
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 The legislature finds that outdated computer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, with assistance of
9 the counties, shall adopt rules to provide for a cathode ray
10 tube special wastes recycling program that shall be operational
11 no later than January 1, 2009. The program shall include the
12 disposal and recycling of cathode ray tubes as defined in
13 section 342I-A.

14 (b) After December 31, 2008, no person may knowingly place
15 a new or used cathode ray tube in a landfill, municipal solid
16 waste disposal facility or incinerator, or in mixed municipal
17 solid waste. Disposal of cathode ray tubes shall be only as
18 permitted under the cathode ray tube special wastes recycling
19 program established by the department.

20 (c) The owner or operator of a landfill, solid waste
21 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 the cost of
- 10 disposal of 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 the cost of
14 disposal of 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 the cost of disposal of your old
19 unit" may be 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 one hundred
6 eighty days to remove the units from the retail point of
7 collection.

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

- 11 (1) Transport the units, intact, to a transfer facility
12 approved by the department;
- 13 (2) Transport the units, intact, to a transfer or disposal
14 facility permitted by the United States Environmental
15 Protection Agency; or
- 16 (3) Re-purpose the usable equipment for charitable
17 purposes.

18 **§342I-F Recordkeeping.** All facilities accepting five or
19 more cathode ray tubes or equipment containing or using cathode
20 ray tubes per day shall maintain records for three years that
21 provide, at a minimum, the number and weight of cathode ray
22 tubes received per day; provided that facilities that reuse the



1 equipment for charitable purposes shall be exempt from the
2 record keeping requirement.

3 **§342I-G Cathode ray tube disposal surcharge.** (a) A
4 cathode ray tube disposal surcharge shall be collected at the
5 point of sale on any product containing or using a cathode ray
6 tube. The surcharge shall be included in the purchase price of
7 the product.

8 (b) Payment of the cathode ray tube disposal surcharge
9 shall be made quarterly based on inventory records of the retail
10 seller. The dates of September 30, December 31, March 31, and
11 June 30 represent the end of each quarter period. All retailers
12 shall submit to the department documentation in sufficient
13 detail that identifies the number of cathode ray tubes, and
14 products containing or using cathode ray tubes sold during the
15 previous quarter.

16 (c) The department will determine that amount of the
17 surcharge using a market based rate for the actual weight of
18 returns.

19 **§342I-H Deposit into the environmental management special**
20 **fund.** The surcharge collected pursuant to this part shall be
21 deposited into a special account in the environmental management
22 special fund established by section 342G-63. All interest



1 earned or accrued on moneys deposited into the fund pursuant to
2 this section shall become part of the account. Moneys from this
3 special account may be used by the department to:

4 (1) Support and fund other measures necessary to implement
5 and promote the recycling, donation, demanufacturing
6 or disposal options for computers and electronic
7 equipment;

8 (2) Promote market research and development grants to
9 determine the most efficient means of collecting,
10 transporting, and processing scrap electronic
11 equipment;

12 (3) Promote electronic recycling and reuse in the State
13 through education, research, and demonstration
14 projects; and

15 (4) Implement the surcharge program under this part.

16 **§342I-I Entry and inspection of records.** The director of
17 health may enter and inspect any building or place for the
18 purpose of:

19 (1) Investigating an actual or suspected violation of this
20 part;

21 (2) Conducting reasonable tests;

22 (3) Taking samples; and



1 (4) Reviewing and copying records.

2 §342I-J Penalties. (a) Any person who violates this part
3 shall be fined not more than \$10,000 for each separate offense;
4 provided that the failure to post the notice required under
5 sections 342I-B and 342I-C, following a warning issued by the
6 director of health, shall be subject to a fine of \$2,000 for
7 each separate offense. Each unit improperly disposed of or
8 accepted shall constitute a separate offense. The fines imposed
9 pursuant to this subsection shall be cumulative. Remedies shall
10 be by citation, administrative action, or civil action.

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

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

15 (1) Prevent any violation of this part, any rule adopted
16 pursuant to this part, or any condition of a permit or
17 variance issued pursuant to this part, without the
18 necessity of a prior revocation of the permit or
19 variance;

20 (2) Impose and collect civil penalties;

21 (3) Collect administrative penalties; or

22 (4) Obtain other relief.



1 The court may grant relief in accordance with the Hawaii rules
2 of civil procedure.

3 §342I-K Disposition of collected fines and penalties.

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

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

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

17 SECTION 5. This Act shall take effect on January 1, 2020,
18 provided that section 3 shall take effect upon its approval.



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 December 31, 2008. Requires reports to the legislature. (SD1)

