

**2008 -- S 2631 SUBSTITUTE B AS AMENDED**

LC02035/SUB B/2

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2008**

A N A C T

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

Introduced By: Senators Sosnowski, Miller, Revens, Breene, and Blais

Date Introduced: February 26, 2008

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

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

4 **23-24.10-1. Purpose.** -- The purposes of this act are:

5 (1) To ~~study the establishment of a covered electronic product~~ establish a manufacturer  
6 financed system for the collection, recycling, and reuse program for covered electronic products  
7 in Rhode Island;

8 (2) To develop a comprehensive strategy, with the participation of state agencies,  
9 producers, processors and consumers, for waste prevention and reduction of covered electronic  
10 products in the state, which addresses the collection, recycling and reuse of covered electronic  
11 products from all covered electronic product generators in the state and that ensures the safe and  
12 environmentally sound handling, reuse and recycling of covered electronic products;

13 (3) To promote the development of state infrastructure for the reuse and recycling of  
14 used electronics;

15 (4) To eliminate waste generated in the state from covered electronic products from  
16 landfill and incinerator disposal; and

17 (5) To encourage the design of covered electronic products that are less toxic, more  
18 durable and more recyclable.

1           **23-24.10-3. Definitions.** -- ~~(a)~~ For the purposes of this chapter:

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

3           (2) "Covered electronic products" means:

4           (i) ~~Desktop computers~~ Computers (including central processing unit or CPU) as defined  
5 herein;

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

7           ~~(iii) Portable computers (laptops);~~

8           ~~(iv)~~ (iii) Combination units (CPUs with monitors);

9           ~~(v) CRT-based televisions and non-CRT-based televisions; and~~

10           ~~(vi) Television~~ (iv) Televisions ~~(including CRT-based and non-CRT-based televisions,~~  
11 plasma and LCD), or any similar video display device with a screen greater than ~~four (4)~~ nine (9)  
12 inches diagonally and that contains a circuit board; and

13           (v) "Covered electronic products" does not mean a computer, television or video display  
14 device that is: (a) a part of a motor vehicle or any component part of a motor vehicle assembled  
15 by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a  
16 motor vehicle; or (b) functionally or physically a part of, connected to or integrated within a  
17 larger piece of equipment designed and intended for use in an industrial, governmental,  
18 commercial, research and development, or medical setting, (including diagnostic, monitoring, or  
19 other medical products as that term is defined under the Federal Food, Drug, and Cosmetic Act)  
20 or equipment used for security, sensing, monitoring, or anti-terrorism purposes; or (c) contained  
21 within a home appliance, clothes washer, clothes dryer, refrigerator, refrigerator and freezer,  
22 microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or  
23 air purifier; or (d) a handheld device used to access commercial mobile radio service, as such  
24 service is defined in 47 CFR 20.3, or (e) a printer as defined in subsection (ii) herein.

25           ~~(3) "Covered electronic product generator" includes any person that has a covered~~  
26 ~~electronic product within its possession.~~

27           ~~(3)~~(4) "Person" means an individual, trust, firm, joint stock company, corporation  
28 (including a government corporation), partnership, association, the federal government or any  
29 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
30 or any interstate body.

31           (4) "Computer" often referred to as a "personal computer" or "PC", means a desktop or  
32 notebook computer as further defined below, but does not mean an automated typewriter,  
33 electronic printer, mobile telephone, portable hand-held calculator, portable digital assistant  
34 (PDA), MP3 player, or other similar device. "Computer" does not include computer peripherals,

1 commonly known as cables, mouse, or keyboard; computer servers marketed to professional  
2 users; or retail store terminals or cash registers, used at customer checkout in the retail industry.

3 “Computer” is further defined to include:

4 (i) “Desktop Computer” means an electronic, magnetic, optical, electrochemical, or other  
5 high speed data processing device performing logical, arithmetic, or storage functions for general  
6 purpose needs which are met through interaction with a number of software programs contained  
7 therein, and which is not designed to exclusively perform a specific type of logical, arithmetic or  
8 storage function or other limited or specialized application. Human interface with a desktop  
9 computer is achieved through a standalone keyboard, stand-alone monitor or other display unit,  
10 and a stand-alone mouse or other pointing device, and is designed for a single user. A desktop  
11 computer has a main unit that is intended to be persistently located in a single location, often on a  
12 desk or on the floor. A desktop computer is not designed for portability and generally utilizes an  
13 external monitor, keyboard, and mouse with an external or internal power supply for a power  
14 source. Desktop computer does not include an automated typewriter or typesetter; or

