
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-E, 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 the manufacturer's calendar year recycling
14 obligation, after discussing the same with the manufacturer.

15 (c) Beginning in 2015, each covered electronic device and
16 covered television manufacturer shall collect and recycle
17 covered electronic devices, televisions, and peripherals with



1 the goal of fulfilling its by weight recycling obligation, as
2 determined by the department.

3 **§339D-B Manufacturer plan requirements.** (a)

4 Manufacturer's plans required by sections 339D-4 and 339D-23
5 shall provide for at least one collection service in every zip
6 code for counties with a population under seven hundred fifty
7 thousand, and at least one collection service in every county
8 district for counties with a population of seven hundred fifty
9 thousand or more, as determined in the last preceding United
10 States census, unless the plan provides documentation that the
11 respective zip code or county district for which the plan does
12 not provide a collection service is already adequately covered
13 by the collection plan of another manufacturer or group of
14 manufacturers.

15 (b) The plan shall include at least one of the following
16 collection services:

17 (1) Staffed drop-off site;

18 (2) Alternative collection service such as onsite pickup
19 service; or

20 (3) Collection events held at easily accessible, central
21 locations.



1 (c) Collection services shall be provided on a scheduled
2 day at least once per month.

3 (d) Plans that offer collection and recycling of products
4 by mail-back option shall not be allowed.

5 (e) Plans shall specify the use of only collectors
6 registered, for the purposes of this chapter, with the State.

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

13 (g) Plans shall include the street addresses and zip codes
14 of the collection sites to be utilized.

15 (h) The department shall provide collection services for a
16 zip code or county district that is not covered by the plan of a
17 manufacturer or group of manufacturers.

18 **§339D-C Consumer protection fee.** (a) Each electronic
19 device and television manufacturer may be subject to a consumer
20 protection fee imposed by the department. The department shall
21 establish the fee amount by rule or order to incentivize
22 manufacturer collection; provided that the fee amount shall be



1 commensurate with, but not greater than, the cost, as determined
2 by the department, of supplying collection services in zip codes
3 or county districts that are not covered by the recycling plan
4 of a manufacturer or group of manufacturers.

5 (b) Moneys collected from the fee shall be deposited into
6 the electronic device recycling fund established by section
7 339D-10 and used for supplying collection services and recycling
8 services that are not provided by electronic and television
9 manufacturer's plans pursuant to this part.

10 **§339D-D Manufacturer recordkeeping requirements.** (a)

11 Each electronic device and television manufacturer shall
12 maintain and retain for a minimum of five years records of the
13 following:

14 (1) The amount, in weight, of its annual in-state sales of
15 its covered electronic devices and covered
16 televisions;

17 (2) The amount of covered electronic devices, covered
18 televisions, and peripherals it has collected for
19 recycling, by county; and

20 (3) The amount of covered electronic devices, covered
21 televisions, and peripherals recycled by each recycler
22 on behalf of the manufacturer.



1 (b) Nothing in this part shall exempt any person from
2 liability that the person would otherwise have under applicable
3 law.

4 **§339D-E Manufacturer reporting requirements.** (a) By
5 August 1, 2014, and annually thereafter, each manufacturer shall
6 report to the department its sales, by weight, of the
7 manufacturer's covered electronic devices and covered
8 televisions sold in the State during the previous calendar year,
9 categorized by product type.

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

15 (c) By March 31, 2016, and annually thereafter, each
16 manufacturer shall report to the department the total weight of
17 all covered electronic devices, covered televisions, and
18 peripherals it recycled, by county, in the previous calendar
19 year. Reports shall be submitted on forms prescribed by the
20 department.

21 **§339D-F Collector registration.** Commencing January 1,
22 2015, all collectors in operation in the State shall register or

1 renew its registration with the department by January 1 or each
2 year using forms prescribed by the department. All collectors
3 shall register with the department prior to accepting covered
4 electronic devices, covered televisions, or peripherals.

