



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

MEMORANDUM

TO: DuPage Mayors & Managers Conference Intergovernmental Committee

FROM: Joy Hinz, Environmental & Sustainability Programs Manager

DATE: February 28, 2023

RE: 2023 IL General Assembly Recycling Legislation

Senate Bill 0147 & House Bill 2153 – Paint Stewardship Act

The above listed bills would create a paint stewardship program that would do the following: educate consumers on strategies to reduce the generation of leftover paint; provide opportunities to reuse leftover paint; and collect, transport, and process leftover paint for end-of-life management, including reuse, recycling, energy recovery and disposal. The bills would require paint manufacturers to assume responsibility for the collection, recycling, reuse, transportation and disposal of leftover latex and oil-based paints and stains.

Currently there are eleven successful programs managing leftover paint including the District of Columbia, Maine, Vermont, New York, Connecticut, Rhode Island, Minnesota, Colorado, California, Oregon and Washington.

The program would be funded through an assessment on each container of paint sold in the State. The funding would be adequate to recover the paint but would not exceed the cost to run the program. Currently, oil-based paints are managed through the State's Household Hazardous Waste programs and latex paints are handled through a private recycling entity for a fee in limited areas.

One site would be available for every 50,000 residents of the State which is estimated to cover at least 90% of the State of Illinois' residents. The legislation also proposes to cover Very Small Quantity Generators which would provide a much needed outlet for entities generating less than 220 lbs./month including local governments, small businesses and nonprofits.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

Senate Bill 1984 & House Bill 3612 – Carpet Stewardship Act

The 2014 Illinois Commodity Waste Generation and Characterization Study found that approximately 229,000 tons of carpet and carpet padding are landfilled in the State of Illinois annually with less than 1% recovered for recycling. Carpet is made from valuable petroleum-based resources it can be recycled into a wide range of products, including carpet fiber and backing, engineered products such as car and electronics parts, and erosion control products.

The State of California enacted carpet stewardship in 2021 and is reportedly recycling 29% of carpeting so far. California reported that the program has created approximately 150 direct jobs. The State of New York passed carpet EPR legislation in 2022 and is required to achieve a 30 percent recycling rate within five years.

The Illinois Product Stewardship Council states that “a study conducted in Seattle found that recycling carpet produced far less greenhouse gases than other end-of-life choices, reducing emissions by 8,300 pounds of eCO₂ per ton of carpet recycled. Each ton of used carpet recycled could be shipped more than 40,000 miles by truck (more than ten times the distance across the U.S.) before recycling would lose its position as the best management option for discarded carpet”.

The legislation requires carpet producers to implement and finance a statewide carpet stewardship program via a clearinghouse. The clearinghouse would be responsible for designing the collection and recycling of the carpet regardless of the type or producer in accordance with the convenience standard outlined in the bill.

Senate Bill 1555 & House Bill 2874 – Packing and Paper Products Stewardship Act

This legislation proposes the formation of a product stewardship organization that would work to assess and increase the recyclability of packaging and paper products in the State of Illinois which make up more than 40% of the State’s municipal solid waste stream. Recycling in Illinois has remained stagnant 9% in Chicago, and many packaging products are not recyclable in curbside programs.

Packaging EPR programs have been operational in forty countries and provinces for over three decades including Europe and Canada with recycling rates as high as 90%. Since 2020, laws have been enacted in the U.S. including Maine, Oregon, Colorado,



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

and California. Packaging EPR has been introduced in Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Tennessee, and Washington.

What is covered? Plastic bottles and containers, film plastics, aluminum and metal cans, glass bottles, cardboard, and printed paper. The legislation would establish a statewide minimum list of recyclable items that must be accepted for recycling.

Funding for the program is derived from dues that are developed by the Producer Responsibility Organization and are based on the recyclability of the packaging and paper product. The collected monies would be used to fund recycling for recycling throughout the State including recycling drop offs, curbside recycling and multi-family recycling.

The legislation would benefit specified entities currently paying for recycling services and consumers will benefit by having more easily recyclable packaging and better education and proper recycling. Waste hauling and recycling businesses will benefit from a significant expansion of collection programs and recyclable material collected in Illinois.



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0147

Introduced 1/25/2023, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

New Act

Creates the Paint Stewardship Act. Contains the findings of the General Assembly. Provides that manufacturers of architectural paint sold at retail in the State or representative organizations shall submit to the Director of the Environmental Protection Agency a plan for the establishment of a postconsumer paint stewardship program. Requires the program to meet specified requirements. Provides that manufacturers or retailers shall not sell or offer for sale architectural paint to any person in the State unless the manufacturer of a paint brand or representative organization is implementing an approved paint stewardship plan. Prohibits the incineration of leftover architectural paint collected pursuant to an approved paint stewardship plan. Provides that manufacturers or representative organizations shall submit reports with specified requirements. Provides that manufacturers or representative organizations participating in a postconsumer paint stewardship program shall not be liable for any claim of a violation of antitrust, restraint of trade, unfair trade practice, or other anticompetitive conduct arising from conduct undertaken in accordance with the program. Provides for administrative and oversight fees to be paid to the Agency. Provides that manufacturers or representative organizations shall implement the postconsumer paint collection plan within 6 months of the date that the program plan is approved. Contains provisions regarding postconsumer paint from households and small businesses. Contains other provisions.

LRB103 25543 CPF 51892 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 Paint
5 Stewardship Act.

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

7 (1) Leftover architectural paints present significant
8 waste management issues for counties and municipalities.
9 Managing the end-of-life of architectural paint can be costly
10 and present environmental, health, and safety risks if not
11 properly managed.

12 (2) Nationally, an estimated 10% of architectural paint
13 purchased by consumers is leftover. Current governmental
14 programs collect only a fraction of the potential leftover
15 paint for proper reuse, recycling, or disposal. In northern
16 Illinois, there are only 4 permanent household hazard waste
17 facilities and these facilities do not typically accept latex
18 paint, the most common paint purchased by consumers.

19 (3) It is in the best interest of this State for paint
20 manufacturers to assume responsibility for development and
21 implementation of a cost-effective paint stewardship program
22 that will: educate consumers on strategies to reduce the
23 generation of leftover paint; provide opportunities to reuse

1 leftover paint; and collect, transport, and process leftover
2 paint for end-of-life management, including reuse, recycling,
3 energy recovery, and disposal. Requiring paint manufacturers
4 to assume responsibility for the collection, recycling, reuse,
5 transportation, and disposal of leftover paint will provide
6 more opportunities for consumers to properly manage their
7 leftover paint, provide fiscal relief for this State and local
8 governments in managing leftover paint, keep paint out of the
9 waste stream, and conserve natural resources.

10 (4) Similar architectural paint stewardship programs are
11 currently operating in 11 jurisdictions and are successfully
12 diverting a significant portion of the collected paint waste
13 from landfills. These paint stewardship programs are saving
14 counties and municipalities the cost of managing paint waste
15 and have been successful at recycling leftover paint into
16 recycled paint products as well as other products. For
17 instance, in the state of Oregon, 64% of the latex paint
18 collected in the 2019-2020 fiscal year was recycled into paint
19 products; and, in Minnesota, 48% of the latex paint collected
20 during the same time period was reused or recycled into paint
21 products. Given the lack of access to architectural paint
22 collection programs in Illinois, especially for leftover latex
23 architectural paint, and the demonstrated ability of the paint
24 industry to collect and recycle a substantial portion of
25 leftover architectural paint, this legislation is necessary.
26 It will create a statewide program that diverts a significant

1 portion of paint waste from landfills and facilitates
2 recycling of leftover paint into paint and other products.

3 (5) Establishing a paint stewardship program in Illinois
4 will create jobs as the marketplace adjusts to the needs of a
5 robust program that requires transporters and processors.
6 Certain infrastructure already exists in the State and the
7 program may attract additional resources.

8 (6) Legislation is needed to establish this program in
9 part because of the risk of antitrust lawsuits. The program
10 involves activities by competitors in the paint industry and
11 may affect the costs or prices of those competitors. As
12 construed by the courts, the antitrust laws impose severe
13 constraints on concerted action by competitors that affect
14 costs or prices. Absent State legislation, participation in
15 this program would entail an unacceptable risk of class action
16 lawsuits. The risk can be mitigated by legislation that would
17 bar application of federal antitrust law under the "state
18 action" doctrine. Under that doctrine, federal antitrust law
19 does not apply to conduct that is (1) undertaken pursuant to a
20 clearly expressed and affirmatively articulated state policy
21 to displace or limit competition, and (2) actively supervised
22 by the State.

