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# 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 (Act 151), amended the Electronic Device  
3       Recycling and Recovery Act to make wholesale changes to the  
4       state electronic waste recycling program. The purpose of Act  
5       151 included, among other things, expanding the definition of  
6       "electronic waste" to cover more electronic devices,  
7       establishing manufacturer recycling goals, and requiring  
8       manufacturers to pay for convenient recycling options for  
9       consumers.

10       However, the changes made through Act 151 have been slow to  
11       increase the number of electronic waste collection sites and  
12       make recycling electronic waste more convenient for residents of  
13       the State. In addition, in the implementation of Act 151,  
14       manufacturers have struggled to comply with all new  
15       requirements, especially due to increased weight targets and  
16       increased penalties for failing to meet the electronic device  
17       collection requirements. Weight targets have been particularly



1 problematic since the weights of electronic devices have  
2 decreased over time, and for that reason, many other states and  
3 localities have moved away from using weight requirements.

4 The legislature further finds that incentivizing more  
5 permanent electronic waste recycling sites and events and adding  
6 certain legacy and peripheral devices to the law will expand  
7 recycling access and increase convenience to the general public.

8 Accordingly, the purpose of this Act is to amend the  
9 Electronic Device Recycling and Recovery Act by:

- 10 (1) Allowing manufacturers to coordinate activities  
11 directly related to the recycling of covered  
12 electronic devices;
- 13 (2) Expanding the scope of covered electronic devices to  
14 include electronic device peripherals and certain  
15 legacy devices; and
- 16 (3) Requiring manufacturers to provide free collection  
17 service locations for residents of every zip code  
18 containing twenty-five thousand or more residents, one  
19 on-site collection service location on the island of  
20 Molokai, and at least four collection events annually  
21 on the county of Hawaii outside of Kona and Hilo.



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

"§339D- Manufacturer coordination. A manufacturer, a group of manufacturers, or a coordinating body acting in accordance with this part may negotiate, enter into contracts with, collaborate, coordinate, or otherwise conduct business with each other and with any other entity developing, implementing, operating, participating in, or performing any other activities directly related to a plan to recycle covered electronic devices approved pursuant to this part. The manufacturer, group of manufacturers, and any entity developing, implementing, operating, participating in, or performing any other activities related to a plan to recycle covered electronic devices approved pursuant to this part shall not be subject to damages, liability, or scrutiny under federal antitrust law or chapter 480, regardless of the effects of their actions on competition. The supervisory activities described in this part are sufficient to confirm that activities of the manufacturers, a group of manufacturers, and any entity developing, implementing, operating, participating in, or performing any



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

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

6 1. By amending the definition of "electronic device" to  
7 read:

8 "[~~Electronic~~] Covered electronic device":

9 (1) Means:

10 (A) A computer, computer printer, computer monitor,  
11 facsimile machine, videocassette recorder,  
12 portable digital music player that has memory  
13 capability and is battery powered, digital video  
14 disc player, digital video disc recorder, router  
15 designed for household use, modem designed for  
16 household use, or portable computer with a screen  
17 size greater than four inches measured  
18 diagonally; [and]

19 (B) Any device that is capable of receiving  
20 broadcast, cable, or satellite signals and  
21 displaying television or video programing,



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

8 (C) Electronic device peripherals, including:

9 (i) A keyboard, mouse, or other device sold  
10 exclusively for external use with a covered  
11 electronic device as a wireless or corded  
12 device that provides input into, or output  
13 from, a covered electronic device;

14 (ii) Cords used with a covered electronic device  
15 or other electronic device peripheral;

16 (iii) Power supplies and adapters designed to  
17 support a covered electronic device;

18 (iv) Speakers used with a computer or television  
19 and television sound bars; and

20 (v) Video game consoles; and

21 (2) Shall not include:



- 1 (A) [~~An~~] A covered electronic device that is a part  
2 of a motor vehicle or any component part of a  
3 motor vehicle assembled by or for a motor vehicle  
4 manufacturer or franchised dealer, including  
5 replacement parts for use in a motor vehicle;
- 6 (B) [~~An~~] A covered electronic device that is  
7 functionally or physically required as a part of  
8 a larger piece of equipment designed and intended  
9 for use in an industrial, commercial, or medical  
10 setting, including diagnostic, monitoring, or  
11 control equipment;
- 12 (C) [~~An~~] A covered electronic device that is  
13 contained within a clothes washer, clothes dryer,  
14 refrigerator, refrigerator and freezer, microwave  
15 oven, conventional oven or range, dishwasher,  
16 room air conditioner, dehumidifier, or air  
17 purifier;
- 18 (D) A telephone of any type including a mobile  
19 telephone; or
- 20 (E) A global positioning system."

