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State of Minnesota

S.F. No. 1298, Delete-Everything Amendment - Waste Electronics Recycling

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Section 1 [Recovery and Recycling of Waste Electronic Products] establishes a manufacturers responsibility for recovery and recycling of waste electronic products.

Subdivision 1. [Definitions] provides definitions of "board," "cathode-ray tube," "full truckload," "Hennepin County Study," "household," "intermediate consolidation point," "manufacturer," "manufacturer brands," "manufacturers' abandoned waste," "orphan waste," "pro rata share," "sell, sale, or sold," and "video display device."

Subdivision 2. [Manufacturer Responsibility] provides that beginning March 1, 2006, all manufacturers must:

1. collect their pro rata share of video display devices (cathode-ray tube or flat panel device with a screen over eight inches), including their share of orphan waste, and manufacturer abandoned waste;
2. ensure that the collection of video display devices is conducted without charge;
3. ensure that the video display devices are reused, refurbished, or recycled; and
4. inform purchasers of video display devices of opportunities for reuse, refurbishment, or recycling.

This subdivision allows manufacturers to comply with the requirements through their own program or through a representative organization of manufacturers.

Subdivision 3. [Manufacturer Registration and Retailer Certification] provides that beginning January 1, 2006, and annually thereafter, a manufacturer may not sell video display devices in Minnesota unless the manufacturer:

1. permanently labels the video display device with the manufacturer's brand;
2. annually registers with the director; and
3. certifies that it is in compliance with the manufacturer's responsibilities under subdivision 2.

Retailers who sell video display devices must certify, by February 1, 2006, and annually thereafter, that they have reviewed the Office of Environmental Assistance (OEA) Web site and determined that the manufacturer's brand is registered. The director of the OEA may revoke a manufacturer's registration, if the manufacturer is not in compliance with this section, and may charge a registration fee to cover the OEA's administration costs. By January 1, 2007, the OEA shall publish on its Web site the results of the brand sort authorized by the Electronics Recycling Joint Powers Board created in subdivision 7.

Subdivision 4. [Manufacturer Reporting] requires reporting by manufacturers to the OEA beginning February 1, 2007, on video display devices from Minnesota households:

1. the number and pounds of video display devices collected during the preceding year, including the number and pounds reused, refurbished, and recycled; and
2. a general description of the processes and methods used to reuse, refurbish, and recycle the video display devices.

A manufacturer who fulfills its responsibilities through a representative organization may satisfy this requirement through the organization.

Subdivision 5. [Performance Standards] specifies the goal of the state to ensure that all video display devices discarded by households are collected, and reused, refurbished, or recycled. This subdivision also establishes annual video display device collection goals. They are:

1. by December 31, 2006, .0375 video display devices per resident;
2. by December 31, 2007, .055 video display devices per resident; and
3. by December 31, 2008, .060 video display devices per resident.

Subdivision 6. [OEA Duties] establishes the following duties of the OEA:

1. by November 1, 2005, establish procedures for registering and maintaining registrations on the OEA Web site;
2. by February 15, 2007, and each year thereafter, assess the progress in meeting the performance standards; and
3. by December 1, 2007, and every other year thereafter, report to the Legislature on the progress in meeting the performance standards.

The report on December 1, 2007, shall include an assessment of the ratio of discarded cathode-ray tubes to other discarded video display devices and a recommendation for minimum standards for 2009 and 2010. This subdivision also grants expedited rulemaking authority for the director of the OEA to adopt rules to establish methodologies to be used to fairly distribute and document manufacturers' duties under this section.

Subdivision 7. [Electronic Recycling Joint Powers Board] provides for the establishment of an Electronics Recycling Joint Powers Board, under the Joint Powers Act, for the purpose of coordinating and administrating the requirements of this section. The Board shall include one county commissioner from each congressional district selected by the Governor. The Board shall have the powers of counties and is given the following duties:

1. by September 15, 2005, seek at least 15 applications for establishing intermediate collection points, including at least 10 from outside the metropolitan area;
2. by November 15, 2005, establish a list of intermediate collection points and make the list available to manufacturers;
3. within six months of enactment, establish reporting requirements for intermediate collection points;
4. beginning March 1, 2006, coordinate the pickup of full truckloads of video display devices by manufacturers;
5. by January 15, each year, calculate and verify the pro rata share for each manufacturer;
6. by July 31, 2006, contract for a brand source sort conducted at intermediate collection points; and
7. by January 15, 2007, and each year thereafter, report to the director of the OEA on the progress of manufacturers meeting their responsibilities.

Subdivision 8. [Purchases by State Agencies] requires the Commissioner of Administration to ensure that video display devices are acquired in compliance with this section. Bid specifications must include reasonable access to records to verify compliance with this section. If a person with a state contract is found to be in violation of this section:

1. the contract must be voided;
2. the contractor is ineligible to bid on state contracts for three years; and
3. a court may order the disgorgement of unlawfully obtained money.

Subdivision 9. [Regulation of Video Display Devices] provides that video display devices must be reused, refurbished, and recycled in compliance with all federal, state, and local requirements, and cannot be exported for disposal in a manner that poses significant risk to public health or the environment.

Subdivision 10. [Enforcement] clarifies that this section may be enforced by the Pollution Control Agency under the PCA's general authority for administrative, civil, and criminal enforcement powers.

Subdivision 11. [Indemnification] provides that a municipality participating at an intermediate collection point or providing for the reuse or recycling of manufacturers' abandoned waste under this section is an employee of the state for the purposes of the State Tort Claims Act. The state is not obligated to defend or indemnify a municipality to the extent of the municipality's liability insurance. Persons providing services at intermediate collection points are not liable for any data remaining on a video display device.

Subdivision 12. [Termination] terminates the requirements under this section, 30 days after the director of the OEA publishes notice in the State Register that a national program exists for video display devices and is implemented throughout the state.

GK:dv

Senators Higgins, Marty, Sams, Pariseau and Frederickson introduced--

S.F. No. 1298: Referred to the Committee on Environment and Natural Resources.

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A bill for an act

relating to environment; providing for the recovery
and recycling of waste electronic products; proposing
coding for new law in Minnesota Statutes, chapter 115A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [115A.9566] [RECOVERY AND RECYCLING OF WASTE
ELECTRONIC PRODUCTS.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this
section, the definitions in this subdivision apply.

(b) "Cathode-ray tube" means a vacuum tube or picture tube
used to convert an electronic signal into a visual image.

(c) "Full truckload" means a quantity of video display
devices weighing 25,000 pounds or more.

(d) "Household" means a single detached dwelling unit or a
single unit of a multiple dwelling unit and appurtenant
structures.

(e) "Intermediate consolidation point" means a facility or
location in the state where persons can deliver for
consolidation video display devices generated by households and
destined for reuse or recycling. The facility or location may
be operated by a private entity or a local unit of government,
and must be capable of consolidating a full truckload of video
display devices in accordance with all applicable federal,
state, and local laws, regulations, and ordinances.

(f) "Manufacturer" means a person who manufactures a video

1 display device that is sold in this state or a person who sells
2 a video display device in this state under its own brand label.

3 (g) "Market share" means each manufacturer's total sales of
4 video display devices in Minnesota, divided into the two general
5 categories of computers and televisions, as compared to the
6 total sales of all video display devices sold that year in
7 Minnesota divided into the same categories. Each manufacturer's
8 national percentage of sales for 2004 for all types of video
9 display devices sold by the manufacturer in Minnesota must be
10 used to determine that manufacturer's market share for 2005.

11 (h) "Pro rata share" means a manufacturer's market share of
12 video display devices sold in Minnesota during the immediately
13 preceding calendar year multiplied by that year's performance
14 standard as set forth in subdivision 5. For video display
15 devices generally categorized by market share as televisions,
16 this pro rata share calculation must be further multiplied by
17 two.

18 (i) "Type of device" means either a television or similar
19 device or a computer monitor or similar device.

20 (j) "Video display device" means an electronic product
21 containing: (1) a cathode-ray tube; or (2) a flat panel
22 display; or (3) any other similar video display device with a
23 screen size that is greater than eight inches in size when
24 measured diagonally, but does not include those in an automobile
25 or other vehicle.

26 Subd. 2. [MANUFACTURER RESPONSIBILITY.] (a) Effective July
27 1, 2005, all manufacturers of video display devices sold in
28 Minnesota, including video display devices sold by means of
29 distance communication, shall:

30 (1) collect all video display devices from intermediate
31 consolidation points within three working days of being notified
32 by an intermediate consolidation point approved by the director
33 that at least a full truckload of video display devices from
34 households has been consolidated at that point;

35 (2) ensure that collection of video display devices from
36 intermediate consolidation points is without charge;

1 (3) ensure that video display devices collected from
2 intermediate consolidation points are reused or recycled; and
3 (4) clearly inform each purchaser of a video display device
4 of opportunities for reuse or recycling of end-of-life video
5 display devices.

6 (b) The requirements of paragraph (a), clauses (1) to (3),
7 must be fulfilled each year by a manufacturer after the
8 manufacturer has collected and reused or recycled its pro rata
9 share of video display devices.

10 (c) A manufacturer may fulfill its responsibilities under
11 this subdivision through a representative organization of
12 manufacturers.

13 (d) In 2005, a manufacturer is considered to have fulfilled
14 its responsibility under this subdivision upon collection and
15 recycling or reuse of 50 percent of its pro rata share of video
16 display devices.

17 Subd. 3. [MANUFACTURER REGISTRATION AND CERTIFICATION.] (a)
18 On and after July 1, 2005, it is unlawful to sell a video
19 display device in this state unless the manufacturer of the
20 video display device has (1) registered with the agency, (2)
21 certified that the manufacturer is in compliance with
22 subdivision 2, and (3) if Minnesota sales data on each type of
23 video display device is not available, certified to the number
24 of each type of video display device it has sold in Minnesota in
25 the immediate preceding year. A retailer is not responsible for
26 an unlawful sale under this subdivision if the certification
27 relied upon by the retailer in making the unlawful sale was
28 incorrect, or if the registration expired or was revoked and the
29 retailer took possession of the video display device prior to
30 the expiration or revocation of the registration and the
31 unlawful sale occurred within six months after the expiration or
32 revocation.

33 (b) By July 1, 2005, by January 31, 2006, and by January 31
34 of each year thereafter, each manufacturer of a video display
35 device sold in Minnesota must submit a registration and
36 certification to the commissioner. Registration includes but is

1 not limited to a list of all brand labels owned by the
2 manufacturer, its subsidiaries, or any companies acquired by the
3 manufacturer. The registration must also specify the entity
4 that will be responsible for implementing the manufacturer's
5 requirements as specified in subdivision 2, and the entity's
6 contact information.

7 (c) By December 31, 2005, and each year thereafter, each
8 manufacturer of a video display device sold in Minnesota shall
9 submit a written certification, signed by an official of the
10 manufacturer, that the manufacturer is in compliance with the
11 requirements of subdivision 2. The commissioner shall accept
12 the certification as prima facie evidence that the manufacturer
13 is in compliance with subdivision 2.

14 (d) The commissioner may, at any time, revoke a
15 registration upon being presented with evidence that the
16 manufacturer is not in compliance with the requirements of this
17 section.

18 (e) The commissioner may charge a registration fee to cover
19 the agency's costs of administering the requirements under this
20 section.

21 (f) By August 1, 2005, and each January 31 of each year
22 thereafter, the commissioner shall publish on the agency's Web
23 site a list of video display device manufacturers and all brand
24 labels for which the commissioner has received registrations,
25 certifications, and contact information for each entity
26 responsible for implementing the requirements of subdivision 2.

27 Subd. 4. [MANUFACTURER REPORTING.] By October 1, 2006, and
28 each year thereafter, a manufacturer of video display devices or
29 a representative organization of manufacturers shall provide
30 information to the office that specifies the following
31 information regarding video display devices from Minnesota
32 households: (1) the total number and pounds of video display
33 devices collected during the preceding year, together with the
34 total number and pounds of video display devices reused or
35 refurbished for reuse, and the total number and pounds of video
36 display devices recycled or resold; and (2) a general

1 description of the processes and methods used to recycle,
2 refurbish, or reuse the video display devices and any
3 disassembly, physical recovery operation, or other operation
4 that was used; the location where these activities occurred; and
5 whether these activities were conducted in accordance with
6 applicable rules, standards, and requirements adopted by the
7 Organization for Economic Cooperation and Development for the
8 environmentally sound management of electronic waste. If a
9 manufacturer fulfills its responsibilities under subdivision 2
10 through a representative organization of manufacturers, the
11 reporting requirements in this subdivision may be satisfied by
12 the representative organization.

13 Subd. 5. [PERFORMANCE STANDARDS.] It is the goal of the
14 state to ensure that all video display devices discarded by
15 households are collected and reused or recycled. In order to
16 meet this goal, the following minimum annual performance
17 standards for responsibilities are established:

18 (1) by July 1, 2006, the total amount of video display
19 devices collected from households for reuse or recycling must
20 equal 0.050 video display devices per resident of the state;

21 (2) by July 1, 2007, the total amount of video display
22 devices collected from households for reuse or recycling must
23 equal 0.055 video display devices per resident of the state; and

24 (3) by July 1, 2008, the total amount of video display
25 devices collected from households for reuse or recycling must
26 equal 0.060 video display devices per resident of the state.

27 Subd. 6. [OFFICE OF ENVIRONMENTAL ASSISTANCE DUTIES.] (a)
28 The director shall, by July 1, 2005, seek applications for the
29 establishment of intermediate consolidation points from persons
30 eligible to operate the points. The director shall seek to
31 receive at least 15 applications with at least ten of the
32 applications from outside the metropolitan area. By November 1,
33 2005, the director shall establish a list of approved
34 intermediate consolidation points and shall make a list
35 available to manufacturers, any representative organization of
36 manufacturers, local government, solid waste haulers, and the

1 general public. The director shall thereafter maintain and
2 update the list by approving new applications qualified to be
3 intermediate consolidation points, and deleting the points no
4 longer eligible for placement on the list.

5 (b) By December 1, 2006, and each year thereafter, the
6 director shall assess progress with manufacturers meeting their
7 responsibilities under subdivision 2. By December 1, 2007, and
8 every two years thereafter, the director shall submit a report
9 as part of the report required in section 115A.411 to the
10 legislature evaluating the programs established under this
11 section. If the director determines that manufacturers have not
12 met their responsibilities, the director shall recommend
13 alternative methods for ensuring that all discarded video
14 display devices are collected and recycled or reused. The
15 report due on December 1, 2007, must include an assessment of
16 the ratio of discarded cathode-ray tubes to other discarded
17 video display devices. The office shall also publish its
18 assessment and evaluation of video display device collection,
19 transportation, and reuse or recycling programs in the state on
20 the office's Web site and through any of its other usual methods
21 of providing public information.

