

1 "Consumer" means a person who buys a electric device for
2 use or consumption.

3 "Electric device"

4 (1) means any electrically powered device more than 4
5 ounces and weighing up to and including 100 pounds including
6 packaging; and

7 (2) Shall not include:

8 (A) An electrically powered device that is a part of
9 a motor vehicle or any component part of a motor
10 vehicle assembled by or for a motor vehicle
11 manufacturer or franchised dealer, including
12 replacement parts for use in a motor vehicle;

13 (B) An electrically powered device that is defined as
14 a white good in Hawaii Administrative Rules, Chapter
15 58.1.

16 "Department" means the department of health.

17 "Director" means the director of health.

18 "Person" means any individual, business, partnership,
19 limited liability company, corporation, not-for-profit
20 organization, association, government entity, public benefit
21 corporation, or public authority.

22 "Recycling" means processing (including disassembling,
23 dismantling, or shredding) electric devices or their components

1 to recover a material or product; provided that "recycling" does
2 not include any process defined as incineration under applicable
3 laws and rules.

4 "Retailer" means any person who offers electric devices for
5 sale.

6 "Sell" or "sale" means any transfer with or without
7 consideration of electrically powered devices, including
8 transactions conducted through sales outlets, catalogs, or the
9 Internet, but excluding resale or leases.

10 § -2 Retailer; registration, recordkeeping

11 requirements. (a) By January 1, 2014, all retailers operating
12 within the State shall register with the department, using forms
13 prescribed by the department, and shall notify the department
14 within 30 days of any change in address or other information
15 previously submitted. After January 1, 2014, any person who
16 intends to conduct business in the State as a retailer shall
17 register with the department no later than one month prior to
18 the commencement of the business.

19 (b) All retailers shall maintain records reflecting the
20 importation, exportation, transfer, donation and sale of
21 electric devices. The records shall be made available, upon
22 request, for inspection by the department.

1 § -3 Electric device advance recycling fee. (a)
2 Beginning on August 15, 2014, every retailer shall pay to the
3 department an advance recycling fee on each electric device
4 transferred, donated, or sold in the State beginning on July 1,
5 2014. The advance recycling fee shall not apply to electric
6 devices exported for sale outside of the State. The fee shall
7 be imposed only once on each and every electric device.

8 (b) No county shall impose or collect any assessment or fee
9 on electric devices for the same or similar purpose that is the
10 subject of this chapter.

11 (c) Beginning April 30, 2014, and every April 1
12 thereafter, the department shall notify retailers in writing of
13 the amount of the electric device advance recycling fees. The
14 effective date of changes to the fee amounts shall be July 1.
15 The fees shall be determined by the department using data
16 collected pursuant to this part.

17 § -4 Sales of electric devices; retailer report; fee
18 payment. (a) Beginning July 1, 2014, every retailer shall
19 charge the consumer a fee equal to the amount to be paid to the
20 department for each electric device sold. The fee charge may
21 appear as a separate line item on the invoice.

22 (b) Each retailer shall generate and submit to the
23 department a monthly report, using forms prescribed by the

1 department, on the net number of electric devices sold, donated,
2 or transferred.

3 (c) Payment of the electric device advance recycling fee
4 amounts as described in section -3 shall be made monthly based
5 on reports of the retailers under subsection (b).

6 (d) Retailers who annually transfer, donate or sell one
7 thousand or fewer electric devices shall submit reports and
8 payments required under subsections (b) and (c) on a quarterly
9 basis at a minimum; provided that the quarterly report and
10 payment periods shall end on March 31, June 30, September 30,
11 and December 31 of each year.

12 (e) Retailers shall pay an amount to the department
13 calculated as the net number of electric devices transferred,
14 donated and sold multiplied by the sum of the applicable
15 electric device advance recycling fee. Payment shall be made by
16 check or money order payable to the "Department of Health, State
17 of Hawaii". All reports and payments shall be made no later
18 than the fifteenth day of the month following the end of the
19 previous payment period.

20 § -5 Electric device recycling fund. (a) There is
21 established in the state treasury the electric device recycling
22 fund into which shall be deposited all fees, payments, and
23 penalties collected by the department pursuant to this chapter.