23 (7) To ensure that this defense will be available to
24 protect participants in the program, it is important for State
25 legislation to be specific about the conduct it is authorizing
26 and to express clearly that the State is authorizing that

1 conduct pursuant to a conscious policy decision to limit the
2 unfettered operation of market forces. It is also critical for
3 the legislation to provide for active supervision of the
4 conduct that might otherwise be subject to antitrust attack.
5 In particular, the legislation must provide for active
6 supervision of the decisions concerning the assessments that
7 will fund the program. A clear articulation of the State's
8 purposes and policies and provisions for active State
9 supervision of the program will ensure that industry
10 participation in the program will not trigger litigation.

11 (8) To ensure that the costs of the program are
12 distributed in an equitable and competitively neutral manner,
13 the program will be funded through an assessment on each
14 container of paint sold in this State. That assessment will be
15 sufficient to recover, but not exceed, the costs of sustaining
16 the program and will be reviewed and approved by the Illinois
17 Environmental Protection Agency. Funds collected through the
18 assessment will be used by the representative organization to
19 operate and sustain the program.

20 Section 10. Definitions. In this Act:

21 "Agency" means the Environmental Protection Agency.

22 "Architectural paint" means interior and exterior
23 architectural coatings sold in containers of 5 gallons or
24 less. "Architectural paint" does not include industrial
25 original equipment or specialty coatings.

1 "Collection site" means any location, service, or event at
2 which architectural paint is accepted into a postconsumer
3 paint collection program pursuant to a postconsumer paint
4 collection program plan.

5 "Director" means the Director of the Environmental
6 Protection Agency.

7 "Environmentally sound management practices" means
8 procedures for the collection, storage, transportation, reuse,
9 recycling, and disposal of architectural paint to be
10 implemented by a manufacturer or representative organization
11 or by the manufacturer's or representative organization's
12 contracted partners to comply with all applicable federal,
13 State, and local laws and any rules, regulations, and
14 ordinances for the protection of human health and the
15 environment. These procedures shall address adequate
16 recordkeeping, tracking and documenting of the final
17 disposition of materials, and appropriate environmental
18 liability coverage for the representative organization.

19 "Household waste" has the same meaning as defined in 40
20 CFR 261.4(b)(1).

21 "Postconsumer paint" means architectural paint not used
22 and no longer wanted by a purchaser.

23 "Manufacturer" means a manufacturer of architectural paint
24 who sells, offers for sale, or distributes the architectural
25 paint in the State under the manufacturer's own name or brand.

26 "Program" means the postconsumer paint stewardship program

1 established pursuant to Section 15.

2 "Recycling" means a method, technique, or process designed
3 to remove any contaminant from waste so as to render the waste
4 reusable, or any process by which materials that would
5 otherwise be disposed of or discarded are collected,
6 separated, or processed and returned to the economic
7 mainstream in the form of raw materials or products.

8 "Representative organization" means a nonprofit
9 organization established by a manufacturer to implement the
10 postconsumer paint stewardship program.

11 "Retailer" means a company that offers architectural paint
12 or other allied products for retail sale in the State.

13 "Very small quantity generator" has the same meaning as
14 defined in 40 CFR 260.10.

15 Section 15. Paint stewardship program plan.

16 (a) A manufacturer of architectural paint sold at retail
17 in the State or a representative organization shall submit to
18 the Director a plan for the establishment of a postconsumer
19 paint stewardship program. The program shall seek to reduce
20 the generation of postconsumer paint, promote its reuse and
21 recycling, and manage the waste stream using environmentally
22 sound management practices.

23 (b) The plan submitted by the manufacturer or
24 representative organization to the Agency under this Section
25 shall:

1 (1) Provide a list of participating manufacturers and
2 brands covered by the program.

3 (2) Provide information on the architectural paint
4 products covered under the program, such as interior or
5 exterior water-based and oil-based coatings, primers,
6 sealers, or wood coatings.

7 (3) Describe how it will provide for convenient and
8 cost-effective statewide collection of postconsumer
9 architectural paint in the State. The manufacturer or
10 representative organization may coordinate the program
11 with existing household hazardous waste collection
12 infrastructure as is mutually agreeable. A paint retailer
13 may be authorized by the manufacturer or representative
14 organization as a paint collection site if the paint
15 retailer volunteers to act as such, complies with all
16 applicable laws, rules, and regulations, and the retail
17 location is consistent with the maintenance of a
18 cost-effective network of paint collection locations.

19 (4) Establish a goal for the number and geographic
20 distribution of collection sites for postconsumer
21 architectural paint using geographic modeling and the
22 following criteria:

23 (A) at least 90% of State residents shall have a
24 collection site within a 15-mile radius; and

25 (B) one site shall be available for every 50,000
26 residents of the State unless otherwise approved by

1 the Director.

2 (5) Describe how postconsumer paint will be managed in
3 an environmentally and economically sound manner using the
4 following strategies and in the following order: reuse,
5 recycling, energy recovery, and disposal. Incineration
6 within the State shall not be utilized.

7 (6) Describe education and outreach efforts to inform
8 consumers about the program. These materials should
9 include:

10 (A) information about collection opportunities for
11 postconsumer paint;

12 (B) information about the fee for the operation of
13 the program that shall be included in the purchase
14 price of all architectural paint sold in the State;
15 and

16 (C) efforts to promote the source reduction,
17 reuse, and recycling of architectural paint.

18 (7) Be reviewed by an independent auditor to assure
19 that any added fee to paint sold in the State as a result
20 of the postconsumer paint stewardship program does not
21 exceed the costs to operate and sustain the program in
22 accordance with sound management practices. The
23 independent auditor shall verify that the amount added to
24 each unit of paint will cover the costs and sustain the
25 postconsumer paint stewardship program.

26 (c) A manufacturer or representative organization shall

1 select the independent auditor under paragraph (7) of
2 subsection (b) in consultation with the Agency. The Agency
3 shall review the work product of the independent auditor. The
4 cost of any work performed by the independent auditor shall be
5 funded by the program.

6 (d) Not later than 60 days after submission of the plan
7 under this Section, the Director shall make a determination in
8 writing whether to approve the plan as submitted or disapprove
9 the plan.

10 (e) The Agency shall enforce the plan and may, by rule or
11 regulation, establish enforcement procedures. If circumstances
12 require an adjustment of the paint stewardship fee, the
13 manufacturer or representative organization shall request the
14 adjustment by submitting to the Agency a justification for the
15 adjustment as well as financial reports to support the
16 request, including a 5-year projection of the financial status
17 of the organization. The Agency shall review the request to
18 determine if the proposed fee adjustment will generate
19 revenues sufficient to pay the program expenses, including any
20 accumulated debt, and develop a reasonable reserve level
21 sufficient to sustain the program. If a decrease in the paint
22 fee is requested, the Agency shall review the request to
23 determine if the proposed fee adjustment and the resulting
24 decreased revenue is sufficient to pay program expenses and
25 maintain a reasonable reserve level sufficient to sustain the
26 program.

1 (f) No later than the implementation date of the program,
2 information regarding the approved plan, the names of
3 participating manufacturers, and the brands of architectural
4 paint covered by the program shall be posted on the Agency's
5 website and on the website of the manufacturer or
6 representative organization.

7 (g) Upon implementation of the program, each manufacturer
8 shall include in the price of any architectural paint sold to
9 retailers and distributors in the State the per container
10 amount in the approved program plan. Manufacturers are
11 responsible for filing, reporting, and remitting the paint
12 stewardship assessment for each container of architectural
13 paint to the representative organization. A retailer or
14 distributor shall not deduct this amount from the purchase
15 price.

16 Section 20. Incineration prohibited. No person may
17 incinerate leftover architectural paint collected pursuant to
18 an approved paint stewardship plan as required by Section 15.

19 Section 25. Plan submission. The plan required by Section
20 15 shall be submitted not later than 12 months after the
21 authorization of the program is final. The Agency may grant an
22 extension of time to submit the plan for good cause.

23 Section 30. Sale of paint.

1 (a) A manufacturer or retailer shall not sell or offer for
2 sale architectural paint to any person in the State unless the
3 manufacturer of a paint brand or the manufacturer's
4 representative organization is implementing an approved paint
5 stewardship plan as required by Section 15.