22 (c) In addition to the report described in this section,
23 the director shall evaluate in each odd-numbered year beginning
24 in 2007, the amount and composition of other household
25 electronic wastes such as computer central processing units, and
26 shall recommend the addition or deletion of products to be
27 covered under this section.

28 Subd. 7. [CREATION OF THE ELECTRONICS RECYCLING MANAGEMENT
29 ASSOCIATION.] (a) An association is created as a nonprofit
30 organization charged with facilitating compliance with this
31 section. The association must be governed by a board of
32 directors consisting of manufacturers of video display devices
33 and local government representatives.

34 (b) Association responsibilities at a minimum include:

35 (1) determining and allocating responsibility for
36 manufacturers based on market share calculation;

1 (2) facilitating transportation and recycling of video
2 display devices from the point of consolidation according to
3 environmentally sound management standards;

4 (3) working in conjunction with the agency to ensure that a
5 sufficient number of consolidation points exist and are
6 distributed across the state;

7 (4) providing technical assistance to collection agents and
8 consolidation points on proper handling and operational
9 procedures;

10 (5) conducting public education and outreach on the
11 collection and recycling of video display devices; and

12 (6) reporting to the agency on progress towards meeting the
13 goals.

14 (c) The association may choose to extend its
15 responsibilities to provide any or all manufacturer's
16 responsibilities in subdivision 2.

17 Subd. 8. [ENFORCEMENT.] This provision may be enforced
18 under sections 115.071 and 116.072.

19 Subd. 9. [REPEALER.] This section is repealed 30 days
20 after the director publishes a notice in the State Register that
21 a national program for effectively collecting, transporting, and
22 reusing or recycling waste video display devices is established
23 and implemented throughout the state.

1 Senator moves to amend S.F. No. 1298 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [115A.9566] [RECOVERY AND RECYCLING OF WASTE
4 ELECTRONIC PRODUCTS.]

5 Subdivision 1. [DEFINITIONS.] For the purposes of this
6 section, the following definitions apply.

7 (a) "Board" means the joint powers board created in this
8 section.

9 (b) "Cathode-ray tube" or "CRT" means a vacuum tube or
10 picture tube used to convert an electronic signal into a visual
11 image.

12 (c) "Full truckload" means a quantity of video display
13 devices weighing 25,000 pounds or more.

14 (d) "Hennepin County study" means the Hennepin County
15 Consumer Electronics Brand Tally, published in January 2005.

16 (e) "Household" means an occupant of a single detached
17 dwelling unit or a single unit of a multiple dwelling and
18 appurtenant structures who has used a video display device at a
19 dwelling unit primarily for personal use.

20 (f) "Intermediate consolidation point" means a facility or
21 location in the state approved by the board, where at a minimum,
22 local governments or households can deliver for consolidation
23 video display devices generated by households and destined for
24 reuse, refurbishment, or recycling. The facility or location
25 may be operated by a private entity or a local unit of
26 government, and must be capable of consolidating a full
27 truckload of video display devices in accordance with all
28 applicable federal, state and local laws, rules, regulations,
29 and ordinances.

30 (g) "Manufacturer" means a person who manufactures a video
31 display device that is sold in this state under its own
32 manufacturer's brand or a person who sells a video display
33 device manufactured by others in this state under its own
34 manufacturer's brand label.

35 (h) "Manufacturer brands" means manufacturer's names, brand
36 names, or brand labels, and all manufacturer's names, brand

1 names, and brand labels for which the manufacturer has legal
2 responsibility, including those manufacturer's names, brand
3 names, and brand labels of companies that have been acquired by
4 the manufacturer.

5 (i) "Manufacturer's abandoned waste" means a video display
6 device for which the manufacturer or a successor exists but the
7 state is unable to enforce this section for any reason,
8 including because video display devices from the manufacturer or
9 successor are no longer sold in the state.

10 (j) "Orphan waste" means a video display device covered by
11 this section for which: (1) no manufacturer can be identified,
12 or (2) the manufacturer no longer exists and no successor can be
13 identified.

14 (k) "Pro rata share" means the percentage that is the
15 proportion of each manufacturer's total weight of its video
16 display devices divided by the total weight of all video display
17 devices multiplied by 100 as determined by an approved brand
18 sort at an intermediate consolidation point. Until pro rata
19 share is determined pursuant to an approved sort arranged for by
20 the board, pro rata share shall be the manufacturer's percentage
21 that is the proportion of the number of units of each
22 manufacturer's video display devices divided by all units of
23 video display devices multiplied by 100 as tallied by the
24 Hennepin County study. Pro rata share at all times shall
25 include orphan waste and manufacturer abandoned waste.

26 (l) "Sell, sale or sold" means any transfer for
27 consideration of title or of the right to use, by lease or sales
28 contract, including, but not limited to, transactions conducted
29 through sales outlets, catalogs, or the Internet, or any other
30 similar electronic means either inside or outside of the state,
31 by a person who conducts the transaction and controls the
32 delivery of a video display device to a consumer in the state,
33 but does not include a wholesale transaction with a distributor
34 or a retailer.

35 (m) "Video display device" means an electronic product
36 containing:

- 1 (1) a cathode-ray tube; or
2 (2) a flat panel display, or any other similar video
3 display device with a screen size that is greater than eight
4 inches in size measured diagonally, but does not include those
5 in an automobile or other vehicle.

6 Subd. 2. [MANUFACTURER RESPONSIBILITY.] (a) Effective
7 March 1, 2006, all manufacturers of video display devices sold
8 in Minnesota, including video display devices sold by means of
9 distance communication, must:

10 (1) collect their pro rata share of video display devices
11 from intermediate consolidation points within three working days
12 of being notified that at least a full truckload of video
13 display devices from households has been consolidated at that
14 point;

15 (2) ensure that collection of video display devices from
16 intermediate consolidation points is without charge;

17 (3) ensure that video display devices collected from
18 intermediate consolidation points are reused, refurbished, or
19 recycled; and

20 (4) clearly inform each purchaser of a video display device
21 of opportunities for reuse, refurbishment, or recycling of
22 end-of-life video display devices.

23 (b) The requirements of paragraph (a), clauses (1) to (3),
24 must be fulfilled each year by a manufacturer after the
25 manufacturer has collected and reused, refurbished, or recycled
26 its pro rata share of video display devices.

27 (c) A manufacturer may propose its own program for
28 fulfilling its pro rata share obligation and submit the program
29 to the board for review and approval. Until the time that a
30 manufacturer's program is approved and the manufacturer
31 satisfies its pro rata share, a manufacturer shall continue to
32 meet the requirements of paragraph (a), clauses (1) to (3). At
33 all times, a manufacturer shall be responsible for collecting,
34 reusing, refurbishing, or recycling its pro rata share of
35 manufactured abandoned waste and orphan waste.

36 (d) A manufacturer may fulfill its responsibilities under

1 this subdivision through a representative organization of
2 manufacturers.

3 Subd. 3. [MANUFACTURER REGISTRATION AND RETAILER
4 CERTIFICATION.] (a) On and after January 1, 2006, it shall be
5 unlawful to sell a video display device in this state unless:

6 (1) the video display device is labeled with the
7 manufacturer's brand, and the label is permanently affixed and
8 readily visible; and

9 (2) the manufacturer of the video display device has:

10 (i) registered with the director; and

11 (ii) certified that it is in compliance with subdivision 2.

12 (b) A retailer who sells or offers for sale a video display
13 device must, before the initial offer for sale, submit to the
14 office a certification that he or she has reviewed the office's
15 Web site and has determined that the video display device being
16 offered for sale is a brand of a manufacturer who has filed a
17 registration. Certifications by retailers are due February 1,
18 2006, and annually thereafter. A retailer shall not be
19 responsible for an unlawful sale under this subdivision if the
20 registration expired or was revoked and the retailer took
21 possession of the video display device prior to the expiration
22 or revocation of the registration and the unlawful sale occurred
23 within six months after the expiration or revocation.

24 (c) Each January 1, a manufacturer of a video display
25 device sold in the state must submit a new registration to the
26 director. The registration must include, but not be limited to,
27 a listing of all brand labels owned by the manufacturer, its
28 subsidiaries, or any companies acquired by the manufacturer.
29 The registration shall also specify the entity that will be
30 responsible for implementing the manufacturer's requirements as
31 specified in subdivision 2, and the entity's contact information.

32 (d) By December 31, 2006, and each December 31 thereafter,
33 a manufacturer of a video display device sold in the state must
34 submit to the director a written certification, signed by an
35 official of the manufacturer, that the manufacturer is in
36 compliance with the requirements in subdivision 2. The

1 commissioner shall accept the certification as prima facie
2 evidence that the manufacturer is in compliance with subdivision
3 2.

4 (e) The director may, at any time, revoke a registration
5 upon being presented with evidence that the manufacturer is not
6 in compliance with the requirements of this section.

7 (f) The director may charge a registration fee to cover the
8 agency's costs of administering the requirements under this
9 section.

10 (g) By January 15, 2006, and each January 15 thereafter,
11 the director shall publish on its Web site a list of video
12 display device manufacturers and all brand labels for which the
13 director has received registrations, certifications, and contact
14 information for each entity responsible for implementing the
15 requirements of subdivision 2.

16 (h) By January 1, 2007, the director shall publish on the
17 agency's Web site the results of the brand sort authorized by
18 the board. These results shall determine the pro rata share of
19 video display devices that each manufacturer is responsible for
20 under subdivision 2 for 2007 and subsequent years until the next
21 sort is published on the office's Web site. Any manufacturer
22 who disputes the pro rata share information of the independent
23 sort may contract, at its own expense, with each intermediate
24 consolidation facility in the state to sort and recycle its own
25 branded product. Any manufacturer who chooses to pay for
26 sorting and recycling of its own branded product under an
27 approved program shall still remain responsible for its pro rata
28 share of the orphan and manufacturer abandoned waste as
29 calculated in the Hennepin County study and subsequent brand
30 sorts provided herein.

31 Subd. 4. [MANUFACTURER REPORTING.] By February 1, 2007,
32 and each year thereafter, a manufacturer of video display
33 devices or a representative organization of manufacturers must
34 provide information to the office that specifies the following
35 information regarding video display devices from Minnesota
36 households:

1 (1) the total number and pounds of video display devices
2 collected during the preceding year, together with the total
3 number and pounds of video display devices reused or refurbished
4 for reuse, and the total number and pounds of video display
5 devices recycled or resold; and

6 (2) a general description of the processes and methods used
7 to recycle, refurbish, or reuse the video display devices and
8 any disassembly, physical recovery operation, or other operation
9 that was used, the location where these activities occurred, and
10 whether these activities were conducted in accordance with
11 applicable rules, standards, and requirements for the
12 environmentally sound management of video display devices. If a
13 manufacturer fulfills its responsibilities under subdivision 2
14 through a representative organization of manufacturers, the
15 reporting requirements in this subdivision may be satisfied by
16 the representative organization.

17 Subd. 5. [PERFORMANCE STANDARDS.] It is the goal of the
18 state to ensure that all video display devices discarded by
19 households are collected, and reused, refurbished, or recycled.
20 In order to meet this goal, the state hereby establishes the
21 following minimum annual performance standards to be used as
22 guidance for planning purposes by the board for manufacturers'
23 responsibilities established under this section:

24 (1) by December 31, 2006, the total amount of video display
25 devices collected from households for reuse or recycling equals
26 .0375 video display devices per resident of the state;

27 (2) by December 31, 2007, the total amount of video display
28 devices collected from households for reuse or recycling equals
29 0.055 video display devices per resident of the state; and

30 (3) By December 31, 2008, the total amount of video display
31 devices collected from households for reuse or recycling equals
32 0.060 video display devices per resident of the state.

33 Subd. 6. [OFFICE OF ENVIRONMENTAL ASSISTANCE DUTIES.] (a)
34 The Office of Environmental Assistance shall by November 1,
35 2005, establish procedures for registering and maintaining
36 registrations and the means for making registration information

1 easily available on a Web site to manufacturers, distributors,
2 retailers, and members of the public.

3 (b) By February 15, 2007, and each year thereafter, the
4 director shall assess progress of the prior year in meeting the
5 performance standards in subdivision 5. By December 1, 2007,
6 and every two years thereafter, the director shall submit a
7 report to the legislature evaluating the programs established
8 under this section and progress in meeting the state performance
9 standards in subdivision 5. If the director determines that the
10 performance standards in subdivision 5 have not been met, the
11 director shall recommend alternative methods for ensuring that
12 the state performance standards are met. The report due on
13 December 1, 2007, shall include an assessment of the ratio of
14 discarded CRTs to other discarded video display devices, and a
15 recommendation for the minimum performance standards for 2009
16 and 2010. The office shall also publish on the office's Web
17 site its assessment and evaluation of video display device
18 collection, transportation, and reuse, refurbish, or recycling
19 programs in the state.

20 (c) In addition to the report described in this section,
21 the director shall evaluate in each odd-numbered year beginning
22 in 2007, the amount and composition of other household
23 electronic wastes such as computer central processing units, and
24 shall recommend the addition or deletion of products to be
25 covered under this section.

26 (d) The director may adopt rules under section 14.389 to
27 establish methodologies to be used to fairly distribute and
28 document the obligation of manufacturers to collect, and reuse,
29 refurbish, or recycling video display devices.

30 Subd. 7. [THE ELECTRONICS RECYCLING JOINT POWERS
31 BOARD.] (a) An Electronics Recycling Joint Powers Board shall be
32 established under section 471.59 for the purpose of coordinating
33 and administering the requirements of this section. For this
34 purpose, the term "governmental unit" as used in section 471.59,
35 shall include one county commissioner selected by the governor
36 from each congressional district and the joint powers board

1 shall have the powers of counties in implementing this section.

2 (b) By September 15, 2005, the board shall convene to seek
3 applications for the establishment of intermediate consolidation
4 points. The board shall seek to receive at least 15
5 applications with at least ten of the applications from outside
6 the metropolitan area. By November 15, 2005, the board shall
7 establish a list of approved intermediate consolidation points
8 and shall make a list available to manufacturers, any
9 representative organization of manufacturers, local government,
10 solid waste haulers, and the general public. The board shall
11 thereafter maintain and update the list by approving new
12 applications qualified to be intermediate consolidation points,
13 and deleting the points no longer eligible or available for
14 placement on the list.

15 (c) Within six months of the enactment of this section, the
16 board shall establish reporting requirements for intermediate
17 consolidation points as well as for manufacturers collecting,
18 reusing, and recycling video display devices utilizing other
19 methods.

20 (d) As of March 1, 2006, the board shall coordinate the
21 pickup by manufacturers of full truckloads of video display
22 devices from intermediate consolidation points and establish
23 methods for addressing amounts greater than or less than a
24 registrant's pro rata share responsibility that were picked up
25 and recycled by a registrant during the program year.

26 (e) By January 15 of each year, calculate and verify with
27 the director the pro rata share for each manufacturer.

