



General Assembly

January Session, 2007

Raised Bill No. 7249

LCO No. 4765

04765_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE COLLECTION AND RECYCLING OF COVERED ELECTRONIC DEVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) As used in sections 1 to
2 15, inclusive, of this act, unless the context indicates another meaning
3 or intent:

4 (1) "Department" means the Department of Environmental
5 Protection;

6 (2) "Cathode ray tube" or "CRT" means a vacuum tube or picture
7 tube used to convert an electronic signal into a visual image;

8 (3) "Computer" means an electronic, magnetic, optical,
9 electrochemical, or other highspeed data processing device performing
10 logical, arithmetic or storage function, and may include, but not be
11 limited to, both a computer central processing unit and a monitor, but
12 does not include an automated typewriter or typesetter, a portable
13 handheld calculator, a portable digital assistant or other similar device;

14 (4) "Consumer" means an individual who purchases a covered

15 electronic device in a retail sale transaction;

16 (5) "Covered Electronic Device" or "CED" means desktop or
17 personal computers, computer monitors, portable computers, CRT-
18 based televisions and non-CRT-based televisions sold to consumers,
19 but does not include: (A) Covered electronic device that is a part of a
20 motor vehicle or any component part of a motor vehicle assembled by,
21 or for, a vehicle manufacturer or franchise dealer, including
22 replacement parts for use in a motor vehicle; (B) a covered electronic
23 device that is functionally or physically a part of a larger piece of
24 equipment designed and intended for use in an industrial, commercial
25 or medical setting, including diagnostic, monitoring or control
26 equipment; (C) a covered electronic device that is contained within a
27 clothes washer, clothes dryer, refrigerator, refrigerator and freezer,
28 microwave oven, conventional oven or range, dishwasher, room air
29 conditioner, dehumidifier or air purifier; or (D) telephones of any type
30 unless they contain a video display area greater than four inches
31 measured diagonally;

32 (6) "Covered electronic recycler" is a recycler that is approved by the
33 department for compensation;

34 (7) "Manufacturer" means any person who manufactures covered
35 electronic devices under its own brand or without affixing a brand for
36 sale in this state; resells in this state covered electronic devices
37 produced by other suppliers under its own brand or label; imports into
38 the United States or exports from the United States covered electronic
39 devices for sale in this state; manufactures covered electronic devices,
40 supplies them to any person or persons within a distribution network
41 that includes wholesalers or retailers in this state, and benefits from the
42 sale in this state of those covered electronic devices through that
43 distribution network;

44 (8) "Manufacturer's brands" means a manufacturer's name, brand
45 name or brand label, and all manufacturer's names, brand names and
46 brand labels for which the manufacturer has legal responsibility,

47 including those names, brand names and brand labels of companies
48 that have been acquired by the manufacturer;

49 (9) "Monitor" means a separate video display component of a
50 computer, whether sold separately or together with a computer central
51 processing unit or computer box, and includes a cathode ray tube,
52 liquid crystal display, gas plasma, digital light processing or other
53 image projection technology greater than four inches when measured
54 diagonally, and its case, interior wires and circuitry, cable to the
55 central processing unit and power cord;

56 (10) "Obligation" means the quantity of covered electronic devices,
57 by weight, identified for an individual manufacturer, as defined by the
58 department under section 4 of this act;

59 (11) "Person" means an individual, trust firm, joint stock company,
60 business concern and corporation, including, but not limited to, a
61 government department, partnership, limited liability company or
62 association;

63 (12) "Portable computer" means a computer and video display
64 greater than four inches in size that can be carried as one unit by an
65 individual, including, but not limited to, a laptop computer;

66 (13) "Purchase" means the taking, by sale, of title in exchange for
67 consideration;

68 (14) "Recycling" means any process by which covered electronic
69 devices that would otherwise become solid waste or hazardous waste
70 are collected, separated and processed to be returned to use in the
71 form of raw materials or products, in accordance with environmental
72 standards established by the department;

73 (15) "Registrant" means a manufacturer of covered electronic
74 devices that is in full compliance with the requirements of sections 1 to
75 15, inclusive, of this act;

76 (16) "Retail sales" includes sales of products through sales outlets,
77 via the Internet, mail order or other means, whether or not the seller
78 has a physical presence in this state;

79 (17) "Retailer" means a person who owns or operates a business that
80 sells new covered electronic devices in this state by any means to a
81 consumer;

82 (18) "Sell" or "sale" means any transfer for consideration of title,
83 including, but not limited to, transactions conducted through sales
84 outlets, catalogs or the Internet, or any other similar electronic means,
85 and excluding leases;

