

SB 1135

RELATING TO RECYCLING.

Amends and expands the Electronic Device
and Television Recycling program.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M. P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

SENATE COMMITTEE ON ENERGY & ENVIRONMENT

SENATE COMMITTEE ON JUDICIARY & LABOR

SB 1135, RELATING TO RECYCLING

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**February 8, 2013
9:30 a.m.**

1 **Department's Position:** The Department of Health strongly supports this measure.

2 **Fiscal Implications:** Undetermined.

3 **Purpose and Justification:** This bill has two purposes: first to improve the existing electronic and
4 television recycling program which has not reached its full potential and, second, to expand the program
5 to include electronic products that are currently disposed of in landfills.

6 Hawaii has struggled to manage our waste while protecting the environment for decades. Our
7 geographic and economic isolation have driven our strategy to conserve our natural resources, reduce
8 waste, and divert as much waste as possible from our landfills.

9 Both private and public recycling programs that address paper, metal, glass and plastic materials
10 have grown over the years. Today, the rapid pace of innovation within the consumer electronics
11 industry has made electronic waste a growing component of our waste stream. We must now take the
12 next step to meet the 50% waste recycling goal set by the legislature and develop effective recycling
13 programs for e-waste.

Promoting Lifelong Health & Wellness

1 Hawaii's existing electronic and television recycling program, initially passed into law by the
2 2008 legislature, addresses only the recycling of computers, computer monitors, computer printers, and
3 televisions. While the law was an important first step, our experience has shown us that today's
4 program is not working nearly as well as it should be.

5 This bill proposes changes that will strengthen the existing program in three ways. First,
6 establishing convenience requirements for manufacturer's recycling programs will make it easier for
7 Hawaii consumers to recycle their electronics or televisions. The existing law has allowed many
8 manufacturers to sponsor inconvenient programs such as those requiring the public to mail back items to
9 be recycled.

10 Second, this bill will institute mandatory recycling goals for manufacturers and increase the
11 amount of material collected and recycled. Our experience has shown that the current program's
12 voluntary goals are simply ignored. These changes alone would increase recycling and reduce the
13 amount of e-waste being dumped in landfills.

14 Finally, the department is proposing to improve the program's effectiveness by expanding it to
15 include a large range of electric products which are currently thrown away despite their recycling value.
16 The new e-waste program would include the recycling of accessory devices for computers and
17 televisions, as well as small household appliances.

18 This bill has been shaped by the input of the Hawaii Electric Device Recycling Task Force.
19 When instructed by the 2012 legislature to examine the e-waste issue in greater depth, the department
20 organized a task force that represents a broad range of stakeholders. Four meetings were held where
21 substantive and productive discussions took place.

22 Reaching consensus amongst such a diverse group is difficult but the department encouraged all
23 points of view and incorporated many of the members' suggestions into this bill. We have submitted a
24 bill that we feel will create a stronger recycling program that will benefit Hawaii's citizens and enhance

1 the protection of our environment. We remain open to ideas that will help to shape an effective e-waste
2 recycling program for Hawaii and look forward to more discussion during this session.

3 Our goal is to create social and physical environments that promote and support good health for
4 all. Thank you for the opportunity to testify on this measure.

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William P. Kenoi
Mayor

Walter K.M. Lau
Managing Director



Dora Beck, P.E.
Acting Director

County of Hawai'i
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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February 5, 2013

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Hawai'i State Capitol
Honolulu, Hawai'i 96813

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Hawai'i State Capitol
Honolulu, Hawai'i 96813

HEARING DATE:

DATE: Friday, February 8, 2013
TIME: 9:30 a.m.
PLACE: Conference Room 016, State Capitol, 415 South Beretania Street, Honolulu

Re: Testimony in Support of Senate Bill 1135, Amends and Expands the Electronic Device and Television Recycling program

Dear Senators Gabbard, Ruderman, Hee, Shimabukuro and Committee Members,

The County of Hawai'i Department of Environmental Management is pleased to submit testimony in support of the SB 1135 which proposes amendments to the existing Hawai'i Electronic Waste & Television Recycling and Recovery Law passed in 2008 and implemented in January 2010.

The amendments resolve most of the concerns that the County of Hawai'i have been communicating for the past several years and were again voiced at a series of discussions as part of a task force with the State Department of Health. These amendments place the responsibility to provide recycling on the manufacturers and not on the Counties or general taxpayers. Our County has experienced the loss of two (2) businesses that were collecting and recycling electronics because they claim they were not getting sufficient financial support from the manufacturers.

Due to the inadequate services provided by the manufacturers for our island, the County was compelled to implement an electronic recycling program, costing approximately \$100,000 annually. Some manufacturers had expressed interest in "helping" the County but the only consistent plan offered was by Apple which involved 2-day events every other year. While we appreciate these events, it is not reasonable to ask or to expect residents to hold onto broken or obsolete electronics for more than six (6) months. Without a convenient option, electronics either end up in the landfills or are illegally dumped.

Some of the manufacturers and their representatives may submit testimony against these amendments because they claim it will only add to the cost of purchasing electronics. Currently, taxpayers fund the clean-up of illegal dumping and the cost of landfills so it is reasonable to expect that a person or business that has the ability to purchase new electronics and receive the benefits of such, have a reasonable expectation they can also afford to pay for the proper recycling and disposal.


The amendments require manufacturers to make electronic recycling convenient for the majority of our residents. It states that "The recycling plan shall provide for collection services of electric devices in each county of the state and zip code tabulation areas, as defined by the United States Census Bureau, with a population greater than twenty-five thousand. The recycling plan shall include at least one of the following:

- (A) Staffed drop-off site;
- (B) Alternative collection service such as on-site pick-up service; or
- (C) Collection events held at an easily accessible, central location;"

This requirement for recycling plans to include services provided to communities in the State that have a population greater than twenty-five thousand (25,000) is a minimum. The Hawai'i County communities that meet this criteria are only Hilo and Kailua-Kona. Unfortunately, this would require some of our residents like those of of Ka'u to drive 120 miles round trip and 3 hours to recycle at the closest location.

We appreciate the Department of Health's work on this amended legislation and encourage you to vote in support of SB1135. If passed, it will encourage the responsible recycling of electronic devices in Hawai'i, provide equal opportunities for all island consumers to participate and continue to provide flexibility for manufacturers to meet their obligation to protect the environment.

Best Regards,



Dora Beck, P.E.
ACTING DIRECTOR

cc: Mayor William Kenoi
Greg Goodale, Hawai'i County Solid Waste Division Chief
Linda Peters, Hawai'i County Recycling Coordinator



Toy Industry Association, Inc.

www.toyassociation.org

February 8, 2013

Honorable Mike Gabbard, Chair
Senate Committee on Energy and Environment

Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

RE: **SB 1135 – Relating to Recycling – In Opposition, Requesting Amendment**
Conference Room 016; 9:30 a.m.

Chair Gabbard, Chair Hee, and Committee Members,

The Toy Industry Association (TIA) appreciates this opportunity to provide testimony on Senate Bill 1135. TIA is a not-for-profit trade association composed of more than six hundred (600) members, both large and small in size, located throughout North America.

TIA and its members have long been leaders in toy safety and are continually seeking product and package materials that reduce resource usage and improved life-cycle considerations. TIA and our members support market-based extended producer responsibility efforts, as well as voluntary incentives for increased recovery and sustainable product design. TIA commends the bill's sponsors for a keen interest in improving the environmental profile of products. However, we would like to address concerns with Senate Bill 1135 which proposes to amend and expand the Electronic Device and Television Recycling program.

Toys Do Not Represent a Disposal Problem

Senate Bill 1135 expands the definition of electronic device to include “any device containing an electric motor, heating element, or a speaker.” This definition would include many toys in the scope of the program. The facts show that toys and games do not represent a significant portion of the waste stream and many toy components and their packaging are already recyclable. **In British Columbia, an e-waste collection program found that electronic toys represent only 0.0612% of the total electronic waste stream.**

Further, under a network of U.S. federal requirements, toys and games sold in the U.S. must be safe and comply with strict U.S. safety and environmental standards and must not contain substances known to be harmful to children or that would result in exposure to those substances. As a result of these product design and safety requirements, some toys have long life-spans and are retained due to their sentimental value or as collectors' items.

Additionally, SB 1135 mandates a registration fee of \$5,000/year to the Hawaii Department of Health – exempting only manufacturers or importers of 100 units or less. The average price point of a toy is \$8. Small businesses who do not qualify for this exemption would face drastic increases to the cost of their product.

Conclusion

Since toys are an insignificant portion of the electronic waste stream, we would like to propose the following exemption in SB 1135 for toys:

“Children’s toys that are covered by the ASTM International F963 standard for Toy Safety”

F963 is a toy safety and testing standard and defines children’s toys as “toys intended for use by children under 14 years of age.” Additionally, the ASTM F963 standard was incorporated into the Consumer Product Safety Improvement Act so we are proposing the same definition of “toy” that is in federal law for consistency.

Without this exemption, we are in opposition of SB 1135 for the reasons stated above. On behalf of the Toy Industry Association and our 600 member companies, we thank you for consideration of our concerns. If you have any questions, please do not hesitate to contact Jennifer Gibbons, Director of State Affairs for TIA, at 646-512-1320 or jgibbons@toyassociation.org.



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Submitted Via E-mail
ENEstimony@capitol.hawaii.gov

Senator Mike Gabbard, Chair
Senate Committee on Energy and Environment

Senator Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Re: S.B. 1135, Relating to Recycling
Hearing: Friday, February 8, 9:30 am, Room 016

Dear Chairs Gabbard, Hee, and Members of the Joint Committees:

On behalf of the Consumer Electronics Association (CEA)[®], I am writing to provide comments in opposition to S.B. 1135, which proposes to amend and expand the Hawaii electronics recycling law.

CEA represents more than 2,000 companies involved in the design, development, manufacturing, distribution and integration of audio, video, in-vehicle electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels.

CEA opposes S.B.1135, as drafted, but is open to further discussion with stakeholders regarding this measure.

CEA participated in person at the four meetings of the Electronics Device Task Force, and sincerely appreciates the time and effort the Department of Health and other stakeholders expended in proposing this draft bill. However, CEA respectfully disagrees that the bill will accomplish the goal of meeting the recycling needs of the various counties, and does not feel that the draft bill reflects a true consensus of the parties.

First, CEA believes that the scope of the products, which currently applies to "any device containing an electric motor, heating element, or a speaker," is overly broad, impractical, and would needlessly capture products and industries that were not contemplated in the Task Force discussions. As a first step to making the law workable, CEA would propose to limit the scope of the law to our industry's products: consumer electronics. Complaints and concerns voiced by stakeholders during the task force process focused on consumer electronics, therefore any legislative remedy should also focus on these devices.

In addition, CEA feels that the proposed mandates defined in the bill – poundage requirements of 60% by weight of products sold, increasing to 80% over 2 years, and convenience requirements of collection services in each zip code with a population greater than 25,000 – are, simply put, not practical for the manufacturing industry nor necessarily effective in meeting the recycling goals of the various counties. In fact strict implementation of these new mandates could result in less recycling opportunities for some Hawaii consumers living on neighbor islands.

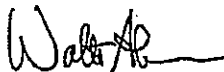
CEA would like to propose an alternative track to the proposed legislation, which would continue to focus on manufacturer responsibility, but in a different way. Specifically, CEA supports legislation that would authorize the industry to form a collective electric device stewardship organization to coordinate the industry effort. This organization, administered and joined by consumer electronics manufacturers, would be responsible for forming a collective recycling plan, which would be developed in consultation with local stakeholders, and subject to approval and oversight by the Department. Ideally the plan would serve as an alternative compliance path to the current law, or possibly the Department's proposed legislation so that a manufacturer could choose to either comply individually or participate in the collective stewardship program. The plan would also be tailored to each county, and will reflect an analysis of what the specific needs of each county are.

A draft proposal for what this proposal would look like is included with CEA's testimony.

CEA is committed to creating a program that works for the State, and is open to continued discussion with stakeholders about the concept of a manufacturer stewardship plan.

