103RD GENERAL ASSEMBLY
State of Illinois
2023 and 2024
SB1555


SYNOPSIS AS INTRODUCED:

New Act

Creates the Packaging and Paper Products Stewardship Act. Provides that a producer responsibility organization shall be established to carry out the Act's provisions. Tasks the Environmental Protection Agency with providing administrative support under the Act. Establishes the Packaging and Paper Product Producer Responsibility Advisory Council to provide advice and recommendations in the drafting, amendment, or approval of program plans and to oversee and provide recommendations for the implementation of program plans. Requires producers, in consultation with the Advisory Committee, to adopt and publish a list of minimum types of readily recyclable materials based on available collection and processing infrastructure and recycling markets for covered materials. Tasks the Prairie Research Institute with conducting a study and preparing a statewide needs assessment to assess recycling and covered materials management needs in the State. Provides that, no later than January 1, 2026, producers shall submit a producer responsibility program plan for the Agency's approval. Requires producers to establish waste prevention and reuse programs and composting infrastructure and education programs. Permits the development and operation of an alternative collection program to collect and manage a type or types of covered materials sold, offered for sale, distributed, or served to consumers in the State that are not on the minimum recyclable materials list. Requires producers to submit annual reports to the Agency. Allows postconsumer recycled content requirements in specific products to be waived by the Agency if specified requirements are met. Contains provisions concerning a plastics recycling technologies study, outreach and education, penalties for violations, severability, and other provisions. Effective immediately.
AN ACT concerning safety.

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

Section 1. Short title. This Act may be cited as the Packaging and Paper Products Stewardship Act.

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

(1) Recycling rates have been stagnant in Illinois for over 15 years. Many Illinois counties continue to fall short of the long-standing recycling goal of 25% established in 1988 in the Solid Waste Planning and Recycling Act, principally due to a lack of cost-effective access to recycling services.

(2) In Illinois, more than 40% (over 7 million tons per year) of municipal solid waste disposed of in landfills is comprised of packaging and paper products. Of this amount, nearly 80% consists of materials commonly collected in curbside recycling programs in areas of the State with mature recycling programs. The remainder includes packaging products such as polystyrene, #3-#7 plastics, plastic bags, flexible pouches, and other plastic films which are not currently acceptable in curbside recycling and for which limited drop-off
recycling options exist.

(3) Consumers have limited sustainable purchasing choices. Illinois residents are generating packaging and paper waste that is beyond their ability to reuse or recycle. Consumers are also given confusing, inconsistent messages through various means about which materials can be recycled, and thus inadvertently create contamination in recycling streams. There is widespread recycling fatigue and public skepticism about the efficacy of recycling in Illinois.

(4) Volatility in global recycling markets due to import restrictions such as the China National Sword policy, as well as impacts on supply chains and material demand due to the COVID-19 pandemic, have further challenged markets for recycled materials and destabilized the recycling system in the State.

(5) Significant and increasing quantities of plastics and packaging materials are seen in the environment, including in Illinois rivers, lakes, and streams. This pollution impacts the drinking water, wildlife, and recreational value of vital natural resources.

(6) Consumer brands have little incentive to reduce the amount of packaging they use or to choose more sustainable materials to package products. Units of local government and residents must, therefore, manage increasingly complex materials even though they have no
input in designing or bringing these materials to market.

(7) Units of local government are struggling to fund collection and processing costs for an increasing volume of packaging and paper products, and the cost of recycling programs continues to rise with the complexity of the material stream that material recycling facilities are required to manage. Furthermore, many multifamily residences and rural areas of the State do not have access to adequate recycling opportunities.

(8) As materials continue to be landfilled and littered, lower-income and rural communities across the State disproportionately bear the environmental, health, and economic consequences. Furthermore, by failing to reuse or recycle packaging and paper products Illinois loses economic value and green sector jobs.

(9) A producer responsibility program for packaging and paper products in Illinois would require producers to pay for and manage a statewide recycling system for their packaging and paper products, including cardboard, plastic, metal, paper, and other common recyclables. The producer responsibility program would provide additional environmental benefits by reducing demand on natural resources, greenhouse gas emissions, and litter and by increasing the recyclability of products.

Section 10. Definitions. In this Act:
"Advisory Council" means the Packaging and Paper Product Producer Responsibility Advisory Council established under Section 15.

"Agency" means the Illinois Environmental Protection Agency.

"Alternative collection program" means a program for the management of covered materials that is operated by an individual producer, group of producers, or producer responsibility organization and that has been approved by the Agency in accordance with Section 75.

"Board" means the Illinois Pollution Control Board.

"Compost" has the same meaning as defined in Section 3.150 of the Environmental Protection Act.

"Compostable materials" means a covered material that is designed to contact, contain, or carry a product, that can be collected for composting, and that is capable of undergoing aerobic biological decomposition in a controlled composting system as demonstrated by meeting ASTM D6400, ASTM D6868, or any successor standards.

"Composting rate" means the percentage of discarded covered materials that are managed through composting. A "composting rate" is calculated by dividing the total weight of all covered materials that are collected for composting by the total weight of covered materials sold, distributed, or served to consumers in the State over a program year.

"Covered entity" means a person or entity responsible for:
(1) a single or multifamily residence, either individually or jointly through a unit of local government;

(2) a public or private school for grades kindergarten through 12th grade;

(3) a State or local government facility; and

(4) a public space, including, but not limited to, public spaces, such as parks, trails, transit stations, and pedestrian areas for which the State or a unit of local government is responsible.

"Covered material" means a packaging material or paper product, regardless of recyclability, compostability, or material type. "Covered material" does not include packaging materials or paper products that are subject to collection and recycling through a separate State stewardship law.

"Curbside recycling" means the collection of recyclable materials from covered entities at the site where the recyclable materials are generated. "Curbside recycling" may be provided by a covered entity directly or by a private-sector company operating through a contract with a covered entity or with any other person in the State.

"Director" means the Director of the Agency.

"Drop-off recycling" means the collection of recyclable material from a covered entity at one or more centralized sites.

"Hauler" means a person who collects recyclable materials
and transports them to a transfer station or MRF. A "hauler"
may be a covered entity or a private-sector company operating
through a contract with a covered entity or with any other
person in the State.

"Material recovery facility" or "MRF" means a facility
where recyclable materials collected via curbside recycling or
drop-off recycling are consolidated and sorted for return to
the economic mainstream in the form of raw materials.

"Mechanical recycling" means the use of physical processes
to sort and prepare recovered materials for use in the
production of new materials without changing the molecular
structure of the recovered material.

"Nonprofit organization" means a tax-exempt charitable or
social welfare organization operating under 26 U.S.C.
501(c)(3) or 501(c)(4) of the federal Internal Revenue Code of
1986, as amended.

"Packaging" means a discrete material or category of
material, regardless of recyclability. "Packaging" includes,
but is not limited to, a material type, such as paper, plastic,
glass, metal, or multi-material, that is:

(1) used to protect, contain, transport, or serve a
product;

(2) sold or supplied to consumers expressly for the
purpose of protecting, containing, transporting, or
serving products;

(3) attached to a product or its container for the
purpose of marketing or communicating information about
the product;

(4) supplied at the point of sale to facilitate the
delivery of the product; or

(5) supplied to or purchased by consumers expressly
for the purpose of facilitating food or beverage
consumption and ordinarily disposed of after a single use
or short-term use, whether or not it could be reused.

