



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO # 07-05

Subject of possible rule making: Department of Ecology is beginning rulemaking to amend and propose new language in chapter 173-900 WAC Electronic Product Recycling Program to implement chapter 70.95N RCW, passed by the 2006 legislature. This is Phase 2 of the rule making and will focus on writing rules to implement the portions of the law that were not addressed in phase 1 such as more details on recycling plans; requirements for manufacturers, retailers, collectors, transporters and plan implementers; performance standards for processors; and warnings, penalties, and violations, associated with these requirements. This rule making will also make housekeeping changes and additional amendments to existing language to ensure consistency with phase 2.
It is the department's intention to develop these rules in a manner consistent with chapters 173-303 and 173-350 WAC, related to solid and hazardous waste and recycling. To that end, Ecology will review chapters 173-303 and 173-350 and propose as necessary to assure consistency.

Statutes authorizing the agency to adopt rules on this subject: Chapter 70.95N RCW Electronic Product Recycling

Reasons why rules on this subject may be needed and what they might accomplish: These rules are required by chapter 70.95N RCW that established an electronic product recycling program within the state. The legislature found that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further recognized that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature also found that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Ecology will continue to work with the Advisory Panel formed during Phase 1 rule making to implement the law. During phase 2 Ecology will hold 2 public meetings on rule language prior to the formal comment period. Ecology will post information on its website and send information to interested parties. Ecology will hold public hearings on the rule language.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Ecology will post information on its website, send information to interested parties, and form an advisory committee. Ecology will hold public hearings on the rule language.

Primary Contact:

Jay Shepard

Mailing Address:

Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Telephone: 360 407-7040
FAX: 360 407-6102

Street Address:

Washington Department of Ecology
300 Desmond Drive
Lacey, WA

Email: WA-RECYCLES-ELECTRONICS@ECY.WA.GOV

Rule-making Website: <http://www.ecy.wa.gov/programs/swfa/eproductrecycle/rulDev.html>

Listserv: <http://listserv.wa.gov/archives/wa-recycles-electronics.html>

DATE

1/31/07

NAME (TYPE OR PRINT)

Cullen Stephenson

SIGNATURE

TITLE

Program Manager, Solid Waste and Financial Assistance Program

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 31 2007

TIME 4:14 AM

WSR 07-04-055 PM