



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 2313

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2313 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Electronic Products Recycling and Reuse Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds all of the following:

8 (1) Electronic products are the fastest growing  
9 portion of the solid waste stream. In 2005, 2,600,000 tons  
10 of electronic products became obsolete yet only 13% of  
11 those products were recycled.

12 (2) Many electronic products contain lead, mercury,  
13 cadmium, hexavalent chromium, and other materials that  
14 pose environmental and health risks that must be managed.

15 (3) Many obsolete electronic products can be recycled  
16 or refurbished for reuse and then returned to the economic

1 mainstream in the form of raw materials or products.

2 (4) Electronic products contain metals, plastics, and  
3 leaded glass that have resale value. The reuse of these  
4 components conserves natural resources and energy, and the  
5 reuse also reduces air and water pollution and greenhouse  
6 gas emissions.

7 (5) A management is necessary to place the reuse and  
8 recycling of obsolete residential electronic products as  
9 the preferred management strategy over incineration and  
10 landfill disposal.

11 (6) The Illinois Recycling Economic Information Study  
12 of 2001 estimates that the total economic impact of  
13 establishing statewide recycling and reuse programs for  
14 residential electronic products may result in the creation  
15 of nearly 4,000 new jobs and \$740 million in annual  
16 receipts.

17 (7) The State-appointed Computer Equipment Disposal  
18 and Recycling Commission issued a final report in May 2006  
19 recommending legislative, regulatory, or other actions to  
20 properly address the recycling and reuse of obsolete  
21 residential electronic products.

22 (b) The purpose of this Act is to set forth procedures by  
23 which the recycling and processing for reuse of covered  
24 electronic devices will be accomplished in Illinois.

25 Section 10. Definitions. As used in this Act:

1 "Agency" means the Environmental Protection Agency.

2 "Cathode ray tube" means a vacuum tube or picture tube used  
3 to convert an electronic signal into a visual image, such as a  
4 television or computer monitor.

5 "Collector" means a person who receives covered electronic  
6 devices or eligible electronic devices directly from a  
7 residence for recycling or processing for reuse. "Collector"  
8 includes, but is not limited to, manufacturers, recyclers, and  
9 refurbishers who receive CEDs or EEDs directly from the public.

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

18 (1) "Desktop computer", which means an electronic,  
19 magnetic, optical, electrochemical, or other high-speed  
20 data processing device performing logical, arithmetic, or  
21 storage functions for general purpose needs that are met  
22 through interaction with a number of software programs  
23 contained therein, and that is not designed to exclusively  
24 perform a specific type of logical, arithmetic, or storage  
25 function or other limited or specialized application.  
26 Human interface with a desktop computer is achieved through

1 a standalone keyboard, stand-alone monitor, or other  
2 display unit, and a stand-alone mouse or other pointing  
3 device, and is designed for a single user. A desktop  
4 computer has a main unit that is intended to be  
5 persistently located in a single location, often on a desk  
6 or on the floor. A desktop computer is not designed for  
7 portability and generally utilizes an external monitor,  
8 keyboard, and mouse with an external or internal power  
9 supply for a power source. Desktop computer does not  
10 include an automated typewriter or typesetter; or

11 (2) "Notebook computer", which means an electronic,  
12 magnetic, optical, electrochemical, or other high-speed  
13 data processing device performing logical, arithmetic, or  
14 storage functions for general purpose needs that are met  
15 through interaction with a number of software programs  
16 contained therein, and that is not designed to exclusively  
17 perform a specific type of logical, arithmetic, or storage  
18 function or other limited or specialized application.  
19 Human interface with a notebook computer is achieved  
20 through a keyboard, video display greater than 4 inches in  
21 size, and mouse or other pointing device, all of which are  
22 contained within the construction of the unit that  
23 comprises the notebook computer; supplemental stand-alone  
24 interface devices typically can also be attached to the  
25 notebook computer. Notebook computers can use external,  
26 internal, or batteries for a power source. Notebook

1 computer does not include a portable handheld calculator,  
2 or a portable digital assistant or similar specialized  
3 device. A notebook computer has an incorporated video  
4 display greater than 4 inches in size and can be carried as  
5 one unit by an individual. A notebook computer is sometimes  
6 referred to as a laptop computer.

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

11 "Covered electronic device" or "CED" means any computer,  
12 computer monitor, or television that is taken out of service  
13 from a residence in this State regardless of purchase location.

14 "Covered electronic device" does not include any of the  
15 following:

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

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

1 equipment; or

2 (3) an electronic device that is contained within a  
3 clothes washer, clothes dryer, refrigerator, refrigerator  
4 and freezer, microwave oven, conventional oven or range,  
5 dishwasher, room air conditioner, dehumidifier, water  
6 pump, sump pump, or air purifier.

7 To the extent allowed under federal and State laws and  
8 regulations, a CED that is being collected, recycled, or  
9 processed for reuse is not considered to be hazardous waste,  
10 household waste, solid waste, or special waste.

11 "Dismantling" means the demanufacturing and shredding of a  
12 CED.

13 "Eligible electronic device" or "EED" means any of the  
14 following electronic products taken out of service from a  
15 residence in this State regardless of purchase location: mobile  
16 telephone; electronic printer; computer cable, mouse, or  
17 keyboard; facsimile machine; MP3 player; portable digital  
18 assistant (PDA); video game console, video cassette  
19 recorder/player, digital video disk player, or similar video  
20 device; zip drive; or scanner. To the extent allowed under  
21 federal and state laws and regulations, an EED that is being  
22 collected, recycled, or processed for reuse is not considered  
23 to be hazardous waste, household waste, solid waste, or special  
24 waste.

25 "Manufacturer" means a person, or a successor in interest  
26 to a person, under whose brand or label a CED is or was sold at

1 retail. For CEDs sold at retail under a brand or label that is  
2 licensed from a person who is a mere brand owner and who does  
3 not sell or produce the CED, the person who produced the CED or  
4 his or her successor in interest is the manufacturer. For CEDs  
5 sold that were at retail under the brand or label of both the  
6 retail seller and the person that produced the CED, the person  
7 that produced the CED, or his or her successor in interest, is  
8 the manufacturer. A retail seller of CEDs may elect to be the  
9 manufacturer of one or more CEDs if the retail seller provides  
10 written notice to the Agency that it is accepting  
11 responsibility as the manufacturer of the CED under this Act  
12 and identifies the CEDs for which it is electing to be the  
13 manufacturer.

14 "Orphan CEDs" means those CEDs that are returned for  
15 recycling, or processing for reuse, whose manufacturer cannot  
16 be identified, or whose manufacturer is no longer conducting  
17 business and has no successor in interest.

