

April 18, 2007

H 1777. RECOVERY OF CERTAIN I.T. EQUIPMENT (=S 1525). Filed 4/18/07. *TO ESTABLISH A COMPREHENSIVE AND CONVENIENT INFORMATION TECHNOLOGY COMPUTING, DISPLAY, AND PRINTING DEVICE RECOVERY PROGRAM BASED ON INDIVIDUAL MANUFACTURER RESPONSIBILITY AND THE SHARED RESPONSIBILITY OF CONSUMERS, RETAILERS, AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.*

Identical to S 1525, filed 3/27/07.

Intro. by Gibson.

GS 130A

July 26, 2007

H 1777. RECOVERY OF CERTAIN CONSUMER COMPUTERS/TV'S (NEW). Filed 4/18/07.

House committee substitute makes the following changes to 1st edition. Reorganizes and renames proposed new part 2E.

Definitions. Modifies GS 130A-309.91 (was, GS 130A-309.92) to add definitions of *brand* and *consumer* and to delete the definitions of *collect* or *collection*, *manufacturer's brand*, and *person*. Amends the definition of *covered devices* to include televisions and to exclude computer printers, white goods as defined in GS 130A-290, parts of a motor vehicle, a personal digital device, telephones, medical devices, and other consumer products containing a computer or computer chip. Modifies the legislative findings and purpose in GS 130A-309.92 (was, GS 130A-309.91).

Exclusions. Modifies proposed new GS 130A-309.93 to provide that the part does not apply to: (1) a lease of a covered device or the use of a covered device under a lease agreement or (2) the sale or lease of a covered device to an entity when the manufacturer and the entity have entered into a contract addressing the collection, recycling, and reuse of a covered device.

Manufacturer requirements. Modifies GS 130A-309.94 to provide that information on a manufacturer's website about collection, recycling, and reuse does not mean that the Secretary of Environment and Natural Resources has determined that the manufacturer's plan or practices are in compliance with the part. Also provides that if more than one person manufactures a certain brand of a covered device, any of those persons may assume responsibility for the manufacturer's obligations and if no one satisfies the requirements, the Secretary may consider any of those persons as the responsible manufacturer. Requires manufacturers to report to the Department of Environment and Natural Resources (DENR) by January 31 (was, 30) of each year. Removes the requirement that the recovery plan offer covered device collection services in each county. Enacts proposed new GS 130A-309.101 requiring manufacturers offering a covered device for sale in the state to register with DENR and pay a registration fee of \$2,500 and an annual renewal fee of \$1,000.

Retailer requirements. Modifies GS 130A-309.95 to clarify that the restrictions on selling covered devices applies to new devices. Provides that retailers may go to DENR's website to view a list of manufacturers that have a registered collection program. Provides that retailers are not required to collect devices for recycling or reuse.

Enforcement. Moves enforcement provisions from GS 130A-309.96 to GS 130A-309.98 and makes the following changes. Makes the Secretary (was, DENR) responsible for conducting audits and inspections and for enforcement. Requires the Secretary to issue a warning for a first violation and requires violators to comply within 60 days. Allows a retailer to sell a covered device that was ordered or in stock at the time of the initial posting of the manufacturer's plan, regardless of whether the manufacturer is in compliance. Enacts proposed new GS 130A-309.104 setting the civil penalties for second and subsequent violations, prohibiting the assessment of a civil penalty for a first violation brought into compliance within 60 days, and requiring a first violation not brought into compliance to be treated as a second violation. Allows a retailer to sell inventory of covered devices accrued before the act's effective date without civil penalty.

Reporting. Moves the reporting requirement from GS 130A-309.96 to new GS 130A-309.100 and requires DENR to make an annual electronic report to the standing committees in the House of Representatives and Senate that have jurisdiction over environmental matters (was, to the General Assembly and the Environmental Review Commission) beginning March 1, 2010.

Misc. Enacts proposed new GS 130A-309.103 requiring the Commission for Health Services to adopt the standards provided by the April 25, 2006, electronics recycling operating practices or other comparable standards. Makes a conforming change to GS 130A-29(c). Deletes the proposed changes to GS 130A-309.14. Requires the Environmental Management Commission to study issues related to the management of discarded devices for which the manufacturer cannot be identified or is no longer in business and report by May 1, 2008.

Makes technical changes and conforms the title.