15 (ii) “Notebook computer” means an electronic, magnetic, optical, electrochemical, or  
16 other high-speed data processing device performing logical, arithmetic, or storage functions for  
17 general purpose needs which are met through interaction with a number of software programs  
18 contained therein, and which is not designed to exclusively perform a specific type of logical,  
19 arithmetic or storage function or other limited or specialized application. Human interface with a  
20 notebook computer is achieved through a keyboard, video display greater than nine inches (9”) in  
21 size, and mouse or other pointing device, all of which are contained within the construction of the  
22 unit which comprises the notebook computer; supplemental standalone interface devices typically  
23 can also be attached to the notebook computer. Notebook computers can use external, internal, or  
24 batteries for a power source. Notebook computer does not include a portable handheld calculator,  
25 or a portable digital assistant or similar specialized device. A notebook computer has an  
26 incorporated video display greater than nine inches (9”) in size and can be carried as one unit by  
27 an individual. A notebook computer is sometimes referred to as a laptop computer.

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

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

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

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

34 (B) Sells or sold under a brand or label it owns or is or was licensed to use a covered

1 electronic product produced by other suppliers; or

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

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

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

8 (7) "Market share" means a television manufacturers' national sales of televisions  
9 expressed as a percentage of the total of all television manufacturers' national sales based on the  
10 best available public data.

11 (8) "Monitor" means a video display device without a tuner that can display pictures and  
12 sound and is used with a computer.

13 (9) "Orphan waste" means a covered electronic product, except a television, for which no  
14 manufacturer can be identified or the manufacturer is no longer a business and no successor  
15 business can be identified.

16 (10) "Premium service" means services such as at-location system upgrade services and  
17 at-home pickup services, including curbside pickup service.

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

27 (12) "Retailer" means a person or entity who sells a covered electronic product in the  
28 state to a consumer, "Retailer" includes, but is not limited to, a manufacturer of a covered  
29 electronic product who sells directly to a consumer through any means, including, but not limited  
30 to, transactions conducted through sales outlets, catalogs or the Internet, or any similar electronic  
31 means, but not including leasing, commercial financing or wholesale transactions with a  
32 distributor or other retailer.

33 (13) "Return share" means the minimum percentage of covered electronic products,  
34 except televisions, that an individual manufacturer is responsible for collecting, transporting and

1 recycling.

2 (14) "Return share by weight" means the minimum total weight of covered electronic  
3 products, except televisions, that an individual manufacturer is responsible for collecting,  
4 transporting and recycling.

5 (15) "Television" means any telecommunication system device that can broadcast or  
6 receive moving pictures and sound over a distance and includes a television tuner or a display  
7 device peripheral to a computer that contains a television tuner.

8 (16) "Video display devices" means and includes units capable of presenting images  
9 electronically on a screen, with a viewable area greater than nine inches (9") when measured  
10 diagonally, viewed by the user and may include cathode ray tubes, flat panel computer monitors,  
11 plasma displays, liquid crystal displays, rear and front enclosed projection devices, and other  
12 similar displays that exist or may be developed.

13 (17) "State program" means a statewide program for collecting, transporting and  
14 recycling covered electronic products that is provided by the resource recovery corporation for  
15 manufacturers who pay a recycling fee.

16 SECTION 2. Section 23-24.10-6 of the General Laws in Chapter 23-24.10 entitled  
17 "Electronic Waste Prevention, Reuse and Recycling Act" is hereby repealed.

18 ~~**23-24.10-6. Study to establish a covered electronic product collection, recycling, and**~~  
19 ~~**reuse program.** -- (a) The department shall study the establishment of collection, recycling, and~~  
20 ~~reuse programs for covered electronic products in this state. The department shall consult with~~  
21 ~~stakeholders including persons who represent covered electronic product manufacturers, covered~~  
22 ~~electronic product retailers, waste haulers, electronics recyclers, charities, cities, environmental~~  
23 ~~organizations, public interest organizations, reuse organizations, schools, and other interested~~  
24 ~~parties that have a role or interest in the collection, reuse, and recycling of covered electronic~~  
25 ~~devices. As part of this study the department shall:~~

