

97TH GENERAL ASSEMBLY
State of Illinois
2011 and 2012
SB0102

Introduced 1/27/2011, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.786 new

Creates the Plastic Bag and Film Recycling Act. Requires manufacturers of plastic carryout bags to register with the Illinois Environmental Protection Agency and pay to the Agency an initial registration fee and annual registration renewal fee. Prohibits a manufacturer from selling or offering to sell a plastic bag in the State unless its name is printed on the bag. Requires the manufacturers to develop an Agency-approved plan for the recycling of plastic carryout bags and plastic film product wrap. Prohibits, under certain circumstances, a retailer from purchasing plastic carryout bags for use or distribution in the State. Requires the Agency to post certain information on its website. Requires specified percentages of post-consumer recycled content in plastic carryout bags manufactured for use in the State. Specifies civil penalties for violations of the Act. Amends the State Finance Act to create the Plastic Bag Recycling Fund as a special fund in the State treasury. Provides that moneys in the Fund are to be used by the Agency to implement the Act and to carryout certain educational missions. Effective immediately.

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FISCAL NOTE ACT MAY
APPLY

A BILL FOR

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1 AN ACT concerning safety.

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

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

6 Section 5. Findings and purpose.

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

8 (1) Senate Bill 303 of the 95th General Assembly, as
9 amended, became law in August of 2007 (effective January 1,
10 2008) and was referred to as the Plastic Bag Recycling Act
11 (P.A. 095-0268).

12 (2) The Plastic Bag Recycling Act required a Task Force
13 to be assembled to administer a pilot collection program
14 for plastic bags and plastic film within the confines of
15 Lake County, Illinois that would engage retail businesses
16 that operated stores of 10,000 square feet or greater to
17 voluntarily participate in the pilot program, and, in May
18 of 2010, the Task Force submitted a report of the pilot
19 program findings to the Governor and the leadership of the
20 General Assembly.

21 (3) The Task Force findings referred to data contained
22 in the Illinois Commodity Waste Generation and
23 Characterization Study commissioned in 2008 by the

1 Illinois Department of Commerce and Economic Opportunity
2 which indicate that nearly 500,000 tons of plastic film
3 material is generated each year in Illinois that has a
4 potential market value of \$100 million; however, 98.5% of
5 this plastic film is landfilled. The Study also found that
6 plastic grocery bags represent only about 15% of all
7 plastic film disposed of in Illinois landfills, which led
8 the Task Force to focus attention on not only the recovery
9 of plastic grocery bags, but also the recovery of plastic
10 film product wrap that is used to package numerous consumer
11 products.

12 (4) The Task Force concluded that the disposal of
13 plastic bags and film represents a tremendous waste of a
14 non-renewable resources that can be recycled, but that lack
15 an adequate collection infrastructure, and that
16 participating retailers responded favorably overall to the
17 pilot program and intended to continue collecting plastic
18 bags from their customers with the majority of them
19 indicating that their overall costs to operate the
20 collection program were minimal and were built into daily
21 operational procedures.

22 (5) Markets for plastic bags and film do exist, and, if
23 this material can be successfully diverted from final
24 disposal, it has the potential to conserve a non-renewable
25 resource by reusing it as a feedstock for new plastic bags
26 and plastic lumber, as well as for other beneficial uses.

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1 In addition to conserving resources the recycling of
2 plastic bags and film reduces air, land, and water
3 pollution.

4 (6) The 2010 Recycling Economic Information Study
5 Update for Illinois estimates that the plastics industry
6 employs approximately 3,114 people in Illinois, generating
7 an annual payroll of \$98,887,000, and, based on this data,
8 it is estimated that a statewide plastic bag and film
9 recycling program would generate over 300 jobs with an
10 estimated payroll of \$9,500,000.

11 (7) The plastic bag industry has taken great strides in
12 promoting increased recycling of plastic bags in the State,
13 and this Act recognizes that continued and increased
14 responsibility of industry to support increased plastic
15 bag recycling is in the State's and the public's interests.

16 (b) The purpose of this Act is to set forth the procedures
17 by which the collection and recycling of plastic bags and film
18 will be accomplished in Illinois.

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

20 "Agency" means the Illinois Environmental Protection
21 Agency.