Thank you for the opportunity to provide these comments on S.B. 1135.

Sincerely,
THE CONSUMER ELECTRONICS ASSOCIATION



Walter Alcorn
Vice President, Environmental Affairs and Industry Sustainability
(703) 907-7765
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A BILL FOR AN ACT

RELATING TO RECYCLING.

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

SECTION 1. Hawaii's existing electronic device and television recycling program was an initial step towards efficient recycling of consumer electronic goods. The program, however, has not been effective in maximizing the amounts of electronics being recycled.

In the 2012 legislative session the department of health proposed to expand the program to include all electronically powered devices. As a result the legislature requested the department to organize a task force to examine the issue.

The electronics recycling task force was comprised of multiple stakeholders including manufacturers, retailers, recyclers, trade groups, and government agencies. This measure takes into account the range of viewpoints expressed by the group and seeks to create a system that best serves the State and its environment.

Certain electronic products contain heavy metals and other materials which, if mishandled at the end of the products' useful life, can threaten the environment and of the State and health of workers and the general population. The shape, size and nature of electronic products available to consumers in Hawaii can change very quickly. The appropriate handling of used electronic products of various sorts presents an increasing cost and burden on state and local government agencies, and it is appropriate to have these burdens shared by manufacturers distributors, marketers and retailers of these products.

The Legislature finds that the traditional agency oversight approach, combined with a flexible approach that meets the needs of all stakeholders, including the counties and the State, is warranted, particularly given the experience of other states. Specifically, in other states, the operation of the competitive marketplace has not resulted in implementation of programs that fairly, effectively and efficiently share the burdens of recycling and assure that end-of-life product handling services are adequate to the residents of the state. The Legislature further finds that addressing these issues requires interference with competition and competitive practices that may be generally favored by the State and United States in other contexts, but views this result as necessary to achieve the Legislature's goals and to protect the public health and welfare;

The Legislature therefore proposes a program that is based on manufacturer responsibility, and encompasses two options for compliance where a manufacturer can either: 1) individually submit its own recycling plan or 2) participate in an environmental stewardship

program with other manufacturers. The stewardship program embodies a flexible approach under which manufacturer responsibilities are clearly defined while still allowed flexibility to design and implement practical and efficient compliance programs that both fairly allocate costs and responsibilities among manufacturers and that meet the individual needs of each county.

This measure goes far beyond the existing state electronics recycling program in terms of product scope, consumer convenience, and environmental protection and would place Hawaii in the forefront of recycling efforts nationwide.

SECTION 2. Chapter 339D, Hawaii Revised Statutes, is amended to read as follows:

"CHAPTER 339D

~~[ELECTRONIC WASTE AND TELEVISION]~~ ELECTRONIC DEVICE RECYCLING AND RECOVERY ACT"

PART I. ~~[DEFINITIONS]~~ GENERAL PROVISIONS

"Brand" means a symbol, word, or mark that identifies a ~~[covered electronic]~~ consumer electronic device ~~[or a covered television]~~, rather than any of its components.

"Collector" means a person that accepts electronic devices for reuse, or delivers the devices to a recycler for the purposes of this chapter.

"Department" means the department of health.

~~"[Covered electronic] Consumer electronic device"[:(1)]~~ ~~[Means]~~ means electronic equipment intended for use by consumers. Consumer electronic devices do not include:

(1) ~~[A]~~ ~~An [covered electronic]~~ electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) ~~[A covered electronic device that is functionally or physically required as a part of a large piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;]~~ Small Appliances;

(3) ~~A [covered electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;]~~ Major Appliances; ~~[or]~~

(4) ~~[A telephone of any type]~~ Any device used primarily to provide artificial illumination;

(5) Equipment intended primarily to support personal hygiene; and

(6) Equipment intended primarily to change the physical properties of ambient air.

"Electronic device stewardship program" means a recycling program for consumer electronic devices administered and governed by a representative organization.

"Eligible program" means a consumer electronic device collection, reuse, or recycling system that includes one or both of the following:

- (1) a collection site that a manufacturer, group of manufacturers, or a manufacturer's designee provides for consumers to return consumer electronic devices; or
- (2) a collection event held by a manufacturer, group of manufacturers, or a manufacturer's designee at which consumers may return consumer electronic devices.

"Environmentally sound management practices" means procedures for collecting, storing, transporting, reusing and recycling consumer electronic devices designed and implemented to comply with all applicable laws, rules, regulations and ordinances and protect human health and the environment, including but not limited to, recycler third-party certification programs, such as R2 or e-Stewards that meet nationally recognized and consensus-based guidelines, standards and systems for consumer electronic device recycling.

"Individual manufacturer recycling plan" means a recycling program carried out by a single manufacturer who is registered with and approved by the department.

" [~~Electronic device~~] Consumer electronic manufacturer"[:]

[~~(1)~~] [~~Means~~] means any [~~existing~~] person:

(1) Who manufactures or manufactured [~~ecovered electronic~~] consumer electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture [~~ecovered electronic~~] consumer electronic devices for delivery exclusively to or at the order of the licensor;

(2) Who sells or sold [~~ecovered electronic~~] consumer electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture [~~ecovered electronic~~] consumer electronic devices for delivery exclusively to or at the order of the licensor;

(3) Who manufactures or manufactured [~~ecovered electronic~~] consumer electronic devices for sale in this State without affixing a brand;

(4) Who manufactures or manufactured [~~ecovered electronic~~] consumer electronic devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use;
or

(5) For whose account ~~[covered electronic]~~ consumer electronic devices manufactured outside the United States are or were imported into the United States; provided that if at the time those ~~[covered electronic]~~ consumer electronic devices are or were imported into the United States and another person has registered as the manufacturer of the brand of the ~~[covered electronic]~~ consumer electronic devices, this paragraph shall not apply; and

~~[(2)]~~(6) Shall not include person[s] who manufacture ~~[no more]~~ less than one hundred ~~[computers]~~ consumer electronic devices per year.

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

"Recycler" means any person who engages in the recycling of consumer electronic devices for the purposes of this chapter.

"Recycling" means processing (including disassembling, dismantling, or shredding) ~~[covered electronic]~~ consumer electronic devices or ~~[covered televisions or]~~ their components to recover a useable product, or to use in a new manufacturing process, but does not include collecting or destructing consumer electronic devices by incineration, waste-to-energy incineration or land disposal; ~~provided that "recycling" does not include any process defined as incineration under applicable laws and rules~~.

"Representative organization" means a nonprofit organization created to administer and govern the consumer electronic device stewardship program described in ____.

"Retailer" means any person who offers ~~[covered electronic]~~ consumer electronic devices ~~[or covered televisions]~~ for sale to consumers in the State, other than for resale by the purchaser, through any means, including sales outlets, catalogs, or the Internet."

"Reuse" means any operation by which a consumer electronic device changes ownership and is used for the same purpose for which it was originally manufactured.

"Sell" or "sale" means any transfer of a consumer electronic device for consideration of title, including transactions conducted through sales outlets, catalogs, or the Internet, but excludes~~[excluding leases:]~~

- (1) leases;
- (2) the sale, resale, lease or transfer of used consumer electronic devices; or
- (3) a manufacturer's or distributor's wholesale transaction with a distributor or retailer involving a consumer electronic device.

"Major Appliance" means a discarded major appliance and any component or replacement part, including, but not limited to refrigerator, freezer, other refrigeration appliances (such as wine cooler, beverage center, and ice maker), clothes washer, clothes dryer, range/oven (including ventilation systems and warming drawers), microwave oven, dishwasher, air-conditioner (such

as room air conditioner, portable air conditioner), dehumidifier, humidifiers, air purifier, electric water dispensers, compactors, food waste disposer, heating/ventilation/ air conditioning/refrigeration/water heating equipment (such as packaged terminal air conditioners (PTACs), central air conditioners, furnaces, water heaters, boilers), and other similar major appliances."

"Small appliance" means a discarded small appliance and any component or replacement part, including, but not limited to air treatment products (such as air heaters, air fresheners, fans, vaporizers, evaporative coolers), kitchen appliances (such as bagmakers/sealers, blenders, can openers, coffee mills/grinders, combo-food prep appliances, food choppers, food grinders, food mixers-stand & portable, food processors, food slicers, ice cream freezers, ice crushers, juicers, juice extractors, electric knives and knife sharpeners, kitchen cleaning brush, pasta makers, bread makers, broilers, cookers, corn poppers, countertop and convection ovens, fryers, fondues, food steamers, fry pans/skillets, griddles, indoor grills, hot plates/portable ranges, rice cookers, sandwich makers, slow cookers, toasters, toaster oven, toaster oven broilers, waffle iron, woks), beverage makers (such as coffeemakers, hot pots/kettles, hot tea makers, ice tea makers), garment care products (such as irons, steam wands), personal care products (such as curling irons/brushes, electric shavers, hair dryers, hair clippers, hair setters, lighted mirrors, massagers, electric toothbrushes), vacuum cleaners (such as upright, canister, hand held, stick, central, wet/dry), and other similar household small appliances.

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

~~"Covered television":~~

~~(1) Means any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including without limitation any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a household;~~

~~(2) Shall not include:~~

~~(A) A computer, computer printer, computer monitor, or portable computer;~~

~~(B) A television that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;~~

~~(C) A television that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;~~

~~(D) A telephone of any type, including a mobile telephone; or~~

~~(E) A global positioning system.]~~

~~["Household" means any occupant of a single detached dwelling unit or of a single unit of a multiple dwelling unit who has used a covered electronic device or covered television at a dwelling unit primarily for personal or home business use.~~

~~"Market share":~~

~~(1) Means the calculation of a television manufacturer's prior year's sales of televisions divided by all manufacturers' prior year's sales for all televisions, as determined by the department;~~

~~(2) May be expressed as a percentage, a fraction, or a decimal fraction.~~

~~"New covered electronic device" means a covered electronic device that is manufactured after the effective date of this chapter.]~~

~~["Program year" means a full calendar year beginning on or after January 1, 2010, and each calendar year thereafter beginning on January 1.~~

~~"Recover" means to reuse or recycle.]~~

~~["Television manufacturer" means a person who:~~

~~(1) Manufactures for sale in the State a covered television under a brand that it licenses or owns;~~

~~(2) Manufactures for sale in the State covered televisions without affixing a brand;~~

~~(3) Resells into the State a covered television manufactured by others under a brand that the seller owns or is licensed to use;~~

~~(4) Imports into the United States or exports from the United States a covered television for sale in the State;~~

~~(5) Sells at retail a covered television acquired from an importer described in paragraph (4), and elects to register as the manufacturer for those products;~~

~~(6) Manufactures covered televisions and supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State; or~~

~~(7) Assumes the responsibilities and obligations of a television manufacturer under this chapter.~~

~~In the event the television manufacturer is one who manufactures, sells, or resells covered televisions under a brand for which it has obtained the license, then the licensor or brand owner of the brand shall not be included in the definition of television manufacturer under paragraph (1) or (3).]~~

§339D-2 Scope of products. The collection, transportation, and recycling provisions of this part shall apply only to ~~[covered electronic]~~ consumer electronic devices used and discarded in this State. ~~[by a covered entity.]~~

§339D-3 Sales prohibition. (a) Beginning January 1, ~~[2010]~~ 2014, no ~~[covered electronic]~~ manufacturer, distributor, or retailer shall sell or offer for sale any new ~~[covered electronic]~~ consumer electronic device for delivery in this State unless:

(1) The ~~[covered electronic]~~ consumer electronic device is labeled with a brand, and the label is permanently affixed and readily visible; and

(2) The brand is included in a registration that is filed with the department and that is effective pursuant to part II or part III of this chapter. ~~[339D-4(b)(3)]~~__.

