
SUBSTITUTE HOUSE BILL 2488

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Campbell, Hunt, Romero, O'Brien, Chase, Sullivan, Ruderman, Dunshee, Wood and Dickerson)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to electronic product management; adding a new
2 chapter to Title 70 RCW; providing an expiration date; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that advances in
6 technology have created a significant number of obsolete electronic
7 products. The legislature also finds the challenge of providing
8 electronic product management and recycling opportunities for
9 Washington residents can be effectively addressed through partnerships
10 with electronic product manufacturers, retailers, consumers, local
11 governments, waste haulers, recyclers, nonprofits, and other
12 stakeholders. Therefore, the legislature finds that the solid waste
13 advisory committee shall form a subcommittee to work with electronic
14 product stakeholders to implement pilot projects or identify existing
15 pilot projects that evaluate the effectiveness of programs to collect,
16 recycle, and reuse electronic products.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires otherwise.

1 (1) "Covered electronic product" means all computer monitors,
2 computer central processing units, and televisions. Covered electronic
3 product does not include medical devices and products, including
4 materials intended for use as ingredients in such products, as such
5 terms are defined in the federal food, drug, and cosmetic act (21
6 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21
7 U.S.C. Sec. 151 et seq.), and regulations issued under those acts.

8 (2) "Department" means the department of ecology.

9 (3) "Electronic waste" means a covered electronic product that has
10 been discarded by its owner, or that has entered the solid waste
11 stream.

12 (4) "End of life fee" means a fee charged to the last consumer to
13 use a covered electronic product.

14 (5) "Front end financing" means costs recovered at the time of
15 sale, either internalized into the final sale price, or specifically
16 itemized and added to the final sale price.

17 (6) "Hazardous electronic waste" means electronic waste and its
18 components, constituent subunits, or materials from which the subunits
19 are made, that contain concentrations of toxic materials exceeding the
20 regulatory levels established in Title 40 C.F.R. Part 261.24 as it
21 exists on the effective date of this act, using the toxic
22 characteristic leaching procedure.

23 (7) "Historic waste" means discarded covered electronic products
24 that were produced before June 30, 2006.

25 (8) "Manufacturer" means any person who, as of the effective date
26 of this act: (a) Manufactures and sells covered electronic equipment
27 under its own brand; (b) manufactures and sells covered electronic
28 equipment without affixing a brand; or (c) resells covered electronic
29 products produced by other suppliers under its own brand and label.
30 The term "manufacturer" applies regardless of the selling technique
31 used, including distance communication.

32 (9) "Orphan waste" means electronic waste that was manufactured by,
33 or bears the brand of, a manufacturer that is no longer in business.

34 (10) "Recycling" means the use of previously manufactured materials
35 including metals, glass, and plastics, as feedstock in the
36 manufacturing of new products. "Recycling" does not include energy
37 recovery or energy generation by means of combusting electronic waste
38 with or without other waste.

1 (11) "Reuse" means any operation by which electronic waste or
2 components of electronic waste are used for the same purposes for which
3 they were originally created, including the continued use of the
4 equipment or components of the equipment that are returned to
5 collection points, recyclers, or manufacturers.

6 NEW SECTION. **Sec. 3.** (1) The solid waste advisory committee
7 created under RCW 70.95.040 shall establish a subcommittee of covered
8 electronic product stakeholders to initiate pilot projects, conduct
9 research, and develop recommendations for electronic product
10 collection, recycling, and reuse. The subcommittee shall include
11 persons who represent covered electronic product manufacturers, covered
12 electronic product retailers, waste haulers, electronics recyclers,
13 charities, cities, counties, labor organizations, environmental
14 organizations, public interest organizations, and other interested
15 parties that have a role or interest in the collection, reuse, and
16 recycling of electronic waste.

17 (2) The subcommittee shall select four pilot projects for
18 electronic product collection, recycling, and reuse. The subcommittee
19 may develop new projects or identify existing pilot projects. The
20 subcommittee shall select pilot projects allowing evaluation of a
21 variety of factors including:

- 22 (a) Urban versus rural recycling challenges and issues;
- 23 (b) The involvement of electronic product manufacturers;
- 24 (c) A diversity of financing types including front end financing
25 and end of life fees;
- 26 (d) The impact of the approach on local governments, nonprofit
27 corporations, waste haulers, and other stakeholders;
- 28 (e) How to address historic and orphan waste;
- 29 (f) Differences between lined and unlined facilities; and
- 30 (g) The effect of landfill bans on collection and recovery of
31 electronic products.

32 (3) The subcommittee shall also:

- 33 (a) Review existing data on the impact that various types of
34 electronic waste have on human health and the environment;
- 35 (b) Examine existing programs and infrastructure in the state for
36 reuse and recycling of electronic waste;

1 (c) Develop reporting criteria for the manufacturers' reports
2 required by section 4 of this act and review and summarize the
3 information;

4 (d) Review existing data on the costs to collect, transport, and
5 recycle electronic waste;

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

9 (f) Explore state financial incentives for developing business
10 opportunities and jobs in the area of electronic product recycling and
11 reuse infrastructure;

12 (g) Develop and assess ways to establish and finance a statewide
13 collection, reuse, and recycling program;

14 (h) Develop possible performance measures to assess whether the
15 collection, reuse, and recycling program meets established goals; and

16 (i) Develop a description of what could be accomplished voluntarily
17 and what would require regulation or legislation to implement the plan.

18 (4) The subcommittee shall provide an update on its findings and
19 recommendations to the appropriate committees of the legislature by
20 December 15, 2004, and December 15, 2005.

21 (5) This section expires December 31, 2005.

22 NEW SECTION. **Sec. 4.** All manufacturers of covered electronic
23 products shall submit a report to the department by July 1, 2005, and
24 annually thereafter by July 1st. The report shall contain information
25 the subcommittee in section 3 of this act deems necessary to determine
26 the appropriate methods for Washington to consider in developing a
27 statewide system for collecting, recycling, and reusing covered
28 electronic products.

29 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of
30 this section, any person who intends to export hazardous electronic
31 waste to a foreign country either directly or through an intermediary
32 in this state or another state, shall comply with all of the following
33 at least sixty days before export:

34 (a) Notify the department of the destination, contents, and volume
35 of the hazardous electronic waste to be exported. Such destinations

1 must include all downstream recycling, reuse, or disposal operations in
2 the disposal and recycling chain;

3 (b) Provide documentation that demonstrates that the importation of
4 hazardous electronic waste is not prohibited by any applicable law or
5 regulation of the country of destination and that any import is
6 conducted in accordance with all applicable laws. As part of this
7 demonstration, documentation of required import and operating licenses
8 shall be forwarded to the department; and

9 (c) Provide documentation that demonstrates that the exportation of
10 hazardous electronic waste is conducted only in accordance with
11 applicable international and national law.

12 (2) For regular and similar shipments to the same destination, the
13 department shall develop a streamlined reporting procedure for those
14 opting to report on an annual basis following the initial shipment
15 report.

16 (3) All reporting shall be made available to the public in
17 accordance with chapter 42.17 RCW.

18 NEW SECTION. **Sec. 6.** The department may adopt rules to implement
19 this chapter.

20 NEW SECTION. **Sec. 7.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 8.** Sections 1, 2, and 4 through 7 of this act
25 constitute a new chapter in Title 70 RCW.

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