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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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A N A C T

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

**Introduced By:** Representatives Handy, Long, Lewiss, Ajello, and Fellela

**Date Introduced:** February 26, 2008

**Referred To:** House Finance

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Sections 23-24.10-1 and 23-24.10-3 of the General Laws in Chapter 23-  
1-2 24.10 entitled "Electronic Waste Prevention, Reuse and Recycling Act" are hereby amended to  
1-3 read as follows:
- 1-4 **23-24.10-1. Purpose.** -- The purposes of this act are:
- 1-5 (1) To ~~study the establishment of a covered electronic product~~ establish a manufacturer  
1-6 financed system for the collection, recycling, and reuse program for covered electronic products  
1-7 in Rhode Island;
- 1-8 (2) To develop a comprehensive strategy, with the participation of state agencies,  
1-9 producers, processors and consumers, for waste prevention and reduction of covered electronic

1-10 products in the state, which addresses the collection, recycling and reuse of covered electronic  
1-11 products from all covered electronic product generators in the state and that ensures the safe and  
1-12 environmentally sound handling, reuse and recycling of covered electronic products;

1-13 (3) To promote the development of state infrastructure for the reuse and recycling of  
1-14 used electronics;

1-15 (4) To eliminate waste generated in the state from covered electronic products from  
1-16 landfill and incinerator disposal; and

1-17 (5) To encourage the design of covered electronic products that are less toxic, more  
1-18 durable and more recyclable.

2-1 **23-24.10-3. Definitions.** -- (a) For the purposes of this chapter:

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

2-3 (2) "Covered electronic products" means:

2-4 (i) ~~Desktop computers~~ Computers (including central processing unit or CPU) as defined  
2-5 herein;

2-6 (ii) Computer monitors, including CRT monitors and flat panel monitors;

2-7 ~~(iii) Portable computers (laptops);~~

2-8 ~~(iv)~~ (iii) Combination units (CPUs with monitors);

2-9 ~~(v) CRT-based televisions and non-CRT-based televisions; and~~

2-10 ~~(vi) Television~~ (iv) Televisions ~~(including CRT-based and non-CRT-based televisions,~~

2-11 plasma and LCD), or any similar video display device with a screen greater than ~~four (4)~~ nine (9)  
2-12 inches diagonally and that contains a circuit board; and

2-13 (v) "Covered electronic products" does not mean a computer, television or video display

2-14 device that is: (a) a part of a motor vehicle or any component part of a motor vehicle assembled

2-15 by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a

2-16 motor vehicle; or (b) functionally or physically a part of, connected to or integrated within a

2-17 larger piece of equipment designed and intended for use in an industrial, governmental,  
2-18 commercial, research and development, or medical setting, (including diagnostic, monitoring, or  
2-19 other medical products as that term is defined under the Federal Food, Drug, and Cosmetic Act)  
2-20 or equipment used for security, sensing, monitoring, or anti-terrorism purposes; or (c) contained  
2-21 within a home appliance, clothes washer, clothes dryer, refrigerator, refrigerator and freezer,  
2-22 microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or  
2-23 air purifier; or (d) a handheld device used to access commercial mobile radio service, as such  
2-24 service is defined in 47 CFR 20.3, or (e) a printer as defined in subsection (ii) herein.

2-25 ~~(3) "Covered electronic product generator" includes any person that has a covered~~  
2-26 ~~electronic product within its possession.~~

2-27 (3)(4) "Person" means an individual, trust, firm, joint stock company, corporation  
2-28 (including a government corporation), partnership, association, the federal government or any  
2-29 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
2-30 or any interstate body.

2-31 (4) "Computer" often referred to as a "personal computer" or "PC", means a desktop or  
2-32 notebook computer as further defined below, but does not mean an automated typewriter,  
2-33 electronic printer, mobile telephone, portable hand-held calculator, portable digital assistant  
2-34 (PDA), MP3 player, or other similar device. "Computer" does not include computer peripherals,  
3-1 commonly known as cables, mouse, or keyboard; computer servers marketed to professional  
3-2 users; or retail store terminals or cash registers, used at customer checkout in the retail industry.