28 (f) By July 31, 2006, contract for the performance of a
29 brand sort conducted at intermediate consolidation points. The
30 sampling survey must identify televisions and computer monitors
31 separately, and calculate the weight of televisions and computer
32 monitors separately. The first sort for establishing pro rata
33 share other than the Hennepin County study shall be performed
34 with a report available to the board no later than October 31,
35 2006, at Hennepin County or other comparable program site at no
36 cost to either site.

1 (g) By January 15, 2007, and each year thereafter, the
2 board shall report to the director on the progress of
3 manufacturers meeting their responsibilities under this section.

4 Subd. 8. [REQUIREMENTS FOR PURCHASES BY STATE
5 AGENCIES.] (a) The commissioner of administration must ensure
6 that acquisitions of video display devices are certified by the
7 vendor to be in compliance with this section.

8 (b) The bid solicitation documents must specify that the
9 prospective bidder is required to cooperate fully in providing
10 reasonable access to its records and documents that evidence
11 compliance with this section.

12 (c) Any person awarded a contract for purchase or lease of
13 video display devices that is found to be in violation of this
14 section is subject to the following sanctions:

15 (1) the contract must be voided;

16 (2) the contractor is ineligible to bid on any state
17 contract for a period of three years; and

18 (3) if the attorney general establishes that any money,
19 property, or benefit was obtained by a contractor as a result of
20 violating this section, the court may, in addition to any other
21 remedy, order the disgorgement of the unlawfully obtained money,
22 property, or benefit.

23 Subd. 9. [REGULATION OF VIDEO DISPLAY DEVICES.] Video
24 display devices must be recycled, refurbished, or reused in
25 compliance with all applicable federal, state and local laws,
26 regulations and ordinances, and must not be exported for
27 disposal in a manner that poses a significant risk to the public
28 health or environment.

29 Subd. 10. [ENFORCEMENT.] This provision may be enforced
30 under sections 115.071, subdivisions 1, 3, 4, 5, and 6; and
31 116.072.

32 Subd. 11. [INDEMNIFICATION.] (a) A municipality when
33 participating at an intermediate consolidation point or
34 providing for the collection, reuse, or recycling of
35 manufacturers' abandoned waste under this section, is an
36 employee of the state, certified to be acting within the scope

1. of employment for purposes of the indemnification provisions of
2 section 3.736, subdivision 9, for claims that arise out of the
3 collection from households and storage of video display devices
4 as well as from the subsequent collection and recycling or reuse
5 of video display devices by manufactures from the intermediate
6 consolidation points.

7 (b) The state is not obligated to defend or indemnify a
8 municipality under this subdivision to the extent of the
9 municipality's liability insurance. The municipality's right to
10 indemnity is not a waiver of the limitations, defenses, and
11 immunities available to either the municipality or the state by
12 law.

13 (c) All persons providing services at and including
14 intermediate consolidation points shall have no responsibility
15 or liability for any data that may remain on a video display
16 device if an information storage device is included with the
17 video display device.

18 Subd. 12. [TERMINATION.] The requirements under
19 subdivisions 1 to 9 shall terminate 30 days after the director
20 publishes a notice in the State Register that a national program
21 for effectively collecting, transporting, and reusing or
22 recycling waste video display devices is established and
23 implemented throughout the state."

1 Senator moves to amend the delete-everything
2 amendment (SCS1298A-1) to S.F. No. 1298 as follows:

3 Page 4, after line 2, insert:

4 "(e) Beginning March 1, 2006, a manufacturer must:

5 (1) make information available to consumers describing
6 where and how to return, recycle, and dispose of covered
7 electronic devices through the use of product operation manuals,
8 industry or manufacturer Web sites, product labels, packaging
9 inserts, or toll-free telephone numbers; and

10 (2) provide recyclers with information on the type and
11 location of hazardous substances in the covered products.

12 (f) Beginning January 1, 2007, a manufacturer must not
13 offer for sale in the state any product or electronic device
14 that is prohibited from being sold or offered for sale in the
15 European Union on or after its date of manufacture, to the
16 extent that Directive 2002/95/EC adopted by the European
17 Parliament on January 27, 2003, and as amended thereafter by the
18 Commission of European Communities, prohibits the sale due to
19 the presence of heavy metals. This prohibition does not include
20 any product that contains a substance that is used to comply
21 with consumer health or safety requirements that are required by
22 Underwriters Laboratories, the federal government, or the state.

23 (g) Beginning July 1, 2008, and annually thereafter,
24 manufacturers shall make available to the public upon request a
25 report that contains:

26 (1) the total estimated amounts of lead, mercury,
27 hexavalent chromium, cadmium, and polybrominated biphenyls
28 (PBBs) contained in products sold within the state in the
29 previous year;

30 (2) the total estimated amounts of recyclable materials
31 contained in covered electronic devices sold within the state in
32 the previous year, and increases the use of those materials over
33 previous years; and

34 (3) any efforts to design covered electronic devices for
35 recycling and goals or plans for further increasing design for
36 recycling.

1 (h) In lieu of an individual report, manufacturers may
2 submit the information in a collated report submitted via a
3 trade association provided that information about an individual
4 company can be made available to the office upon written request
5 by the office. The office may only make the request for
6 auditing purposes and not more than once during a five-year
7 period. The office may not make public any confidential
8 business information claimed by the manufacturer in the report.

9 (i) A report submitted to another state or to the federal
10 government that contains the same information as required in
11 this subdivision must be accepted by the office in lieu of a
12 separate report for the state."

Senator Higgins introduced--

S.F. No. 1327: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to the environment; providing for cathode-ray

3 tube recycling; authorizing rulemaking; providing

4 penalties; proposing coding for new law in Minnesota

5 Statutes, chapter 116H.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. [116H.55] [DEFINITIONS.]

8 Subdivision 1. [SCOPE.] For the purposes of this chapter,

9 the following terms have the meanings given.

10 Subd. 2. [COVERED CRT DEVICE.] "Covered CRT Device" means

11 all CRT devices except those CRT devices that have been excluded

12 from being subject to this chapter pursuant to section 116H.60,

13 paragraph (c).

14 Subd. 3. [CRT DEVICE.] "CRT device" means a vacuum tube or

15 picture tube used to convert an electronic signal into a visual

16 image. It is composed primarily of glass, and is the video

17 display component of a television or computer monitor, and

18 includes other items integrally attached to the CRT device.

19 Subd. 4. [HOUSEHOLD.] "Household" means an occupant of a

20 single detached dwelling unit or a single unit of a multiple

21 dwelling unit who has used a CRT device at a dwelling unit

22 primarily for personal use.

23 Subd. 5. [HOUSEHOLD HAZARDOUS WASTE COLLECTION

24 PROGRAM.] "Household hazardous waste collection program" means

25 the program, as specified in section 116H.65, paragraph (d), for

1 collecting covered CRT devices from household hazardous waste
2 collection facilities in the state.

3 Subd. 6. [MANUFACTURER.] "Manufacturer" means a person who:

4 (1) manufactures CRT devices to be sold under its own brand as
5 identified by its own brand label, or (2) sells CRT devices
6 manufactured by others under its own brand as identified by its
7 own brand label.

8 Subd. 7. [OFFICE.] "Office" means the Office of
9 Environmental Assistance.

10 Subd. 8. [PRO RATA SHARE.] "Pro rata share" means the
11 percentage of all covered CRT devices from a manufacturer
12 delivered to household hazardous waste collection facilities.
13 Pro rata shares are calculated by return weight.

14 Subd. 9. [REGISTRANT.] "Registrant" means the manufacturer
15 or an independent party that submits the registration required
16 by section 116H.60, paragraph (a), in lieu of the manufacturer.

17 Subd. 10. [SELL OR SALE.] "Sell" or "sale" means any
18 transfer for consideration of title or of the right to use, by
19 lease or sales contract, including, but not limited to,
20 transactions conducted through sales outlets, catalogs, or the
21 Internet, or any other similar electronic means either inside or
22 outside of the state, by a person who conducts the transaction
23 and controls the delivery of a covered CRT device to a consumer
24 in the state, but does not include a wholesale transaction with
25 a distributor or a retailer.

26 Sec. 2. [116H.60] [REGISTRATION PROGRAM.]

27 (a) On and after, a person may not sell or offer for
28 sale a new covered CRT device to any person in the state unless:

29 (1) it is labeled with the name of the manufacturer or the
30 manufacturer's brand label is permanently affixed and readily
31 visible; and

32 (2) it has been registered with the office along with the
33 name of the manufacturer or that manufacturer's brand label.

34 (b) A person who sells or offers for sale a new covered CRT
35 device must, before its initial offer for sale of the device,
36 submit to the office a certification that the person has

1 reviewed the office's Web site specified in paragraph (h), and
2 has determined that all new covered CRT devices that the person
3 is then offering for sale are labeled with brand names or labels
4 that are subject to registration statements filed with the
5 office. After this initial submittal, the certification must be
6 submitted to the office annually by January 10 of each year,
7 effective as of January 1 of each year.

8 (c) CRT devices, for which the manufacturer has provided
9 evidence to the office are not classified as hazardous waste as
10 defined in section 116.06 when discarded, are not subject to
11 this chapter.

12 (d) The registration must include a certification that the
13 registrant has a program in place that provides that all covered
14 CRT devices that are labeled with the name of the manufacturer
15 or with the manufacturer's brand label can be returned by
16 households in the state to the registrant for recycling,
17 refurbishment, or reuse.

18 (e) The registration must describe the recycling,
19 refurbishment, or reuse program that must, at a minimum, provide
20 that the registrant is responsible for recycling, refurbishing,
21 or reusing all covered CRT devices labeled with the
22 manufacturer's name or brand label, after receipt of the covered
23 CRT devices by the registrant from households in the state. The
24 recycling, refurbishment, or reuse program must provide a method
25 or methods for the receipt of covered CRT devices from
26 households by the registrant. These methods may include:

27 (1) direct shipment of covered CRT devices from the
28 households by common carriers, U.S. mail, or other shipment
29 service to one or more locations designated by the registrant;

30 (2) deposit of covered CRT devices by households at one or
31 more collection centers or retail locations designated for this
32 purpose by the registrant;

33 (3) agreements with governmental bodies or private
34 for-profit or nonprofit parties; or

35 (4) other methods designated by the registrant as long as
36 one or more methods is reasonably available to households for

1 return of all covered CRT devices that bear the manufacturer's
2 name or brand label. These methods must include participation
3 in the household hazardous waste collection program.

4 (f) The registration must specify that the registrant may
5 not charge for the recycling, refurbishment, or reuse of a
6 covered CRT device received from households.

7 (g) The registration must describe the processes and
8 methods that will be used by the registrant to recycle,
9 refurbish, or reuse covered CRT devices and, in particular, must
10 identify any disassembly, physical recovery operation, (for
11 example, crushing, shredding, grinding, glass to glass
12 recycling), or other operation that will be used, and describe
13 where it will take place.

14 (h) The office must provide a Web site or a toll-free
15 telephone number that provides information about the recycling,
16 refurbishment, or reuse program in sufficient detail to allow a
17 household owner of a covered CRT device to learn how to return
18 the covered CRT device to the registrant for recycling,
19 refurbishment, or reuse. The program described on the Web site
20 or at the toll-free telephone number must, at a minimum, be
21 identical to the program submitted to the office but may contain
22 additional information.

23 (i) A registrant may partner with one or more manufacturers
24 or other parties, collectively a "registrant," to prepare and
25 submit to the office a joint covered CRT device recycling
26 program.

27 (j) Notwithstanding section 16A.1283, the office may
28 require registrants to submit to the office a registration fee
29 of up to \$500 with each registration statement submitted to the
30 office. The office shall review registration statements and
31 notify the registrant if the registration statement does not
32 meet the requirements of this section. Within 30 days of
33 receipt of a notification from the office, the registrant must
34 file with the office a revised registration addressing the
35 requirements noted by the office.

36 (k) The office shall maintain on its Web site the names of

1 the registrants and manufacturers' brand names or brand labels
2 that are listed in registrations filed with the office. The
3 office shall update this Web site information promptly upon
4 receipt of a registration.

5 (l) The obligations of a manufacturer or registrant apply
6 only to covered CRT devices received from households in the
7 state and do not apply to covered CRT devices received from CRT
8 device owners other than households.

9 (m) If the registrant changes the program that has been
10 submitted to the office, before the change can become effective,
11 the registrant shall submit the changed program to the office.
12 The office shall revise its Web site or toll-free telephone
13 information to be consistent with the changed program.

14 (n) The registrant who receives a covered CRT device for
15 recycling, refurbishment, or reuse may either recycle,
16 refurbish, or reuse, including resale, the covered CRT device.
17 Except to the extent otherwise required by law, the manufacturer
18 and registrant have no responsibility for any data that may be
19 on the covered CRT device if an information storage device is
20 included with the covered CRT device.

21 (o) A city, county, or other public agency may not require
22 households to use the program described in the registration to
23 recycle their covered CRT devices to the exclusion of other
24 programs legally available. This chapter anticipates that CRT
25 device recycling programs, in addition to those provided by
26 manufacturers and registrants under this section, will be
27 available to households in the state. Nothing in this chapter
28 prohibits or restricts any such programs or prohibits or
29 restricts any such persons from receiving, storing,
30 transporting, or recycling CRT devices.

31 (p) By April 1 of each year, each registrant shall file a
32 report with the office which describes the implementation of the
33 program during the year. The report must:

34 (1) identify the total weight of the covered CRT devices
35 received during the preceding year, together with the total
36 number reused or refurbished for reuse, and the total number

1 recycled or resold;

2 (2) describe the processes and methods used to recycle,
3 refurbish, or reuse the covered CRT devices and, in particular,
4 identify any disassembly, physical recovery operation (for
5 example, crushing, shredding, grinding, glass to glass
6 recycling) or other operation that was used and describe where
7 it took place.

8 (q) Participation in the household hazardous waste
9 collection program requires that the registrant shall:

10 (1) collect all covered CRT devices from household
11 hazardous waste collection facilities within three working days
12 of being notified by the office, or its designee, that at least
13 a full truckload of covered CRT devices from households has been
14 consolidated at that point, up to the registrant's pro rata
15 share;

16 (2) ensure that covered CRT devices are recycled,
17 refurbished, or reused in accordance with paragraph (e); and

18 (3) until July 1, 2007, collect ten percent by weight of
19 the registrant's pro rata share.

20 Sec. 3. [116H.65] [DUTIES OF THE OFFICE.]

21 (a) The office shall administer and enforce this chapter.

22 (b) The office shall establish procedures for the receipt
23 and maintenance of the registration statements and
24 certifications filed with the office pursuant to section 116H.60
25 and for making such statements and certifications easily
26 available to manufacturers, distributors, retailers, and members
27 of the public.

