

LC01681

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

**RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PRODUCER
RESPONSIBILITY**

Introduced By: Representatives Handy, Ajello, Ginaitt, Long, and Lewiss

Date Introduced: February 28, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 24.10

4 ELECTRONIC WASTE PRODUCER RESPONSIBILITY ACT

5 **23-24.10-1. Short title.** – This chapter shall be known as the "Electronic Waste Producer
6 Responsibility Act."

7 **23-24.10-2. Findings.** – The general assembly finds and hereby declares that:

8 (1) Discarded electronic products, including computer monitors, televisions, computers
9 and peripherals, are the fastest growing source of municipal waste in the country, posing an
10 increasing financial and taxpayer burden for local jurisdictions charged with solid waste
11 management.

12 (2) Discarded electronic products contain lead, cadmium, mercury, hexavalent
13 chromium, polyvinyl chloride, brominated flame retardant and other toxic materials that can pose
14 hazards to human health and the environment when landfilled or incinerated.

15 (3) Currently, most manufacturers of electronic equipment bear none of the financial
16 burden or responsibility for safely managing discarded electronic equipment at the end of its
17 useful life, burdening local governments and end users with these costs and responsibilities.

18 (4) Producer responsibility requirements, also known as "producer takeback" programs,

1 which have been adopted in many countries across the world, will shift the burden of the costs for
2 collecting and recycling discarded electronic products from local taxpayers to the producers,
3 therefore requiring the producers to internalize these costs and give them a market incentive to
4 design products that are durable, less toxic and more recyclable.

5 **23-24.10-3. Definitions.** – (a) For the purpose of this chapter:

6 (1) "Department" means the Rhode Island Department of Environmental Management.

7 (2) "Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an
8 electronic signal into a visual image.

9 (3) "Central processing unit" or "CPU" means the circuit boards, components, and
10 associated circuitry system that processes electronic information in a computer and the case that
11 contains such a system.

12 (4) "Circuit board" means a printed wiring board and attached components that are used
13 to control the flow of electrons that contain solder as a component.

14 (5) "Collector" means an entity licensed to do business in the state that gathers unwanted
15 covered electronic products from households, small businesses, school districts, small
16 governments, and charities for the purpose of recycling.

17 (6) "Covered electronic device," for the purposes of this act, includes:

18 (i) Desktop/personal computers – central processing units (CPUs);

19 (ii) computer monitors, including CRT monitors, and flat panel monitors;

20 (iii) CRT televisions and non-CRT-based televisions (including plasma and LCD), or any
21 similar video display device with a screen greater than four (4) inches diagonally and that
22 contains a circuit board.

23 (7) "Covered electronic device" does not include any of the following:

24 (i) personal electronics – PDAs, personal music players (iPods, MP3s, etc.);

25 (ii) stereos, radios, tape players;

26 (iii) television peripherals (e.g., cable or satellite receiver, VCR, DVD);

27 (iv) electronic games;

28 (v) computer peripherals (e.g., mice, keyboard, modem, scanners);

29 (vi) portable computers (laptops);

30 (vii) desktop printers;

31 (viii) a covered electronic device that is a part of a motor vehicle or any component part
32 of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including
33 replacement parts for use in a motor vehicle;

34 (ix) A covered electronic device that is contained within a piece of industrial,

1 commercial, or medical equipment, including monitoring or control equipment;

2 (x) A covered electronic device that is contained within a clothes washer, clothes dryer,
3 refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher,
4 room air conditioner, dehumidifier, or air purifier.

5 (8) "Department" means the Rhode Island Department of Environmental Management.

6 (9) "Equivalent share" means the weight in pounds of covered electronic products for
7 which an individual manufacturer is responsible under this chapter as determined by the
8 department under this act.

9 (10) "Historic waste" means a covered electronic product that was discarded prior to the
10 effective date of this chapter.

11 (11) "Manufacturer" means any person who, irrespective of the selling technique used,
12 including by means of distance or remote sale:

13 (i) Manufactures a covered electronic product under its own brand names or without
14 affixing a brand name, for sale in this state;

15 (ii) Assembles a covered electronic product that uses parts manufactured by others for
16 sale in this state under the assembler's brand names;

17 (iii) Resells in this state under its own brand names a covered electronic product
18 produced by other suppliers, including retail establishments that sell covered electronic products
19 under their own brand names;

20 (iv) Imports or exports a covered electronic product into the United States that is sold in
21 this state. However, if a company from whom an importer purchases the merchandise has a
22 presence or assets in the United States, that accompany is deemed to be the manufacturer; or

23 (v) Manufactures a cobranded product that carries the name of both the manufacturer and
24 a retailer.

