
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1310 Session of
2022

INTRODUCED BY CAPPELLETTI, COLLETT, KANE, KEARNEY, FONTANA,
COSTA, SCHWANK AND DILLON, AUGUST 10, 2022

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, AUGUST 10, 2022

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for electronic waste
3 recycling.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 67

9 ELECTRONIC WASTE RECYCLING

10 Sec.

11 6701. Scope of chapter.

12 6702. Definitions.

13 6703. Eco-fees and responsibilities.

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18 6708. CED and EFD manufacturer requirements.

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14 6722. Enforcement.
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16 6724. Other CED collection activities.

17 § 6701. Scope of chapter.

18 This chapter relates to electronic waste recycling.

19 § 6702. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Assessment period." A period of three calendar months
24 starting on the day immediately following the last day of the
25 prior assessment period. The first assessment period shall start
26 on the first day of the first program year.

27 "Best management practices." Collecting and preparing items
28 for shipment and recycling. The term may include standards for
29 packaging for transport, load size, acceptable load
30 contamination levels, non-CED items included in a load and other

1 standards.

2 "CED manufacturer." A person or a successor in interest to a
3 person, under whose brand or label a CED is sold at retail. For
4 any CED sold at retail under a brand or label that is licensed
5 from a person who is a brand owner and who does not sell or
6 produce a CED, the person who produced the CED or the person's
7 successor in interest, shall be the CED manufacturer. For any
8 television or computer monitor sold at retail under the brand or
9 label of both the retail seller and the person that produced the
10 television or computer monitor, the person that produced the
11 television or computer monitor or the person's successor in
12 interest, shall be the CED manufacturer.

13 "Clearinghouse." The independent organization authorized by
14 section 6704 (relating to clearinghouse).

15 "Collection convenience standard." The minimum number of
16 collection opportunities that shall be provided for the
17 collection of CEDs as required under section 6710 (relating to
18 convenience standards for program collection sites).

19 "Collection obligation." The CED collection services which
20 the clearinghouse assigns to a CED manufacturer for a given
21 program year under section 6706 (relating to collection
22 convenience standard compliance).

23 "Collector." A person who collects residential CEDs at any
24 program collection site or one-day collection event and prepares
25 them for transport.

26 "Committee." The Pennsylvania E-Waste Steering Committee
27 established under section 6718 (relating to Pennsylvania E-Waste
28 Steering Committee).

29 "Computer." A desktop, all-in-one computer, laptop,
30 notebook, e-reader or tablet computer marketed to and intended

1 for use by residential purchasers and used only in a residence.
2 The term shall not include an automated typewriter, electronic
3 printer, mobile telephone, portable handheld calculator,
4 portable digital assistant, MP3 player or other similar device
5 or computer peripheral.

6 "Computer monitor." An electronic device only used in a
7 residence that has a cathode-ray tube or other panel display
8 primarily intended to display information from a computer or
9 other commonly used electronic device and marketed to and
10 intended for use by residential purchasers. The term shall not
11 include an all-in-one computer, laptop, notebook or tablet.

12 "Computer peripheral." A keyboard, mouse, cable or other
13 device marketed to and intended for use by residential
14 purchasers for external use with a computer.

15 "Covered electronic device" or "CED." An electronic device
16 under this chapter, including EFDs, computers, printers,
17 videocassette recorders, portable digital music players, digital
18 video disc players, computer peripherals, any computer monitors
19 or televisions which are not EFDs and other electronic devices.
20 The term shall not include any of the following:

21 (1) an electronic device that is a part of a motor
22 vehicle or any component part of a motor vehicle assembled by
23 or for a vehicle manufacturer or franchised dealer, including
24 replacement parts for use in a motor vehicle;

25 (2) an electronic device that is functionally or
26 physically part of a larger piece of equipment or that is
27 taken out of service from an industrial, commercial,
28 commercial retail, library checkout, traffic control, kiosk,
29 security, other than household security, governmental,
30 agricultural or medical setting, including, but not limited

1 to, diagnostic, monitoring or control equipment; or

2 (3) an electronic device that is contained within a
3 clothes washer, clothes dryer, refrigerator, refrigerator and
4 freezer, microwave oven, conventional oven or range,
5 dishwasher, room air conditioner, dehumidifier, water pump,
6 sump pump or air purifier. To the extent allowed under
7 Federal and State laws and regulations, a CED that is being
8 collected, recycled or processed for reuse shall not be
9 considered to be hazardous waste, household waste, solid
10 waste or special waste.

11 "Covered electronic device category" or "CED category." Each
12 of the following categories of residential CEDs:

13 (1) Computers.

14 (2) Computer monitors.

15 (3) Televisions.

16 (4) Printers.

17 (5) Videocassette recorders, portable digital music
18 players and digital video disc players.

19 (6) CED peripheral.

20 "Department." The Department of Environmental Protection of
21 the Commonwealth.

22 "Downstream processor." An entity that is engaged in the
23 repair, refurbishment or further processing of used components,
24 parts, materials or residuals that result from disassembly of
25 CEDs. The term includes those entities engaged in repair,
26 refurbishing, disassembly, processing, recycling, energy
27 recovery and disposal facilities.

28 "Eco-fee." The amount added to the purchase price of new
29 EFDs sold in this Commonwealth that is necessary to cover the
30 cost of collecting, transporting and processing postpurchaser

1 EFDs by the individual CED manufacturers or stewardship
2 organizations under an approved stewardship plan, and the costs
3 borne by the department to fulfill its responsibilities to
4 implement the program.

5 "Eco-fee device" or "EFD." A monitor or television with a
6 screen size of seven inches or greater when measured diagonally
7 for which an eco-fee is charged.

8 "Eco-fee sharing methodology." The methodology implemented
9 by the clearinghouse as part of the approved stewardship plan to
10 disburse eco-fees to manufacturers and group plans.

11 "EFD manufacturer." A person, or a successor in interest of
12 the person, under whose brand or label an EFD is sold at retail.
13 For any EFD sold at retail under a brand or label that is
14 licensed from a person who is a brand owner and who does not
15 sell or produce an EFD, the person who produced the EFD, or the
16 person's successor in interest, shall be the EFD manufacturer.
17 For any EFD sold at retail under the brand or label of both the
18 retail seller and the person that produced the EFD, the person
19 that produced the EFD, or the person's successor in interest,
20 shall be the EFD manufacturer.

21 "Environmental sound management." The practice of ensuring
22 all practicable steps are utilized in the management of
23 hazardous and other wastes to protect human health and the
24 environment against any adverse effect.

25 "Group plan." Two or more CED manufacturers that are working
26 jointly through a third-party entity to meet the requirements of
27 this chapter.

28 "Manufacturer e-waste program." Any program established,
29 financed and operated by a manufacturer, either individually or
30 collectively as part of a group plan, to transport and

1 subsequently recycle, in accordance with the requirements of
2 this chapter, residential CEDs collected at program collection
3 sites and one-day collection events.

4 "Market share." The percentage per CED manufactured as
5 determined under section 6711 (relating to CED manufacturer
6 recycling share responsibility) for purposes of administering
7 the requirements of the approved stewardship plans among the
8 participating registered CED manufacturers.

9 "Marketplace facilitator." As defined under section 201 of
10 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
11 Code of 1971.

12 "Marketplace seller." As defined under section 201 of the
13 Tax Reform Code of 1971.

14 "Printer." A desktop printer, multifunction printer, copier,
15 scanner, facsimile machine and printer and fax combination taken
16 out of service from a residence that is designed to reside on a
17 work surface that includes various print technologies,
18 including, without limitation, laser and LED, ink jet, dot
19 matrix, thermal and digital sublimation and multifunction or
20 all-in-one devices that perform different tasks, including,
21 without limitation, copying, scanning, faxing and printing. The
22 term shall not include a floor-standing printer, a printer with
23 optional floor stand, a point of sale (POS) receipt printer, a
24 household printer such as a calculator with printing
25 capabilities, a label maker or a non-stand-alone printer that is
26 embedded into a product that is not a CED.

27 "Program collection site." A physical location that is
28 included in a stewardship plan and at which residential CEDs are
29 collected and prepared for transport by a collector during a
30 program year in accordance with the requirements of this

1 chapter.

2 "Program period." Five calendar years. The first program
3 period shall start on March 31, 2023.

