

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1926*

Short Title: Electronics Recycling Amends/Add TVs. (Public)

Sponsors: Senator Cowell.

Referred to: Finance.

May 22, 2008

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REQUIREMENTS FOR COMPUTER EQUIPMENT MANAGEMENT ENACTED BY S.L. 2007-550 TO (1) CLARIFY THAT THE PROGRAM APPLIES ONLY TO COMPUTER EQUIPMENT DISCARDED BY CONSUMERS IN THE STATE AND (2) ADD TELEVISIONS DISCARDED BY CONSUMERS IN THE STATE TO THE EQUIPMENT THAT MUST BE RECOVERED FOR REUSE OR RECYCLING, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 130A of the General Statutes reads as rewritten:

"Part 2E. Discarded Television and Computer Equipment Management.

"§ 130A-309.90. (Effective January 1, 2009) Findings.

The General Assembly makes the following findings:

- (1) The ~~computer~~-electronics equipment waste stream is growing rapidly in volume and complexity and can introduce toxic materials into solid waste landfills.
- (2) It is in the best interests of the citizens of this State to have convenient, simple, and free access to recycling services for discarded televisions and computer equipment.
- (3) Collection programs operated by local government and nonprofit agencies are an efficient way to divert discarded televisions and computer equipment from disposal and to provide recycling services to all citizens of this State.
- (4) The development of local and nonprofit collection programs is hindered by the high costs of recycling and transporting discarded televisions and computer equipment.
- (5) No ~~other~~-comprehensive system currently exists, either provided by electronics manufacturers, retailers, or others, to adequately serve all

1 ~~citizens~~ consumers of the State and to divert large quantities of
2 discarded televisions and computer equipment from disposal.

3 (6) Manufacturer responsibility is an effective way to ensure that
4 manufacturers of televisions and computer equipment take part in a
5 solution to the electronic waste problem.

6 (7) The recycling of discarded televisions and computer equipment
7 recovers valuable materials for reuse and will create jobs and expand
8 the tax base of the State.

9 **"§ 130A-309.91. (Effective January 1, 2009) Definitions.**

10 As used in this Part, the following definitions apply:

11 (1) Business entity. – Defined in G.S. 55-1-40(2a).

12 (2) Computer equipment. – Any desktop central processing unit, any
13 laptop computer, the monitor or video display unit for a computer
14 system, and the keyboard, mice, and other peripheral equipment.
15 Computer equipment does not include a printing device such as a
16 printer, a scanner, a combination print-scanner-fax machine, or other
17 device designed to produce hard paper copies from a computer; an
18 automobile; a television; a household appliance; a large piece of
19 commercial or industrial equipment, such as commercial medical
20 equipment, that contains a cathode ray tube, a cathode ray tube device,
21 a flat panel display, or similar video display device that is contained
22 within, and is not separate from, the larger piece of equipment, or other
23 medical devices as that term is defined under the federal Food, Drug,
24 and Cosmetic Act.

25 (2a) Consumer. – Any occupant of a single detached dwelling unit or a
26 single unit of a multiple dwelling unit who owns or possesses a
27 television or item of computer equipment primarily for personal or
28 home business use.

29 (3) Discarded television and computer equipment. – ~~Computer~~ Television
30 and computer equipment that is solid waste.

31 (4) Discarded television and computer equipment collector. – A municipal
32 or county government, nonprofit agency, or retailer that accepts
33 discarded television and computer equipment from ~~the~~
34 public consumers.

35 ~~(5)~~(5a) Manufacturer of computer equipment. – A person who
36 manufactures computer equipment sold under its own brand or label;
37 sells under its own brand or label computer equipment produced by
38 other suppliers; imports into the United States computer equipment
39 that was manufactured outside of the United States; or owns a brand
40 that it licenses to another person for use on computer equipment.
41 Manufacturer includes a business entity that acquires another business
42 entity that manufactures or has manufactured computer equipment.

