

State E-Waste Legislation

PROPOSALS FOR END-OF-LIFE ELECTRONICS MANAGEMENT:

A PRIMER

State E-Waste Legislation

Prepared and Compiled by

The Northeast Recycling Council (NERC) and the Council of State Governments/Eastern Regional Conference (CSG/ERC)

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STATE	BILL/ LAW	SUMMARY	PRODUCTS COVERED	DISPOSAL BAN	ORPHAN PRODUCTS	HAZ. MATERIALS PHASE-OUT	EXPORT	PRISON LABOR	LABELING	STATE PROCURE- MENT
CA	SB 20 passed in 2003; amended in 2004	<p>As of 1/1/05 requires consumers to pay at the point of retail purchase an ARF for electronic devices that ranges from \$6 to \$10, depending on screen size. The fee pays for the cost of collecting, consolidating, transporting & recycling e-waste. Payments to collectors/recyclers for recovered e-waste are 20 cents/lb for collectors; & 28 cents/lb for recyclers (total 48 cents/lb). Retailers can retain 3% of the fee to cover collection costs, & remit the balance to the state. Up to 1% of funds can be used for public information. As amended in Sept. 2004, the state Board of Equalization collects the fee and deposits it into the Electronic Waste Recovery and Recycling Account in the Integrated Waste Management Fund. The Board & Dept. of Toxic Substances Control are to review the fee annually, & make needed adjustments to ensure that there is sufficient revenue to cover program costs. The Dept. is required to adopt regulations barring manufacturers from selling electronic devices that are prohibited from sale in the EU, in accordance with Directive 2002/95/EC.</p>	<p>CRTs, flat panel screens & other video display devices with a screen size > 4" measured diagonally. Does not include video display devices contained in motor vehicles, large commercial, industrial or medical equipment, clothes washers, clothes dryers, refrigerators, freezers, microwave & conventional ovens & ranges, dishwashers, room air conditioners, dehumidifiers & air purifiers.</p>	<p>Included in state Electronic Hazardous Waste regulations.</p>	<p>Not specifically addressed in legislation but covered in system.</p>	<p>Encouraged, "to the extent feasible." Materials covered are those listed in 49 CFR, Parts 172 and 173. Include mercury, cadmium, lead, hexavalent chromium and PBBs.</p>	<p>Requires electronics processors that will export to comply with specified notification requirements & demonstrate that the waste will be managed according to OECD guidelines, even if the country is not a member of OECD.</p>	<p>Not addressed in legislation, but requires that all collectors/recyclers meet all California labor & worker health & safety standards.</p>	<p>Electronics covered by the law must be labeled with the manufacturer's name. Manufacturers must provide information to consumers regarding how & where to return, recycle & dispose of the device, through a toll-free telephone number, Web site, information labeled on the device, included in the product's packaging, or otherwise accompanying electronic devices at the time of sale.</p>	<p>California Integrated Waste Management Board & Department of Toxic Substances Control are to convene a working group by 7/1/05 to define environmental purchasing criteria that may be used by state agencies.</p>

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FL		<p>Establishes a \$10 ARF at point of purchase & a waste disposal surcharge to be collected by counties to fund recycling & disposal programs. Manufacturers of covered electronic products must submit plan describing how will satisfy requirements. No end-of-life fees allowed. Provides for counties to establish programs for properly recycling or otherwise disposing of TVs, computer monitors & other electronic equipment. Requires sellers of electronic equipment to be responsible for accepting & handling when is returned for disposal by its purchasers.</p>	<p>Any electronic product that contains a CRT or mercury-containing lamp. Includes, but not limited to, televisions & computer monitors that contain either a CRT or mercury-containing lamp, central processing units, laptop computers, & computer peripherals such as keyboards, printers, & scanners.</p>	Yes	Covered	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.	<p>Clearly inform purchaser of system for product collection, transportation, reuse, recycling, or disposal. A telephone number & electronic website address must be provided to each purchaser so that can conveniently get information on returning products for reuse, recycling, or proper disposal. The telephone number & electronic website address shall be affixed to exterior of product or for smaller products, its package & also provided in instruction manual in substantially the following form: "For information on how to recycle this product, call ___ or visit (website)."</p>	Study