(b) Beginning April 1, ~~[2009]~~ 2014, the department shall maintain a list of ~~[each registered covered electronic]~~ manufacturers and the brands reported in each individual manufacturer recycling plan and in the electronic device stewardship program. The list shall be posted on the department website and shall be updated as necessary [electronic device manufacturer's registration and a list of brands for which no electronic device manufacturer has registered. The lists shall be posted on the department website and shall be updated by the first day of each month]. Each retailer who sells or offers for sale any new ~~[covered electronic]~~ consumer electronic device for delivery in this State shall review ~~[these]~~ the [lists] list prior to selling the ~~[covered electronic]~~ consumer electronic device. A retailer is considered to have complied with subsection (a) if, on the date a new ~~[covered electronic]~~ consumer electronic device was ordered by the retailer, the brand was included on the ~~[department's]~~ department website's list of brands ~~[reported in an electronic device manufacturer's registration]~~.

§339D-4 Consumer electronic device labeling. ~~[(a)]~~ Beginning ~~[October 1, 2009]~~ January 1, 2014, each ~~[covered electronic]~~ manufacturer shall label all new ~~[covered electronic]~~ consumer electronic devices to be offered for sale for delivery in this State with a brand, which label shall be permanently affixed and readily visible.

§339D- Manufacturer participation requirement. ~~[(b)(1)]~~ By January 1, ~~[2009]~~ 2014, each ~~[covered electronic]~~ manufacturer of new ~~[covered electronic]~~ consumer electronic devices offered for sale for delivery in this State shall ~~[register with the department and pay to the department a registration fee of \$5,000]~~ notify the department of its intention to fulfill its obligations under this chapter by either:

(a) registering with the department under the individual manufacturer recycling plan pursuant to Part II of this chapter; or

(b) joining a representative organization who will provide an electronic device stewardship plan to the department pursuant to Part III of this chapter.

Thereafter, if an ~~[electronic device]~~ manufacturer has not previously individually registered or joined the electronic device stewardship program, the ~~[covered electronic]~~ manufacturer shall register under Part II or Part III [with the department] prior to any offer for sale for delivery in this State of the ~~[covered electronic]~~ manufacturer's new ~~[covered electronic]~~ consumer electronic devices.

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

~~"Covered television":~~

~~(1) Means any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including without limitation any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a household;~~

~~(2) Shall not include:~~

~~(A) A computer, computer printer, computer monitor, or portable computer;~~

~~(B) A television that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;~~

~~(C) A television that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;~~

~~(D) A telephone of any type, including a mobile telephone; or~~

~~(E) A global positioning system.]~~

~~["Household" means any occupant of a single detached dwelling unit or of a single unit of a multiple dwelling unit who has used a covered electronic device or covered television at a dwelling unit primarily for personal or home business use.~~

~~"Market share":~~

~~(1) Means the calculation of a television manufacturer's prior year's sales of televisions divided by all manufacturers' prior year's sales for all televisions, as determined by the department;~~

~~(2) May be expressed as a percentage, a fraction, or a decimal fraction.~~

~~"New covered electronic device" means a covered electronic device that is manufactured after the effective date of this chapter.]~~

~~["Program year" means a full calendar year beginning on or after January 1, 2010, and each calendar year thereafter beginning on January 1.~~

~~"Recover" means to reuse or recycle.]~~

~~["Television manufacturer" means a person who:~~

~~(1) Manufactures for sale in the State a covered television under a brand that it licenses or owns;~~

~~(2) Manufactures for sale in the State covered televisions without affixing a brand;~~

~~(3) Resells into the State a covered television manufactured by others under a brand that the seller owns or is licensed to use;~~

~~(4) Imports into the United States or exports from the United States a covered television for sale in the State;~~

~~(5) Sells at retail a covered television acquired from an importer described in paragraph (4), and elects to register as the manufacturer for those products;~~

~~(6) Manufactures covered televisions and supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State; or~~

~~(7) Assumes the responsibilities and obligations of a television manufacturer under this chapter.~~

~~In the event the television manufacturer is one who manufactures, sells, or resells covered televisions under a brand for which it has obtained the license, then the licensor or brand owner of the brand shall not be included in the definition of television manufacturer under paragraph (1) or (3).]~~

"PART II. [ELECTRONIC]INDIVIDUAL MANUFACTURER RECYCLING PLAN

§339D- Individual manufacturer registration. ~~[(2)]~~ (a) Each ~~[covered electronic]~~ manufacturer ~~[who is registered]~~ participating in an individual manufacturer recycling plan shall

submit an annual renewal of its registration with the payment of a registration fee of \$5,000, by January 1 of each program year.

([3]b) The registration and each renewal shall include a list of all of the [~~ecovered electronic~~] manufacturer's brands of [~~ecovered electronic~~] consumer electronic devices and shall be effective on the second day of the succeeding month after receipt by the department of the registration or renewal.

§339D- Individual manufacturer recycling plan. [(e)] (a) By [~~June 1, 2009~~] October 1, 2013, and annually thereafter, each [~~ecovered electronic~~] consumer electronic device manufacturer under this part shall submit a plan individually or with other manufacturers to the department to establish, conduct, and manage a program for the collection, transportation, and recycling of its [~~ecovered electronic~~] consumer electronic devices sold in the State, which shall be subject to the following conditions:

(1) The plan shall not permit the charging of a fee at the point of recycling if the [~~ecovered electronic~~] consumer electronic device is brought by the [~~ecovered electronic~~] consumer electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the [~~electronic~~ -device] manufacturer or [~~electronic device~~] manufacturer's agent removes the [~~ecovered electronic~~] consumer electronic device from the owner's premises at the owner's request and if the removal is not in conjunction with delivery of a new [~~electronic~~] consumer electronic device to the owner; [~~and~~]

(2) [~~Each electronic device manufacturer may develop its own recycling program or may collaborate with other electronic device manufacturers, so long as the program is implemented and fully operational no later than January 1, 2010.~~] The plan shall include a description of the methods for the convenient collection of consumer electronic devices at no cost to the owner except as provided for in subsection . The recycling plan shall provide for collection services of consumer electronic devices in each county of the state and zip code tabulation areas, as defined by the United States Census Bureau, with a population greater than twenty-five thousand. The recycling plan shall include at least one of the following:

(A) Staffed drop-off site;

(B) Alternative collection service such as on-site pick-up service; or

(C) Collection events held at an easily accessible, central location;

(3) Collection services shall be provided, at a minimum of, once in each quarter of the year;

(4) Plans that contain only a mail-back option shall not be allowed;

(5) Plans shall specify the use of only collectors registered, for the purposes of this chapter, with the state;

(6) Plans shall specify the use of recyclers with environmentally sound management practices.

~~[(d)]~~ ~~[By March 31, 2011, and annually thereafter, each electronic device manufacturer shall submit to the department the total weight of all covered electronic devices recycled in the previous year, which may include both an electronic device manufacturer's own covered electronic devices and those of other manufacturers.]~~ Each manufacturer may develop its own recycling program or may collaborate with other manufacturers, so long as the program is implemented and fully operational no later than January 1, 2014.

~~[(e)]~~ ~~[By July 1, 2011, and annually thereafter, the department shall publish a ranking of all electronic device manufacturers selling covered electronic devices in the State, based upon the annual total weight of covered electronic devices recycled by each electronic device manufacturer in the previous year.]~~

§339D- Department review of recycling plan. ~~[(g)]~~ a) The department shall review each [electronic device] manufacturer's plan under this part and, within sixty days of receipt of the plan, shall determine whether the plan complies with this part.

b) If the plan is approved, the department shall notify the [electronic device] manufacturer [or group of [electronic device] manufacturers].

c) If the plan is rejected, the department shall notify the [electronic device] manufacturer [or group of [electronic device] manufacturers] in writing and provide the reasons for the plan's rejection.

d) Within thirty days after receipt of the department's rejection, the [electronic device] manufacturer [or group of [electronic device] manufacturers] may revise and resubmit the plan to the department for approval. The department shall review the revised plan according to the process defined in subsections (a), (b), and (c).

e) If the department rejects a manufacturer's plan, the manufacturer shall have the right to contest the department's decision pursuant to chapter 91.

~~[(h)]~~ ~~The obligations under this part for an electronic device manufacturer who manufactures or manufactured covered electronic devices, or who sells or sold covered electronic devices manufactured by others, under a brand that was previously used by a different person in the manufacture of covered electronic devices, shall extend to all covered electronic devices bearing that brand.]~~

~~[(i)]~~ f) Nothing in this part is intended to exempt any person from liability that the person would otherwise have under applicable law.

§339D- Manufacturer recycling goals. a) The department shall use the best available information to establish the weight of all consumer electronic devices sold in the State, including

but not limited to the reports submitted pursuant to subsection , state and national sales data, and other reliable commercially available, supplemental sources of information.

(b) No later than September 1, 2013, and annually thereafter, the department shall notify each manufacturer of its recycling obligation.

(c) For 2014, each manufacturer of consumer electronic devices defined in part II shall collect and recycle the equivalent of 60 per cent, by weight, of their products sold in the state two years prior.

(1) For 2015, the goal shall be 70 per cent, by weight, of their products sold in the state two years prior, unless amended by rule pursuant to chapter 91.

(2) For 2016 and thereafter the goal shall be 80 per cent, by weight, of their products sold in the state two years prior, unless amended by rule pursuant to chapter 91.

(d) Manufacturers may collect any consumer electronic device to meet their recycling goal.

(e) Manufacturers may count reused consumer electronic devices towards their recycling goal.

§339D- Manufacturer record keeping requirements. (a) Each manufacturer shall maintain records for a minimum five years for the following:

(1) The amount, in weight, of sales of their consumer electronic devices in the state annually;

(2) The amount of consumer electronic devices it has collected for recycling or reuse by county; and

(3) The amount of consumer electronic devices recycled or reused by each recycler on behalf of the manufacturer.

(b) Nothing in this part is intended to exempt any person from liability that the person would otherwise have under applicable law.

§339D- Manufacturer reporting requirements. (a) By August 1, 2013, and annually thereafter, each manufacturer shall report to the department its sales, by weight, of the manufacturer's consumer electronic devices sold in the state the previous calendar year, categorized by product type.

(b) If the manufacturer is unable to provide accurate sales data, it shall explain why the data cannot be provided. The manufacturer shall then report an estimate of its sales data and provide an explanation on the methods used to derive the estimate.

(c) By March 31, 2014, and annually thereafter, each manufacturer shall report to the department the total weight of all consumer electronic devices recycled or reused, by county, in the previous year. Reports shall be submitted on forms prescribed by the department.

PART III. ELECTRONIC DEVICE STEWARDSHIP PROGRAM

§339D- Program formation, initial plan registration and fees. (a) By [January 1, 2014], a representative organization shall submit to the department an initial plan for an electronic device stewardship program. The plan shall:

- (1) Provide for the collection and recycling of consumer electronic devices;
- (2) Provide consumers with information on the electronic device stewardship program in consultation with the department and the counties;
- (3) Reuse or recycle consumer electronic devices according to environmentally sound management practices;
- (4) Document how the collection component of the plan was developed with input from the counties and other local stakeholders interested in consumer electronics recycling;
- (5) Identify each manufacturer participating in the electronic device stewardship program and the brands of covered consumer electronic devices sold in the state;
- (6) Provide a mechanism for making the most current list of participating manufacturers available to the department;
- (7) Include incentives to assure convenient collection mechanisms exist statewide;
- (8) Explain why any disruptions of commercial activity that may arise from implementation of the plan are consistent with fulfilling the goals of findings and purpose of this chapter, and provide sufficient information to allow the department to confirm the consistency of the plan with this chapter by review of the financial elements of the plan that are intended to implement subsections (1) through (7) of this section, and the proposed contractual arrangements with third parties, if any, by which the plan intends to implement subsections () through () of 339D- ; and,
- (9) Describe or provide documentation demonstrating how the program otherwise will fulfill all of the requirements of 339D- ;

(b) The representative organization and any manufacturer complying with its obligations under this part shall pay to the department an annual administration fee of \$20,000.

§339D- Department approval. (a) The department shall review each plan under section _____ within thirty calendar days of receipt of the plan to determine whether it complies

with this part, and to determine whether any activities included in the plan that affect the flow of commerce in the State constitute a reasonable mechanism to fulfill the purposes of this chapter.

(b) If approved, the department shall notify the representative organization.

(c) If rejected, the department shall notify the representative organization in writing and provide the reason(s) for the plan's rejection.

