

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 708** Session of  
2009

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SENATOR M. WHITE, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,  
AS AMENDED, SEPTEMBER 22, 2010

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## AN ACT

1 Establishing a recycling program for certain covered devices;  
2 imposing duties on manufacturers and retailers of certain  
3 covered devices; providing for the powers and duties of the  
4 Department of Environmental Protection and for enforcement;  
5 establishing the Electronic Materials Recycling Account in  
6 the General Fund; and prescribing penalties.

## TABLE OF CONTENTS

7  
8 Chapter 1. Preliminary Provisions  
9 Section 101. Short title.  
10 Section 102. Definitions.  
11 Chapter 3. Duties of Manufacturers and Retailers  
12 Section 301. Applicability.  
13 Section 302. Sales prohibition.  
14 Section 303. Labeling requirement.  
15 Section 304. Registration.  
16 Section 305. Manufacturer plan and reporting.

1 Section 306. Retailer responsibility.  
2 Chapter 5. Administration  
3 Section 501. Duties of department.  
4 Section 502. Annual report.  
5 Section 503. Additional duties.  
6 Section 504. Fees for collection or recycling of covered  
7 devices.  
8 Section 505. Environmentally sound management requirements.  
9 Section 506. Disposal ban.  
10 Section 507. Enforcement.  
11 Section 508. Regulations.  
12 Section 509. Multistate implementation.  
13 Section 510. Electronic Materials Recycling Account.  
14 Chapter 7. Miscellaneous Provisions  
15 Section 701. Expiration.  
16 Section 702. Effective date.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Covered  
23 Device Recycling Act.

24 Section 102. Definitions.

25 The following words and phrases when used in this act shall  
26 have the meanings given to them in this section unless the  
27 context clearly indicates otherwise:

28 "Brand." Symbols, words or marks that identify a covered  
29 device, rather than any of its components.

30 "Computer." A desktop or notebook computer. The term does

1 not include an automated typewriter, professional workstation,  
2 server, mobile telephone, portable handheld calculator, portable  
3 digital assistant, MP3 player or other similar device.

4 "Computer manufacturer." A person:

5 (1) who manufactures covered computer devices to be sold  
6 under its own brand as identified by its own brand label;

7 (2) who sells covered computer devices manufactured by  
8 others under its own brand as identified by its own brand  
9 label; or

10 (3) who assumes the duties imposed on the computer  
11 manufacturer under this act.

12 THE TERM DOES NOT INCLUDE A PERSON WHO MANUFACTURES ONLY  
13 PERIPHERAL COMPUTER DEVICES.



14 "Consumer." An occupant of a single detached dwelling unit  
15 or a single unit of a multiple dwelling unit who has used a  
16 covered device primarily for personal or home business use.

17 "Covered computer device." A desktop or notebook computer or  
18 computer monitor or peripheral, marketed and intended for use by  
19 a consumer. The term does not include a covered television  
20 device.

21 "Covered device." A covered computer device and covered  
22 television device marketed and intended for use by a consumer.

23 The term does not include:

24 (1) a device that is a part of a motor vehicle or any  
25 component part of a motor vehicle assembled by or for a  
26 vehicle manufacturer or franchised dealer, including  
27 replacement parts for use in a motor vehicle;

28 (2) a device that is functionally or physically a part  
29 of or connected to or integrated within equipment or a system  
30 designed and intended for use in an industrial, governmental,

1 commercial, research and development or medical setting,  
2 including, but not limited to, diagnostic, monitoring,  
3 control or medical products as defined under the Federal  
4 Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301  
5 et seq.), or equipment used for security, sensing,  
6 monitoring, antiterrorism, emergency services purposes or  
7 equipment designed and intended primarily for use by  
8 professional users;

9 (3) a device that is contained within a clothes washer,  
10 clothes dryer, refrigerator, refrigerator and freezer,  
11 microwave oven, conventional oven or range, dishwasher, room  
12 air conditioner, dehumidifier, air purifier or exercise  
13 equipment; or

14 (4) any of the following:

15 (i) Telephone of any type, including a mobile phone.

