

SB0035



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0035

Introduced 1/15/2015, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

415 ILCS 150/30

Amends the Electronic Products Recycling and Reuse Act. Provides that, if manufacturers meet their recycling goals prior to the end of the year and recyclers no longer pick up CEDs and EEDs without charge, municipalities, townships, and other units of local government that are acting as collectors shall be allowed to collect a fee from consumers who drop off CEDs and EEDs for recycling. Effective immediately.

LRB099 02779 MGM 22787 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Section 30 as follows:

6 (415 ILCS 150/30)

7 Sec. 30. Manufacturer responsibilities.

8 (a) Prior to April 1, 2009 for the first program year, and
9 by October 1 for program year 2011 and each program year
10 thereafter, manufacturers who sell computers, computer
11 monitors, printers, televisions, electronic keyboards,
12 facsimile machines, videocassette recorders, portable digital
13 music players, digital video disc players, video game consoles,
14 electronic mice, scanners, digital converter boxes, cable
15 receivers, satellite receivers, digital video disc recorders,
16 or small-scale servers in this State must register with the
17 Agency. The registration must be submitted in the form and
18 manner required by the Agency. The registration must include,
19 without limitation, all of the following:

20 (1) a list of all of the manufacturer's brands of
21 computers, computer monitors, printers, televisions,
22 electronic keyboards, facsimile machines, videocassette
23 recorders, portable digital music players, digital video

1 disc players, video game consoles, electronic mice,
2 scanners, digital converter boxes, cable receivers,
3 satellite receivers, digital video disc recorders, and
4 small-scale servers to be offered for sale in the next
5 program year;

6 (2) (blank); and

7 (3) a statement disclosing whether any of the
8 manufacturer's computers, computer monitors, printers,
9 televisions, electronic keyboards, facsimile machines,
10 videocassette recorders, portable digital music players,
11 digital video disc players, video game consoles,
12 electronic mice, scanners, digital converter boxes, cable
13 receivers, satellite receivers, digital video disc
14 recorders, or small-scale servers sold in this State exceed
15 the maximum concentration values established for lead,
16 mercury, cadmium, hexavalent chromium, polybrominated
17 biphenyls (PBBs), and polybrominated diphenyl ethers
18 (PBDEEs) under the RoHS (restricting the use of certain
19 hazardous substances in electrical and electronic
20 equipment) Directive 2002/95/EC of the European Parliament
21 and Council and any amendments thereto and, if so, an
22 identification of the aforementioned electronic device
23 that exceeds the directive.

24 If, during the program year, any of the manufacturer's
25 aforementioned electronic devices are sold or offered for sale
26 in Illinois under a new brand that is not listed in the

1 manufacturer's registration, then, within 30 days after the
2 first sale or offer for sale under the new brand, the
3 manufacturer must amend its registration to add the new brand.

4 (b) Prior to July 1, 2009 for the first program year, and
5 by the November 1 preceding program years 2011 and later, all
6 manufacturers whose computers, computer monitors, printers,
7 televisions, electronic keyboards, facsimile machines,
8 videocassette recorders, portable digital music players,
9 digital video disc players, video game consoles, electronic
10 mice, scanners, digital converter boxes, cable receivers,
11 satellite receivers, digital video disc recorders, or
12 small-scale servers are offered for sale in the State shall
13 submit to the Agency, at an address prescribed by the Agency,
14 the registration fee for the next program year. The
15 registration fee for program year 2010 is \$5,000. The
16 registration fee for program year 2011 is \$5,000, increased by
17 the applicable inflation factor as described below. In program
18 year 2012, if, in program year 2011, a manufacturer sold 250 or
19 fewer of the aforementioned electronic devices in the State,
20 then the registration fee for that manufacturer is \$1,250. In
21 each program year after 2012, if, in the preceding program
22 year, a manufacturer sold 250 or fewer of the aforementioned
23 electronic devices in the State, then the registration fee is
24 the fee that applied in the previous year to manufacturers that
25 sold that number of the aforementioned electronic devices,
26 increased by the applicable inflation factor as described