6 (b) A retailer shall be in compliance with this Act if, on
7 the date the architectural paint was offered for sale, the
8 retailer's manufacturer is listed on the Agency's website as
9 implementing or participating in an approved program or if the
10 paint brand is listed on the Agency's website as being
11 included in the program.

12 (c) A paint collection site authorized under the
13 provisions of this Act shall not charge any additional amount
14 for the disposal of paint when it is offered for disposal.

15 (d) No retailer is required to participate in a paint
16 stewardship program as a collection site. A retailer may
17 participate as a paint collection site on a voluntary basis.

18 (e) Nothing in this Act shall require a retailer to track,
19 file, report, submit, or remit a paint stewardship assessment,
20 sales data, or any other information on behalf of a
21 manufacturer, distributor, or representative organization.

22 Section 35. Liability. A manufacturer or representative
23 organization participating in a postconsumer paint stewardship
24 program shall not be liable for any claim of a violation of
25 antitrust, restraint of trade, unfair trade practice, or other

1 anticompetitive conduct arising from conduct undertaken in
2 accordance with the program.

3 Section 40. Annual report. Annually, a manufacturer or
4 representative organization shall submit a report to the
5 Agency that details the program. The report shall include:

6 (1) a description of the methods used to collect and
7 transport postconsumer paint collected in the State;

8 (2) the volume and type of postconsumer paint
9 collected and a description of the methods used to process
10 the paint, including reuse, recycling, and other methods;

11 (3) samples of educational materials provided to
12 consumers of architectural paint; and

13 (4) the total cost of the program and an independent
14 financial audit. An independent financial auditor shall be
15 chosen by the manufacturer or representative organization.
16 The report or information relating to the report shall be
17 posted on the Agency's website and on the website of the
18 manufacturer or representative organization.

19 Section 45. Annual report submission. A manufacturer or
20 representative organization shall submit the first annual
21 report detailing the postconsumer paint collection program as
22 required by Section 15 to the Director on or before July 1 of
23 the second year following official implementation of the
24 program, and annually thereafter. The Agency may extend the

1 time for submission of the annual report for cause shown.

2 Section 50. Disclosure. Financial, production, or sales
3 data reported to the Agency by a manufacturer, retailer, or
4 representative organization shall not be subject to
5 disclosure, but the Director may release a summary form of the
6 data that does not disclose financial, production, or sales
7 data of the manufacturer, retailer, or representative
8 organization.

9 Section 55. Program plan submission fee. A manufacturer or
10 representative organization submitting a program plan shall
11 pay an administrative fee to the Agency at the time of
12 submission. The Agency may establish a variable fee based on
13 relevant factors, including, but not limited to, the portion
14 of architectural paint sold in the State by members of the
15 manufacturer or representative organization compared to the
16 total amount of architectural paint sold in the State by all
17 manufacturers or representative organizations that submit a
18 plan.

19 Section 60. Oversight fee. A manufacturer or
20 representative organization operating a stewardship program
21 shall pay to the Agency the costs it incurs in overseeing the
22 stewardship program. The Agency shall set the fee at an amount
23 that, when paid by every manufacturer or representative

1 organization that submits a plan, is adequate to reimburse the
2 Agency's full costs of administering this Act. The total
3 amount of annual fees collected under this Section must not
4 exceed the amount necessary to reimburse costs incurred by the
5 Agency to administer this Act.

6 Section 65. Timing of oversight fee. A manufacturer or
7 representative organization subject to Section 60 must pay the
8 Agency's administrative fee annually. The annual
9 administrative fee may not exceed 5% of the aggregate
10 stewardship fee added to the cost of all architectural paint
11 sold by manufacturers in the State for the preceding calendar
12 year. The Agency may extend the time for payment upon good
13 cause shown.

14 Section 70. Implementation. A manufacturer or
15 representative organization shall implement the postconsumer
16 paint collection plan within 6 months of the date that the
17 program plan is approved. The Agency may extend the date of
18 implementation for good cause shown.

19 Section 75. Postconsumer paint from households and small
20 businesses.

21 (a) Generators of household waste and very small quantity
22 generators are authorized to transport or send their
23 architectural paints to a paint collection site to the extent

1 permitted by a postconsumer paint stewardship program approved
2 by the Director.

3 (b) Paint collection sites are authorized to collect and
4 temporarily store architectural paints generated by persons
5 specified in subsection (a), in accordance with the
6 requirements of the paint stewardship program, in lieu of any
7 otherwise applicable hazardous waste or solid waste laws,
8 rules, or regulations.

9 (c) Nothing in this Act shall be construed as restricting
10 the collection of architectural paint by a postconsumer paint
11 stewardship program where the collection is authorized under
12 any otherwise applicable hazardous waste or solid waste laws,
13 rules, or regulations.

14 (d) Nothing in this Act shall be construed to affect any
15 requirements applicable to facilities that treat, dispose, or
16 recycle architectural paint under any otherwise applicable
17 hazardous waste or solid waste laws, rules, or regulations.



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1984

Introduced 2/9/2023, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

New Act

Creates the Carpet Stewardship Act. Provides that within 60 days after the effective date of the Act, the Director of the Environmental Protection Agency shall appoint specified members to a clearinghouse to administer and implement a carpet stewardship program. Specifies the duties of the clearinghouse. Requires the clearinghouse to be incorporated as a nonprofit. Provides that for all carpet sold in this State, the clearinghouse shall implement, and producers shall finance, a statewide carpet stewardship program that manages the product by reducing the product's waste generation, promotes its carpet recovery and reutilization, and provides for negotiation and execution of agreements to collect, transport, process, and market the old carpet for end-of-life carpet recovery or carpet reutilization. Requires the clearinghouse to submit, by July 1, 2024 and by July 1 every 3 years thereafter, a 3-year plan to the Agency for approval. Specifies the requirements for the plan. Establishes requirements for review of the plan and requirements for producers, retailers, and distributors of carpet. Requires the clearinghouse to submit annual reports to the Agency and pay specified administrative fees. Includes enforcement provisions for the Act. Establishes requirements for State procurement of carpet in the future. Contains a severability provision. Contains other provisions. Effective immediately.

LRB103 06035 CPF 51065 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 Carpet
5 Stewardship Act.

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

8 (1) Based on data contained in the Illinois Commodity
9 Waste Generation and Characterization Study, commissioned
10 in 2014 by the Illinois Department of Commerce and
11 Economic Opportunity, approximately 229,000 tons of carpet
12 and carpet padding are landfilled each year, 1.5% of the
13 total waste landfilled in this State.

14 (2) Old carpet and padding are currently being
15 recovered in this State at a carpet recovery rate
16 estimated to be less than 1%, compared to a 29% carpet
17 recovery rate for the second quarter in 2021 in
18 California, which has enacted Extended Producer
19 Responsibility legislation for carpet.

20 (3) Carpet recovery can be significantly expanded by
21 utilizing an Extended Producer Responsibility approach
22 which will lead to job creation through the collection,
23 processing, and marketing of old carpet and padding. In

1 California, this approach has created approximately 150
2 direct jobs.

3 (4) According to the U.S. Environmental Protection
4 Agency, the carpet recovery of old carpet has a positive
5 impact on the reduction of greenhouse gases when compared
6 to the landfilling or incineration of old carpet, which
7 increases the generation of greenhouse gases.

8 (5) Due to the detrimental environmental impacts of
9 improper management of old carpet and padding at the end
10 of its intended use, it is the purpose of this Act to
11 utilize a market share liability approach to recover the
12 funding necessary to implement the clearinghouse program
13 required by this Act.

14 Section 10. Definitions. In this Act:

15 "Agency" means the Illinois Environmental Protection
16 Agency.

17 "Artificial turf" means artificial or synthetic turf used
18 for sports playing surfaces.

19 "Blended carpet" means carpet with a nonuniform face
20 fiber, which is manufactured with multiple polymer types,
21 fiber types, or both, in the face of the constructed material.

22 "Brand" means a name, symbol, word, or mark that
23 identifies the carpet, rather than its components, and
24 attributes the product to the owner or licensee of the brand as
25 the producer.