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ME	LD 1892 passed in 2004	Shared producer-responsibility law. Please see related fact sheet.	CPUs, CRTs, flat panel or similar video display devices with a screen > 4" measured diagonally that contain one or more circuit boards. Does not include automobiles, household appliances, large commercial, industrial or medical equipment.	Previous legislation established ban on disposal of CRTs. Goes into effect Jan. 1, 2006.	Pro rata by producers.	Encouraged, "to the extent feasible."	There are environmental management standards crafted by ME DEP.	Not addressed in legislation.	Requires manufacturers to label all electronics they offer for sale.	Requires vendors of electronics to state agencies to provide take back & end-of-life management services. Purchasing preference must be given to devices that incorporate "design for preservation of the environment."
MA	HD 1960	Requires producers to take full financial & physical responsibility for collecting & recycling CRTs. Bill prohibits the DEP from approving any plan that includes an ARF, or a fee imposed at collection points. Also prohibits any cost from being imposed on a city, town, county or regional entity unless the cost agreed to by that entity. Requires environmentally sound recycling, public education campaign, & annual reporting on recycling activities.	Computers & all computer peripherals, including CPUs, mice & keyboards. Exempts household appliances, automobiles, or large pieces of commercial or industrial equipment that contain CRTs, flat panel displays or similar video display devices.	In place by regulation since 2001.	Covered.	No.	Banned to countries where export is prohibited under the Basel Ban Amendment.	Not addressed in legislation.	Producers are required to submit a plan to the DEP specifying how they will inform the public about their collection system.	Not specified.

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MD	HB 575 Passed by both houses April 2005	Requires manufacturers to register with the Department of the Environment on or after 1/1/06 and submit an initial \$5,000 registration fee. Applies to manufacturers that manufactured an average of more than 1,000 computers per year in the immediately preceding 3-year period. If the manufacturer has implemented a computer take-back program, each subsequent annual registration fee will be \$500. If the manufacturer has not implemented a take-back program, each subsequent annual fee will remain at \$5,000. The registration fees will be paid into the State Recycling Trust Fund. The funds will be used to provide grants to counties to develop and implement local recycling plans; to counties that have "addressed methods" for the separate collection and recycling of computers, and to municipalities to implement local computer recycling programs.	Desktop personal computers & laptops.	No.	Not specifically addressed in legislation.	No.	Not addressed in legislation.	Not addressed in legislation.	All manufacturers that manufactured an average of more than 1,000 computers per year in the preceding 3-year period must label their computers with the name of the manufacturer.	Not addressed in legislation.
MN	HF1391	Producer Responsibility bill requiring manufacturers to assume end-of-life responsibility from consolidation point. Progressive performance goals for collection from households. Creates Third Party Non-profit Corp. to help implement program.	TV or similar device or computer monitor or similar device > 8" diagonally. Excludes devices in automobiles.	Already enacted	Included	Not addressed in legislation.	Must satisfy OECD requirements	Not addressed in legislation.	Clearly inform video display device purchasers of opportunities for reuse or recycling.	Not addressed in legislation.

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MN	HF 1404	<p>Manufacturer must have a program in place that provides that all covered CRT devices labeled with its name or its brand label can be returned by households in the state to the manufacturer for recycling, refurbishment, or reuse, including a system for receiving the devices. Must include HHW programs as part of collection system. No end-of-life fees are permitted.</p>	<p>CRT devices & other items integrally attached to the device</p>	<p>Already enacted</p>	<p>Included</p>	<p>Not addressed in legislation.</p>	<p>Not addressed in legislation.</p>	<p>Not addressed in legislation.</p>	<p>Name of manufacturer or manufacturer's brand must be permanently affixed & readily visible. Must provide a Web site or toll-free telephone number that provides information about the recycling, refurbishment, or reuse program in sufficient detail to allow a household owner of a covered CRT device to learn how to return it for recycling, refurbishment, or reuse.</p>	<p>Requires manufacturer to be in compliance with balance of law to be eligible for state contract.</p>

