

AN ACT concerning safety.

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

Section 5. The Consumer Electronics Recycling Act is amended by changing Sections 1-5, 1-10, 1-15, 1-25, 1-30, 1-33, 1-35, 1-40, 1-45, 1-84.5, 1-85, 1-86, and 1-90 and by adding Section 1-91 as follows:

(415 ILCS 151/1-5)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-5. Definitions. As used in this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Best practices" means standards for collecting and preparing items for shipment and recycling. "Best practices" may include standards for packaging for transport, load size, acceptable load contamination levels, non-CED items included in a load, and other standards as determined under Section 1-85 of this Act. "Best practices" shall consider the desired intent to preserve existing collection programs and relationships when possible.

"Collector" means a person who collects ~~residential~~ CEDs from covered entities at any program collection site or one-day collection event and prepares them for transport.

"Computer", often referred to as a "personal computer" or "PC", means a desktop or notebook computer as further defined below ~~and used only in a residence~~, but does not mean an automated typewriter, electronic printer, mobile telephone, portable hand-held calculator, portable digital assistant (PDA), MP3 player, or other similar device. "Computer" does not include computer peripherals, commonly known as cables, mouse, or keyboard. "Computer" is further defined as either:

(1) "Desktop computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a desktop computer is achieved through a stand-alone keyboard, stand-alone monitor, or other display unit, and a stand-alone mouse or other pointing device, and is designed for a single user. A desktop computer has a main unit that is intended to be persistently located in a single location, often on a desk or on the floor. A desktop computer is not designed for portability and generally utilizes an external monitor, keyboard, and mouse with an external or internal power supply for a power source. Desktop computer does not

include an automated typewriter or typesetter; or

(2) "Notebook computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a notebook computer is achieved through a keyboard, video display greater than 4 inches in size, and mouse or other pointing device, all of which are contained within the construction of the unit that comprises the notebook computer; supplemental stand-alone interface devices typically can also be attached to the notebook computer. Notebook computers can use external, internal, or batteries for a power source. Notebook computer does not include a portable hand-held calculator, or a portable digital assistant or similar specialized device. A notebook computer has an incorporated video display greater than 4 inches in size and can be carried as one unit by an individual. A notebook computer is sometimes referred to as a laptop computer.

(3) "Tablet computer", which means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or

storage functions for general purpose needs that are met through interaction with a number of software programs contained therein, and that is not designed to exclusively perform a specific type of logical, arithmetic, or storage function or other limited or specialized application. Human interface with a tablet computer is achieved through a touch screen and video display screen greater than 6 inches in size (all of which are contained within the unit that comprises the tablet computer). Tablet computers may use an external or internal power source. "Tablet computer" does not include a portable hand-held calculator, a portable digital assistant, or a similar specialized device.

"Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a computer ~~and is used only in a residence.~~

"County recycling coordinator" means the individual who is designated as the recycling coordinator for a county in a waste management plan developed pursuant to the Solid Waste Planning and Recycling Act.

"Covered electronic device" or "CED" means any computer, computer monitor, television, printer, electronic keyboard, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, video game console,

electronic mouse, scanner, digital converter box, cable receiver, satellite receiver, digital video disc recorder, ~~or~~ small-scale server, home audio component, or peripheral sold at retail. "Covered electronic device" does not include any of the following:

(1) an electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) an electronic device that is functionally or physically part of a larger piece of equipment or that is taken out of service from an industrial, commercial (including retail), library checkout, traffic control, kiosk, security (other than household security), governmental, agricultural, or medical setting, including but not limited to diagnostic, monitoring, or control equipment; or

(3) an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, water pump, sump pump, or air purifier. To the extent allowed under federal and State laws and regulations, a CED that is being collected, recycled, or processed for reuse is not considered to be hazardous waste, household waste, solid waste, or special waste.

"Covered electronic device category" or "CED category" means each of the following 9 ~~8~~ categories of ~~residential~~ CEDs from covered entities:

- (1) computers and small-scale servers;
- (2) computer monitors;
- (3) televisions;
- (4) printers, facsimile machines, and scanners;
- (5) digital video disc players, digital video disc recorders, and videocassette recorders;
- (6) video game consoles;
- (7) digital converter boxes, cable receivers, and satellite receivers; ~~and~~
- (8) electronic keyboards, electronic mice, peripherals, and portable digital music players that have memory capability and are battery powered; and ~~and~~
- (9) home audio components.

"Covered entity" means a residence for program years 2019 through 2026 and means a person delivering 7 or fewer CEDs to a program collection site or collection event beginning in program year 2027.

"Manufacturer" means a person, or a successor in interest to a person, under whose brand or label a CED is or was sold at retail. For any CED sold at retail under a brand or label that is licensed from a person who is a mere brand owner and who does not sell or produce a CED, the person who produced the CED or his or her successor in interest is the manufacturer. For

any CED sold at retail under the brand or label of both the retail seller and the person that produced the CED, the person that produced the CED, or his or her successor in interest, is the manufacturer. "Manufacturer" does not include a person who manufactures only peripherals and no other CEDs.

"Manufacturer clearinghouse" means an entity that prepares and submits a manufacturer e-waste program plan to the Agency, and oversees the manufacturer e-waste program, on behalf of a group of 2 or more manufacturers cooperating with one another to collectively establish and operate an e-waste program for the purpose of complying with this Act and that collectively represent at least 50% of the manufacturers' total obligations under this Act for a program year.