28 (c) On or before, and every three years thereafter,
29 the office shall provide a report to the governor and the
30 legislature on the implementation of this chapter. For each of
31 the preceding three years, the report must discuss the total
32 weight of covered CRT devices received, the total weight of
33 covered CRT devices received from each registrant, and a summary
34 of information in the reports submitted by registrants pursuant
35 to section 116H.60, paragraph (p). The report must also discuss
36 the various collection programs used to collect the covered CRT

1 devices, and discuss information received by the office
2 regarding CRT devices that are not being collected by the
3 registrants. The report must include a description of
4 enforcement actions relating to the chapter, both administrative
5 and judicial, and information about CRT devices, if any, being
6 disposed of in landfills in the state. The office may include
7 in its report other information received by the office regarding
8 the implementation of the chapter.

9 (d) The office shall administer the household hazardous
10 waste collection program. At its discretion, the office may
11 delegate this administration responsibility to another party.
12 Administration includes coordination of full truckload pickups
13 of covered CRT devices at household hazardous waste collection
14 facilities by registrants; annual calculation of pro rata share
15 for each manufacturer; and performing an annual sampling survey
16 at household hazardous waste collection facilities sufficient to
17 determine a fair basis on which to calculate pro rata share.

18 (e) The office may adopt rules for the purpose of
19 administering and enforcing this chapter.

20 Sec. 4. [116H.70] [OTHER PROGRAMS.]

21 (a) A city, county, or other public agency may not adopt,
22 implement, or enforce an ordinance, resolution, regulation, or
23 rule establishing a CRT device recycling program or a CRT device
24 recycling fee, including any fee of any type applied at time of
25 purchase of a CRT device, unless expressly authorized by this
26 section.

27 (b) This section does not prohibit:

28 (1) the adoption, implementation, or enforcement of any
29 local ordinance, resolution, regulation, or rule governing
30 curbside or drop-off recycling programs operated by, or pursuant
31 to a contract with, a city, county, or other public agency; or

32 (2) local programs operated under agreements with
33 registrants that include fees for funding the programs,
34 providing that the fees do not include a fee applied to the CRT
35 device at the time of purchase.

36 Sec. 5. [116H.75] [REQUIREMENTS FOR PURCHASES BY STATE

1 AGENCIES.]

2 (a) The Department of Administration must ensure that
3 acquisitions of covered CRT devices under chapter 16C are
4 certified by the vendor to be in compliance with section 116H.60.

5 (b) The bid solicitation documents must specify that the
6 prospective bidder is required to cooperate fully in providing
7 reasonable access to its records and documents that evidence
8 compliance with paragraph (a) and section 116H.60.

9 (c) Any person awarded a contract under chapter 16C for
10 purchase or lease of covered CRT devices that is found to be in
11 violation of paragraph (a) or section 116H.60 is subject to the
12 following sanctions:

13 (1) the contract must be voided;

14 (2) the contractor is ineligible to bid on any state
15 contract for a period of three years; and

16 (3) if the attorney general establishes that any money,
17 property, or benefit was obtained by a contractor as a result of
18 violating paragraph (a) or section 116H.60, the court may, in
19 addition to any other remedy, order the disgorgement of the
20 unlawfully obtained money, property, or benefit.

21 Sec. 6. [116H.80] [LANDFILL DISPOSAL OF COVERED CRT
22 DEVICES; REGULATION OF COVERED CRT DEVICES.]

23 Rules adopted by the office regarding the handling,
24 storage, and treatment of covered CRT devices being recycled may
25 not be more restrictive than regulations adopted by the United
26 States Environmental Protection Agency. If the United States
27 Environmental Protection Agency adopts regulations under the
28 Resource Conservation and Recovery Act regarding the handling,
29 storage, or treatment of covered CRT devices being recycled,
30 those regulations are automatically effective in the state on
31 the same date and supersede any rules previously adopted by the
32 office regarding the handling, storage, or treatment of covered
33 CRT devices being recycled.

34 Sec. 7. [116H.85] [ENFORCEMENT]

35 (a) Civil liability may be administratively imposed by the
36 office against a person for each sale by that person of a new

1 covered CRT device not subject to a registration as required by
2 section 116H.60, in an amount up to \$..... per offense. A
3 civil penalty in an amount up to \$..... may be imposed by a
4 district court against a person for each sale by that person of
5 a new covered CRT device not subject to such registration.

6 (b) Civil liability may be administratively imposed by the
7 office against a person who sells a new covered CRT device and
8 has not filed with the office the certification required by
9 section 116H.60, paragraph (a), in an amount up to per
10 offense. A civil penalty in an amount up to per offense
11 may be imposed by a district court against a person who sells a
12 new covered CRT device and has not filed with the office the
13 certification required by section 116H.60, paragraph (a).

14 (c) Civil liability may be administratively imposed by the
15 office against registrants in an amount up to \$..... for
16 failure to provide the program as described in such
17 registration. A civil penalty in an amount up to \$..... per
18 offense may be imposed by a district court for failure to
19 provide the program as described in such registration.

20 (d) A fine or penalty may not be imposed pursuant to this
21 section on any person who sells or offers for sale a new covered
22 CRT device that is not subject to a registration as required by
23 section 116H.60, paragraph (a), if that person reviewed the
24 office's Web site within the period required for such review by
25 section 116H.60 in the year in which the sale occurred and
26 determined that, as of the date such review occurred, the new
27 covered CRT device was subject to a registration and that
28 information was included in the certification that was submitted
29 to the office in accordance with the requirements of section
30 116H.60.

31 Sec. 8. [116H.90] [LIMITATIONS.]

32 (a) This chapter becomes inoperative if either of the
33 events in paragraph (b) or (c) occurs.

34 (b) A federal law, or combination of federal laws, takes
35 effect that establishes a program for the collection and for the
36 recycling or reuse of covered CRT devices that is applicable to

1 all covered CRT devices discarded by households if the law is
2 applicable to all covered CRT devices sold in the United States.
3 (c) A trial court issues a judgment, which is not appealed,
4 or an appellate court issues a final order affirming a judgment
5 of a trial court, holding that out-of-state manufacturers may
6 not be required to provide a recycling, refurbishment, or reuse
7 program as required by this chapter. Any such order must be
8 stayed until all appeals are concluded. The out-of-state
9 manufacturers shall continue to operate the recycling,
10 refurbishment, or reuse program required by this chapter during
11 the appeal process.

Senators Scheid, Senjem and Hottinger introduced--**S.F. No. 1398:** Referred to the Committee on Environment and Natural Resources.

1

A bill for an act

2

relating to environment; enacting the Minnesota
Electronics Recycling Act of 2005; authorizing
rulemaking; providing penalties; amending Minnesota
Statutes 2004, section 16C.03, by adding a
subdivision; proposing coding for new law in Minnesota
Statutes, chapter 116F.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

9

Section 1. Minnesota Statutes 2004, section 16C.03, is

10 amended by adding a subdivision to read:

11

Subd. 18. [CONTRACTS WITH RETAILERS.] (a) For the purposes

12

of this subdivision, the definitions in section 116F.505 have

13

the meanings given.

14

(b) A public entity, as defined in section 16B.122, may not

15

contract for the purchase or lease of a covered electronic

16

device from a retailer or manufacturer which has not registered

17

to collect the fee imposed under chapter 116F on its sales in

18

Minnesota or to a destination in Minnesota.

19

(c) Beginning on or after September 1, 2005, each retailer

20

or manufacturer that is offered a contract to sell or lease a

21

covered electronic device subject to a fee under chapter 116F to

22

a public entity must submit to the public entity certification

23

that the retailer or manufacturer is registered to collect fees

24

and acknowledging that the contract may be declared void if the

25

certification is false.

26

[EFFECTIVE DATE.] This section is effective for all

1 contracts entered into on or after September 1, 2005.

2 Sec. 2. [116F.505] [DEFINITIONS.]

3 Subdivision 1. [SCOPE.] For the purposes of sections
4 116F.505 to 116F.595, the following terms have the meanings
5 given.

6 Subd. 2. [COMPUTER.] "Computer" means an electronic,
7 magnetic, optical, electrochemical, or other high speed data
8 processing device performing logical, arithmetic, or storage
9 functions, but does not include an automated typewriter or
10 typesetter, a portable handheld calculator or device, or other
11 similar device.

12 Subd. 3. [CONSUMER.] "Consumer" means a person who
13 purchases a covered electronic device in a transaction that is a
14 sale.

15 Subd. 4. [CORPORATION.] "Corporation" means the
16 not-for-profit organization established under section 116F.540.

17 Subd. 5. [COVERED ELECTRONIC DEVICE.] "Covered electronic
18 device" means a desktop or personal computer, computer monitor,
19 portable computer, desktop printer, television, or video display
20 device. Covered electronic device does not include those items
21 when they are:

22 (1) part of a motor vehicle, or any component part of a
23 motor vehicle assembled by or for a vehicle manufacturer or
24 franchised dealer, including replacement parts for use in a
25 motor vehicle;

26 (2) part of a piece of industrial, commercial, or medical
27 equipment, including monitoring or control equipment; or

28 (3) contained within a clothes washer, clothes dryer,
29 refrigerator, refrigerator and freezer, microwave oven,
30 conventional oven or range, dishwasher, room air conditioner,
31 dehumidifier, or air purifier.

32 Subd. 6. [MANUFACTURER.] "Manufacturer" means any person
33 that:

34 (1) manufactures a covered electronic device under its own
35 brand;

36 (2) manufactures a covered electronic device without

1 affixing a brand;

2 (3) resells a covered electronic device produced by other
3 suppliers under its own brand and label; or

4 (4) imports a covered electronic device into the United
5 States.

6 Subd. 7. [MONITOR.] "Monitor" means a separate visual
7 display component of a computer, whether sold separately or
8 together with a computer central processing unit or computer
9 box, and includes a cathode ray tube, liquid crystal display,
10 gas plasma, digital light processing, or other image projection
11 technology, greater than nine inches when measured diagonally;
12 its case; interior wires and circuitry; cable to the central
13 processing unit; and power cord.

14 Subd. 8. [OFFICE.] "Office" means the Office of
15 Environmental Assistance.

16 Subd. 9. [PORTABLE COMPUTER.] "Portable computer" means a
17 computer and video display that can be carried by an individual.

18 Subd. 10. [PURCHASE.] "Purchase" means the taking, by
19 sale, of title or of the right to use.

20 Subd. 11. [RECYCLING.] "Recycling" has the meaning given
21 in section 115A.03.

22 Subd. 12. [RETAILER.] "Retailer" means a person who owns
23 or operates a business that sells new covered electronic devices.

24 Subd. 13. [REUSE.] "Reuse" means an operation by which a
25 covered electronic device changes ownership to be used for the
26 same purpose for which it was originally put on the market
27 without additional processing or remanufacturing.

28 Subd. 14. [SELL OR SALE.] "Sell" or "sale" means any
29 transfer for consideration of title or of the right to use to a
30 consumer, by lease or sales contract, including, but not limited
31 to, transactions conducted through sales outlets, catalogs, or
32 the Internet, or any other similar electronic means, and
33 excluding wholesale transactions with distributors or dealers.

34 Subd. 15. [TELEVISION.] "Television" means a stand-alone
35 display system having a viewable area greater than nine inches
36 when measured diagonally and able to adhere to any standard

1 consumer video formats such as PAL, SECAM, NTSC, AND HDTV and
2 has the capability of selecting different broadcast channels and
3 support sound capability.

4 Subd. 16. [VIDEO DISPLAY DEVICE.] "Video display device"
5 means a device with an output surface having a viewable area
6 greater than nine inches when measured diagonally that displays
7 moving graphical images or a visual representation of image
8 sequences or pictures, showing a number of quickly changing
9 images on a screen in fast succession to create the illusion of
10 motion, including, if applicable, a device that is an integral
11 part of the display, and cannot be easily removed from the
12 display by the consumer, that produces the moving image on the
13 screen. Displays typically use a cathode ray tube, liquid
14 crystal display, gas plasma, digital light processing, or other
15 image projection technology.

16 Sec. 3. [116F.515] [FEE; EXPENDITURE OF PROCEEDS.]

17 (a) Beginning on September 1, 2005, a fee of \$10 is imposed
18 upon every sale to a consumer in Minnesota of a new covered
19 electronic device as required by section 116F.530.

20 (b) A retailer that sells a new covered electronic device
21 must collect at the time of sale the fee imposed under paragraph
22 (a) for each new covered electronic device sold to a consumer in
23 the state.

24 (c) A retailer shall transmit all fees collected under this
25 section, minus three percent of total fee revenues which may be
26 retained by the retailer for administrative costs associated
27 with collecting the fee, to the corporation on or before the
28 last day of the month following each quarter, accompanied by any
29 forms prescribed by the corporation. If a covered electronic
30 device for which the fee has been paid is returned to a retailer
31 under warranty, the fee may be refunded, and the retailer may
32 deduct the amount of the returned fee from the remittance to the
33 corporation.

34 (d) Fees collected by the corporation must be used only for
35 the administrative cost of the corporation to perform its
36 responsibilities under section 116F.540; to fund collection,

1 transportation, and recycling of covered electronic devices; and
2 to promote the collection and recycling of covered electronic
3 devices and market development. Fees may not be used to pay for
4 activities associated with refurbishment and reuse of covered
5 electronic devices, or for the collection, transportation, or
6 recycling of covered electronic devices that are refurbished and
7 reused.

8 (e) The fee imposed under this section must be clearly
9 identified separately on sales documents from the product price
10 and is not included in the price for purposes of sales taxes.

11 Sec. 4. [116F.520] [OFFICE RESPONSIBILITIES.]

12 (a) Beginning on July 1, 2007, the office shall report to
13 the legislature on a biennial basis regarding the progress on
14 the implementation of sections 116F.505 to 116F.595, including
15 recommendations for changes to sections 116F.505 to 116F.595
16 that will ensure the most effective collection of electronic
17 product recycling fees and whether the cap on the fee imposed
18 under section 116F.515 should be adjusted.

19 (b) The report must include the following:

20 (1) a list of all parties participating in the system;

21 (2) current collection, transportation, and recycling costs
22 of covered electronic devices;

23 (3) projected sales of covered electronic devices;

24 (4) projected volume of returns of covered electronic
25 devices;

26 (5) actual collection rates during the previous 12-month
27 period plus a yearly growth projection;

28 (6) the total weight of covered electronic devices received
29 during the preceding year by product category, together with the
30 total weight of the products recycled in each product category;

31 and

32 (7) any surplus funds carried forward.

33 Sec. 5. [116F.525] [PROHIBITIONS.]

34 (a) A person who is receiving reimbursement from the
35 corporation under sections 116F.505 to 116F.595 must not impose
36 a drop-off or other fee for the collection, transportation, and

1 recycling of covered electronic devices. Sections 116F.505 to
2 116F.595 do not apply to end-of-life fees in effect for products
3 not covered by those sections.

4 (b) Retailers and manufacturers of covered electronic
5 devices are prohibited from selling covered electronic devices
6 in Minnesota unless they have registered with the corporation
7 and they collect and remit the fees for covered electronic
8 devices required by section 116F.515.