25 (12) "New entrant" means a manufacturer of televisions that have been sold in the state
26 for less than ten (10) years, and a manufacturer of desktop computers, laptop and portable
27 computers, or computer monitors that have been sold in the state for less than five (5) years.

28 (13) "Orphan product" means a covered electronic product that lacks a manufacturer's
29 brand or for which the manufacturer is no longer in business and has no successor in interest.

30 (14) "Plan's equivalent share" means the weight in pounds of covered electronic products
31 for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent
32 shares of each manufacturer participating in that plan.

33 (15) "Plan's return share" means the sum of the return shares of each manufacturer
34 participating in that plan.

1 (16) "Program" means the collection, transportation, and recycling activities conducted to
2 implement an independent plan or the standard plan.

3 (17) "Processor" means an entity engaged in disassembling, dismantling, or shredding
4 electronic products to recover materials contained in the electronic products and prepare those
5 materials for refining or reuse in new products in accordance with processing standards
6 established by this chapter and by the department. A processor may also salvage parts to be used
7 in new products.

8 (18) "Recycling" means transforming or remanufacturing waste materials into usable or
9 marketable materials for use other than landfill disposal or incineration. "Recycling" does not
10 include energy recovery or energy generation by means of combusting electronic waste with or
11 without other waste. Smelting of electronic wastes to recover metals for reuse in conformance
12 with all applicable laws and regulations is not considered disposal or energy recovery.

13 (19) "Retailer" means a person who offers covered electronic products for sale at retail
14 through any means including, but not limited to, remote offerings such as sales outlets, catalogs,
15 or the Internet, but does not include a sale that is a wholesale transaction with a distributor or a
16 retailer.

17 (20) "Return share" means the percentage of covered electronic products by weight
18 identified for an individual manufacturer, as determined by the department under this act.

19 (21) "Reuse" means any operation by which an electronic product or a component of a
20 covered electronic product changes ownership and is used for the same purpose for which it was
21 originally purchased.

22 (22) "Small business" means a business employing less than fifty (50) people in the state.

23 (23) "Small government" means a city in the state with a population less than fifty
24 thousand (50,000), a county in the state with a population less than one hundred twenty-five
25 thousand (125,000), and special purpose districts in the state.

26 (24) "Transporter" means an entity that transports covered electronic products from
27 collection sites to processors or other locations for the purpose of recycling, but does not include
28 any entity or person that hauls their own unwanted electronic products.

29 (25) "Unwanted electronic product" means a covered electronic product that has been
30 discarded or is intended to be discarded by its owner.

31 (26) "White box manufacturer" means a person who manufactured unbranded covered
32 electronic products offered for sale in the state within ten (10) years prior to a program year for
33 televisions or within five (5) years prior to a program year for desktop computers, laptop or
34 portable computers, or computer monitors.

1 **23-24.10-4. Scope of products.** – The scope of products is the same as "covered
2 electronic devices" as defined in section 23-24.10-3 which are sold or distributed to any
3 household, charity, school district, small business, or small government located in the state.

4 The department shall review the definition of "covered electronic devices" and hold a
5 public hearing every two (2) years from the effective date of this legislation to consider adding
6 products not yet specifically listed in this definition to the regulations. Such products will be
7 subject to the requirements of "covered electronic devices" within one year following the
8 adoption of any amended regulations. Products to be considered by the department include, but
9 are not limited to, personal electronics – PDAs, personal music players (iPods, MP3s, etc.),
10 stereos, radios, tape players, television peripherals (e.g. cable or satellite receiver, VCR, DVD),
11 electronic games, computer peripherals (e.g. mice, keyboard, modem, scanners), portable
12 computers (laptops), desktop printers. A covered electronic device that is a part of a motor
13 vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or
14 franchised dealer, including replacement parts for use in a motor vehicle, a covered electronic
15 device that is contained within a piece of industrial, commercial, or medical equipment, including
16 monitoring or control equipment, a covered electronic device that is contained within a clothes
17 washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven
18 or range, dishwasher, room air conditioner, dehumidifier, or air purifier.