"Manufacturer e-waste program" means any program established, financed, and operated by a manufacturer, individually or collectively as part of a manufacturer clearinghouse, to transport and subsequently recycle, in accordance with the requirements of this Act, ~~residential~~ from covered entities CEDs collected at program collection sites and one-day collection events.

"Municipal joint action agency" means a municipal joint action agency created under Section 3.2 of the Intergovernmental Cooperation Act.

"One-day collection event" means a one-day event used as a substitute for a program collection site pursuant to Section 1-15 of this Act.

"Peripheral" means a device sold exclusively for external use with a CED as a wireless or corded device that provides input into or output from a CED and cords used with a CED or peripheral. A peripheral may be collected with or without the CED with which it is used.

"Person" means an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity; or a legal representative, agent, or assign of that entity. "Person" includes a unit of local government.

"Printer" means desktop printers, multifunction printer copiers, and printer/fax combinations taken out of service ~~from a residence~~ that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that perform different tasks, including without limitation copying, scanning, faxing, and printing. Printers do not include floor-standing printers, printers with optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or non-stand-alone printers that are embedded into products that are not CEDs.

"Private network collection site" means a collection site operated by a nonprofit organization or recycler collecting on

behalf of a manufacturer.

"Program collection site" means a physical location that is included in a manufacturer e-waste program and at which ~~residential~~ CEDs from covered entities are collected and prepared for transport by a collector during a program year in accordance with the requirements of this Act. Except as otherwise provided in this Act, "program collection site" does not include a retail or private network collection site.

"Program year" means a calendar year. The first program year is 2019.

"Recycler" means any person who transports or subsequently recycles ~~residential~~ CEDs from covered entities that have been collected and prepared for transport by a collector at any program collection site or one-day collection event.

"Recycling" has the meaning provided under Section 3.380 of the Environmental Protection Act. "Recycling" includes any process by which ~~residential~~ CEDs from covered entities that would otherwise be disposed of or discarded are collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

"Residence" means a dwelling place or home in which one or more individuals live.

~~"Residential covered electronic device" or "residential CED" means any covered electronic device taken out of service from a residence in the State.~~

"Retail collection site" means a private sector collection

site operated by a retailer collecting on behalf of a manufacturer.

"Retailer" means a person who first sells, through a sales outlet, catalogue, or the Internet, a covered electronic device at retail to an individual for residential use or any permanent establishment primarily where merchandise is displayed, held, stored, or offered for sale to the public.

"Sale" means any retail transfer of title for consideration of title including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet or any other similar electronic means. "Sale" does not include financing or leasing.

"Small-scale server" means a computer that typically uses desktop components in a desktop form designed primarily to serve as a storage host for other computers. To be considered a small-scale server, a computer must: be designed in a pedestal, tower, or other form that is similar to that of a desktop computer so that all data processing, storage, and network interfacing is contained within one box or product; be designed to be operational 24 hours per day and 7 days per week; have very little unscheduled downtime, such as on the order of hours per year; be capable of operating in a simultaneous multi-user environment serving several users through networked client units; and be designed for an industry-accepted operating system for home or low-end server applications.

"Television" means an electronic device that contains a cathode-ray tube or flat panel screen the size of which is greater than 4 inches when measured diagonally and is intended to receive video programming via broadcast, cable, satellite, Internet, or other mode of video transmission or to receive video from surveillance or other similar cameras.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17; 100-592, eff. 6-22-18.)

(415 ILCS 151/1-10)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-10. Manufacturer e-waste program.

(a) For program year 2019 and each program year thereafter, each manufacturer shall, individually or collectively as part of a manufacturer clearinghouse, provide a manufacturer e-waste program to transport and subsequently recycle, in accordance with the requirements of this Act, ~~residential~~ CEDs from covered entities collected at, and prepared for transport from, the program collection sites and one-day collection events included in the program during the program year.

(b) Each manufacturer e-waste program must include, at a minimum, the following:

(1) satisfaction of the convenience standard described in Section 1-15 of this Act;

(2) instructions for designated county recycling

coordinators and municipal joint action agencies to annually file notice to participate in the program;

(3) transportation and subsequent recycling of the ~~residential~~ CEDs from covered entities collected at, and prepared for transport from, the program collection sites and one-day collection events included in the program during the program year; and

(4) submission of a report to the Agency, by March 1, 2020, and each March 1 thereafter, which includes:

(A) the total weight of all ~~residential~~ CEDs from covered entities transported from program collection sites and one-day collection events throughout the State during the preceding program year by CED category;

(B) the total weight of ~~residential~~ CEDs from covered entities transported from all program collection sites and one-day collection events in each county in the State during the preceding program year by CED category; and

(C) the total weight of ~~residential~~ CEDs from covered entities transported from all program collection sites and one-day collection events in each county in the State during that preceding program year and that was recycled.

(c) Each manufacturer e-waste program shall make the instructions required under paragraph (2) of subsection (b)

available on its website by December 1, 2017, and the program shall provide to the Agency a hyperlink to the website for posting on the Agency's website.

(d) Nothing in this Act shall prevent a manufacturer from accepting, through a manufacturer e-waste program, ~~residential~~ CEDs from covered entities collected through a curbside or drop-off collection program that is operated pursuant to a residential franchise collection agreement authorized by Section 11-19-1 of the Illinois Municipal Code or Section 5-1048 of the Counties Code between a third party and a unit of local government located within a county or municipal joint action agency that has elected to participate in a manufacturer e-waste program.