9 Sec. 6. [116F.530] [NOT-FOR-PROFIT CORPORATION.]

10 A corporation must be established by the office as a
11 nonprofit corporation organized under chapter 317A that
12 qualifies for tax exempt status under United States Code, title
13 26, section 501(c)(3), to administer collected fee proceeds from
14 the retail sale of covered electronic devices. Retailers of
15 covered electronic devices to consumers in Minnesota are
16 considered to have consented to be members of the not-for-profit
17 corporation. The corporation shall submit a budget annually to
18 the office and spend no more than five percent of the total fees
19 collected under section 116F.515 for administrative expenses.

20 Sec. 7. [116F.540] [CORPORATION RESPONSIBILITIES AND
21 STRUCTURE.]

22 Subdivision 1. [RESPONSIBILITIES.] (a) The corporation
23 must be governed and operated by a multistakeholder board for
24 fulfilling the responsibility for management of a collection,
25 transportation, and recycling system for covered electronic
26 devices.

27 (b) The corporation must serve, to the extent feasible, all
28 consumers in the state. The corporation must also rely
29 primarily on existing collection and consolidation
30 infrastructure for handling covered electronic devices to the
31 extent this infrastructure is cost effective and meets the
32 environmentally sound management requirements of section
33 116F.545.

34 (c) The corporation must receive funds collected by the
35 retailers and administer the system for reimbursement of
36 collectors and recyclers.

1 (d) The corporation shall organize and coordinate public
2 outreach. The corporation shall utilize local and regional
3 authorities to reach local residents and determine appropriate
4 methods for education.

5 Subd. 2. [STRUCTURE.] (a) The corporation shall use the
6 funding for the sole purpose of carrying out the duties of
7 sections 116F.505 to 116F.595. In the event that expenses from
8 collection, transportation, and recycling activities exceed
9 revenues, the corporation may borrow up to ten percent of the
10 projected annual net fee funds from outside sources. Borrowed
11 funds must be repaid within two years.

12 (b) On April 1 of each year, the office shall report to the
13 legislature on the implementation of the system during the
14 previous year. The report must identify the total weight of
15 covered electronic devices received during the preceding year by
16 product category, together with the total weight of products
17 recycled in each product category. The report must also include
18 a list of all parties participating in the system.

19 (c) The corporation must have a board of directors
20 consisting of 11 members appointed by the director. The board
21 members shall be appointed for two-year terms, except that for
22 the initial term, three members shall be appointed to one-year
23 terms and four members shall be appointed to two-year terms.
24 The director shall appoint a replacement if any vacancy occurs.
25 The board shall consist of representatives from:

26 (1) five manufacturers of covered electronic devices;

27 (2) two retailers of covered electronic devices;

28 (3) one environmental not-for-profit organization with
29 experience in the recycling of covered electronic devices;

30 (4) one for-profit organization with experience in the
31 recycling of covered electronic devices; and

32 (5) two government representatives, including one from
33 local government who shall be compensated pursuant to section
34 15.059, subdivision 3.

35 (d) The board shall hire a director who shall run the
36 day-to-day operations of the corporation and report to the board

1 at least once a year.

2 Subd. 3. [COORDINATING CONTRACTS.] The corporation shall
3 encourage collectors, transporters, and recyclers of covered
4 electronic devices to coordinate their efforts in order to
5 minimize costs. All contracts issued by the corporation for
6 recyclers must be competitively bid under a process created by
7 the corporation and may not prohibit or affect any contract,
8 franchise, permit, or other arrangement regarding the collection
9 or recycling of other solid or household hazardous waste.

10 Sec. 8. [116F.545] [ENVIRONMENTALLY SOUND MANAGEMENT
11 REQUIREMENTS.]

12 (a) Covered electronic devices collected must be recycled
13 or disposed of in a manner that is in compliance with all
14 applicable federal, state, and local laws, regulations, and
15 ordinances, and must not be exported for disposal in a manner
16 that poses a significant risk to the public health or the
17 environment.

18 (b) The corporation shall establish performance
19 requirements for recyclers eligible to receive funds from the
20 corporation. Recyclers shall, at a minimum, demonstrate
21 compliance with the United States Environmental Protection
22 Agency's Guidance on Environmentally Sound Management of
23 Electronic Products as issued and available on the office's Web
24 site in addition to any other requirements mandated by state law.

25 (c) The office shall keep on file and update a list of
26 recyclers approved to recycle covered electronic devices. A
27 copy of the list, including all changes to the list since the
28 previous year, must be sent to the corporation annually for use
29 in fulfilling its requirements under section 116F.540.

30 (d) The office is authorized to remove from the list any
31 recycler, who, as the result of an audit by the corporation or
32 the office, has failed to meet the criteria established under
33 paragraph (a) or who has been convicted of violating any
34 federal, state, or local law related to the collection,
35 transport, or processing of covered electronic products.

36 (e) The corporation and its board may not be held

1 financially liable for any violation of a federal, state, or
2 local law by a recycler appearing on the list created and
3 updated by the office.

4 Sec. 9. [116F.550] [LEVEL PLAYING FIELD PENALTIES.]

5 (a) Beginning September 1, 2005, a manufacturer may not
6 offer for sale in Minnesota a covered electronic device unless a
7 visible, permanent label clearly identifying the brand or
8 manufacturer of that device is affixed to it and, if the
9 manufacturer is also a retailer, the fee under section 116F.515
10 is collected.

11 (b) By July 15, 2005, manufacturers of covered electronic
12 devices must notify retailers that the covered electronics
13 device is subject to the fee in section 116F.515.

14 (c) A violation of this section is subject to a civil
15 penalty in the amount of \$1,000 per violation.

16 (d) The money collected and distributed shall be used to
17 offset enforcement expenses.

18 (e) Manufacturers and retailers, upon providing 60-day
19 notice to the attorney general and to a retailer who is not
20 collecting and remitting the fee in section 116F.515, or a
21 manufacturer who is not complying with this section, have the
22 right to sue that manufacturer or retailer for failure to
23 collect or remit the fee to the corporation. During the 60-day
24 notice period, if the attorney general initiates action against
25 the manufacturer or retailer, then the ability of the
26 manufacturer to sue is extinguished. The money collected by the
27 attorney general must be used to offset enforcement expenses.
28 Money in excess of the enforcement expenses shall be deposited
29 with the corporation. Manufacturers and retailers that
30 successfully challenge a noncompliant manufacturer or retailer
31 are entitled to receive their litigation costs as well as double
32 the penalties assessed under paragraph (c).

33 Sec. 10. [116F.560] [MARKET DEVELOPMENT.]

34 The corporation shall establish a market development
35 program to enhance existing and develop new end markets for
36 remanufactured products and recycled materials. No more than

1 one percent of corporation funds may be spent on this program.

2 Sec. 11. [116F.575] [MANUFACTURERS.]

3 (a) Beginning September 1, 2005, a manufacturer must:

4 (1) collect and remit the fee in section 116F.515 on all
5 sales in which the manufacturer acts as a retailer;

6 (2) make information available to consumers describing
7 where and how to return, recycle, and dispose of covered
8 electronic devices through the use of product operation manuals,
9 industry or manufacturer Web sites, product labels, packaging
10 inserts, or toll-free telephone numbers; and

11 (3) provide recyclers with information on the type and
12 location of hazardous substances in the covered products.

13 (b) Beginning January 1, 2007, a manufacturer must not
14 offer for sale in the state any product or electronic device
15 that is prohibited from being sold or offered for sale in the
16 European Union on or after its date of manufacture, to the
17 extent that Directive 2002/95/EC adopted by the European
18 Parliament on January 27, 2003, and as amended thereafter by the
19 Commission of European Communities, prohibits the sale due to
20 the presence of heavy metals. This prohibition does not include
21 any product that contains a substance that is used to comply
22 with consumer health or safety requirements that are required by
23 Underwriters Laboratories, the federal government, or the state.

24 (c) Beginning July 1, 2008, and annually thereafter,
25 manufacturers shall make available to the public upon request a
26 report that contains:

27 (1) the total estimated amounts of lead, mercury,
28 hexavalent chromium, cadmium, and polybrominated biphenyls
29 (PBBs) contained in products sold within the state in the
30 previous year;

31 (2) the total estimated amounts of recyclable materials
32 contained in covered electronic devices sold within the state in
33 the previous year, and increases the use of those materials over
34 previous years; and

35 (3) any efforts to design covered electronic devices for
36 recycling and goals or plans for further increasing design for

1 recycling.

2 (d) In lieu of an individual report, manufacturers may
3 submit the information in a collated report submitted via a
4 trade association provided that information about an individual
5 company can be made available to the office upon written request
6 by the office. The office may only make such a request for
7 auditing purposes and not more than once during a five-year
8 period. The office may not make public any confidential
9 business information claimed by the manufacturer in the report.

10 (e) A report submitted to another state or to the federal
11 government that contains the same information as required in
12 this section must be accepted by the office in lieu of a
13 separate report for the state.

14 Sec. 12. [116F.580] [REGULATORY AUTHORITY.]

15 The office may adopt rules for the purpose of administering
16 sections 116F.505 to 116F.595.

17 Sec. 13. [116F.590] [PROGRAM REVIEW.]

18 On or after January 1, 2014, the office shall convene a
19 stakeholder group to evaluate the program and make
20 recommendations to the legislature by January 1, 2015, as to
21 whether to:

22 (1) continue or modify the fee under section 116F.515;

23 (2) implement another financing alternative; or

24 (3) determine that no outside financing mechanism is
25 required to ensure that the system is financially solvent.

26 Sec. 14. [116F.595] [FEDERAL PREEMPTION.]

27 Upon notification by the office that a national program to
28 collect and recycle covered electronic devices is implemented,
29 sections 116F.505 to 116F.595, to the extent that they are
30 inconsistent with the national program, become inoperative.

31 Sec. 15. [EFFECTIVE DATE.]

32 Except as otherwise specified, sections 1 to 15 are
33 effective July 1, 2005.

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State of Minnesota

S.F. No. 1595 - Electronic Waste Recycling

Author: Senator Gary Kubly

Prepared by: Carol E. Baker, Senate Counsel (651/296-4395)

Date: March 21, 2005

Section 1 [Definitions.] defines, among other terms, “cathode-ray tube” in subdivision 2; “electronic product” defined in subdivision 5; “electronic waste” defined in subdivision 6; “generator” defined in subdivision 8; “hazardous electronic waste” in subdivision 9; “historic waste” in subdivision 10; “orphan waste” in subdivision 12; and “producer” in subdivision 14.

Section 2 [Historic Electronic Waste.] requires each producer to be responsible for financing the management of electronic waste in accordance with this chapter. For products on the market before January 1, 2006, producer responsibility for historic and orphan waste must be determined by the return share of the producer during the current year. “Return share” means a percentage of all covered electronic products collected, calculated by return weight, differentiated by type of product. Each producer must have the return share represented by the brands itself among the types of products it manufactures. This section allows producers to impose a limited advanced collection fee for the purpose of paying for a collection program, until July 1, 2009. Producers have responsibility for collection, transport, and recycling of electronic wastes. When selling a new electronic product, producers may impose an advanced collection fee to the consumer for up to two years. This section allows a producer to fulfill its responsibility either individually or by joining a representative organization of producers.

Section 3 [Collection; Recycling Plan and Requirements.] requires by July 1, 2007, producers of electronic products sold in Minnesota to:

1. register with the Pollution Control Agency;
2. provide information to recyclers and processors regarding the end-of-life treatment of any new product within nine months of the product entering the market;

3. label each product, identifying hazardous materials;
4. provide information that the product must be kept out of landfills and incinerators, and other combustion processes;
5. provide a toll-free number or Web site address for consumers to obtain information about safe disposition of the electronic product;
6. certify that electronic products will not and do not enter landfills, incinerators, or other forms of combustion processes; ;
7. document and certify that the program has not resulted in the overseas export of electronic waste;
8. certify that the collection, recycling, and reuse system operates in compliance with all local, state, and federal waste management rules;
9. accept electronic waste from households and generators at no charge;
10. submit a plan to the MPCA that describes their program in detail and certifies that no prison labor is used unless that labor is compensated equivalent to market rate wages for the work performed and OSHA laws and regulations are followed; and
11. certifies that the producer is complying with this paragraph.

The section also the MPCA to approve or disapprove the plan within 30 days of receiving it.

The section requires producers of cathode ray tubes to comply with all provisions in this chapter.

The MPCA may not approve any plan that includes:

1. a fee imposed at the time of sale, except for the limited purpose already established;
2. a fee when the discarded product is delivered by a household or generator to a collection point or is collected from a consumer;
3. a fee at the time of sale for funding producer recycling; or
4. a cost to be imposed on a local unit of government unless the cost is agreed to and the agreement is published n the agency's Web site and gives legal notice affected taxpayers.

Section 4 [Reporting.] requires all information under section 114D.15, as well as agency decisions and orders, to be made available to the public in an easy-to-access manner, within three business days after the agency receives the information.

Section 5 [Enforcement.] allows the MPCA to enforce this chapter, under sections 115.071 and 116.072.

Section 6 [Private Right of Enforcement.] allows a person to enforce this right as well as the provisions and requirements of this chapter against any party, government or private, through appropriate legal proceedings.

Section 7 [Health and Safety Protections.] requires all persons collecting, recovering, and recycling electronic waste as part of the producer plan to protect the health and safety of their workers and contractors by:

1. complying with all state and federal OSHA laws;
2. performing routine industrial hygiene monitoring and quarterly reporting for all facilities of all hazardous materials of concern; and
3. performing routine human health monitoring and quarterly reporting for all workers and contractors.

Section 8 [Service.] requires producers selling electronic products in Minnesota to provide:

1. within two years of financial responsibility, three collection and recovery points per 10,000 persons population; and
2. within four years of financial responsibility, six collection and recovery points per 10,000 persons population.

Section 9 [Hazardous Materials Phase-Out.] requires producers selling electronic equipment in Minnesota to phase-out the use of lead, mercury, cadmium, hexavalent chromium, brominated flame retardants, and polyvinyl chloride, and only offer for sale products that contain less harmful alternatives. The MPCA may issue a limited-term exemption if a producer demonstrates that it is technically impossible to use an alternative substance.

Section 10 [Performance Goals; Protections for Human Health; Environment; Taxpayers.] requires producers of electronic equipment sold in this state to provide the MPCA a financial guarantee to ensure that no costs for program evaluation, enforcement, or management of orphan and historic waste is born by taxpayers. This guarantee may take the form of participation by the producer in a third-party organization for financing the management of electronic waste. This section also requires producers to ensure that their electronic waste recovery program is at least 75 percent of the producer's product sold in this state by July 1, 2007, and by January 1, 2010, recovery of at least 90 percent by number of their products sold in this state. The section requires the Commissioner of Administration to establish purchasing and procurement policies requiring vendors of electronic equipment sold to the state to take back electronic waste. It requires the MPCA to

establish a multistakeholder oversight and advisory committee by January 1, 2007, and requires an annual report to be submitted to Legislature beginning in February 2006.

