

102ND GENERAL ASSEMBLY**State of Illinois****2021 and 2022****SB3953**

Introduced 1/21/2022, by Sen. Melinda Bush

SYNOPSIS AS INTRODUCED:

See Index

Creates the Plastic Pollution and Recycling Modernization Act. Provides that producers of specified covered products must register with and be a member of a producer responsibility organization that administers a producer responsibility program. Requires producer responsibility organizations to work with recycling system participants in order to ensure that covered products collected by a recycling collection service are recycled by responsible end markets applying to specified covered products. Exempts small producers from the requirement to be a member of a producer responsibility organization. Requires producer responsibility organizations to submit to the Environmental Protection Agency a plan for the development and implementation of a producer responsibility program with specified requirements. Provides that producer responsibility organizations shall establish a schedule of membership fees to be paid by members of the organization. Provides that producer responsibility organizations must submit to the Agency for approval by the Agency an annual report on the development, implementation, and operation of the producer responsibility program. Contains provisions regarding compensation to units of local government and unit of local government service providers. Establishes the Illinois Recycling System Advisory Council to perform specified duties. Creates the Producer Responsibility Fund and the Waste Prevention and Reuse Fund and makes conforming changes in the State Finance Act. Provides that specified moneys shall be deposited into the Funds. Establishes the Truth in Labeling Task Force to study and evaluate misleading or confusing claims regarding the recyclability of products made on a product or product packaging. Contains other provisions. Effective immediately.

LRB102 21315 CPF 30427 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 1. Short title. This Act may be cited as the
5 Plastic Pollution and Recycling Modernization Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) It is necessary to adopt a policy that will
8 minimize unintended consequences, such as the
9 deterioration of natural systems regionally and worldwide,
10 as well as increased levels of pollution and greenhouse
11 gas emissions that contribute to global climate change and
12 reductions in human well-being, especially for the most
13 vulnerable populations, across the entire life cycle of
14 products and that will require producers of packaging and
15 printed paper sold or distributed in Illinois to help
16 finance the management of, and ensure an environmentally
17 sound stewardship program for, their products.

18 (2) It is the State of Illinois's policy to prioritize
19 practices that prevent and reduce the negative
20 environmental, social, economic, and health impacts of
21 production, consumption, and end-of-use management of
22 products and packaging across their life cycles, and that
23 it is the obligation of producers to share in the

1 responsibility to reduce those impacts.

2 Section 10. Definitions. In this Act:

3 "Agency" means the Environmental Protection Agency.

4 "Brand" means any mark, word, name, symbol, design,
5 device, or graphical element, or a combination thereof,
6 including a registered or unregistered trademark, that
7 identifies a product and distinguishes the product from other
8 products.

9 "Commingled recycling" means the recycling or recovery of
10 2 or more materials that are mixed together and that generally
11 would be separated into individual materials at a commingled
12 recycling processing facility in order to be marketed.

13 "Commingled recycling processing facility" means a
14 facility that:

15 (1) receives source separated commingled recyclable
16 materials that are collected, commingled, from a
17 collection program providing the opportunity to recycle;
18 and

19 (2) separates the recyclable materials described in
20 paragraph (1) into marketable commodities or streams of
21 materials that are intended for use or further processing
22 by others.

23 "Commingled recycling processing facility" does not
24 include any of the following:

25 (1) Scrap metal recycling facilities.

1 (2) Scrap automotive or appliance recycling
2 facilities.

3 (3) Recycling facilities handling covered electronic
4 devices.

5 (4) Recycling processing facilities that process only
6 noncommingled, source separated recyclable material from
7 commercial entities.

8 (5) Recycling processing facilities that recover
9 commingled recyclable material primarily from the
10 construction and demolition debris waste stream.

11 (6) Recycling depots.

12 (7) Recycling reload facilities.

13 (8) Limited sort facilities, as defined by rule by the
14 Agency.

15 "Contaminant" means:

16 (1) a material set out for recycling collection that
17 is not properly prepared and on the list of materials
18 accepted for recycling collection by a recycling
19 collection program; or

20 (2) a material shipped to a recycling end market that
21 is not accepted or desired by that end market.

22 "Contamination" means the presence of one or more
23 contaminants in a recycling collection or commodity stream in
24 an amount or concentration that negatively impacts the value
25 of the material or negatively impacts a processor's ability to
26 sort that material.

1 "Covered electronic device" means:

- 2 (1) a computer monitor of any type having a viewable
3 area greater than 4 inches measured diagonally;
4 (2) a desktop computer or portable computer;
5 (3) a television;
6 (4) a computer peripheral; or
7 (5) a printer.

8 "Covered product" means any of the following:

- 9 (1) Packaging.
10 (2) Printing and writing paper.
11 (3) Food serviceware.

12 "Covered product" does not include the following:

- 13 (1) A beverage container.
14 (2) Bound books.
15 (3) Napkins, paper towels, or other paper intended to
16 be used for cleaning or the absorption of liquids.
17 (4) Rigid pallets used as the structural foundation
18 for transporting goods lifted by a forklift, pallet jack,
19 or similar device.
20 (5) Specialty packaging items that are used
21 exclusively in industrial or manufacturing processes,
22 including, but not limited to:
23 (A) cores and wraps for rolls of packaging sold by
24 a mill to a packaging converter or food processor; and
25 (B) trays, whether designed for a single use or
26 multiple uses, used for the transport of component

1 parts from a parts supplier to a manufacturer that
2 assembles those parts.

3 (6) Liquefied petroleum gas containers that are
4 designed to be refilled.

5 (7) A material that the producer demonstrates is
6 exempt under subsection (m) of Section 20.

7 (8) Pallet wrap or similar packaging used to secure a
8 palletized load if added by a person that is not the
9 producer of the palletized covered products.

10 (9) Packaging related to containers for architectural
11 paint that has been collected by a producer responsibility
12 organization.

13 (10) Any item that is not ultimately discarded inside
14 this State, whether for purposes of recovery or disposal.

15 (11) Items sold on a farm or used on a farm, including
16 items used for farm use or for processing on a farm,
17 provided that an item used on a farm is not subsequently
18 sold at a retail establishment that is not located on a
19 farm.

20 (12) Items used by a nursery dealer with a valid
21 nursery dealer's certificate issued by the Department of
22 Agriculture under Section 7 of the Insect Pest and Plant
23 Disease Act that generates the majority of the nursery
24 dealer's revenue through the sale of nursery stock, as
25 defined in Section 2 of the Insect Pest and Plant Disease
26 Act, provided that the items are not sold through retail

1 sales.

2 (13) Packaging and paper products sold or supplied in
3 connection with any of the following:

4 (A) Prescription drugs.

5 (B) Nonprescription drugs.

6 (C) Drugs marketed under a brand name.

7 (D) Drugs marketed under a generic name.

8 (14) Packaging and paper products sold or supplied in
9 connection with drugs that are used for animal medicines,
10 including, but not limited to, parasiticide drugs for
11 animals.

12 (15) Packaging and paper products sold or supplied in
13 connection with any of the following:

14 (A) Infant formula as defined in 21 U.S.C. 321(z).

15 (B) Medical food as defined in 21 U.S.C.
16 360ee(b)(3).

17 (C) Fortified oral nutritional supplements used
18 for individuals who require supplemental or sole
19 source nutrition to meet nutritional needs due to
20 special dietary needs directly related to cancer,
21 chronic kidney disease, diabetes, malnutrition, or
22 failure to thrive, as those terms are defined as by the
23 International Classification of Diseases, Tenth
24 Revision, or other medical conditions as determined by
25 the Agency.

26 (16) Wine and spirit containers for which a refund

1 value is established under Illinois law.

2 (17) Packaging for products:

3 (A) that are required under State or other federal
4 regulation pertaining to toxic or hazardous materials
5 to state on the label or container that the packaging
6 should not be recycled or should be disposed of in a
7 manner other than recycling; or

8 (B) identified by the Agency by rule as a product
9 that is required by law to state on the label or
10 container that the packaging should not be recycled or
11 should be disposed of in a manner other than
12 recycling.

13 (18) Any other material, as determined by the Agency
14 by rule, after consultation with the Illinois Recycling
15 System Advisory Council.

16 "Food serviceware" means paper or plastic plates, wraps,
17 cups, bowls, pizza boxes, cutlery, straws, lids, bags,
18 aluminum foil, clamshells, or similar containers that are:

19 (1) generally intended for single use; and

20 (2) sold to a retailer or a dine-in food establishment
21 or a take-out food establishment, regardless of whether
22 the item is used to prepackage food for resale, is filled
23 on-site for food ordered by a customer or is resold as is.

24 "Large producer" means a producer that is among the 25
25 largest producers of covered products based on market share.

26 "Licensee" means a person who is licensed by a brand and

1 manufactures a covered product or a packaged item under that
2 brand.

3 "Litter" means waste that is improperly placed so as to be
4 a nuisance or an aesthetic, health, or environmental concern.

5 "Market share" means a producer's percentage of all
6 covered products sold in or into this State during a specified
7 time period, as calculated in accordance with methods
8 established by the Agency by rule.

9 "Mechanical recycling" means a form of recycling that does
10 not change the basic molecular structure of the material being
11 recycled.

12 "Nonprofit organization" means an organization or group of
13 organizations described in Section 501(c)(3) of the Internal
14 Revenue Code that is exempt from income tax under Section
15 501(a) of the Internal Revenue Code.

16 "Packaging" means:

17 (1) materials used for the containment or protection
18 of products, including, but not limited to, paper,
19 plastic, glass, or metal or a mixture thereof;

20 (2) single-use bags, including, but not limited to,
21 shopping bags; and

22 (3) nondurable materials used in storage, shipping, or
23 moving, including, but not limited to, packing materials,
24 moving boxes, file boxes, and folders.

25 "Packaging" does not include:

26 (1) food serviceware; or

1 (2) sharps.

2 "Printing and writing paper" includes, but is not limited
3 to, newspaper, magazines, flyers, brochures, booklets,
4 catalogs, telephone directories, and paper used for copying,
5 writing, or other general use.

6 "Processor" means a person who owns or operates a
7 commingled recycling processing facility.

8 "Producer" means a person that is determined to be the
9 producer of a covered product under Section 15.

10 "Producer responsibility organization" means a nonprofit
11 organization established by a producer or group of producers
12 to administer a producer responsibility program.

13 "Producer responsibility program" means a statewide
14 program for the responsible management of covered products
15 that is administered by a producer responsibility organization
16 pursuant to a plan approved by the Agency under Section 35.

17 "Recycling collection" means the act or process of
18 gathering recyclable materials by any of the following:

19 (1) On-route residential collection from the generator
20 at the place of generation.

21 (2) On-site nonresidential collection from the
22 generator at the place of generation.

23 (3) Multifamily on-route residential collection from
24 each multifamily dwelling that has 5 or more units.

25 (4) Recycling depots at a disposal site or another
26 designated location that is more convenient to the

1 population being served, and expanded depots.

2 (5) Other collection methods included in an approved
3 producer responsibility program plan.

4 "Recycling depot" means a location where recyclable
5 materials are accepted from the public or commercial
6 businesses and transported to a location for processing or to
7 an end market.

8 "Recycling reload facility" means a facility other than a
9 recycling depot where recyclable materials are received,
10 consolidated, and made ready for transport to another location
11 for processing or to a responsible end market.

12 "Recycling system" means all aspects of the programs and
13 participants that have a role in Illinois' statewide recycling
14 structure, including producers of products sold in or into
15 Illinois, generators of recyclable materials, governments that
16 regulate materials management programs, businesses that
17 collect and process recyclable materials, and persons who
18 receive recyclable materials to convert to new feedstock or
19 products.

20 "Responsible end market" means a materials market in which
21 the recycling or recovery of materials or the disposal of
22 contaminants is conducted in a way that benefits the
23 environment and minimizes risks to public health and worker
24 health and safety.

25 "Responsible management" means the handling, tracking, and
26 disposition of covered products from the point of collection

1 through the final destination of the collected material in a
2 way that benefits the environment and minimizes risks to
3 public health and worker health and safety.

4 "Responsible recycling" means the handling of covered
5 products for recycling and removal of contaminants by a
6 certified or permitted processor and disposition to a
7 responsible end market.

8 "Sharps" includes needles, IV tubing with needles
9 attached, scalpel blades, lancets, glass tubes that could be
10 broken during handling and syringes that have been removed
11 from their original sterile containers.