(d) Within [thirty days] after receipt of the department's rejection, the representative organization shall revise and submit the plan to the department for review. The department shall review the revised plan according to the process defined in subsections (a), (b), and (c).

(e) If the department rejects a representative organization's plan, the representative organization shall have the right to commence an action in circuit court within 30 days. No action to enforce the obligations of this chapter shall be brought by the department against the representative organization or any participating manufacturer until one hundred eighty days after the court's decision, unless the court finds that the plan was not submitted in a good faith effort to comply with this chapter.

§339D- Administration and operation of the electronic device stewardship program. (a) If a plan is approved, the representative organization shall be responsible for oversight of the electronic device stewardship program.

(b) The representative organization shall establish fair and reasonable rules for its administration and operation including:

- (1) identifying consumer electronic devices that may require a recycling assessment because of the net cost to collect and recycle them;
- (2) the equitable allocation of such assessments among participating manufacturers and eligible programs based on factors including but not limited to, company size, number, and sales of manufacturers participating in an eligible program, volume of consumer electronic devices sold in the state, and other factors deemed reasonable by the representative organization and its participants;
- (3) establishing a financing mechanism to cover all costs associated with the internal operation of the representative organization;
- (4) the equitable allocation of costs among participating manufacturers and eligible programs based on factors deemed reasonable by the representative organization and its participants;
- (5) establishing an annual system-wide collection and recycling performance criteria, including minimum recycling standards that meet or exceed widely accepted third-party certification standards; and,

- (6) developing a plan for compliance with this section on behalf of all the participants of the representative organization, including but not limited to assignment of county collection sites to particular manufacturers or eligible programs, pound collection requirements of each participating manufacturer or eligible program, and recognition of the contribution to overall collection of covered consumer electronic devices by manufacturers and eligible programs from sources other than county programs;
- (7) methods for ensuring that annual system-wide collection and recycling performance criteria are met by the organization;
- (8) provisions for entities that are not participating in the plan at the time of its initial implementation to become participants; and,
- (9) methods for ensuring that manufacturers, eligible programs and/or the representative organization shall provide consumers with educational materials on the electronic device recycling program. Such materials shall include, but not be limited to, information regarding available end-of-life management options for consumer electronic devices offered through eligible programs and information that notifies consumers that costs for the operation of such program is included in the purchase price of all covered products sold in the state.

(c) Not later than six months after the date the plan is approved, the representative organization shall act to ensure that the electronic device stewardship program is implemented according to the approved plan.

§339D- Reporting obligations. (a) By [March 1, 2015], and annually thereafter, the representative organization shall submit a report to the department that details the operation of the electronic device stewardship program for the preceding calendar year. The report shall include:

- (1) a list of eligible collection programs and locations available to consumers in the state;
- (2) a description of the methods used to collect, transport and process used consumer electronic devices in the state;
- (3) the results of a survey of county recycling coordinators concerning the availability of opportunities for consumers to recycle covered consumer electronic devices;
- (4) samples of information, awareness and educational materials provided to consumers of consumer electronic devices to promote reuse and recycling and collection opportunities for used devices that are available in the state;
- (5) a list of participating manufacturers for the upcoming year;

- (6) A report of the responsible organization's activities in the previous year, including the number of pounds recycled and the recycling collection sites and events provided.

(b) Within sixty calendar days of submitting an annual report, the department shall notify the representative organization in writing of any inconsistencies between the approved plan and the organization's operations, and provide a proposed schedule to remedy any deficiencies. If the representative organization disagrees with the department's conclusions or its proposed schedule, the department shall meet promptly with the representative organization to revise the plan. If no agreement is reached, the department may withdraw its approval of the plan by providing written notice to the representative organization. Such withdrawal shall be effective no sooner than ninety calendar days after delivery of notice. In the event the department rejects a representative organization's plan, the representative organization shall have the right to commence an action in circuit court. The plan shall remain in effect while judicial review is underway, and no action to enforce the obligations of this chapter shall be brought by the department against the representative organization or any participating manufacturer until ninety days after the court's decision, unless the court finds that the plan was not submitted in a good faith effort to comply with this chapter.

PART IV. COLLECTOR, RETAILER, AND DEPARTMENT RESPONSIBILITY

§339D- Collector registration. (a) By January 1, 2014, all collectors shall register with the department, using forms prescribed by the department, and pay to the department a registration fee of \$250. Thereafter, if a collector has not previously registered, the collector shall register with the department prior to accepting consumer electronic devices. A registration shall be valid until December 31 of each year.

(b) Collectors shall submit an annual renewal of its registration with the payment of a registration fee of \$250, by January 1 of each year.

§339D- Collector record keeping requirements. Collectors shall maintain records for a minimum of five years for the following:

(1) The amount, in weight, of consumer electronic devices it has collected for recycling and reuse and the amounts sent for recycling and reuse; and

(2) Bills of lading or weight tickets for all consumer electronic devices sent for recycling or reuse.

§339D- Collector reporting requirements. By March 31, 2015, and annually thereafter, each collector shall report to the department the weight of all consumer electronic devices collected for recycling or reuse in the previous year for the purposes of this chapter. Reports shall be submitted on forms prescribed by the department and shall indicate the weight of consumer electronic devices sent to each recycler. Collectors shall also report the amount of consumer electronic devices reused.

§339D- Collector responsibility. (a) Collectors shall possess and maintain all necessary business and environmental permits.

(b) All collected consumer electronic devices shall be sent for recycling or reuse.

~~§339D-5~~ **Retailer responsibility.** Beginning January 1, ~~2010~~ 2014, retailers shall make available to their customers information on collection services in the State~~[, including the department's website and toll-free telephone number]~~. ~~Remote~~Online retailers may include this information in a visible location on their website to fulfill this requirement.

~~§339D-6~~ **Department responsibility. (a)** ~~Beginning~~ By January 1, ~~2010~~ 2014, the department shall ~~post and maintain~~ and update a website and a toll-free number with current consumer electronic device recycling information on its website ~~where covered entities can return covered electronic devices for recycling~~.

(b) The department shall enforce this chapter.

~~"[PART III.] [GENERAL]~~MISCELLANEOUS PROVISIONS

~~§339D-7~~ **Regulatory authority.** The department may adopt rules, pursuant to chapter 91, necessary to implement this chapter.

§339D- Confidentiality of information. The department shall treat any financial, sales or market share information submitted pursuant to this chapter as confidential business information in accordance with chapter 92F.

~~§339D-7.5~~ **Manufacturer and agent responsibilities; regulatory compliance.** Each ~~covered electronic~~ manufacturer ~~and television manufacturer~~ shall be responsible for ensuring that the manufacturer and its agents follow all federal, state, and local regulations when collecting, transporting, and recycling ~~covered electronic~~ consumer electronic devices~~or covered televisions, and adopt environmentally sound recycling practices for the covered electronic devices or covered televisions~~.

§339D- Manufacturer responsibility. The obligations under this chapter for a manufacturer who manufactures or manufactured consumer electronic devices, or who sells or sold consumer electronic devices manufactured by others, under a brand that was previously used by a different person in the manufacture of consumer electronic devices, shall extend to all consumer electronic devices bearing that brand.

§339D- Audit authority. The records of manufacturers, collectors, and recyclers shall be made available, upon request, for inspection by the department, a duly authorized agent of the department, or the office of the auditor.

~~§339D-8~~ **Enforcement.** ~~[(a) The department may conduct audits and inspections to determine compliance under this chapter. Except as provided in subsection (c), the department and the attorney general shall be empowered to enforce this chapter and take necessary action~~

~~against any electronic device or television manufacturer or retailer for failure to comply with this chapter or rules adopted thereunder.~~

~~(b) The attorney general may file suit in the name of the State to enjoin an activity related to the sale of covered electronic devices or covered televisions in violation of this chapter.~~

~~(c) The department shall issue a warning notice to a person for the person's first violation of this chapter. The person shall comply with this chapter within sixty days of the date the warning notice was issued or be subject to the penalties provided by law or rule, including, but not limited to, penalties set forth in subsections (d) through (g). A retailer that receives a warning notice from the department for a violation of section 339D 3(a) or 339D 24(a) shall submit proof to the department, within sixty days from the date the warning notice was issued, that its inventory of covered electronic devices or covered televisions offered for sale is in compliance with this chapter.~~

~~(d) Any retailer who sells or offers for sale an unlabeled electronic device or unlabeled covered television in violation of section 339D 3 or 339D 24, respectively, or any electronic device or television manufacturer that fails to comply with any provision of section 339D 4 or 339D 23, respectively, may be assessed a penalty of up to \$10,000 for the first violation and up to \$25,000 for the second and each subsequent violation, in addition to any additional penalties required or imposed pursuant to this chapter.~~

~~(e) Except as provided in subsection (d), any person who violates any requirement of this chapter may be assessed a penalty of up to \$1,000 for the first violation and up to \$2,000 for the second and each subsequent violation, in addition to any additional penalties required or imposed pursuant to this chapter.~~

~~(f) The department shall determine additional penalties based on adverse impact to the environment, unfair competitive advantage, and other considerations that the department deems appropriate.~~

~~(g) If a covered television manufacturer fails to recycle its market share allocation, the department shall impose a penalty of 50 cents per pound for each pound not recycled.]~~

(a) If the director determines that any person has violated or is violating any provision of this chapter, any rule adopted pursuant chapter 91, or any term or condition of a certification or permit issued pursuant to this chapter, the director may do any one or more of the following:

- (1) Issue a field citation assessing an administrative penalty and ordering corrective action immediately or within a specified time;
- (2) Issue an order assessing an administrative penalty for any past or current violation;
- (3) Require compliance immediately or within a specified time; or

(4) Commence a civil action in circuit court in which the violation occurred or where the person resides or maintains the person's principal place of business for appropriate relief, including a temporary, preliminary, or permanent injunction, the imposition and collection of civil penalties, or other relief.

(b) Any order issued pursuant to this section may include a suspension, modification, or revocation of a certification or permit issued under this chapter, and shall state with reasonable specificity the nature of the violation.

(c) Any order issued under this chapter shall become final, unless not later than twenty days after the notice of order is served, the person or persons named therein request in writing a hearing before the director. Any penalty imposed under this chapter shall become due and payable twenty days after the notice of penalty is served unless the person or persons named therein request in writing a hearing before the director. Whenever a hearing is requested on any penalty imposed under this chapter, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. Upon request for a hearing, the director shall require that the alleged violator or violators appear before the director for a hearing at a time and place specified in the notice and answer the charges complained of.

(d) Any hearing conducted under this section shall be conducted as a contested case under chapter 91. If after a hearing held pursuant to this section, the director finds that a violation or violations have occurred, the director shall:

(1) Affirm or modify any penalties imposed or shall modify or affirm the order previously issued; or

(2) Issue an appropriate order or orders for the prevention, abatement, or control of the violation involved, or for the taking of such other corrective action as may be appropriate. If, after a hearing on an order or penalty contained in a notice, the director finds that no violation has occurred or is occurring, the director shall rescind the order or penalty. Any order issued after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the violation.

(e) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the director may institute a civil action in the name of the State to collect the administrative penalty which shall be a government realization. In any proceeding to collect the administrative penalty imposed, the director need only show that:

(1) Notice was given;

(2) A hearing was held or the time granted for requesting a hearing expired without a request for a hearing;

(3) The administrative penalty was imposed; and

(4) The penalty remains unpaid.

(f) In connection with any hearing held pursuant to this section, the director shall have the power to subpoena the attendance of witnesses and the production of evidence on behalf of all parties.

~~§339D-9 [Administrative p]Penalties[; fees. (a) In addition to any other administrative or judicial remedy provided by this chapter or by rules adopted under this chapter for a violation thereof, the department is authorized to impose by order administrative penalties and is further authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney's fees and costs, or to bring legal action to recover administrative fines and fees and costs, including attorney's fees and costs.~~

~~(b) Notwithstanding subsection (a), the department shall not have the authority to assess any fees, including an advanced recycling fee, registration fee, or other fee, on consumers, television manufacturers, or retailers for recovery of covered televisions except those noted in sections 339D-4 and 339D-22.]~~

(a) A civil penalty may be administratively imposed by the department on a manufacturer that does not fulfill its recycling assessment or obligations for the previous year. The civil penalty amount shall not exceed \$0.48 per pound for each pound less than 90 per cent of that manufacturer's recycling assessment. The department may impose an administrative penalty on any person who violates any other provision of this chapter in an amount of up to one thousand dollars (\$1,000) per violation per day.