Section 11 [Repealer.] repeals these sections if a national program managing electronic waste is established and implemented and complies with environmental and health laws without shifting fiscal burdens to state agencies or local units of government.

Section 12 [Effective Date.] makes this bill effective January 1, 2006.

CEB:rd

Senator Kubly introduced--

S.F. No. 1595: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to the environment; providing for electronic
3 waste recycling; proposing coding for new law as
4 Minnesota Statutes, chapter 114D.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. [114D.05] [DEFINITIONS.]

7 Subdivision 1. [SCOPE.] For the purposes of this chapter,
8 the words in this section have the meanings given.

9 Subd. 2. [CATHODE RAY TUBE.] "Cathode ray tube" means a
10 vacuum tube or picture tube used to convert an electronic signal
11 into a visual image.

12 Subd. 3. [COLLECTION AND RECYCLING SYSTEM.] "Collection
13 and recycling system" means the system for the collection,
14 packaging, transportation, and recycling of products discarded
15 by consumers.

16 Subd. 4. [COMPUTER MONITOR.] "Computer monitor" means a
17 cathode ray tube or flat panel display primarily intended to
18 display information from a central processing unit, network, or
19 the internet.

20 Subd. 5. [ELECTRONIC PRODUCT.] "Electronic product"
21 includes but is not limited to computer equipment such as
22 cathode ray tubes, display monitors, central processing units,
23 keyboards, printers, and peripherals; televisions, computer
24 monitors, liquid crystal displays or other flat panel
25 television, computer monitor, or similar video display products;

1 telecommunication equipment such as telephones, cellular phones,
2 facsimile machines, and answering machines; small electronic
3 devices and appliances containing one or more circuit boards or
4 other similar operating unit; video and stereo equipment; toys,
5 games, and educational devices containing one or more printed
6 circuit boards or similar operating unit; and major household
7 appliances containing one or more printed circuit board or
8 similar operating unit and all its components, constituent
9 subunits, and materials from which the subunits are made.

10 Subd. 6. [ELECTRONIC WASTE.] "Electronic waste" means an
11 electronic product that has been discarded, become obsolete,
12 ceased to function, is no longer wanted by its owner, or for any
13 other reason enters the collection, recovery, treatment,
14 processing, or recycling system.

15 Subd. 7. [ENVIRONMENT.] "Environment" includes but is not
16 limited to all the state's natural resources including land,
17 air, and water resources, and plant and animal species, and the
18 habitat upon which they depend.

19 Subd. 8. [GENERATOR.] "Generator" means schools,
20 governmental units, businesses with six or fewer employees, and
21 nonprofit organizations, as defined by section 501(c)(3) of the
22 Internal Revenue Code, with 30 or fewer employees.

23 Subd. 9. [HAZARDOUS ELECTRONIC WASTE.] "Hazardous
24 electronic waste" means electronic waste and its components,
25 constituent subunits, or materials from which the subunits are
26 made, that contain concentrations of toxic materials exceeding
27 the regulatory levels established in Code of Federal
28 Regulations, title 40, section 261.24, as it exists on January
29 1, 2006, using the toxic characteristic leaching procedure.

30 Subd. 10. [HISTORIC WASTE.] "Historic waste" means a
31 covered electronic product that was put on the market prior to
32 July 1, 2005.

33 Subd. 11. [HOUSEHOLD.] "Household" means a single detached
34 dwelling unit or a single unit of a multiple dwelling unit and
35 appurtenant structures.

36 Subd. 12. [ORPHAN WASTE.] "Orphan waste" means electronic

1 waste manufactured by or bearing the brand name of a company
2 that is no longer in business as of the January 1, 2006,
3 requirements of this act.

4 Subd. 13. [PLAN.] "Plan" means the plan for
5 producer-financed collection, recovery, and recycling of
6 electronic waste as provided for in section 114D.15.

7 Subd. 14. [PRODUCER.] "Producer" means any person,
8 irrespective of the sales techniques or channels used to sell
9 products, including by means of distance communication, that:

10 (1) manufactures and sells electronic equipment under its
11 own brand;

12 (2) resells under its own brand equipment produced by other
13 suppliers, unless the brand of the actual manufacturer appears
14 on the equipment;

15 (3) imports electronic equipment for first sale in
16 Minnesota; or

17 (4) manufactures and sells electronic equipment without
18 affixing a brand.

19 Subd. 15. [PRODUCER-ABANDONED WASTE.] "Producer-abandoned
20 waste" means electronic waste for which the manufacturer or a
21 successor exists for which the state is unable to enforce this
22 chapter for any reason, including because electronic equipment
23 from the manufacturer or successor is no longer sold in
24 Minnesota.

25 Subd. 16. [PRO RATA SHARE.] "Pro rata share" means a
26 percentage of all electronic waste delivered to intermediate
27 consolidation points excluding orphan waste and
28 producer-abandoned waste. Pro rata shares are calculated by
29 return weight and differentiated by type of product. Each
30 manufacturer shall have the pro rata share represented by the
31 brands it manufactures among the types of electronic products it
32 manufactures.

33 Subd. 17. [RECYCLING.] "Recycling" means the reprocessing
34 of electronic waste materials for the original purpose or for
35 other purposes, excluding energy recovery or energy generation
36 by means of combusting electronic waste with or without other

1 waste.

2 Subd. 18. [REUSE.] "Reuse" means an operation by which
3 electronic waste or components thereof are used for the same
4 purpose for which they were conceived, including the continued
5 use of the equipment or components thereof which are returned to
6 collection points, recyclers, or producers.

7 Sec. 2. [114D.10] [HISTORIC ELECTRONIC WASTE.]

8 (a) Each producer is responsible for financing the
9 management of electronic waste in accordance with this chapter.
10 For all products put on the market prior to January 1, 2006,
11 producer responsibility for historic and orphan waste must be
12 determined annually by the return share of the producer during
13 the current year. "Return share" means a percentage of all
14 covered electronic products collected, calculated by return
15 weight differentiated by type of product. Each producer must
16 have the return share represented by the brands it sells among
17 the type of products it manufactures. The producer may choose
18 to fulfill this obligation either individually or collectively
19 where one or more third-party organizations may be established
20 by producers to collectively take back historic and orphan waste.

21 (b) A limited advance collection fee, for the sole purpose
22 of paying for a collection program implemented by any
23 governmental or nongovernmental entity that serves the
24 collection function, may be used until July 1, 2009. Producers
25 have full responsibility for collection, transport, and
26 recycling of electronic waste. Producers may use an advance
27 collection fee visible to the consumer, when selling a similar
28 new electronic product, for up to two years in an amount
29 sufficient to pay actual costs of collection and transport of
30 historic waste, but all collection and transport costs must be
31 internalized into the product price after this period.

32 (c) A producer may fulfill its individual responsibility
33 under this subdivision either individually or by joining a
34 representative organization of producers. An organization of
35 producers must meet the same standards and requirements of the
36 plans submitted by individual producers.

1 Sec. 3. [114D.15] [COLLECTION; RECYCLING PLAN AND
2 REQUIREMENTS.]

3 (a) Beginning July 1, 2007, producers of electronic
4 products sold in Minnesota, including those products sold by
5 means of distance communication, but not including cathode ray
6 tubes, must:

7 (1) register with the Pollution Control Agency as described
8 in paragraph (f);

9 (2) no later than nine months after a product enters the
10 market, provide information to recyclers and processors
11 regarding the end-of-life treatment of the new product relating
12 to disassembly, material content, and safety concerns so as to
13 facilitate the correct and environmentally sound treatment of
14 electronic waste;

15 (3) label each product identifying hazardous materials
16 contained in the product and its parts or subunits;

17 (4) provide information clearly stating that the product
18 must be kept out of landfills and incinerators and other
19 combustion processes and be placed in the producer's recycling
20 or reuse program;

21 (5) provide a toll-free phone number or Web site address
22 where consumers can obtain information and instructions about
23 the safe disposition of the electronic product through the
24 producer's recycling or reuse plan;

25 (6) certify that electronic products, including whole units
26 of electronic waste as well as the constituent subunits or
27 materials from which the units are made, will not and do not
28 enter landfills, incinerators, cement kilns, or other forms of
29 energy recovery or energy generation dependent on combustion of
30 electronic waste;

31 (7) document and certify that the program has not resulted
32 in the overseas export of electronic waste to any
33 non-Organization for Economic Cooperation and Development
34 country and complies with the Basel Ban Amendment decision
35 (Decision III/1) of the Basel Convention on the Control of
36 Transboundary Movement of Hazardous Waste and Their Disposal;

1 (8) certify that the collection, recycling, and reuse
2 system, and all necessary parties, operate in compliance with
3 local, state, and federal waste management rules and
4 regulations;

5 (9) accept electronic waste from households and generators
6 at no charge;

7 (10) submit a plan to the agency that:

8 (i) describes the implementation and financing for the
9 collection, treatment, recovery, reuse, and disposition of all
10 the producer's products, including orphan and producer-abandoned
11 waste, sold in Minnesota;

12 (ii) describes the producer's method for reimbursing local
13 governments, nonprofit corporations, and retailers for the cost
14 of collection and recycling of the producer's covered electronic
15 products;

16 (iii) certifies that no prison labor is used unless those
17 involved are provided with compensation equivalent to market
18 rate wages for the work performed and are afforded the
19 protections of state occupational safety and health laws and
20 regulations, as well as those protections required by this
21 chapter;

22 (iv) demonstrates that the producer has adequate measures
23 to provide information in accordance with clause (2); and

24 (v) describes the performance measures used and reported by
25 the producer to demonstrate that the plan is meeting the
26 required recovery and recycling rates for its own brand of
27 covered electronic products and describes alternative actions
28 that will be taken should performance measures not be met; and

29 (11) certify, by affidavit, that the producer is in
30 compliance with this paragraph.

31 (b) The agency must, within 30 days of receiving a plan,
32 approve or disapprove the plan.

33 (c) Each producer is responsible for collection, and reuse
34 or recycling each year, of its waste electronic products and its
35 pro rata share of orphan waste and producer-abandoned waste.

36 (d) A producer may fulfill its responsibilities under this

1 section through a representative third-party organization of
2 producers. An organization of producers must meet the same
3 standards and requirements of the plans submitted by individual
4 producers.

5 (e) Effective July 1, 2005, producers of cathode ray tubes
6 must comply with paragraphs (a) to (d) and all other provisions
7 in this chapter.

8 (f) Registration includes, but is not limited to, a listing
9 of all brand labels owned by the producer, its subsidiaries, or
10 any companies acquired by the producer. The commissioner of the
11 Pollution Control Agency may, at any time, revoke a registration
12 upon being presented with evidence that the producer is not in
13 compliance with the requirements of this chapter. After
14 revocation, a producer may not sell its product in the state.

15 (g) The Pollution Control Agency shall not approve any plan
16 that includes:

17 (1) a fee imposed at the time of sale of the product except
18 for the limited purpose established in section 114D.10;

19 (2) a fee at the time the discarded electronic product is
20 delivered by a household or generator to a collection point or
21 is collected from the consumer;

22 (3) a fee imposed at the time of sale for the purpose of
23 funding producer recycling; or

24 (4) a cost to be imposed on a local unit of government
25 unless the cost is agreed to by the local unit of government and
26 the agreement is published on the agency's Web site and gives
27 legal notice to the affected taxpayers.

28 Sec. 4. [114D.20] [REPORTING.]

29 (a) All information required under section 114D.15, as well
30 as agency decisions and orders, must be made available to the
31 public, in an easy-to-access manner and convenient format, via
32 the agency's Web site within three business days after receipt
33 of such information by the agency and agency decisions.

34 (b) A retailer is not responsible for an unlawful sale
35 pursuant to section 114D.15 if the certification relied upon by
36 the retailer in making the unlawful sale was incorrect, or if

1 the registration expired or was revoked and the retailer took
2 possession of the electronic product prior to the expiration or
3 revocation of the registration and the unlawful sale occurred
4 within 30 days after the expiration or revocation.

5 Sec. 5. [114D.25] [ENFORCEMENT.]

6 The Pollution Control Agency may enforce this chapter under
7 sections 115.071 and 116.072.

8 Sec. 6. [114D.30] [PRIVATE RIGHT OF ENFORCEMENT.]

9 Each person may enforce this right, as well as enforce the
10 provisions and requirements of this chapter, against any party,
11 government or private, through appropriate legal proceedings,
12 including declaratory and equitable relief, civil penalties, and
13 restoration damages, to protect the public health and
14 environment of Minnesota from pollution, impairment, or
15 destruction resulting from electronic waste. The court may
16 award the full costs of litigation, including but not limited to
17 reasonable expert witness and attorney's fees, to the prevailing
18 plaintiffs. This provision supplements existing rights and
19 procedures provided by law.

20 Sec. 7. [114D.35] [HEALTH AND SAFETY PROTECTIONS.]

21 All persons collecting, recovering, and recycling
22 electronic waste as part of the producer plan in section 114D.15
23 must protect the health and safety of their workers and
24 contractors by:

25 (1) providing clear evidence of compliance with all state
26 and federal occupational safety and health laws and regulations;

27 (2) performing routine industrial hygiene monitoring and
28 quarterly reporting for all facilities for all hazardous
29 materials of concern, including but not limited to monitoring
30 for airborne lead and bromine, chlorine, and mercury compounds;
31 and

32 (3) performing routine human health monitoring and
33 quarterly reporting, in accordance with all applicable privacy
34 protections, for all workers and contractors, including but not
35 limited to blood testing for exposure to lead and bromine,
36 chlorine, and mercury compounds.

1 Sec. 8. [114D.40] [SERVICE.]

2 (a) Producers selling electronic products in Minnesota,
3 under an approved plan described in section 114D.15, must
4 provide:

5 (1) within 24 months of financial responsibility, three
6 collection and recovery points per 10,000 persons population;
7 and

8 (2) within 50 months of financial responsibility, six
9 collection and recovery points per 10,000 persons population;

10 (b) Producers must include direct collection, but
11 generators and households may be responsible for delivering
12 electronic waste into the collection system, as contained in the
13 producer's plan.

14 Sec. 9. [114D.45] [HAZARDOUS MATERIALS PHASEOUT.]

15 (a) No later than January 1, 2007, producers selling
16 electronic equipment in Minnesota must phase out the use of
17 lead, mercury, cadmium, hexavalent chromium, brominated flame
18 retardants, and polyvinyl chloride and only offer for sale
19 products that contain less harmful alternatives.

20 (b) If a producer provides sufficient demonstration to the
21 department that it is technically impossible to use an
22 alternative substance, a limited-term exemption may be issued by
23 the agency. An exemption must be rescinded by the agency when
24 the agency determines that a less harmful alternative for the
25 substance can be used.