16 (ii) Personal digital assistant.

17 (iii) Global positioning system.

18 "Covered television device." An electronic device that  
19 contains a tuner that locks on to a selected carrier frequency  
20 and is capable of receiving and displaying television or video  
21 programming via broadcast, cable or satellite, including,  
22 without limitation, any direct view or projection television  
23 with a viewable screen of four inches or larger whose display  
24 technology is based on cathode ray tube, plasma, liquid crystal,  
25 digital light processing, liquid crystal on silicon, silicon  
26 crystal reflective display, light emitting diode or similar  
27 technology marketed and intended for use by a consumer primarily  
28 for personal purposes. The term does not include a covered  
29 computer device OR A MOBILE TELEPHONE. ←

30 "Department." The Department of Environmental Protection of

1 the Commonwealth.

2 "Desktop computer." An electronic, magnetic, optical,  
3 electrochemical or other high-speed data processing device  
4 which:

5 (1) Performs logical, arithmetic and storage functions  
6 for general purpose needs which are met through interaction  
7 with a number of software programs contained in the device.

8 (2) Is not designed to exclusively perform a specific  
9 type of limited or specialized application.

10 (3) Achieves human interface through a stand-alone  
11 keyboard, stand-alone monitor or other display unit and a  
12 stand-alone mouse or other pointing device and is designed  
13 for a single user.

14 (4) Has a main unit that is intended to be persistently  
15 located in a single location, often on a desk or on the  
16 floor.

17 "Market share." An estimate of the total weight of a  
18 ~~television~~ manufacturer's sales of covered ~~television~~ devices ←  
19 during the previous program year calculated by multiplying the  
20 weight of its covered ~~television~~ devices sold nationally times ←  
21 the quotient of this Commonwealth's population divided by the  
22 national population.

23 "New covered device." A covered device ~~or a covered~~ ←  
24 ~~television device~~ that is manufactured after the effective date  
25 of this section.

26 "Notebook computer." An electronic, magnetic, optical,  
27 electrochemical or other high-speed data processing device  
28 which:

29 (1) Performs logical, arithmetic or storage functions  
30 for general purpose needs which are met through interaction

1 with a number of software programs contained in the device.

2 (2) Is not designed to exclusively perform a specific  
3 type of limited or specialized application.

4 (3) Achieves human interface through a keyboard, video  
5 display greater than four inches in size and mouse or other  
6 pointing device, all of which are contained within the  
7 construction of the unit which comprises the notebook  
8 computer.

9 (4) Can be carried as one unit by an individual.

10 (5) May include a supplemental stand-alone interface  
11 device.

12 (6) May use external, internal or batteries for a power  
13 source.

14 The term does not include a portable handheld calculator,  
15 portable digital assistant or similar specialized device.

16 "Obligated share." The proportion of covered ~~computer~~ ←  
17 devices that reflects a manufacturer's ~~returns share or covered~~ ←  
18 ~~television devices that reflects a manufacturer's~~ market share  
19 responsibility under this act.

20 "~~Orphan device.~~" ~~A covered computer device for which no~~ ←  
21 ~~manufacturer may be identified.~~

22 "Peripheral." A keyboard, printer or any other device sold  
23 exclusively for external use with a computer that provides input  
24 into or output from the computer. The term does not include  
25 adaptive or assistive technologies.

26 "Person." An individual, trust, firm, joint stock company,  
27 business concern, corporation, government agency, partnership,  
28 limited liability company or association.

29 "Program year." A full calendar year beginning on or after  
30 January 1, 2011.

1 "Purchase." The taking by sale of title in exchange for  
2 consideration.

