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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1115** Session of  
2007

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INTRODUCED BY C. WILLIAMS, MUSTO, ERICKSON, STOUT, FONTANA,  
RAFFERTY, WASHINGTON, COSTA, O'PAKE, KITCHEN AND FERLO,  
OCTOBER 22, 2007

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, OCTOBER 22, 2007

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AN ACT

1 Banning the disposal of all computer and electronic equipment in  
2 landfills; providing for the recycling of electronic waste;  
3 creating the Electronic Waste Recovery and Recycling Account;  
4 and providing for penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Computer and  
9 Electronic Equipment Disposal and Recycling Act.

10 Section 2. Definitions.

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

14 "Account." The Electronic Waste Recovery and Recycling  
15 Account.

16 "Authorized collector." Any of the following:

17 (1) A political subdivision of the Commonwealth that  
18 collects covered electronic devices.

1           (2) A person or entity that is required or authorized by  
2 a political subdivision of the Commonwealth to collect  
3 covered electronic devices pursuant to the terms of a  
4 contract, license, permit or other written authorization.

5           (3) A nonprofit organization that collects or accepts  
6 covered electronic devices.

7           (4) A manufacturer or agent of the manufacturer that  
8 collects, consolidates and transports covered electronic  
9 devices for recycling from consumers, businesses,  
10 institutions and other generators.

11           (5) Any entity that collects, handles, consolidates and  
12 transports covered electronic devices.

13 "Consumer." A purchaser or owner of a covered electronic  
14 device. The term also includes a business, corporation, limited  
15 partnership, nonprofit organization or governmental entity. The  
16 term does not include an entity involved in a wholesale  
17 transaction between a distributor and retailer or a manufacturer  
18 who purchases specialty or medical electronic equipment that is  
19 a covered electronic device.

20 "Covered electronic device." A cathode ray tube, cathode ray  
21 tube device, flat panel screen or any other similar video  
22 display device with a screen size that is greater than four  
23 inches in size measured diagonally and which the department  
24 determines, when discarded or disposed, would be a hazardous  
25 waste. The term does not include an automobile or a large piece  
26 of commercial or industrial equipment, including commercial  
27 medical equipment, that contains a cathode ray tube, cathode ray  
28 tube device, flat panel screen or other similar video display  
29 device that is contained within and is not separate from the  
30 larger piece of industrial or commercial equipment.

1 "Covered electronic waste" or "covered e-waste." A covered  
2 electronic device that is discarded or disposed.

3 "Covered electronic waste recycler" or "covered e-waste  
4 recycler." Any of the following:

5 (1) A person who engages in the manual or mechanical  
6 separation of covered electronic devices to recover  
7 components and commodities contained therein for the purpose  
8 of reuse or recycling.

9 (2) A person who changes the physical or chemical  
10 composition of a covered electronic device by deconstructing,  
11 size reduction, crushing, cutting, sawing, compacting,  
12 shredding or refining for purposes of segregating components,  
13 for purposes of recovering or recycling those components, and  
14 who arranges for the transport of those components to an end  
15 user.

16 (3) A manufacturer who meets any conditions established  
17 by this act for the collection or recycling of covered  
18 electronic waste.

19 "Covered electronic waste recycling fee" or "covered e-waste  
20 recycling fee." The fee imposed pursuant to this act.

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

23 "Distributor." A person who sells a covered electronic  
24 device to a retailer.

25 "Electronic waste recovery payment." An amount established  
26 and paid by the department pursuant to this act.

27 "Electronic waste recycling payment." A payment made by the  
28 department to an authorized collector of covered electronic  
29 waste pursuant to this act.

30 "Manufacturer." Any of the following:

1 (1) A person who manufactures a covered electronic  
2 device sold in this Commonwealth.

3 (2) A person who sells a covered electronic device in  
4 this Commonwealth under a person's brand name.

5 "Medical electronic equipment." Includes radiotherapy  
6 equipment, cardiology equipment, dialysis equipment, pulmonary  
7 ventilators, nuclear medicine equipment, laboratory equipment  
8 for in-vitro diagnosis, analyzers and freezers.

9 "Retailer." A person who sells a covered electronic device  
10 in this Commonwealth to a consumer but who did not manufacture  
11 the device. The term includes a manufacturer of a covered  
12 electronic device who sells that covered electronic device  
13 directly to a consumer through any means, including transactions  
14 conducted through sales outlets, catalogs or the Internet, or  
15 any other similar electronic means, but does not include a sale  
16 that is a wholesale transaction with a distributor or retailer.