43 (5b) Manufacturer of televisions. – Any existing person: (i) who
44 manufactures or manufactured televisions under a brand that it owns or

1 owned or is or was licensed to use, other than a license to manufacture
2 televisions for delivery exclusively to or at the order of the licensor;
3 (ii) who sells or sold televisions manufactured by others under a brand
4 that the seller owns or owned or is or was licensed to use; or (iii) for
5 whose account televisions, manufactured outside the United States, are
6 or were imported into the United States, provided, however, if at the
7 time the televisions are or were imported into the United States,
8 another person has offered to collect the televisions under a recovery
9 plan pursuant to this section, then this clause (iii) shall not apply.

10 (6) Orphan discarded televisions and computer equipment. – Any
11 discarded televisions and computer equipment for which a
12 manufacturer cannot be identified or for which the manufacturer is no
13 longer in business and has no successor in interest.

14 (7) Retailer. – A person who sells televisions and computer equipment in
15 the State to a consumer. Retailer includes a manufacturer of televisions
16 and computer equipment that sells directly to a consumer through any
17 means, including transactions conducted through sales outlets,
18 catalogs, the Internet, or any similar electronic means, but does not
19 include a person who sells televisions and computer equipment to a
20 distributor or retailer through a wholesale transaction.

21 (8) Television. – A stand-alone display system containing a cathode ray
22 tube or any other type of display primarily intended to receive video
23 programming via broadcast, having a viewable area greater than nine
24 inches measured diagonally, able to adhere to standard consumer video
25 formats and having the capability of selecting different broadcast
26 channels and supporting sound capability.

27 **"§ 130A-309.92. (Effective January 1, 2009) Responsibility for recycling televisions**
28 **and discarded computer equipment.**

29 In addition to the specific requirements of this Part, discarded television and
30 computer equipment collectors and manufacturers share responsibility for the recycling
31 of discarded televisions and computer equipment and the education of ~~citizens~~
32 of ~~consumers~~ in the State as to recycling opportunities for discarded televisions and
33 computer equipment. (2007-550, s. 16.1(a).)

34 **"§ 130A-309.93. (For effective dates, see note) Requirements for manufacturers.**

35 (a) Registration and Fee Required. – Each manufacturer of televisions and
36 manufacturer of computer equipment, before selling or offering for sale televisions and
37 computer equipment in North Carolina, shall register with the Department and, at the
38 time of registration, shall pay an initial registration fee of ten thousand dollars (\$10,000)
39 to the Department. A manufacturer of televisions and manufacturer of computer
40 equipment ~~computer equipment manufacturer~~ that has registered shall pay an annual
41 renewal registration fee of one thousand dollars (\$1,000) to the Department. The annual
42 renewal registration fee shall be paid each year no later than the first day of the month
43 in which the initial registration fee was paid. The proceeds of these fees shall be
44 credited to the Television and Computer Equipment Management Account. A

1 manufacturer of televisions and manufacturer of computer equipment that sells 1,000
2 items of computer equipment or less per year is exempt from the requirement to pay the
3 registration fee and the annual renewal fee imposed by this subsection.

4 (b) Manufacturer Label Required. – A manufacturer shall not sell or offer to sell
5 televisions and computer equipment in this State unless a visible, permanent label
6 clearly identifying the manufacturer of that device is affixed to the equipment.

7 (c) Televisions and Computer Equipment Recycling Plan. – Each manufacturer
8 of televisions and manufacturer of computer equipment shall develop and submit to the
9 Department a plan for reuse or recycling of discarded televisions and computer
10 equipment from consumers in the State produced by the manufacturer. The
11 manufacturer shall submit a proposed plan to the Department within 120 days of
12 registration as required by subsection (a) of this section. The plan shall:

- 13 (1) Describe any direct take-back program to be implemented by the
14 manufacturer, including mail-back programs and collection events.
- 15 (2) Provide that the manufacturer will take responsibility for ~~discarded~~
16 televisions and computer equipment it manufactured discarded by
17 consumers in the State.
- 18 (3) Include a detailed description as to how the manufacturer will
19 implement and finance the plan.
- 20 (4) Provide for environmentally sound management practices to transport
21 and recycle discarded televisions and computer equipment.
- 22 (5) Describe the performance measures that will be used by the
23 manufacturer to document recovery and recycling rates for discarded
24 televisions and computer equipment. The calculation of recycling rates
25 shall include the amount of discarded televisions and computer
26 equipment managed under the manufacturer's program divided by the
27 amount of televisions and computer equipment sold by the
28 manufacturer in North Carolina.
- 29 (6) Describe in detail how the manufacturer will provide for transportation
30 of discarded televisions and computer equipment at no cost from
31 discarded computer equipment collectors.
- 32 (7) Describe in detail how the manufacturer will fully cover the costs of
33 processing discarded televisions and computer equipment received
34 from discarded televisions and computer equipment collectors.
- 35 (8) Include a public education plan on the laws governing the recycling
36 and reuse of discarded televisions and computer equipment under this
37 Part and on the methods available to consumers to comply with those
38 requirements.

39 (d) Televisions and Computer Equipment Recycling Plan Revision. – A
40 manufacturer may prepare a revised plan and submit it to the Department at any time as
41 the manufacturer considers appropriate in response to changed circumstances or needs.
42 The Department may require a manufacturer to revise or update a plan if the
43 Department finds that the plan is inadequate or out-of-date.

1 (e) Payment of Costs for Plan Implementation. – Each manufacturer is
2 responsible for all costs associated with the development and implementation of its
3 plan. A manufacturer shall not collect a charge for the management of discarded
4 televisions and computer equipment at the time the equipment is ~~discarded~~discarded by
5 consumers.

6 (f) Joint Television and Computer Equipment Recycling Plans. – A manufacturer
7 may fulfill the requirements of this section by participation in a joint recycling plan with
8 other manufacturers. A joint plan shall meet the requirements of subsection (c) of this
9 section.

10 (g) Annual Report. – Each manufacturer shall submit a report to the Department
11 by 1 February of each year that includes all of the following for the previous calendar
12 year:

- 13 (1) A description of the collection and recycling services used to recover
14 the manufacturer's products.
- 15 (2) The quantity and type of computer equipment sold by the
16 manufacturer to retail consumers in this State.
- 17 (3) The quantity and type of discarded computer equipment collected by
18 the manufacturer for recovery in this State for the preceding calendar
19 year.
- 20 (4) Any other information requested by the Department.

21 **"§ 130A-309.94. (Effective January 1, 2010) Requirements for discarded television**
22 **and computer equipment collectors.**

23 Each discarded television and computer equipment collector shall ensure that
24 discarded televisions and computer equipment received by the collector is consolidated
25 at central locations, properly stored, and either held for pickup by a manufacturer or
26 delivered to a facility designated by a manufacturer.

27 **"§ 130A-309.95. (Effective January 1, 2009) Responsibilities of the Department.**

28 In addition to its other responsibilities under this Part, the Department shall:

- 29 (1) Develop and maintain a current list of manufacturers that are in
30 compliance with the requirements of G.S. 130A-309.93 and provide
31 the current list to the Office of Information Technology Services each
32 time that the list is updated.
- 33 (2) Develop and implement a public education program on the laws
34 governing the recycling and reuse of discarded televisions and
35 computer equipment under this Part and on the methods available to
36 consumers to comply with those requirements. The Department shall
37 make this information available on the Internet and shall provide
38 technical assistance to manufacturers to meet the requirements of
39 G.S. 130A-309.93(c)(8). The Department shall also provide technical
40 assistance to units of local government on the establishment and
41 operation of discarded television and computer equipment collection
42 centers and in the development and implementation of local public
43 education programs.

- 1 (3) Maintain the confidentiality of any information that is required to be
2 submitted by a manufacturer under this Part that is designated as a
3 trade secret, as defined in G.S. 66-152(3) and that is designated as
4 confidential or as a trade secret under G.S. 132-1.2.

5 **"§ 130A-309.96. (Effective January 1, 2009) Television and Computer Equipment**
6 **Management Account.**

7 The Television and Computer Equipment Management Account is created as a
8 nonreverting account within the Department. Funds in the Account shall be used by the
9 Department to implement the provisions of this Part.