3 "Recycling." A process by which covered devices that would  
4 otherwise become solid waste or hazardous waste are collected,  
5 transported, separated and processed, including disassembling,  
6 dismantling or shredding, to be returned to use in the form of  
7 raw materials or products in accordance with environmental  
8 standards established by the Department of Environmental  
9 Protection.

10 "Retail sales." The sale of covered devices through sales  
11 outlets, via the Internet, mail order or other means, regardless  
12 of whether the retailer has a physical presence within this  
13 Commonwealth.

14 "Retailer." A person who offers for sale, other than for  
15 resale by the purchaser, new covered devices in this  
16 Commonwealth by any means, including, but not limited to, sales  
17 outlets, catalogs or the Internet.

18 ~~"Return share." The proportion of covered computer devices~~ ←  
19 ~~for which an individual manufacturer is responsible to collect,~~  
20 ~~transport and recycle.~~

21 ~~"Return share in weight." The total weight of covered~~  
22 ~~computer devices for which a manufacturer is responsible to~~  
23 ~~collect, transport and recycle.~~

24 "Sale" or "sell." A transfer for consideration of title,  
25 including, but not limited to, a transaction conducted through a  
26 sales outlet, catalog, the Internet or any other similar  
27 electronic means. The term does not include a lease.

28 "Secretary." The Secretary of Environmental Protection of  
29 the Commonwealth.

30 "Television manufacturer." A person who:

1 (1) manufactures covered television devices to be sold  
2 under its own brand as identified by its own brand label or  
3 BEING sold under a brand it ~~licenses~~; IS LICENSED TO USE; ←

4 (2) sells covered television devices manufactured by  
5 others under its own brand as identified by its own brand  
6 label; or

7 (3) assumes the duties imposed on a television  
8 manufacturer under this act.

9 CHAPTER 3

10 DUTIES OF MANUFACTURERS AND RETAILERS

11 Section 301. Applicability.

12 The collection, transportation and recycling provisions of  
13 this act shall apply only to covered devices used by and  
14 collected from a consumer in this Commonwealth.

15 Section 302. Sales prohibition.

16 (a) General rule.--No manufacturer and, no later than 12  
17 months after the effective date of this section, no retailer may  
18 sell or offer for sale in this Commonwealth a new covered device  
19 unless the brand is included on the list of registered  
20 manufacturers and their brands maintained by the department  
21 pursuant to subsection (b).

22 (b) List to be maintained by department.-- No later than six  
23 months after the effective date of this section, the department  
24 shall maintain a list of each registered manufacturer, the  
25 brands of all covered devices reported in each manufacturer's  
26 registration and the brands of covered devices for which no  
27 manufacturer has registered and post the list on the  
28 department's Internet website.

29 (c) Duty of retailers to consult list.--

30 (1) Beginning no later than 12 months after the

1 effective date of this section, a retailer of new covered  
2 devices to be offered for sale in or into this Commonwealth  
3 shall consult the list prior to selling new covered devices  
4 in this Commonwealth.

5 (2) A retailer shall be considered to have complied with  
6 paragraph (1) if, on the date that the new covered device was  
7 ordered ~~from~~ BY the retailer, the brand was on the list of ←  
8 registered manufacturers and is posted on the Internet  
9 website identified in subsection (b).

10 Section 303. Labeling requirement.

11 On or after the effective date of this section, no  
12 manufacturer or retailer may sell or offer for sale in this  
13 Commonwealth a new covered device unless it is labeled with the  
14 manufacturer's brand whether owned or licensed.

15 Section 304. Registration.

16 (a) Manufacturers registration.--

17 (1) A manufacturer of new covered devices offered for  
18 sale in this Commonwealth shall register with the department  
19 by January 30, 2011, or six months after the effective date  
20 of this section, whichever is later, and pay a registration  
21 fee of \$5,000.