1 "Carpet" means a manufactured article that is (i) used in
2 commercial buildings, single or multifamily residential
3 buildings, or sports playing surfaces, (ii) affixed or placed
4 on the floor or building walking surface as a decorative or
5 functional building interior or exterior feature, and (iii)
6 primarily constructed of a top visible surface of synthetic
7 face fibers or yarns or tufts attached to a backing system
8 derived from synthetic or natural materials. "Carpet"
9 includes, but is not limited to, a commercial or residential
10 broadloom carpet, modular carpet tiles, and artificial turf.
11 "Carpet" includes a pad or underlayment used in conjunction
12 with a carpet. "Carpet" does not include handmade rugs, area
13 rugs, or mats.

14 "Carpet recovery" means the process by which old carpet is
15 collected, processed, and returned to the economic mainstream
16 in the form of raw materials or products. "Carpet recovery" is
17 further defined to include only those pounds of old carpet
18 that are an output of a processor destined for an end market or
19 carpet reutilization and is not meant to mean the gross input
20 pounds of old carpet accepted by a processor. "Carpet
21 recovery" does not include energy recovery or energy
22 generation by means of combusting old carpet, and it does not
23 include any disposal or use of old carpet within the permitted
24 boundaries of a municipal solid waste landfill unit.

25 "Carpet recovery rate" means the percentage of old carpet
26 that is an output of a processor destined for carpet recovery

1 or reutilization and is computed by dividing the amount of old
2 carpet that is an output of a processor destined for carpet
3 recovery or reutilization by the total amount of old carpet
4 that is generated over a program year. To determine the annual
5 carpet recovery rates required by this Act the amount of old
6 carpet generated shall be calculated using an industry
7 standard calculation based on annual sales, replacement rate,
8 and the average weight of carpet.

9 "Carpet reutilization" means donating or selling an old
10 carpet back into the market for its original intended use,
11 when the old carpet retains its original purpose and
12 performance characteristics.

13 "Carpet stewardship program" means a statewide program for
14 the collection of old carpet and environmentally sound
15 management of old carpet that is funded by producers and
16 established and operated by the clearinghouse.

17 "Clearinghouse" means the entity incorporated as a
18 nonprofit within the meaning of 26 U.S.C. 501 representing
19 carpet producers, and other designated representatives who are
20 cooperating with one another to collectively establish and
21 operate a carpet recovery and carpet reutilization program for
22 old carpet for the purpose of complying with this Act.

23 "Clearinghouse plan" means a single, detailed plan
24 prepared by the clearinghouse that includes all the
25 information required by this Act.

26 "Clearinghouse program" means a statewide program for the

1 collection of old carpet and environmentally sound management
2 of old carpet that is financed by producers and established
3 and operated by the clearinghouse.

4 "Collection" means any method of consolidating and
5 temporarily storing old carpet.

6 "Collection site" means a site managed by a
7 clearinghouse-approved collector to collect and temporarily
8 store old carpet as provided by this Act.

9 "Collector" means any public or private entity approved by
10 the clearinghouse that provides old carpet collection
11 services.

12 "Comptroller" means the Comptroller of the State of
13 Illinois.

14 "Consumer" means any person who makes a purchase at
15 retail.

16 "Distributor" or "wholesaler" means a person who buys or
17 otherwise acquires carpet from another source and sells or
18 offers to sell that carpet to retailers in this State.

19 "Installer" means any person or entity contracted for the
20 purpose of installing flooring where old carpet is removed.

21 "Nylon carpet" means carpet made with a uniform face fiber
22 made with either nylon 6 or nylon 6,6.

23 "Old carpet" means carpet that is no longer used for its
24 manufactured purpose.

25 "Person" means any individual, partnership, copartnership,
26 firm, company, corporation, association, joint stock company,

1 trust, estate, political subdivision, State agency, or any
2 other legal entity, or their legal representative, agent, or
3 assign.

4 "PET carpet" means carpet made from polyethylene
5 terephthalate.

6 "Polypropylene carpet" means carpet made from
7 polypropylene.

8 "Processor" means a public or private entity approved by
9 the clearinghouse to prepare old carpet for reutilization,
10 recovery, or disposal that uses industry recognized processes,
11 such as shredding, grinding, shearing, depolymerization, or
12 other methods recognized by the clearinghouse, to convert old
13 carpet into finished recovered output ready to be used as an
14 input material for secondary products.

15 "Producer" means a person who manufactures carpet that is
16 sold, offered for sale, or distributed in this State. Producer
17 includes any person who imports carpet into the United States
18 that is sold, offered for sale, or distributed in this State
19 and that is manufactured by a person who does not manufacture
20 the carpet in the United States. "Producer" does not include a
21 retailer that trademarks or brands carpet that is sold,
22 offered for sale, or distributed in this State that is
23 manufactured by a person other than the retailer.

24 "Program year" means a calendar year. The first program
25 year is 2025.

26 "PTT carpet" means carpet made from polytrimethylene

1 terephthalate.

2 "Retailer" means any person engaged in the business of
3 making sales at retail that generate occupation or use tax
4 revenue. "Retailer" does not include a distributor, producer,
5 or wholesaler, as those terms are defined in this Section.

6 "Roll-off dumpster" means a waste container that holds at
7 least 40 cubic yards of waste.

8 "Sale" or "sell" means a transfer of title to carpet for
9 consideration, including a remote sale conducted through a
10 sales outlet, catalog, website, or similar electronic means.
11 "Sale" or "sell" includes a lease through which carpet is
12 provided to a consumer by a producer, distributor, or
13 retailer.

14 "Semitrailer" means any vehicle without motive power,
15 other than a pole trailer, designed for carrying persons or
16 property and for being drawn by a motor vehicle and so
17 constructed that some part of its weight and that of its load
18 rests upon or is carried by another vehicle.

19 "Sorter" means a public or private entity approved by the
20 clearinghouse that performs the sorting of old carpet for
21 third-party carpet recovery or carpet reutilization.

22 "Sorting" means the method used for sorting old carpet
23 into its various backing types or fiber types for carpet
24 recovery or carpet reutilization.

25 "Wool carpet" means carpet made from wool.

1 Section 15. Formation, duties, and powers of the
2 clearinghouse.

3 (a) Within 60 days after the effective date of this Act,
4 the Director of the Agency shall appoint the following members
5 to the clearinghouse, which shall be incorporated as a
6 nonprofit, to administer and implement the carpet stewardship
7 program, and the Director of the Agency shall appoint members
8 that reflect the racial and gender diversity of this State:

9 (1) one individual who is a representative of a
10 statewide association representing retailers;

11 (2) two individuals who are representatives of carpet
12 producers;

13 (3) one individual who is a representative of a
14 national association representing manufacturers of carpet;

15 (4) two individuals who are representatives of carpet
16 processors;

17 (5) two individuals who are representatives of a
18 statewide association representing waste disposal
19 companies;

20 (6) two individuals who are representatives of
21 environmental organizations;

22 (7) two individuals who are representatives of county
23 or municipal joint action agency waste management
24 programs;

25 (8) one individual who is a representative of a
26 company that utilizes old carpet to manufacture a new

1 product, not including new carpet; and

2 (9) one individual who is a representative of an
3 association representing installers of carpet.

4 (b) Members of the clearinghouse shall serve without
5 compensation but shall be reimbursed for travel expenses and
6 any other contingent expenses related to the formation of the
7 clearinghouse as a legal and functioning entity as part of the
8 budget for the clearinghouse program approved in the
9 clearinghouse plan. Members shall serve on the clearinghouse
10 until a successor is appointed and qualified.

11 (c) The clearinghouse's duties include, but are not
12 limited to:

13 (1) selection of a Chairperson, Vice-Chairperson,
14 Secretary, and Treasurer, the creation of bylaws, and
15 organizing itself into committees to implement this Act;

16 (2) incorporating itself as a 501c(3) nonprofit
17 organization and establishing financial accounts for use
18 by the clearinghouse under this Act;

19 (3) preparing the clearinghouse plan, and any required
20 amendments, in compliance with this Act;

21 (4) implementing the clearinghouse plan;

22 (5) submitting to the Agency in the clearinghouse plan
23 a funding mechanism that will generate sufficient funds to
24 implement the clearinghouse plan and meet the performance
25 goals established in paragraph (12) of subsection (a) of
26 Section 25; in determining the level of funding necessary

1 the clearinghouse may take into account program costs in
2 other jurisdictions' approved carpet stewardship plans,
3 annual reports, audits, and other information;

4 (6) approving collectors, sorters, and processors to
5 provide services under this Act;

6 (7) creating and administering a grant program to
7 assist in covering the costs to collect, process, or
8 market old carpet for carpet reutilization or carpet
9 recovery;

10 (8) being responsible for meeting the performance
11 goals specified by this Act;

12 (9) submitting annual program reports as required by
13 this Act;

14 (10) overseeing an annual audit conducted by a
15 third-party entity of the carpet stewardship program's
16 revenues and expenditures, and reporting those findings to
17 the Comptroller; and

18 (11) holding meetings that are open to the public with
19 reasonable notice of the meeting made publicly available.