"Packaging" does not include:

(1) a medical device or packaging that is included
with products regulated:

(A) as a drug, medical device, or dietary
supplement by the United States Food and Drug
 Administration under the Federal Food, Drug, and
Cosmetic Act;

(B) as combination product as defined under 21 CFR
3.2(e); or

(C) under the federal Dietary Supplement Health
and Education Act of 1994;

(2) animal biologics, including, but not limited to,
vaccines, bacterins, antisera, diagnostic kits, other
products of biological origin, and other covered materials
regulated by the United States Department of Agriculture
under the federal Virus, Serum, Toxin Act;

(3) packaging regulated under the Federal Insecticide,
Fungicide, and Rodenticide Act or another applicable
(4) beverage containers subject to a returnable container deposit, if applicable.

"Paper product" means:

(1) paper that can or has been printed on to create flyers, brochures, booklets, catalogs, greeting cards, telephone directories, newspapers, magazines; and

(2) paper used for copying, writing, or any other general use.

"Paper product" does not include:

(1) paper that, by virtue of its anticipated use, could become unsafe or unsanitary to recycle; or

(2) any form of bound book, including, but not limited to, bound books for literary, textual, or reference purposes.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate, political subdivision, State agency, any other legal entity, or their legal representative, agent, or assign.

"Postconsumer material" means covered materials that have served their intended end use as consumer items. "Postconsumer material" does not include a byproduct or waste material generated during or after the completion of a manufacturing or converting process.

"Postconsumer recycled content" means the portion of a
covered material made from postconsumer material that has been recycled.

"Producer" means the following:

(1) For products sold, offered for sale, distributed, or served in packaging to consumers at a physical retail location in this State:

(A) the product's manufacturer, if the product is sold, offered for sale, distributed, or served in packaging under the product manufacturer's own brand or in packaging that lacks identification of a brand;

(B) except as provided under subparagraph (C), the owner of the brand under which the product is sold, offered for sale, distributed, or served to consumers, if the product is sold, offered for sale, distributed, or served to consumers under a brand other than the product manufacturer's own brand;

(C) the manufacturer of the packaging and not its retailer, if the product is manufactured on behalf of a retailer and is sold, offered for sale, distributed, or served under the retailer's brand or is licensed or trademarked by the retailer; or

(D) if there is no person described in subparagraphs (A), (B), or (C) within the United States, the person who imports the product into the United States.

(2) For products sold, distributed, or served in
packaging to consumers in this State via remote sale, distribution, or service:

(A) the producer of the product's packaging is the producer determined under paragraph (1); and

(B) the producer of packaging used to ship the product to a consumer, such as a box, envelope, or other packaging used for shipping, is the person that manufactured the packaging used for shipping.

(3) For all packaging that is a covered material, other than packaging identified in paragraphs (1) and (2), the manufacturer of the packaged product is the producer of the packaging.

(4) For paper products that are publications, such as magazines, newspapers, catalogs, or telephone directories, the publisher is the producer of the paper product.

(5) For paper products not described in paragraph (4), the producer is the same as the producer as determined under paragraphs (1) and (2).

"Producer" does not include:

(1) government agencies or units of local government;

(2) nonprofit organizations;

(3) retailers; or

(4) persons that annually sell, offer for sale, distribute, or serve to consumers in this State, or import into the United States for sale in this State, either:

(A) less than one ton of covered materials in a
program year in this State; or

(B) packaged products that generate less than

$3,000,000 in gross revenue nationally in a program

year.

"Producer responsibility organization" means a registered

nonprofit organization designated by one or more producers to

act as an agent on behalf of each producer in the group for

purposes of developing and implementing a program plan in

accordance with this Act.

"Producer responsibility program plan" or "program plan"

means the program plan required under Section 45.

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

year is calendar year 2026.

"Readily recyclable material" means a covered material

included in the minimum recyclables list developed under

Section 35.

"Reasonable rate" means the funding rate paid by

producers, either individually or jointly with other

producers, through a producer responsibility organization and

using the actual rate established in a contract for services

or the actual cost to provide service by a covered entity. If a

contract for services is not in place or services are not

provided directly by a covered entity on or before the

effective date of this Act, the contract shall be

competitively procured through a process seeking requests for

proposals in accordance with the statutory authority granted
to units of local government under Illinois law.

"Recovery rate" means the percentage of covered materials recovered for recycling, reclamation, reuse, or composting. The "recovery rate" is calculated by dividing the total weight of all covered materials collected for recycling, reclamation, reuse, or composting by the total weight of covered materials sold, distributed, or served to consumers in this State over a program year.

"Recycling" means recycling, reclamation or reuse as defined in Section 3.380 of the Environmental Protection Act. "Recycling" does not include landfill disposal of covered materials or the residue resulting from the processing of covered materials at a MRF, use as alternative daily cover or any other beneficial use at a landfill, incineration, energy recovery, or energy generation by means of combustion, or final conversion of a covered material or a covered material's components and by-products to a fuel.

"Recycling rate" means the percentage of covered materials returned to the economic mainstream in the form of raw materials or products rather than being disposed of or discarded. The "recycling rate" is calculated by dividing the total weight of all covered materials that are collected for recycling by the total weight of covered materials sold, distributed, or served to consumers in the State over a program year, not including the residue that is landfilled after processing by a MRF.
"Restaurant" means a business having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

"Retailer" means any person engaged in the business of making sales at retail that generate occupation or use tax revenue, including, but not limited to, sales made through an Internet transaction to deliver an item to a consumer in the State. "Retailer" includes a restaurant.

"Reusable" means:

(1) designed to be refilled or used repeatedly for its original intended purpose and is returnable;

(2) safe for washing and sanitizing according to applicable State food safety laws; and

(3) with the exception of ceramic products, capable of being recycled at the end of use.

"Reuse" means the return of packaging to the economic stream for use in the same kind of application intended for the original packaging without effectuating a change in the original composition of the package, the identity of the product, or the components thereof.

"Reuse and refill system" means a program or set of mechanisms designed to facilitate multiple uses of packaging, including, but not limited to, deposits, incentives, curbside collection, collection kiosks, refill stations, dishwashing facilities, and redistribution networks.

"Reusable or refillable packaging" means packaging that is
specifically designed and manufactured to maintain its shape and structure and to be materially durable for repeated sanitizing, washing, and reuse.

"Rigid plastic" means packaging made of plastic that has a relatively inflexible finite shape or form and is capable of maintaining its shape while empty or while holding other products.

"Service provider" means a hauler, transfer station, or MRF.

"Single-use packaging or product" means a packaging or product that is supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption and that is ordinarily disposed of after a single use or short-term use, whether or not it could be reused.

"Small producer" means a producer who, during the previous program year, (i) earned more than $3,000,000 but less than $5,000,000 in annual revenues nationally or (ii) sold, distributed, or served more than one but less than 15 tons of covered materials to consumers in this State.

"Transfer station" has the same meaning as defined in Section 3.500 of the Environmental Protection Act.

"Waste prevention rate" means the ratio of the weight of packaging materials to the weight of products contained in the packaging across all product and packaging material types in a program year in comparison to the ratio of the weight of packaging materials for products put into the market in
Section 15. Producer responsibility organization governance.

(a) A producer responsibility organization shall be established to carry out relevant provisions under this Act. On or before January 1, 2024, the producer responsibility organization shall appoint a governing board to oversee and direct all activities of the producer responsibility organization with respect to this Act. Any changes or additions in membership shall be documented by a producer responsibility organization and, upon request, provided to the Agency.