22 "Consumer" means any person who makes a purchase at retail
23 for any purpose other than resale.

24 "Manufacturer" means a manufacturer of plastic carryout
25 bags.

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1 "Percent post-consumer recycled content" means the
2 percentage of recycled plastic carryout bags, plastic film
3 product wrap, or both, that is present in a new plastic
4 carryout bag following an original use of the bag or wrap by a
5 consumer.

6 "Plastic carryout bag" means any polyethylene bag that is
7 provided to a consumer by a retailer at checkout.

8 "Plastic film product wrap" means polyethylene wraps used
9 to cover consumer goods, such as paper towels, bathroom tissue,
10 cases of sodas, diapers, and other dry goods.

11 "Recycling" means any process by which plastic carryout
12 bags, plastic film product wrap, or both, are collected and
13 processed and returned to the economic mainstream in the form
14 of raw materials or products. Recycling does not include energy
15 recovery or energy generation by means of combusting plastic
16 carryout bags and plastic film product wrap, and it does not
17 include any use within the permitted boundaries of a municipal
18 solid waste landfill unit.

19 "Retailer" means a person engaged in the business of making
20 sales at retail that generates occupation or use tax revenue.

21 Section 15. Registration and fee required. Beginning
22 January 1, 2012, each manufacturer of plastic carryout bags,
23 before selling or offering for sale those bags in Illinois,
24 shall register with the Agency and, at the time of
25 registration, shall pay an initial registration fee of \$1,000

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1 to the Agency. A manufacturer that has registered shall pay an
2 annual renewal registration fee of \$500 to the Agency. The

3 annual renewal registration shall be paid each year no later
4 than the first day of the month in which the initial
5 registration fee was paid. The proceeds of these fees shall be
6 credited to the Plastic Bag Recycling Fund.

7 Section 20. Manufacturer label required. Beginning January
8 1, 2012, a manufacturer shall not sell or offer to sell plastic
9 carryout bags in Illinois unless the name of the manufacturer
10 is printed on the bag so that the manufacturer's identity is
11 readily identifiable.

12 Section 25. Plastic carryout bag and plastic film product
13 wrap recycling plan.

14 (a) Each manufacturer of plastic carryout bags, either
15 individually or jointly, shall develop and submit to the Agency
16 a plan for supporting recycling of carryout plastic bags and
17 plastic film product wrap in the State produced by the
18 manufacturer or manufacturers. The manufacturer or
19 manufacturers shall submit a proposed plan to the Agency by May
20 1, 2012. The plan shall:

21 (1) describe the recycling program to be implemented
22 throughout the State, including collection locations,
23 events, or both;

24 (2) include a detailed description as to how the plan

1 will be implemented;

2 (3) describe the performance measures that will be used
3 to document collection efforts for plastic carryout bags
4 and plastic film wrap; and

5 (4) include a public education plan on the reuse and
6 recycling of plastic carryout bags and plastic film wrap.

7 (b) The Agency shall approve a plan that satisfies the
8 requirements of subsection (a). The Agency must approve or
9 decline to approve a plan within 90 days after its submittal.
10 If the Agency fails to act within 90 days, the plan shall be
11 deemed approved, and the manufacturer may continue to sell or
12 offer for sale its bags in Illinois. If the Agency declines to
13 approve a plan, the manufacturer may resubmit a revised plan

14 for consideration.

15 (c) A manufacturer may prepare a revised plan and submit it
16 to the Agency at any time as the manufacturer considers
17 appropriate in response to changed circumstances or needs. The
18 Agency may require a manufacturer to revise or update a plan if
19 the Agency finds that the plan is inadequate or out-of-date.

20 (d) Each manufacturer is responsible for all costs
21 associated with the development and implementation of its plan.

22 (e) Each manufacturer shall submit a report to the Agency
23 by April 1 of each year that includes, for the previous
24 calendar year, a description of the collection and recycling
25 program used to recover the manufacturer's carryout plastic
26 bags, including the collection locations for plastic bags, the

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1 amount of plastic carryout bags and plastic film product wrap
2 collected for recycling, and samples of the education materials
3 provided to consumers.

