

JAN 19 2007

A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1 SECTION 1. The legislature finds that outdated computer
2 equipment poses disposal dilemmas. The cathode ray tubes in
3 computer monitors and televisions contain traces of lead,
4 phosphorous, cadmium, barium, and mercury. When a cathode ray
5 tube is disposed of in a landfill, the chance of breakage is
6 very high. When broken, the hazardous materials pose an
7 environmental risk that could contaminate soil and water.

8 In 1998, more than twenty million computers hit
9 obsolescence, but only eleven per cent were recycled. By 2005,
10 three hundred fifty million machines reached obsolescence, with
11 at least fifty-five million of them ending up in landfills,
12 according to the National Safety Council. While the United
13 States Environmental Protection Agency regulates large producers
14 of electronic waste, small businesses and consumers are exempt
15 from the regulations.

16 States and local communities are creating solutions to the
17 potential problems caused by the improper disposal of cathode



1 ray tubes. Massachusetts recently became the first state to
2 forbid the disposal of computer monitors in landfills.
3 California's environmental agencies are encouraging consumers to
4 donate or recycle. Florida has found that cathode ray tubes are
5 the second largest source of lead in Florida's municipal solid
6 waste stream, just behind lead acid batteries. In response,
7 Florida has developed a strategy for managing end-of-life
8 cathode ray tubes that aims to specify the regulatory framework,
9 promote the recycling infrastructure, pursue pilot programs to
10 evaluate various management options, and execute a state
11 recycling contract for use by Florida governmental agencies.

12 To protect our fragile environment, Hawaii must recognize
13 the need to prohibit inappropriate disposal of cathode ray tubes
14 and establish an environmentally sound solution similar to the
15 lead acid batteries recycling program.

16 SECTION 2. Chapter 342I, Hawaii Revised Statutes, is
17 amended by adding a new part to be appropriately designated and
18 to read as follows:

19 "PART . CATHODE RAY TUBES

20 §342I-A Definition. As used in this part, unless the
21 context otherwise requires:



1 "Cathode ray tube" means an intact glass tube used to
2 provide the visual display in televisions, computer monitors,
3 oscilloscopes, and similar scientific equipment, but does not
4 include the other components of an electronic product containing
5 a cathode ray tube even if the product and the cathode ray tube
6 are disassembled.

7 **§342I-B Cathode ray tube special wastes recycling program;**
8 **enforcement.** (a) The department of health shall adopt rules to
9 provide for a cathode ray tube special wastes recycling program
10 that shall be operational no later than January 1, 2009. The
11 program shall include the disposal and recycling of cathode ray
12 tubes as defined in section 342I-A.

13 (b) After January 1, 2009, no person may knowingly place a
14 new or used cathode ray tube in a landfill, municipal solid
15 waste disposal facility or incinerator, or in mixed municipal
16 solid waste. Disposal of cathode ray tubes shall be only as
17 permitted under the cathode ray tube special wastes recycling
18 program established by the department.

19 (c) The owner or operator of a landfill, solid waste
20 disposal facility, or incinerator shall:



- 1 (1) Post clearly visible and easy-to-read signs at the
- 2 facility to inform customers that the disposal and
- 3 combustion of cathode ray tubes are prohibited;
- 4 (2) Inform their customers about the prohibition of
- 5 cathode ray tube disposal through written notification
- 6 or contractual agreements as determined by the
- 7 department; and
- 8 (3) Provide information to their customers about
- 9 collection programs and facilities that are permitted
- 10 to accept cathode ray tubes for recycling or disposal.
- 11 (d) The department shall enforce this part.

12 **§342I-C Cathode ray tubes; retailers.** A person selling or

13 offering to sell televisions, computer monitors, and similar

14 equipment using or containing a cathode ray tube for retail sale

15 in the State shall:

- 16 (1) Accept, at the point of transfer, in a quantity at
- 17 least equal to the number of new units purchased, used
- 18 units from customers, if offered by customers; and
- 19 (2) Post written notice that shall be at least five inches
- 20 by seven inches in size and shall contain the
- 21 universal recycling symbol and the following language:



1 (A) "It is illegal to discard a cathode ray tube or
2 equipment containing or using a cathode ray
3 tube";

4 (B) "Recycle your used cathode ray tubes";

5 (C) "State law requires us to accept used cathode ray
6 tubes or equipment containing or using cathode
7 ray tubes for recycling, in exchange for new
8 equipment purchased"; and

9 (D) "The price of a new unit includes disposal of
10 your old unit".

