

2017 -- H 6112 SUBSTITUTE A

LC002369/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PREVENTION, REUSE
AND RECYCLING ACT

Introduced By: Representatives Fellela, Ucci, Perez, and Costantino

Date Introduced: April 13, 2017

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-24.10-3, 23-24.10-6, 23-24.10-8, 23-24.10-9, 23-24.10-10.1,
2 23-24.10-11 and 23-24.10-12 of the General Laws in Chapter 23-24.10 entitled "Electronic Waste
3 Prevention, Reuse and Recycling Act" are hereby amended to read as follows:

4 **23-24.10-3. Definitions.**

5 For the purposes of this chapter:

6 (1) "Department" means the department of environmental management.

7 (2) "Covered electronic products" means:

8 (i) Computers (including central processing unit or CPU) as defined herein

9 (ii) Computer monitors, including CRT monitors and flat panel monitors;

10 (iii) Combination units (CPUs with monitors);

11 (iv) Portable computers, such as tablets; and

12 (v) Printers as defined in this section shall only be included as a "covered electronic
13 product" if/once the total amount of printers exceeds twenty percent (20%) by weight of the total
14 returns of covered electronics as determined by §23-24.10-11(a)(5) after January 1, 2020;

15 ~~(iv)~~(vi) Televisions including CRT-based and non-CRT-based televisions, plasma and
16 LCD, or any similar video display device with a screen greater than nine (9) inches diagonally
17 and that contains a circuit board; and

18 ~~(v)~~(vii) "Covered electronic products" does not mean a computer, television or video

1 display device that is: (a) a part of a motor vehicle or any component part of a motor vehicle
2 assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for
3 use in a motor vehicle; or (b) functionally or physically a part of, connected to or integrated
4 within a larger piece of equipment designed and intended for use in an industrial, governmental,
5 commercial, research and development, or medical setting, (including diagnostic, monitoring, or
6 other medical products as that term is defined under the Federal Food, Drug, and Cosmetic Act)
7 or equipment used for security, sensing, monitoring, or anti-terrorism purposes; or (c) contained
8 within a home appliance, clothes washer, clothes dryer, refrigerator, refrigerator and freezer,
9 microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or
10 air purifier; or (d) a handheld device used to access commercial mobile radio service and/or a
11 commercial mobile data service, as such service is defined in 47 CFR 20.3, ~~or (e) a printer as~~
12 ~~defined in subsection (ii) herein.~~

13 (3) "Person" means an individual, trust, firm, joint stock company, corporation (including
14 a government corporation), partnership, association, the federal government or any agency or
15 subdivision thereof, a state, municipality, commission, political subdivision of a state, or any
16 interstate body.

17 (4) "Computer" often referred to as a "personal computer" or "PC", means a desktop or
18 notebook computer as further defined below, but does not mean an automated typewriter,
19 electronic printer, mobile telephone, portable hand-held calculator, portable digital assistant
20 (PDA), MP3 player, or other similar device. "Computer" does not include computer peripherals,
21 commonly known as cables, mouse, or keyboard; computer servers marketed to professional
22 users; or retail store terminals or cash registers, used at customer checkout in the retail industry.
23 "Computer" is further defined to include:

24 (i) "Desktop computer" means an electronic, magnetic, optical, electrochemical, or other
25 high speed data processing device performing logical, arithmetic, or storage functions for general
26 purpose needs which are met through interaction with a number of software programs contained
27 therein, and which is not designed to exclusively perform a specific type of logical, arithmetic or
28 storage function or other limited or specialized application. Human interface with a desktop
29 computer is achieved through a standalone keyboard, standalone monitor or other display unit,
30 and a standalone mouse or other pointing device, and is designed for a single user. A desktop
31 computer has a main unit that is intended to be persistently located in a single location, often on a
32 desk or on the floor. A desktop computer is not designed for portability and generally utilizes an
33 external monitor, keyboard, and mouse with an external or internal power supply for a power
34 source. Desktop computer does not include an automated typewriter or typesetter; or

