
A BILL FOR AN ACT

RELATING TO ELECTRONIC DEVICE RECYCLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Available estimates suggest that over one
2 hundred million computers, monitors, and televisions become
3 obsolete each year, and this number is growing. If improperly
4 managed, these used electronics can harm the environment and
5 human health. These electronics contain valuable resources such
6 as copper, gold, and aluminum, and if the electronics are
7 discarded in landfills, these valuable resources are lost for
8 future use. Additionally, research shows that toxic substances
9 with known adverse health effects, such as lead, have the
10 potential to leach from discarded electronics in landfills. In
11 Hawaii, an additional problem is presented by the limited amount
12 of space in our State's landfills. Valuable space could be
13 saved by providing a method to encourage recycling of used and
14 discarded electronics.

15 The purpose of this Act is to encourage recycling of
16 electronic devices sold within the State by establishing an
17 electronic device recycling program.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **ELECTRONIC WASTE RECYCLING ACT**

6 § -1 **Definitions.** As used in this chapter:

7 "Brand" means symbols, words, or marks that identify a
8 covered electronic device, rather than any of its components.

9 "Covered entity" means any household, government entity,
10 business, or nonprofit organization exempt from taxation under
11 section 501(c)(3) of the United States Internal Revenue Code,
12 regardless of size or place of operation within the State.

13 "Covered electronic device":

14 (1) Means a computer, computer printer, monitor, or
15 television, whether cathode ray tube based or flat
16 panel based, or a portable computer, with a screen
17 size greater than four inches measured diagonally; and

18 (2) Shall not include:

19 (A) A covered electronic device that is a part of a
20 motor vehicle or any component part of a motor
21 vehicle assembled by or for a motor vehicle



1 manufacturer or franchised dealer, including
2 replacement parts for use in a motor vehicle;
3 (B) A covered electronic device that is functionally
4 or physically a part of a larger piece of
5 equipment designed and intended for use in an
6 industrial, commercial, or medical setting,
7 including diagnostic, monitoring, or control
8 equipment;

9 (C) A covered electronic device that is contained
10 within a clothes washer, clothes dryer,
11 refrigerator, refrigerator and freezer, microwave
12 oven, conventional oven or range, dishwasher,
13 room air conditioner, dehumidifier, or air
14 purifier; or

15 (D) A telephone of any type.

16 "Department" means the department of health.

17 "Household" means any occupant of a single detached
18 dwelling unit or of a single unit of a multiple dwelling unit
19 who has used a covered electronic device at a dwelling unit
20 primarily for personal or home business use.

21 "Manufacturer" means any existing person:



- 1 (1) Who manufactures or manufactured covered electronic
2 devices under a brand that it owns or owned or is or
3 was licensed to use, other than a license to
4 manufacture covered electronic devices for delivery
5 exclusively to or at the order of the licensor;
- 6 (2) Who sells or sold covered electronic devices
7 manufactured by others under a brand that the seller
8 owns or owned or is or was licensed to use, other than
9 a license to manufacture covered electronic devices
10 for delivery exclusively to or at the order of the
11 licensor;
- 12 (3) Who manufactures or manufactured covered electronic
13 devices without affixing a brand;
- 14 (4) Who manufactures or manufactured covered electronic
15 devices to which it affixes or affixed a brand that it
16 neither owns or owned nor is or was licensed to use;
17 or
- 18 (5) For whose account covered electronic devices
19 manufactured outside the United States are or were
20 imported into the United States; provided that if at
21 the time such covered electronic devices are or were
22 imported into the United States and another person has



1 registered as the manufacturer of the brand of the
2 covered electronic devices, this paragraph shall not
3 apply.

4 "New covered electronic device" means a covered electronic
5 device that is manufactured after the effective date of this
6 chapter.

7 "Orphan device" means a covered electronic device for which
8 no manufacturer can be identified.

9 "Person" means any individual, business, partnership,
10 limited liability company, corporation, not-for-profit
11 organization, association, government entity, public benefit
12 corporation, or public authority.

13 "Program year" means a full calendar year beginning on
14 January 1, 2011.

15 "Recycling" means processing (including disassembling,
16 dismantling, or shredding) covered electronic devices or their
17 components to recover a useable product. "Recycling" does not
18 include any process defined as incineration under applicable
19 laws and rules.

20 "Retailer" means any person who offers covered electronic
21 devices for sale, other than for resale by the purchaser,



1 through any means including, but not limited to, sales outlets,
2 catalogs, or the Internet.

