
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2299 Session of
2020

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HANBIDGE, ULLMAN, KORTZ, YOUNGBLOOD AND DRISCOLL,
FEBRUARY 24, 2020

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 24, 2020

AN ACT

1 Establishing the Manufacturer E-waste Program, providing for
2 Manufacturer E-waste Program plans, for penalties and for
3 landfill ban and establishing the Advisory Electronics
4 Recycling Task Force.

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

19 Section 1. Short title.

20 This act shall be known and may be cited as the Consumer
21 Electronics Recycling Act.

22 Section 2. Legislative findings.

23 The General Assembly finds and declares that:

24 (1) Many older and obsolete consumer electronic products
25 contain materials such as metals, plastics, glass and other
26 potentially valuable materials which may pose environmental
27 and health risks and should be recycled.

28 (2) The reuse and recycling of these materials can
29 conserve natural resources and energy and further the
30 interest of this Commonwealth in the proper product

1 management.

2 (3) Manufacturers of electronic products should share
3 responsibility for the proper management of obsolete consumer
4 electronic products which could impose significant cost
5 burdens on municipalities of this Commonwealth in collecting
6 and processing obsolete electronic products.

7 (4) This Commonwealth will benefit from the
8 implementation of a program or programs for the proper
9 management of obsolete consumer electronic products operated
10 by manufacturers that are actively overseen by the
11 Commonwealth.

12 (5) It is the intent of the Commonwealth to allow
13 manufacturers to coordinate their activities and programs
14 related to the proper management of obsolete covered
15 electronic devices under strict supervision regardless of the
16 effect the manufacturers' actions or coordination will have
17 on competition.

18 (6) It is in the best interest of the Commonwealth to
19 promote the coordination of manufacturer activities and
20 programs related to the proper management of obsolete covered
21 electronic devices through participation in a manufacturer
22 clearinghouse under this act.

23 Section 3. Definitions.

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

27 "Best practices." Standards for collecting and preparing
28 items for shipment and recycling, taking into consideration the
29 preservation of existing collection programs and relationships
30 when possible. The term includes standards for packaging,

1 transport, load size, acceptable load contamination levels, non-
2 CED items included in a load and other standards as determined
3 under section 20.

4 "Board." The Environmental Hearing Board of the
5 Commonwealth.

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

9 "Computer," "personal computer" or "PC." A desktop computer,
10 notebook computer or tablet computer used only in a residence in
11 this Commonwealth. The term may not include an automated
12 typewriter, electronic printer, mobile telephone, portable hand-
13 held calculator, portable digital assistant (PDA), MP3 player or
14 other similar device or other peripheral items such as cables, a
15 computer mouse or a keyboard.

16 "Computer monitor." An electronic device that is a cathode-
17 ray tube or flat panel display primarily intended to display
18 information from a computer and is used only in a residence in
19 this Commonwealth.

20 "County recycling coordinator." The individual who is
21 designated as the recycling coordinator for a county in a waste
22 management plan submitted under section 501 of the act of July
23 28, 1988 (P.L.556, No.101), known as the Municipal Waste
24 Planning, Recycling and Waste Reduction Act.

25 "Covered electronic device" or "CED." Any cable receiver,
26 computer, computer monitor, digital converter box, digital video
27 disc player, digital video disc recorder, electronic keyboard,
28 electronic mouse, facsimile machine, portable digital music
29 player that has memory capability and is battery powered,
30 printer, satellite receiver, scanner, small-scale server,

1 television, video game console or videocassette recorder sold at
2 retail. The term does not include any of the following:

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

7 (2) an electronic device that is functionally or
8 physically part of a larger piece of equipment or that is
9 taken out of service from a retail, industrial, commercial,
10 library checkout, traffic control, kiosk, security used for
11 purposes other than household security, governmental,
12 agricultural or medical setting, including, but not limited
13 to, diagnostic, monitoring or control equipment; or

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

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

25 (1) computer monitors;

26 (2) computers and small-scale servers;

27 (3) digital converter boxes, cable receivers and
28 satellite receivers;

29 (4) digital video disc players, digital video disc
30 recorders and videocassette recorders;

- 1 (5) electronic keyboards and electronic mice and
- 2 portable digital music players that have memory capability
- 3 and are battery powered;
- 4 (6) printers, facsimile machines and scanners;
- 5 (7) televisions; and
- 6 (8) video game consoles.

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

9 "Desktop computer." An electronic, magnetic, optical,
10 electrochemical or other high-speed data processing device that
11 is designed to be located in a single location to perform
12 logical, arithmetic or storage functions for general purpose
13 needs through interaction with a number of software programs
14 using human interface with a stand-alone keyboard, monitor or
15 other display unit and mouse or other pointing device. The term
16 does not include:

17 (1) a device that is designed to exclusively perform a
18 specific type of logical, arithmetic or storage function or
19 other limited or specialized application;

20 (2) a device that is designed for portability and
21 generally utilizes an external monitor, keyboard and mouse
22 with an external or internal power supply for a power source;
23 or

24 (3) an automated typewriter or typesetter.

25 "Manufacturer." A person, or a successor in interest to a
26 person, under whose brand or label a CED is or was sold at
27 retail. The term includes a CED sold at retail under a brand or
28 label that is licensed from another person who is a mere brand
29 owner and who does not sell or produce a CED and a CED sold at
30 retail under the brand or label of both the retail seller and

1 the person that produced the CED.

2 "Manufacturer clearinghouse." An entity that collectively
3 represents at least 50% of the manufacturers' total obligations
4 under this act for a program year that prepares and submits a
5 program plan to the department and oversees the program on
6 behalf of a group of two or more manufacturers cooperating to
7 collectively establish and operate a program under this act.

8 "Municipality." A county, city, borough, incorporated town,
9 township or home rule municipality.

10 "Notebook computer" or "laptop computer." An electronic,
11 magnetic, optical, electrochemical or other high-speed data
12 processing device with an incorporated video display unit
13 greater than four inches in size to be carried as one unit by an
14 individual to perform logical, arithmetic or storage functions
15 for general purpose needs through interaction with a number of
16 software programs using human interaction with a keyboard, video
17 display and mouse or other pointing device, all of which are
18 contained within the construction of the unit that comprises the
19 notebook computer. The term includes devices that operate using
20 an internal or external power source and devices that accept
21 attachment of supplemental stand-alone interface devices. The
22 term does not include:

23 (1) a device that is designed to exclusively perform a
24 specific type of logical, arithmetic or storage function or
25 other limited or specialized application; or

26 (2) a portable hand-held calculator or a portable
27 digital assistant or similar specialized device.