18 "Person" means any individual, partnership,  
19 co-partnership, firm, company, limited liability company,  
20 corporation, association, joint stock company, trust, estate,  
21 political subdivision, State agency, or any other legal entity,  
22 or a legal representative, agent, or assign of that entity.

23 "Processing for reuse" means any method, technique, or  
24 process by which CEDs or EEDs that would otherwise be disposed  
25 of or discarded are instead separated, processed, and returned  
26 to their original intended purposes or to other useful purposes

1 as electronic devices.

2 "Program Year" means a calendar year. The first program  
3 year is 2010.

4 "Recycler" means a person who engages in the recycling of  
5 CEDs or EEDs.

6 "Recycling" means any method, technique, or process by  
7 which CEDs or EEDs that would otherwise be disposed of or  
8 discarded are instead collected, separated, or processed and  
9 are returned to the economic mainstream in the form of raw  
10 materials or products. "Recycling" includes the collection,  
11 transportation, dismantling, and shredding of the CEDs or EEDs.

12 "Refurbisher" means any person who processes CEDs or EEDs  
13 for reuse.

14 "Retailer" means a person who sells, rents, or leases,  
15 through sales outlets, catalogues, or the Internet, computers,  
16 computer monitors, or televisions at retail to individuals in  
17 this State. For purposes of this Act, sales to individuals at  
18 retail are considered to be sales for residential use.  
19 "Retailer" includes, but is not limited to, manufacturers who  
20 sell computers, computer monitors, or televisions at retail  
21 directly to individuals in this State.

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



1 "Television" means an electronic device (i) containing a  
2 cathode-ray tube or flat panel screen the size of which is  
3 greater than 4 inches when measured diagonally, (ii) that is  
4 intended to receive video programming via broadcast, cable, or  
5 satellite transmission or to receive video from surveillance or  
6 other similar cameras, and (iii) that is used only in a  
7 residence.

8 Section 15. Statewide recycling and reuse goals for all  
9 covered electronic devices.

10 (a) For program year 2010, the statewide recycling or reuse  
11 goal for all CEDs is the product of: (i) the latest population  
12 estimate for the State, as published on the U.S. Census  
13 Bureau's website on January 1, 2010; multiplied by (ii) 3.54  
14 pounds per capita.

15 (b) For program year 2011, the statewide recycling or reuse  
16 goal for all CEDs is the product of: (i) the 2010 base weight;  
17 multiplied by (ii) the 2010 goal attainment percentage.

18 For the purposes of this subsection (b):

19 The "2010 base weight" means the greater of: (i) twice the  
20 total weight of all CEDs that were recycled or processed for  
21 reuse between January 1, 2010 and June 30, 2010 as calculated  
22 by the Agency from reports submitted under subsection (i) or  
23 (j) of Section 30; or (ii) twice the total weight of all CEDs  
24 that were recycled or processed for reuse between January 1,  
25 2010 and June 30, 2010 as calculated by the Agency from reports

1 submitted under subsection (c) of Section 55.

2 The "2010 goal attainment percentage" means:

3 (1) 90% if the 2010 base weight is 90% or less of the  
4 statewide recycling or reuse goal for program year 2010;

5 (2) 95% if the 2010 base weight is greater than 90% but  
6 does not exceed 95% of the statewide recycling or reuse  
7 goal for program year 2010;

8 (3) 100% if the 2010 base weight is greater than 95%  
9 but does not exceed 100% of the statewide recycling or  
10 reuse goal for program year 2010;

11 (4) 105% if the 2010 base weight is greater than 105%  
12 but does not exceed 110% of the statewide recycling or  
13 reuse goal for program year 2010; and

14 (5) 110% if the 2010 base weight is greater than 110%  
15 of the statewide recycling or reuse goal for program year  
16 2010.

17 (c) For program years 2012 and thereafter, the statewide  
18 recycling or reuse goal for all CEDs is the product of: (i) the  
19 base weight; multiplied by (ii) the goal attainment percentage.

20 For the purposes of this subsection (c):

21 The "base weight" means the greater of: (i) the total  
22 weight of all CEDs recycled or processed for reuse during the  
23 previous program year as calculated by the Agency from reports  
24 submitted under subsection (k) or (l) of Section 30; or (ii)  
25 the total weight of all CEDs recycled or processed for reuse  
26 during the previous program year as calculated by the Agency

1 from reports submitted under subsection (d) of Section 55.

2 The "goal attainment percentage" means:

3 (1) 90% if the base weight is 90% or less of the  
4 statewide recycling or reuse goal for the previous program  
5 year;

6 (2) 95% if the base weight is greater than 90% but does  
7 not exceed 95% of the statewide recycling or reuse goal for  
8 the previous program year;

9 (3) 100% if the base weight is greater than 95% but  
10 does not exceed 100% of the statewide recycling or reuse  
11 goal for the previous program year;

12 (4) 105% if the base weight is greater than 105% but  
13 does not exceed 110% of the statewide recycling or reuse  
14 goal for the previous program year; and

15 (5) 110% if the base weight is greater than 110% of the  
16 statewide recycling or reuse goal for the previous program  
17 year.

18 Section 16. Statewide recycling or reuse goals for all  
19 television manufacturers.

20 (a) For program year 2010, the statewide recycling or reuse  
21 goal for television manufacturers is 53% of the statewide goal  
22 for all CEDs under subsection (a) of Section 15.

23 (b) For program year 2011, the statewide recycling or reuse  
24 goal for television manufacturers is the product of: (i) an  
25 amount equal to the total weight of televisions that were

1 recycled or processed for reuse between January 1, 2010 and  
2 June 30, 2010, as reported under subsection (i) of Section 30,  
3 divided by the total weight of all CEDs that were recycled or  
4 processed for reuse between January 1, 2010 and June 30, 2010,  
5 as reported under subsection (i) of Section 30; multiplied by  
6 (ii) the statewide recycling or reuse goal for all CEDs under  
7 subsection (b) of Section 15.

8 (c) For program years 2012 and thereafter, the statewide  
9 recycling or reuse goal for television manufacturers is the  
10 product of: (i) an amount equal to the total weight of  
11 televisions recycled or processed for reuse during the previous  
12 program year, as reported under subsection (d) of Section 20,  
13 divided by the total weight of all CEDs recycled or processed  
14 for reuse, as reported under subsection (d) of Section 20;  
15 multiplied by (ii) the statewide recycling or reuse goal for  
16 all CEDs under subsection (c) of Section 15.

17 Section 17. Statewide recycling or reuse goals for all  
18 computer and computer monitor manufacturers.

19 (a) For program year 2010, the statewide recycling or reuse  
20 goal for computer and computer monitor manufacturers is 47% of  
21 the statewide goal for all CEDs under subsection (a) of Section  
22 15.