(b) In appointing the governing board, a producer responsibility organization shall include representatives of producers who are members of a producer responsibility organization, including, but not limited to, brand manufacturers and packaging manufacturers, as applicable.


(a) The Packaging and Paper Product Producer Responsibility Advisory Council is established in the Agency. On or before January 1, 2024, the Director shall appoint members to the Advisory Council to provide advice and recommendations to the Agency, producers, and a producer
responsibility organization in the drafting, amendment, or approval of program plans and to oversee and provide recommendations for the implementation of program plans, including, but not limited to, needs assessments and progress toward achieving performance requirements under this Act. The Advisory Council shall advise on and review annual reports and shall provide recommendations to the Agency, producers, and a producer responsibility organization regarding changes to the program to correct shortcomings and ensure performance requirements under this Act are met.

(b) In appointing members to the Advisory Council under subsection (a), the Director shall consider representatives from all geographic regions of the State, all sizes of communities in the State, all supply chain participants in the recycling system, and the racial and gender diversity of this State. Members of the Advisory Council shall include, but shall not be limited to, the following voting members:

(1) three individuals representing material recovery facilities in the State, at least one of whom shall represent a MRF that accepts recyclables from the Chicago metropolitan area and at least one of whom shall represent a MRF that accepts recyclables from central or southern Illinois;

(2) one individual representing a drop-off recycling program that collects recyclables from the public;

(3) three individuals representing haulers, one of
whom shall represent a statewide organization representing haulers, one of whom shall represent a publicly traded hauler, and one of whom shall represent a privately owned hauler;

(4) seven individuals representing rural and urban units of local government, one of whom shall represent a county with a population of less than 50,000, one of whom shall represent a county with a population of more than 50,000 and less than 1,000,000, one of whom shall represent a county with a population of more than 1,000,000, one of whom shall represent a municipality, one of whom shall represent a municipal joint action agency, one of whom shall represent a township, and one of whom shall represent a municipality with a population of 1,000,000 or more;

(5) one individual representing retailers or a statewide association of retailers;

(6) two individuals representing environmental organizations;

(7) one individual representing an environmental justice advocacy organization; and

(8) four individuals representing trade associations, one of whom shall represent a fiber trade association, one of whom shall represent a plastic trade association, one of whom shall represent a metal trade association, and one of whom shall represent a glass trade association.
The Advisory Council shall include the following nonvoting members, appointed by the Director, to facilitate the work of the Advisory Council:

(1) one individual representing a producer responsibility organization;

(2) one individual representing manufacturers of products containing postconsumer material, or one or more associations of such manufacturers;

(3) one individual representing manufacturers of virgin covered materials, or one or more associations of suppliers of substrates of covered materials; and

(4) one individual representing the Agency.

(c) An individual may be appointed to only one position on the Council. Initial appointments shall be for a period of 4 years.

(d) Advisory Council members shall be reimbursed by a producer responsibility organization for travel and lodging expenses incurred in the execution of the duties of the Advisory Council. Individuals representing environmental justice organizations shall be considered by the Advisory Council for receipt of an additional stipend in an amount determined by the Advisory Council and payable by producers, either individually or jointly with other producers through a producer responsibility organization.

(e) The duties of the voting members of the Advisory Council are as follows:
(1) Provide guidance on the scope of the statewide needs assessment required under Section 25.

(2) Review and comment on the statewide needs assessment prior to completion.

(3) Review and comment on all program plans during the plan development process, prior to submission to the Agency, pursuant to Section 45.

(4) Make recommendations to the Agency regarding approval of submitted program plans.

(5) Make recommendations to producers, producer responsibility organizations, and the Agency regarding the development of or updates to the list of minimum types of recyclable materials described in Section 35.

(6) Review and comment on all annual reports prior to their submission to the Agency.

(7) Make recommendations to producers, producer responsibility organizations, and the Agency regarding the need for any program plan amendments or other requirements, which may be based on annual program reports.

(f) The Advisory Council shall:

(1) meet at the call of the Chair, except for the first meeting, which shall be called by the Director;

(2) meet at least quarterly until initial program plans have been approved and at least semi-annually thereafter;
(3) elect a Chair from among Advisory Council members by a simple majority vote;

(4) adopt bylaws and a charter for the operation of its business for the purposes of this Act; the bylaws shall include, but are not limited to, identification of the term of appointment of members, staggering of expiration of appointments, and procedures for appointment of new members to fill a vacancy before a term is completed;

(5) include an opportunity for a minority report; and

(6) be convened and provided administrative support by the Agency and Agency staff.

The Agency may select and hire a third-party facilitator for the Advisory Council, which shall be included among the administrative costs of the program, to be paid by producers or producer responsibility organizations.

(g) The Advisory Council, upon a majority vote, shall have the authority to appeal a decision made by a producer, a producer responsibility organization, or the Agency to the Board if it believes the decision is not consistent with this Act. The Board shall have 60 days to rule on the appeal.

Section 25. Producer registration; needs assessment; scope of work.

(a) On or before January 1, 2024, any producer or a single producer responsibility organization authorized to operate and
administer a program on the producer's behalf and who intends to submit a program plan pursuant to Section 45 of this Act shall register with the Agency.

(b) The registration submitted pursuant to subsection (a), on a form prescribed by the Agency, shall:

(1) identify each producer that intends to authorize a producer responsibility organization to operate and administer a program plan on the producer's behalf;

(2) provide the name, address, and contact information of a person responsible for ensuring a producer, producer responsibility organization, or a producer who has authorized a producer responsibility organization to operate a program on the producer's behalf comply with the requirements of this Section;

(3) identify the members of the governing board of a producer responsibility organization; and

(4) describe the scope of work for the comprehensive statewide needs assessment study as required under Section 35, which producers, either individually or jointly with other producers through a producer responsibility organization, will fund, including, but not limited to, a description of the data types and sources to be provided by producers, a producer responsibility organization, covered entities, and other persons as necessary to facilitate the comprehensive statewide needs assessment study's completion.
(c) No later than 60 days after submission of a registration form under this Section, the Agency shall provide a written notice to a producer or producer responsibility organization of the Agency's determination approving or disapproving the scope of work of the producer or producer responsibility organization funded statewide needs assessment. If the needs assessment's scope of work does not meet the requirements of Section 35 and is not approved by the Agency, the Agency shall describe the reasons for the disapproval in the notice of determination. A producer or producer responsibility organization shall revise and resubmit the proposed needs assessment's scope of work to the Agency not later than 30 days after receipt of the Agency's notice. Not later than 30 days after receipt of the revised proposal, the Agency shall review and approve or disapprove the revised needs assessment proposal and shall provide a notice of determination to the producer or producer responsibility organization. A producer or producer responsibility organization may resubmit a revised needs assessment proposal to the Agency for approval not more than once. If a producer or producer responsibility organization fails to submit a needs assessment proposal that meets the requirements of Section 35 and is approved by the Agency, the Agency shall modify the needs assessment proposal to conform to the requirements and provide it to a producer or producer responsibility organization as the approved needs assessment scope of work to
be funded. After the Agency approves the scope of the needs assessment, a producer or producer responsibility organization shall provide necessary data and funding for its completion.

(d) After the fifth program year, multiple producer responsibility organizations shall be authorized to register under this Act.