3 "Return share" means the proportion of covered electronic
4 devices for which an individual manufacturer is responsible to
5 collect, transport, and recycle, as determined by the department
6 pursuant to section -7(a).

7 "Return share in weight" means the total weight of covered
8 electronic devices for which an individual manufacturer is
9 responsible to collect, transport, and recycle, as determined by
10 the department pursuant to section -7(b).

11 "Sell" or "sale" means any transfer for consideration of
12 title including, but not limited to, transactions conducted
13 through sales outlets, catalogs, or the Internet, but excluding
14 leases.

15 § -2 **Scope of products.** The collection, transportation,
16 and recycling provisions of this chapter shall apply only to
17 covered electronic devices used and discarded in this State by a
18 covered entity.

19 § -3 **Sales prohibition.** (a) Beginning January 1, 2011,
20 no manufacturer or retailer shall sell or offer for sale any new
21 covered electronic device for delivery in this State unless:



1 (1) The covered electronic device is labeled with a brand,
2 and the label is permanently affixed and readily
3 visible; and

4 (2) The brand is included in a registration that is filed
5 with the department and that is effective pursuant to
6 section -4(b)(3).

7 (b) Beginning April 1, 2010, the department shall maintain
8 a list of each registered manufacturer and the brands reported
9 in each manufacturer's registration and a list of brands for
10 which no manufacturer has registered. The lists shall be posted
11 on the department website and shall be updated by the first day
12 of each month. Each retailer who sells or offers for sale any
13 new covered electronic device for delivery in this State shall
14 review these lists prior to selling the covered electronic
15 device. A retailer is considered to have complied with
16 subsection (a) if, on the date a new covered electronic device
17 was ordered by the retailer, the brand was included on the
18 department's list of brands reported in a manufacturer's
19 registration.

20 (c) The sale or offer to sell any new covered electronic
21 device in the State that was either in stock or on order for
22 stock by a retailer prior to the initial registration date



1 specified in subsection (b) shall be exempt from the
2 requirements of this section.

3 **§ -4 Manufacturer responsibility.** (a) Beginning
4 January 1, 2010, each manufacturer shall label all new covered
5 electronic devices to be offered for sale for delivery in this
6 State with a brand, which label shall be permanently affixed and
7 readily visible.

8 (b) (1) By January 1, 2010, each manufacturer of new covered
9 electronic devices offered for sale for delivery in
10 this State shall register with the department and pay
11 to the department a registration fee of \$5,000;
12 provided that the department may establish a reduced
13 graduated fee scale for small manufacturers of new
14 covered electronic devices. Thereafter, if a
15 manufacturer has not previously registered, the
16 manufacturer shall register with the department prior
17 to any offer for sale for delivery in this State of
18 the manufacturer's new covered electronic devices.
19 Any manufacturer to whom the department provides
20 notification of a return share and return share in
21 weight pursuant to section -7(c) and who has not
22 previously registered shall register with the



1 department within thirty days of receiving
2 notification.

3 (2) Each manufacturer who is registered shall submit an
4 annual renewal of its registration with the payment of
5 a registration fee of \$5,000, by January 1 of each
6 program year; provided that the department may
7 establish a reduced graduated fee scale for small
8 manufacturers of new covered electronic devices.

9 (3) The registration and each renewal shall include a list
10 of all of the manufacturer's brands of covered
11 electronic devices and shall be effective on the
12 second day of the succeeding month after receipt by
13 the department of the registration or renewal.

14 (c) (1) By June 1, 2010, each manufacturer to whom the
15 department provides, by April 1, 2010, a return share
16 in weight that is greater than zero shall:

17 (A) Submit an additional fee to the department, which
18 shall be calculated by multiplying the
19 manufacturer's return share in weight by the cost
20 per pound for collection, transportation, and
21 recycling of covered electronic devices



1 determined by the department pursuant to section
2 -7(g); or
3 (B) Submit a plan to the department to establish,
4 conduct, and manage a program for the collection,
5 transportation, and recycling of its return share
6 in weight of covered electronic devices, provided
7 that the plan represents at least five per cent
8 of the total return shares in weight determined
9 by the department pursuant to section -7(b)
10 for the applicable program year. The program
11 shall collect only covered electronic devices
12 that have been used and discarded in this State
13 by a covered entity.
14 (2) By February 15, 2012, or by February 15 of any year
15 thereafter, each manufacturer to whom the department
16 provides a return share in weight that is greater than
17 zero shall comply by March 15 of that year, with
18 paragraph (1)(A) or (B).
19 (d) Each manufacturer's plan shall include:
20 (1) Methods that will be used to collect covered
21 electronic devices, including the names and locations
22 of proposed collection services;