20 (d) The clearinghouse shall hire a director and necessary
21 staff within 150 days after the effective date of this Act,
22 which shall be funded as part of the budget for the
23 clearinghouse program approved in the clearinghouse plan.

24 Section 20. Carpet stewardship program and sale
25 requirement.

1 (a) For all carpet sold in this State, the clearinghouse
2 shall implement, and producers shall finance, a statewide
3 carpet stewardship program that: manages carpet by reducing
4 its waste generation; promotes its carpet recovery and carpet
5 reutilization; and provides for negotiation and execution of
6 agreements to collect, transport, process, or market the old
7 carpet for end-of-life carpet recovery or carpet
8 reutilization.

9 (b) On and after January 1, 2024, a producer or
10 distributor may not offer for sale any carpet to any person in
11 this State unless the producer has registered with the
12 clearinghouse and has provided its share of funding, on an
13 annual basis, necessary to implement the clearinghouse plan as
14 approved by the Agency pursuant to Section 45 and is subject to
15 penalties under Section 70.

16 Section 25. Clearinghouse plan.

17 (a) By July 1, 2024 and by July 1 every 3 years thereafter,
18 the clearinghouse shall submit a 3-year plan to the Agency and
19 receive approval of the plan. The clearinghouse plan shall
20 include, at a minimum, each of the following:

21 (1) Certification that the carpet stewardship program
22 will accept for collection all old carpet, regardless of
23 type or which producer manufactured the product and its
24 individual components.

25 (2) Contact information for each individual

1 representing the clearinghouse, designation of a program
2 manager responsible for administering the program in this
3 State, a list of all producers participating in the carpet
4 stewardship program, and the brands covered by the product
5 stewardship program.

6 (3) A description of the methods by which old carpet
7 will be collected in this State, including an explanation
8 of how the collection system will achieve a convenience
9 standard of having collection sites in all counties with a
10 population density of greater than or equal to 100
11 individuals per square mile in this State by January 1,
12 2025 for program year 2025, and all counties with a
13 population density of greater than or equal to 50
14 individuals per square mile for program year 2026 and
15 thereafter.

16 (4) An evaluation, beginning with the second 3-year
17 plan submitted by July 1, 2027, of the feasibility and
18 cost of expanding the convenience standard to at least one
19 collection site in every county in the State.

20 (5) A description of how the adequacy of the
21 collection program will be monitored, evaluated, and
22 maintained.

23 (6) The names and locations of collectors, sorters,
24 and processors who have been approved by the clearinghouse
25 to manage old carpet.

26 (7) A description of how the old carpet and the

1 products' components will be safely and securely
2 transported, tracked, and handled from collection through
3 final carpet recovery and processing.

4 (8) A description of the methods to be used to
5 reutilize, deconstruct, or recover old carpet to ensure
6 that the products' components, to the extent feasible, are
7 transformed or remanufactured into finished products for
8 use.

9 (9) A description of the methods to be used to manage
10 or dispose of old carpet that cannot be carpet recovered
11 or carpet reutilized.

12 (10) A description of the promotion and outreach
13 activities and proposed budget that will be used to
14 encourage participation in the collection and carpet
15 recovery programs and how the activities' effectiveness
16 will be evaluated and the program modified, if necessary.

17 (11) Certification that any person who may be involved
18 in collection, handling, or disposal operations possesses
19 adequate insurance, as determined by the clearinghouse,
20 including, but not limited to, workers compensation and
21 liability coverage.

22 (12) A 3-year rolling performance goal, including an
23 estimate of the percentage of old carpet that will be
24 collected, carpet reutilized, and carpet recovered during
25 each of the next 3 years of the stewardship plan, with a
26 minimum goal of achieving a 25% carpet recovery rate by

1 December 31, 2027. The performance goals shall include a
2 specific goal for the amount of old carpet that will be
3 collected, carpet recovered, and carpet reutilized during
4 each year of the plan.

5 The clearinghouse shall achieve a carpet recovery rate
6 goal of 50% by December 31, 2030 for the 3-year plan period
7 beginning January 1, 2028. Thereafter, the clearinghouse
8 shall establish a carpet recovery rate goal for each
9 subsequent 3-year plan period by March 1 of the calendar
10 year preceding the first year of that 3-year plan period.

11 (13) A discussion of the status of end markets for old
12 carpet and what, if any, additional end markets are needed
13 to improve the functioning of the program.

14 (14) A discussion of carpet design and manufacturing
15 changes that the producers are considering or have
16 implemented in order to reduce toxicity, water use, or
17 energy use associated with the production of carpet and
18 efforts to increase the recoverable content,
19 recoverability, or carpet longevity.

20 (15) A funding mechanism that demonstrates sufficient
21 producer funding to carry out the plan, including the
22 administrative, operational, and capital costs of
23 implementing the plan, and payment of incentive payments
24 to carpet collectors, processors, and end use markets to
25 assist with the implementation of this Act.

26 (16) Annual budgets showing revenue and expenditure



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1555

Introduced 2/8/2023, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

New Act

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

LRB103 24786 CPF 51115 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 Packaging and Paper Products Stewardship Act.

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

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

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

1 recycling options exist.

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

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

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

22 (6) Consumer brands have little incentive to reduce
23 the amount of packaging they use or to choose more
24 sustainable materials to package products. Units of local
25 government and residents must, therefore, manage
26 increasingly complex materials even though they have no

1 input in designing or bringing these materials to market.

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

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

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

25 Section 10. Definitions. In this Act:

1 "Advisory Council" means the Packaging and Paper Product
2 Producer Responsibility Advisory Council established under
3 Section 15.

4 "Agency" means the Illinois Environmental Protection
5 Agency.

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

11 "Board" means the Illinois Pollution Control Board.

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

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

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

26 "Covered entity" means a person or entity responsible for:

1 (1) a single or multifamily residence, either
2 individually or jointly through a unit of local
3 government;

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

6 (3) a State or local government facility; and

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

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

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

22 "Director" means the Director of the Agency.

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

26 "Hauler" means a person who collects recyclable materials

1 and transports them to a transfer station or MRF. A "hauler"
2 may be a covered entity or a private-sector company operating
3 through a contract with a covered entity or with any other
4 person in the State.

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

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

13 "Nonprofit organization" means a tax-exempt charitable or
14 social welfare organization operating under 26 U.S.C.
15 501(c) (3) or 501(c) (4) of the federal Internal Revenue Code of
16 1986, as amended.

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

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

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

26 (3) attached to a product or its container for the

1 purpose of marketing or communicating information about
2 the product;

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

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

9 "Packaging" does not include:

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

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

16 (B) as combination product as defined under 21 CFR
17 3.2(e); or

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

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

25 (3) packaging regulated under the Federal Insecticide,
26 Fungicide, and Rodenticide Act or another applicable

1 federal law, rule, or regulation; and

2 (4) beverage containers subject to a returnable
3 container deposit, if applicable.

4 "Paper product" means:

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

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

10 "Paper product" does not include:

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

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

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

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

26 "Postconsumer recycled content" means the portion of a

1 covered material made from postconsumer material that has been
2 recycled.

3 "Producer" means the following:

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

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

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

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

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

26 (2) For products sold, distributed, or served in

1 packaging to consumers in this State via remote sale,
2 distribution, or service:

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

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

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

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

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

19 "Producer" does not include:

20 (1) government agencies or units of local government;

21 (2) nonprofit organizations;

22 (3) retailers; or

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

26 (A) less than one ton of covered materials in a

1 program year in this State; or

2 (B) packaged products that generate less than
3 \$3,000,000 in gross revenue nationally in a program
4 year.

5 "Producer responsibility organization" means a registered
6 nonprofit organization designated by one or more producers to
7 act as an agent on behalf of each producer in the group for
8 purposes of developing and implementing a program plan in
9 accordance with this Act.