1 (ii) "Notebook computer" means an electronic, magnetic, optical, electrochemical, or
2 other high-speed data processing device performing logical, arithmetic, or storage functions for
3 general purpose needs which are met through interaction with a number of software programs
4 contained therein, and which is not designed to exclusively perform a specific type of logical,
5 arithmetic or storage function or other limited or specialized application. Human interface with a
6 notebook computer is achieved through a keyboard, video display greater than nine inches (9") in
7 size, and mouse or other pointing device, all of which are contained within the construction of the
8 unit which comprises the notebook computer; supplemental standalone interface devices typically
9 can also be attached to the notebook computer. Notebook computers can use external, internal, or
10 batteries for a power source. Notebook computer does not include a portable handheld calculator,
11 or a portable digital assistant or similar specialized device. A notebook computer has an
12 incorporated video display greater than nine inches (9") in size and can be carried as one unit by
13 an individual. A notebook computer is sometimes referred to as a laptop [and/or tablet](#) computer.

14 (5) "Corporation" means the Rhode Island resource recovery corporation created and
15 established pursuant to chapter 23-19 of the Rhode Island general laws.

16 (6) "Manufacturer" means a person or entity who:

17 (i) Has a physical presence and legal assets in the United States of America; and

18 (A) Manufactures or manufactured a covered electronic product under a brand it owns; or
19 is or was licensed to use;

20 (B) Sells or sold under a brand or label it owns or is or was licensed to use a covered
21 electronic product produced by other suppliers; or

22 (C) Assumes the financial responsibility of manufacturer collection, transportation or
23 recycling as further defined herein; or

24 (D) Imports or imported a covered electronic product into the United States that is
25 manufactured by a person without a presence in the United States; or

26 (E) Sells at retail a covered electronic product acquired from an importer that is the
27 manufacturer as described in subsection (b) herein, and elects to register in lieu of the importer.

28 (7) "Market share" means a television [or printer](#) manufacturers' national sales of
29 televisions [or printers, respectively](#), expressed as a percentage of the total of all television [or](#)
30 [printer](#) manufacturers' national sales based on the best available public data.

31 [\(8\) "Market share by weight" means the minimum total weight of covered electronic](#)
32 [products, i.e. televisions and/or printers, that an individual manufacturer is responsible for](#)
33 [collecting, transporting and recycling.](#)

34 ~~(8)~~(9) "Monitor" means a video display device without a tuner that can display pictures

1 and sound and is used with a computer.

2 ~~(9)~~(10) "Orphan waste" means a covered electronic ~~product, except a television,~~ products
3 for which no manufacturer can be identified or the manufacturer is no longer ~~a~~ in business and no
4 successor business can be identified or a de minimis quantity of brands with no greater than one
5 percent (1%) market share or return share to be determined annually by the corporation.

6 ~~(10)~~(11) "Premium service" means services such as at-location system upgrade services
7 and at-home pickup services, including curbside pickup service.

8 ~~(11)~~(12) "Printer" means desktop printers, multifunction printer copiers, and printer/fax
9 combinations taken out of service that are designed to reside on a work surface, and include
10 various print technologies, including without limitation laser and LED (electrographic), ink jet,
11 dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that
12 perform different tasks, including without limitation copying, scanning, faxing, and printing.
13 Printers do not include floor-standing printers, printers with optional floor stand, point of sale
14 (POS) receipt printers, household printers such as a calculator with printing capabilities or label
15 makers, or non-standalone printers that are embedded into products that are not covered
16 electronic products.

17 ~~(12)~~(13) "Retailer" means a person or entity who sells a covered electronic product in the
18 state to a consumer, "Retailer" includes, but is not limited to, a manufacturer of a covered
19 electronic product who sells directly to a consumer through any means, including, but not limited
20 to, transactions conducted through sales outlets, catalogs or the Internet, or any similar electronic
21 means, but not including leasing, commercial financing or wholesale transactions with a
22 distributor or other retailer.

23 ~~(13)~~(14) "Return share" means the ~~minimum percentage~~ share of covered electronic
24 products, except televisions and printers, that an individual manufacturer is responsible for
25 collecting, transporting and recycling.

26 ~~(14)~~(15) "Return share by weight" means the minimum total weight of covered electronic
27 products, except televisions and printers, that an individual manufacturer is responsible for
28 collecting, transporting and recycling.

