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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 734 Session of  
2023

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INTRODUCED BY PENNYCUICK, CAPPELLETTI, DILLON, BREWSTER,  
KEARNEY, ARGALL, SANTARSIERO, COSTA, LAUGHLIN, SCHWANK, KANE,  
COLLETT AND CULVER, JUNE 2, 2023

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 2, 2023

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AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
2 Consolidated Statutes, providing for electronic waste  
3 recycling; imposing duties on the Department of Environmental  
4 Protection; establishing the Advisory Committee on Electronic  
5 Waste Recycling; and imposing penalties.

6 This act shall be known and may be cited as the Electronic  
7 Waste Recycling Modernization Act.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

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

12 CHAPTER 67

13 ELECTRONIC WASTE RECYCLING

14 Sec.

15 6701. Scope of chapter.

16 6702. Definitions.

17 6703. Eco-fees and responsibilities.

18 6704. Clearinghouse.

19 6705. Stewardship plan.

- 1 6706. Collection convenience standard compliance.  
2 6707. Establishment of eco-fee.  
3 6708. CED manufacturer requirements.  
4 6709. Group plan requirements.  
5 6710. Convenience standards for program collection sites.  
6 6711. CED manufacturer recycling share responsibility.  
7 6712. Individual manufacturer and group plans.  
8 6713. Review of stewardship plan.  
9 6714. Fees for collection or recycling of eligible devices.  
10 6715. Recycler responsibilities.  
11 6716. Collector responsibilities.  
12 6717. Annual reports.  
13 6718. Advisory committee.  
14 6719. Administrative reimbursement.  
15 6720. Environmental sound management requirements.  
16 6721. Disposal ban.  
17 6722. Enforcement.  
18 6723. Antitrust.  
19 6724. Other CED collection activities.

20 § 6701. Scope of chapter.

21 This chapter relates to electronic waste recycling.

22 § 6702. Definitions.

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

26 "Advisory committee." The Advisory Committee on Electronic  
27 Waste Recycling established under section 6718 (relating to  
28 advisory committee).

29 "Assessment period." As follows:

30 (1) A period of three calendar months starting on the

1 day immediately following the last day of the prior  
2 assessment period.

3 (2) The first assessment period shall start on the first  
4 day of the first program year.

5 "Best management practices." As follows:

6 (1) Collecting and preparing items for shipment and  
7 recycling.

8 (2) The term may include standards for packaging for  
9 transport, load size, acceptable load contamination levels,  
10 non-CED items included in a load and other standards.

11 "CED manufacturer." As follows:

12 (1) A person or a successor in interest to a person,  
13 under whose brand or label a CED is sold at retail.

14 (2) For a CED sold at retail under a brand or label that  
15 is licensed from a person who is a brand owner and who does  
16 not sell or produce a CED, the person who produced the CED or  
17 the person's successor in interest shall be the CED  
18 manufacturer.

19 (3) For a television or computer monitor sold at retail  
20 under the brand or label of both the retail seller and the  
21 person that produced the television or computer monitor, the  
22 person that produced the television or computer monitor or  
23 the person's successor in interest shall be the CED  
24 manufacturer.

25 "Clearinghouse." The independent organization authorized by  
26 section 6704 (relating to clearinghouse).

27 "Collection convenience standard." The minimum number of  
28 collection opportunities that shall be provided for the  
29 collection of CEDs as required under section 6710 (relating to  
30 convenience standards for program collection sites).

1 "Collection obligation." The CED collection services which  
2 the clearinghouse assigns to a CED manufacturer for a given  
3 program year under section 6706 (relating to collection  
4 convenience standard compliance).

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

8 "Computer." As follows:

9 (1) A desktop, all-in-one computer, laptop, notebook, e-  
10 reader or tablet computer marketed to and intended for use by  
11 residential purchasers and used only in a residence.

12 (2) The term does not include an automated typewriter,  
13 electronic printer, mobile telephone, portable handheld  
14 calculator, portable digital assistant, MP3 player or other  
15 similar device or computer peripheral.

16 "Computer monitor." As follows:

17 (1) An electronic device only used in a residence that  
18 has a cathode-ray tube or other panel display primarily  
19 intended to display information from a computer or other  
20 commonly used electronic device and marketed to and intended  
21 for use by residential purchasers.

22 (2) The term does not include an all-in-one computer,  
23 laptop, notebook or tablet.

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

27 "Covered electronic device" or "CED." As follows:

28 (1) An electronic device under this chapter, including a  
29 computer, printer, videocassette recorder, portable digital  
30 music player, digital video disc player, computer peripheral,

1 computer monitor or television.

2 (2) The term does not include any of the following:

3 (i) An electronic device that is a part of a motor  
4 vehicle or any component part of a motor vehicle  
5 assembled by or for a vehicle manufacturer or franchised  
6 dealer, including replacement parts for use in a motor  
7 vehicle.

8 (ii) An electronic device that is functionally or  
9 physically part of a larger piece of equipment or that is  
10 taken out of service from an industrial, commercial,  
11 commercial retail, library checkout, traffic control,  
12 kiosk, security, other than household security,  
13 governmental, agricultural or medical setting, including  
14 diagnostic, monitoring or control equipment.

15 (iii) An electronic device that is contained within  
16 a clothes washer, clothes dryer, refrigerator,  
17 refrigerator and freezer, microwave oven, conventional  
18 oven or range, dishwasher, room air conditioner,  
19 dehumidifier, water pump, sump pump or air purifier. To  
20 the extent allowed under Federal and State laws and  
21 regulations, a CED that is being collected, recycled or  
22 processed for reuse shall not be considered to be  
23 hazardous waste, household waste, solid waste or special  
24 waste.

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

27 (1) Computers.

28 (2) Computer monitors.

29 (3) Televisions.

30 (4) Printers.

1           (5) Videocassette recorders, portable digital music  
2           players and digital video disc players.

3           (6) CED peripheral.

4           "Department." The Department of Environmental Protection of  
5           the Commonwealth.

6           "Downstream processor." As follows:

7           (1) An entity that is engaged in the repair,  
8           refurbishment or further processing of used components,  
9           parts, materials or residuals that result from disassembly of  
10           CEDs.

11           (2) The term includes an entity engaged in a repair,  
12           refurbishing, disassembly, processing, recycling, energy  
13           recovery and disposal facility.

14           "Eco-fee." The amount added to the purchase price of new  
15           CEDs sold in this Commonwealth that is necessary to add to cover  
16           the costs of collecting, transporting and processing  
17           postpurchaser CEDs by local governments, individual CED  
18           manufacturers or stewardship organizations under an approved  
19           stewardship plan, and the costs borne by the department to  
20           fulfill its responsibilities to implement the program.

21           "Eco-fee sharing methodology." The methodology proposed to  
22           be implemented by the clearinghouse as part of the approved  
23           stewardship plan to disburse eco-fees to manufacturers, local  
24           governments and group plans.

25           "Environmental sound management." The practice of ensuring  
26           that all practicable steps are utilized in the management of  
27           hazardous and other wastes to protect human health and the  
28           environment against adverse effects.

29           "Group plan." Two or more CED manufacturers that are working  
30           jointly through a third-party entity to meet the requirements of

1 this chapter.

2 "Manufacturer e-waste program." A program established,  
3 financed and operated by a manufacturer, either individually or  
4 collectively as part of a group plan, to transport and  
5 subsequently recycle, in accordance with the requirements of  
6 this chapter, residential CEDs collected at program collection  
7 sites and one-day collection events.

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

13 "Marketplace facilitator." As defined in section 201(iii) of  
14 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
15 Code of 1971.

