

SB0774



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0774

Introduced 2/1/2017, 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.

LRB100 06290 MJP 16327 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.