21 2. By amending the definition of "manufacturer" to read:



1       ""Manufacturer":

2       (1) Means any person:

3           (A) Who manufactures or manufactured covered  
4                electronic devices under a brand that it owns or  
5                owned or is or was licensed to use, other than a  
6                license to manufacture covered electronic devices  
7                for delivery exclusively to or at the order of  
8                the licensor;

9           (B) Who sells or sold covered electronic devices  
10               manufactured by others under a brand that the  
11               seller owns or owned or is or was licensed to  
12               use, other than a license to manufacture covered  
13               electronic devices for delivery exclusively to or  
14               at the order of the licensor;

15           (C) Who manufactures or manufactured covered  
16               electronic devices without affixing a brand;

17           (D) Who manufactures or manufactured covered  
18               electronic devices to which it affixes or affixed  
19               a brand that it neither owns or owned nor is or  
20               was licensed to use; or



1 (E) For whose account covered electronic devices  
2 manufactured outside the United States are or  
3 were imported into the United States; provided  
4 that if at the time those covered electronic  
5 devices are or were imported into the United  
6 States and another person has registered as the  
7 manufacturer of the brand of the covered  
8 electronic devices, this subparagraph shall not  
9 apply; and

10 (2) Shall not include persons [~~who~~]:

11 (A) Who sold fewer than one hundred covered  
12 electronic devices in the State during the  
13 previous calendar year[-];

14 (B) With a license to manufacture covered electronic  
15 devices for delivery exclusively to or at the  
16 order of the licensor; or

17 (C) Who manufacture only electronic device  
18 peripherals and no other covered electronic  
19 devices."

20 3. By amending the definition of "reuse" to read:





1       ""Reuse" means any operation by which [~~an~~] a covered  
2       electronic device changes ownership and is used for the same  
3       purpose for which it was originally purchased."

4       SECTION 4. Section 339D-23, Hawaii Revised Statutes, is  
5       amended to read as follows:

6       "**§339D-23 Manufacturer responsibility.** (a) Beginning  
7       January 1, 2023, a manufacturer shall recycle or arrange for the  
8       recycling or reuse of any covered electronic device sold in the  
9       State. Manufacturers shall fully fund their recycling plan,  
10      including the collection, transportation, and recycling of all  
11      covered electronic devices in the State.

12      (b) By September 1, 2022, and annually thereafter, each  
13      manufacturer shall submit a plan to the department to establish,  
14      conduct, and manage a program for the recycling of covered  
15      electronic devices sold in the State, which shall be subject to  
16      the following conditions:

17      (1) The plan shall not permit the charging of a fee at the  
18      point of collection if the covered electronic device  
19      is brought by the covered electronic device owner to a  
20      central location for recycling; provided that the plan  
21      may include a reasonable transportation fee if the



1 manufacturer or manufacturer's agent removes the  
2 covered electronic device from the owner's premises at  
3 the owner's request and if the removal is not in  
4 conjunction with delivery of a new covered electronic  
5 device to the owner;

6 (2) The plan shall include a description of the methods  
7 for the convenient collection of covered electronic  
8 devices at no cost to the owner, except as provided in  
9 paragraph (1). The recycling plan shall provide for  
10 collection services of covered electronic devices in  
11 each county and zip code tabulation area, as defined  
12 by the United States Census Bureau, with a population  
13 greater than twenty-five thousand. The recycling plan  
14 shall include at least one of the following:

- 15 (A) Staffed drop-off sites;
- 16 (B) Alternative collection services, including on-  
17 site pick-up services; or
- 18 (C) Collection events held at an easily accessible,  
19 central location;

20 (3) The plan shall provide collection services at a  
21 minimum of once per month;



1 (4) The plan shall not contain only a mail-back option;

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

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

14 (c) The department shall review each manufacturer's plan  
15 and, within sixty days of receipt of the plan, determine whether  
16 the plan complies with this part. If the plan is approved, the  
17 department shall notify the manufacturer or group of  
18 manufacturers. If the plan is rejected, the department shall  
19 notify the manufacturer or group of manufacturers and provide  
20 the reasons for the plan's rejection. Within thirty days after  
21 receipt of the department's rejection, the manufacturer or group



1 of manufacturers may revise and resubmit the plan to the  
2 department for approval.

