



Rep. Robyn Gabel

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LRB102 20577 CPF 36283 a

1 AMENDMENT TO HOUSE BILL 4356

2 AMENDMENT NO. _____. Amend House Bill 4356 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Carpet Stewardship Act.

6 Section 5. Findings and purpose. The General Assembly
7 finds that:

8 (1) Based on data contained in the Illinois Commodity
9 Waste Generation and Characterization Study, commissioned
10 in 2014 by the Illinois Department of Commerce and
11 Economic Opportunity, approximately 229,000 tons of carpet
12 and carpet padding are landfilled each year, 1.5% of the
13 total waste landfilled in this State.

14 (2) Old carpet and padding are currently being
15 recovered in this State at a carpet recovery rate
16 estimated to be less than 1%, compared to a 29% carpet

1 recovery rate for the second quarter in 2021 in
2 California, which has enacted Extended Producer
3 Responsibility legislation for carpet.

4 (3) Carpet recovery can be significantly expanded by
5 utilizing an Extended Producer Responsibility approach
6 which will lead to job creation through the collection,
7 processing, and marketing of old carpet and padding. In
8 California, this approach has created approximately 150
9 direct jobs.

10 (4) According to the U.S. Environmental Protection
11 Agency, the carpet recovery of old carpet has a positive
12 impact on the reduction of greenhouse gases when compared
13 to the landfilling or incineration of old carpet, which
14 increases the generation of greenhouse gases.

15 (5) Due to the detrimental environmental impacts of
16 improper management of old carpet and padding at the end
17 of its intended use, it is the purpose of this Act to
18 utilize a market share liability approach to recover the
19 funding necessary to implement the clearinghouse program
20 required by this Act.

21 Section 10. Definitions. In this Act:

22 "Agency" means the Illinois Environmental Protection
23 Agency.

24 "Artificial turf" means artificial or synthetic turf used
25 for sports playing surfaces.

1 "Blended carpet" means carpet with a nonuniform face
2 fiber, which is manufactured with multiple polymer types,
3 fiber types, or both, in the face of the constructed material.

4 "Brand" means a name, symbol, word, or mark that
5 identifies the carpet, rather than its components, and
6 attributes the product to the owner or licensee of the brand as
7 the producer.

8 "Carpet" means a manufactured article that is (i) used in
9 commercial buildings, single or multifamily residential
10 buildings, or sports playing surfaces, (ii) affixed or placed
11 on the floor or building walking surface as a decorative or
12 functional building interior or exterior feature, and (iii)
13 primarily constructed of a top visible surface of synthetic
14 face fibers or yarns or tufts attached to a backing system
15 derived from synthetic or natural materials. "Carpet"
16 includes, but is not limited to, a commercial or residential
17 broadloom carpet, modular carpet tiles, and artificial turf.
18 "Carpet" includes a pad or underlayment used in conjunction
19 with a carpet. "Carpet" does not include handmade rugs, area
20 rugs, or mats.

21 "Carpet recovery" means the process by which old carpet is
22 collected, processed, and returned to the economic mainstream
23 in the form of raw materials or products. "Carpet recovery" is
24 further defined to include only those pounds of old carpet
25 that are an output of a processor destined for an end market or
26 carpet reutilization and is not meant to mean the gross input

1 pounds of old carpet accepted by a processor. "Carpet
2 recovery" does not include energy recovery or energy
3 generation by means of combusting old carpet, and it does not
4 include any disposal or use of old carpet within the permitted
5 boundaries of a municipal solid waste landfill unit.

6 "Carpet recovery rate" means the percentage of old carpet
7 that is an output of a processor destined for carpet recovery
8 or reutilization and is computed by dividing the amount of old
9 carpet that is an output of a processor destined for carpet
10 recovery or reutilization by the total amount of old carpet
11 that is generated over a program year. To determine the annual
12 carpet recovery rates required by this Act the amount of old
13 carpet generated shall be calculated using an industry
14 standard calculation based on annual sales, replacement rate,
15 and the average weight of carpet.

16 "Carpet reutilization" means donating or selling an old
17 carpet back into the market for its original intended use,
18 when the old carpet retains its original purpose and
19 performance characteristics.

