This update presents a list of Federal and state legislation recently introduced to address waste, recycling and other related matters. Vermont Enacts Extended Producer Responsibility Law for Computers and Certain Other Electronic Products On April 19, 2010, Vermont Governor, Jim Douglas signed S77 into law, thereby establishing an extended producer responsibility (EPR) program for recycling electronic waste in the state. Covered devices include computers, computer monitors, cathode ray tube-containing devices, printers and televisions. Manufacturers of these products are required to register with Vermont's Agency of Natural Resources by July 1, 2010, and pay an annual registration fee. The fee is $1,250 for manufacturers selling less than 100 covered devices in the state and $5,000 for manufacturers selling more than 100 devices. Beginning on July 1, 2011, the fee will be calculated on a market share basis. The law also requires manufacturers to submit an annual report on e-waste collected in the state and other recycling-related information, but not until August 1, 2012. The bill is available at: http://www.leg.state.vt.us/docs/2010/bills/Passed/S-077.pdf. Mandatory Recycling of Mercury-Added Lamps Proposed in Wisconsin On March 18, 2010, several Wisconsin Senators introduced SB629, which would require manufacturers of mercury-added lamps to implement a recycling plan for covered lamps. Beginning January 1, 2013, manufacturers would have to register with the Department of Natural Resources (DNR) and pay an annual $5,000 fee. Manufacturers would also have to submit an annual recycling plan to DNR that sets out the manufacturer's planned lamp collection sites, the companies that will recycle the lamps, and plans to educate the public. Manufacturers have the option of complying by participating in an industry recycling program or creating their own plan. The bill would also ban mercury-added lamps from landfills beginning July 1, 2013. The bill, which has been referred to the Committee on the Environment, is available at: http://www.legis.state.wi.us/2009/data/SB-629.pdf. Bill Proposes Changes to Rhode Island E-Waste Registration Fee On February 25, 2010, Representative Arthur Handy introduced H7716, an amendment to Rhode Island's Electronic Waste Prevention, Reuse and Recycling Act. The amendments would revise reporting dates under the act and require collectors and recyclers to register annually with the Department of Environmental Management (DEM). The bill also would change the date when manufacturers of electronic products must renew their annual registration and submit the $5,000 registration fee to the DEM from January 1 of the program year to December 15 of the prior year. On April 8, 2010, the House Environment and Natural Resources recommended that the bill be held for further study. The proposed amended bill is available at: http://www.rilin.state.ri.us/BillText10/HouseText10/H7716.htm. Proposal Would Narrow Definition of “Covered Electronic Device” in California On February 19, 2010, Representative Ma introduced AB 2611 to the California Assembly. The proposed bill would amend the Electronic Waste Recycling Act of 2003 by changing the specifications for mobile phones and personal digital assistants. Under current law, a “covered electronic device” is defined as a “video display device containing a screen with greater than four inches, measured diagonally…” If passed, the new bill would revise the act to only cover video display devices with more than nine square inches of screen size. The amendment has been proposed in response to complaints that the current standards discriminate against visually impaired individuals seeking exemption from the electronic waste recycling fees mandated in the act. The proposed bill, which has been referred to the Committee on Environmental Safety and Toxic Materials, is available at: http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2601-2650/ab_2611_bill_20100408_amended_asm_v98.pdf. Bill to Divert E-Waste Fees Introduced in California Under California’s Electronic Waste Recycling Act of 2003, a
a retailer selling a covered product is required to collect a recycling fee from the consumer. Currently, these fees are paid to the Integrated Waste Management Fund (IWMF). On February 19, 2010, Senator Oropeza introduced SB 1326, which would appropriate $15,000,000 from the IWMF to the California Conservation Corps (CCC). The CCC would grant this money to local communities to collect and recycle covered electronic products. The bill would also appropriate an additional $10,000,000 to the CCC to collect and recycle covered products. The Senate hopes the proposed bill will create new jobs for unemployed youth performing environmental projects. The proposed bill, which has been referred to the Committee on Appropriations, is available at: http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1301-1350/sb_1326_bill_20100323_amended_sen_v98.pdf.

E-Waste Bill Finds New Life in New York Senate The Electronic Equipment Recycling and Reuse Act, which was introduced and stalled in the New York Senate during the 2009 term has been revived. A companion and identical bill, A9049 has already been passed by the state Assembly. S6047 would require manufacturers of covered electronics to accept and recycle covered products, including computers and computer accessories, cathode ray tube devices, and televisions beginning July 1, 2011. A manufacturer’s recycling target would be based on market share as determined from an annual sales report that must be submitted to the Department of Environmental Conservation (“DEC”). Surcharges would be assessed if the target is not met and manufacturers would not be allowed to charge consumers a collection or recycling fee. The bill would require annual registration with the DEC and the payment of a $5,000 registration fee. The bill also would impose on retailers the obligation to ensure that manufacturers of covered electronic devices are registered before selling their products. The proposed bill, which was referred to the Senate Finance Committee on April 7, is available at: http://assembly.state.ny.us/leg/?default_fld=&bn=S06047&Summary=Y&Text=Y. For more information, please contact: JC Walker at walker@khlaw.com or 202-434-4181.