- 1 (2) The processes that will be used to recycle covered
2 electronic devices, including a description of the
3 recycling processes that will be used and the names
4 and locations of recyclers to be directly utilized by
5 the plan;
- 6 (3) Means that will be utilized to publicize collection
7 services, including specification of a website or
8 toll-free telephone number that provides information
9 about the manufacturer's program in sufficient detail
10 to allow covered entities to learn how to return their
11 covered electronic devices for recycling; and
- 12 (4) The intention of the manufacturer to fulfill its
13 return share in weight through operation of its own
14 plan, either individually or with other manufacturers.
- 15 (e) A group of manufacturers jointly submitting a plan
16 shall collect, transport, and recycle the sum of the return
17 shares in weight of each participating manufacturer.
- 18 (f) A manufacturer's plan may establish reasonable limits
19 on the number of covered electronic devices by product type
20 accepted from a covered entity in any one day or in any one
21 delivery pursuant to a collection program.



1 (g) The department shall review each manufacturer's plan
2 and, within sixty days of receipt of the plan, shall determine
3 whether the plan complies with this chapter. If the plan is
4 approved, the department shall notify the manufacturer or group
5 of manufacturers. If the plan is rejected, the department shall
6 notify the manufacturer or group of manufacturers and provide
7 the reasons for the plan's rejection. Within thirty days after
8 receipt of the department's rejection, the manufacturer or group
9 of manufacturers may revise and resubmit the plan to the
10 department for approval. Upon approval of a plan by the
11 department, the payment of the additional fee based up on the
12 return share in weight shall be waived for each manufacturer
13 participating in the plan. If a manufacturer or group of
14 manufacturers does not resubmit a plan after rejection of the
15 plan by the department or if, after resubmission of a plan by a
16 manufacturer or group of manufacturers to the department, the
17 department rejects the plan, each participating manufacturer in
18 the proposed plan shall pay the additional fee required by
19 subsection (c)(1)(A) to the department within thirty days of the
20 department's final rejection of the plan.

21 (h) If a manufacturer or group of manufacturers fails to
22 collect, transport, and recycle, at no fee or charge to covered



1 entities, the return share in weight of each manufacturer
2 participating in its plan, the manufacturer or group of
3 manufacturers shall be required to submit to the department a
4 payment to cover the cost of collecting, transporting, and
5 recycling the unmet portion of the return share in weight. This
6 payment shall be equal to the quantity of the unmet portion, in
7 pounds, plus an additional ten per cent of such quantity,
8 multiplied by the cost per pound for collection, transportation,
9 and recycling of covered electronic devices as determined by the
10 department pursuant to section -7(g).

11 (i) If a manufacturer or group of manufacturers collects,
12 transports, and recycles, at no fee or charge to covered
13 entities, in excess of the return share in weight of each
14 manufacturer participating in its plan, the manufacturer or
15 group of manufacturers may apply credits to meeting the
16 following program year's return share in weight for the
17 manufacturer or group of manufacturers or may sell credits to
18 another manufacturer or group of manufacturers. These credits
19 shall be equal to the quantity in pounds of the excess portion.

20 (j) Where more than one person is within the definition of
21 manufacturer of a brand of a covered electronic device under
22 section -1, any one or more such persons may assume



1 responsibility for and satisfy the obligations of a manufacturer
2 under this chapter with respect to covered electronic devices
3 bearing that brand. In the event that no person assumes
4 responsibility for and satisfies the obligations of a
5 manufacturer under this chapter with respect to covered
6 electronic devices bearing that brand, the department may
7 consider any one or more persons within such definition to be
8 the manufacturer of that brand.

9 (k) The obligations under this chapter for a manufacturer
10 who manufactures or manufactured covered electronic devices, or
11 who sells or sold covered electronic devices manufactured by
12 others, under a brand that was previously used by a different
13 person in the manufacture of covered electronic devices shall
14 extend to all covered electronic devices bearing that brand.

15 (l) Nothing in this chapter is intended to exempt any
16 person from liability that the person would otherwise have under
17 applicable law.