20 "Carpet stewardship program" means a statewide program for
21 the collection of old carpet and environmentally sound
22 management of old carpet that is funded by producers and
23 established and operated by the clearinghouse.

24 "Clearinghouse" means the entity incorporated as a
25 nonprofit within the meaning of 26 U.S.C. 501 representing
26 carpet producers, and other designated representatives who are

1 cooperating with one another to collectively establish and
2 operate a carpet recovery and carpet reutilization program for
3 old carpet for the purpose of complying with this Act.

4 "Clearinghouse plan" means a single, detailed plan
5 prepared by the clearinghouse that includes all the
6 information required by this Act.

7 "Clearinghouse program" means a statewide program for the
8 collection of old carpet and environmentally sound management
9 of old carpet that is financed by producers and established
10 and operated by the clearinghouse.

11 "Collection" means any method of consolidating and
12 temporarily storing old carpet.

13 "Collection site" means a site managed by a
14 clearinghouse-approved collector to collect and temporarily
15 store old carpet as provided by this Act.

16 "Collector" means any public or private entity approved by
17 the clearinghouse that provides old carpet collection
18 services.

19 "Comptroller" means the Comptroller of the State of
20 Illinois.

21 "Consumer" means any person who makes a purchase at
22 retail.

23 "Distributor" or "wholesaler" means a person who buys or
24 otherwise acquires carpet from another source and sells or
25 offers to sell that carpet to retailers in this State.

26 "Installer" means any person or entity contracted for the

1 purpose of installing flooring where old carpet is removed.

2 "Nylon carpet" means carpet made with a uniform face fiber
3 made with either nylon 6 or nylon 6,6.

4 "Old carpet" means carpet that is no longer used for its
5 manufactured purpose.

6 "Person" means any individual, partnership, copartnership,
7 firm, company, corporation, association, joint stock company,
8 trust, estate, political subdivision, State agency, or any
9 other legal entity, or their legal representative, agent, or
10 assign.

11 "PET carpet" means carpet made from polyethylene
12 terephthalate.

13 "Polypropylene carpet" means carpet made from
14 polypropylene.

15 "Processor" means a public or private entity approved by
16 the clearinghouse to prepare old carpet for reutilization,
17 recovery, or disposal that uses industry recognized processes,
18 such as shredding, grinding, shearing, depolymerization, or
19 other methods recognized by the clearinghouse, to convert old
20 carpet into finished recovered output ready to be used as an
21 input material for secondary products.

22 "Producer" means a person who manufactures carpet that is
23 sold, offered for sale, or distributed in this State. Producer
24 includes any person who imports carpet into the United States
25 that is sold, offered for sale, or distributed in this State
26 and that is manufactured by a person who does not manufacture

1 the carpet in the United States. "Producer" does not include a
2 retailer that trademarks or brands carpet that is sold,
3 offered for sale, or distributed in this State that is
4 manufactured by a person other than the retailer.

5 "Program year" means a calendar year. The first program
6 year is 2024.

7 "PTT carpet" means carpet made from polytrimethylene
8 terephthalate.

9 "Retailer" means any person engaged in the business of
10 making sales at retail that generate occupation or use tax
11 revenue. "Retailer" does not include a distributor, producer,
12 or wholesaler, as those terms are defined in this Section.

13 "Roll-off dumpster" means a waste container that holds at
14 least 40 cubic yards of waste.

15 "Sale" or "sell" means a transfer of title to carpet for
16 consideration, including a remote sale conducted through a
17 sales outlet, catalog, website, or similar electronic means.
18 "Sale" or "sell" includes a lease through which carpet is
19 provided to a consumer by a producer, distributor, or
20 retailer.

21 "Semitrailer" means any vehicle without motive power,
22 other than a pole trailer, designed for carrying persons or
23 property and for being drawn by a motor vehicle and so
24 constructed that some part of its weight and that of its load
25 rests upon or is carried by another vehicle.

26 "Sorter" means a public or private entity approved by the

1 clearinghouse that performs the sorting of old carpet for
2 third-party carpet recovery or carpet reutilization.

3 "Sorting" means the method used for sorting old carpet
4 into its various backing types or fiber types for carpet
5 recovery or carpet reutilization.

6 "Wool carpet" means carpet made from wool.