(e) A collection program operated in accordance with this Section shall:

(1) meet the collector responsibilities under subsections (a), (a-5), (d), (e), and (g) under Section 1-45 and require certification on the bill of lading or similar manifest from the unit of local government, the third party, or ~~and~~ the county or municipal joint action agency that elected to participate in the manufacturer e-waste program that the CEDs were collected, to the best of their knowledge, from covered entities ~~residential consumers~~ in the State of Illinois;

(2) comply with the audit provisions under subsection (g) of Section 1-30;

(3) locate any drop-off location where CEDs are collected on property owned by a unit of local government; and

(4) have signage at any drop-off location indicating only ~~residential~~ CEDs from covered entities are accepted for recycling.

Manufacturers of CEDs are not financially responsible for transporting and consolidating CEDs collected from a collection program's drop-off location. Any drop-off location used in 2019 must have been identified by the county or municipal joint action agency in the written notice of election to participate in the manufacturer e-waste program in accordance with Section 1-20 by March 1, 2018. Any drop-off location operating in 2020 or in subsequent years must be identified by the county or municipal joint action agency in the annual written notice of election to participate in a manufacturer e-waste program in accordance with Section 1-20 to be eligible for the subsequent program year.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17; 100-592, eff. 6-22-18; 100-1165, eff. 6-1-19; 101-81, eff. 7-12-19.)

(415 ILCS 151/1-15)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-15. Convenience standard for program collection

sites and one-day collection events.

(a) Beginning in 2019 each manufacturer e-waste program for a program year must include, at a minimum, program collection sites in the following quantities in counties that elect to participate in the manufacturer e-waste program for the program year:

(1) one program collection site in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is less than 250 individuals per square mile;

(2) two program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 250 individuals per square mile but less than 500 individuals per square mile;

(3) three program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 500 individuals per square mile but less than 750 individuals per square mile;

(4) four program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 750 individuals

per square mile but less than 1,000 individuals per square mile;

(5) five program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 1,000 individuals per square mile but less than 5,000 individuals per square mile; and

(6) fifteen program collection sites in each county that has elected to participate in the manufacturer e-waste program for the program year and that has a population density that is greater than or equal to 5,000 individuals per square mile.

For purposes of this Section, county population densities shall be based on the entire county's population density, regardless of whether a municipality or municipal joint action agency in the county participates in a manufacturer e-waste program.

If a municipality with a population of over 1,000,000 residents elects to participate in a manufacturer e-waste program for a program year, then the program shall provide 10 additional program collection sites for the program year to be located in that municipality, and the program collection sites required under paragraph (6) of subsection (a) of this Section shall be located outside of the municipality.

If a municipal joint action agency elects to participate

in a manufacturer e-waste program for a program year, it shall receive, for that year, a population-based pro rata share of the program collection sites that would be granted to the county in which the municipal joint action agency is located if the county were to elect to participate in the program for that year, rounded to the nearest whole number.

A designated county recycling coordinator may elect to operate more than the required minimum number of collection sites.

(b) Notwithstanding subsection (a) of this Section, any county, municipality, or municipal joint action agency that elects to participate in a manufacturer e-waste program may enter into a written agreement with the operators of any manufacturer e-waste program in order to do one or more of the following:

(1) to decrease the number of program collection sites in the county, municipality, or territorial boundary of the municipal joint action agency for the program year;

(2) to substitute a program collection site in the county, municipality, or territorial boundary of the municipal joint action agency with either (i) 4 one-day collection events or (ii) a different number of such events as may be provided in the written agreement;

(3) to substitute the location of a program collection site in the county, municipality, or territorial boundary of the municipal joint action agency for the program year

with another location;

(4) to substitute the location of a one-day collection in the county, municipality, or territorial boundary of the municipal joint action agency with another location; or

(5) to use, with the agreement of the applicable retailer, nonprofit organization, or recycler, a retail or private network collection site as a program collection site.

An agreement made pursuant to paragraph (1), ~~or~~ (2), or (5) of this subsection (b) shall be reduced to writing and included in the manufacturer e-waste program plan as required under subsection (a) of Section 1-25 of this Act.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

(415 ILCS 151/1-25)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-25. Manufacturer e-waste program plans.

(a) By September 1, 2018 for program year 2019, and by July 1 of each year thereafter, each manufacturer shall, individually or through a manufacturer clearinghouse, submit to the Agency a manufacturer e-waste program plan, which includes, at a minimum, the following:

(1) the contact information for the individual who will serve as the point of contact for the manufacturer e-waste program;

(2) the identity of each county that has elected to participate in the manufacturer e-waste program during the program year;

(3) for each county, the location of each program collection site and one-day collection event included in the manufacturer e-waste program for the program year;

(4) the collector operating each program collection site and one-day collection event included in the manufacturer e-waste program for the program year;

(5) the recyclers that manufacturers plan to use during the program year to transport and subsequently recycle ~~residential~~ CEDs from covered entities under the program, with the updated list of recyclers to be provided to the Agency no later than December 1 preceding each program year;

(6) an explanation of any deviation by the program from the standard program collection site distribution set forth in subsection (a) of Section 1-15 of this Act for the program year, along with copies of all written agreements made pursuant to paragraphs (1), ~~or~~ (2), or (5) of subsection (b) of Section 1-15 for the program year; ~~and~~

(7) if a group of 2 or more manufacturers are participating in a manufacturer clearinghouse, certification that the methodology used for allocating responsibility for the transportation and recycling of ~~residential~~ CEDs from covered entities by manufacturers

participating in the manufacturer clearinghouse for the program year will be in compliance with the allocation methodology established under Section 1-84.5 of this Act; and ~~and~~

(8) identification of collection service provided to every county of the state, including program collection sites, program collection events, retail collection sites, and private network collection sites.