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MN	SF 1398	<p>Visible \$10 ARF used to fund collection, transportation, & recycling of covered devices & to promote their collection & recycling, & market development. Fees may not be used for activities associated with refurbishment & reuse of covered devices, or for collection, transportation of covered devices that are refurbished & reused. No end of life fees permitted. A non-profit corporation shall be established to administer the ARF. The corporation shall organize & coordinate public outreach. It must be governed & operated by a multi-stakeholder board. Corporation responsible for management of a collection, transportation, & recycling system. Must rely primarily on existing collection & consolidation infrastructure to the extent infrastructure is cost effective & meets environmentally sound management requirements. Corporation will collect ARF funds & administer system for reimbursement of collectors & recyclers. And, shall establish a market development program to enhance existing & develop new end markets for remanufactured products & recycled materials.</p>	<p>Desktop or personal computer, computer monitor, portable computer, desktop printer, TV having a viewable area < 9” measured diagonally, or video display device. Covered electronic device does not include those that are part of or a component of a motor vehicle, part of piece of industrial, commercial, or medical equipment, including monitoring or control equipment; or contained within a clothes washer, clothes dryer, refrigerator, refrigerator & freezer, microwave oven, oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier.</p>	<p>Already enacted.</p>	<p>Included.</p>	<p>Beginning 1/1/07, a manufacturer must not offer for any product or electronic device that is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture, to the extent that Directive 2002/95/EC adopted by the European Parliament on 1/27/03, & as amended thereafter by the Commission of European Communities, prohibits the sale due to the presence of heavy metals. This prohibition does not include any product that contains a substance that is used to comply with consumer health or safety requirements that are required by Underwriters Laboratories, the federal government, or the state.</p>	<p>Covered devices collected must not be exported for disposal in a manner that poses a significant risk to the public health or the environment</p>	<p>Recyclers must comply with US EPA’s Guidance on Environmentally Sound Management of Electronic Products.</p>	<p>Must contain a visible, permanent label clearly identifying brand or manufacturer & if manufacturer is also retailer, the ARF to be paid. Must make information available describing where & how to return, recycle & dispose of covered devices through product operation manuals, industry or manufacturer websites, product labels, packaging inserts, or toll-free telephone numbers; & provide recyclers with information on the type & location of hazardous substances in the covered products.</p>	<p>Public entity may not contract for the purchase or lease of a covered device from a retailer or manufacturer which has not registered to collect the ARF.</p>

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NE	LB 190	Creates Electronic Equipment Recycling Program. A \$5 ARF on sale of each new item of electronic equipment containing a CRT. ARF paid by purchaser, collected by seller, & remitted to Department of Revenue. The department shall deduct & withhold from the fee an amount sufficient to reimburse direct costs of collecting & administering the fee. The Depart. of Revenue shall remit fees received to State Treasurer for credit to the Electronic Equipment Recycling Program Fund to administer agreements with contractors to develop & implement a statewide electronic equipment recycling program & issue electronic equipment recycling grants.	Appliances that contain complex circuitry, circuit boards, or signal processing & one or more hazardous elements, includes, but not limited to, TVs, audio & stereo equipment, monitors, computers, video cassette recorders, computer keyboards, printers, telephones, copy & facsimile machines, & microwave ovens.	Not addressed in legislation.	Included	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.

