



Rule Adoption Notice

Electronic Product Recycling Program, Chapter 173-900 WAC Dangerous Waste Regulations, Chapter 173-303 WAC

In 2006, The Washington State Legislature required the Department of Ecology (Ecology) to develop rules to carry out a new state law- Electronic Product Recycling (chapter 70.95N RCW). On October 5, 2007, Ecology adopted amendments to Chapter 173-900 WAC, Electronic Recycling Program and Chapter 173-303 WAC Dangerous Waste Regulations. These amendments are necessary to implement the program required in the law.

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What is the Electronic Product Recycling Program, WAC 173-900?

Chapter 173-900 WAC, will provide for a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products (CEPs) throughout the state. Manufacturers must make electronic product recycling services available at no cost to households, small business, charities, school districts, and small governments by January 1, 2009.

A CEP, or covered electronic product, is a computer, laptop or portable computer, television, or monitor.

What are the Dangerous Waste Regulations, WAC 173-303?

The Dangerous Waste Regulations include waste management standards for generators of hazardous waste and for facilities that treat, store, dispose, or recycle hazardous waste. These regulations combine federal and state requirements.

Summary of the rule changes adopted: October 5, 2007

This rule adoption includes the following amendments to WAC 173-900:

- Electronic Product Recycling Plan content and submission requirements.
- Performance standards for electronic product processors used directly by plan operators, collectors, and transporters.
- Recycling service-level standards.
- Reporting processes and requirements for plan operators, local governments, local communities, processors, collectors, and transporters.
- Registration process and requirements for processors.
- Collector standards.
- Process for establishing return share and equivalent share of responsibility for manufacturers.
- A sampling methodology to be used by all plan operators to provide Ecology data to establish return shares.
- Requirements for the Materials Management and Financing Authority.
- Warnings, penalties, and violations associated with these requirements.
- Housekeeping changes to previously adopted sections of Chapter 173-900 WAC including the repeal of WAC 173-900-040 and WAC 173-900-050
- Other requirements necessary to implement Chapter 70.95N RCW.

MORE INFORMATION ONLINE

Visit:

[http://www.ecy.wa.gov/
programs/swfa/eproductrecycle/](http://www.ecy.wa.gov/programs/swfa/eproductrecycle/)

The rule change also includes the following amendment to WAC 173-303:

- An exemption for cathode ray tubes (CRTs) in televisions and monitors from Chapter 173-303 WAC if the requirements are met.

Effective November 5, 2007

This amendment to Chapter 173-900 WAC, Electronic Product Recycling Program and Chapter 173-303 WAC were adopted on October 5, 2007. These rules are effective November 5, 2007.

Appeal procedures

You can appeal this adoption under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Jerry Thielen, Ecology's Regulatory Affairs Manager at (360) 407-7551 or by email jthi461@ecy.wa.gov.

Response to Comments

Ecology's response to comments received during the public comment period is now available. Download a copy at <http://www.ecy.wa.gov/biblio/0707038.html>. This is a large document. To help conserve resources, please download and view it on your personal computer. If you would like to have a printed copy or a CD version, please contact Michelle Payne at (360) 407-6129 or mdav461@ecy.wa.gov.

Whom does this rule affect?