23 (b) For program year 2011, the statewide recycling or reuse  
24 goal for computer and computer monitor manufacturers is the  
25 product of: (i) an amount equal to the total weight of

1 computers and computer monitors that were recycled or processed  
2 for reuse between January 1, 2010 and June 30, 2010, as  
3 reported under subsection (j) of Section 30, divided by the  
4 total weight of all CEDs that were recycled or processed for  
5 reuse between January 1, 2010 and June 30, 2010, as reported  
6 under subsection (j) of Section 30; multiplied by (ii)  
7 statewide recycling or reuse goal for all CEDs under subsection  
8 (b) of Section 15.

9 (c) For program years 2012 and thereafter, the statewide  
10 recycling or reuse goal for for computer and computer monitor  
11 manufacturers is the product of: (i) an amount equal to the  
12 total weight of computers and computer monitors recycled or  
13 processed for reuse during the previous program year, as  
14 reported under subsection (d) of Section 20, divided by the  
15 total weight of all CEDs recycled or processed for reuse, as  
16 reported under subsection (d) of Section 20; multiplied by (ii)  
17 statewide recycling or reuse goal for all CEDs under subsection  
18 (c) of Section 15.

19 Section 18. Determination of market shares and return  
20 shares.

21 (a) The recycling or reuse goal for each television  
22 manufacturer is based upon that manufacturer's market share.  
23 The market share for each television manufacturer is the  
24 following:

25 (1) For program year 2010, the quotient of: (i) the

1 total weight of the manufacturer's televisions that were  
2 sold at retail in this State to individuals between October  
3 1, 2008 and March 31, 2009, as reported under subsection  
4 (h) of Section 30; divided by (ii) the total weight of all  
5 televisions that were sold at retail in this State to  
6 individuals between October 1, 2008 and March 31, 2009, as  
7 reported under subsection (h) of Section 30.

8 (2) For program year 2011, the quotient of: (i) the  
9 total weight of the manufacturer's televisions that were  
10 sold at retail in this State to individuals between January  
11 1, 2010 and June 30, 2010, as reported under subsection (i)  
12 of Section 30; divided by (ii) the total weight of all  
13 televisions that were sold at retail in this State to  
14 individuals between January 1, 2010 and June 30, 2010, as  
15 reported under subsection (i) of Section 30.

16 (3) For program years 2012 and thereafter, the quotient  
17 of: (i) the total weight of the manufacturer's televisions  
18 that were sold at retail in this State to individuals  
19 during the previous program year, as reported under  
20 subsection (k) of Section 30; divided by (ii) the total  
21 weight of all televisions sold at retail in this State to  
22 individuals during the previous program year, as reported  
23 under subsection (k) of Section 30.

24 (b) The recycling or reuse goals for each manufacturer of  
25 computers or computer monitors is based upon that  
26 manufacturer's return share. The return share for each

1 manufacturer of computers or computer monitors is the  
2 following:

3 (1) For program year 2010, the return share for each  
4 manufacturer shall be determined using the information the  
5 Florida Department of Environmental Protection used to  
6 create its October 5, 2007, report entitled "Quantifying  
7 Electronic Product Brand Market Share as a Metric for  
8 Apportioning Manufacturer Share of Recycling System  
9 Costs". Using the same information that was used to  
10 generate Tables 6 and 9 of the report, a manufacturer's  
11 return share shall be equal to the quotient of: (i) the sum  
12 of the number of the manufacturer's computers received for  
13 recycling plus the number of the manufacturer's computer  
14 monitors received for recycling, divided by (ii) the sum of  
15 the total number of computers received for recycling plus  
16 the total number computer monitors received for recycling.

17 (2) For program year 2011, the quotient of: (i) the  
18 total weight of the manufacturer's computers and computer  
19 monitors that were taken out of service from a residence in  
20 this State and recycled or processed for reuse between  
21 January 1, 2010 and June 30, 2010, as reported under  
22 subsection (j) of Section 30; divided by (ii) the total  
23 weight of all computers and computer monitors that were  
24 taken out of service from a residence in this State and  
25 recycled or processed for reuse between January 1, 2010 and  
26 June 30, 2010, as reported under subsection (j) of Section

1           30.

2           (3) For program years 2012 and thereafter, the quotient  
3           of: (i) the total weight of the manufacturer's computers  
4           and computer monitors that were taken out of service from a  
5           residence in this State and recycled or processed for reuse  
6           during the previous program year, as reported under  
7           subsection (1) of Section 30; divided by (ii) the total  
8           weight of all computers and computer monitors that were  
9           taken out of service from a residence in this State and  
10          recycled or processed for reuse during the previous program  
11          year, as reported under subsection (1) of Section 30.

12          Section 19. Recycling or reuse goals for individual  
13          manufacturers.

14          (a) The individual recycling and reuse goal for each  
15          television manufacturer is the product of (i) the statewide  
16          goal for the recycling and reuse for all television  
17          manufacturers under Section 16; multiplied by (ii) that  
18          manufacturer's market share under subsection (a) of Section 18.

19          (b) The individual recycling and reuse goal for each  
20          manufacturer of computers or computer monitors is the product  
21          of (i) the statewide goal for the recycling and reuse for all  
22          all computer and computer monitor manufacturers under Section  
23          17; multiplied by (ii) that manufacturer's return share under  
24          subsection (b) of Section 18.



1 Section 20. Agency responsibilities.

2 (a) The Agency has the authority to monitor compliance with  
3 this Act and to refer violations of this Act to the Attorney  
4 General.

5 (b) No later than October 1 of each program year, the  
6 Agency shall post on its website a list of underserved counties  
7 in the State for the next program year. The list of underserved  
8 counties for the first program year is set forth in subsection  
9 (a) of Section 60.

10 (c) By July 1, 2009, the Agency shall implement a county  
11 and municipal government education campaign to inform those  
12 entities about this Act and the implications on solid waste  
13 collection in their localities.

14 (d) By July 1, 2011 for the first program year, and by  
15 April 1 for all subsequent program years, the Agency shall  
16 report to the Governor and to the General Assembly annually on  
17 the previous program year's performance. The report must be  
18 posted on the Agency's website. The report must include, but  
19 not be limited to, the following:

20 (1) the total overall weight of CEDs, as well as the  
21 sub-total weight of computers, the sub-total weight of  
22 computer monitors, the sub-total weight of televisions,  
23 and the total weight of EEDs that were recycled or  
24 processed for reuse in the State during the program year,  
25 as reported by manufacturers and collectors under Sections  
26 30 and 55;

1           (2) a listing of all collection sites as set forth  
2 under subsection (e) of Section 55;

3           (3) a statement of the manufacturers' progress toward  
4 achieving the statewide recycling goal set forth in Section  
5 15 (calculated from the manufacturer reports pursuant to  
6 Section 30 and the collector reports pursuant to Section  
7 55) and any identified State actions that may help expand  
8 collection opportunities to help manufacturers achieve the  
9 statewide recycling goal;

10          (4) a listing of any manufacturers whom the Agency  
11 referred to the Attorney General's Office for enforcement  
12 as a result of a violation of this Act; and

13          (5) a discussion of the Agency's education and outreach  
14 activities.

