
A BILL FOR AN ACT

RELATING TO ELECTRONIC WASTE RECYCLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 339D, Hawaii Revised Statutes, is
2 amended by adding ten new sections to part III to be
3 appropriately designated and to read as follows:

4 "§339D-A Manufacturer recycling obligation. (a) The
5 department shall use the best available information to establish
6 the weight of all covered electronic devices and covered
7 televisions sold in the State, including but not limited to the
8 reports submitted pursuant to section 339D-D, state and national
9 sales data, and other reliable commercially available
10 supplemental sources of information.

11 (b) No later than September 1, 2014, and annually
12 thereafter, the department shall notify each manufacturer of its
13 recycling obligation pursuant to subsection (c).

14 (c) Beginning on January 1, 2015, each electronic device
15 and television manufacturer shall collect and recycle the
16 equivalent of fifty per cent, by weight, of its covered
17 electronic devices and covered televisions sold in the State
18 prior two years.



1 (d) Electronic device and television manufacturers may
2 collect and recycle covered electronic devices, covered
3 televisions, or peripherals to meet their recycling obligation
4 pursuant to this section.

5 (e) Each electronic device and television manufacturer
6 shall be assessed by the department a penalty of 50 cents for
7 each pound that its collection and recycling results for the
8 year fall short of its recycling obligation for the year as
9 described in subsection (c).

10 (f) Covered electronic devices and covered televisions
11 collected from the five least populated islands with populations
12 greater than one thousand shall count twice as much toward a
13 manufacturer's recycling obligation than covered electronic
14 devices and covered televisions collected from the most populous
15 island.

16 **§339D-B Manufacturer recycling plan requirements.** (a)
17 Recycling plans required by sections 339D-4 and 339D-23 shall
18 include the street addresses and zip codes of the collection
19 sites to be utilized.

20 (b) The plan shall provide for at least one collection
21 service on every inhabited island with a population greater than
22 one thousand in accordance with subsection (d).



1 (c) The recycling plan shall include at least one of the
2 following collection services:

3 (1) Staffed drop-off site;

4 (2) Alternative collection service such as on-site pick-up
5 service; or

6 (3) Collection events held at an easily accessible,
7 central location.

8 (d) Collection services shall be provided at a minimum
9 frequency of:

10 (1) Twice per month in the most populous quadrant of the
11 most populous island;

12 (2) Once per month in each of the other three quadrants of
13 the most populous island;

14 (3) Bimonthly on the east side and the west side of the
15 second-most populous island;

16 (4) Once per month on the third-most populous island;

17 (5) Once per quarter on the fourth-most populous island;
18 and

19 (6) Once per year each on the fifth-most populous and
20 sixth-most populous islands.

21 (e) Plans that contain only a mail-back option shall not
22 be allowed.



1 (f) Plans shall specify the use of only collectors
2 registered with the State for the purposes of this chapter.

3 (g) Plans shall specify the use of recyclers that have
4 achieved and maintained third-party accredited certification
5 from the Responsible Recycling Practices Standard, the
6 e-Stewards Standard; or an internationally accredited third-
7 party environmental management standard for the safe and
8 responsible handling of electronic waste.

9 **§339D-C Penalties.** If, after two revisions to a
10 manufacturer recycling plan, the department determines that a
11 manufacturer recycling plan is still insufficient to meet the
12 requirements specified in section 339D-B, the department may
13 assess a penalty of \$10,000 for an electronic device
14 manufacturer or \$5,000 for a television manufacturer. If a
15 manufacturer fails to fulfill a collection service or collection
16 event as specified in its plan, the department may assess a
17 penalty of \$1,000 per missed collection service or collection
18 event in addition to the penalties provided for in section
19 339D-A.

20 **§339D-D Manufacturer record keeping requirements.** (a)
21 Each electronic device and television manufacturer shall
22 maintain records for a minimum of five years of the following:



- 1 (1) The amount, in weight, of sales of its covered
2 electronic devices and covered televisions in the
3 State annually;
- 4 (2) The amount of covered electronic devices, covered
5 televisions, and peripherals it has collected for
6 recycling by county; and
- 7 (3) The amount of covered electronic devices, covered
8 televisions, and peripherals recycled by each recycler
9 on behalf of the manufacturer.