AFFECTED PARTIES	DESCRIPTION	REQUIREMENTS
Manufacturers	<p>If you legally own the brand name of a CEP, the state considers you a "manufacturer" under this rule. If you import CEPs for a company that does not have a physical presence in the United States, the state considers you a manufacturer under this rule.</p> <p>Manufacturers must register annually with Ecology in order to offer for sale/sell their CEPs in WA.</p>	<p>As of January 1, 2007, manufacturers:</p> <ul style="list-style-type: none">• Must register annually with Ecology in order to continue to sell their CEPs in or into Washington. This means the manufacturer must submit an annual registration form and the required administrative fee to Ecology.• Must permanently affix a brand label on all CEPs. <p>As of January 1, 2009, manufacturers must also be participating in a fully implemented CEP recycling plan approved under WAC 173-900.</p> <p>Manufacturers' annual registration is due to Ecology by January 1 of each calendar year.</p>
Retailers	<p>If you sell CEPs in or into Washington state, this rule affects you.</p> <p>Sales include all sales methods, such as those through retail locations, catalogues, phone sales, or the Internet.</p> <p>Sales do not include products sold for reuse or wholesale transactions with another retailer or distributor.</p>	<p>As of January 1, 2007, a retailer:</p> <ul style="list-style-type: none">• Cannot sell CEPs ordered from a manufacturer that has not registered with Ecology. To check the registration status of a manufacturer, the retailer must check the "Manufacturer Registration List for the Electronic Product Recycling Program" posted on Ecology's Web site.• May sell CEPs in or into Washington only if they carry labels with the manufacturer's brand name.
The WA Materials Management and	<p>The WA Materials Management Financing Authority is responsible for</p>	<p>Collectively, manufacturers must prepare a Standard Plan for CEP recycling that will be</p>

AFFECTED PARTIES	DESCRIPTION	REQUIREMENTS
<p>Financing Authority (Authority)</p> <p>and</p> <p>Authorized Parties</p>	<p>implementing the Standard Plan (recycling plan).</p> <p>An <i>authorized party</i> is a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer. The authorized party is responsible for implementing the independent plan.</p>	<p>managed by the WA Materials Management and Financing Authority.</p> <p>Independent CEP recycling plans can be prepared and managed by an Authorized Party from a single or a group of several manufacturers</p> <p>The first CEP recycling plans are due to Ecology on February 1, 2008 for review. Implementation must begin January 1, 2009.</p> <p>The Authority or Authorized Party of each plan must ensure that collection, transportation, and processing of CEPs are covered by the plan.</p>
<p>Collectors and/or Transporters</p>	<p>If you collect or transport CEPs from households, small governments, small businesses (less than 50 employees), school districts, or charities and submit the CEPs to a recycling plan for compensation, this rule affects you.</p>	<p>If a business wants to be reimbursed by the recycling plans for collection or transportation services of CEPs in Washington, they must register with Ecology and comply with the requirements in WAC 173-900.</p>
<p>Direct Processors</p>	<p>If you are contracted by a plan to provide processing services for the processing of CEPs, this rule affects you.</p>	<p>You must register and comply with the requirements in this chapter at least thirty days prior to receiving CEPs for a plan for processing.</p>
<p>Local Governments</p>	<p>All local governments will likely be impacted to some degree by the requirement that the plans provide a CEP collection site in every county and in every city with a population of 10,000 or more.</p>	<p>Local governments must promote CEP recycling including listings of local collection sites and services, through existing educational methods typically used by each local government.</p> <p>Local governments may be asked for input on whether proposed CEP recycling plans would provide convenient collection services in their jurisdictions. In addition, local governments may submit an annual report to Ecology to determine the level of satisfaction with the services provided.</p>
<p>Nonprofits and Charities that are primarily engaged in the business of reuse and resale</p>	<p>Nonprofit and charitable organizations that collect CEPs for a plan will be affected by this rule.</p>	<p>These organizations must submit an annual report to Ecology using a template to be provided by Ecology.</p>
<p>Covered Entities (households, small business, charities, school districts, and small governments)</p>	<p>All of these entities could be impacted by this rule because the CEP recycling plans are intended to provide free-of-charge, safe and convenient collection, transportation, and recycling of CEPs from these entities.</p>	<p>This rule does not create any requirements for covered entities other than those noted above for local governments and charities.</p>

Note: As a result of legislation passed in 2003 (ESSB 5766) Ecology is required to send out notification to businesses affected by rule adoptions. To comply with this law and to keep the regulated community better informed of Ecology rule adoptions, you are receiving this notification of a rule adoption.