17 "Sell" or "sale." Any transfer for consideration of title or  
18 of the right to use, by lease or sales contract, including  
19 transactions conducted through sales outlets, catalogs or the  
20 Internet, or any other similar electronic means, but does not  
21 include a wholesale transaction with a distributor or a  
22 retailer.

23 "Specialty electronic equipment." Includes smoke detectors,  
24 heating regulators and thermostats.

25 Section 3. Disposal banned.

26 (a) Promulgation.--The department may promulgate rules and  
27 regulations banning the disposal of all computer and electronic  
28 equipment in landfills beginning on January 1, 2010.

29 (b) Definitions.--As used in this section, the following  
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Computer." A programmable electronic machine that performs  
3 high-speed mathematical or logical operations or that assembles,  
4 stores, correlates or otherwise processes information.

5 "Electronic item containing an intact or broken cathode ray  
6 tube." An electronic item containing a cathode ray tube  
7 includes a television, computer monitor or any other cathode ray  
8 tube monitor or display device.

9 "Electronics." Devices utilizing electrons and electric  
10 circuits, including household appliances, televisions, recording  
11 and playing devices for music or video tapes, compact discs, and  
12 digital technology.

13 Section 4. Covered electronic waste recycling fee.

14 (a) Imposition.--On and after July 1, 2008, a covered  
15 electronic waste recycling fee is imposed upon the first sale in  
16 this Commonwealth of a covered electronic device to a consumer  
17 by a retailer.

18 (b) Amount.--A retailer that sells a covered electronic  
19 device to a consumer shall collect the fee imposed under  
20 subsection (a) for each covered electronic device sold by the  
21 retailer in the following amounts:

22 (1) Six dollars for each covered electronic device with  
23 a screen size of less than 15 inches measured diagonally.

24 (2) Eight dollars for each covered electronic device  
25 with a screen size greater than or equal to 15 inches but  
26 less than 35 inches measured diagonally.

27 (3) Ten dollars for each covered electronic device with  
28 a screen size greater than or equal to 35 inches measured  
29 diagonally.

30 (c) Deposit.--The electronic waste recycling fee collected

1 pursuant to this section shall be transmitted to the department  
2 in a manner as determined by the department. The covered  
3 electronic waste recycling fees shall be deposited in the  
4 account.

5 (d) Retainment.--A retailer selling a covered electronic  
6 device may retain 3% of the covered electronic waste recycling  
7 fee as reimbursement for any costs associated with the  
8 collection of the fee.

9 (e) On and after July 1, 2008, and at least once every two  
10 years thereafter, the department shall review, at a public  
11 hearing, the covered electronic waste recycling fee and shall  
12 make any adjustments to the fee to ensure that there are  
13 sufficient revenues in the account to fund the covered  
14 electronic waste recycling program established pursuant to this  
15 chapter. The department shall base any adjustment of the covered  
16 electronic waste recycling fee on both of the following factors:

17 (1) The sufficiency, and any surplus, of revenues in the  
18 account to fund the collection, consolidation and recycling  
19 of 100% of the covered electronic waste that is projected to  
20 be recycled.

21 (2) The sufficiency of revenues in the account for the  
22 department to administer, enforce and promote the program  
23 established pursuant to this act, plus a prudent reserve not  
24 to exceed 5% of the amount in the account.

25 Section 5. Manufacturer responsibility.

26 (a) Compliance.--On and after July 1, 2008, it shall be  
27 unlawful to sell a covered electronic device to a consumer in  
28 this Commonwealth unless the department determines that the  
29 manufacturer of that covered electronic device demonstrates  
30 compliance with this act.

1 (b) Labeling.--On and after January 1, 2008, a person may  
2 not sell or offer for sale in this Commonwealth a covered  
3 electronic device unless the device is labeled with the name of  
4 the manufacturer or the manufacturer's brand label so that it is  
5 readily visible.

6 (c) Duties.--On or before July 1, 2009, and at least once  
7 annually thereafter as determined by the department, each  
8 manufacturer of a covered electronic device who sells those  
9 devices in this Commonwealth shall do all of the following:

10 (1) Submit to the department a report that includes all  
11 of the following information:

12 (i) An estimate of the number of covered electronic  
13 devices sold by the manufacturer in this Commonwealth  
14 during the previous year.

15 (ii) A baseline or set of baselines that show the  
16 total estimated amounts of mercury, cadmium, lead,  
17 hexavalent chromium, PBDEs and PBBs used in covered  
18 electronic devices manufactured by the manufacturer in  
19 that year and the reduction in the use of those hazardous  
20 materials from the previous year.