7 Section 15. Formation, duties, and powers of the
8 clearinghouse.

9 (a) Within 60 days after the effective date of this Act,
10 the Director of the Agency shall appoint the following members
11 to the clearinghouse, which shall be incorporated as a
12 nonprofit, to administer and implement the carpet stewardship
13 program, and the Director of the Agency shall appoint members
14 that reflect the racial and gender diversity of this State:

15 (1) one individual who is a representative of a
16 statewide association representing retailers;

17 (2) two individuals who are representatives of carpet
18 producers;

19 (3) one individual who is a representative of a
20 national association representing manufacturers of carpet;

21 (4) two individuals who are representatives of carpet
22 processors;

23 (5) two individuals who are representatives of a
24 statewide association representing waste disposal
25 companies;

1 (6) two individuals who are representatives of
2 environmental organizations;

3 (7) two individuals who are representatives of county
4 or municipal joint action agency waste management
5 programs;

6 (8) one individual who is a representative of a
7 company that utilizes old carpet to manufacture a new
8 product, not including new carpet; and

9 (9) one individual who is a representative of an
10 association representing installers of carpet.

11 (b) Members of the clearinghouse shall serve without
12 compensation but shall be reimbursed for travel expenses and
13 any other contingent expenses related to the formation of the
14 clearinghouse as a legal and functioning entity as part of the
15 budget for the clearinghouse program approved in the
16 clearinghouse plan. Members shall serve on the clearinghouse
17 until a successor is appointed and qualified.

18 (c) The clearinghouse's duties include, but are not
19 limited to:

20 (1) selection of a Chairperson, Vice-Chairperson,
21 Secretary, and Treasurer, the creation of bylaws, and
22 organizing itself into committees to implement this Act;

23 (2) incorporating itself as a 501c(3) nonprofit
24 organization and establishing financial accounts for use
25 by the clearinghouse under this Act;

26 (3) preparing the clearinghouse plan, and any required

1 amendments, in compliance with this Act;

2 (4) implementing the clearinghouse plan;

3 (5) submitting to the Agency in the clearinghouse plan
4 a funding mechanism that will generate sufficient funds to
5 implement the clearinghouse plan and meet the performance
6 goals established in paragraph (12) of subsection (a) of
7 Section 25; in determining the level of funding necessary
8 the clearinghouse may take into account program costs in
9 other jurisdictions' approved carpet stewardship plans,
10 annual reports, audits, and other information;

11 (6) approving collectors, sorters, and processors to
12 provide services under this Act;

13 (7) creating and administering a grant program to
14 assist in covering the costs to collect, process, or
15 market old carpet for carpet reutilization or carpet
16 recovery;

17 (8) being responsible for meeting the performance
18 goals specified by this Act;

19 (9) submitting annual program reports as required by
20 this Act;

21 (10) overseeing an annual audit conducted by a
22 third-party entity of the carpet stewardship program's
23 revenues and expenditures, and reporting those findings to
24 the Comptroller; and

25 (11) holding meetings that are open to the public with
26 reasonable notice of the meeting made publicly available.

1 (d) The clearinghouse shall hire a director and necessary
2 staff within 150 days after the effective date of this Act,
3 which shall be funded as part of the budget for the
4 clearinghouse program approved in the clearinghouse plan.

5 Section 20. Carpet stewardship program and sale
6 requirement.

7 (a) For all carpet sold in this State, the clearinghouse
8 shall implement, and producers shall finance, a statewide
9 carpet stewardship program that: manages carpet by reducing
10 its waste generation; promotes its carpet recovery and carpet
11 reutilization; and provides for negotiation and execution of
12 agreements to collect, transport, process, or market the old
13 carpet for end-of-life carpet recovery or carpet
14 reutilization.

15 (b) On and after January 1, 2023, a producer or
16 distributor may not offer for sale any carpet to any person in
17 this State unless the producer has registered with the
18 clearinghouse and has provided its share of funding, on an
19 annual basis, necessary to implement the clearinghouse plan as
20 approved by the Agency pursuant to Section 45 and is subject to
21 penalties under Section 70.