15          (e) The Agency shall post on its website a list of  
16 registered collectors to whom Illinois residents can bring CEDs  
17 and EEDs for recycling or processing for reuse, including links  
18 to the collectors' websites and the collectors' phone numbers.

19          (f) In program years 2012, 2013, and 2014, and at its  
20 discretion thereafter, the Agency shall convene and host an  
21 Electronic Products Recycling Conference. The Agency may host  
22 the conferences alone or with other public entities or with  
23 organizations associated with electronic products recycling.

24          (g) No later than October 1 of each program year, the  
25 Agency must post on its website the following information for  
26 the next program year:

1           (1) The overall statewide recycling and reuse goal for  
2 CEDs, as well as the sub-goals for televisions, and  
3 computers and computer monitors, as set forth in Section  
4 15.

5           (2) The market shares of television manufacturers and  
6 the return shares of computer and computer monitor  
7 manufacturers, as set forth in Section 18, and

8           (3) The individual recycling and reuse goals for each  
9 manufacturer, as set forth in Section 19.

10           Section 30. Manufacturer responsibilities.

11           (a) Prior to April 1, 2009 for the first program year, and  
12 by October 1 for program year 2011 and thereafter,  
13 manufacturers whose computers, computer monitors, or  
14 televisions are sold in this State must register with the  
15 Agency. The registration must be submitted in the form and  
16 manner required by the Agency. The registration must include,  
17 without limitation, all of the following:

18           (1) a list of all of the manufacturer's brands of  
19 computers, computer monitors, or televisions to be offered  
20 for sale in the next program year;

21           (2) for manufacturers of both televisions and  
22 computers or computer monitors, an identification of  
23 whether, for residential use, (i) televisions or (ii)  
24 computers and computer monitors, represent the larger  
25 number of units sold for the manufacturer; and

1 (3) a statement disclosing whether:

2 (A) any computer, computer monitor, or television  
3 sold in this State exceeds the maximum concentration  
4 values established for lead, mercury, cadmium,  
5 hexavalent chromium, polybrominated biphenyls (PBBs),  
6 and polybrominated diphenyl ethers (PBDEEs) under the  
7 RoHS (restricting the use of certain hazardous  
8 substances in electrical and electronic equipment)  
9 Directive 2002/95/EC of the European Parliament and  
10 Council and any amendments thereto and, if so, an  
11 identification of that computer, computer monitor, or  
12 television; or

13 (B) the manufacturer has received an exemption  
14 from one or more of those maximum concentration values  
15 under the RoHS Directive that has been approved and  
16 published by the European Commission.

17 If, during the program year, a manufacturer's computer,  
18 computer monitor, or television is sold or offered for sale  
19 under a new brand that is not listed in the manufacturer's  
20 registration, then, within 30 days after the first sale or  
21 offer for sale under the new brand, the manufacturer must amend  
22 its registration to add the new brand.

23 (b) Prior to July 1, 2009 for the first program year, and  
24 by November 1 for program years 2011 and later, all  
25 manufacturers whose computers, computer monitors, or  
26 televisions are sold in the State shall submit to the Agency,

1 at an address prescribed by the Agency, the registration fee  
2 for the next program year. The registration fee for program  
3 year 2010 is \$5,000.

4 For program years 2011 and later, the registration fee is  
5 increased each year by an inflation factor determined by the  
6 annual Implicit Price Deflator for Gross National Product, as  
7 published by the U.S. Department of Commerce in its Survey of  
8 Current Business. The inflation factor must be calculated each  
9 year by dividing the latest published annual Implicit Price  
10 Deflator for Gross National Product by the annual Implicit  
11 Price Deflator for Gross National Product for the previous  
12 year. The inflation factor must be rounded to the nearest  
13 1/100th, and the resulting registration fee must be rounded to  
14 the nearest whole dollar. No later than October 1 of each  
15 program year, the Agency shall post on its website the  
16 registration fee for the next program year.

17 (c) A manufacturer whose computers, computer monitors, or  
18 televisions are first sold or offered for sale in this State on  
19 or after January 1 of a program year must register with the  
20 Agency in accordance with subsection (a) of this Section and  
21 submit the registration fee required under subsection (b) of  
22 this Section prior to the manufacturer's computers, computer  
23 monitors, or televisions being sold or offered for sale.

24 (d) Each manufacturer shall recycle or process for reuse  
25 CEDs and EEDs whose total weight equals or exceeds the  
26 manufacturer's individual recycling and reuse goal set forth in

1 Section 19 of this Act. Individual consumers may not be charged  
2 an end-of-life fee when bringing their CEDs and EEDs to  
3 permanent or temporary collection locations, unless a  
4 financial incentive of equal value, such as a coupon, is  
5 provided. Collectors may charge a fee for premium services such  
6 as curbside collection, home pick-up, or a similar method of  
7 collection.

8 When determining whether a manufacturer has met or exceeded  
9 its individual recycling and reuse goal set forth in Section 19  
10 of this Act, all of the following adjustments must be made:

11 (1) The total weight of CEDs processed for reuse by the  
12 manufacturer, its recyclers, or its refurbishers is  
13 doubled.

14 (2) The total weight of CEDs is tripled if they are  
15 donated for reuse by the manufacturer to a primary or  
16 secondary public education institution or to a  
17 not-for-profit entity that is established under Section  
18 501(c)(3) of the Internal Revenue Code of 1986 and whose  
19 principal mission is to assist low-income children or  
20 families or to assist the developmentally disabled in  
21 Illinois. This subsection applies only to CEDs for which  
22 the manufacturer has received a written confirmation that  
23 the recipient has accepted the donation. Copies of all  
24 written confirmations must be submitted in the annual  
25 report required under Section 30.

26 (3) The total weight of CEDs collected by manufacturers

1 free of charge in underserved counties is doubled. This  
2 subsection applies only to CEDs that are documented by  
3 collectors as being collected or received free of charge in  
4 underserved counties. This documentation must include,  
5 without limitation, the date and location of collection or  
6 receipt, the weight of the CEDs collected or received, and  
7 an acknowledgement by the collector that the CEDs were  
8 collected or received free of charge. Copies of the  
9 documentation must be submitted in the annual report  
10 required under subsection (h), (i), (j), (k), or (l) of  
11 Section 30.