(b) Within 60 days after receiving a manufacturer e-waste program plan, the Agency shall review the plan and approve the plan or disapprove the plan.

(1) If the Agency determines that the program collection sites and one-day collection events specified in the plan will satisfy the convenience standard set forth in Section 1-15 of this Act, then the Agency shall approve the manufacturer e-waste program plan and provide written notification of the approval to the individual who serves as the point of contact for the manufacturer. The Agency shall make the approved plan available on the Agency's website.

(2) If the Agency determines the plan will not satisfy the convenience standard set forth in Section 1-15 of this Act, then the Agency shall disapprove the manufacturer e-waste program plan and provide written notification of the disapproval and the reasons for the disapproval to the individual who serves as the point of contact for the

manufacturer. Within 30 days after the date of disapproval, the manufacturer shall submit a revised manufacturer e-waste program plan that addresses the deficiencies noted in the Agency's disapproval.

(c) Manufacturers shall assume financial responsibility for carrying out their e-waste program plans, including, but not limited to, financial responsibility for providing the packaging materials necessary to prepare shipments of collected ~~residential~~ CEDs from covered entities in compliance with subsection (e) of Section 1-45, as well as financial responsibility for bulk transportation and recycling of collected ~~residential~~ CEDs from covered entities.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17; 100-592, eff. 6-22-18; 100-1165, eff. 6-1-19; 101-81, eff. 7-12-19.)

(415 ILCS 151/1-30)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-30. Manufacturer registration.

(a) By April 1, 2018, and by April 1 of each year thereafter for the upcoming program year, beginning with program year 2019, each manufacturer who sells CEDs in the State must register with the Agency by: (i) submitting to the Agency a \$5,000 registration fee; and (ii) completing and submitting to the Agency the registration form prescribed by the Agency. Information on the registration form shall

include, without limitation, all of the following:

(1) a list of all of the brands and labels under which the manufacturer's CEDs are marketed and sold or offered for sale in the State to individuals; and

(2) the total weights, by CED category, of CEDs sold in the United States to individuals, under any of the manufacturer's brands or labels, during the calendar year that is 2 years before the applicable program year.

If, during a program year, any of the manufacturer's CEDs are sold or offered for sale in the State under a brand that is not listed in the manufacturer's registration, then, within 30 days after the first sale or offer for sale under that brand, the manufacturer must amend its registration to add the brand. All registration fees collected by the Agency pursuant to this Section shall be deposited into the Solid Waste Management Fund.

(b) The Agency shall post on its website a list of all registered manufacturers.

(c) Beginning in program year 2019, a manufacturer whose CEDs are sold or offered for sale in this State for the first time on or after April 1 of a program year must register with the Agency within 30 days after the date the CEDs are first sold or offered for sale in the State.

(d) Beginning in program year 2019, manufacturers shall ensure that only recyclers that have registered with the Agency and meet the recycler standards set forth in Section

1-40 are used to transport or recycle ~~residential~~ CEDs from covered entities collected at any program collection site or one-day collection event.

(e) Beginning in program year 2019, no manufacturer may sell or offer for sale a CED in this State unless the manufacturer is registered and operates a manufacturer program either individually or as part of the manufacturer clearinghouse as required in this Act.

(f) Beginning in program year 2019, no manufacturer may sell or offer for sale a CED in this State unless the manufacturer's brand name is permanently affixed to, and is readily visible on, the CED.

(g) In accordance with a contract or agreement with a county, municipality, or municipal joint action agency that has elected to participate in a manufacturer e-waste program under this Act, manufacturers may, either individually or through the manufacturer clearinghouse, audit program collection sites and proposed program collection sites for compliance with the terms and conditions of the contract or agreement. Audits shall be conducted during normal business hours, and a manufacturer or its designee shall provide reasonable notice to the collection site in advance of the audit. Audits of all program collection sites may include, among other things, physical site location visits and inspections and review of processes, procedures, technical systems, reports, and documentation reasonably related to the

collecting, sorting, packaging, and recycling of ~~residential~~ CEDs from covered entities in compliance with this Act.

(h) Nothing in this Act shall require a manufacturer or manufacturer e-waste program to collect, transport, or recycle any CEDs other than ~~residential~~ CEDs from covered entities, or to accept for transport or recycling any pallet or bulk container of ~~residential~~ CEDs from covered entities that has not been prepared by the collector for shipment in accordance with subsection (e) of Section 1-45.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17; 100-592, eff. 6-22-18.)

(415 ILCS 151/1-33)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-33. Manufacturer clearinghouse.

(a) A manufacturer e-waste program plan submitted by a manufacturer clearinghouse may take into account and incorporate individual plans or operations of one or more manufacturers that are participating in the manufacturer clearinghouse.