(b) A person who intentionally, knowingly, or negligently violates this chapter may be assessed a civil penalty by the department of up to ten thousand dollars (\$10,000) per violation per day. [§339D-10] [Electronic] Consumer electronic device recycling fund. (a) There is established a [electronic] consumer electronic device recycling fund into which shall be deposited all fees, payments, and enforcement penalties collected by the department pursuant to this chapter.

(b) The [electronic] consumer electronic device recycling fund shall be administered by the department of health. Moneys in the fund shall:

- (1) be expended by the director solely for the purpose of implementing and enforcing this chapter[-]; and
- (2) be applied to reduce any annual fees otherwise authorized by section _____.

§339D- Role of Counties. Nothing in this chapter shall require any county agency to include consumer electronic devices in any waste management activities or programs intended to increase or provide opportunities for recycling.

Any county agency that collects consumer electronic devices in the course of waste management activities or programs intended to increase or provide opportunities for recycling

shall make all materials accumulated in such activities or programs available at no charge to individual manufacturers or the representative organization under this chapter.

~~§339D-11 Financial and proprietary information; report. (a) Notwithstanding any law to the contrary, financial or proprietary information, including trade secrets, commercial information, and business plans, submitted to the department under this chapter is confidential and is exempt from public disclosure to the extent permitted by chapter 92F.~~

~~(b) The department shall compile the information submitted by covered television manufacturers and issue a report to the legislature no later than April 1, 2012, and annually each year thereafter.]~~

~~§339D-12 Federal preemption. (a) Part II of this chapter shall be deemed repealed if a federal law or a combination of federal laws takes effect that establishes a national program for the collection and recycling of covered electronic devices that substantially meets the intent of part II of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic devices from covered entities in the United States.~~

~~(b) Part IV of this chapter shall be deemed repealed if a federal law or a combination of federal laws takes effect that establishes a national program for the recycling of covered televisions that substantially meets the intent of part IV of this chapter.]”~~

SECTION 3. Section 480-11, Hawaii Revised Statutes, is amended by adding subsection (e) to read as follows:

§480-11 Exemption of certain cooperative organizations; insurance transactions; approved mergers of federally regulated companies; homeless facility and program donors and provider agencies. (a) Nothing in this chapter shall be construed to forbid the existence and operation of fishery, agricultural, or consumer cooperative organizations or associations instituted for the purpose of mutual help that are organized and operated under chapter 421 or 421C, or that conform and continue to conform to the requirements of the Capper-Volstead Act (7 U.S.C. 291 and 292); provided that if any organization or association monopolizes or restrains trade or commerce in any section of this State to an extent that the price of any fishery, agricultural, or consumer product is unduly enhanced by reason thereof, this chapter shall apply to those acts.

(b) This chapter shall not apply to any transaction in the business of insurance that is in violation of any section of this chapter if the transaction is expressly permitted by the insurance laws of this State; provided that nothing in this section shall render this chapter inapplicable to any agreement to boycott, coerce, or intimidate or any act of boycott, coercion, or intimidation.

(c) This chapter shall not apply to mergers of companies where the mergers are approved by the federal regulatory agency that has jurisdiction and control over the mergers.

(d) This chapter shall not apply to:

- (1) Any provider agencies or donors under part VII of chapter 356D;
- (2) Any provider agency or donor method or act that complies with part VII of chapter 356D; or
- (3) Any cooperation or agreement authorized pursuant to rule under part VII of chapter 356D.

(e) This chapter shall not apply to any manufacturer belonging to an electronic device stewardship program under part _____ of chapter 339D.

SECTION 4. Chapter 339D, Part IV, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act, upon its approval, shall take effect on July 1, 2013.

Report Title:

Recycling; Electric Devices

Description:

Amends and expands the Electronic Device and Television Recycling program.

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



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Testimony of

Kevin Messner

**Vice President, Policy & Government Relations
Association of Home Appliance Manufacturers**

before the

**Senate Energy & Environment Committee
and
Senate Judiciary and Labor Committee
State of Hawaii**

for

S.B. 1135

**Legislation to Amend Hawaii's Existing Electronic Waste and
Television Recycling and Recovery Act**

February 8, 2013

Chairmen Gabbard and Hee, Vice Chairs Ruderman and Shimabukuro, and members of the Committee, thank you for the opportunity to provide testimony on S.B. 1135 which proposes amendments to the Electronic Waste and Television Recycling and Recovery Act to include home appliances. The Association of Home Appliance Manufacturers (AHAM) **strongly opposes** this bill. The reasons supporting our position are outlined below.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In the U.S., AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM and its members have spent a considerable amount of time and resources participating in the Department of Health's Electric Device Recycling Task Force in 2012. After several meetings and discussions by the task force a consensus agreement was developing that would focus the scope of the proposed bill to some consumer electronic products, but unfortunately, the Department of Health moved away from a path that might have led to a consensus view. The first draft of the proposed bill from the Department, which occurred after most of the task force recommended limiting the product scope, surprisingly included a list of small appliances that was derived from a search of a retail Internet site. We believe any list of products should be developed based on recycling or waste disposal data. Although further discussions at the task force generally recommended yet again to reduce the product scope, the Department of Health's next version of the bill actually expanded the scope to include "any device containing an electric motor, heating element, or a speaker." This definition would include products such as small household appliances, IT and telecommunications equipment, consumer equipment, certain lighting equipment, electrical tools, toys, sports equipment, control instruments, and automatic dispensers.

We urge the committee to hear the concerns of the wide variety of stakeholders who the Legislature understood needed to be a part of this discussion during the enactment of the bill establishing this task force. There may be a "sweet spot" where a consensus could be developed, but the proposed bill from the Department of Health unfortunately does not provide a framework to build a largely agreeable legislative proposal.

Definition of 'White Goods' Needs to be Improved

Approximately 90 percent of major appliances enter a recycling program at the end-of-life, according to data from the Steel Recycling Institute. (<http://www.recycle-steel.org/en/Steel%20Markets/Appliances.aspx>). This impressive figure is the result of well-established, market-based systems active throughout the United States, involving governments, retailers, recyclers, entrepreneurs, and manufacturers. These systems help to ensure that appliances are properly disposed of at the end of their useful lives. SB 1135 appropriately

excludes white goods from the scope of the bill; however, the definition of white goods needs further refinement to avoid confusion and the potential to disrupt and reduce the very successful recycling of major appliances due to their value at end of life. We would recommend the following definition to address these products:

"Major Appliance" means a discarded major appliance and any component or replacement part, including, but not limited to refrigerator, freezer, other refrigeration appliances (such as wine cooler, beverage center, and ice maker), clothes washer, clothes dryer, range/oven (including ventilation systems and warming drawers), microwave oven, dishwasher, air-conditioner (such as room air conditioner, portable air conditioner), dehumidifier, humidifiers, air purifier, electric water dispensers, compactors, food waste disposer, heating/ventilation/ air conditioning/refrigeration/ water heating equipment (such as packaged terminal air conditioners (PTACs), central air conditioners, furnaces, water heaters, boilers), and other similar major appliances."

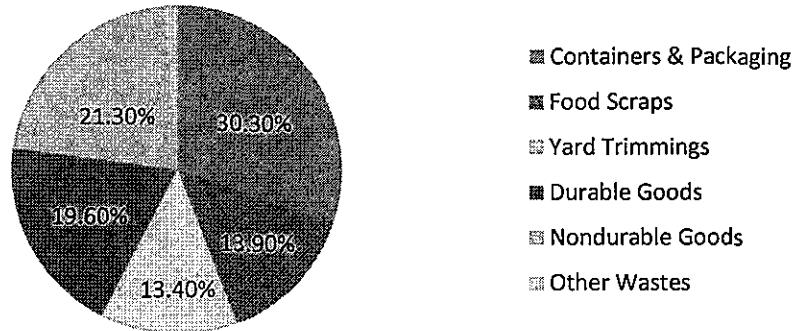
There is No Data to Support the Department of Health's Proposed Bill

SB 1135 makes no mention of the current recycling rates of small appliances in the state, nor does it present any evidence as to why such a broad program is warranted. The bill merely states that Hawaii's current program "has not been effective in maximizing the amounts of electronics being recycled[.]" and fails to provide any further explanation. Without such data, it will be difficult to measure the impact – positive or negative – of this bill on recycling and recycling rates within the state. Additionally, while SB 1135 states that it "goes far beyond existing *state* programs[.]" (emphasis added) it ignores the existence and success of other recycling systems. The bill also fails to identify any specific deficiencies in either state or other recycling efforts and how such deficiencies would be remedied by this bill. There is simply no supporting data provided.

One source of data that the Committee may find informative is from the U.S. Environmental Protection Agency (EPA). EPA has collected and reported data on the generation and disposal of municipal solid waste in the United States for more than 30 years. Although we recognize Hawaii is a unique island state, in EPA's most recent annual report "Municipal Solid Waste Generation, Recycling, and Disposal in the United States," in 2010, Americans recovered almost 65 million tons of municipal solid waste (MSW) (excluding composting) through recycling. Although total MSW generation in 2010 was 250 million tons, residential waste is estimated to be 55 to 65 percent, with the remainder from commercial and institutional locations, such as businesses, schools, and hospitals amounting to 35 to 45 percent.

EPA's report does breakdown MSW by waste category and small appliances are included in the durable goods category as indicated in the chart below. Durable goods overall account for about 19.6 percent of total MSW or 49 million tons; however, that includes durable goods from the commercial and institutional sector, as well. Small appliances only account for 0.6% of that total.

Total MSW by Category, 2010



Given that large products from the appliance industry continue to be recycled with market-based systems for their high metal content value and the small appliance contribution to the total generation of MSW is only 0.6% (yet shows a higher percentage of recovery when compared to other product categories), appliances should not be within the scope of this bill.

Appliances Should Not be Included in SB 1135

No state has ever mandated a product stewardship program for appliances. A province in Canada has added small appliances after beginning with other products. However, its program is much different than what this bill proposes and the program for small appliances just ended its first year in 2012. We have not yet seen the results to determine if it was successful. There is a reason for this. Appliances have significantly longer lives than many other consumer products and thus do not enter the waste stream at the rates of some other consumer electronic products. Some major appliances have life-spans that average 20 years or more. Many portable and floor care appliances have life-spans that are well above 10 years. These products do not constitute a priority impact on Hawaii's existing solid waste stream. Many portable and floor care appliances have valuable metals and other materials that enter the recycling stream through the "general" category of materials and thus may not be counted but nevertheless have value and are processed for return to the base substances.

The Task Force spent last year discussing what products should be included in this proposed bill and a consensus was clearly developing. Unfortunately, the attainment of consensus was not pursued by the Department of Health. Please find below information supporting this statement taken directly from the Department's records of the Task Force meetings. (See <http://hawaii.gov/health/environmental/waste/sw/hedrp/hedrp.html>)

- I. Covered Product in Current Laws in Other States (No Small Appliances)
 - Washington: Covered electronic product = CRT or flat panel computer monitor, desktop computer, laptop/portable computer, TVs.
 - Minnesota Covered Products: Video Display Devices (VDD) = household TVs, computer monitors, laptops. Covered Electronic Devices (CEDs) =

VDDs, computers, computer peripherals, printers, fax machines, DVD players, video cassette recorders.

- Wisconsin: Covered Electronic Devices (CED) = computers (desktop, laptop, netbook, tablet), desktop printers, printer/fax/copier/scanner combinations, video display devices (TVs, computer monitors, ereaders). Eligible Electronic Devices (EED) = EEDs, computer accessories, DVD players, VCRs, DVRs, fax machines.
- California: Covered Electronic Devices (CED) = CRT computer monitors & TVs, LCD computer monitors & TVs, laptop computers with LCD screens, plasma TVs, portable DVD players with LCD screens.