16 "Marketplace seller." As defined in section 201(jjj) of the  
17 Tax Reform Code of 1971.

18 "Printer." As follows:

19 (1) A desktop printer, multifunction printer, copier,  
20 scanner, facsimile machine and printer and fax combination  
21 taken out of service from a residence that is designed to  
22 reside on a work surface that includes various print  
23 technologies, including, without limitation, laser and LED,  
24 ink jet, dot matrix, thermal and digital sublimation and  
25 multifunction or all-in-one devices that perform different  
26 tasks, including, without limitation, copying, scanning,  
27 faxing and printing.

28 (2) The term does not include a floor-standing printer,  
29 a printer with optional floor stand, a point of sale (POS)  
30 receipt printer, a household printer such as a calculator

1 with printing capabilities, a label maker or a non-stand-  
2 alone printer that is embedded into a product that is not a  
3 CED.

4 "Program collection site." A physical location that is  
5 included in a stewardship plan and at which residential CEDs are  
6 collected and prepared for transport by a collector during a  
7 program year in accordance with the requirements of this  
8 chapter.

9 "Program period." As follows:

10 (1) Five calendar years.

11 (2) The first program period shall start on March 31,  
12 2024.

13 "Program year." As follows:

14 (1) A year falling within a program period starting  
15 March 31, 2024.

16 (2) The first program year shall start on the first day  
17 of the first program period.

18 "Purchaser." As defined in section 201(h) of the Tax Reform  
19 Code of 1971.

20 "Recycling." The process of preparing recyclable materials  
21 and reusing the materials in their original form or using them  
22 in manufacturing processes that do not cause the destruction of  
23 recyclable materials in a manner that precludes further use.

24 "Registered collector." As follows:

25 (1) A unit of local government, manufacturer, retailer,  
26 charity or nongovernmental organization that collects CEDs in  
27 this Commonwealth as approved by a stewardship plan.

28 (2) The term does not include a recycler.

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

30 (1) for sale to a purchaser for use in or around a

1 permanent or temporary household or residence, in recreation  
2 or otherwise; or

3 (2) for the personal use, consumption or enjoyment of a  
4 purchaser in or around a permanent or temporary household or  
5 residence, in recreation or otherwise.

6 "Retailer." A person or business that offers for sale, other  
7 than for resale by the purchaser, new CEDs in this Commonwealth  
8 by any means, including through sales outlets, catalogs and an  
9 Internet website.

10 "Return share." The percentage, by weight, of each CED  
11 category that is returned to program collection sites and one-  
12 day collection events operated by or on behalf of either a  
13 manufacturer or group plan or one or more of its participating  
14 manufacturers during the calendar year two years before the  
15 applicable program year, as reported to the department under  
16 section 6704, except that, for program year one and program year  
17 two, the term means the percentage, by weight, of each CED  
18 category that is estimated by the manufacturer program plan to  
19 be returned to those sites and events during the applicable  
20 program year, as reported to the department.

21 "Reuse." The use of electronic waste that is tested and  
22 certified to be in good working order and which was removed from  
23 the waste stream for use for the same purpose for which it was  
24 manufactured, including the continued use of whole systems or  
25 components.

26 "Sale." As follows:

27 (1) A "sale at retail" as defined in section 201(k) of  
28 the Tax Reform Code of 1971.

29 (2) The term does not include any of the following:

30 (i) The transfer of a previously owned CED,

1 including a CED that may have been refurbished by a  
2 manufacturer or other vendor and a purchaser-to-purchaser  
3 second-hand transfer of a CED.

4 (ii) A lease of a CED.

5 (iii) A wholesale transaction between a manufacturer  
6 and wholesaler.

7 "Secretary." The Secretary of Environmental Protection of  
8 the Commonwealth.

9 "Stewardship plan." An annual plan prepared by an individual  
10 manufacturer or the plan prepared by the clearinghouse that  
11 aggregates the plans prepared by an individual manufacturer and  
12 the group plans.

13 "Television." An electronic device only used in a residence  
14 that contains a cathode-ray tube or other display screen type  
15 and is intended to receive video programming via broadcast,  
16 cable, satellite, Internet or other mode of video transmission,  
17 or to receive video from surveillance or other similar cameras,  
18 and is marketed to and intended for use by residential  
19 purchasers.

20 § 6703. Eco-fees and responsibilities.

21 (a) Eco-fees.--On and after March 31, 2024, an eco-fee shall  
22 be imposed on each sale of a new CED purchased from a retailer  
23 in the amounts recommended by the clearinghouse in the eco-fee  
24 schedule approved by the department under this chapter. The  
25 following apply:

26 (1) Except for a sale to a business, the retailer shall  
27 charge the purchaser the amount of the eco-fee at the time of  
28 sale.

29 (2) For a sale facilitated by a marketplace facilitator,  
30 the marketplace facilitator shall charge the eco-fee to the

1 purchaser on behalf of the marketplace seller.

2 (b) Fee display.--

3 (1) Eco-fees shall be separately displayed on the  
4 receipt, invoice, contract or other record documenting the  
5 sale of the new CED by a retailer to a purchaser in this  
6 Commonwealth.

7 (2) The record must be visible to the purchaser at the  
8 time that the CED is sold to the purchaser.

9 (3) For a sale made via an Internet website, catalog,  
10 telephone or any similar forum, the eco-fee shall be  
11 disclosed to the purchaser prior to completing the purchase.

12 (c) Fee passage.--A retailer may not advertise, hold out or  
13 state to the public or to a purchaser, directly or indirectly,  
14 that the eco-fee or part of the eco-fee will not be added to the  
15 purchase price of the CED, will be paid by the retailer on  
16 behalf of the purchaser or will otherwise provide consideration  
17 of any kind, whether money or otherwise, to the purchaser that  
18 shifts the economic incidence of the eco-fee to a person other  
19 than the purchaser.

20 (d) Fee reimbursement.--The retailer charging the eco-fee  
21 under subsection (a) may retain up to 3% of the fee as  
22 reimbursement for any costs associated with the collection of  
23 the fee. The remainder of the eco-fee collected by the retailer  
24 shall be remitted to the clearinghouse in a manner and form  
25 recommended by the clearinghouse and prescribed by the  
26 department and at the time the fee is required to be remitted  
27 under this chapter.

28 (e) Penalty.--If a retailer or marketplace facilitator does  
29 not charge the eco-fee to the purchaser at the time of sale, the  
30 retailer or marketplace facilitator shall be liable for the full

1 amount of the eco-fee and any applicable penalties under this  
2 chapter. The following apply:

3 (1) Notwithstanding the provisions of this subsection, a  
4 marketplace facilitator shall not be held liable for payment  
5 of the eco-fee and any applicable penalties under this  
6 chapter if the marketplace facilitator can demonstrate to the  
7 clearinghouse's satisfaction that the failure to charge the  
8 eco-fee was due to incorrect information given to the  
9 marketplace facilitator by the marketplace seller.

10 (2) If the demonstration under paragraph (1) is made,  
11 the marketplace seller shall be solely liable for payment of  
12 the eco-fee and any penalties under this chapter.

13 (f) Remittance of eco-fee.--An eco-fee shall be due and  
14 payable to the clearinghouse no later than 60 days after the  
15 completion of each assessment period during which a CED has been  
16 sold by a retailer to a purchaser in this Commonwealth, less the  
17 reimbursements allowed under subsection (d) and any eco-fee  
18 refunded to purchasers for CEDs returned to the retailer in that  
19 assessment period for which an eco-fee has already been  
20 collected for remittance to the clearinghouse. All money  
21 required to be collected by a retailer under this chapter that  
22 is not properly remitted to the clearinghouse shall be deemed to  
23 be a debt owed to the clearinghouse by the retailer.

