



Substitute House Bill No. 7249

Public Act No. 07-189

AN ACT CONCERNING THE COLLECTION AND RECYCLING OF COVERED ELECTRONIC DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2007*) As used in sections 1 to 12, inclusive, of this act, unless the context indicates another meaning or intent:

(1) "Department" means the Department of Environmental Protection;

(2) "Commissioner" means the Commissioner of Environmental Protection;

(3) "Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image;

(4) "Computer" means an electronic, magnetic, optical, electrochemical, or other highspeed data processing device performing logical, arithmetic or storage function, and may include, but not be limited to, both a computer central processing unit and a monitor, but does not include an automated typewriter or typesetter, a portable handheld calculator, a portable digital assistant or other similar device;

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(5) "Covered Electronic Device" or "CED" means desktop or personal computers, computer monitors, portable computers, CRT-based televisions and non-CRT-based televisions or any other similar or peripheral electronic device specified in regulations adopted pursuant to section 11 of this act, sold to consumers, but does not include: (A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchise dealer, including replacement parts for use in a motor vehicle; (B) an electronic device that is functionally or physically a part of a larger piece of equipment designed and intended for use in an industrial, commercial or medical setting, including diagnostic, monitoring or control equipment; (C) an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier; (D) telephones of any type unless they contain a video display area greater than four inches measured diagonally; or (E) any handheld device used to access commercial mobile radio service, as such service is defined in 47 CFR 20.3;

(6) "Covered electronic recycler" means a recycler that is approved to recycle covered electronic devices by the department;

(7) "Manufacturer" means any person who: (A) Manufactures or manufactured covered electronic devices under a brand that it licenses, owns or owned, for sale in this state; (B) manufactures or manufactured covered electronic devices without affixing a brand, for sale in this state; (C) resells or has resold in this state under its own brand or label a covered electronic device produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names; (D) imports or imported into the United States or exports from the United States covered electronic devices for sale in this state; (E) sells at retail a covered electronic device acquired

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from an importer that is the manufacturer as described in subparagraph (D) of this subdivision, and elects to register in lieu of the importer as the manufacturer for those products; or (F) manufactures or manufactured covered electronic devices, supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this state, and benefits from the sale in this state of those covered electronic devices through such distribution network;

(8) "Manufacturer's brands" means a manufacturer's name, brand name or brand label, and all manufacturer's names, brand names and brand labels for which the manufacturer has legal responsibility, including those names, brand names and brand labels of companies that have been acquired by the manufacturer;

(9) "Monitor" means a separate video display component of a computer that does not contain a tuner, whether sold separately or together with a computer central processing unit or computer box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing or other image projection technology greater than four inches when measured diagonally, and its case, interior wires and circuitry;

(10) "Person" means an individual, trust firm, joint stock company, business concern and corporation, including, but not limited to, a government department, partnership, limited liability company or association;

(11) "Portable computer" means a computer and video display greater than four inches in size that can be carried as one unit by an individual, including, but not limited to, a laptop computer;

(12) "Purchase" means the taking, by sale, of title in exchange for consideration;

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(13) "Recycling" means any process by which covered electronic devices that would otherwise become solid waste or hazardous waste are collected, separated and processed to be returned to use in the form of raw materials or products, in accordance with environmental standards established by the department;

(14) "Registrant" means a manufacturer or group of manufacturers of covered electronic devices that is, or who are, in compliance with the requirements of sections 1 to 12, inclusive, of this act;

(15) "Retail sales" includes sales of products through sales outlets, via the Internet, mail order or other means, whether or not the seller has a physical presence in this state;

(16) "Retailer" means a person who owns or operates a business that sells new covered electronic devices in this state by any means to a consumer;

(17) "Sell" or "sale" means any transfer of title for consideration, including, but not limited to, transactions conducted through sales outlets, catalogs or the Internet, or any other similar electronic means, and excluding leases;

