

FIRST REGULAR SESSION

HOUSE BILL NO. 328

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NICHOLS (Sponsor), PHILLIPS, SCHUPP, BLACK,
OTTO AND MCNEIL (Co-sponsors).

0672L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 260.1050, 260.1053, 260.1059, 260.1062, 260.1065, 260.1068, 260.1071, 260.1074, 260.1077, 260.1080, 260.1083, 260.1089, 260.1092, and 260.1101, RSMo, and to enact in lieu thereof twenty-one new sections relating to the residential electronic products recycling and reuse act, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 260.1050, 260.1053, 260.1059, 260.1062, 260.1065, 260.1068, 260.1071, 260.1074, 260.1077, 260.1080, 260.1083, 260.1089, 260.1092, and 260.1101, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 260.1200, 260.1202, 260.1204, 260.1206, 260.1208, 260.1210, 260.1212, 260.1214, 260.1216, 260.1218, 260.1220, 260.1222, 260.1224, 260.1226, 260.1228, 260.1230, 260.1232, 260.1234, 260.1236, 260.1238, and 260.1240, to read as follows:

260.1200. Sections 260.1200 to 260.1240 shall be known and may be cited as the "Residential Electronic Products Recycling and Reuse Act".

260.1202. As used in sections 260.1200 to 260.1240, the following terms shall mean:

(1) "Cathode-ray tube", a vacuum tube or picture tube used to convert an electronic signal into a visual image, such as a television or computer monitor;

(2) "Collector", a person who receives covered electronic devices or eligible electronic devices directly from a residence for recycling or processing for reuse. Collector includes, but is not limited to, manufacturers, dismantlers/demanufacturers, and refurbishers who receive CEDs or EEDs directly from the public;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 (3) "Computer" or "personal computer" or "PC", a desktop computer further
9 defined in subdivision (8) of this section or notebook computer further defined in
10 subdivision (14) of this section and used only in a residence, but does not mean an
11 automated typewriter, electronic printer, mobile telephone, portable hand-held calculator,
12 portable digital assistant (PDA), MP3 player, or other similar device. Computer does not
13 include computer peripherals, commonly known as cables, mouse, or keyboard;

14 (4) "Computer monitor", an electronic device that is a cathode-ray tube or flat
15 panel display primarily intended to display information from a computer and is used only
16 in a residence;

17 (5) "Covered electronic device" or "CED", any computer, computer monitor,
18 television, or printer that is taken out of service from a residence in this state regardless
19 of purchase location. Covered electronic device does not include any of the following:

20 (a) An electronic device that is a part of a motor vehicle or any component part of
21 a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including
22 replacement parts for use in a motor vehicle;

23 (b) An electronic device that is functionally or physically part of a larger piece of
24 equipment or that is taken out of service from an industrial, commercial (including retail),
25 library checkout, traffic control, kiosk, security (other than household security),
26 governmental, agricultural, or medical setting, including but not limited to diagnostic,
27 monitoring, or control equipment; or

28 (c) An electronic device that is contained within a clothes washer, clothes dryer,
29 refrigerator, refrigerator and freezer, microwave oven, conventional oven or range,
30 dishwasher, room air conditioner, dehumidifier, water pump, sump pump, or air purifier.

31

32 To the extent allowed under federal and state laws and regulations, a CED that is being
33 collected, recycled, or processed for reuse is not considered to be hazardous waste,
34 household waste, solid waste, or special waste;

35 (6) "Department", the Missouri department of natural resources;

36 (7) "Desktop computer", an electronic, magnetic, optical, electrochemical, or other
37 high-speed data processing device performing logical, arithmetic, or storage functions for
38 general purpose needs that are met through interaction with a number of software
39 programs contained therein, and that is not designed to exclusively perform a specific type
40 of logical, arithmetic, or storage function or other limited or specialized application. A
41 desktop computer is not designed for portability and generally utilizes an external monitor,
42 keyboard, and mouse with an external or internal power supply for a power source.
43 Desktop computer does not include an automated typewriter or typesetter;

44 (8) "Developmentally disabled", having a severe disability, that can be expected to
45 result in death or that has lasted, or is expected to last, at least twelve months and that
46 prevents working at a substantial gainful activity level;

47 (9) "Dismantling", the demanufacturing and shredding of a CED;

48 (10) "Eligible electronic device" or "EED", any of the following electronic products
49 taken out of service from a residence in this state regardless of purchase location: mobile
50 telephone; computer cable, mouse, or keyboard; stand-alone facsimile machine; MP3
51 player; portable digital assistant (PDA); video game console, video cassette
52 recorder/player, digital video disk player, or similar video device; zip drive; or scanner.
53 To the extent allowed under federal and state laws and regulations, an EED that is being
54 collected, recycled, or processed for reuse is not considered to be hazardous waste,
55 household waste, solid waste, or special waste;

56 (11) "Low-income children and families", those children and families that are
57 subject to the most recent version of the United States Department of Health and Human
58 Services Federal Poverty Guidelines;

59 (12) "Manufacturer", a person, or a successor in interest to a person, under whose
60 brand or label a CED is or was sold at retail. For CEDs sold at retail under a brand or
61 label that is licensed from a person who is a mere brand owner and who does not sell or
62 produce the CED, the person who produced the CED or his or her successor in interest is
63 the manufacturer. For CEDs sold that were at retail under the brand or label of both the
64 retail seller and the person that produced the CED, the person that produced the CED, or
65 his or her successor in interest, is the manufacturer. A retail seller of CEDs may elect to
66 be the manufacturer of one or more CEDs if the retail seller provides written notice to the
67 department that it is accepting responsibility as the manufacturer of the CED under
68 sections 260.1200 to 260.1240 and identifies the CEDs for which it is electing to be the
69 manufacturer;

70 (13) "Notebook computer" or "laptop computer", an electronic, magnetic, optical,
71 electrochemical, or other high-speed data processing device performing logical, arithmetic,
72 or storage functions for general purpose needs that are met through interaction with a
73 number of software programs contained therein, and that is not designed to exclusively
74 perform a specific type of logical, arithmetic, or storage function or other limited or
75 specialized application. Human interface with a notebook or laptop computer is achieved
76 through a keyboard, video display greater than four inches in size, and mouse or other
77 pointing device, all of which are contained within the construction of the unit that
78 comprises the notebook or laptop computer; supplemental stand-alone interface devices
79 typically can also be attached to the notebook or laptop computer. Notebook or laptop

80 computers can use external, internal, or batteries for a power source. A notebook or laptop
81 computer does not include a portable hand-held calculator, or a portable digital assistant
82 or similar specialized device;

83 (14) "Orphan CEDs", those CEDs that are returned for recycling or processing for
84 reuse, whose manufacturer cannot be identified, or whose manufacturer is no longer
85 conducting business and has no successor in interest;

86 (15) "Person", any individual, partnership, copartnership, firm, company, limited
87 liability company, corporation, association, joint stock company, trust, estate, political
88 subdivision, state agency, or any other legal entity, or a legal representative, agent, or
89 assign of that entity;

90 (16) "Printer", desktop printers, multifunction printer copiers, and printer/fax
91 combinations taken out of service from a residence that are designed to reside on a work
92 surface, and include various print technologies, including without limitation laser and LED
93 (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and multi-function
94 or all-in-one devices that perform different tasks, including without limitation copying,
95 scanning, faxing, and printing. Printers do not include floor-standing printers, printers
96 with optional floor stand, point of sale (POS) receipt printers, household printers such as
97 a calculator with printing capabilities or label makers, or nonstand-alone printers that are
98 embedded into products that are not CEDs;

99 (17) "Processing for reuse", any method, technique, or process by which CEDs or
100 EEDs that would otherwise be disposed of or discarded are instead separated, processed,
101 and returned to their original intended purposes or to other useful purposes as electronic
102 devices;

103 (18) "Program year", a calendar year. The first program year is 2014;

104 (19) "Recycling", any method, technique, or process by which CEDs or EEDs that
105 would otherwise be disposed of or discarded are instead collected, separated, or processed
106 and are returned to the economic mainstream in the form of raw materials or products.
107 Recycling includes the collection, transportation, dismantling, and shredding of the CEDs
108 or EEDs;

109 (20) "Refurbisher", any person who processes CEDs or EEDs for reuse, but does
110 not include telecommunications carriers, telecommunications manufacturers, or
111 commercial mobile service providers with an existing recycling program;

112 (21) "Residence", a dwelling place or home in which one or more individuals live;

113 (22) "Retailer", a person who sells, rents, or leases, through sales outlets,
114 catalogues, or the internet, computers, computer monitors, or televisions at retail to
115 individuals in this state. For purposes of sections 260.1200 to 260.1240, sales to individuals

116 at retail are considered to be sales for residential use. Retailer includes, but is not limited
117 to, manufacturers who sell computers, computer monitors, or televisions at retail directly
118 to individuals in this state;

119 (23) "Sale", any retail transfer of title for consideration of title including, but not
120 limited to, transactions conducted through sales outlets, catalogs, or the internet or any
121 other similar electronic means but does not mean financing or leasing;

122 (24) "Solid waste management district" or "SWMD", as set forth in section
123 260.305;

124 (25) "Television", an electronic device:

125 (a) Containing a cathode-ray tube or flat panel screen the size of which is greater
126 than four inches when measured diagonally;

127 (b) That is intended to receive video programming via broadcast, cable, or satellite
128 transmission or to receive video from surveillance or other similar cameras; and

129 (c) That is used only in a residence.