12 "Small producer" means a producer that:

13 (1) is a nonprofit organization;

14 (2) is a public body;

15 (3) has a gross revenue of less than \$5 million for the
16 organization's most recent fiscal year;

17 (4) sold in or into Illinois less than one metric ton
18 of covered products for use in this State in the most
19 recent calendar year;

20 (5) is a manufacturer of a beverage sold in a beverage
21 container that sold in or into Illinois less than 5 metric
22 tons of covered products, including, but not limited to,
23 secondary and tertiary packaging for beverage containers,
24 for use in this State in the most recent calendar year;

25 (6) is:

26 (A) a restaurant, food cart, or similar business

1 establishment that primarily sells to members of the
2 public food that is generally intended to be consumed
3 immediately and without the need for further
4 preparation, either on or off the premises; and

5 (B) is not a producer of food serviceware as
6 described in Section 15; or

7 (7) operates a single retail sales establishment, has
8 no online sales, and is not supplied or operated as part of
9 a franchise or a chain.

10 "Specifically identified material" means a material or
11 covered product identified by the Agency under Section 100.

12 "Uniform statewide collection list" means the list of
13 materials established in accordance with the requirements of
14 subsection (d) of Section 95.

15 "Unit of local government service provider" means any of
16 the following:

17 (1) A collection service franchise holder.

18 (2) Any person authorized by a city or county to
19 provide recycling collection services described in
20 paragraphs (1) through (4) of the definition of "recycling
21 collection".

22 (3) Any person authorized by a unit of local
23 government to provide recycling collection services
24 described in paragraph (4) of the definition of "recycling
25 collection".

1 Section 15. Determining producers of covered products.

2 (a) For purposes of this Act, the producer of a covered
3 product shall be determined as follows:

4 (1) For items sold in packaging at a physical retail
5 location in this State:

6 (A) If the item is sold in packaging under the
7 manufacturer's own brand or is sold in packaging that
8 lacks identification of a brand, the producer of the
9 packaging is the person that manufactures the packaged
10 item.

11 (B) If the item is manufactured by a person other
12 than the brand owner, the producer of the packaging is
13 the person that is the licensee of a brand or trademark
14 under which a packaged item is used in a commercial
15 enterprise, sold, offered for sale, or distributed in
16 or into this State, whether or not the trademark is
17 registered in this State.

18 (C) If there is no person described in
19 subparagraph (A) or (B) of this paragraph within the
20 United States, the producer of the packaging is the
21 person that imports the packaged item into the United
22 States for use in a commercial enterprise that sells,
23 offers for sale, or distributes the item in this
24 State.

25 (2) For items sold or distributed in packaging in or
26 into this State via remote sale or distribution:

1 (A) The producer of packaging used to directly
2 protect or contain the item is the same as the producer
3 for purposes of paragraph (1).

4 (B) The producer of packaging used to ship the
5 item to a consumer is the person that packages and
6 ships the item to the consumer.

7 (3) For all other packaging that is a covered product,
8 the producer of the packaging is the person that first
9 distributes the packaged item in or into this State.

10 (b) For printing and writing paper that is a magazine,
11 newspaper, catalog, telephone directory, or similar
12 publication, the producer is the publisher. For all other
13 printing and writing paper, the producer is as follows:

14 (1) The person who manufactures the printing and
15 writing paper under the manufacturer's own brand.

16 (2) If the printing and writing paper is manufactured
17 by a person other than the brand owner, the person whom the
18 owner or licensee of a brand or trademark under which the
19 printing and writing paper is used in a commercial
20 enterprise, sold, offered for sale, or distributed in or
21 into this State, whether or not the trademark is
22 registered in this State.

23 (3) If there is no person described in subparagraph
24 (1) or (2) within the United States, the person who
25 imports the printing and writing paper into the United
26 States for use in a commercial enterprise that sells,

1 offers for sale, or distributes the printing and writing
2 paper in this State.

3 (c) The producer of food serviceware is the person that
4 first sells the food serviceware in or into this State.

5 Section 20. Producers and producer responsibility
6 organizations.

7 (a) Except as provided in subsection (d) of this Section
8 and Section 25, each producer must register with and be a
9 member of a producer responsibility organization that
10 administers a producer responsibility program.

11 (b) A producer is required to pay an annual membership fee
12 to a producer responsibility organization as described in
13 Section 45. Fees established under this Act that are charged
14 to a producer responsibility organization must be paid by the
15 producer responsibility organization.

16 (c) A producer is not required to pay membership fees to a
17 producer responsibility organization for any covered product
18 if another person has registered with a producer
19 responsibility organization as the producer responsible for
20 that covered product under this Act.

21 (d) A producer is not required to be a member of a producer
22 responsibility organization if, for all covered products the
23 producer sells, offers to sell, or distributes in or into this
24 State, another person has registered with a producer
25 responsibility organization as the producer responsible for

1 that covered product under this Act.

2 (e) A producer that is registered with a producer
3 responsibility organization must:

4 (1) pay the membership fee calculated under the
5 schedule established by the producer responsibility
6 organization pursuant to Section 45; and

7 (2) upon request, provide the producer responsibility
8 organization with records or other information necessary
9 for the organization to meet the organization's
10 obligations under this Act.

11 (f) A person who sells a covered product in or into this
12 State via remote means and who is only the producer of the
13 packaging used to ship the covered product, as determined
14 under subparagraph (B) of paragraph (2) of subsection (a) of
15 Section 15, must notify the producer of the covered product,
16 as determined under paragraph (1) of subsection (a) of Section
17 15, and the seller's producer responsibility organization of
18 the sale of a packaged product in or into this State.

19 (g) A producer responsibility organization's obligations
20 under this Act are to work with recycling system participants
21 in order to ensure, to the extent practicable, that covered
22 products collected by a recycling collection service are
23 recycled by responsible end markets apply to covered products
24 that are:

25 (1) collected for recycling pursuant to Section 65;

26 (2) identified on the uniform statewide collection

1 list and collected pursuant to a collection program
2 providing the opportunity to recycle;

3 (3) identified on the list of specifically identified
4 materials; or

5 (4) recycled in an effort to achieve the statewide
6 plastic recycling goal established under Section 125.

7 (h) A producer responsibility organization shall make the
8 following available on the organization's website and update
9 it at least once per calendar quarter:

10 (1) A searchable registry of the organization's
11 compliant members.

12 (2) The identity of any members who are currently not
13 in compliance with this Act and the reason for
14 noncompliance.

15 (i) If the Agency approves more than one producer
16 responsibility program, the producer responsibility
17 organizations with approved programs shall establish a
18 producer responsibility organization coordinating body and
19 submit a coordination plan to the Agency for approval. If
20 requested by the producer responsibility organizations, the
21 Agency may serve as the coordinating body or may form or
22 oversee the coordinating body. The Agency shall establish the
23 following by rule:

24 (1) Methods for calculating market share.

25 (2) Standards and requirements for coordination plans
26 and coordination between producer responsibility

1 organizations.

2 (3) A process for submittal, review, approval, or
3 rejection and revocation of coordination plans.

4 (4) A process for the Agency to issue an order
5 requiring a coordination plan.

6 A coordination plan approved or ordered by the Agency
7 shall be implemented by all producer responsibility
8 organizations. If the coordination plan conflicts with an
9 approved program plan, the details of the coordination plan
10 prevail.

11 A coordination plan approved or ordered by the Agency is
12 valid until revoked or a new coordination plan is approved by
13 the Agency.

14 The producer responsibility organization coordinating body
15 shall submit for approval a new coordination plan on a
16 schedule that coincides with the schedule for producer
17 responsibility organizations to submit new producer
18 responsibility program plans.

19 (j) A producer responsibility organization must ensure
20 that each member of its organization complies with subsection
21 (e). The organization shall notify the Agency within 30 days
22 after:

23 (1) the end of a 3-month period in which the
24 organization unsuccessfully attempted to obtain a
25 membership fee, records, or information from a producer
26 under subsection (e); or

1 (2) the date a producer member leaves the organization
2 for any reason.

3 (k) A producer responsibility organization must provide
4 contact information for any of the organization's registered
5 members to the Agency upon request.

6 (l) No later than December 31 of each year in which an
7 approved producer responsibility program plan is required to
8 be operated in this State, a producer responsibility
9 organization must have members with a combined market share,
10 calculated in accordance with rules established under this
11 Section, that is at least 10% of the total combined market
12 share of all producers of covered products.

13 (m) A producer may demonstrate to the Agency that a
14 material is exempt from the requirements for a covered product
15 if the material:

16 (1) is collected through a recycling collection
17 service not provided under the opportunity to recycle;

18 (2) does not undergo separation from other materials
19 at a commingled recycling processing facility; and

20 (3) is recycled at a responsible end market.

21 If only a portion of the material sold in or into this
22 State by a producer meets the criteria of this subsection, the
23 portion that meets the criteria is exempt and the portion that
24 does not meet the criteria is a covered product.

25 Section 25. Exemptions.

1 (a) A small producer is exempt from the requirement to be a
2 member of a producer responsibility organization under Section
3 20.

4 (b) The Agency may adopt rules to exempt from the
5 requirements of Section 20 producers that do not exceed a
6 minimum market share of covered products sold in or into this
7 State.

8 Section 30. Producer responsibility program plan.

9 (a) A producer responsibility organization shall submit to
10 the Agency, in a form and manner prescribed by the Agency, a
11 plan for the development and implementation of a producer
12 responsibility program.

13 (b) Using objective and measurable criteria whenever
14 possible, a producer responsibility program plan must comply
15 with all of the following:

16 (1) Describe how the producer responsibility
17 organization will manage and administer a producer
18 responsibility program to meet the organization's
19 obligations under this Act, including a description of how
20 the organization will comply with all of the following:

21 (A) Support the collection and recycling of
22 covered products that are included on the uniform
23 statewide collection list or as necessary to meet the
24 statewide plastic recycling goal established under
25 Section 125.

1 (B) Provide for the collection of covered products
2 identified by the Agency under paragraph (2) of
3 subsection (a) of Section 95 and meet convenience and
4 performance standards for those covered products.

5 (C) Maximize the use of existing infrastructure.

6 (D) Ensure the responsible management of covered
7 products identified in subsection (g) of Section 20
8 and other contaminants collected with those covered
9 products.

10 (E) Establish, calculate, and charge membership
11 fees, including incentives, as described in Section
12 45.

13 (F) Encourage producers to make continual
14 reductions in the environmental and human health
15 impacts of covered products through a graduated fee
16 structure as described in Section 45.

17 (G) Ensure that covered products identified in
18 subsection (g) of Section 20 and collected for
19 recycling, and contaminants collected with those
20 covered products, are managed and disposed of
21 consistent with the goals, standards, and practices
22 required by this Act.

23 (H) Ensure that covered products collected for
24 recycling will be transferred to responsible end
25 markets, including the following:

26 (i) The type and general locations of

1 responsible end markets that may use the material
2 collected from covered products in the manufacture
3 of new products.

4 (ii) Whether any of those responsible end
5 markets are certified for environmental and social
6 sustainability by certification programs approved
7 by the Agency under Section 180.

8 (iii) How the organization will ensure that
9 responsible management is maintained through final
10 disposition of the covered product.

11 (iv) Arrangements the producer responsibility
12 organization has made with processors to ensure
13 that covered products identified under paragraph
14 (2) of subsection (a) of Section 95 are recycled
15 at a responsible end market, including any
16 investment intended to be made to support
17 processors.

18 (I) Ensure that any material that will be marketed
19 for use through a method other than mechanical
20 recycling will be transferred to a responsible end
21 market, including the following:

22 (i) A description of how the proposed method
23 will affect the ability of the material to be
24 recycled into feedstock for the manufacture of new
25 products.

26 (ii) A description of how the proposed method

1 will affect the types and amounts of plastic
2 recycled for food and pharmaceutical-grade
3 applications.

4 (iii) A description of any applicable air,
5 water, and waste permitting compliance
6 requirements.

7 (iv) An analysis of the environmental impacts
8 of the proposed method compared to the
9 environmental impacts of mechanical recycling,
10 incineration, and landfill disposal as solid
11 waste.

12 (J) Provide public outreach and education,
13 including the following:

14 (i) A communications program for responding to
15 questions involving the uniform statewide
16 collection list and recycling services provided
17 under Section 65.

