

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

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

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

Date Introduced: February 28, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

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

3 CHAPTER 24.10

4 ELECTRONIC WASTE PREVENTION, REUSE AND RECYCLING ACT

5 **23-24.10-1. Purpose.** – The purposes of this act are:

- 6 (1) to study the establishment of a covered electronic product collection, recycling, and
7 reuse program for 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 used
14 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 **23-24.10-2. Findings.** – (a) The general assembly finds televisions, computers and other
2 electronics are omnipresent in modern society, and the number of obsolete, worn-out or otherwise
3 used televisions, computers and other electronic products are increasing;

4 (b) Used televisions and computers contain lead, mercury and other hazardous substances
5 that pose a threat to human health and the environment if improperly disposed of at the end of
6 their useful life;

7 (c) Cathode ray tubes are estimated to be the largest current source of lead in the state's
8 municipal solid waste stream;

9 (d) Many flat-panel-display televisions, computer monitors and laptop computers contain
10 a mercury-containing lamp for backlighting purposes;

11 (e) The reuse, repair and recycling of televisions and computers protect public health and
12 the environment by reducing the potential for the release of heavy metals and mercury from
13 landfills and municipal waste combustors into the environment, provide jobs and business
14 opportunities for state residents, recover valuable components and materials, reduce energy
15 consumption, air and water pollution and greenhouse gas emissions, and conserve valuable
16 landfill space;

17 (f) The state of Rhode Island has an interest in resource conservation, waste
18 minimization, landfill capacity management, pollution prevention, job creation and recycling;

19 (g) The Rhode Island mercury reduction and education commission recommended that
20 electronic waste be banned from disposal as solid waste, be managed through recycling or as
21 hazardous waste, and be handled in a manner consistent with products covered by the Mercury
22 Reduction and Education Act;

23 (h) The commission also recommended that a system of producer responsibility for the
24 collection and recycling of covered electronic devices is the most effective and equitable means
25 of keeping this toxic waste out of landfills, alleviating the full financial and physical burden
26 placed on the state and municipal governments for handling e-waste, while also providing a
27 powerful incentive for manufacturers to reduce toxins and redesign products for recycling; and

28 (i) The general assembly finds that the establishment of a comprehensive system to
29 provide for the collection, reuse and recycling of electronic products in this state is consistent
30 with its duty to protect the health, safety and welfare of its citizens, enhance and maintain the
31 quality of the environment, conserve natural resources, prevent air, water and land pollution and
32 stimulate economic growth.

33 **23-24.10-3. Definitions.** – (a) For the purposes of this chapter:

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

1 (2) "Covered electronic products" means:
2 (i) desktop computers (including central processing unit or CPU);
3 (ii) computer monitors, including CRT monitors and flat panel monitors;
4 (iii) portable computers (laptops);
5 (iv) combination units (CPUs with monitors);
6 (v) CRT-based televisions and non-CRT-based televisions; and
7 (vi) television (including plasma and LCD), or any similar video display device with a
8 screen greater than four (4) inches diagonally and that contains a circuit board.

9 (3) "Covered electronic product generator" includes any person that has a covered
10 electronic product within its possession.

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

15 **23-24-10.4. Scope of products covered.** – The scope of products is the same as "covered
16 electronic products" and includes products from covered electronic product generators. The
17 department is hereby authorized to modify the scope of products through regulations.

18 **23-24-10.5. Disposal ban.** – (1) After July 1, 2008, no person shall dispose of any of the
19 covered electronic products in a manner other than by recycling or disposal as hazardous waste.

20 (2) This ban on disposal shall apply to whole units of covered electronic products, as well
21 as to the constituent subunits and materials from which the units are made.

22 (3) No solid waste landfill or transfer station regulated pursuant to section 23-18.9 shall
23 accept any covered electronic products for the purposes of disposal after July 1, 2008. All solid
24 waste landfills and transfer stations regulated pursuant to section 23-18.9 shall establish
25 procedures to promote segregation of covered electronic products from the waste stream, shall
26 document those procedures in the facility operating plan, and shall implement those procedures as
27 part of the operation of the facility.

28 **23-24-10.6. Study to establish a covered electronic product collection, recycling, and**
29 **reuse program.** – (a) The department shall study the establishment of collection, recycling, and
30 reuse programs for covered electronic products in this state. The department shall consult with
31 stakeholders including persons who represent covered electronic product manufacturers, covered
32 electronic product retailers, waste haulers, electronics recyclers, charities, cities, environmental
33 organizations, public interest organizations, reuse organizations, schools, and other interested
34 parties that have a role or interest in the collection, reuse, and recycling of covered electronic

1 devices. As part of this study the department shall:

2 (1) Examine existing programs and infrastructure for reuse and recycling of covered
3 electronic product;

4 (2) Compile information on covered electronic product manufacturers' covered electronic
5 product collection, recycling, and reuse programs;

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

7 (4) Research the potential impacts of recycling or reusing electronic waste on jobs,
8 recycling infrastructure, and economic development;

9 (5) Evaluate ways for improving product design to increase recyclability and reduce
10 toxicity of products, including the assessment of safer alternatives to toxics outlined in the ROHS
11 directive;

12 (6) Develop recommendations to define the role for charities, government agencies, local
13 and state governments, businesses, manufacturers, and retailers in the collection, reuse and
14 recycling of covered electronic products; and

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

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

22 (1) The recommendations of the mercury reduction and education commission regarding
23 methods of financing the collection, reuse, and recycling programs for covered electronic
24 products;

25 (2) The impact of the approach on local governments, nonprofit organizations, waste
26 haulers and other stakeholders;

27 (3) How to address historic and orphan waste, including an assessment of financing
28 mechanisms used for collecting and recycling historic and orphan wastes;

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

33 (5) Urban versus rural recycling challenges and issues;

34 (6) The role of covered electronic product manufacturers;

1 (7) The development of possible performance measures to assess the effectiveness of
2 collection, reuse and recycling of covered electronic products; and

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

6 (c) The department shall submit two (2) progress reports to the general assembly and the
7 governor as follows:

8 (1) On or before January 1, 2007, the department shall submit a progress report on the
9 study required by subsection (a) of this section including the provisions made for the inclusion of
10 stakeholders, the issues that will be addressed in the study, and the work program to develop the
11 plan required by subsection (b) of this section.

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

15 (d) The department shall submit to the general assembly, no later than December 31,
16 2007, a program to accomplish the purposes of the chapter, which program shall include:

17 (1) Findings and recommendations for implementing and financing the collection, reuse
18 and recycling of covered electronic products; and

19 (2) A plan and recommendations for any legislation necessary to implement the plan, for
20 the collection, reuse and recycling of covered electronic products.

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

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

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LC01681/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PRODUCER
RESPONSIBILITY

1 This act would create the Electronic Waste Prevention, Reuse and Recycling Act to
2 establish a comprehensive system regulating electronic waste to protect the health, safety and
3 welfare of residents of this state.

4 This act would take effect upon passage.

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LC01681/SUB A
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