12 (e) Manufacturers of computers or computer monitors,  
13 either individually or collectively, shall hire an independent  
14 third-party auditor to perform statistically significant  
15 return share samples of CEDs received by recyclers and  
16 refurbishers for recycling or processing for reuse. Each  
17 third-party auditor shall perform a return share sample of CEDs  
18 for at least one 8-hour period, once a quarter during the  
19 program year at the facility of each registered recycler and  
20 refurbisher under contract with the manufacturer or group of  
21 manufacturers that has hired the auditor. The audit shall  
22 contain the following data:

- 23 (1) the number and weight of CEDs, sorted by brand name  
24 and product type, including a category for orphan CEDs;  
25 (2) the total weight of the sample by product type;  
26 (3) the date, location, and time of the sampling;

1           (4) the name or names of the manufacturer for whom the  
2           recycler is performing activities under this Act; and

3           (5) a certification by the third-party auditor that the  
4           sampling is statistically significant and, if not, an  
5           explanation as to what occurred to render the sampling  
6           insignificant.

7           The manufacturer shall notify the Agency 30 days prior to  
8           the third-party auditor's return share sampling by providing  
9           the Agency with the time and date on which the third-party will  
10          perform the return share sample. The Agency may, at its  
11          discretion, be present at any sampling event and may audit the  
12          methodology and the results of the third-party auditor.

13          No less than 30 days after the close of each calendar  
14          quarter, the manufacturer shall submit to the Agency the  
15          results of the third-party samplings conducted during the  
16          quarter. The results shall be submitted in the form and manner  
17          required by the Agency.

18          (f) Manufacturers shall ensure that only recyclers and  
19          refurbishers that have registered with the Agency are used to  
20          meet the individual recycling and reuse goals set forth in this  
21          Act.

22          (g) Manufacturers shall ensure that the recyclers and  
23          refurbishers used to meet the individual recycling and reuse  
24          goals set forth in this Act shall, at a minimum, comply with  
25          the standards set forth under subsection (d) of Section 50 of  
26          this Act.



1           (h) By August 15, 2009, television manufacturers shall  
2 submit to the Agency, in the form and manner required by the  
3 Agency, a report that contains the total weight of televisions  
4 sold under each of the manufacturer's brands to individuals at  
5 retail in this State, as set forth in the reports to  
6 manufacturers by retailers under subsection (c) of Section 40.

7           (i) No later than September 1, 2010, television  
8 manufacturers must submit to the Agency, in the form and manner  
9 required by the Agency, a report for the period January 1, 2010  
10 through June 30, 2010 that contains the following information:

11               (1) the total weight of televisions sold under each of  
12 the manufacturer's brands to individuals at retail in this  
13 State, as set forth in the reports submitted under  
14 subsection (d) of Section 40; and

15               (2) the total weight of computers, the total weight of  
16 computer monitors, the total weight of televisions, and the  
17 total weight of EEDs recycled or processed for reuse.

18           (j) By August 15, 2010, computer and computer monitor  
19 manufacturers shall submit to the Agency, on forms and in a  
20 format prescribed by the Agency, a report for the period  
21 January 1, 2010 through June 30, 2010, that contains the total  
22 weight of computers, the total weight of computer monitors, the  
23 total weight of televisions, and the total weight of EEDs,  
24 recycled or processed for reuse.

25           (k) No later than April 1 of program years 2011 and  
26 thereafter, television manufacturers shall submit to the

1 Agency, in the form and manner required by the Agency, a report  
2 that contains the following information for the previous  
3 program year:

4 (1) the total weight of televisions sold under each of  
5 the manufacturer's brands to individuals at retail in this  
6 State, as set forth in the reports submitted under  
7 subsection (e) of Section 40;

8 (2) the total weight of computers, the total weight of  
9 computer monitors, the total weight of televisions, and the  
10 total weight of EEDs recycled or processed for reuse;

11 (3) the identification of all weights that are adjusted  
12 under subsection (d) of this Section. For all weights  
13 adjusted under item (2) of subsection (d), the manufacturer  
14 must include copies of the written confirmation required  
15 under that subsection;

16 (4) a list of each recycler, refurbisher, and collector  
17 used by the manufacturer to fulfill the manufacturer's  
18 individual recycling and reuse goal set forth in Section 19  
19 of this Act;

20 (5) a summary of the manufacturer's consumer education  
21 program required under subsection (m) of this Section.

22 (1) No later than April 1 of program years 2011 and  
23 thereafter, computer and computer monitor manufacturers shall  
24 submit to the Agency, on forms and in a format prescribed by  
25 the Agency, a report that contains the following information  
26 for the previous program year:

1           (1) the total weight of computers, the total weight of  
2 computer monitors, the total weight of televisions, and the  
3 total weight of and EEDs recycled or processed for reuse;

4           (2) the identification of all weights that are adjusted  
5 under subsection (d) of this Section. For all weights  
6 adjusted under item (2) of subsection (d), the manufacturer  
7 must include copies of the written confirmation required  
8 under that subsection;

9           (3) a list of each recycler, refurbisher, and collector  
10 used by the manufacturer to fulfill the manufacturer's  
11 individual recycling and reuse goal set forth in subsection  
12 (c) of Section 15 of this Act; and

13           (4) a summary of the manufacturer's consumer education  
14 program required under subsection (m) of this Section.

15           (m) Manufacturers must develop and maintain a consumer  
16 education program that complements and corresponds to the  
17 primary retailer-driven campaign required under Section 40 of  
18 this Act. The education program shall promote the recycling of  
19 electronic products and proper end-of-life management of the  
20 products by consumers.

21           (n) Beginning January 1 2010, no manufacturer may sell a  
22 computer, computer monitor, or television in this State unless  
23 the manufacturer is registered with the State as required under  
24 this Act, has paid the required registration fee, and is  
25 otherwise in compliance with the provisions of this Act.

26           (o) Beginning January 1, 2010, no manufacturer may sell a

1 computer, computer monitor, or television in this State unless  
2 the manufacturer's brand name is permanently affixed to, and is  
3 readily visible on, the computer, computer monitor, or  
4 television.

5 Section 40. Retailer responsibilities.

6 (a) Retailers shall be a primary source of information  
7 about end-of-life options to residential consumers of  
8 computers, computer monitors, and televisions. At the time of  
9 sale, the retailer shall provide each residential consumer with  
10 information from the Agency's website that provides  
11 information detailing where and how a consumer can recycle a  
12 CED or return a CED for reuse.