4 "Program year." A year falling within a program period
5 starting March 31, 2023. The first program year shall start on
6 the first day of the first program period.

7 "Purchaser." As defined under section 201 of the Tax Reform
8 Code of 1971.

9 "Recycling." The process of preparing recyclable materials
10 and reusing the materials in their original form or using them
11 in manufacturing processes that do not cause the destruction of
12 recyclable materials in a manner that precludes further use.

13 "Registered collectors." A unit of local government,
14 manufacturer, a retailer, charity, nongovernmental organization
15 and recycler who collects CEDs in this Commonwealth as approved
16 by a stewardship plan.

17 "Residential CED." A CED produced or distributed:

18 (1) for sale to a purchaser for use in or around a
19 permanent or temporary household or residence, in recreation
20 or otherwise; or

21 (2) for the personal use, consumption or enjoyment of a
22 purchaser in or around a permanent or temporary household or
23 residence, in recreation or otherwise.

24 "Retailer." A person who, in the usual course of business,
25 purchases or receives a CED for the purpose of sale to the
26 ultimate consumer for residential use.

27 "Return share." The percentage, by weight, of each CED
28 category that is returned to the program collection sites and
29 one-day collection events operated by or on behalf of either a
30 manufacturer or group plan or one or more of its participating

1 manufacturers during the calendar year two years before the
2 applicable program year, as reported to the department under
3 section 6704, except that, for program year one and program year
4 two, the term shall mean the percentage, by weight, of each CED
5 category that is estimated by the manufacturer program plan to
6 be returned to those sites and events during the applicable
7 program year, as reported to the department.

8 "Reuse." The use of electronic waste that is tested and
9 certified to be in good working order and which was removed from
10 the waste stream for use for the same purpose for which it was
11 manufactured, including the continued use of whole systems or
12 components.

13 "Sale." A sale at retail as defined under section 201 of the
14 Tax Reform Code of 1971. The term shall not include:

15 (1) the transfer of a previously owned CED, including,
16 but not limited to, a CED that may have been refurbished by a
17 manufacturer or other vendor, and purchaser-to-purchaser
18 second-hand transfers of a CED;

19 (2) a lease of CEDs; or

20 (3) wholesale transactions among a manufacturer and
21 wholesaler.

22 "Secretary." The Secretary of Environmental Protection of
23 the Commonwealth.

24 "Stewardship plan." An annual plan prepared by an individual
25 manufacturer or the plan prepared by the clearinghouse that
26 aggregates the plans prepared by an individual manufacturer and
27 the group plans.

28 "Television." An electronic device only used in a residence
29 that contains a cathode-ray tube or other display screen type
30 and is intended to receive video programming via broadcast,

1 cable, satellite, Internet or other mode of video transmission,
2 or to receive video from surveillance or other similar cameras,
3 and is marketed to and intended for use by residential
4 purchasers.

5 § 6703. Eco-fees and responsibilities.

6 (a) Eco-fees.--On and after March 31, 2023, an eco-fee shall
7 be imposed on each sale of a new EFD purchased from a retailer
8 in the amounts determined by the clearinghouse in the eco-fee
9 schedule approved by the department under this chapter. The
10 following shall apply:

11 (1) Except for a sale to a business, the retailer shall
12 charge the purchaser the amount of the eco-fee at the time of
13 sale.

14 (2) For a sale facilitated by a marketplace facilitator,
15 the marketplace facilitator shall charge the eco-fee to the
16 purchaser on behalf of the marketplace seller.

17 (b) Fee display.--Eco-fees shall be separately displayed on
18 the receipt, invoice, contract or other record documenting the
19 sale of the new EFD by a retailer to a purchaser in this
20 Commonwealth. The record must be visible to the purchaser at the
21 time the EFD is sold to the purchaser. For a sale made via an
22 Internet website, catalog, telephone or any similar forum, the
23 eco-fee shall be disclosed to the purchaser prior to completing
24 the purchase.

25 (c) Fee passage.--No retailer may advertise, hold out or
26 state to the public or to any purchaser, directly or indirectly,
27 that the eco-fee or any part thereof will not be added to the
28 purchase price of the EFD, will be paid by the retailer on
29 behalf of the purchaser or will otherwise provide consideration
30 of any kind, whether it be money or otherwise, to the purchaser

1 that shifts the economic incidence of the eco-fee to any person
2 other than the purchaser.

3 (d) Fee reimbursement.--The retailer charging the eco-fee
4 under subsection (a) may retain up to 3% of the fee as
5 reimbursement for any costs associated with the collection of
6 the fee. The remainder of the eco-fee collected by the retailer
7 shall be remitted to the clearinghouse in a manner and form
8 prescribed by the clearinghouse and at the time the fee is
9 required to be remitted under this chapter.

10 (e) Penalty.--If a retailer or marketplace facilitator does
11 not charge the eco-fee to the purchaser at the time of sale, the
12 retailer or marketplace facilitator shall be liable for the full
13 amount of the eco-fee and any applicable penalties under this
14 chapter. Notwithstanding the provisions of this subsection, a
15 marketplace facilitator shall not be held liable for payment of
16 the eco-fee and any applicable penalties under this chapter if
17 the marketplace facilitator can demonstrate to the
18 clearinghouse's satisfaction that the failure to charge the eco-
19 fee was due to incorrect information given to the marketplace
20 facilitator by the marketplace seller. If such a demonstration
21 is made, the marketplace seller shall be solely liable for
22 payment of the eco-fee and any penalties under this chapter.

23 (f) Remittance of eco-fee.--An eco-fee shall be due and
24 payable to the clearinghouse no later than 60 days after the
25 completion of each assessment period during which an EFD has
26 been sold by a retailer to a purchaser in this Commonwealth,
27 less the reimbursements allowed under subsection (d) and any
28 eco-fee refunded to purchasers for EFDs returned to the retailer
29 in that assessment period for which an eco-fee has already been
30 collected for remittance to the clearinghouse. All money

1 required to be collected by a retailer under this chapter that
2 is not properly remitted to the clearinghouse shall be deemed to
3 be a debt owed to the clearinghouse by the retailer.

4 (g) Prohibition on sale.--No retailer may sell or offer for
5 sale in this Commonwealth a new CED after the program year
6 begins unless:

7 (1) The retailer registers with the clearinghouse.

8 (2) The brand of the CED is included on the list of
9 manufacturers who are registered with the clearinghouse and
10 maintained by the clearinghouse.

11 (3) An eco-fee is collected on sales of EFDs and
12 remitted in a timely manner to the clearinghouse.

13 (h) Noncompliance.--A retailer shall cease sale of a
14 manufacturer's CEDs within seven days of receipt of notice from
15 the clearinghouse or department that a manufacturer has failed
16 to comply with the requirements of this chapter. The retailer
17 may recommence the sale only upon written confirmation from the
18 clearinghouse or department that the manufacturer has remedied
19 any noncompliance.

20 (i) Duty of retailer to consult registry.--Beginning no
21 later than 12 months after the effective date of this section, a
22 retailer of new CEDs to be offered for sale to purchasers in
23 this Commonwealth shall consult the registry under subsection
24 (j) prior to selling new CEDs in this Commonwealth. The
25 following shall apply:

26 (1) With respect to the sale of a CED through a
27 marketplace facilitator, the marketplace seller shall consult
28 the registry prior to advertising, listing or selling new
29 CEDs in this Commonwealth through a marketplace facilitator.

30 (2) A manufacturer shall be considered to have complied

1 with this subsection if, on the date that the new CED was
2 ordered by the retailer, the brand was included on the
3 registry of registered manufacturer and CEDs and is posted on
4 the publicly accessible Internet website.

5 (j) Registration with clearinghouse.--A retailer shall
6 register with the clearinghouse and receive a remitter
7 identification number from the clearinghouse prior to collecting
8 any eco-fee and remitting any eco-fee to the clearinghouse.

9 (k) Audit.--The clearinghouse may, at its discretion,
10 conduct an audit of a registered retailer to verify that the
11 eco-fees collected and remitted to the clearinghouse are proper
12 and accurate. Audits under this subsection shall be limited to
13 the prior three years from the date the audit is requested by
14 the clearinghouse. Unless a retailer has previously been found
15 in violation of this chapter for remittance of an eco-fee, an
16 audit may be conducted in person or via the Internet and email
17 at the discretion of the retailer. If a vendor has previously
18 violated any provision of this chapter, the audit conducted
19 under this subsection must be conducted in person. The following
20 records must be available for inspection:

21 (1) Receipts of sales.