24 (g) Prohibition on sale.--A retailer may not sell or offer  
25 for sale in this Commonwealth a new CED after the program year  
26 begins unless:

27 (1) The retailer registers with the clearinghouse.

28 (2) The brand of the CED is included on the list of  
29 manufacturers that are registered with the clearinghouse and  
30 maintained by the clearinghouse.

1           (3) An eco-fee is collected on sales of CEDs and  
2           remitted in a timely manner to the clearinghouse.

3           (h) Noncompliance.--A retailer shall cease sale of a  
4           manufacturer's CEDs within seven days of receipt of notice from  
5           the clearinghouse or department that a manufacturer has failed  
6           to comply with the requirements of this chapter. The retailer  
7           may recommence the sale only upon written confirmation from the  
8           clearinghouse or department that the manufacturer has remedied  
9           noncompliance.

10          (i) Duty of retailer to consult registry.--Beginning no  
11          later than 12 months after the effective date of this  
12          subsection, a retailer of new CEDs to be offered for sale to  
13          purchasers in this Commonwealth shall consult the registry under  
14          subsection (j) prior to selling new CEDs in this Commonwealth.  
15          The following apply:

16                (1) With respect to the sale of a CED through a  
17                marketplace facilitator, the marketplace seller shall consult  
18                the registry prior to advertising, listing or selling new  
19                CEDs in this Commonwealth through a marketplace facilitator.

20                (2) A manufacturer shall be considered to have complied  
21                with this subsection if, on the date that the new CED was  
22                ordered by the retailer, the brand was included on the  
23                registry of CED manufacturers and CEDs and is posted on the  
24                department's publicly accessible Internet website.

25           (j) Registration with clearinghouse.--A retailer shall  
26           register with the clearinghouse and receive a remitter  
27           identification number from the clearinghouse prior to collecting  
28           any eco-fee and remitting any eco-fee to the clearinghouse.

29           (k) Audit.--The clearinghouse may, at its discretion and as  
30           directed by the department, conduct an audit of a registered

1 retailer to verify that the eco-fees collected and remitted to  
2 the clearinghouse are proper and accurate. The following apply:

3 (1) Each audit under this subsection shall be limited to  
4 the prior three years from the date the audit is requested by  
5 the clearinghouse.

6 (2) Unless a retailer has previously been found in  
7 violation of this chapter for remittance of an eco-fee, an  
8 audit may be conducted in person or via the Internet and  
9 email at the discretion of the retailer.

10 (3) If a vendor has previously violated any provision of  
11 this chapter, the audit conducted under this subsection must  
12 be conducted in person.

13 (4) The following records must be available for  
14 inspection:

15 (i) Receipts of sales.

16 (ii) Invoices.

17 (iii) Other records generally kept by the retailer  
18 detailing the collection and payment of eco-fees.

19 § 6704. Clearinghouse.

20 (a) Designation.--

21 (1) The department shall designate as the clearinghouse  
22 an organization that meets all of the requirements under  
23 subsection (b).

24 (2) Within 60 days of the effective date of this  
25 subsection, the department shall designate the clearinghouse.

26 (3) The designation under this subsection shall be valid  
27 for not less than five years.

28 (4) The clearinghouse may be renewed by the department  
29 not to exceed five years at any time.

30 (b) Requirements.--The clearinghouse:

1       (1) Must be incorporated as a nonprofit organization in  
2 this Commonwealth.

3       (2) May not control, be controlled by or be under common  
4 control with any single manufacturer, third-party  
5 organization, collector or industrywide trade association.

6       (3) Shall demonstrate to the department the management  
7 capability and financial capacity to operate a Statewide  
8 program.

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

16       (5) Must be governed by a board of directors, no more  
17 than 50% of which may represent manufacturers.  
18 Representatives from local governments, the department,  
19 registered collectors and recyclers must also be present on  
20 the board of directors.

21       (6) Shall create a multistate advisory group composed of  
22 two representatives from each state in which the  
23 clearinghouse is approved to operate. The clearinghouse board  
24 shall meet with the multistate advisory group at least twice  
25 a year.

26       (7) Shall deposit all revenue from the eco-fee  
27 established under subsection (c) in a bank chartered in this  
28 Commonwealth.

29 (c) Management of eco-fees.--

30       (1) The clearinghouse shall establish an eco-fee for

1 each category of CEDs under section 6708 (relating to CED  
2 manufacturer requirements) as part of the stewardship plan of  
3 the clearinghouse.

4 (2) The clearinghouse shall be responsible for:

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

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

11 (iii) Reviewing and compiling information from  
12 manufacturers and group plans to be included in the  
13 stewardship plan for submission to the advisory committee  
14 for review and approval or disapproval before submittal  
15 to the department.

16 (iv) Disbursing money to manufacturers, or their  
17 group plans, and local governments participating in  
18 approved programs for the collection and recycling of  
19 CEDs.

20 (v) Oversight and enforcement recommendations under  
21 this chapter.

22 (vi) Disbursing eco-fees remitted to the  
23 clearinghouse only to the entities and for the purposes  
24 allowed by subsection (e).

25 (vii) Providing dispute resolution for local  
26 government and other collection sites to resolve service  
27 issues with the assigned recycler under a group plan.

28 (d) Deposit of eco-fees.--The clearinghouse shall deposit  
29 the eco-fees collected under this chapter in accounts that are  
30 maintained and disbursed in this Commonwealth by the

1 clearinghouse.

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 as follows:

5 (1) The clearinghouse shall disburse at least a majority  
6 of the total eco-fees collected each program year to  
7 collectors who have been approved by the clearinghouse to  
8 receive collector incentive payments to subsidize collection  
9 site costs under the stewardship plan approved by the  
10 department and are in compliance with section 6716 (relating  
11 to collector responsibilities).

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

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

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

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

28 (6) The clearinghouse may disburse collection incentive  
29 payments to local governments, CED manufacturers and group  
30 plans as stated in an approved stewardship plan. To receive

1 the collection incentive payments, a local government need  
2 not comply with the requirements under section 6716.

3 (f) Reserve and reimbursement.--

4 (1) The clearinghouse shall maintain a prudent reserve  
5 of funds not to exceed 25% of the forthcoming program year's  
6 estimated annual gross eco-fee collection.

7 (2) The clearinghouse may recover its annual operating  
8 expenses of administering the eco-fee and performing its  
9 mandatory duties under this chapter.

10 (3) The clearinghouse shall submit all expenses to the  
11 department as part of the annual stewardship plan and shall  
12 include expenses in the overall cost calculation for the eco-  
13 fee.

14 (4) The approved operating expenses of the clearinghouse  
15 shall be paid prior to the expenditure of any eco-fee under  
16 subsection (e) for each assessment period.

17 (5) The clearinghouse shall pay the department an  
18 administrative fee as described in section 6719 (relating to  
19 administrative reimbursement).

20 § 6705. Stewardship plan.

21 The clearinghouse shall:

22 (1) Consolidate plans from all registered individual  
23 manufacturers and group plans for submission to the advisory  
24 committee and department annually as part of the stewardship  
25 plan.

26 (2) Review information from manufacturers and group  
27 plans submitted under paragraph (1) to confirm the collection  
28 convenience criteria established in this section has been met  
29 by all registered manufacturers in the aggregate and that all  
30 registered manufacturers or group plans will meet collection

1 obligations. The following apply:

2 (i) If a gap in collection site or event coverage is  
3 identified, the clearinghouse shall notify all  
4 manufacturers and group plans of the gap and provide  
5 manufacturers and group plans 30 days to remedy the  
6 identified gap in coverage. Notice under this paragraph  
7 shall include the specific areas for which the department  
8 believes additional collection sites or events are  
9 needed.