3 (d) Each manufacturer may develop its own recycling plan  
4 or may collaborate with other manufacturers [~~7 provided that the~~  
5 ~~plan is implemented and fully operational by January 1, 2023~~].  
6 Manufacturers who collaborate on plans designed to comply with  
7 the requirements in section 339D-23.1(f) may coordinate  
8 recycling plans in any program year.

9 (e) The obligations under this chapter for a manufacturer  
10 that manufactures or manufactured covered electronic devices, or  
11 who sells or sold covered electronic devices manufactured by  
12 others, under a brand that was previously used by a different  
13 person in the manufacture of covered electronic devices, shall  
14 extend to all covered electronic devices bearing that brand."

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

17 "[+]§339D-23.1[+] **Manufacturer recycling goals.** (a) The  
18 department shall use the best available information to establish  
19 the weight of all covered electronic devices sold in the State,  
20 including the reports submitted pursuant to section 339D-23.3,



1 state and national sales data, and other reliable commercially  
2 available, supplemental sources of information.

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

6 (c) Each manufacturer shall collect and recycle covered  
7 electronic devices according to the following:

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

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

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

20 (d) A manufacturer may collect any covered electronic  
21 device to meet its recycling goal.



1 (e) A manufacturer may consider reused covered electronic  
2 devices toward achieving its recycling goals.

3 (f) A manufacturer shall be considered to have satisfied  
4 the recycling obligations under subsection (c) if the  
5 manufacturer meets the requirements of section 339D-23(b)(2) by  
6 providing:

7 (1) On-site collection service locations for recycling at  
8 no cost in each county and zip code tabulation area,  
9 as defined by the United States Census Bureau, with a  
10 population greater than twenty-five thousand;

11 (2) One on-site collection service location on the island  
12 of Molokai; and

13 (3) Four or more collection events in the county of Hawaii  
14 outside of Kona and Hilo.

15 (g) A manufacturer may collaborate to provide collection  
16 locations under subsection (f) collectively through a  
17 coordinating body designated by manufacturers for this purpose  
18 or as an individual manufacturer; provided that:

19 (1) If actual collection for a manufacturer under this  
20 section differs from the manufacturer-specific  
21 recycling goals established by the department, a



1 coordinating body may use the proportional obligations  
2 reflected in those department-calculated goals to  
3 reconcile each participating manufacturer's  
4 obligation; and

5 (2) A manufacturer choosing to collaborate to provide  
6 collection locations under subsection (f)  
7 collectively, pursuant to this subsection, shall  
8 disclose to the department its intent to do so and  
9 specify the designated coordinating body in its annual  
10 plan to be submitted pursuant to section 339D-23(b)."

11 SECTION 6. Sections 339D-7.5, 339D-8, 339D-9, 339D-10,  
12 339D-12, 339D-21, 339D-22, 339D-23.2, 339D-23.3, 339D-24, 339D-  
13 25, 339D-26, 339D-27, 339D-28, 339D-29, and 339D-30, Hawaii  
14 Revised Statutes, are amendedd by substituting the phrase  
15 "covered electronic device", or similar term, wherever the  
16 phrase "electronic device", or similar term, appears, as the  
17 context requires.

18 SECTION 7. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20



1 SECTION 8. This Act shall take effect upon its approval.

2





**Report Title:**

Covered Electronic Devices; Collection; Recycling; Manufacturers

**Description:**

Allows manufacturers to coordinate activities directly related to the recycling of covered electronic devices. Expands the scope of covered electronic devices to include electronic device peripherals and certain legacy devices. Requires manufacturers to provide free collection service locations and collection events. (SD1)

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

