

HB 328 -- Residential Electronic Products Recycling and Reuse Act

Sponsor: Nichols

This bill establishes the Residential Electronic Products Recycling and Reuse Act and repeals the Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act. In its main provisions, the bill:

- (1) Specifies the statewide recycling and reuse goals for all covered electronic devices (CEDs) for 2014, 2015, 2016 and thereafter and the formulas by which the goals are calculated. A covered electronic device is any computer, computer monitor, television, or printer taken out of service from a residence in Missouri regardless of where it was purchased;
- (2) Specifies that the statewide recycling and reuse goals for television manufacturers for 2014 is 53% of the statewide goal for all CEDs and specifies the formulas by which the goals are calculated for 2015, 2016 and thereafter;
- (3) Specifies that the statewide recycling and reuse goals for computer, computer monitor, and printer manufacturers for 2014, is 47% of the statewide goal for all CEDs and specifies the formulas by which the goals are calculated for 2015, 2016, and thereafter;
- (4) Specifies that the recycling and reuse goals for each television manufacturer are based on market share and specifies the formula to calculate market share;
- (5) Specifies that the recycling and reuse goals for computers, computer monitors, and printers are based on the manufacturer's return share and specifies how return share is calculated;
- (6) Specifies that the individual recycling and reuse goals for each television manufacturer is the product of the statewide goal for television manufacturers multiplied by the individual manufacturer's market share. The individual goal for each manufacturer of computers, computer monitors or printers is the product of the statewide goal for these manufacturers multiplied by the manufacturer's return share;
- (7) Authorizes the Department of Natural Resources to monitor compliance with the recycling and reuse goals and refer violations of the goals to the Attorney General;
- (8) Requires the department to post, on its website no later than October 1 of each year, a list of underserved solid waste management districts in the state for the next program year;

(9) Requires the department, by September 1, 2013, to implement a solid waste management district and municipal government education campaign to inform those entities about the goals and the implications of the goals on solid waste collection;

(10) Requires the department to report to the Governor and the General Assembly annually on the previous year's performance of the program. The report must contain specific information and be available on the department's website;

(11) Requires the department to post on its website a list of manufacturers that have paid the registration fee and a list of registered collectors that residents can take CEDs and eligible electronic devices (EEDs), as specified in the bill, to for recycling or processing for reuse;

(12) Requires the department to host an annual electronic products recycling conference, either alone or with other public entities or electronic products recycling organizations, from 2014 to 2016 and at its discretion thereafter;

(13) Specifies that by October 1 of each year, the department must post on its website the recycling and reuse goals for the upcoming year;

(14) Specifies that by April 1 of each year, the department must recognize manufacturers that have met or exceeded their recycling or reuse goals by awarding the manufacturers an electronic industry recycling award, which must be recognized on the department's website and other media;

(15) Specifies that by March 1 of each year the department must post on its website a list of registered manufacturers that have not met their annual goal for the previous year;

(16) Specifies that by July 1, 2015, the department must solicit written comments regarding all aspects of the program for the purpose of determining if the program requires any modifications. The department must complete its review of the comments received, as well as its own reports on program years 2014 and 2015 by July 1, 2016, and hold a public hearing by August 1, 2016, to present its findings and solicit additional comments. The department's final report must be submitted to the Governor and the General Assembly by no later than February 1, 2017, and must include specific recommendations for program modifications;

(17) Requires all manufacturers of computers, computer monitors, printers or televisions that are sold in Missouri to register with

the department and submit a registration fee by specific dates each year. If a manufacturer's products are first offered for sale after the specified date, the manufacturer must register and submit the fee before its products are sold in the state;

(18) Specifies that a manufacturer that has met its recycling goal cannot charge individual consumers an end-of-life fee to recycle or process for reuse a CED or EED unless a financial incentive of equal or greater value is provided. Collectors may charge a fee for curbside collection or home pick-up;

(19) Requires manufacturers to hire an independent third party auditor to perform statistically significant return share samples of CEDs received by dismantlers or demanufacturers and refurbishers. The bill specifies the data to be included in the audit;

(20) Requires manufacturers to only use dismantlers, demanufacturers or refurbishers that have registered with the department and comply with set standards to meet recycling and reuse goals;

(21) Specifies the reporting and consumer education requirements for television, computer, computer monitor, and printer manufacturers;

(22) Requires retailers to report specific information on the sale of televisions to manufacturers;

(23) Requires collectors, dismantlers, demanufacturers, and refurbishers to register with the department and comply with specific standards, requirements and laws;

(24) Specifies the requirements for collectors, dismantlers, demanufacturers, and refurbishers to report specific information on the recycling or processing for reuse of CEDs and EEDs to the department;

(25) Specifies that underserved solid waste management districts are districts that during the two prior years were not served by a minimum of one collection site that accepted all types of CEDs and EEDs and was open for a minimum of eight hours on at least one day per month of the program year;

(26) Requires the Office of Administration, on or after January 1, 2014, to ensure that all bid specifications and contracts for the purchase or lease of computers and computer monitors by state agencies require that the electronic products have a bronze performance tier or higher registration under the Electronic

Products Environmental Assessment Tool (EPEAT). The Office of Administration must also ensure that televisions and printers have a bronze performance rating if enough televisions are registered under the EPEAT to allow for a competitive bid;

(27) Specifies the fines for any person who violates or fails to perform any of the duties required in the act, any manufacturer that fails to register, submit the fee, or accurately report to the department;

(28) Authorizes the Attorney General to recover the fines by civil action against any person or manufacturer in violation of the act. The Attorney General may institute a civil action for an injunction, prohibitory or mandatory, to restrain violations or to require the actions necessary to address violations of the act;

(29) Specifies that the registration fees are to be transmitted to the department for deposit in the newly created Solid Waste Management Fund to be allocated as specified in the bill;

(30) Prohibits, as of January 1, 2014, any person from knowingly causing or allowing the disposal of a CED or any other computer, computer monitor, printer or television in a sanitary landfill or the mixing of the products with waste intended for disposal by burning or incineration;

(31) Authorizes, as of April 1, 2014 but no later than December 31, 2015, the department to review temporary CED landfill ban waiver petitions from solid waste management districts to determine whether the district or action department's jurisdiction should be granted the waiver due to the lack of funds or collection opportunities. The department must provide written notice of its decision within a specified timeframe; and

(32) Repeals the Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act.