11 (3) Any advertising pertaining to the price of any
12 equipment containing or using a cathode ray tube shall
13 include the statement "The price includes disposal of
14 your old unit".

15 (4) For businesses utilizing advertising prepared out of
16 the State a sign no smaller than three square feet,
17 placed at the point of sale stating: "The price of
18 the unit includes disposal of your old unit" may be
19 substituted.

20 **§342I-D Cathode ray tubes; wholesalers.** Any person
21 selling new cathode ray tubes or equipment containing or using
22 cathode ray tubes at wholesale shall accept, at the point of



1 transfer, in a quantity at least equal to the number of new
2 units purchased, used units from customers, if offered by
3 customers. Except as otherwise provided at the discretion of
4 the director, a wholesaler accepting units in transfer from a
5 retailer shall be allowed a period not to exceed ninety days to
6 remove the units from the retail point of collection.

7 **§342I-E Recycling.** Any person accepting cathode ray tubes
8 or equipment containing or using cathode ray tubes for disposal
9 shall:

- 10 (1) Transport the units, intact, to a transfer facility
11 approved by the department; or
12 (2) Transport the units, intact, to a transfer or disposal
13 facility permitted by the United States Environmental
14 Protection Agency.

15 **§342I-F Recordkeeping.** All facilities accepting five or
16 more cathode ray tubes or equipment containing or using cathode
17 ray tubes, per day shall maintain records for three years that
18 provide, at a minimum, the following information:

- 19 (1) The name, phone number, and address of the person from
20 whom the units were received;
21 (2) The date of receipt of the units; and



1 (3) The record of shipment indicating the ultimate
2 destination of the units and the date of shipment.

3 **§342I-G Entry and inspection of records.** The director of
4 health may enter and inspect any building or place for the
5 purpose of:

- 6 (1) Investigating an actual or suspected violation of this
7 part;
- 8 (2) Conducting reasonable tests;
- 9 (3) Taking samples; and
- 10 (4) Reviewing and copying records.

11 **§342I-H Penalties.** (a) Any person who violates this part
12 shall be fined not more than \$10,000 for each separate offense;
13 provided that the failure to post the notice required under
14 sections 342I-B and 342I-C, following a warning issued by the
15 director of health, shall be subject to a fine of \$2,000 for
16 each separate offense. Each unit improperly disposed of or
17 accepted shall constitute a separate offense. The fines imposed
18 pursuant to this subsection shall be cumulative. Remedies shall
19 be by citation, administrative action, or civil action.

20 (b) Any person who knowingly or wilfully violates this
21 part shall be guilty of a misdemeanor.



1 (c) The director may institute a civil action in any court
2 of competent jurisdiction for injunctive and other relief to:

3 (1) Prevent any violation of this part, any rule adopted
4 pursuant to this part, or any condition of a permit or
5 variance issued pursuant to this part, without the
6 necessity of a prior revocation of the permit or
7 variance;

8 (2) Impose and collect civil penalties;

9 (3) Collect administrative penalties; or

10 (4) Obtain other relief.

11 The court may grant relief in accordance with the Hawaii rules
12 of civil procedure.

13 **§342I-I Disposition of collected fines and penalties.**

14 Fines and penalties collected under this part shall be deposited
15 into the environmental response revolving fund, established by
16 section 128D-2."

17 SECTION 3. The department of health shall submit a report
18 on the progress made to develop the cathode ray tube special
19 wastes recycling program, including any recommendations for
20 administrative or statutory changes, to the legislature not less
21 than twenty days prior to the convening of the regular session
22 of 2008, and annually thereafter until 2010.



1 SECTION 4. In codifying the new sections added by
2 section 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 5. This Act shall take effect on January 1, 2009,
6 provided that section 3 shall take effect upon its approval.

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Report Title:

Cathode Ray Tubes; Disposal

Description:

Directs the department of health to adopt rules to establish a cathode ray tube recycling program. Prohibits placing cathode ray tubes in landfills after 1/1/09. Requires reports to the legislature.