29 ~~(15)~~(16) "Television" means any telecommunication system device that can broadcast or
30 receive moving pictures and sound over a distance and includes a television tuner or a display
31 device peripheral to a computer that contains a television tuner.

32 ~~(16)~~(17) "Video display devices" means and includes units capable of presenting images
33 electronically on a screen, with a viewable area greater than nine inches (9") when measured
34 diagonally, viewed by the user and may include cathode ray tubes, flat panel computer monitors,

1 plasma displays, liquid crystal displays, rear and front enclosed projection devices, and other
2 similar displays that exist or may be developed.

3 ~~(17)~~(18) "State program" means a statewide program for collecting, transporting and
4 recycling covered electronic products that is provided by the resource recovery corporation for
5 manufacturers who pay a recycling fee.

6 ~~(18)~~(19) "Manufacturer program" means a statewide program for collecting, transporting,
7 and recycling covered electronic products that is provided by the manufacturer, either
8 individually or as a group.

9 ~~(19)~~(20) "Program year" means January 1 through December 31, also referred to as
10 "calendar year".

11 ~~(20)~~(21) "Collector" means a public or private entity that receives covered electronic
12 devices and arranges for the delivery of the devices to a recycler.

13 ~~(21)~~(22) "Recycler" means a public or private individual or entity who accepts covered
14 electronic devices directly from the public or from collectors for the purpose of recycling. A
15 manufacturer who takes products solely for refurbishment or repair is not a recycler. A recycler
16 may also be a collector if it meets the definition of a collector.

17 **23-24.10-6. Manufacturer individual financial responsibility.**

18 (a) On the effective date of this section, for covered electronic products other than
19 televisions and printers, manufacturers have individual financial responsibility for the collection,
20 transportation and recycling of their covered electronic products and adjusted share of orphan
21 waste which have been discarded by households or public and private elementary and secondary
22 schools in Rhode Island, ~~including their return share of orphan waste.~~

23 (b) On the effective date of this section, for televisions and printers, each television and
24 printer manufacturer has financial responsibility for the collection, transportation and recycling of
25 televisions and printers, respectively, and an adjusted share of orphan waste, which have been
26 discarded by households or public and private elementary and secondary schools in Rhode Island,
27 based on the television or printer manufacturer's market share.

28 **23-24.10-8. Labeling and registration requirements.**

29 (a) On and after the effective date of this section, a manufacturer or retailer may not sell
30 or offer for sale a covered electronic product in the state unless it is labeled with the
31 manufacturer's brand, and the label is permanently affixed and readily visible.

32 (b) Registration. Before ~~January 1~~ October 15 of each year, a manufacturer of covered
33 electronic products sold or offered for sale in this state shall register with ~~the department for a~~
34 ~~period to cover the upcoming calendar year, on a form provided by the department~~ and pay a fee

1 of five thousand dollars (\$5,000) to the department. The registration shall include:

2 (1) A list of all the brands manufactured, sold or imported by the manufacturer, including
3 those brands being offered for sale in this state by the manufacturer;

4 (2) A statement of whether the manufacturer will be implementing a manufacturer
5 program or utilizing the state program for recycling covered electronic products; and

6 (3) Any other information required by the department to implement this chapter.

7 (c) By January 1, 2009, each manufacturer, as defined in §23-24.10-3, of new covered
8 electronic products offered for sale for delivery in this state shall register with the department and
9 pay to the department a registration fee of five thousand dollars (\$5,000). Thereafter, if a
10 manufacturer has not previously filed a registration, the manufacturer shall file a registration with
11 the department prior to any offer for sale for delivery in this state of the manufacturer's new
12 covered electronic products and shall pay to the department a registration fee of five thousand
13 dollars (\$5,000). Any manufacturer to whom the department provides notification of a return
14 share, return share ~~in~~ by weight, ~~or~~ market share or market share by weight pursuant to
15 subsections 23-24.10-12(d) and (e) and who has not previously filed a registration shall, within
16 thirty (30) days of receiving such notification, file a registration with the department and shall pay
17 to the department a registration fee of five thousand dollars (\$5,000).