18 § -5 **Sampling and reporting.** (a) Beginning January 30,
19 2012, the department shall annually:

20 (1) Have completed an auditable, statistically significant
21 sampling of covered electronic devices collected from
22 covered entities in this State by the department



1 during the previous program year. The sampling
2 information collected shall consist of a list of
3 brands of covered electronic devices and the weight of
4 covered electronic devices that are identified for
5 each brand. The department's sampling shall be
6 conducted in accordance with a procedure established
7 by the department and may be conducted by a third-
8 party organization, including a recycler, to be
9 determined by the department. The department, at its
10 discretion, may be present at the sampling and may
11 audit the methodology and the results of the third-
12 party organization. The costs associated with the
13 sampling shall be recovered from the environmental
14 management special fund; and

15 (2) Determine the total weight of covered electronic
16 devices, including orphan devices, collected from
17 covered entities in this State by the department
18 during the previous program year.

19 (b) If a manufacturer or group of manufacturers conducts
20 its own collection, transportation, and recycling program for
21 covered electronic devices, the manufacturer or group of
22 manufacturers shall submit a report to the department annually



1 by January 30, beginning the year after the program is
2 initiated. The report shall include:

3 (1) The results of an auditable, statistically significant
4 sampling of covered electronic devices collected from
5 covered entities in this State by the manufacturer or
6 group of manufacturers during the previous program
7 year. The sampling information reported shall consist
8 of a list of brands of covered electronic devices and
9 the weight of covered electronic devices that are
10 identified for each brand; and

11 (2) The total weight of covered electronic devices,
12 including orphan devices, collected from covered
13 entities in this State by the manufacturer or group of
14 manufacturers during the previous program year and
15 documentation verifying collection and recycling of
16 such devices.

17 § -6 **Retailer responsibility.** Beginning January 1,
18 2011, retailers shall make available to their customers
19 information on collection services in the State, including the
20 department's website and toll-free telephone number. Remote
21 retailers may include this information in a visible location on
22 their website to fulfill this requirement.



1 § -7 **Department responsibility.** (a) The department
2 shall determine the return share for each program year for each
3 manufacturer by dividing the weight of covered electronic
4 devices identified for each manufacturer by the total weight of
5 covered electronic devices identified for all manufacturers.
6 For the first program year, the return share of covered
7 electronic devices identified for each manufacturer shall be
8 based on the best available public return share data from the
9 United States, including data from other states, for covered
10 electronic devices from covered entities. For the second and
11 each subsequent program year, the return share of covered
12 electronic devices identified for each manufacturer shall be
13 based on the most recent samplings of covered electronic devices
14 conducted in this State pursuant to section -5.

15 (b) The department shall determine the return share in
16 weight for each program year for each manufacturer for whom a
17 return share is determined pursuant to subsection (a) by
18 multiplying the return share for that manufacturer by the total
19 weight in pounds of covered electronic devices, including orphan
20 devices, collected from covered entities the previous program
21 year. For the first program year, the total weight in pounds of
22 covered electronic devices shall be based on the best available



1 public weight data from the United States, including data from
2 other states, for covered electronic devices from covered
3 entities. For the second and each subsequent program year, the
4 total weight in pounds of covered electronic devices shall be
5 based on the total weight of covered electronic devices,
6 including orphan devices, determined by the department pursuant
7 to section -5.

8 (c) By April 1, 2010, the department shall notify each
9 manufacturer for whom a return share is determined pursuant to
10 subsection (a) of its return share and its return share in
11 weight for the first program year. Annually thereafter, by
12 February 15, beginning in 2012, the department shall notify each
13 manufacturer for whom a return share is determined pursuant to
14 subsection (a) of its return share and its return share in
15 weight for the second and subsequent program years.

16 (d) The department shall prepare and implement its plan to
17 establish, conduct, and manage a program for the collection,
18 transportation, and recycling of covered electronic devices from
19 covered entities in this State for those manufacturers without
20 approved plans.

21 (1) The department, after reviewing manufacturers' plans,
22 shall ensure that its plan, in combination with



1 manufacturers' plans, provides for covered electronic
2 devices collection services that are reasonably
3 convenient and available to all covered entities in
4 this State residing within its geographic boundaries,
5 including both rural and urban areas. The plan may
6 provide collection services jointly with one or more
7 manufacturers.

8 (2) The department's plan shall encourage the use of
9 existing in-state collection infrastructure for
10 handling covered electronic devices to the extent that
11 the infrastructure is cost effective and complies with
12 applicable environmental, health, and safety laws and
13 rules. The department's plan may establish reasonable
14 limits on the number of covered electronic devices by
15 product type accepted from a covered entity in any one
16 day or in any one delivery pursuant to a collection
17 program.