86 (19) "State recycling rate" means the ratio of the weight of total
87 overall returns of CEDs in the state to the weight of total overall sales
88 of CEDs in the state during the previous calendar year;

89 (20) "Television" means a stand-alone display system containing a
90 CRT or any other type of display primarily intended to receive video
91 programming via broadcast, having a viewable area greater than four
92 inches when measured diagonally, able to adhere to standard
93 consumer video formats such as PAL, SECAM, NTSC and HDTV and
94 having the capability of selecting different broadcast channels and
95 support sound capability; and

96 (21) "Video display" means an output surface having a viewable
97 area greater than four inches when measured diagonally that displays
98 moving graphical images or a visual representation of image
99 sequences or pictures, showing a number of quickly changing images
100 on a screen in fast succession to create the illusion of motion,
101 including, but not limited to, a device that is an integral part of the
102 display that cannot be easily removed from the display by the
103 consumer and that produces the moving image on the screen and
104 includes technology using a cathode ray tube, liquid crystal display,
105 gas plasma, digital light processing or other image projection
106 technology.

107 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) On or after October 1,
108 2007, all manufacturers selling covered electronic devices, as defined in
109 section 1 of this act, in this state shall comply with the requirements of
110 sections 1 to 14, inclusive, of this act or be prohibited from offering a
111 covered electronic device for sale in the state.

112 (b) The Department of Environmental Protection shall maintain a
113 list of all manufacturers in compliance with the requirements of this
114 act and post the list on said department's web site. Retailers shall
115 consult the list prior to selling covered electronic devices. A retailer
116 shall not offer for sale in this state a covered electronic device of a
117 manufacturer that is not in compliance with this section. A retailer
118 shall be considered to have complied with this responsibility if, on the
119 date that the product was ordered from the manufacturer or its agent,
120 the manufacturer was listed as being in compliance on said
121 department's web site.

122 Sec. 3. (NEW) (*Effective October 1, 2007*) On and after October 1, 2007,
123 a manufacturer or retailer shall not sell or offer for sale a covered
124 electronic product in the state unless it is labeled with the
125 manufacturer's brand, and the label is permanently affixed and readily
126 visible.

127 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) Each manufacturer of
128 covered electronic devices shall register with the Department of
129 Environmental Protection not later than January 30, 2007, and annually
130 thereafter, on a form prescribed by the Commissioner of
131 Environmental Protection and accompanied by a fee of five thousand
132 dollars. Not less than every two years, the department shall review, at
133 a public hearing, the CED recycling and registration fees. The
134 department shall use the revenues received from registrants for the
135 purposes of carrying out the provisions of section 7 of this act.

136 (b) On or before January 30, 2007, and annually thereafter,
137 manufacturers of covered electronic devices shall report to the
138 department the total weight of covered electronic devices sold in the

139 state the previous calendar year, except that the department may
140 exempt manufacturers from this requirement and calculate the total
141 weight of covered electronic devices sold in the state by using prorated
142 national sales data based on state population.

143 (c) On or after January 30, 2009, and annually thereafter, the
144 Department of Environmental Protection shall assess a fee against
145 manufacturers of covered electronic devices sold in the state, except as
146 provided in section 5 of this act. Such fee shall be calculated using the
147 following formula: The state recycling rate multiplied by the weight of
148 sales of the manufacturer's covered electronic devices sold in the state
149 during the previous calendar year, multiplied by not more than fifty
150 cents per pound. On or before February 15, 2008, and annually
151 thereafter, the department shall establish the state recycling rate by
152 calculating the ratio of the weight of total overall returns of covered
153 electronic devices in the state to the weight of total overall sales of
154 covered electronic devices in the state during the previous calendar
155 year.

156 (d) By March first of each year, the Department of Environmental
157 Protection shall provide each registrant with its responsibility for fees
158 from sales or for collection, recycling and transportation in pounds for
159 that year.

160 (e) In the event that the department's expenses for administration,
161 education, collection, transportation and recycling activities exceed
162 receipts, the department may borrow up to ten per cent of the
163 projected annual state revenues from fees submitted under sections 1
164 to 14, inclusive, of this act from outside sources. Borrowed funds shall
165 be repaid within two years.