22 (2) Invoices.

23 (3) Other records generally kept by the retailer
24 detailing the collection and payment of eco-fees.

25 § 6704. Clearinghouse.

26 (a) Designation.--The department shall designate as the
27 clearinghouse under this chapter an organization that meets all
28 of the following requirements:

29 (1) The clearinghouse must be incorporated as a
30 nonprofit organization.

1 (2) The clearinghouse must not control, be controlled by
2 nor be under common control with any single manufacturer,
3 third-party organization, collector or industrywide trade
4 association.

5 (3) The clearinghouse must demonstrate to the department
6 the management capability and financial capacity to operate a
7 Statewide program.

8 (4) The clearinghouse shall represent two or more
9 manufacturers cooperating with one another to collectively
10 establish and operate a manufacturer e-waste program for the
11 purpose of complying with this chapter, and that collectively
12 represents at least 50% of the manufacturers' total
13 collection and recycling obligation under this chapter for
14 the first program year.

15 (5) The clearinghouse must be governed by a board of
16 directors, a majority of which represents manufacturers.

17 (6) The clearinghouse shall create a multistate advisory
18 group composed of two representatives from each state in
19 which the clearinghouse is approved to operate. The
20 clearinghouse board shall meet with the multistate advisory
21 group at least twice a year.

22 (7) The clearinghouse shall deposit all revenue from the
23 eco-fee established under subsection (c) in a bank chartered
24 in this Commonwealth.

25 (b) Initial designation.--The clearinghouse shall be
26 designated by the department within 60 days of enactment of this
27 chapter and shall be valid for not less than five years. The
28 clearinghouse may be renewed by the department not to exceed
29 five years at any time.

30 (c) Management of eco-fees.--The clearinghouse shall

1 establish an eco-fee for each category of EFDs under section
2 6708 (relating to CED and EFD manufacturer requirements) as part
3 of the stewardship plan of the clearinghouse. The clearinghouse
4 shall be responsible for:

5 (1) Collecting, in a timely manner, all eco-fees due
6 from a retailer.

7 (2) Ensuring that all eco-fees collected from the sales
8 of EFDs to consumers in this Commonwealth are used solely for
9 the clearinghouse responsibilities under this section.

10 (3) Reviewing and compiling information from
11 manufacturers and group plans to be included in the
12 stewardship plan for submission to the department for review
13 and approval or disapproval.

14 (4) Disbursing money to manufacturers, or their group
15 plans, participating in approved programs for the collection
16 and recycling of EFDs.

17 (5) Oversight and enforcement activities under this
18 chapter.

19 (6) Disbursing eco-fees remitted to the clearinghouse
20 only to the entities and for the purposes allowed by
21 subsection (e).

22 (7) Providing dispute resolution for local government
23 and other collection sites to resolve service issues with the
24 assigned recycler under a group plan.

25 (d) Deposit of eco-fees.--The clearinghouse shall deposit
26 the eco-fees collected under this chapter in accounts that are
27 maintained and disbursed in this Commonwealth by the
28 clearinghouse. An account shall be used solely for eco-fees
29 collected in Pennsylvania and for approved expenses of the
30 Pennsylvania program. No other state's program expenses shall be

1 paid out of an account created under this subsection.

2 (e) Allowed expenditures.--As approved by the department as
3 part of the clearinghouse's stewardship plan, eco-fees collected
4 by the clearinghouse may be used only for the following
5 purposes:

6 (1) The clearinghouse shall disburse at least a majority
7 of the total eco-fees collected each program year to CED
8 manufacturers and group plans as stated in an approved
9 stewardship plan.

10 (2) Unless otherwise directed by the department, the
11 clearinghouse shall not be required to disburse any eco-fees
12 to any CED manufacturer or group plan that has failed to meet
13 its collection obligations under the terms of an approved
14 stewardship plan.

15 (3) The clearinghouse may use funds withheld under
16 paragraph (2) to reimburse a CED manufacturer or group plan
17 of the clearinghouse's choosing to provide collection-related
18 services to resolve the collection obligation deficiencies
19 for which the funds were withheld.

20 (4) Any funds expended under paragraph (3) shall be
21 deducted from any eco-fees owed to the CED manufacturer or
22 stewardship organization from whom the funds were withheld.

23 (5) The clearinghouse may expend eco-fee funds on public
24 education programs intended to encourage the collection and
25 recycling of EFDs or CEDs.

26 (6) The clearinghouse shall disburse collection
27 incentive payments to local governments and other registered
28 collectors for collecting and preparing CEDs.

29 (f) Reserve and reimbursement.--The clearinghouse shall
30 maintain a prudent reserve of funds not to exceed 25% of the

1 forthcoming program year's estimated annual gross eco-fee
2 collection. The clearinghouse may recover its annual operating
3 expenses of administering the eco-fee and performing its
4 mandatory duties under this chapter. The clearinghouse shall
5 submit all expenses to the department as part of the annual
6 stewardship plan and shall include expenses in the overall cost
7 calculation for the eco-fee. The approved operating expenses of
8 the clearinghouse shall be paid prior to the expenditure of any
9 eco-fee under subsection (e) for each assessment period. The
10 clearinghouse shall pay the department an administrative fee as
11 described in section 6719 (relating to administrative
12 reimbursement).

13 § 6705. Stewardship plan.

14 The clearinghouse shall:

15 (1) Consolidate plans from all registered individual
16 manufacturers and group plans for submission to the
17 department annually as part of the stewardship plan.

18 (2) Review information from manufacturers and group
19 plans submitted under paragraph (1) to confirm the collection
20 convenience criteria established in this section has been met
21 by all registered manufacturers in the aggregate and that all
22 registered manufacturers or group plans will meet collection
23 obligations. The following shall apply:

24 (i) If a gap in collection site or event coverage is
25 identified, the clearinghouse shall notify all
26 manufacturers and group plans of the gap and provide
27 manufacturers and group plans 30 days to remedy the
28 identified gap in coverage. Notice under this paragraph
29 shall include the specific areas for which the department
30 believes additional collection sites or events are

1 needed.

2 (ii) If a manufacturer or group plan is not able to
3 remedy a gap in coverage under this paragraph, the
4 clearinghouse may assign the areas to a manufacturer or
5 group plan at the discretion of the clearinghouse.

6 (3) Submit to the department a stewardship plan that
7 contains the individual manufacturer and group plans for all
8 registered manufacturers that have submitted information to
9 the clearinghouse. The stewardship plan must, at a minimum,
10 include the following information:

11 (i) Copies of all individual manufacturer and group
12 plans submitted to the clearinghouse by manufacturers.

13 (ii) An estimate of the total program year costs for
14 upcoming program years, including the cost of the
15 services of the clearinghouse.

16 (iii) A schedule of the specific eco-fee amounts,
17 not to exceed \$10 for each category of EFD sold in this
18 Commonwealth.

19 (iv) A proposed eco-fee sharing methodology to
20 disburse eco-fees to manufacturers and group plans to
21 cover the costs of pickup, transportation and recycling
22 EFDs as described in the approved stewardship plan, as
23 well as the reimbursement rate and method of payment to
24 registered collectors.

25 (v) A description of the promotion and outreach
26 activities that will be used to encourage participation
27 in the collection and recycling programs and how the
28 activities' effectiveness will be evaluated.

29 (vi) A description of the materials that describes
30 the eco-fee that will be provided to retailers to inform

1 purchasers of the eco-fee and the overall program.

2 (vii) A description of the methods by which CEDs
3 will be collected in all areas in this Commonwealth
4 according to the collection convenience standard,
5 including an explanation of how the collection system
6 will be convenient and adequate to residents in both
7 urban and rural areas on an ongoing basis.

8 (viii) A discussion of the status of end markets for
9 one or more materials that result from the dismantling
10 and recycling of CEDs and what, if any, additional end
11 markets are needed to improve the functioning of the
12 program.

13 § 6706. Collection convenience standard compliance.

14 (a) Collection allocation.--The clearinghouse shall allocate
15 the CED manufacturers' collection obligation to arrange for
16 pickup, transportation and recycling of CEDs from program
17 collection sites to each registered CED manufacturer or the CED
18 manufacturer's group plan. When allocating collection
19 obligations, the clearinghouse shall meet the following
20 criteria:

21 (1) Allocation must be made by a type of equipment to
22 ensure that CED manufacturers are only responsible for
23 recovering similar types of CEDs that manufacturers place on
24 the market.