3-3 "Computer" is further defined to include:

3-4 (i) "Desktop Computer" means an electronic, magnetic, optical, electrochemical, or other  
3-5 high speed data processing device performing logical, arithmetic, or storage functions for general  
3-6 purpose needs which are met through interaction with a number of software programs contained  
3-7 therein, and which is not designed to exclusively perform a specific type of logical, arithmetic or

3-8 storage function or other limited or specialized application. Human interface with a desktop  
3-9 computer is achieved through a standalone keyboard, stand-alone monitor or other display unit,  
3-10 and a stand-alone mouse or other pointing device, and is designed for a single user. A desktop  
3-11 computer has a main unit that is intended to be persistently located in a single location, often on a  
3-12 desk or on the floor. A desktop computer is not designed for portability and generally utilizes an  
3-13 external monitor, keyboard, and mouse with an external or internal power supply for a power  
3-14 source. Desktop computer does not include an automated typewriter or typesetter; or  
3-15 (ii) "Notebook computer" means an electronic, magnetic, optical, electrochemical, or  
3-16 other high-speed data processing device performing logical, arithmetic, or storage functions for  
3-17 general purpose needs which are met through interaction with a number of software programs  
3-18 contained therein, and which is not designed to exclusively perform a specific type of logical,  
3-19 arithmetic or storage function or other limited or specialized application. Human interface with a  
3-20 notebook computer is achieved through a keyboard, video display greater than nine inches (9") in  
3-21 size, and mouse or other pointing device, all of which are contained within the construction of the  
3-22 unit which comprises the notebook computer; supplemental standalone interface devices typically  
3-23 can also be attached to the notebook computer. Notebook computers can use external, internal, or  
3-24 batteries for a power source. Notebook computer does not include a portable handheld calculator,  
3-25 or a portable digital assistant or similar specialized device. A notebook computer has an  
3-26 incorporated video display greater than nine inches (9") in size and can be carried as one unit by  
3-27 an individual. A notebook computer is sometimes referred to as a laptop computer.

3-28 (5) "Corporation" means the Rhode Island resource recovery corporation created and  
3-29 established pursuant to chapter 23-19 of the Rhode Island general laws.

3-30 (6) "Manufacturer" means a person or entity who:

3-31 (i) Has a physical presence and legal assets in the United States of America; and

3-32 (A) Manufactures or manufactured a covered electronic product under a brand it owns; or

3-33 is or was licensed to use;

3-34 (B) Sells or sold under a brand or label it owns or is or was licensed to use a covered  
4-1 electronic product produced by other suppliers; or

4-2 (C) Assumes the financial responsibility of manufacturer collection, transportation or  
4-3 recycling as further defined herein; or

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

4-6 (E) Sells at retail a covered electronic product acquired from an importer that is the  
4-7 manufacturer as described in subsection (b) herein, and elects to register in lieu of the importer.

4-8 (7) "Market share" means a television manufacturers' national sales of televisions  
4-9 expressed as a percentage of the total of all television manufacturers' national sales based on the  
4-10 best available public data.

4-11 (8) "Monitor" means a video display device without a tuner that can display pictures and  
4-12 sound and is used with a computer.

4-13 (9) "Orphan waste" means a covered electronic product, except a television, for which no  
4-14 manufacturer can be identified or the manufacturer is no longer a business and no successor  
4-15 business can be identified.

4-16 (10) "Premium service" means services such as at-location system upgrade services and  
4-17 at-home pickup services, including curbside pickup service.

4-18 (11) "Printer" means desktop printers, multifunction printer copiers, and printer/fax  
4-19 combinations taken out of service that are designed to reside on a work surface, and include  
4-20 various print technologies, including without limitation laser and LED (electrographic), ink jet,  
4-21 dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that  
4-22 perform different tasks, including without limitation copying, scanning, faxing, and printing.  
4-23 Printers do not include floor-standing printers, printers with optional floor stand, point of sale

4-24 (POS) receipt printers, household printers such as a calculator with printing capabilities or label  
4-25 makers, or non-stand-alone printers that are embedded into products that are not covered  
4-26 electronic products.

