

House Research Act Summary

CHAPTER: 166

SESSION: 2016 Regular Session

TOPIC: Electronic waste recycling/Metropolitan landfill contingency action account

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Overview

Chapter 166 amends statutes governing how electronics manufacturers must arrange to collect and recycle their products when they are disposed of. It revises the methods used to calculate the amount of products each manufacturer is responsible for recycling annually and the annual registration fee the manufacturer is to pay, and alters reporting requirements for manufacturers, recyclers, and collectors.

The act also directs the State Board of Investment to manage the metropolitan landfill contingency action trust account—consisting largely of fees paid to dispose of waste in landfills in the metro area—to maximize long-term gain.

Section

- 1 **[115A.1310] Definitions.**
 - Subd. 6. **Computer monitor.** Strikes a laptop computer from the definition.
- 2 **[115A.1310] Subd. 7. Covered electronic device.** Adds tablets and laptop computers to the definition.
- 3 **[115A.1310] Subd. 12a. Portable battery.** Definition.
- 4 **[115A.1310] Subd. 12b. Phase I recycling credits.** Defines phase I recycling credits as those earned in program years one through nine.
- 5 **[115A.1310] Subd. 12c. Phase II recycling credits.** Defines phase II recycling credits as those earned for recycling materials collected outside the 11-county metropolitan area in the program year beginning July 1, 2019 and thereafter.

Section

- 6** [115A.1310] **Subd. 20. Video display device.** Strikes laptop computers and a minimum screen size requirement from the definition of video display device.
- 7** [115A.1312] **Registration program.**
- Subd. 2. Manufacturer's registration.** Amends dates when registrations are due and when they become invalid.
- 8** [115A.1312] **Subd. 3. Collector's registration.** Amends the registration date and requires collectors to certify that they comply with applicable local regulations. Requires a collector to identify an end-of-life fee that will be charged at a collection point.
- 9** [115A.1312] **Subd. 4. Recycler's registration.** Amends the registration date and requires recyclers to conduct recycling activities in conformance with this chapter.
- 10** [115A.1314] **Manufacturer's registration fee.**
- Subd. 1. Registration fee.** Amends the date by which the fee must be paid. Applies the registration fee only to manufacturers selling 100 or more video display devices to households in Minnesota in a calendar year.
- Amends the formula for the variable recycling fee (in addition to the \$2,500 fixed fee) to $[A - (B + C)] \times D$, where:
- A = the manufacturer's recycling obligation established in section 115A.1320;
- B = the weight of covered electronic devices recycled by the manufacturer the previous year;
- C = the number of phase I or II recycling credits the manufacturer elects to use; and
- D = the estimated per-pound cost of recycling: 50 cents/lb. for manufacturers recycling less than 50 percent of their obligation; 40 cents/lb. for manufacturers recycling 50 to 90 percent of their obligation; 30 cents/lb. if 90 to 100 percent is recycled; and zero if the obligation is exceeded.
- Authorizes the agency to waive all or part of the variable fee if it determines that the manufacturer made a good-faith effort to meet its recycling obligation.
- Specifies that for fee calculation purposes, the weight of covered electronic devices collected outside the 11-county metropolitan is multiplied by 1.5 starting with the program year beginning July 1, 2019.
- Strikes language pertaining to program year nine.
- 11** [115A.1316] **Reporting requirements.**
- Subd. 1. Manufacturer's reporting requirements.** Requires manufacturers to report to the agency program year data in 2016 and calendar year data thereafter with respect to: the weight of specific product models, and, separately, the weight of televisions and computer monitors sold annually to households in Minnesota and nationally.

Section

Subd. 2. Recycler's reporting requirements. Amends the reporting date and requires a recycler to report the weight of video display devices and the weight of batteries and mercury containing lamps collected as covered electronic devices.

Subd. 3. Collector's reporting requirements. Amends the annual reporting date. Strikes language requiring separate reporting of covered electronic devices collected in the metro and Greater Minnesota counties. Requires reporting whether a collector has a contract with a recycler or manufacturer to provide covered electronic devices that meet a manufacturer's obligation.

12 [115A.1318] Responsibilities.

Subd. 1. Manufacturer's responsibilities. Establishes a manufacturer's annual obligation to collect and recycle an amount of video display devices determined by the agency under section 115A.1320, subdivision 1. Specifies that a manufacturer is financially liable for all costs of transporting and recycling video display devices, but not for costs of activities with respect to covered electronic devices that take place before transportation to a recycler.

Specifies that only covered electronic devices recycled by a registered recycler that is certified by certain accredited bodies may be used to meet a manufacturer's obligation.

13 [115A.1318] Subd. 1a. Collector's responsibilities. Requires collection sites to be staffed and open to the public for an adequate period. Allows a collector to limit the number of covered electronic devices accepted per customer per day. Requires a collector to deliver covered electronic devices only to a registered collector.**14 [115A.1318] Subd. 2. Recycler's responsibilities.** Requires certification that all recyclers of covered electronic devices accept them only from registered collectors and that collectors are not charged for transporting and recycling video display devices unless they have agreed.**15 [115.1320] Agency and department duties.**

Subd. 1. Duties of agency. Establishes specific statewide recycling goals for video display devices for program years beginning July 1, 2016, 2017, and 2018. Provides that in the future the statewide recycling goal is the average weight of video display devices recycled during the previous three years, excluding the most recent year.

Directs the agency to calculate each manufacturer's recycling obligation by multiplying the manufacturer's share of the total weight of video display devices sold annually in Minnesota by the statewide recycling goal.

Subd. 2. Additional duties. The agency assumes the former responsibilities of the Department of Revenue with respect to collecting data from manufacturers and reviewing annual registration fees.

16 [115A.1323] Anticompetitive conduct. Technical.**17 [473.845] Metropolitan landfill contingency action account.**

Subd. 1. Establishment. Requires the State Board of Investment to manage the account to maximize long-term gain.

Section

18 **Repealer.** Repeals the definition of recycling credits.