28 "One-day collection event." A one-day event used as a
29 substitute for a program collection site under section 5.

30 "Person." An individual, partnership, co-partnership, firm,

1 company, limited liability company, corporation, association,
2 joint stock company, trust, estate, political subdivision, State
3 agency or any other legal entity or legal representative, agent
4 or assign of that entity. The term includes a unit of local
5 government.

6 "Printer." Desktop printers, multifunction printer copiers
7 and combinations of printers and fax machines taken out of
8 service from a residence in this Commonwealth that are designed
9 to reside on a work surface. The term includes various print
10 technologies, including, without limitation, laser and LED or
11 electrographic, ink jet, dot matrix, thermal and digital
12 sublimation and multi-function or all-in-one devices that
13 perform different tasks, including, without limitation, copying,
14 scanning, faxing and printing. The term does not include floor-
15 standing printers, printers with optional floor stand, point of
16 sale receipt printers, calculators with printing capabilities,
17 label makers or non-stand-alone printers that are embedded into
18 products that are not CEDs.

19 "Program." The Manufacturer E-waste Program established
20 under section 4 by a manufacturer, individually or collectively
21 as part of a manufacturer clearinghouse, to transport and
22 subsequently recycle residential CEDs collected at program
23 collection sites and one-day collection events under this act.

24 "Program collection site." A physical location that is
25 included in a program and at which residential CEDs are
26 collected and prepared for transport by a collector during a
27 program year under this act. The term does not include a retail
28 collection site.

29 "Program year." A calendar year.

30 "Recycler." Any person who transports or subsequently

1 recycles residential CEDs that have been collected and prepared
2 for transport by a collector at any program collection site or
3 one-day collection event.

4 "Recycling." A method, technique or process designed to
5 remove any contaminant from waste so as to render the waste
6 reusable, or any process by which materials that would otherwise
7 be disposed of or discarded are collected, separated or
8 processed and returned to the economic mainstream in the form of
9 raw materials or products. The term includes any process by
10 which residential CEDs that would otherwise be disposed of or
11 discarded are collected, separated or processed and returned to
12 the economic mainstream in the form of raw materials or
13 products.

14 "Residence." A dwelling place or home in which one or more
15 individuals live.

16 "Residential covered electronic device" or "residential CED."
17 Any covered electronic device taken out of service from a
18 residence in this Commonwealth.

19 "Retail collection site." A private sector collection site
20 operated by a retailer collecting on behalf of a manufacturer.

21 "Retailer." A person who first sells, through a sales
22 outlet, catalog or the Internet, a covered electronic device at
23 retail to an individual for residential use or any permanent
24 establishment primarily where merchandise is displayed, held,
25 stored or offered for sale to the public.

26 "Sale." Any retail transfer of title for consideration of
27 title, including, but not limited to, transactions conducted
28 through sales outlets, catalogs or the Internet or any other
29 similar electronic means. The term does not include financing or
30 leasing.

1 "Small-scale server." A computer that is primarily designed
2 to serve as a storage host for other computers and must:

3 (1) be designed in a pedestal, tower or other form that
4 is similar to that of a desktop computer so that all data
5 processing, storage and network interfacing is contained
6 within one box or product;

7 (2) be designed to be operational 24 hours per day and
8 seven days per week;

9 (3) have very little unscheduled downtime;

10 (4) be capable of operating in a simultaneous multi-user
11 environment serving several users through networked client
12 units; and

13 (5) be designed for an industry-accepted operating
14 system for home or low-end server applications.

15 "Tablet computer." An electronic, magnetic, optical,
16 electrochemical or other high-speed data processing device with
17 an incorporated touch screen and video display screen greater
18 than six inches in size using an external or internal power
19 source that is designed to be portable and to perform logical,
20 arithmetic or storage functions for general purpose needs
21 through interaction with a number of software programs using
22 human interaction through an integrated screen or wired or
23 unwired device. The term does not include:

24 (1) a device that is designed to exclusively perform a
25 specific type of logical, arithmetic or storage function or
26 other limited or specialized application; or

27 (2) a portable hand-held calculator, a portable digital
28 assistant or a similar specialized device.

29 "Task force." The Advisory Electronics Recycling Task Force
30 established under section 20.

1 "Television." An electronic device that contains a cathode-
2 ray tube or flat panel screen the size of which is greater than
3 four inches when measured diagonally and is intended to receive
4 video programming via broadcast, cable, satellite, Internet or
5 other mode of video transmission or to receive video from
6 surveillance or other similar cameras.

7 Section 4. Manufacturer E-waste Program.

8 (a) Transportation program.--The Manufacturer E-waste
9 Program is established. For program year 2020, and each program
10 year thereafter, each manufacturer shall, individually or as
11 part of a manufacturer clearinghouse, provide a program to
12 transport and subsequently recycle residential CEDs collected
13 at, and prepared for transport from, the program collection
14 sites and one-day collection events included in the program
15 during the program year.

16 (b) Program requirements.--Each program under subsection (a)
17 must include:

18 (1) satisfaction of the convenience standard described
19 in section 5;

20 (2) instructions for designated county recycling
21 coordinators and municipalities to annually file notice to
22 participate in the program;

23 (3) transportation and subsequent recycling of the
24 residential CEDs collected at, and prepared for transport
25 from, the program collection sites and one-day collection
26 events included in the program during the program year; and

27 (4) submission of a report to the department, by March
28 1, 2020, and each March 1 thereafter, which includes:

29 (i) the total weight of all residential CEDs
30 transported from program collection sites and one-day

1 collection events throughout this Commonwealth during the
2 preceding program year by CED category;

3 (ii) the total weight of residential CEDs
4 transported from all program collection sites and one-day
5 collection events in each county in this Commonwealth
6 during the preceding program year by CED category; and

7 (iii) the total weight of residential CEDs
8 transported and recycled from all program collection
9 sites and one-day collection events in each county in
10 this Commonwealth during the preceding program year.

11 (c) Program instruction availability.--Each program shall
12 make the instructions required under subsection (b)(2) available
13 on its publicly accessible Internet website by December 1, 2020,
14 and the program shall provide to the department a hyperlink to
15 the program's website for posting on the department's publicly
16 accessible Internet website.

17 (d) Curbside pickup.--Nothing in this act shall prevent a
18 manufacturer from accepting residential CEDs collected through a
19 municipal recycling program as defined under section 103 of the
20 act of July 28, 1988 (P.L.556, No.101), known as the Municipal
21 Waste Planning, Recycling and Waste Reduction Act.

