

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1412 **DATE:** April 6, 2016
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Authors: Fabian
Subject: Electronic waste recycling
Analyst: Bob Eleff

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Overview

The H1412DE6 amends statutes governing how electronics manufacturers must arrange to collect and recycle their products when they are disposed of. The bill changes the methods for calculating the amount of products each manufacturer is responsible for recycling annually, the annual registration fee the manufacturer is to pay, and reporting requirements for manufacturers, recyclers, and collectors. The Department of Revenue's duties under the program are assumed by the Pollution Control Agency.

Section

- 1 **[115A.1310] Definitions.**
Subd. 12a. Portable battery. Definition.
- 2 **[115A.1310] Subd. 20. Video display device.** Strikes laptop computers and a minimum screen size requirement from the definition of video display device.
- 3 **[115A.1312] Registration program.**
Subd. 2. Manufacturer's registration. Amends dates when registrations are due and when they become invalid.
- 4 **[115A.1312] Subd. 3. Collector's registration.** Amends the registration date and requires collectors to certify that they comply with any applicable local regulations. Requires a collector to identify any end-of-life fee that will be charged at a collection point.
- 5 **[115A.1312] Subd. 4. Recycler's registration.** Amends the registration date and requires recyclers to conduct recycling activities consistent with this chapter.

Section

6 [115A.1314] Manufacturer's registration fee.

Subd. 1. Registration fee. Amends the date by which the fee must be paid. Requires payment to the PCA rather than the Department of Revenue. 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, at least 50 percent of which must consist of video display devices containing a cathode ray tube;

C = the number of 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 obligation was not achievable.

Amends the definition of recycling credit to mean the weight of all recycled covered electronic devices containing a cathode ray tube that exceed a manufacturer's obligation.

Strikes language pertaining to program year nine.

Subd. 2. Use of registration fees. Strikes language allowing registration fees to be transferred to the Department of Revenue.

7 [115A.1316] Reporting requirements.

Subd. 1. Manufacturer's reporting requirements. Requires that manufacturers report, after June 30, 2017, to the agency rather than the department: the weight of specific product models, and, separately the weight of televisions and computer monitors sold annually to households both in Minnesota and nationally.

Subd. 2. Recycler's reporting requirements. Adds a requirement to report the weight of video display devices containing a cathode ray tube, calculating separately the weight of televisions and computer monitors, 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.

Section

8 [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 containing a cathode ray tube, but not for costs of activities with respect to covered electronic devices that take place before transportation to a recycler.

Requires a manufacturer to report to the agency separately the weight of all televisions and computer monitors containing a cathode ray tube that the manufacturer has recycled.

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.

9 [115A.1318] Responsibilities.

Subd. 1a. Collector's responsibilities. Requires a collector to turn over all covered electronic devices to a recycler or manufacturer unless otherwise agreed upon. 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.

10 [115A.1318] Responsibilities.

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 managing video display devices unless they have agreed.

11 [115.1320] Agency duties.

Subd. 1. Duties of agency. Establishes statewide recycling goals for video display devices, televisions containing a cathode ray tube, and computer monitors containing a cathode ray tube for program years beginning July 1, 2016, 2017, and 2018. Beginning in 2019, the statewide goal is equal to the weight of all televisions and computer monitors containing a cathode ray tube that were collected for recycling during the three most recent program years, excluding the most recently-completed program year, divided by two.

Directs the agency to calculate each manufacturer's obligation by multiplying its separate shares of televisions and computer monitors sold to households by the applicable statewide 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.

12 [115A.1323] Anticompetitive conduct. Technical.

13 [115A.1328] Multistate implementation. Strikes department's authorization to participate in regional organizations to carry out this chapter's purposes.

Section

- 14** **Report; electronic waste recycling.** Requires the agency to determine the recycling costs of video display devices that do and do not contain a cathode ray tube, and covered electronic devices that are not video display devices, and compare them with the revenue obtained from recycling those products. The report must also contain any recommendations regarding changing the way manufacturer recycling obligations are calculated. The report is due to the legislature by January 15, 2019.
- 15** **Repealer.** Repeals the definition of department (of revenue).