10 (ii) If a manufacturer or group plan is not able to  
11 remedy a gap in coverage under this paragraph, the  
12 clearinghouse may assign the areas to a manufacturer or  
13 group plan at the discretion of the clearinghouse.

14 (3) Submit to the advisory committee and department a  
15 stewardship plan that contains the individual manufacturer  
16 and group plans for all registered manufacturers that have  
17 submitted information to the clearinghouse. The stewardship  
18 plan must, at a minimum, include the following information:

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

21 (ii) An estimate of the total program year costs for  
22 upcoming program years, including the cost of the  
23 services of the clearinghouse.

24 (iii) A schedule of the specific eco-fee amounts,  
25 not to exceed \$10 for each category of CED sold in this  
26 Commonwealth, and a description of tiered fees for  
27 different items.

28 (iv) A proposed eco-fee sharing methodology to  
29 disburse eco-fees to registered collectors and local  
30 governments to subsidize the costs related to collection

1 and transportation of CEDs, as well as to manufacturers  
2 and group plans if deemed necessary by the clearinghouse  
3 and the advisory committee.

4 (v) A description of the promotion and outreach  
5 activities that will be used to encourage participation  
6 in the collection and recycling programs and how the  
7 activities' effectiveness will be evaluated.

8 (vi) A description of the materials regarding the  
9 eco-fee that will be provided to retailers to inform  
10 purchasers of the eco-fee and the overall program.

11 (vii) A description of the methods by which CEDs  
12 will be collected in all areas in this Commonwealth  
13 according to the collection convenience standard,  
14 including an explanation of how the collection system  
15 will be convenient and adequate to residents in both  
16 urban and rural areas on an ongoing basis.

17 (viii) A discussion of the status of end markets for  
18 one or more materials that result from the dismantling  
19 and recycling of CEDs and what, if any, additional end  
20 markets are needed to improve the functioning of the  
21 program.

22 § 6706. Collection convenience standard compliance.

23 (a) Collection allocation.--The clearinghouse shall allocate  
24 the CED manufacturers' collection obligation to arrange for  
25 pickup, transportation and recycling of CEDs from program  
26 collection sites to each registered CED manufacturer or the CED  
27 manufacturer's group plan. When allocating collection  
28 obligations, the clearinghouse shall:

29 (1) Allocate by a type of equipment to ensure that CED  
30 manufacturers are responsible for recovering all types of

1 CEDs that manufacturers have placed or currently place on the  
2 market.

3 (2) Allocate current CED manufacturers recycling  
4 obligation per CED category and require the CED manufacturer  
5 or group plan to pick up each CED category type that the  
6 manufacturer currently markets.

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

11 (4) Balance the allocation of collection sites to CED  
12 manufacturers in both urban and rural areas.

13 (5) To the extent practical, assign collection  
14 obligations that are reasonably anticipated to enable the CED  
15 manufacturer to collect a volume of CEDs equivalent to the  
16 manufacturer's return share determined under section 6711  
17 (relating to CED manufacturer recycling share  
18 responsibility).

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

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

24 (2) The estimated total program year costs and the eco-  
25 fees expected to be remitted.

26 (c) Registry.--

27 (1) No later than six months after the effective date of  
28 this subsection, the clearinghouse shall maintain a list of  
29 each registered CED manufacturer, the brands of all CEDs  
30 reported in each manufacturer's registration and, to the best

1 of its knowledge, the brands of CEDs for which no CED  
2 manufacturer has registered.

3 (2) The registry shall be available on the publicly  
4 accessible Internet website of the clearinghouse.

5 (d) Eco-fee-sharing arrangement.--Within 90 days of the  
6 department's designation of a clearinghouse or within 90 days of  
7 approval of a stewardship plan, whichever occurs later:

8 (1) All manufacturers, group plans and other designated  
9 recipients of eco-fee money, which are listed in the  
10 stewardship plan, shall enter into an eco-fee-sharing  
11 arrangement with the clearinghouse. The clearinghouse shall  
12 notify the advisory committee and department of each eco-fee-  
13 sharing agreement within 30 days of entering into the  
14 agreement.

15 (2) If a funding recipient cannot reach an agreement on  
16 an eco-fee-sharing arrangement with the clearinghouse within  
17 90 days, the clearinghouse shall submit a proposed eco-fee-  
18 sharing structure to the advisory committee and department  
19 for approval. Upon approval, the approved eco-fee-sharing  
20 structure shall be binding upon the clearinghouse and the  
21 relevant manufacturer or group plan for the entirety of the  
22 relevant program year.

23 (e) Clearinghouse powers.--The clearinghouse:

24 (1) May enter into a joint venture, agreement or  
25 contract with a third party, including a corporation,  
26 partnership, nonprofit entity or governmental agency, to  
27 undertake an activity on the clearinghouse's behalf that is  
28 consistent with this chapter.

29 (2) Shall keep minutes, books and records that clearly  
30 reflect the activities and transactions of the clearinghouse.

1       (3) May conduct audits of retailers, collection sites,  
2 downstream processors, recyclers, CED manufacturers and group  
3 plans.

4 (f) Memorandum of understanding.--

5       (1) The department and the clearinghouse shall enter  
6 into a memorandum of understanding, the terms of which shall  
7 specify the performance of the duties and powers of the  
8 clearinghouse under this chapter.

9       (2) The clearinghouse shall be paid for its services  
10 solely out of eco-fees collected and remitted to the  
11 clearinghouse under this chapter.

12 (g) Clearinghouse audit.--

13       (1) The accounting books of the clearinghouse shall be  
14 audited at the clearinghouse's expense by an independent  
15 certified public accountant retained by the clearinghouse at  
16 least once each calendar year.

17       (2) The clearinghouse shall arrange for the audit to be  
18 delivered to the department, along with the annual report  
19 required under section 6708 (relating to CED manufacturer  
20 requirements).

21       (3) The department shall review the audit for compliance  
22 with this chapter and shall notify the clearinghouse of any  
23 compliance issues or inconsistencies.

24       (4) The department may not disclose any proprietary  
25 information in the audit.

26 § 6707. Establishment of eco-fee.

27       (a) Establishment.--At least 180 days prior to the beginning  
28 of a program year, each CED manufacturer or group plan shall  
29 submit to the clearinghouse an estimate of the total program  
30 costs for collection and recycling of CEDs for the upcoming

1 program year.

2 (b) Submission of market share information to  
3 clearinghouse.--By December of each year prior to the beginning  
4 of a program year, the department shall estimate each CED  
5 manufacturer's market share, using the methodology required by  
6 section 6711 (relating to CED manufacturer recycling share  
7 responsibility), based on either national sales data for the  
8 previous calendar year that is provided by registered  
9 manufacturers upon request of the department or on reliable,  
10 commercially available national sales data from the previous  
11 calendar year. The following apply:

12 (1) A CED manufacturer may dispute the manufacturer's  
13 assigned sales data and market share if the sales data is  
14 procured from commercially available sources. The dispute  
15 must be made in writing within 30 days of notification of the  
16 assigned market share to the CED manufacturer.

17 (2) The department shall submit each manufacturer's  
18 estimated market share to registered CED manufacturers and  
19 the clearinghouse.

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

27 (c) Eco-fee.--The eco-fees shall be approved by the advisory  
28 committee and department within 30 days after submission by the  
29 clearinghouse of the stewardship plan on each even-numbered year  
30 if the proposed eco-fees meet the following requirements:

1       (1) To the extent possible, the eco-fee is to be uniform  
2 for each type of CED and consistent with the eco-fee amount  
3 that is being assessed in other jurisdictions participating  
4 in the clearinghouse incorporated in this Commonwealth.