22 Section 25. Clearinghouse plan.

23 (a) By July 1, 2023 and by July 1 every 3 years thereafter,
24 beginning with program year 2024, the clearinghouse shall

1 submit a 3-year plan to the Agency and receive approval of the
2 plan. The clearinghouse plan shall include, at a minimum, each
3 of the following:

4 (1) Certification that the carpet stewardship program
5 will accept for collection all old carpet, regardless of
6 type or which producer manufactured the product and its
7 individual components.

8 (2) Contact information for each individual
9 representing the clearinghouse, designation of a program
10 manager responsible for administering the program in this
11 State, a list of all producers participating in the carpet
12 stewardship program, and the brands covered by the product
13 stewardship program.

14 (3) A description of the methods by which old carpet
15 will be collected in this State, including an explanation
16 of how the collection system will achieve a convenience
17 standard of having collection sites in all counties with a
18 population density of greater than or equal to 100
19 individuals per square mile in this State by January 1,
20 2024 for program year 2024, and all counties with a
21 population density of greater than or equal to 50
22 individuals per square mile for program year 2025 and
23 thereafter.

24 (4) An evaluation, beginning with the second 3-year
25 plan submitted by July 1, 2026, of the feasibility and
26 cost of expanding the convenience standard to at least one

1 collection site in every county in the State.

2 (5) A description of how the adequacy of the
3 collection program will be monitored, evaluated, and
4 maintained.

5 (6) The names and locations of collectors, sorters,
6 and processors who have been approved by the clearinghouse
7 to manage old carpet.

8 (7) A description of how the old carpet and the
9 products' components will be safely and securely
10 transported, tracked, and handled from collection through
11 final carpet recovery and processing.

12 (8) A description of the methods to be used to
13 reutilize, deconstruct, or recover old carpet to ensure
14 that the products' components, to the extent feasible, are
15 transformed or remanufactured into finished products for
16 use.

17 (9) A description of the methods to be used to manage
18 or dispose of old carpet that cannot be carpet recovered
19 or carpet reutilized.

20 (10) A description of the promotion and outreach
21 activities and proposed budget that will be used to
22 encourage participation in the collection and carpet
23 recovery programs and how the activities' effectiveness
24 will be evaluated and the program modified, if necessary.

25 (11) Certification that any person who may be involved
26 in collection, handling, or disposal operations possesses

1 adequate insurance, as determined by the clearinghouse,
2 including, but not limited to, workers compensation and
3 liability coverage.

4 (12) A 3-year rolling performance goal, including an
5 estimate of the percentage of old carpet that will be
6 collected, carpet reutilized, and carpet recovered during
7 each of the next 3 years of the stewardship plan, with a
8 minimum goal of achieving a 25% carpet recovery rate by
9 December 31, 2026. The performance goals shall include a
10 specific goal for the amount of old carpet that will be
11 collected, carpet recovered, and carpet reutilized during
12 each year of the plan.

13 The clearinghouse shall achieve a carpet recovery rate
14 goal of 50% by December 31, 2029 for the 3-year plan period
15 beginning January 1, 2027. Thereafter, the clearinghouse
16 shall establish a carpet recovery rate goal for each
17 subsequent 3-year plan period by March 1 of the calendar
18 year preceding the first year of that 3-year plan period.

19 (13) A discussion of the status of end markets for old
20 carpet and what, if any, additional end markets are needed
21 to improve the functioning of the program.

22 (14) A discussion of carpet design and manufacturing
23 changes that the producers are considering or have
24 implemented in order to reduce toxicity, water use, or
25 energy use associated with the production of carpet and
26 efforts to increase the recoverable content,

1 recoverability, or carpet longevity.

2 (15) A funding mechanism that demonstrates sufficient
3 producer funding to carry out the plan, including the
4 administrative, operational, and capital costs of
5 implementing the plan, and payment of incentive payments
6 to carpet collectors, processors, and end use markets to
7 assist with the implementation of this Act.

8 (16) Annual budgets showing revenue and expenditure
9 projections for the current program year and projected for
10 the next 2 years of the program.

11 (17) A process by which the financial activities of
12 the clearinghouse that are related to the implementation
13 of the plan shall be subject to an annual independent
14 audit, conducted by a third party, which shall be reviewed
15 by the Comptroller.