18 (d) If a manufacturer has a return share or market share but has not sold units in the state
19 for three (3) years or more, the manufacturer is still required to register but is not required to pay
20 the five thousand dollar (\$5,000) registration fee.

21 (1) Each registered manufacturer shall submit an annual renewal of its registration to the
22 department by October 15 of each year ~~and pay to the department a registration fee of five~~
23 ~~thousand dollars (\$5,000) by December 15 prior to the start of each program year.~~

24 (2) The registration and each annual renewal shall include a list of all of the
25 manufacturer's brands of covered electronic products and shall be effective upon receipt by the
26 department.

27 (3) All registration fees collected by the department shall be deposited in the
28 environmental response fund established pursuant to Rhode Island general laws § 23-19.1-23.

29 (4) Manufacturers who no longer sell or deliver covered electronic products in the state
30 via POS or Internet but still have a return or market share must register with the department but
31 shall not be required to pay the five thousand dollar (\$5,000) registration fee but shall be required
32 to bear manufacturer responsibility pursuant to §23-24.10-9.

33 **23-24.10-9. Manufacturer responsibility.**

34 (a) A manufacturer choosing to implement a manufacturer program shall submit a plan to

1 the department by October 15 each year, by way of a template created by the department, with
2 two (2) years of possible renewable at the time of payment of the annual registration fee required
3 under subsection 23-24.10-8(c).

4 (b) The manufacturer's plan must describe how the manufacturer will:

5 (1) Finance, manage and conduct a statewide program to collect covered electronic
6 products from households and public and private elementary and secondary schools in this state;

7 (2) Provide for environmentally sound management practices to collect, transport and
8 recycle covered electronic products;

9 (3) Provide for advertising and promotion of collection opportunities statewide and on a
10 regular basis; and

11 (4) Include convenient service statewide. Collection sites shall be staffed and open to the
12 public at a frequency adequate to meet the needs of the area being served. A program may
13 provide collection service jointly with another program and may include, but not be limited to,
14 mail back programs and collection events.

15 (c) The plan shall include a statement disclosing whether: (1) any video display devices
16 sold in Rhode Island exceed the maximum concentration values established for lead, mercury,
17 cadmium, hexavalent chromium, polybrominated diphenyls (PBBs), and polybrominated
18 diphenyl ethers (PBDEs) under the RoHS (restricting the use of certain hazardous substances in
19 electrical and electronic equipment) directive 2002/95/EC of the European parliament and council
20 and any amendments there to enacted as of the date; or (2) the manufacturer has received an
21 exemption from one or more of those maximum concentration values under the RoHS directive
22 that has been approved and published by the European commission.

23 (d) A manufacturer choosing to implement a manufacturer program shall:

24 (1) Provide for collection, transportation and recycling of covered electronic products
25 from households and public and private elementary and secondary schools free of charge and a
26 manufacturer that provides premium service for a person may charge for the additional cost of
27 that premium service.

28 (2) Implement the plan and provide ~~a report~~ quarterly reports to the department no later
29 than April 30, July 31, October 31 each year showing the progress of the plan to date, and a final
30 report shall be due February 1 of each year that details how the plan required under this section
31 was implemented during the previous calendar year on a reporting template as provided by the
32 department. This report shall include operating hours and quantities collected from each
33 collection location or collection event during the reporting period.

34 (3) ~~Conduct a statistically significant sampling or actual count of the covered electronic~~

1 ~~products collected and recycled by the manufacturer each calendar year using a methodology~~
2 ~~approved by the department. The manufacturer shall report the results of the sampling or count to~~
3 ~~the department no later than January 1 of the following calendar year. For all manufacturers,~~
4 ~~excluding televisions manufactured, the report must include:~~

5 (i) ~~A list of all brands identified during the sampling or count by the manufacturer;~~

6 (ii) ~~The weight of covered electronic products identified for each brand during the~~
7 ~~sampling or count; and~~

8 (iii) ~~The total weight of covered electronic products, including orphan waste if applicable,~~
9 ~~collected from households and public and private elementary and secondary schools in the state~~
10 ~~by the manufacturer during the previous calendar year.~~

11 (e) A group of manufacturers, except television manufacturers, may choose to implement
12 a manufacturer program as one entity, if in doing so the manufacturers meet the sum of their
13 individual return shares by weight under subsection 23-24.10-12(d) and that sum is at least five
14 percent (5%). A group of television manufacturers may choose to implement a manufacturer
15 program as one entity, if in doing so the manufacturers meet the sum of their individual market
16 shares under subsection 23-24.10-12(d) and that share is at least five percent (5%).