13 (b) Beginning January 1, 2010, no retailer may sell or  
14 offer for sale any computer, computer monitor, or television in  
15 or for delivery into this State unless:

16 (1) the computer, computer monitor, or television is  
17 labeled with a brand and the label is permanently affixed  
18 and readily visible; and

19 (2) the manufacturer is registered with the Agency and  
20 has paid the required registration fee as required under  
21 Section 20 of this Act.

22 This subsection (b) does not apply to any computer, computer  
23 monitor, or television that was purchased prior to January 1,  
24 2010.

25 (c) By July 1, 2009, retailers shall report to each

1 television manufacturer, by model, the number of televisions  
2 sold at retail to individuals in this State under each of the  
3 manufacturer's brands during the 6-month period from October 1,  
4 2008 through March 31, 2009.

5 (d) By August 1, 2010, retailers shall report to each  
6 television manufacturer, by model, the number of televisions  
7 sold at retail to individuals in this State under each of the  
8 manufacturer's brands between January 1, 2010 and June 30,  
9 2010.

10 (e) No later than February 15 of each program year,  
11 retailers shall report to each television manufacturer, by  
12 model, the number of televisions sold at retail to individuals  
13 in this State under each of the manufacturer's brands during  
14 the previous program year.

15 Section 50. Recycler and refurbisher registration.

16 (a) Prior to January 1 of each program year, each recycler  
17 and refurbisher must register with the Agency and submit a  
18 registration fee pursuant to subsection (b) for that program  
19 year. Registration must be on forms and in a format prescribed  
20 by the Agency and shall include, but not be limited to, the  
21 address of each location where the recycler or refurbisher  
22 manages CEDs or EEDs and identification of each location at  
23 which the recycler or refurbisher accepts CEDs or EEDs from a  
24 residence.

25 (b) The registration fee for program year 2010 is \$2,000.

1 For program years 2011 and thereafter, the registration fee is  
2 increased each year by an inflation factor determined by the  
3 annual Implicit Price Deflator for Gross National Product as  
4 published by the U.S. Department of Commerce in its Survey of  
5 Current Business. The inflation factor must be calculated each  
6 year by dividing the latest published annual Implicit Price  
7 Deflator for Gross National Product by the annual Implicit  
8 Price Deflator for Gross National Product for the previous  
9 year. The inflation factor must be rounded to the nearest  
10 1/100th, and the resulting registration fee must be rounded to  
11 the nearest whole dollar. No later than October 1 of each  
12 program year, the Agency shall post on its website the  
13 registration fee for the next program year.

14 (c) No person may act as a recycler or a refurbisher of  
15 CEDs for a manufacturer obligated to meet goals under this Act  
16 unless the recycler or refurbisher is registered and has paid  
17 the registration fee as required under this Section.

18 (d) Recyclers and refurbishers must, at a minimum, comply  
19 with all of the following:

20 (1) Recyclers and refurbishers must comply with  
21 federal, State, and local laws and regulations, including  
22 federal and State minimum wage laws, specifically relevant  
23 to the handling, processing, refurbishing and recycling of  
24 residential CEDs and must have proper authorization by all  
25 appropriate governing authorities to perform the handling,  
26 processing, refurbishment, and recycling.

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

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

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

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

15           (3) Recyclers and refurbishers must maintain (i)  
16 commercial general liability insurance or the equivalent  
17 corporate guarantee for accidents and other emergencies  
18 with limits of not less than \$1,000,000 per occurrence and  
19 \$1,000,000 aggregate and (ii) pollution legal liability  
20 insurance with limits not less than \$1,000,000 per  
21 occurrence for companies engaged solely in the dismantling  
22 activities and \$5,000,000 per occurrence for companies  
23 engaged in recycling.

24           (4) Recyclers and refurbishers must maintain on file  
25 documentation that demonstrates the completion of an  
26 environmental-health-and-safety audit completed and

1 certified by a competent internal and external auditor  
2 annually. A competent auditor is an individual who, through  
3 professional training or work experience, is appropriately  
4 qualified to evaluate the environmental health and safety  
5 conditions, practices, and procedures of the facility.  
6 Documentation of auditors' qualifications must be  
7 available for inspection by Agency officials and  
8 third-party auditors.

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

12 (6) Recyclers and refurbishers must provide adequate  
13 assurance (such as bonds or corporate guarantee) to cover  
14 environmental and other costs of the closure of the  
15 recycler or refurbisher's facility, including cleanup of  
16 stockpiled equipment and materials.

17 (7) Recyclers and refurbishers must apply  
18 due-diligence principles to the selection of facilities to  
19 which components and materials (such as plastics, metals,  
20 and circuit boards) from CEDs and EEDs are sent for reuse  
21 and recycling.

22 (8) Recyclers and refurbishers must establish a  
23 documented environmental management system that is  
24 appropriate in level of detail and documentation to the  
25 scale and function of the facility, including documented  
26 regular self-audits or inspections of the recycler or



1 refurbisher's environmental compliance at the facility.

2 (9) Recyclers and refurbishers must use the  
3 appropriate equipment for the proper processing of  
4 incoming materials as well as controlling environmental  
5 releases to the environment. The dismantling operations  
6 and storage of CED and EED components that contain  
7 hazardous substances must be conducted indoors and over  
8 impervious floors. Storage areas must be adequate to hold  
9 all processed and unprocessed inventory. When heat is used  
10 to soften solder and when CED and EED components are  
11 shredded, operations must be designed to control indoor and  
12 outdoor hazardous air emissions.

13 (10) Recyclers and refurbishers must establish a  
14 system for identifying and properly managing components  
15 (such as circuit boards, batteries, CRTs, and mercury  
16 phosphor lamps) that are removed from CEDs and EEDs during  
17 disassembly. Recyclers and refurbishers must properly  
18 manage all hazardous and other components requiring  
19 special handling from CEDs and EEDs consistent with  
20 federal, State, and local laws and regulations. Recyclers  
21 and refurbishers must provide visible tracking (such as  
22 hazardous waste manifests or bills of lading) of hazardous  
23 components and materials from the facility to the  
24 destination facilities and documentation (such as  
25 contracts) stating how the destination facility processes  
26 the materials received. No recycler or refurbisher may

1 send, either directly or through intermediaries, hazardous  
2 wastes to solid waste (non-hazardous waste) landfills or to  
3 non-hazardous waste incinerators for disposal or energy  
4 recovery. For the purpose of these guidelines, smelting of  
5 hazardous wastes to recover metals for reuse in conformance  
6 with all applicable laws and regulations is not considered  
7 disposal or energy recovery.