4-27 (12) "Retailer" means a person or entity who sells a covered electronic product in the  
4-28 state to a consumer, "Retailer" includes, but is not limited to, a manufacturer of a covered  
4-29 electronic product who sells directly to a consumer through any means, including, but not limited  
4-30 to, transactions conducted through sales outlets, catalogs or the Internet, or any similar electronic  
4-31 means, but not including leasing, commercial financing or wholesale transactions with a  
4-32 distributor or other retailer.

4-33 (13) "Return share" means the minimum percentage of covered electronic products,  
4-34 except televisions, that an individual manufacturer is responsible for collecting, transporting and  
5-1 recycling.

5-2 (14) "Return share by weight" means the minimum total weight of covered electronic  
5-3 products, except televisions, that an individual manufacturer is responsible for collecting,  
5-4 transporting and recycling.

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

5-8 (16) "Video display devices" means and includes units capable of presenting images  
5-9 electronically on a screen, with a viewable area greater than nine inches (9") when measured  
5-10 diagonally, viewed by the user and may include cathode ray tubes, flat panel computer monitors,  
5-11 plasma displays, liquid crystal displays, rear and front enclosed projection devices, and other  
5-12 similar displays that exist or may be developed.

5-13 (17) "State program" means a statewide program for collecting, transporting and  
5-14 recycling covered electronic products that is provided by the resource recovery corporation for

5-15 manufacturers who pay a recycling fee.

5-16 SECTION 2. Section 23-24.10-6 of the General Laws in Chapter 23-24.10 entitled

5-17 "Electronic Waste Prevention, Reuse and Recycling Act" is hereby repealed.

5-18 ~~**23-24.10-6. Study to establish a covered electronic product collection, recycling, and**~~

5-19 ~~**reuse program.**—(a) The department shall study the establishment of collection, recycling, and~~

5-20 ~~reuse programs for covered electronic products in this state. The department shall consult with~~

5-21 ~~stakeholders including persons who represent covered electronic product manufacturers, covered~~

5-22 ~~electronic product retailers, waste haulers, electronics recyclers, charities, cities, environmental~~

5-23 ~~organizations, public interest organizations, reuse organizations, schools, and other interested~~

5-24 ~~parties that have a role or interest in the collection, reuse, and recycling of covered electronic~~

5-25 ~~devices. As part of this study the department shall:~~

5-26 ~~(1) Examine existing programs and infrastructure for reuse and recycling of covered~~

5-27 ~~electronic product;~~

5-28 ~~(2) Compile information on covered electronic product manufacturers' covered electronic~~

5-29 ~~product collection, recycling, and reuse programs;~~

5-30 ~~(3) Review existing data on the costs to collect, transport, and recycle electronic waste;~~

5-31 ~~(4) Research the potential impacts of recycling or reusing electronic waste on jobs,~~

5-32 ~~recycling infrastructure, and economic development;~~

5-33 ~~(5) Evaluate ways for improving product design to increase recyclability and reduce~~

5-34 ~~toxicity of products, including the assessment of safer alternatives to toxics outlined in the ROHS~~

6-1 ~~directive;~~

6-2 ~~(6) Develop recommendations to define the role for charities, government agencies, local~~

6-3 ~~and state governments, businesses, manufacturers, and retailers in the collection, reuse and~~

6-4 ~~recycling of covered electronic products; and~~

6-5 ~~(7) Explore state financial incentives for developing business opportunities and jobs in~~

6-6 ~~the area of covered electronic product recycling and reuse infrastructure.~~

6-7 ~~(b) The department shall, based on the findings and recommendations of subsection (a)~~

6-8 ~~of this section, develop a plan for implementing and financing a program that addresses the~~

6-9 ~~collection, recycling, and reuse of covered electronic products from all covered electronic product~~

6-10 ~~generators in the state. In drafting this plan, the following factors will be considered by the~~

6-11 ~~department:~~

6-12 ~~(1) The recommendations of the mercury reduction and education commission regarding~~

6-13 ~~methods of financing the collection, reuse, and recycling programs for covered electronic~~

6-14 ~~products;~~

6-15 ~~(2) The impact of the approach on local governments, nonprofit organizations, waste~~

6-16 ~~haulers and other stakeholders;~~

6-17 ~~(3) How to address historic and orphan waste, including an assessment of financing~~

6-18 ~~mechanisms used for collecting and recycling historic and orphan wastes;~~