1 below. In program year 2012, if, in the preceding program year
2 a manufacturer sold 251 or more of the aforementioned
3 electronic devices in the State, then the registration fee for
4 that manufacturer is \$5,000. In each program year after 2012,
5 if, in the preceding program year, a manufacturer sold 251 or
6 more of the aforementioned electronic devices in the State,
7 then the registration fee is the fee that applied in the
8 previous year to manufacturers that sold that number of the
9 aforementioned electronic devices, increased by the applicable
10 inflation factor as described below. For program year 2011,
11 program year 2013, and each program year thereafter, the
12 applicable registration fee is increased each year by an
13 inflation factor determined by the annual Implicit Price
14 Deflator for Gross National Product, as published by the U.S.
15 Department of Commerce in its Survey of Current Business. The
16 inflation factor must be calculated each year by dividing the
17 latest published annual Implicit Price Deflator for Gross
18 National Product by the annual Implicit Price Deflator for
19 Gross National Product for the previous year. The inflation
20 factor must be rounded to the nearest 1/100th, and the
21 resulting registration fee must be rounded to the nearest whole
22 dollar. No later than October 1 of each program year, the
23 Agency shall post on its website the registration fee for the
24 next program year.

25 (c) A manufacturer whose computers, computer monitors,
26 printers, televisions, electronic keyboards, facsimile

1 machines, videocassette recorders, portable digital music
2 players, digital video disc players, video game consoles,
3 electronic mice, scanners, digital converter boxes, cable
4 receivers, satellite receivers, digital video disc recorders,
5 or small-scale servers are sold or offered for sale in this
6 State on or after January 1 of a program year must register
7 with the Agency within 30 days after the first sale or offer
8 for sale in accordance with subsection (a) of this Section and
9 submit the registration fee required under subsection (b) of
10 this Section prior to the aforementioned electronic devices
11 being sold or offered for sale.

12 (d) Each manufacturer shall recycle or process for reuse
13 CEDs and EEDs whose total weight equals or exceeds the
14 manufacturer's individual recycling and reuse goal set forth in
15 Section 15 of this Act. Individual consumers shall not be
16 charged a fee when bringing their CEDs and EEDs to collection
17 locations, unless a financial incentive of equal or greater
18 value, such as a coupon, is provided. Collectors may charge a
19 fee for premium services such as curbside collection, home
20 pick-up, or a similar method of collection. If manufacturers
21 meet their recycling goals prior to the end of the year and
22 recyclers no longer pick up CEDs and EEDs without charge,
23 municipalities, townships, and other units of local government
24 that are acting as collectors shall be allowed to collect a fee
25 from consumers who drop off CEDs and EEDs for recycling.

26 When determining whether a manufacturer has met or exceeded

1 its individual recycling and reuse goal set forth in Section 15
2 of this Act, all of the following adjustments must be made:

3 (1) The total weight of CEDs processed by the
4 manufacturer, its recyclers, or its refurbishers for reuse
5 is doubled.

6 (2) The total weight of CEDs is tripled if they are
7 donated for reuse by the manufacturer to a primary or
8 secondary public education institution the majority of
9 whose students are considered low income or
10 developmentally disabled or to low-income children or
11 families or to assist the developmentally disabled in
12 Illinois. This subsection applies only to CEDs for which
13 the manufacturer has received a written confirmation that
14 the recipient has accepted the donation. Copies of all
15 written confirmations must be submitted in the annual
16 report required under Section 30.

17 (3) The total weight of CEDs collected by manufacturers
18 free of charge in underserved counties is doubled. This
19 subsection applies only to CEDs that are documented by
20 collectors as being collected or received free of charge in
21 underserved counties. This documentation must include,
22 without limitation, the date and location of collection or
23 receipt, the weight of the CEDs collected or received, and
24 an acknowledgement by the collector that the CEDs were
25 collected or received free of charge. Copies of the
26 documentation must be submitted in the annual report

1 required under subsection (h), (i), (j), (k), or (l) of
2 Section 30.

3 (4) If an entity (i) collects, recycles, or refurbishes
4 CEDs for a manufacturer, (ii) qualifies for non-profit
5 status under Section 501(c)(3) of the Internal Revenue Code
6 of 1986, and (iii) at least 75% of its employees are
7 developmentally disabled, then the total weight of CEDs
8 will be tripled. A manufacturer that uses such a recycler
9 or refurbisher shall submit documentation in the annual
10 report required under Section 30 identifying the name,
11 location, and length of service of the entity that
12 qualifies for credit under this subsection.

13 (e) (Blank).