19 **23-24.10-5. Sales prohibition.** – Two (2) years from the effective date of this legislation,
20 the following sales prohibitions apply to manufacturers:

21 (a) A manufacturer not in compliance with all reporting, financial, and other requirements
22 of this act is prohibited from offering a covered electronic device for sale in this state. A
23 manufacturer not in compliance with this section shall immediately provide the necessary
24 information and notification to retailers, wholesalers and other distributors, and no later than
25 fifteen (15) days after failing to be in compliance, immediately ensure that the manufacturer's
26 covered electronic devices are not offered for sale in this state until such time that the
27 manufacturer is in full compliance.

28 (b) The department shall maintain a list of all manufacturers in full compliance with the
29 requirements of this chapter and shall post a list of all complying manufacturers on the
30 department's website.

31 **23-24.10-6. Labeling requirement.** – Two (2) years from the effective date of this
32 legislation, a manufacturer or retailer may not sell or offer for sale a covered product to any
33 person in the state unless:

34 (a) The covered product is labeled with the manufacturer's brand, and which label is

1 permanently affixed and readily visible; and

2 (b) The label contains a toll-free phone number and website that maintains current
3 information about how and where to properly recycle or reuse the device.

4 **23-24.10-7. Registration and program plans.** – One year from the effective date of this
5 legislation, and annually thereafter, each manufacturer whose covered electronic products are
6 offered for sale in or into the state must register with the department and submit for approval a
7 plan designed to meet their responsibilities under this act. In order to be approved, such a plan
8 must, at a minimum, provide for the following:

9 (a) A list of all brands of covered products being sold by the manufacturer in the state;

10 (b) The method or methods of sale used in the state;

11 (c) A plan for how the manufacturer will meet its obligation for the collection, treatment,
12 recovery, re-use and disposition of its annual share of electronic waste, and of orphan waste,
13 including:

14 (i) Description of which recycling system the company intends to use (producer manager,
15 or producer paid). For those selecting producer managed, plans must include:

16 (ii) Description of the collection system, strategies, partnership's and collection site
17 location to be used;

18 (iii) Description of efforts specifically to encourage re-use of equipments returned under
19 this program;

20 (iv) Description of all parties involved in the producer's producer recovery program
21 (including subcontractors), including documentation of these parties' willingness and ability to
22 meet standards for environmentally sound recycling, described herein.

23 (d) Description of the alternative or additional actions that will be implemented by the
24 producer to improve the collection, recovery and recycling systems in the event that the program
25 targets are not met.

26 (e) Public education materials to be made available to consumers, as described in this
27 legislation.

28 (f) The department shall review the registration and notify the manufacturer if their
29 registration does not meet the requirements of this section. Within thirty (30) days of receipt of
30 such a notification from the department, the manufacturer must file with the department a revised
31 registration addressing the requirements noted by the department.

32 **23-24.10-8. Annual registration fee.** – Each manufacturer (or companies who register
33 jointly) will pay an annual registration fee to the department, as determined by the department, to
34 cover the costs of administration and oversight.

1 **23-24.10-9. Producer responsibility.** – Within twenty-four (24) months following
2 passage of this measure, manufacturers of covered electronic devices, as defined herein, whose
3 covered electronic devices are offered for sale in or into the state, shall be responsible for
4 implementing a program for financing the environmentally-sound collection, transportation,
5 treatment, recovery, and final disposition of discarded and obsolete electronic equipment, in
6 accordance with their annual goals as established by this legislation. Manufacturers will also have
7 responsibility for the financing of the collection, transportation and processing/recycling of a
8 proportionate share of "orphan" products collected for recycling.

9 Manufacturers must select from two (2) options for how to meet this obligation. Producer
10 Managed Takeback, or Producer Paid Takeback, as set forth herein. Manufacturers must indicate
11 their preferred option as part of their registration with the department. Producers failing to
12 implement a producer managed program or failing to participate in the producer paid program
13 within the time provided for in this act shall be prohibited from selling in this state.

14 **23-24.10-10. Producer managed takeback.** – Manufacturers selecting the Producer
15 Managed Takeback option can meet their takeback obligations individually, or by working
16 collectively with other manufacturers, by creating Third-Party Organizations (TPOs).
17 Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste
18 haulers, processors, local recyclers, charities, and local governments in the development and
19 implementation of their plans.