8 (11) Recyclers and refurbishers must use a regularly  
9 implemented and documented monitoring and record keeping  
10 program that tracks inbound CED and EED material weights  
11 (total) and subsequent outbound weights (total to each  
12 destination), injury and illness rates, and compliance  
13 with applicable permit parameters including monitoring of  
14 effluents and emissions. Recyclers and refurbishers must  
15 maintain contracts or other documents, such as sales  
16 receipts, suitable to demonstrate: (i) the reasonable  
17 expectation that there is a downstream market or uses for  
18 designated electronics (which may include recycling or  
19 reclamation processes such as smelting to recover metals  
20 for reuse); and (ii) that any residuals from recycling and  
21 or reclamation processes are properly handled and managed  
22 to maximize reuse and recycling of materials to the extent  
23 practical.

24 (12) Recyclers and refurbishers must comply with  
25 federal and international law and agreements regarding the  
26 export of used products or materials. In the case of

1 exports of CEDs and EEDs, recyclers and refurbishers must  
2 comply with applicable requirements of the U.S. and of the  
3 import and transit countries and must maintain proper  
4 business records documenting its compliance. No recycler  
5 or refurbisher may establish or use intermediaries for the  
6 purpose of circumventing these U.S. import and transit  
7 country requirements.

8 (13) Recyclers and refurbishers that conduct  
9 transactions involving the transboundary shipment of used  
10 CEDs and EEDs shall use contracts (or the equivalent  
11 commercial arrangements) made in advance that detail the  
12 quantity and nature of the materials to be shipped. For the  
13 export of materials to a foreign country (directly or  
14 indirectly through downstream market contractors): (i) the  
15 shipment of intact televisions and computer monitors  
16 destined for reuse must include only whole products that  
17 are tested and certified as being in working order or  
18 requiring only minor repair (e.g. not requiring the  
19 replacement of circuit boards or CRTs), must be destined  
20 for reuse with respect to the original purpose, and the  
21 recipient must have verified a market for the sale or  
22 donation of such product for reuse; (ii) the shipments of  
23 CEDs and EEDs for material recovery must be prepared in a  
24 manner for recycling, including, without limitation,  
25 smelting where metals will be recovered, plastics recovery  
26 and glass-to-glass recycling; or (iii) the shipment of CEDs

1 and EEDs are being exported to companies or facilities that  
2 are owned or controlled by the original equipment  
3 manufacturer.

4 (14) Recyclers and refurbishers must maintain the  
5 following export records for each shipment on file for a  
6 minimum of 3 years: (i) the facility name and the address  
7 to which shipment is exported; (ii) the shipment contents  
8 and volumes; (iii) the intended use of contents by the  
9 destination facility; (iv) any specification required by  
10 the destination facility in relation to shipment contents;  
11 (v) an assurance that all shipments for export, as  
12 applicable to the CED manufacturer, are legal and satisfy  
13 all applicable laws of the destination country.

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

22 (16) No recycler or refurbisher may employ prison labor  
23 in any operation related to the collection,  
24 transportation, recycling, and refurbishment of CEDs and  
25 EEDs. No recycler or refurbisher may employ any third-party  
26 that uses or subcontracts for the use of prison labor.

1 Section 55. Collector responsibilities.

2 (a) No later than January 1 of each program year,  
3 collectors that collect or receive CEDs or EEDs for one or more  
4 manufacturers, recyclers, or refurbishers shall register with  
5 the Agency. Registration must be in the form and manner  
6 required by the Agency and must include, without limitation,  
7 the address of each location where CEDs or EEDs are received  
8 and the identification of each location at which the collector  
9 accepts CEDs or EEDs from a residence.

10 (b) Manufacturers, recyclers, refurbishers also acting as  
11 collectors shall so indicate on their registration under  
12 Section 30 or 50 and not register separately as collectors.

13 (c) No later than August 15, 2010, collectors must submit  
14 to the Agency, on forms and in a format prescribed by the  
15 Agency, a report for the period from January 1, 2010 through  
16 June 30, 2010 that contains the following information: the  
17 total weight of computers, the total weight of computer  
18 monitors, the total weight of televisions, and the total weight  
19 of EEDs collected or received for each manufacturer.

20 (d) No later than May 1 of each program year, collectors  
21 must submit to the Agency, on forms and in a format prescribed  
22 by the Agency, a report that contains the following information  
23 for the previous program year:

24 (1) the total weight of computers, the total weight of  
25 computer monitors, the total weight of televisions, and the

1 total weight of EEDs collected or received for each  
2 manufacturer during the program year.

3 (2) a list of each recycler and refurbisher that  
4 received CEDs and EEDs from the collector and the total  
5 weight each recycler and refurbisher received.

6 (3) the address of each collector's facility where the  
7 CEDs and EEDs were collected or received. Each facility  
8 address must include the county in which the facility is  
9 located.

10 (e) Collectors may accept no more than 10 CEDs or EEDs at  
11 one time from individual members of the public and, when  
12 scheduling collection events, shall provide no fewer than 30  
13 days' notice to the county waste agency of those events.

14 Section 60. Collection strategy for underserved counties.

15 (a) For program year 2010, all counties in this State  
16 except the following are considered underserved: Champaign,  
17 Clay, Clinton, Cook, DuPage, Fulton, Hancock, Henry, Jackson,  
18 Kane, Kendall, Knox, Lake, Livingston, Macoupin, McDonough,  
19 McHenry, McLean, Mercer, Peoria, Rock Island, St. Clair,  
20 Sangamon, Shuyler, Stevenson, Warren, Will, Williamson, and  
21 Winnebago.

22 (b) For program years 2011 and later, underserved counties  
23 shall be counties in this State that, during the program year 2  
24 years prior, were not served by a minimum of one collection  
25 site that (i) accepted all types of CEDs and EEDs and (ii) was

1 open for a minimum of 8 hours on at least one day per month of  
2 that program year. For the purposes of this subsection (b),  
3 2009 shall be considered to have been a program year, and for  
4 the program year 2012 the determination of whether a county is  
5 underserved shall be based on the criteria of this subsection  
6 (b) instead of the county's inclusion in the list set forth in  
7 subsection (a) of this Section.

8 Section 65. State government procurement.

9 (a) The Department of Central Management Services shall  
10 ensure that all bid specifications and contracts for the  
11 purchase or lease of desktop computers, laptop or notebook  
12 computers, and computer monitors by State agencies under a  
13 statewide master contract require that the electronic products  
14 have a Bronze performance tier or higher registration under the  
15 Electronic Product Environmental Assessment Tool ("EPEAT")  
16 operated by the Green Electronics Council.

17 (b) The Department of Central Management Services shall  
18 ensure that bid specifications and contracts for the purchase  
19 or lease of televisions by State agencies under a statewide  
20 master contract require that the televisions have a Bronze  
21 performance tier or higher registration under EPEAT if the  
22 Department determines that there are an adequate number of the  
23 televisions registered under EPEAT to provide a sufficiently  
24 competitive-bidding environment.