14 (f) Manufacturers shall ensure that only recyclers and
15 refurbishers that have registered with the Agency are used to
16 meet the individual recycling and reuse goals set forth in this
17 Act.

18 (g) Manufacturers shall ensure that the recyclers and
19 refurbishers used to meet the individual recycling and reuse
20 goals set forth in this Act shall, at a minimum, comply with
21 the standards set forth under subsection (d) of Section 50 of
22 this Act. By November 1, 2011 and every November 1 thereafter,
23 manufacturers shall submit a document, as prescribed by the
24 Agency, listing each registered recycler and refurbisher that
25 will be used to meet the manufacturer's annual CED recycling
26 and reuse goal and certifying that those recyclers or

1 refurbishers comply with the standards set forth in subsection
2 (d) of Section 50.

3 (h) By September 1, 2012 and every September 1 thereafter,
4 manufacturers of computers, computer monitors, printers,
5 televisions, electronic keyboards, facsimile machines,
6 videocassette recorders, portable digital music players,
7 digital video disc players, video game consoles, electronic
8 mice, scanners, digital converter boxes, cable receivers,
9 satellite receivers, digital video disc recorders, or
10 small-scale servers shall submit to the Agency, in the form and
11 manner required by the Agency, a report that contains the total
12 weight of the aforementioned electronic devices sold under each
13 of the manufacturer's brands to individuals in this State as
14 calculated under subsection (c) and (c-5) of Section 15, as
15 applicable. Each manufacturer shall indicate on the report
16 whether the total weight of the aforementioned electronic
17 devices was derived from its own sales records or national
18 sales data. If a manufacturer's weight for aforementioned
19 electronic devices is derived from national sales data, the
20 manufacturer shall indicate the source of the sales data.

21 (i) (Blank).

22 (j) (Blank).

23 (k) (Blank).

24 (l) On or before January 31, 2013 and on or before every
25 January 31 thereafter, manufacturers of computers, computer
26 monitors, printers, televisions, electronic keyboards,

1 facsimile machines, videocassette recorders, portable digital
2 music players, digital video disc players, video game consoles,
3 electronic mice, scanners, digital converter boxes, cable
4 receivers, satellite receivers, digital video disc recorders,
5 and small-scale servers shall submit to the Agency, on forms
6 and in a format prescribed by the Agency, a report that
7 contains all of the following information for the previous
8 program year:

9 (1) The total weight of computers, the total weight of
10 computer monitors, the total weight of printers, facsimile
11 machines, and scanners, the total weight of televisions,
12 the total weight of the remaining CEDs, and the total
13 weight of EEDs recycled or processed for reuse.

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

19 (3) A list of each recycler, refurbisher, and collector
20 used by the manufacturer to fulfill the manufacturer's
21 individual recycling and reuse goal set forth in
22 subsections (c) and (c-5) of Section 15 of this Act.

23 (4) A summary of the manufacturer's consumer education
24 program required under subsection (m) of this Section.

25 (m) Manufacturers must develop and maintain a consumer
26 education program that complements and corresponds to the

1 primary retailer-driven campaign required under Section 40 of
2 this Act. The education program shall promote the recycling of
3 electronic products and proper end-of-life management of the
4 products by consumers.

5 (n) Beginning January 1, 2012, no manufacturer may sell a
6 computer, computer monitor, printer, television, electronic
7 keyboard, facsimile machine, videocassette recorder, portable
8 digital music player, digital video disc player, video game
9 console, electronic mouse, scanner, digital converter box,
10 cable receiver, satellite receiver, digital video disc
11 recorder, or small-scale server in this State unless the
12 manufacturer is registered with the State as required under
13 this Act, has paid the required registration fee, and is
14 otherwise in compliance with the provisions of this Act.

15 (o) Beginning January 1, 2012, no manufacturer may sell a
16 computer, computer monitor, printer, television, electronic
17 keyboard, facsimile machine, videocassette recorder, portable
18 digital music player, digital video disc player, video game
19 console, electronic mouse, scanner, digital converter box,
20 cable receiver, satellite receiver, digital video disc
21 recorder, or small-scale server in this State unless the
22 manufacturer's brand name is permanently affixed to, and is
23 readily visible on, the computer, computer monitor, printer, or
24 television.

25 (Source: P.A. 97-287, eff. 8-10-11; 98-714, eff. 7-16-14.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.