16 (18) A description of an educational program and
17 materials that shall be implemented and used to train
18 operators of collection sites on how to properly collect
19 old carpet and reduce contamination. At no time shall a
20 collection site be subject to a fine or extra charge for
21 contamination by either the clearinghouse or a carpet
22 processor. However, collection sites that continue to ship
23 contaminated old carpet to processors may be removed from
24 the stewardship program by the clearinghouse.

25 (19) Baseline information, for the most current year
26 for which data is available, on the amount of square feet

1 and pounds of carpet sold in this State, by type of polymer
2 or nonpolymer material used to make the carpet.

3 (20) A discussion of the feasibility, cost, and
4 effectiveness of labeling the backside of new carpet with
5 the polymer type or nonpolymer material used to
6 manufacture the carpet to assist processors in more easily
7 identifying the type of old carpet collected for
8 processing.

9 (21) A description of the program that shall be
10 implemented to train carpet installers on how to properly
11 manage old carpet so that it can be carpet reutilized or
12 carpet recovered under this Act, including, but not
13 limited to, the development of videos and written
14 materials regarding the carpet recovery program.

15 (b) An update to the plan shall be submitted, at a minimum,
16 every 3 years, or if the clearinghouse determines that a plan
17 update is needed, prior to the minimum of once every 3 years.

18 (c) If the clearinghouse determines that any proposed
19 significant changes or modifications to the plan or its
20 implementation are needed, within 30 days of that
21 determination the clearinghouse shall submit to the Agency a
22 written plan update for review and approval in accordance with
23 Section 30.

24 Section 30. Review and approval of the clearinghouse plan
25 and plan updates.

1 (a) After receipt of a proposed plan or plan update, the
2 Agency shall determine whether the plan or plan update
3 complies with Section 25. If the Agency determines that the
4 plan or plan update complies with Section 25, the Agency shall
5 notify the clearinghouse of the plan or plan update approval
6 in writing within 90 days of receipt of the plan or plan
7 update. If the Agency determines that the plan or plan update
8 does not comply with Section 25, the Agency shall notify the
9 clearinghouse of the plan or plan update rejection in writing
10 within 90 days of receipt of the plan or plan update and
11 include the reasons why the plan or plan update does not comply
12 with Section 25. The clearinghouse shall submit a revised plan
13 to the Agency within 60 days after receiving a notice of
14 rejection. Any proposed changes to a plan or plan update must
15 be reviewed and approved by the Agency in accordance with this
16 subsection (a).

17 (b) The clearinghouse plan and plan updates approved by
18 the Agency shall be placed on the Agency's website and made
19 available at the Agency's headquarters for public review in
20 accordance with the Freedom of Information Act.

21 Section 32. Implementation of clearinghouse plan. The
22 clearinghouse shall implement the clearinghouse plan
23 components under subsection (a) of Section 25 upon approval of
24 the clearinghouse plan or plan update by the Agency under
25 Section 30. The clearinghouse shall monitor the implementation

1 of the clearinghouse plan and shall have the authority to
2 require specific action by its director and staff to meet the
3 clearinghouse plan implementation requirements under this
4 Section.

5 Section 36. Collection of old carpet.

6 (a) No later than June 1, 2024, in any county with a
7 population of greater than 200,000 people, any installer
8 engaged in removing old carpet from a residence or business
9 shall transport, or contract to transport, all old carpet to a
10 clearinghouse-approved old carpet collection site as defined
11 in Section 10.

12 (b) Approved carpet collection sites as defined in Section
13 10 shall ensure that old carpet is collected in the prescribed
14 conditions required by the clearinghouse plan. The conditions
15 must also include, but are not limited to, the following
16 requirements:

17 (1) Old carpet must be kept in a location that allows
18 it to remain dry at all times.

19 (2) Containers holding collected old carpet must be
20 free of all noncarpet discarded waste items.

21 (3) Prior to shipment to a processor, containers
22 holding discarded carpet must be filled to the following
23 minimum standards:

24 (A) Roll-off dumpsters shall be filled to a
25 minimum of 8 tons.

1 (B) Semitrailers shall be filled to a minimum of
2 13 tons.

3 (4) Approved collection sites must permit an approved
4 processor's prescribed container to be housed on site for
5 loading by the collector for pickup at the collection
6 site.