25 (2) Allocate current EFD manufacturers recycling
26 obligation per EFD category and require the EFD manufacturer
27 or the manufacturer's group plan to pick up each EFD category
28 type that the manufacturer currently markets.

29 (3) Allocate current CED manufacturers recycling
30 obligation per CED category, excluding EFDs, and require the

1 CED manufacturer or group plan to pick up each CED category
2 type that the manufacturer currently markets.

3 (4) Take into account, to the best ability of the
4 clearinghouse, those collection site relationships already in
5 existence between a collector and a CED manufacturer or group
6 plan.

7 (5) Balance the allocation of collection sites to CED
8 manufacturers in both urban and rural areas.

9 (6) To the extent practical, the clearinghouse shall
10 assign collection obligations that are reasonably anticipated
11 to enable the CED manufacturer to collect a volume of CEDs
12 equivalent to the manufacturer's recycling obligation market
13 share determined under section 6711 (relating to CED
14 manufacturer recycling share responsibility).

15 (b) Budget.--The clearinghouse shall prepare and submit a
16 budget to the committee and department for each program year as
17 part of the stewardship plan. The budget shall contain:

18 (1) An estimate of the total number of CEDs to be
19 collected in the upcoming program year.

20 (2) The estimated number of EFDs to be collected in the
21 upcoming program year.

22 (3) The estimated total program year costs and the eco-
23 fees expected to be remitted.

24 (c) Registry.--No later than six months after the effective
25 date of this section, the clearinghouse shall maintain a list of
26 each registered CED manufacturer, the brands of all EFDs
27 reported in each manufacturer's registration and to the best of
28 their knowledge, the brands of EFDs for which no CED
29 manufacturer has registered. The registry shall be available on
30 the publicly accessible Internet website of the clearinghouse.

1 (d) Fee-sharing arrangement.--Within 90 days of the
2 department's designation of a clearinghouse or within 90 days of
3 approval of a stewardship plan, whichever occurs later:

4 (1) All manufacturers and group plans which are listed
5 in the stewardship plan must enter into a fee-sharing
6 arrangement with the clearinghouse. The clearinghouse shall
7 notify the department of each fee-sharing agreement within 30
8 days of entering into the agreement.

9 (2) If a manufacturer and group plan cannot reach an
10 agreement on a fee-sharing arrangement with the clearinghouse
11 within 90 days, the clearinghouse shall submit a proposed
12 fee-sharing structure to the department for approval. Upon
13 approval, the approved fee-sharing structure shall be binding
14 upon the clearinghouse and the relevant manufacturer or group
15 plan for the entirety of the relevant program year.

16 (e) Clearinghouse powers.--The clearinghouse may enter into
17 a joint venture, agreement or contract with a third party,
18 including, but not limited to, a corporation, partnership,
19 nonprofit entity or governmental agency, to undertake an
20 activity on the clearinghouses' behalf that is consistent with
21 this chapter. The clearinghouse shall keep minutes, books and
22 records that clearly reflect the activities and transactions of
23 the clearinghouse, and may conduct audits of retailers,
24 collection sites, downstream processors, recyclers, CED
25 manufacturers and group plans.

26 (f) Memorandum of understanding.--The department and the
27 clearinghouse shall enter into a memorandum of understanding the
28 terms of which shall specify the performance of the duties and
29 powers of the clearinghouse under this chapter. The
30 clearinghouse shall be paid for its services solely out of eco-

1 fees collected and remitted to the clearinghouse under this
2 chapter.

3 (g) Clearinghouse audit.--The accounting books of the
4 clearinghouse shall be audited at the clearinghouse's expense by
5 an independent certified public accountant retained by the
6 clearinghouse at least once each calendar year. The
7 clearinghouse shall arrange for the audit to be delivered to the
8 department and committee, along with the annual report required
9 under section 6708 (relating to CED and EFD manufacturer
10 requirements). The department shall review the audit for
11 compliance with this chapter and shall notify the clearinghouse
12 of any compliance issues or inconsistencies. The department may
13 not disclose any proprietary information in the audit.

14 § 6707. Establishment of eco-fee.

15 (a) Establishment.--At least 180 days prior to the beginning
16 of a program year, each CED manufacturer or their group plan
17 shall submit to the clearinghouse an estimate of the total
18 program costs for collection and recycling of EFDs for the
19 upcoming program year.

20 (b) Submission of market share information to
21 clearinghouse.--By December of each year prior to the beginning
22 of a program year, the department shall estimate each CED
23 manufacturer's market share, using the methodology required by
24 section 6711 (relating to CED manufacturer recycling share
25 responsibility), based on either national sales data for the
26 previous calendar year that is provided by registered
27 manufacturers upon request of the department or on reliable,
28 commercially available national sales data from the previous
29 calendar year. The following shall apply:

30 (1) A CED manufacturer may dispute the manufacturer's

1 assigned sales data and market share if the sales data is
2 procured from commercially available sources. The dispute
3 must be made in writing within 30 days of notification of the
4 assigned market share to the CED manufacturer.

5 (2) The department shall submit each manufacturer's
6 estimated market share to registered CED manufacturers and
7 the clearinghouse.

8 (3) National sales data submitted by a registered CED
9 manufacturer to the department or procured independently by
10 the department under this section shall not be subject to
11 access under the act of February 14, 2008 (P.L.6, No.3),
12 known as the Right-to-Know Law, and may not be disclosed by
13 the department or the clearinghouse unless otherwise required
14 by law or court order.

15 (c) Eco-fee.--The eco-fees shall be approved by the
16 department within 30 days after submission by the clearinghouse
17 of the stewardship plan on each even-numbered year if the
18 proposed eco-fees meet the following requirements:

19 (1) To the extent possible, the eco-fee is to be uniform
20 for each type of EFD and consistent with the eco-fee amount
21 that is being assessed in other jurisdictions in the United
22 States for similar devices.

23 (2) The eco-fees shall be sufficient to cover program
24 year costs for the collection, transportation and recycling
25 of EFDs for all CED manufacturers and group plans with an
26 approved plan for the collection of EFDs and all other
27 expenditures authorized under this chapter and approved as
28 part of the stewardship plan.

29 (d) Adjustment of eco-fee.--At least 120 days prior to the
30 beginning of a program year starting two years or more after the

1 start of the program year and only every year thereafter for
2 which the eco-fee was most recently approved by the department,
3 the clearinghouse may submit to the department a recommendation
4 regarding eco-fees to be collected by a retailer under section
5 6703 (relating to eco-fees and responsibilities) which meets the
6 requirements of subsection (c). Any adjustment to the eco-fee
7 must take into consideration the following factors:

8 (1) Current and projected sale of EFDs in this
9 Commonwealth.

10 (2) Current and projected collection rate for discarded
11 EFDs.

12 (3) The costs associated with the collection,
13 transportation and recycling of EFDs.

14 (4) Program administrative costs.

15 (5) Other expenditures authorized by section 6704
16 (relating to clearinghouse) and approved as part of the
17 stewardship plan.

18 (e) Approval of adjustment.--A proposal to adjust an eco-fee
19 shall be approved by the department within 30 days after
20 submission by the clearinghouse of the proposal if the proposed
21 eco-fee meets the requirements of subsections (c) and (d).

22 § 6708. CED and EFD manufacturer requirements.

23 (a) CED manufacturer requirements.--Each manufacturer of a
24 CED sold in this Commonwealth which is not also a manufacturer
25 of an EFD sold in this Commonwealth shall:

26 (1) implement a program approved by the department as
27 part of an approved individual stewardship plan to collect
28 and recycle CEDs in this Commonwealth that meets the
29 collection convenience in section 6710 (relating to
30 convenience standards for program collection sites);

1 (2) operate an individual program as part of the
2 stewardship plan approved by the department; or

3 (3) under section 6709 (relating to group plan
4 requirements), participate in a group plan approved by the
5 department as part of the stewardship plan to collect and
6 recycle CEDs in this Commonwealth.

7 (b) No obligation.--A manufacturer of CEDs that does not
8 also manufacture EFDs sold in this Commonwealth shall have no
9 obligation to collect or recycle EFDs under the plan required by
10 subsection (a).

