

The State of Illinois has the authority to regulate how end-of-life CRTs are managed. However, HB 1439 does not set requirements for CRT management. Instead, a sentence was inserted into the bill that set requirements for R2 – a voluntary, private certification standard. This sentence forces R2 to allow the placement of CRT glass in a landfill even though R2 prohibits landfilling of recyclable materials.

HB 1439 is bad policy, bad precedent, and will have significant unintended consequences. It is bad policy because the Legislature, which does not have in-depth expertise regarding the environmentally-responsible management of end-of-life electronics, is overruling the experts in the multi-stakeholder group that developed and revises the requirements of R2. It is bad precedent because, if found to be legal, it opens the door for legislation altering the requirements of other voluntary, private certifications like those of the American Board of Surgery and the UL electric standard(s). As for consequences, R2 is an international certification, with certified recyclers in 49 states and over 30 countries. R2 needs to provide a consistent set of requirements across all these jurisdictions. If HB 1439 becomes law, there may be no choice but to pull the R2 certification program out of Illinois.