



A LEGISLATIVE FRAMEWORK FOR ELECTRONICS RECYCLING

ELEMENTS OF PROPOSAL

1.0 - Product Scope

- 1.1 Covered electronic devices (CEDs) are defined as computer monitors, desktop computers, laptop computers and televisions.
- 1.2 The proposal applies only to household CEDs.
- 1.3 The following devices are excluded from the scope:
 - 1.3.1 CEDs that are functionally or physically part of a piece of medical, commercial, industrial or government equipment.
 - 1.3.2 Telephones and wireless communications devices.
 - 1.3.3 Devices where the primary function is display of still images and input is limited to mass storage class devices.

2.0 - Bifurcated Financing

- 2.1 All televisions will be subject to a visible fee to be collected by retailers at the point of sale to address legacy products.
- 2.2 All covered IT equipment (computer monitors, desktop computers and laptop computers) will be subject to individual producer responsibility as defined in provision 3.2 below.
- 2.3 The approach described in Appendix A will be used to distinguish between televisions and computer monitors.

3.0 - Program Requirements

- 3.1 Programs operated pursuant to the visible fee program will provide for all collection, transportation and recycling functions.
 - 3.1.1 Funds collected pursuant to the visible fee program will be managed by an organization to be created by manufacturers/brand owners of televisions.
 - 3.1.2 An individual manufacturer/brand owner of televisions may not be required to participate in the organization.
- 3.2 For programs operated pursuant to producer responsibility for covered IT equipment:

- 3.2.1 No manufacturer shall sell or offer for sale any covered IT equipment unless the manufacturer has a recovery plan under which the manufacturer offers to collect from a consumer and recover each covered IT device that is labeled with the manufacturer's brand at no charge to the consumer.
- 3.2.2 The recovery plan must offer covered IT equipment collection services that are reasonably convenient and available, and designed to meet the collection needs of consumers.
- 3.2.3 Manufacturers/brand owners operating pursuant to producer responsibility for covered IT equipment can act independently or collectively.
- 3.2.4 No manufacturer/brand owner shall sell or offer for sale any covered IT equipment unless the manufacturer/brand owner meets the program requirements.
- 3.3 Manufacturers/brand owners of CEDs will file annual reports on the weight of CEDs they properly recycled in the previous program year

4.0 - "Manufacturer/Brand Owner" Determination

- 4.1 The manufacturer/brand owner will have the sole legal obligation if it (or its successor) still exists, unless it is outside of jurisdictional reach and refuses to participate.
- 4.2 In the event that the manufacturer/brand owner ceases to exist (or is outside the jurisdictional reach and refuses to participate) then the manufacturer/brand owner of record becomes the entity or entities that:
 - Imported the CED or arranged for its import – OR –
 - Owned the CED as property (except as the actual consumer) – OR –
 - Sold the CED in exchange for payment or other consideration – OR –
 - Otherwise legally controlled the CED
- 4.3 If more than one entity falls under this definition, then they will collectively share the obligation that otherwise would belong to the manufacturer/brand owner.
- 4.4 Entities that are not the brand owner but import, own, control and/or sell CEDs must maintain records that document their involvement in the event the manufacturer/brand owner goes bankrupt or otherwise fails to participate.

5.0 Registration Requirements

- 5.1 Manufacturers of CEDs will be required to register their covered brands.
- 5.2 Retailers will only be allowed to sell registered CEDs

6.0 Materials Content

- 6.1 CEDs will meet the European Union (EU) RoHS requirements provided:
 - 6.1.1 There is complete harmonization with all aspects of the RoHS Directive, including exemptions, exclusions and maximum concentration values.

- 6.1.2 Implementation is based on the date of manufacture of the CED.
- 6.1.3 If enacted at the federal level, this provision must include an express preemption provision.

7.0 Environmentally-Sound Management Requirements

- 7.1 Manufacturers/brand owners may only use service providers that satisfy established environmentally-sound management standards and related business practices. Service providers that satisfy these requirements are eligible to participate in the program.
- 7.2 Manufacturers/brand owners may not be required to use certain service providers, or to only use service providers in a given state, but must ensure that their service providers meet all applicable requirements for the program.

8.0 Procurement Preference for Environmentally-Preferable Products

- 8.1 The legislation will include a government procurement preference for applicable environmentally-preferable products.
 - 8.1.1 This preference could be based on the IEEE 1680 Standard for Environmental Assessment of Personal Computer Products (the EPEAT standard).
 - 8.1.2 The procurement preference would apply to the government itself, its agencies and other public institutions (i.e., certain universities, hospitals, etc.).

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APPENDIX A

The EIA proposal relies on the following approach to distinguish between televisions and computer monitors that meet the definition of covered electronic device (CED) in Section 1.0 of the proposal:

1. If the manufacturer has installed a tuner, the device is considered a television.
2. If the retailer has installed a tuner, the device is considered a television.
3. If the device does not include a tuner, but has a screen size equal to or greater than 24 inches, measured on the diagonal, the device is considered a television.
4. If none of these criteria apply, then the device is considered a computer monitor.

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