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# A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1           SECTION 1. The legislature finds that Act 151, Session  
2 Laws of Hawaii 2022 (Act 151), amended the Electronic Device  
3 Recycling and Recovery Act to make wholesale changes to the  
4 state electronic waste recycling program. The purpose of Act  
5 151 included, among other things, expanding the definition of  
6 "electronic waste" to cover more electronic devices,  
7 establishing manufacturer recycling goals, and requiring  
8 manufacturers to pay for convenient recycling options for  
9 consumers.

10           However, the changes made through Act 151 have been slow to  
11 increase the number of electronic waste collection sites and  
12 make recycling electronic waste more convenient for residents of  
13 the State. In addition, in the implementation of Act 151,  
14 manufacturers have struggled to comply with all new  
15 requirements, especially due to increased weight targets and  
16 increased penalties for failing to meet the electronic device  
17 collection requirements. Weight targets have been particularly



1 problematic since the weights of electronic devices have  
2 decreased over time, and for that reason, many other states and  
3 localities have moved away from using weight requirements.

4 The legislature further finds that incentivizing more  
5 permanent electronic waste recycling sites and events and adding  
6 certain legacy and peripheral devices to the law will expand  
7 recycling access and increase convenience to the general public.

8 Accordingly, the purpose of this Act is to amend the  
9 Electronic Device Recycling and Recovery Act by:

- 10 (1) Allowing manufacturers to coordinate activities  
11 directly related to the recycling of covered  
12 electronic devices;
- 13 (2) Expanding the scope of covered electronic devices to  
14 include electronic device peripherals and certain  
15 legacy devices; and
- 16 (3) Requiring manufacturers to provide free collection  
17 service locations for residents of every zip code  
18 containing twenty-five thousand or more residents, one  
19 on-site collection service location on the island of  
20 Molokai, and at least four collection events annually  
21 on the county of Hawaii outside of Kona and Hilo.



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

4 "§339D- Manufacturer coordination. A manufacturer, a  
5 group of manufacturers, or a coordinating body acting in  
6 accordance with this part may negotiate, enter into contracts  
7 with, collaborate, coordinate, or otherwise conduct business  
8 with each other and with any other entity developing,  
9 implementing, operating, participating in, or performing any  
10 other activities directly related to a plan to recycle covered  
11 electronic devices approved pursuant to this part. The  
12 manufacturer, group of manufacturers, and any entity developing,  
13 implementing, operating, participating in, or performing any  
14 other activities related to a plan to recycle covered electronic  
15 devices approved pursuant to this part shall not be subject to  
16 damages, liability, or scrutiny under federal antitrust law or  
17 chapter 480, regardless of the effects of their actions on  
18 competition. The supervisory activities described in this part  
19 are sufficient to confirm that activities of the manufacturers,  
20 a group of manufacturers, and any entity developing,  
21 implementing, operating, participating in, or performing any



1 other activities related to a manufacturer plan to recycle  
2 covered electronic devices that is approved are authorized and  
3 actively supervised by the State."

4 SECTION 3. Section 339D-1, Hawaii Revised Statutes, is  
5 amended as follows:

6 1. By amending the definitions of "brand" and "collector"  
7 to read:

8 "Brand" means a symbol, word, or mark that identifies [an]  
9 a covered electronic device, rather than any of its components.

10 "Collector" means a person that accepts covered electronic  
11 devices for reuse or delivers the devices to a recycler for the  
12 purposes of this chapter."

13 2. By amending the definition of "electronic device" to  
14 read:

15 "~~["Electronic]~~ "Covered electronic device":

16 (1) Means:

17 (A) A computer, computer printer, computer monitor,  
18 facsimile machine, videocassette recorder,  
19 portable digital music player that has memory  
20 capability and is battery powered, digital video  
21 disc player, digital video disc recorder, router



- 1           designed for household use, modem designed for  
2           household use, or portable computer with a screen  
3           size greater than four inches measured  
4           diagonally; ~~and~~
- 5           (B) Any device that is capable of receiving  
6           broadcast, cable, or satellite signals and  
7           displaying television or video programing,  
8           including any direct view or projection  
9           television with a viewable screen of nine inches  
10          or larger with display technology based on  
11          cathode ray tube, plasma, liquid crystal, digital  
12          light processing, liquid crystal on silicon,  
13          silicon crystal reflective display, light  
14          emitting diode, or similar technology; and
- 15          (C) Electronic device peripherals, including:
- 16                (i) A keyboard, mouse, or other device sold  
17                exclusively for external use with a covered  
18                electronic device as a wireless or corded  
19                device that provides input into, or output  
20                from, a covered electronic device;



1           (ii) Cords used with a covered electronic device  
2                     or other electronic device peripheral;

3           (iii) Power supplies and adapters designed to  
4                     support a covered electronic device;

5           (iv) Speakers used with a computer or television  
6                     and television sound bars; and

7           (v) Video game consoles; and

8           (2) Shall not include:

