

Key Elements of Model Electronic Recycling Legislation

An Act Providing for the Recovery and Recycling of Used Electronic Devices

1. Scope of Products

- Desktop/personal computers
- Computer monitors
- Portable computers (laptops)
- CRT-based televisions
- Non-CRT-based televisions

Does not include:

- Motor vehicle components.
- Industrial, commercial, or medical equipment, including diagnostic, monitoring, or control equipment.
- Clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifiers; or
- Telephones of any type unless they contain a video display area greater than 4" measured diagonally.

2. Whose Products Are Covered?

- Covered electronic devices (CEDs) purchased by individuals in retail sales.

3. Funding Mechanism

- All manufacturers are required to pay a \$5,000 annual registration fee.
- Additionally, manufacturers must either pay a fee to cover the cost of collection, transportation, and recycling of their total obligation, or collect, transport, and recycle the equivalent amount themselves.

Here is how the manufacturer obligation (or share) is determined:

- First, the Agency sets a State recycling rate. The State recycling rate is equivalent to the ratio of the weight of total overall returns of CEDs in the State to the weight of total overall sales of CEDs in the State during the previous calendar year.
- A manufacturer is required to either:
 - a) Pay a fee calculated as:
 - The State recycling rate multiplied by the weight of the manufacturer's CEDs sold in the State during the previous calendar year, multiplied by no more than \$0.50 per pound; or
 - b) Collect, transport, and recycle a quantity of CEDs equal to the weight of the manufacturer's CEDs sold in the State during the previous calendar year, multiplied by the State recycling rate.

In order to be eligible for option “b” above, the manufacturer must submit a plan for such a program that is approved by the state Agency. If a manufacturer fails to comply with all of the terms of an approved plan, it must submit a payment to cover the cost of collecting, transporting, and recycling the unmet portion of its obligation, plus a 10% penalty.

- Manufacturers can obtain credits if they collect, transport, and recycle in excess of their obligation – and apply the credits to their obligation in the following year, or sell them.
- No end-of-life fees are permitted.

4. Management of Funds

State Agency.

5. Manufacturer Responsibility

- Annual reporting of total CEDS sold in State, by weight.
- Annual registration and payment of \$5,000 registration fee.
- Additionally, either:
 - Annual payment of fee covering the cost of collection, transportation, and recycling of its obligation; or
 - Establishment and implementation of a program that collects, transports, and recycles the total amount of its obligation. A manufacturer may establish a program in cooperation with other manufacturers.

6. Retailer Responsibility

- Only sell products of manufacturers that are in full compliance with law.
- Post and provide public information that describes where and how to recycle the covered electronic device and opportunities and locations for the collection or return of the device.

7. State Agency Responsibility (States may wish to designate a third-party organization to assume some or all of the following responsibilities)

- Establish annual State recycling rate.
- Annually provide each manufacturer with its responsibility (obligation) for fees from sales or for collection, recycling, and transportation in pounds for that year.
- Collect and administer fees.
- Organize, administer, and ensure that at least one collection opportunity is available at least five days a week in each county throughout the State.
- Encourage the use of existing collection and consolidation infrastructure for handling CEDs.
- Maintain a website listing manufacturers in full compliance with law and post the list on a website that is updated at least once a month.
- Organize and coordinate public outreach.
- Prepare a plan once every three years that establishes per capita recycling goals, and identifies any State actions needed to expand collection opportunities to meet those goals.

- Provide annual reports on the program to the Legislature, and post the reports on the Agency website.
- Establish performance requirements for collectors, transporters, and recyclers eligible to receive funds.
- Make payments to qualified entities for collection, transportation, and recycling of CEDs.
- Make recommendations for adjustments in the CEDs recycling and registration fees in its annual report.
- At least every two years, review, at a public hearing, the CEDs recycling and registration fees.
- The program will be fully audited at the end of each calendar year, with the report submitted to the Legislature.

8. Disposal Ban

- Two years after date of enactment.

9. Enforcement

- State Agency
- Attorney General