11 (c) Indication in plan.--A CED manufacturer that intends to
12 collect and recycle EFDs must so indicate in the stewardship
13 plan submitted under this section and shall be entitled to eco-
14 fee disbursements in the same manner as an EFD manufacturer.

15 (d) EFD manufacturer requirements.--Each manufacturer of
16 EFDs sold in this Commonwealth shall either:

17 (1) operate an individual manufacturer program to
18 collect and recycle CEDs and EFDs in this Commonwealth; or

19 (2) under section 6707 (relating to establishment of
20 eco-fee), participate in a group plan to collect and recycle
21 CEDs and EFDs in this Commonwealth.

22 (e) Manufacturer registration.--On or before December 31,
23 2022, and each year thereafter, each CED manufacturer shall
24 register with the department and the clearinghouse for the
25 purposes of complying with this chapter, and provide the
26 following information:

27 (1) A list of the CED manufacturer's brands of CEDs and
28 EFDs offered for sale in this Commonwealth.

29 (2) The name, address and contact information of a
30 person responsible for ensuring compliance with this chapter.

1 (3) Certification that the CED manufacturer has complied
2 with and will continue to comply with the requirements of
3 this chapter.

4 (4) The total number of CEDs, excluding EFDs, sold in
5 this Commonwealth for the most recently concluded program
6 year.

7 (5) The total number of EFDs sold in this Commonwealth
8 for the most recently concluded program year.

9 (6) Identification of the group plan, if any, that
10 represents the CED manufacturer.

11 (f) New registration.--Any person who becomes a CED
12 manufacturer after March 31, 2023, shall register with the
13 clearinghouse under subsection (e) no later than 60 days after
14 becoming a manufacturer.

15 (g) Notifications.--A CED manufacturer shall provide retail
16 partners with annual written or emailed notifications regarding
17 the EFDs that are to be assessed an eco-fee, and the
18 requirements for remittance. If participating in a group plan, a
19 CED manufacturer shall submit to the group plan a summary of
20 individual collection and recycling activities in this
21 Commonwealth on the form specified by the clearinghouse.

22 (h) Annual report.--Each CED manufacturer or its group plan
23 shall submit an annual report to the clearinghouse and
24 department that describes the CED manufacturer's program
25 outcomes for the concluded program year, including the specific
26 program collection sites serviced.

27 § 6709. Group plan requirements.

28 (a) Group plans.--CED manufacturers may enter into an
29 agreement with a group plan to fulfill the CED manufacturer's
30 obligations under this chapter. The group plan shall act as the

1 representative of all CED manufacturers for whom it represents
2 for purposes of this chapter. The clearinghouse shall receive
3 information on collection and recycling programs from individual
4 member companies or their group plans on a form provided by the
5 clearinghouse. The clearinghouse shall compile the individual
6 manufacturer and group plan information into a stewardship plan
7 to be reviewed and approved by the department under section 6711
8 (relating to CED manufacturer recycling share responsibility).

9 (b) Group plan requirements.--The following shall apply:

10 (1) A group plan shall receive eco-fee disbursements
11 from the clearinghouse on behalf of the CED manufacturers the
12 group program plan represents.

13 (2) The group plan shall solely be responsible for
14 disbursing eco-fee funds to individual CED manufacturers per
15 the mechanism and amounts as determined by agreements with
16 the CED manufacturers that the group plan represents.

17 (3) The clearinghouse shall have no liability to
18 individual CED manufacturers that are members of group plans
19 to the extent that the clearinghouse timely and accurately
20 disburses collected eco-fees to the CED manufacturer's group
21 plan.

22 (4) A group plan may contract for service in areas not
23 served by individual CED manufacturer programs participating
24 in the group plan to fulfill the participating CED
25 manufacturers' obligations for those areas.

26 (c) Audits.--The clearinghouse may conduct an audit of CED
27 manufacturers and group plans, utilizing third-party independent
28 auditors, to ensure that CED manufacturers and group plans have
29 implemented programs in accordance with approved group plans and
30 are meeting collection obligations in each program year. An

1 audit conducted under this subsection shall be carried out in
2 accordance with generally accepted auditing practices and shall
3 be limited in scope to determining whether eco-fees have been
4 properly collected on all sales of CEDs to purchasers in this
5 Commonwealth. Audits shall be limited to three years prior to
6 the date the clearinghouse informs the auditee of the audit.
7 § 6710. Convenience standards for program collection sites.

8 (a) Collection sites.--Beginning March 31, 2023, each CED
9 manufacturer or group plan must include in their submission to
10 the clearinghouse, at a minimum, the number of program
11 collection sites assigned to the manufacturer by the
12 clearinghouse as part of the manufacturer's recycling obligation
13 for a program year based on the following collection convenience
14 standards:

15 (1) one program collection site in each county that has
16 elected to participate in the manufacturer e-waste program
17 for the program year and that has a population density that
18 is less than 250 individuals per square mile;

19 (2) two program collection sites in each county that has
20 elected to participate in the manufacturer e-waste program
21 for the program year and that has a population density that
22 is greater than or equal to 250 individuals per square mile
23 but less than 500 individuals per square mile;

24 (3) three program collection sites in each county that
25 has elected to participate in the manufacturer e-waste
26 program for the program year and that has a population
27 density that is greater than or equal to 500 individuals per
28 square mile but less than 750 individuals per square mile;

29 (4) four program collection sites in each county that
30 has elected to participate in the manufacturer e-waste

1 program for the program year and that has a population
2 density that is greater than or equal to 750 individuals per
3 square mile but less than 1,000 individuals per square mile;

4 (5) five program collection sites in each county that
5 has elected to participate in the manufacturer e-waste
6 program for the program year and that has a population
7 density that is greater than or equal to 1,000 individuals
8 per square mile but less than 5,000 individuals per square
9 mile;

10 (6) fifteen program collection sites in each county that
11 has elected to participate in the manufacturer e-waste
12 program for the program year and that has a population
13 density that is greater than or equal to 5,000 individuals
14 per square mile; and

15 (7) if a municipality with a population of more than
16 1,000,000 residents elects to participate in a manufacturer
17 e-waste program for the program year, the program shall
18 provide 10 additional program collection sites for the
19 program year to be located in that municipality, and the
20 program collection sites required under paragraph (6) shall
21 be located outside of the municipality.

22 (b) Additional sites.--Collection sites such as those
23 operated by local governments, retailers, charities or other
24 entities shall be eligible for consideration as a program
25 collection site.

26 (c) Population density calculation.--For purposes of this
27 section, county population densities shall be based on the
28 entire county's population density, regardless of whether a
29 municipality or municipal joint action agency in the county
30 participates in a CED manufacturer e-waste program. For

1 municipalities with a population density less than 5,000,
2 collection events may be held in lieu of permanent collection
3 sites if such events are efficient and effective at providing
4 collection opportunities for the residents of those areas.

5 (d) Electing to participate in the program.--Beginning with
6 program year one, a representative of a county may file with the
7 clearinghouse on or before September 1, 2023, and on or before
8 September 1 each year thereafter for the upcoming program year,
9 a written notice of election to participate in the collection
10 activities provided for in this chapter on the form provided by
11 the clearinghouse. The written notice shall include a list of
12 proposed collection locations and a description of the
13 collection operations.

14 (e) Notice to participate.--If a representative of a county
15 does not file annually, a municipality with a population of at
16 least 8,000 within the county or a solid waste management
17 authority may file notice to participate in the program within
18 two weeks of the county deadline and assume the same benefits
19 and obligations as a county under this section. A program
20 collector that elects to participate in the program must ensure
21 that all residents of this Commonwealth have access to each
22 program collection site operated by the collector.

23 (f) Written agreement permitted.--

24 (1) Notwithstanding the requirements of this section,
25 any program collection site operator that elects to register
26 with the clearinghouse may enter into a written agreement
27 with the operators of a group plan or CED manufacturer
28 individually in order to do one or more of the following:

29 (i) to decrease the number of program collection
30 sites in the jurisdiction for the program year;

1 (ii) to substitute a program collection site in the
2 jurisdiction with either:

3 (A) four, one-day collection events; or

4 (B) a different number of events as may be
5 provided in the written agreement;

6 (iii) to substitute the location of a program
7 collection site in the jurisdiction for the program year
8 with another location;

9 (iv) to substitute the location of a one-day
10 collection in the jurisdiction with another location; or

11 (2) Any changes to the number and location of program
12 collection sites described under this section must be
13 provided in writing to the department and posted on the
14 individual CED manufacturer's or clearinghouse's publicly
15 accessible Internet website.