260.1204. 1. For program year 2014, the statewide recycling or reuse goal for all
2 CEDs is the product of: the latest population estimate for the state, as published on the
3 United States Census Bureau's website on January 1, 2010, multiplied by 2.5 pounds per
4 capita.

5 2. For program year 2015, the statewide recycling or reuse goal for all CEDs is the
6 product of: the 2014 base weight multiplied by the 2014 goal attainment percentage.

7 3. (1) For the purposes of subsection 2 of this section the 2014 base weight means
8 the greater of:

9 (a) Twice the total weight of all CEDs that were recycled or processed for reuse
10 between January 1, 2014, and June 30, 2014, as reported to the department under
11 subsection 9 or 10 of section 260.1216; or

12 (b) Twice the total weight of all CEDs that were recycled or processed for reuse
13 between January 1, 2014, and June 30, 2014, as reported to the department under
14 subsection 3 of section 260.1222.

15 (2) For purposes of subsection 2 of this section, the 2014 goal attainment percentage
16 means:

17 (a) Ninety percent if the 2014 base weight is less than ninety percent of the
18 statewide recycling or reuse goal for program year 2014;

19 (b) Ninety-five percent if the 2014 base weight is ninety percent or greater, but does
20 not exceed ninety-five percent of the statewide recycling or reuse goal for program year
21 2014;

22 (c) One hundred percent if the 2014 base weight is ninety-five percent or greater,
23 but does not exceed one hundred five percent of the statewide recycling or reuse goal for
24 program year 2014;

25 (d) One hundred five percent if the 2014 base weight is one hundred five percent
26 or greater, but does not exceed one hundred ten percent of the statewide recycling or reuse
27 goal for program year 2014; and

28 (e) One hundred ten percent if the 2014 base weight is one hundred ten percent or
29 greater of the statewide recycling or reuse goal for program year 2014.

30 4. (1) For program years 2016 and thereafter, the statewide recycling or reuse goal
31 for all CEDs is the product of: the base weight multiplied by the goal attainment
32 percentage.

33 (2) For purposes of this subsection:

34 (a) The "base weight" means the greater of:

35 a. The total weight of all CEDs recycled or processed for reuse during the previous
36 program year as reported to the department under subsection 11 or 12 of section 260.1216;
37 or

38 b. The total weight of all CEDs recycled or processed for reuse during the previous
39 program year as reported to the department under subsection 4 of section 260.1222;

40 (b) The "goal attainment percentage" means:

41 a. Ninety percent if the base weight is less than ninety percent of the statewide
42 recycling or reuse goal for the previous program year;

43 b. Ninety-five percent if the base weight is ninety percent or greater, but does not
44 exceed ninety-five percent of the statewide recycling or reuse goal for the previous program
45 year;

46 c. One hundred percent if the base weight is ninety-five percent or greater, but does
47 not exceed one hundred five percent of the statewide recycling or reuse goal for the
48 previous program year;

49 d. One hundred five percent if the base weight is one hundred five percent or
50 greater, but does not exceed one hundred ten percent of the statewide recycling or reuse
51 goal for the previous program year; and

52 e. One hundred ten percent if the base weight is one hundred ten percent or greater
53 of the statewide recycling or reuse goal for the previous program year.

260.1206. 1. For program year 2014, the statewide recycling or reuse goal for
2 television manufacturers is fifty-three percent of the statewide goal for all CEDs under
3 subsection 1 of section 260.1204.

4 **2. For program year 2015, the statewide recycling or reuse goal for television**
5 **manufacturers is the product of: an amount equal to the total weight of televisions that**
6 **were recycled or processed for reuse between January 1, 2014, and June 30, 2014, as**
7 **reported under subsection 9 of section 260.1216, divided by the total weight of all CEDs**
8 **that were recycled or processed for reuse between January 1, 2014, and June 30, 2014, as**
9 **reported under subsection 9 of section 260.1216, multiplied by the statewide recycling or**
10 **reuse goal for all CEDs under subsection 2 of section 260.1204.**

11 **3. For program years 2016 and thereafter, the statewide recycling or reuse goal for**
12 **television manufacturers is the product of: an amount equal to the total weight of**
13 **televisions recycled or processed for reuse during the previous program year, as reported**
14 **under subsection 4 of section 260.1214, divided by the total weight of all CEDs recycled or**
15 **processed for reuse, as reported under subsection 4 of section 260.1214, multiplied by the**
16 **statewide recycling or reuse goal for all CEDs under subsection 3 of section 260.1204.**

260.1208. 1. For program year 2014, the statewide recycling or reuse goal for
2 **computer, computer monitor, and printer manufacturers is forty-seven percent of the**
3 **statewide goal for all CEDs under subsection 1 of section 260.1204.**

4 **2. For program year 2015, the statewide recycling or reuse goal for computer,**
5 **computer monitor, and printer manufacturers is the product of: an amount equal to the**
6 **total weight of computers, computer monitors, and printers that were recycled or**
7 **processed for reuse between January 1, 2014, and June 30, 2014, as reported under**
8 **subsection 10 of section 260.1216, divided by the total weight of all CEDs that were**
9 **recycled or processed for reuse between January 1, 2014, and June 30, 2014, as reported**
10 **under subsection 10 of section 260.1216, multiplied by statewide recycling or reuse goal for**
11 **all CEDs under subsection 2 of section 260.1204.**

12 **3. For program years 2016 and thereafter, the statewide recycling or reuse goal for**
13 **computer, computer monitor, and printer manufacturers is the product of: an amount**
14 **equal to the total weight of computers, computer monitors, and printers recycled or**
15 **processed for reuse during the previous program year, as reported under subsection 4 of**
16 **section 260.1214, divided by the total weight of all CEDs recycled or processed for reuse,**
17 **as reported under subsection 4 of section 260.1214, multiplied by statewide recycling or**
18 **reuse goal for all CEDs under subsection 3 of section 260.1204.**

260.1210. 1. The recycling or reuse goal for each television manufacturer is based
2 **upon that manufacturer's market share. The market share for each television**
3 **manufacturer is the following:**

4 **(1) For program year 2014, the quotient of: the total weight of the manufacturer's**
5 **televisions that were sold at retail in this state to individuals between October 1, 2012, and**

6 March 31, 2013, as reported under subsection 8 of section 260.1216, divided by the total
7 weight of all televisions that were sold at retail in this state to individuals between
8 October 1, 2012, and March 31, 2013, as reported under subsection 8 of section 260.1216;

9 (2) For program year 2015, the quotient of: the total weight of the manufacturer's
10 televisions that were sold at retail in this state to individuals between January 1, 2014, and
11 June 30, 2014, as reported under subsection 9 of section 260.1216, divided by the total
12 weight of all televisions that were sold at retail in this state to individuals between
13 January 1, 2014, and June 30, 2014, as reported under subsection 9 of section 260.1216;

14 (3) For program years 2016 and thereafter, the quotient of: the total weight of the
15 manufacturer's televisions that were sold at retail in this state to individuals during the
16 previous program year, as reported under subsection 11 of section 260.1216, divided by the
17 total weight of all televisions sold at retail in this state to individuals during the previous
18 program year, as reported under subsection 11 of section 260.1216.

19 2. The recycling or reuse goals for each manufacturer of computers, computer
20 monitors, or printers is based upon that manufacturer's return share. The return share
21 for each manufacturer of computers or computer monitors is the following:

22 (1) For program year 2014, the return share for each manufacturer shall be
23 determined using the information the Florida department of environmental protection used
24 to create its October 5, 2007, report titled "Quantifying Electronic Product Brand Market
25 Share as a Metric for Apportioning Manufacturer Share of Recycling System Costs" or
26 successor standard of the department as defined and officially recorded by the Florida
27 department of environmental protection or its successor. Using the same information that
28 was used to generate tables 6 and 9 of the report, a manufacturer's return share shall be
29 equal to the quotient of: the sum of the number of the manufacturer's computers received
30 for recycling plus the number of the manufacturer's computer monitors received for
31 recycling, plus the number of the manufacturer's printers received for recycling, divided
32 by the sum of the total number of computers received for recycling plus the total number
33 of computer monitors received for recycling, plus the sum of the total number of printers
34 received for recycling;

35 (2) For program year 2015, the quotient of: the total weight of the manufacturer's
36 computers, computer monitors, and printers that were taken out of service from a
37 residence in this state and recycled or processed for reuse between January 1, 2014, and
38 June 30, 2014, as reported under subsection 10 of section 260.1216, divided by the total
39 weight of all computers, computer monitors, and printers that were taken out of service
40 from a residence in this state and recycled or processed for reuse between January 1, 2014,
41 and June 30, 2014, as reported under subsection 10 of section 260.1216;