166 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) The department may
167 waive payment of the fee set forth in section 4 of this act for a
168 manufacturer or a group of manufacturers upon approval of a plan for
169 the collection, transportation and recycling of covered electronic
170 devices submitted by such manufacturers that shall state the intention

171 of the registrant to fulfill its obligations through operation of its own
172 program, either individually or in partnership with other
173 manufacturers. Any such plan shall be subject to the following
174 requirements: (1) An individual manufacturer submitting a plan in lieu
175 of payment of the fee set forth in section 4 of this act shall collect,
176 transport and recycle a quantity of covered electronic devices
177 equivalent to the weight of sales of the manufacturer's covered
178 electronic devices in the state during the previous calendar year
179 multiplied by the state recycling rate; (2) a group of manufacturers
180 jointly submitting a plan in lieu of payment of the fee set forth in
181 section 4 of this act shall collect, transport and recycle the sum of the
182 obligations of each participating manufacturer; (3) the plan shall be
183 filed with a manufacturer's annual registration and shall include: (A)
184 The methods that will be used to collect the covered electronic devices,
185 including, but not limited to, the name and locations of all collection
186 and consolidation points; (B) an estimate of the amount of covered
187 electronic devices that will be collected annually; (C) the processes and
188 methods that will be used to recycle recovered covered electronic
189 devices, including a description of the disassembly and physical
190 recovery operation such as crushing, shredding, grinding, glass-to-
191 glass recycling or other operations that will be used; and (D) the name
192 and location of all facilities to be utilized; (4) the plan shall contain
193 documentation of audits of each processor used in the plan and
194 compliance with processing standards established in section 10 of this
195 act; (5) the plan shall contain a description of the accounting and
196 reporting systems that will be employed to track progress toward
197 fulfilling the plan's obligations; (6) the plan shall describe the means
198 that will be utilized to publicize the collection opportunities; and (7)
199 the plan shall state the total weight of CEDs collected, transported and
200 recycled the previous year.

201 (b) The department may reject the plan in part or in whole and may
202 impose additional requirements as a condition of approval.

203 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) If a manufacturer fails to

204 comply with all the conditions and terms of an approved plan, the
205 manufacturer shall be required to submit the following: (1) A payment
206 to the Department of Environmental Protection to cover the cost of
207 collecting, transporting and recycling the unmet portion of its
208 obligation. The payment shall be equal to the following formula: The
209 quantity of the outstanding portion, in pounds, multiplied by not more
210 than fifty cents; and (2) a penalty in the form of a payment equal to the
211 cost of collecting, transporting and recycling ten per cent of the
212 manufacturer's total obligation.

213 (b) Manufacturers that collect, transport and recycle covered
214 electronic devices in excess of their obligation may sell credits to
215 another registrant or apply that excess to the following year's recycling
216 obligation.

217 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) A retailer shall clearly
218 post information provided by the Department of Environmental
219 Protection that describes where and how to recycle the covered
220 electronic device and opportunities and locations for the collection or
221 return of the device, through the use of a toll-free telephone number
222 and web site, information included in the packaging, or information
223 provided accompanying the sale of the covered electronic device. This
224 information shall be provided in a clear written form in English and
225 any other languages deemed to be primary languages by the
226 Department of Education.

227 (b) No fees or costs may be charged to consumers for the collection,
228 transportation or recycling of covered electronic products.

229 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) The Department of
230 Environmental Protection shall organize, administer and ensure that at
231 least one electronics collection opportunity is available not less than
232 five days a week in each county throughout the state and in such a
233 manner as to be convenient, to the extent feasible, to all consumers in
234 the county.

235 (b) Collection sites shall not place limits on the number of covered
236 electronic devices permitted for drop-off by consumers.

237 (c) The department shall encourage the use of existing
238 infrastructures for handling CEDs to the extent that this infrastructure
239 is accessible on a regular and ongoing basis to at least eighty-five per
240 cent of the population of the state, is cost effective and meets the
241 environmentally sound management requirements of section 11 of this
242 act.

243 (d) The department shall organize and coordinate public education
244 and outreach.

245 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) The Department of
246 Environmental Protection shall prepare an electronics recycling plan
247 every three years that establishes per-capita collection and recycling
248 goals and identifies any necessary state actions to expand collection
249 opportunities to achieve such goals. Such report shall be posted on the
250 department's web site and a copy of such report submitted, in
251 accordance with the provisions of section 11-4a of the general statutes,
252 to the joint standing committee of the General Assembly having
253 cognizance of matters relating to the environment.

254 (b) The department shall prepare an annual report regarding the
255 status of the electronics recycling program, which shall be submitted to
256 the joint standing committee of the General Assembly having
257 cognizance of matters relating to the environment, in accordance with
258 the provisions of section 11-4a of the general statutes. Such report shall
259 contain: (1) A list of all parties that the department has designated as
260 approved to receive payments for collection, transportation or
261 recycling, the amount of payments it has made to those parties and the
262 purpose of those payments; (2) the total weight of CEDs collected in
263 the state the previous calendar year; (3) the total weight of CEDs sold
264 in the state the previous calendar year; (4) a complete listing of all
265 collection sites operating in the state in the prior calendar year, the
266 parties that operated them and the amount of material by weight

267 collected at each site; (5) an evaluation of the effectiveness of the
268 education and outreach program; and (6) an evaluation of the existing
269 collection and processing infrastructure. The department shall
270 annually post the report on its Internet web site.