1 (b) The electric device recycling fund shall be
2 administered by the department of health.

3 (c) All revenues generated from the advance recycling fees
4 as described under sections -3 and -4, shall be deposited
5 into the electric device recycling fund as defined in section
6 -5. (a) All accrued interest earned by the fund shall remain in
7 the fund.

8 (d) Moneys in the electric device recycling fund shall be
9 used to pay recycling fees to certified electric device
10 recycling centers. The department may also use the money to:

11 (1) Implement and enforce this chapter, conduct
12 audits and fund other compliance activities associated
13 with the electric device recycling program.

14 (2) Conduct recycling education and demonstration
15 projects;

16 (3) Promote recyclable market development activities;

17 (4) Support the handling and transportation of
18 electric devices to end-markets;

19 (5) Hire personnel to oversee the implementation of
20 the electric device recycling program, including
21 permitting and enforcement activities; and

22 (6) Fund associated office expenses.

1 § -6 Retailer responsibility. Beginning January 1, 2014,
2 retailers shall make available to their customers information on
3 collection services in the State, including the department's
4 website and telephone number. Retailers with a website shall
5 include this information in a visible location on their website.

6 § -7 Electric device recycling centers. (a) Prior to
7 operation, electric device recycling centers shall be certified
8 by the department.

9 (b) Applications for certification as an electric device
10 recycling center shall be filed with the department on forms
11 prescribed by the department.

12 (c) The department, at any time, may review the
13 certification of an electric device recycling center. After
14 written notice to the person responsible for the establishment
15 and operation of the electric device recycling center, the
16 department, after it has afforded the electric device recycling
17 center operator a hearing in accordance with chapter 91, may
18 withdraw the certification of the center if it finds that there
19 has not been compliance with applicable laws, rules, permit
20 conditions, or certification requirements.

21 (d) Electric device recycling centers shall:

22 (1) Accept all electric devices;

1 (2) Ensure electric devices collected are properly
2 recycled through a contractual agreement with an out-of-state
3 recycler or an in-state recycling facility permitted by the
4 department;

5 (3) Forward the documentation necessary to support claims
6 for payment as stated in section -9.

7 (e) Electric device recycling centers' collection areas
8 shall be maintained in full compliance with applicable laws and
9 with the orders and rules of the department, including
10 permitting requirements under chapter 342H.

11 § -8 Handling fees for certified electric device
12 recycling centers. (a) The department shall pay to each
13 electric device recycling center a handling fee for each
14 electric device collected from a consumer that is:

- 15 (1) Transported out-of-state for recycling;
16 (2) Received by an approved in-state company for an
17 approved end use for recycling; or
18 (3) Received by a department-permitted recycling facility.

19 (b) The department shall set the handling fee by October
20 1, 2014 and evaluate the handling fee at least once per year.
21 If the department changes the amount of the handling fee, the
22 department shall publish notice of the change within thirty days
23 of its determination.

1 (c) Payments of handling fees, pursuant to this section,
2 shall be based on electric device recycling center reports
3 submitted to the department; provided that there is no
4 discrepancy in the reports. The department shall pay the
5 handling fee on the basis of either the weight or number of
6 electric devices recycled, or a combination of the two.

7 § -9 Certified electric device recycling center
8 reporting. The department shall pay certified electric device
9 recycling center handling fees as described in section -8,
10 based on collection reports submitted by the electric device
11 recycling centers. All electric device recycling centers shall
12 submit to the department the following information on forms
13 prescribed by the department, which shall include at a minimum:

14 (1) The number or weight of electric devices accepted at
15 the electric device recycling center for the reporting
16 period;

17 (2) The number or weight of electric devices transported
18 out-of-state for recycling or to a in-state permitted
19 recycling facility; and

20 (3) Copies of out-of-state transport and weight receipts
21 or acceptance receipts from permitted recycling
22 facilities. If the certified electric device
23 recycling center and the permitted recycling facility

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1 are the same entity, copies of out-of-state transport
2 and weight receipts, or documentation of end use
3 accepted by the department, shall also be included.

4 § -10 Disposal ban. Disposal of electric devices in
5 permitted or unpermitted solid waste facilities is prohibited
6 beginning July 1, 2015.

