



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB3795

Introduced 2/9/2024, by Sen. Adriane Johnson

#### SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.1015 new

30 ILCS 105/5.1016 new

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

LRB103 39292 MXP 69446 b

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the  
5 Plastic Pollution and Recycling Modernization Act.

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

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

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

1 responsibility to reduce those impacts.

2 Section 10. Definitions. In this Act:

3 "Agency" means the Environmental Protection Agency.

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

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

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

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

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

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

25 (1) Scrap metal recycling facilities.

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

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

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

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

11           (6) Recycling depots.

12           (7) Recycling reload facilities.

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

15 "Contaminant" means:

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

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

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

1 "Covered electronic device" means:

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

8 "Covered product" means any of the following:

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

12 "Covered product" does not include the following:

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

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

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

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

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

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

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

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

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

1 sales.

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

4 (A) Prescription drugs.

5 (B) Nonprescription drugs.

6 (C) Drugs marketed under a brand name.

7 (D) Drugs marketed under a generic name.

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

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

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

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

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

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

1 value is established under Illinois law.

2 (17) Packaging for products:

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

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

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

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

19 (1) generally intended for single use; and

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

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

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



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

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

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

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

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

16 "Packaging" means:

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

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

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

25 "Packaging" does not include:

26 (1) food serviceware; or

1 (2) sharps.

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

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

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

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

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

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

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

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

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

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

1 population being served, and expanded depots.

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

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

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

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

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

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

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

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

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

12 "Small producer" means a producer that:

13 (1) is a nonprofit organization;

14 (2) is a public body;

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

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

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

25 (6) is:

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

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

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

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

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

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

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

17 (1) A collection service franchise holder.

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

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

1 Section 15. Determining producers of covered products.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Section 20. Producers and producer responsibility  
6 organizations.

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

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

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

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



1 that covered product under this Act.

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

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

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

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

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

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

26 (2) identified on the uniform statewide collection

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

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

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

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

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

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

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

24 (1) Methods for calculating market share.

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

1 organizations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25          Section 25. Exemptions.

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

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

8 Section 30. Producer responsibility program plan.

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

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

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

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

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

5 (C) Maximize the use of existing infrastructure.

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

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

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

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

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

26 (i) The type and general locations of

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

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

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

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

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

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

26 (ii) A description of how the proposed method

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

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

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

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

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

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

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

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

26 (3) Describe the structure of the producer



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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (11) Describe how the producer responsibility

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

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

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

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

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

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

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

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

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

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

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

23           Section 35. Approval by the Agency.

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

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

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

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

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

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

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

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

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

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

16 Section 40. Producer responsibility program plan  
17 amendments.

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

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

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

1 (B) under Section 95.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) satisfies the requirements of subsection (a); and

2 (2) provides incentives to members to change the way  
3 the members produce, use, and market materials in order to  
4 reduce environmental impacts.

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

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

19 Section 50. Annual report.

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

25 (1) cover the prior calendar year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26          (14) A description of activities undertaken by the

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

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

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

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

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

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

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

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

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

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

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

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

26          (26) A description of activities undertaken by the

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

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

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

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

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



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

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

9 The Agency may bring an enforcement action if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Eligible costs under this subsection include the  
4 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 60. Development of educational resources.

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

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

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

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

23 (4) Container signs or decals.

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



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

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

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

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

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

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

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

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

1 developed under this Section.

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

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

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

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

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

26 (i) Educational resources developed under this Section

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Section 70. Illinois Recycling System Advisory Council.

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

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

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

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

12 (A) Four representatives of units of local  
13 government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           Section 75. Duties of the council.

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

23           (1) Review activities related to this Act.

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

1 this Act.

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

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

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

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

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

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

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

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



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

3 (B) The uniform statewide collection list.

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

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

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

13 (D) Statewide educational resources and campaigns.

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

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

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

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

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

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

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

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

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

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

1 facility:

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

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

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

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

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

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

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

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

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

5 (1) Ensure adequate space for collection.

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

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

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

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

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

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

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

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

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

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

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

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

3           (2) Environmental health and safety considerations.

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

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

8           (5) The amount of the material available.

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

11          (7) Contamination.

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

14          (9) Economic factors.

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

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

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

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

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

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

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

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

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

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

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

23 Section 100. Specifically identified materials.

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

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

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

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

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

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

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

18 Section 105. Contamination management fee.

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



1 adopted under this Section must:

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

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

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

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

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

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

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

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

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

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

11 Section 110. Processor commodity risk fee.

12 (a) In this Section:

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

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

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

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

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

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

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

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

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

1 is appropriately charged.

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

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

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

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

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

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

26 (B) The sources of the published market values

1 used.

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

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

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

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

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

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

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

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

8 Section 115. Evaluation of federal laws.

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

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

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

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

24 (b) The needs assessment may include recommendations for

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

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

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

19 Section 125. Recycling rate of plastic.

20 (a) In this Section:

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

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

1 such as proteins or starches.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

11          Section 130. Contamination reduction.

12          (a) The Agency shall perform the following:

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

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

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

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

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

1 the needs of diverse populations.

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

9 (4) Once every 4 years:

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

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

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

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

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

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

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

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

12 (3) includes:

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

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

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

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

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

3 Section 135. Equity study.

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

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

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

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

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

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

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

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

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

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

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

23 Section 140. Multifamily housing needs assessment.

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

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

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

24 Section 145. Fees.

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

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

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

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

17          Section 150. Waste prevention and reuse.

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

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



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

4 (1) Public bodies.

5 (2) Tribal governments.

6 (3) Nonprofit organizations.

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

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

12 (1) The environmental benefits of the program.

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

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

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

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

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

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

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

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

13 (2) require large producers to:

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

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

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

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

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

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

11 Section 170. Truth in Labeling Task Force.

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

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

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

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

20 (3) The Governor shall appoint the following:

21 (A) Five members to represent producers.

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

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

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

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

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

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

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

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

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

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

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

1 operation of the task force.

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

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

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

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

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

20 Section 175. Permit required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Section 180. Certification program.

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

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

15 Section 185. Contamination.

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

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



1 Section 190. Enforcement and recordkeeping.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Section 195. Truth in composting.

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

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

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

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

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

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

12 Section 210. State procurement assessment.

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

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

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

1 limitation.

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

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

11 (5) Recommendations for legislation.

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

17 Section 215. Compostability study.

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

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

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

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

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

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

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

14          Section 900. The State Finance Act is amended by adding  
15 Sections 5.1015 and 5.1016 as follows:

16           (30 ILCS 105/5.1015 new)

17           Sec. 5.1015. The Producer Responsibility Fund.

18           (30 ILCS 105/5.1016 new)

19           Sec. 5.1016. The Waste Prevention and Reuse Fund.

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