26 (c) If the exemption is granted by the agency, the agency
27 may assign a limited amount of time before the exemption expires
28 to ensure that producers are investing in research and
29 development to identify an appropriate less harmful alternative.

30 Sec. 10. [114D.50] [PERFORMANCE GOALS; PROTECTIONS FOR
31 HUMAN HEALTH; ENVIRONMENT; TAXPAYERS.]

32 (a) By January 1, 2007, or upon approval of the producer's
33 plan, whichever is sooner, producers of electronic equipment
34 sold in this state shall provide to the agency a financial
35 guarantee to ensure that no costs for program evaluation,
36 enforcement, or for the management of orphan and historic waste

1 is borne by taxpayers. The guarantee may take the form of
2 participation by the producer in a third-party organization for
3 financing the management of waste electrical and electronic
4 equipment, a recycling insurance, or a blocked bank account.

5 (b) Producers must manage their take-back programs so as to
6 ensure that by July 1, 2007, electronic waste recovery is equal
7 to or exceeds 75 percent by number of the producer's products
8 sold in this state and 65 percent or greater reuse or recycling
9 of the components and materials contained in their products; and
10 by January 1, 2010, recovery equal to or greater than 90 percent
11 by number of their products sold in this state and 95 percent or
12 greater reuse or recycling of the components and materials
13 contained in their products.

14 (c) By January 1, 2007, the commissioner of administration
15 shall establish purchasing and procurement policies requiring
16 vendors of electronic equipment sold to the state to take back
17 electronic waste when the equipment becomes obsolete, is
18 discarded, or is otherwise taken out of service. The policies
19 must also establish a preference for electronic equipment that
20 meets specified environmental performance standards relating to
21 the reduction or elimination of hazardous materials.

22 (d) The Pollution Control Agency must establish a
23 multistakeholder Oversight and Advisory Committee by January 1,
24 2007, for the purpose of overseeing producer program plan
25 implementation, reviewing producer plan annual reports, and
26 identifying and recommending additional products to be included
27 as electronic waste. An annual report consistent with this
28 section must be submitted to the legislature commencing in
29 February 2006.

30 Sec. 11. [REPEALER.]

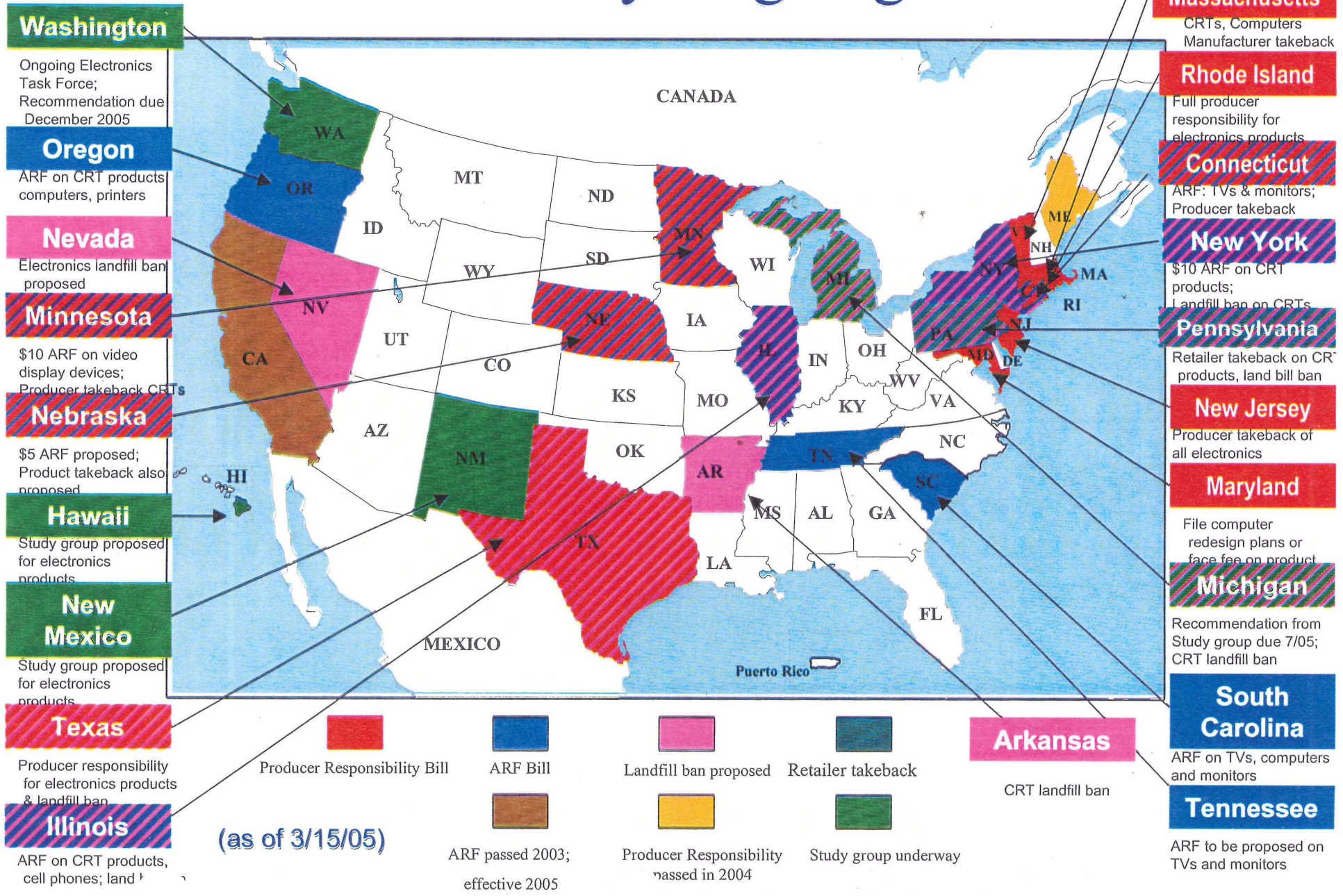
31 Sections 1 to 10 are repealed 90 days after the director
32 publishes a notice in the State Register that a national program
33 for collecting, transporting, and reusing or recycling
34 electronic waste is established and implemented and is
35 determined to be functioning in a manner that complies with
36 environmental and health laws without shifting fiscal burdens to

1 state agencies or local units of government.

2 Sec. 12. [EFFECTIVE DATE.]

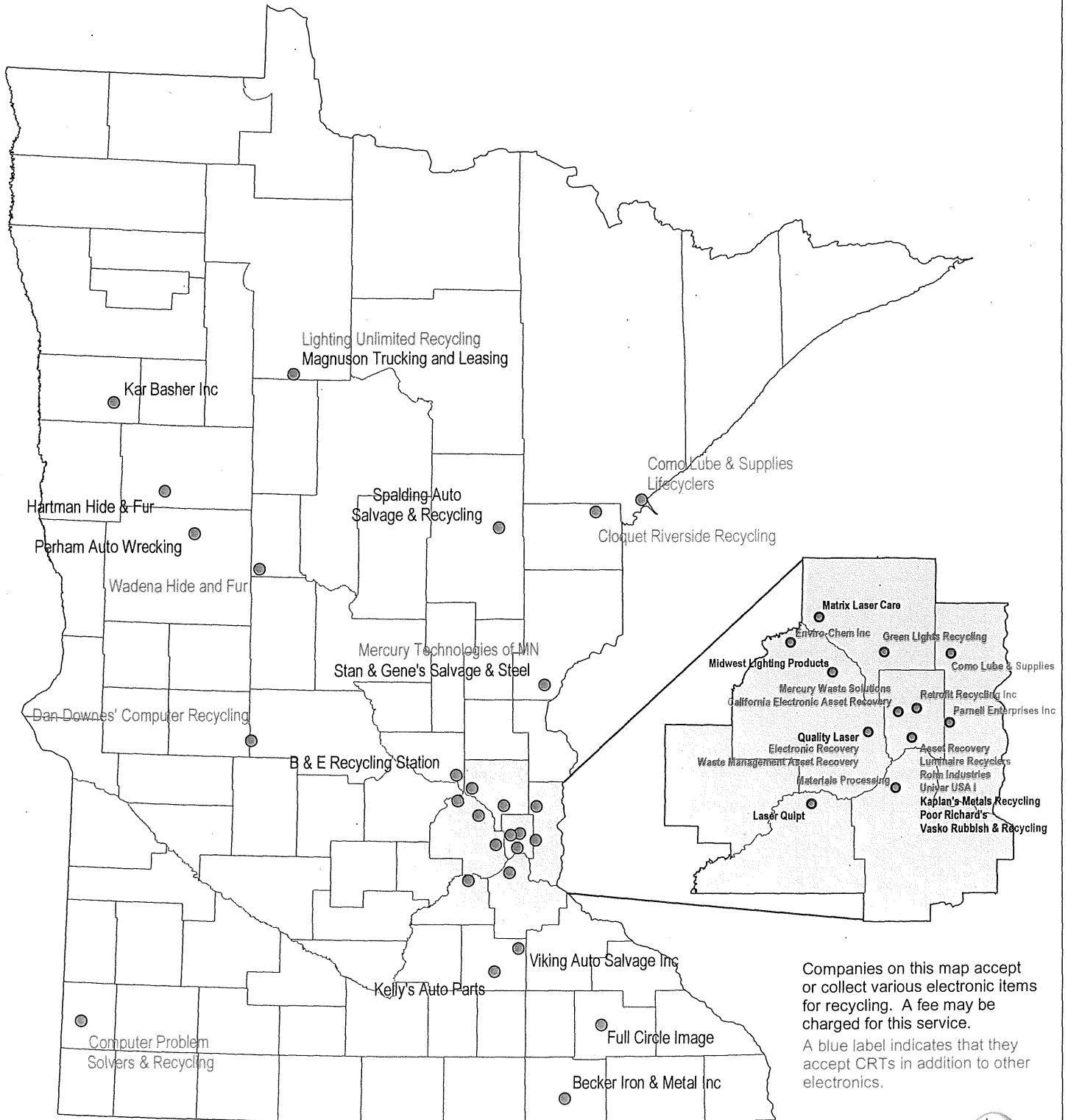
3 Sections 1 to 11 are effective January 1, 2006.

2005 State Recycling Legislation

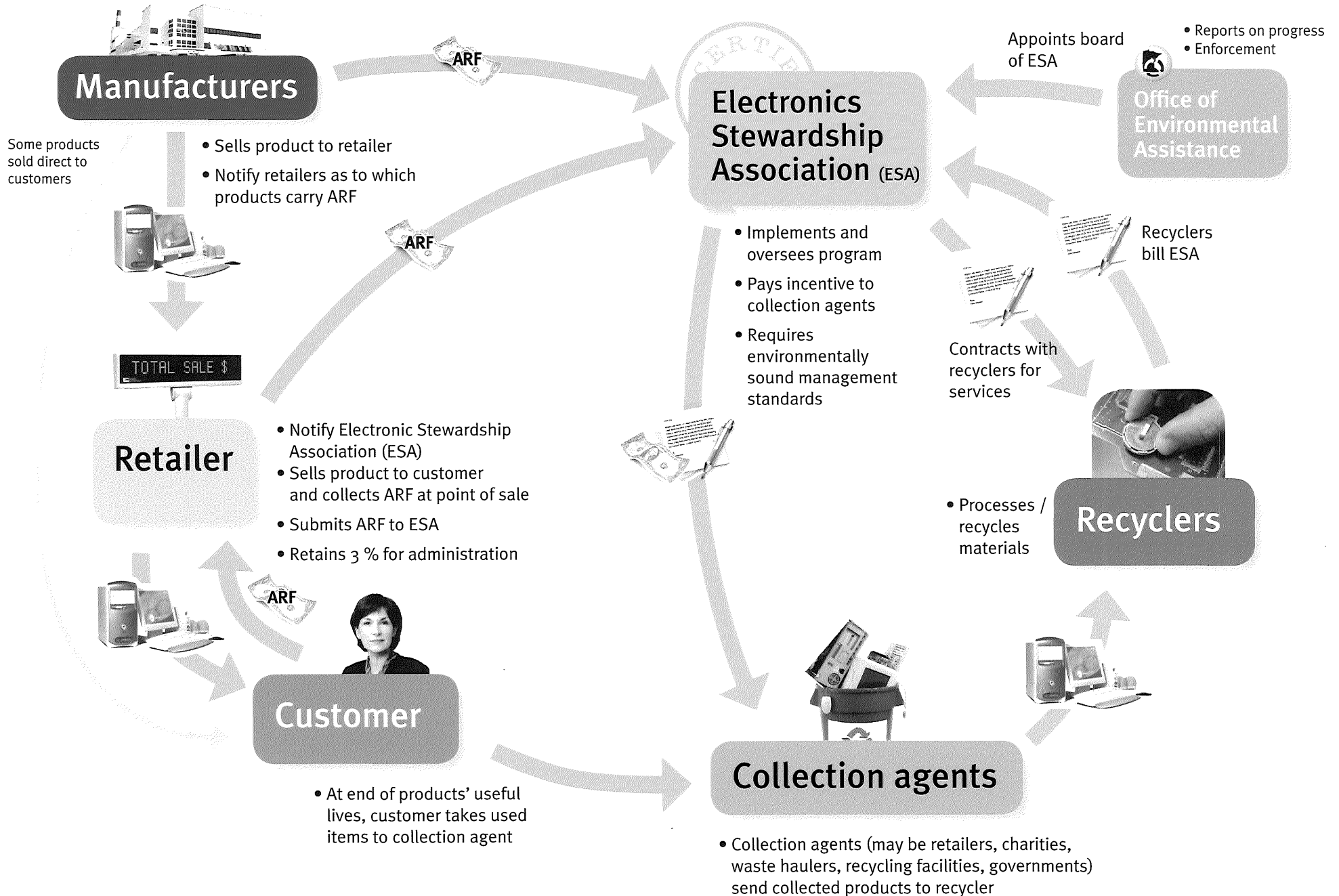


(as of 3/15/05)

