

JAN 20 2023

A BILL FOR AN ACT

RELATED 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 (Act 151), amended the Electronic Device
3 Recycling and Recovery Act to make wholesale changes to the
4 State's electronic waste recycling program. These changes
5 included, among other things:

6 (1) The expansion of the program to include all electronic
7 devices rather than just televisions;

8 (2) Established electronic device manufacturer recycling
9 goals based on the weight of devices collected;

10 (3) Requirement for each manufacturer to establish twenty-
11 five collection sites in the State for the collection
12 of electronic devices; and

13 (4) Established registration and reporting requirements
14 for electronic device collectors.

15 The legislature further finds that the expansion of the
16 electronics waste recycling law has resulted in increased
17 electronic collection opportunities. However, in the



1 implementation of this updated program, manufacturers have
2 struggled to comply with all of the requirements of Act 151.
3 Specifically, the annual step increases in electronic recycling
4 goals based on weight has resulted in no realistic way for
5 manufacturers to meet their goals, even with increased device
6 collection programs, because weights for electronic devices have
7 collectively become lighter over time. In addition, the
8 increased penalties in Act 151 for failing to meet the
9 electronic device collection requirements is three times higher
10 than any other state. This has resulted in significant cost
11 increases, which ultimately may be passed onto customers.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Amend the electronic manufacturer recycling goals
14 under the Electronic Device Recycling and Recovery Act
15 so that the recycling goals are based upon the
16 manufacturer's overall market share in the State;
- 17 (2) Amend the per pound penalty for any shortfall in
18 meeting manufacturer recycling goals to a tiered
19 penalty based upon the amount of the shortfall;
- 20 (3) Amend the definition of covered electronic devices to
21 clarify the scope of covered devices; and



1 (4) Make other housekeeping amendments.

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

4 1. By adding a new definition to be appropriately inserted
5 and to read:

6 "Market share" means the calculation of an electronic
7 device manufacturer's prior year's sales of televisions divided
8 by all the manufacturers' prior year's sales for all electronic
9 devices, as determined by the department, which may be expressed
10 as a percentage, fraction, or decimal fraction."

11 2. By amending the definition of "electronic device" to
12 read as follows:

13 "Electronic device":

14 (1) Means:

15 (A) A computer, computer printer, computer monitor,
16 or portable computer with a screen size greater
17 than four inches measured diagonally; and

18 (B) Any device that is capable of receiving
19 broadcast, cable, or satellite signals and
20 displaying television or video programing,
21 including any direct view or projection.



1 television with a viewable screen of nine inches
2 or larger with display technology based on
3 cathode ray tube, plasma, liquid crystal, digital
4 light processing, liquid crystal on silicon,
5 silicon crystal reflective display, light
6 emitting diode, or similar technology; and

7 (2) Shall not include:

8 (A) An electronic device that is a part of a motor
9 vehicle or any component part of a motor vehicle
10 assembled by or for a motor vehicle manufacturer
11 or franchised dealer, including replacement parts
12 for use in a motor vehicle;

13 (B) An electronic device that is functionally or
14 physically required as a part of a larger piece
15 of equipment designed and intended for use in an
16 industrial, commercial, or medical setting,
17 including diagnostic, monitoring, or control
18 equipment;

19 (C) An electronic device that is contained within a
20 clothes washer, clothes dryer, refrigerator,
21 refrigerator and freezer, microwave oven,



1 conventional oven or range, dishwasher, room air
2 conditioner, dehumidifier, or air purifier;

3 (D) A telephone of any type including a mobile
4 telephone; [~~or~~]

5 (E) A global positioning system[~~-~~]; or

6 (F) Floor-standing printers, or printers with
7 optional floor stands."