22 (e) Requirements of collection program.--A collection
23 program operated in accordance with this section shall:

24 (1) meet the collector responsibilities under section
25 12(a), (d), (e) and (g) and require certification on the bill
26 of lading or similar manifest from the unit of local
27 government, the third party and the county or municipal joint
28 action agency that elected to participate in the program that
29 the CEDs were collected, to the best of their knowledge, from
30 residential consumers in this Commonwealth;

1 (2) comply with the audit provisions under section 8(i);

2 (3) locate any drop-off location where CEDs are
3 collected on property owned by a municipality; and

4 (4) have signage at any drop-off location indicating
5 only residential CEDs are accepted for recycling.

6 (f) Financial responsibility.--Manufacturers of CEDs may not
7 be financially responsible for transporting and consolidating
8 CEDs collected from a collection program's drop-off location.
9 Any drop-off location used in 2020 must have been identified by
10 the county or municipal joint action agency in the written
11 notice of election to participate in the program in accordance
12 with section 6 by March 1, 2020. Any drop-off location operating
13 in 2020 or in subsequent years must be identified by the county
14 or municipal joint action agency in the annual written notice of
15 election to participate in a program in accordance with section
16 6 to be eligible for the subsequent program year.

17 Section 5. Convenience standard for program collection sites.

18 (a) Program requirements.--Beginning in 2020, each program
19 for a program year must include, at a minimum, program
20 collection sites in the following quantities in counties that
21 elect to participate in the program for the program year:

22 (1) one program collection site in each county that has
23 a population density that is less than 250 individuals per
24 square mile;

25 (2) two program collection sites in each county that has
26 a population density that is greater than or equal to 250
27 individuals per square mile but less than 500 individuals per
28 square mile;

29 (3) three program collection sites in each county that
30 has a population density that is greater than or equal to 500

1 individuals per square mile but less than 750 individuals per
2 square mile;

3 (4) four program collection sites in each county that
4 has a population density that is greater than or equal to 750
5 individuals per square mile but less than 1,000 individuals
6 per square mile;

7 (5) five program collection sites in each county that
8 has a population density that is greater than or equal to
9 1,000 individuals per square mile but less than 5,000
10 individuals per square mile; and

11 (6) fifteen program collection sites in each county that
12 has a population density that is greater than or equal to
13 5,000 individuals per square mile.

14 (b) County population densities.--For purposes of this
15 section, county population densities shall be based on the
16 entire county's population density, regardless of whether a
17 municipality or municipal joint action agency in the county
18 participates in a program. If a municipality with a population
19 of over 1,000,000 residents elects to participate in a program
20 for a program year, the program shall provide 10 additional
21 program collection sites for the program year to be located in
22 that municipality, and the program collection sites required
23 under subsection (a) (6) shall be located outside of the
24 municipality. If a municipal joint action agency elects to
25 participate in a program for a program year, it shall receive,
26 for that year, a population-based pro rata share of the program
27 collection sites that would be granted to the county in which
28 the municipal joint action agency is located if the county were
29 to elect to participate in the program for that year, rounded to
30 the nearest whole number.

1 (c) Number of collection sites.--A designated county
2 recycling coordinator may elect to operate more than the
3 required minimum number of collection sites.

4 (d) Written agreements permitted.--Notwithstanding the
5 provisions of subsection (a), any municipality or municipal
6 joint action agency that elects to participate in a program may
7 enter into a written agreement with the operators of any program
8 in order to:

9 (1) decrease the number of program collection sites in
10 the county, municipality or territorial boundary of the
11 municipal joint action agency for the program year;

12 (2) substitute a program collection site in the county,
13 municipality or territorial boundary of the municipal joint
14 action agency with either:

15 (i) four one-day collection events; or

16 (ii) a different number of collection events as may
17 be provided in the written agreement;

18 (3) substitute the location of a program collection site
19 in the county, municipality or territorial boundary of the
20 municipal joint action agency for the program year with
21 another location;

22 (4) substitute the location of a one-day collection in
23 the county, municipality or territorial boundary of the
24 municipal joint action agency with another location; or

25 (5) use, with the agreement of the applicable retailer,
26 a retail collection site as a program collection site.

27 (e) Writing requirement.--An agreement made under subsection
28 (d) (1) or (2) shall be reduced to writing and included in the
29 program plan under section 7(a).

30 Section 6. Election to participate in programs.

1 (a) Election to participate.--Beginning with program year
2 2020, a county, municipal joint action agency or a municipality
3 with a population of more than 1,000,000 residents may elect to
4 participate in a program by filing with the program and the
5 department, on or before March 1, 2020, and on or before March 1
6 of each year thereafter for the upcoming program year, a written
7 notice of election to participate in the program. The written
8 notice shall include a list of proposed collection locations
9 likely to be available and appropriate to support the program,
10 and may include locations already providing similar collection
11 services. The written notice may include a list of registered
12 recyclers that the county, municipal joint action agency or
13 municipality would prefer using for its collection sites or one-
14 day events.

15 (b) Operation contracts.--Counties, municipal joint action
16 agencies and municipalities with a population of more than
17 1,000,000 residents may contract with registered collectors to
18 operate collection sites. Eligible registered collectors are not
19 limited to private companies and non-government organizations.
20 Section 7. Program plans.

21 (a) Program plans.--By July 1, 2020, and each July 1
22 thereafter, each manufacturer shall, individually or through a
23 manufacturer clearinghouse, submit to the department a program
24 plan which shall include:

25 (1) the contact information for the individual who will
26 serve as the point of contact for the program;

27 (2) the name of each county that has elected to
28 participate in the program during the program year;

29 (3) for each county, the location of each program
30 collection site and one-day collection event included in the

1 program for the program year;

2 (4) the collector operating each program collection site
3 and one-day collection event included in the program for the
4 program year;

5 (5) the recyclers that manufacturers plan to use during
6 the program year to transport and subsequently recycle
7 residential CEDs under the program, with the updated list of
8 recyclers to be provided to the department no later than
9 December 1 preceding each program year;

10 (6) an explanation of any deviation by the program from
11 the standard program collection site distribution under
12 section 5(a) for the program year, along with copies of all
13 written agreements made under section 5(d)(1) and (2) for the
14 program year; and

15 (7) if a group of two or more manufacturers are
16 participating in a manufacturer clearinghouse, certification
17 that the methodology used for allocating responsibility for
18 the transportation and recycling of residential CEDs by
19 manufacturers participating in the manufacturer clearinghouse
20 for the program year will be in compliance with the
21 allocation methodology established under section 19.

