
THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SONNEY, STERN, VULAKOVICH, WANSACZ AND WATSON, MARCH 4, 2009

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 4, 2009

AN ACT

1 Establishing a recycling program for certain covered devices;
2 imposing duties on manufacturers and retailers of certain
3 covered devices; providing for the powers and duties of the
4 Department of Environmental Protection and for enforcement;
5 and prescribing penalties.

6 TABLE OF CONTENTS

7 Chapter 1. Preliminary Provisions
8 Section 101. Short title.
9 Section 102. Definitions.
10 Chapter 3. Duties of Manufacturers and Retailers
11 Section 301. Applicability.
12 Section 302. Sales prohibition.
13 Section 303. Labeling requirement.
14 Section 304. Registration.
15 Section 305. Manufacturer plan and reporting.
16 Section 306. Retailer responsibility.
17 Chapter 5. Administration

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

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 CHAPTER 1

17 PRELIMINARY PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Covered
20 Device Recycling Act.

21 Section 102. Definitions.

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

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

27 "Computer." A desktop or notebook computer. The term does
28 not include an automated typewriter, electronic printer,
29 professional workstation, server, mobile telephone, portable
30 handheld calculator, portable digital assistant, MP3 player or

1 other similar device. The term also does not include a computer
2 peripheral commonly known as a cable, mouse or keyboard.

3 "Computer manufacturer." A person:

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

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

14 (3) for whose account covered devices were manufactured
15 outside the United States and are or were imported into the
16 United States, but this paragraph shall not apply if, at the
17 time such covered devices are or were imported into the
18 United States, another person has offered to collect the
19 covered devices under a recovery plan pursuant to section
20 5(c).

21 This term does not mean any person who both owns and licenses
22 the brand appearing on the covered computer device and has not
23 also manufactured or sold covered computer devices.

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

27 "Covered computer device." A desktop or notebook computer or
28 computer monitor, marketed and intended for use by a consumer.
29 The term does not include a covered television device.

30 "Covered device." A covered computer device and covered

1 television device marketed and intended for use by a consumer.

2 The term does not include:

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

7 (2) a device that is functionally or physically a part
8 of or connected to or integrated within equipment or a system
9 designed and intended for use in an industrial, governmental,
10 commercial, research and development or medical setting,
11 including, but not limited to, diagnostic, monitoring,
12 control or medical products as defined under the Federal
13 Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301
14 et seq.), or equipment used for security, sensing,
15 monitoring, antiterrorism, emergency services purposes or
16 equipment designed and intended primarily for use by
17 professional users;

18 (3) a device that is contained within a clothes washer,
19 clothes dryer, refrigerator, refrigerator and freezer,
20 microwave oven, conventional oven or range, dishwasher, room
21 air conditioner, dehumidifier, air purifier or exercise
22 equipment; or

23 (4) any of the following:

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

25 (ii) Personal digital assistant.

26 (iii) Global positioning system.

27 "Covered television device." An electronic device that
28 contains a tuner that locks on to a selected carrier frequency
29 and is capable of receiving and displaying television or video
30 programming via broadcast, cable or satellite, including,

1 without limitation, any direct view or projection television
2 with a viewable screen of four inches or larger whose display
3 technology is based on cathode ray tube, plasma, liquid crystal,
4 digital light processing, liquid crystal on silicon, silicon
5 crystal reflective display, light emitting diode or similar
6 technology marketed and intended for use by a consumer primarily
7 for personal purposes. The term does not include a covered
8 computer device.

9 "Department." The Department of Environmental Protection of
10 the Commonwealth.

11 "Desktop computer." An electronic, magnetic, optical,
12 electrochemical or other high-speed data processing device
13 which:

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

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

19 (3) Achieves human interface through a stand-alone
20 keyboard, stand-alone monitor or other display unit and a
21 stand-alone mouse or other pointing device and is designed
22 for a single user.

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

26 "Market share." A television manufacturer's prior year's
27 sales of covered television devices, in units, expressed as a
28 percentage of the total of all television manufacturers' prior
29 year sales, in units, for all covered television devices.

30 "New covered device." A covered device or a covered

1 television device that is manufactured after the effective date
2 of this section.

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

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

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

11 (3) Achieves human interface through a keyboard, video
12 display greater than four inches in size and mouse or other
13 pointing device, all of which are contained within the
14 construction of the unit which comprises the notebook
15 computer.

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

17 (5) May include a supplemental stand-alone interface
18 device.