18 (ii) Outreach to units of local government to
19 ensure information is accurate and consistent
20 across this State.

21 (iii) Statewide promotional campaigns as
22 described in Section 60.

23 (2) Identify and provide contact information for the
24 producer responsibility organization and identify each
25 producer registered with the proposed program.

26 (3) Describe the structure of the producer

1 responsibility organization, including the management
2 structure and roles and functions of committees.

3 (4) Describe how the producer responsibility
4 organization will communicate and coordinate with the
5 Agency, the Illinois Recycling System Advisory Council,
6 units of local government, unit of local government
7 service providers, processors, and any other producer
8 responsibility organizations and the topics of
9 communication or coordination.

10 (5) Describe a process, including the process
11 timeline, for how the producer responsibility organization
12 will resolve any disputes involving compensation of units
13 of local government and unit of local government service
14 providers under Section 55 and disputes involving
15 commingled recycling processing facilities under Sections
16 105 and 110.

17 (6) Include projections on recycling rates for
18 plastic.

19 (7) Describe any efforts the producer responsibility
20 organization will make to support collection, processing,
21 or responsible recycling of specifically identified
22 materials, including the following:

23 (A) Any efforts to support or provide recycling
24 depots or mobile collection of specifically identified
25 materials.

26 (B) Any efforts to use education and promotion to

1 encourage proper participation in recycling collection
2 of specifically identified materials.

3 (C) Any investments to support the successful
4 processing of specifically identified materials.

5 (D) Any efforts to develop or support responsible
6 end markets for specifically identified materials.

7 (E) Any other efforts to ensure successful and
8 responsible recycling of specifically identified
9 materials.

10 (8) Describe the membership fee structure of the
11 producer responsibility organization, including a schedule
12 of the membership fees actually charged to members.

13 (9) Demonstrate that the membership fees collected by
14 the producer responsibility organization will provide
15 adequate revenue to fund all costs associated with the
16 producer responsibility program.

17 (10) For any program plan submitted by a producer
18 responsibility organization following its initial program
19 plan, describe how adjustments to membership fees offered
20 in response to the requirements of Section 45 have been
21 modified in order to meet the objectives described in
22 subparagraph (F) of paragraph (1) of this subsection and
23 Section 45 or in response to any evaluation conducted
24 under Section 50 during the time period covered by the
25 prior program plan.

26 (11) Describe how the producer responsibility

1 organization will provide funding to allow units of local
2 government to protect ratepayers from increased costs
3 associated with the processing and marketing of
4 recyclables identified in Section 95.

5 (12) Include a process for promptly notifying the
6 Agency, the Illinois Recycling System Advisory Council,
7 and producers of potential noncompliance with the
8 requirements of this Act by a producer or producer
9 responsibility organization.

10 (13) Describe reserve funds or other contingency plans
11 for responding to changes in markets or other
12 circumstances that could affect the effectiveness of the
13 program, including the amount of funds in reserve and a
14 description of what contingencies those reserve funds will
15 be sufficient to address.

16 (14) Include a closure plan to settle the affairs of
17 the producer responsibility organization that ensures that
18 producers will continue to meet their obligations in the
19 event of dissolution of the organization and that
20 describes a process for notifying the Agency, the Illinois
21 Recycling System Advisory Council, and units of local
22 government of the dissolution. The closure plan must
23 include sufficient reserve funds to allow the producer
24 responsibility organization to satisfy all obligations
25 until producer members have joined a different producer
26 responsibility organization.

1 (15) Include methods for advance funding,
2 reimbursements, and making payments to units of local
3 government or unit of local government service providers
4 under Section 55.

5 (16) Describe how the producer responsibility
6 organization will implement the requirements of Section 55
7 by establishing the following:

8 (A) A schedule for implementing collection program
9 expansions and improvements throughout this State.

10 (B) A method for determining funding or
11 reimbursement amounts under subsection (f) of Section
12 55, consistent with rules adopted by the Agency.

13 (C) The total amount of funds that will be made
14 available to units of local government under Section
15 55 each year.

16 (17) Include any other information required by the
17 Agency to determine that a producer responsibility
18 organization is capable of meeting its obligations and
19 ensuring the outcomes required under this Act.

20 (c) Upon approval of the plan or a plan amendment by the
21 Agency, a producer responsibility organization must implement
22 the approved plan or plan amendment.

23 Section 35. Approval by the Agency.

24 (a) The Agency shall approve, approve with conditions, or
25 reject a plan submitted under Section 30 or an amendment to a

1 plan submitted under Section 40 no later than 120 days after
2 the date on which the Agency receives the plan or plan
3 amendment from the producer responsibility organization. The
4 Agency shall approve a plan or a plan amendment if the Agency
5 determines to the satisfaction of the Agency that the plan or
6 plan amendment complies with the requirements of Section 30.
7 If the Agency rejects the plan or plan amendment, the Agency
8 shall provide in writing the reason for the rejection.

9 If the Agency rejects a plan or plan amendment under this
10 subsection, the producer responsibility organization must
11 submit a revised plan or revised plan amendment to the Agency
12 no later than 60 days from the date of the rejection. The
13 Agency shall either approve, approve with conditions, or
14 reject the revised plan or revised plan amendment no later
15 than 90 days after receiving the revised plan or revised plan
16 amendment. The Agency shall approve the revised plan or plan
17 amendment if the Agency determines that the revised plan or
18 plan amendment complies with the requirements of Section 30.
19 If the Agency rejects the revised plan or revised plan
20 amendment, the Agency shall provide in writing the reason for
21 the rejection and: (i) direct changes to the revised plan or
22 plan amendment; or (ii) require the producer responsibility
23 organization to submit a second revision no later than 60 days
24 after the date of the rejection.

25 If the Agency directs changes to a revised plan or plan
26 amendment pursuant to this subsection, the producer

1 responsibility organization must implement the changes or
2 request a hearing under the Illinois Administrative Procedure
3 Act.

4 The Agency may bring an enforcement action if the Agency
5 requires a second revision pursuant to this subsection and:
6 (i) the second revision is not timely submitted; or (ii) the
7 second revision does not, to the satisfaction of the Agency,
8 comply with the requirements of Section 30.

9 If a producer responsibility organization requests a
10 hearing or is subject to enforcement pursuant to this
11 subsection, the producer responsibility organization shall
12 continue to implement a previously approved plan or, if there
13 is no previously approved plan in place, implement a plan at
14 the direction of the Agency until a plan is approved under this
15 Section.

16 (b) Before approving, approving with conditions, or
17 rejecting a plan or plan amendment under this Section, the
18 Agency shall solicit feedback on the plan or plan amendment
19 from the Illinois Recycling System Advisory Council. The
20 Agency must make the plan or plan amendment available for
21 public comment for a period of not less than 30 days before
22 approving, approving with conditions, or rejecting the plan or
23 plan amendment. The Agency must respond to the council's
24 written recommendations if received within 75 days after the
25 date the Agency transmitted the plan or plan amendment to the
26 council.

1 (c) A plan approved by the Agency under this Section is
2 valid for 3 years. The Agency's rejection of a plan or plan
3 amendment submitted for approval under this Section does not
4 relieve the producer responsibility organization from
5 continuing to implement the producer responsibility program in
6 compliance with the approved plan pending a final action by
7 the Agency on the plan amendment.

8 (d) No less than 180 days before a plan approved under this
9 Section expires, a producer responsibility organization shall
10 submit a plan to be approved under this Section for an
11 additional 5 years. A plan submitted for approval under this
12 subsection must satisfy the requirements of Section 30 and
13 describe any substantive changes from the previously approved
14 plan. Until a plan submitted under this subsection is
15 approved, the previously approved plan remains in effect.

16 Section 40. Producer responsibility program plan
17 amendments.

18 (a) A producer responsibility organization shall submit an
19 amendment to a producer responsibility program plan as
20 follows:

21 (1) When proposing to change an approved producer
22 responsibility program plan as it relates to the producer
23 responsibility organization's obligations:

24 (A) under paragraphs (1), (7) through (9), (12)
25 through (14), (16), and (17) of Section 30; or

1 (B) under Section 95.

2 (2) When changing methods used to establish membership
3 fees under Section 45.

4 (3) When changing methods of compensating units of
5 local government or unit of local government service
6 providers as required under Section 55.

7 (4) When the Agency identifies or removes one or more
8 specifically identified materials under Section 100.

9 (5) When required to do so under Section 125.

10 (6) When required to do so by rules adopted by the
11 Agency.

12 (b) Not less than once per calendar quarter, a producer
13 responsibility organization shall provide written notice to
14 the Agency and the Illinois Recycling System Advisory Council
15 of any changes made during the previous month to a producer
16 responsibility program plan that are changes for which an
17 amendment is not required under subsection (a).

18 Section 45. Membership fees charged by producer
19 responsibility organization.

20 (a) A producer responsibility organization shall establish
21 a schedule of membership fees to be paid by members of the
22 organization. Membership fees established pursuant to this
23 Section must be sufficient to meet the financial obligations
24 of the organization under this Act. Membership fees must be
25 designed to differentiate between types of covered products

1 and the materials and formats that comprise those covered
2 products. Membership fees charged for different covered
3 product types, materials, and formats must be proportional to
4 the costs to the producer responsibility organization for that
5 covered product type, material, or format.

6 (b) A schedule established under this Section must
7 establish material-specific base fee rates for all covered
8 products sold or distributed in or into this State by a member
9 of the producer responsibility organization. The base fee paid
10 by each producer member shall be calculated by multiplying the
11 material-specific base fee rate by the total amount of covered
12 products of each material sold or distributed by the producer
13 in or into this State.

14 (c) Covered products sold or distributed in or into this
15 State that are not accepted by recycling collection programs
16 in this State shall be assessed base fee rates as follows:

17 (1) First, the average base fee rates for covered
18 products described in this subsection must be higher than
19 the average for covered products that are accepted by
20 recycling collection programs in this State.

21 (2) Second, provided that the requirements of
22 paragraph (1) of this subsection are satisfied, the base
23 fee rate shall be approximately proportional to the
24 covered products' relative contribution to the financial
25 obligations of the producer responsibility organization.

26 (d) In addition to the base fees described in subsections

1 (b) and (c), a producer responsibility organization's
2 membership fee schedule must incentivize producers to
3 continually reduce the environmental and human health impacts
4 of covered products by offering fee adjustments to producers
5 that make or have made changes to the ways in which they
6 produce, use, and market covered products. Fee adjustments
7 developed under this subsection must include lower fees for
8 covered products with a lower environmental impact and higher
9 fees for covered products with a higher environmental impact.
10 In establishing the criteria for the graduated fee structure,
11 a producer responsibility organization must consider factors
12 that include, but are not limited to, the following:

13 (1) The post-consumer content of the material, if the
14 use of post-consumer content in the covered product is not
15 prohibited by federal law.

16 (2) The product-to-package ratio.

17 (3) The producer's choice of material.

18 (4) Life cycle environmental impacts, as demonstrated
19 by an evaluation performed in accordance with Section 155.

20 (5) The recycling rate of the material relative to the
21 recycling rate of other covered products.

22 (e) Notwithstanding subsections (b) through (d), a
23 producer responsibility organization may propose to the Agency
24 in a plan or plan amendment an alternative membership fee
25 structure. The Agency may approve an alternative membership
26 fee structure if the Agency determines that the structure:

1 (1) satisfies the requirements of subsection (a); and
2 (2) provides incentives to members to change the way
3 the members produce, use, and market materials in order to
4 reduce environmental impacts.

5 (f) Notwithstanding subsections (b) through (d), a
6 producer responsibility organization shall establish uniform
7 membership fees for members that had a gross revenue of less
8 than \$10 million for the organization's most recent fiscal
9 year, or sold in or into Illinois less than 5 metric tons of
10 covered products for use in this State in the most recent
11 calendar year.

12 (g) A producer responsibility organization shall accept
13 the value of print and online advertising services in lieu of
14 all or a portion of a membership fee described in this Section
15 from members that are newspaper or magazine publishers. The
16 producer responsibility organization may consider the in-State
17 reach of the advertising when determining the value of the
18 advertising.

19 Section 50. Annual report.

20 (a) No later than July 1 of each year, a producer
21 responsibility organization must submit to the Agency for
22 approval by the Agency an annual report on the development,
23 implementation, and operation of the producer responsibility
24 program. The annual report must:

25 (1) cover the prior calendar year;

1 (2) present information in a manner that can be
2 understood by the general public; and

3 (3) be otherwise prepared in the form and manner
4 prescribed by the Agency.

