
A BILL FOR AN ACT

RELATING TO ELECTRONIC WASTE RECYCLING.

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

1 SECTION 1. Chapter 339D, Hawaii Revised Statutes, is
2 amended by adding ten new sections to part III to be
3 appropriately designated and to read as follows:

4 "§339D-A Manufacturer recycling goals. (a) The
5 department shall use the best available information to establish
6 the weight of all covered electronic devices and covered
7 televisions sold in the State, including but not limited to the
8 reports submitted pursuant to section 339D-D, state and national
9 sales data, and other reliable commercially available
10 supplemental sources of information.

11 (b) No later than January 31, 2015, and annually
12 thereafter, the department shall discuss with and notify each
13 manufacturer of its previous calendar year recycling obligation,
14 by weight.

15 (c) Beginning in 2015, each covered electronic device and
16 covered television manufacturer shall collect and recycle the
17 recycling obligation, by weight, as determined by the
18 department.



1 (d) Manufacturers may collect and recycle covered
2 electronic devices, covered televisions, or peripherals to meet
3 their recycling goal.

4 **§339D-B Manufacturer recycling plan requirements.** (a)
5 Recycling plans required by sections 339D-4 and 339D-23 shall
6 include the street addresses and zip codes of the collection
7 sites to be utilized.

8 (b) The plan shall provide for at least one collection
9 service in every zip code for counties with a population under
10 seven hundred fifty thousand, and at least one collection
11 service in every county district for counties with a population
12 over seven hundred fifty thousand, as defined by the United
13 States Census Bureau, throughout the State, unless the plan
14 provides documentation that the county for which the plan does
15 not provide a collection service is already adequately covered
16 by the collection plan of another manufacturer or group of
17 manufacturers.

18 (c) The recycling plan shall include at least one of the
19 following collection services:

20 (1) Staffed drop-off site;

21 (2) Alternative collection service such as onsite pickup

22 service; or



1 (3) Collection events held at an easily accessible,
2 central location.

3 (d) Collection services shall be provided at a minimum of
4 once in each month of the year.

5 (e) Plans that contain only a mail-back option shall not
6 be allowed.

7 (f) Plans shall specify the use of only collectors
8 registered, for the purposes of this chapter, with the State.

9 (g) Plans shall specify the use of recyclers that have
10 achieved and maintained third-party accredited certification
11 from the Responsible Recycling (R2) Practices Standard, the e-
12 Stewards Standard, or an internationally accredited third-party
13 environmental management standard for the safe and responsible
14 handling of electronic waste.

15 **339D-C Convenience fee.** By July 1 of each year, a
16 manufacturer that does not meet its recycling obligation by
17 weight for the previous calendar year shall pay the department a
18 convenience fee calculated as the difference between the
19 recycling obligation weight and the weight of recycling achieved
20 for the previous calendar year, multiplied by a rate determined
21 by the department.



1 **§339D-D Manufacturer recordkeeping requirements.** (a)

2 Each manufacturer shall maintain records for a minimum five
3 years for the following:

4 (1) The amount, in weight, of sales of their covered
5 electronic devices and covered televisions in the
6 State annually;

7 (2) The amount of covered electronic devices, covered
8 televisions, and peripherals it has collected for
9 recycling by county; and

10 (3) The amount of covered electronic devices, covered
11 televisions, and peripherals recycled by each recycler
12 on behalf of the manufacturer.

13 (b) Nothing in this part shall exempt any person from
14 liability that the person would otherwise have under applicable
15 law.

16 **§339D-E Manufacturer reporting requirements.** (a) By

17 August 1, 2014, and annually thereafter, each manufacturer shall
18 report to the department its sales, by weight, of the
19 manufacturer's covered electronic devices and covered
20 televisions sold in the State the previous calendar year,
21 categorized by product type.



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

6 (c) By March 31, 2016, and annually thereafter, each
7 manufacturer shall report to the department the total weight of
8 all covered electronic devices, covered televisions, and
9 peripherals it recycled, by county, in the previous year.
10 Reports shall be submitted on forms prescribed by the
11 department.

12 §339D-F Collector registration. (a) By January 1, 2015,
13 all collectors shall register with the department using forms
14 prescribed by the department. Thereafter, if a collector has
15 not previously registered, the collector shall register with the
16 department prior to accepting covered electronic devices,
17 covered televisions, or peripherals. A registration shall be
18 valid until December 31 of each year.

19 (b) Every collector shall submit an annual renewal of its
20 registration by January 1 of each year.

21 §339D-G Collector recordkeeping requirements. Collectors
22 shall maintain records, for a minimum of five years, for the



1 amounts, in weight, of covered electronic devices, covered
2 televisions, and peripherals it has collected for recycling and
3 the amounts sent for recycling.

4 §339D-H Collector reporting requirements. By March 31,
5 2016, and annually thereafter, each collector shall report to
6 the department on forms prescribed by the department the
7 following:

8 (1) The amount, in weight, of covered electronic devices,
9 covered televisions, and peripherals it has collected
10 for recycling and the amounts sent for recycling;

11 (2) Bills of lading or weight tickets for all covered
12 electronic devices, covered televisions, and
13 peripherals sent for recycling; and

14 (3) Certificates of recycling for all covered electronic
15 devices, covered televisions, and peripherals
16 recycled.

