that the televisions have a
13 Bronze performance tier or higher registration under EPEAT if
14 the Department determines that there are an adequate number of
15 the printers or televisions registered under EPEAT to provide a
16 sufficiently competitive bidding environment.

17 (c) This Section applies to bid specifications issued, and
18 contracts entered into, on or after January 1, 2010.

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

20 (415 ILCS 150/80)

21 Sec. 80. Penalties.

22 (a) Except as otherwise provided in this Act, any person
23 who violates any provision of this Act or fails to perform any
24 duty under this Act is liable for a civil penalty not to exceed
25 \$1,000 for the violation and an additional civil penalty not to

1 exceed \$1,000 for each day the violation continues and is
2 liable for a civil penalty not to exceed \$5,000 for a second or
3 subsequent violation and an additional civil penalty not to
4 exceed \$1,000 for each day the second or subsequent violation
5 continues.

6 (b) A manufacturer that is not registered with the Agency
7 as required under this Act, or that has not paid the
8 registration fee as required under this Act, is liable for a
9 civil penalty not to exceed \$10,000 for the violation and an
10 additional civil penalty not to exceed \$10,000 for each day the
11 violation continues.

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

15 (1) In program year 2012, if the total weight of CEDs
16 and EEDs recycled or processed for reuse by the
17 manufacturer is less than 60% of the manufacturer's
18 individual recycling or reuse goal set forth in Section 19
19 of this Act, the manufacturer shall pay a penalty equal to
20 the product of: (i) \$0.70 per pound; multiplied by (ii) the
21 difference between the manufacturer's individual recycling
22 or reuse goal and the total weight of CEDs and EEDs
23 recycled or processed for reuse by the manufacturer during
24 the program year.

25 (2) In program year 2013, and each year thereafter, if
26 the total weight of CEDs and EEDs recycled or processed for

1 reuse by the manufacturer less than 75% of the
2 manufacturer's individual recycling or reuse goal set
3 forth in Section 19 of this Act, the manufacturer shall pay
4 a penalty equal to the product of: (i) \$0.70 per pound;
5 multiplied by (ii) the difference between the
6 manufacturer's individual recycling or reuse goal and the
7 total weight of CEDs and EEDs recycled or processed for
8 reuse by the manufacturer during the program year.

9 (d) Beginning January 1, 2010, a manufacturer in violation
10 of subsection (e), (h), (i), (j), (k), ~~or~~ (l), or (m) of
11 Section 30 is liable for a civil penalty not to exceed \$5,000
12 for the violation.

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

16 (f) Any person other than a residential consumer who
17 violates ~~A knowing violation of~~ subsections (a) and (c) of
18 Section 95 of this Act is liable for a civil penalty of \$25,000
19 ~~a petty offense punishable by a fine of.~~ Any residential
20 consumer who violates these provisions is liable for a civil
21 penalty of \$100. For the purposes of this subsection (f),
22 "residential consumer" means any individual who has purchased a
23 CED at retail.

24 (g) The penalties provided for in this Act may be recovered
25 in a civil action brought by the Attorney General in the name
26 of the People of the State of Illinois. Any moneys collected

1 under this Section in which the Attorney General has prevailed
2 may be deposited into the Electronic Recycling Fund,
3 established under this Act.

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

9 (i) The penalties and injunctions provided in this Act are
10 in addition to any penalties, injunctions, or other relief
11 provided under any other law. Nothing in this Act bars a cause
12 of action by the State for any other penalty, injunction, or
13 relief provided by any other law.

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

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