5 (b) The annual report must include the following:

6 (1) A list of the producers that participated in the
7 producer responsibility program.

8 (2) A list of any producers found to be out of
9 compliance with the producer responsibility program plan
10 and steps taken to bring those producers into compliance.

11 (3) The total amount, by weight and type of material,
12 of covered products sold or distributed in or into this
13 State by participating producers in the prior calendar
14 year.

15 (4) A description of the producer responsibility
16 organization's efforts, including work with processors, to
17 ensure that the collected covered products were
18 responsibly managed and delivered to responsible end
19 markets.

20 (5) A complete accounting and summary of payments
21 requested by units of local government and unit of local
22 government service providers and paid by the producer
23 responsibility organization under Section 55.

24 (6) A description of all expansions and improvements
25 to recycling collection systems that have been paid for by
26 the producer responsibility organization, whether those

1 expansions or improvements have been implemented, the
2 funds provided for such expansions and improvements, and
3 what collection programs are still scheduled for
4 expansions or improvements in the remaining duration of
5 the producer responsibility program plan.

6 (7) A summary of payments paid by the producer
7 responsibility organization under Sections 105 and 110.

8 (8) A summary of payments requested by units of local
9 government or unit of local government service providers
10 that were denied or reduced by the producer responsibility
11 organization.

12 (9) A summary of all other payments made to satisfy
13 the producer responsibility organization's obligations
14 under this Act, including, but not limited to, payments
15 made to support responsible recycling of specifically
16 identified materials, as described in Section 100.

17 (10) A summary of the financial status of the producer
18 responsibility organization, including annual
19 expenditures, revenues, and assets.

20 (11) The membership fee schedule described in Section
21 45.

22 (12) The fees collected pursuant to the membership fee
23 schedule for the reporting year.

24 (13) A description of how the current membership fee
25 schedule meets the requirements of Section 45.

26 (14) A description of activities undertaken by the

1 producer responsibility organization that relate to the
2 uniform statewide collection list and the specifically
3 identified materials list.

4 (15) An assessment of whether the producer
5 responsibility organization has met collection targets,
6 convenience standards and performance standards
7 established by the Agency under Section 95 and efforts
8 planned to meet or continue meeting such targets and
9 standards.

10 (16) A summary of efforts taken by the producer
11 responsibility organization to meet the statewide plastic
12 recycling goal established under Section 125 and efforts
13 planned to maintain performance in meeting the goal or, if
14 the goal has not been met, efforts planned to meet the
15 goal.

16 (17) The results of any in-person site inspections,
17 material tracking, or other audits conducted during the
18 reporting year, including whether any major safety or
19 environmental management practices were not properly
20 followed and, if so, the corrective actions taken.

21 (18) Recommendations for any changes to the producer
22 responsibility organization's plan to improve recovery and
23 recycling.

24 (19) A summary of the quarterly reports described in
25 subsection (f) and an evaluation of the adequacy of
26 responsible end markets.

1 (20) A summary of actions actually taken or planned by
2 the producer responsibility organization to improve
3 responsible end markets, pay for improvements in
4 processing infrastructure, or improve the resiliency of
5 the producer responsibility program.

6 (21) The number of producers that received each type
7 of membership fee adjustment offered under Section 45 and
8 the amount of covered products, by material and format,
9 for which producers received each type of adjustment.

10 (22) An evaluation of the effectiveness of membership
11 fee adjustments at encouraging producers to reduce the
12 environmental and human health impacts of covered
13 products, with relation to the factors and criteria used
14 by the producer responsibility organization's membership
15 fee structure.

16 (23) An evaluation of the producer responsibility
17 organization's compliance with this Act and, if necessary,
18 actions that will be taken to achieve compliance.

19 (24) A report by an independent certified public
20 accountant, retained by the producer responsibility
21 organization at the organization's expense, on the
22 accountant's audit of the organization's financial
23 statements.

24 (25) The results of any nonfinancial audits or
25 assessments measuring performance or outcomes.

26 (26) A description of activities undertaken by the

1 producer responsibility organization that relate to the
2 educational resources and promotional campaigns described
3 in Section 60.

4 (27) Any other information required by the Agency.

5 (c) A producer responsibility organization shall include
6 in a report submitted under this Section a confidential
7 addendum containing information on the membership fees paid to
8 the producer responsibility organization by individual members
9 and information that can be used to calculate the market share
10 of individual members in accordance with rules adopted by the
11 Agency under Section 20. Information included in the
12 confidential addendum is not subject to public disclosure
13 under the Freedom of Information Act, except that the Agency
14 may disclose summarized information or aggregated data if the
15 information or data do not directly or indirectly identify the
16 amount of membership fees paid by or market share of any
17 individual producer.

18 The report must also aggregate and summarize the
19 information described in this subsection in a manner that does
20 not directly or indirectly identify the amount of membership
21 fees paid by any individual producer.

22 (d) The Agency shall review reports submitted under this
23 Section and solicit feedback on each report from the Illinois
24 Recycling System Advisory Council. The Agency shall make each
25 report available for public comment for a period of not less
26 than 30 days. The Agency shall submit the comments of the

1 Agency, the council, and the public to the producer
2 responsibility organization. The Agency shall approve reports
3 that meet the requirements of this Section to the satisfaction
4 of the Agency.

5 (e) If the Agency does not approve a report under
6 subsection (d), the Agency must provide the producer
7 responsibility organization with written notice of revisions
8 necessary for approval and the timeline for resubmittal.

9 The Agency may bring an enforcement action if:

10 (1) the revised report required under this subsection
11 is not timely submitted; or

12 (2) the revised report does not meet the requirements
13 of this Section to the satisfaction of the Agency.

14 (f) No later than 45 days after the end of each calendar
15 quarter, a producer responsibility organization shall provide
16 a materials disposition report to the Agency describing the
17 final disposition during that calendar quarter of all
18 materials for which the organization is responsible. The
19 report required under this subsection must include the
20 following:

21 (1) The final end markets of the materials.

22 (2) The location of all facilities used to process the
23 materials.

24 (3) A description of any disposition that does not
25 meet the standards described in subsection (b) of Section
26 65.

1 (4) The amount of materials processed and the final
2 disposition by weight or volume of all materials,
3 including materials that were not used by the end markets.

4 Section 55. Compensation to units of local government and
5 unit of local government service providers.

6 (a) A producer responsibility organization shall, upon
7 request, fund in advance or reimburse, as appropriate, the
8 eligible expenses of a unit of local government or the unit of
9 local government service provider for eligible costs as
10 provided in this Section.

11 (b) The costs of transporting covered products from a
12 recycling depot or recycling reload facility to a commingled
13 recycling processing facility or a responsible end market,
14 including the cost to receive, consolidate, load, and
15 transport covered products, are eligible costs for funding or
16 reimbursement by a producer responsibility organization.

17 Eligible costs under this subsection do not include costs
18 for the following:

19 (1) The transport of covered products directly from a
20 generator to a recycling processing facility or a
21 responsible end market.

22 (2) The transport of covered products from a recycling
23 depot if the recycling depot is not designated or
24 authorized by a unit of local government as part of the
25 recycling program operated by the unit of local government

1 or the unit of local government's service provider.

2 (3) The proportion of a shipment of recyclable
3 material that is not covered products.

4 (4) The transport of covered products for distances
5 greater than the distance to the closest commingled
6 recycling processing facility or responsible end market
7 with capacity to accept the covered products.

8 (5) The transport of covered products for less than 50
9 miles or for a greater de minimis distance, as established
10 by the Agency by rule.

11 The Agency shall establish by rule methods for determining
12 funding or reimbursement amounts under this subsection.
13 Methods may include payments based on zones and must account
14 for proximity to an appropriate commingled recycling
15 processing facility or responsible end market that has
16 capacity to process or recycle the material and other factors
17 that could affect transportation costs.

18 (c) The costs of periodically evaluating the quality and
19 contamination of collected materials as required by Section
20 130, if the evaluation occurs at a location other than a
21 commingled recycling processing facility, are eligible costs
22 for funding or reimbursement by a producer responsibility
23 organization.

24 (d) The costs of contamination reduction programming for
25 residential and commercial customers required by Section 130
26 and the cost of similar contamination reduction programming

1 provided by unit of local governments not subject to the
2 requirements of Section 130 are eligible costs for funding or
3 reimbursement by a producer responsibility organization.

4 The Agency shall establish by rule methods for determining
5 funding or reimbursement amounts under this subsection. Rules
6 adopted under this subsection may not require producer
7 responsibility organizations to provide funding or
8 reimbursement of more than \$3 per capita per year, based on the
9 population of a unit of local government or, if the unit of
10 local government is a county, the population of the
11 unincorporated area of the county.

12 (e) Costs associated with the expansion and provision of
13 recycling collection services for covered products as provided
14 in this subsection are eligible costs for funding or
15 reimbursement by a producer responsibility organization.

16 A unit of local government that commits to expanding
17 recycling opportunities during the needs assessment conducted
18 under subsection (h) is eligible for funding or reimbursements
19 under this subsection. A producer responsibility organization
20 shall work with units of local government to determine the
21 services the unit of local government is requesting and the
22 schedule by which the new program will be implemented, and
23 shall provide funding for the new programs in advance of or
24 concurrent with implementation.

25 A producer responsibility organization shall provide
26 funding for activities requested by units of local government

1 through the periodic needs assessment conducted under
2 subsection (h).

3 Eligible costs under this subsection include the
4 following:

5 (1) For on-route programs, start-up costs, including,
6 but not limited to, trucks, containers, promotional
7 literature and, if necessary and none other is available,
8 a recycling reload facility for reloading recyclables,
9 including any compaction equipment necessary for the
10 recycling reload facility.

11 (2) For recycling depots, containers, on-site
12 monitoring equipment, site preparation, or other start-up
13 costs and operational costs, including staffing.

14 (f) The costs of complying with Section 90, to the extent
15 that the use of post-consumer recycled material is more
16 expensive than the lowest priced alternative, are eligible
17 costs for funding or reimbursement by a producer
18 responsibility organization.

19 (g) The costs associated with other recycling system
20 improvements for covered products as determined by the Agency
21 by rule are eligible costs for funding or reimbursement by a
22 producer responsibility organization.

23 (h) The Agency shall conduct a statewide needs assessment
24 in partnership with units of local government and unit of
25 local government service providers to determine local interest
26 in expanding collection options and recycling depots in areas

1 not served with those collection opportunities, provided that
2 funds are made available to the local programs for expansion.

3 The needs assessment shall include a process for units of
4 local government to request services and commit to providing
5 additional services.

6 The Agency shall periodically repeat the assessment and
7 may conform the timing of the assessment to coincide with the
8 schedule for producer responsibility organizations to submit
9 new producer responsibility program plans.

10 (i) A unit of local government or the unit of local
11 government service provider requesting reimbursement under
12 this Section shall submit an accounting of its costs to a
13 producer responsibility organization, if the reimbursement is
14 not otherwise determined according to a formula.

15 (j) A producer responsibility organization shall remit
16 payment for expenses under this Section to a unit of local
17 government or the unit of local government service provider or
18 other person authorized by the unit of local government to
19 receive payment within 60 days after receiving a request for
20 payment. A producer responsibility organization shall provide
21 written notification to the unit of local government of any
22 payments remitted to a person authorized by the unit of local
23 government to receive payment.

24 (k) The Agency may review or audit the cost accounting and
25 reimbursement request records of a producer responsibility
26 organization, a unit of local government, or the unit of local

1 government service provider that receives payment under this
2 Section.

3 The Agency shall require a unit of local government or a
4 unit of local government service provider that receives
5 advance funding under this subsection and does not use the
6 moneys for the purposes for which the funding was provided to
7 return the funding to the producer responsibility
8 organization, according to standards established by the Agency
9 by rule.

10 Information furnished to the Agency under this subsection
11 may be designated confidential. Information designated
12 confidential is not subject to public disclosure under the
13 Freedom of Information Act, except that the Agency may
14 disclose the information in a summarized or aggregate form.

15 (l) A unit of local government shall identify to the
16 Agency the unit of local government service providers that are
17 authorized to receive funding or reimbursement directly, as
18 described in this Section, from producer responsibility
19 organizations in the annual report required under Section 50.