22 (b) Department review.--Within 60 days after receiving a
23 program plan, the department shall review and approve or
24 disapprove the plan. The following shall occur:

25 (1) If the department determines that the program
26 collection sites and one-day collection events specified in
27 the plan will satisfy the convenience standard set forth in
28 section 5, the department shall approve the program plan and
29 provide written notification of the approval to the
30 individual who serves as the point of contact for the

1 manufacturer. The department shall make the approved plan
2 available on the department's publicly accessible Internet
3 website.

4 (2) If the department determines the program collection
5 sites and one-day collection events specified in the plan
6 will not satisfy the convenience standard set forth in
7 section 5, the department shall disapprove the program plan
8 and provide written notification of the disapproval and the
9 reasons for the disapproval to the individual who serves as
10 the point of contact for the manufacturer. Within 30 days
11 after the date of disapproval, the manufacturer shall submit
12 a revised program plan that addresses the deficiencies noted
13 in the department's disapproval.

14 (c) Financial responsibility assumed.--Manufacturers shall
15 assume financial responsibility for carrying out their program
16 plans, including, but not limited to, financial responsibility
17 for providing the packaging materials necessary to prepare
18 shipments of collected residential CEDs in compliance with
19 section 12(e), as well as financial responsibility for bulk
20 transportation and recycling of collected residential CEDs.

21 Section 8. Manufacturer registration.

22 (a) Registration required.--By April 1, 2020, and by April 1
23 of each year thereafter, a manufacturer who sells CEDs in this
24 Commonwealth must register with the department by:

25 (1) submitting to the department a \$5,000 registration
26 fee; and

27 (2) completing and submitting to the department the
28 registration form prescribed by the department. Information
29 on the registration form shall include, without limitation,
30 all of the following:

1 (i) a list of all of the brands and labels under
2 which the manufacturer's CEDs are sold or offered for
3 sale in this Commonwealth; and

4 (ii) the total weights, by CED category, of CEDs
5 sold in the United States to individuals, under any of
6 the manufacturer's brands or labels, during the calendar
7 year that is two years before the applicable program
8 year.

9 (b) Amended registration.--If, during a program year, any of
10 the manufacturer's CEDs are sold or offered for sale in this
11 Commonwealth under a brand that is not listed in the
12 manufacturer's registration, the manufacturer must amend its
13 registration to add the brand within 30 days after the first
14 sale or offer for sale under that brand.

15 (c) Use of fees.--All registration fees collected by the
16 department under this section shall be deposited into the
17 Recycling Fund established under section 706 of the act of July
18 28, 1988 (P.L.556, No.101), known as the Municipal Waste
19 Planning, Recycling and Waste Reduction Act.

20 (d) Internet listing.--The department shall post on its
21 publicly accessible Internet website a list of all registered
22 manufacturers.

23 (e) New registration.--Beginning in program year 2020, a
24 manufacturer whose CEDs are sold or offered for sale in this
25 Commonwealth for the first time on or after April 1 of a program
26 year must register with the department within 30 days after the
27 date the CEDs are first sold or offered for sale in this
28 Commonwealth.

29 (f) Recycling standards.--Beginning in program year 2020,
30 manufacturers shall ensure that only recyclers that have

1 registered with the department and meet the recycler standards
2 set forth in section 11 are used to transport or recycle
3 residential CEDs collected at any program collection site or
4 one-day collection event.

5 (g) Registration required.--Beginning in program year 2020,
6 no manufacturer may sell or offer for sale a CED in this
7 Commonwealth unless the manufacturer is registered and operates
8 a program either individually or as part of the manufacturer
9 clearinghouse as required in this act.

10 (h) Brand name required.--Beginning in program year 2020, no
11 manufacturer may sell or offer for sale a CED in this
12 Commonwealth unless the manufacturer's brand name is permanently
13 affixed to, and is readily visible on, the CED.

14 (i) Manufacturer audit.--In accordance with a contract or
15 agreement with a county, municipality or municipal joint action
16 agency that has elected to participate in a program under this
17 act, manufacturers may, either individually or through a
18 manufacturer clearinghouse, audit program collection sites and
19 proposed program collection sites for compliance with the terms
20 and conditions of the contract or agreement. Audits shall be
21 conducted during normal business hours and a manufacturer or its
22 designee shall provide reasonable notice to the collection site
23 in advance of the audit. Audits of all program collection sites
24 may include, among other things, physical site location visits
25 and inspections and review of processes, procedures, technical
26 systems, reports and documentation reasonably related to the
27 collecting, sorting, packaging and recycling of residential CEDs
28 in compliance with this act.

29 (j) Acceptance of recycled goods.--Nothing in this act shall
30 require a manufacturer or program to collect, transport or

1 recycle any CEDs other than residential CEDs, or to accept for
2 transport or recycling any pallet or bulk container of
3 residential CEDs that has not been prepared by the collector for
4 shipment in accordance with section 12(e).

5 Section 9. Manufacturer clearinghouse.

6 (a) Plan incorporation.--A program plan submitted by a
7 manufacturer clearinghouse may take into account and incorporate
8 individual plans or operations of one or more manufacturers that
9 are participating in the manufacturer clearinghouse.

10 (b) Delegation of responsibility.--If a manufacturer
11 clearinghouse allocates responsibility to manufacturers for
12 manufacturers' transportation and recycling of residential CEDs
13 during a program year as part of a program plan, the
14 manufacturer clearinghouse shall identify the allocation
15 methodology in its plan submission to the department under
16 section 7 for review and approval. Any allocation of
17 responsibility among manufacturers for the collection of CEDs
18 shall be in accordance with the allocation methodology
19 established under section 19.

20 (c) Authority to enforce compliance.--No manufacturer
21 clearinghouse may have authority to enforce manufacturer
22 compliance with the requirements of this act, including
23 compliance with the allocation methodology set forth in a
24 program plan. A manufacturer clearinghouse shall, upon prior
25 notice to the manufacturer, refer any potential noncompliance to
26 the department. A manufacturer clearinghouse may develop and
27 implement policies and procedures that exclude from
28 participation in the manufacturer clearinghouse any
29 manufacturers found by the board or a court of competent
30 jurisdiction to have failed to comply with this act.