II. Members of the Task Force View that Small Appliances are not a Priority for Inclusion

- Sony
- City & County of Honolulu
- Best Buy
- Hewlett-Packard
- County of Kaua'i
- Dell
- Consumer Electronics Retailers Coalition
- Electronic Recyclers International, Inc.
- Retail Merchants of Hawaii
- Ulupono Initiative
- Custom Electronic Design & Installation Association
- Reynolds Recycling, Inc.
- T&N Computer Recycling Services
- Sims Recycling Solutions
- Consumer Electronics Association
- MRM-Electronic Manufacturers Recycling Management Company
- TechNet
- Maui County

III. Hawaii State Association of Counties Legislative Proposal Does Not Include Small Appliances.

Therefore, we would respectfully recommend that small appliances be excluded from this legislation and suggest the following definition of small appliances:

“Small appliance” means a discarded small appliance and any component or replacement part, including, but not limited to air treatment products (such as air heaters, air fresheners, fans, vaporizers, evaporative coolers), kitchen appliances (such as bagmakers/sealers, blenders, can openers, coffee mills/grinders, combo-food prep appliances, food choppers, food grinders, food mixers-stand & portable, food processors, food slicers, ice cream freezers, ice crushers, juicers, juice extractors, electric knives and knife sharpeners, kitchen cleaning brush, pasta makers, bread makers, broilers, cookers, corn poppers, countertop and convection ovens, fryers, fondues, food steamers, fry pans/skillets, griddles, indoor grills, hot plates/portable ranges, rice cookers, sandwich makers, slow cookers, toasters, toaster oven, toaster oven broilers, waffle iron, woks), beverage makers (such as coffeemakers, hot pots/kettles, hot tea makers, ice tea makers), garment care products (such as irons, steam wands), personal care products (such as curling irons/brushes, electric shavers, hair dryers, hair clippers, hair setters, lighted

mirrors, massagers, electric toothbrushes), vacuum cleaners (such as upright, canister, hand held, stick, central, wet/dry), and other similar household small appliances.

Concerns with SB 1135

Penalties for not meeting recycling goals are inappropriate: How many and which products people bring to a collection or recycling site is out of the control of the manufacturer and has constitutional concerns of whether it violates the “due process” clause by holding someone responsible for another person’s actions. It would be like penalizing the city’s sanitation department if people did not throw away their trash. If manufacturers would meet all obligations for recycling access as approved by the Department, it is inappropriate and unfair for the state to penalize manufacturers for consumers’ behavior that is outside manufacturers’ control.

Selling volumes by manufacturer can drastically change: The weight of products sold by a manufacturer in the most recent two years can vary drastically from the weight of a manufacturer’s products reaching end-of-life. This is especially true for products with lengthy lifespans or when manufacturers expand a product line-up or see a significant increase in sales volume. And it punishes newer producers with growing sales. Further, just because a product is sold in Hawaii does not mean that product will remain in Hawaii until the end-of life. This approach could lead to a manufacturer being required to collect more electronic waste than it has reaching the end-of-life.

Lack of financing mechanism through fees: Costs attributable to improving the environment and increasing recycling rates should not be hidden to the consumer. A financing mechanism through fees that are passed through to the purchase price are not part of this bill as they are in many other EPR programs, *e.g.*, Oregon’s paint recycling program.

Weight is an unfair metric for recycling goals: Products with higher weight levels often have more desirable recyclable content (*e.g.*, metals) that drive increased value and cost recovery for recyclers. In essence, a manufacturer that produces products with the most valuable end-of-life content would be required to meet more stringent recycling goals, and perhaps incur greater penalties if recycling goals are not met. The proposed legislation allows manufacturers to collect any electronic waste to meet recycling goals, so producers would have no incentive to produce more recyclable products. Furthermore, manufacturers who produce heavier and more recyclable products would be unfairly disadvantaged, because all manufacturers of covered products would seek to collect products with the greatest weight and recyclability regardless of which products they produce. While the Department of Health has indicated SB 1135 is modeled after British Columbia product stewardship laws, British Columbia’s recycling goals are based on unit volume by specific product categories, and are based upon a baseline of actual recycling rates for each of the covered product categories. Beyond the unfairness of weight metrics, there are numerous other concerns with this approach:

- Product weight diminishes over time.
- It is unclear if accessories included with products, such as air purifiers with replaceable filters, may or may not be considered in the weight of product recycled and could be 25% of the product’s weight or more.

- Manufacturers often track product weights with packaging, accessories and consumables included, so this approach requires significant manual measurement and recordkeeping.

Video screen exclusion for appliances: The definition of video screen should include the standard exclusions found in 18 other state laws. For example, California (See Cal Pub Resources Code § 42462) limits the screen size to greater than 4 inches measured diagonally and excludes video display devices that are contained in appliances. We would like to work with the committee to include this standard exclusion in Hawaii’s legislation.

The retailer, not the manufacturer, determines how many should be shipped: Manufacturers may be unaware of the final retail sales location or date of sale for their products, as in most in most cases manufacturers sell at wholesale to retailers. Manufacturer shipments often vary from actual retail sales.

- What if the retailer asks for 100,000 units to be shipped and only 100 are sold?
- Is it sale by the retailer or sale by the manufacturer to a retailer?
- Who would be responsible if products are sold over the Internet into Hawaii without the manufactures knowledge?
- How are store customer returns handled? Do they count against the overall total by weight? How would a manufacturer know if a product is returned?

Registration fee of \$5,000/year to the Hawaii Department of Health: Although manufacturers or importers of 100 units or less are exempted, this is not workable. For example, if a manufacturer only sells 100 blenders a year, then a \$5,000 annual fee would equate to \$50 per blender that may only retail at \$50. That would double the cost of a product and drastically reduce the products options for Hawaiians. This requirement is also an impediment to new entrants into the market and innovation.

Convenient collection method for consumers should not be treated differently: SB 1135 should allow mail back programs without requirements for physical recycling locations or collection services. Mail back programs are a very convenient method of recycling for Hawaii consumers, and if successful, manufacturers should not be burdened with the additional cost and complexity of recycling locations and/or collection services.

Conclusion

In conclusion, for the reasons outlined above, AHAM opposes SB 1135. With that said, we appreciate and support the exclusion of white goods from this legislation; however, AHAM supports clarifications to how the term “white goods” is defined. SB 1135, as proposed, has serious and comprehensive flaws that make it difficult to fix if it continues to lump all the many diverse products with differing characteristics into one program. Should the bill move forward, and based on small appliances being only 0.6% of the waste stream, excluding small appliances based on the definition we have provided would avoid limiting availability and increasing prices for products Hawaiians use every day to make their lives easier, safer and healthier. I look forward to answering any questions you may have.



CUSTOM
ELECTRONIC
DESIGN &
INSTALLATION
ASSOCIATION

February 7, 2013

Senator Mike Gabbard, Chair
Senator Russell E. Ruderman, Vice Chair
Committee on Energy and Environment

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

HAWAII STATE SENATE
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

HEARING: Friday, February 8, 2013
9:30 a.m.
Conference Room 016

Re: CEDIA's opposition to Senate Bill 1135 in its current form

Dear Senator Gabbard, Senator Hee, and members of the committees:

On behalf of the Custom Electronic Design & Installation Association (CEDIA), thank you for allowing us the opportunity to provide written testimony opposing Hawaii Senate Bill 1135 in its current form, legislation that amends and expands the Electronic Device and Television Recycling program.

CEDIA's concerns with Senate Bill 1135 in its current form include the expanded product scope of "electric device." We also recommend an update to the definition of "manufacturer."

CEDIA is the professional trade association representing companies that specialize in planning and installing electronic systems for the home. These systems include home networking, home automation and communication systems, media rooms and home theaters, single or multi-room entertainment systems, and integrated whole-house subsystems providing control over lighting, security, and heating, ventilation & air conditioning (HVAC) systems.

CEDIA represents seven member companies who work in the residential electronic systems industry in Hawaii. All of these companies are electronic systems contractors (ESCs), many of which are independent retailers and installers representing a vital part of small business in Hawaii.

CEDIA participated on the Department of Health's Hawaii Electric Device Recycling Task Force and was glad to serve as a resource throughout the task force's work. Electronic waste is an important issue for CEDIA's Hawaii-based members, and we look forward to a workable legislative solution that takes into account Hawaii's unique situation, along with the needs of the residential electronic systems industry.

As currently written, Senate Bill 1135 defines “electric device” as a computer, television, or peripheral, further providing that:

- (1) Effective January 1, 2015 this definition shall expand to include any device containing an electric motor, heating element, or a speaker; and (Page 3, lines 7 – 13).

CEDIA raises concern with including “electric motor” in the expanded product definition and the unintended impact this would have on equipment used in residential electronic systems projects.

One of the intents of including “electric motor” in the expanded definition of “electric device” is to cover products that contain valuable metals. However, this raises concerns for electronic systems contractors working on residential electronic systems projects, as this expanded product scope could include such unintended product categories including, but not limited to: motorized window shades, motorized screens, and television lifts. These are important product categories for electronic systems contractors, but would unintentionally be defined into the expanded product scope. This could lead to manufacturers of this specialty equipment to be discouraged to sell product in or into Hawaii and make it more difficult for electronic systems contractors to provide solutions to their customer’s electronic systems projects.

CEDIA would encourage the following amendment to Senate Bill 1135:

~~“[Covered electric] Electric device” ~~[-(1)]~~ [Means] means a computer, ~~[computer printer, computer monitor,]~~ television, or ~~[portable computer] peripheral [with a screen size greater than four inches measured diagonally; and],~~ further providing that:~~

~~(1) Effective January 1, 2015 this definition shall expand to include any device containing an electric motor, heating element, or a speaker; and~~

This amendment would allow the Department of Health to expand the existing electronic and television recycling program without harming numerous industries including the residential electronic systems industry by including the increased product scope outlined in Senate Bill 1135 in its current form.

Second, as currently written Senate Bill 1135 defines “manufacturer” as:

“Manufacturer” (6) Shall not include person[s] who manufacture ~~[no more]~~ less than one hundred computers per year. (Page 5, lines 17 – 18).

CEDIA strongly encourages Senate Bill 1135 (Page 5, lines 17 – 18) be amended to read:

“Manufacturer” (6) Shall not include person[s] who manufacture ~~[no more]~~ less than one hundred ~~computers~~ electric devices per year.

This change will allow the original intent of the threshold proposed by the task force to be met, and in so doing not restrict manufacturers of custom devices often utilized in residential electronic systems projects.

On behalf of CEDIA, thank you for the opportunity to share our concerns on Hawaii Senate Bill 1135 in its current form. CEDIA looks forward to working with members of the Committee on Energy and Environment and the Committee on Judiciary and Labor, Department of Health staff, and other industry stakeholders on this important issue to Hawaii and the residential electronic systems industry. Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Darren Reaman". The signature is fluid and cursive, with the first name "Darren" being larger and more prominent than the last name "Reaman".

Darren Reaman
Director of Public Policy
Custom Electronic Design & Installation Association (CEDIA)
(800) 669-5329 ext. 144
dreaman@cedia.org

Recycle  Hawaii

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FEIN: 99-0293381

To: Senator Mike Gabbard, Chair
Other Honorable Members of the Senate Committee on Energy & Environment

Senator Clayton Hee, Chair
Other Honorable Members of the Senate Committee on Judiciary & Labor

Date: February 7, 2013

Re: Support for SB 1135

Recycle Hawaii is a 501(c) 3 educational organization incorporated in 1992 and active as a grassroots effort since 1989. Our mission is to educate the public throughout Hawaii about sustainable practices with an emphasis on recycling awareness. As Hawaii's premier recycling organization, RH has played a key role in the introduction of every major resource collection effort including those for single use beverage containers, green waste, glass, paper, plastic, metal, e-waste, used motor oil, cooking oil and latex paint. Throughout our 22-year history, we have been in constant contact with the public regarding recycling issues and we can tell you without a doubt that the vast majority of Hawaii's citizens want more recycling opportunities, especially when it comes to electronic waste.