19 (6) May use external, internal or batteries for a power
20 source.

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

23 "Obligated share." The proportion of covered computer
24 devices that reflects a manufacturer's returns share or covered
25 television devices that reflects a manufacturer's market share
26 responsibility under this act.

27 "Orphan device." A covered computer device for which no
28 manufacturer may be identified.

29 "Person." An individual, trust, firm, joint stock company,
30 business concern, corporation, government agency, partnership,

1 limited liability company or association.

2 "Program year." A full calendar year beginning on or after
3 January 1, 2011.

4 "Purchase." The taking by sale of title in exchange for
5 consideration.

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

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

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

21 "Return share." The proportion of covered computer devices
22 for which an individual manufacturer is responsible to collect,
23 transport and recycle.

24 "Return share in weight." The total weight of covered
25 computer devices for which a manufacturer is responsible to
26 collect, transport and recycle.

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

1 "Secretary." The Secretary of Environmental Protection of
2 the Commonwealth.

3 "Television manufacturer." A person who:

4 (1) manufactures covered television devices under a
5 brand that it licenses or owns for sale in this Commonwealth
6 but does not include a person who manufactures, sells or
7 resells a television device under a brand it licenses, the
8 licensor or brand owner of the brand;

9 (2) manufactures covered television devices without
10 affixing a brand for sale in this Commonwealth;

11 (3) resells into this Commonwealth a covered television
12 device under a brand it owns or licenses produced by other
13 suppliers, including a retail establishment that sells
14 covered television devices under a brand the retailer owns or
15 licenses but does not include a person who manufactures,
16 sells or resells a television device under a brand it
17 licenses, the licensor or brand owner of the brand;

18 (4) imports into the United States or exports from the
19 United States covered television devices for sale in this
20 Commonwealth;

21 (5) sells at retail a covered television device acquired
22 from an importer that is the manufacturer as described in
23 paragraph (4) and elects to register in lieu of the importer
24 as the manufacturer for those products;

25 (6) manufactures covered television devices, supplies
26 them to any person or persons within a distribution network
27 that includes wholesalers or retailers in this Commonwealth
28 and benefits from the sale in this Commonwealth of those
29 covered television devices through such distribution network;
30 or

1 (7) assumes the responsibilities and obligations of a
2 television manufacturer under this act.

3 CHAPTER 3

4 DUTIES OF MANUFACTURERS AND RETAILERS

5 Section 301. Applicability.

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

9 Section 302. Sales prohibition.

10 (a) General rule.--No manufacturer or retailer may sell or
11 offer for sale in this Commonwealth a new covered device unless
12 the brand is included on the list of registered manufacturers
13 and their brands maintained by the department pursuant to
14 subsection (b).

15 (b) List to be maintained by department.--Beginning April 1,
16 2010, the department shall maintain a list of each registered
17 manufacturer, the brands of all covered devices reported in each
18 manufacturer's registration and the brands of covered devices
19 for which no manufacturer has registered and post the list on
20 the department's Internet website.

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

22 (1) A retailer of new covered devices to be offered for
23 sale in or into this Commonwealth shall consult the list
24 prior to selling new covered devices in this Commonwealth.

25 (2) A retailer shall be considered to have complied with
26 paragraph (1) if, on the date that the new covered device was
27 ordered from the retailer, the brand was on the list of
28 registered manufacturers and is posted on the Internet
29 website identified in subsection (b).

30 Section 303. Labeling requirement.

1 On or after the effective date of this section, no
2 manufacturer or retailer may sell or offer for sale in this
3 Commonwealth a new covered device unless it is labeled with the
4 manufacturer's name and brand whether owned or licensed.

5 Section 304. Registration.

6 (a) Manufacturers registration.--

7 (1) A manufacturer of new covered devices offered for
8 sale in this Commonwealth shall register with the department
9 by January 30, 2011, and pay a registration fee of \$5,000.

10 (2) After January 30, 2011, if a manufacturer has not
11 previously filed a registration, the manufacturer shall file
12 a registration with the department prior to any offer for
13 sale or delivery in this Commonwealth of the manufacturer's
14 new covered devices and shall pay to the department a
15 registration fee of \$5,000.

16 (3) A registered manufacturer shall submit an annual
17 renewal of its registration to the department and pay to the
18 department a registration fee of \$5,000 by January 1 of each
19 program year. The registration and each annual renewal shall
20 include a list of all brands the manufacturer is using on its
21 covered devices regardless of whether the manufacturer owns
22 or licenses the brand, and shall be effective upon receipt by
23 the department.