10 **"§ 130A-309.97. (Effective January 1, 2009) Enforcement.**

11 This Part may be enforced as provided by Part 2 of Article 1 of this Chapter.

12 **"§ 130A-309.98. (Effective April 1, 2011) Annual report.**

13 No later than 1 April of each year, the Department shall submit a report on the
14 recycling of discarded televisions and computer equipment in the State under this Part
15 to the Environmental Review Commission. The report must include an evaluation of the
16 recycling rates in the State for discarded televisions and computer equipment, a
17 discussion of compliance and enforcement related to the requirements of this Part, and
18 any recommendations for any changes to the system of collection and recycling of
19 discarded televisions and computer equipment or other electronic devices."

20 **SECTION 2.** G.S. 130A-309.09A(b)(6) reads as rewritten:

21 "(6) Include an assessment of current programs and a description of
22 intended actions with respect to:

- 23 a. Education with the community and through the schools.
24 b. Management of special wastes.
25 c. Prevention of illegal disposal and management of litter.
26 d. Purchase of recycled materials and products manufactured with
27 recycled materials.
28 e. **(Effective January 1, 2009)** For each county and each
29 municipality with a population in excess of 25,000, collection
30 of discarded televisions and computer equipment, as defined in
31 G.S. 130A-309.91."

32 **SECTION 3.** G.S. 130A-309.10(f) is amended by adding a new subdivision

33 to read:

34 **"(15) Discarded televisions, as defined in G.S. 130A-309.91."**

35 **SECTION 4.** G.S. 130A-309.10(f1) is amended by adding a new
36 subdivision to read:

37 **"(8) Discarded televisions, as defined in G.S. 130A-309.91."**

38 **SECTION 5.** Section 16.6(b) of S.L. 2007-550 reads as rewritten:

39 **"SECTION 16.6.(b)** Section 16.2 of this act becomes effective 1 January 2009.
40 Sections 16.3 and 16.4 of this act become effective 1 January 2012. Section 16.5 of this
41 act becomes effective 1 July 2009. Subsection (b) of Section 16.1 of this act, Section
42 16.6 of this act, and any other provision of Section 16 of this act for which an effective
43 date is not specified become effective 1 January 2009."

1 **SECTION 6.** Part 2E of Article 9 of Chapter 130A of the General Statutes,
2 as amended by Section 1 of this act, becomes effective as follows:

- 3 (1) G.S. 130A-309.90 becomes effective 1 January 2009.
- 4 (2) G.S. 130A-309.91 becomes effective 1 January 2009.
- 5 (3) G.S. 130A-309.92 becomes effective 1 January 2009.
- 6 (4) G.S. 130A-309.93(a) becomes effective 1 January 2009.
- 7 (5) G.S. 130A-309.93(b) becomes effective 1 January 2009.
- 8 (6) G.S. 130A-309.93(c) becomes effective 1 October 2009.
- 9 (7) G.S. 130A-309.93(d) becomes effective 1 October 2009.
- 10 (8) G.S. 130A-309.93(e) becomes effective 1 January 2009.
- 11 (9) G.S. 130A-309.93(f) becomes effective 1 January 2009.
- 12 (10) G.S. 130A-309.93(g) becomes effective 1 February 2011.
- 13 (11) G.S. 130A-309.94 becomes effective 1 January 2010.
- 14 (12) G.S. 130A-309.95(1) becomes effective 1 January 2009.
- 15 (13) G.S. 130A-309.95(2) becomes effective 1 January 2009.
- 16 (14) G.S. 130A-309.95(3) becomes effective 1 January 2009.
- 17 (15) G.S. 130A-309.96 becomes effective 1 January 2009.
- 18 (16) G.S. 130A-309.97 becomes effective 1 January 2009.
- 19 (17) G.S. 130A-309.98 becomes effective 1 April 2011.

20 **SECTION 7.** Section 2 of this act becomes effective 1 January 2009.
21 Sections 3 and 4 of this act become effective 1 January 2012. Section 5 of this act is
22 effective when it becomes law. Section 6 of this act, and any other provision of this act
23 for which an effective date is not specified, become effective 1 January 2009.