17 §339D-I Collector responsibility. All collected covered
18 electronic devices, covered televisions, and peripherals shall
19 be sent for recycling.

20 §339D-J Audit authority. The records of covered
21 electronic device manufacturers, covered television
22 manufacturers, collectors, and recyclers shall be made available



1 for inspection by the department, a duly authorized agent of the
2 department, or the office of the auditor, upon request."

3 SECTION 2. Section 339D-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding three new definitions to be appropriately
6 inserted and to read:

7 "Collector" means a person that accepts covered electronic
8 devices, covered televisions, or peripherals for delivery to a
9 recycler for the purposes of this chapter.

10 "Peripheral" means any electrically powered device intended
11 for use with a computer or television.

12 "Recycler" means any person who engages in the recycling of
13 covered electronic devices or covered televisions for the
14 purposes of this chapter."

15 2. By repealing the definition of "market share".

16 [~~"Market share":~~

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

21 ~~(2) May be expressed as a percentage, a fraction, or a~~
22 ~~decimal fraction."]~~



1 SECTION 3. Section 339D-4, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) By [~~June 1, 2009~~] October 1, 2014, and annually
4 thereafter, each electronic device manufacturer shall submit a
5 plan to the department to establish, conduct, and manage a
6 program for the collection, transportation, and recycling of its
7 covered electronic devices [~~sold in the State~~], which shall be
8 subject to the following conditions:

9 (1) The plan shall not permit the charging of a fee at the
10 point of recycling if the covered electronic device is
11 brought by the covered electronic device owner to a
12 central location for recycling; provided that the plan
13 may include a reasonable transportation fee if the
14 electronic device manufacturer or electronic device
15 manufacturer's agent removes the covered electronic
16 device from the owner's premises at the owner's
17 request and if the removal is not in conjunction with
18 delivery of a new electronic device to the owner; and

19 (2) Each electronic device manufacturer may develop its
20 own recycling program or may collaborate with other
21 electronic device manufacturers, so long as the



1 program is implemented and fully operational no later
2 than January 1, 2010."

3 SECTION 4. Section 339D-4, Hawaii Revised Statutes, is
4 amended by amending subsection (g) to read as follows:

5 "(g) The department shall review each electronic device
6 manufacturer's plan and, within sixty days of receipt of the
7 plan, shall determine whether the plan complies with this part.
8 If the plan is approved, the department shall notify the
9 electronic device manufacturer or group of electronic device
10 manufacturers. If the plan is rejected, the department shall
11 notify the electronic device manufacturer or group of electronic
12 device manufacturers and provide the reasons for the plan's
13 rejection. Within thirty days after receipt of the department's
14 rejection, the electronic device manufacturer or group of
15 electronic device manufacturers ~~[may]~~ shall revise and resubmit
16 the plan to the department for ~~[approval.]~~ review under the
17 requirements of this subsection."

18 SECTION 5. Section 339D-11, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) The department shall compile the information
21 submitted by covered electronic device and covered television



1 manufacturers and issue a report to the legislature no later
2 than April 1, 2012, and annually each year thereafter."

3 SECTION 6. Section 339D-23, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) By [~~June 1, 2010,~~] October 1, 2014, and annually
6 thereafter, each television manufacturer shall submit a plan to
7 the department to establish, conduct, and manage a program for
8 the recycling of covered televisions sold in the State, which
9 shall be subject to the following conditions:

- 10 (1) The plan shall not permit the charging of a fee at the
11 point of recycling if the covered television is
12 brought by the covered television owner to a central
13 location for recycling; provided that the plan may
14 include a reasonable transportation fee if the
15 television manufacturer or television manufacturer's
16 agent removes the covered [~~electronic device~~]
17 television from the owner's premises at the owner's
18 request and if the removal is not in conjunction with
19 delivery of a new television to the owner; and
- 20 (2) Each television manufacturer may develop its own
21 recycling program or may collaborate with other
22 television manufacturers, so long as the program is



1 implemented and fully operational no later than
2 January 1, 2011."

3 SECTION 7. Section 339D-9, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§339D-9 Administrative penalties; fees. ~~[(a)]~~ In
6 addition to any other administrative or judicial remedy provided
7 by this chapter or by rules adopted under this chapter for a
8 violation thereof, the department is authorized to impose by
9 order administrative penalties and is further authorized to set,
10 charge, and collect administrative fines and to recover
11 administrative fees and costs, including attorney's fees and
12 costs, or to bring legal action to recover administrative fines
13 and fees and costs, including attorney's fees and costs.

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

19 SECTION 8. In codifying the new sections added by this
20 Act, the revisor of statutes shall substitute appropriate
21 section numbers for the letters used in designating the new
22 sections in this Act.



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on July 1, 2014.



Report Title:

Recycling; Electronic Devices

Description:

Strengthens the Electronic Waste and Television Recycling and Recovery Act. Effective July 1, 2014. (HB2307 HD1)

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

