

STAND. COM. REP. NO. 9066

Honolulu, Hawaii

March 15, 2013

RE: S.B. No. 1135
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Health, to which was referred S.B. No. 1135, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RECYCLING,"

beg leave to report as follows:

The purpose of this measure is to expand the scope and increase the effectiveness of the State's Electronic Waste Recycling Program by:

- (1) Establishing recycling goals and recordkeeping and reporting requirements for electronic device manufacturers and representative organizations;
- (2) Establishing registration, recordkeeping, reporting, and collection requirements for collectors of covered electronic devices;
- (3) Eliminating the television recovery system component of the Electronic Waste Recycling Program, incorporating the system's provisions into the Program, and making conforming amendments;
- (4) Allowing counties to determine whether to include covered electronic devices in their waste management activities or recycling programs and providing funding from the Electronic Device Recycling Fund;

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- (5) Increasing the scope of what is considered a "covered electronic device" by replacing references to computer and computer components with electronic equipment intended for use by consumers and businesses, such as televisions and computers and their peripherals;
- (6) Clarifying what is considered a "covered electronic device";
- (7) Clarifying that an electronic device manufacturer does not include a person who:
 - (A) Refurbishes, repairs, or reuses damaged or used covered electronic devices; or
 - (B) Manufactures no more than 100 covered electronic devices per year;
- (8) Clarifying the qualifying requirements for recycling plans developed by electronic device manufacturers and representative organizations; and
- (9) Enhancing the enforcement of the Electronic Waste Recycling Program by, among other things, addressing violations through a citation and administrative hearing process.

The Department of Health, City and County of Honolulu Department of Environmental Services, Conservation Council for Hawaii, Zero Waste Kauai, and an individual provided testimony in support of this measure. The Custom Electronic Design & Installation Association; AT&T; Consumer Electronics Association; Apple, Inc.; and Technology Association of America (TechAmerica) provided testimony in opposition to this measure. Stanley Black & Decker, Inc.; Robert Bosh Tool Corporation; Techtronic Industries Company; Sims Recycling Solutions; Retail Merchants of Hawaii; Ulupono Initiative; and an individual provided comments on this measure.

Your Committees have amended this measure by:

- (1) Inserting provisions requiring the Department of Health to adopt rules to effectuate the intent of the State's Electronic Waste Recycling Act and allowing the Department to adopt rules to refine the definitions of



"covered electronic device," "electric device," and "peripheral" as the Department determines is necessary;

- (2) Including within the definition of "covered electronic device" electronic equipment intended for use by governmental institutions and educational institutions;
- (3) Changing the amounts of the registration fees and renewal fees to amounts determined by the Department of Health by rule based upon an analysis of the Department's needs and the number of electronic device manufacturers registering with the Department; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1135, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1135, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Energy &
Environmental Protection and
Health,



DELLA AU BELATTI, Chair



CHRIS LEE, Chair