1 Section 10. Retailer responsibilities.

2 (a) Registration and labeling requirements.--Beginning in
3 program year 2020, no retailer who first sells a CED at retail
4 through a sales outlet, catalog or the Internet to an individual
5 for residential use may sell or offer for sale any CED in or for
6 delivery into this Commonwealth unless:

7 (1) the CED is labeled with a brand, and the label is
8 permanently affixed and readily visible; and

9 (2) the manufacturer is registered with the department
10 at the time the retailer purchases the CED.

11 (b) Compliance.--A retailer shall be considered to have
12 complied with subsection (a) if:

13 (1) a manufacturer registers with the department within
14 30 days of a retailer taking possession of the manufacturer's
15 CED;

16 (2) a manufacturer's registration expires and the
17 retailer ordered the CED prior to the expiration, in which
18 case the retailer may sell the CED, but only if the sale
19 takes place within 180 days of the expiration; or

20 (3) a manufacturer is no longer conducting business and
21 has no successor in interest, in which case the retailer may
22 sell any orphan CED ordered prior to the discontinuation of
23 business.

24 (c) Retailers agreement.--Retailers may not be considered
25 collectors under the convenience standard and retail collection
26 sites may not be considered a collection site for the purposes
27 of the convenience standard under sections 4, 5 or 7 unless
28 otherwise agreed to in writing by the retailer, operators of the
29 program and the applicable county, municipal joint action agency
30 or municipality. If retailers agree to participate in a county

1 program collection site, the retailer collection site shall not
2 be required to collect all CEDs or register as a collector.

3 (d) Retail sites permitted.--Manufacturers may use retail
4 collection sites for satisfying some or all obligations under
5 sections 4, 5 or 7.

6 (e) Fees permitted.--Nothing in this act shall prohibit a
7 retailer from collecting a fee for each CED collected.

8 Section 11. Recycler responsibilities.

9 (a) Recycler registration.--

10 (1) By January 1, 2020, and each January 1 thereafter,
11 each recycler must register with the department by:

12 (i) submitting to the department a \$3,000
13 registration fee; and

14 (ii) completing and submitting to the department the
15 registration form prescribed by the department. The
16 registration form shall include the address of each
17 location where the recycler manages residential CEDs
18 collected through a program and the certification
19 required under subsection (d).

20 (2) The department may deny a registration under this
21 section if the recycler or any employee or officer of the
22 recycler has a history of:

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

26 (ii) conviction in this Commonwealth or another
27 state of any crime which is a felony under the laws of
28 this Commonwealth or conviction of a felony in a Federal
29 court; or

30 (iii) conviction in this Commonwealth or another

1 state or Federal court of any of the following crimes:

2 (A) forgery;

3 (B) official misconduct;

4 (C) bribery;

5 (D) perjury;

6 (E) knowingly submitting false information under
7 any environmental law, regulation or permit term or
8 condition; or

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

12 (b) Registration fees.--All registration fees collected by
13 the department under this section shall be deposited into the
14 Recycling Fund established under section 706 of the act of July
15 28, 1988 (P.L.556, No.101), known as the Municipal Waste
16 Planning, Recycling and Waste Reduction Act.

17 (c) Public listing of registered recyclers.--The department
18 shall post on the department's publicly accessible Internet
19 website a list of all registered recyclers.

20 (d) Registration required.--Beginning in program year 2020,
21 no person may act as a recycler of residential CEDs for a
22 program unless the recycler is registered with the department as
23 required under this section.

24 (e) Certification of compliance required.--Beginning in
25 program year 2020, recyclers must, as a part of their annual
26 registration, certify compliance with all of the following
27 requirements:

28 (1) Recyclers must comply with Federal, State and local
29 laws and regulations, including Federal and State minimum
30 wage laws, specifically relevant to the handling, processing

1 and recycling of residential CEDs and must have proper
2 authorization by all appropriate governing authorities to
3 perform the handling, processing and recycling.

4 (2) Recyclers must implement the appropriate measures to
5 safeguard occupational and environmental health and safety
6 through:

7 (i) environmental health and safety training of
8 personnel, including training with regard to material and
9 equipment handling, worker exposure, controlling releases
10 and safety and emergency procedures; and

11 (ii) an up-to-date written plan for:

12 (A) the identification and management of
13 hazardous materials; and

14 (B) reporting and responding to exceptional
15 pollutant releases, including emergencies such as
16 accidents, spills, fires and explosions.

17 (3) Recyclers must maintain:

18 (i) commercial general liability insurance or the
19 equivalent corporate guarantee for accidents and other
20 emergencies with limits of not less than \$1,000,000 per
21 occurrence; and

22 (ii) pollution legal liability insurance with limits
23 not less than \$1,000,000 per occurrence for companies
24 engaged solely in the dismantling activities and
25 \$5,000,000 per occurrence for companies engaged in
26 recycling.

27 (4) Recyclers must maintain on file documentation that
28 demonstrates the completion of an environmental health and
29 safety audit completed and certified by a competent internal
30 and external auditor annually. A competent auditor is an

1 individual who, through professional training or work
2 experience, is appropriately qualified to evaluate the
3 environmental health and safety conditions, practices and
4 procedures of the facility. Documentation of auditors'
5 qualifications must be available for inspection by department
6 officials and third-party auditors.

7 (5) Recyclers must maintain on file proof of workers'
8 compensation and employers' liability insurance.

9 (6) Recyclers must provide adequate assurance, such as
10 bonds or corporate guarantees, to cover environmental and
11 other costs of the closure of the recycler's facility,
12 including cleanup of stockpiled equipment and materials.

13 (7) Recyclers must apply due diligence principles to the
14 selection of facilities to which components and materials,
15 such as plastics, metals and circuit boards, from residential
16 CEDs are sent for reuse and recycling.

17 (8) Recyclers must establish a documented environmental
18 management system that is appropriate in level of detail and
19 documentation to the scale and function of the facility,
20 including documented regular self-audits or inspections of
21 the recycler's environmental compliance at the facility.

22 (9) Recyclers must use the appropriate equipment for the
23 proper processing of incoming materials as well as
24 controlling environmental releases to the environment. The
25 dismantling operations and storage of residential CED
26 components that contain hazardous substances must be
27 conducted indoors and over impervious floors. Storage areas
28 must be adequate to hold all processed and unprocessed
29 inventory. When heat is used to soften solder and when
30 residential CED components are shredded, operations must be

1 designed to control indoor and outdoor hazardous air
2 emissions.

3 (10) Recyclers must establish a system for identifying
4 and properly managing components, such as circuit boards,
5 batteries, cathode-ray tubes and mercury phosphor lamps, that
6 are removed from residential CEDs during disassembly.