(e) A producer of covered materials who, after the approval of a program plan, seeks to sell, offer for sale, or distribute into the State a covered material not covered by an approved program plan shall notify the Director prior to selling, offering for sale, or distributing the covered material in the State.

The Director shall list a producer who supplies notice under this subsection as a new producer on the Agency's website. A producer that supplies notice under this subsection shall have 90 days either to join an existing producer responsibility organization or to submit a program plan for approval to the State.

Section 30. Plastics recycling technologies study.

(a) No later than July 1, 2025, the Prairie Research Institute shall conduct and publish a study of plastic recycling technologies. The study shall be designed to determine which existing and emerging technologies shall be eligible to meet the definition of "recycling" in Section 10. The study shall include:
(1) an assessment of the full life-cycle impacts of various plastic-to-plastic technologies, including, but not limited to, a comparison to the full life-cycle impacts of mechanical recycling technologies;

(2) an assessment of the full life-cycle impacts of the use of postconsumer recycled content compared to the impacts of using virgin raw material content in the manufacturing and recycling of plastic;

(3) a recommendation to the Board, which the Board shall accept, modify, or reject within 60 days after receipt, of which plastic-to-plastic recycling technologies would meet the definition of "recycling" in Section 10; and

(4) any other information required by the Advisory Council.

(b) The Prairie Research Institute shall consult the Advisory Council and each producer and producer responsibility organization in completing the study.

(c) Producers, or a producer responsibility organization acting on producers' behalf, shall pay the full cost of completion of the study.

Section 35. Producer responsibilities; collection and convenience; list of minimum recyclable materials.

(a) Beginning July 1, 2026, no producer shall sell at retail, offer for sale at retail, distribute, or serve in this
State a covered material unless the producer, or a producer responsibility organization acting on the producer's behalf, has a program plan approved by the Agency. A producer must satisfy participation obligations either individually or jointly with other producers through a producer responsibility organization.

(b) A producer responsibility organization shall be responsible for participating producers' compliance with the requirements of this Act, including, but not limited to, the preparation and implementation of a program plan, the preparation and submission of annual audits, and annual reports to the Agency.

(c) Producers, either individually or jointly with other producers through a producer responsibility organization, shall provide for the collection and processing of recyclable covered materials at no cost to all covered entities in the State. Collection and processing services shall be performed by covered entities, service providers, or other persons who are not a producer or producer responsibility organization. Beginning in 2026, producers, either individually or jointly with other producers through a producer responsibility organization, shall provide payment to covered entities or service providers for recycling expenses relating to covered materials, including, but not limited to, any administrative, sorting, collection, transportation, public education, or processing costs. A covered entity shall be eligible for
payment from producers or a producer responsibility organization regardless of whether the covered entity provides
the services directly or through a contract with a service provider.

(d) Producers, either individually or jointly with other producers through a producer responsibility organization, shall meet the following performance requirements:

(1) By December 31, 2030, the collective recycling rate across all covered materials on the list published under subsection (f) shall be no less than 45%.

(2) By December 31, 2035, the collective recycling rate across all covered materials on the list published under subsection (f) shall be no less than 50%.

(e) With respect to rigid plastics, each producer shall achieve a postconsumer recycled content requirement of 15% by 2028, 25% by 2031, and 50% by 2034 in the rigid plastics it produces, subject to any waiver issued under Section 100.

(f) No later than October 1, 2025, producers or a producer responsibility organization, in consultation with the Advisory Committee, shall adopt and publish a list of minimum types of readily recyclable materials based on available collection and processing infrastructure and recycling markets for covered materials. The producers or producer responsibility organization shall update and adopt the list on an annual basis, in consultation with the Advisory Council, in response to collection and processing improvements and changes in
recycling end markets or as requested by the Advisory Council. If there are multiple lists, the producer responsibility organization shall compile the lists and publish the compiled list to the public. A list may vary by geographic region depending on regional markets and regional collection and processing infrastructure.

In developing the list of minimum recyclable materials, consideration shall be given to at least the following materials: gable-top cartons, paper cups, paper food packaging, mailers and envelopes, Kraft paper, corrugated cardboard, chipboard, coated groundwood, groundwood paper, coated paper board, paperboard boxes, pulpwood trays and take-out containers, polyethylene flexible bags, polyethylene wraps, polyethylene films, rigid plastics, glass bottles and jars, aluminum or steel aerosol cans, aluminum or steel cans, aluminum foil wrap, aluminum foil containers, other aluminum containers, and steel spiral wound containers. For any material that is not included in the list of minimum recyclable materials for a program year, producers, either individually or jointly with other producers through a producer responsibility organization, shall identify the method by which the material will be collected and managed and implement or provide payment to another entity for a program for collection of those materials by the end of the third program year.

All covered entities or recycling service providers shall
provide for the collection and recycling of all identified materials contained on the list of minimum recyclables, based on geographic regions, in order to be eligible for payment by producers or a producer responsibility organization. However, a covered entity or service provider shall not be penalized for recovering and recycling materials that are generated by the covered entity or in the geographic region that are not included on the list of minimum types of recyclable covered materials as long as the covered entity or service provider can demonstrate that the materials have a market as determined by the Advisory Council in consultation with a producer or producer responsibility organization. Payment for recycling services by producers, either individually or jointly with other producers through a producer responsibility organization, shall cover recycling of all covered materials so long as the program includes at least the minimum recyclable list.

(g) Producers or a producer responsibility organization shall meet jointly with the Advisory Council at least annually to solicit input and guidance on the program plan, annual reports, and progress toward performance targets.

(h) No later than July 1, 2029, for covered entities that are not provided recycling services directly by the covered entity or through a contract with a service provider, producers, either individually or jointly with other producers through a producer responsibility organization, shall provide
access to curbside recycling services for all covered entities within municipalities with a population of 1,500 or more based on the most recent United States Census. Curbside recycling services provided under this subsection shall be offered no less frequently than every 2 weeks. In all municipalities with a population less than 1,500, a producer or producer responsibility organization shall provide covered entities with at least one drop-off location for recyclable covered materials that is located within 15 miles of the municipal boundary.

(i) Curbside recycling and drop-off recycling programs that a covered entity has in operation on or before the effective date of this Act, whether provided directly or through a contract with a service provider, may continue, with no changes in collection frequency, unless approved by the covered entity, at the sole discretion of the covered entity, during any or all program years. Producers, either individually or jointly with other producers through a producer responsibility organization, shall make payment to the covered entity or the service provider for the services.

This Section does not prevent a covered entity that does not have a curbside recycling or drop-off recycling program in operation on or before the effective date of this Act from using its authority to franchise recycling services after the effective date of this Act and to be eligible for payment for recycling services by producers, either individually or
jointly with other producers through a producer responsibility organization, in accordance with this Act.

(j) Costs to expand or upgrade recycling services are eligible for payment from producers or a producer responsibility organization.

(k) If a covered entity does not have recycling services provided directly or through a contract with a service provider during any program year, producers, either individually or jointly with other producers through a producer responsibility organization, shall secure one or more contracts for services with at least one service provider to meet the access requirements under this Act and shall make payment to the service provider for the services.

(l) Payments by producers or a producer responsibility organization shall be made within 30 days after a request for payment from the covered entity or service provider, which shall be submitted by the covered entity or service provider no more frequently than monthly.

(m) Recipients of payments under this Section shall maintain documentation of applicable costs associated with any payment. The documentation shall be made available to a producer or producer responsibility organization that provided payment upon request.