18 (3) The department's plan shall include methods that will
19 be used to collect covered electronic devices,
20 including the names and locations of proposed
21 collection services, and the processes that will be
22 used to recycle covered electronic devices, including



1 a description of the recycling processes that will be
2 used and the names and locations of recyclers to be
3 directly utilized by the plan.

4 (4) The department shall organize, conduct, and coordinate
5 public outreach for the department's plan.

6 (e) Annually, by March 1, beginning in 2012, the
7 department shall complete and make publicly available an annual
8 report for the previous program year that includes:

- 9 (1) The return shares and return shares in weight
10 determined by the department;
- 11 (2) The total weight of covered electronic devices,
12 including orphan devices, determined by the department
13 and reported to the department;
- 14 (3) The total amount of registration fees received by the
15 department, additional fees received by the
16 department, payments received by the department, and
17 penalties paid to the department under this chapter;
- 18 (4) The total amount of costs incurred by the department
19 to implement and enforce this chapter;
- 20 (5) A list of all parties whom the department has paid for
21 collection, transportation, and recycling services,



1 the amount of payments the department has made to
2 those parties, and the purpose of those payments; and
3 (6) Information that the department has received on
4 collection services operated in this State by or on
5 behalf of the department or by or on behalf of
6 manufacturers or groups of manufacturers and the
7 parties who operate them.

8 (f) Beginning January 1, 2011, the department shall
9 maintain and update a website and a toll-free telephone number
10 with current information on where covered entities can return
11 covered electronic devices for recycling.

12 (g) By April 1, 2010, the department shall set the cost
13 per pound for collection, transportation, and recycling of
14 covered electronic devices to reasonably approximate market
15 costs for these services, which cost per pound is used to
16 calculate the additional fee required by section -4(c)(1)(A)
17 and the payment required by section -4(h).

18 Beginning January 1, 2012, and annually thereafter, the
19 department may adjust the cost per pound as necessary to
20 reasonably approximate market costs for the collection,
21 transportation, and recycling of covered electronic devices.
22 Prior to setting or adjusting the cost per pound, the department



1 shall notify the public, including all registered manufacturers,
2 of the proposed cost per pound and provide a public comment
3 period. By November 1 prior to the program year for which the
4 revised cost per pound is to be used, the department shall
5 notify all registered manufacturers of any adjustments to the
6 cost per pound.

7 (h) Beginning June 1, 2010, and annually thereafter, the
8 department shall identify manufacturers and brands for which a
9 manufacturer is responsible, including by examining best
10 available return share data and other pertinent data. Unless
11 the manufacturer has registered with the department, the
12 department shall notify each identified manufacturer of the
13 requirements of this chapter.

14 (i) The department annually shall determine whether new
15 covered electronic devices with no brand affixed, or with a
16 brand affixed that is not included in a registration filed with
17 the department, are being sold or offered for sale by retailers
18 for delivery in this State.

19 **§ -8 Fees for collection, transportation, or recycling**
20 **of covered electronic devices.** No fee or charge may be imposed
21 by a manufacturer or group of manufacturers upon covered
22 entities for collection, transportation, and recycling of



1 covered electronic devices until the manufacturer or group of
2 manufacturers has collected, transported, and recycled the sum
3 of the return shares in weight of each manufacturer
4 participating in the plan.

5 § -9 **Contracts for collection, transportation, and**
6 **recycling of covered electronic devices.** The department may
7 enter into contracts with any person for the collection,
8 transportation, or recycling of covered electronic devices.

9 Contracts shall include provisions to ensure the following,
10 in so far as these provisions are covered by the contract:

11 (1) The covered electronic devices are collected from a
12 covered entity located in this State and were used and
13 discarded in this State by a covered entity;

14 (2) The collection, transportation, and recycling of the
15 covered electronic devices are conducted in accordance
16 with federal, state, and county laws and regulations;
17 and

18 (3) Records of the information determined to meet the
19 requirements of this chapter are kept and provided to
20 the department.

21 § -10 **Disposal ban; recycler responsibility.** (a)

22 Beginning January 1, 2011, no person shall place or dispose of



1 any covered electronic device in any solid waste disposal
2 facility.

3 (b) Recyclers shall comply with applicable federal, state,
4 and county laws, regulations, and rules in recycling covered
5 electronic devices collected pursuant to this chapter.

6 (c) A county authorized waste-to-energy facility is exempt
7 from this section.

