

March 25, 2009

S 887. AMEND ELECTRONICS RECYCLING LAW. Filed 3/25/09. *TO MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS.*

Part 2E of Article 9 of GS Chapter 130A sets requirements concerning disposal of discarded computer equipment and discarded televisions. This bill amends provisions of that part with respect to both computers and televisions, chiefly in GS 130A-309.91 and -309.93. With respect to both, it provides that the obligations it imposes on computer equipment manufacturers and television manufacturers apply only with respect to computer equipment and televisions that are discarded by occupants of a single detached dwelling unit or a single unit of a multiple dwelling unit who have used the devices primarily for personal or home business use. With respect to both, it provides that manufacturers, retailers, and collectors are not liable in any way for data or other information left on a covered device that is collected or recovered. The bill amends GS 130-309.91 to specify that the requirements of Part 2E apply to notebook computers but to specify that they do not apply to automated typewriters, professional workstations, servers, ICI devices, ICI systems, mobile telephones, portable handheld calculators, portable digital assistants, MP3 players, or other similar devices. Amends the definition of manufacturer to make clear that Part 2E covers manufacturers who have sold computers even if they no longer do so.

Amends GS 147-33.104 (which restricts purchases by government entities of computer equipment from manufacturers who do not comply with Part 2E) to extend its restrictions to televisions and to direct that in bids for state contracts for computer equipment purchases and television purchases, preference is to be given to manufacturers who have programs for recovering equipment of other manufacturers.

Intro. by Vaughan.

GS 130A, 147

May 13, 2009

S 887. AMEND ELECTRONICS RECYCLING LAW. Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Makes technical changes only.

June 16, 2010

S 887. AMEND ELECTRONICS RECYCLING LAW. Filed 3/25/09. House committee substitute deletes provisions of 2nd edition and replaces with *AN ACT TO: (1) MODIFY THE COMPUTER EQUIPMENT RECYCLING PLAN REQUIREMENTS AND ASSOCIATED FEE IMPOSED ON MANUFACTURERS; AND (2) MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Repeals the following provisions, effective July 1, 2010: Sections 16.1 through 16.6 of SL 2007-550; SL 2008-208; Section 16 of SL 2009-484; and subsections (a) and (b) of Section 10 of SL 2009-550.

Enacts new Part 2H to Article 9 of GS Chapter 130A, entitled *Discarded Computer Equipment and Television Management*. Includes, in the definition of *Computer equipment*, desktop computers, notebook computers, display units for a computer system, peripheral equipment, printers, scanners, combination printer-scanner-fax machines, and other similar equipment. Provides detailed definitions for *Desktop computers* and *Notebook computers*. Provides that recycling the device cannot include any process of incineration. Provides that discarded computer equipment and television collectors and computer equipment manufacturers and television manufacturers share recycling and education responsibility. Provides that manufacturers, collectors, recyclers, and retailers will not be responsible for data or other information left on a discarded device. Requires computer manufacturers to register and requires a manufacturer label on equipment. Describes the three recycling plans available to computer equipment manufacturers, distinguished by the number of physical collection sites maintained in the state, and requires the manufacturer to submit a proposed plan to the Department of Environment and Natural Resources (DENR) within 90 days of registration. Provides a fee

schedule for computer equipment manufacturers to correspond to each of the three levels of recycling plans. Explains additional administrative and plan details for computer equipment manufacturers. Requires the first annual report from each computer equipment manufacturer to be submitted to DENR by October 1, 2011. Provides registration, fee, labeling, and other administrative information for television manufacturers. Also requires television manufacturers to report to DENR annually by October 1. Effective July 1, 2011, a manufacturer is prohibited from selling, offering for sell, or delivering to retailers new computer equipment or televisions without proper labels affixed, and without complying with all registration requirements, provided that no penalty will be imposed for the first violation of this provision during the first year following the effective date of this act but DENR will issue a first violation notice to the retailer.

Electronic Management Account. Creates the Electronic Management Account (Account) to collect fees from computer equipment and television manufacturers. Allows DENR to use all proceeds from the fee imposed on television manufacturers, and to use up to 10% of the proceeds from the fee imposed on computer equipment manufacturers to cover administrative costs. Directs DENR to distribute remaining Account funds to eligible local governments on a pro rata basis on or before February 15 of each year. Provides that, with two exceptions, only one local government unit per county, including the county itself, is eligible to receive funding from the Account. Requires that the local government unit, in order to be eligible to receive funds: (1) submit a comprehensive solid waste management plan that includes specified components (amended plans must be submitted to DENR by December 31, 2010); (2) establish a separate local account to manage funds received from the Account; and (3) contract with a certified recycler (this latter requirement effective January 1, 2013). Provides two exceptions to the local government unit limitation: (1) allow multiple local government units to enter into interlocal agreements or (2) allow different units to submit separate, distinct comprehensive solid waste management plans. Requires that reports submitted under GS 130A-309.09A (local government solid waste responsibilities) include information on permanent recycling programs and interlocal agreements, if applicable.

Lists responsibilities of DENR under the act, provides for enforcement of proposed Part 2H, explains the annual reporting requirement, and clarifies that nothing in Part 2H can be construed to limit the authority of local government units. Makes proposed Part 2H effective August 1, 2010, unless otherwise indicated.

Amends GS 130A-309.09A(b)(6) and GS 130A-309.09A(d) (local government reporting responsibilities) to add additional components to the reports, in conformance with proposed Part 2H; effective August 1, 2010.

Amends GS 130A-309.10(f) to prohibit a person from knowingly disposing of discarded computer equipment or discarded televisions in landfills. Amends GS 130A-309.10(f1) to prohibit a person from knowingly disposing of those same items by incineration. Makes both prohibitions effective July 1, 2011.

Enacts new GS 147-33.104A, effective August 1, 2010, to prohibit a state agency, political subdivision of the state, or other public body from purchasing computer equipment or televisions from, or contracting with, a manufacturer deemed noncompliant with provisions of proposed Part 2H.

Directs the Environmental Review Commission (Commission), in association with DENR, to study the feasibility of requiring recycling for various types of devices. Also directs the Commission and DENR to further study the fee schedule imposed on computer equipment manufacturers under this act. Requires the Commission to report its findings and recommendations to the 2011 Regular Session of the General Assembly.

Directs the Commission, in association with DENR, to study recycling programs in other states, and to report its findings to the General Assembly periodically.

Unless otherwise indicated, effective when the act becomes law.

June 23, 2010

S 887. AMEND ELECTRONICS RECYCLING LAW. Filed 3/25/09. House committee substitute makes the following changes to 3rd edition.

Adds new requirement under proposed GS 130A-309.136 (requirements applicable to retailers) to provide that a retailer, selling or offering for sale new computer equipment or televisions, must (1) determine that all new covered devices offered for sale are permanently and visibly labeled with the manufacturer's brand, and (2) review DENR's website to confirm that the manufacturer of a new covered device is on DENR's list of compliant manufacturers. Renames the Electronics Management Account, created under proposed 130A-309.137, as Electronics Management *Fund*, and makes conforming changes throughout. Makes additional technical and organizational changes.

July 8, 2010

SL 2010-67 (S 887). AMEND ELECTRONICS RECYCLING LAW. AN ACT TO: (1) MODIFY THE COMPUTER EQUIPMENT RECYCLING PLAN REQUIREMENTS AND ASSOCIATED FEE IMPOSED ON MANUFACTURERS; AND (2) MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. Summarized in *Daily Bulletin* 3/25/09, 5/13/09, 6/16/10, and 6/23/10. Enacted July 8, 2010. Effective July 8, 2010.