Section 40. Statewide needs assessment.

(a) On or before July 1, 2025, the Prairie Research
Institute shall conduct a statewide needs assessment to assess recycling and covered materials management needs in the State and shall submit the results to the Agency for the Agency's review and approval. The needs assessment shall be funded by all producers either individually or jointly through a producer responsibility organization. The needs assessment shall identify current conditions and an evaluation of the capacity, costs, gaps, and needs associated with recycling and the diversion of packaging and paper products. The needs assessment shall address, at a minimum, the following factors:

1. the quantity, by weight and type, of covered materials sold at retail, distributed, or served to consumers in the State by producers by material type and format, with data provided by producers either individually or jointly through a producer responsibility organization;

2. current operational and capital funding limitations impacting reuse, recycling, and composting access and availability for covered materials throughout the State;

3. existing federal and State statutory provisions and public and private funding sources for the reduction, reuse, recycling, and composting of covered materials;

4. current collection systems and costs for covered materials in the State for reuse, recycling, composting, and disposal;
(5) the processing capacity and infrastructure for reusable, recyclable, and compostable covered materials in the State and regionally and the necessary capital investments to existing and future reuse, recycling, and composting infrastructure for covered materials;

(6) collection and processing system needs to meet any access requirements under this Act on a county-by-county basis for all counties in the State and the estimated costs to meet the access requirements;

(7) the market conditions and opportunities for reusable, recyclable, and compostable materials in the State and regionally;

(8) multilingual public education needs for the reduction, reuse, recycling, and composting of covered materials, including, but not limited to, a scientific survey of current awareness among residents of this State of proper end-of-life management for covered materials and the needs associated with the reduction of contamination rates at MRFs in the State;

(9) current system-wide costs for the collection, reuse, recycling, and composting of covered materials and any estimated additional costs to meet all targets established under this Act;

(10) current reuse, recycling, and composting rates for covered materials in the State by material type; and

(11) an assessment of environmental justice and
recycling equity in the State, including, but not limited to:

(A) an evaluation of current access to and the performance of curbside and drop-off recycling programs in units of local government designated as environmental justice areas;

(B) a comparison of the location of MRFs and transfer stations in units of local government that have been designated as environmental justice areas with units of local government that are not so designated, and recommendations for proposed site location standards for locating new MRFs that may be required to implement this Act;

(C) an evaluation of worker conditions, wages, and benefits at MRFs;

(D) the availability of opportunities in the recycling system for women and minority individuals;

(E) the availability of opportunities in the recycling system for small businesses in the State; and

(F) recommendations for improving equity and equitable outcomes for underserved populations in the State's recycling system, including, but not limited to, recommendations for new responsibilities of producers either individually or jointly through a producer responsibility organization and
recommendations for funding the new responsibilities.

(b) On or before May 15, 2025, the Prairie Research Institute shall provide the completed needs assessment to the Advisory Council, producers, and any producer responsibility organization registered with the Agency. The Advisory Council, producers, and producer responsibility organization shall provide written comments to the Prairie Research Institute within 30 days after receipt of the needs assessment. The Prairie Research Institute shall include an assessment of comments received in the completed needs assessment submitted to the Agency and shall provide a summary and an analysis of any issues raised by the Advisory Council, producers, or producer responsibility organization and significant changes suggested by any such comments, a statement of the reasons why any significant changes were not incorporated into the results of the study, and a description of any changes made to the results of the needs assessment as a result of such comments.

(c) No later than 90 days after the date the Agency receives the results of the study, the Agency shall notify the Prairie Research Institute of any deficiencies in the study. No later than 60 days after receiving this notice from the Agency, the Prairie Research Institute shall provide additional information, modification, or corrections in response to the Agency's notification, if applicable.

(d) Any proposed activities or recommendations from the study shall be evaluated by the Agency for progress and shall
be taken into consideration when approving or disapproving a
program plan.

Section 45. Producer responsibility program plan.
(a) No later than January 1, 2026, producers, either
individually or jointly with other producers through a
producer responsibility organization, shall submit a program
plan to the Agency. The program plan shall cover a period of 5
years and shall be reviewed by the Advisory Council prior to
submission to the Agency. A producer or producer
responsibility organization must thereafter submit a new or
updated program plan no less than every 5 years. The Agency
shall have the discretion to require a producer or producer
responsibility organization to review or revise a plan at any
time prior to the 5-year period for good cause, including, but
not limited to, by recommendation of the Advisory Council. The
Agency shall publish the approved program plan on its website.
A program plan shall include, but shall not be limited to, at a
minimum:

(1) the name and contact information of the producer
or producers covered under the plan, and of any producer
responsibility organization acting on their behalf;

(2) a list of the covered materials for which a
producer or producer responsibility organization is
responsible and which of the materials is included in the
minimum recyclable materials list submitted under Section
(3) a funding mechanism that allocates the costs to the producers to meet the requirements of this Act, including, but not limited to, adjustments to the fee schedule for participating producers based on the factors established under subsection (a) of Section 40;

(4) a description of how a producer or producer responsibility organization plans to meet the access requirements set forth in this Act, including, but not limited to, a description on a county-by-county basis of the curbside recycling and drop-off recycling programs for covered entities that are proposed to be used, including, but not limited to, those that currently exist, any additional sites that will be developed and operated, and a timetable for phasing in the new curbside recycling and drop-off recycling programs to meet the requirements of this Act; this shall also include a designation of the recycling programs that are eligible for payment by a producer or producer responsibility organization and those that are the responsibility of a producer or a producer responsibility organization to implement and directly fund under this Act;

(5) a description of the process for covered entities to receive payment for recycling costs at a reasonable rate;

(6) a description of how a producer or producer
responsibility organization will procure curbside recycling or drop-off recycling services for covered entities who do not provide services directly or through a contract with a service provider;

(7) a description of how a producer or producer responsibility organization will prioritize and work with existing public and private service providers, including, but not limited to, haulers, MRFs, transfer stations, and covered entities to provide for collection and processing of recyclable covered materials throughout the State from covered entities;

(8) proposed reuse and recycling rates and a description of how a producer or producer responsibility organization will meet or exceed these targets; the minimum recycling rates shall be varied for each covered material type and format and shall not be set lower than the minimum recycling rates established under this Act in aggregate for all covered materials; this shall include:

(A) targets and mechanisms to achieve reductions in emissions affecting land, air, and water and source reduction of single-use packaging or products; and

(B) provisions and targets for transitioning from single-use packaging or products to reusable or refillable alternatives and recovery for reuse; and

(9) proposed minimum postconsumer recycled material content for each covered material produced and a
description of how producers will meet or exceed these targets; the minimum rates shall be varied for each covered material type and format and shall not be set lower than the minimum rates established under this Act for rigid plastics;

(10) proposed waste prevention rates for covered materials, based on an assessment of the amount of covered materials, in tons, put into the Illinois marketplace in program year 2026;

(11) for a producer responsibility organization, a description of how the producer responsibility organization will provide technical assistance to participating producers to assist with the reduction of covered materials through product design, systems for reusable packaging, and program innovations, including, but not limited to, a description of how participating producers will minimize environmental and health impacts of covered materials;

(12) a description of a public education program conducted under Section 80;

(13) a description of the process for end-of-life management of all covered materials, including, but not limited to, the recycling and disposal of residuals collected for recycling in compliance with environmental laws, rules, and regulations;