10 "Producer responsibility program plan" or "program plan"
11 means the program plan required under Section 45.

12 "Program year" means a calendar year. The first program
13 year is calendar year 2026.

14 "Readily recyclable material" means a covered material
15 included in the minimum recyclables list developed under
16 Section 35.

17 "Reasonable rate" means the funding rate paid by
18 producers, either individually or jointly with other
19 producers, through a producer responsibility organization and
20 using the actual rate established in a contract for services
21 or the actual cost to provide service by a covered entity. If a
22 contract for services is not in place or services are not
23 provided directly by a covered entity on or before the
24 effective date of this Act, the contract shall be
25 competitively procured through a process seeking requests for
26 proposals in accordance with the statutory authority granted

1 to units of local government under Illinois law.

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

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

18 "Recycling rate" means the percentage of covered materials
19 returned to the economic mainstream in the form of raw
20 materials or products rather than being disposed of or
21 discarded. The "recycling rate" is calculated by dividing the
22 total weight of all covered materials that are collected for
23 recycling by the total weight of covered materials sold,
24 distributed, or served to consumers in the State over a
25 program year, not including the residue that is landfilled
26 after processing by a MRF.

1 "Restaurant" means a business having sales of ready-to-eat
2 food for immediate consumption comprising at least 51% of the
3 total sales, excluding the sale of liquor.

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

9 "Reusable" means:

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

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

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

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

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

26 "Reusable or refillable packaging" means packaging that is

1 specifically designed and manufactured to maintain its shape
2 and structure and to be materially durable for repeated
3 sanitizing, washing, and reuse.

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

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

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

15 "Small producer" means a producer who, during the previous
16 program year, (i) earned more than \$3,000,000 but less than
17 \$5,000,000 in annual revenues nationally or (ii) sold,
18 distributed, or served more than one but less than 15 tons of
19 covered materials to consumers in this State.

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

22 "Waste prevention rate" means the ratio of the weight of
23 packaging materials to the weight of products contained in the
24 packaging across all product and packaging material types in a
25 program year in comparison to the ratio of the weight of
26 packaging materials for products put into the market in

1 Illinois in 2026.

2 Section 15. Producer responsibility organization
3 governance.

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

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

18 Section 20. Packaging and Paper Product Producer
19 Responsibility Advisory Council.

20 (a) The Packaging and Paper Product Producer
21 Responsibility Advisory Council is established in the Agency.
22 On or before January 1, 2024, the Director shall appoint
23 members to the Advisory Council to provide advice and
24 recommendations to the Agency, producers, and a producer

1 responsibility organization in the drafting, amendment, or
2 approval of program plans and to oversee and provide
3 recommendations for the implementation of program plans,
4 including, but not limited to, needs assessments and progress
5 toward achieving performance requirements under this Act. The
6 Advisory Council shall advise on and review annual reports and
7 shall provide recommendations to the Agency, producers, and a
8 producer responsibility organization regarding changes to the
9 program to correct shortcomings and ensure performance
10 requirements under this Act are met.

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

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

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

26 (3) three individuals representing haulers, one of

1 whom shall represent a statewide organization representing
2 haulers, one of whom shall represent a publicly traded
3 hauler, and one of whom shall represent a privately owned
4 hauler;

5 (4) seven individuals representing rural and urban
6 units of local government, one of whom shall represent a
7 county with a population of less than 50,000, one of whom
8 shall represent a county with a population of more than
9 50,000 and less than 1,000,000, one of whom shall
10 represent a county with a population of more than
11 1,000,000, one of whom shall represent a municipality, one
12 of whom shall represent a municipal joint action agency,
13 one of whom shall represent a township, and one of whom
14 shall represent a municipality with a population of
15 1,000,000 or more;

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

18 (6) two individuals representing environmental
19 organizations;

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

22 (8) four individuals representing trade associations,
23 one of whom shall represent a fiber trade association, one
24 of whom shall represent a plastic trade association, one
25 of whom shall represent a metal trade association, and one
26 of whom shall represent a glass trade association.

1 The Advisory Council shall include the following nonvoting
2 members, appointed by the Director, to facilitate the work of
3 the Advisory Council:

4 (1) one individual representing a producer
5 responsibility organization;

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

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

12 (4) one individual representing the Agency.

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

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

25 (e) The duties of the voting members of the Advisory
26 Council are as follows:

1 (1) Provide guidance on the scope of the statewide
2 needs assessment required under Section 25.

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

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

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

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

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

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

21 (f) The Advisory Council shall:

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

24 (2) meet at least quarterly until initial program
25 plans have been approved and at least semi-annually
26 thereafter;

1 (3) elect a Chair from among Advisory Council members
2 by a simple majority vote;

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

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

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

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

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

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

24 (a) On or before January 1, 2024, any producer or a single
25 producer responsibility organization authorized to operate and

1 administer a program on the producer's behalf and who intends
2 to submit a program plan pursuant to Section 45 of this Act
3 shall register with the Agency.

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

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

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

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

17 (4) describe the scope of work for the comprehensive
18 statewide needs assessment study as required under Section
19 35, which producers, either individually or jointly with
20 other producers through a producer responsibility
21 organization, will fund, including, but not limited to, a
22 description of the data types and sources to be provided
23 by producers, a producer responsibility organization,
24 covered entities, and other persons as necessary to
25 facilitate the comprehensive statewide needs assessment
26 study's completion.

1 (c) No later than 60 days after submission of a
2 registration form under this Section, the Agency shall provide
3 a written notice to a producer or producer responsibility
4 organization of the Agency's determination approving or
5 disapproving the scope of work of the producer or producer
6 responsibility organization funded statewide needs assessment.
7 If the needs assessment's scope of work does not meet the
8 requirements of Section 35 and is not approved by the Agency,
9 the Agency shall describe the reasons for the disapproval in
10 the notice of determination. A producer or producer
11 responsibility organization shall revise and resubmit the
12 proposed needs assessment's scope of work to the Agency not
13 later than 30 days after receipt of the Agency's notice. Not
14 later than 30 days after receipt of the revised proposal, the
15 Agency shall review and approve or disapprove the revised
16 needs assessment proposal and shall provide a notice of
17 determination to the producer or producer responsibility
18 organization. A producer or producer responsibility
19 organization may resubmit a revised needs assessment proposal
20 to the Agency for approval not more than once. If a producer or
21 producer responsibility organization fails to submit a needs
22 assessment proposal that meets the requirements of Section 35
23 and is approved by the Agency, the Agency shall modify the
24 needs assessment proposal to conform to the requirements and
25 provide it to a producer or producer responsibility
26 organization as the approved needs assessment scope of work to

1 be funded. After the Agency approves the scope of the needs
2 assessment, a producer or producer responsibility organization
3 shall provide necessary data and funding for its completion.

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

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

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

19 Section 30. Plastics recycling technologies study.

20 (a) No later than July 1, 2025, the Prairie Research
21 Institute shall conduct and publish a study of plastic
22 recycling technologies. The study shall be designed to
23 determine which existing and emerging technologies shall be
24 eligible to meet the definition of "recycling" in Section 10.
25 The study shall include:

1 (1) an assessment of the full life-cycle impacts of
2 various plastic-to-plastic technologies, including, but
3 not limited to, a comparison to the full life-cycle
4 impacts of mechanical recycling technologies;

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

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

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

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

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

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

24 (a) Beginning July 1, 2026, no producer shall sell at
25 retail, offer for sale at retail, distribute, or serve in this

1 State a covered material unless the producer, or a producer
2 responsibility organization acting on the producer's behalf,
3 has a program plan approved by the Agency. A producer must
4 satisfy participation obligations either individually or
5 jointly with other producers through a producer responsibility
6 organization.

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

13 (c) Producers, either individually or jointly with other
14 producers through a producer responsibility organization,
15 shall provide for the collection and processing of recyclable
16 covered materials at no cost to all covered entities in the
17 State. Collection and processing services shall be performed
18 by covered entities, service providers, or other persons who
19 are not a producer or producer responsibility organization.
20 Beginning in 2026, producers, either individually or jointly
21 with other producers through a producer responsibility
22 organization, shall provide payment to covered entities or
23 service providers for recycling expenses relating to covered
24 materials, including, but not limited to, any administrative,
25 sorting, collection, transportation, public education, or
26 processing costs. A covered entity shall be eligible for

1 payment from producers or a producer responsibility
2 organization regardless of whether the covered entity provides
3 the services directly or through a contract with a service
4 provider.

