

SHB 1824 - H AMD 90

By Representative Peterson

ADOPTED 03/01/2017

1 On page 3, at the beginning of line 27, strike all material
2 through "products." on line 35 and insert "an independent plan or the
3 standard plan for a minimum period of three years following a
4 violation if the transporter, collector, or processor:

5 (i) Is determined by the department to have willfully violated,
6 after July 1, 2017, either:

7 (A) Chapter 70.105 RCW for activities associated with covered
8 electronic products; or

9 (B) These performance standards or RCW 70.95N.240 for activities
10 related to the export of covered electronic products or for
11 activities that resulted in significant harm to the environment or
12 human health; and

13 (ii) Has ever previously been penalized by the department for a
14 willful violation under either:

15 (A) Chapter 70.105 RCW for activities associated with covered
16 electronic products; or

17 (B) These performance standards or RCW 70.95N.240 for activities
18 related to the export of covered electronic products or for
19 activities that resulted in significant harm to the environment or
20 human health."

21 On page 6, beginning on line 2, after "plan" strike all material
22 through "plan" on line 6

23 On page 7, beginning on line 25, after "rates" strike all
24 material through "processor" on line 26 and insert "for services and
25 allocated volumes for each transporter and processor, a description
26 of the procurement process including rate submittal, and a
27 description of the methodology and rationale by which transporter and
28 processor volumes were allocated"

29 On page 7, line 32, after "(4)" insert "The department shall
30 annually review the information submitted in subsection (2)(j) of
31 this section with a view to ensuring that the plan is using

1 competitive processes that promote cost-effective and environmentally
2 sound transport and processing of covered electronic products.

3 (5)"

4 On page 9, after line 14, insert the following:

5 "Sec. 8. RCW 70.95N.290 and 2013 c 305 s 12 are each amended to
6 read as follows:

7 (1)(a) The authority is governed by a board of directors. The
8 board of directors is comprised of eleven participating
9 manufacturers, appointed by the director of the department. For
10 program years 2009 through 2015, five board positions are reserved
11 for representatives of the top ten brand owners by return share of
12 covered electronic products, and six board positions are reserved for
13 representatives of other brands, including at least one board
14 position reserved for a manufacturer who is also a retailer selling
15 their own private label. The return share of covered electronic
16 products used to determine the top ten brand owners for purposes of
17 electing the board must be determined by the department by January 1,
18 2007. For program years 2016 and beyond, five board positions are
19 reserved for representatives of the top ten brand owners by market
20 share of covered electronic products, and six board positions are
21 reserved for representatives of other brands, including at least one
22 board position reserved for a manufacturer who is also a retailer
23 selling its own private label. The market share of covered electronic
24 products used to determine the top ten brand owners for purposes of
25 electing the board must be determined by the department by October 1,
26 2015.

27 (b) The board must have representation from both television and
28 computer manufacturers.

29 (2) The board shall select from its membership the chair of the
30 board and such other officers as it deems appropriate.

31 (3) A majority of the board constitutes a quorum.

32 (4) The directors of the department of commerce and the
33 department of ecology serve as ex officio members and they or their
34 designees must attend a minimum of three board meetings each year.

35 The state agency directors serving in ex officio capacity may each
36 designate an employee of their respective departments to act on their
37 behalf in all respects with regard to any matter to come before the

1 authority. Ex officio designations must be made in writing and
2 communicated to the authority director.

3 (5) The board shall create its own bylaws in accordance with the
4 laws of the state of Washington.

5 (6) Any member of the board may be removed for misfeasance,
6 malfeasance, or willful neglect of duty after notice and a public
7 hearing, unless the notice and hearing are expressly waived in
8 writing by the affected member.

9 (7) The members of the board serve without compensation but are
10 entitled to reimbursement, solely from the funds of the authority,
11 for expenses incurred in the discharge of their duties under this
12 chapter."

13 Correct the title.

EFFECT: Specifies that willful violations of hazardous waste management laws associated with covered electronic product activities, in addition to willful violations of electronic product recycling laws, results in the expulsion of transporters, collectors, or processors from the electronic waste recycling program for a minimum of three years, if the business has previously been found to willfully violate those laws. Eliminates the requirement that the annual reports by electronic waste recycling programs include information regarding the contract rates and volumes for electronic waste collectors, while retaining rate and volume reporting requirements for transporters and processors. Requires the annual reports by electronic waste recycling programs to include descriptions of their procurement process and volume allocation methodology and rationale, and requires the department of ecology to annually review this information to ensure that the plan is using competitive processes that promote cost-effective and environmentally sound processing and transport. Requires the attendance of at least three board meetings per year by the representatives of the department of commerce and the department of ecology who serve as ex officio members of the board of the Washington materials management and financing authority (the entity created in state law that implements the state's electronic waste recycling program).

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