22 (2) After January 30, 2011, or six months after the  
23 effective date of this section, whichever is later, if a  
24 manufacturer has not previously filed a registration, the  
25 manufacturer shall file a registration with the department  
26 prior to any offer for sale or delivery in this Commonwealth  
27 of the manufacturer's new covered devices and shall pay to  
28 the department a registration fee of \$5,000.

29 (3) A registered manufacturer shall submit an annual  
30 renewal of its registration to the department and pay to the

1 department a registration fee of \$5,000 by January 1 of each  
2 program year. The registration and each annual renewal shall  
3 include a list of all brands the manufacturer is using on its  
4 covered devices regardless of whether the manufacturer owns  
5 or licenses the brand, and shall be effective upon receipt by  
6 the department.

7 ~~(b) Reporting by manufacturers.~~ ←

8 ~~(1) In addition to reporting all brands under which its~~  
9 ~~covered devices are offered for sale, regardless of whether~~  
10 ~~the manufacturer owns or licenses the brand, the~~  
11 ~~manufacturer's annual report to the department shall include~~  
12 ~~an estimate of the total weight of its covered television~~  
13 ~~devices sold to households during the previous year~~  
14 ~~calculated by multiplying the weight of its covered~~  
15 ~~television devices sold nationally times the quotient of this~~  
16 ~~Commonwealth's population divided by the national population.~~  
17 ~~The report required under this paragraph shall be submitted~~  
18 ~~to the department upon initial registration and then by~~  
19 ~~January 30 each year thereafter.~~

20 ~~(2) When a manufacturer or group of manufacturers~~  
21 ~~conducts its own collection, transportation and recycling~~  
22 ~~program for covered devices, the manufacturer or group of~~  
23 ~~manufacturers shall submit a report to the department~~  
24 ~~annually by January 30, beginning the year after the program~~  
25 ~~is initiated. The report shall consist of the total weight of~~  
26 ~~covered devices collected from consumers in this Commonwealth~~  
27 ~~by the manufacturer or group of manufacturers during the~~  
28 ~~previous program year and documentation verifying collection~~  
29 ~~and recycling of such devices.~~

30 ~~(c) Sales data. Any national sales data submitted by a~~

1 ~~television manufacturer to the department to fulfill its~~  
2 ~~obligations under this act shall be exempt from disclosure under~~  
3 ~~the provisions of the act of February 14, 2008 (P.L.6, No.3),~~  
4 ~~known as the Right To Know Law, and shall not be disclosed by~~  
5 ~~the department unless otherwise required by law or court order.~~

6 (B) (RESERVED). ←

7 Section 305. Manufacturer plan and reporting.

8 (a) Collection, transportation and recycling plan.--

9 (1) A manufacturer shall establish, conduct and manage a  
10 plan to collect, transport and recycle a quantity of covered  
11 ~~computer~~ devices equal to the manufacturer's market share. ←

12 The plan shall be submitted to the department for review.

13 (2) A group of manufacturers may submit a joint plan to  
14 collect, transport and recycle the manufacturer's market  
15 share.

16 (b) Contents of plan.--The plan required under subsection

17 (a) shall include:

18 (1) Methods that will be used to collect the covered  
19 devices, including the name and locations of proposed  
20 collection sites.

21 (2) The processes that will be used to recycle,  
22 including a description of the recycling processes that will  
23 be used and the names and locations of recyclers to be  
24 directly utilized by the plan.

25 (3) Means that will be utilized to publicize the  
26 collection opportunities, including specification of an  
27 Internet website address or toll-free telephone number that  
28 provides information about the manufacturer's program in  
29 sufficient detail to allow consumers to learn how to return  
30 their covered devices for recycling.

1 (4) The intention of the manufacturer or each  
2 manufacturer to fulfill its obligated share under this act,  
3 through operation of its own program, either individually or  
4 with other manufacturers as a group.

5 (5) A listing of all collection sites for covered  
6 devices.

