

## **Senate Bill 2313 Illinois' Electronic Recycling & Reuse Act**

House Sponsor Representative Elaine Nekritz

---

### **Overview**

Obsolete toxic electronic products are the fastest growing component of landfilled waste. Discarded electronic products contain toxic materials such as lead, mercury, arsenic, cadmium, beryllium and other toxic materials that once landfilled pollute the soil and may leach into ground water posing a risk to human health and the environment. Obsolete electronic products contain valuable materials that can be recycled for reuse such as copper, gold and circuit chips – just to name a few of the reusable materials. The reuse of these products conserves energy and natural resources. Senate Bill 2313 creates the Electronic Products Recycling and Reuse Act requiring electronic manufacturers, retailers and the Environmental Protection Agency to participate in the management of obsolete residential electronic products, such as televisions, desktop and notebook computers, computer monitors and printers - the bill also creates standards for electronic recycling and reuse facilities.

SB 2313 is a triple win for Illinois residents. First, there is a real benefit to the environment since SB 2313 bans televisions, computers, monitors and printers from landfills. Second, the electronic recycling program is free to consumers. Third, the recycling program will create jobs and revenue to Illinois residents.

SB 2313 does not require local government funding or participation. Instead, manufacturers of televisions, computers, monitors and printers are required to set up and pay for the collection, transportation, recycling and or reuse of obsolete electronic products. Local governments may choose to partner with electronic manufacturers and/or recyclers as a means of augmenting existing local government electronic recycling programs or as a means of funding seasonal collection programs.

SB 2313 requires electronic manufacturers to recycle a percentage of Illinois' annual recycling goal. Following the first program year, and for all subsequent years, Illinois' annual recycling goal is based on how much consumers recycled during the previous year. The Environmental Protection Agency will either increase or decrease the annual goal based on consumer participation. Electronic manufacturers are given incentives to reach their recycling goals. Manufacturers gain extra credit for: collecting obsolete electronic products in rural counties, refurbishing products for reuse, and donating refurbished products to under privileged families and children as well as the disabled.

During the first two years of the program manufacturers will not be penalized for failure to meet their recycling goals. In year three manufacturers are required to meet 60% of its annual goal or be subject to a \$0.70 per pound penalty. In year four and all subsequent years, the manufacturers' minimum recycling goal increases to 75%. In other words, if a manufacturer recycles or refurbishes 60% of its goal in year three, and 75% in four and every year thereafter the manufacturer will not be penalized.

The section-by-section summary below highlights some of the key provisions within the bill and is not intended to represent all of the provisions contained in the bill.

### **Section 5. Findings and purpose.**

Obsolete electronic products are the fastest growing portion of landfilled garbage. Landfilled electronic products contain toxic materials that pose a risk to human health and the environment. The reuse or recycling of these products will create jobs and revenue to Illinois residents. This Act sets forth a process for the reuse and recycling of certain obsolete electronic products, known as "covered electronic devices".

## **Senate Bill 2313 Illinois' Electronic Recycling & Reuse Act**

House Sponsor Representative Elaine Nekritz

---

### **Section 10. Definitions.**

The term "CED" is used throughout the bill and means obsolete residential televisions, computer monitors, desktop and notebook computers and printers.

The term "EED" is used throughout the bill and means an additional group of obsolete residential products that manufacturers may also recycle for increased flexibility, efficiency and lower costs. The additional group of residential products include: cellular telephones; facsimile machines; video cassette recorders/players and MP3 players.

### **Section 15. Statewide recycling and reuse goals for all covered electronic devices.**

Illinois' recycling goal for the first program year of 2010 is 2.5 pounds per capita. Thereafter, Illinois' recycling goal shall increase or decrease based on consumer participation in the recycling program.

### **Section 16. Statewide recycling or reuse goal for all television manufacturers.**

Television manufacturers are collectively responsible for 53% of Illinois' recycling goal in 2010 – as compared to 47% for the computer and printer manufacturers. Thereafter, the television manufacturers' collective share of Illinois' annual recycling goal shall be based on the amount of television processed for recycling and reuse during the previous year.

### **Section 17. Statewide recycling or reuse goal for all computer, monitor and printer manufacturers.**

Computer, monitor and printer manufacturers are collectively responsible for 47% of Illinois' recycling goal in 2010 – as compared to 53% for television manufacturers. Thereafter, the computer, monitor and printer manufacturers' collective share of Illinois' annual recycling goal shall be based on the amount of computers, monitors and printers processed for recycling and reuse during the previous year.

### **Section 18. Determination of market shares and return shares.**

Each television manufacturer shall be assigned its portion of Illinois' annual recycling goal based on its percentage of retail sales during the previous year. Each computer, monitor and printer manufacturer shall be assigned its portion of Illinois' annual recycling goal based on the amount of items collected for recycling and reuse during the previous year.

