



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Washington Department of Ecology AO #06-07

- Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (if less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This rule requires manufacturers of covered electronic products to register with the department, pay an annual administrative fee to cover the agency's costs and brand their products sold in or into Washington state and includes requirements to complete these tasks. The rule requires retailers to only sell branded products and products belonging to registered manufacturers. Collectors and transporter registration requirements are also included. The rule prescribes the enforcement process and associated penalties for non-compliance.

Covered electronic products are personal computers, laptop and portable computers, computer monitors and televisions

Citation of existing rules affected by this order:

Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption: Chapter 70.95N RCW Electronic Product Recycling

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-15-125 on July 19, 2006 (date)

Describe any changes other than editing from proposed to adopted version:

Based on public comments, Ecology made some changes to the rule language. These changes include: expansion of the tiers used in the fee schedule to include two new tiers; and further clarification of definitions and other language contained in the rule. Please see the Concise Explanatory Statement for more details.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Cathy Carruthers phone (360) 407-6564
 Address: Washington Department of Ecology fax (360) 407-6989
 PO Box 47600, Olympia, WA 98504-7600 e-mail caca461@ecy.wa.gov

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

11/7/06

NAME (TYPE OR PRINT)

Jay Manning

SIGNATURE

Jay J. Manning
Jay J. M.

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

NOV 7 2006

939

TIME

WSR

06-23-040

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>12</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
--	-----	----------	---------	----------	----------	----------

The number of sections adopted in the agency's own initiative:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
--	-----	----------	---------	----------	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>12</u>	Amended	<u>0</u>	Repealed	<u>0</u>
--	-----	-----------	---------	----------	----------	----------

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>