



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO# 15-03

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-10-039 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-900 WAC – *Electronic Products Recycling Program*

Hearing location(s): Lacey, WA
Department of Ecology
300 Desmond Drive
Lacey, WA 98503

Date: December 3, 2015 Time: 2:00 PM

Submit written comments to:

Name: Miles Kuntz
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504
e-mail miles.kuntz@ecy.wa.gov
fax (360)4076102 by (date) December 10, 2015

Assistance for persons with disabilities: Contact

Date of intended adoption: February 16, 2016
(Note: This is NOT the effective date)

Waste 2 Resources Program Main Reception by December 1, 2015. TTY (877) 833-6341 or (360) 407-6900

Purpose of the proposal and its anticipated effects, including any changes in existing rules: See Attachment

Reasons supporting proposal: This rulemaking is required following the passage of legislation in 2013 and it is generally supported by the manufacturers of electronics who will be impacted by these requirements.

Statutory authority for adoption: RCW 70.95N.230

Statute being implemented: RCW 70.95N

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:		

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **October 19, 2015**

TIME: **3:24 PM**

WSR 15-21-065

DATE
10/19/15

NAME (type or print)
Polly Zehm

SIGNATURE

TITLE
Deputy Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Washington State Department of Ecology

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Miles Kuntz	Lacey, WA	(360) 407-7157
Implementation.... Miles Kuntz	Lacey, WA	(360) 407-7157
Enforcement..... Miles Kuntz	Lacey, WA	(360) 407-7157

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

- Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Kirsten Miller
Address: Washington State Department of Ecology
Waste 2 Resources Program
PO Box 47600
Olympia, WA 98504-7600

phone (360) 407-6707
fax (360) 407-6102
e-mail kirsten.miller@ecy.wa.gov

- No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kirsten Miller
Address: Washington State Department of Ecology
Waste 2 Resources Program
PO Box 47600
Olympia, WA 98504-7600

phone (360) 407-6707
fax (360) 407-6102
e-mail kirsten.miller@ecy.wa.gov

- No: Please explain:

Attachment: Chapter 173-900 WAC – *Electronic Products Recycling Program*

Purpose of the proposal and its anticipated effects, including any changes in existing rules

In response to changes in the law adopted by the 2013 Legislature, Ecology is proposing to revise the rule (Chapter 173-900 WAC) to account for each manufacturer's financial obligation to the stewardship program based totally on market share and eliminating all references to return share calculations in the existing rule. Market share refers to each manufacturer's share of covered electronic products (TVs, computers, monitors, e-readers and portable DVD players) sold in Washington, and return share refers to each manufacturer's share of those products in the recycling stream.

As a result, some manufacturers may pay more than they are now to support the recycling program and some may pay less. The impact on individual manufacturers, if any, will depend on each manufacturer's sales of consumer electronics (market share) in Washington State.

Also in response to 2013 legislation, Ecology is proposing to expand the reporting requirements for organizations operating recycling programs for electronic products. In addition to the information currently required in the rule for annual reports on the operation of a recycling program, those reports would also be required to include; (1) an estimate of each type of material recovered from the recycling of electronics including cathode ray tube glass, circuit boards, batteries, mercury-containing devices, plastics, and metals; (2) an estimate of the weight of all collected products that are ultimately reused, recycled, or end up as residual waste that is disposed; (3) a description of program revenues and costs including the average cost of the program per pound of covered electronic product collected, and costs for education and promotional efforts, collection, transportation, processing and labor, and program administration; and (4) a description of the methods used to collect, transport and process covered electronic products.

Proposed changes also clarify that retailers of covered electronic products must provide take-home information on the recycling of electronics to consumers at the time of purchase of a covered electronic product. Most retailers provide take-home information to consumers now through a variety of methods. Under this change posting a placard at the check-out stand does not meet the requirement for retailers to provide consumers with recycling information.

In addition, proposed changes and edits include, but are not limited to, allowing Ecology to provide notifications electronically to the organizations operating recycling programs rather than by certified mail, and updating references to the Ecology oversight program from the old name, the Solid Waste and Financial Assistance Program, to the current program name, the Waste 2 Resources Program.