7 (6) FOR AN INITIAL PLAN SUBMITTED BY A MANUFACTURER OR ←  
8 GROUP OF MANUFACTURERS, AN ESTIMATE OF THE WEIGHT OF COVERED  
9 DEVICES TO BE COLLECTED DURING THE FIRST PROGRAM YEAR. THE  
10 PLAN SHALL ALSO INCLUDE INFORMATION DEMONSTRATING THE PROCESS  
11 BY WHICH THE MANUFACTURER OR GROUP OF MANUFACTURERS WILL  
12 INCREASE THE COLLECTION OF COVERED DEVICES BY A MINIMUM OF 2%  
13 BY WEIGHT PER YEAR BEGINNING WITH THE SECOND FULL PROGRAM  
14 YEAR.

15 (C) REPORTING BY MANUFACTURERS.--

16 (1) (I) IN ADDITION TO REPORTING ALL BRANDS UNDER WHICH  
17 ITS COVERED DEVICES ARE OFFERED FOR SALE, REGARDLESS OF  
18 WHETHER THE MANUFACTURER OWNS OR LICENSES THE BRAND, THE  
19 MANUFACTURER'S ANNUAL REPORT TO THE DEPARTMENT SHALL  
20 INCLUDE: AN ESTIMATE OF THE TOTAL WEIGHT OF ITS COVERED  
21 DEVICES SOLD TO HOUSEHOLDS DURING THE PREVIOUS YEAR  
22 CALCULATED BY MULTIPLYING THE WEIGHT OF ITS COVERED  
23 DEVICES SOLD NATIONALLY TIMES THE QUOTIENT OF THIS  
24 COMMONWEALTH'S POPULATION DIVIDED BY THE NATIONAL  
25 POPULATION.

26 (II) THE REPORT REQUIRED UNDER THIS PARAGRAPH SHALL  
27 BE SUBMITTED TO THE DEPARTMENT UPON INITIAL REGISTRATION  
28 AND THEN BY JANUARY 30 EACH YEAR THEREAFTER.

29 (2) WHEN A MANUFACTURER OR GROUP OF MANUFACTURERS  
30 CONDUCTS ITS OWN COLLECTION, TRANSPORTATION AND RECYCLING

1 PROGRAM FOR COVERED DEVICES, THE MANUFACTURER OR GROUP OF  
2 MANUFACTURERS SHALL SUBMIT A REPORT TO THE DEPARTMENT  
3 ANNUALLY BY JANUARY 30, BEGINNING THE YEAR AFTER THE PROGRAM  
4 IS INITIATED. THE REPORT SHALL CONSIST OF THE TOTAL WEIGHT OF  
5 COVERED DEVICES COLLECTED FROM CONSUMERS IN THIS COMMONWEALTH  
6 BY THE MANUFACTURER OR GROUP OF MANUFACTURERS DURING THE  
7 PREVIOUS YEAR AND DOCUMENTATION VERIFYING COLLECTION AND  
8 RECYCLING OF THE DEVICES.

9 (D) SALES DATA.--NATIONAL SALES DATA SUBMITTED BY A  
10 MANUFACTURER TO THE DEPARTMENT TO FULFILL ITS OBLIGATIONS UNDER  
11 THIS ACT SHALL BE EXEMPT FROM DISCLOSURE UNDER THE PROVISIONS OF  
12 THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-  
13 TO-KNOW LAW, AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS  
14 OTHERWISE REQUIRED BY LAW OR COURT ORDER.

15 ~~(e)~~ (E) Approval of plan.--



16 (1) The department shall review a plan submitted to it  
17 under subsection (a) and, within 60 days of receipt of the  
18 plan, determine whether the plan complies with the provisions  
19 of this act.

20 (2) If the department approves the plan, the department  
21 shall notify the manufacturer or group of manufacturers. If  
22 the department rejects the plan, in whole or in part, the  
23 department shall notify the manufacturer or group of  
24 manufacturers and provide the reasons for the plan's  
25 rejection. Rejection of a plan shall be based on the plan's  
26 failure to provide the information required by subsection  
27 (b).