5       (2) The eco-fees shall be sufficient to cover program  
6 year costs for the collection, preparation, transportation  
7 and recycling of CEDs for all CED manufacturers, group plans  
8 and local governments with an approved plan for the  
9 collection of CEDs and all other expenditures authorized  
10 under this chapter and approved as part of the stewardship  
11 plan.

12 (d) Adjustment of eco-fee.--

13       (1) At least 120 days prior to the beginning of a  
14 program year starting two years or more after the start of  
15 the program year and only every year thereafter for which the  
16 eco-fee was most recently approved by the department, the  
17 clearinghouse and the advisory committee may submit to the  
18 department a recommendation regarding eco-fees to be  
19 collected by a retailer under section 6703 (relating to eco-  
20 fees and responsibilities), which meets the requirements of  
21 subsection (c).

22       (2) Any adjustment to the eco-fee must take into  
23 consideration the following factors:

24           (i) Current and projected sale of CEDs in this  
25 Commonwealth.

26           (ii) Current and projected collection rate for  
27 discarded CEDs.

28           (iii) The costs associated with the collection,  
29 transportation and recycling of CEDs.

30           (iv) Program administrative costs.

1           (v) Other expenditures authorized by section 6704  
2           (relating to clearinghouse) and approved as part of the  
3           stewardship plan.

4           (e) Approval of adjustment.--A proposal to adjust an eco-fee  
5           shall be approved by the department within 30 days after  
6           submission by the clearinghouse of the proposal if the proposed  
7           eco-fee meets the requirements of subsections (c) and (d).  
8           § 6708. CED manufacturer requirements.

9           (a) Collection and recycling.--Each manufacturer of CEDs  
10          sold in this Commonwealth shall either:

11           (1) operate an individual manufacturer program to  
12           collect and recycle CEDs in this Commonwealth; or

13           (2) under section 6707 (relating to establishment of  
14           eco-fee), participate in a group plan to collect and recycle  
15           CEDs in this Commonwealth.

16          (b) Registration.--

17           (1) On or before December 31, 2023, and each year  
18           thereafter, each CED manufacturer shall register with the  
19           department and the clearinghouse, for the purposes of  
20           complying with this chapter, and provide the following  
21           information:

22           (i) A list of the CED manufacturer's brands of CEDs  
23           offered for sale in this Commonwealth.

24           (ii) The name, address and contact information of a  
25           person responsible for ensuring compliance with this  
26           chapter.

27           (iii) Certification that the CED manufacturer has  
28           complied with and will continue to comply with the  
29           requirements of this chapter.

30           (iv) The total number of CEDs sold in this

1 Commonwealth for the most recently concluded program  
2 year.

3 (v) Identification of the group plan, if any, that  
4 represents the CED manufacturer.

5 (2) A person that becomes a CED manufacturer after March  
6 31, 2024, shall register with the clearinghouse under this  
7 subsection no later than 60 days after becoming a CED  
8 manufacturer.

9 (c) Notifications.--A CED manufacturer shall provide retail  
10 partners with annual written or emailed notifications regarding  
11 the CEDs that are to be assessed an eco-fee and the requirements  
12 for remittance. If participating in a group plan, a CED  
13 manufacturer shall submit to the group plan a summary of  
14 individual collection and recycling activities in this  
15 Commonwealth on the form specified by the clearinghouse.

16 (d) Annual report.--Each CED manufacturer or its group plan  
17 shall submit an annual report to the clearinghouse and  
18 department that describes the CED manufacturer's program  
19 outcomes for the concluded program year, including the specific  
20 program collection sites serviced.

21 § 6709. Group plan requirements.

22 (a) Group plans.--A CED manufacturer may enter into an  
23 agreement with a group plan to fulfill the CED manufacturer's  
24 obligations under this chapter. The following apply:

25 (1) The group plan shall act as the representative of  
26 all CED manufacturers for whom it represents for purposes of  
27 this chapter.

28 (2) The clearinghouse shall receive information on  
29 collection and recycling programs from individual member  
30 companies or their group plans on a form provided by the

1 clearinghouse.

2 (3) The clearinghouse shall compile the individual  
3 manufacturer and group plan information into a stewardship  
4 plan to be reviewed and approved by the department under  
5 section 6711 (relating to CED manufacturer recycling share  
6 responsibility).

7 (b) Requirements.--

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

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

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

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

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

30 (1) An audit conducted under this subsection shall be

1 carried out in accordance with generally accepted auditing  
2 practices and shall be limited in scope to determining  
3 whether eco-fees have been properly collected on all sales of  
4 CEDs to purchasers in this Commonwealth.

5 (2) An audit shall be limited to three years prior to  
6 the date that the clearinghouse informs the auditee of the  
7 audit.

8 § 6710. Convenience standards for program collection sites.

9 (a) Collection sites.--Beginning March 31, 2024, each CED  
10 manufacturer or group plan must include in the submission to the  
11 clearinghouse, at a minimum, the number of program collection  
12 sites assigned to the manufacturer by the clearinghouse as part  
13 of the manufacturer's recycling obligation for a program year  
14 based on the following collection convenience standards:

15 (1) One program collection site in each county that has  
16 a population density that is less than 250 individuals per  
17 square mile.

18 (2) Two program collection sites in each county that has  
19 a population density that is greater than or equal to 250  
20 individuals per square mile but less than 500 individuals per  
21 square mile.

22 (3) Three program collection sites in each county that  
23 has a population density that is greater than or equal to 500  
24 individuals per square mile but less than 750 individuals per  
25 square mile.

26 (4) Four program collection sites in each county that  
27 has a population density that is greater than or equal to 750  
28 individuals per square mile but less than 1,000 individuals  
29 per square mile.

30 (5) Five program collection sites in each county that

1 has a population density that is greater than or equal to  
2 1,000 individuals per square mile but less than 5,000  
3 individuals per square mile.

4 (6) Fifteen program collection sites in each county that  
5 has a population density that is greater than or equal to  
6 5,000 individuals per square mile.

7 (7) If a municipality has a population of more than  
8 1,000,000 residents, the program shall provide 10 additional  
9 program collection sites for the program year to be located  
10 in that municipality, and the program collection sites  
11 required under paragraph (6) shall be located outside of the  
12 municipality.

13 (b) Additional sites.--Collection sites such as those  
14 operated by local governments, retailers, charities or other  
15 entities shall be eligible for consideration as program  
16 collection sites.

17 (c) Population density calculation.--For purposes of this  
18 section, county population densities shall be based on the  
19 entire county's population density, regardless of whether a  
20 municipality or municipal joint action agency in the county  
21 participates in a CED manufacturer e-waste program. For  
22 municipalities with a population density less than 5,000,  
23 collection events may be held in lieu of permanent collection  
24 sites if the events are efficient and effective at providing  
25 collection opportunities for the residents of those areas.

26 (d) Written agreement permitted.--

27 (1) Notwithstanding the requirements of this section, a  
28 program collection site operator may enter into a written  
29 agreement with the operators of a group plan or CED  
30 manufacturer individually in order to do one or more of the

1 following:

2 (i) Decrease the number of program collection sites  
3 in the jurisdiction for the program year.

4 (ii) Substitute a program collection site in the  
5 jurisdiction with either:

6 (A) four one-day collection events; or

7 (B) a different number of events as may be  
8 provided in the written agreement.

9 (iii) Substitute the location of a program  
10 collection site in the jurisdiction for the program year  
11 with another location.

12 (iv) Substitute the location of a one-day collection  
13 event in the jurisdiction with another location.

