

HB 2212 -- ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT

SPONSOR: Nichols

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

(1) Specifies the statewide recovery goals for all original equipment manufacturers (OEMs) for program years 2016, 2017, 2018, and 2019 and thereafter and the formulas by which the goals are calculated. If the goals are not reached, a \$15,000 fine may be assessed;

(2) 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;

(3) 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;

(4) Requires the department, by September 1, 2015, 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 in their localities;

(5) 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 specified information and be available on the department's website;

(6) Requires, by March 1, 2016, and by March 1 of each subsequent year, the department to post on its website a list of OEMs that have not met their annual recycling and reuse goals for the previous year;

(7) Specifies that by July 1, 2017, 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 2016 and 2017 by July 1, 2018, and hold a public hearing by August 1, 2018, 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, 2019, and must include specific recommendations for program modifications;

(8) Requires, prior to April 1, 2016, for the first program year and by October 1 for subsequent years, an OEM whose covered electronic devices (CEDs) are sold in the state to register with the department and submit an annual registration fee of \$10,000;

(9) Requires, prior to April 1, 2016, for the first program year and by October 1 thereafter, an OEM whose CEDs are sold in Missouri to register with the department and submit a \$10,000 registration fee. An OEM whose CEDs are first offered for sale in this state on or after January 1 of a program year must register and submit the fee before the CEDs are sold or offered for sale in the state;

(10) Requires each OEM to recover and recycle CEDs whose total units equal or exceed the OEM's individual recycling goal. A collector or processor may assess a fee to individual consumers or small businesses for the collection and recovery of monitors or televisions. Collectors may charge a fee for curbside collection or home pick-up;

(11) Requires OEMs to only use collectors or processors that have registered with the department and comply with set standards to meet recycling and reuse goals;

(12) Requires an OEM to report specified information on the recycling or processing for reuse of CEDs to the department;

(13) Specifies that beginning January 1, 2016, an OEM cannot sell a CED in this state unless it is registered with the department, has paid the required registration fee, and permanently affixed its brand name to the CED;

(14) Requires, prior to January 1 of each program year, each processor or collector to register with the department and submit an annual registration fee of \$500;

(15) Specifies the minimum qualifications and requirements of a processor;

(16) Exempts sheltered workshops from any fees or certification requirements and requires a sheltered workshop to have a contractual relationship with a processor;

(17) Requires a collector that collects or receives CEDs for one or more OEMs and processor to register with the department by January 1 of each program year and to submit specified information;

(18) Specifies that, for program year 2016 and later, an underserved solid waste management district is a district that,

during the program year two years prior, was not served by a minimum of one collection site that accepted all types of CEDs and was open for a minimum of eight hours on at least one day per month of that program year;

(19) Requires the Office of Administration and the Division of Purchasing and Materials Management to ensure that all bid specifications issued and contracts entered into on or after January 1, 2016, for the purchase or lease of CEDs by state agencies require that the electronic products have a bronze performance tier or higher registration under the Electronic Product Environmental Assessment Tool (EPEAT) operated by the Green Electronics Council;

(20) Requires the department to notify the General Assembly of the adoption of a federal law or regulation that establishes mandated recycling goals for CEDs that equal or exceed the goals established in the bill;

(21) Specifies that any person who violates specified provisions or fails to perform any of the required duties; any OEM that fails to register, submit the fee, or accurately report to the department; and any processor or collector in violation of specified provisions must be subject to specified penalties;

(22) 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;

(23) 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;

(24) Prohibits, beginning January 1, 2016, any person from knowingly causing or allowing the disposal of a CED in a sanitary landfill, the mixing of a CED with waste that is intended for disposal by burning or incineration; and the burning or incineration of a CED; and

(25) Authorizes, beginning April 1, 2016 but no later than December 31, 2017, the department to review temporary CED landfill ban waiver petitions from solid waste management districts and determine whether the district's or action department's jurisdiction may be granted the waiver due to a lack of funds and a lack of collection opportunities. The department must provide written notice of its decision within a specified time frame.