28 (3) Within 30 days after receipt of the department's  
29 rejection, the manufacturer or group of manufacturers may  
30 revise and resubmit the plan to the department for approval.

1 ~~(d)~~ (F) Effect of failure to comply with ~~approval~~ APPROVED ←  
2 plan.--

3 (1) (i) If the total weight in pounds of covered  
4 devices collected, transported and recycled during a  
5 program year by a manufacturer or group of manufacturers  
6 is less than the sum of the obligated shares in weight  
7 for that program year of each manufacturer participating  
8 in the plan, the manufacturer or group of manufacturers  
9 shall submit to the department, by March 15 of the  
10 following program year, a payment to cover the cost of  
11 collecting, transporting and recycling the unmet portion  
12 of the sum of the obligated shares in weight.

13 (ii) The payment shall be equal to the quantity of  
14 the unmet portion, in pounds, plus an additional 10% of  
15 such quantity, multiplied by the cost per pound for  
16 collection, transportation and recycling of covered  
17 devices.

18 (iii) All payments collected under subparagraph (ii)  
19 shall be deposited into the ELECTRONIC MATERIALS ←  
20 Recycling ~~Fund~~ ACCOUNT and shall be used to fund the ←  
21 activities under ~~section 501 and other recycling programs~~ ←  
22 ~~within this Commonwealth~~ THIS ACT. ←

23 (2) The department shall:

24 (i) Determine the average cost for collection and  
25 transportation of covered devices to be used in  
26 calculating the penalties under this paragraph.

27 (ii) No more frequently than annually and no less  
28 frequently than biennially review these costs and shall  
29 publish for public comment any proposed changes to these  
30 costs.

1 ~~(e)~~ (G) Multiple ~~computer~~ manufacturers.-- ←

2 (1) Where more than one person may be deemed the  
3 ~~computer~~ manufacturer of a brand of a covered ~~computer~~ ←  
4 device, any one or more such persons may assume  
5 responsibility for and satisfy the obligations of a  
6 manufacturer under this act with respect to covered ~~computer~~ ←  
7 devices bearing that brand.

8 (2) In the event that no person assumes responsibility  
9 for and satisfies the obligations of a ~~computer~~ manufacturer ←  
10 under this act with respect to covered devices bearing that  
11 brand, for purposes of compliance with these provisions, the  
12 responsible party shall be the person who satisfies paragraph  
13 (1) of the definition of ~~computer~~ manufacturer. ←

14 ~~(f)~~ (H) Construction.--Nothing in this act shall be ←  
15 construed to exempt any person from liability that person would  
16 otherwise have under applicable law.

17 Section 306. Retailer responsibility.

18 (a) Public notice.--A retailer shall notify customers about  
19 the manner in which to recycle a covered device and of the  
20 locations for the collection and return of covered devices. This  
21 notification shall occur either by posting the information  
22 within the retail location, by providing the department's toll-  
23 free telephone number, Internet website or both, or by providing  
24 retailer-developed information.

25 (b) Compliance.--A retailer shall comply with sections  
26 302(a) and (c) and 303.

27 CHAPTER 5

28 ADMINISTRATION

29 Section 501. Duties of department.

30 The department shall:

1 (1) Encourage the use of existing collection and  
2 consolidation infrastructure for handling covered devices to  
3 the extent that this infrastructure is accessible on a  
4 regular and ongoing basis to at least 85% of the population  
5 of this Commonwealth, is cost effective and meets the  
6 environmentally sound management requirements of section 506.

7 (2) Update the list maintained pursuant to section  
8 302(b) upon receipt by the department of a manufacturer's  
9 registration or an annual manufacturer registration renewal.