26 ~~-(1) Examine existing programs and infrastructure for reuse and recycling of covered~~  
27 ~~electronic product;~~

28 ~~-(2) Compile information on covered electronic product manufacturers' covered electronic~~  
29 ~~product collection, recycling, and reuse programs;~~

30 ~~-(3) Review existing data on the costs to collect, transport, and recycle electronic waste;~~

31 ~~-(4) Research the potential impacts of recycling or reusing electronic waste on jobs,~~  
32 ~~recycling infrastructure, and economic development;~~

33 ~~-(5) Evaluate ways for improving product design to increase recyclability and reduce~~  
34 ~~toxicity of products, including the assessment of safer alternatives to toxics outlined in the ROHS~~

1 ~~directive;~~

2 ~~-(6) Develop recommendations to define the role for charities, government agencies, local~~  
3 ~~and state governments, businesses, manufacturers, and retailers in the collection, reuse and~~  
4 ~~recycling of covered electronic products; and~~

5 ~~-(7) Explore state financial incentives for developing business opportunities and jobs in~~  
6 ~~the area of covered electronic product recycling and reuse infrastructure.~~

7 ~~-(b) The department shall, based on the findings and recommendations of subsection (a)~~  
8 ~~of this section, develop a plan for implementing and financing a program that addresses the~~  
9 ~~collection, recycling, and reuse of covered electronic products from all covered electronic product~~  
10 ~~generators in the state. In drafting this plan, the following factors will be considered by the~~  
11 ~~department:~~

12 ~~-(1) The recommendations of the mercury reduction and education commission regarding~~  
13 ~~methods of financing the collection, reuse, and recycling programs for covered electronic~~  
14 ~~products;~~

15 ~~-(2) The impact of the approach on local governments, nonprofit organizations, waste~~  
16 ~~haulers and other stakeholders;~~

17 ~~-(3) How to address historic and orphan waste, including an assessment of financing~~  
18 ~~mechanisms used for collecting and recycling historic and orphan wastes;~~

19 ~~-(4) The development of recycling and processing standards that protect the health of~~  
20 ~~workers and the environment in communities where covered electronic products are recycled~~  
21 ~~and/or modified for reuse, which may include a ban on the export on nonworking covered~~  
22 ~~electronic products to developing countries;~~

23 ~~-(5) Urban versus rural recycling challenges and issues;~~

24 ~~-(6) The role of covered electronic product manufacturers;~~

25 ~~-(7) The development of possible performance measures to assess the effectiveness of~~  
26 ~~collection, reuse and recycling of covered electronic products; and~~

27 ~~-(8) Special consideration will be given to costs incurred by charitable organizations~~  
28 ~~receiving unwanted electronic products and the waste collection systems that could be developed~~  
29 ~~as a result of this activity.~~

30 ~~-(c) The department shall submit two (2) progress reports to the general assembly and the~~  
31 ~~governor as follows:~~

32 ~~-(1) On or before January 1, 2007, the department shall submit a progress report on the~~  
33 ~~study required by subsection (a) of this section including the provisions made for the inclusion of~~  
34 ~~stakeholders, the issues that will be addressed in the study, and the work program to develop the~~

1 ~~plan required by subsection (b) of this section.~~

2 ~~-(2) On or before May 1, 2007, the department shall submit a progress report describing~~  
3 ~~the progress of the study and of the development of the plan and identifying any issues that might~~  
4 ~~need to be resolved in implementing an electronic waste collection, reuse and recycling program."~~

5 ~~-(d) The department shall submit to the general assembly, no later than December 31,~~  
6 ~~2007, a program to accomplish the purposes of the chapter, which program shall include:~~

7 ~~-(1) Findings and recommendations for implementing and financing the collection, reuse~~  
8 ~~and recycling of covered electronic products; and~~

9 ~~-(2) A plan and recommendations for any legislation necessary to implement the plan, for~~  
10 ~~the collection, reuse and recycling of covered electronic products.~~

11 ~~-(e) The department may promulgate such regulations as may be necessary to implement~~  
12 ~~the electronic waste collection, reuse and recycling program, which regulations shall be effective~~  
13 ~~upon passage of the program by the general assembly.~~

14 SECTION 3. Chapter 23-24.10 of the General Laws entitled "Electronic Waste  
15 Prevention, Reuse and Recycling Act" is hereby amended by adding thereto the following  
16 sections:

17 **23-24.10-6. Manufacturer individual financial responsibility.** -- (a) On the effective  
18 date of this section, for covered electronic products other than televisions, manufacturers have  
19 individual financial responsibility for the collection, transportation and recycling of their covered  
20 electronic products and orphan waste which have been discarded by households or public and  
21 private elementary and secondary schools in Rhode Island, including their return share of orphan  
22 waste.