16 § 6711. CED manufacturer recycling share responsibility.

17 (a) Department determination.--The department shall
18 determine a CED manufacturer's recycling share by CED and EFD
19 type as delineated by the department. The department shall use
20 the formula $R = A/T(RS)$ to calculate separately the recycling
21 shares for each CED manufacturer who manufactures CEDs. The
22 following shall apply:

23 (1) R = recycling share for the given device type
24 assigned to the CED manufacturer.

25 (2) A = pounds of each CED marketed by a CED
26 manufacturer, adjusted in accordance with paragraph (3).

27 (3) T = total pounds of all CEDs marketed by all CED
28 manufacturers.

29 (4) RS = return share of CEDs means the percentage, by
30 weight, of the CED collected, divided by the weight of all

1 CEDs collected, as determined by the clearinghouse using the
2 actual weight collected at program collection sites in the
3 prior year.

4 (b) Discounting as incentive.--In calculating manufacturers'
5 recycling shares, the department shall adjust market shares by
6 discounting a manufacturer's total pounds marketed using the
7 following as an incentive to promote the use of postconsumer
8 recycled materials in the manufacturing of new CEDs:

9 (1) A manufacturer's recycling share may be reduced up
10 to a maximum of 50% if any of the manufacturer's CEDs
11 supplied and reported to the department in the prior program
12 year, in accordance with section 6709 (relating to group plan
13 requirements), has been determined to contain postconsumer
14 recycled content. The department may reduce the weight of the
15 manufacturer's supply data by the equivalent weight of the
16 postconsumer recycled content.

17 (2) To receive the benefit under paragraph (1), the
18 manufacturer shall provide sufficient documentation at the
19 time of the manufacturer's registration under section 6707
20 (relating to establishment of eco-fee) to the department that
21 verifies the manufacturer has achieved and maintained third-
22 party accredited certification from the list of organizations
23 with the experience and technical ability to validate
24 environmental claims as approved by the clearinghouse.

25 § 6712. Individual manufacturer and group plans.

26 (a) Plan submission.--Each CED manufacturer that
27 participates in the clearinghouse either individually or through
28 a group plan shall, each program year, submit to the
29 clearinghouse a plan on the form provided by the clearinghouse
30 that demonstrates how the CED manufacturer meets the

1 requirements of this chapter. The plan must be submitted to the
2 clearinghouse at least 90 days before the beginning of the
3 program year. The clearinghouse shall then aggregate all
4 individual manufacturer and group plans and submit as part of
5 the stewardship plan described in section 6705 (relating to
6 stewardship plan) to the department for review and approval at
7 least 60 days prior to the beginning of the program year as part
8 of the stewardship plan.

9 (b) Plan requirements.--The plan submitted by each CED
10 manufacturer to the clearinghouse must contain the following
11 information:

12 (1) Contact information for the individual and the
13 entity submitting the program plan, a list of all CED
14 manufacturers or brand owners participating in the program
15 and the brands covered by the program plan.

16 (2) Identification of the types of EFDs sold in this
17 Commonwealth by the CED manufacturer and a statement that the
18 manufacturer acknowledges their obligation to collect and
19 recycle EFDs of a similar type. The following shall apply:

20 (i) If a CED manufacturer does not manufacture EFDs
21 sold in this Commonwealth, but intends to voluntarily
22 collect and recycle EFDs, the CED manufacturer shall
23 identify the types of EFDs the CED manufacturer intends
24 to voluntarily collect and recycle.

25 (ii) If the manufacturer has identified any types of
26 EFDs under this paragraph, a separate description of the
27 methods by which the identified types of EFDs will be
28 collected in all areas in this Commonwealth, according to
29 the collection convenience standards under section 6710
30 (relating to convenience standards for program collection

1 sites), including an explanation of how the collection
2 system will be convenient and adequate to residents in
3 both urban and rural areas on an ongoing basis.

4 (3) The names, locations and contact information of
5 program collection sites and recyclers that will manage the
6 collected material.

7 (4) A description of how components will be safely and
8 securely transported, tracked and handled from collection
9 through final recycling and processing.

10 (5) A description of the methods that will be used to
11 recycle CEDs.

12 (6) Evidence of adequate insurance and financial
13 assurance that may be required for collection, handling and
14 disposal operations.

15 (7) Five-year performance goals, including an estimate
16 of the percentage of CEDs and EFDs that will be collected
17 during each of the first five years of the program.

18 (8) A commitment to the reuse and refurbishment of CEDs
19 to any recycling and disposal activities.

20 (c) New program plan.--A CED manufacturer or group plan may
21 submit a new program plan to the clearinghouse prior to the
22 completion of the current program year with the consent of the
23 department.

24 § 6713. Review of stewardship plan.

25 (a) Department review.--The department shall review the
26 stewardship plan submitted by the clearinghouse under section
27 6712 (relating to individual manufacturer and group plans) to
28 the department and, within 30 days of receipt of the plan,
29 determine whether the plan provides the information required. If
30 the plan contains the required information, the department shall

1 approve the plan.

2 (b) Notification.--If the department approves the plan under
3 subsection (a), the department shall notify the clearinghouse
4 and the registered CED manufacturers. If the department rejects
5 the plan, in whole or in part, the department shall notify the
6 clearinghouse and provide the reasons for the plan's rejection.
7 Rejection of a plan shall be based on the plan's failure to
8 provide the information required under subsection (a).

9 (c) Plan revisions.--Within 30 days after receipt of the
10 department's rejection under subsection (b), the CED
11 manufacturers or group plans may revise and resubmit the plan to
12 the clearinghouse. The clearinghouse shall submit the revised
13 stewardship plan to the department.

14 (d) Requirements under stewardship plan.--Individual
15 manufacturers and group plans operating under an approved
16 stewardship plan shall:

17 (1) Ensure availability of collection and recycling
18 infrastructure.

19 (2) Track and measure collection and recycling.

20 (3) Develop and provide guidance to all participants in
21 the program.

22 (4) Develop best practices for program collection sites.

23 (5) Assume financial responsibility for carrying out the
24 e-waste program plans of the individual manufacturers and
25 group plans under an approved stewardship plan, including,
26 but not limited to, financial responsibility for providing
27 the packaging materials necessary to prepare shipments of
28 collected residential CEDs in compliance with section 6716(e)
29 (relating to collector responsibilities), as well as
30 financial responsibility for bulk transportation and

1 recycling of collected residential CEDs. Manufacturers shall
2 not be financially responsible for costs associated with
3 consolidating CEDs and the labor at collection sites.

4 (e) Changes to individual manufacturer and group plans.--A
5 CED manufacturer or group plan participating under the approved
6 stewardship plan may submit changes to the clearinghouse. With
7 consent of the department, the clearinghouse shall revise and
8 submit the stewardship plan to the department for review and
9 approval prior to the completion of the current program period.

10 § 6714. Fees for collection or recycling of eligible devices.

11 No registered collector may charge any fee or cost to a
12 purchaser for the collection, transportation or recycling of a
13 CED unless a financial incentive of equal or greater value is
14 provided to the purchaser. The financial incentive may be in the
15 form of a coupon or rebate.

16 § 6715. Recycler responsibilities.

17 (a) Recycler registration.--By January 1 of each program
18 year, a person acting as a recycler under a clearinghouse
19 stewardship plan shall register with the department by
20 completing and submitting to the department the registration
21 form prescribed by the department. The registration form
22 prescribed by the department must include, without limitation,
23 the address of each location at which the recycler processes
24 CEDs.

25 (b) Denial of registration.--The department may deny a
26 registration under this section if the recycler or any employee
27 or officer of the recycler has a history of:

28 (1) repeated violations of Federal, State or local laws,
29 regulations, standards or ordinances related to the
30 collection, recycling or other management of CEDs;

1 (2) conviction in this Commonwealth or another state of
2 any crime which is a felony under the laws of this
3 Commonwealth;

4 (3) conviction of a felony in a Federal court or
5 conviction in this Commonwealth or another Federal or state
6 court of forgery, official misconduct, bribery, perjury or
7 knowingly submitting false information under any
8 environmental law, regulation or permit term or condition; or

9 (4) gross carelessness or incompetence in handling,
10 storing, processing, transporting, disposing or otherwise
11 managing CEDs.