42 **(3) For program years 2016 and thereafter, the quotient of: the total weight of the**
43 **manufacturer's computers, computer monitors, and printers that were taken out of service**
44 **from a residence in this state and recycled or processed for reuse during the previous**
45 **program year, as reported under subsection 12 of section 260.1216, divided by the total**
46 **weight of all computers, computer monitors, and printers that were taken out of service**
47 **from a residence in this state and recycled or processed for reuse during the previous**
48 **program year, as reported under subsection 12 of section 260.1216.**

260.1212. 1. The individual recycling and reuse goal for each television
2 **manufacturer is the product of: the statewide goal for the recycling and reuse for all**
3 **television manufacturers under section 260.1206, multiplied by that manufacturer's market**
4 **share under subsection 1 of section 260.1210.**

5 **2. The individual recycling and reuse goal for each manufacturer of computers,**
6 **computer monitors, or printers is the product of: the statewide goal for the recycling and**
7 **reuse for all computer, computer monitor, and printer manufacturers under section**
8 **260.1208, multiplied by that manufacturer's return share under subsection 2 of section**
9 **260.1210.**

260.1214. 1. The department has the authority to monitor compliance with sections
2 **260.1200 to 260.1240 and to refer violations of sections 260.1200 to 260.1240 to the attorney**
3 **general.**

4 **2. No later than October first of each program year, the department shall post on**
5 **its website a list of underserved solid waste management districts in the state for the next**
6 **program year. The list of underserved solid waste management districts for the first**
7 **program year is set forth in subsection 1 of section 260.1224.**

8 **3. By September 1, 2013, the department shall implement a solid waste**
9 **management district and municipal government education campaign to inform those**
10 **entities about sections 260.1200 to 260.1240 and the implications on solid waste collection**
11 **in their localities.**

12 **4. By September 1, 2015, for the first program year, and by April first for all**
13 **subsequent program years, the department shall report to the governor and to the general**
14 **assembly annually on the previous program year's performance. The report shall be**
15 **posted on the department's website. The report shall include, but not be limited to, the**
16 **following:**

17 **(1) The total overall weight of CEDs, as well as the subtotal weight of computers,**
18 **the subtotal weight of computer monitors, the subtotal weight of printers, the subtotal**
19 **weight of televisions, and the total weight of EEDs that were recycled or processed for**

20 reuse in the state during the program year, as reported by manufacturers and collectors
21 under sections 260.1216 and 260.1222;

22 (2) A listing of all collection sites as set forth under subsection 5 of section 260.1222;

23 (3) A statement of the manufacturers' progress toward achieving the statewide
24 recycling goal set forth in section 260.1204 (calculated from the manufacturer reports
25 under section 260.1216 and the collector reports under section 260.1222) and any identified
26 state actions that may help expand collection opportunities to help manufacturers achieve
27 the statewide recycling goal;

28 (4) A listing of any manufacturers whom the department referred to the attorney
29 general's office for enforcement as a result of a violation of sections 260.1200 to 260.1240;

30 (5) A discussion of the department's education and outreach activities; and

31 (6) A discussion of the penalties, if any, incurred by manufacturers for failure to
32 achieve recycling goals, and a recommendation to the general assembly of any necessary
33 or appropriate changes to the statewide recycling goals, manufacturer's recycling goals,
34 or penalty provisions included in sections 260.1200 to 260.1240.

35 5. The department shall post on its website:

36 (1) A list of manufacturers that have paid the current year's registration fee as set
37 forth in subsection 2 of section 260.1216; and

38 (2) A list of registered collectors to whom Missouri residents can bring CEDs and
39 EEDs for recycling or processing for reuse, including links to the collectors' websites and
40 the collectors' phone numbers.

41 6. In program years 2014, 2015, and 2016, and at its discretion thereafter, the
42 department shall convene and host an electronic products recycling conference. The
43 department may host the conferences alone or with other public entities or with
44 organizations associated with electronic products recycling.

45 7. No later than October first of each program year, the department shall post on
46 its website the following information for the next program year:

47 (1) The overall statewide recycling and reuse goal for CEDs, as well as the subgoals
48 for televisions, and computers, computer monitors, and printers as set forth in section
49 260.1204;

50 (2) The market shares of television manufacturers and the return shares of
51 computer, computer monitor, and printer manufacturers, as set forth in section 260.1210;
52 and

53 (3) The individual recycling and reuse goals for each manufacturer, as set forth in
54 section 260.1212.

55 **8. By April 1, 2014, and by April first of all subsequent years, the department shall**
56 **recognize those manufacturers that have met or exceeded their recycling or reuse goals for**
57 **the previous program year. Such recognition shall be the awarding to all such**
58 **manufacturers of an electronic industry recycling award, which shall be recognized on the**
59 **department's website and other media as appropriate.**

60 **9. By March 1, 2014, and by March first of each subsequent year, the department**
61 **shall post on its website a list of registered manufacturers that have not met their annual**
62 **recycling and reuse goal for the previous program year.**

63 **10. (1) By July 1, 2015, the department shall solicit written comments regarding**
64 **all aspects of the program codified in sections 260.1200 to 260.1240, for the purpose of**
65 **determining if the program requires any modifications.**

66 **(2) Issues to be reviewed by the department are, but not limited to, the following:**

67 **(a) Sufficiency of the annual statewide recycling goals;**

68 **(b) Fairness of the formulas used to determine individual manufacturer goals;**

69 **(c) Adequacy of, or the need for, continuation of the credits outlined in subdivisions**
70 **(1) to (3) of subsection 4 of section 260.1216;**

71 **(d) Any temporary recisions of solid waste management district landfill bans**
72 **granted in this state under subsection 5 of section 260.1236;**

73 **(e) Adequacy of, or the need for, the penalties listed in section 260.1230, which are**
74 **scheduled to take effect on January 1, 2014;**

75 **(f) Adequacy of the collection systems that have been implemented as a result of**
76 **sections 260.1200 to 260.1240, with a particular focus on promoting the most cost-effective**
77 **and convenient collection system possible for Missouri residents.**

78 **(3) By July 1, 2016, the department shall complete its review of the written**
79 **comments received, as well as its own reports on program years 2014 and 2015. By**
80 **August 1, 2016, the department shall hold a public hearing to present its findings and**
81 **solicit additional comments. All additional comments shall be submitted to the department**
82 **in writing no later than October 1, 2016.**

83 **(4) The department's final report, which shall be issued no later than February 1,**
84 **2017, shall be submitted to the governor and the general assembly and shall include**
85 **specific recommendations for any necessary or appropriate modifications to the program.**

260.1216. 1. Prior to April 1, 2014, for the first program year, and by October first
2 **for program year 2015 and thereafter, manufacturers whose computers, computer**
3 **monitors, printers, or televisions are sold in this state shall register with the department.**
4 **The registration shall be submitted in the form and manner required by the department.**
5 **The registration shall include, without limitation, all of the following:**

6 **(1) A list of all of the manufacturer's brands of computers, computer monitors,**
7 **printers, or televisions to be offered for sale in the next program year;**

8 **(2) For manufacturers of both televisions and computers, computer monitors, or**
9 **printers, an identification of whether, for residential use, televisions or computers,**
10 **computer monitors, and printers, represent the larger number of units sold for the**
11 **manufacturer; and**

12 **(3) A statement disclosing whether:**

13 **(a) Any computer, computer monitor, printer, or television sold in this state exceeds**
14 **the maximum concentration values established for lead, mercury, cadmium, hexavalent**
15 **chromium, polybrominated biphenyls (PBBs), and polybrominated diphenyl ethers**
16 **(PBDEEs) under the RoHS (restricting the use of certain hazardous substances in electrical**
17 **and electronic equipment) Directive 2002/95/EC of the European Parliament and Council**
18 **or successor standard of the department as defined and officially recorded by the**
19 **European Parliament and Council or its successor and, if so, an identification of that**
20 **computer, computer monitor, or television; or**

21 **(b) The manufacturer has received an exemption from one or more of those**
22 **maximum concentration values under the RoHS Directive that has been approved and**
23 **published by the European Commission.**

24

25 **If, during the program year, a manufacturer's computer, computer monitor, printer, or**
26 **television is sold or offered for sale under a new brand that is not listed in the**
27 **manufacturer's registration, then, within thirty days after the first sale or offer for sale**
28 **under the new brand, the manufacturer shall amend its registration to add the new brand.**

29 **2. Prior to September 1, 2013, for the first program year, and by the November first**
30 **preceding program years 2014 and later, all manufacturers whose computers, computer**
31 **monitors, or televisions are sold in the state shall submit to the department, at an address**
32 **prescribed by the department, the registration fee for the next program year. The**
33 **registration fee for program year 2014 is ten thousand dollars. For program years 2015**
34 **and later, the registration fee is decreased to five thousand dollars per year.**