(18) "Television" means a stand-alone display system containing a CRT or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches when measured diagonally, able to adhere to standard consumer video formats such as PAL, SECAM, NTSC, ATSC and HDTV and having the capability of selecting different broadcast channels and support sound capability;

(19) "Video display" means an output surface having a viewable area greater than four inches when measured diagonally that displays moving graphical images or a visual representation of image sequences or pictures, showing a number of quickly changing images

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on a screen in fast succession to create the illusion of motion, including, but not limited to, a device that is an integral part of the display that cannot be easily removed from the display by the consumer and that produces the moving image on the screen and includes technology using a cathode ray tube, liquid crystal display, gas plasma, digital light processing or other image projection technology;

(20) "Orphan device" means a covered electronic device for which no manufacturer, as defined in this section, can be identified or for which the manufacturer is no longer in business and has no successor in interest; and

(21) "Market share" means a manufacturer's national sales of CEDs expressed as a percentage of the total of all manufacturers' national sales for a category of CEDs based on data that is publicly available.

Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Not later than June 1, 2009, the Commissioner of Environmental Protection shall post a list of all manufacturers in compliance with the requirements of sections 1 to 12, inclusive, of this act on the department's Internet web site and shall maintain such list after said date. Retailers shall consult the list prior to selling covered electronic devices. A retailer shall not offer for sale in this state a covered electronic device of a manufacturer that is not in compliance with such requirements. A retailer shall be considered to have complied with this responsibility if, on the date that the product was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the department's Internet web site.

(b) Notwithstanding subsection (a) of this section, a retailer may sell any CEDs ordered or in stock at the time of the initial posting of such list by the commissioner, regardless of whether the manufacturer of such CED is on such list, until six months after the initial posting or until December 1, 2009, whichever is earlier.

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Sec. 3. (NEW) (*Effective October 1, 2007*) On and after January 1, 2008, a manufacturer or retailer shall not sell or offer for sale a covered electronic device in the state unless it is labeled with the manufacturer's brand, and the label is permanently affixed and readily visible.

Sec. 4. (NEW) (*Effective October 1, 2007*) (a) Each manufacturer of covered electronic devices shall register with the Department of Environmental Protection not later than January 1, 2008, and annually thereafter, on a form prescribed by the Commissioner of Environmental Protection and accompanied by a fee set by the Commissioner of Environmental Protection in accordance with this section and any regulations adopted pursuant to this section. The department may review, at a public hearing, as necessary, the CED recycling and registration fees. The commissioner shall deposit the proceeds of the fees received from registrants in the electronic device recycling program account established under section 22a-27g of the general statutes, as amended by this act, for the purposes of covering the cost for the department to administer the program created in sections 1 to 12, inclusive, of this act except as otherwise provided.

(b) Not later than January 1, 2008, each manufacturer that has sold more than one hundred CEDs in calendar year 2007 shall pay an initial registration fee of five thousand dollars. On or after January 1, 2008, each manufacturer that has not sold CEDs by any means in the state prior to January 1, 2008, shall pay an initial registration fee of five thousand dollars and an additional fee equivalent to the greater of: (1) One per cent of the prior year's total share of orphan devices expressed in pounds multiplied by fifty cents, or (2) one thousand dollars. Such additional fee shall be deposited in the covered electronic recycler reimbursement account established under section 22a-27g of the general statutes, as amended by this act, for the purpose of reimbursing covered electronic recyclers for unpaid qualified expenses

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incurred under section 5 of this act. The initial registration fee of five thousand dollars shall be deposited in the electronic device recycling program account established under section 22a-27g of the general statutes, as amended by this act, for the purposes of covering the cost for the department to administer the program created in sections 1 to 12, inclusive, of this act.

(c) Commencing January 1, 2009, all manufacturers shall pay an annual registration renewal fee as determined by the commissioner in accordance with subsection (d) of this section.

