AN ACT CONCERNING THE RECYCLING OF COVERED ELECTRONIC DEVICES.

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

Section 1. Subdivision (7) of section 22a-629 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2008):

(7) "Manufacturer" means any person who: (A) Manufactures or manufactured covered electronic devices under a brand that it licenses, owns or owned, for sale in this state; (B) manufactures or manufactured covered electronic devices without affixing a brand, for sale in this state; (C) resells or has resold in this state under its own brand or label a covered electronic device produced by other suppliers, including retail establishments that sell covered electronic devices under their own brand names; (D) imports or imported into the United States or exports from the United States covered electronic devices for sale in this state; (E) sells at retail a covered electronic device acquired from an importer that is the manufacturer as described in subparagraph (D) of this subdivision, and elects to register in lieu of the importer as the manufacturer for those products; or (F)
manufactures or manufactured covered electronic devices, supplies
them to any person or persons within a distribution network that
includes wholesalers or retailers in this state, and benefits from the sale
in this state of those covered electronic devices through such
distribution network. "Manufacturer" does not include a person who
owns and licenses a brand or trademark for covered electronic devices
but does not manufacture or sell such devices.

Sec. 2. Subdivision (20) of section 22a-629 of the 2008 supplement to
the general statutes is repealed and the following is substituted in lieu
thereof (Effective October 1, 2008):

(20) "Orphan device" means a covered electronic device, limited to
desktop or personal computers, computer monitors and portable
computers, for which no manufacturer, as defined in this section, can
be identified or for which the manufacturer is no longer in business
and has no successor in interest.

Sec. 3. Subdivision (21) of section 22a-629 of the 2008 supplement to
the general statutes is repealed and the following is substituted in lieu
thereof (Effective October 1, 2008):

(21) "Market share" means a manufacturer's national sales of a
particular product category of CEDs expressed as a percentage of the
total of all manufacturers' national sales for [a] such product category
of CEDs. [based on data that is publicly available.]

Sec. 4. Section 22a-631 of the 2008 supplement to the general statutes
is repealed and the following is substituted in lieu thereof (Effective
October 1, 2008):

(a) On and after January 1, 2009, each manufacturer shall participate
in the state-wide electronics recycling program established in this
section to implement and finance the collection, transportation and
recycling of covered electronic devices, and may participate in a
private electronics recycling program. Said state-wide electronics
recycling program for the recycling of CRT-based and non-CRT-based
television shall be funded by allocating the cost of the program
among the manufacturers selling CRT-based and non-CRT-based
television in the state based on a sliding scale that is representative of
the manufacturer's market share of CRT-based and non-CRT-based
television in the state. Market share information shall be based upon
available national market share data.

(b) On and after January 1, 2009, each municipality shall provide for
the recycling of CEDs generated within its boundaries by participating
in the state-wide electronics recycling program. Municipalities that
participate in a regional recycling program may elect to participate in
the state-wide electronics program through such regional authority.
Each municipality or regional authority shall (1) provide for the
collection of CEDs from residents within such municipality or region,
(2) arrange for the transportation of collected CEDs to a covered
electronic recycler, and (3) make information readily available to
residents of the municipality or region of the time and location of the
collection of CEDs. In providing collection and recycling opportunities
to its residents each municipality shall give priority to convenience
and accessibility.

(c) On and after January 1, 2009, each covered electronic recycler
shall (1) cooperate with any municipality or regional authority to
provide for the collection and transportation of CEDs, (2) reimburse a
municipality or regional authority for such municipality's or such
authority's qualified costs of transportation, (3) recycle all collected
CEDs in accordance with the minimum standards established in
section 22a-632 of the 2008 supplement to the general statutes, (4) (A)
for desktop or personal computers, computer monitors or portable
computers, maintain a written log that identifies responsible
manufacturers by recording the brand and weight of each CED
delivered to a covered electronic recycler and identified upon receipt
as generated by a household in the state, and (B) for CRT-based
television and non-CRT-based televisions, maintain a written log of
the total weight of such televisions delivered each month to a covered

electronic recycler and identified upon receipt as generated by a

household in the state, (5) report to the commissioner any

manufacturer that is in arrears for more than ninety days, (6) file a plan

for carrying out the provisions of this section on a form approved by

the commissioner, and (7) invoice manufacturers quarterly for the

reasonable costs of transporting and recycling that the manufacturer is

responsible for [pursuant to this section. Such costs shall be calculated]

under this section, with such costs calculated (A) for CRT-based and

non-CRT-based televisions, on a sliding scale basis that is

representative of the manufacturer's market share of such televisions

in the state multiplied by the total pounds recycled, and (B) for
desktop or personal computers, computer monitors or portable

computers, on a per pound basis [and shall] not [exceed] exceeding

fifty cents per pound or an amount determined by the commissioner in

regulations adopted pursuant to section 22a-638 of the 2008

supplement to the general statutes, and such invoices shall be separate.