(14) for a producer responsibility organization, a
description of how the producer responsibility
organization will facilitate opportunities to purchase
recycled materials from MRFs on behalf of producer members
interested in obtaining recycled feedstock in order to
achieve postconsumer recycled content objectives;

(15) for a producer responsibility organization, a
description of how the producer responsibility
organization will invest in existing and future reuse and
recycling infrastructure and market development in the
State, including, but not limited to, (i) installing or
upgrading equipment to improve the sorting of covered
materials or mitigating the impacts of covered materials
to other commodities at existing sorting and processing
facilities, (ii) capital expenditures for new technology,
equipment, and facilities in alignment with the results of
the statewide needs assessment, and (iii) how such
investments in future recycling infrastructure will
address concerns about environmental justice;

(16) descriptions of waste prevention and reuse and
composting infrastructure and education programs under
Section 60, including, but not limited to, the process by
which entities in the State may apply for grants or loans
from the programs;

(17) a process to address concerns and questions from
covered entities and residents of the State;

(18) a description of how the producer or producer
responsibility organization intends to address all other needs and recommendations identified in the statewide needs assessment; and

(19) a detailed description of how the producer or producer responsibility organization consulted with the Advisory Council in the development of the plan prior to its submission to the Agency and to what extent a producer or producer responsibility organization specifically incorporated the Advisory Council's input into the plan.

(b) A producer or producer responsibility organization shall provide the completed program plan to the Advisory Council on or before October 15, 2025 for the Advisory Council's review and comment. The Advisory Council shall provide written comments to the producer or producer responsibility organization within 60 days of receipt. A producer or producer responsibility organization shall include in the completed program plan:

(1) an assessment of comments received;

(2) a summary and an analysis of the issues raised by the Advisory Council;

(3) any significant changes suggested by any comments received by the producer or producer responsibility organization;

(4) a statement of the reasons why any significant changes were not incorporated into the plan; and

(5) a description of any changes made to the plan as a
result of the comments described under paragraph (3).

(c) Beginning in the fifth program year, if multiple producer responsibility organizations register in accordance with the requirements of this Act, the producer responsibility organizations shall coordinate and submit to the Agency one program plan. Producer responsibility organizations may form a third-party entity to implement the requirements of this Act for all producers and producer responsibility organizations.

Section 50. Funding mechanism; payments by producer responsibility organizations.

(a) A producer responsibility organization implementing a program plan on behalf of producers must develop a system to collect dues from participating producers to cover the costs of implementing the program plan. At a minimum, dues shall be variable based on:

(1) costs to provide collection for recycling that meets the requirements of this Act;

(2) costs to process a producer's covered materials for acceptance by secondary material markets for use in manufacturing processes;

(3) whether the covered material or product is readily recyclable;

(4) whether the covered material or product is specifically designed to be reusable and has a high reuse rate; and
(5) the commodity value of a covered material or product.

(b) The dues shall be adjusted to incentivize the following outcomes in the following order of importance:

(1) improving reusability, recyclability, and compostability;

(2) reducing environmental impacts across the life cycle of a product;

(3) incorporating sustainably and renewably sourced material;

(4) eliminating toxic substances;

(5) incorporating postconsumer recycled content;

(6) optimizing packaging to use the minimum quantity of material necessary to effectively deliver a product without damage or spoilage; and

(7) preventing litter.

(c) Dues required under this Section shall be increased for covered materials that contaminate composting or recycling systems in the State, are a common source of litter, or may be managed only through disposal.

(d) No dues are required for reusable containers or materials if (i) they are designed to be reused for their original purpose and a producer provides a program for the consumer to reuse the covered material through which the covered material is collected and reused by a producer or similar producers and (ii) those programs meet or exceed any
recycling or reuse targets set forth in this Act and in the
program plan.

(e) Small producers shall be provided an optional tiered
flat fee structure based on annual tons of covered materials
sold, distributed, or served to consumers in the State.

(f) In order to facilitate the dues collection system
under this Section, individual retailers shall be responsible
for providing necessary data upon request to producers, either
individually or jointly with other producers through a
producer responsibility organization, detailing the types,
amounts, and manufacturers of packaging for products
distributed and sold to consumers in the State that are
manufactured on behalf of a retailer and sold under the
retailer's brand or licensed or trademarked by a retailer.

(g) Producers, either individually or jointly with other
producers through a producer responsibility organization,
shall be responsible for disbursing funding to participating
covered entities and recycling service providers for purposes
of this Act, including, but not limited to, the collection,
transport, processing, and marketing of covered materials,
whether or not those services are provided directly by a
covered entity or through a contracted service provider.

(h) For covered materials collected, transported,
processed, or marketed by a covered entity directly or through
a contract with a service provider, the covered entity may
choose to:
(1) continue providing the service without payment;  
(2) continue providing the service with payment at a  
    reasonable rate; or  
(3) establish a recycling service by accepting a  
    contract for services procured by a producer or producer  
    responsibility organization.  
(i) If a covered entity does not choose to provide  
    recycling service in a program year, producers, either  
    individually or jointly with other producers through a  
    producer responsibility organization, shall make a good faith  
    effort to offer to operate and administer a program on the  
    covered entity's behalf. If the covered entity does not accept  
    the offer, a producer or producer responsibility organization  
    shall not be responsible for providing recycling service to  
    the covered entity for that program year. A covered entity  
    shall have the option to provide or receive recycling service  
    in any program year under the provisions of this Act. A service  
    provider who is contracted by a producer or producer  
    responsibility organization must secure any operating  
    approvals that are required by the unit of local government.

Section 55. Disposal costs. A program plan developed  
 pursuant to this Act shall not include costs for covered  
 materials collected and managed for disposal, but shall  
 include materials collected and disposed of from a MRF  
 processing covered materials for recycling.
Section 60. Waste prevention and reuse program; composting infrastructure and education program.

(a) Each producer, individually or collectively through a producer responsibility organization, shall establish a waste prevention and reuse program to reduce the environmental impacts of covered materials through means other than recovery, including, but not limited to, waste prevention and reuse. A producer or producer responsibility organization shall enter into agreements with public or private entities to establish the program, which shall include, but shall not be limited to, offering grants or loans in order to reduce the environmental impacts of covered materials.

To fund activities under the waste prevention and reuse program, each producer, individually or collectively through a producer responsibility organization, shall establish and maintain a waste prevention and reuse fund. Amounts deposited into the fund by a producer or producer responsibility organization shall be at least 2.5% of the producer's or producer responsibility organization's total expenditures under the program plan or $10,000,000, whichever is less. Deposits to the fund beginning in the sixth year of program implementation and every year thereafter will be no less than was deposited in the fifth year. Upper limits on expenditures do not apply to renewed or updated program plans for which a program has already been in place for 5 or more years.
(b) Each producer, individually or collectively through a producer responsibility organization, shall establish and maintain a composting infrastructure and education program to assist in improving the recovery of compostable packaging and the education of persons participating in collection programs that accept compostable packaging. A producer or producer responsibility organization shall enter into agreements with public or private entities to establish the composting infrastructure and education program, which shall include, but is not limited to, offering grants or loans in order to reduce the environmental impacts of covered materials.

To fund activities under the composting infrastructure and education program, each producer, individually or collectively through a producer responsibility organization, shall establish and maintain a composting infrastructure and education fund. Amounts deposited into the composting infrastructure and education fund by a producer or producer responsibility organization shall be at least 2.5% of total expenditure under the program plans or $10,000,000, whichever is less. Deposits to the composting infrastructure and education fund beginning in the sixth program year and every program year thereafter shall be no less than was deposited in the fifth program year. Upper limits on expenditures do not apply to renewed or updated program plans for which a program has already been in place for 5 or more years.