17 (f) By February 1 of each year, a manufacturer that does not meet ninety percent (90%)
18 of its share for the previous calendar year the manufacturer shall pay the corporation for the
19 amount under ninety percent (90%) not achieved at a rate determined and enforceable by the
20 department to be equivalent to the amount the manufacturer would have paid as defined under
21 subsection 23-24.10-11(d) plus ten percent (10%) to be paid to the department, and which shall
22 be the per ~~ten~~ pound fee for the prior year multiplied by the manufacturer's return share as
23 established prior to the start of the program year. The remaining variance shall be addressed and
24 reconciled in the plan's final report (pursuant to subsection (d) of this section) and an amended
25 plan shall also be submitted. Manufacturers are allowed a ten percent (10%) variance (over or
26 under collected) to be carried forward to the new plan year. Collections of greater than one
27 hundred ten percent (110%) will not be allowed to carry forward. The purchase of extra weight
28 between plans is allowed with prior approval of the department.

29 (g) A manufacturer, ~~except a television manufacturer,~~ with less than a five percent (5%)
30 return share or market share is required to participate in the state program under § 23-24.10-11. A
31 ~~television~~ manufacturer that does not have an approved manufacturer's plan shall participate in
32 the state program under § 23-24.10-11.

33 (h) A manufacturer participating in the state program under § 23-24.10-11 shall notify the
34 department at the time of its registration each year.

1 (i) By ~~February~~ [April](#) 1 of each year, a manufacturer that participates in the state program
2 shall pay a recycling fee to the corporation in an amount adopted by the department under § 23-
3 24.10-12 to cover the costs of collecting, transporting and recycling the manufacturer's annual
4 share of covered electronic products for the following year.

5 (j) (1) A manufacturer program, the state program or a collector participating in a
6 manufacturer program or the state program may not charge a fee to households or public and
7 private elementary and secondary schools for the collection, transportation or recycling of ~~those~~
8 [any](#) covered electronic products [defined in §23-24.10-3](#).

9 (2) A collector that provides a premium service to a person may charge for the additional
10 cost of providing the premium service.

11 **23-24.10-10.1. Collector and recycler responsibility.**

12 (a) Collector's registration. After July 31, 2010, no person or entity may operate as a
13 collector of covered electronic devices unless that person or entity has submitted a registration
14 with the department on a form prescribed by the director. Registration information must include
15 the name, address, telephone number, and location of the business, and a certification that the
16 collector has complied and will continue to comply with the requirements of this chapter and with
17 all program rules and regulations promulgated by the department and the corporation. A
18 registration is effective upon receipt by the department and is valid until December 31 of each
19 year. Collectors must register annually with the department.

20 (b) Recycler's registration. After July 31, 2010, no person or entity may recycle covered
21 electronic devices unless that person has submitted a registration with the department on a form
22 prescribed by the director. Registration information must include the name, address, telephone
23 number, and location of all recycling facilities under the direct control of the recycler that may
24 receive covered electronic devices, and a certification that the recycler has complied and will
25 continue to comply with the requirements of this chapter and with all program rules and
26 regulations promulgated by the department and the corporation. A registered recycler may
27 conduct recycling activities that are consistent with this chapter. A registration is effective upon
28 receipt by the agency and is valid until December 31 of each year. Recyclers must register
29 annually with the department.

30 [\(c\) E-waste collected out of state shall be strictly prohibited from inclusion in programs](#)
31 [pursuant to this chapter.](#)

32 ~~(e)~~(d) Nothing in this section shall be deemed to circumvent the department's existing
33 authority under Rhode Island general laws chapter 23-19.1 or regulations promulgated thereto.