7 (c) Any approved collection site that has collected old
8 carpet as prescribed by the clearinghouse plan and whose full
9 container volume is not removed by a registered processor upon
10 3-business day's electronic notice to the processor stating
11 that collected old carpet is ready for removal may dispose of
12 that container's contents in a landfill.

13 Section 37. Economic support for approved carpet
14 collection sites. The clearinghouse program shall pay approved
15 old carpet collection sites for costs, services, and
16 infrastructure improvements as follows:

17 (1) Reimbursement for reasonable costs, as
18 pre-approved by the clearinghouse, to adapt sites for old
19 carpet collection as required by this Act, including, but
20 not limited to, one-time costs for constructing the needed
21 structure to make the collection of carpet safe and
22 convenient, and to ensure adequate room to maneuver old
23 carpet collection equipment in such a manner so as to not
24 disrupt the normal flow of activity at the collection
25 site.

1 (2) A recovery fee equivalent to \$20 per ton for all
2 old carpet collected that is subject to this Act and
3 loaded into trailers at the collector's site in accordance
4 with subsection (b) of Section 36.

5 (3) Approved carpet collection sites located at waste
6 transfer or waste disposal facilities permitted by the
7 Agency may, at their discretion, charge the generator of
8 such discarded carpet customary and proprietary collection
9 and disposal fees.

10 (4) Approved carpet collection sites may not charge a
11 processor any fee for removal of carpet discarded from the
12 collection site location.

13 (5) Economic support for approved carpet collectors
14 under this Section shall be reviewed by the clearinghouse
15 every 3 years as clearinghouse plans are submitted to the
16 Agency.

17 Section 40. State action antitrust exemption. Each
18 producer and the clearinghouse shall be immune from liability
19 for any claim of violation of antitrust law or unfair trade
20 practice if the conduct is a violation of antitrust law, to the
21 extent the producer or clearinghouse is exercising authority
22 under the provisions of this Act.

23 Section 45. Requirements applicable to producers.

24 (a) On and after January 1, 2023, producers of carpet

1 shall provide funding to the clearinghouse sufficient to cover
2 the administrative costs of establishing the clearinghouse in
3 calendar year 2023 and annually thereafter to cover the costs
4 of developing and implementing the clearinghouse plan. The
5 funding mechanism:

6 (1) shall take into account the financial burden that
7 blended carpet, nylon carpet, PET carpet, polypropylene
8 carpet, and wool carpet have on the clearinghouse program
9 costs;

10 (2) shall be differentiated by the type of material,
11 recycling cost, recycling content, and other qualities
12 related to toxicity, resource use, and recyclability;

13 (3) shall ensure an equitable and efficient allocation
14 of financial responsibility among producers;

15 (4) shall be at a level sufficient to cover the annual
16 costs of the clearinghouse program, as reported to the
17 Agency in the clearinghouse plan, and based on program
18 metrics and outcomes; if the Agency determines the level
19 of funding from the producers is not sufficient to cover
20 the annual costs of the clearinghouse program, the Agency
21 may request additional funding from the clearinghouse; and

22 (5) shall not charge:

23 (A) a specific point-of-sale fee to consumers to
24 recoup the costs of the clearinghouse program; or

25 (B) an increase in the cost of carpet to recoup the
26 costs of the clearinghouse program.

1 (b) The amount that each producer pays to fund the
2 clearinghouse program on an annual basis shall be considered
3 proprietary information that is privileged or confidential and
4 shall not be disclosed to the clearinghouse or the public.
5 However, in order to determine if each producer is paying its
6 proper share, an independent professional accounting firm
7 shall be hired by the clearinghouse to review the payments and
8 verify that the funding provided by each producer is in
9 compliance with the funding mechanism agreed to by the
10 producers.

11 (c) Producers, working with the clearinghouse, shall
12 provide consumers with educational materials regarding the
13 clearinghouse program. The materials shall include information
14 regarding available end-of-life management options for old
15 carpet offered through the carpet stewardship program.

16 (d) Producers who sell carpet in this State shall register
17 with the clearinghouse by October 1, 2023 and annually
18 thereafter for as long as that producer sells carpet in this
19 State. For the first year of registration, a producer shall
20 pay a registration fee of \$25,000 to the clearinghouse, the
21 amount of which may be deducted from the producer's quarterly
22 assessment due to the clearinghouse until such time that the
23 producer's assessment due exceeds the total cost of the
24 registration fee.