20 **23-24.10-11. Producer-paid takeback program.** – (a) Companies who do not want to
21 manage their own collection and recycling systems can meet their recycling obligations by
22 making payments into an electronics recycling fund, which will be administered by a not-for-
23 profit Third-Party Organization (TPO) set up to oversee the program. This TPO shall plan and
24 implement a collection, transportation, and recycling program for manufacturers that have
25 registered with the department their intent to participate in the Producer Paid program as required
26 under the registration requirements of this act.

27 (b) The TPO shall act as on behalf of the citizens of the state to manage the recycling
28 fund and contract with existing municipal or county collection programs or other commercial or
29 nonprofit entities for services for collection, transportation, and recycling of covered electronic
30 products as set forth in this act.

31 (c) Any company who selected the Producer Managed option but who did not meet their
32 collection and recycling goals will also make payments into the electronic recycling fund, equal
33 to the difference between their goals and their actual performance, based on a reasonable average
34 cost of collection, transportation, and recycling of products. Producers selecting this option will

1 make additional payments into the electronics recycling fund to cover their share of orphan waste.

2 (d) Participating manufacturers shall pay the TPO to cover all administrative and
3 operational costs associated with the collection, transportation, and recycling of covered
4 electronic products within the state incurred by the Producer Paid program operated by the
5 managing entity.

6 (e) While the TPO will create the system for selecting vendors, establishing contracts,
7 making payments, their producers must include provisions to require that:

8 (1) Collected products are from residents of the state, and not from out of state. The
9 collection, transportation, reuse or recycling of the product was conducted in accordance with all
10 local, state, and federal laws, including the requirements created by this legislation and its
11 associated regulations.

12 (2) Entities did not charge consumers a recycling fee at point-of-sale or end-of-life.

13 **23-24.10-12. Performance standards/goals.** – To create strong incentives for
14 encouraging consumers to recycle their e-waste, this act sets forth the following statewide
15 collection goals for how much e-waste should be recycled in the state, (in terms of pounds per
16 year per person).

17 Year 1. Total collection in state is two (2) pounds per capita each year two (2) pounds for
18 every resident in the state, according to the most recent census numbers).

19 Year 3. Three and one half (3.5) pounds per capita per year.

20 Year 5. Five (5) pounds per capita per year.

21 The department will create a mechanism for evaluating performance in meeting
22 collection goals after the first five (5) years, and for setting future goals.

23 **23-24.10-13. Assigning companies pro-rata shares of goal.** – The goals as stated in
24 section 23-24.10-12 are total collection goals for the state. Each manufacturer selling covered
25 electronic products in the state is responsible for its pro rata share of this total goal.

26 Companies using the Producer Managed system must collect and recycle products in an
27 amount at least equal to its pro rata share of the statewide goal. Any company selecting the
28 Producer Managed recycling option, who falls short of its goal must make a payment into the
29 electronics recycling fund, for the difference between the company's goal and what they actually
30 recycled, times the "reasonable cost of collection and recycling" per pound. Companies selecting
31 the Producer Paid model will simply pay for their share; they will be billed for it by the TPO. The
32 department will provide producers with a listing of each company's assigned share of the total
33 goal for the state, and of each company's pro rata share of covered orphan waste.

34 **23-24.10-14. Calculating prorata shares of goals.** – Each company will be assigned a

1 pro rata share of the products that are returned in the state. This is calculated by analyzing what is
2 being returned (through both the Producer Managed and Producer Paid methods), and
3 determining each company's percentage of that total. The department will have responsibility for
4 oversight of this periodic sampling and reporting to determine return share amounts for each
5 manufacturer.

6 (a) The department shall determine the return share percentage for each manufacturer of
7 covered electronic devices by dividing the weight of covered electronic products identified for
8 each manufacturer by the total weight of covered electronic devices identified for all
9 manufacturers participating in the standard or an independent plan, then multiplying the quotient
10 by the one hundred (100).

11 (b) For the first program year, the percentage of covered electronic devices identified for
12 an individual manufacturer must be based on best available information regarding return share
13 data from other states.

14 (c) For the second and each subsequent program year, the percentage of covered
15 electronic devices identified for an individual manufacturer must be based on the most recent
16 sampling of covered electronic products conducted in the state under section 23-24.10-13 of this
17 act. The department may also examine data from other states to inform its decision.

18 (d) The department shall determine the total equivalent share for each manufacturer of
19 covered electronic products by dividing the return share percentage for each manufacturer by one
20 hundred (100), then multiplying the quotient by the total weight in pounds of covered electronic
21 products collected for that program year.

