

## Proposal for Federal Legislation for Electronic Device Recycling

### Basic Obligation:

All manufacturers<sup>1</sup> of computer monitors, desktop computers, laptop computers and televisions<sup>2</sup> must have a program in place in each state for collection, transportation and recycling of covered electronic devices (CEDs) from households (recycling programs<sup>3</sup>).

In states with existing laws governing CED recycling, manufacturers will comply with the existing state law. Those states with existing laws will have the opportunity to ‘opt in’ to this federal legislation, or, if applicable, find that their existing laws will sunset upon passage of the federal legislation. In the other states, manufacturers must establish U.S. Environmental Protection Agency (EPA)-approved CED recycling programs that will be based on specific factors included in the legislation.

### Recycling Program:

Each manufacturer must implement or establish an EPA-approved collection, transportation, and recycling program for CEDs from households. The recycling program must offer CED collection services that are reasonably convenient and available and designed to meet the collection needs of consumers.

The recycling program could include one or more of the following elements (or other elements):

- A. Manufacturer take-back of its own branded devices from households by any means selected by the manufacturer; this may include direct mail-back, collection events, retail store collection points, etc.
- B. Manufacturer sponsored collection events for any brands.

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<sup>1</sup> **Definition of "Manufacturer"** means any existing person: (a) who manufactures or manufactured covered electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; or (b) who sells or sold covered electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; or (c) for whose account covered electronic devices manufactured outside the United States are or were imported into the United States or its territories; provided however, if, at the time such covered electronic devices are or were imported into the United States or its territories, another person has registered as the manufacturer of the brand of the covered electronic devices, then this paragraph shall not apply.

<sup>2</sup> **Definition of "televisions"** include a cathode ray tube or flat panel television having a viewable area greater than four inches (4") when measured diagonally that is capable of receiving movable pictures and sound over a distance and that includes a television tuner or other means of receiving a broadcast program, whether over-the-air, cable, satellite or other broadcast technology. The definition will not include: a motor vehicle part, a personal digital assistant (PDA), a telephone, or a medical device that contains a video display device.

<sup>3</sup> **Definition of the term "recycling"** includes the process of "recovering" (to the extent that these terms are considered to have different meanings).

- C. Manufacturer coalition (or manufacturer groups) sponsored collection programs for any brands.
- D. Manufacturer financial support for local government collection programs for any brands.
- E. Recycling coupons or eCycling Cards.

**Registration:**

In order to have any of its CEDs offered for sale in the United States and/or its territories, each manufacturer must label its CEDs and must register annually with EPA. The registration must list the manufacturer's brands and describe the manufacturer's CED collection, transportation, and recycling plan(s) for each state for the coming year. EPA will post the manufacturer registrations, including the recycling plan(s), on its website. Each manufacturer will provide information on its website about its CED collection, transportation, and recycling program, including its specific plan(s).

**Reporting:**

Each manufacturer or group of manufacturers will report annually to EPA on the total weight of CEDs collected and recycled and the total weight of CEDs collected and recycled by state. Annually, EPA will publish a list of the total weight of CEDs collected and recycled and the total weight of CEDs collected and recycled by state. Beginning in the fourth year after enactment of the federal legislation, EPA will evaluate trends of CED collection and recycling in the U.S.

**Recyclers/Processors:**

All CEDs collected will be recycled in a manner that is in accordance with all applicable federal, state, and local laws and requirements. Recycling must be done in an environmentally sound manner and be protective of worker health and safety. As appropriate, EPA will adopt regulations that incorporate existing, verifiable, technical standards for recycling operations performed by recyclers and processors. Recyclers and processors must annually register with EPA and must include in their registrations certifications of compliance with applicable federal, state, and local laws and requirements, including any EPA recycling regulatory requirements.

Manufacturers must use EPA-registered recyclers and processors, but may use service providers (i.e., collectors, transporters, recyclers, processors) of their own choosing. Manufacturers may not be required to use certain service providers or to use within a state only service providers that are located in that state.

CEDs will be banned from landfills and incinerators in order to encourage CED recycling efforts.

**Incentives:**

Manufacturers who offer to take back their own branded CEDs from any household at no charge will qualify for a special type of certification and be able to advertise its status and certification as providing “Guaranteed End-of-Life Recycling.”

**Enforcement:**

Retailers cannot sell new CEDs that have brands for which no manufacturer has registered.<sup>4</sup> Enforcement will be handled either by the U.S. Department of Justice and/or individual state Attorneys General.<sup>5</sup>

**Federal Government Leading by Example:**

- A. Federal agencies must include in purchases or leases of CEDs a take-back/recycling provision so that the vendor from whom the federal agency buys or leases CEDs must take-back and recycle those CEDs at the end of the lease or, for purchased CEDs, when the agency requests the vendor to take back the CEDs.
- B. Federal agencies must participate in the Federal Electronic Challenge program to address reuse or recycling of currently owned CEDs.

**EPA Support:**

- A. EPA will accept the manufacturer registrations and will post on its website the manufacturer registrations and plans (including manufacturer brands covered by each registration) and data from the manufacturer annual reports. EPA will produce educational materials. EPA will manage the “Guaranteed End-of-Life Recycling” certification program.
- B. EPA will work with the Department of Transportation to harmonize interstate transportation rules that apply to shipments of CEDs destined for recycling.
- C. EPA will provide grants, other assistance, and information to encourage CED collection, transportation, and recycling, including research grants, such as for innovative recycling technology, innovative collection schemes, continued development of best management practices for recyclers, etc.

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<sup>4</sup> A retailer who offers for sale to U.S. residents a new CED through any sales outlet – whether in-store, the Internet, mail order, or otherwise, and whether or not the seller has a physical presence in the United States – is not permitted to sell an unregistered CED in the U.S.

<sup>5</sup> Customs/Border officials will be responsible for overseeing importation of CEDs.