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

27 **23-24.10-7. Sales and labor prohibitions.** -- (a) A manufacturer not in compliance with  
28 all financial and other requirements of this chapter is prohibited from offering a covered  
29 electronic product for sale in this state.

30 (b) It shall be unlawful for any retailer and/or manufacturer to offer for sale in this state  
31 a new covered electronic product from a manufacturer that is not in full compliance with the  
32 requirements of this chapter. The department shall maintain a list of all manufacturers in  
33 compliance with the requirements of this chapter and post the list on an Internet website. Retailers  
34 of products in or into the state shall consult the list prior to selling covered electronic products in

1 this state. A retailer shall be considered to have complied with this responsibility if, on the date  
2 that the product was ordered from the manufacturer or its agent, the manufacturer was listed as  
3 being in compliance on the aforementioned website. All manufactures will be considered in  
4 compliance with the purposes of this section until the department publishes the first requirements  
5 of this chapter for the listing.

6 (c) It shall be unlawful for facilities that recycle covered electronic products, including  
7 all downstream recycling operations, to use prison labor to recycle covered electronic products.

8 **23-24.10-8. Labeling and registration requirements.** -- (a) On and after the effective  
9 date of this section, a manufacturer or retailer may not sell or offer for sale a covered electronic  
10 product in the state unless it is labeled with the manufacturer's brand, and the label is permanently  
11 affixed and readily visible.

12 (b) Registration. Before January 1 of each year, a manufacturer of covered electronic  
13 products sold or offered for sale in this state shall register with the department for a period to  
14 cover the upcoming calendar year, on a form provided by the department. The registration shall  
15 include:

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

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

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

21 (c) By January 1, 2009, each manufacturer of new covered electronic products offered for  
22 sale for delivery in this state shall register with the department and pay to the department a  
23 registration fee of five thousand dollars (\$5,000). Thereafter, if a manufacturer has not previously  
24 filed a registration, the manufacturer shall file a registration with the department prior to any offer  
25 for sale for delivery in this state of the manufacturer's new covered electronic products and shall  
26 pay to the department a registration fee of five thousand dollars (\$5,000). Any manufacturer to  
27 whom the department provides notification of a return share, return share in weight or market  
28 share pursuant to subsections 23-24.10-12(d) and (e) and who has not previously filed a  
29 registration shall, within thirty (30) days of receiving such notification, file a registration with the  
30 department and shall pay to the department a registration fee of five thousand dollars (\$5,000).

31 (1) Each registered manufacturer shall submit an annual renewal of its registration to the  
32 department and pay to the department a registration fee of five thousand dollars (\$5,000) by  
33 January 1 of each program year.

34 (2) The registration and each annual renewal shall include a list of all of the

1 manufacturer's brands of covered electronic products and shall be effective upon receipt by the  
2 department.

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

5 **23-24.10-9. Manufacturer responsibility.** --(a) A manufacturer choosing to implement a  
6 manufacturer program shall submit a plan to the department at the time of payment of the annual  
7 registration fee required under subsection 23-24.10-8(c).

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

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

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

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

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

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

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

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

32 (2) Implement the plan and provide a report to the department no later than February 1 of  
33 each year that details how the plan required under this section was implemented during the  
34 previous calendar year.

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

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

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

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

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

18           (f) By February 1 of each year, a manufacturer that does not meet its share for the  
19 previous calendar year shall pay the department for the amount not achieved at a rate determined  
20 by the department to be equivalent to the amount the manufacturer would have paid as defined  
21 under subsection 23-24.10-11(d) plus ten percent (10%), to be part of the state program.

22           (g) A manufacturer, except a television manufacturer, with less than a five percent (5%)  
23 return share is required to participate in the state program under section 23-24.10-11. A television  
24 manufacturer that does not have an approved manufacture's plan shall participate in the state  
25 program under section 23-24.10-11.