22 (1) By June 1st of each program year, the department shall notify each manufacturer of
23 the manufacturer's equivalent share of covered electronics products to be applied to the previous
24 program year. The department shall also notify each manufacturer of how its equivalent share
25 was determined.

26 (2) By June 1st of each program year, the department shall bill any authorized party or
27 authority that has not attained its equivalent share as determined under section 23-24.10-13 of this
28 act. The authorized party or authority shall remit payment to the department within sixty (60)
29 days from the billing date.

30 **23-24.10-15. Orphan waste.** – The department shall determine each manufacturer's
31 return share of orphan covered electronic products, and notify the manufacturers, using the same
32 pro rata share percentages as set forth in section 23-24.10-14.

33 **23-24.10-16. Public education and information.** – (a) A retailer of a covered electronic
34 device in the state must post in a plainly visible place in each retail outlet information that clearly

1 describes the proper method of recycling or reusing any covered electronic device sold or offered
2 for sale by the retailer, including opportunities and locations for the collection or return of the
3 device. The information shall include a toll-free telephone number or website.

4 (b) A retailer shall ensure that the information required under subsection (a) of this
5 section is included in the information instruction or packaging of the device or in additional
6 material accompanying the sale of the device.

7 (c) The department will create information sheets and websites for consumers to learn
8 about the importance of recycling electronics and where they can take their products for recycling
9 or reuse. These communications must be in English and Spanish and other languages as the
10 department deems appropriate. Printed information and website links must be provided to local
11 government waste collection programs and agencies.

12 (d) As part of an approved program plan, a manufacturer selling covered electronic
13 devices in this state must take appropriate steps to implement a consumer education plan that is
14 designed to ensure that consumers and users of covered electronic devices understand:

15 (i) the prohibition on disposal of electronic waste by any means not included as part of
16 the producer's approved program plan;

17 (ii) the electronic waste return and collection systems available to them;

18 (iii) the potential effects on the environment and human health as a result of the presence
19 of hazardous substances contained in electronic equipment and the dangers of improper disposal;

20 (iv) the consumers' and/or users' roles in contributing to the re-use, recycling, and other
21 forms of electronic waste recovery.

22 **23-24.10-17. Fees for the collection, re-use or recycling of covered electronic**
23 **products. – No fees may be charged to consumers for the collection, re-use or recycling of**
24 **covered electronic products by any person or entity participating in or being compensated by the**
25 **statewide program operated and funded by the TPO or by a manufacturer for a recycling or**
26 **takeback or any other program for the re-use or recycling of covered electronic devices.**

27 **23-24.10-18. Enforcement. – Enforcement of the provisions of this chapter will be the**
28 **responsibility of the department. Penalties include:**

29 (a) A civil liability in an amount of up to two thousand five hundred dollars (\$2,500) per
30 offense (per item sold) for failing to make required payments into the recycling fund;

31 (b) Civil liability in an amount of up to twenty-five thousand dollars (\$25,000) per
32 offense for manufacturers who do not comply with this act.

33 **23-24.10-19. Environmentally sound recycling. – All processors or recyclers of**
34 **covered electronic waste must conduct due diligence to determine whether any of their**

1 downstream vendors or contractors intend to export covered electronic waste outside of the
2 United States.

3 Any person who intends to export directly or through downstream vendors or contractors,
4 covered electronic waste outside the United States shall comply with all of the following at least
5 sixty (60) days prior to export:

6 (a) Notify the department of the exporter, destination, contents, internationally defined
7 hazardous wastes (e.g. OECD or Basel Convention listings) and volume of covered electronic
8 waste to be exported.

9 (b) Demonstrate that the importation of covered electronic waste is not prohibited by any
10 applicable law or regulation of the country of destination or transit and that any import is
11 conducted in accordance with all applicable national and international laws. As part of this
12 demonstration, copies of required import and operating licenses, written consents, or bilateral
13 agreements as may be required (e.g. by the Basel Convention) shall be forwarded to the
14 department.

15 (c) Demonstrate that the management of the exported covered electronic waste will be
16 handled within the country of destination in accordance with all applicable national and
17 international conventions, rules, laws and standards, as may apply in that country.