6-19 ~~(4) The development of recycling and processing standards that protect the health of~~

6-20 ~~workers and the environment in communities where covered electronic products are recycled~~

6-21 ~~and/or modified for reuse, which may include a ban on the export on nonworking covered~~

6-22 ~~electronic products to developing countries;~~

6-23 ~~(5) Urban versus rural recycling challenges and issues;~~

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

6-25 ~~(7) The development of possible performance measures to assess the effectiveness of~~

6-26 ~~collection, reuse and recycling of covered electronic products; and~~

6-27 ~~(8) Special consideration will be given to costs incurred by charitable organizations~~

6-28 ~~receiving unwanted electronic products and the waste collection systems that could be developed~~

6-29 ~~as a result of this activity.~~

6-30 ~~(c) The department shall submit two (2) progress reports to the general assembly and the~~

6-31 ~~governor as follows:~~

6-32 ~~(1) On or before January 1, 2007, the department shall submit a progress report on the~~  
6-33 ~~study required by subsection (a) of this section including the provisions made for the inclusion of~~  
6-34 ~~stakeholders, the issues that will be addressed in the study, and the work program to develop the~~  
7-1 ~~plan required by subsection (b) of this section.~~

7-2 ~~(2) On or before May 1, 2007, the department shall submit a progress report describing~~  
7-3 ~~the progress of the study and of the development of the plan and identifying any issues that might~~  
7-4 ~~need to be resolved in implementing an electronic waste collection, reuse and recycling program."~~

7-5 ~~(d) The department shall submit to the general assembly, no later than December 31,~~  
7-6 ~~2007, a program to accomplish the purposes of the chapter, which program shall include:~~

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

7-9 ~~(2) A plan and recommendations for any legislation necessary to implement the plan, for~~  
7-10 ~~the collection, reuse and recycling of covered electronic products.~~

7-11 ~~(e) The department may promulgate such regulations as may be necessary to implement~~  
7-12 ~~the electronic waste collection, reuse and recycling program, which regulations shall be effective~~  
7-13 ~~upon passage of the program by the general assembly.~~

7-14 SECTION 3. Chapter 23-24.10 of the General Laws entitled "Electronic Waste  
7-15 Prevention, Reuse and Recycling Act" is hereby amended by adding thereto the following  
7-16 sections:

7-17 **23-24.10-6. Manufacturer individual financial responsibility.** -- (a) On the effective  
7-18 date of this section, for covered electronic products other than televisions, manufacturers have  
7-19 individual financial responsibility for the collection, transportation and recycling of their covered  
7-20 electronic products and orphan waste which have been discarded by households or public and  
7-21 private elementary and secondary schools in Rhode Island, including their return share of orphan

7-22 waste.

7-23 (b) On the effective date of this section, for televisions, each television manufacturer has

7-24 financial responsibility for the collection, transportation and recycling of televisions, which have

7-25 been discarded by households or public and private elementary and secondary schools in Rhode

7-26 Island, based on the television manufacturer's market share.

7-27 **23-24.10-7. Sales and labor prohibitions.** -- (a) A manufacturer not in compliance with

7-28 all financial and other requirements of this chapter is prohibited from offering a covered

7-29 electronic product for sale in this state.

7-30 (b) It shall be unlawful for any retailer and/or manufacturer to offer for sale in this state

7-31 a new covered electronic product from a manufacturer that is not in full compliance with the

7-32 requirements of this chapter. The department shall maintain a list of all manufacturers in

7-33 compliance with the requirements of this chapter and post the list on an Internet website. Retailers

7-34 of products in or into the state shall consult the list prior to selling covered electronic products in

8-1 this state. A retailer shall be considered to have complied with this responsibility if, on the date

8-2 that the product was ordered from the manufacturer or its agent, the manufacturer was listed as

8-3 being in compliance on the aforementioned website. All manufactures will be considered in

8-4 compliance with the purposes of this section until the department publishes the first requirements

8-5 of this chapter for the listing.

8-6 (c) It shall be unlawful for facilities that recycle covered electronic products, including

8-7 all downstream recycling operations, to use prison labor to recycle covered electronic products.

