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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0004.2/15 2nd draft

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Concerning electronic product recycling.

1 AN ACT Relating to electronic product recycling; and reenacting  
2 and amending RCW 70.95N.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.95N.020 and 2013 c 305 s 1 are each reenacted and  
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Authority" means the Washington materials management and  
9 financing authority created under RCW 70.95N.280.

10 (2) "Authorized party" means a manufacturer who submits an  
11 individual independent plan or the entity authorized to submit an  
12 independent plan for more than one manufacturer.

13 (3) "Board" means the board of directors of the Washington  
14 materials management and financing authority created under RCW  
15 70.95N.290.

16 (4) "Collector" means an entity licensed to do business in the  
17 state that gathers unwanted covered electronic products from  
18 households, small businesses, school districts, small governments,  
19 and charities for the purpose of recycling and meets minimum  
20 standards that may be developed by the department.

1 (5) "Contract for services" means an instrument executed by the  
2 authority and one or more persons or entities that delineates  
3 collection, transportation, and recycling services, in whole or in  
4 part, that will be provided to the citizens of the state within  
5 service areas as described in the approved standard plan.

6 (6) "Covered electronic product" includes a cathode ray tube or  
7 flat panel computer monitor having a viewable area greater than four  
8 inches when measured diagonally, a desktop computer, a laptop or a  
9 portable computer including notebooks, netbooks, tablets, and e-book  
10 readers, ((~~or~~)) a cathode ray tube or flat panel television having a  
11 viewable area greater than four inches when measured diagonally, or a  
12 peripheral that has been used in the state by any covered entity  
13 regardless of original point of purchase. "Covered electronic  
14 product" does not include: (a) A motor vehicle or replacement parts  
15 for use in motor vehicles or aircraft, or any computer, computer  
16 monitor, ((~~or~~)) television, or peripheral that is contained within,  
17 and is not separate from, the motor vehicle or aircraft; (b)  
18 monitoring and control instruments or systems; (c) medical devices;  
19 (d) products including materials intended for use as ingredients in  
20 those products as defined in the federal food, drug, and cosmetic act  
21 (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21  
22 U.S.C. Sec. 151 et seq.), and regulations issued under those acts;  
23 (e) equipment used in the delivery of patient care in a health care  
24 setting; (f) a computer, computer monitor, ((~~or~~)) television, or  
25 peripheral that is contained within a clothes washer, clothes dryer,  
26 refrigerator, refrigerator and freezer, microwave oven, conventional  
27 oven or range, dishwasher, room air conditioner, dehumidifier, or air  
28 purifier; or (g) hand-held portable voice or data devices used for  
29 commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

30 (7) "Covered entity" means any household, charity, school  
31 district, small business, or small government located in Washington  
32 state.

33 (8) "Curbside service" means a collection service providing  
34 regularly scheduled pickup of covered electronic products from  
35 households or other covered entities in quantities generated from  
36 households.

37 (9) "Department" means the department of ecology.

38 (10) "Electronic product" includes a cathode ray tube or flat  
39 panel computer monitor having a viewable area greater than four  
40 inches when measured diagonally; a desktop computer; a laptop or a

1 portable computer, including notebooks, netbooks, tablets, and e-book  
2 readers; ((~~or~~)) a cathode ray tube or flat screen television having a  
3 viewable area greater than four inches when measured diagonally, or a  
4 peripheral.

5 (11) "Equivalent share" means the weight in pounds of covered  
6 electronic products identified for an individual manufacturer under  
7 this chapter as determined by the department under RCW 70.95N.200.

8 (12) "Household" means a single detached dwelling unit or a  
9 single unit of a multiple dwelling unit and appurtenant structures.

10 (13) "Independent plan" means a plan for the collection,  
11 transportation, and recycling of unwanted covered electronic products  
12 that is developed, implemented, and financed by an individual  
13 manufacturer or by an authorized party.

14 (14) "Manufacturer" means any person, in business or no longer in  
15 business but having a successor in interest, who, irrespective of the  
16 selling technique used, including by means of distance or remote  
17 sale:

18 (a) Manufactures or has manufactured a covered electronic product  
19 under its own brand names for sale in or into this state;

20 (b) Assembles or has assembled a covered electronic product that  
21 uses parts manufactured by others for sale in or into this state  
22 under the assembler's brand names;

23 (c) Resells or has resold in or into this state under its own  
24 brand names a covered electronic product produced by other suppliers,  
25 including retail establishments that sell covered electronic products  
26 under their own brand names;

27 (d) Manufactures or manufactured a cobranded product for sale in  
28 or into this state that carries the name of both the manufacturer and  
29 a retailer;

30 (e) Imports or has imported a covered electronic product into the  
31 United States that is sold in or into this state. However, if the  
32 imported covered electronic product is manufactured by any person  
33 with a presence in the United States meeting the criteria of  
34 manufacturer under (a) through (d) of this subsection, that person is  
35 the manufacturer. For purposes of this subsection, "presence" means  
36 any person that performs activities conducted under the standards  
37 established for interstate commerce under the commerce clause of the  
38 United States Constitution;

39 (f) Sells at retail a covered electronic product acquired from an  
40 importer that is the manufacturer as described in (e) of this

1 subsection, and elects to register in lieu of the importer as the  
2 manufacturer for those products; or

3 (g) Beginning in program year 2016, elects to assume the  
4 responsibility and register in lieu of a manufacturer as defined  
5 under this section. In the event the entity who assumes  
6 responsibility fails to comply, the manufacturer as defined under (a)  
7 through (f) of this subsection remains fully responsible.