18 (d) Demonstrate that any covered electronic waste destined for re-use, refurbishment or
19 repair is tested prior to export and certified and labeled as fully functional or, if not fully
20 functional which parts, if any, will need to be replaced in order to repair the equipment.

21 Such information will be published or otherwise made publicly available by the
22 department on an annual basis.

23 **23-24.10-20. Restrictions on hazardous materials.** – Two (2) years from the effective
24 date of this legislation, producers selling electronic equipment in this state must phase-out the use
25 of lead, mercury, cadmium, hexavalent chromium, beryllium, brominated flame retardants, and
26 polyvinyl chloride and only offer for sale products that contain less harmful alternatives. If a
27 producer provides sufficient demonstration to the department that it is technically impossible to
28 find an alternative, a limited term exemption may be issued. An exemption can be rescinded once
29 it becomes possible to eliminate the substance. If the exemption is granted, the department must
30 assign a limited amount of time before the exemption expires to insure that producers are
31 investing in research and development to identify an appropriate alternative.

32 **23-24.10-21. Disposal ban.** – Two (2) years after enactment of this law, it shall be illegal
33 for any person to dispose of any of the covered electronic devices in any solid waste disposal
34 facility in the state.

1 **23-24.10-22. State procurement of electronic devices.** – Within six (6) months
2 following passage of this act, the state shall establish purchasing and procurement policies
3 requiring vendors of electronic equipment sold or elapsed to the state to take back electronic
4 waste when the equipment becomes obsolete, is discarded or is otherwise taken out of service.
5 State purchasing and procurement policies shall also establish a preference for electronic
6 equipment that meets specified environmental performance standards relating to the reduction or
7 elimination of hazardous materials.

8 **23-24.10-23. Oversight and enforcement.** – The department will have responsibility for
9 oversight and enforcement of this program and may create necessary regulations to do so.

10 **23-24.10-24. Reporting requirements to legislature.** – By two (2) years from the
11 effective date of this legislation, and every two (2) years thereafter, the department shall provide a
12 report to the legislature that includes the following information:

13 (1) For each of the preceding program years, the weight of covered electronic products
14 recycled in the state by plan, by county, and in total;

15 (2) The performance of each plan in meeting its equivalent share, and payments received
16 from and disbursed to each plan from the electronic products recycling account;

17 (3) A description of the various collection programs used to collect covered electronic
18 products in the state;

19 (4) An evaluation of how the pounds per capita recycled of covered electronic products in
20 the states compares to programs in other states.

21 (5) Comments received from local governments and local communities regarding
22 satisfaction with the program, including accessibility and convenience of services provided by the
23 plans; and

24 (6) Recommendations on how to improve the statewide collection, transportation, and
25 recycling system for convenient, safe, and environmentally sound recycling of electronic
26 products.

27 (7) Reports detailing performance of the producer's financial responsibility program and
28 detailing compliance with all the requirements set forth above must be submitted annually to the
29 department. All such reports are to be reviewed within six (6) months of their submission and
30 notices of deficiency or noncompliance provided by department to producers by the end of the
31 following quarter.

32 The annual report will also include:

33 (i) The number of covered electronic devices sold by the manufacturer in the state during
34 the previous fiscal year.

1 (ii) Updates to plans submitted as part of the company's registration with the state,
2 including the list of brand names sold.

3 (iii) A baseline or set of baselines that show the total estimated amount of recyclable
4 materials contained in covered electronic devices sold by the manufacturer in that year and the
5 increase in the use of those recyclable materials from the previous year.

6 (iv) A baseline or a set of baselines that describe any efforts to design covered electronic
7 devices for recycling and goals and plans for further increasing design for recycling.

8 (v) A description of the manufacturer's programs and efforts, and the amount of funds
9 spent on those programs and efforts, to promote the reuse of covered electronic devices, including
10 such programs as the remanufacture and sale of its own brand in the current and previous years.

11 (vi) A description of the manufacturer's programs and efforts, and the amount of funds
12 spent on those programs and efforts, to educate consumers about the need to reuse or recycle
13 covered electronic devices, in the current and previous years.

14 Annual reports required under this section and all other reports outlining the results of
15 producer's program for the current year and two (2) prior years must be made available to the
16 general public through the Internet.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PRODUCER
RESPONSIBILITY

- 1 This act would create the "Electronic Waste Producer Responsibility Act" which would
- 2 establish procedures and regulatory authority for the disposal of electronic waste material.
- 3 This act would take effect upon passage.

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