(b) If a manufacturer clearinghouse allocates responsibility to manufacturers for manufacturers' transportation and recycling of ~~residential~~ CEDs from covered entities during a program year as part of a manufacturer e-waste program plan, then the manufacturer clearinghouse shall identify the allocation methodology in its plan

submission to the Agency pursuant to Section 1-25 of this Act for review and approval. Any allocation of responsibility among manufacturers for the collection of covered electronic devices shall be in accordance with the allocation methodology established pursuant to Section 1-84.5 of this Act.

(c) A manufacturer clearinghouse shall have no authority to enforce manufacturer compliance with the requirements of this Act, including compliance with the allocation methodology set forth in a manufacturer e-waste program plan, but shall, upon prior notice to the manufacturer, refer any potential non-compliance to the Agency. A manufacturer clearinghouse may develop and implement policies and procedures that exclude from participation in the manufacturer clearinghouse any manufacturers found by the Illinois Pollution Control Board or a court of competent jurisdiction to have failed to comply with this Act.

(Source: P.A. 100-592, eff. 6-22-18.)

(415 ILCS 151/1-35)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-35. Retailer responsibilities.

(a) Beginning in program year 2019, no retailer who first sells, through a sales outlet, catalogue, or the Internet, a CED at retail to an individual for residential use may sell or offer for sale any CED in or for delivery into this State unless:

(1) the CED is labeled with a brand, and the label is permanently affixed and readily visible; and

(2) the manufacturer is registered with the Agency at the time the retailer purchases the CED.

(b) A retailer shall be considered to have complied with paragraphs (1) and (2) of subsection (a) if:

(1) a manufacturer registers with the Agency within 30 days of a retailer taking possession of the manufacturer's CED;

(2) a manufacturer's registration expires and the retailer ordered the CED prior to the expiration, in which case the retailer may sell the CED, but only if the sale takes place within 180 days of the expiration; or

(3) a manufacturer is no longer conducting business and has no successor in interest, in which case the retailer may sell any orphan CED ordered prior to the discontinuation of business.

(c) Retailers shall not be considered collectors under the convenience standard and retail collection sites shall not be considered a collection site for the purposes of the convenience standard pursuant to Sections 1-10, 1-15, and 1-25 unless otherwise agreed to in writing by the (i) retailer, (ii) operators of the manufacturer e-waste program, and (iii) the applicable county, municipal joint action agency, or municipality if the county, municipal joint action agency, or municipality elects to participate in the manufacturer e-waste

program. If retailers agree to participate in a county program collection site, then the retailer collection site does not have to collect all CEDs or register as a collector.

(d) Manufacturers may use retail or private network collection sites for satisfying some or all of their obligations pursuant to Sections 1-10, 1-15 and 1-25.

(e) Nothing in this Act shall prohibit a retailer or private network collection site from collecting a fee for each CED collected.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

(415 ILCS 151/1-40)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-40. Recycler responsibilities.

(a) By January 1, 2019, and by January 1 of each year thereafter for that program year, beginning with program year 2019, each recycler must register with the Agency by (i) submitting to the Agency a \$3,000 registration fee and (ii) completing and submitting to the Agency the registration form prescribed by the Agency. The registration form prescribed by the Agency shall include, without limitation, the address of each location where the recycler manages ~~residential~~ CEDs from covered entities collected through a manufacturer e-waste program and the certification required under subsection (d) of this Section. All registration fees collected by the Agency pursuant to this Section shall be deposited into the Solid

Waste Management Fund.

(a-5) The Agency may deny a registration under this Section if the recycler or any employee or officer of the recycler has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances related to the collection, recycling, or other management of CEDs;

(2) conviction in this State or another state of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this State or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) gross carelessness or incompetence in handling, storing, processing, transporting, disposing, or otherwise managing CEDs.

(b) The Agency shall post on the Agency's website a list of all registered recyclers.

(c) Beginning in program year 2019, no person may act as a recycler of ~~residential~~ CEDs from covered entities for a manufacturer's e-waste program unless the recycler is registered with the Agency as required under this Section.

(d) Beginning in program year 2019, recyclers must, as a part of their annual registration, certify compliance with all

of the following requirements:

(1) Recyclers must comply with federal, State, and local laws and regulations, including federal and State minimum wage laws, specifically relevant to the handling, processing, and recycling of ~~residential~~ CEDs from covered entities and must have proper authorization by all appropriate governing authorities to perform the handling, processing, and recycling.

(2) Recyclers must implement the appropriate measures to safeguard occupational and environmental health and safety, through the following:

(A) environmental health and safety training of personnel, including training with regard to material and equipment handling, worker exposure, controlling releases, and safety and emergency procedures;

(B) an up-to-date, written plan for the identification and management of hazardous materials; and

(C) an up-to-date, written plan for reporting and responding to exceptional pollutant releases, including emergencies such as accidents, spills, fires, and explosions.

(3) Recyclers must maintain (i) commercial general liability insurance or the equivalent corporate guarantee for accidents and other emergencies with limits of not less than \$1,000,000 per occurrence and \$1,000,000

aggregate and (ii) pollution legal liability insurance with limits not less than \$1,000,000 per occurrence for companies engaged solely in the dismantling activities and \$5,000,000 per occurrence for companies engaged in recycling.

(4) Recyclers must maintain on file documentation that demonstrates the completion of an environmental health and safety audit completed and certified by a competent internal and external auditor annually. A competent auditor is an individual who, through professional training or work experience, is appropriately qualified to evaluate the environmental health and safety conditions, practices, and procedures of the facility. Documentation of auditors' qualifications must be available for inspection by Agency officials and third-party auditors.