4 (f) A manufacturer shall conduct and document due diligence
5 assessments of any third parties, agents, partners, or
6 contractors with whom the manufacturer contracts or arranges
7 for a recycling collection location, collection or
8 transportation of plastic bags and plastic film product wraps,
9 recycling of plastic bags and plastic film product wraps, or
10 both.

11 (g) A manufacturer may fulfill the requirements of this
12 Section either individually or in participation with other
13 manufacturers.

14 Section 30. Requirements applicable to retailers.

15 (a) A retailer that purchases carryout plastic bags shall,
16 before the initial offer for purchase is made, review the
17 Agency's website to determine that the manufacturer is
18 registered with the Agency in accordance with Section 15.

19 (b) Beginning October 1, 2012, a retailer shall not
20 purchase plastic carryout bags for use or distribution in
21 Illinois unless the bag manufacturer is listed as having an
22 approved plan on the Agency's website under Section 35.

23 (c) Beginning January 1, 2012, a retailer shall not

24 purchase plastic carryout bags for use or distribution in
25 Illinois unless the name of the manufacturer is printed on the

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1 bag so that the manufacturer's identity is readily
2 identifiable.

3 (d) Beginning January 1, 2015, a retailer shall not
4 purchase plastic carryout bags unless the bag is labeled in
5 accordance with Section 45.

6 Section 35. Responsibilities of the Agency.

7 (a) Beginning October 1, 2012, for the benefit of assisting
8 consumers who wish to find collection locations for recycling
9 plastic bags, the Agency shall post on its website the location
10 of all collection sites known to the Agency or otherwise
11 identified to the Agency by manufacturers.

12 (b) Beginning January 1, 2012, the Agency shall post on its
13 website the list of manufacturers that are registered under
14 Section 15.

15 (c) Beginning October 1, 2012, the Agency shall post on its
16 website the list of manufacturers for which the Agency has
17 approved a plan pursuant to Section 25.

18 Section 40. Plastic Bag Recycling Fund. The Plastic Bag
19 Recycling Fund is created as a special fund in the State
20 treasury. Moneys in the fund shall be used by the Agency for
21 implementation of this Act and for educational programs to
22 promote the reuse and recycling of plastic bags.

23 Section 45. Percent recycled content requirements.

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1 (a) Beginning January 1, 2014, manufacturers selling
2 plastic carryout bags for use in the State by retailers shall
3 be required to prominently label each bag to identify the
4 percent post-consumer recycled content in the bag.

5 (b) Beginning January 1, 2015, manufacturers shall be

6 required to manufacture the bag to include at least 30% total
7 recycled content, of which at least 15% is pre-consumer
8 recycled content and at least 15% is post-consumer recycled
9 content.

10 (c) Beginning January 1, 2015, each manufacturer shall
11 include a statement in the annual report submitted pursuant to
12 subsection (e) of Section 25 that it has met the recycled
13 content and labeling requirements of this Section. Each
14 manufacturer shall meet the recycled content requirements of
15 subsection (b) of Section 45 unless the manufacturer can
16 demonstrate in its annual report that there was not a
17 sufficient quantity of pre-consumer or post-consumer plastic
18 bags and film available to meet the requirements. The Agency
19 may require additional information or documentation, from a
20 manufacturer that informs the Agency that it was unable to meet
21 the recycled content requirement, to determine compliance with
22 this Section.

23 Section 50. Penalties. Any manufacturer or retailer who
24 violates any provision of this Act or fails to perform any duty
25 under this Act shall be liable for a civil penalty not to

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1 exceed \$1,000 and an additional civil penalty not to exceed
2 \$100 per day for each day the violation continues. Any
3 penalties collected by the Attorney General pursuant to this
4 Act shall be deposited into the Plastic Bag Recycling Fund.

5 Section 55. Report to the General Assembly. No later than
6 August 1, 2016, the Director of the Agency shall submit a
7 report to the General Assembly describing the results of the
8 plastic carryout bag and plastic film wrap collection and
9 recycling program on a statewide basis. The report shall also
10 contain recommendations regarding whether the program shall be
11 made permanent and any modifications to improve its function
12 and efficiency.

13 Section 60. The State Finance Act is amended by adding
14 Section 5.786 as follows:

15 (30 ILCS 105/5.786 new)

16 Sec. 5.786. The Plastic Bag Recycling Fund.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.