

JAN 24 2024

A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1 SECTION 1. The legislature finds that Act 151, Session
2 Laws of Hawaii 2022, amended the Electronic Device Recycling and
3 Recovery Act to make wholesale changes to the state electronic
4 waste recycling program. However, in the implementation of this
5 updated program, manufacturers have struggled to comply with all
6 of the new requirements in Act 151, especially the increased
7 weight targets, as the weights of electronics have decreased
8 over time; and the increased penalties for failing to meet the
9 electronic device collection requirements. In addition, the
10 current program has not resulted in a significant increase in
11 electronic waste collection sites.

12 Accordingly, the purpose of this Act is to amend chapter
13 339D, Hawaii Revised Statutes, to adjust the Electronic Device
14 Recycling and Recovery Act to increase convenient collection
15 opportunities for Hawaii residents and to clarify that
16 manufacturers may coordinate collection activities to meet the
17 requirements of the new law.



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

4 "§339D- Manufacturer coordination. A manufacturer, a
5 group of manufacturers, or a coordinating body acting in
6 accordance with the provisions of this part may negotiate, enter
7 into contracts with, collaborate, coordinate, or otherwise
8 conduct business with each other and with any other entity
9 developing, implementing, operating, participating in, or
10 performing any other activities related to a plan to recycle
11 electronic devices approved pursuant to this part. The
12 manufacturer, group of manufacturers, and any entity developing,
13 implementing, operating, participating in, or performing any
14 other activities related to a plan to recycle electronic devices
15 approved pursuant to this part shall not be subject to damages,
16 liability, or scrutiny under federal antitrust laws or chapter
17 480, regardless of the effects of their actions on competition.
18 The supervisory activities described in this part are sufficient
19 to confirm that activities of manufacturers, a group of
20 manufacturers, and any entity developing, implementing,
21 operating, participating in, or performing any other activities



1 related to a manufacturer plan to recycle electronic devices
2 that is approved pursuant to this part are authorized and
3 actively supervised by the State."

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

6 "(d) Each manufacturer may develop its own recycling plan
7 or may collaborate with other manufacturers [~~;~~ ~~provided that the~~
8 ~~plan is implemented and fully operational by January 1, 2023~~].

9 Manufacturers that collaborate on plans designed to comply with
10 requirements in section 339D-23.1(f) may coordinate plans in any
11 program year."

12 SECTION 4. Section 339D-23.1, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§339D-23.1[+] **Manufacturer recycling goals.** (a) The
15 department shall use the best available information to establish
16 the weight of all electronic devices sold in the State,
17 including the reports submitted pursuant to section 339D-23.3,
18 state and national sales data, and other reliable commercially
19 available, supplemental sources of information.



1 (b) No later than October 1, 2022, and annually
2 thereafter, the department shall notify each manufacturer of its
3 recycling obligation pursuant to subsection (c).

4 (c) Each manufacturer shall collect and recycle electronic
5 devices according to the following:

6 (1) Beginning January 1, 2023, the equivalent of fifty per
7 cent, by weight, of the manufacturer's electronic
8 devices sold in the State two years prior, unless
9 amended by rule pursuant to chapter 91;

10 (2) Beginning January 1, 2024, the equivalent of sixty per
11 cent, by weight, of the manufacturer's electronic
12 devices sold in the State two years prior, unless
13 amended by rule pursuant to chapter 91; and

14 (3) Beginning January 1, 2025, the equivalent of seventy
15 per cent, by weight, of the manufacturer's electronic
16 devices sold in the State two years prior, unless
17 amended by rule pursuant to chapter 91.

18 (d) A manufacturer may collect any electronic device to
19 meet its recycling goal.

20 (e) A manufacturer may consider reused electronic devices
21 toward achieving its recycling goals.



1 (f) A manufacturer shall be considered to have satisfied
2 the manufacturer's recycling obligations under subsection (c),
3 if the manufacturer meets the requirements of section 339D-23(b)
4 by providing only collection service locations for recycling at
5 no cost to the owner in each county and zip code tabulation
6 area, as defined by the United States Census Bureau, with a
7 population greater than twenty-five thousand; provided that:

8 (1) A manufacturer may collaborate to provide collection
9 locations collectively through a coordinating body
10 designated by manufacturers for this purpose, or as
11 individual manufacturers;

12 (2) If actual collection for a manufacturer under this
13 section differs from the manufacturer-specific
14 recycling goals established by the department, a
15 coordinating body may use the proportional obligations
16 reflected in those department-calculated goals to
17 reconcile each participating manufacturer's
18 obligation; and

19 (3) A manufacturer choosing to comply with this section
20 shall disclose their intent to do so and specify the
21 use of any coordinating body in the manufacturer's



1 annual plan submitted to the department pursuant to
2 section 339D-23(c)."

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

5 SECTION 6. This Act shall take effect upon its approval.

6

INTRODUCED BY: *Lynne D. Costa*



S.B. NO. 3264

Report Title:

Manufacturers; Electronic Devices; Recycling

Description:

Authorizes manufacturers of electronic devices to coordinate collection activities for the purpose of recycling electronic devices.

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