25 Section 50. Requirements applicable to retailers and

1 distributors.

2 (a) On and after January 1, 2023, no carpet may be sold in
3 this State unless the carpet's producer has registered with
4 the clearinghouse under subsection (d) of Section 45.

5 (b) Any retailer or distributor may participate, on a
6 voluntary basis, as a designated collection point under a
7 product stewardship program and in accordance with applicable
8 law.

9 (c) No retailer or distributor shall be found to be in
10 violation of this Section if, on the date the carpet was
11 ordered from the producer or its agent, the producer was
12 registered on the clearinghouse's website in accordance with
13 this Act.

14 (d) Retailers shall provide consumers with educational
15 materials, developed by producers and the clearinghouse, that
16 shall include, but are not limited to, information (i)
17 regarding available end-of-life management options for old
18 carpet, and (ii) notifying the consumer of the importance of
19 carpet recovery.

20 Section 55. Posting of information.

21 (a) Beginning March 1, 2023, and annually thereafter, the
22 clearinghouse shall post on its website the list of carpet
23 producers that registered with the clearinghouse, in
24 accordance with subsection (d) of Section 45.

25 (b) Beginning January 1, 2024, and annually thereafter,

1 for the benefit of assisting consumers who wish to find
2 collection sites for recovering carpet, the Agency shall post
3 on its website the location of all collection sites identified
4 to the Agency by the clearinghouse in its plans and annual
5 reports.

6 (c) Beginning May 1, 2025, and annually thereafter, the
7 Agency shall post on its website copies of the annual reports.

8 Section 60. Annual stewardship reports.

9 (a) By April 1, 2025, and by April 1 of each year
10 thereafter, the clearinghouse shall submit a report to the
11 Agency that includes, for the previous program year, a
12 description of the carpet stewardship program, including, but
13 not limited to, the following:

14 (1) the amount of carpet sold by square feet and
15 pounds in this State during the reporting period by
16 polymer type or nonpolymer material;

17 (2) a description of the methods used to collect,
18 transport, and process old carpet in regions of this
19 State, and a listing of the persons used to collect,
20 transport, and process old carpet;

21 (3) identification of all old carpet collection sites
22 in this State and whether the requirement of paragraph (3)
23 of subsection (a) of Section 25 has been met;

24 (4) the weight of all old carpet collected and carpet
25 reutilized or carpet recovered in all regions of this

1 State, a comparison to the performance goals and carpet
2 recovery rates established in the clearinghouse plan, and,
3 if appropriate, an explanation stating the reason or
4 reasons performance goals were not met;

5 (5) the weight of old carpet collected in this State
6 but not carpet reutilized or carpet recovered and its
7 ultimate disposition, and a comparison to the performance
8 goals in the clearinghouse plan;

9 (6) the total cost of implementing the clearinghouse
10 plan and a copy of the independent audit regarding the
11 financial activities of the clearinghouse;

12 (7) a proposed budget for implementing the
13 clearinghouse plan in the subsequent calendar year;

14 (8) an evaluation of the producers' funding mechanism
15 and its ability to properly fund the implementation of the
16 clearinghouse plan, including whether the incentive
17 payments to collectors, processors, and end markets for
18 managing carpet are adequate to ensure that the old carpet
19 can be carpet reutilized or carpet recovered under the
20 program;

21 (9) identification of the facilities processing
22 carpet, the weight processed at each facility, and each
23 facility's processing capacity;

24 (10) an evaluation of the effectiveness of the
25 clearinghouse plan, and anticipated steps, if needed, to
26 improve performance;

1 (11) a discussion of progress made toward achieving
2 carpet design changes according to paragraph (14) of
3 subsection (a) of Section 25; and

4 (12) samples of educational materials provided to
5 consumers and carpet installers, and an evaluation of the
6 effectiveness of the materials and the methods used to
7 disseminate the materials. The evaluation shall include,
8 but shall not be limited to, information on the number of
9 consumers and carpet installers that received or viewed
10 the educational materials, and any consumer and carpet
11 installer survey data that may have been collected
12 regarding the educational materials used.