(c) In offering grants or loans for programs under this
Section, a producer or producer responsibility organization must consider criteria that include, but are not limited to, the following:

(1) the environmental benefits of the program;
(2) the human health benefits of the program;
(3) the social and economic benefits of the program;
(4) the cost-effectiveness of the program;
(5) the needs of economically distressed or underserved communities;
(6) the results of the statewide needs assessment; and
(7) the inclusion of responsible end markets for any collected compostable material.

Section 65. Funding stipulations; Agency expenses.

(a) Any funds collected under this Act shall not be used to carry out lobbying activities on behalf of a producer or producer responsibility organization.

(b) No retailer may charge a point-of-sale fee or other fee to consumers to facilitate a producer recouping the costs associated with meeting the producer's obligations under this Act.

(c) Nothing in this Act requires a covered entity to participate in a producer responsibility organization.

(d) A producer or producer responsibility organization shall not use the funds collected under this Act to pay a civil penalty from the enforcement of this Act or to pay costs
associated with litigation between a producer or producer responsibility organization and the State.

(e) Not later than January 1, 2024 and annually thereafter, producers, either individually or jointly with other producers through a producer responsibility organization, shall collectively pay the Agency $400,000 per year to administer the program plans established under this Act.

Section 70. Program plan approval.

(a) Before approval or rejection of a program plan can be made in accordance with this Act, a producer or producer responsibility organization shall submit the plan to the Advisory Council for review and input as outlined in this Act.

(b) No later than 90 days after a producer or producer responsibility organization submits a program plan to the Agency, the Agency shall approve the program plan as submitted or deny the program plan, with reasons for the denial. The Agency shall consider the following in deciding whether to approve a plan:

(1) whether the plan contains all elements required under this Act; and

(2) whether the producer or producer responsibility organization has undertaken the required consultation with the Advisory Council, has provided an opportunity for the Advisory Council's input on the plan prior to submission
of the plan to the Agency, and has thoroughly described how the Advisory Council's input has been addressed by and incorporated into the plan.

(c) No later than 3 months after the date a program plan is approved, the producer or producer responsibility organization shall implement the approved program plan. If the first program plan is not approved by the Agency on or before July 1, 2026, the producer or producer responsibility organization shall implement the plan as submitted until the plan is approved by the Agency.

Section 75. Alternative collection programs.

(a) Producers, either individually or jointly with other producers through a producer responsibility organization, may develop and operate an alternative collection program to collect and manage a type or types of covered materials sold, offered for sale, distributed, or served to consumers in the State that are not on the minimum recyclable materials list created under Section 35. A producer that manages a type of packaging material under an approved alternative collection program through reuse, recycling, or composting may wholly or partially offset the producer's payment obligations under the packaging stewardship program with respect to that same type of packaging material only.

(b) A producer or producer responsibility organization seeking to implement an alternative collection program shall
submit a program plan for the alternative program in accordance with Section 45. The Agency shall review and approve or deny the program plan for the alternative program in accordance with Section 70.

(c) A producer or producer responsibility organization operating an alternative collection program shall report annually to the Agency on the status of the program in accordance with the requirements for annual program plan reports described in Section 85.

Section 80. Outreach and education; producer responsibility website.

(a) Each producer, individually or collectively through a producer responsibility organization, shall provide effective outreach, education, and communications resources about the program that can be used by retailers, collectors, government agencies, nonprofit organizations, and other entities regarding:

(1) proper end-of-life management of covered materials;

(2) the location and availability of curbside recycling and drop-off collection opportunities;

(3) how to reduce waste, access reuse programs, and prevent litter of covered materials; and

(4) recycling instructions that are (i) consistent statewide, except as necessary to take into account
differences among local laws and processing capabilities, (ii) easy to understand, and (iii) easily accessible.

(b) Producers, either individually or jointly through a producer responsibility organization, shall collectively initially allocate a minimum of $0.50 per resident of the State annually to be spent on education and outreach. The amount shall be increased pursuant to subdivision (g) if performance targets are not met. Counties, municipal joint action agencies, or cities with a population greater than 1,000,000 may choose to receive up to 50% of the allocated funding per resident within their jurisdiction annually from producers or a producer responsibility organization to be spent on education and outreach about the program within the county, municipal joint action agency, or city. Where funding is provided to counties or municipal joint action agencies, they must collaborate with covered entities within their jurisdiction and producers or a producer responsibility organization to develop an overall education plan.

(c) Producers, either individually or jointly with other producers through a producer responsibility organization, shall undertake direct outreach, education, and communications that are designed to assist in attaining or exceeding recovery and recycling rates under this Act using any funds available after funding is distributed to municipal joint action agencies and county governments. A producer or producer responsibility organization may choose to dedicate additional
funding to outreach efforts.

(d) The outreach and education required under this Section shall:

(1) be designed to achieve the management goals of covered materials under this Act, including, but not limited to, the prevention of contamination of covered materials;

(2) incorporate, at a minimum, electronic, print, web-based, social media, and community-based social marketing elements;

(3) use consistent and easy to understand messaging and education statewide that is adapted for the diverse communities of the State, with the aim of reducing resident confusion regarding the recyclability and end-of-life management options available for different covered materials;

(4) be conceptually, linguistically, and culturally accurate for the communities served and reach the State's diverse ethnic populations, including, but not limited to, through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts;

(5) include, at a minimum:

(A) consulting on education, outreach, and communications with units of local government and other stakeholders;
(B) coordinating with and assisting local municipal programs, municipal contracted programs, solid waste collection companies, and other entities providing services; and

(C) developing and providing outreach and education to the diverse ethnic populations in the State; and

(6) include a plan to work with participating producers to use labels or markings on covered materials to educate consumers about their proper end-of-life management, including, but not limited to, a plan for how labeling will improve over time and a plan for the creation of consistent labeling standards.

(e) Producers, either individually or jointly with other producers through a producer responsibility organization, shall maintain a public website which shall, at a minimum, provide the following information:

(A) each producer participating in the approved program plan;

(B) the brands and types of covered materials of the producers participating in the approved program plan; and

(C) all approved plans, annual reports, and audit results required under this Act.

The website shall include information to notify the public about how to properly recycle or otherwise dispose of covered materials.
(f) The Advisory Council, with data reported in the annual report required under Section 85, shall evaluate the effectiveness of outreach and education efforts under this Section to determine whether modification of a program plan is necessary to improve the outreach and education efforts. The Agency may require a producer or producer responsibility organization to develop information that may be used to improve outreach and education efforts under this Section.

(g) If, within one year after modification of a program plan in accordance with this Section, the Advisory Council determines a producer or producer responsibility organization is still not on track to meet performance targets, the Agency may require a producer or producer responsibility organization to submit a revised program plan to increase expenditures on education and infrastructure, as needed, by a minimum of 10%. The Agency may require the submission of subsequent revised plans to increase the allocated funding required for education and outreach as needed to ensure the program achieves the established performance targets.

(h) Producers, either individually or jointly with other producers through a producer responsibility organization, shall inform retailers of their obligation to sell only covered materials of producers participating in an approved program plan.