34 **23-24.10-11. Rhode Island resource recovery corporation responsibility.**

1 (a) The corporation shall establish a state program for the collection, transportation and
2 recycling of covered electronic products from households and public and private elementary and
3 secondary schools in this state. The state program shall be fully funded through the recycling fees
4 as defined in subsection (d) herein. The corporation shall [annually by November 15](#) submit a plan
5 to the department for review and approval that will:

6 (1) To the extent practicable, use existing local collection, transportation and recycling
7 infrastructure;

8 (2) Use environmentally sound management practices as defined under subsection 23-
9 24.10-12(i) to collect, transport and recycle covered electronic products;

10 (3) Provide for households and public and private elementary and secondary schools
11 convenient and available collection services and sites for covered electronic products in each
12 county of this state and collection services shall be free of charge for households and public and
13 private elementary and secondary schools;

14 (4) Advertise and promote collection opportunities statewide and on a regular basis; and

15 (5) Conduct a statistically significant sampling or actual count of the covered electronic
16 products collected and recycled by the state program during each calendar year using a
17 methodology approved by the department and prepare a report no later than March 1 of the
18 following calendar year that includes but is not limited to:

19 (i) A list of all brands identified during the count;

20 (ii) The weight of covered electronic products, except televisions, identified for each
21 brand during the count; and

22 (iii) The total weight of covered electronic products, including orphan waste if applicable,
23 collected from households and public and private elementary and secondary schools in the state
24 by the state program during the previous calendar year.

25 (6) Maintain on its website information on collection opportunities for covered electronic
26 products, including collection site locations and hours. The information must be made available
27 in a printable format for retailers.

28 (b) Covered electronic products account fund. The corporation shall create the covered
29 electronic products account fund ("the fund"). Interest earned by the account shall be credited to
30 the account. Fees collected by the corporation under subsection (c) below shall be deposited in
31 the covered electronic products account fund. Moneys in the account are to be used only to pay
32 the costs of implementing this chapter [operating the state program](#) and enforcing the disposal ban
33 in § 23-24.10-5. The corporation shall [include this account fund in its annual](#) audit, ~~the fund each~~
34 ~~year, and surpluses~~ [Surpluses](#) are to be credited on a pro rata basis to those manufacturers paying

1 fees into and for the program year in which a surplus is generated, while deficits in the fund shall
2 be applied to the adjusted recycling fee in the second program year following the audited program
3 year.

4 (c) The corporation shall determine the return share and return share by weight
5 responsibility for each calendar year for each manufacturer, except television and printer
6 manufacturers. The return share shall be determined by dividing the total weight of covered
7 electronic products of that manufacturer's return share brands by the total weight of covered
8 electronic products for all manufacturers' brands. The return share by weight shall be determined
9 by multiplying the return share for each such manufacturer by the total weight ~~in~~ of return share
10 pounds of covered electronic products as calculated by the corporation except televisions and
11 printers, including orphan waste, collected from households and public and private elementary
12 and secondary schools the previous calendar year as determined by the department.

13 (1) For 2009 and 2010, determine the return share and return share by weight for each
14 manufacturer, except television manufacturers, based on the best available public return share
15 data and public weight data from within the United States for covered electronic products from
16 households and public and private elementary and secondary schools. For subsequent years, the
17 return share and return share weight of covered electronic products for each manufacturer shall be
18 based on the most recent annual sampling or count of covered electronic products. For subsequent
19 years, the total weight in pounds of covered electronic products shall be based on the total weight
20 of covered electronic products, including orphan waste, determined by the department.

21 (2) Determine the market share and market share weight responsibility for each television
22 and printer manufacturer in accordance with subsection 23-24.10-3(7).

23 (3) The corporation shall present the proposed return or market shares and weight
24 responsibility for each manufacturer to the department for review and approval on an annual basis
25 by ~~November 1~~ August 15 of each year.

26 (d) Determine the recycling fee to be paid by each manufacturer that participates in the
27 state program established pursuant to this section. The corporation shall determine the recycling
28 fees as follows:

29 (1) For each manufacturer, ~~except television manufacturers,~~ the corporation shall
30 determine the recycling fee based on the manufacturer's annual return market share and return
31 market share by weight as determined under subsection (c) of this section. The fee shall be
32 calculated on a per pound basis and ~~shall not exceed fifty cents (\$.50) per pound~~ must be
33 approved by the department.

