
**Fisheries, Ecology & Parks
Committee**

HB 1942

Brief Description: Regulating electronic waste.

Sponsors: Representatives Cooper, Rockefeller, Campbell, O'Brien, Sullivan, Dunshee, Wood, Ruderman, Romero, Dickerson, Edwards and Linville.

Brief Summary of Bill

- Requires the manufacturers of electronic products to develop, finance, and implement a plan for the collection and recycling of 65 percent of the electronic waste generated each year by that manufacturer.
- Requires electronic product manufacturers to submit annual reports to a stakeholder-composed advisory committee.
- Requires the manufacturers of electronic products to phase out the use certain chemicals.
- Requires all Electronic products sold in Washington to bear a clear label that indicates to consumers that the product contains hazardous materials.
- Requires the Department of General Administration is to establish purchasing polices regarding electronic waste.

Hearing Date: 2/28/03

Staff: Jason Callahan (786-7117).

Background:

The Department of Ecology (Department) is the state agency assigned the responsibility of managing the state's solid and hazardous wastes. In April of this year, the Department issued a new policy notice for dealing with computer monitors, televisions, and other devices that contain cathode ray tubes (CRT's). Under current regulations, materials designated as hazardous, such as CRTs, must be handled, treated, and recycled differently than universal waste. Items that contain CRT's all contain high amounts of lead, which categorizes these items as hazardous waste. The disposal regulations that a hazardous waste disposer must meet increases in complexity with the net weight of the hazardous waste being disposed.

The Department's new CRT policy, which is designed to be temporary in nature, declares that the Department will suspend their enforcement authority over CRT items, if the disposers follow certain guidelines. This policy is designed to remain in place until permanent rules can be developed on the subject.

The stated goal of the CRT policy is to increase the recycling rate of computer monitors and televisions. The policy addresses that goal by reducing the regulatory burden on CRT handlers. The new policy only applies if an individual, business, or facility actually recycles the product. If so, the CRT-items are not counted as hazardous waste. This means that their weight does not count towards the total weight of hazardous waste being handled. In addition, the non-hazardous designation means the items do not need to undergo the typical shipping manifest process that applies to hazardous waste.

Summary of Bill:

Plans for New Electronic Waste

Manufacturers of electronic products are required to develop, finance, and implement a plan for the collection and recycling of 65 percent of the electronic waste generated each year by that manufacturer's products. Electronic products is defined to include televisions, computer monitors, central processing units, cellular phones, and other computer peripherals. Multiple manufacturers are authorized to enter into collective recovery plans. All plans must provide fixed waste collection points across the state, and may only rely on mail-back systems in rural areas. Plans must also include:

- A description of the collection system;
- Plans for public education;
- Financing details;
- Documentation of the willingness of all necessary parties to participate in the plans implementation;
- Assurances that the plan will operate in compliance with solid waste laws;
- Descriptions of plan performance measures and alternative actions to be taken should the performance measures not be met; and
- Annual sales data on that manufacturer's electronic products.

Any costs incurred by the plan must be internalized into the products price, or specifically itemized at the point of sale. Consumers may not be charged an additional disposal fee.

All plans must be submitted to the Department by September 20, 2004 with implementation beginning by June 30, 2005. Manufacturers that fail to submit an approved plan are prohibited from selling electronic products in Washington. In addition, the Department may prohibit a manufacturer's state sales if the plan fails to meet the recovery objections identified in the plan.

All plans must also contain provisions that ensure that prison labor is not used unless the labor does not unfairly compete with private industry and that any person involved in the processing of electronic waste are covered by all required occupational health and safety requirements. The plans are also encouraged to prohibit the export of waste to foreign countries.

Annual Reports

Electronic product manufacturers must submit annual reports to a stakeholder-composed advisory committee. The contents of the reports must include information about the quantity of products sold, the weight of waste recovered and recycled, the results of performance measures, planned education efforts, and other information as required by the Department.

The reports must be made available to the public; however, the manufacturers may indicate which elements in the report are considered proprietary. If the Department agrees, those sections will remain confidential.

Orphan Waste

All electronic product manufacturers must finance the management of orphan, or existing, waste. The costs of this is shared by all manufacturer proportionally to each manufacture's market share.

Product Phase-Outs

By January 1, 2007 manufacturers must phase out the use certain chemicals. After that date, the Department may set a new phase-out date for additional substances. A limited-term exception from the phase-out requirement may be granted by the Department if a manufacturer demonstrates that an alternative substance is technically impossible to find.

Labeling

By June 30, 2005, all Electronic products sold in Washington must bear a clear label that indicates to consumers that the product contains hazardous materials and that certain disposal methods are not a part of that manufacturer's collection plans. The packing must also include a toll-free telephone number or internet site where disposal information can be gathered.

Public Education

Manufacturers must fund a consumer education program dealing with the disposal methods in the manufacturer's plan, available waste collection systems, potential negative effects that can result from improper disposal, and the consumer's role in reusing and recycling electronic waste. The manufacturer must be able to show with independent polling that 85 percent of the general public is aware of the manufacturer's plan. Multiple manufacturers can cooperate in the development and execution of the polling requirement.

Agency Directions

The Department of General Administration is required to establish purchasing polices that requires all vendors of electronic products sold to the state to recover the products when they become obsolete. The policies must also give preference to electronic products that meet environmental performance standards for the reduction or elimination of hazardous materials.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.