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NE	LB 397	Shared product stewardship. All CRT devices labeled with the name of manufacturer or with manufacturer's brand label can be returned by households in the state to the specified party for recycling, refurbishment, or reuse. Manufacturer shall be responsible for recycling, refurbishing, or reusing all CRT devices labeled with its name or brand after its return to the specified party. The return program shall provide a method for the receipt of the devices which may include (a) direct shipment by common carrier, United States Postal Service, or other shipment service to one or more designated locations, return of to collection centers, or retail locations designated for such purpose by manufacturer. There may be agreements with governmental entities or private for-profit or nonprofit entities, other methods designated by the manufacturer which are reasonably available to households. End-of-life fees not permitted.	TV & Computer CRTs from households	Creates a disposal ban	Included	Not addressed in legislation	Not addressed in legislation	Not addressed in legislation	All new CRT devices must be labeled with brand name or label. Must provide a web site or toll-free number that provides information about the recycling, refurbishment, or reuse program in sufficient detail to permit a household to learn how to return a CRT device to the specified party.	Public agency soliciting bids for purchase or lease of CRT devices shall require each bidder to certify that all CRT devices sold in state are in compliance with rest of law.

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NJ	HB 3057	<p> Holds producers responsible for collection & recycling of e-waste, either through individual financing schemes or in cooperation with other producers. Consumers & end-users may be responsible for delivering e-waste to collection sites, but consumers will not be charged for returning e-waste. Requires public education campaign, establishment of performance measures & environmentally sound management of e-waste.</p>	<p> CRTS, computer monitors, CPUs, keyboards, printers, cell phones, telephones, fax machines, answering machines, video & stereo equipment, TVs, toys, games, educational devices & major household appliances containing one or more circuit boards.</p>	<p> Yes.</p>	<p> Covered.</p>	<p> Yes, within 12 months of Act's effective date. Materials include lead, mercury, cadmium, hexavalent chromium, brominated flame retardants and polyvinyl chloride.</p>	<p> Banned to countries where export is prohibited under the Basel Ban Amendment.</p>	<p> Permitted only if all workers are granted market rate wages, & federal & state occupational safety & health protections.</p>	<p> Requires manufacturers to provide information either through labeling or materials included with products at the time of sale detailing hazardous materials, disposal requirements, toll-free telephone number & web site address providing information about safe collection of the product through the producer's e-waste management plan.</p>	<p> Requires vendors of electronic equipment to state to take back e-waste. State bid specifications are to encourage the "maximum purchase" of equipment that meets established environmental performance standards. Policies must be established no later than 6 months following act's effective date.</p>

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NY	A 3200	Requires manufacturers of electronics equipment to establish collection &/or disassembly centers that salvage at least 90% of e-waste generated in the state by 9/1/07. All salvaged e-waste must be transported to a reclamation or recycling facility. Manufacturers may contract with third parties to provide collection services, but must fully reimburse third parties for all operational costs. All collection centers must accept e-waste at no charge to consumers.	By 9/1/08, state environmental commissioner must establish a list of electronic equipment containing materials that present a "potential health hazard when improperly disposed of, handled or stored," including computers, peripherals, TVs, video monitors, copying machines, stereos & stereo components, telephones, fax machines & VCRs.	Yes – by 12/31/08.	Not specifically addressed in legislation.	No.	Not addressed in legislation.	Not addressed in legislation.	Requires Department of Environmental Conservation to develop & implement a public-information program on the proper disposal of household e-waste. This information may be provided through product labeling.	Not specifically addressed in legislation.

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OR	SB 740	<p>Requires retailers to charge first in-state buyers of electronic devices an ARF of up to \$10 to pay for the collection, reuse & recycling of products. The state DEQ will set the fee & deposit it into an Electronic Product Stewardship Account. The Dept. is to monitor the cost of performing the required services and meeting performance goals, and may adjust the fee once a year. The Dept. is also expected to "certify an entity" to promote & organize the collection, reuse & recycling of eligible products. The entity must be incorporated as a nonprofit & governed by a board of directors that includes "a majority" of manufacturers of eligible products, plus representatives of recycling or reuse business, product sellers & consumers. Requires environmentally sound recycling, public education campaign & performance goals.</p>	<p>CPUs, computer monitors, laptops, televisions with video displays > 9" measured diagonally, & computer printers.</p>	<p>Allows the DEQ to enact a ban after the program has been operating for 2 years, if certain criteria have been met.</p>	<p>Not specifically addressed in legislation.</p>	<p>Not specifically required. Manufacturers are to annually estimate the amount of cadmium, lead, mercury hexavalent chromium, polybrominated biphenyls & polybrominated diphenyl ethers used in eligible electronic products, & the reduction, if any, in their use from the previous year.</p>	<p>Indicates that recyclers must "ensure that all future destinations" for products collected as part of the program are "environmentally sound."</p>	<p>Not addressed in legislation.</p>	<p>Every product sold in the state must be labeled with the manufacturer's name. Information must also be provided explaining how buyers can obtain information about where to return or recycle the products. The information can be provided in product packaging, a product manual, at the point of sale or in "any other readily available location."</p>	<p>Not specified.</p>