24 (b) Reporting by computer manufacturers.--By April 1, 2010,
25 the department shall establish a procedure for an auditable,
26 statistically significant sampling of covered computer devices
27 collected from consumers in this Commonwealth and an audit
28 procedure for the sampling results. The results of the sampling
29 shall consist of a list of brands of covered computer devices
30 and the weight of covered computer devices of each brand. Prior

1 to final adoption of the sampling procedure, the department
2 shall notify the public, including all registered manufacturers
3 selling computer devices, of the availability of the proposed
4 sampling procedure, shall provide a 30-day public comment period
5 and shall prepare and make available to the public a written
6 response to public comments received during the public comment
7 period.

8 (c) Reporting by television manufacturers.--

9 (1) In addition to reporting all brands under which its
10 covered television devices are offered for sale, regardless
11 of whether the television manufacturer owns or licenses the
12 brand, the television manufacturer's annual report shall
13 include the market share of all new covered television
14 devices sold in this Commonwealth in the previous program
15 year. The market share for a television manufacturer shall be
16 determined using sales data submitted to the manufacturer or
17 the department by retailers pursuant to section 306(b).

18 (2) During the first program year after the effective
19 date of this section registered television manufacturers
20 shall collect data on the total weight of new covered
21 televisions sold during that year. The television
22 manufacturer's program obligations for the second and
23 subsequent program years shall be based upon the television
24 manufacturer's total weight in pounds multiplied by the
25 television manufacturer's market share in the previous
26 program year.

27 (3) When a manufacturer or group of manufacturers
28 conducts its own collection, transportation and recycling
29 program for covered devices, the manufacturer or group of
30 manufacturers shall submit a report to the department

1 annually by January 30, beginning the year after the program
2 is initiated. The report, sampling, if applicable, and
3 weighing required by this paragraph shall be paid for by the
4 manufacturer or group of manufacturers. The report shall
5 consist of:

6 (i) The total weight of covered computer devices,
7 including orphan share or covered television devices,
8 collected from consumers in this Commonwealth by the
9 manufacturer or group of manufacturers during the
10 previous program year and documentation verifying
11 collection and recycling of such devices.

12 (ii) The results of a statistically significant
13 sampling, if applicable, conducted in accordance with the
14 sampling procedure established by the department pursuant
15 to paragraph (1) of covered computer devices collected
16 from consumers in this Commonwealth by the manufacturer
17 or group of manufacturers during the previous program
18 year. The manufacturer shall audit the sampling results
19 in accordance with the audit procedure established by the
20 department pursuant to paragraph (1). The sampling may be
21 conducted by a third-party organization, including a
22 recycler, to be determined by the manufacturer or group
23 of manufacturers.

24 Section 305. Manufacturer plan and reporting.

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

26 (1) A manufacturer shall establish, conduct and manage a
27 plan to collect, transport and recycle a quantity of covered
28 computer devices equal to the manufacturer's return share in
29 weight or, in the case of covered television devices, the
30 manufacturer's market share. The plan shall be submitted to

1 the department for review.

2 (2) A group of manufacturers may submit a joint plan to
3 collect, transport and recycle the sum of the return shares
4 in weight in the case of covered computer devices of each
5 participating manufacturer or, in the case of covered
6 television devices, the television manufacturer's market
7 share.

8 (b) Contents of plan.--The plan required under subsection
9 (a) shall include:

10 (1) Methods that will be used to collect the covered
11 devices, including the name and locations of proposed
12 collection sites.

13 (2) The processes that will be used to recycle,
14 including a description of the recycling processes that will
15 be used and the names and locations of recyclers to be
16 directly utilized by the plan.

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

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

27 (5) A listing of all collection sites for covered
28 electronic devices and covered television devices.

29 (c) Approval of plan.--

30 (1) The department shall review a plan submitted to it

1 under subsection (a) and, within 60 days of receipt of the
2 plan, determine whether the plan complies with the provisions
3 of this act.

4 (2) If the department approves the plan, the department
5 shall notify the manufacturer or group of manufacturers. If
6 the department rejects the plan, in whole or in part, the
7 department shall notify the manufacturer or group of
8 manufacturers and provide the reasons for the plan's
9 rejection. Rejection of a plan shall be based on the plan's
10 failure to provide the information required by subsection
11 (b).