20 (m) A unit of local government or unit of local government
21 service provider that has received funds for expansion or
22 improvements to recycling collection under this Section shall
23 report to the producer responsibility organization when the
24 expansion or improvements have been fully implemented. A unit
25 of local government or unit of local government service
26 provider must also report the status of implementation to the

1 producer responsibility organization on an annual basis for
2 any funded collection program that has not been fully
3 implemented, so that the producer responsibility organization
4 may include that information in the annual report required
5 under Section 50.

6 (n) The disposal of covered products by means of
7 landfilling or incineration may not be an eligible cost for
8 funding or reimbursement by a producer responsibility
9 organization under this Section.

10 Section 60. Development of educational resources.

11 (a) A producer responsibility organization, in
12 consultation with the Illinois Recycling System Advisory
13 Council, shall develop educational resources and promotional
14 campaigns to promote the uniform statewide collection list.
15 Resources and campaigns developed under this Section must
16 include, but need not be limited to, the following:

17 (1) A description of materials identified for
18 recycling as described in Section 95.

19 (2) Requirements to properly prepare materials for
20 recycling.

21 (3) Education on the importance of not placing
22 contaminants in commingled recycling collection.

23 (4) Container signs or decals.

24 (b) A producer responsibility organization must provide
25 opportunities for units of local government and unit of local

1 government service providers to review and comment on draft
2 materials developed under this Section.

3 (c) Educational resources and campaigns developed under
4 this Section must be:

5 (1) culturally responsive to diverse audiences across
6 this State, including people who speak languages other
7 than English and persons with disabilities;

8 (2) printed or produced in languages other than
9 English; and

10 (3) accessed easily and at no cost to units of local
11 government and users of the recycling system.

12 (d) A producer responsibility organization shall make the
13 educational resources developed under this Section available
14 in a form that allows each unit of local government or unit of
15 local government service provider to customize the resources
16 to reflect local conditions.

17 (e) When reviewing and commenting on a producer
18 responsibility organization's draft materials under subsection
19 (b), a unit of local government must take responsibility to
20 ensure that the educational resources and campaigns being
21 developed by the producer responsibility organization meet the
22 needs of diverse audiences within the unit of local
23 government's community.

24 (f) A unit of local government that provides the
25 opportunity to recycle or the unit of local government service
26 provider shall utilize and distribute educational resources

1 developed under this Section.

2 A unit of local government or the unit of local government
3 service provider may incorporate the educational resources
4 developed under this Section into an existing recycling
5 education program required by the Agency.

6 (g) A producer responsibility organization shall
7 coordinate and fund the distribution of statewide promotional
8 campaigns developed under this Section through media channels
9 that may include, but need not be limited to, print
10 publications, radio, television, the Internet, and online
11 streaming services.

12 A producer responsibility organization must coordinate and
13 fund the distribution of statewide promotional campaigns
14 following the first establishment of the uniform statewide
15 collection list and after each revision of the uniform
16 statewide collection list, but not more frequently than once
17 per calendar year.

18 (h) Except as provided in the second paragraph of this
19 subsection, educational resources and campaigns developed
20 under this Section must be reviewed by the council and
21 approved by the Agency before public distribution.

22 Changes or alterations to educational resources and
23 campaigns previously approved by the Agency that do not
24 materially affect the substance of the information conveyed do
25 not require review or approval under this subsection.

26 (i) Educational resources developed under this Section

1 must be updated no later than 4 months following any
2 subsequent changes made by the Agency to the uniform statewide
3 collection list.

4 Section 65. Other duties of producer responsibility
5 organization.

6 (a) A producer responsibility organization must provide
7 for the collection and responsible recycling of covered
8 products identified by the Agency under paragraph (2) of
9 subsection (a) of Section 95, in a way that meets collection
10 targets, convenience standards, and performance standards
11 established under Section 95, by any of the following:

12 (1) Where possible, first contracting with existing
13 recycling depots or drop off centers to provide for the
14 collection of the covered product.

15 (2) Establishing and operating other drop off centers
16 for the covered product.

17 (3) Establishing and operating collection events for
18 the covered product.

19 (4) Making other arrangements for the collection of
20 the covered product as described in a producer
21 responsibility program plan.

22 (b) A producer responsibility organization shall, to the
23 extent practicable, ensure that covered products collected in
24 this State for the purpose of recovery and described in
25 subsection (g) of Section 20 will be:

1 (1) delivered to responsible end markets;
2 (2) managed according to the following hierarchy of
3 materials management options:

4 (A) first, to reduce the amount of solid waste
5 generated;

6 (B) second, to reuse material for the purpose for
7 which it was originally intended;

8 (C) third, to recycle material that cannot be
9 reused;

10 (D) fourth, to compost material that cannot be
11 reused or recycled;

12 (E) fifth, to recover energy from solid waste that
13 cannot be reused, recycled, or composted so long as
14 the energy recovery facility preserves the quality of
15 air, water, and land resources; and

16 (F) sixth, to dispose of solid waste that cannot
17 be reused, recycled, composted, or from which energy
18 cannot be recovered by landfilling or other method
19 approved by the Agency; and

20 (3) managed in an environmentally protective way
21 through to final disposition.

22 (c) A producer responsibility organization may not take
23 possession of covered products from a processor for any
24 purpose without the written consent of the processor.

25 Section 70. Illinois Recycling System Advisory Council.

1 (a) The Illinois Recycling System Advisory Council is
2 established.

3 (b) The council shall consist of 19 members appointed as
4 follows:

5 (1) The President of the Senate shall appoint one
6 member from among the members of the Senate, and the
7 Speaker of the House of Representatives shall appoint one
8 member from among members of the House of Representatives,
9 but the members appointed under this paragraph may not be
10 from the same political party.

11 (2) The Governor shall appoint 17 members as follows:

12 (A) Four representatives of unit of local
13 governments.

14 (B) Two representatives of community-based
15 organizations representing the interests of
16 historically underserved groups.

17 (C) One owner or operator of a small business that
18 is not eligible for representation under subparagraph
19 (E) or (F) of this paragraph.

20 (D) Two representatives of environmental nonprofit
21 organizations.

22 (E) Four representatives of the recycling
23 industry, including unit of local government service
24 providers, processors, or material end users.

25 (F) Four representatives of producers of covered
26 products or producer trade associations or suppliers.

1 Any members appointed to the council under this
2 subparagraph who are producers of covered products
3 shall belong to a producer responsibility organization
4 and represent different industries.

5 The Governor shall appoint members that reflect the
6 geographic diversity of this State and the interests of both
7 large and small communities.

8 (c) The term of office of each member of the council is 3
9 years, but members who are not legislators serve at the
10 pleasure of the Governor.

11 Before the expiration of the term of a member, the
12 appointing authority shall appoint a successor whose term
13 begins on July 1 following the appointment. A member is
14 eligible for reappointment.

15 If there is a vacancy for any cause, the appointing
16 authority shall make an appointment to become immediately
17 effective for the unexpired term.

18 (d) A majority of the voting members of the council
19 constitutes a quorum.

20 (e) The council shall elect one of its members to serve as
21 chairperson and another to serve as vice chairperson, for the
22 terms and with the duties and powers necessary for the
23 performance of the functions of such offices as the council
24 determines. The chairperson and vice chairperson may not both
25 be members appointed under the same subparagraph of paragraph
26 (2).

1 (f) The council shall meet at least once every 3 months at
2 times and places specified by the chairperson. The council
3 also may meet at other times and places specified by the call
4 of the chairperson or of a majority of the voting members of
5 the council, as necessary, to carry out the duties of the
6 council.

7 (g) The Agency shall provide administrative and staff
8 support and facilities as necessary for the council to carry
9 out the duties of the council.

10 (h) A member of the council who is not a legislator is
11 entitled to compensation and expenses incurred in performing
12 their duties. Claims for compensation and expenses incurred in
13 performing functions of the council shall be paid out of funds
14 appropriated to the Agency for that purpose.

15 (i) Members of the General Assembly who are appointed to
16 the council are nonvoting members of the council and may act in
17 an advisory capacity only.

18 (j) The council may adopt rules necessary for the
19 operation of the council.

20 Section 75. Duties of the council.

21 (a) The Illinois Recycling System Advisory Council shall
22 perform all of the following:

23 (1) Review activities related to this Act.

24 (2) Advise the Agency and producer responsibility
25 organizations on issues related to the implementation of

1 this Act.

2 (3) Review producer responsibility program plans
3 submitted under Section 30, plan amendments submitted
4 under Section 40, and program reports submitted under
5 Section 50.

6 (4) Make recommendations to the Agency and producer
7 responsibility organizations related to the establishment
8 and maintenance of the list of specifically identified
9 materials.

10 (5) Make recommendations to the Agency and producer
11 responsibility organizations about any other material that
12 should not be included as a covered product.

13 (6) Make written recommendations to the Agency and
14 producer responsibility organizations on matters that the
15 council determines are beneficial to the public interest,
16 including the following:

17 (A) Matters related to producer responsibility
18 program plans created to satisfy the requirements of
19 Section 30, program plan audits, and reports required
20 by the plans, including the following:

21 (i) Producer membership fee structures
22 described in Section 45.

23 (ii) Recycling depot or mobile collection
24 events for recyclable items.

25 (iii) Other aspects of a producer
26 responsibility program intended to improve access

1 to recycling, including access for residents of
2 multifamily housing.

3 (B) The uniform statewide collection list.

4 (C) The manner in which producer responsibility
5 organization fees will be distributed to units of
6 local governments or unit of local government service
7 providers under Section 55, including the following:

8 (i) Review of statewide transportation, reload
9 reimbursement, and other formulaic elements.

10 (ii) Priorities for system funding where
11 discretion is provided in statute or in rules
12 adopted by the Agency.

13 (D) Statewide educational resources and campaigns.

14 (E) The manner in which producer responsibility
15 organization fees will be distributed to processors to
16 improve infrastructure.

17 (b) The council may only adopt recommendations upon a vote
18 of a majority of the members of the council.

19 (c) No later than September 15 of each even-numbered year,
20 the council shall submit to the Senate Committee on
21 Environment and Conservation and the House Committee on Energy
22 and Environment a report that describes the recommendations of
23 the council.

24 (d) Within 45 days after receiving written recommendations
25 from the council under paragraphs (4), (5), and (6) of
26 subsection (a), a producer responsibility organization must

1 provide a written response to the council, including reasons
2 why any recommendations were not accepted.

3 (e) Within 60 days after receipt of written
4 recommendations provided under paragraphs (4), (5), and (6) of
5 subsection (a), the Agency shall provide a written response to
6 the council, including reasons why any recommendations were
7 not accepted.

8 Section 80. Prohibition on delivery of commingled
9 recyclables to certain facilities.

10 (a) As used in this Section, "commingled recycling reload
11 facility" means a facility that receives commingled
12 recyclables collected by a unit of local government or unit of
13 local government service provider as an intermediate step
14 prior to delivery to a commingled recycling processing
15 facility.

16 (b) A unit of local government, the unit of local
17 government service provider, or a commingled recycling reload
18 facility may not deliver to a commingled recycling processing
19 facility commingled recyclables that were collected pursuant
20 to the uniform statewide collection list established under
21 Section 95, unless the following apply:

22 (1) At the time the unit of local government, the unit
23 of local government's service provider, or the commingled
24 recycling reload facility delivered or contracted to
25 deliver or transport materials to the commingled recycling

1 facility:

2 (A) the commingled recycling facility held a valid
3 permit issued under Section 175; or

4 (B) for a commingled recycling facility located
5 outside of this State:

6 (i) the facility held a valid certificate
7 issued under Section 180; or

8 (ii) the facility certified that it otherwise
9 met the requirements of Section 175 or 180, even
10 though the facility did not hold a permit or
11 certificate.

12 (2) The processor ensures the health, safety, and
13 wellness of workers at the facility regardless of whether
14 the workers are employees, independent contractors, or
15 employees of another business.

16 (3) The processor provides workers at the facility
17 with a living wage and supportive benefits, as defined by
18 rule by the Agency.

19 (4) Within 6 months after the Agency completes a
20 report under subsection (c) of Section 135, the commingled
21 recycling processing facility has taken steps to implement
22 any recommendations of the report related to providing
23 opportunities in the recycling industry for women and
24 minority individuals.