(5) Recyclers must maintain on file proof of workers' compensation and employers' liability insurance.

(6) Recyclers must provide adequate assurance, such as bonds or corporate guarantees, to cover environmental and other costs of the closure of the recycler's facility, including cleanup of stockpiled equipment and materials.

(7) Recyclers must apply due diligence principles to the selection of facilities to which components and materials, such as plastics, metals, and circuit boards, from ~~residential~~ CEDs from covered entities are sent for reuse and recycling.

(8) Recyclers must establish a documented environmental management system that is appropriate in level of detail and documentation to the scale and function of the facility, including documented regular self-audits or inspections of the recycler's environmental compliance at the facility.

(9) Recyclers must use the appropriate equipment for the proper processing of incoming materials as well as controlling environmental releases to the environment. The dismantling operations and storage of ~~residential~~ CED components from covered entities that contain hazardous substances must be conducted indoors and over impervious floors. Storage areas must be adequate to hold all processed and unprocessed inventory. When heat is used to soften solder and when ~~residential~~ CED components from covered entities are shredded, operations must be designed to control indoor and outdoor hazardous air emissions.

(10) Recyclers must establish a system for identifying and properly managing components, such as circuit boards, batteries, cathode-ray tubes, and mercury phosphor lamps, that are removed from ~~residential~~ CEDs from covered entities during disassembly. Recyclers must properly manage all hazardous and other components requiring special handling from ~~residential~~ CEDs from covered entities consistent with federal, State, and local laws and regulations. Recyclers must provide visible tracking,

such as hazardous waste manifests or bills of lading, of hazardous components and materials from the facility to the destination facilities and documentation, such as contracts, stating how the destination facility processes the materials received. No recycler may send, either directly or through intermediaries, hazardous wastes to solid non-hazardous waste landfills or to non-hazardous waste incinerators for disposal or energy recovery. For the purpose of these guidelines, smelting of hazardous wastes to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(11) Recyclers must use a regularly implemented and documented monitoring and record-keeping program that tracks for CEDs from covered entities total inbound ~~residential CED~~ material weights and total subsequent outbound weights to each destination, injury and illness rates, and compliance with applicable permit parameters including monitoring of effluents and emissions. Recyclers must maintain contracts or other documents, such as sales receipts, suitable to demonstrate: (i) the reasonable expectation that there is a downstream market or uses for designated electronics, which may include recycling or reclamation processes such as smelting to recover metals for reuse; and (ii) that any residuals from recycling or reclamation processes, or both, are properly handled and

managed to maximize reuse and recycling of materials to the extent practical.

(12) Recyclers must employ industry-accepted procedures for the destruction or sanitization of data on hard drives and other data storage devices. Acceptable guidelines for the destruction or sanitization of data are contained in the National Institute of Standards and Technology's Guidelines for Media Sanitation or those guidelines certified by the National Association for Information Destruction.

(13) No recycler may employ prison labor in any operation related to the collection, transportation, and recycling of CEDs. No recycler may employ any third party that uses or subcontracts for the use of prison labor.

(e) Each recycler shall, during each calendar year, transport from each site that the recycler uses to manage ~~residential~~ CEDs from covered entities not less than 75% of the total weight of ~~residential~~ CEDs from covered entities present at the site during the preceding calendar year. Each recycler shall maintain on-site records that demonstrate compliance with this requirement and shall make those records available to the Agency for inspection and copying.

(f) Nothing in this Act shall prevent a person from acting as a recycler independently of a manufacturer e-waste program.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

(415 ILCS 151/1-45)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-45. Collector responsibilities.

(a) By January 1, 2019, and by January 1 of each year thereafter for that program year, beginning with program year 2019, a person acting as a collector under a manufacturer e-waste program shall register with the Agency by completing and submitting to the Agency the registration form prescribed by the Agency. The registration form prescribed by the Agency must include, without limitation, the address of each location at which the collector accepts ~~residential~~ CEDs from covered entities.

(a-5) The Agency may deny a registration under this Section if the collector or any employee or officer of the collector has a history of:

(1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances related to the collection, recycling, or other management of CEDs;

(2) conviction in this State or another state of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or conviction in this State or another state or federal court of any of the following crimes: forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit term or condition; or

(3) gross carelessness or incompetence in handling, storing, processing, transporting, disposing, or otherwise managing CEDs.

(b) The Agency shall post on the Agency's website a list of all registered collectors.

(c) Manufacturers and recyclers acting as collectors shall so indicate on their registration under Section 1-30 or 1-40 of this Act.

(d) By March 1, 2020 and every March 1 thereafter, each collector that operates a program collection site or one-day collection event shall report, to the Agency and to the manufacturer e-waste program, the total weight, by CED category, of ~~residential~~ CEDs from covered entities transported from the program collection site or one-day collection event during the previous program year.