7 Recyclers must properly manage all hazardous and other
8 components requiring special handling from residential CEDs
9 consistent with Federal, State and local laws and
10 regulations. Recyclers must provide visible tracking, such as
11 hazardous waste manifests or bills of lading, of hazardous
12 components and materials from the facility to the destination
13 facilities and documentation, such as contracts, stating how
14 the destination facility processes the materials received. No
15 recycler may send, either directly or through intermediaries,
16 hazardous wastes to solid nonhazardous waste landfills or to
17 nonhazardous waste incinerators for disposal or energy
18 recovery. For the purpose of this paragraph, smelting of
19 hazardous wastes to recover metals for reuse in conformance
20 with all applicable laws and regulations is not considered
21 disposal or energy recovery.

22 (11) Recyclers must use a regularly implemented and
23 documented monitoring and recordkeeping program that tracks
24 total inbound residential CED material weights and total
25 subsequent outbound weights to each destination, injury and
26 illness rates and compliance with applicable permit
27 parameters, including monitoring of effluents and emissions.
28 Recyclers must maintain contracts or other documents, such as
29 sales receipts, suitable to demonstrate:

30 (i) the reasonable expectation that there is a

1 downstream market or uses for designated electronics,
2 which may include recycling or reclamation processes,
3 such as smelting, to recover metals for reuse; and

4 (ii) that any residuals from recycling or
5 reclamation processes, or both, are properly handled and
6 managed to maximize reuse and recycling of materials to
7 the extent practical.

8 (12) Recyclers must employ industry-accepted procedures
9 for the destruction or sanitation of data on hard drives and
10 other data storage devices. Acceptable guidelines for the
11 destruction or sanitation of data are contained in Special
12 Publication 800-88, Revision 1, published in December 2014 by
13 the National Institute of Standards and Technology's
14 Guidelines for Media Sanitation or those guidelines certified
15 by the National Association for Information Destruction.

16 (13) No recycler may employ prison labor in any
17 operation related to the collection, transportation and
18 recycling of CEDs. No recycler may employ any third party
19 that uses or subcontracts for the use of prison labor.

20 (f) Transportation limits.--Each recycler shall, during each
21 calendar year, transport from each site that the recycler uses
22 to manage residential CEDs not less than 75% of the total weight
23 of residential CEDs present at the site during the preceding
24 calendar year. Each recycler shall maintain on-site records that
25 demonstrate compliance with this requirement and shall make
26 those records available to the department for inspection and
27 copying.

28 (g) Independent recycling permitted.--Nothing in this act
29 shall prevent a person from acting as a recycler independently
30 of a program.

1 Section 12. Collector responsibilities.

2 (a) Registration of collector.--

3 (1) By January 1, 2020, and each January 1 thereafter, a
4 person acting as a collector under a program shall register
5 with the department by completing and submitting to the
6 department the registration form prescribed by the
7 department. The registration form prescribed by the
8 department must include, without limitation, the address of
9 each location at which the collector accepts residential
10 CEDs.

11 (2) The department may deny registration under this
12 section if the collector or any employee or officer of the
13 collector has a history of:

14 (i) repeated violations of Federal, State or local
15 laws, regulations, standards or ordinances related to the
16 collection, recycling or other management of CEDs;

17 (ii) conviction in this Commonwealth or another
18 state of any crime which is a felony under the laws of
19 this Commonwealth, or conviction of a felony in a Federal
20 court;

21 (iii) conviction in this Commonwealth or another
22 state or Federal court of any of the following crimes:

23 (A) forgery;

24 (B) official misconduct;

25 (C) bribery;

26 (D) perjury;

27 (E) knowingly submitting false information under
28 any environmental law, regulation or permit term or
29 condition; or

30 (F) gross carelessness or incompetence in

1 handling, storing, processing, transporting,
2 disposing of or otherwise managing CEDs.

3 (b) Public list of collectors.--The department shall post on
4 the department's publicly accessible Internet website a list of
5 all registered collectors.

6 (c) Indication of collector status.--Manufacturers and
7 recyclers acting as collectors shall indicate their status on
8 their registration under sections 8 or 11.

9 (d) Weight of CEDs reported.--By March 1, 2020, and each
10 March 1 thereafter, each collector that operates a program
11 collection site or one-day collection event shall report, to the
12 department and to the program, 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) Sorting and loading of CEDs.--Each collector that
17 operates a program collection site or one-day event shall ensure
18 that the collected residential CEDs are sorted and loaded in
19 compliance with Federal, State and local law. In addition, at a
20 minimum, the collector shall also comply with the following
21 requirements:

22 (1) residential CEDs must be accepted at the program
23 collection site or one-day collection event unless otherwise
24 provided in this act;

25 (2) residential CEDs shall be kept separate from other
26 material and shall be:

27 (i) packaged in a manner to prevent breakage;

28 (ii) loaded onto pallets and secured with plastic
29 wrap or in pallet-sized bulk containers prior to
30 shipping; and

1 (iii) on average per collection site 18,000 pounds
2 per shipment, and, if not, the recycler may charge the
3 collector a prorated charge on the shortfall in weight,
4 not to exceed \$600.

5 (3) residential CEDs shall be sorted into the following
6 categories:

7 (i) computer monitors and televisions containing a
8 cathode-ray tube, other than televisions with wooden
9 exteriors;

10 (ii) computer monitors and televisions containing a
11 flat panel screen;

12 (iii) all covered televisions that are residential
13 CEDs;

14 (iv) computers;

15 (v) all other residential CEDs; and

16 (vi) any electronic device that is not part of the
17 program that the collector has arranged to have picked up
18 with residential CEDs and for which a financial
19 arrangement has been made to cover the recycling costs
20 outside of the program.

21 (4) containers holding the CEDs must be structurally
22 sound for transportation; and

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

29 (f) Acceptance of CEDs at collection site or one-day
30 event.--Except as provided in subsection (g), each collector

1 that operates a program collection site or one-day collection
2 event during a program year shall accept all residential CEDs
3 that are delivered to the program collection site or one-day
4 collection event during the program year.

5 (g) Limitations on acceptance.--No collector that operates a
6 program collection site or one-day collection event shall:

7 (1) accept, at the program collection site or one-day
8 collection event, more than seven residential CEDs from an
9 individual at any one time;

10 (2) scrap, salvage, dismantle or otherwise disassemble
11 any residential CED collected at a program collection site or
12 one-day collection event;

13 (3) deliver to a program, through its recycler, any CED
14 other than a residential CED collected at a program
15 collection site or one-day collection event; or

16 (4) deliver to a person other than the program or its
17 recycler, a residential CED collected at a program collection
18 site or one-day collection event.

