

## **PREAMBLE**

**Currently businesses and entities such as school districts and universities are prohibited from placing e-scrap into Missouri landfills. This act is intended to maintain that prohibition and further extend collection efforts to Missouri's households. This act is dedicated funding mechanism focused to help divert e-scrap from the residential waste stream. The funding would be through registration fees applied to the OEMs and processors**

### **Executive Summary**

- 1. Currently it is estimated that less than 25% of the residential e-scrap being generated by residents is being recovered.**
- 2. Rural Missouri has significant challenges when it comes to recovering residential e-scrap. The opportunities are few and far between.**
- 3. This bill allows for local control of the e-scrap diversion and collection process through each of the SWMDs as the districts deem necessary and appropriate.**
- 4. Revenues generated through the OEMs and processors/collectors would be funneled into the Solid Waste Management Fund.**
- 5. The funds would be distributed 61% to the districts and 39% to DNR.**
- 6. Funds would be earmarked for e-scrap recovery.**
- 7. The 61% set aside for the districts would be divided equally among the 20 districts.**
- 8. The SWMD would set forth the guidelines as to how such funds would be used by recipients in their regions per existing DNR regulations governing the distribution of such allocated funds.**
- 9. There are no expectations or penalties of landfills, haulers or residences. Simply earmarked funds to try and improve the rate of e-scrap landfill diversion for recovery, reuse and recycling.**
- 10. There are no reporting requirements of OEMs or processors/collectors directly to DNR. There will be reporting requirements to the SWMD through the grant process which will then feed back to DNR and the state.**
- 11. DNR determines the required fees assessed towards OEMs and collectors/processors in the rule making process.**
- 12. Implementation would not begin until January 1, 2019 in order to allow the rule making process to take place.**
- 13. Sheltered workshops are exempt from the fees.**

## **"Electronic Products Recycling and Reuse Act".**

Repeal 260.1083.

(1) "Cathode-ray tube" (CRT), a vacuum tube or picture tube used to convert an electronic signal into a visual image, such as a television or computer monitor;

(2) "Collector", a person, non-profit or business who receives covered electronic devices or eligible electronic devices received from a residence, school, government agency or a business for recycling processing. Collector includes, but is not limited to original equipment manufacturers, (OEMs) and processors who receive covered electronic devices (CEDs) or eligible electronic devices (EEDs) directly from the public;

(3) "Covered electronic device" or CED, any computer, laptop, personal tablet, notebook, desktop computer, computer monitor, television, stand alone facsimile machine, video game console, video cassette recorder/player, digital video box, satellite box, computer printer, server and networking that is taken out of service from a residence, school or a small business in this state regardless of purchase location. CED does not include:

(a). An electronic device that is functionally or physically part of a larger piece of equipment or that is taken out of service from an industrial, commercial (including retail), library checkout, traffic control, kiosk, security (other than household security), governmental, agricultural, or medical setting, including but not limited to diagnostic, monitoring, or control equipment:

(b) An electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, water pump, sump pump, air purifier or water softener or

(c) An electronic device that is part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.

A CED that is being collected, recycled or processed for reuse in compliance with Resource Conservation Recovery Act (RCRA) is considered to be an exempt hazardous waste, household waste, solid waste, or special waste.

(4) "Department", the Missouri Department of Natural Resources;

(5) "Eligible electronic device" or "EED", any one of the following electronic products taken out of service from a residence, school, or small business in this state regardless of purchase location: mobile telephone, mouse, or keyboard, stand-alone facsimile machine, MP3 player, portable digital assistant (PDA); video game console, video cassette

recorder/player, digital video disk player, or similar video device, zip drive, or scanner. An EED that is being collected, recycled or processed for reuse in compliance with Resource Conservation Recovery Act (RCRA) is considered to be an exempt hazardous waste, household waste, solid waste, or special waste.

(6) “Electronic Scrap”, also known as “E-scrap” – electronic equipment including CEDs and EEDs that has been discarded, is obsolete or is no longer wanted by its owner, or for any other reason enters the waste collection, recovery, treatment, processing, or recycling system.

(7) “Original equipment manufacturer” or “OEM”, a person, or a successor in interest to a person, under whose brand or label a CED or EED is or was sold at retail. For CEDs or EEDs sold at retail under a brand or label that is licensed from a person who is a mere brand owner and who does not sell or produce the CED or EED, the person who produced the CED or EED or his or her successor in interest is the OEM. For CEDs or EEDs sold that were at retail under the brand or label of both the retail seller and the person that produced the CED or EED, the person that produced the CED or EED, or his or her successor in interest, is the OEM. A retail seller of CEDs or EEDs may elect to be the OEM of one or more CEDs or EEDs if the retail seller provides written notice to the department that is accepting responsibility as the OEM of the CED or EED under sections 260.1200 to 260.1234 and identifies the CEDs or EEDs for which it is electing to be the OEM.