8 (15) "Market share" means the percentage of covered electronic  
9 products by weight identified for an individual manufacturer, as  
10 determined by the department under RCW 70.95N.190.

11 (16) "New entrant" means: (a) A manufacturer of televisions that  
12 have been sold in the state for less than ten years; or (b) a  
13 manufacturer of desktop computers, laptop and portable computers, or  
14 computer monitors that have been sold in the state for less than five  
15 years. However, a manufacturer of both televisions and computers or a  
16 manufacturer of both televisions and computer monitors that is deemed  
17 a new entrant under either only (a) or (b) of this subsection is not  
18 considered a new entrant for purposes of this chapter.

19 (17) "Orphan product" means a covered electronic product that  
20 lacks a manufacturer's brand or for which the manufacturer is no  
21 longer in business and has no successor in interest.

22 (18) "Plan's equivalent share" means the weight in pounds of  
23 covered electronic products for which a plan is responsible. A plan's  
24 equivalent share is equal to the sum of the equivalent shares of each  
25 manufacturer participating in that plan.

26 (19) "Plan's market share" means the sum of the market shares of  
27 each manufacturer participating in that plan.

28 (20) "Plan's return share" means the sum of the return shares of  
29 each manufacturer participating in that plan.

30 (21) "Premium service" means services such as at-location system  
31 upgrade services provided to covered entities and at-home pickup  
32 services offered to households. "Premium service" does not include  
33 curbside service.

34 (22) "Processor" means an entity engaged in disassembling,  
35 dismantling, or shredding electronic products to recover materials  
36 contained in the electronic products and prepare those materials for  
37 reclaiming or reuse in new products in accordance with processing  
38 standards established by this chapter and by the department. A  
39 processor may also salvage parts to be used in new products.

1 (23) "Product type" means one of the following categories:  
2 Computer monitors; desktop computers; laptop and portable computers,  
3 including notebooks, netbooks, tablets, and e-book readers; ((and))  
4 televisions; and peripherals.

5 (24) "Program" means the collection, transportation, and  
6 recycling activities conducted to implement an independent plan or  
7 the standard plan.

8 (25) "Program year" means each full calendar year after the  
9 program has been initiated.

10 (26) "Recycling" means transforming or remanufacturing unwanted  
11 electronic products, components, and by-products into usable or  
12 marketable materials for use other than landfill disposal or  
13 incineration. "Recycling" does not include energy recovery or energy  
14 generation by means of combusting unwanted electronic products,  
15 components, and by-products with or without other waste. Smelting of  
16 electronic materials to recover metals for reuse in conformance with  
17 all applicable laws and regulations is not considered disposal or  
18 energy recovery.

19 (27) "Retailer" means a person who offers covered electronic  
20 products for sale at retail through any means including, but not  
21 limited to, remote offerings such as sales outlets, catalogs, or the  
22 internet, but does not include a sale that is a wholesale transaction  
23 with a distributor or a retailer.

24 (28) "Return share" means the percentage of covered electronic  
25 products by weight identified for an individual manufacturer, as  
26 determined by the department under RCW 70.95N.190.

27 (29) "Reuse" means any operation by which an electronic product  
28 or a component of a covered electronic product changes ownership and  
29 is used for the same purpose for which it was originally purchased.

30 (30) "Small business" means a business employing less than fifty  
31 people.

32 (31) "Small government" means a city in the state with a  
33 population less than fifty thousand, a county in the state with a  
34 population less than one hundred twenty-five thousand, and special  
35 purpose districts in the state.

36 (32) "Standard plan" means the plan for the collection,  
37 transportation, and recycling of unwanted covered electronic products  
38 developed, implemented, and financed by the authority on behalf of  
39 manufacturers participating in the authority.

1 (33) "Transporter" means an entity that transports covered  
2 electronic products from collection sites or services to processors  
3 or other locations for the purpose of recycling, but does not include  
4 any entity or person that hauls their own unwanted electronic  
5 products.

6 (34) "Unwanted electronic product" means a covered electronic  
7 product that has been discarded or is intended to be discarded by its  
8 owner.

9 (35) "White box manufacturer" means a person who manufactured  
10 unbranded covered electronic products offered for sale in the state  
11 within ten years prior to a program year for televisions or within  
12 five years prior to a program year for desktop computers, laptop or  
13 portable computers, or computer monitors.

14 (36) "Peripheral" means a device sold exclusively for external  
15 use with a computer or television that provides input or output into  
16 or from a computer or television. "Peripherals" includes computer  
17 mice, keyboards, printers, external hard drives, video game consoles,  
18 video cassette recorders/players, digital video recorders, and  
19 digital video disc players.

20 (37)(a) "Printer" includes: Desktop printers; multifunction  
21 printer copiers, and printer/fax combinations that are designed to  
22 reside on a work surface, and include various print technologies,  
23 including laser and LED (electrographic), ink jet, dot matrix,  
24 thermal, and digital sublimation; and multifunction or all-in-one  
25 devices that perform different tasks, including copying, scanning,  
26 faxing, and printing.

27 (b) "Printer" does not include floor-standing printers, printers  
28 with optional floor stand, point of sale receipt printers, household  
29 printers such as a calculator with printing capabilities or label  
30 makers, or nonstand-alone printers that are embedded into products  
31 that are not covered electronic products.

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