25 Section 85. Other duties of units of local government. A

1 unit of local government providing the opportunity to recycle
2 must, for the recycling collection of materials identified on
3 the uniform statewide collection list at multifamily
4 properties, comply with all of the following:

5 (1) Ensure adequate space for collection.

6 (2) Demonstrate a plan to ensure adequate space and
7 access for collection vehicles after new construction or
8 significant remodels.

9 (3) Update or establish service standards for service
10 providers to provide adequate service volume or collection
11 frequency, or a combination of both.

12 (4) Ensure that container placement is accessible to
13 residents, including children and individuals who use a
14 wheelchair.

15 (5) Report on activities to meet the requirements of
16 this Section in the annual report required under Section
17 50.

18 Section 90. Roll carts. A unit of local government shall
19 ensure that roll carts, bins, and containers purchased by the
20 unit of local government's service providers are manufactured
21 from at least 10% post-consumer recycled material and are
22 certified by an independent verification standard, such as the
23 APR Post Consumer Resin (PCR) Certification Program
24 established by the Association of Plastic Recyclers.

1 Section 95. Uniform statewide collection list and
2 producer-collected materials.

3 (a) The Agency, in consultation with producer
4 responsibility organizations and the Illinois Recycling System
5 Advisory Council, shall by rule identify materials that are
6 suitable for recycling collection in this State and the
7 methods for collection of those materials. Rules adopted under
8 this subsection must distinguish between the following:

9 (1) Materials collected to provide the opportunity to
10 recycle.

11 (2) Covered products of which a producer
12 responsibility organization must provide for the
13 collection through recycling depot or mobile collection
14 events as provided in Section 65.

15 (b) When identifying materials and collection methods
16 under paragraph (1) of subsection (a), the same material may
17 be collected via on-route collection or at recycling depots in
18 different geographic areas, as determined by units of local
19 government.

20 (c) In determining whether a material should be included
21 in a commingled recycling program for the uniform statewide
22 collection list, collected separately, collected on-route, or
23 collected at a recycling depot, or whether a covered product
24 should be collected by a producer responsibility organization
25 under paragraph (1) of subsection (a), the Agency shall
26 consider the following:

1 (1) The stability, maturity, accessibility, and
2 viability of responsible end markets.

3 (2) Environmental health and safety considerations.

4 (3) The anticipated yield loss for the material during
5 the recycling process.

6 (4) The material's compatibility with existing
7 recycling infrastructure.

8 (5) The amount of the material available.

9 (6) The practicalities of sorting and storing the
10 material.

11 (7) Contamination.

12 (8) The ability for waste generators to easily
13 identify and properly prepare the material.

14 (9) Economic factors.

15 (10) Environmental factors from a life cycle
16 perspective.

17 (d) The Agency shall establish and maintain a uniform
18 statewide collection list of materials that are appropriate to
19 be collected through a commingled recycling program. The list
20 established under this subsection must include the following:

21 (1) The materials identified by the Agency as suitable
22 for commingled recycling under paragraph (1) of subsection
23 (a) and subsection (b).

24 (2) Covered products if any, proposed by a producer
25 responsibility organization for addition to the uniform
26 statewide collection list in a producer responsibility

1 program plan or plan amendment and approved by the Agency
2 under Section 35.

3 (e) Except as provided in subsection (f), a material may
4 not be collected as part of a commingled recycling program
5 unless the material is identified for collection as part of a
6 commingled recycling program on the uniform statewide
7 collection list.

8 (f) A material that is not identified for collection as
9 part of a commingled recycling program on the uniform
10 statewide collection list may be collected as part of a
11 commingled recycling program if:

12 (1) the material is collected as part of a trial or
13 research program;

14 (2) the trial or research program is of limited
15 duration; and

16 (3) the trial or research program is conducted in a
17 limited area.

18 (g) The Agency shall establish by rule collection targets,
19 convenience standards, and performance standards for producer
20 responsibility organizations that collect covered products
21 identified by the Agency under paragraph (2) of subsection
22 (a).

23 Section 100. Specifically identified materials.

24 (a) The Agency, in consultation with producer
25 responsibility organizations and the Illinois Recycling System

1 Advisory Council, shall establish and maintain a list of
2 specifically identified materials.

3 (b) In determining whether a covered product is a
4 specifically identified material, the Agency shall consider
5 criteria that include, but need not be limited to, the
6 following:

7 (1) Whether recycling processing equipment
8 improvements are needed to sort the material and when
9 producer responsibility organizations will fund those
10 improvements.

11 (2) The availability of viable responsible end markets
12 for the material.

13 (3) Economic factors affecting the value of the
14 material.

15 (4) Whether the inclusion of the covered product in
16 recycling collection programs could cause an increase in
17 costs.

18 Section 105. Contamination management fee.

19 (a) The Agency shall by rule adopt and periodically revise
20 a contamination management fee to be paid by producer
21 responsibility organizations to commingled recycling
22 processing facilities to compensate the facilities for the
23 costs of removing and disposing covered products that are
24 contaminants. The amount of the fee shall be based on the
25 result of the study conducted under subsection (b). Rules

1 adopted under this Section must:

2 (1) provide that payment of the fee may not be
3 required more frequently than once per month and must be
4 paid within 45 days after a request for payment;

5 (2) provide that the fee may not be based on
6 commingled recycling originating outside of Illinois; and

7 (3) establish a review process to ensure that the fee
8 is appropriately charged.

9 (b) The Agency shall contract with an independent
10 organization to conduct the study under this subsection. The
11 study must:

12 (1) estimate the cost to commingled recycling
13 processing facilities of removing and disposing of covered
14 products that are contaminants, reported as the cost per
15 ton of covered products; and

16 (2) Estimate the costs to commingled recycling
17 processing facilities of removing and disposing of all
18 contaminants, reported as the cost per ton of all
19 contaminants.

20 (c) A commingled recycling processing facility that does
21 not participate in the review process described in subsection
22 (a) or the study described in subsection (b) is not eligible to
23 receive a contamination management fee.

24 (d) Any proprietary information provided to the Agency
25 under subsection (a) or to a person conducting a study under
26 subsection (b) may be designated confidential by a commingled

1 recycling processing facility. Information designated
2 confidential is not subject to public disclosure under the
3 Freedom of Information Act, except that information may be
4 disclosed as summarized or aggregated data if doing so does
5 not directly or indirectly disclose the proprietary
6 information of any specific facility.

7 (e) The Agency shall review the contamination management
8 fee at least once every 5 years. The Agency may not review the
9 contamination management fee more frequently than once per
10 year.

11 Section 110. Processor commodity risk fee.

12 (a) In this Section:

13 "Anticipated program cost" means all additional costs
14 related to any new requirements of this Act that are
15 anticipated prior to the next review of the processor
16 commodity risk fee under subsection (f).

17 "Average commodity value" means the average revenue paid
18 by brokers or end markets, after processing by a commingled
19 recycling processing facility, for a composite ton of
20 commingled material collected for recycling in Illinois.

21 "Eligible processing cost" means all costs associated with
22 owning and operating a commingled recycling processing
23 facility as determined by the study conducted under subsection
24 (c), including, but not limited to, sorting, handling,
25 storing, disposal, marketing, and shipping, administration,

1 rent, fees, depreciation, fixed costs, profit, the target
2 price paid for commingled recycling collected from Illinois as
3 described in paragraph (4) of subsection (b), and anticipated
4 program costs.

5 "Eligible processing cost" does not include revenue from
6 the sale of recyclables and any costs that are reimbursed by
7 producer responsibility organizations or other parties,
8 including the contamination management fee established under
9 Section 105.

10 (b) The Agency shall by rule adopt and periodically revise
11 a processor commodity risk fee to be paid by producer
12 responsibility organizations to commingled recycling
13 processing facilities to ensure that producers share in the
14 costs of fully processing commingled recyclables that are
15 covered products and to allow units of local government to
16 reduce the financial impacts on ratepayers. The processor
17 commodity risk fee shall be based on the eligible processing
18 costs of facilities less the average commodity value of
19 recyclable materials processed by facilities. Rules adopted
20 under this Section must comply with the following:

21 (1) Provide that payment of the fee may not be
22 required more frequently than once per month and must be
23 paid within 45 days after a request for payment.

24 (2) Provide that the fee may not be based on
25 commingled recycling originating outside of Illinois.

26 (3) Establish a review process to ensure that the fee

1 is appropriately charged.

2 (4) For purposes of calculating the processor
3 commodity risk fee, allow the average fee charged by
4 commingled recycling processing facilities for acceptance
5 of commingled recyclables collected from Illinois to
6 target a price of \$0 per ton, expressed on the basis of
7 compensation per ton of delivered material.

8 (5) Provide that the fee is to be paid on the basis of
9 recyclable material received by or sold from a commingled
10 recycling processing facility.

11 (6) Ensure that materials handled by more than one
12 commingled recycling processing facility are not double
13 counted for purposes of calculating the fee.

14 (7) Allow units of local government to protect
15 ratepayers from cost increases associated with the
16 volatility of commodity markets.

17 (8) Establish methods to determine and periodically
18 update, but no more frequently than once per month, the
19 average commodity value per ton of commingled materials
20 collected from single-family residences in Illinois and
21 from all other sources in Illinois. The methods developed
22 under this paragraph must include the following:

23 (A) The average composition of materials by
24 percentage in each mix, multiplied by published market
25 values.

26 (B) The sources of the published market values

1 used.

2 (C) Any adjustments to published market values for
3 each commodity to reflect conditions in Illinois.

4 (c) Subject to subsection (f), the Agency shall contract
5 with an independent organization to conduct the study under
6 this subsection. The study must:

7 (1) estimate the average eligible processing cost at
8 commingled recycling facilities that process commingled
9 recycling generated in Illinois; and

10 (2) report the costs on the basis of tons of
11 commingled recycling received and materials shipped to end
12 markets.

13 (d) A commingled recycling facility that does not
14 participate in the review process described in subsection (b)
15 or the study described in subsection (c) is not eligible to
16 receive a processor commodity risk fee.

17 (e) Any proprietary information provided to the Agency
18 under subsection (b) or to a person conducting a study under
19 subsection (c) may be designated confidential by a commingled
20 recycling processing facility. Information designated
21 confidential is not subject to public disclosure under the
22 Freedom of Information Act, except that information may be
23 disclosed as summarized or aggregated data if doing so does
24 not directly or indirectly disclose the proprietary
25 information of any specific facility.

26 (f) The Agency shall contract for the study under

1 subsection (c) to be performed at least once every 5 years. The
2 Agency may contract for the study under subsection (c) to be
3 performed no more than once per year. If a study under
4 subsection (c) demonstrates that the average per-ton eligible
5 processing cost has changed by more than 10% since the Agency
6 last established the processor commodity risk fee, the Agency
7 shall by rule revise the processor commodity risk fee.

8 Section 115. Evaluation of federal laws.

9 (a) The Agency shall evaluate any federal law that
10 establishes a national program for the collection and
11 recycling of paper products or packaging.

12 (b) If the Agency determines that the federal law
13 substantially meets or exceeds the requirements and intent of
14 this Act, the Agency shall include information on the federal
15 law in a report to the General Assembly.

16 Section 120. Litter and marine debris cleanup and
17 prevention needs assessment.

18 (a) The Agency shall conduct a statewide needs assessment
19 to identify the contribution of different types of covered
20 products to litter and marine debris in Illinois, the general
21 locations where litter and marine debris prevention and
22 cleanup of covered products is needed, and the extent to which
23 litter and marine debris prevention and cleanup is needed.

24 (b) The needs assessment may include recommendations for

1 adding litter and marine debris cleanup and prevention to the
2 responsibilities of producer responsibility organizations and
3 recommendations for funding such responsibilities. If the
4 needs assessment does not include recommendations for adding
5 new responsibilities for producer responsibility
6 organizations, the report required under subsection (d) must
7 include an explanation of why such responsibilities are not
8 needed to address the issue of litter and marine debris.

9 (c) In conducting the needs assessment, the Agency shall
10 consult with units of local government, the Department of
11 Transportation, the Department of Natural Resources, producer
12 responsibility organizations, and the Illinois Recycling
13 System Advisory Council.

14 (d) The Agency shall provide a written report on its
15 findings and recommendations for legislation to the Senate
16 Committee on Environment and Conservation and the House
17 Committee on Energy and Environment no later than September
18 15, 2026.