8-8 **23-24.10-8. Labeling and registration requirements.** -- (a) On and after the effective

8-9 date of this section, a manufacturer or retailer may not sell or offer for sale a covered electronic

8-10 product in the state unless it is labeled with the manufacturer's brand, and the label is permanently

8-11 affixed and readily visible.

8-12 (b) Registration. Before January 1 of each year, a manufacturer of covered electronic

8-13 products sold or offered for sale in this state shall register with the department for a period to  
8-14 cover the upcoming calendar year, on a form provided by the department. The registration shall  
8-15 include:

8-16 (1) A list of all the brands manufactured, sold or imported by the manufacturer, including  
8-17 those brands being offered for sale in this state by the manufacturer;

8-18 (2) A statement of whether the manufacturer will be implementing a manufacturer  
8-19 program or utilizing the state program for recycling covered electronic products; and

8-20 (3) Any other information required by the department to implement this chapter.

8-21 (c) By January 1, 2009, each manufacturer of new covered electronic products offered for  
8-22 sale for delivery in this state shall register with the department and pay to the department a  
8-23 registration fee of five thousand dollars (\$5,000). Thereafter, if a manufacturer has not previously  
8-24 filed a registration, the manufacturer shall file a registration with the department prior to any offer  
8-25 for sale for delivery in this state of the manufacturer's new covered electronic products and shall  
8-26 pay to the department a registration fee of five thousand dollars (\$5,000). Any manufacturer to  
8-27 whom the department provides notification of a return share, return share in weight or market  
8-28 share pursuant to subsections 23-24.10-12(d) and (e) and who has not previously filed a  
8-29 registration shall, within thirty (30) days of receiving such notification, file a registration with the  
8-30 department and shall pay to the department a registration fee of five thousand dollars (\$5,000).

8-31 (1) Each registered manufacturer shall submit an annual renewal of its registration to the  
8-32 department and pay to the department a registration fee of five thousand dollars (\$5,000) by  
8-33 January 1 of each program year.

8-34 (2) The registration and each annual renewal shall include a list of all of the  
9-1 manufacturer's brands of covered electronic products and shall be effective upon receipt by the  
9-2 department.

9-3 (3) All registration fees collected by the department shall be deposited in the

9-4 environmental response fund established pursuant to Rhode Island general laws 23-19.1-23.

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

9-8 (b) The manufacturer's plan must describe how the manufacturer will:

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

9-11 (2) Provide for environmentally sound management practices to collect, transport and  
9-12 recycle covered electronic products;

9-13 (3) Provide for advertising and promotion of collection opportunities statewide and on a  
9-14 regular basis; and

9-15 (4) Include convenient service statewide. Collection sites shall be staffed and open to the  
9-16 public at a frequency adequate to meet the needs of the area being served. A program may  
9-17 provide collection service jointly with another program and may include, but not be limited to,  
9-18 mail back programs and collection events.

9-19 (c) The plan shall include a statement disclosing whether: (1) any video display devices  
9-20 sold in Rhode Island exceed the maximum concentration values established for lead, mercury,  
9-21 cadmium, hexavalent chromium, polybrominated diphenyls (PBBs), and polybrominated  
9-22 diphenyl ethers (PBDEs) under the RoHS (restricting the use of certain hazardous substances in  
9-23 electrical and electronic equipment) directive 2002/95/EC of the European parliament and council  
9-24 and any amendments there to enacted as of the date; or (2) the manufacture has received an  
9-25 exemption from one or more of those maximum concentration values under the RoHS directive  
9-26 that has been approved and published by the European commission.

9-27 (d) A manufacturer choosing to implement a manufacturer program shall:

9-28 (1) Provide for collection, transportation and recycling of covered electronic products

9-29 from households and public and private elementary and secondary schools free of charge and a  
9-30 manufacturer that provides premium service for a person may charge for the additional cost of  
9-31 that premium service.

9-32 (2) Implement the plan and provide a report to the department no later than February 1 of  
9-33 each year that details how the plan required under this section was implemented during the  
9-34 previous calendar year.