Nothing in this subsection shall prohibit a registered manufacturer

from entering into a cooperative agreement with a covered electronic

cycler to return such manufacturer's CEDs for subsequent recycling

by the manufacturer provided the manufacturer certifies to the

commissioner that such CEDs have been recycled in accordance with

subsection (e) of this section and the manufacturer reimburses the

covered electronic recycler for such recycler's qualified costs, as

determined by the commissioner.

(d) On and after January 1, 2009, each manufacturer shall pay the

reasonable costs of transportation and recycling incurred by a covered

electronic recycler for the CEDs attributed to such manufacturer and

the manufacturer's pro rata share of orphan devices processed by a

covered electronic recycler. A manufacturer's pro rata share of orphan
devices shall be calculated as a manufacturer's market share for the

preceding calendar year divided by the total market share of all

registered manufacturers for the same year multiplied by the total, in

pounds, of orphan devices returned. [The pro rata share of orphan
devices shall be calculated separately for CEDs consisting of computer-related components, including desktop or personal computers, computer monitors, portable computers and for CEDs consisting of television-related components, including CRT-based and non-CRT-based televisions. Manufacturers of only CEDs consisting of television-related components or only CEDs consisting of computer-related components shall only be liable for their corresponding pro rata share.}

The commissioner may suspend the registration of any manufacturer in arrears for more than ninety days. A manufacturer that has had such manufacturer's registration suspended in accordance with this subsection shall demonstrate that all past due payments and a penalty equivalent to ten per cent of such past due payments has been paid to the commissioner prior to seeking reinstatement of such registration. The commissioner shall deposit such penalty in the covered electronic recycler reimbursement account established under section 22a-27g of the 2008 supplement to the general statutes for the purpose of reimbursing covered electronic recyclers for unpaid qualified expenses in accordance with this section and any regulations adopted pursuant to section 22a-638 of the 2008 supplement to the general statutes. Any covered electronic recycler seeking reimbursement for such qualified expenses shall file a request with the commissioner and certify that such expenses are qualified. The commissioner shall reimburse each covered electronic recycler to the extent that funds are available.

(e) Any private program for the collection, transportation and recycling of CEDs shall comply with the standards established in section 22a-632 of the 2008 supplement to the general statutes. Any manufacturer participating in a private program shall file a description of such program with such manufacturer's annual registration, including: (1) The methods that will be used to collect the covered electronic devices, including, but not limited to, the name and locations of all collection and consolidation points; (2) the processes and methods that will be used to recycle recovered covered electronic devices, including a description of the disassembly and physical recovery operation such as crushing, shredding, grinding, glass-to-
glass recycling or other operations that will be used; (3) the name and location of all facilities to be utilized; (4) documentation of audits of each processor used in the plan and compliance with processing standards established in section 22a-632 of the 2008 supplement to the general statutes; (5) a description of the means that will be utilized to publicize the collection opportunities; and (6) the total weight of CEDs collected, transported and recycled the previous year.

Sec. 5. Section 22a-633 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2008):

On and after January 1, 2008, a manufacturer or retailer shall not sell or offer for sale a covered electronic device in the state unless it is labeled with the manufacturer's brand name, and the label is permanently affixed and readily visible. On and after July 1, 2008, such label shall contain the manufacturer's name and address.

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Statement of Purpose:
To exclude manufacturers that own a trademark or license for covered electronic devices but do not manufacture such devices from recycling requirements, to redefine orphan device to limit such definition to computer-related components, to redefine market share to limit such definition to CED product categories, to distinguish between manufacturers recycling computer-related and television-related components, and to require that every covered electronic device sold in the state be labeled with the manufacturer's name and address.
[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.]