19 (h) Certain fees permitted.--Beginning in program year 2020,
20 registered collectors participating in county supervised
21 collection programs may collect a fee for each desktop computer
22 monitor or television accepted for recycling to cover costs for
23 collection and preparation for bulk shipment or to cover costs
24 associated with the requirements of subsection (e).

25 (i) Independent collectors permitted.--Nothing in this act
26 shall prevent a person from acting as a collector independent of
27 a program.

28 Section 13. Enforcement.

29 (a) Judicial action.--

30 (1) The Commonwealth, through the Attorney General and

1 the department, may initiate independent action to enforce
2 any provision of this act, including failure by the
3 manufacturer to submit a plan as required in section 7 or to
4 remit the registration fees under sections 8 and 11 to the
5 department.

6 (2) Any funds awarded by the court shall be used first
7 to offset enforcement expenses. Money in excess of the
8 enforcement expenses shall be deposited into the Recycling
9 Fund established under section 706 of the act of July 28,
10 1988 (P.L.556, No.101), known as the Municipal Waste
11 Planning, Recycling and Waste Reduction Act, and used to
12 support the activities under this act.

13 (b) Penalties.--

14 (1) Any manufacturer who fails to label its new covered
15 devices with a brand or who fails to register with the
16 department and pay a registration fee under this act may be
17 assessed a penalty of up to \$10,000 for the first violation
18 and up to \$25,000 for the second and each subsequent
19 violation in addition to paying for any fees, payments and
20 penalties required by or imposed under this act.

21 (2) Except as otherwise provided under paragraph (1),
22 any person, including a retailer, who violates any
23 requirement of this act may be assessed a penalty of up to
24 \$1,000 for the first violation and up to \$2,000 for the
25 second and each subsequent violation, in addition to paying
26 for any fees, payments and penalties required by or imposed
27 under this act.

28 (3) All penalty money collected under paragraphs (1) and
29 (2) shall be deposited into the Recycling Fund and used to
30 support the activities under this act.

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

4 Section 14. Regulations.

5 The Environmental Quality Board may adopt rules and
6 regulations as shall be necessary for the purpose of
7 administering this act. The regulations shall be promulgated in
8 accordance with the act of June 25, 1982 (P.L.633, No.181),
9 known as the Regulatory Review Act.

10 Section 15. Relation to other State laws.

11 Nothing in this act shall affect the validity or application
12 of any other law or regulation of this Commonwealth.

13 Section 16. CRT retrievable storage.

14 In order to further the policy of this Commonwealth to reduce
15 the environmental and economic impacts of transporting and
16 managing cathode-ray tube (CRT) glass, and to support the
17 beneficial use of CRTs in accordance with beneficial use
18 determinations issued by the department under section 22.54 of
19 the Environmental Protection Act and the storage of CRTs in
20 retrievable storage cells at locations within this Commonwealth
21 for future recovery, for the purpose of this act, a CRT shall be
22 considered to be recycled if:

23 (1) all recyclable components are removed from the
24 device; and

25 (2) the glass from the device is either:

26 (i) beneficially reused in accordance with a
27 beneficial use determination issued under section 22.54
28 of the Environmental Protection Act; or

29 (ii) placed in a storage cell, in a manner that
30 allows it to be retrieved in the future, at a waste

1 disposal site that is permitted to accept the glass.

2 Section 17. Collection of CEDs outside of program.

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

9 (b) Independent e-waste programs permitted.--Nothing in this
10 act shall prohibit a person from establishing an e-waste program
11 independently of a program established under section 4.

12 Section 18. Landfill and burning ban.

13 (a) Mixing of CEDs or other devices with waste prohibited.--
14 Beginning January 1, 2020, no person may knowingly cause or
15 allow the mixing of a CED or any other cable receiver, computer,
16 computer monitor, digital converter box, digital video disc
17 player, digital video disc recorder, electronic keyboard,
18 electronic mouse, facsimile machine, portable digital music
19 player, printer, satellite receiver, scanner, small-scale
20 server, television, videocassette recorder or video game console
21 with municipal waste that is intended for disposal at a
22 landfill.

23 (b) Knowing disposal of CEDs in landfills prohibited.--
24 Beginning January 1, 2020, no person may knowingly cause or
25 allow the disposal of a CED or any other cable receiver,
26 computer, computer monitor, digital converter box, digital video
27 disc player, digital video disc recorder, electronic keyboard,
28 electronic mouse, facsimile machine, portable digital music
29 player, printer, satellite receiver, scanner, small-scale
30 server, television, videocassette recorder or video game console

1 in a sanitary landfill.

2 (c) Mixing of CEDs with waste to be burned or incinerated
3 prohibited.--Beginning January 1, 2020, no person may knowingly
4 cause or allow the mixing of a CED or any other cable receiver,
5 computer, computer monitor, digital converter box, digital video
6 disc player, digital video disc recorder, electronic keyboard,
7 electronic mouse, facsimile machine, portable digital music
8 player, printer, satellite receiver, scanner, small-scale
9 server, television, videocassette recorder or video game console
10 with waste that is intended for disposal by burning or
11 incineration.

12 Section 19. Manufacturer clearinghouse and allocation of
13 financial responsibility for transportation and
14 recycling of covered electronic devices.

15 (a) Clearinghouse statement of CED return share.--By March
16 1, 2021, and each program year thereafter, each manufacturer
17 clearinghouse shall provide the department with a statement of
18 the return share for each CED category for the prior program
19 year.

20 (b) Manufacturer participation in plan.--If a manufacturer
21 clearinghouse submits to the department a program plan under
22 section 7, the manufacturer clearinghouse shall include in the
23 plan a list of manufacturers that have agreed to participate in
24 the manufacturer clearinghouse for the upcoming program year.

25 (c) Unadjusted total proportional responsibility.--By
26 November 1, 2020, and each November 1 thereafter, the department
27 shall provide each manufacturer clearinghouse with a statement
28 of the unadjusted total proportional responsibility and adjusted
29 total proportional responsibility of each of its participating
30 manufacturers for the upcoming program year.

1 (d) Unadjusted total proportional responsibility
2 calculation.--For each program year, the department shall
3 calculate the unadjusted total proportional responsibility of
4 each participating manufacturer as follows:

5 (1) For each CED category the department shall multiply
6 the participating manufacturer's market share for the CED
7 category by the return share for the CED category, to arrive
8 at the category-specific proportional responsibility of the
9 participating manufacturer for the CED category.