(e) Each collector that operates a program collection site or one-day event shall ensure that the collected ~~residential~~ CEDs from covered entities are sorted and loaded in compliance with local, State, and federal law. In addition, at a minimum, the collector shall also comply with the following requirements:

(1) ~~residential~~ CEDs from covered entities must be accepted at the program collection site or one-day collection event unless otherwise provided in this Act;

(2) ~~residential~~ CEDs from covered entities shall be kept separate from other material and shall be:

(A) packaged in a manner to prevent breakage; and

(B) loaded onto pallets and secured with plastic wrap or in pallet-sized bulk containers prior to shipping; and

(C) on average per collection site 18,000 pounds per shipment, and if not then the recycler may charge the collector a prorated charge on the shortfall in weight, not to exceed \$600, unless the total collection weight from a one-day collection is less than 18,000 pounds, for which the recycler shall not charge the collector for any shortfall from a minimum of two one-day collection events per program year, with the waiver of the shortfall for any additional events to be made at the sole discretion of the recycler;

(3) ~~residential~~ CEDs from covered entities shall be sorted into the following categories:

(A) computer monitors and televisions containing a cathode-ray tube, other than televisions with wooden exteriors;

(B) computer monitors and televisions containing a flat panel screen;

(C) all covered televisions that are ~~residential~~ CEDs from covered entities;

(D) computers;

(E) all other ~~residential~~ CEDs from covered

entities; and

(F) any electronic device that is not part of the manufacturer program that the collector has arranged to have picked up with ~~residential~~ CEDs from covered entities and for which a financial arrangement has been made to cover the recycling costs outside of the manufacturer program;

(4) containers holding the CEDs must be structurally sound for transportation; and

(5) each shipment of ~~residential~~ CEDs from covered entities from a program collection site or one-day collection event shall include a collector-prepared bill of lading or similar manifest, which describes the origin of the shipment and the number of pallets or bulk containers of ~~residential~~ CEDs from covered entities in the shipment.

(f) Except as provided in subsection (g) of this Section, each collector that operates a program collection site or one-day collection event during a program year shall accept all ~~residential~~ CEDs from covered entities that are delivered to the program collection site or one-day collection event during the program year.

(g) No collector that operates a program collection site or one-day collection event shall:

(1) accept, at the program collection site or one-day collection event, more than 7 ~~residential~~ CEDs from

covered entities from an individual at any one time;

(2) scrap, salvage, dismantle, or otherwise disassemble any ~~residential~~ CED from a covered entity collected at a program collection site or one-day collection event;

(3) deliver to a manufacturer e-waste program, through its recycler, any CED other than a ~~residential~~ CED from a covered entity collected at a program collection site or one-day collection event; or

(4) deliver to a person other than the manufacturer e-waste program or its recycler, a ~~residential~~ CED from a covered entity collected at a program collection site or one-day collection event.

(h) Beginning in program year 2019, registered collectors participating in county supervised collection programs may collect a fee for each desktop computer monitor or television accepted for recycling to cover costs for collection and preparation for bulk shipment or to cover costs associated with the requirements of subsection (e) of Section 1-45.

(i) Nothing in this Act shall prevent a person from acting as a collector independently of a manufacturer e-waste program.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

(415 ILCS 151/1-84.5)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-84.5. Manufacturer clearinghouse; allocation of financial responsibility for the transportation and recycling of covered electronic devices.

(a) As used in this Section, unless the context otherwise requires:

"Adjusted total proportional responsibility" means the percentage calculated for each participating manufacturer for a program year under subsection (f) of this Section.

"Market share" means the percentage that results from dividing:

(1) the product of the total weight reported for a CED category by a manufacturer, for the calendar year 2 years before the applicable program year, under paragraph (2) of subsection (a) of Section 1-30 of this Act, multiplied by the population adjustment factor for that year; by

(2) the product of the total weight reported for that CED category by all manufacturers, for the calendar year 2 years before the applicable program year, under paragraph (2) of subsection (a) of Section 1-30 of this Act, multiplied by the population adjustment factor for that year.

"Participating manufacturer" means a manufacturer that a manufacturer clearinghouse has listed, pursuant to subsection (c) of this Section, as a participant in the manufacturer clearinghouse for a program year.

"Population adjustment factor" means the percentage that

results when (i) the population of Illinois, as reported in the most recent federal decennial census, is divided by (ii) the population of the United States, as reported in the most recent federal decennial census.

"Return share" means the percentage, by weight, of each CED category that is returned to the program collection sites and one-day collection events operated by or on behalf of either a manufacturer clearinghouse or one or more of its participating manufacturers during the calendar year 2 years before the applicable program year, as reported to the Agency under Section 1-10 of this Act; except that, for program year 2019 and program year 2020, "return share" means the percentage, by weight, of each CED category that is estimated by the manufacturer clearinghouse to be returned to those sites and events during the applicable program year, as reported to the Agency under subsection (b) of this Section.

"Unadjusted total proportional responsibility" means the percentage calculated for each participating manufacturer under subsection (e) of this Section.

(b) By March 1, 2018, each manufacturer clearinghouse shall provide the Agency with a statement of the return share for each CED category for program year 2019, and by March 1, 2019, each manufacturer clearinghouse shall provide the Agency with a statement of the return share for each CED category for program year 2020.

(c) If a manufacturer clearinghouse submits to the Agency

a manufacturer e-waste program plan under Section 1-25 of this Act, then the manufacturer clearinghouse shall include in the plan a list of manufacturers that have agreed to participate in the manufacturer clearinghouse for the upcoming program year.

(d) By November 1, 2018, and each November 1 thereafter, the Agency shall provide each manufacturer clearinghouse with a statement of the unadjusted total proportional responsibility and adjusted total proportional responsibility of each of its participating manufacturers for the upcoming program year.