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

19 (e) Ease of access.--Collection sites assigned to the CED  
20 manufacturer or group plan must maintain reasonable days and  
21 hours of operation to ensure access to the public throughout the  
22 year.

23 § 6711. CED manufacturer recycling share responsibility.

24 (a) Return share invoicing.--

25 (1) At each registered collection site under this  
26 chapter, collectors shall log the brand and type, as  
27 delineated by the department, of CEDs brought to the  
28 collection site.

29 (2) The information under paragraph (1) shall be sent to  
30 the clearinghouse, which shall subsequently invoice CED

1 manufacturers regarding the amount and location of the CEDs  
2 required to be recycled.

3 (b) Requirement.--A CED manufacturer shall accept and  
4 recycle any CED that it has produced and is or was sold in this  
5 Commonwealth and that is brought to the collection site.

6 § 6712. Individual manufacturer and group plans.

7 (a) Plan submission.--Each CED manufacturer that  
8 participates in the clearinghouse either individually or through  
9 a group plan shall, each program year, submit to the  
10 clearinghouse a plan on the form provided by the clearinghouse  
11 that demonstrates how the CED manufacturer meets the  
12 requirements of this chapter. The following apply:

13 (1) The plan must be submitted to the clearinghouse at  
14 least 90 days before the beginning of the program year.

15 (2) The clearinghouse shall then aggregate all  
16 individual manufacturer and group plans and submit as part of  
17 the stewardship plan described in section 6705 (relating to  
18 stewardship plan) to the department for review and approval  
19 at least 60 days prior to the beginning of the program year  
20 as part of the stewardship plan.

21 (b) Plan requirements.--The plan submitted by each CED  
22 manufacturer to the clearinghouse must contain the following  
23 information:

24 (1) Contact information for the individual and the  
25 entity submitting the program plan, a list of all CED  
26 manufacturers or brand owners participating in the program  
27 and the brands covered by the program plan.

28 (2) Identification of the types of CEDs sold in this  
29 Commonwealth by the CED manufacturer and a statement that the  
30 manufacturer acknowledges the obligation to collect and

1 recycle CEDs of a similar type. The following apply:

2 (i) If a CED manufacturer does not manufacture CEDs  
3 sold in this Commonwealth, but intends to voluntarily  
4 collect and recycle CEDs, the CED manufacturer shall  
5 identify the types of CEDs that the CED manufacturer  
6 intends to voluntarily collect and recycle.

7 (ii) If the CED manufacturer has identified any  
8 types of CEDs under this paragraph, a separate  
9 description of the methods by which the identified types  
10 of CEDs will be collected in all areas in this  
11 Commonwealth, according to the collection convenience  
12 standards under section 6710 (relating to convenience  
13 standards for program collection sites), including an  
14 explanation of how the collection system will be  
15 convenient and adequate to residents in both urban and  
16 rural areas on an ongoing basis.

17 (3) The names, locations and updated contact information  
18 of program collection sites and recyclers that will manage  
19 the collected material.

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

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

25 (6) Evidence of adequate insurance and financial  
26 assurance that may be required for collection, handling and  
27 disposal operations.

28 (7) Five-year performance goals, including an estimate  
29 of the percentage of CEDs that will be collected during each  
30 of the first five years of the program.

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

3       (9) Agreements with local governments containing  
4       commitments to pay for the costs of collecting and preparing  
5       the CEDs.

6       (c) New program plan.--A CED manufacturer or group plan may  
7       submit a new program plan to the clearinghouse prior to the  
8       completion of the current program year with the consent of the  
9       department.

10      § 6713. Review of stewardship plan.

11      (a) Department review.--The advisory committee and  
12      department shall review the stewardship plan submitted by the  
13      clearinghouse under section 6712 (relating to individual  
14      manufacturer and group plans) and, within 30 days of receipt of  
15      the plan, determine whether the plan provides the information  
16      required. If the plan contains the required information, the  
17      advisory committee shall recommend approval of the plan and the  
18      department shall approve the plan.

19      (b) Notification.--

20      (1) If the advisory committee and department approve the  
21      plan under subsection (a), the department shall notify the  
22      clearinghouse and the registered CED manufacturers.

23      (2) If the department rejects the plan, in whole or in  
24      part, the department shall notify the clearinghouse and  
25      provide the reasons for the plan's rejection. Rejection of a  
26      plan shall be based on the plan's failure to provide the  
27      information required under subsection (a).

28      (c) Plan revisions.--Within 30 days after receipt of the  
29      department's rejection under subsection (b), the CED  
30      manufacturers or group plans may revise and resubmit the plan to

1 the clearinghouse. The clearinghouse shall submit the revised  
2 stewardship plan to the advisory committee and department.

3 (d) Requirements under stewardship plan.--Individual  
4 manufacturers and group plans operating under an approved  
5 stewardship plan shall:

6 (1) Ensure availability of collection and recycling  
7 infrastructure.

8 (2) Track and measure collection and recycling.

9 (3) Develop and provide guidance to all participants in  
10 the program.

11 (4) Develop best management practices for program  
12 collection sites.

13 (5) Assume financial responsibility for carrying out the  
14 manufacturer e-waste program plans of the individual  
15 manufacturers and group plans under an approved stewardship  
16 plan, including financial responsibility for providing the  
17 packaging materials necessary to prepare shipments of  
18 collected residential CEDs in compliance with section 6716(e)  
19 (relating to collector responsibilities), as well as  
20 financial responsibility for bulk transportation and  
21 recycling of collected residential CEDs.

22 (e) Changes to individual manufacturer and group plans.--A  
23 CED manufacturer or group plan participating under the approved  
24 stewardship plan may submit changes to the clearinghouse. With  
25 consent of the department, the clearinghouse shall revise and  
26 submit the stewardship plan to the department for review and  
27 approval prior to the completion of the current program period.

28 § 6714. Fees for collection or recycling of eligible devices.

29 No registered collector in a group or stewardship plan may  
30 charge any fee or cost to a purchaser for the collection,

1 transportation or recycling of a CED unless a financial  
2 incentive of equal or greater value is provided to the  
3 purchaser. The financial incentive may be in the form of a  
4 coupon or rebate.

5 § 6715. Recycler responsibilities.

6 (a) Recycler registration.--By January 1 of each program  
7 year, a person acting as a recycler under a clearinghouse  
8 stewardship plan shall register with the department by  
9 completing and submitting to the department the registration  
10 form prescribed by the department. The registration form  
11 prescribed by the department must include, without limitation,  
12 the address of each location at which the recycler processes  
13 CEDs.

14 (b) Denial of registration.--The department may deny a  
15 registration under this section if the recycler or an employee  
16 or officer of the recycler has a history of:

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

20 (2) conviction in this Commonwealth or another state of  
21 a crime that is a felony under the laws of this Commonwealth;

22 (3) conviction of a felony in a Federal court or  
23 conviction in this Commonwealth or another Federal or state  
24 court of forgery, official misconduct, bribery, perjury or  
25 knowingly submitting false information under any  
26 environmental law, regulation or permit term or condition; or

27 (4) gross carelessness or incompetence in handling,  
28 storing, processing, transporting, disposing or otherwise  
29 managing CEDs.

30 (c) Notice of recyclers available.--

1       (1) The department shall post on its publicly accessible  
2 Internet website a list of all registered recyclers that are  
3 participating in the program.

4       (2) Beginning in program year one, no person may act as  
5 a recycler of residential CEDs for an individual manufacturer  
6 or group plan unless the recycler is registered with the  
7 department and meets all requirements related to recycling  
8 under this section.

9 § 6716. Collector responsibilities.