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

15 (d) Effect of failure to comply with approval plan.--

16 (1) (i) If the total weight in pounds of covered
17 devices collected, transported and recycled during a
18 program year by a manufacturer or group of manufacturers
19 is less than the sum of the obligated shares in weight
20 for that program year of each manufacturer participating
21 in the plan, the manufacturer or group of manufacturers
22 shall submit to the department, by March 15 of the
23 following program year, a payment to cover the cost of
24 collecting, transporting and recycling the unmet portion
25 of the sum of the obligated shares in weight.

26 (ii) The payment shall be equal to the quantity of
27 the unmet portion, in pounds, plus an additional 10% of
28 such quantity, multiplied by the cost per pound for
29 collection, transportation and recycling of covered
30 devices.

1 (iii) All payments collected under subparagraph (ii)
2 shall be deposited into the Recycling Fund and shall be
3 used to fund the activities under section 501 and other
4 recycling programs within this Commonwealth.

5 (2) The department shall:

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

9 (ii) No more frequently than annually and no less
10 frequently than biennially review these costs and shall
11 publish for public comment any proposed changes to these
12 costs.

13 (e) Multiple computer manufacturers.--

14 (1) Where more than one person may be deemed the
15 computer manufacturer of a brand of a covered computer
16 device, any one or more such persons may assume
17 responsibility for and satisfy the obligations of a
18 manufacturer under this act with respect to covered computer
19 devices bearing that brand.

20 (2) In the event that no person assumes responsibility
21 for and satisfies the obligations of a computer manufacturer
22 under this act with respect to covered devices bearing that
23 brand, for purposes of compliance with these provisions, the
24 responsible party shall be the person who satisfies paragraph
25 (1) of the definition of computer manufacturer.

26 (f) Construction.--Nothing in this act shall be construed to
27 exempt any person from liability that person would otherwise
28 have under applicable law.

29 Section 306. Retailer responsibility.

30 (a) Public notice.--A retailer shall clearly post and

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

7 (b) Sales.--

8 (1) A retailer who sells a new covered television device
9 during a calendar year shall report the number and weight of
10 new covered television devices from each television
11 manufacturer sold by that retailer during that calendar year
12 to the department within 30 days of the end of the calendar
13 year. The report submitted by the retailer to the department
14 shall be exempt from disclosure under the provisions of the
15 act of February 14, 2008 (P.L.6, No.3), known as the Right-
16 to-Know Law, and shall not be disclosed by the department
17 unless otherwise required by law or court order, however, all
18 aggregated data compiled by the department shall not be
19 exempt from the provisions of the Right-to-Know Law.

20 (2) The department shall utilize this data exclusively
21 to calculate a covered television manufacturer's market
22 share.

23 (3) A television manufacturer of a covered television
24 device may request of the department a copy of the
25 information on the brands for which they are a manufacturer
26 and which brands may be included in the report submitted by a
27 retailer to the department. The department shall only provide
28 information on the brands the television manufacturer is
29 using, regardless of whether the television manufacturer
30 licenses or owns the brands, and this information shall be

1 exempt from the provisions of the Right-to-Know Law.

2 (4) A retailer shall comply with sections 302(a) and (c)
3 and 303.

4 CHAPTER 5

5 ADMINISTRATION

6 Section 501. Duties of department.

7 The department shall:

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

14 (2) Update the list maintained pursuant to section
15 302(b) upon receipt by the department of a manufacturer's
16 registration or an annual manufacturer registration renewal.

17 (3) Organize and coordinate public education and
18 outreach. The department shall work with retailers to develop
19 the appropriate public education and outreach materials and
20 to assist retailers as necessary in the conduct of their
21 public education and outreach efforts.

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

25 (5) Oversee the implementation of all approved plans and
26 take the necessary actions to ensure compliance with approved
27 plans.

28 Section 502. Annual report.

29 The department shall prepare and submit annually to the
30 General Assembly and post on its Internet website a report that

1 includes:

2 (1) The total weight of covered computer devices or
3 covered television devices collected in this Commonwealth
4 during the previous calendar year.

5 (2) A complete listing of all manufacturers' collection,
6 transportation and recycling programs and collection sites
7 operating in this Commonwealth during the prior calendar
8 year, the parties that operated them and the amount of
9 material by weight collected at each site.

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

12 (4) An evaluation of the existing collection and
13 processing infrastructure.

14 (5) Recommendations for expanding the program to include
15 additional electronic devices. All recommendations shall be
16 accompanied by an analysis of the positive and negative
17 aspects along with a cost benefit analysis of the
18 recommendations.