35 **3. A manufacturer whose computers, computer monitors, printers, or televisions**
36 **are first sold or offered for sale in this state on or after January first of a program year**
37 **shall register with the department in accordance with subsection 1 of this section and**
38 **submit the registration fee required under subsection 2 of this section prior to the**
39 **manufacturer's computers, computer monitors, printers, or televisions being sold or**
40 **offered for sale.**

41 **4. Each manufacturer shall recycle or process for reuse CEDs and EEDs whose**
42 **total weight equals or exceeds the manufacturer's individual recycling and reuse goal set**
43 **forth in section 260.1212. Individual consumers shall not be charged an end-of-life fee**
44 **when bringing their CEDs and EEDs to permanent or temporary collection locations,**
45 **unless a financial incentive of equal or greater value, such as a coupon, is provided.**
46 **Collectors may charge a fee for premium services such as curbside collection, home**
47 **pick-up, or a similar method of collection. When determining whether a manufacturer has**
48 **met or exceeded its individual recycling and reuse goal set forth in section 260.1212, all of**
49 **the following adjustments shall be made:**

50 **(1) The total weight of CEDs processed for reuse by the manufacturer, its**
51 **dismantler/demanufacturers, or its refurbishers is doubled;**

52 **(2) The total weight of CEDs is tripled if they are donated for reuse by the**
53 **manufacturer to a primary or secondary public education institution or to a not-for-profit**
54 **entity that is established under Section 501(c)(3) of the Internal Revenue Code of 1986, as**
55 **amended, and whose principal mission is to assist low-income children or families or to**
56 **assist the developmentally disabled in Missouri. This subdivision applies only to CEDs for**
57 **which the manufacturer has received a written confirmation that the recipient has accepted**
58 **the donation. Copies of all written confirmations shall be submitted in the annual report**
59 **required under this section;**

60 **(3) The total weight of CEDs collected by manufacturers free of charge in**
61 **underserved solid waste management districts is doubled. This subdivision applies only**
62 **to CEDs that are documented by collectors as being collected or received free of charge in**
63 **underserved solid waste management districts. This documentation shall include, without**
64 **limitation, the date and location of collection or receipt, the weight of the CEDs collected**
65 **or received, and an acknowledgment by the collector that the CEDs were collected or**
66 **received free of charge. Copies of the documentation shall be submitted in the annual**
67 **report required under subsections 8 to 12 of this section.**

68 **5. Manufacturers of computers, computer monitors, or printers, either individually**
69 **or collectively, shall hire an independent third-party auditor to perform statistically**
70 **significant return share samples of CEDs received by dismantlers/demanufacturers and**
71 **refurbishers for recycling or processing for reuse. Each third-party auditor shall perform**
72 **a return share sample of CEDs for at least one eight-hour period, once a quarter during**
73 **the program year at the facility of each registered dismantler/demanager and**
74 **refurbisher under contract with the manufacturer or group of manufacturers that has**
75 **hired the auditor. The audit shall contain the following data:**

76 (1) The number and weight of CEDs, sorted by brand name and product type,
77 including a category for orphan CEDs;

78 (2) The total weight of the sample by product type;

79 (3) The date, location, and time of the sampling;

80 (4) The name or names of the manufacturer for whom the
81 dismantler/demanufacturer is performing activities under sections 260.1200 to 260.1240;
82 and

83 (5) A certification by the third-party auditor that the sampling is statistically
84 significant and, if not, an explanation as to what occurred to render the sampling
85 insignificant. The manufacturer shall notify the department thirty days prior to the
86 third-party auditor's return share sampling by providing the department with the time and
87 date on which the third-party auditor will perform the return share sample. The
88 department may, at its discretion, be present at any sampling event and may audit the
89 methodology and the results of the third-party auditor. No less than thirty days after the
90 close of each calendar quarter, the manufacturer shall submit to the department the results
91 of the third-party samplings conducted during the quarter. The results shall be submitted
92 in the form and manner required by the department.

93 6. Manufacturers shall ensure that only dismantlers/demanufacturers and
94 refurbishers that have registered with the department are used to meet the individual
95 recycling and reuse goals set forth in sections 260.1200 to 260.1240.

96 7. Manufacturers shall ensure that the dismantlers/demanufacturers and
97 refurbishers used to meet the individual recycling and reuse goals set forth in sections
98 260.1200 to 260.1240 shall, at a minimum, comply with the standards set forth under
99 subsection 4 of section 260.1220.

100 8. By September 15, 2013, television manufacturers shall submit to the department,
101 in the form and manner required by the department, a report that contains the total weight
102 of televisions sold under each of the manufacturer's brands to individuals at retail in this
103 state, as set forth in the reports to manufacturers by retailers under subsection 3 of section
104 260.1218.

105 9. No later than September 1, 2014, television manufacturers shall submit to the
106 department, in the form and manner required by the department, a report for the period
107 January 1, 2014, to June 30, 2014, that contains the following information:

108 (1) The total weight of televisions sold under each of the manufacturer's brands to
109 individuals at retail in this state, as set forth in the reports submitted under subsection 4
110 of section 260.1218; and

111 **(2) The total weight of computers, the total weight of computer monitors, the total**
112 **weight of printers, the total weight of televisions, and the total weight of EEDs recycled or**
113 **processed for reuse.**

114 **10. By August 15, 2014, computer, computer monitor, and printer manufacturers**
115 **shall submit to the department, on forms and in a format prescribed by the department,**
116 **a report for the period January 1, 2014, to June 30, 2014, that contains the total weight of**
117 **computers, the total weight of computer monitors, the total weight of printers, the total**
118 **weight of televisions, and the total weight of EEDs, recycled or processed for reuse.**

119 **11. No later than April first of program years 2015 and thereafter, television**
120 **manufacturers shall submit to the department, in the form and manner required by the**
121 **department, a report that contains the following information for the previous program**
122 **year:**

123 **(1) The total weight of televisions sold under each of the manufacturer's brands to**
124 **individuals at retail in this state, as set forth in the reports submitted under subsection 5**
125 **of section 260.1218;**

126 **(2) The total weight of computers, the total weight of computer monitors, the total**
127 **weight of printers, the total weight of televisions, and the total weight of EEDs recycled or**
128 **processed for reuse;**

129 **(3) The identification of all weights that are adjusted under subsection 4 this**
130 **section. For all weights adjusted under subdivision (2) of subsection 4 of this section, the**
131 **manufacturer shall include copies of the written confirmation required under such**
132 **subsection;**

133 **(4) A list of each dismantler/demanufacturer, refurbisher, and collector used by the**
134 **manufacturer to fulfill the manufacturer's individual recycling and reuse goal set forth in**
135 **section 260.1212;**

136 **(5) A summary of the manufacturer's consumer education program required under**
137 **subsection 13 of this section.**

138 **12. No later than April first of program years 2015 and thereafter, computer,**
139 **computer monitor, and printer manufacturers shall submit to the department, on forms**
140 **and in a format prescribed by the department, a report that contains the following**
141 **information for the previous program year:**

142 **(1) The total weight of computers, the total weight of computer monitors, the total**
143 **weight of printers, the total weight of televisions, and the total weight of EEDs recycled or**
144 **processed for reuse;**

145 **(2) The identification of all weights that are adjusted under subsection 4 of this**
146 **section. For all weights adjusted under subdivision (2) of subsection 4 of this section, the**

147 manufacturer shall include copies of the written confirmation required under such
148 subsection;

149 (3) A list of each dismantler/demanufacturer, refurbisher, and collector used by the
150 manufacturer to fulfill the manufacturer's individual recycling and reuse goal set forth in
151 subsection 3 of section 260.1204; and

152 (4) A summary of the manufacturer's consumer education program required under
153 subsection 13 of this section.

154 13. Manufacturers shall develop and maintain a consumer education program that
155 complements and corresponds to the primary retailer-driven campaign required under
156 section 260.1218. The education program shall promote the recycling of electronic
157 products and proper end-of-life management of the products by consumers.

158 14. Beginning January 1, 2014, no manufacturer shall sell a computer, computer
159 monitor, printer, or television in this state unless the manufacturer is registered with the
160 state as required under sections 260.1200 to 260.1240, has paid the required registration
161 fee, and is otherwise in compliance with the provisions of sections 260.1200 to 260.1240.

162 15. Beginning January 1, 2014, no manufacturer shall sell a computer, computer
163 monitor, printer, or television in this state unless the manufacturer's brand name is
164 permanently affixed to, and is readily visible on, the computer, computer monitor, printer,
165 or television.

260.1218. 1. Retailers shall be a primary source of information about end-of-life
2 options to residential consumers of computers, computer monitors, printers, and
3 televisions. At the time of sale, the retailer shall provide each residential consumer with
4 information from the department's website that provides information detailing where and
5 how a consumer can recycle a CED or return a CED for reuse.

