



Information Technology Industry Council
Leading Policy for the Innovation Economy

A LEGISLATIVE FRAMEWORK FOR ELECTRONICS RECYCLING

ELEMENTS OF PROPOSAL

1.0 - Product Scope

1.1 Covered electronic devices (CEDs) are defined as computer monitors, desktop computers, laptop computers and televisions.

1.2 The proposal applies only to household CEDs.

1.3 The following devices are excluded from the scope:

1.3.1 CEDs that are functionally or physically part of a piece of medical, commercial, industrial or government equipment.

1.3.2 Telephones and wireless communications devices.

1.3.3 Devices where the primary function is display of still images and input is limited to mass storage class devices.

2.0 - Bifurcated Financing

2.1 All televisions will be subject to a visible fee to be collected by retailers at the point of sale to address legacy products.

2.2 All covered IT equipment (computer monitors, desktop computers and laptop computers) will be subject to individual producer responsibility as defined in provision 3.2 below.

3.0 - Program Requirements

3.1 Programs operated pursuant to the visible fee program will provide for all collection, transportation and recycling functions.

3.1.1 Funds collected pursuant to the visible fee program will be managed by an organization to be created by manufacturers/brand owners of televisions.

3.1.2 An individual manufacturer/brand owner of televisions may not be required to participate in the organization.

3.2 For programs operated pursuant to producer responsibility for covered IT equipment:

3.2.1 No manufacturer shall sell or offer for sale any covered IT equipment unless the manufacturer has a recovery plan under which the manufacturer offers to collect from a consumer and recover each covered IT device that is labeled with the manufacturer's brand at no charge to the consumer.

3.2.2 The recovery plan must offer covered IT equipment collection services that are reasonably convenient and available, and designed to meet the collection needs of consumers.

3.2.3 Manufacturers/brand owners operating pursuant to producer responsibility for covered IT equipment can act independently or collectively.

3.2.4 No manufacturer/brand owner shall sell or offer for sale any covered IT equipment unless the manufacturer/brand owner meets the program requirements.

3.3 Manufacturers/brand owners of CEDs will file annual reports on the weight of CEDs they properly recycled in the previous program year

4.0 - "Manufacturer/Brand Owner" Determination

4.1 The manufacturer/brand owner will have the sole legal obligation if it (or its successor) still exists, unless it is outside of jurisdictional reach and refuses to participate.

4.2 In the event that the manufacturer/brand owner ceases to exist (or is outside the jurisdictional reach and refuses to participate) then the manufacturer/brand owner of record becomes the entity or entities that:

ÉImported the CED or arranged for its import ó OR ó

ÉOwned the CED as property (except as the actual consumer) ó OR ó

ÉSold the CED in exchange for payment or other consideration ó OR ó

ÉOtherwise legally controlled the CED

4.3 If more than one entity falls under this definition, then they will collectively share the obligation that otherwise would belong to the manufacturer/brand owner.

4.4 Entities that are not the brand owner but import, own, control and/or sell CEDs must maintain records that document their involvement in the event the manufacturer/brand owner goes bankrupt or otherwise fails to participate.

5.0 Registration Requirements

5.1 Manufacturers of CEDs will be required to register their covered brands.

5.2 Retailers will only be allowed to sell registered CEDs

6.0 Materials Content

6.1 CEDs will meet the European Union (EU) RoHS requirements provided:

6.1.1 There is complete harmonization with all aspects of the RoHS Directive, including exemptions, exclusions and maximum concentration values.

6.1.2 Implementation is based on the date of manufacture of the CED.

6.1.3 If enacted at the federal level, this provision must include an express preemption provision.

7.0 Environmentally-Sound Management Requirements

7.1 Manufacturers/brand owners may only use service providers that satisfy established environmentally-sound management standards and related business practices. Service providers that satisfy these requirements are eligible to participate in the program.

7.2 Manufacturers/brand owners may not be required to use certain service providers, or to only use service providers in a given state, but must ensure that their service providers meet all applicable requirements for the program.

8.0 Procurement Preference for Environmentally-Preferable Products

8.1 The legislation will include a government procurement preference for applicable environmentally-preferable products.

8.1.1 This preference could be based on the IEEE 1680 Standard for Environmental Assessment of Personal Computer Products (the EPEAT standard).

8.1.2 The procurement preference would apply to the government itself, its agencies and other public institutions (i.e., certain universities, hospitals, etc.).

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