10-1 (3) Conduct a statistically significant sampling or actual count of the covered electronic  
10-2 products collected and recycled by the manufacturer each calendar year using a methodology  
10-3 approved by the department. The manufacturer shall report the results of the sampling or count to  
10-4 the department no later than January 1 of the following calendar year. For all manufacturers,  
10-5 excluding televisions manufactured, the report must include:

10-6 (i) A list of all brands identified during the sampling or count by the manufacturer;

10-7 (ii) The weight of covered electronic products identified for each brand during the  
10-8 sampling or count; and

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

10-12 (e) A group of manufacturers, except television manufacturers, may choose to implement  
10-13 a manufacturer program as one entity, if in doing so the manufacturers meet the sum of their  
10-14 individual return shares by weight under subsection 23-24.10-12(d) and that sum is at least five  
10-15 percent (5%). A group of television manufacturers may choose to implement a manufacturer  
10-16 program as one entity, if in doing so the manufacturers meet the sum of their individual market  
10-17 shares under subsection 23-24.10-12(d).

10-18 (f) By February 1 of each year, a manufacturer that does not meet its share for the  
10-19 previous calendar year shall pay the department for the amount not achieved at a rate determined

10-20 by the department to be equivalent to the amount the manufacturer would have paid as defined  
10-21 under subsection 23-24.10-11(d) plus ten percent (10%), to be part of the state program.

10-22 (g) A manufacturer, except a television manufacturer, with less than a five percent (5%)  
10-23 return share is required to participate in the state program under section 23-24.10-11. A television  
10-24 manufacturer that does not have an approved manufacture's plan shall participate in the state  
10-25 program under section 23-24.10-11.

10-26 (h) A manufacturer participating in the state program under section 23-24.10-11 shall  
10-27 notify the department at the time of its registration each year.

10-28 (i) By February 1 of each year, a manufacturer that participates in the state program shall  
10-29 pay a recycling fee to the corporation in an amount adopted by the department under section 23-  
10-30 24.10-12 to cover the costs of collecting, transporting and recycling the manufacturer's annual  
10-31 share of covered electronic products for the following year.

10-32 (j) (1) A manufacturer program, the state program or a collector participating in a  
10-33 manufacturer program or the state program may not charge a fee to households or public and  
10-34 private elementary and secondary schools for the collection, transportation or recycling of those  
11-1 covered electronic products.

11-2 (2) A collector that provides a premium service to a person may charge for the additional  
11-3 cost of providing the premium service.

11-4 **23-24.10-10. Retailer responsibility.** -- (a) A retailer may not sell or offer for sale any  
11-5 covered electronic product in or for delivery into this state unless:

11-6 (1) The covered electronic product is labeled with a brand and the label is permanently  
11-7 affixed and readily visible;

11-8 (2) The brand is included on the list posted by the department; and

11-9 (3) The list posted by the department specifies that the manufacturer is in compliance  
11-10 with the requirements of this chapter. All manufacturers will be considered in compliance with

11-11 the requirements of this chapter for the purposes of this section until the department publishes the  
11-12 first listing.

11-13 (b) A retailer shall provide to a consumer at the time of the sale of a covered electronic  
11-14 product information from the department's website that provides details about where and how a  
11-15 consumer can recycle covered electronic products in Rhode Island. Information shall also be  
11-16 made available in printable form for Internet sales and other sales where the Internet is involved.

11-17 (c) On or after January 1, 2009, a retailer who sells or offers for sale a new covered  
11-18 electronic product must, before the initial offer for sale, review the department's website to  
11-19 determine that all new covered electronic products that the retailer is offering for sale are labeled  
11-20 with the manufacturer's brands that are registered with the department.

11-21 (d) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's  
11-22 registration expired or was revoked and the retailer took possession of the covered electronic  
11-23 product prior to the expiration or revocation of the manufacturer's registration and the unlawful  
11-24 sale occurred within three (3) months after the expiration or revocation.

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

11-31 (1) To the extent practicable, use existing local collection, transportation and recycling  
11-32 infrastructure;

11-33 (2) Use environmentally sound management practices as defined under subsection 23-24.  
11-34 10-12(i) to collect, transport and recycle covered electronic products;

12-1 (3) Provide for households and public and private elementary and secondary schools

12-2 convenient and available collection services and sites for covered electronic products in each  
12-3 county of this state and collection services shall be free of charge for households and public and  
12-4 private elementary and secondary schools;

12-5 (4) Advertise and promote collection opportunities statewide and on a regular basis; and

12-6 (5) Conduct an actual count of the covered electronic products collected and recycled by  
12-7 the state program during each calendar year using a methodology approved by the department and  
12-8 prepare a report no later than March 1 of the following calendar year that includes but is not  
12-9 limited to:

12-10 (i) A list of all brands identified during the count;

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

12-13 (iii) The total weight of covered electronic products, including orphan waste if applicable,  
12-14 collected from households and public and private elementary and secondary schools in the state  
12-15 by the state program during the previous calendar year.