13 Section 65. Administrative fee.

14 (a) The clearinghouse shall remit to the Agency an annual
15 fee of \$250,000 to be used for administrative costs pursuant
16 to this Act. This amount shall be included in the annual budget
17 for the clearinghouse plan. The clearinghouse shall reimburse
18 the Comptroller for costs related to reviewing the annual
19 carpet stewardship program audits.

20 (b) The clearinghouse shall pay the Agency's
21 administrative fee under subsection (a) on or before January
22 1, 2024, and annually thereafter. The clearinghouse shall
23 reimburse the Comptroller for its costs within 60 days of
24 receiving notice from the Comptroller.

25 (c) The Agency shall deposit the fees collected under this

1 Section into the Solid Waste Management Fund.

2 Section 70. Enforcement.

3 (a) On and after January 1, 2023, no producer,
4 distributor, or retailer shall sell or offer for sale carpet
5 to any person in this State if the producer of the carpet is
6 not registered with the clearinghouse or has not remitted
7 adequate funding pursuant to Section 45.

8 (b) No retailer or distributor shall be found in violation
9 of the provisions of subsection (a) if, on the date the carpet
10 was ordered from the producer or its agent, the producer was
11 listed on the clearinghouse's website in accordance with the
12 provisions of subsection (a) of Section 55.

13 (c) The Attorney General or the State's Attorney of the
14 county in which the violation occurred are authorized to seek
15 a civil penalty in the amount of \$5,000 per day for each
16 violation against any producer who violates the registration
17 requirements under subsection (d) of Section 45 or who fails
18 to remit the funding under Section 45.

19 (d) The Attorney General or the State's Attorney of the
20 county in which the violation occurred are authorized to seek
21 a civil penalty in the amount of \$5,000 per day for each
22 violation against any producer, distributor, or retailer who
23 sells or offers for sale carpet to any person in this State if
24 the producer of the carpet is not registered with the
25 clearinghouse under subsection (d) of Section 45 or has not

1 remitted the required funding under Section 45.

2 (e) The penalties provided for in this Section may be
3 recovered in a civil action. Any penalties collected under
4 this Section in an action in which the Attorney General has
5 prevailed shall be deposited in the Environmental Protection
6 Trust Fund, to be used in accordance with the provisions of the
7 Environmental Protection Trust Fund Act.

8 (f) The State's Attorney of the county in which the
9 violation occurred, or the Attorney General, may, at the
10 request of the Agency or on his or her own motion, institute a
11 civil action for an injunction, prohibitory or mandatory, to
12 restrain violations of this Act or to require such other
13 actions as may be necessary to address violations of this Act.

14 (g) The State's Attorney of the county in which the
15 violation occurred, or the Attorney General, may, at the
16 request of the Agency or on his or her own motion, institute a
17 civil action for an injunction, prohibitory or mandatory, to
18 restrain violations of this Act, any rule or regulation
19 adopted under this Act, any permit or to require such other
20 actions as may be necessary to address violations of this Act
21 or any rule or regulation adopted under this Act.

22 (h) Nothing in this Act prohibits a retailer or
23 distributor from selling their inventory of carpet existing
24 prior to January 1, 2023.

25 (i) Nothing in this Act mandates or otherwise requires and
26 nothing in the clearinghouse plan shall mandate or otherwise

1 require participation of the waste disposal industry in the
2 carpet stewardship program created by this Act.

3 Section 75. State procurement of carpet. Beginning on
4 January 1, 2025, at least 35% of carpet purchased by State
5 agencies shall be carpet with a minimum of 10% post-consumer
6 recovered content by weight from old carpet and comply with
7 the National Science Foundation/American National Standards
8 Institute (NSF/ANSI) 140-2009 Standard, Platinum Level or the
9 most current version in effect as provided by the American
10 National Standards Institute. The carpet shall be purchased
11 from a carpet producer with a third-party certified closed
12 loop recovering facility. Thereafter, those purchases shall
13 increase by a rate of 10% per year until it reaches 75%. Prior
14 to January 1, 2025, the clearinghouse shall provide a report
15 to the Illinois Department of Central Management Services on
16 the other types of products that contain reutilized carpet as
17 a feedstock that the State should consider purchasing.

18 Section 97. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."