5 **§339D-G Collector recordkeeping requirements.** Each
6 collector shall maintain and retain for a minimum of five years,
7 records of the amounts, in weight, of covered electronic
8 devices, covered televisions, and peripherals it has collected
9 for recycling and the amounts sent for recycling.

10 **§339D-H Collector reporting requirements.** By March 31,
11 2016, and annually thereafter, each collector shall report to
12 the department, on forms prescribed by the department, the
13 following:

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

17 (2) Bills of lading or weight tickets for all covered
18 electronic devices, covered televisions, and
19 peripherals sent for recycling; and

20 (3) Certificates of recycling for all covered electronic
21 devices, covered televisions, and peripherals
22 recycled.



1 §339D-I Collector responsibility. All covered electronic
2 devices, covered televisions, and peripherals collected by
3 collectors shall be sent for recycling.

4 §339D-J Audit authority. The records of covered
5 electronic device manufacturers, covered television
6 manufacturers, collectors, and recyclers shall be made
7 available, upon request, for inspection by the department, a
8 duly authorized agent of the department, or the office of the
9 auditor."

10 SECTION 2. Section 339D-1, Hawaii Revised Statutes, is
11 amended by adding three new definitions to be appropriately
12 inserted and to read as follows:

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

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

18 "Recycler" means any person who engages in the recycling of
19 covered electronic devices or covered televisions for the
20 purposes of this chapter."

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



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

- 7 (1) The plan shall not permit the charging of a fee at the
8 point of recycling if the covered electronic device is
9 brought by the covered electronic device owner to a
10 central location for recycling; provided that the plan
11 may include a reasonable transportation fee if the
12 electronic device manufacturer or electronic device
13 manufacturer's agent removes the covered electronic
14 device from the owner's premises at the owner's
15 request and if the removal is not in conjunction with
16 delivery of a new electronic device to the owner; and
17 (2) Each electronic device manufacturer may develop its
18 own recycling program or may collaborate with other
19 electronic device manufacturers, so long as the
20 program is implemented and fully operational no later
21 than [~~January 1, 2010.~~] May 1, 2015."



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

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

16 SECTION 5. Section 339D-9, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§339D-9 Administrative penalties; fees.** [~~(a)~~] In
19 addition to any other administrative or judicial remedy provided
20 by this chapter or by rules adopted under this chapter for a
21 violation thereof, the department is authorized to impose by
22 order administrative penalties and is further authorized to set,



1 charge, and collect administrative fines and to recover
2 administrative fees and costs, including attorney's fees and
3 costs, or to bring legal action to recover administrative fines
4 and fees and costs, including attorney's fees and costs.

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

10 SECTION 6. Section 339D-11, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

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

16 SECTION 7. Section 339D-23, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

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



- 1 (1) The plan shall not permit the charging of a fee at the
2 point of recycling if the covered television is
3 brought by the covered television owner to a central
4 location for recycling; provided that the plan may
5 include a reasonable transportation fee if the
6 television manufacturer or television manufacturer's
7 agent removes the covered [~~electronic device~~]
8 television from the owner's premises at the owner's
9 request and if the removal is not in conjunction with
10 delivery of a new television to the owner; and
11 (2) Each television manufacturer may develop its own
12 recycling program or may collaborate with other
13 television manufacturers, so long as the program is
14 implemented and fully operational no later than
15 [~~January 1, 2011.~~] May 1, 2015."

16 SECTION 8. In codifying the new sections added by section
17 1 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.
20



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, 2050.



Report Title:

Recycling; Electronic Devices

Description:

Amends the Electronic Device and Television Recycling Program by authorizing the establishment of a by weight recycling obligation for manufacturers, establishing minimum collection service requirements by zip code or county district, authorizing the imposition of a consumer protection fee on applicable manufacturers for county provision of collection services, establishing manufacturer plan record keeping and reporting requirements, and establishing Department of Health and Auditor access to records. Effective July 1, 2050. (SB2857 HD1)

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