19 Section 125. Recycling rate of plastic.

20 (a) In this Section:

21 "Plastic" means a material composed of synthetic polymers
22 such as polyethylene, polypropylene, polystyrene, polylactic
23 acid, and other similar polymers.

24 "Plastic" does not include materials commonly referred to
25 as rubber or materials that are naturally produced polymers,

1 such as proteins or starches.

2 (b) It is the goal of the State of Illinois that the
3 statewide recycling rate for plastic packaging and plastic
4 food serviceware be:

5 (1) at least 25% by calendar year 2028 and in each
6 subsequent year;

7 (2) at least 50% by calendar year 2040 and in each
8 subsequent year; and

9 (3) at least 70% by calendar year 2050 and in each
10 subsequent year.

11 Notwithstanding the first paragraph of this subsection,
12 the Agency by rule, on or after January 1, 2038, and after
13 consideration of environmental, technical, and economic
14 conditions, may adjust the statewide plastic recycling goal.
15 An adjustment to the statewide plastic recycling goal under
16 this paragraph may not adjust the goal to less than 35% or more
17 than 70%.

18 (c) The Agency shall annually determine whether the
19 statewide plastic recycling goal established under subsection
20 (b) has been met. The Agency may require a producer
21 responsibility organization to submit aggregated information
22 necessary for the Agency to make the determination under this
23 subsection.

24 (d) If the Agency determines that the statewide plastic
25 recycling goal has not been met, each producer responsibility
26 organization shall, in the manner provided in Section 40,

1 amend an existing producer responsibility program plan or
2 submit a new producer responsibility program plan that
3 includes actions the organization will take to meet the
4 statewide plastic recycling goal.

5 Notwithstanding the requirements of the first paragraph of
6 this subsection, the Agency may not issue an order or impose a
7 civil penalty against a producer responsibility organization
8 for failing to update a producer responsibility program plan
9 or failing to take actions specified in a producer
10 responsibility program plan to meet the statewide plastic
11 recycling goal if, at that time, the recycling rate of plastic
12 packaging and plastic food serviceware exceeds 50%.

13 (e) The recycling rate of plastic packaging and plastic
14 food serviceware is calculated by dividing the total plastic
15 packaging and plastic food serviceware waste generated and
16 recycled in this State by the total plastic packaging and
17 plastic food serviceware waste generated in this State using
18 the following data, unless otherwise specified by rule by the
19 Agency:

20 (1) Data on recycling from relevant surveys and
21 reports.

22 (2) Data from relevant waste composition studies,
23 combined with data on the total amount of solid waste
24 disposed.

25 (3) Information submitted by a producer responsibility
26 organization under subsection (c).

1 (4) Other information made available to the Agency to
2 estimate changes in the generation of plastic waste in
3 years between the years when waste composition studies are
4 conducted.

5 (f) For purposes of determining the recycling rate of
6 plastic packaging and plastic food serviceware, "plastic"
7 includes post-consumer packaging and food serviceware products
8 that are made entirely of plastic or that contain small
9 amounts of easily removed nonplastic items, such as metal lids
10 or metal handles on plastic buckets.

11 Section 130. Contamination reduction.

12 (a) The Agency shall perform the following:

13 (1) Establish statewide recycling contamination
14 reduction goals.

15 (2) Evaluate the relative cost-effectiveness of
16 different educational programs and other methods for
17 reducing contamination.

18 (3) Establish and maintain a list of approved
19 contamination reduction program elements, including the
20 following:

21 (A) Customer-facing contamination reduction
22 materials and methods that are responsive to the needs
23 of diverse populations.

24 (B) Standards for providing feedback to generators
25 that contribute to contamination that is responsive to

1 the needs of diverse populations.

2 (C) Standards for providing financial or service
3 consequences to generators that are significant and
4 repeated sources of contamination and that continue to
5 contaminate separated recyclables after being subject
6 to elements described in subparagraphs (A) and (B).
7 Consequences must be responsive to the conditions of
8 diverse populations.

9 (4) Once every 4 years:

10 (A) review and summarize statewide information on
11 contamination at the point of collection, using data
12 provided in accordance with Section 185, and revise
13 the statewide recycling contamination reduction goals,
14 as appropriate; and

15 (B) provide a written report to the Senate
16 Committee on Environment and Conservation and the
17 House Committee on Energy and Environment. The report
18 must include:

19 (i) a description of the effectiveness of the
20 contamination reduction program elements;

21 (ii) recommendations to maintain, revise, or
22 discontinue programs developed under this Section;
23 and

24 (iii) recommendations regarding the funding of
25 contamination reduction programming under
26 subsection (d) of Section 55.

1 (b) A unit of local government or a unit of local
2 government service provider that provides for the collection
3 of source separated recyclables must establish and implement a
4 program to reduce contamination that:

5 (1) includes one or more local recycling contamination
6 reduction goals that are consistent with the statewide
7 goals established in subsection (a);

8 (2) causes collected source separated recyclables to
9 undergo periodic evaluation of collected material quality
10 and contamination, in accordance with forms and procedures
11 established by the Agency under Section 185;

12 (3) includes:

13 (A) at least one of each of the program elements
14 described in subparagraphs (A) through (C) of
15 paragraph (3) of subsection (a); or

16 (B) uses materials or methods that are at least as
17 effective as materials or methods approved by the
18 Agency under paragraph (3) of subsection (a); and

19 (4) includes, at least once every 5 years, a process
20 for reviewing, and revising as appropriate, the local
21 goals established in paragraph (1) and local elements
22 established under paragraph (3).

23 (c) A unit of local government or unit of local government
24 service provider may not be required to provide contamination
25 reduction programming under this Section to the extent that
26 doing so would require the use of funds other than advance

1 funding or reimbursements available under subsection (d) of
2 Section 55.

3 Section 135. Equity study.

4 (a) The Agency, in consultation with units of local
5 government and the Illinois Recycling System Advisory Council,
6 shall conduct a study of equity in Illinois' recycling system
7 to determine conditions and make recommendations, including
8 goals to achieve continuous improvement. The Agency shall
9 provide public involvement opportunities for underserved
10 communities during the study. The study must include, but need
11 not be limited to, the following:

12 (1) An evaluation of commingled recycling processing
13 facility worker conditions, wages, and benefits.

14 (2) The availability of opportunities in the recycling
15 system for women and minority individuals.

16 (3) The sufficiency of unit of local government
17 requirements related to multifamily recycling services and
18 their implementation.

19 (4) The sufficiency of recycling education programs
20 relative to desired equity outcomes.

21 (5) The availability of opportunities in the recycling
22 system for Illinois and other Midwest businesses.

23 (6) Recommendations for improving equity and equitable
24 outcomes for underserved populations in Illinois'
25 recycling system, including recommendations for new

1 responsibilities of producer responsibility organizations
2 and recommendations for funding such responsibilities.

3 (b) Except as provided in the second paragraph of this
4 subsection, a person operating within the recycling system in
5 this State shall, upon request, furnish the Agency with
6 information necessary for the Agency to meet the requirements
7 of paragraphs (1) and (2) of subsection (a). Proprietary
8 information furnished to the Agency under paragraph (1) of
9 subsection (a) is not subject to public disclosure under the
10 Freedom of Information Act, except that the Agency may
11 disclose summarized information or aggregated data if the
12 information or data do not directly or indirectly identify the
13 proprietary information of any specific person.

14 This subsection does not apply to any person described as
15 not included in the definition of "commingled recycling
16 processing facility" in Section 10.

17 (c) The Agency shall complete the study required under
18 this Section at least once every 4 years. The Agency shall
19 report the results of the study and recommendations required
20 under this Section to the Senate Committee on Environment and
21 Conservation and the House Committee on Energy and
22 Environment.

23 Section 140. Multifamily housing needs assessment.

24 (a) The Agency, in consultation with the Illinois
25 Recycling System Advisory Council, shall conduct a statewide

1 needs assessment to determine the challenges facing residents
2 of multifamily housing and make recommendations for
3 improvements to allow for effective and equitable recycling
4 opportunities for residents of multifamily housing. The needs
5 assessment conducted under this Section must include an
6 evaluation of the placement of and quality of spaces provided
7 for recycling containers and recommendations for improving
8 spaces that are determined to be inadequate. The needs
9 assessment may include recommendations for new
10 responsibilities of producer responsibility organizations and
11 recommendations for funding such responsibilities. If the
12 needs assessment does not include recommendations for adding
13 new responsibilities for producer responsibility
14 organizations, the report required under subsection (b) must
15 include an explanation of why such responsibilities are not
16 needed to address the challenges facing residents of
17 multifamily housing.

18 (b) The Agency shall complete the needs assessment
19 required under this Section at least once every 4 years. The
20 Agency shall report the results of the needs assessment and
21 recommendations required under this Section to the Senate
22 Committee on Environment and Conservation and the House
23 Committee on Energy and Environment.

24 Section 145. Fees.

25 (a) The Agency shall establish the following fees:

1 (1) A fixed, one-time fee for reviewing a producer
2 responsibility program plan submitted under Section 30.

3 (2) Subject to the second sentence of this paragraph,
4 an annual fee charged to each producer responsibility
5 organization for the purpose of paying the costs to the
6 Agency of administering, implementing, and enforcing the
7 provisions of this Act. The costs to the Agency for
8 purposes of this paragraph do not include costs to the
9 Agency for administering, implementing, and enforcing
10 Sections 175, 180, and 185.

11 (b) The Agency shall provide notice to a producer
12 responsibility organization no later than September 1 of each
13 year of the annual fee required under paragraph (2) of
14 subsection (a) for the upcoming calendar year. Fees collected
15 by the Agency under this Section shall be deposited in the
16 Producer Responsibility Fund established under Section 160.

17 Section 150. Waste prevention and reuse.

18 (a) In this Section, "public body" has the meaning given
19 that term in Section 2 of the Freedom of Information Act.

20 (b) The Agency shall establish a program to reduce the
21 environmental impacts of covered products through means other
22 than waste recovery, including waste prevention and reuse. The
23 Agency may enter into agreements with public bodies to
24 establish a program to reduce the environmental impacts of
25 covered products. The Agency may provide grants or loans in

1 order to reduce the environmental impacts of covered products.
2 Entities eligible for a grant or loan include, but are not
3 limited to, the following:

4 (1) Public bodies.

5 (2) Tribal governments.

6 (3) Nonprofit organizations.

7 (4) Private organizations, if the Agency determines
8 that the funds would be used for the public benefit.

9 (c) In providing grants or loans for programs under this
10 Section, the Agency must consider criteria that include, but
11 are not limited to, the following:

12 (1) The environmental benefits of the program.

13 (2) The human health benefits of the program.

14 (3) The social and economic benefits of the program.

15 (4) The cost-effectiveness of the program.

16 (5) The needs of economically distressed or
17 underserved communities.

18 (d) In addition to the fees established under Section 145,
19 the Agency shall establish a waste prevention and reuse fee to
20 be paid by producer responsibility organizations. The fee
21 established under this subsection must be reasonably
22 calculated to support the programs established under this
23 Section. The fee charged to any producer responsibility
24 organization may not exceed 10% of the 3-year average of the
25 organization's annual expenditures, excluding payments of the
26 fee established under this Section, as described in the

1 organizations' annual reports submitted under Section 50. Fees
2 collected under this subsection must be deposited in the Waste
3 Prevention and Reuse Fund established under Section 165.

4 Section 155. Life cycle evaluation. The Agency shall
5 establish by rule standards for the evaluation and disclosure
6 of the environmental impacts of covered products through the
7 life cycle of the products. Rules adopted under this Section
8 must:

9 (1) establish procedures and requirements to be used
10 by producers when evaluating the life cycle impacts of
11 covered products to obtain an incentive under Section 45
12 or when required to do so under paragraph (2); and

13 (2) require large producers to:

14 (A) once every 2 years, perform an evaluation of
15 the life cycle impacts of at least 1% of covered
16 products that the large producer sells or distributes
17 in or into this State;

18 (B) provide the results of the evaluation to the
19 Agency; and

20 (C) make the evaluation available on the website
21 of the producer responsibility organization of which
22 the large producer is a member.

23 Section 160. Producer Responsibility Fund. The Producer
24 Responsibility Fund is created as a special fund in the State

1 treasury. The Fund shall consist of moneys deposited into the
2 Fund under Section 145. Moneys in the Fund shall be used by the
3 Agency to implement, administer, and enforce the this Act.