We begin our testimony on SB1135 by countering misleading claims that the Department of Health responded to recommendations made by the E-Waste Task Force participants in ways that were inexplicable and unproductive. We view these claims as part of an industry attempt to commandeer the process and thwart reform; they reveal an underlying and unacceptable expectation that DOH Director Gary Gill and his staff were there to do the industry's bidding. Nothing in SB2822, which mandated the formation of the task force, required the group to operate on consensus. The bill clearly states that industry participants were there to make recommendations and it should go without saying that the department was free to take or leave such recommendations in determining what was best for the people of Hawaii.

As we move forward in our deliberations over the Senate and House versions of the e-waste reform bill, please see these claims for what they are and put them aside. If it seems unfair that the majority of task force participants do not approve of the legislation that came out of the effort, remind yourselves that those who advocate for Hawaii's citizens, environment and future generations were ancillary to the process and grossly outnumbered. While the costs industry and government representatives incurred were reimbursed by taxpayers, environmental advocates participated at their own expense. Still, the development of this legislation

is one of those rare instances when government did the right thing despite such an imbalance: Director Gill and his staff did an excellent job of putting the proceedings in the proper perspective and placing the interests of Hawaii's people first.

SB 1135 will allow Hawaii to meet its mandated 50% diversion goal for the waste stream in general, and for electronics in particular. As an organization that spends every working day on the frontlines of this issue, we can tell you that the bill delivers the comprehensive approach to e-waste the public wants.

We concur with the recommendation to clarify the definition of "white goods" particularly because microwaves are an item that many people want to recycle and we want to be sure they are included under the bill's provisions.

We do not support the recommendation to exclude power tools and toys as these relatively easy-to-repair products constitute a resource that lends itself to reuse strategies far better than items like televisions and computers. Keep in mind the 50% mandated goal for the entire waste stream as you deliberate on any measure dealing with a specific component of it. Our goal will not be achieved by carving out exemptions. We have nothing to gain from allowing power tools and plastic toys to end up in the landfill; we have everything to gain from instituting a system that collects these items for repair, resale and reuse.

Reform is never easy. It will take some time and effort for everyone affected by SB 1135 to comply with its broad mandate but the time and effort will be well spent. We agree with CEA's proposal for a collaborative approach and there is nothing in SB1135 that prevents the industry from working together to make compliance an efficient process. As an example, manufacturers can collaborate to develop standard scan-able labels that will make tracking and reporting easy at all levels. Manufacturers already go to great extremes to collect and retrieve information to improve marketing techniques, there is no reason they can't make the same effort when it comes to environmental stewardship.

It is industry's response to the bill currently in effect that makes SB1135 necessary. When the state legislature first passed the Electronic Waste and Television Recycling and Recovery Act, it did so with a great deal of consideration for the manufacturers and retailers of products subject to the new law. While this good faith effort did increase opportunities for recycling electronics in some parts of the state, in other places, specifically the neighbor islands, e-waste recycling suffered a severe setback. Collection programs supported by county funding ended because local agencies took the position that producers were responsible going forward; producers then shirked their responsibility by devising mailback programs. Program failures eventually compelled county agencies on the neighbor islands to step back in at considerable taxpayer expense.

A great deal was learned from this experience. The most important lesson was that the manufacturers cannot be counted on to devise effective plans with meaningful goals. In its second attempt at crafting legislation to deal with the problem of e-waste, DOH has taken a new approach by mandating ambitious goals and stiff penalties. Industry has countered the department's proposal with claims that it amounts to an unnecessary overreach. . . that manufacturers want to do the right thing and they must be trusted to devise their own plans. Experience has proven otherwise.

SB1135 provides a necessary guarantee that industry will not renege on its promise to take responsibility for the mountains of waste it generates. Recycle Hawaii stands ready to support that positive outcome; we believe industry has a capable and sincere partner with the Department of Health through Director Gill and his staff.

SB1135 will cut costs at the county level, result in high diversion rates and create new business opportunities for Hawaii's people. Recycle Hawaii supports this bill and urges your committees to pass it with only an amendment to clarify the definition of "white goods." Tools and toys should not be exempted.

Sincerely,

Paul J. Buklarewicz
Executive Director
Recycle Hawai'i

Testimony of

Cade Clark

**Assistant Vice President, Government Affairs
Air-Conditioning, Heating, and Refrigeration Institute**

before the

Senate Committee on Energy and Environment

State of Hawaii

for

SB 1135

**Legislation to Amend Hawaii's Existing Electronic Waste and
Television Recycling and Recovery Act**

February 8, 2013

Thank you for the opportunity to provide testimony on SB 1135 which proposes amendments to the Electronic Waste and Television Recycling and Recovery Act. Unless amended, the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) opposes this bill.

AHRI's 300 member companies manufacture quality, efficient, and innovative residential and commercial air conditioning, space heating, water heating, and commercial refrigeration equipment and components for sale in North America and around the world, and account for more than 90 percent of HVACR and water heating residential and commercial equipment manufactured and sold in North America. In the United States, our industry is responsible for over 130,000 manufacturing jobs.

AHRI is aware of the work the Department of Health's Electric Device Recycling Task Force did in 2012 to move towards a consensus agreement on the scope of the proposed legislation. We were shocked to see in the second draft of the bill a clear divergence from the coalition's potential consensus on scope. The second version of the bill expanded the legislative scope to "any device containing an electric motor, heating element, or a speaker".

This overreaching definition brings HVACR equipment into the scope of the legislation. The bill does include an exemption for a "white good" defined as "a discarded major appliance, including, but not limited to a washing machine, clothes dryer, hot water heater, stove and refrigerator".

§11-58.1-03 of the Hawaii Administrative Rules defines white goods as "electrical and mechanical appliances made primarily of metal parts such as refrigerators, clothes washers, and dryers. Appliances of less than three cubic feet in volume before crushing shall not be included in this definition".

AHRI's interpretation of SB 1135 is that manufacturers of residential built-in and permanently installed heating, ventilation, air conditioning, and refrigeration equipment (i.e. packaged terminal air conditioners (PTACs), central air conditioners, furnaces, boilers etc.) would need to comply with this legislation.

In speaking with the Department of Health, staff indicated that DOH considers HVACR equipment as white goods and accordingly our manufacturers would not fall under the scope of this legislation. While we agree that the bill should not apply to HVACR equipment, the definitions and exemptions for white goods in the bill do not adequately provide the needed legal clarity for the equipment our members manufacture.

HVACR equipment is not traditionally considered an appliance or a white good but its own category of products. HVACR equipment generally has a long life-span and is always installed and removed by professional contractors who then properly dispose of it. While SB 1135 appropriately excludes white goods from the scope of the bill, the definition of white goods needs further revision to avoid including HVACR equipment.

We would like to work with the Committee on improving the bill's definition of white goods and excluded products and look forward to engaging with the Committee on this issue.

Unless the definition of white goods is amended to categorically include HVACR equipment, we ask the Committee to reject this bill. Please feel free to contact me with any questions that you may have.



DEMONSTRATE THE POWER OF ONE

Hawaiian Hope

P. O. box 17948

Honolulu, HI 96817

808.352.8800

www.HawaiianHope.org

From : Curtis J. Kropar,
Executive Director, Hawaiian Hope

Subject : Testimony regarding : SB1135 : RELATING TO RECYCLING (Companion : HB904)
Amends and expands the Electronic Device and Television Recycling program
Hearing on 02-08-13 at 9:30AM in conference room 016

Date : Thursday, February 7th, 2012

Position : Strong opposition to SB1135 in its current form.

SB1135 was submitted to the legislature at the request of the Hawaii Department of Health as part of a task force report required of the Department under SB 2822, signed into law in 2012. We feel that SB1135 does not reflect the consensus of the task force, or even a majority of its members, since important elements of SB1135 were changed without discussion or input from the task force, and some aspects of task force input seems to have simply been ignored. Hawaiian Hope was an active member of the task force and supports the intent to make improvements to the Act, but we are not able to support SB1135 in its present form.

Hawaiian Hope is a technology based non profit organization. We have been in operations for 7 years, and as such, one of our primary projects is the collection, refurbishing and redistribution of computers and computer equipment.

In this respect, Hawaiian Hope is one of the largest handlers of computer equipment for the sole purpose of reusing the equipment and possibly the only non profit organization in the state to handle the total volume of computers that we do. To date we have refurbished and redistributed over 900 computer systems, we have a current inventory of over 450 computers in stock and we have kept more than 30,000 items out of the landfill. Just 3 of our recent donations consisted of 1) 485 computers, 2) 165 computers, 3) 75 computers.

To manage this volume of computer hardware, storage, movement and redistribution, we take great detail in our records of what was received, when, from whom, a total count of pieces and who in turn equipment was redistributed to.

While we, Hawaiian Hope, practice daily - responsible stewardship of the aina and resources entrusted to us; and we are able to accommodate the stringent requirements of proposed SB1135 if it should pass, because we already do much of the required record keeping, we must stand in strong opposition to the bill as it is written. There are quite a number of reasons for our opposition, however we have listed below only some of those along with potential alterations to make SB1135 more acceptable.

1) Priority of order.

While the overall objective of SB1135 is to improve "recycling" of electronics - keeping potentially harmful items out of the landfill, there is no priority or higher importance give to reusing items as opposed to simply melting them down and reducing them to scrap metal. Hawaiian Hope feels that product reuse should be given the highest preference, then when a product reaches true "end of life" that it be properly and responsibly recycled. In the bills current state, if passed, it will result in a reduction of donations to us and other non profit organizations and ultimately reduce the possibility of product reuse.



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2) Paying a new fee to do what we have been doing for years.

A significant problem with SB1135 is that it will drastically affect non profit orgs. All non profit orgs in Hawaii will be considered "collectors". Some non profits, like us, will also be considered a manufacturer. SB1135 will require any and all non profit orgs to pay a registration fee to do what we have already been doing for years - take computers and electronics in as donations. WHY should we have to pay a fee to do what we have been doing for years and are pretty much mandated as a non profit to do to survive ?

1. new definitions

"Collector" means a person that accepts electric devices for reuse, or delivers the devices to a recycler for the purposes of this chapter.

"Reuse" means any operation by which an electric device changes ownership and is used for the same purpose for which it was originally purchased. (in other words, donations to non profits)

§339D- Collector registration. (a) By January 1, 2014, all collectors shall register with the department, using forms prescribed by the department, and pay to the department a registration fee of \$250. Thereafter, if a collector has not previously registered, the collector shall register with the department prior to accepting electric devices.

The net result will be that :

- a) any non profit accepting donations of computer equipment (and other electronics) for "reuse" will be breaking the law if they do not register and pay. OR...
- b) Non profits will simply stop taking computers and other electronics in as donations as it will be too much of a hassle. The low income community will suffer because of new restrictions placed on the non profits that service them.

3) Method to basis of fees :

There is no data to support the proposed fees. The fees are arbitrary and have no relationship to any expected or potential cost to the Department. This instead appears to simply be a money grab disguised as better stewardship through recycling.

Setting aside manufacturers, this bill proposes to impose a fee of \$250 on "collectors" of electronics. By definition collectors include non profit organizations that take computers and other electronics in for "reuse" as donations. There are over 5,000 non profit organizations in Hawaii and if all of them are now required to pay a fee of \$250 for the "privilege" to take donations of computers and electronics, that alone would generate a bank roll of over 1.2 million dollars into this special fund for the state.

Ironically, many non profit organizations receive state funding in some form and this fee would likely be paid for using money obtained from the state to begin with.