12 (c) Notice of recyclers available.--The department shall
13 post on its publicly accessible Internet website a list of all
14 registered recyclers who are participating in the program.
15 Beginning in program year one, no person may act as a recycler
16 of residential CEDs for an individual manufacturer or group plan
17 unless the recycler is registered with the department and meets
18 all requirements related to recycling under this section.
19 § 6716. Collector responsibilities.

20 (a) Collector registration.--By January 1 of each program
21 year, a person acting as a collector under a stewardship plan
22 shall register with the department by completing and submitting
23 to the department the registration form prescribed by the
24 department. The registration form prescribed by the department
25 must include, without limitation, the address of each location
26 at which the collector accepts CEDs.

27 (b) Registration permitted.--The department shall grant a
28 collector's registration under this section unless the
29 collector, or any employee or officer of the collector, has a
30 history of:

1 (1) repeated violations of Federal, State or local laws,
2 regulations, standards or ordinances related to the
3 collection, recycling or other management of CEDs;

4 (2) conviction in this Commonwealth or another state of
5 any crime which is a felony under the laws of this
6 Commonwealth;

7 (3) conviction of a felony in a Federal court or
8 conviction in this Commonwealth or another Federal or state
9 court of forgery, official misconduct, bribery, perjury or
10 knowingly submitting false information under any
11 environmental law, regulation or permit term or condition; or

12 (4) gross carelessness or incompetence in handling,
13 storing, processing, transporting, disposing or otherwise
14 managing CEDs.

15 (c) Registered collector notice.--The department shall post
16 on its publicly accessible Internet website a list of all
17 registered collectors. Manufacturers and recyclers acting as
18 collectors shall so indicate on their registration with the
19 department.

20 (d) Report of weight.--By March 1 of each program year, each
21 collector that operates a program collection site or one-day
22 collection event shall report, to the department and to the
23 individual manufacturer or group plan, the total weight, by CED
24 category, of residential CEDs transported from the program
25 collection site or one-day collection event during the previous
26 program year.

27 (e) Best practices.--The clearinghouse shall provide
28 registered collectors with best practices that address
29 packaging, containers, average shipment weights and other items
30 that pertain to the collection of CEDs.

1 (f) Acceptance of CEDs.--All categories of residential CEDs
2 must be accepted at the program collection site or one-day
3 collection event unless otherwise provided in this chapter. The
4 following shall apply:

5 (1) Residential CEDs shall be kept separate from other
6 material and shall be:

7 (i) Packaged in a manner to prevent breakage.

8 (ii) Loaded onto pallets and secured with plastic
9 wrap or in pallet-sized bulk containers prior to
10 shipping.

11 (iii) On average, per collection site, 18,000 pounds
12 per shipment, and if not, the recycler may be subject to
13 a reduction in the collection incentive payment for those
14 pounds.

15 (2) Half box semi-trailer loads will be permitted from
16 program collection sites that cannot accommodate larger
17 trailers.

18 (3) CEDs shall be sorted into the following categories:

19 (i) computers;

20 (ii) computer monitors;

21 (iii) televisions;

22 (iv) printers;

23 (v) videocassette recorders, portable digital music
24 players and digital video disc players;

25 (vi) CED peripheral; and

26 (vii) any electronic device that is not part of the
27 individual manufacturer or group plan that the collector
28 has arranged to have picked up with residential CEDs, and
29 for which a financial arrangement has been made to cover
30 the recycling costs outside of the manufacturer program.

1 (4) Containers holding the CEDs must be structurally
2 sound for transportation and meet any applicable requirements
3 of the United States Department of Transportation and the
4 Department of Transportation of this Commonwealth.

5 (5) Each shipment of residential CEDs from a program
6 collection site or one-day collection event shall include a
7 collector-prepared bill of lading or similar manifest, which
8 describes the origin of the shipment and the number of
9 pallets or bulk containers of residential CEDs in the
10 shipment.

11 (g) Acceptance.--Except as otherwise provided in this
12 chapter, each collector that operates a program collection site
13 or one-day collection event during a program year shall accept
14 all residential CEDs that are delivered to the program
15 collection site or one-day collection event during the program
16 year. Notwithstanding the provisions of this subsection, no
17 collector that operates a program collection site or one-day
18 collection event shall:

19 (1) be required to accept, at the program collection
20 site or one-day collection event, more than seven CEDs from a
21 person at any one time;

22 (2) scrap, salvage, dismantle or otherwise disassemble
23 any CED collected at a program collection site or one-day
24 collection event;

25 (3) deliver to a CED manufacturer or group plan, through
26 its recycler, any CED other than a residential CED collected
27 at a program collection site or one-day collection event;

28 (4) deliver to a person other than the CED manufacturer
29 or group plan, a residential CED collected at a program
30 collection site or one-day collection event; or

1 (5) charge fees to a CED manufacturer or group plan or
2 their contracted transportation or recycler.

3 (h) Limitation.--Nothing in this chapter shall prevent a
4 person from acting as a collector independently of a
5 manufacturer or group plan.

6 § 6717. Annual reports.

7 (a) Group plan or individual manufacturer annual report.--
8 Each group plan or individual manufacturer operating under the
9 approved stewardship plan shall each prepare and submit by May
10 1, 2023, and annually thereafter to the clearinghouse and post
11 on its publicly accessible Internet website a report that
12 includes:

13 (1) The total weight of CEDs collected as a result of
14 the individual manufacturer's or group plan's
15 responsibilities under the stewardship plan.

16 (2) A complete listing of the amount of CEDs, by weight
17 for each type, collected at each site serviced.

18 (3) Recommendations, if any, for changes to the list of
19 CEDs.

20 (b) Clearinghouse report.--The clearinghouse shall prepare
21 and submit annually to the department by June 1, 2023, and each
22 year thereafter and post on its publicly accessible Internet
23 website a report that includes:

24 (1) The total sum of eco-fees which were required to be
25 collected from retailers during the program year, including
26 any amounts not remitted or in default.

27 (2) The total sum of eco-fees disbursed to CED
28 manufacturers or group plans during the prior program year,
29 including any unpaid or uncollected eco-fees.

30 (3) The total sum of eco-fees disbursed to registered

1 collectors.

2 (4) The total weight of CEDs collected under the
3 stewardship plan.

4 (5) A complete listing of the amount of CEDs, by weight
5 for each type, collected at each site serviced.

6 (6) Recommendations, if any, for changes to the list of
7 CEDs.

8 (c) Department report.--The department shall prepare and
9 submit annually to the General Assembly, according to procedures
10 and deadlines determined by the department, a report that
11 includes:

12 (1) The total weight of CEDs collected under this
13 chapter in this Commonwealth during the previous plan year.

14 (2) Stated separately, the total weight of EFDs,
15 collected under this chapter in this Commonwealth during the
16 previous plan year.

17 (3) A complete listing of all of the individual and
18 group plans operating in this Commonwealth during the prior
19 program year, the parties that operated the group plans and
20 the amount of CEDs, by weight for each type, collected at
21 each site included in the stewardship programs.

22 (4) Recommendations, if any, for changes to the list of
23 CEDs and EFDs.

24 § 6718. Pennsylvania E-Waste Steering Committee.

25 (a) Committee.--The Pennsylvania E-Waste Steering Committee
26 is established in the department, in accordance with this
27 section, to provide input on the functioning of the electronics
28 recycling program in this Commonwealth.

29 (b) Appointees.--The following shall apply:

30 (1) The committee shall consist of 13 members, who shall

1 be appointed as follows:

2 (i) The secretary shall appoint five members.

3 (ii) The President pro tempore of the Senate shall
4 appoint two members.

5 (iii) The Minority Leader of the Senate shall
6 appoint two members.

7 (iv) The Speaker of the House of Representatives
8 shall appoint two members.

9 (v) The Minority Leader of the House of
10 Representatives shall appoint two members.

11 (2) All appointees shall have a background in the
12 environmental community, the solid waste industry, local
13 government or public or private involvement in the collection
14 or processing and recycling of electronics.

15 (c) Terms.--Committee members shall serve terms as follows:

16 (1) Initial members appointed by the President pro
17 tempore of the Senate and the Minority Leader of the Senate
18 shall serve a term of four years.