10 (b) Nothing in this part shall exempt any person from
11 liability that the person would otherwise have under applicable
12 law.

13 **§339D-E Manufacturer reporting requirements.** (a) By
14 August 1, 2014, and annually thereafter, each manufacturer shall
15 report to the department its sales, by weight, of the
16 manufacturer's covered electronic devices and covered
17 televisions sold in the State the previous calendar year,
18 categorized by product type.

19 (b) If the manufacturer is unable to provide accurate
20 sales data, it shall explain why the data cannot be provided.
21 The manufacturer shall then report an estimate of its sales data



1 and provide an explanation of the methods used to derive the
2 estimate.

3 (c) By March 31, 2016, and annually thereafter, each
4 manufacturer shall report to the department the total weight of
5 all covered electronic devices, covered televisions, and
6 peripherals it recycled, by county, in the previous year.
7 Reports shall be submitted on forms prescribed by the
8 department.

9 **§339D-F Collector registration.** (a) By January 1, 2015,
10 all collectors in operation as of that date shall register with
11 the department using forms prescribed by the department. If a
12 collector begins operations after January 1, 2015, the collector
13 shall register with the department prior to accepting covered
14 electronic devices, covered televisions, or peripherals. A
15 registration shall be valid until December 31 of each year.

16 (b) Every collector shall submit an annual renewal of its
17 registration by January 1 of each year.

18 **§339D-G Collector record keeping requirements.** Each
19 collector shall maintain records, for a minimum of five years,
20 for the amounts, in weight, of covered electronic devices,
21 covered televisions, and peripherals it has collected for
22 recycling and the amounts sent for recycling.



1 **§339D-H** **Collector reporting requirements.** By March 31,
2 2016, and annually thereafter, each collector shall report to
3 the department on forms prescribed by the department the
4 following:

5 (1) The amount, in weight, of covered electronic devices,
6 covered televisions, and peripherals it has collected
7 for recycling and the amounts sent for recycling;

8 (2) Bills of lading or weight tickets for all covered
9 electronic devices, covered televisions, and
10 peripherals sent for recycling; and

11 (3) Certificates of recycling for all covered electronic
12 devices, covered televisions, and peripherals
13 recycled.

14 **§339D-I** **Collector responsibility.** All covered electronic
15 devices, covered televisions, and peripherals collected by
16 collectors shall be sent for recycling.

17 **§339D-J** **Audit authority.** The records of covered
18 electronic device manufacturers, covered television
19 manufacturers, collectors, and recyclers shall be made
20 available, upon request, for inspection by the department, a
21 duly authorized agent of the department, or the office of the
22 auditor."



1 SECTION 2. Section 339D-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Collector" means a person that accepts covered electronic
6 devices, covered televisions, or peripherals for delivery to a
7 recycler for the purposes of this chapter."

8 2. By adding a new definition to be appropriately inserted
9 and to read:

10 "Peripheral" means any electrically powered device
11 intended for use with a computer or television."

12 3. By adding a new definition to be appropriately inserted
13 and to read:

14 "Recycler" means any person who engages in the recycling
15 of covered electronic devices or covered televisions for the
16 purposes of this chapter."

17 4. By deleting the definition of "market share".

