



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3445

Introduced 1/18/2022, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

415 ILCS 151/1-83.5 new

430 ILCS 50/2.09 new

430 ILCS 50/3

from Ch. 127, par. 1253

430 ILCS 50/5.11

430 ILCS 50/6

from Ch. 127, par. 1256

Amends the Consumer Electronics Recycling Act. Provides that, notwithstanding any provision of law to the contrary, a lithium-ion battery may not be disposed of in a mixed recycling waste bin. Requires the Environmental Protection Agency to encourage local authorities to use separate curbside recycling collection bins for the disposal of lithium-ion batteries. Amends the Hazardous Materials Emergency Act. Provides that hazardous materials include, but are not limited to, lithium-ion batteries in cases of: (i) recommending that units of local government adopt regulations for hazard signage systems applicable for its use, storage, and manufacture; (ii) allowing units of local government to adopt ordinances or regulations requiring a hazard signage system applicable to equipment, facilities, structures, or locations involved in its use, storage, or manufacture; and (iii) requiring the display of appropriate hazard signage on facilities, equipment, structures, or locations for the use, storage, or manufacture of hazardous materials.

LRB102 24083 CPF 33304 b

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 Consumer Electronics Recycling Act is
5 amended by adding Section 1-83.5 as follows:

6 (415 ILCS 151/1-83.5 new)

7 Sec. 1-83.5. Lithium batteries; disposal; local
8 authorities.

9 (a) Notwithstanding any provision of law to the contrary,
10 a lithium-ion battery may not be disposed of in a mixed
11 recycling waste bin.

12 (b) The Agency shall encourage local authorities to use
13 separate curbside recycling collection bins for the disposal
14 of lithium-ion batteries.

15 (c) In this Section, "lithium-ion battery" means a type of
16 rechargeable battery that contains lithium ions as the primary
17 component of its electrolyte, most commonly found in cell
18 phones, power tools, digital cameras, laptops, children's
19 toys, electronic cigarettes, small and large appliances,
20 tablets, and e-readers.

21 Section 10. The Hazardous Materials Emergency Act is
22 amended by adding Section 2.09 and by changing Sections 3,

1 5.11, and 6 as follows:

2 (430 ILCS 50/2.09 new)

3 Sec. 2.09. "Lithium-ion battery" means a type of
4 rechargeable battery that contains lithium ions as the primary
5 component of its electrolyte, most commonly found in cell
6 phones, power tools, digital cameras, laptops, children's
7 toys, electronic cigarettes, small and large appliances,
8 tablets, and e-readers.

9 (430 ILCS 50/3) (from Ch. 127, par. 1253)

10 Sec. 3. It is the purpose of this Act to require the
11 Illinois Department of Transportation to adopt by regulation
12 the federal hazardous materials placarding regulations
13 promulgated under the Hazardous Materials Transportation Act
14 (PL 93-633) for interstate and intrastate transportation of
15 hazardous materials as they are applicable in the State of
16 Illinois, and to recommend that units of local government
17 adopt regulations for hazard signage systems applicable to the
18 use, storage, and manufacture of hazardous materials,
19 including, but not limited to, lithium-ion batteries, with the
20 following exceptions:

21 (a) No hazard signage system or State placarding
22 requirements shall apply to the use, storage, or
23 transportation of a hazardous material that is located on a
24 farm and that is used solely for agricultural purposes. It is

1 not the purpose of this Section to exempt the owner of an
2 agricultural hazardous material from reporting an accident
3 involving the material as required in Sections 7 and 7.01 of
4 this Act, nor is it the purpose of this Section to exempt from
5 the placarding requirements the storage, transportation or
6 manufacture of a hazardous material that is an agricultural
7 material when the material is in the possession of the
8 manufacturer, distributor, dealer, retailer or any other
9 person who handles the material in larger quantities than
10 those designed for consumer use or for any purpose other than
11 its intended agricultural usage.

12 (b) (Blank).

13 (c) No placarding requirements or hazard signage
14 requirements adopted pursuant to this Act shall apply to
15 pipelines or meters involved in the transmission of natural or
16 flammable gas by a public utility as defined in the Public
17 Utilities Act.

18 (d) This Act does not authorize the Department to require
19 any placarding system for transportation of hazardous
20 materials that is inconsistent with any placarding system
21 required by Federal law or regulation, nor does it authorize
22 the Department to require any placarding system or other
23 standards for transportation of hazardous materials that is
24 more stringent than any placarding system or standard required
25 by the federal law or regulations in situations where a
26 federal placarding system exists.

1 (Source: P.A. 90-449, eff. 8-16-97.)

2 (430 ILCS 50/5.11)

3 Sec. 5.11. Units of local government; hazard signage
4 systems.

5 (a) A unit of local government may adopt ordinances or
6 regulations requiring a hazard signage system applicable to
7 equipment, facilities, structures, or locations involved in
8 the use, storage, or manufacture of hazardous materials,
9 including, but not limited to, lithium-ion batteries. The
10 hazard signage system (such as, but not limited to, the
11 National Fire Protection Association standard "NFPA 704"
12 system as specified in its Standard System for the
13 Identification of the Fire Hazards of Materials for Emergency
14 Response) shall be consistent with any such signage required
15 by federal law or regulation.

16 (b) An ordinance or regulation adopted by a unit of local
17 government under this Section requiring a hazard signage
18 system may not take effect sooner than 90 days after its
19 adoption by the unit of local government.

20 (c) A home rule unit may not regulate hazard signage
21 systems in a manner inconsistent with the regulation of those
22 systems by the State under this Act or by the federal
23 government. This Section is a limitation under subsection (i)
24 of Section 6 of Article VII of the Illinois Constitution on the
25 concurrent exercise by home rule units of powers and functions

1 exercised by the State.

2 (Source: P.A. 90-449, eff. 8-16-97.)

3 (430 ILCS 50/6) (from Ch. 127, par. 1256)

4 Sec. 6. It is the responsibility of any person who leases,
5 operates or controls any facilities, equipment, structures, or
6 locations for the use, storage, or manufacture of hazardous
7 materials, including, but not limited to, lithium-ion
8 batteries, to display on such facility, equipment, structure,
9 or location appropriate hazard signage as described and in
10 such manner as provided by regulation promulgated pursuant to
11 Section 5 of this Act or as provided by ordinance or regulation
12 adopted by a unit of local government pursuant to Section
13 5.11.

14 (Source: P.A. 90-449, eff. 8-16-97.)