271 (c) The program implemented to effect the provisions of sections 1
272 to 15, inclusive, of this act and its associated regulations shall be fully
273 audited by an independent, certified public accountant at the end of
274 each calendar year and said audit report submitted to the General
275 Assembly.

276 Sec. 10. (NEW) (*Effective October 1, 2007*) (a) The Department of
277 Environmental Protection shall engage in competitive bidding for the
278 collection, transportation and recycling of covered electronic devices.

279 (b) The department shall make payments for the collection,
280 transportation and recycling of covered electronic devices to an
281 authorized or approved entity upon receipt of a completed and
282 verified invoice submitted to the department in a form prescribed by
283 the department. Such application for payment shall contain evidence
284 of the following: (1) That the covered electronic device was collected
285 from a consumer who is a resident of the state or is otherwise located
286 in the state or who provides evidence that the device was purchased in
287 the state after October 1, 2007; (2) that the collection, transportation
288 and recycling of the CED was conducted in accordance with all local,
289 state and federal laws, including the requirements of sections 1 to 15,
290 inclusive, of this act, and any regulations adopted pursuant to section
291 14 of this act; and (3) no fees or costs were charged to the consumer.

292 (c) The department shall not be held financially liable or responsible
293 for any violation of federal, state or local law by any entity to whom
294 the department makes payment pursuant to this section.

295 Sec. 11. (NEW) (*Effective October 1, 2007*) (a) Covered electronic
296 devices collected through any program in Connecticut, whether by
297 manufacturers, retailers, for-profit or not-for-profit corporations, units

298 of government or organized by the department, shall be recycled in a
299 manner that is in compliance with all applicable federal, state and local
300 laws, regulations and ordinances, and shall not be exported for
301 disposal in a manner that poses a significant risk to the public health or
302 the environment.

303 (b) The department shall establish performance requirements in
304 order for collectors, transporters and recyclers to be eligible to receive
305 funds from the department. All entities shall, at a minimum,
306 demonstrate compliance with the United States Environmental
307 Protection Agency's Plug-In to eCycling Guidelines for Materials
308 Management as issued and available on said agency's Internet web site
309 in addition to any other requirements mandated by state or federal
310 law.

311 Sec. 12. (NEW) (*Effective October 1, 2007*) On or after October 1, 2009,
312 no person shall place a covered electronic device or any of the
313 components or subassemblies thereof in any solid waste disposal
314 facility.

315 Sec. 13. (NEW) (*Effective October 1, 2007*) The Commissioner of
316 Environmental Protection shall have authority to issue cease and desist
317 orders according to section 22a-7 of the general statutes for any
318 violation of sections 1 to 15, inclusive, of this act, and to suspend or
319 revoke any registration issued by the commissioner under section __ of
320 this act upon a showing of cause and after a hearing. The courts may
321 grant such restraining orders and such temporary and permanent
322 injunctive relief as may be necessary to secure compliance with
323 sections 1 to 15, inclusive, of this act. Civil proceedings to enforce
324 sections 1 to 15, inclusive, of this act may be brought by the Attorney
325 General in the superior court for any judicial district affected by the
326 violation. Any funds awarded by the court shall be used first to offset
327 enforcement expenses. Any funds awarded in excess of the
328 enforcement expenses shall be deposited with the Department of
329 Environmental Protection.

330 Sec. 14. (NEW) (*Effective October 1, 2007*) The Commissioner of
331 Environmental Protection shall adopt regulations, in accordance with
332 the provisions of chapter 54 of the general statutes, to carry out the
333 provisions of sections 1 to 15, inclusive, of this act.

334 Sec. 15. (NEW) (*Effective October 1, 2007*) The department may
335 participate in the establishment and implementation of a regional,
336 multistate organization or compact to assist in carrying out the
337 requirements of sections 1 to 15, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	New section
Sec. 12	<i>October 1, 2007</i>	New section
Sec. 13	<i>October 1, 2007</i>	New section
Sec. 14	<i>October 1, 2007</i>	New section
Sec. 15	<i>October 1, 2007</i>	New section

Statement of Purpose:

To establish an electronic device collection and recycling program based upon The Northeast Recycling Council Model Electronic Recycling Legislation, revised July 2006.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]