34 (2) By ~~November 1~~ August 15 of each year, the corporation shall set the cost per pound

1 for collection, transportation, and recycling of covered electronic products, ~~except televisions~~, in
2 order to reasonably approximate market costs for these services, which cost per pound is used to
3 calculate the fee. The corporation may adjust such cost per pound in order to reasonably
4 approximate market costs for the collection, transportation, and recycling of covered electronic
5 products. Any deficits generated by the state program ~~shall~~ may be applied to the recycling fee
6 calculation for and in the ~~second~~ subsequent program year following the audited program year.

7 (3) ~~By November 1 of each year, for each television manufacturer that participates in the~~
8 ~~state program the corporation shall determine, by regulation, the recycling fee based on a~~
9 ~~television manufacturer's market share.~~

10 (4) The corporation shall present the proposed recycling fees and any adjusted recycling
11 fees for each manufacturer to the department for review and approval.

12 (e) Regulatory authority. The corporation may adopt such regulations as shall be
13 necessary to implement the provisions of this chapter.

14 **23-24.10-12. Department responsibility.**

15 The department shall:

16 (a) ~~By January 1, 2009, maintain~~ Maintain and make available on its website the
17 following lists, which must be updated by the first day of each month:

18 (1) A list of registered manufacturers and their brands;

19 (2) A list of brands for which no manufacturer has registered; and

20 (3) A list that identifies which manufacturers are in compliance with this chapter.

21 (b) Review and approve manufacturer plans that comply with this chapter and are
22 submitted annually by manufacturers choosing to implement a manufacturer program for
23 recycling covered electronic products.

24 (c) Review and approve the corporation's plan as established by § 23-24.10-11.

25 (d) Review and adopt the return share and return share by weight for all manufacturers,
26 except television and printer manufacturers, for the following year as determined by the
27 corporation pursuant to § 23-24.10-11. The department shall review and adopt the market share
28 and market share by weight for all television and printer manufacturers for the following year as
29 determined by the corporation pursuant to § 23-24.10-11.

30 (e) By ~~January 1~~ September 15 of each year, notify each manufacturer that had a return
31 share determined under § 23-24.10-11 its return share and its return share by weight for the
32 following year. By ~~January 1~~ September 15 of each year, notify each television and printer
33 manufacturer that had a market share determined under § 23-24.10-11 its market share and its
34 market share by weight for the following year.

1 (f) Review and adopt the recycling fee for all manufacturers as determined by the
2 corporation pursuant to § 23-24.10-11.

3 (g) By ~~November 1~~ [September 15](#) prior to the program year for which a revised cost per
4 pound is to be used in accordance with the provisions of § 23-24.10-11 the department shall
5 notify all registered manufacturers of the revised cost per pound.

6 (h) Report biennially to the general assembly on the operation of the statewide system for
7 collection, transportation and recycling of covered electronic products.

8 (i) Environmentally sound recycling and reuse. The department shall develop and adopt
9 regulations no later than January 30, 2009 to define environmentally sound recycling and reuse
10 practices for the manufacturers' plans and the state program. These regulations will apply to
11 collectors, transporters, and processors, and should ensure that all their downstream vendors
12 comply with all local, state, and federal regulations, and must not violate laws in importing and
13 transit countries when exporting environmentally sensitive materials throughout final disposition.

14 (j) Regulatory authority. The department may adopt such regulations as shall be
15 necessary to implement the provisions of this chapter and may include exemptions from
16 provisions of this chapter as deemed appropriate by the department.

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

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LC002369/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PREVENTION, REUSE
AND RECYCLING ACT

1 This act would amend several provisions of the electronic waste prevention, reuse and
2 recycling act by amending labeling and registration requirements, adding definitions and
3 provisions for "market share by weight" and "orphan waste" and would add printers to products
4 included under the provisions of the chapter.

5 This act would take effect upon passage.

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LC002369/SUB A
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