25 (c) This Section applies to bid specifications issued, and

1 contracts entered into, on or after January 1, 2010.

2 Section 70. Relation to federal law. Following the adoption  
3 of a federal law or regulation that establishes mandated  
4 recycling goals for CEDs that equal or exceed the goals set  
5 forth in this Act, the Agency shall notify the General Assembly  
6 of the federal law or regulation and recommend the repeal of  
7 this Act.

8 Section 75. Severability. The provisions of this Act are  
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 80. Penalties.

11 (a) Except as otherwise provided in this Act, any person  
12 who violates any provision of this Act or fails to perform any  
13 duty under this Act is liable for a civil penalty not to exceed  
14 \$1,000 for the violation and an additional civil penalty not to  
15 exceed \$1,000 for each day the violation continues and is  
16 liable for a civil penalty not to exceed \$5,000 for a second or  
17 subsequent violation and an additional civil penalty not to  
18 exceed \$1,000 for each day the second or subsequent violation  
19 continues.

20 (b) A manufacturer that is not registered with the Agency  
21 as required under this Act, or that has not paid the  
22 registration fee as required under this Act, is liable for a  
23 civil penalty not to exceed \$10,000 for the violation and an



1 additional civil penalty not to exceed \$10,000 for each day the  
2 violation continues.

3 (c) A manufacturer in violation of subsection (d) of  
4 Section 30 of this Act in program year 2012 or thereafter is  
5 liable for a civil penalty equal to the following:

6 (1) if the total weight of CEDs and EEDs recycled or  
7 processed for reuse by the manufacturer equals or exceeds  
8 90% of the manufacturer's individual recycling or reuse  
9 goal set forth in Section 19 of this Act, the penalty is  
10 equal to the product of: (i) \$0.60 per pound; multiplied by  
11 (ii) the difference between the manufacturer's individual  
12 recycling or reuse goal and the total weight of CEDs and  
13 EEDs recycled or processed for reuse by the manufacturer  
14 during the program year;

15 (2) if the total weight of CEDs and EEDs recycled or  
16 processed for reuse by the manufacturer equals or exceeds  
17 80% of the manufacturer's individual recycling or reuse  
18 goal set forth in Section 19 of this Act, but does not  
19 equal or exceed 90% of the goal, the penalty is equal to  
20 the product of: (i) \$0.70 per pound; multiplied by (ii) the  
21 difference between the manufacturer's individual recycling  
22 or reuse goal and the total weight of CEDs and EEDs  
23 recycled or processed for reuse by the manufacturer during  
24 the program year;

25 (3) if the total weight of CEDs and EEDs recycled or  
26 processed for reuse by the manufacturer is less than 80% of

1 the manufacturer's individual recycling or reuse goal set  
2 forth in Section 19 of this Act, the penalty is equal to  
3 the product of: (i) \$0.80 per pound; multiplied by (ii) the  
4 difference between the manufacturer's individual recycling  
5 or reuse goal and the total weight of CEDs and EEDs  
6 recycled or processed for reuse by the manufacturer during  
7 the program year.

8 (d) Beginning January 1, 2010, a manufacturer in violation  
9 of subsection (e), (h), (i), (j), (k), or (l) of Section 30 is  
10 liable for a civil penalty not to exceed \$5,000 for the  
11 violation and an additional civil penalty not to exceed \$10,000  
12 for each day the violation continues.

13 (e) Any person in violation of Section 50 of this Act is  
14 liable for a civil penalty not to exceed \$5,000 for the  
15 violation and an additional civil penalty not to exceed \$10,000  
16 for each day the violation continues.

17 (f) A knowing violation of subsections (a) and (c) of  
18 Section 95 of this Act is a petty offense punishable by a fine  
19 of \$100.

20 (g) The penalties provided for in this Act may be recovered  
21 in a civil action brought by the Attorney General on behalf of  
22 the Agency and the People of the State of Illinois, or by the  
23 State's Attorney of the county in which the violation occurred.  
24 Without limiting any other authority that may exist for the  
25 awarding of attorneys' fees and costs, a court of competent  
26 jurisdiction may award costs and reasonable attorneys' fees,

1 including the reasonable costs of expert witnesses and  
2 consultants, to the Attorney General or the State's Attorney in  
3 a case where he or she has prevailed against a person who has  
4 committed a willful, knowing, or repeated violation of this  
5 Act. Any moneys collected under this Section in which the  
6 Attorney General has prevailed shall be deposited into the  
7 Electronic Recycling Fund, established under this Act. Any  
8 moneys collected under this Section in an action in which the  
9 State's Attorney has prevailed shall be retained by the county  
10 in which he or she serves.

11 (h) The Attorney General or the State's Attorney of the  
12 county in which the violation occurred may, at the request of  
13 the Agency or on his or her own motion, institute a civil  
14 action for an injunction, prohibitory or mandatory, to retrain  
15 violations of this Act or to require such actions as may be  
16 necessary to address violations of this Act.

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

22 Section 85. Electronics Recycling Fund. The Electronics  
23 Recycling Fund is created as a special fund in the State  
24 treasury. The Agency shall deposit all registration fees  
25 received under this Act into the Fund. All amounts held in the

1 Fund shall be invested at interest by the State Treasurer. All  
2 income earned from the investments shall be deposited into the  
3 Electronics Recycling Fund no less frequently than quarterly.  
4 Pursuant to appropriation, all moneys in the Electronics  
5 Recycling Fund may be used by the Agency for its administration  
6 of this Act. Any moneys appropriated from the Electronics  
7 Recycling Fund, but not obligated, shall revert to the Fund.

8 Section 90. Relation to other State laws. Nothing in this  
9 Act affects the validity or application of any other law of  
10 this State, or regulations adopted thereunder.

11 Section 95. Landfill ban.

12 (a) Beginning January 1, 2012, no person may knowingly  
13 cause or allow the mixing of a CED, or any other computer,  
14 computer monitor, or television with municipal waste that is  
15 intended for disposal at a landfill.

16 (b) Beginning January 1, 2012, no person may knowingly  
17 cause or allow the disposal of a CED or any other computer,  
18 computer monitor, or television in a sanitary landfill.

19 (c) Beginning January 1, 2012, no person may knowingly  
20 cause or allow the mixing of a CED, or any other computer,  
21 computer monitor, or television with waste that is intended for  
22 disposal by burning or incineration.

23 (d) Beginning January 1, 2012, no person may knowingly  
24 cause or allow the burning or incineration of a CED, or any

1 other computer, computer monitor, or television.

2 Section 900. The State Finance Act is amended by adding  
3 Section 5.708 as follows:

4 (30 ILCS 105/5.708 new)

5 Sec. 5.708. The Electronics Recycling Fund.

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