Section 85. Reporting requirements and audits.
(a) On or before May 1, 2027, and annually thereafter, producers, either individually or jointly with other producers through a producer responsibility organization, shall submit a report to the Agency that details the performance for the prior calendar year's program. Producers, either individually or jointly with other producers through a producer responsibility organization, shall provide a copy of the annual report to the Advisory Council for review and feedback prior to submission to the Agency and shall allow 30 days for the Advisory Council to provide written comment. A producer or producer responsibility organization shall submit to the Agency any written comments on the annual report received from the Advisory Council as an attachment to the report. The annual report shall include, at a minimum:

(1) the weight, in tons, of covered materials sold or distributed into the State by the producer or producers who are members of a producer responsibility organization by material type and format;

(2) a description of any methods used to collect, transport, and process covered materials, including, but not limited to, a description of collection methods made available to the public and an evaluation of the program's collection convenience;

(3) a description of the management of covered materials, including, but not limited to, reuse, recycling, and composting rates, by material type;
(4) a calculation of the reuse, recycling, composting, and postconsumer recycled content rates with supporting data by covered material type, provided that packaging or paper products for which a waiver of postconsumer recycled content is granted in accordance with Section 100 shall not be included in the calculation of postconsumer recycled content rates, and a description of their status and progress toward achieving the performance targets set forth in this Act, including, but not limited to, the requirements in subsection (d) of Section 30 and the performance targets established in the program plan pursuant to Section 35, and a description of the efforts proposed in the event of failing to achieve such rates;

(5) data on the weight of reclaimed covered materials, by material type, including, but not limited to, the form of any covered materials transported out of state;

(6) a description of the process used to verify the method by which reclaimed covered materials were managed;

(7) information on the weight and type of contamination in the recycling streams of covered materials and the efforts proposed to reduce contamination, including, but not limited to, through consumer outreach and education;

(8) the total cost of implementing the program as determined by an independent financial audit;

(9) the status of the grants and programs implemented
under the waste prevention and reuse program and the composting infrastructure and education program;

(10) independently audited financial statements detailing all payments received from producers covered by the approved plan and issued by a producer responsibility organization;

(11) a copy of the independent financial audit;

(12) a detailed description of the dues structure for participating producers, including, but not limited to, any incentives or disincentives for covered materials by type, an evaluation of the effectiveness of such dues structure and incentives, and a proposed schedule of dues for the following program year;

(13) a detailed description of how the program compensated covered entities, public and private haulers, MRFs, and other service providers for their recycling efforts and other related services;

(14) a description of any outreach and education efforts, including, but not limited to, the results of those efforts and sample educational materials as well as recommendations, if any, for how the educational component of the program can be improved;

(15) the status of packaging innovation and design characteristics to prevent littering, make covered materials reusable, and reduce overall covered material waste;
(16) a calculation of the waste prevention rate with supporting data by covered material type;

(17) a detailed description of investments made in infrastructure and market development as related to this Act;

(18) as applicable, the total amount, by weight, of each type of covered material collected and managed by each participating producer through alternative collection programs approved under Section 75;

(19) as applicable, the total amount, by weight, of each type of covered material produced for which postconsumer recycled content requirements are waived under Section 100; and

(20) any other information required by the Advisory Council upon its review of the report.

(b) If a producer or producer responsibility organization is required to provide information in the annual report that it considers to be proprietary, privileged, or confidential, the information shall be provided with a claim that the information is proprietary, privileged, or confidential in accordance with the requirements for exemption under Section 7 of the Freedom of Information Act. A producer or producer responsibility organization shall provide both a complete copy and a redacted copy of the annual report to the Agency.

(c) No later than 60 days after the date the Agency receives the annual report, the Agency shall notify a producer
or producer responsibility organization of any deficiencies in
the report. No later than 30 days after receiving this notice
from the Agency, a producer or producer responsibility
organization shall submit to the Agency additional information
to correct the deficiencies. No later than 30 days after
receiving the additional information, the Agency shall notify
a producer or producer responsibility organization of any
uncorrected deficiencies, with continuing response and review
periods of no more than 30 days until the report is approved by
the Agency. Upon final approval by the Agency, the report
shall be posted on the Agency's website and on the website of
the producer or the producer responsibility organization
acting on the producer's behalf. If applicable, the version of
the report to be posted publicly shall be the redacted
version.

(d) Any proposed activities or recommendations from the
annual report shall be evaluated by the Advisory Council for
progress and shall be taken into consideration when reviewing
the report. If a producer or producer responsibility
organization is not on target to meet the performance
requirements or other required components of the plan, the
Agency, in consultation with the Advisory Council, shall
require the producer or producer responsibility organization
to submit a revised program plan designed to meet the
performance requirements or other required components of the
plan.
Section 90. Limited antitrust protections. A producer or producer responsibility organization that organizes the collection, transportation, and processing of covered materials, in accordance with a program plan approved under this Act, shall not be liable for any claim of a violation of antitrust, restraint of trade, or unfair trade practice arising from conduct undertaken in accordance with the program pursuant to this Act. However, this Section shall not apply to any agreement establishing or affecting the price of a covered material, product, or the output or production of any agreement restricting the geographic area or customers to which a covered material or product will be sold.

Section 95. Penalties.

(a) Except as otherwise provided in this Act, any person who violates any provision of this Act is liable for a civil penalty of $7,000 per violation per day.

(b) The penalties provided for in this Section may be recovered in a civil action brought in the name of the People of the State of Illinois by the State's Attorney of the county in which the violation occurred or by the Attorney General. Any penalties collected under this Section in an action in which the Attorney General has prevailed shall be deposited in the Environmental Protection Trust Fund.

(c) The Attorney General or the State's Attorney of a
county in which a violation occurs may institute a civil
action for an injunction, prohibitory or mandatory, to
restrain violations of this Act or to require such actions as
may be necessary to address violations of this Act.

(d) The penalties and injunctions provided in this Act are
in addition to any penalties, injunctions, or other relief
provided under any other law. Nothing in this Act bars a cause
of action by the State for any other penalty, injunction, or
other relief provided by any other law.

(e) Any person who knowingly makes a false, fictitious, or
fraudulent material statement, orally or in writing, to the
Agency, related to or required by this Act or any rule adopted
under this Act commits a Class 4 felony, and each such
statement or writing shall be considered a separate Class 4
felony. A person who violates this subsection a second or
subsequent time after being convicted under this subsection
commits a Class 3 felony.

Section 100. Postconsumer recycled content. Postconsumer
recycled content requirements in specific products may be
waived by the Agency if demonstration is made and the Agency
approves, in writing, that:

(1) the manufacturer cannot achieve the postconsumer
recycled content requirements and remain in compliance
with applicable rules and regulations adopted by the
United States Food and Drug Administration, or any other
State or federal law, rule, or regulation;
(2) it is not technologically feasible for the manufacturer to achieve the postconsumer recycled content requirements;
(3) the manufacturer cannot comply with the postconsumer recycled content requirements due to inadequate availability of recycled material or a substantial disruption in the supply of recycled material; or
(4) the manufacturer cannot comply for another reason as determined by the Agency by rule, regulation, or guidance.

Section 105. Other assistance programs. Nothing in this Act shall impact an entity's eligibility for any State or local incentive or assistance program to which the entity is otherwise eligible.

Section 997. Severability. The provisions of this Act shall be severable and if any phrase, clause, sentence or provision of this Act or the applicability thereof to any person or circumstance shall be held invalid, the remainder of this Act and the application thereof shall not be affected thereby.

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