18 [~~"Market share":~~

19 ~~(1) Means the calculation of a television manufacturer's~~
20 ~~prior year's sales of televisions divided by all~~
21 ~~manufacturers' prior year's sales for all televisions,~~
22 ~~as determined by the department;~~



1 ~~(2) May be expressed as a percentage, a fraction, or a~~
2 ~~decimal fraction."]~~

3 SECTION 3. Section 339D-4, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) By [~~June 1, 2009,~~] October 1, 2014, and annually
6 thereafter, each electronic device manufacturer shall submit a
7 plan to the department to establish, conduct, and manage a
8 program for the collection, transportation, and recycling of its
9 covered electronic devices [~~sold in the State~~], which shall be
10 subject to the following conditions:

11 (1) The plan shall not permit the charging of a fee at the
12 point of recycling if the covered electronic device is
13 brought by the covered electronic device owner to a
14 central location for recycling; provided that the plan
15 may include a reasonable transportation fee if the
16 electronic device manufacturer or electronic device
17 manufacturer's agent removes the covered electronic
18 device from the owner's premises at the owner's
19 request and if the removal is not in conjunction with
20 delivery of a new electronic device to the owner; and

21 (2) Each electronic device manufacturer may develop its
22 own recycling program or may collaborate with other



1 electronic device manufacturers, so long as the
2 program is implemented and fully operational no later
3 than January 1, 2010."

4 SECTION 4. Section 339D-4, Hawaii Revised Statutes, is
5 amended by amending subsection (g) to read as follows:

6 "(g) The department shall review each electronic device
7 manufacturer's plan and, within sixty days of receipt of the
8 plan, shall determine whether the plan complies with section
9 339D-B. If the plan is approved, the department shall notify
10 the electronic device manufacturer or group of electronic device
11 manufacturers. If the plan is rejected, the department shall
12 notify the electronic device manufacturer or group of electronic
13 device manufacturers and provide the reasons for the plan's
14 rejection. Within thirty days after receipt of the department's
15 rejection, the electronic device manufacturer or group of
16 electronic device manufacturers ~~[may]~~ shall revise and resubmit
17 the plan to the department for ~~[approval.]~~ review under the
18 requirements of this subsection."

19 SECTION 5. Section 339D-9, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§339D-9 Administrative penalties; fees.** ~~[(a)]~~ In
22 addition to any other administrative or judicial remedy provided



1 by this chapter or by rules adopted under this chapter for a
2 violation thereof, the department is authorized to impose by
3 order administrative penalties and is further authorized to set,
4 charge, and collect administrative fines and to recover
5 administrative fees and costs, including attorney's fees and
6 costs, or to bring legal action to recover administrative fines
7 and fees and costs, including attorney's fees and costs.

8 ~~[(b) Notwithstanding subsection (a), the department shall~~
9 ~~not have the authority to assess any fees, including an advanced~~
10 ~~recycling fee, registration fee, or other fee, on consumers,~~
11 ~~television manufacturers, or retailers for recovery of covered~~
12 ~~televisions except those noted in sections 339D-4 and 339D-22.]"~~

13 SECTION 6. Section 339D-11, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The department shall compile the information
16 submitted by ~~[covered]~~ electronic device and television
17 manufacturers and issue a report to the legislature no later
18 than April 1, 2012, and annually each year thereafter."

19 SECTION 7. Section 339D-23, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) By ~~[June 1, 2010,]~~ October 1, 2014, and annually
22 thereafter, each television manufacturer shall submit a plan to



1 the department to establish, conduct, and manage a program for
2 the recycling of covered televisions sold in the State, which
3 shall be subject to the following conditions:

4 (1) The plan shall not permit the charging of a fee at the
5 point of recycling if the covered television is
6 brought by the covered television owner to a central
7 location for recycling; provided that the plan may
8 include a reasonable transportation fee if the
9 television manufacturer or television manufacturer's
10 agent removes the covered [~~electronic device~~]
11 television from the owner's premises at the owner's
12 request and if the removal is not in conjunction with
13 delivery of a new television to the owner; and

14 (2) Each television manufacturer may develop its own
15 recycling program or may collaborate with other
16 television manufacturers, so long as the program is
17 implemented and fully operational no later than
18 January 1, 2011."

19 SECTION 8. In codifying the new sections added by section
20 1 of this Act, the revisor of statutes shall substitute
21 appropriate section numbers for the letters used in designating
22 the new sections in this Act.



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act, upon its approval, shall take effect
4 on July 1, 2014.



Report Title:

Recycling; Electronic Devices

Description:

Amends the Electronic Device and Television Recycling Program.
(SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