Minnesota Companies Collecting Electronics For Recycling



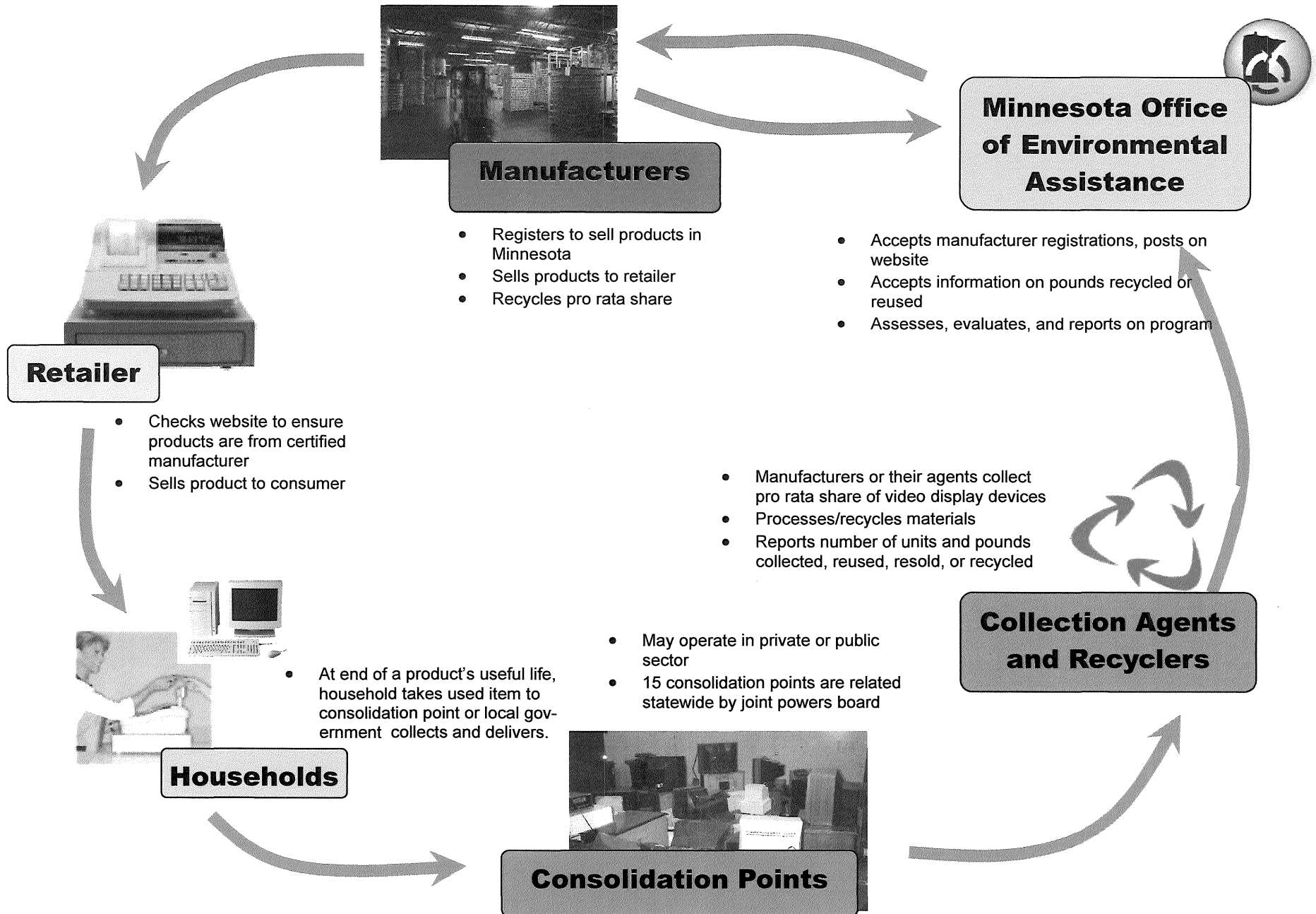
Advanced Recycling Fee (ARF) System for electronic products



Manufacturer Responsibility for CRIs/Video Display Devices



Manufacturer Responsibility for Video Display Devices



Electronic Recycling Bills Before the Minnesota Legislature: As of March 15, 2005

	HF1404/SF 1327	HF1391/SF1298 (delete all amendment) <i>Cox</i>	SF1398 <i>ARF</i>	HF1729/SF1595 <i>Tim</i>
House author (co-authors)	Rep. Hackbarth (Cox, Nornes, Scalze, Kelliher, Cornish, McNamara, Hortman);	Rep. Cox (Ozment, Kelliher, Hoppe, Hausman, Dill, Howes, McNamara)	TBD	Rep. Nornes (Hausman, Poppe, Mariani, Hortman)
Senate author (co-authors)	Sen. Higgins (N/A)	Sen. Higgins (Marty, Sams, Frederickson)	Sen. Scheid (Senjem, Hottinger)	Sen. Kubly
Advanced recycling fee	No	No	Yes. \$10 on monitors, televisions and laptops.	Yes. Limited fee for collection only through 2009.
Collection and recycling operations	Manufacturers will organize transportation and recycling of CRTs after they are collected in truckload quantities.	Manufacturers will transport & recycle truckload quantities of video display devices from point of consolidation. Joint Powers Board will seek applications from at least 15 consolidation points, including ten from Greater MN. Points could include county facilities as well as recyclers, transfer stations, etc.	Per-pound reimbursement for collection Non-profit corporation contracts for recycling services.	Manufacturers must create three collection and recovery points for every 10,000 people within two years and six points per 10,000 within 50 months.
Responsibilities for retailers	Sell only CRTs that are registered and labeled w/manufacturer. All retailers must certify they will only sell registered CRTs.	Certify with State that retailer has checked website to assure products for sale are from registered manufacturers. Sell only products with permanently affixed label of manufacturer.	Retailers collect the ARF on new product sales, keep three percent of the fee (30 cents), and remit to a nonprofit corporation that would administer the recycling program.	Retailers cannot sell non-certified products.
Responsibilities for manufacturers	Manufacturers must register with the state about their recycling plans. They must pick up any truckload of CRTs. Manufacturers will be encouraged to work together but there is no required structure.	Manufacturers must register with the state about their recycling plans. Must collect their pro-rata share of VDDs from consolidation points, including pro rata share of orphan and abandoned waste. Manufacturers may provide their own program if approved. Manufacturers must pick up truckload quantities. Manufacturers must certify compliance with reuse and recycling requirements.	Manufacturers cannot sell in MN or online unless they register with the corporation and collect and remit the fee if they sell products in MN. Manufacturers must inform retailers which products are subject to the fee. Manufacturers must make information available regarding reuse and recycling options. Manufacturers can enforce 'level play field' Five representatives of manufacturers will be appointed to the board of directors for the non-profit corporation.	Register their products with the state, label products, certify recycling program and submit implementation and financing plan to state. Take back their products by themselves or through a third party organization. Each responsible for historic and pro rata orphan share. Each manufacturer compliance plan must show proof of financial responsibility.

	HF1404/SF 1327	HF1391/SF1298 (delete all amendment)	SF1398	HF1729/SF1595
Products covered	Televisions and monitors with CRTs	Video display devices (CRTs, flat panel screens, plasma, etc.) greater than 8" diagonal	Desktop or personal computer, computer monitor, portable computer, desktop printer, television, or other video display device greater than 9" diagonal	Monitors, CPUs, keyboards, printers, peripherals; TVs, phones, fax & answering machines, plus small electronic devices, video & stereo equipment, toys, games, educational devices & major household appliances w/ circuit board
Collection and/or recycling goals	None specified; annual report on registrations on progress.	Yes. Per capita reuse or recycling goals for planning purposes; reports required on progress	None specified; annual reports by manufacturers and OEA on progress.	Recover 75% of products by 2007
Material restrictions	None specified		Yes. Products sold must be in compliance with RoHS.	Yes. Product sold must be in compliance with RoHS by 2007 with further restrictions on PVC.
Requirements for environmentally sound management	Must comply with applicable federal, state and local requirements	Recycling must be done in accordance with all applicable federal, state and local laws, regulations and ordinances and not exported in a manner that poses a significant risk to public health or environment.	Must comply with USEPA's ESM guidelines; bans exports if they threaten public health or environment.	Recycling workers must have their blood tested quarterly. No exports to non-OECD countries. No prison labor unless paid the same.
State/OEA Role	Administer registration and certification program; assess up to \$500 registration fee. Rulemaking; enforcement; State purchasing requirements. Must administer HHW program and coordinate with CRT recycling. Reporting requirements.	Maintain and revoke registrations. Charge registration fee. Publish and maintain list of registered and certified manufacturers. Annual reports; enforcement. Joint Powers Board to establish consolidation points, reporting requirements, coordination of pick ups, etc.	Administer registration program; annual reporting; rulemaking authority; enforcement authority.	Agency administers registration program; reviews and approves implementation plans;

Sources: Recycling Association of Minnesota, Minnesota Office of Environmental Assistance; SWMCB



i n v e n t

The California Electronic Waste Recycling Act: High Costs Across the Board

GOVERNMENT

Massive Costs

- Largest fee program in California
- One-third of fees to pay for government overhead
- \$30 M intra-government loan needed simply to start program

Substantial New Staff

- 80 New Board of Equalization (BOE) staff needed. In California, the Board of Equalization collects sales tax and special use fees, including the advance recycling fee on covered electronics device purchases.

Extensive Regulations and Administration

- Required promulgation of detailed new regulatory requirements (because an advance recovery fee involves the submission of fees on purchases, the regulatory requirements are significantly more extensive and detailed than if one is dealing with truckloads of electronics waste).
- Required creation of new, distinct fee/tax accounting system at BOE at a cost of \$5 million
- Requires maintenance by agencies of registrations by 75,000 retailers (versus a couple hundred manufacturers with a shared responsibility model).

MANUFACTURERS

Millions of Dollars and Hundreds of Employees To Meet Initial Requirements of Act

- To set up new, detailed internal accounting systems and to update existing accounting systems
- To send hundreds of thousands of notices to retailers

Manufacturers Costs *Not Reimbursable* From the Fees

California Asked Manufacturers To Contribute Funds To Publicize Program

RETAILERS

Millions of Dollars and Thousands of Employees For Fee Collection and Accounting

- To set up new, detailed internal accounting systems
- To create and retain detailed records for BOE audits

- Estimated to impose new requirements on 75,000 retailers
- More than 750,000 retailers were required to respond to initial BOE notices regarding potential applicability of Act

Retailers Costs *Reimbursable* Based On Retention of 3% Of Fees, But May *Not* Compensate For These Costs

- For some retailers, 5 to 10 or more years of fee collection may be needed simply to reimburse for start-up costs

“Playing Field” Is Not Level: Discriminates Against In-State Retailers

- Out-of-state internet/catalogue retailers are not obligated to collect the fee directly if they do not have nexus in the state (and in-state *consumers* end up paying fee, like a use tax).

CONSUMERS

Must Pay More to Buy Electronic Device - Consumer Pays Fee Directly

Fee Amount Needed To Run Program Unknown; Likely To Be Substantially Higher Than Initial Fee

- Initial fee based on studies/political negotiations
- First workshops and initial implementation requirements indicate that final fee likely to be substantially higher than current range of \$6-\$10 per covered electronic device

Consumers May Have To Pay “Use” Tax/Fee On Computers Bought On Internet

Manufacturers Can Charge Consumers For Collection As Long As They Provide One Free Day

MUNICIPALITIES

Recyclers Can Charge Municipalities the Difference Between Their Actual Recycling Costs and The Reimbursement Received From IWMB

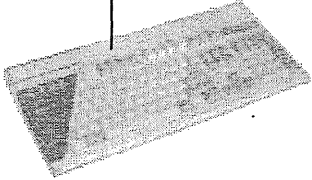
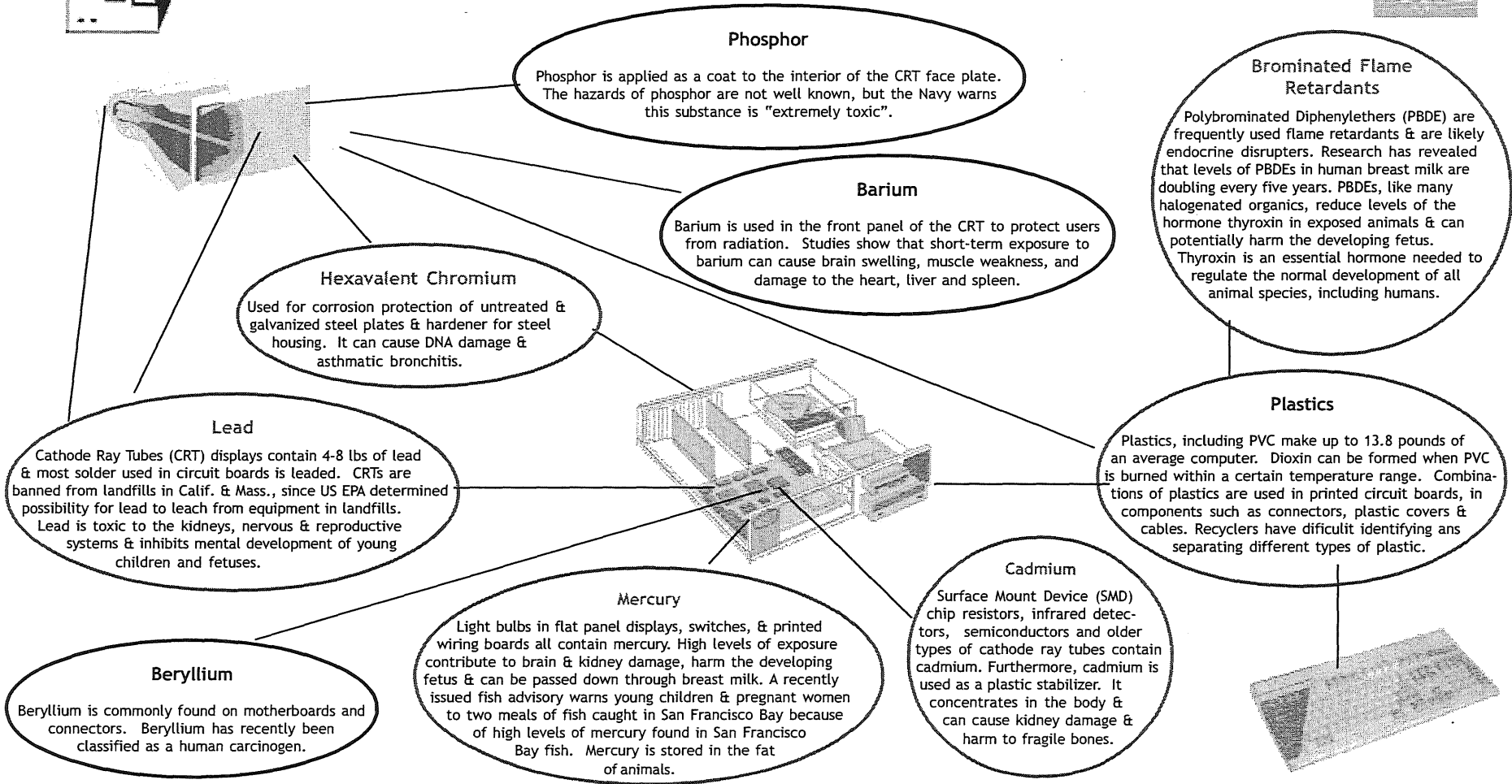
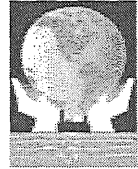
RECYCLERS

“Playing Field” Is Not Level: Discriminates Against Out-Of-State Recyclers

- Initial recycling (e.g., disassembly) must be done in-state in order for recycler to be entitled to reimbursement (even if less expensive to have this done out of state)



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Silicon Valley Toxics Coalition
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Images courtesy of Materials for Future Foundation