10       (a) Collector registration.--By January 1 of each program  
11 year, a person acting as a collector under a stewardship plan  
12 shall register with the department by completing and submitting  
13 to the department the registration form prescribed by the  
14 department. The registration form prescribed by the department  
15 must include, without limitation, the address of each location  
16 at which the collector accepts CEDs.

17       (b) Registration permitted.--The department shall grant a  
18 collector's registration under this section unless the  
19 collector, or any employee or officer of the collector, has a  
20 history of:

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

24       (2) conviction in this Commonwealth or another state of  
25 a crime that is a felony under the laws of this Commonwealth;

26       (3) conviction of a felony in a Federal court or  
27 conviction in this Commonwealth or another Federal or state  
28 court of forgery, official misconduct, bribery, perjury or  
29 knowingly submitting false information under any  
30 environmental law, regulation or permit term or condition; or

1           (4) gross carelessness or incompetence in handling,  
2           storing, processing, transporting, disposing or otherwise  
3           managing CEDs.

4           (c) Registered collector notice.--The department shall post  
5           on its publicly accessible Internet website a list of all  
6           registered collectors. Manufacturers and recyclers acting as  
7           collectors shall so indicate on their registration with the  
8           department.

9           (d) Report of weight.--By March 1 of each program year, each  
10           collector that operates a program collection site or one-day  
11           collection event shall report, to the department and to the  
12           individual manufacturer or group plan, the total weight, by CED  
13           category, of residential CEDs transported from the program  
14           collection site or one-day collection event during the previous  
15           program year.

16           (e) Best management practices.--The clearinghouse shall  
17           provide registered collectors with best management practices  
18           that address packaging, containers, average shipment weights and  
19           other items that pertain to the collection of CEDs.

20           (f) Acceptance of CEDs.--All categories of residential CEDs  
21           must be accepted at the program collection site or one-day  
22           collection event unless otherwise provided in this chapter. The  
23           following apply:

24           (1) Residential CEDs shall be kept separate from other  
25           material and shall be:

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

27                   (ii) Loaded onto pallets and secured with plastic  
28                   wrap or in pallet-sized bulk containers prior to  
29                   shipping.

30                   (iii) On average, per collection site, 18,000 pounds

1 per shipment and, if not, the recycler may be subject to  
2 a reduction in the collection incentive payment for those  
3 pounds.

4 (2) Half box semi-trailer loads shall be permitted from  
5 program collection sites that cannot accommodate larger  
6 trailers.

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

8 (i) Computers.

9 (ii) Computer monitors.

10 (iii) Televisions.

11 (iv) Printers.

12 (v) Videocassette recorders, portable digital music  
13 players and digital video disc players.

14 (vi) CED peripheral.

15 (vii) Any electronic device that is not part of the  
16 individual manufacturer or group plan that the collector  
17 has arranged to have picked up with residential CEDs and  
18 for which a financial arrangement has been made to cover  
19 the recycling costs outside of the manufacturer program.

20 (4) Containers holding the CEDs must be structurally  
21 sound for transportation and meet applicable requirements of  
22 the United States Department of Transportation and the  
23 Department of Transportation of the Commonwealth.

24 (5) Each shipment of residential CEDs from a program  
25 collection site or one-day collection event shall include a  
26 collector-prepared bill of lading or similar manifest, which  
27 describes the origin of the shipment and the number of  
28 pallets or bulk containers of residential CEDs in the  
29 shipment.

30 (g) Acceptance.--

1       (1) Except as otherwise provided in this chapter, each  
2 collector that operates a program collection site or one-day  
3 collection event during a program year shall accept all  
4 residential CEDs that are delivered to the program collection  
5 site or one-day collection event during the program year.

6       (2) Notwithstanding the provisions of this subsection,  
7 no collector that operates a program collection site or one-  
8 day collection event shall:

9           (i) Be required to accept, at the program collection  
10 site or one-day collection event, more than seven CEDs  
11 from a person at any one time.

12           (ii) Scrap, salvage, dismantle or otherwise  
13 disassemble any CED collected at a program collection  
14 site or one-day collection event.

15           (iii) Deliver to a CED manufacturer or group plan,  
16 through its recycler, a CED other than a residential CED  
17 collected at a program collection site or one-day  
18 collection event.

19           (iv) Deliver to a person other than the CED  
20 manufacturer or group plan a residential CED collected at  
21 a program collection site or one-day collection event.

22       (h) Limitation.--Nothing in this chapter shall prevent a  
23 person from acting as a collector independently of a  
24 manufacturer or group plan, but all collectors must register  
25 with the department in order to accept CEDs.

26 § 6717. Annual reports.

27       (a) Group plan or individual manufacturer annual report.--  
28 Each group plan or individual manufacturer operating under the  
29 approved stewardship plan shall each prepare and submit by May  
30 1, 2026, and annually thereafter to the clearinghouse and post

1 on its publicly accessible Internet website a report that  
2 includes:

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

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

8 (3) Recommendations, if any, for changes to the list of  
9 CEDs.

10 (b) Clearinghouse report.--

11 (1) By June 1, 2026, and each June 1 thereafter, the  
12 clearinghouse shall prepare and submit annually to the  
13 department a report that includes the following:

14 (i) The total sum of eco-fees which were required to  
15 be collected from retailers during the program year,  
16 including any amounts not remitted or in default.

17 (ii) The total sum of eco-fees disbursed to CED  
18 manufacturers or group plans during the prior program  
19 year, including any unpaid or uncollected eco-fees.

20 (iii) The total sum of eco-fees disbursed to  
21 registered collectors.

22 (iv) The total weight of CEDs collected under the  
23 stewardship plan.

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

26 (vi) Recommendations, if any, for changes to the  
27 list of CEDs.

28 (2) Each report under this subsection shall be posted on  
29 the publicly accessible Internet website of the  
30 clearinghouse.

1 (c) Department report.--The department shall prepare and  
2 submit annually to the General Assembly, according to procedures  
3 and deadlines determined by the department, a report that  
4 includes:

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

7 (2) Stated separately, the total weight of CEDs  
8 collected under this chapter in this Commonwealth during the  
9 previous plan year.

10 (3) A complete listing of all of the individual and  
11 group plans operating in this Commonwealth during the prior  
12 program year, the parties that operated the group plans and  
13 the amount of CEDs, by weight for each type, collected at  
14 each site included in the stewardship plan.

15 (4) Recommendations, if any, for changes to the list of  
16 CEDs.

17 § 6718. Advisory committee.

18 (a) Establishment and purpose.--The Advisory Committee on  
19 Electronic Waste Recycling is established within the department  
20 to provide input on the functioning of the electronics recycling  
21 program in this Commonwealth as well as oversight and approval  
22 on the measures specified in this chapter, including eco-fees  
23 and stewardship plans.

24 (b) Members.--

25 (1) The secretary shall appoint up to 11 members to the  
26 advisory committee.

27 (2) The advisory committee shall be composed of  
28 individuals who represent:

29 (i) The environmental community.

30 (ii) The solid waste industry.

1           (iii) Local governments.

2           (iv) Public and private entities involved in the  
3           collection, processing and recycling of electronic  
4           devices.

5           (v) Other interested parties as identified by the  
6           secretary.

7           (c) Stewardship plans.--

8           (1) The clearinghouse shall provide to the advisory  
9           committee a copy of the stewardship plan and any amendments  
10           to the stewardship plan no fewer than 15 days before  
11           submitting the stewardship plan and any amendments to the  
12           stewardship plan to the department.

13           (2) The advisory committee shall provide comments and  
14           recommendations regarding the stewardship plan or amendments  
15           to the stewardship plan to the clearinghouse and to the  
16           department based on the advisory committee's review under  
17           this section.