10 (2) The department shall then, for each participating
11 manufacturer, sum the category-specific proportional
12 responsibilities of the participating manufacturer calculated
13 under paragraph (1) to arrive at the participating
14 manufacturer's unadjusted total proportional responsibility.

15 (e) Less than 100% return share.--If the sum of all
16 unadjusted total proportional responsibilities of a manufacturer
17 clearinghouse's participating manufacturers for a program year
18 accounts for less than 100% of the return share for that year,
19 the department shall divide the unallocated return share among
20 participating manufacturers in proportion to their unadjusted
21 total proportional responsibilities, to arrive at the adjusted
22 total proportional responsibility for each participating
23 manufacturer.

24 (f) Retail collection sites permitted to satisfy
25 manufacturer responsibilities.--A manufacturer may use retail
26 collection sites to satisfy some or all of the manufacturer's
27 responsibilities, including, but not limited to, the
28 manufacturer's transportation and recycling of collected
29 residential CEDs under any allocation methodology established
30 under this act. Nothing in this act shall prevent a manufacturer

1 from using retail collection sites to satisfy any percentage of
2 the manufacturer's total responsibilities, including, but not
3 limited to, the manufacturer's transportation and recycling of
4 collected residential CEDs under any allocation methodology
5 established under this act or by administrative rule.

6 (g) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "Adjusted total proportional responsibility." The percentage
10 calculated for each participating manufacturer for a program
11 year under subsection (e).

12 "Market share." The percentage that results from dividing:

13 (1) the product of the total weight reported for a CED
14 category by a manufacturer, for the calendar year two years
15 before the applicable program year, under section 8(a)(2),
16 multiplied by the population adjustment factor for that year;
17 by

18 (2) the product of the total weight reported for that
19 CED category by all manufacturers, for the calendar year two
20 years before the applicable program year, under section 8(a)
21 (2), multiplied by the population adjustment factor for that
22 year.

23 "Participating manufacturer." A manufacturer that a
24 manufacturer clearinghouse has listed under subsection (b) as a
25 participant in the manufacturer clearinghouse for a program
26 year.

27 "Population adjustment factor." The percentage that results
28 when the population of this Commonwealth, as reported in the
29 most recent Federal decennial census, is divided by the
30 population of the United States, as reported in the most recent

1 Federal decennial census.

2 "Return share." The percentage, by weight, of each CED
3 category that is returned to the program collection sites and
4 one-day collection events operated by or on behalf of either a
5 manufacturer clearinghouse or one or more of its participating
6 manufacturers during the calendar year two years before the
7 applicable program year, as reported to the department under
8 section 4, except that, for program year 2020 and program year
9 2021, the term means the percentage, by weight, of each CED
10 category that is estimated by the manufacturer clearinghouse to
11 be returned to those sites and events during the applicable
12 program year, as reported to the department under subsection
13 (a).

14 "Unadjusted total proportional responsibility." The
15 percentage calculated for each participating manufacturer under
16 subsection (d).

17 Section 20. Advisory Electronics Recycling Task Force.

18 (a) Task force established.--The Advisory Electronics
19 Recycling Task Force is established and shall consist of the
20 following members, to be appointed by the Secretary of
21 Environmental Protection:

22 (1) two individuals who are representatives of county
23 recycling programs;

24 (2) two individuals who are representatives of recycling
25 companies;

26 (3) two individuals who are representatives from the
27 manufacturing industry;

28 (4) one individual who is a representative of a
29 Statewide trade association representing retailers;

30 (5) one individual who is a representative of a

1 Statewide trade association representing manufacturers;

2 (6) one individual who is a representative of a
3 Statewide trade association representing waste disposal
4 companies; and

5 (7) one individual who is a representative of a national
6 trade association representing manufacturers.

7 (b) Appointment and terms.--Members of the task force shall
8 be appointed as soon as practicable after the effective date of
9 this section. Members shall serve for two-year voluntary terms
10 without compensation and may be reappointed. Vacancies shall be
11 filled by the Secretary of Environmental Protection for the
12 remainder of the current term.

13 (c) Chairperson and meetings.--Members shall elect a
14 chairperson from their membership who shall also serve a two-
15 year term. The task force shall meet initially at the call of
16 the Secretary of Environmental Protection and thereafter at the
17 call of the chairperson. A majority of the members of the task
18 force shall constitute a quorum, and all actions and
19 recommendations of the task force must be approved by a majority
20 of its members.

21 (d) Best practices.--By November 1, 2020, and each November
22 1 thereafter, the task force shall submit to the department a
23 list of agreed-to best practices to be used at program
24 collection sites and one-day collection events in the following
25 program year. The department shall post the list of agreed-to
26 best practices on the department's publicly accessible Internet
27 website. The task force shall consider the desired intent to
28 preserve existing collection programs and relationships when
29 possible while establishing the best practices. The department
30 shall provide the task force with administrative support as

1 necessary.

2 Section 21. Public reporting.

3 Each year, the department shall post on its publicly
4 accessible Internet website the information it receives under
5 section 4(b)(4) showing the amounts of residential CEDs being
6 collected and recycled in each county in each program year. The
7 department shall notify the General Assembly of the availability
8 of this information.

9 Section 22. Antitrust.

10 A manufacturer or manufacturer clearinghouse acting in
11 accordance with the provisions of this act may negotiate, enter
12 into contracts with or conduct business with each other and with
13 any other entity developing, implementing, operating,
14 participating in or performing any other activities directly
15 related to a program approved under this act. No manufacturer,
16 manufacturer clearinghouse and any entity developing,
17 implementing, operating, participating in or performing any
18 other activities related to a program approved under this act
19 may be subject to damages, liability or scrutiny under Federal
20 antitrust law or the act of December 17, 1968 (P.L.1224,
21 No.387), known as the Unfair Trade Practices and Consumer
22 Protection Law, regardless of the effects of their actions on
23 competition. The supervisory activities described in this act
24 are sufficient to confirm that activities of the manufacturers,
25 manufacturer clearinghouse and any entity developing,
26 implementing, operating, participating in or performing any
27 other activities related to a program that is approved under
28 section 7 are authorized and actively supervised by this
29 Commonwealth.

30 Section 23. Repeals.

1 Repeals are as follows:

2 (1) The General Assembly declares that the repeal under
3 paragraph (2) is necessary to effectuate this act.

4 (2) The act of November 23, 2010 (P.L.1083, No.108),
5 known as the Covered Device Recycling Act, is repealed.

6 Section 24. Effective date.

7 This act shall take effect in 60 days.