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

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

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

14 (e) With respect to rigid plastics, each producer shall
15 achieve a postconsumer recycled content requirement of 15% by
16 2028, 25% by 2031, and 50% by 2034 in the rigid plastics it
17 produces, subject to any waiver issued under Section 100.

18 (f) No later than October 1, 2025, producers or a producer
19 responsibility organization, in consultation with the Advisory
20 Committee, shall adopt and publish a list of minimum types of
21 readily recyclable materials based on available collection and
22 processing infrastructure and recycling markets for covered
23 materials. The producers or producer responsibility
24 organization shall update and adopt the list on an annual
25 basis, in consultation with the Advisory Council, in response
26 to collection and processing improvements and changes in

1 recycling end markets or as requested by the Advisory Council.
2 If there are multiple lists, the producer responsibility
3 organization shall compile the lists and publish the compiled
4 list to the public. A list may vary by geographic region
5 depending on regional markets and regional collection and
6 processing infrastructure.

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

26 All covered entities or recycling service providers shall

1 provide for the collection and recycling of all identified
2 materials contained on the list of minimum recyclables, based
3 on geographic regions, in order to be eligible for payment by
4 producers or a producer responsibility organization. However,
5 a covered entity or service provider shall not be penalized
6 for recovering and recycling materials that are generated by
7 the covered entity or in the geographic region that are not
8 included on the list of minimum types of recyclable covered
9 materials as long as the covered entity or service provider
10 can demonstrate that the materials have a market as determined
11 by the Advisory Council in consultation with a producer or
12 producer responsibility organization. Payment for recycling
13 services by producers, either individually or jointly with
14 other producers through a producer responsibility
15 organization, shall cover recycling of all covered materials
16 so long as the program includes at least the minimum
17 recyclable list.

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

22 (h) No later than July 1, 2029, for covered entities that
23 are not provided recycling services directly by the covered
24 entity or through a contract with a service provider,
25 producers, either individually or jointly with other producers
26 through a producer responsibility organization, shall provide

1 access to curbside recycling services for all covered entities
2 within municipalities with a population of 1,500 or more based
3 on the most recent United States Census. Curbside recycling
4 services provided under this subsection shall be offered no
5 less frequently than every 2 weeks. In all municipalities with
6 a population less than 1,500, a producer or producer
7 responsibility organization shall provide covered entities
8 with at least one drop-off location for recyclable covered
9 materials that is located within 15 miles of the municipal
10 boundary.

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

21 This Section does not prevent a covered entity that does
22 not have a curbside recycling or drop-off recycling program in
23 operation on or before the effective date of this Act from
24 using its authority to franchise recycling services after the
25 effective date of this Act and to be eligible for payment for
26 recycling services by producers, either individually or

1 jointly with other producers through a producer responsibility
2 organization, in accordance with this Act.

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

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

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

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

24 Section 40. Statewide needs assessment.

25 (a) On or before July 1, 2025, the Prairie Research

1 Institute shall conduct a statewide needs assessment to assess
2 recycling and covered materials management needs in the State
3 and shall submit the results to the Agency for the Agency's
4 review and approval. The needs assessment shall be funded by
5 all producers either individually or jointly through a
6 producer responsibility organization. The needs assessment
7 shall identify current conditions and an evaluation of the
8 capacity, costs, gaps, and needs associated with recycling and
9 the diversion of packaging and paper products. The needs
10 assessment shall address, at a minimum, the following factors:

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

17 (2) current operational and capital funding
18 limitations impacting reuse, recycling, and composting
19 access and availability for covered materials throughout
20 the State;

21 (3) existing federal and State statutory provisions
22 and public and private funding sources for the reduction,
23 reuse, recycling, and composting of covered materials;

24 (4) current collection systems and costs for covered
25 materials in the State for reuse, recycling, composting,
26 and disposal;

1 (5) the processing capacity and infrastructure for
2 reusable, recyclable, and compostable covered materials in
3 the State and regionally and the necessary capital
4 investments to existing and future reuse, recycling, and
5 composting infrastructure for covered materials;

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

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

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

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

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

26 (11) an assessment of environmental justice and

1 recycling equity in the State, including, but not limited
2 to:

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

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

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

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

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

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

1 recommendations for funding the new responsibilities.

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

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

25 (d) Any proposed activities or recommendations from the
26 study shall be evaluated by the Agency for progress and shall

1 be taken into consideration when approving or disapproving a
2 program plan.

3 Section 45. Producer responsibility program plan.

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

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

22 (2) a list of the covered materials for which a
23 producer or producer responsibility organization is
24 responsible and which of the materials is included in the
25 minimum recyclable materials list submitted under Section

1 35;

2 (3) a funding mechanism that allocates the costs to
3 the producers to meet the requirements of this Act,
4 including, but not limited to, adjustments to the fee
5 schedule for participating producers based on the factors
6 established under subsection (a) of Section 40;

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

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

26 (6) a description of how a producer or producer

1 responsibility organization will procure curbside
2 recycling or drop-off recycling services for covered
3 entities who do not provide services directly or through a
4 contract with a service provider;

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

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

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

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

25 (9) proposed minimum postconsumer recycled material
26 content for each covered material produced and a

1 description of how producers will meet or exceed these
2 targets; the minimum rates shall be varied for each
3 covered material type and format and shall not be set
4 lower than the minimum rates established under this Act
5 for rigid plastics;

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

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

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

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

26 (14) for a producer responsibility organization, a

1 description of how the producer responsibility
2 organization will facilitate opportunities to purchase
3 recycled materials from MRFs on behalf of producer members
4 interested in obtaining recycled feedstock in order to
5 achieve postconsumer recycled content objectives;

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

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

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

26 (18) a description of how the producer or producer

1 responsibility organization intends to address all other
2 needs and recommendations identified in the statewide
3 needs assessment; and

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

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

18 (1) an assessment of comments received;

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

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

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

26 (5) a description of any changes made to the plan as a

1 result of the comments described under paragraph (3).

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

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

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

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

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

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

23 (4) whether the covered material or product is
24 specifically designed to be reusable and has a high reuse
25 rate; and

1 (5) the commodity value of a covered material or
2 product.

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

5 (1) improving reusability, recyclability, and
6 compostability;

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

9 (3) incorporating sustainably and renewably sourced
10 material;

11 (4) eliminating toxic substances;

12 (5) incorporating postconsumer recycled content;

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

16 (7) preventing litter.

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

21 (d) No dues are required for reusable containers or
22 materials if (i) they are designed to be reused for their
23 original purpose and a producer provides a program for the
24 consumer to reuse the covered material through which the
25 covered material is collected and reused by a producer or
26 similar producers and (ii) those programs meet or exceed any

1 recycling or reuse targets set forth in this Act and in the
2 program plan.

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

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

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

23 (h) For covered materials collected, transported,
24 processed, or marketed by a covered entity directly or through
25 a contract with a service provider, the covered entity may
26 choose to:

- 1 (1) continue providing the service without payment;
- 2 (2) continue providing the service with payment at a
3 reasonable rate; or
- 4 (3) establish a recycling service by accepting a
5 contract for services procured by a producer or producer
6 responsibility organization.
- 7 (i) If a covered entity does not choose to provide
8 recycling service in a program year, producers, either
9 individually or jointly with other producers through a
10 producer responsibility organization, shall make a good faith
11 effort to offer to operate and administer a program on the
12 covered entity's behalf. If the covered entity does not accept
13 the offer, a producer or producer responsibility organization
14 shall not be responsible for providing recycling service to
15 the covered entity for that program year. A covered entity
16 shall have the option to provide or receive recycling service
17 in any program year under the provisions of this Act. A service
18 provider who is contracted by a producer or producer
19 responsibility organization must secure any operating
20 approvals that are required by the unit of local government.

21 Section 55. Disposal costs. A program plan developed
22 pursuant to this Act shall not include costs for covered
23 materials collected and managed for disposal, but shall
24 include materials collected and disposed of from a MRF
25 processing covered materials for recycling.