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RI	HB 5783	Requires producers to assume financial responsibility for collecting & recycling e-waste they manufacture. Bill permits consumers & end-users to be responsible for delivering e-waste to collection points, provided they are not charged for returning e-waste. Requires public education campaign, performance measures, and environmentally sound management of e-waste.	CRTs, computer monitors, CPUs, keyboards, cell phones, fax machines, answering machines, video & stereo equipment, TVs, games & major household appliances containing one or more printed circuit boards.	Yes.	Covered.	Yes, within 12 months of Act's effective date. Materials include lead, cadmium, hexavalent chromium, brominated flame retardants and polyvinyl chloride.	Banned to countries where export is prohibited under the Basel Ban Amendment.	Permitted only if all workers are granted market rate wages, & federal & state occupational safety & health protections.	Yes, no later than 12 months following Act's effective date. Must list hazardous materials contained in the product, detail disposal requirements & a toll-free telephone number & Internet Web site address providing information about the safe collection of the product through the producer's plan.	Vendors selling equipment to state must take back e-waste. Administering department must also establish a preference for electronic equipment that meets established environmental performance standards. Policies must be established no later than 6 months following Act's effective date.

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SC	S178	A resolution to establish the electronic equipment recycling program to be administered by the recycling market development advisory council within the department of commerce; to impose a \$5 fee on each piece of electronic equipment containing a CRT sold; to require the state treasurer to deposit fees collected in electronic equipment recycling fund to be used, among other things, to determine the most efficient means of collecting, transporting, & processing scrap electronic equipment & to award grants, contracts & loans to further process & technology for recycling this equipment; to establish electronic equipment recycling committee to review & evaluate use of the recycling fund; & to require the recycling market development advisory council to evaluate the program & recommend whether it should continue & be made permanent law. Includes 5 year sunset provision.	CRTs	Not addressed in legislation.	Covered	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.	Not addressed in legislation.

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VT	H 212	<p> Holds producers responsible for financing the collection, treatment, recovery & disposal of e-waste. Producers may participate in collective or individual financing schemes. Consumers & other end-users may be responsible for transport of e-waste to collection facilities, but must be able to do so free of charge. Taxpayers may not bear any costs for program evaluation, enforcement, or management of orphan & historic waste. Requires public education campaign, performance measures and environmentally sound treatment of e-waste.</p>	<p> CRTS, CPUs, keyboards, printers, peripherals, TV monitors & displays, telephones, cell phones, fax machines, answering machines, video & stereo equipment, toys, games & educational devices containing one or more printed circuit boards.</p>	<p> Yes.</p>	<p> Covered.</p>	<p> Yes, by Jan. 1, 2006. Materials include lead, mercury, cadmium, hexavalent chromium, brominated flame retardants & polyvinylchloride.</p>	<p> Banned to non-OECD countries.</p>	<p> Permitted only if workers are provided with federal & state occupational safety & health protections.</p>	<p> Products must either be labeled or include informational materials detailing the hazardous materials they contain, disposal requirements & a toll-free telephone number & Web site providing information regarding the safe disposal of the product through producer's financial responsibility plan. Required within 12 months of Act's effective date.</p>	<p> Vendors selling equipment to state must take back e-waste. Policies shall also establish a preference for electronics equipment that meets specified environmental performance standards.</p>