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HOUSE BILL 1226

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Pike, Peterson, Manweller, Goodman, Vick, Griffey, Muri, and Pollet

Read first time 01/13/17. Referred to Committee on Environment.

1 AN ACT Relating to improving the convenience of electronic waste  
2 collection; amending RCW 70.95N.090, 70.95N.280, and 70.95N.310; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that as one of the  
6 nation's first states to adopt an electronic waste recycling program  
7 that collects old computers and televisions, Washington has long been  
8 a pioneer in encouraging recycling and reducing public exposure to  
9 the toxic substances contained in those electronics. In less than a  
10 decade of operations, Washington's electronic waste recycling program  
11 has been successful at keeping hundreds of millions of pounds of  
12 electronic waste out of landfills. However, in spite of the program's  
13 successes, a significant volume of electronic waste in Washington is  
14 still not recycled through the electronic product recycling program  
15 under chapter 70.95N RCW, and is instead sent to landfills, dumped  
16 illegally, or meets other environmentally unfriendly fates.  
17 Therefore, it is the intent of the legislature to improve the  
18 collection rate in the state's electronic waste recycling program by  
19 directing the program to take better advantage of existing solid  
20 waste collection infrastructure, including the establishment of  
21 convenient, curbside collection of electronic wastes.

1       **Sec. 2.** RCW 70.95N.090 and 2013 c 305 s 4 are each amended to  
2 read as follows:

3       (1) A program must provide collection services for covered  
4 electronic products of all product types and produced by any  
5 manufacturer that are reasonably convenient and available to all  
6 citizens of the state residing within its geographic boundaries,  
7 including both rural and urban areas. Each program must provide  
8 collection service in every county of the state. A program may  
9 provide collection services jointly with another plan or plans.

10       (a) For any city or town with a population of greater than ten  
11 thousand, each program shall provide a minimum of one collection site  
12 or alternate collection service described in subsection (3) of this  
13 section or a combination of sites and alternate service that together  
14 provide at least one collection opportunity for all product types. A  
15 collection site for a county may be the same as a collection site for  
16 a city or town in the county.

17       (b) Collection sites may include electronics recyclers and repair  
18 shops, recyclers of other commodities, reuse organizations,  
19 charities, retailers, government recycling sites, or other suitable  
20 locations.

21       (c) Collection sites must be staffed, open to the public at a  
22 frequency adequate to meet the needs of the area being served, and on  
23 an ongoing basis.

24       (2) A program may limit the number of covered electronic products  
25 or covered electronic products by product type accepted per customer  
26 per day or per delivery at a collection site or service. All covered  
27 entities may use a collection site as long as the covered entities  
28 adhere to any restrictions established in the plans.

29       (3) A program (~~may~~) must provide collection services in forms  
30 different than or supplemental to collection sites, (~~such as~~)  
31 including curbside services (~~, if~~) where curbside recycling services  
32 are already provided by a solid waste collection company regulated  
33 under chapter 81.77 RCW, and other alternate services if the  
34 inclusion of those alternate services would provide equal or better  
35 convenience to citizens and equal or increased recovery of unwanted  
36 covered electronic products.

37       (4) For rural areas without commercial centers or areas with  
38 widely dispersed population, a program may provide collection at the  
39 nearest commercial centers or solid waste sites, collection events,  
40 mail-back systems, or a combination of these options.

1 (5) For small businesses, small governments, charities, and  
2 school districts that may have large quantities of covered electronic  
3 products that cannot be handled at collection sites or curbside  
4 services, a program may provide alternate services. At a minimum, a  
5 program must provide for processing of these large quantities of  
6 covered electronic products at no charge to the small businesses,  
7 small governments, charities, and school districts.

8 **Sec. 3.** RCW 70.95N.280 and 2006 c 183 s 29 are each amended to  
9 read as follows:

10 (1) The Washington materials management and financing authority  
11 is established as a public body corporate and politic, constituting  
12 an instrumentality of the state of Washington exercising essential  
13 governmental functions.

14 (2) The authority shall plan and implement a collection,  
15 transportation, and recycling program for manufacturers that have  
16 registered with the department their intent to participate in the  
17 standard program as required under RCW 70.95N.040.