10 (3) Organize and coordinate public education and  
11 outreach. The department shall work with retailers to develop  
12 the appropriate public education and outreach materials and  
13 to assist retailers as necessary in the conduct of their  
14 public education and outreach efforts.

15 (4) Review all plans submitted by a manufacturer or  
16 group of manufacturers for the collection, transportation and  
17 recycling of covered devices.

18 (5) Oversee the implementation of all approved plans and  
19 take the necessary actions to ensure compliance with approved  
20 plans.

21 Section 502. Annual report.

22 The department shall prepare and submit annually to the  
23 General Assembly and post on its Internet website a report that  
24 includes:

25 (1) The total weight of covered ~~computer devices or~~ ←  
26 ~~covered television~~ devices collected in this Commonwealth  
27 during the previous calendar year.

28 (2) A complete listing of all manufacturers' collection,  
29 transportation and recycling programs and collection sites  
30 operating in this Commonwealth during the prior calendar

1 year, the parties that operated them and the amount of  
2 material by weight collected at each site.

3 (3) An evaluation of the effectiveness of the education  
4 and outreach program.

5 (4) An evaluation of the existing collection and  
6 processing infrastructure.

7 (5) Recommendations for expanding the program to include  
8 additional electronic devices. All recommendations shall be  
9 accompanied by an analysis of the positive and negative  
10 aspects along with a cost benefit analysis of the  
11 recommendations.

12 Section 503. Additional duties.

13 The department shall:

14 (1) Maintain an Internet website and toll-free telephone  
15 number complete with up-to-date listings of where consumers  
16 may take covered ~~computer devices or covered television~~ ←  
17 devices for recycling under this act.

18 (2) No more frequently than annually and no less  
19 frequently than biennially, review the amount of the covered  
20 ~~computer device and covered television~~ ← device recycling and  
21 registration fee. Recommended changes to the covered ~~computer~~ ←  
22 ~~device and covered television~~ device recycling program and  
23 registration fees shall be published in the Pennsylvania  
24 Bulletin. The department shall provide for a 30-day public  
25 comment period on the recommended changes. The department  
26 shall consider all comments received and revise accordingly  
27 any of its original recommendations and changes to the  
28 program or fees, which shall be contained in the annual  
29 report.

30 Section 504. Fees for collection or recycling of covered



1 (II) THE E-STEWARDS STANDARD; OR  
2 (III) AN INTERNATIONALLY ACCREDITED THIRD-PARTY  
3 ENVIRONMENTAL MANAGEMENT STANDARD FOR THE SAFE AND  
4 RESPONSIBLE HANDLING OF COVERED DEVICES.

5 (2) ALL ENTITIES SHALL PROVIDE INFORMATION ABOUT THEIR  
6 CERTIFICATION AND ITS STANDING TO THE DEPARTMENT ALONG WITH  
7 ANY OTHER REQUIREMENTS REGARDING THIS SUBSECTION THAT MAY BE  
8 MANDATED BY FEDERAL OR STATE LAW. THE DEPARTMENT SHALL MAKE  
9 THIS INFORMATION AVAILABLE ON ITS INTERNET WEBSITE.

10 (c) Department to maintain Internet website.--The department  
11 shall maintain an Internet website that includes a list of  
12 entities and organizations that the department has determined  
13 have met the performance requirements.

14 Section 506. Disposal ban.

15 (a) General rule.--Two years after the effective date of  
16 this section, no person may place in municipal solid waste a  
17 covered device or any of ~~the components or subassemblies thereof~~ ←  
18 ITS COMPONENTS, excluding any nonhazardous residuals produced ←  
19 during recycling in any solid waste disposal facility.