6 2. Beginning January 1, 2014, no retailer shall sell or offer for sale any computer,
7 computer monitor, printer, or television in or for delivery into this state unless:

8 (1) The computer, computer monitor, printer, or television is labeled with a brand
9 and the label is permanently affixed and readily visible; and

10 (2) The manufacturer is registered with the department and has paid the required
11 registration fee as required under section 260.1214. This subsection does not apply to any
12 computer, computer monitor, printer, or television that was purchased prior to January 1,
13 2014.

14 3. By September 1, 2013, retailers shall report to each television manufacturer, by
15 model, the number of televisions sold at retail to individuals in this state under each of the
16 manufacturer's brands during the six-month period from October 1, 2012, to March 31,
17 2013.

18 **4. By August 1, 2014, retailers shall report to each television manufacturer, by**
19 **model, the number of televisions sold at retail to individuals in this state under each of the**
20 **manufacturer's brands between January 1, 2014, and June 30, 2014.**

21 **5. No later than February fifteenth of each program year, retailers shall report to**
22 **each television manufacturer, by model, the number of televisions sold at retail to**
23 **individuals in this state under each of the manufacturer's brands during the previous**
24 **program year.**

260.1220. 1. Prior to January first of each program year, each
2 **dismantler/demanufacturer and refurbisher shall register with the department and submit**
3 **a registration fee under subsection 2 of this section for that program year. Registration**
4 **shall be on forms and in a format prescribed by the department and shall include, but not**
5 **be limited to, the address of each location where the dismantler/demanufacturer or**
6 **refurbisher manages CEDs or EEDs and identification of each location at which the**
7 **dismantler/demanufacturer or refurbisher accepts CEDs or EEDs from a residence.**

8 **2. The registration fee for program year 2014 is two thousand five hundred dollars.**
9 **For program years 2015 and thereafter, the registration fee is one thousand five hundred**
10 **dollars each year.**

11 **3. No person shall act as a dismantler/demanufacturer or a refurbisher of CEDs**
12 **for a manufacturer obligated to meet goals under sections 260.1200 to 260.1240 unless the**
13 **dismantler/demanufacturer or refurbisher is registered and has paid the registration fee**
14 **as required under this section.**

15 **4. Dismantlers/demanufacturers and refurbishers shall, at a minimum, comply with**
16 **all of the following:**

17 **(1) Dismantlers/demanufacturers and refurbishers shall comply with federal, state,**
18 **and local laws and regulations, including federal and state minimum wage laws,**
19 **specifically relevant to the handling, processing, refurbishing and recycling of residential**
20 **CEDs and shall have proper authorization by all appropriate governing authorities to**
21 **perform the handling, processing, refurbishment, and recycling;**

22 **(2) Dismantlers/demanufacturers and refurbishers shall implement the appropriate**
23 **measures to safeguard occupational and environmental health and safety, through the**
24 **following:**

25 **(a) Environmental health and safety training of personnel, including training with**
26 **regard to material and equipment handling, worker exposure, controlling releases, and**
27 **safety and emergency procedures;**

28 **(b) An up-to-date, written plan for the identification and management of hazardous**
29 **materials; and**

30 (c) An up-to-date, written plan for reporting and responding to exceptional
31 pollutant releases, including emergencies such as accidents, spills, fires, and explosions;

32 (3) Dismantlers/demanufacturers and refurbishers shall maintain:

33 (a) Commercial general liability insurance or the equivalent corporate guarantee
34 for accidents and other emergencies with limits of not less than one million dollars per
35 occurrence and one million dollars aggregate; and

36 (b) Pollution legal liability insurance with limits not less than one million dollars
37 per occurrence for companies engaged solely in the dismantling activities;

38 (4) Dismantlers/demanufacturers and refurbishers shall maintain on file
39 documentation that demonstrates the completion of an environmental health and safety
40 audit completed and certified by a competent internal and external auditor annually. A
41 competent auditor is an individual who, through professional training or work experience,
42 is appropriately qualified to evaluate the environmental health and safety conditions,
43 practices, and procedures of the facility. Documentation of auditors' qualifications shall
44 be available for inspection by department officials and third-party auditors;

45 (5) Dismantlers/demanufacturers and refurbishers shall maintain on file proof of
46 workers' compensation and employers' liability insurance;

47 (6) Dismantlers/demanufacturers and refurbishers shall provide adequate
48 assurance (such as bonds or corporate guarantee) to cover environmental and other costs
49 of the closure of the dismantler/demanufacturer or refurbisher's facility, including cleanup
50 of stockpiled equipment and materials;

51 (7) Dismantlers/demanufacturers and refurbishers shall apply due diligence
52 principles to the selection of facilities to which components and materials (such as plastics,
53 metals, and circuit boards) from CEDs and EEDs are sent for reuse and recycling;

54 (8) Dismantlers/demanufacturers and refurbishers shall establish a documented
55 environmental management system that is appropriate in level of detail and documentation
56 to the scale and function of the facility, including documented regular self-audits or
57 inspections of the dismantler/demanufacturer or refurbisher's environmental compliance
58 at the facility;

59 (9) Dismantlers/demanufacturers and refurbishers shall use the appropriate
60 equipment for the proper processing of incoming materials as well as controlling
61 environmental releases to the environment. The dismantling operations and storage of
62 CED and EED components that contain hazardous substances shall be conducted indoors
63 and over impervious floors. Storage areas shall be adequate to hold all processed and
64 unprocessed inventory. When heat is used to soften solder and when CED and EED

65 components are shredded, operations shall be designed to control indoor and outdoor
66 hazardous air emissions;

67 (10) Dismantlers/demanufacturers and refurbishers shall establish a system for
68 identifying and properly managing components (such as circuit boards, batteries, CRTs,
69 and mercury phosphor lamps) that are removed from CEDs and EEDs during disassembly.
70 Dismantlers/demanufacturers and refurbishers shall properly manage all hazardous and
71 other components requiring special handling from CEDs and EEDs consistent with federal,
72 state, and local laws and regulations. Dismantlers/demanufacturers and refurbishers shall
73 provide visible tracking (such as hazardous waste manifests or bills of lading) of hazardous
74 components and materials from the facility to the destination facilities and documentation
75 (such as contracts) stating how the destination facility processes the materials received. No
76 dismantler/demanufacturer or refurbisher may send, either directly or through
77 intermediaries, hazardous wastes to solid waste (nonhazardous waste) landfills or to
78 nonhazardous waste incinerators for disposal or energy recovery. For the purpose of these
79 guidelines, smelting of hazardous wastes to recover metals for reuse in conformance with
80 all applicable laws and regulations is not considered disposal or energy recovery;

81 (11) Dismantlers/demanufacturers and refurbishers shall use a regularly
82 implemented and documented monitoring and record-keeping program that tracks
83 inbound CED and EED material weights (total) and subsequent outbound weights (total
84 to each destination), injury and illness rates, and compliance with applicable permit
85 parameters including monitoring of effluents and emissions. Dismantlers/demanufacturers
86 and refurbishers shall maintain contracts or other documents, such as sales receipts,
87 suitable to demonstrate:

88 (a) The reasonable expectation that there is a downstream market or uses for
89 designated electronics (which may include recycling or reclamation processes such as
90 smelting to recover metals for reuse); and

91 (b) That any residuals from recycling or reclamation processes, or both, are
92 properly handled and managed to maximize reuse and recycling of materials to the extent
93 practical;

94 (12) Dismantlers/demanufacturers and refurbishers shall comply with federal and
95 international law and agreements regarding the export of used products or materials. In
96 the case of exports of CEDs and EEDs, dismantlers/demanufacturers and refurbishers
97 shall comply with applicable requirements of the United States and of the import and
98 transit countries and shall maintain proper business records documenting its compliance.
99 No dismantler/demanufacturer or refurbisher shall establish or use intermediaries for the
100 purpose of circumventing these United States import and transit country requirements;

101 **(13) Dismantlers/demanufacturers and refurbishers that conduct transactions**
102 **involving the transboundary shipment of used CEDs and EEDs shall use contracts (or the**
103 **equivalent commercial arrangements) made in advance that detail the quantity and nature**
104 **of the materials to be shipped. For the export of materials to a foreign country (directly**
105 **or indirectly through downstream market contractors):**

106 **(a) The shipment of intact televisions and computer monitors destined for reuse**
107 **shall include only whole products that are tested and certified as being in working order**
108 **or requiring only minor repair (e.g. not requiring the replacement of circuit boards or**
109 **CRTs), shall be destined for reuse with respect to the original purpose, and the recipient**
110 **shall have verified a market for the sale or donation of such product for reuse;**

111 **(b) The shipments of CEDs and EEDs for material recovery shall be prepared in**
112 **a manner for recycling, including, without limitation, smelting where metals will be**
113 **recovered, plastics recovery and glass-to-glass recycling; or**

114 **(c) The shipment of CEDs and EEDs are being exported to companies or facilities**
115 **that are owned or controlled by the original equipment manufacturer;**

116 **(14) Dismantlers/demanufacturers and refurbishers shall maintain the following**
117 **export records for each shipment on file for a minimum of three years:**