1 Section 60. Waste prevention and reuse program; composting
2 infrastructure and education program.

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

13 To fund activities under the waste prevention and reuse
14 program, each producer, individually or collectively through a
15 producer responsibility organization, shall establish and
16 maintain a waste prevention and reuse fund. Amounts deposited
17 into the fund by a producer or producer responsibility
18 organization shall be at least 2.5% of the producer's or
19 producer responsibility organization's total expenditures
20 under the program plan or \$10,000,000, whichever is less.
21 Deposits to the fund beginning in the sixth year of program
22 implementation and every year thereafter will be no less than
23 was deposited in the fifth year. Upper limits on expenditures
24 do not apply to renewed or updated program plans for which a
25 program has already been in place for 5 or more years.

1 (b) Each producer, individually or collectively through a
2 producer responsibility organization, shall establish and
3 maintain a composting infrastructure and education program to
4 assist in improving the recovery of compostable packaging and
5 the education of persons participating in collection programs
6 that accept compostable packaging. A producer or producer
7 responsibility organization shall enter into agreements with
8 public or private entities to establish the composting
9 infrastructure and education program, which shall include, but
10 is not limited to, offering grants or loans in order to reduce
11 the environmental impacts of covered materials.

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

26 (c) In offering grants or loans for programs under this

1 Section, a producer or producer responsibility organization
2 must consider criteria that include, but are not limited to,
3 the following:

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

13 Section 65. Funding stipulations; Agency expenses.

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

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

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

23 (d) A producer or producer responsibility organization
24 shall not use the funds collected under this Act to pay a civil
25 penalty from the enforcement of this Act or to pay costs

1 associated with litigation between a producer or producer
2 responsibility organization and the State.

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

9 Section 70. Program plan approval.

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

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

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

22 (2) whether the producer or producer responsibility
23 organization has undertaken the required consultation with
24 the Advisory Council, has provided an opportunity for the
25 Advisory Council's input on the plan prior to submission

1 of the plan to the Agency, and has thoroughly described
2 how the Advisory Council's input has been addressed by and
3 incorporated into the plan.

4 (c) No later than 3 months after the date a program plan is
5 approved, the producer or producer responsibility organization
6 shall implement the approved program plan. If the first
7 program plan is not approved by the Agency on or before July 1,
8 2026, the producer or producer responsibility organization
9 shall implement the plan as submitted until the plan is
10 approved by the Agency.

11 Section 75. Alternative collection programs.

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

24 (b) A producer or producer responsibility organization
25 seeking to implement an alternative collection program shall

1 submit a program plan for the alternative program in
2 accordance with Section 45. The Agency shall review and
3 approve or deny the program plan for the alternative program
4 in accordance with Section 70.

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

10 Section 80. Outreach and education; producer
11 responsibility website.

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

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

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

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

24 (4) recycling instructions that are (i) consistent
25 statewide, except as necessary to take into account

1 differences among local laws and processing capabilities,
2 (ii) easy to understand, and (iii) easily accessible.

3 (b) Producers, either individually or jointly through a
4 producer responsibility organization, shall collectively
5 initially allocate a minimum of \$0.50 per resident of the
6 State annually to be spent on education and outreach. The
7 amount shall be increased pursuant to subdivision (g) if
8 performance targets are not met. Counties, municipal joint
9 action agencies, or cities with a population greater than
10 1,000,000 may choose to receive up to 50% of the allocated
11 funding per resident within their jurisdiction annually from
12 producers or a producer responsibility organization to be
13 spent on education and outreach about the program within the
14 county, municipal joint action agency, or city. Where funding
15 is provided to counties or municipal joint action agencies,
16 they must collaborate with covered entities within their
17 jurisdiction and producers or a producer responsibility
18 organization to develop an overall education plan.

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

1 funding to outreach efforts.

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

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

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

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

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

23 (5) include, at a minimum:

24 (A) consulting on education, outreach, and
25 communications with units of local government and
26 other stakeholders;

1 (B) coordinating with and assisting local
2 municipal programs, municipal contracted programs,
3 solid waste collection companies, and other entities
4 providing services; and

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

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

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

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

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

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

24 The website shall include information to notify the public
25 about how to properly recycle or otherwise dispose of covered
26 materials.

1 (f) The Advisory Council, with data reported in the annual
2 report required under Section 85, shall evaluate the
3 effectiveness of outreach and education efforts under this
4 Section to determine whether modification of a program plan is
5 necessary to improve the outreach and education efforts. The
6 Agency may require a producer or producer responsibility
7 organization to develop information that may be used to
8 improve outreach and education efforts under this Section.

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

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

25 Section 85. Reporting requirements and audits.

1 (a) On or before May 1, 2027, and annually thereafter,
2 producers, either individually or jointly with other producers
3 through a producer responsibility organization, shall submit a
4 report to the Agency that details the performance for the
5 prior calendar year's program. Producers, either individually
6 or jointly with other producers through a producer
7 responsibility organization, shall provide a copy of the
8 annual report to the Advisory Council for review and feedback
9 prior to submission to the Agency and shall allow 30 days for
10 the Advisory Council to provide written comment. A producer or
11 producer responsibility organization shall submit to the
12 Agency any written comments on the annual report received from
13 the Advisory Council as an attachment to the report. The
14 annual report shall include, at a minimum:

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

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

24 (3) a description of the management of covered
25 materials, including, but not limited to, reuse,
26 recycling, and composting rates, by material type;

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

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

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

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

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

26 (9) the status of the grants and programs implemented

1 under the waste prevention and reuse program and the
2 composting infrastructure and education program;

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

7 (11) a copy of the independent financial audit;

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

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

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

23 (15) the status of packaging innovation and design
24 characteristics to prevent littering, make covered
25 materials reusable, and reduce overall covered material
26 waste;

1 (16) a calculation of the waste prevention rate with
2 supporting data by covered material type;

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

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

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

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

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

25 (c) No later than 60 days after the date the Agency
26 receives the annual report, the Agency shall notify a producer

1 or producer responsibility organization of any deficiencies in
2 the report. No later than 30 days after receiving this notice
3 from the Agency, a producer or producer responsibility
4 organization shall submit to the Agency additional information
5 to correct the deficiencies. No later than 30 days after
6 receiving the additional information, the Agency shall notify
7 a producer or producer responsibility organization of any
8 uncorrected deficiencies, with continuing response and review
9 periods of no more than 30 days until the report is approved by
10 the Agency. Upon final approval by the Agency, the report
11 shall be posted on the Agency's website and on the website of
12 the producer or the producer responsibility organization
13 acting on the producer's behalf. If applicable, the version of
14 the report to be posted publicly shall be the redacted
15 version.

16 (d) Any proposed activities or recommendations from the
17 annual report shall be evaluated by the Advisory Council for
18 progress and shall be taken into consideration when reviewing
19 the report. If a producer or producer responsibility
20 organization is not on target to meet the performance
21 requirements or other required components of the plan, the
22 Agency, in consultation with the Advisory Council, shall
23 require the producer or producer responsibility organization
24 to submit a revised program plan designed to meet the
25 performance requirements or other required components of the
26 plan.

1 Section 90. Limited antitrust protections. A producer or
2 producer responsibility organization that organizes the
3 collection, transportation, and processing of covered
4 materials, in accordance with a program plan approved under
5 this Act, shall not be liable for any claim of a violation of
6 antitrust, restraint of trade, or unfair trade practice
7 arising from conduct undertaken in accordance with the program
8 pursuant to this Act. However, this Section shall not apply to
9 any agreement establishing or affecting the price of a covered
10 material, product, or the output or production of any
11 agreement restricting the geographic area or customers to
12 which a covered material or product will be sold.

13 Section 95. Penalties.

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

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

24 (c) The Attorney General or the State's Attorney of a

1 county in which a violation occurs may institute a civil
2 action for an injunction, prohibitory or mandatory, to
3 restrain violations of this Act or to require such actions as
4 may be necessary to address violations of this Act.

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

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

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

22 (1) the manufacturer cannot achieve the postconsumer
23 recycled content requirements and remain in compliance
24 with applicable rules and regulations adopted by the
25 United States Food and Drug Administration, or any other

1 State or federal law, rule, or regulation;

2 (2) it is not technologically feasible for the
3 manufacturer to achieve the postconsumer recycled content
4 requirements;

5 (3) the manufacturer cannot comply with the
6 postconsumer recycled content requirements due to
7 inadequate availability of recycled material or a
8 substantial disruption in the supply of recycled material;
9 or

10 (4) the manufacturer cannot comply for another reason
11 as determined by the Agency by rule, regulation, or
12 guidance.

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

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

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