(d) Not later than October 1, 2008, the commissioner shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish annual registration and reasonable fees for administering the program established in sections 1 to 12, inclusive, of this act. All fees charged shall be based on factors relative to the costs of administering such program and be based on a sliding scale that is representative of the manufacturer's market share of covered electronic devices in the state. Market share information shall be based on available national market share data. Fees shall be established in amounts to fully cover but not to exceed expenses incurred by the commissioner for the implementation of such program, including the cost of any education or outreach necessary to carry out such program.

Sec. 5. (NEW) (*Effective October 1, 2007*) (a) On and after January 1, 2009, each manufacturer shall participate in the state-wide electronics recycling program established in this section to implement and finance the collection, transportation and recycling of covered electronic devices, and may participate in a private electronics recycling program.

(b) On and after January 1, 2009, each municipality shall provide for the recycling of CEDs generated within its boundaries by participating in the state-wide electronics recycling program. Municipalities that

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participate in a regional recycling program may elect to participate in the state-wide electronics program through such regional authority. Each municipality or regional authority shall (1) provide for the collection of CEDs from residents within such municipality or region, (2) arrange for the transportation of collected CEDs to a covered electronic recycler, and (3) make information readily available to residents of the municipality or region of the time and location of the collection of CEDs. In providing collection and recycling opportunities to its residents each municipality shall give priority to convenience and accessibility.

(c) On and after January 1, 2009, each covered electronic recycler shall (1) cooperate with any municipality or regional authority to provide for the collection and transportation of CEDs, (2) reimburse a municipality or regional authority for such municipality's or such authority's qualified costs of transportation, (3) recycle all collected CEDs in accordance with the minimum standards established in section 8 of this act, (4) maintain a written log that identifies responsible manufacturers by recording the brand and weight of each CED delivered to a covered electronic recycler and identified upon receipt as generated by a household in the state, (5) report to the commissioner any manufacturer that is in arrears for more than ninety days, (6) file a plan for carrying out the provisions of this section on a form approved by the commissioner, and (7) invoice manufacturers quarterly for the reasonable costs of transporting and recycling that the manufacturer is responsible for pursuant to this section. Such costs shall be calculated on a per pound basis and shall not exceed fifty cents per pound or an amount determined by the commissioner in regulations adopted pursuant to section 11 of this act. Nothing in this subsection shall prohibit a registered manufacturer from entering into a cooperative agreement with a covered electronic recycler to return such manufacturer's CEDs for subsequent recycling by the manufacturer provided the manufacturer certifies to the commissioner

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that such CEDs have been recycled in accordance with subsection (e) of this section and the manufacturer reimburses the covered electronic recycler for such recycler's qualified costs, as determined by the commissioner.

(d) On and after January 1, 2009, each manufacturer shall pay the reasonable costs of transportation and recycling incurred by a covered electronic recycler for the CEDs attributed to such manufacturer and the manufacturer's pro rata share of orphan devices processed by a covered electronic recycler. A manufacturer's pro rata share of orphan devices shall be calculated as a manufacturer's market share for the preceding calendar year divided by the total market share of all registered manufacturers for the same year multiplied by the total, in pounds, of orphan devices returned. The pro rata share of orphan devices shall be calculated separately for CEDs consisting of computer-related components, including desktop or personal computers, computer monitors, portable computers and for CEDs consisting of television-related components, including CRT-based and non CRT-based televisions. Manufacturers of only CEDs consisting of television-related components or only CEDs consisting of computer-related components shall only be liable for their corresponding pro rata share. The commissioner may suspend the registration of any manufacturer in arrears for more than ninety days. A manufacturer that has had such manufacturer's registration suspended in accordance with this subsection shall demonstrate that all past due payments and a penalty equivalent to ten per cent of such past due payments has been paid to the commissioner prior to seeking reinstatement of such registration. The commissioner shall deposit such penalty in the covered electronic recycler reimbursement account established under section 22a-27g of the general statutes, as amended by this act, for the purpose of reimbursing covered electronic recyclers for unpaid qualified expenses in accordance with this section and any regulations adopted pursuant to section 11 of this act. Any covered electronic recycler seeking

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reimbursement for such qualified expenses shall file a request with the commissioner and certify that such expenses are qualified. The commissioner shall reimburse each covered electronic recycler to the extent that funds are available.