12-16 (6) Maintain on its website information on collection opportunities for covered electronic  
12-17 products, including collection site locations and hours. The information must be made available  
12-18 in a printable format for retailers.

12-19 (b) Covered electronic products account fund. The corporation shall create the covered  
12-20 electronic products account fund. Interest earned by the account shall be credited to the account.  
12-21 Fees collected by the corporation under subsection (c) below shall be deposited in the covered  
12-22 electronic products account fund. Moneys in the account are to be used only to pay the costs of  
12-23 implementing this chapter and enforcing the disposal ban in section 23-24.10-5.

12-24 (c) The corporation shall determine the return share and return share by weight for each  
12-25 calendar year for each manufacturer, except television manufacturers. The return share shall be  
12-26 determined by dividing the total weight of covered electronic products of that manufacturer's

12-27 brands by the total weight of covered electronic products for all manufacturers' brands. The return  
12-28 share by weight shall be determined by multiplying the return share for each such manufacturer  
12-29 by the total weight in pounds of covered electronic products, including orphan waste, collected  
12-30 from households and public and private elementary and secondary schools the previous calendar  
12-31 year.

12-32 (1) For 2009 and 2010, determine the return share and return share by weight for each  
12-33 manufacturer, except television manufacturers, based on the best available public return share  
12-34 data and public weight data from within the United States for covered electronic products from  
13-1 households and public and private elementary and secondary schools. For subsequent years, the  
13-2 return share of covered electronic products for each manufacturer shall be based on the most  
13-3 recent annual sampling or count of covered electronic products. For subsequent years, the total  
13-4 weight in pounds of covered electronic products shall be based on the total weight of covered  
13-5 electronic products, including orphan waste, determined by the department.

13-6 (2) Determine the market share for each television manufacturer in accordance with  
13-7 subsection 23-24.10-3(7).

13-8 (3) The corporation shall present the proposed return or market shares for each  
13-9 manufacturer to the department for review and approval.

13-10 (d) Determine the recycling fee to be paid by each manufacturer that participates in the  
13-11 state program established pursuant to this section. The corporation shall determine the recycling  
13-12 fees as follows:

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

13-17 (2) By January 1 of each year, the corporation shall set the cost per pound for collection,

13-18 transportation, and recycling of covered electronic products, except televisions, in order to  
13-19 reasonably approximate market costs for these services, which cost per pound is used to calculate  
13-20 the fee. The corporation may adjust such cost per pound in order to reasonably approximate  
13-21 market costs for the collection, transportation, and recycling of covered electronic products.

13-22 (3) By January 1 of each year, for each television manufacturer that participates in the  
13-23 state program the corporation shall determine, by regulation, the recycling fee based on a  
13-24 television manufacturer's market share.

13-25 (4) The corporation shall present the proposed recycling fees and any adjusted recycling  
13-26 fees for each manufacturer to the department for review and approval.

13-27 (e) Regulatory authority. The corporation may adopt such regulations as shall be  
13-28 necessary to implement the provisions of this chapter.

13-29 **23-24.10-12. Department responsibility. --** The department shall:

13-30 (a) By January 1, 2009, maintain and make available on its website the following lists,  
13-31 which must be updated by the first day of each month:

13-32 (1) A list of registered manufacturers and their brands;

13-33 (2) A list of brands for which no manufacturer has registered; and

13-34 (3) A list that identifies which manufacturers are in compliance with this chapter.

14-1 (b) Review and approve manufacturer plans that comply with this chapter and are  
14-2 submitted annually by manufacturers choosing to implement a manufacturer program for  
14-3 recycling covered electronic products.

14-4 (c) Review and approve the corporation's plan as established by section 23-24.10-11.