9           (A) ~~[An]~~ A covered electronic device that is a part  
10                   of a motor vehicle or any component part of a  
11                   motor vehicle assembled by or for a motor vehicle  
12                   manufacturer or franchised dealer, including  
13                   replacement parts for use in a motor vehicle;

14           (B) ~~[An]~~ A covered electronic device that is  
15                   functionally or physically required as a part of  
16                   a larger piece of equipment designed and intended  
17                   for use in an industrial, commercial, or medical  
18                   setting, including diagnostic, monitoring, or  
19                   control equipment;

20           (C) ~~[An]~~ A covered electronic device that is  
21                   contained within a clothes washer, clothes dryer,



1 refrigerator, refrigerator and freezer, microwave  
2 oven, conventional oven or range, dishwasher,  
3 room air conditioner, dehumidifier, or air  
4 purifier;

5 (D) A telephone of any type including a mobile  
6 telephone; or

7 (E) A global positioning system."

8 3. By amending the definition of "manufacturer" to read:

9 "Manufacturer":

10 (1) Means any person:

11 (A) Who manufactures or manufactured covered  
12 electronic devices under a brand that it owns or  
13 owned or is or was licensed to use, other than a  
14 license to manufacture covered electronic devices  
15 for delivery exclusively to or at the order of  
16 the licensor;

17 (B) Who sells or sold covered electronic devices  
18 manufactured by others under a brand that the  
19 seller owns or owned or is or was licensed to  
20 use, other than a license to manufacture covered



1 electronic devices for delivery exclusively to or  
2 at the order of the licensor;

3 (C) Who manufactures or manufactured covered  
4 electronic devices without affixing a brand;

5 (D) Who manufactures or manufactured covered  
6 electronic devices to which it affixes or affixed  
7 a brand that it neither owns or owned nor is or  
8 was licensed to use; or

9 (E) For whose account covered electronic devices  
10 manufactured outside the United States are or  
11 were imported into the United States; provided  
12 that if at the time those covered electronic  
13 devices are or were imported into the United  
14 States and another person has registered as the  
15 manufacturer of the brand of the covered  
16 electronic devices, this subparagraph shall not  
17 apply; and

18 (2) Shall not include persons [~~who~~]:

19 (A) Who sold fewer than one hundred covered  
20 electronic devices in the State during the  
21 previous calendar year[-];



1           (B) With a license to manufacture covered electronic  
2           devices for delivery exclusively to or at the  
3           order of the licensor; or

4           (C) Who manufacture only electronic device  
5           peripherals and no other covered electronic  
6           devices."

7           4. By amending the definitions of "recycler", "recycling",  
8 "retailer", and "reuse" to read:

9            "Recycler" means any person who engages in the recycling  
10 of covered electronic devices for the purposes of this chapter.

11           "Recycling" means processing, including disassembling,  
12 dismantling, or shredding, covered electronic devices or their  
13 components to recover a useable product.

14           "Retailer" means any person who offers covered electronic  
15 devices for sale, other than for resale by the purchaser,  
16 through any means, including sales outlets, catalogs, or the  
17 Internet.

18           "Reuse" means any operation by which [~~an~~] a covered  
19 electronic device changes ownership and is used for the same  
20 purpose for which it was originally purchased."



1 SECTION 4. Section 339D-23, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§339D-23 **Manufacturer responsibility.** (a) Beginning  
4 January 1, 2023, a manufacturer shall recycle or arrange for the  
5 recycling or reuse of any covered electronic device sold in the  
6 State. Manufacturers shall fully fund their recycling plan,  
7 including the collection, transportation, and recycling of all  
8 covered electronic devices in the State.

9 (b) By September 1, 2022, and annually thereafter, each  
10 manufacturer shall submit a plan to the department to establish,  
11 conduct, and manage a program for the recycling of covered  
12 electronic devices sold in the State, which shall be subject to  
13 the following conditions:

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



- 1 conjunction with delivery of a new covered electronic  
2 device to the owner;
- 3 (2) The plan shall include a description of the methods  
4 for the convenient collection of covered electronic  
5 devices at no cost to the owner, except as provided in  
6 paragraph (1). The recycling plan shall provide for  
7 collection services of covered electronic devices in  
8 each county and zip code tabulation area, as defined  
9 by the United States Census Bureau, with a population  
10 greater than twenty-five thousand. The recycling plan  
11 shall include at least one of the following:
- 12 (A) Staffed drop-off sites;
- 13 (B) Alternative collection services, including on-  
14 site pick-up services; or
- 15 (C) Collection events held at an easily accessible,  
16 central location;
- 17 (3) The plan shall provide collection services at a  
18 minimum of once per month;
- 19 (4) The plan shall not contain only a mail-back option;



1 (5) The plan shall specify the use of only collectors  
2 registered with the State pursuant to section 339D-28;  
3 and

4 (6) The plan shall specify the use of recyclers that have  
5 achieved and maintained third-party accredited  
6 certification from the Responsible Recycling Standard  
7 for Electronics Recyclers (R2), Standard for  
8 Responsible Recycling and Reuse of Electronic  
9 Equipment (e-Stewards), or an internationally  
10 accredited third-party environmental management  
11 standard for the safe and responsible handling of  
12 covered electronic devices.