20 (b) Hold harmless.--An owner or operator of a solid waste  
21 disposal facility shall not be found in violation of this  
22 section if such owner or operator has:

23 (1) made a good faith effort to comply with this  
24 section;

25 (2) posted in a conspicuous location at the facility a  
26 sign stating that covered ~~electronic devices and covered~~ ←  
27 ~~television~~ devices or any ~~components thereof~~ OF THEIR ←  
28 COMPONENTS shall not be accepted at such facility; and

29 (3) notified, in writing, all collectors registered to  
30 deposit solid waste to such facility that such devices or



1 THEIR components shall not be accepted at the facility.

2 (c) Definition.--For purposes of this section, "facility"  
3 shall have the same meaning given to it in section 103 of the  
4 act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste  
5 Management Act. The term does not include a transfer station.

6 Section 507. Enforcement.

7 (a) Judicial action.--

8 (1) The Commonwealth, through the Attorney General and  
9 the department, may initiate independent action to enforce  
10 any provision of this act, including failure by the  
11 manufacturer to submit a plan as required in section 305 or  
12 to remit the registration fee pursuant to section 304(a) to  
13 the department.

14 (2) Any funds awarded by the court shall be used first  
15 to offset enforcement expenses. Money in excess of the  
16 enforcement expenses shall be deposited into the Electronic  
17 Materials Recycling Account and used to support the  
18 activities under this act.

19 (b) Penalties.--

20 (1) Any manufacturer who fails to label its new covered  
21 devices with a brand, as required by section 303, who fails  
22 to register with the department and pay a registration fee,  
23 as required by section 304(a), may be assessed a penalty of  
24 up to \$10,000 for the first violation and up to \$25,000 for  
25 the second and each subsequent violation in addition to  
26 paying for any fees, payments and penalties required by or  
27 imposed pursuant to this act.

28 (2) Except as otherwise provided under paragraph (1),  
29 any person, including a retailer, who violates any  
30 requirement of this act may be assessed a penalty of up to

1 \$1,000 for the first violation and up to \$2,000 for the  
2 second and each subsequent violation, in addition to paying  
3 for any fees, payments and penalties required by or imposed  
4 pursuant to this act.

5 (3) All penalty moneys collected under paragraphs (1)  
6 and (2) shall be deposited into the Electronic Materials  
7 Recycling Account and used to support the activities under  
8 this act.

9 (c) Injunctive relief.--A violation of the sales  
10 prohibitions of this act may be enjoined in an action in the  
11 name of the Commonwealth, brought by the Attorney General.

12 Section 508. Regulations.

13 The department may adopt rules and regulations as shall be  
14 necessary for the purpose of administering this act. The  
15 regulations shall be promulgated in accordance with the act of  
16 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
17 Act.

18 Section 509. Multistate implementation.

19 The department may participate in the establishment and  
20 implementation of a regional, multistate organization or compact  
21 to assist in carrying out the requirements of this act.

22 Section 510. Electronic Materials Recycling Account.

23 (a) Establishment.--The Electronic Materials Recycling  
24 Account is established as a restricted account in the General  
25 Fund. All proceeds resulting from the manufacturer's  
26 registration fees, renewal fees, penalties and judicial actions  
27 shall be deposited into the account.

28 (b) Uses.--The department may expend the moneys of the  
29 Electronic Materials Recycling Account only to carry out the  
30 duties imposed on the department under this act.

CHAPTER 7

MISCELLANEOUS PROVISIONS

Section 701. Expiration.

(a) Duty of Secretary of Environmental Protection to monitor Federal law.--

(1) The secretary shall monitor the enactment of laws by the Congress of the United States to determine whether any law has been so enacted that establishes a program directed to the collection and recycling of covered devices.

(2) If the secretary determines that such a law is enacted, the secretary shall publish that determination as a notice in the Pennsylvania Bulletin. The notice shall include a statement that the effect of the notice is the immediate expiration of this act as provided under subsection (b).

(b) Effect of secretary's determination.--This act shall expire on the date a determination of the secretary under subsection (a) is published in the Pennsylvania Bulletin.

Section 702. Effective date.

This act shall take effect in 60 days.