



Consumer Electronic Product Recycling – [Enacted](#) State Legislative Initiatives

LEGISLATION	TYPE OF LAW	SPECIFICS	FINAL STATUS
<p>CALIFORNIA S.B. 20</p>	<p>POS ARF including a provision with manufacturer/producer reporting.</p> <p>The law tracks the European Union Directive 2002/95/EC with regard to the definition of covered devices.</p> <p>Covered items: Cathode Ray Tubes (included computer monitors); laptop computers and desktops with LCD monitors/screens; and CRT, LCD and plasma televisions.</p>	<ul style="list-style-type: none"> ○ Graduated fee system. A device with a screen greater than 4” and less than 15” – \$6; 15-34” – \$8, and larger than 35” – \$10. (Art 3: 42464 1-3) ○ Retailers permitted to retain up to 3% of the fee to cover administrative costs. (Art 3: 42464 – D) ○ Manufacturers must submit an annual report to the California Waste Management Board covering sales data, hazardous materials used; recyclable content; design for environment and public education. (Art 4: 42465.2) ○ Definition of “retailer” includes a manufacturer who sells directly to a consumer through a catalogue or Internet. (Art 2; 42463 r) ○ Definition of “retail sale” uses tax code that includes retailers with sales tax nexus in CA. (Art 2; 42463 s) ○ Retailers face financial penalties if found to be in non-compliance. Fines can total \$7,500 per offense. (Art 5: 42474 a-b) ○ Legislation allows for federal pre-emption. (Art 8: 42485a) 	<p>Original bill passed in 2003</p> <p>Signed by Governor and took effect (after a further amending process) on 1/1/05</p>
<p>A.B. 575 <i>Amendment to existing electronic waste law.</i></p>	<p>Retailer Responsibility</p> <p><u>Allows</u> a retailer or vendor to pay the covered electronic waste fee established in the Electronic Waste Recycling Act of 2003 rather than requiring the retailer to pass the fee on to the consumer. Vendor is defined as a leasing agent.</p>	<ul style="list-style-type: none"> ○ A retailer may elect to pay the covered electronic waste recycling fee on behalf of the consumer. (§42464:2) ○ Takes immediate effect after being passed. (§5) ○ Treats Internet retailers and brick-and-mortar stores equally. (§1:r) ○ Applies to leasing agents 	<p>Introduced – 2/16/05</p> <p>Signed by Governor 7/18/06</p>
<p>MAINE L.D. 1892</p>	<p>Manufacturer Responsibility Return Share Approach</p>	<ul style="list-style-type: none"> ○ Manufacturers must present plans to the State Planning Office that detail how their products are to be collected & recycled or reused. (§6: Manufacturer plan and Reporting requirements A) 	<p>The bill passed in 2003.</p> <p>Signed by Governor and</p>



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<p><i>Safe Collection and Recycling of Electronic Waste</i></p>	<p>Covered items: TVs and computer monitors, or anything with a display that is greater than 4” and contains a circuit board. (§2: Definitions C)</p>	<ul style="list-style-type: none"> ○ Manufacturers must clearly leave a mark on the TV or monitor for reclaiming purposes. (§4: Manufacturer Label Required) ○ The price of recycling is to be internalized and cannot be passed on to the consumer. (§6: Manufacturer plan and Reporting requirements A:5) ○ A retailer may not sell a covered device after 1/1/2006 whose manufacturer does not have an approved plan. (§3: Sales Prohibition) ○ After 1/1/2005, a retailer may not sell a covered device that does not have a permanent label, identifying the manufacturer, attached to it. (§4: Manufacturer Label Required) ○ Law doesn’t differentiate between click-and-mortar and brick-and-mortar operations; therefore, online retailers may be able to avoid compliance. ○ There is no mention of retailer liability if a product is sold that is not covered under an approved plan. Enforcement of this law falls in accordance with the provisions of §§347-A and 349. ○ There is no mention of federal preemption. 	<p>took effect 1/1/05</p>
<p>MARYLAND H 575 Amended in 2007 by H 488 Statewide Computer Recycling Pilot Program</p>	<p>Manufacturer Responsibility Return Share Approach <i>Covered items:</i> Desktop, personal computers and laptops. (§9-1707:D) Video Display Devices added in 2007</p>	<ul style="list-style-type: none"> ○ Manufacturers must pay into the State Recycling Trust Fund or create their own recycling program that must be approved. (§9-1727) ○ As of 1/1/06, a manufacturer may not sell a computer in the state if it has not “registered” with and submitted a registration fee to the Department of Environment. (§9-1727:B) ○ Manufacturers pay an initial registration fee of \$10,000 (was \$5,000 previously). Each subsequent year that a manufacturer doesn’t have a take back plan they must also pay \$5000. If there is a take-back plan in place, the manufacturer pays \$500. (§9-1728:C) ○ Video Display Devices with screens greater than 4” now included. ○ Retailer liability amended in 2007: Fine for violating section that prohibits a retailer from selling a non-registered device reduced from \$5,000 to \$500 for each violation not to exceed \$5,000 total. Retailer allowed three (3) warnings. (§9-1730) 	<p>H 575 introduced 2/4/05 CERC sent initial opposition letter when bill was an ARF & worked toward its being amended to become a producer responsibility law. H 575 Signed by Governor on 5/10/05 H 488 introduced 2/6/2007 3/17/07 Passed House – 132-4</p>