Likewise, manufacturers will be required to pay a fee of \$5,000, and manufacturers in SB1135 will be anyone that sells more than 100 new electronic items. Some non profit organizations, like Hawaiian Hope, will be counted as both collectors and manufacturers. Imagine a non profit organization selling some type of radio or other covered electronic device as part of a fundraiser. If they sell more than 100 units they would be required to pay a fee of \$5,000. In addition, how many thousands of businesses in Hawaii sell some type of electronics that would make them a "manufacturer" ?? I have no doubt I could compile a list of 500 stores, companies or people that sell electronics that would be required to pay a \$5,000 fee. $500 \times \$5,000 =$ an additional \$2.5 million dollars in collected fees. Does the department expect this new bill to cost them more than \$3 million a year to implement ? In the Director of Health's testimony in companion bill 904 it was stated the "**Fiscal Implications:** Undetermined." How can you develop and impose fees to the customer if you have no idea how much the program will actually cost ? Unless of course the goal is simply to generate a revenue stream.



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4) Collector record keeping requirements. Collector reporting requirements.

Even if non profits are able to afford the new fees to do what they have been doing for years, SB1135 imposes extensive paperwork requirements in order to take electronics in as donations. All items will need to be weighed and records kept regarding the weight, sale, reuse, redistribution and to whom the electronics were redistributed to.

Christmas gift drives by non profit orgs will turn into logistical nightmares as many gifts are now in the form of technology and electronics, thus triggering all of the required paperwork and tracking. This alone may cause some non profit orgs to simply throw their hands in the air and say its too complicated to do the paperwork, thus shutting down their donations and redistribution

5) Collection Plans :

"Each manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the collection, transportation, and recycling of its electric devices sold in the State"

This is absolute redundancy. If there are 120 separate manufacturers, there could be 30 manufacturers every weekend conducting collections, each one fighting for the largest chunk of materials as their target goals set by the department are based on "weight" of products sold in previous years.

6) Penalizing product quality :

Manufactures will be penalized if they fail to collect target volumes based on weight, based on previous years sales. What this does is penalize manufacturers for making quality products. For instance, If a product lasts for 5-7 years, but the manufacturer is being judged on their collection efforts on the previous 2 years sales, there is a 3-5 year difference of expected end of life for a product that the manufacturer will be penalized on. Ultimately what this does is instruct the manufacturer to make a product that is designed to break within 2 years. Some products have an extremely long life span. I have computer keyboards, mice and other parts that are 10-15 years old that still work perfectly.

7) Penalizing product and technology advances :

As above, Manufactures will be penalized if they fail to collect target volumes based on weight, based on previous years sales. Computers in particular are constantly becoming lighter, smaller and faster. And now with the advent of touch screen computing, what was previously several separate components are now being reduced to a single piece of hardware. Ultimately manufacturers will be penalized for making smaller and more efficient computers as the technology involved becomes more advanced and the physical size and weight of computers becomes less and less. My laptop today does more than my desktop computer could do from just 5 years ago. In fact the average smart phone now may have more capabilities than the average computer of just 5 years ago.

8) Proper Responsibility

Instead of placing the responsibility of in state recycling mostly on out of state manufacturers, responsibility should also be somewhat expected of the local consumer. SB1135 does not address any consumer responsibilities or compliance. If Hawaii wants to achieve a significant increase in recycling then SB1135 should be amended to simply state that "it is illegal to toss electronics in the trash" and make the provision apply to everyone :residents, businesses, non profits and government. "If it plugs in, it must be returned to a proper non profit or collection facility for reuse or disposal". "Fines for putting electronics in the trash will start at \$500 per item" Then the Department can conduct a consumer awareness campaign to ensure that people know how bad it is to dump electronics with toxic materials into the trash.

AS written SB1135 and companion HB904 are simply too complex to implement properly. The entire goal of recycling can be attained with a much more simplistic approach. "Reuse then Recycle." Stop tossing useable items into the trash and if it does not work do what is right and recycle it.

For these and other reasons we find it necessary to oppose SB1135 as written.



Government Relations

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Testimony of

Luke Harms
Manager, Government Relations
Whirlpool Corporation

before the

The Senate Committee on Energy and Environment and the
Committee on Judiciary and Labor
State of Hawaii

on

S.B. 1135
Relating to Recycling

February 8, 2013

Chairmen Gabbard and Hee, Vice Chairs Ruderman and Shimabukuro, and members of the Committees:

Whirlpool Corporation appreciates the opportunity to provide testimony on Senate Bill 1135 which would establish a program for the recycling of consumer electronic goods in the state of Hawaii. While Whirlpool Corporation supports and encourages the recycling of major and small appliances, we strongly oppose SB 1135 in its current form and ask the Committee on Energy & Environment and the Committee on Judiciary and Labor to reject this legislation, which has failed to incorporate many widely agreed upon positions of the task force established by Act 078 (12).

Whirlpool Corporation manufactures and markets home appliances, with 68,000 employees and 65 manufacturing and technology research centers. The company markets *Whirlpool, Maytag, KitchenAid, Jenn-Air, Amana, Brastemp, Consul, Bauknecht* and other major brand names to consumers in nearly every country around the world. Of the products we sell in the United States, approximately 80 percent are made in the United States and we have more appliance manufacturing jobs in the United States than all of our major competitors combined.

Whirlpool Corporation is a member of the Association of Home Appliance Manufacturers (AHAM), which provided detailed testimony on SB 1135. We support AHAM's testimony and encourage the committees to carefully evaluate AHAM's concerns and viewpoints with the legislation before you today. We also appreciate the committees' consideration of the following concerns:

I. SB 1135 Requires Clarification of the Exemption for "White Goods"

SB 1135 rightfully exempts "white goods" from the from the scope of covered consumer electronic goods due to the highly successful, market driven programs that have achieved a recycling rate of approximately 90 percent in the United States. Whirlpool Corporation encourages the committees to work with AHAM and appliance manufacturers to improve the definition of white goods to further clarify the products that are exempted and to ensure the definition includes all commercial and household appliances.

II. Small Appliances Should Be Excluded

Small appliances are not significant generators of municipal solid waste. According to the U.S. Environmental Protection Agency¹, small appliances represent approximately 0.6% of municipal solid waste generation. For this reason, despite passage of dozens of electronic waste laws across the United States, no state has ever mandated a product stewardship plan for small appliances.

¹ U.S. Environmental Protection Agency, Annual Report on Municipal Solid Waste Generation, Recycling and Disposal in the United States, 2010

In the United States, Whirlpool markets most small appliances under the KitchenAid brand. The iconic KitchenAid stand mixer represents a significant portion of our company's small appliance sales. Unlike many consumer electronics, these products are built largely of metal and have significant end-of-life value. In addition, they rarely enter the waste stream because of their outstanding durability, quality and timeless design.

Further aiding the longevity of our products, Whirlpool Corporation's Greenville, Ohio small appliance manufacturing division provides mail-in diagnostics and refurbishment, preventing even more products from entering the municipal waste stream.

SB 1135 would unfairly and burdensomely impact Whirlpool Corporation's small appliance business unit for many reasons as outlined below:

SB 1135 Punishes Manufacturers of More Recyclable Products

Whirlpool Corporation is proud that our small appliances are designed with sustainability and recyclability in mind. However, as written, SB 1135 would encourage all electronic device manufacturers to collect the heaviest and most recyclable products to meet mandated recycling targets and to reduce costs. Essentially, the legislation would penalize our company for the characteristics of our products that make them more sustainable and recyclable (e.g. significant percentage of recyclable metal content, high end-of-life cost recovery) because all electronic device manufacturers would compete to collect our products, while Whirlpool Corporation would be forced to help subsidize the expensive recycling processes for products such as cathode ray tube (CRT) devices that our company has never produced.

Small Appliances Contain Few Electronic Components

Small appliances typically contain significantly fewer electronic components compared to most consumer electronics. For example, the electronic components of televisions and mobile phones can exceed 20 percent of the products' total weight; whereas, the electronic components (mostly circuit boards and power cords) of small appliances produced by Whirlpool Corporation typically represent less than five percent of a product's total weight.

Arbitrary Mandated Recycling Goals Are Unfair

The mandated recycling goals in SB 1135 do not consider current recycling rates for specific products types, nor do they accurately reflect the volume of products actually reaching the end-of-life. SB 1135 bases recycling goals on the average annual sales of a manufacturer's products in Hawaii during the most recent two years. The proposed legislation fails to consider products' lifespans, whether sales have increased or decreased, or whether a product is new to market.

In the case of KitchenAid small appliances, not only do our products have lengthy lifecycles, but sales have drastically increased in recent years and the product line-up of KitchenAid products is much broader than it was only a few years ago. As such, the weight of products in Hawaii now reaching the end-of-life is a fraction of the weight of current sales.

In addition, manufacturers are unable to control if and when consumers recycle end-of-life products. If the Department of Health approves a manufacturers' plan for the recycling of electronic devices and the manufacturer complies with all provisions of the plan, it is inappropriate for the state to penalize the manufacturer for consumers' decisions on how to manage products at the end-of-life. If recycling goals are unmet, the Department of Health should work in conjunction with manufacturers of covered products to determine how best to improve recycling rates.

Conclusion

Whirlpool Corporation strongly believes small appliances should be removed from the product scope of SB 1135 and that the current legislation is severely flawed and should be rejected. Should the bill advance, the scope should be limited to products that are significant generators of municipal solid waste and that have sufficient end-of-life product volume to justify the cost and operation of physical recycling programs in Hawaii. As written, the legislation would discourage the production of sustainable and recyclable products and would cause significant harm to small appliance manufacturers, with minimal impact on Hawaii's municipal waste systems or the environment.

Please do not hesitate to contact me if you have any questions.

February 8, 2013

9:30 a.m.

Room 016

**Senate Committees on Energy & Environment and
Judiciary and Labor**

Re: SB 1135, Relating to Recycling

Chairs Gabbard and Hee, Vice Chairs Ruderman and Shimabukuro and members of the Committees,

We appreciate the opportunity to testify on SB 1135, relating to recycling, and ***respectfully request an amendment to the current draft of the bill.***

This bill is the result of extensive work performed by volunteer members and key stakeholders, including numerous government officials, on a Task Force to address the issue of electronic device recycling. As manufacturers of a variety of tools, we have been keenly interested in and support the work of the Task Force. We believe that improving recycling of computers and televisions is laudable.

We believe that the current proposed expanded definition of electric device, however, is overly broad and not within the scope of the Task Force's recommendations. **We request that this bill be amended to delete lines 11 – 13 of Page 3:**

~~Effective January 1, 2015 this definition shall expand to include any device containing an electric motor, heating element, or a speaker; and~~

The expanded definition in SB 1135 is "any device containing an electric motor, heating element, or a speaker..." The unintended result of this broad definition is that certain toys, power tools and small transistor radios are covered devices, but large electronic stereo components are not included since they do not include speakers which are sold separately. The only version of this bill that the Task Force actively discussed before this language was finalized, contained a very different definition of "electronic device."

We believe that it was never truly intended – and that it would be counterproductive if it was intended – to include long-life, higher value power tools which are designed to be used for many years in the group of devices that are being addressed by this bill. Due to the high value of their components, often including copper and other metals, they are very frequently recycled after many years of use. There has been no indication that the tools which will be included in this definition are causing landfill or other disposal problems. In fact, many power tool owners pass the tools such as the ones we manufacture down to their next generation.

Setting aside the overly broad and problematic language contained in lines 11 – 13 on Page 3 of the current version of the bill in the interest of accomplishing the intent of the Task Force will adequately address our concerns. We appreciate the opportunity to testify on this measure and request to be included in any further discussions concerning this bill.

Makita U.S.A., Inc.

Stanley Black & Decker, Inc. (DeWalt, Porter Cable, Black & Decker)

Robert Bosch Tool Corp. (Bosch, Skil, Dremel, Rotozip, Nelson and Gilmour)

Techtronic Industries Company (Milwaukee Electric Tool, Ryobi Tools)

SB1135

Submitted on: 2/5/2013

Testimony for ENE/JDL on Feb 8, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB1135

Submitted on: 2/5/2013

Testimony for ENE/JDL on Feb 8, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler		Support	No

Comments:

SB1135

Submitted on: 2/5/2013

Testimony for ENE/JDL on Feb 8, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ed Wagner	Individual	Comments Only	No

Comments: Dear ENE / JDL Committee members, Just an FYI - Best Buy in Pearl City will accept any electronic device and take care of the recycling. Apple Computer has its own recycling program.