118 **(a) The facility name and the address to which shipment is exported;**

119 **(b) The shipment contents and volumes;**

120 **(c) The intended use of contents by the destination facility;**

121 **(d) Any specification required by the destination facility in relation to shipment**
122 **contents;**

123 **(e) An assurance that all shipments for export, as applicable to the CED**
124 **manufacturer, are legal and satisfy all applicable laws of the destination country;**

125 **(15) Dismantlers/demanufacturers and refurbishers shall employ industry-accepted**
126 **procedures for the destruction or sanitization of data on hard drives and other data storage**
127 **devices. Acceptable guidelines for the destruction or sanitization of data are contained in**
128 **the National Institute of Standards and Technology's Guidelines for Media Sanitation or**
129 **those guidelines certified by the National Association for Information Destruction;**

130 **(16) No dismantler/demanufacturer or refurbisher shall employ prison labor in any**
131 **operation related to the collection, transportation, recycling, and refurbishment of CEDs**
132 **and EEDs. No dismantler/demanufacturer or refurbisher may employ any third party that**
133 **uses or subcontracts for the use of prison labor.**

260.1222. 1. No later than January first of each program year, collectors that
2 **collect or receive CEDs or EEDs for one or more manufacturers,**
3 **dismantlers/demanufacturers, or refurbishers shall register with the department.**

4 Registration shall be in the form and manner required by the department and shall
5 include, without limitation, the address of each location where CEDs or EEDs are received
6 and the identification of each location at which the collector accepts CEDs or EEDs from
7 a residence.

8 2. Manufacturers, dismantlers/demanufacturer, refurbishers also acting as
9 collectors shall so indicate on their registration under section 260.1216 or 260.1220 and not
10 register separately as collectors.

11 3. No later than August 15, 2014, collectors shall submit to the department, on
12 forms and in a format prescribed by the department, a report for the period from
13 January 1, 2014, to June 30, 2014, that contains the following information: the total weight
14 of computers, the total weight of computer monitors, the total weight of televisions, and the
15 total weight of EEDs collected or received for each manufacturer.

16 4. No later than May first of each program year, collectors shall submit to the
17 department, on forms and in a format prescribed by the department, a report that contains
18 the following information for the previous program year:

19 (1) The total weight of computers, the total weight of computer monitors, the total
20 weight of televisions, and the total weight of EEDs collected or received for each
21 manufacturer during the program year;

22 (2) A list of each dismantler/demanufacturer and refurbisher that received CEDs
23 and EEDs from the collector and the total weight each dismantler/demanufacturer and
24 refurbisher received;

25 (3) The address of each collector's facility where the CEDs and EEDs were collected
26 or received. Each facility address shall include the solid waste management district in
27 which the facility is located.

28 5. Collectors may accept no more than ten CEDs or EEDs at one time from
29 individual members of the public and, when scheduling collection events, shall provide no
30 fewer than thirty days' notice to the solid waste management district waste department of
31 those events.

260.1224. For program year 2014 and later, underserved solid waste management
2 districts shall be solid waste management districts on this state that, during the program
3 year two years prior, were not served by a minimum of one collection site that:

4 (1) Accepted all types of CEDs and EEDs; and

5 (2) Was open for a minimum of eight hours on at least one day per month of that
6 program year.

260.1226. 1. The office of administration and the division of purchasing and
2 materials management shall ensure that all bid specifications and contracts for the

3 purchase or lease of desktop computers, laptop or notebook computers, and computer
4 monitors, by state agencies under a statewide master contract require that the electronic
5 products have a bronze performance tier or higher registration under the Electronic
6 Product Environmental Assessment Tool (EPEAT) operated by the Green Electronics
7 Council.

8 2. The office of administration and the division of purchasing and materials
9 management shall ensure that bid specifications and contracts for the purchase or lease of
10 televisions and printers by state agencies under a statewide master contract require that
11 the televisions have a bronze performance tier or higher registration under EPEAT if the
12 office of administration and the division determine that there are an adequate number of
13 the televisions registered under EPEAT to provide a sufficiently competitive bidding
14 environment.

15 3. This section applies to bid specifications issued, and contracts entered into, on
16 or after January 1, 2014.

260.1228. Following the adoption of a federal law or regulation that establishes
2 mandated recycling goals for CEDs that equal or exceed the goals set forth in sections
3 260.1200 to 260.1240, the department shall notify the general assembly of the federal law
4 or regulation and recommend the repeal of sections 260.1200 to 260.1240.

260.1230. 1. Except as otherwise provided in sections 260.1200 to 260.1240, any
2 person who violates any provision of sections 260.1200 to 260.1240 or fails to perform any
3 duty under sections 260.1200 to 260.1240 is liable for a civil penalty not to exceed one
4 thousand dollars for the violation and an additional civil penalty not to exceed one
5 thousand dollars for each day the violation continues and is liable for a civil penalty not
6 to exceed five thousand dollars for a second or subsequent violation and an additional civil
7 penalty not to exceed one thousand dollars for each day the second or subsequent violation
8 continues.

9 2. A manufacturer that is not registered with the department as required under
10 sections 260.1200 to 260.1240, or that has not paid the registration fee as required under
11 sections 260.1200 to 260.1240, is liable for a civil penalty not to exceed ten thousand dollars
12 for the violation and an additional civil penalty not to exceed ten thousand dollars for each
13 day the violation continues.

14 3. A manufacturer in violation of subsection 4 of section 260.1216 in program year
15 2014 or thereafter is liable for a civil penalty equal to the following:

16 (1) In program year 2016, if the total weight of CEDs and EEDs recycled or
17 processed for reuse by the manufacturer is less than sixty percent of the manufacturer's
18 individual recycling or reuse goal set forth in section 260.1212, the manufacturer shall pay

19 a penalty equal to the product of: seventy cents per pound, multiplied by the difference
20 between the manufacturer's individual recycling or reuse goal and the total weight of
21 CEDs and EEDs recycled or processed for reuse by the manufacturer during the program
22 year;

23 (2) In program year 2017, and each year thereafter, if the total weight of CEDs and
24 EEDs recycled or processed for reuse by the manufacturer is less than seventy-five percent
25 of the manufacturer's individual recycling or reuse goal set forth in section 260.1212, the
26 manufacturer shall pay a penalty equal to the product of: seventy cents per pound,
27 multiplied by the difference between the manufacturer's individual recycling or reuse goal
28 and the total weight of CEDs and EEDs recycled or processed for reuse by the
29 manufacturer during the program year.

30 4. Beginning January 1, 2014, a manufacturer in violation of subsection 5, 8, 9, 10,
31 11, or 12 of section 260.1216 is liable for a civil penalty not to exceed five thousand dollars
32 for the violation.

33 5. Any person in violation of section 260.1220 is liable for a civil penalty not to
34 exceed five thousand dollars for the violation.

35 6. A knowing violation of subsections 1 and 3 of section 260.1236 is a petty offense
36 punishable by a fine of one hundred dollars.

37 7. The penalties provided for in sections 260.1200 to 260.1240 may be recovered in
38 a civil action brought by the attorney general in the name of the people of the state of
39 Missouri.

40 8. The attorney general, at the request of the department or on his or her own
41 motion, may institute a civil action for an injunction, prohibitory or mandatory, to restrain
42 violations of sections 260.1200 to 260.1240 or to require such actions as may be necessary
43 to address violations of sections 260.1200 to 260.1240.

44 9. The penalties and injunctions provided in sections 260.1200 to 260.1240 are in
45 addition to any penalties, injunctions, or other relief provided under any other law.
46 Nothing in sections 260.1200 to 260.1240 bars a cause of action by the state for any other
47 penalty, injunction, or relief provided by any other law.

260.1232. 1. The registration fees established in sections 260.1200 to 260.1240 shall
2 be transmitted to the department in a form and manner as shall be prescribed by the
3 department for deposit into the solid waste management fund created in section 260.330.
4 The provisions of section 33.080 to the contrary notwithstanding, moneys in the account
5 shall not lapse to general revenue at the end of each biennium.

6 2. (1) Such registration fees deposited into the solid waste management fund shall
7 be allocated as follows:

8 (a) Thirty-nine percent of the revenues shall be dedicated, upon appropriation, to
9 support the duties of the department under sections 260.1200 to 260.1240; and

10 (b) Sixty-one percent of the revenues shall be allocated through grants, upon
11 appropriation, to participating solid waste management districts. Revenues to be allocated
12 under this subdivision shall be equally divided between participating solid waste
13 management districts.

14 (2) Any moneys remaining unencumbered in any fiscal year due to insufficient or
15 inadequate applications may be reallocated under this subsection in the subsequent fiscal
16 year.

17 3. Such moneys shall be used by the solid waste management districts for grants to
18 support public education about use, recovery, and the effect of improper disposal of CEDs
19 and EEDs on the environment, to stimulate recovery and recycling of CEDs and EEDs
20 through funding of collection events and its associated costs and grants for equipment used
21 in the business of recycling and/or recovery of CEDs and EEDs.