7 § -11 Contract for administrative services. The
8 department may contract the services of a third party to
9 administer the electric device recycling program under this
10 part.

11 § -13 Rules. The department may adopt rules pursuant to
12 chapter 91 as may be necessary for the purposes of this part.

13 § -14 Enforcement; administrative penalties. (a) The
14 department may conduct audits and inspections to determine
15 compliance under this chapter. The department and the attorney
16 general shall be empowered to enforce this chapter and take
17 necessary action against any electric device retailer for
18 failure to comply with this chapter or rules adopted thereunder.

19 (b) The attorney general may file a civil action in the
20 name of the State to enjoin any activity in violation of this
21 chapter and to collect any penalties authorized by or imposed
22 pursuant to this chapter.

1 (c) Any person who violates any requirement of this
2 chapter may be assessed a penalty of up to \$25,000 for each
3 separate offense. Each day of a violation shall be a separate
4 offense.

5 (d) In addition to any other administrative or judicial
6 remedy provided by this chapter or by rules adopted under this
7 chapter for a violation thereof, the department is authorized to
8 impose by order administrative penalties and is further
9 authorized to set, charge, and collect administrative fines and
10 to recover administrative fees and costs, including attorney's
11 fees and costs, or to bring legal action to recover
12 administrative fines and fees and costs, including attorney's
13 fees and costs."

14 SECTION 3. Until superseded by fees established in rules,
15 pursuant to section -3, the interim fees shall be as follows:

- 16 (1) \$1.00 for electric devices weighing (including
17 packaging) up to 1 pound;
- 18 (2) \$2.50 for electric devices weighing (including
19 packaging) 1.1 to 5 pounds;
- 20 (3) \$5.00 for electric devices weighing (including
21 packaging) 5.1 to 25 pounds;
- 22 (4) \$10.00 for electric devices weighing (including
23 packaging) 25.1 to 50 pounds;

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1 (5) \$15.00 for electric devices weighing (including
2 packaging) 50.1 to 75 pounds;

3 (6) \$20.00 for electric devices weighing (including
4 packaging) 75.1 to 100 pounds;

5 SECTION 4. All moneys in the Electronic Device Recycling
6 Fund created by section 339D-10 shall be transferred to the
7 Electric Device Recycling Fund, as defined in section -5.

8 SECTION 5. Section 339D, Hawaii Revised Statutes, is
9 repealed in its entirety on December 31, 2014.

10 SECTION 6. The department may establish positions and hire
11 necessary personnel for the purposes of this part.

12 SECTION 7. This Act shall take effect on approval.

13
14 INTRODUCED BY:

Calvin K. Jay

15 BY REQUEST

16 JAN 23 2012

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H.B. NO. 2560

Report Title:

Recycling; Consumer Electronics

Description:

Creates a recycling program for all electrically powered consumer devices, creates the Electric Device Recycling Special Fund, and abolishes the Electronic Device Recycling Fund.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: RELATING TO RECYCLING

PURPOSE: The purpose of this bill is to create a recycling program for all electrically powered consumer products.

MEANS: Repeals HRS §339D and creates a new chapter.

JUSTIFICATION: With technological advancement, many of our consumer electrical products become obsolete within a very short period of time, creating large amounts wastes. Landfill space is a concern and disposal of waste electrical products into our landfills has the potential to cause human health and environmental impacts. Proper waste handling and recycling of valuable materials is foremost in protecting Hawaii's health and building a green economy.

Impact on the public: The most significant public impact will be that consumers will pay for the cost of recycling a covered item at time of its purchase.

Impact on the department and other agencies: Large expansion, in terms of types products and number of products covered, of the existing computer and television recycling program. The department's management responsibilities under the proposed program are much more involved and intensive compared to the existing program.

GENERAL FUND: No general fund impact

OTHER FUNDS: The proposed program will create a new special fund named the Electric Device Recycling Fund. The Electronic Device

Recycling Fund will be abolished with remaining funds transferred to the new fund.

PPBS PROGRAM
DESIGNATION:

HTH-840/FJ

OTHER AFFECTED
AGENCIES:

None

EFFECTIVE DATE:

Upon bill approval