(9) “Processor”, an organization or person or downstream vendor who receives CEDs, EEDs or other electronic devices, circuit boards, components from electronics or CRT glass material from a collector, business, resident, school, non-profit or government entity who then uses the material in a process to make a new product, to refurbish an old product or to apply a process that would use the material in such a way that it alters it from its original state, as described in section 260.1210.

(10) “Program year”, a calendar year, the first program year is 2019;

(11) “Recycling”, an method, technique, or process by which CEDs or EEDs that would other wise be disposed of or discarded are instead collected, separated and then dismantled or further processed;

(12) “Residence”, a dwelling place or home in which one or more individuals live;

(13) “Solid waste management district” or “SWMD” as set forth in section 260.305.

(14) “Television”, an electronic device:

(a) Containing a cathode-ray tube or flat panel screen the size of which is greater than four inches when measured diagonally;

(b) That is intended to receive video programming via broadcast, cable, or satellite transmission or to receive video from surveillance or other similar cameras; and

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By September 1, 2020, for the first program year, and by April first for all subsequent program years, the department shall report to the governor and to the general assembly annually on the previous program year's performance. The report shall be posted on the department's website. Such posting of the report to the department website shall satisfy the requirement of reporting to the governor and general assembly. The report shall include, but not be limited to, the following:

(1) The total units of CEDs and EEDs that were recycled or processed for reuse in the state during the program year, as reported by the solid waste management districts

(2) A listing of all permanent collection/processing sites.

5. The department shall post on its website:

(1) A list of OEMs that have paid the current year's registration fee.

(2) A list of registered collectors to whom Missouri residents can bring CEDs and/or EEDs for recycling or processing for reuse, including links to the collectors' websites and the collectors' phone numbers.

Prior to April 1, 2019, for the first program year, and by October 1 for program year 2020 and thereafter, OEMs selling CEDs and/or EEDs in this state shall register with the department. The registration shall be submitted in the form and manner required by the department.

Prior to September 1, 2019, for the first program year, and by the November 1 preceding the program years 2020 and later, all OEMs whose CEDs and EEDs are sold in the state shall submit to the department, at an address prescribed by the department, the registration fee for the next program year. The OEM registration fees are to be determined during the rule making process.

An OEM whose CEDs and/or EEDs are first sold or offered for sale in this state on or after January 1 of a program year shall register with the department and submit the registration fee required prior to the OEM's CEDs and/or EEDs are sold or offered for sale.

Collectors and/or processors must accept CRTs and televisions. Collectors and/or processors may assess a fee to individual consumers for the collection and recovery of CRTs and televisions. Collectors may charge a fee for premium services such as curbside collection, home pick-up, or a similar method of collections.

There shall be an annual registration fee for processors/collectors. The fees are to be determined during the rule making process. The annual fee shall include the fee for registering with the department as a hazardous waste generator.

No person shall act as a processor/collector of CEDs or EEDs unless the processor is registered and has paid the registration fees as required under this section.

The registration fees shall be transmitted to the department in a form and manner as shall be prescribed by the department for deposit into the solid waste management fund. Moneys deposited in the SWMD account and earmarked for CED and/or EED landfill diversion and recovery for reuse and/or recycling shall not lapse to general revenue at the end of each biennium.

Such registration fees shall be allocated as follows:

Thirty-nine percent of the revenues shall be dedicated to support the oversight responsibilities of the department as it relates to e-scrap diversion and recovery.

Sixty-one percent of the revenues shall be allocated through grants, upon appropriation, to participating solid waste management districts. Revenues to be allocated under this subsection shall be equally divided between all solid waste management districts.

Any moneys remaining unencumbered in any fiscal year due to insufficient or inadequate applications may be reallocated under this subsection in the subsequent fiscal year.

Such moneys shall be used by the solid waste management districts for grants or programs to support public education about use, recovery, and the effect of improper disposal of CEDs and/or EEDs on the environment, to stimulate recovery and recycling of CEDs and/or EEDs through funding of collection events and its associated costs and grants for equipment used in the business of recycling and/or recovery of CEDs and/or EEDs. Solid waste management district(s) may, in cooperation with one or more other solid waste management districts, use such funds to carry out the function.

The hazardous waste portion of the fees generated shall be deposited into the hazardous waste fund as prescribed in statute.

Sheltered workshops, as defined in section 178.900, shall be exempt from any fees or certification requirements under sections.

All CEDs and EEDs collected under shall be recycled or reused in a manner that complies with federal, state, and local law.

The department shall promulgate rules to implement the provisions of sections. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are non-severable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.