4 Section 165. Waste Prevention and Reuse Fund. The Waste
5 Prevention and Reuse Fund is created as a special fund in the
6 State treasury. The Fund shall consist of moneys deposited
7 into the Fund under Section 150 and any other moneys deposited
8 into the Fund by the General Assembly. Moneys in the Fund shall
9 be used by the Agency for the purposes described in Section
10 150.

11 Section 170. Truth in Labeling Task Force.

12 (a) The Truth in Labeling Task Force is established.

13 (b) The task force consists of 15 members appointed as
14 follows:

15 (1) The President of the Senate shall appoint one
16 member from among members of the Senate.

17 (2) The Speaker of the House of Representatives shall
18 appoint one member from among members of the House of
19 Representatives.

20 (3) The Governor shall appoint the following:

21 (A) Five members to represent producers.

22 (B) Three members to represent units of local
23 government of different population sizes and
24 geographic locations in this State.

1 (C) Four members to represent the recycling
2 industry, including unit of local government service
3 providers and processors from different population
4 sizes and geographic locations in this State.

5 (D) One member to represent the interests of
6 environmental organizations.

7 (c) The task force shall study and evaluate misleading or
8 confusing claims regarding the recyclability of products made
9 on a product or product packaging. The study must include
10 consideration of issues affecting accessibility for diverse
11 audiences.

12 (d) A majority of the voting members of the task force
13 constitutes a quorum for the transaction of business.

14 (e) Official action by the task force requires the
15 approval of a majority of the voting members of the task force.

16 (f) The task force shall elect one of its members to serve
17 as chairperson.

18 (g) If there is a vacancy for any cause, the appointing
19 authority shall make an appointment to become immediately
20 effective.

21 (h) The task force shall meet at times and places
22 specified by the call of the chairperson or of a majority of
23 the voting members of the task force.

24 (i) The task force may meet using video conferencing
25 technology or through some other electronic or virtual means.

26 (j) The task force may adopt rules necessary for the

1 operation of the task force.

2 (k) The task force shall submit a final report and
3 recommendations for legislation to the Senate Committee on
4 Environment and Conservation and the House Committee on Energy
5 and Environment no later than June 1, 2022.

6 (l) The Agency shall provide staff support to the task
7 force.

8 (m) Members of the General Assembly appointed to the task
9 force are nonvoting members of the task force and may act in an
10 advisory capacity only.

11 (n) Members of the task force who are not members of the
12 General Assembly are not entitled to compensation or
13 reimbursement for expenses and serve as volunteers on the task
14 force.

15 (o) All agencies of State government are directed to
16 assist the task force in the performance of the duties of the
17 task force and, to the extent permitted by laws relating to
18 confidentiality, to furnish information and advice the members
19 of the task force consider necessary to perform their duties.

20 Section 175. Permit required.

21 (a) On or after the date established by the Agency under
22 subsection (c), a person may not establish or operate a
23 commingled recycling processing facility in this State unless
24 the person obtains a disposal site permit issued by the
25 Agency.

1 (b) A disposal site permit issued to a commingled
2 recycling processing facility must require the facility to:

3 (1) sort all materials collected from the public so
4 that materials do not become contaminants in other waste
5 streams;

6 (2) market materials to responsible end markets or to
7 another commingled recycling processing facility, provided
8 that the permittee complies with the requirements for a
9 commingled recycling reload facility under Section 80;

10 (3) manage contaminants to avoid impacts on other
11 waste streams or facilities;

12 (4) refrain from creating a public nuisance or health
13 hazard, consistent with rules adopted under this Section;

14 (5) limit air or water pollution or other adverse
15 impacts on public health or the environment, consistent
16 with rules adopted under this Section;

17 (6) evaluate and report on inbound material quality
18 and contamination, in accordance with forms and procedures
19 established by the Agency under Section 185;

20 (7) accurately report outbound contamination levels;
21 and

22 (8) for all materials held by the processor:

23 (A) accurately report the final end market of the
24 materials; or

25 (B) obtain a certification that the responsible
26 end markets for the materials meet standards for

1 environmental and social sustainability established by
2 a program approved by the Agency under subsection (c).

3 Proprietary information on the final end market of
4 materials may be designated confidential by the processor and
5 is not subject to public disclosure under the Freedom of
6 Information Act, except that the Agency or producer
7 responsibility organizations may disclose summarized
8 information or aggregated data if the information or data do
9 not identify the proprietary information of any specific
10 processor.

11 (c) The Agency shall prescribe by rule the requirements
12 for a permit issued under this Section. Rules adopted under
13 this subsection shall allow for permitted facilities to
14 direct, in response to an emergency failure of critical
15 equipment at their own facility, and on a temporary basis,
16 small amounts of unsorted inbound materials to other recycling
17 processing facilities for sorting and recycling so long as
18 such facilities meet the requirements described in paragraphs
19 (1), (3), and (7) of subsection (b). Rules adopted under this
20 Section may include the following:

21 (1) A schedule for implementing the requirements of
22 this Section, including the following:

23 (A) The date by which a person must first obtain a
24 permit required under this Section.

25 (B) Dates for the implementation of modified
26 standards that a person must meet to satisfy the

1 requirements of this Section, and the accompanying
2 standards.

3 (2) The identification of approved programs for
4 certifying the environmental and social sustainability of
5 responsible end markets.

6 Section 180. Certification program.

7 (a) The Agency shall establish a program or approve a
8 program established by a third party to certify commingled
9 recycling processing facilities located outside of Illinois.
10 The Agency may issue certificates under the program or develop
11 a list of approved contractors to issue certificates.

12 (b) A commingled recycling processing facility certified
13 under this Section must satisfy the requirements of subsection
14 (b) of Section 175.

15 Section 185. Contamination.

16 (a) The Agency shall establish forms and procedures for
17 commingled recycling processing and recycling reload
18 facilities to evaluate and describe levels of inbound
19 contamination.

20 (b) Information described in subsection (a) shall be
21 provided to the Agency and units of local government or unit of
22 local government service providers responsible for collecting
23 the materials evaluated.

1 Section 190. Enforcement and record keeping.

2 (a) The Agency has the power to enter upon and inspect, at
3 any reasonable time, any public or private property, premises,
4 or place for the purpose of investigating either an actual or
5 suspected violation of this Act or rules adopted under this
6 Act.

7 (b) A producer responsibility organization shall retain
8 all records related to the implementation and administration
9 of a producer responsibility program for not less than 5 years
10 after the time the record was created and make the records
11 available for inspection by the Agency upon request.

12 (c) In accordance with the applicable provisions of the
13 Illinois Administrative Procedures Act relating to contested
14 case proceedings, the Agency may issue an order requiring
15 compliance with the provisions of this Act.

16 (d) In accordance with the applicable provisions of the
17 Illinois Administrative Procedures Act relating to contested
18 case proceedings, and in accordance with applicable law, the
19 Agency may issue civil penalties for violations of the
20 provisions of this Act. All penalties recovered for violations
21 of this Act shall be paid into the State Treasury and credited
22 to the Waste Prevention and Reuse Fund established under
23 Section 165.

24 (e) The Agency may issue an order under subsection (c) to
25 suspend or revoke a producer responsibility program plan if
26 the Agency determines that:

1 (1) a violation or repeated violations of this Act
2 present a risk to the environment or public health;

3 (2) a violation has had a material impact on the
4 implementation and administration of the organization's
5 producer responsibility program plan; or

6 (3) a producer responsibility organization is in
7 violation of subsection (1) of Section 20.

8 (f) The Attorney General, at the request of the Agency,
9 may bring an action seeking to prohibit the sale of a covered
10 product in or into this State against any producer that sells,
11 offers to sell, or distributes a covered product in or into
12 this State in violation of Section 20.

13 (g) Any person with control of materials collected under
14 this Act shall retain all records related to the person's
15 responsibilities under this Act for not less than 5 years
16 after the time the record was created and make the records
17 available for inspection by the Agency upon request.

18 (h) A person required to retain records under subsection
19 (g) shall make the records available to the Agency upon
20 request of a producer responsibility organization if necessary
21 to allow the organization to meet its obligations under this
22 Act.

23 (i) Proprietary information furnished to the Agency
24 relating to subsections (g) and (h) may be designated
25 confidential. Information designated confidential is not
26 subject to public disclosure under the Freedom of Information

1 Act, except that the Agency may disclose summarized
2 information or aggregated data if the information or data do
3 not directly or indirectly identify the proprietary
4 information of a specific person.

5 Section 195. Truth in composting.

6 (a) A person who operates or controls a collection program
7 for yard debris or food waste or that operates or controls a
8 compost facility may not promote for acceptance any material
9 that cannot or will not be effectively composted.

10 (b) The Agency, or entities approved by the Agency, may
11 conduct research or pilot projects to examine the collection
12 and compostability of materials and to identify materials that
13 can and cannot be effectively composted. A pilot or research
14 project may not exceed 2 years in duration.

15 (c) Nothing in this Section prevents a composting facility
16 from accepting materials that are not readily compostable and
17 are incidentally collected as part of a collection program.

18 Section 200. Antitrust. The General Assembly declares that
19 the collaboration of producers through producer responsibility
20 organizations to develop and implement producer responsibility
21 program plans is in the best interests of the public.
22 Therefore, the General Assembly declares its intent that
23 participating in a producer responsibility organization to
24 implement a producer responsibility program plan as required

1 by this Act shall be exempt from State antitrust laws. The
2 General Assembly further declares its intent to provide
3 immunity for participating in a producer responsibility
4 organization to implement a producer responsibility program
5 plan as required by this Act from federal antitrust laws. This
6 Section does not authorize any person to engage in activities
7 or to conspire to engage in activities that constitute per se
8 violations of State or federal antitrust laws that are not
9 authorized under this Act.

10 Section 205. Rules. The Agency may adopt rules as
11 necessary to implement this Act.

12 Section 210. State procurement assessment.

13 (a) The Department of Central Management Services, in
14 consultation with the Agency, shall study and assess State
15 procurement practices as they relate to recycled products,
16 recycled post-consumer polyethylene terephthalate material
17 (PETE), and recycled materials. The assessment must include
18 the following:

19 (1) An evaluation of State procurement practices
20 related to recycled materials, including efficacy and
21 compliance.

22 (2) A quantitative evaluation of the impact and
23 effectiveness if a recycled product's costs do not exceed
24 the costs of nonrecycled products by more than 5% price

1 limitation.

2 (3) A feasibility study of additional opportunities to
3 increase the purchase of products containing post-consumer
4 recycled content, including, but not limited to, products
5 containing post-consumer recycled polyethylene
6 terephthalate material (PETE) and other plastics.

7 (4) An evaluation of opportunities for strengthening
8 traceability and verification requirements associated with
9 recycled products or recycled materials, especially
10 recycled plastic.

11 (5) Recommendations for legislation.

12 (b) The Department of Central Management Services shall
13 provide the results of the assessment in a report to the
14 General Assembly. The Department of Central Management
15 Services shall revise the initial assessment completed under
16 this Section every 5 years.

17 Section 215. Compostability study.

18 (a) The Agency shall study the compostability of covered
19 products and the effects of covered products on composting
20 systems. In conducting the study, the Agency shall:

21 (1) examine the effects of covered products on compost
22 facilities and finished compost;

23 (2) consider trends, challenges, opportunities, and
24 relevant policies relating to composting and covered
25 products;

1 (3) consider the experience of compost facilities
2 located in other states; and

3 (4) develop recommendations for reducing environmental
4 impacts while maintaining and enhancing the environmental
5 and economic sustainability of Illinois' compost industry.

6 (b) In conducting the study, the Agency shall consult with
7 compost facilities serving Illinois, units of local
8 government, producer responsibility organizations serving
9 Illinois, and the Illinois Recycling System Advisory Council.

10 (c) The Agency shall submit a final report and
11 recommendations for legislation to the Senate Committee on
12 Environment and Conservation and the House Committee on Energy
13 and Environment no later than December 15, 2026.

14 Section 900. The State Finance Act is amended by adding
15 Sections 5.970 and 5.971 as follows:

16 (30 ILCS 105/5.970 new)

17 Sec. 5.970. The Producer Responsibility Fund.

18 (30 ILCS 105/5.971 new)

19 Sec. 5.971. The Waste Prevention and Reuse Fund.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.

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30 ILCS 105/5.970 new

5

30 ILCS 105/5.971 new