14-5 (d) Review and adopt the return share and return share by weight for all manufactures,  
14-6 except television manufacturers, for the following year as determined by the corporation pursuant  
14-7 to section 23-24.10-11. The department shall review and adopt the market share for all television  
14-8 manufacturers for the following year as determined by the corporation pursuant to section 23-

14-9 24.10-11.

14-10 (e) By January 1 of each year, notify each manufacturer that had a return share  
14-11 determined under section 23-24.10-11 its return share and its return share by weight for the  
14-12 following year. By January 1 of each year, notify each television manufacturer that had a market  
14-13 share determined under section 23-24.10-11 its market share for the following year.

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

14-16 (g) By January 1 of each year, the department shall notify each manufacturer that had a  
14-17 recycling fee determined under section 23-24.10-11 of the amount of its recycling fee. By  
14-18 November 1 prior to the program year for which a revised cost per pound is to be used in  
14-19 accordance with the provisions of section 23-24.10-11 the department shall notify all registered  
14-20 manufacturers of the revised cost per pound.

14-21 (h) Report biennially to the general assembly on the operation of the statewide system for  
14-22 collection, transportation and recycling of covered electronic products.

14-23 (i) Environmentally sound recycling and reuse. The department shall develop and adopt  
14-24 regulations no later than January 30, 2009 to define environmentally sound recycling and reuse  
14-25 practices for the manufacturers' plans and the state program. These regulations will apply to  
14-26 collectors, transporters, and processors, and should ensure that all their downstream vendors  
14-27 comply with all local, state, and federal regulations, and must not violate laws in importing and  
14-28 transit countries when exporting environmentally sensitive materials throughout final disposition.

14-29 (j) Regulatory authority. The department may adopt such regulations as shall be  
14-30 necessary to implement the provisions of this chapter and may include exemptions from  
14-31 provisions of this chapter as deemed appropriate by the department.

14-32 **23-24.10-13. State procurement.** -- (a) No later than January 1, 2009, all state agencies  
14-33 shall meet at least ninety-five percent (95%) of their annual purchasing requirements with

14-34 electronic products registered to the Electronic Product Environmental Assessment Tool

15-1 (EPEAT) unless there is no EPEAT standard for such product.

15-2 (b) All vendors of electronic products to the state shall provide take-back and

15-3 management services for their products at the end of life of those products and must be in

15-4 compliance with all the requirements of this section. Vendors shall provide assurances that all

15-5 take-back and management services will operate in compliance with all applicable environmental

15-6 laws. Purchasing preference must be given to electronic products that incorporate design for the

15-7 preservation of the environment.

15-8 **23-24.10-14. Multistate implementation.** -- The department and the corporation are

15-9 authorized to participate in the establishment of a regional multistate organization or compact to

15-10 assist in carrying out the requirements of this chapter.

15-11 **23-24.10-15. Limitations.** -- If a federal law or combination of federal laws take effect

15-12 that is applicable to all covered electronic products sold in the United States and establishes a

15-13 program for the collection and recycling or reuse of covered electronic products, the department

15-14 shall evaluate whether such laws provide a solution that is equal to or better than the program

15-15 created by this act. The department shall report its findings back to the legislature.

15-16 **23-24.10-16. Violations.** -- A violation of any of the provisions of this law or any rule or

15-17 regulation promulgated pursuant thereto shall be punishable, in the case of a first violation, by a

15-18 civil penalty not to exceed one thousand dollars (\$1,000). In the case of a second and any further

15-19 violation, the liability shall be for a civil penalty not to exceed five thousand dollars (\$5,000) for

15-20 each violation.

15-21 **23-24.10-17. Severability.** -- The provisions of this chapter shall be severable, and if any

15-22 part of this chapter is declared to be invalid or void by a court of competent jurisdiction, the

15-23 remaining portion shall not be affected but shall remain in full force and effect and shall be

15-24 construed to be the entire chapter.

15-25 SECTION 4. This act shall take effect upon passage.

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LC02044/SUB A/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**

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- 16-1 This act would expand the provisions governing the disposal of electronic products in  
16-2 Rhode Island. The system would place a greater responsibility for and funding for such disposal  
16-3 on equipment manufacturers.  
16-4 This act would take effect upon passage.

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LC02044/SUB A/2  
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