(e) Any private program for the collection, transportation and recycling of CEDs shall comply with the standards established in section 8 of this act. Any manufacturer participating in a private program shall file a description of such program with such manufacturer's annual registration, including: (1) The methods that will be used to collect the covered electronic devices, including, but not limited to, the name and locations of all collection and consolidation points; (2) the processes and methods that will be used to recycle recovered covered electronic devices, including a description of the disassembly and physical recovery operation such as crushing, shredding, grinding, glass-to-glass recycling or other operations that will be used; (3) the name and location of all facilities to be utilized; (4) documentation of audits of each processor used in the plan and compliance with processing standards established in section 8 of this act; (5) a description of the means that will be utilized to publicize the collection opportunities; and (6) the total weight of CEDs collected, transported and recycled the previous year.

Sec. 6. (NEW) (*Effective October 1, 2007*) (a) On and after July 1, 2010, a retailer shall provide consumers with information provided by the Department of Environmental Protection, including a toll-free telephone number and Internet web site. Such information shall be provided in a clear written form and shall be included in the packaging of the covered electronic device or accompany the sale of the covered electronic device. If applicable, each manufacturer shall make readily available to all retailers selling such manufacturer's CEDs information concerning such manufacturer's private program for the collection, transportation and recycling of CEDs that has been

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submitted to the department, in accordance with section 5 of this act.

(b) No Connecticut resident giving seven or fewer covered electronic devices to a collector at any one time shall be charged any fees or costs for the collection, transportation or recycling of such covered electronic devices.

Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Not later than October 1, 2010, and every three years thereafter, the commissioner shall prepare an electronics recycling plan that establishes state-wide per-capita collection and recycling goals and identifies any necessary actions to achieve such goals. Such report shall be posted on the department's web site and a copy of such report submitted, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment.

(b) Not later than October 1, 2010, and annually thereafter, the commissioner shall gather information from registrants and prepare a report regarding the status of the electronics recycling program. The commissioner shall submit such report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment, in accordance with the provisions of section 11-4a of the general statutes. Such report shall contain: (1) Sufficient data, as determined by the commissioner, and analysis of such data to evaluate the effectiveness of the state-wide recycling program and the components of such program, and (2) if at any time the federal government establishes a national program for the collection and recycling of electronic devices and the department determines that the federal law substantially meets or exceeds the requirements of sections 1 to 12, inclusive, of this act, information on the federal law.

Sec. 8. (NEW) (*Effective October 1, 2007*) (a) On and after January 1, 2009, covered electronic devices collected through any program in

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Connecticut, whether by manufacturers, retailers, for-profit or not-for-profit corporations, units of government or organized by the commissioner, shall be recycled in a manner that is in compliance with all applicable federal, state and local laws, regulations and ordinances, and shall not be exported for disposal in a manner that poses a significant risk to the public health or to the environment.

(b) The commissioner shall establish performance requirements in order for collectors, transporters and recyclers of covered electronic devices to be eligible to receive funds from the department. All entities shall, at a minimum, demonstrate compliance with the United States Environmental Protection Agency's Plug-In to eCycling Guidelines for Materials Management as issued and available on said agency's Internet web site in addition to any other requirements mandated by state or federal law.

Sec. 9. (NEW) (*Effective October 1, 2007*) On and after January 1, 2011, no person shall knowingly place a covered electronic device or any of the components or subassemblies of such device in any solid waste facility. An owner or operator of a solid waste facility shall not be found in violation of this section if such owner or operator has (1) made a good faith effort to comply with this section, (2) posted, in a conspicuous location at the facility, a sign stating that covered electronic devices or any components thereof shall not be accepted at such facility, and (3) notified, in writing, all collectors registered to haul solid waste to such facility that such devices or components shall not be accepted at the facility. For the purposes of this section, "solid waste facility" means "solid waste facility" as defined in section 22a-207 of the general statutes, but does not include transfer stations.