21 (iii) A baseline or set of baselines that show the  
22 total estimated amount of recycled materials contained in  
23 covered electronic devices sold by the manufacturer in  
24 that year and the increase in the use of those recyclable  
25 materials from the previous year.

26 (iv) A baseline or a set of baselines that describe  
27 any efforts to design covered electronic devices for  
28 recycling and goals and plans for further increasing  
29 design for recycling.

30 (2) Make information available to consumers that

1 describes where and how to return, recycle and dispose of the  
2 covered electronic device and opportunities and locations for  
3 the collection or return of the device through the use of a  
4 toll-free telephone number, Internet website, information  
5 labeled on the device, information included in the packaging  
6 or information accompanying the sale of a covered electronic  
7 device.

8 (d) Protection of information.--Any information submitted to  
9 the department pursuant to subsection (a) that is proprietary in  
10 nature or a trade secret shall be subject to protection under  
11 State laws and regulations governing that information.

12 (e) Information.--On or before April 1, 2008, a manufacturer  
13 shall inform the retailer if a covered electronic device sold by  
14 that manufacturer is subject to the covered electronic waste  
15 recycling fee established pursuant to this act.

16 Section 6. Administration.

17 (a) Applicability.--The imposition of a covered electronic  
18 waste recycling fee is a matter of Statewide interest and  
19 concern and is applicable uniformly throughout this  
20 Commonwealth. A political subdivision or other public agency may  
21 not adopt, implement or enforce an ordinance, resolution,  
22 regulation or rule requiring a consumer, manufacturer or  
23 retailer to recycle covered electronic devices or imposing a  
24 covered electronic waste recycling fee upon a manufacturer,  
25 retailer or consumer unless expressly authorized under this act.

26 (b) Solid or household hazardous waste.--Nothing in this  
27 section shall prohibit the adoption, implementation or  
28 enforcement of any local ordinance, resolution, regulation or  
29 rule governing curbside or drop-off recycling programs operated  
30 by or pursuant to a contract with a political subdivision or



1 other public agency, including any action relating to fees for  
2 these programs. Nothing in this section shall be construed to  
3 affect any contract, franchise, permit, license or other  
4 arrangement regarding the collection or recycling of solid waste  
5 or household hazardous waste.

6 (c) Civil penalty.--The following civil penalties may be  
7 imposed by the department:

8 (1) A civil penalty in an amount not to exceed \$5,000  
9 per offense for each sale of a covered electronic device for  
10 which a covered electronic waste recycling fee has not been  
11 paid pursuant to this act.

12 (2) A civil penalty in an amount not to exceed \$25,000  
13 against manufacturers for failure to comply with this act,  
14 except as otherwise provided in subsection (a).

15 Section 7. Financial provisions.

16 (a) Creation.--The Electronic Waste Recovery and Recycling  
17 Account is created as a restricted account in the State  
18 Treasury.

19 (b) Deposit.--The department shall deposit all fees or fines  
20 collected under this act into the account. The funds in the  
21 account may be expended by the department, upon appropriation by  
22 the General Assembly, for the following purposes:

23 (1) To make electronic waste recovery payments to an  
24 authorized collector of covered electronic waste pursuant to  
25 this act.

26 (2) To make electronic waste recycling payments to  
27 covered electronic waste recyclers of covered electronic  
28 waste pursuant to this act.

29 (3) To provide for costs of the department to administer  
30 this act.

1 (c) Interest.--Any interest earned upon funds in the account  
2 shall be deposited in the account for expenditure pursuant to  
3 this act.

4 (d) Education.--Not more than 1% of the funds annually  
5 deposited in the account shall be expended for the purposes of  
6 establishing the public information program to educate the  
7 public in the hazards of improper covered electronic device  
8 storage and disposal and on the opportunities to recycle covered  
9 electronic devices.

10 (e) Payment for covered electronic devices prohibited.--The  
11 department may not provide any payment for covered electronic  
12 devices unless the materials will be handled in compliance with  
13 all statutes and regulations regarding the export of hazardous  
14 wastes. No payment may be made for covered electronic devices  
15 exported to any country where the export or import of hazardous  
16 waste is prohibited.

17 (f) Payment for covered electronic waste prohibited.--The  
18 department may not provide any payment for covered electronic  
19 waste unless the materials are handled in compliance with all  
20 statutes and regulations regarding the export of hazardous  
21 wastes.

22 Section 20. Effective date.

23 This act shall take effect in 60 days.