(e) For each program year, the Agency shall calculate the unadjusted total proportional responsibility of each participating manufacturer as follows:

(1) For each CED category, the Agency shall multiply (i) the participating manufacturer's market share for the CED category by (ii) the return share for the CED category, to arrive at the category-specific proportional responsibility of the participating manufacturer for the CED category.

(2) The Agency shall then, for each participating manufacturer, sum the category-specific proportional responsibilities of the participating manufacturer calculated under paragraph (1), to arrive at the participating manufacturer's unadjusted total proportional responsibility.

(f) If the sum of all unadjusted total proportional responsibilities of a manufacturer clearinghouse's participating manufacturers for a program year accounts for less than 100% of the return share for that year, then the Agency shall divide the unallocated return share among participating manufacturers in proportion to their unadjusted total proportional responsibilities, to arrive at the adjusted total proportional responsibility for each participating manufacturer.

(g) A manufacturer may use retail or private network collection sites to satisfy some or all of the manufacturer's responsibilities, including, but not limited to, the manufacturer's transportation and recycling of collected ~~residential~~ CEDs from covered entities pursuant to any allocation methodology established under this Act. Nothing in this Act shall prevent a manufacturer from using retail or private network collection sites to satisfy any percentage of the manufacturer's total responsibilities, including, but not limited to, the manufacturer's transportation and recycling of collected ~~residential~~ CEDs from covered entities pursuant to any allocation methodology established under this Act or by administrative rule.

(Source: P.A. 100-592, eff. 6-22-18.)

(415 ILCS 151/1-85)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-85. Advisory Electronics Recycling Task Force.

(a) There is hereby created an Advisory Electronics Recycling Task Force, which shall consist of the following 10 members, to be appointed by the Director of the Agency:

(1) two individuals who are representatives of county recycling programs;

(2) two individuals who are representatives of recycling companies;

(3) two individuals who are representatives from the manufacturing industry;

(4) one individual who is a representative of a statewide trade association representing retailers;

(5) one individual who is a representative of a statewide trade association representing manufacturers;

(6) one individual who is a one representative of a statewide trade association representing waste disposal companies; and

(7) one individual who is a representative of a national trade association representing manufacturers.

Members of the Task Force shall be appointed as soon as practicable after the effective date of this amendatory Act of the 100th General Assembly, shall serve for 2-year terms, and may be reappointed. Vacancies shall be filled by the Director of the Agency for the remainder of the current term. Members shall serve voluntarily and without compensation.

Members shall elect from their number a chairperson, who

shall also serve a 2-year term. The Task Force shall meet initially at the call of the Director of the Agency and thereafter at the call of the chairperson. A simple majority of the members of the Task Force shall constitute a quorum for the transaction of business, and all actions and recommendations of the Task Force must be approved by a simple majority of its members.

(b) By November 1, 2018, and each November 1 thereafter, the Task Force shall submit, to the Agency for posting on the Agency's website, a list of agreed-to best practices to be used at program collection sites and one-day collection events in the following program year. By November 1, 2026, and each November 1 thereafter, the Task Force shall submit, to the Agency for posting on the Agency's website, agreed-to best practices for a county, municipal joint action agency, or municipality to elect to participate in a manufacturer e-waste program and best practices for education and awareness of covered entities. When establishing best practices, the Task Force shall consider the desired intent to preserve existing collection programs and relationships when possible.

(b-5) The Task Force shall receive program updates from the Agency and e-waste manufacturer program no less frequently than at each meeting of the Task Force. The Task Force may discuss and provide program feedback at the option of the Task Force or upon request of the Agency or e-waste manufacturer program.

(c) The Agency shall provide the Task Force with administrative support as necessary.

(Source: P.A. 100-362, eff. 8-25-17; 100-433, eff. 8-25-17.)

(415 ILCS 151/1-86)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-86. Public Reporting. Each year, the Agency shall post on its website the information it receives pursuant to subdivision (b)(4) of Section 1-10 showing the amounts of ~~residential~~ CEDs from covered entities being collected and recycled in each county in each program year. The Agency shall notify the General Assembly of the availability of this information.

(Source: P.A. 100-433, eff. 8-25-17.)

(415 ILCS 151/1-90)

(Section scheduled to be repealed on December 31, 2026)

Sec. 1-90. Repeal. This Article is repealed on December 31, 2031 ~~2026~~.

(Source: P.A. 100-433, eff. 8-25-17.)

(415 ILCS 151/1-91 new)

Sec. 1-91. Education and consumer awareness requirements.
A manufacturer clearinghouse must carry out education and consumer awareness activities in support of plan implementation including, but not limited to:

(1) the development and maintenance of a program website;

(2) the development and posting on the program website of educational materials that provide consumers with awareness of the program and the restriction on the disposal of CEDS in Section 1-83, with educational materials provided in digital or printable formats suitable for distribution at retailers, at collection sites, on websites, on social media, or through other relevant platforms that are accessible for use by persons including, but not limited to, manufacturers, retailers, government agencies, waste and recycling collectors, and nonprofit organizations;

(3) the posting on the program website of all program collection sites, one-day collection events, retail collection sites, and private network collection sites, including the county served by each, for each program year as specified in the e-waste program plan required in Section 1-25; and

(4) the posting on the program website of the annual program report required in Section 1-10(b)(4) following submittal of the report to the Agency.