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

28           (i) By February 1 of each year, a manufacturer that participates in the state program shall  
29 pay a recycling fee to the corporation in an amount adopted by the department under section 23-  
30 24.10-12 to cover the costs of collecting, transporting and recycling the manufacturer's annual  
31 share of covered electronic products for the following year.

32           (j) (1) A manufacturer program, the state program or a collector participating in a  
33 manufacturer program or the state program may not charge a fee to households or public and  
34 private elementary and secondary schools for the collection, transportation or recycling of those

1 covered electronic products.

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

4 **23-24.10-10. Retailer responsibility. --** (a) A retailer may not sell or offer for sale any  
5 covered electronic product in or for delivery into this state unless:

6 (1) The covered electronic product is labeled with a brand and the label is permanently  
7 affixed and readily visible;

8 (2) The brand is included on the list posted by the department; and

9 (3) The list posted by the department specifies that the manufacturer is in compliance  
10 with the requirements of this chapter. All manufacturers will be considered in compliance with  
11 the requirements of this chapter for the purposes of this section until the department publishes the  
12 first listing.

13 (b) A retailer shall provide to a consumer at the time of the sale of a covered electronic  
14 product information from the department's website that provides details about where and how a  
15 consumer can recycle covered electronic products in Rhode Island. Information shall also be  
16 made available in printable form for Internet sales and other sales where the Internet is involved.

17 (c) On or after January 1, 2009, a retailer who sells or offers for sale a new covered  
18 electronic product must, before the initial offer for sale, review the department's website to  
19 determine that all new covered electronic products that the retailer is offering for sale are labeled  
20 with the manufacturer's brands that are registered with the department.

21 (d) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's  
22 registration expired or was revoked and the retailer took possession of the covered electronic  
23 product prior to the expiration or revocation of the manufacturer's registration and the unlawful  
24 sale occurred within three (3) months after the expiration or revocation.

25 **23-24.10-11. Rhode Island resource recovery corporation responsibility. --** (a) The  
26 corporation shall establish a state program for the collection, transportation and recycling of  
27 covered electronic products from households and public and private elementary and secondary  
28 schools in this state. The state program shall be fully funded through the recycling fees as defined  
29 in subsection (d) herein. The corporation shall submit a plan to the department for review and  
30 approval that will:

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

33 (2) Use environmentally sound management practices as defined under subsection 23-24.  
34 10-12(i) to collect, transport and recycle covered electronic products;

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

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

6           (5) Conduct an actual count of the covered electronic products collected and recycled by  
7 the state program during each calendar year using a methodology approved by the department and  
8 prepare a report no later than March 1 of the following calendar year that includes but is not  
9 limited to:

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

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

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

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

19           (b) Covered electronic products account fund. The corporation shall create the covered  
20 electronic products account fund. Interest earned by the account shall be credited to the account.  
21 Fees collected by the corporation under subsection (c) below shall be deposited in the covered  
22 electronic products account fund. Moneys in the account are to be used only to pay the costs of  
23 implementing this chapter and enforcing the disposal ban in section 23-24.10-5.

24           (c) The corporation shall determine the return share and return share by weight for each  
25 calendar year for each manufacturer, except television manufacturers. The return share shall be  
26 determined by dividing the total weight of covered electronic products of that manufacturer's  
27 brands by the total weight of covered electronic products for all manufacturers' brands. The return  
28 share by weight shall be determined by multiplying the return share for each such manufacturer  
29 by the total weight in pounds of covered electronic products, including orphan waste, collected  
30 from households and public and private elementary and secondary schools the previous calendar  
31 year.

32           (1) For 2009 and 2010, determine the return share and return share by weight for each  
33 manufacturer, except television manufacturers, based on the best available public return share  
34 data and public weight data from within the United States for covered electronic products from

1 households and public and private elementary and secondary schools. For subsequent years, the  
2 return share of covered electronic products for each manufacturer shall be based on the most  
3 recent annual sampling or count of covered electronic products. For subsequent years, the total  
4 weight in pounds of covered electronic products shall be based on the total weight of covered  
5 electronic products, including orphan waste, determined by the department.

6 (2) Determine the market share for each television manufacturer in accordance with  
7 subsection 23-24.10-3(7).

8 (3) The corporation shall present the proposed return or market shares for each  
9 manufacturer to the department for review and approval.