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			4/3/07 Passed Senate – 45-2 H 488 Signed by Governor on 4/24/2007
<p>MINNESOTA HF 854</p> <p>Sponsors: Reps. Sailer, Ozment, Gardner, et al. Sens. Higgins, Senjem, Scheid, Chaudhary, Frederickson</p>	<p>Manufacturer Responsibility Return Share tied to Market Share Approach</p> <p><i>Covered items:</i> Computers, peripherals, fax machines, scanners, DVD players, VCRs, and video display devices</p>	<ul style="list-style-type: none"> ○ Manufacturers required to register with state and pay \$500 initially, then \$2500 annually ○ Manufacturers recycling share determined by annual sales weight – 60% recycling responsibilities in first year, tied to market share, then increased recycling responsibilities. ○ Retailers must post and provide information that describes where and how to recycle and locations for the collection or return of the device – use of a toll-free telephone number and website, information included in the packaging, or information provided accompanying the sale of the covered electronic device. ○ By July 1 of each year, beginning in 2008, retailers must report to a manufacturer the number of video display devices, by video display device model, labeled with the manufacturer's brand sold to households during the previous program year. (<i>Subdivision 3 (a) & (b)</i>) 	<p>HF 854 Introduced 2/12/07 SF 325 Introduced 1/25/07</p> <p>Passed Legislative bodies in late April/early May</p> <p>Governor signed bill into law on 5/8/2007 – effective immediately</p>
<p>WASHINGTON SB 6428/HB 2662</p> <p><i>Supersedes Study Commission law: ESHB 2488 passed in May 2004</i></p>	<p>Manufacturer Responsibility Return Share Approach</p> <p>Covered items: Desktop, laptop and portable computers, computer monitors and TVs</p>	<ul style="list-style-type: none"> ○ Manufacturers must register by Jan. 1, 2007 with the Department of Ecology and pay annual fee ○ Manufacturers must participate in an approved independent or the standard plan to collect, transport and recycle electronics. Plan must be in effect by Jan. 1, 2009 ○ Manufacturers must report annually to the Department the total weight of electronics by pound per county, among other information ○ Manufacturers must collect an equivalent return share percentage of covered electronics 	<p>Introduced Jan 11-12, 2006</p> <p>Governor signed it into law on 3/24/06</p>



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		<ul style="list-style-type: none"> Labeling requirements for manufacturers; retailers must give information on recycling to consumers 	

“OTHER/ADDITIONAL” ESCRAP LAWS – LANDFILL BANS, STUDY COMMISSIONS, CELL PHONE RECYCLING

<p>ARKANSAS H.B 2115</p>	<p>Landfill Law</p> <p>Established a deadline for the disposal of computer and electronic waste in landfills.</p> <p>Only state agencies’ electronic devices are covered. State agencies are required to donate or recycle covered electronic devices.</p> <p>Covered items: Computers, computer monitors, TVs, audio and stereo equipment, monitors, computers, VCRs, keyboards, printers, telephones, fax machines (§2:3A-B)</p>	<ul style="list-style-type: none"> Starting January 1, 2008, all covered items are banned from being disposed of in landfills. (§6) Agencies must begin looking for other ways to dispose of government computers through donations and recycling. (§3) 	<p>Introduced – 2/25/05</p> <p>Signed by Governor on 3/21/05</p>
<p>CALIFORNIA A.B. 2901</p>	<p>Cell Phone Recycling Law</p>	<ul style="list-style-type: none"> Requires retailers to develop and implement a system for the acceptance and collection of used cellular phones for reuse, recycling or proper disposal (§5) As of July 1, 2006, it is unlawful for a retailer to sell a cellular phone to a consumer in California unless the retailer is in compliance with the new law Retailers are responsible for making consumers aware of and provide them with convenient and cost-free opportunities for returning used cell phones for recycling 	<p>Signed by Governor in 2004; went into effect 7/1/2006</p>