Sec. 10. (NEW) (*Effective October 1, 2007*) On and after January 1, 2009, the Commissioner of Environmental Protection may issue cease and desist orders in accordance with section 22a-7 of the general statutes for any violation of sections 1 to 12, inclusive, of this act, and

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to suspend or revoke any registration issued by the commissioner under section 4 of this act upon a showing of cause and after a hearing. The courts may grant such restraining orders and such temporary and permanent injunctive relief as may be necessary to secure compliance with sections 1 to 12, inclusive, of this act. Civil proceedings to enforce sections 1 to 12, inclusive, of this act may be brought by the Attorney General in the superior court for any judicial district affected by the violation.

Sec. 11. (NEW) (*Effective July 1, 2007*) The Commissioner of Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the provisions of sections 1 to 12, inclusive, of this act. Such regulations shall include, but not be limited to, provisions that establish (1) a process for approving covered electronic recyclers, (2) a table of qualified reimbursable costs for covered electronic recyclers, (3) standards for operation, accounting and auditing of covered electronic recyclers, (4) a list of covered electronic devices and such list may include additional devices other than those specified in section 1, such as printers, and (5) any other requirements necessary to carry out the provisions of sections 1 to 12, inclusive, of this act.

Sec. 12. (NEW) (*Effective from passage*) The commissioner may participate in the establishment and implementation of a regional, multistate organization or compact to assist in carrying out the requirements of sections 1 to 12, inclusive, of this act.

Sec. 13. Section 22a-27g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) There is established a fund to be known as the "Environmental Quality Fund" which shall be held by the Treasurer. Within the Environmental Quality Fund, there is established and created an account to be known as the "environmental quality account". The

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Environmental Quality Fund may include other accounts separate and apart from the environmental quality account. Notwithstanding any provision of the general statutes to the contrary, any moneys required by law to be deposited in the Environmental Quality Fund shall be deposited therein and credited to the environmental quality account. Any balance remaining in the environmental quality account at the end of any fiscal year shall be carried forward in the environmental quality account for the fiscal year next succeeding. The environmental quality account shall be used by the Department of Environmental Protection for the administration of the central office and environmental quality programs authorized by the general statutes.

(b) Notwithstanding any provision of the general statutes, on and after July 1, 1990, the amount of any fee received by the Department of Environmental Protection which is attributable to the provisions of sections 22a-6, 22a-6d, 22a-27i, 22a-134e, 22a-135, 22a-148, 22a-150, 22a-174, 22a-208a, 22a-342, 22a-363c, 22a-372, 22a-379, 22a-409, 22a-430, 22a-449, 22a-454 to 22a-454c, inclusive, 22a-361 and 26-194, or any regulation adopted or amended pursuant to section 22a-6 or pursuant to any other provision of this title, shall be deposited directly into the Environmental Quality Fund established by subsection (a) of this section and credited to the environmental quality account. The Commissioner of Environmental Protection shall annually certify to the Treasurer, with respect to each such fee received on and after July 1, 1990, the amount of such fee which shall be credited to the General Fund.

(c) There is established an account to be known as the "covered electronic recycler reimbursement account" which shall be a separate, nonlapsing account within the Environmental Quality Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Department of Environmental Protection for the purpose of

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reimbursing covered electronic recyclers for unpaid qualified expenses in accordance with section 5 of this act and any regulations adopted pursuant to section 11 of this act.

(d) There is established an account to be known as the "electronic device recycling program account" which shall be a separate, nonlapsing account within the Environmental Quality Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Department of Environmental Protection for the purposes of carrying out the provisions of sections 1 to 12, inclusive, of this act.

Approved July 6, 2007