8 § -11 Enforcement. (a) Any manufacturer that fails to
9 label its new covered electronic devices with a brand pursuant
10 to section -4(a), fails to register with the department and
11 pay a registration fee pursuant to section -4(b), or fails to
12 comply with any requirement of section -4(c) may be assessed
13 a penalty of up to \$10,000 for the first violation and up to
14 \$25,000 for the second and each subsequent violation, in
15 addition to being responsible for any fees, payments, and
16 penalties required by or imposed pursuant to this chapter.

17 (b) Except as provided in subsection (a), any person who
18 violates any requirement of this chapter may be assessed a
19 penalty of up to \$1,000 for the first violation and up to \$2,000
20 for the second and each subsequent violation, in addition to
21 being responsible for any fees, payments, and penalties required
22 by or imposed pursuant to this chapter.



1 (c) Penalties shall be paid to the department.

2 (d) The department shall enforce this chapter.

3 (e) Any violation of the sales prohibitions of this
4 chapter may be enjoined in an action brought by the attorney
5 general.

6 § -12 **Regulatory authority.** The department may adopt
7 rules, pursuant to chapter 91, necessary to implement this
8 chapter.

9 § -13 **Deposit of fees, payments, penalties.** All fees,
10 payments, and penalties collected by the department pursuant to
11 this chapter shall be deposited into the environmental
12 management special fund established in section 342G-63 for the
13 purposes of administering this chapter, including implementation
14 and staffing of the electronic device recycling program.

15 § -14 **Financial and proprietary information.**
16 Notwithstanding any law to the contrary, financial or
17 proprietary information, including trade secrets, commercial
18 information, and business plans, submitted to the department
19 under this chapter is confidential and is exempt from public
20 disclosure.

21 § -15 **Federal preemption.** This chapter shall be deemed
22 repealed if a federal law or a combination of federal laws takes



1 effect that establishes a national program for the collection
2 and recycling of covered electronic devices that substantially
3 meets the intent of this chapter, including the creation of a
4 financing mechanism for collection, transportation, and
5 recycling of all covered electronic devices from covered
6 entities in the United States."

7 SECTION 3. Section 342G-63, Hawaii Revised Statutes, is
8 amended by amending subsections (b) and (c) to read as follows:

9 "(b) All moneys collected pursuant to section 342G-62 and
10 _____-13 shall be deposited into the environmental management
11 special fund. All interest earned or accrued on moneys
12 deposited into the fund shall become a part of the fund.

13 (c) The department shall expend moneys contained in the
14 environmental management special fund to:

15 (1) Partially fund the operating costs of the program
16 including its regulatory functions and the development
17 of waste reduction and diversion activities as
18 mandated by chapter 342G;

19 (2) Fund the electronic device recycling program,
20 including implementation and staffing, pursuant to
21 chapter _____ ;



1 [~~(2)~~] (3) Fund statewide education, demonstration, and
2 market development programs, through direct contract
3 or direct transfer of funds to the counties and the
4 department of business, economic development, and
5 tourism, or under a grant program that may be
6 developed under rules pursuant to chapter 91; and

7 [~~(3)~~] (4) Provide for annual training for municipal solid
8 waste operators in compliance with 40 Code of Federal
9 Regulations Part 258 and chapter 11-58, Hawaii
10 Administrative Rules."

11 SECTION 4. No later than July 1, 2009, the department of
12 health shall develop an implementation plan for the electronic
13 device recycling program, in consultation with all relevant
14 stakeholders, including the appropriate agencies and
15 stakeholders from each county. The department shall submit a
16 report of its findings and recommendations, including any
17 proposed legislation, to the legislature no later than twenty
18 days prior to the convening of the regular session of 2010.

19 SECTION 5. There is appropriated out of the environmental
20 management special fund the sum of \$ or so much thereof as
21 may be necessary for fiscal year 2008-2009 for the purposes of



1 developing an implementation plan pursuant to section 4 of this
2 Act.

3 The sum appropriated shall be expended by the department of
4 health for the purposes of this Act.

5 SECTION 6. If any provision of this Act, or the
6 application thereof to any person or circumstance is held
7 invalid, the invalidity does not affect other provisions or
8 applications of the Act, which can be given effect without the
9 invalid provision or application, and to this end the provisions
10 of this Act are severable.

11 SECTION 7. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 2008.



Report Title:

Electronic Device Recycling

Description:

Establishes a state program for collection, recycling, enforcement, and monitoring of covered electronic devices; establishes program funding through the environmental management special fund. (SB2843 SD2)