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<p>ILLINOIS H.B. 1149</p>	<p>Study Commission Commissioned a study into effective means for recycling eScrap. The Commission sought input from and consulted with business organizations, trade organizations, trade associations, solid waste agencies, and environmental organizations with expertise in computer equipment disposal and recycling.</p>	<ul style="list-style-type: none"> ○ Establishes Computer Equipment Disposal and Recycling Commission. (§22.50.b) ○ CEDRC will investigate problems related to disposal and recycling of computer equipment, advise state agencies as to legislative actions, and make recommendations on pilot programs. (§22.50.c.1-3) ○ Report to the Governor, General Assembly and the Director of the EPA on May 31, 2007 regarding the effectiveness of a plan by December 31, 2008. (§22.50.d) 	<p>Introduced – 2/10/05 Signed by Governor on 8/10/05. Study Commission Report completed.</p>
<p>LOUISIANA SCR 20</p>	<p>Study Group</p>	<ul style="list-style-type: none"> ● Senate Committee on Environmental Quality and House Committee on Environment would jointly study and make recommendations regarding recycling and disposal options for computers and electronic equipment. ● Report would be given to the legislature no later than 30 days prior to the convening of the 2007 regular session. 	<p>Introduced—4/4/06 Signed by House and Senate Presidents 6/19/06</p>
<p>MAINE L.D. 1840</p>	<p>Cell Phone Recycling Bill</p>	<ul style="list-style-type: none"> ○ As of August 1, 2006 retailers and anyone who sells cell phones must have a take-back system in place for reuse, recycling or proper disposal ○ Retailers must accept a consumer’s old phone if they are purchasing a new one, or an old phone if it was purchased from the retailer. ○ No-cost to the consumer – retailer may require proof of purchase ○ Mechanisms must be in place for safe disposal of hazardous materials ○ Retailers must post an 8.5”x 11” notice stating “State law requires us to accept used cellular telephones for recycling in exchange for new cellular telephones purchased.” 	<p>Signed by Governor on 3/27/06</p>



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<p>MINNESOTA H.F. 882</p> <p>Recovery and Recycling of Waste Electronic Products</p>	<p>Landfill Ban/Manufacturer Responsibility</p> <p>The manufacturer must submit a plan for collection and recycling their products, and this plan must be approved</p> <p>Covered items: TVs, computer monitors, laptops, computers, printers, scanners & other computer peripherals.</p>	<ul style="list-style-type: none"> ○ Citizens are not allowed to place any product with a CRT in with disposable solid waste. (Subdivision 2) ○ The cost of the recycling must be internalized and not passed on as an end-of-life fee. (Subdivision 3: 2) ○ Law explicitly mentions click-and-mortar and brick-and-mortar operations. (Subdivision 3) ○ Law will be enforced under §§115.071 and 116.072 (Subdivision 9) ○ Federal pre-emption: Law expires 30 days after a national program is implemented. (Subdivision 10) 	<p>Bill passed in 2003</p> <p>Only Landfill Ban/Subdivision 2 passed and was signed by the Governor. It took effect on 7/1/2005 (see Manufacturer Responsibility law above)</p>
<p>NEW HAMPSHIRE HB 1455</p>	<p>Landfill Ban</p> <p><i>Covered items:</i> “video display devices” including computers, monitors, TVs etc. that include CRTs, LCDs, plasma, digital light processing or other image projection technology that are greater than 4 inches measured diagonally</p>	<ul style="list-style-type: none"> ○ Prohibits disposal of video display devices in solid waste landfills as of July 1, 2007 ○ Requires the Department of Environmental Services to monitor the disposal of electronic waste 	<p>Introduced 1/4/06</p> <p>Signed into law 5/26/06</p>
<p>RHODE ISLAND H7789</p>	<p>Landfill Ban/Study Bill</p> <p><i>Covered items:</i> desktop computers, computer monitors, portable computers, monitor/CPU combos, CRT and non-CRT based televisions, and TVs with a screen greater than four inches when measured diagonally</p>	<ul style="list-style-type: none"> ○ Prohibits disposal of CEDs in solid waste landfills as of July 1, 2008 ○ Requires the State DEM to do a study on the establishment of collection, recycling, and reuse programs in the state. ○ As part of the study, the DEM is required to develop a plan for implementing and financing a program that addresses reuse and recycling CEDs in the state. Stakeholders must be consulted. 	<p>Introduced 2/28/06</p> <p>Signed into law 7/2006</p>

FOR ADDITIONAL INFORMATION, PLEASE CONTACT: MARC PEARL, EXECUTIVE DIRECTOR, CONSUMER ELECTRONICS RETAILERS COALITION (CERC)
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