18           (3) The advisory committee shall provide recommendations  
19           to the department regarding the approval of fees and  
20           stewardship strategies.

21           (d) Compensation.--A member of the advisory committee shall  
22           serve without compensation but shall be reimbursed for actual  
23           and necessary travel and other expenses incurred in the  
24           performance of official duties.

25           § 6719. Administrative reimbursement.

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

29           (b) Cost identification.--

30           (1) Prior to July 1, 2024, and each July 1 thereafter,

1 the department shall identify the costs incurred under this  
2 section.

3 (2) The department shall set the fee under this section  
4 at an amount that is adequate to reimburse the department's  
5 full costs of administering this chapter.

6 (3) The total amount of annual fees collected under this  
7 section shall not exceed the amount necessary to reimburse  
8 costs incurred by the department to administer this section.

9 (c) Administrative fee.--

10 (1) The clearinghouse shall pay the department's  
11 administrative fee under subsection (a) on or before July 1,  
12 2024, and annually thereafter.

13 (2) The clearinghouse shall collect the administrative  
14 fee from manufacturers that sell CEDs in this Commonwealth.  
15 The share of the fee that is charged to each manufacturer  
16 shall be determined by the manufacturer's share of the total  
17 amount of CEDs sold by weight in this Commonwealth in the  
18 previous year.

19 § 6720. Environmental sound management requirements.

20 (a) General rule.--CEDs collected through any program in  
21 this Commonwealth, whether by a CED manufacturer, retailer, for-  
22 profit or not-for-profit corporation or unit of government,  
23 shall be recycled in a manner that is in compliance with all  
24 applicable Federal, State and local laws, regulations and  
25 ordinances and may not be exported for disposal in a manner that  
26 poses a significant risk to the public health or the  
27 environment.

28 (b) Performance requirements.--All entities shall, at a  
29 minimum, demonstrate to the satisfaction of the department that  
30 the facility to be used to recycle CEDs has achieved and

1 maintained certification from an ANSI-ASQ National Accreditation  
2 Board-accredited third-party certification body to an  
3 environmentally sound management standard.

4 (c) Required disclosure.--All entities shall provide  
5 information about their certification and its standing to the  
6 department along with any other requirements regarding this  
7 section that may be mandated by Federal or State law. The  
8 department shall make this information available on its publicly  
9 accessible Internet website.

10 (d) Department to maintain publicly accessible Internet  
11 website.--The department shall maintain a publicly accessible  
12 Internet website that includes a list of entities and  
13 organizations that have registered with the department. The  
14 website shall contain a list of the locations of all collection  
15 sites, hours of operation and any other information that will be  
16 helpful to purchasers in understanding where and how they can  
17 recycle CEDs.

18 § 6721. Disposal ban.

19 (a) General rule.--No person may place in municipal solid  
20 waste a CED or any of its components, excluding any nonhazardous  
21 residuals produced during recycling in any solid waste disposal  
22 facility.

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

26 (1) made a good faith effort to comply with this  
27 section;

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

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

5       (c) Definition.--For purposes of this section, the term  
6       "facility":

7           (1) Shall have the same meaning as in section 103 of the  
8           act of July 7, 1980 (P.L.380, No.97), known as the Solid  
9           Waste Management Act.

10          (2) Does not include a transfer station.

11       § 6722. Enforcement.

12       (a) Authorization.--The Commonwealth, through the Attorney  
13       General and the department, may initiate independent action to  
14       enforce any provision of this chapter.

15       (b) Enforcement expenses.--Any money awarded by a court  
16       shall be used first to offset enforcement expenses. Money in  
17       excess of the enforcement expenses shall be provided to the  
18       clearinghouse for use in the recycling of CEDs and the other  
19       expenditures authorized by this chapter.

20       (c) Civil penalties.--Except as provided in subsection (d),  
21       a person who willfully violates any provision of this chapter  
22       may be assessed by the department a civil penalty of not more  
23       than \$1,000 for each violation. The maximum penalty under this  
24       subsection for a related series of violations shall be \$10,000.

25       (d) Additional penalties.--Notwithstanding any other  
26       provision of this chapter, the following apply:

27           (1) A person who willfully sells a CED in violation of  
28           section 6703 (relating to eco-fees and responsibilities) may  
29           be assessed by the department a civil penalty of not more  
30           than \$1,000 for each violation. The maximum penalty under

1 this paragraph, for any and all sales in violation of this  
2 subsection, shall be \$10,000 for each assessment period  
3 during which the sales occur.

4 (2) A person who refuses to pay, collect or remit any  
5 eco-fee duly required of the person under this chapter may be  
6 assessed by the department a civil penalty of not more than  
7 \$1,000 for each violation. The maximum penalty under this  
8 paragraph for any and all eco-fees required to be paid,  
9 collected or remitted in a single assessment period shall be  
10 \$10,000.

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

14 (f) Limited private right action.--A person required to  
15 register with the department under this chapter that is duly  
16 registered and in good standing with the department and  
17 clearinghouse may maintain a civil action in Commonwealth Court  
18 against a noncompliant person to enjoin a violation of the  
19 prohibitions of this chapter.

20 (g) Remittance of fees.--Eco-fees owed to the clearinghouse  
21 that are recovered by a third party shall be remitted to the  
22 clearinghouse.

23 (h) Written notice of action, fees and costs.--

24 (1) An action may not be commenced under this section  
25 until 60 days after a potential plaintiff provides to the  
26 potential noncompliant person a written notice of the claim  
27 specifying the amount of the claim and the basis for the  
28 calculation of that amount.

29 (2) The potential plaintiff shall also deliver a copy of  
30 the notice to the clearinghouse and the department.

1       (3) A court may, in the interests of justice, award to a  
2 registered person who prevails in an action brought under  
3 this section reasonable attorney fees and court costs,  
4 including expert witness fees.

5       (4) A class action may not be brought against a retailer  
6 on behalf of purchasers arising from or in any way related to  
7 an overpayment of an eco-fee.

8 § 6723. Antitrust.

9       (a) Authorization.--A CED manufacturer or stewardship  
10 organization acting in accordance with the provisions of this  
11 chapter may negotiate with, enter into contracts with or conduct  
12 business with each other and with any other entity developing,  
13 implementing, operating, participating in or performing any  
14 other activities directly related to a manufacturer product  
15 stewardship plan approved under this chapter.

16       (b) Damages, liability and scrutiny.--The manufacturer,  
17 clearinghouse and any entity developing, implementing,  
18 operating, participating in or performing any other activities  
19 related to a stewardship plan approved under this chapter shall  
20 not be subject to damages, liability or scrutiny under Federal  
21 antitrust law or the act of December 17, 1968 (P.L.1224,  
22 No.387), known as the Unfair Trade Practices and Consumer  
23 Protection Law, regardless of the effects on competition.

24       (c) Effect.--The supervisory activities described in this  
25 chapter are sufficient to confirm that activities of the  
26 manufacturers, stewardship organization and any entity  
27 developing, implementing, operating, participating in or  
28 performing any other activities related to a stewardship plan  
29 that is approved under this chapter are authorized and actively  
30 supervised by the Commonwealth.

1 § 6724. Other CED collection activities.

2 (a) Waste hauler.--Nothing in this chapter shall prohibit a  
3 waste hauler from entering into a contractual agreement with a  
4 unit of local government to establish a collection program for  
5 the recycling or reuse of CEDs, including services such as  
6 curbside collection, home pick-up, drop-off locations or similar  
7 methods of collection.

8 (b) E-waste program.--No person may be prohibited from  
9 establishing an e-waste program independently of a manufacturer  
10 e-waste program under this chapter.

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