 260.1234. Nothing in sections 260.1200 to 260.1240 affects the validity or
2 application of any other law of this state, or regulations adopted thereunder.

 260.1236. 1. Except as may be provided under subsection 5 of this section, and
2 beginning January 1, 2014, no person shall knowingly cause or allow the mixing of a CED,
3 or any other computer, computer monitor, printer, or television with municipal waste that
4 is intended for disposal at a landfill.

5 2. Except as may be provided under subsection 5 of this section, and beginning
6 January 1, 2014, no person may knowingly cause or allow the disposal of a CED or any
7 other computer, computer monitor, printer, or television in a sanitary landfill.

8 3. Beginning January 1, 2014, no person may knowingly cause or allow the mixing
9 of a CED, or any other computer, computer monitor, printer, or television with waste that
10 is intended for disposal by burning or incineration.

11 4. Beginning January 1, 2014, no person may knowingly cause or allow the burning
12 or incineration of a CED, or any other computer, computer monitor, printer, or television.

13 5. (1) Beginning April 1, 2014, but no later than December 31, 2015, the
14 department or the solid waste management program is authorized to review temporary
15 CED landfill ban waiver petitions by solid waste management districts and determine
16 whether the respective solid waste management district's or action department's
17 jurisdiction may be granted a temporary CED landfill ban waiver due to a lack of funds
18 and a lack of collection opportunities to collect CEDs and EEDs within the solid waste
19 management district's or action department's jurisdiction. If the department grants a
20 waiver under this subsection, subsections 1 and 2 of this section shall not apply to CEDs

21 and EEDs that are taken out of service from residences within the jurisdiction of the solid
22 waste management district or action department receiving the waiver and disposed of
23 during the remainder of the program year in which the petition is filed.

24 (2) The petition from the solid waste management district or action department
25 shall include the following:

26 (a) Documentation of the solid waste management district's or action department's
27 attempts to gain funding, as well as the total funding obtained, for the collection of CEDs
28 and EEDs in its jurisdiction from manufacturers or other units of government in the state;
29 and

30 (b) An assessment of other collection opportunities in the solid waste management
31 district's or action department's jurisdiction demonstrating insufficient capacity for the
32 anticipated volume of CEDs and EEDs for the remainder of the program year in which the
33 petition is being filed.

34 (3) In addition to the criteria listed in subdivision (2) of this subsection, the
35 department shall consider the following additional criteria when reviewing a petition:

36 (a) Total weight of CEDs and EEDs collected in the solid waste management
37 district's or action department's jurisdiction during all preceding program years;

38 (b) Total weight of CEDs and EEDs collected in the solid waste management
39 district's or action department's jurisdiction during the year in which the petition is filed;
40 and

41 (c) The projected difference in weight between prior program years and the year
42 in which the petition is filed.

43 (4) Within sixty days after the filing of the petition with the department, the
44 department shall determine, based on the criteria in subdivisions (2) and (3) of this
45 subsection, whether a temporary CED landfill ban waiver shall be granted to the respective
46 solid waste management district or action department for the remainder of the program
47 year in which the petition is filed. The department's decision to grant such a waiver shall
48 be based upon a showing by clear and convincing evidence that a solid waste management
49 district or action department has a lack of funds and its respective jurisdiction lacks
50 sufficient collection opportunities to collect CEDs and EEDs. If the department denies the
51 petition for a landfill ban waiver, the department's order shall be final and immediately
52 appealable to the circuit court having jurisdiction over the petitioner.

53 (5) Within five days after granting a temporary CED landfill ban waiver, the
54 department shall provide written notice of the department's decision. The notice shall be
55 provided at least fifteen days prior to the waiver taking effect.

56 **(6) Any solid waste management district or action department granted a temporary**
 57 **CED landfill ban waiver shall, within seven days after receiving the waiver, inform all solid**
 58 **waste haulers and landfill operators used by the solid waste management district or action**
 59 **department for solid waste disposal that a waiver has been granted for the remainder of**
 60 **the program year. The notification shall be provided to the solid waste haulers and landfill**
 61 **operators at least fifteen days prior to the waiver taking effect.**

62 **(7) Between April 1, 2016, and December 31, 2017, if a temporary CED landfill ban**
 63 **waiver has been granted to a petitioner, no person disposing of a CED shall be subject to**
 64 **any enforcement proceeding unless he or she disposes of the CED with knowledge that the**
 65 **CED is from a solid waste management district or action department that has not received**
 66 **a temporary CED landfill ban waiver.**

260.1238. Financial or proprietary information submitted to the department under
 2 **sections 260.1200 to 260.1240 shall not be considered a public record under chapter 610.**

260.1240. The department shall promulgate rules to implement the provisions of
 2 **sections 260.1200 to 260.1240. Any rule or portion of a rule, as that term is defined in**
 3 **section 536.010, that is created under the authority delegated in this section shall become**
 4 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
 5 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
 6 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
 7 **the effective date, or to disapprove and annul a rule are subsequently held**
 8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
 9 **after August 28, 2013, shall be invalid and void.**

 [260.1050. Sections 260.1050 to 260.1101 may be cited as the
 2 "Manufacturer Responsibility and Consumer Convenience Equipment Collection
 3 and Recovery Act".]
 4

 [260.1053. As used in sections 260.1050 to 260.1101, the following
 2 terms mean:

- 3 (1) "Brand", the name, symbol, logo, trademark, or other information that
 4 identifies a product rather than the components of the product;
 5 (2) "Computer materials", a desktop or notebook computer and includes
 6 a computer monitor or other display device that does not contain a tuner;
 7 (3) "Consumer", an individual who uses equipment that is purchased
 8 primarily for personal or home business use;
 9 (4) "Department", department of natural resources;
 10 (5) "Equipment", computer materials;
 11 (6) "Manufacturer", a person:
 12 (a) Who manufactures or manufactured equipment under a brand that:
 13 a. The person owns or owned; or

- 14 b. The person is or was licensed to use, other than under a license to
- 15 manufacture equipment for delivery exclusively to or at the order of the licensor;
- 16 (b) Who sells or sold equipment manufactured by others under a brand
- 17 that:
- 18 a. The person owns or owned; or
- 19 b. The person is or was licensed to use, other than under a license to
- 20 manufacture equipment for delivery exclusively to or at the order of the licensor;
- 21 (c) Who manufactures or manufactured equipment without affixing a
- 22 brand;
- 23 (d) Who manufactures or manufactured equipment to which the person
- 24 affixes or affixed a brand that:
- 25 a. The person does not or has not owned; or
- 26 b. The person is not or was not licensed to use; or
- 27 (e) Who imports or imported equipment manufactured outside the United
- 28 States into the United States unless at the time of importation the company or
- 29 licensee that sells or sold the equipment to the importer has or had assets or a
- 30 presence in the United States sufficient to be considered the manufacturer.]
- 31

2 [260.1059. 1. The collection, recycling, and reuse provisions of sections

3 260.1050 to 260.1101 apply to equipment used and returned to the manufacturer

4 by a consumer in this state and do not impose any obligation on an owner or

5 operator of a solid waste facility.

6 2. Sections 260.1050 to 260.1101 do not apply to:

7 (1) Any computer material that is an electronic device that is a part of a

8 motor vehicle or any part of a motor vehicle assembled by, or for, a vehicle

9 manufacturer or franchised dealer, including replacement parts for use in a motor

10 vehicle;

11 (2) Any electronic device that is functionally or physically a part of,

12 connected to or integrated within a larger piece of equipment designed and

13 intended for use in an industrial, governmental, commercial, research and

14 development, or medical setting, including diagnostic, monitoring, or other

15 medical products as that term is defined under the federal Food, Drug, and

16 Cosmetic Act or equipment used for security, sensing, monitoring, or

17 antiterrorism purposes;

18 (3) A covered electronic device that is contained within a clothes washer,

19 clothes dryer, refrigerator and freezer, microwave oven, conventional oven or

20 range, dishwasher, room air conditioner, dehumidifier, or air purifier;

21 (4) Telephone of any type, including mobile telephones and wireless

22 devices;

23 (5) A personal digital assistant or P.D.A.;

24 (6) A consumer's lease of equipment or a consumer's use of equipment

under a lease agreement; or

25 (7) The sale or lease of equipment to an entity when the manufacturer and
26 the entity enter into a contract that effectively addresses the collection, recycling,
27 and reuse of equipment that has reached the end of its useful life.]
28

[260.1062. 1. Before a manufacturer may offer equipment for sale in this
2 state, the manufacturer shall:

- 3 (1) Adopt and implement a recovery plan;
- 4 (2) Submit a written copy of the recovery plan to the department; and
- 5 (3) Affix a permanent, readily visible label to the equipment with the
6 manufacturer's brand.

7 2. The recovery plan shall enable a consumer to recycle equipment
8 without paying a separate fee at the time of recycling and shall include provisions
9 for:

10 (1) The manufacturer's collection from a consumer of any equipment that
11 has reached the end of its useful life and is labeled with the manufacturer's brand;
12 and

13 (2) Recycling or reuse of equipment collected under subdivision (1) of
14 this subsection.