13 (c) The department shall review each manufacturer's plan  
14 and, within sixty days of receipt of the plan, determine whether  
15 the plan complies with this part. If the plan is approved, the  
16 department shall notify the manufacturer or group of  
17 manufacturers. If the plan is rejected, the department shall  
18 notify the manufacturer or group of manufacturers and provide  
19 the reasons for the plan's rejection. Within thirty days after  
20 receipt of the department's rejection, the manufacturer or group



1 of manufacturers may revise and resubmit the plan to the  
2 department for approval.

3 (d) Each manufacturer may develop its own recycling plan  
4 or may collaborate with other manufacturers [~~;~~ ~~provided that the~~  
5 ~~plan is implemented and fully operational by January 1, 2023~~].  
6 Manufacturers who collaborate on plans designed to comply with  
7 the requirements in section 339D-23.1(f) may coordinate  
8 recycling plans in any program year.

9 (e) The obligations under this chapter for a manufacturer  
10 that manufactures or manufactured covered electronic devices, or  
11 who sells or sold covered electronic devices manufactured by  
12 others, under a brand that was previously used by a different  
13 person in the manufacture of covered electronic devices, shall  
14 extend to all covered electronic devices bearing that brand."

15 SECTION 5. Section 339D-23.1, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§339D-23.1[+] **Manufacturer recycling goals.** (a) The  
18 department shall use the best available information to establish  
19 the weight of all covered electronic devices sold in the State,  
20 including the reports submitted pursuant to section 339D-23.3,



1 state and national sales data, and other reliable commercially  
2 available, supplemental sources of information.

3 (b) No later than October 1, 2022, and annually  
4 thereafter, the department shall notify each manufacturer of its  
5 recycling obligation pursuant to subsection (c).

6 (c) Each manufacturer shall collect and recycle covered  
7 electronic devices according to the following:

8 (1) Beginning January 1, 2023, the equivalent of fifty per  
9 cent, by weight, of the manufacturer's covered  
10 electronic devices sold in the State two years prior,  
11 unless amended by rule pursuant to chapter 91;

12 (2) Beginning January 1, 2024, the equivalent of sixty per  
13 cent, by weight, of the manufacturer's covered  
14 electronic devices sold in the State two years prior,  
15 unless amended by rule pursuant to chapter 91; and

16 (3) Beginning January 1, 2025, the equivalent of seventy  
17 per cent, by weight, of the manufacturer's covered  
18 electronic devices sold in the State two years prior,  
19 unless amended by rule pursuant to chapter 91.

20 (d) A manufacturer may collect any covered electronic  
21 device to meet its recycling goal.



1 (e) A manufacturer may consider reused covered electronic  
2 devices toward achieving its recycling goals.

3 (f) A manufacturer shall be considered to have satisfied  
4 the recycling obligations under subsection (c) if the  
5 manufacturer meets the requirements of section 339D-23(b)(2) by  
6 providing:

7 (1) On-site collection service locations for recycling at  
8 no cost in each county and zip code tabulation area,  
9 as defined by the United States Census Bureau, with a  
10 population greater than twenty-five thousand;

11 (2) One on-site collection service location on the island  
12 of Molokai; and

13 (3) Four or more collection events in the county of Hawaii  
14 outside of Kona and Hilo.

15 (g) A manufacturer may collaborate to provide collection  
16 locations under subsection (f) collectively through a  
17 coordinating body designated by manufacturers for this purpose  
18 or as an individual manufacturer; provided that:

19 (1) If actual collection for a manufacturer under this  
20 section differs from the manufacturer-specific  
21 recycling goals established by the department, a



1 coordinating body may use the proportional obligations  
2 reflected in those department-calculated goals to  
3 reconcile each participating manufacturer's  
4 obligation; and

5 (2) A manufacturer choosing to collaborate to provide  
6 collection locations under subsection (f)  
7 collectively, pursuant to this subsection, shall  
8 disclose to the department its intent to do so and  
9 specify the designated coordinating body in its annual  
10 plan to be submitted pursuant to section 339D-23(b)."

11 SECTION 6. Sections 339D-7.5, 339D-8, 339D-9, 339D-10,  
12 339D-12, 339D-21, 339D-22, 339D-23.2, 339D-23.3, 339D-24,  
13 339D-25, 339D-26, 339D-27, 339D-28, 339D-29, and 339D-30, Hawaii  
14 Revised Statutes, are amended by substituting the phrase  
15 "covered electronic device", or similar term, wherever the  
16 phrase "electronic device", or similar term, appears, as the  
17 context requires.

18 SECTION 7. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect on July 1, 2050.



**Report Title:**

Covered Electronic Devices; Collection; Recycling; Manufacturers

**Description:**

Allows manufacturers to coordinate activities directly related to the recycling of covered electronic devices. Expands the scope of covered electronic devices to include electronic device peripherals and certain legacy devices. Requires manufacturers to provide free collection service locations and collection events. Effective 7/1/2050. (SD2)

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