18 (3) Membership in the authority is comprised of registered  
19 participating manufacturers. Any registered manufacturer who does not  
20 qualify or is not approved to submit an independent plan, or whose  
21 independent plan has not been approved by the department, is a member  
22 of the authority. All new entrants and white box manufacturers are  
23 also members of the authority.

24 (4) The authority shall act as a business management organization  
25 on behalf of the citizens of the state to manage financial resources  
26 and contract for services for collection, transportation, and  
27 recycling of covered electronic products.

28 (5) The authority's standard plan is responsible for collecting,  
29 transporting, and recycling the sum of the equivalent shares of each  
30 participating manufacturer.

31 (6) The authority shall accept into the standard program covered  
32 electronic products from any registered collector who meets the  
33 requirements of this chapter. The authority shall compensate  
34 registered collectors for the reasonable costs associated with  
35 collection, (~~but is not required to compensate nor restricted from~~  
36 ~~compensating the additional~~) including collection costs resulting  
37 from the additional convenience offered to customers through premium  
38 and curbside services.

1 (7) The authority shall accept and utilize in the standard  
2 program any registered processor meeting the requirements of this  
3 chapter and any requirements described in the authority's operating  
4 plan or through contractual arrangements. Processors utilized by the  
5 standard plan shall provide documentation to the authority at least  
6 annually regarding how they are meeting the requirements in RCW  
7 70.95N.250 (~~and section 26 of this act~~), including enough detail to  
8 allow the standard plan to meet its reporting requirements in RCW  
9 70.95N.140(2)(c) (~~and (d)~~), and must submit to audits conducted by  
10 or for the authority. The authority shall compensate such processors  
11 for the reasonable costs, as determined by the authority, associated  
12 with processing unwanted electronic products. Such processors must  
13 demonstrate that the unwanted electronic products have been received  
14 from registered collectors or transporters, and provide other  
15 documentation as may be required by the authority.

16 (8) Except as specifically allowed in this chapter, the authority  
17 shall operate without using state funds or lending the credit of the  
18 state or local governments.

19 (9) The authority shall develop innovative approaches to improve  
20 materials management efficiency in order to ensure and increase the  
21 use of secondary material resources within the economy.

22 **Sec. 4.** RCW 70.95N.310 and 2006 c 183 s 32 are each amended to  
23 read as follows:

24 (1) The authority shall use any funds legally available to it for  
25 any purpose specifically authorized by this chapter to:

26 (a) Contract and pay for collecting, transporting, and recycling  
27 of covered electronic products and education and other services as  
28 identified in the standard plan;

29 (b) Pay for the expenses of the authority including, but not  
30 limited to, salaries, benefits, operating costs and consumable  
31 supplies, equipment, office space, and other expenses related to the  
32 costs associated with operating the authority;

33 (c) Pay into the electronic products recycling account amounts  
34 billed by the department to the authority for any deficit in reaching  
35 the standard plan's equivalent share as required under RCW  
36 70.95N.220; and

37 (d) Pay the department for the fees for submitting the standard  
38 plan and any plan revisions.

1 (2) If practicable, the authority shall avoid creating new  
2 infrastructure or solid waste collection services already available  
3 through private industry in the state.

4 (3) The authority may not receive an appropriation of state  
5 funds, other than:

6 (a) Funds that may be provided as a one-time loan to cover  
7 administrative costs associated with start-up of the authority, such  
8 as electing the board of directors and conducting the public hearing  
9 for the operating plan, provided that no appropriated funds may be  
10 used to pay for collection, transportation, or recycling services;  
11 and

12 (b) Funds received from the department from the electronic  
13 products recycling account for exceeding the standard plan's  
14 equivalent share.

15 (4) The authority may receive additional sources of funding that  
16 do not obligate the state to secure debt.

17 (5) All funds collected by the authority under this chapter,  
18 including interest, dividends, and other profits, are and must remain  
19 under the complete control of the authority and its board of  
20 directors, be fully available to achieve the intent of this chapter,  
21 and be used for the sole purpose of achieving the intent of this  
22 chapter.

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