15 3. The collection of equipment provided under the recovery plan shall be:

- 16 (1) Reasonably convenient and available to consumers in this state; and
- 17 (2) Designed to meet the collection needs of consumers in this state.

18 4. Examples of collection methods that alone or combined meet the
19 convenience requirements of this section include a system:

20 (1) By which the manufacturer or the manufacturer's designee offers the
21 consumer an option for returning equipment by mail at no charge to the
22 consumer;

23 (2) Using a physical collection site that the manufacturer or the
24 manufacturer's designee keeps open and staffed and to which the consumer may
25 return equipment; and

26 (3) Using a collection event held by the manufacturer or the
27 manufacturer's designee at which the consumer may return equipment.

28 5. Collection services under this section may use existing collection and
29 consolidation infrastructure for handling equipment and may include systems
30 jointly managed by a group of manufacturers, electronic recyclers and repair
31 shops, recyclers of other commodities, reuse organizations, not-for-profit
32 corporations, retailers, recyclers, and other suitable operations. If a manufacturer
33 or its designee offers a mail-back system as described in subsection 4 of this
34 section, either individually or by working together with a group of manufacturers
35 or by working with others, it shall be deemed to meet the convenience
36 requirements of this section.

37 6. The recovery plan shall include information for the consumer on how
38 and where to return the manufacturer's equipment. The manufacturer:

39 (1) Shall include collection, recycling, and reuse information on the
40 manufacturer's publicly available internet site;

41 (2) Shall provide collection, recycling, and reuse information to the
42 department; and

43 (3) May include collection, recycling, and reuse information in the
44 packaging for or in other materials that accompany the manufacturer's equipment
45 when the equipment is sold.

46 7. Information about collection, recycling, and reuse on a manufacturer's
47 publicly available internet site does not constitute a determination by the
48 department that the manufacturer's recovery plan or actual practices are in
49 compliance with sections 260.1050 to 260.1101 or other state or federal law.

50 8. Each manufacturer shall submit a report to the department not later
51 than January thirty-first of each year that includes:

52 (1) The weight of equipment collected, recycled, and reused during the
53 preceding calendar year; and

54 (2) Documentation certifying that the collection, recycling, and reuse of
55 equipment during the preceding calendar year was conducted in a manner that
56 complies with section 260.1089 regarding sound environmental management.

57 9. If more than one person is a manufacturer of a certain brand of
58 equipment as defined by section 260.1053, any of those persons may assume
59 responsibility for and satisfy the obligations of a manufacturer under sections
60 260.1050 to 260.1101 for that brand. If none of those persons assumes
61 responsibility or satisfies the obligations of a manufacturer for the equipment of
62 that brand, the department may consider any of those persons to be the
63 responsible manufacturer for purposes of sections 260.1050 to 260.1101.

64 10. The obligations under sections 260.1050 to 260.1101 of a
65 manufacturer who manufactures or manufactured equipment, or sells or sold
66 equipment manufactured by others, under a brand that was previously used by a
67 different person in the manufacture of the equipment extends to all equipment
68 bearing that brand regardless of its date of manufacture.]

69 [260.1065. 1. A person who is a retailer of equipment shall not sell or
2 offer to sell new equipment in this state unless the equipment is labeled with the
3 manufacturer's label and the manufacturer is included on the department's list of
4 manufacturers that have recovery plans.

5 2. Retailers can go to the department's internet site as outlined in section
6 260.1071 and view all manufacturers that are listed as having registered a
7 collection program. Covered electronic products from manufacturers on that list
8 may be sold in or into this state.

9 3. A retailer is not required to collect equipment for recycling or reuse
10 under sections 260.1050 to 260.1101.]

11

2 [260.1068. 1. A manufacturer or retailer of equipment is not liable in any
3 way for information in any form that a consumer leaves on computer materials
4 that are collected, recycled, or reused under sections 260.1050 to 260.1101.

5 2. The consumer is responsible for any information in any form left on
6 the consumer's computer materials that are collected, recycled, or reused.

7 3. Compliance with sections 260.1050 to 260.1101 does not exempt a
8 person from liability under other law.]

2 [260.1071. 1. The department shall educate consumers regarding the
3 collection, recycling, and reuse of equipment.

4 2. The department shall host or designate another person to host an
5 internet site providing consumers with information about the recycling and reuse
6 of equipment, including best management practices and information about and
7 links to information on:

8 (1) Manufacturers' collection, recycling, and reuse programs, including
9 manufacturers' recovery plans; and

10 (2) Equipment collection events, collection sites, and community
11 equipment recycling and reuse programs.]

2 [260.1074. 1. The department may conduct audits and inspections to
3 determine compliance with sections 260.1050 to 260.1101.

4 2. The department and the attorney general, as appropriate, shall enforce
5 sections 260.1050 to 260.1101 and, except as provided by subsections 4 and 5 of
6 this section, take enforcement action against any manufacturer, retailer, or person
7 who recycles or reuses equipment for failure to comply with sections 260.1050
8 to 260.1101.

9 3. The attorney general may file suit to enjoin an activity related to the
10 sale of equipment in violation of sections 260.1050 to 260.1101.

11 4. The department shall issue a written warning notice to a person upon
12 the person's first violation of sections 260.1050 to 260.1101. The person shall
13 comply with sections 260.1050 to 260.1101 not later than the sixtieth day after
14 the date the warning notice is issued.

15 5. A retailer who receives a warning notice from the department that the
16 retailer's inventory violates sections 260.1050 to 260.1101 because it includes
17 equipment from a manufacturer that has not submitted the recovery plan required
18 by section 260.1062 shall bring the inventory into compliance with sections
19 260.1050 to 260.1101 not later than the sixtieth day after the date the warning
20 notice is issued.

21 6. (1) The department may assess a penalty against a manufacturer that
22 does not label its equipment or adopt, implement, or submit a recovery plan as
23 required by section 260.1062. No penalty shall be assessed for a first violation
24 and the amount of the penalty shall not exceed ten thousand dollars for the
second violation or twenty-five thousand dollars for each subsequent violation.

25 (2) Any penalty collected under this section shall be credited to the
26 "Equipment Recycling Subaccount", which is hereby created, in the hazardous
27 waste fund. Moneys in the subaccount shall be used for the purpose of
28 administering the provisions of sections 260.1050 to 260.1101. The state
29 treasurer shall be custodian of the subaccount and may approve disbursements
30 from the fund in accordance with sections 30.170 and 30.180. Upon
31 appropriation, money in the subaccount shall be used solely for the
32 administration of sections 260.1050 to 260.1101. Any moneys remaining in the
33 subaccount at the end of the biennium shall revert to the credit of the general
34 revenue fund. The state treasurer shall invest moneys in the fund in the same
35 manner as other funds are invested. Any interest and moneys earned on such
36 investments shall be credited to the subaccount.]
37

2 [260.1077. Financial or proprietary information submitted to the
3 department under sections 260.1050 to 260.1101 shall not be considered a public
4 record under chapter 610.]

2 [260.1080. The department shall compile information from
3 manufacturers and issue an electronic report to the committee in each house of
4 the general assembly having primary jurisdiction over environmental matters not
5 later than March first of each year.]

2 [260.1083. Sections 260.1050 to 260.1101 do not authorize the
3 department to impose a fee, including a recycling fee or registration fee, on a
4 consumer, manufacturer, retailer, or person who recycles or reuses equipment.]

2 [260.1089. 1. All equipment collected under sections 260.1050 to
3 260.1101 shall be recycled or reused in a manner that complies with federal,
4 state, and local law.

5 2. The department shall, by rule, adopt as mandatory standards for
6 recycling or reuse of equipment in this state the standards provided by Electronics
7 Recycling Operating Practices as approved by the board of directors of the
8 Institute of Scrap Recycling Industries, Inc., April 25, 2006, or other standards
9 issued from the U.S. Environmental Protection Agency, if available.]

2 [260.1092. 1. If federal law establishes a national program for the
3 collection and recycling of equipment and the department determines that the
4 federal law substantially meets the purposes of sections 260.1050 to 260.1101,
5 the department may adopt an agency statement that interprets the federal law as
6 preemptive of sections 260.1050 to 260.1101.

7 2. Sections 260.1050 to 260.1101 shall expire on the date the department
8 issues a statement under this section.]

2 [260.1101. 1. The department shall adopt any rules required to
3 implement sections 260.1050 to 260.1101 not later than July 1, 2009. Any rule
4 or portion of a rule, as that term is defined in section 536.010, that is created
5 under the authority delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of chapter 536 and, if
7 applicable, section 536.028. This section and chapter 536 are nonseverable and
8 if any of the powers vested with the general assembly pursuant to chapter 536 to
9 review, to delay the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking authority and
11 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

12 2. Sections 260.1050 to 260.1101 shall not be enforced before rules
13 developed under this section are promulgated.

14 3. It shall not be considered a violation of sections 260.1050 to 260.1101
for a retailer to sell any inventory accrued before August 28, 2008.]

✓