### **Section 20. Agency responsibilities.**

The Illinois Environmental Protection Agency ("Agency") shall act as the program administrator. Specifically, the Agency shall collect registration fees, determine and assign the annual recycling goal to manufacturers, monitor manufacturer compliance with the annual recycling goal, report any violations to the Attorney General's Office and prepare a report evaluating the program for the General Assembly in year 2012, following a period of public comment.

### **Section 30. Manufacturer responsibilities.**

Registration: Television, computer, computer monitor and printer manufacturers shall register with the Agency and pay an annual registration fee of \$5,000.

Manufacturer goals:

## **Senate Bill 2313 Illinois' Electronic Recycling & Reuse Act**

House Sponsor Representative Elaine Nekritz

---

- The bill provides recycling incentives to manufacturers in the form of credits. Manufacturers are eligible for the following credits that may be used toward their individual recycling goal: (a) the total weight of products processed for reuse shall be doubled; (b) the total weight of electronic products donated for reuse to a primary or secondary public school or a 501(c)(3) not-for-profit entity that serves low income children and families or a disabled individual shall be tripled; and (c) the total weight of electronic products collected in rural counties shall be doubled.
- Manufacturers will not be penalized during the first two program years for failing meet their recycling goals. In year three manufacturers are required to meet 60% of its annual goal or be subject to a \$0.70 per pound penalty. In year four and all subsequent years, the manufacturers' minimum recycling goal increases to 75%. In other words, if a manufacturer recycles or refurbishes 60% of its goal in year three, and 75% in four and every year thereafter the manufacturer will not be penalized.

Additional responsibilities: Manufacturer's shall require recyclers to meet a minimum set of environmental and safety standards.

### **Section 40. Retailer responsibilities.**

- Retailers shall provide consumers with recycling information.
- Retailers shall not sale electronic products: (a) whose manufacturer has not registered with the Agency and paid the associated fee; and (b) whose brand name is not affixed to its product.

### **Section 50. Recyclers and refurbisher registration.**

- Recyclers and refurbishers shall register with the Agency and pay an annual registration fee of \$2,000.
- Recyclers and refurbishers shall comply with the environmental and safety standards created by this Act.

### **Section 55. Collector responsibilities.**

- Collectors shall register with and report to the Agency: the location and total weight of electronic products collected as a means for the Agency to monitor consumer participation in recycling programs.

### **Section 60. Collection strategy for underserved counties.**

Rural counties that are not served by at least one year-round collection site shall be deemed eligible for the manufacturer rural county collection credit. In other words, for every pound of covered electronic devices that a manufacturer collects in a rural county shall be doubled in order to meet the manufacturer's annual recycling goal.

### **Section 65. State government procurement.**

The Department of Central Management Service shall ensure that all state contracts for the lease or purchase of computers comply with the minimum environmental standards set forth under the Electronic Product Environmental Assessment Tool operated by the Green Electronic Council.

### **Section 70. Relation to federal law.**

## **Senate Bill 2313 Illinois' Electronic Recycling & Reuse Act**

House Sponsor Representative Elaine Nekritz

---

Upon the adoption of a federal law or regulation that is equal to or exceeds the goals set forth in this Act the Agency shall recommend to the General Assembly that this Act be repealed.

### **Section 75. Severability.**

The provisions of this Act are severable pursuant to Section 1.31 of the Statute on Statutes.

### **Section 80. Penalties.**

- Manufacturers that fail to register with the Agency and pay their associated fee shall be liable for a fine of \$10,000 and an additional civil penalty not to exceed \$10,000 for each day the violation continues.
- Violation of the landfill ban by a resident is punishable by a \$100 fine other violators are subject to a \$1,000 fine.
- In year three manufacturers are required to meet 60% of its annual goal or be subject to a \$0.70 per pound penalty. In year four and all subsequent years, the manufacturers' minimum recycling goal increases to 75%. In other words, if a manufacturer recycles or refurbishes 60% of its goal in year three, and 75% in four and every year thereafter the manufacturer will not be penalized.

### **Section 85. Electronics recycling fund.**

The Agency shall deposit all funds collected pursuant to this Act into a designated fund in the State Treasury.

### **Section 90. Relation to other State laws.**

This Act does not affect the validity or application of other State laws or regulations.

### **Section 95. Landfill ban.**

- January 1, 2012, or the third program year, all televisions, computer monitors, desktop and notebook computers as well as printers shall be banned from landfills.
- The Pollution Control Board shall review petitions from local governments for a landfill ban waiver during the years 2012 and 2013.