8 SECTION 3. Section 339D-8, Hawaii Revised Statutes, is
9 amended by amending subsection (g) to read as follows:

10 "(g) If a manufacturer fails to meet its recycling goals
11 pursuant to section 339D-23.1(c), the department shall impose a
12 penalty of [~~\$1.50~~] the following rates per pound for each pound
13 not recycled:

14 (1) If the manufacturer achieves less than fifty per cent
15 of its recycling goal, the penalty will be \$1.50 per
16 pound;

17 (2) If the manufacturer achieves more than fifty per cent
18 but less than seventy-five per cent of its recycling
19 goal, the penalty will be \$1.00 per pound;

20 (3) If the manufacturer achieves more than seventy-five
21 per cent but less than ninety per cent of its



1 recycling goal, the penalty will be \$0.75 per pound;

2 and

3 (4) If the manufacturer achieves more than ninety per cent

4 but less than one hundred per cent of its recycling

5 goal, the penalty will be \$0.50 per pound."

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

8 "(b) By [~~September 1, 2022,~~] October 23, 2023, and
9 annually thereafter, each manufacturer shall submit a plan to
10 the department to establish, conduct, and manage a program for
11 the recycling of electronic devices sold in the State, which
12 shall be subject to the following conditions:

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



- 1 conjunction with delivery of a new electronic device
2 to the owner;
- 3 (2) The plan shall include a description of the methods
4 for the convenient collection of electronic devices at
5 no cost to the owner, except as provided in paragraph
6 (1). The recycling plan shall provide for collection
7 services of electronic devices in each county and zip
8 code tabulation area, as defined by the United States
9 Census Bureau, with a population greater than twenty-
10 five thousand. The recycling plan shall include at
11 least one of the following:
- 12 (A) Staffed drop-off sites;
- 13 (B) Alternative collection services, including on-
14 site pick-up services; or
- 15 (C) Collection events held at an easily accessible,
16 central location;
- 17 (3) The plan shall provide collection services at a
18 minimum of once per month;
- 19 (4) The plan shall not contain only a mail-back option;



1 (5) The plan shall specify the use of only collectors
2 registered with the State pursuant to section 339D-28;
3 and

4 (6) The plan shall specify the use of recyclers that have
5 achieved and maintained third-party accredited
6 certification from the Responsible Recycling Standard
7 for Electronics Recyclers (R2), Standard for
8 Responsible Recycling and Reuse of Electronic
9 Equipment (e-Stewards), or an internationally
10 accredited third-party environmental management
11 standard for the safe and responsible handling of
12 electronic devices."

13 SECTION 5. Section 339D-23.1, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " ~~[f] §339D-23.1 [f]~~ **Manufacturer recycling goals.** ~~[(a) The~~
16 ~~department shall use the best available information to establish~~
17 ~~the weight of all electronic devices sold in the State,~~
18 ~~including the reports submitted pursuant to section 339D-23.3,~~
19 ~~state and national sales data, and other reliable commercially~~
20 ~~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).]~~ (a) The
4 department shall use state-specific electronic device sales data
5 or national covered electronic device sales data available from
6 commercially available analytical sources to determine each
7 electronic device manufacturer's recycling responsibilities for
8 covered electronic devices based upon the electronic device
9 manufacture's market share by weight of new covered electronics
10 sold in Hawaii. If the department uses national sales data, the
11 department shall extrapolate data for the State from national
12 data on the basis of the State's share of the national
13 population. The department shall seek to establish the most
14 accurate determination of each manufacturer's market share and
15 may rely on supplemental sources of information to achieve this
16 goal.

17 (b) No later than August 1, 2023, and annually thereafter,
18 the department shall notify each electronic device manufacturer
19 of its recycling obligation. Each electronic device
20 manufacturer's obligation shall be based on that electronic
21 device manufacturer's market share by weight from the previous



1 year multiplied by the total pounds of covered electronic device
2 recycled by all electronic device manufacturers during the
3 previous program year.

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."



S.B. NO. 793

1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

4

INTRODUCED BY:

Lyn D. Cotte



S.B. NO. 793

Report Title:

Electronic Manufacturing Recycling; Amendments; Electronic Device Recycling and Recovery Acts; Penalties; Definitions

Description:

Amends recycling goals under the Electronic Device Recycling and Recovering Act so that goals are based upon the manufacturer's overall market share in the State. Amends penalties and definitions.

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