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

13 (1) For each manufacturer, except television manufacturers, the corporation shall  
14 determine the recycling fee based on the manufacturer's annual return share and return share by  
15 weight as determined under subsection (c) of this section. The fee shall be calculated on a per  
16 pound basis and shall not exceed fifty cents (\$.50) per pound.

17 (2) By January 1 of each year, the corporation shall set the cost per pound for collection,  
18 transportation, and recycling of covered electronic products, except televisions, in order to  
19 reasonably approximate market costs for these services, which cost per pound is used to calculate  
20 the fee. The corporation may adjust such cost per pound in order to reasonably approximate  
21 market costs for the collection, transportation, and recycling of covered electronic products.

22 (3) By January 1 of each year, for each television manufacturer that participates in the  
23 state program the corporation shall determine, by regulation, the recycling fee based on a  
24 television manufacturer's market share.

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

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

29 **23-24.10-12. Department responsibility. -- The department shall:**

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

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

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

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

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

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

5           (d) Review and adopt the return share and return share by weight for all manufactures,  
6 except television manufacturers, for the following year as determined by the corporation pursuant  
7 to section 23-24.10-11. The department shall review and adopt the market share for all television  
8 manufacturers for the following year as determined by the corporation pursuant to section 23-  
9 24.10-11.

10           (e) By January 1 of each year, notify each manufacturer that had a return share  
11 determined under section 23-24.10-11 its return share and its return share by weight for the  
12 following year. By January 1 of each year, notify each television manufacturer that had a market  
13 share determined under section 23-24.10-11 its market share for the following year.

14           (f) Review and adopt the recycling fee for all manufacturers as determined by the  
15 corporation pursuant to section 23-24.10-11.

16           (g) By January 1 of each year, the department shall notify each manufacturer that had a  
17 recycling fee determined under section 23-24.10-11 of the amount of its recycling fee. By  
18 November 1 prior to the program year for which a revised cost per pound is to be used in  
19 accordance with the provisions of section 23-24.10-11 the department shall notify all registered  
20 manufacturers of the revised cost per pound.

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

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

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

32           **23-24.10-13. State procurement.** -- (a) No later than January 1, 2009, all state agencies  
33 shall meet at least ninety-five percent (95%) of their annual purchasing requirements with  
34 electronic products registered to the Electronic Product Environmental Assessment Tool

1 (EPEAT) unless there is no EPEAT standard for such product.

2 (b) All vendors of electronic products to the state shall provide take-back and  
3 management services for their products at the end of life of those products and must be in  
4 compliance with all the requirements of this section. Vendors shall provide assurances that all  
5 take-back and management services will operate in compliance with all applicable environmental  
6 laws. Purchasing preference must be given to electronic products that incorporate design for the  
7 preservation of the environment.

8 **23-24.10-14. Multistate implementation.** -- The department and the corporation are  
9 authorized to participate in the establishment of a regional multistate organization or compact to  
10 assist in carrying out the requirements of this chapter.

11 **23-24.10-15. Limitations.** -- If a federal law or combination of federal laws take effect  
12 that is applicable to all covered electronic products sold in the United States and establishes a  
13 program for the collection and recycling or reuse of covered electronic products, the department  
14 shall evaluate whether such laws provide a solution that is equal to or better than the program  
15 created by this act. The department shall report its findings back to the legislature.

16 **23-24.10-16. Violations.** -- A violation of any of the provisions of this law or any rule or  
17 regulation promulgated pursuant thereto shall be punishable, in the case of a first violation, by a  
18 civil penalty not to exceed one thousand dollars (\$1,000). In the case of a second and any further  
19 violation, the liability shall be for a civil penalty not to exceed five thousand dollars (\$5,000) for  
20 each violation.

21 **23-24.10-17. Severability.** -- The provisions of this chapter shall be severable, and if any  
22 part of this chapter is declared to be invalid or void by a court of competent jurisdiction, the  
23 remaining portion shall not be affected but shall remain in full force and effect and shall be  
24 construed to be the entire chapter.

25 SECTION 4. This act shall take effect upon passage.

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LC02035/SUB B/2  
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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 expand the provisions governing the disposal of electronic products in  
2 Rhode Island. The system would place a greater responsibility for and funding for such disposal  
3 on equipment manufacturers.

4           This act would take effect upon passage.

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LC02035/SUB B/2  
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