19 (2) Initial members appointed by the Speaker of the
20 House of Representatives and the Minority Leader of the House
21 of Representatives shall serve a term of three years.

22 (3) Initial members appointed by the secretary shall
23 serve a term of two years.

24 (4) After an initial term expires, the subsequent
25 appointee shall serve a term of two years. Appointees may be
26 reappointed.

27 (d) Copies of plans.--The clearinghouse shall provide to the
28 committee a copy of the stewardship plan or amendments to the
29 plan no less than 15 days before submitting the stewardship plan
30 or amendments to the plan to the department. The committee shall

1 provide comments and recommendations to the clearinghouse and to
2 the department based on the committee's review under this
3 section.

4 (e) Compensation.--A member of the committee shall serve
5 without compensation but shall be reimbursed for actual and
6 necessary travel and other expenses incurred in the performance
7 of official duties.

8 § 6719. Administrative reimbursement.

9 (a) Annual reimbursement fee.--The clearinghouse submitting
10 a stewardship plan shall pay an annual reimbursement fee to the
11 department for the costs of administering this chapter.

12 (b) Cost identification.--Prior to July 1, 2023, and prior
13 to July 1 annually thereafter, the department shall identify the
14 costs it incurs under this section. The department shall set the
15 fee at an amount that is adequate to reimburse the department's
16 full costs of administering this chapter. The total amount of
17 annual fees collected under this section must not exceed the
18 amount necessary to reimburse costs incurred by the department
19 to administer this section.

20 (c) Payment of administrative fee.--The clearinghouse must
21 pay the department's administrative fee under subsection (a) on
22 or before July 1, 2023, and annually thereafter. Each year after
23 the initial payment, the annual administrative fee may not
24 exceed 5% of the aggregate eco-fee revenue collected by the
25 clearinghouse in this Commonwealth for the preceding calendar
26 year.

27 § 6720. Environmental sound management requirements.

28 (a) General rule.--CEDs collected through any program in
29 this Commonwealth, whether by a CED manufacturer, retailer, for-
30 profit or not-for-profit corporation or unit of government,

1 shall be recycled in a manner that is in compliance with all
2 applicable Federal, State and local laws, regulations and
3 ordinances and may not be exported for disposal in a manner that
4 poses a significant risk to the public health or the
5 environment.

6 (b) Performance requirements.--All entities shall, at a
7 minimum, demonstrate to the satisfaction of the department that
8 the facility to be used to recycle CEDs has achieved and
9 maintained third-party accredited certification from an ANSI-ASO
10 National Accreditation Board-accredited third-party
11 certification body to an environmentally sound management
12 standard.

13 (c) Required disclosure.--All entities shall provide
14 information about their certification and its standing to the
15 department along with any other requirements regarding this
16 section that may be mandated by Federal or State law. The
17 department shall make this information available on its publicly
18 accessible Internet website.

19 (d) Department to maintain publicly accessible Internet
20 website.--The department shall maintain a publicly accessible
21 Internet website that includes a list of entities and
22 organizations that have registered with the department. The
23 website shall contain a list of the locations of all collection
24 sites, hours of operation and any other information that will be
25 helpful to purchasers in understanding where and how they can
26 recycle CEDs.

27 § 6721. Disposal ban.

28 (a) General rule.--No person may place in municipal solid
29 waste a CED or any of its components, excluding any nonhazardous
30 residuals produced during recycling in any solid waste disposal

1 facility.

2 (b) Hold harmless.--An owner or operator of a solid waste
3 disposal facility may not be found in violation of this section
4 if the owner or operator has:

5 (1) made a good faith effort to comply with this
6 section;

7 (2) posted in a conspicuous location at the facility a
8 sign stating that CEDs or any of their components shall not
9 be accepted at the facility; and

10 (3) notified, in writing, all registered collectors
11 registered to deposit solid waste at the facility that those
12 devices or their components shall not be accepted at the
13 facility.

14 (c) Definition.--For purposes of this section, the term
15 "facility" shall have the same meaning as in section 103 of the
16 act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste
17 Management Act. The term does not include a transfer station.
18 § 6722. Enforcement.

19 (a) General rule.--The Commonwealth, through the Attorney
20 General and the department, may initiate independent action to
21 enforce any provision of this chapter.

22 (b) Enforcement expenses.--Any funds awarded by a court
23 shall be used first to offset enforcement expenses. Money in
24 excess of the enforcement expenses shall be provided to the
25 clearinghouse for use in the recycling of EFDs and the other
26 expenditures authorized by this chapter.

27 (c) Civil penalties.--Except as provided in subsection (d),
28 a person who willfully violates any provision of this chapter
29 may be assessed by the department a civil penalty of not more
30 than \$1,000 for each violation. The maximum penalty under this

1 subsection for a related series of violations shall be \$10,000.

2 (d) Additional penalties.--Notwithstanding any other
3 provision of this chapter, the following shall apply:

4 (1) A person who willfully sells a CED in violation of
5 section 6703 (relating to eco-fees and responsibilities) may
6 be assessed by the secretary a civil penalty of not more than
7 \$1,000 for each violation. The maximum penalty under this
8 paragraph, for any and all sales in violation of this
9 subsection, shall be \$10,000 for each assessment period
10 during which the sales occur.

11 (2) A person who refuses to pay, collect or remit any
12 eco-fee duly required of the person under this chapter, may
13 be assessed by the department a civil penalty of not more
14 than \$1,000 for each violation. The maximum penalty under
15 this paragraph for any and all eco-fees required to be paid,
16 collected or remitted in a single assessment period shall be
17 \$10,000.

18 (e) Injunctive relief.--A violation of the prohibitions of
19 this chapter may be enjoined in an action in the name of the
20 Commonwealth brought by the Attorney General.

21 (f) Limited private right action.--Any person required to
22 register with the department under this chapter that is duly
23 registered and in good standing with the department and
24 clearinghouse may maintain a civil action in Commonwealth Court
25 against a noncompliant person to enjoin a violation of the
26 prohibitions of this chapter.

27 (g) Remittance of fees.--Any eco-fees owed to the
28 clearinghouse which are recovered by a third party shall be
29 remitted to the clearinghouse.

30 (h) Written notice of action, fees and costs.--An action may

1 not be commenced under this subsection until 60 days after a
2 potential plaintiff provides to the potential noncompliant
3 person a written notice of the claim setting forth the amount of
4 the claim and the basis for the calculation of that amount. The
5 potential plaintiff shall also deliver a copy of the notice to
6 the clearinghouse and the department. A court may, in the
7 interests of justice, award to a registered person who prevails
8 in an action brought under this subsection, reasonable attorney
9 fees and court costs, including expert witness fees. A class
10 action may not be brought against a retailer on behalf of
11 purchasers arising from or in any way related to an overpayment
12 of an eco-fee.

13 § 6723. Antitrust.

14 Any CED manufacturer or stewardship organization acting in
15 accordance with the provisions of this chapter may negotiate,
16 enter into contracts with or conduct business with each other
17 and with any other entity developing, implementing, operating,
18 participating in or performing any other activities directly
19 related to a manufacturer product stewardship program approved
20 under this chapter. The manufacturer, manufacturer clearinghouse
21 and any entity developing, implementing, operating,
22 participating in or performing any other activities related to a
23 manufacturer stewardship program approved under this chapter
24 shall not be subject to damages, liability or scrutiny under
25 Federal antitrust law or the act of December 17, 1968 (P.L.1224,
26 No.387), known as the Unfair Trade Practices and Consumer
27 Protection Law, regardless of the effects on competition. The
28 supervisory activities described in this chapter are sufficient
29 to confirm that activities of the manufacturers, stewardship
30 organization and any entity developing, implementing, operating,

1 participating in or performing any other activities related to a
2 manufacturer stewardship program that is approved under this
3 chapter are authorized and actively supervised by the
4 Commonwealth.

5 § 6724. Other CED collection activities.

6 Nothing in this chapter shall prohibit a waste hauler from
7 entering into a contractual agreement with a unit of local
8 government to establish a collection program for the recycling
9 or reuse of CEDs, including services such as curbside
10 collection, home pick-up, drop-off locations or similar methods
11 of collection. No person may be prohibited from establishing an
12 e-waste program independently of a manufacturer e-waste program
13 under this chapter.

14 Section 2. This act shall take effect in 60 days.