19 Section 503. Additional duties.

20 The department shall:

21 (1) Maintain an Internet website and toll-free telephone
22 number complete with up-to-date listings of where consumers
23 may take covered computer devices or covered television
24 devices for recycling under this act.

25 (2) No more frequently than annually and no less
26 frequently than biennially, review at a public hearing the
27 amount of the covered computer device and covered television
28 device recycling and registration fee. Recommended changes to
29 the covered computer device and covered television device
30 recycling program and registration fees shall be included in

1 the annual report.

2 Section 504. Fees for collection or recycling of covered
3 computer devices.

4 No manufacturer or retailer may charge a fee or cost to a
5 consumer for the collection, transportation or recycling of a
6 covered electronic device or a covered television device.

7 Section 505. Environmentally sound management requirements.

8 (a) General rule.--Covered devices collected through any
9 program in this Commonwealth, whether by a manufacturer,
10 retailer, for-profit or not-for-profit corporation or unit of
11 government, shall be recycled in a manner that is in compliance
12 with all applicable Federal, State and local laws, regulations
13 and ordinances and may not be exported for disposal in a manner
14 that poses a significant risk to the public health or the
15 environment.

16 (b) Performance requirements.--The department shall
17 establish performance requirements to conduct collection,
18 transportation and recycling programs for covered devices. All
19 entities shall, at a minimum, demonstrate compliance with the
20 Environmental Protection Agency's: Guidelines for Materials
21 Management of the Partnership referred to as Plug-In to eCycling
22 as issued and make this available on the Internet website
23 described in subsection (c) in addition to any other
24 requirements mandated by Federal or State law.

25 (c) Department to maintain Internet website.--The department
26 shall maintain an Internet website that includes a list of
27 entities and organizations that the department has determined
28 have met the performance requirements.

29 Section 506. Disposal ban.

30 (a) General rule.--Two years after the effective date of

1 this section, no person may place in municipal solid waste a
2 covered device or any of the components or subassemblies
3 thereof, excluding any nonhazardous residuals produced during
4 recycling in any solid waste disposal facility.

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

8 (1) made a good faith effort to comply with this
9 section;

10 (2) posted in a conspicuous location at the facility a
11 sign stating that covered electronic devices and covered
12 television devices or any components thereof shall not be
13 accepted at such facility; and

14 (3) notified, in writing, all collectors registered to
15 deposit solid waste to such facility that such devices or
16 components shall not be accepted at the facility.

17 (c) Definition.--For purposes of this section, "facility"
18 shall have the same meaning given to it in section 103 of the
19 act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste
20 Management Act. The term does not include a transfer station.
21 Section 507. Enforcement.

22 (a) Judicial action.--

23 (1) The Commonwealth, through the Attorney General and
24 the department, may initiate independent action to enforce
25 any provision of this act, including failure by the
26 manufacturer to remit the registration fee pursuant to
27 section 304(a) to the department.

28 (2) Any funds awarded by the court shall be used first
29 to offset enforcement expenses. Money in excess of the
30 enforcement expenses shall be deposited into the Recycling

1 Fund and used to support the activities under section 501 and
2 other recycling programs within this Commonwealth.

3 (b) Penalties.--

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

12 (2) Except as otherwise provided under paragraph (1),
13 any person, including a retailer, who violates any
14 requirement of this act may be assessed a penalty of up to
15 \$1,000 for the first violation and up to \$2,000 for the
16 second and each subsequent violation, in addition to paying
17 for any fees, payments and penalties required by or imposed
18 pursuant to this act.

19 (3) All penalty moneys collected under paragraphs (1)
20 and (2) shall be deposited into the Recycling Fund and used
21 to support the activities under section 501 and other
22 recycling programs within this Commonwealth.

23 (c) Injunctive relief.--A violation of the sales
24 prohibitions of this act may be enjoined in an action in the
25 name of the Commonwealth, brought by the Attorney General.
26 Section 508. Regulations.

27 The department may adopt rules and regulations as shall be
28 necessary for the purpose of administering this act. The
29 regulations shall be promulgated in accordance with the act of
30 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review

1 Act.

2 Section 509. Multistate implementation.

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

6 CHAPTER 7

7 MISCELLANEOUS PROVISIONS

8 Section 701. Expiration.

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

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

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

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

23 Section 702. Effective date.

24 This act shall take effect in 60 days.