

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Electronic waste collection and recycling system

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### Overview

House File 1391 establishes a statewide system of intermediate consolidation points to which households can bring televisions and computer monitors to be reused, refurbished and recycled. Manufacturers of these devices are responsible for the costs of transporting them from the consolidation points and for recycling costs.

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**1** **Scope.** Defines several terms for the purpose of this chapter, including:

**Subd. 7.** "Intermediate consolidation point" means a facility in the state approved by the Office of Environmental Assistance (OEA) and operated by a private entity or local government where local governments and households can deliver video display devices generated by households and destined for recycling, refurbishing, and reuse.

**Subd. 8.** "Manufacturer" means a person who manufactures a video display device to be sold under its own brand or sells those manufactured by others under its own brand.

**Subd. 11.** "Orphan waste" means a video display device regulated by this section for which no manufacturer can be identified or the manufacturer no longer exists and a successor cannot be identified.

**Subd. 12.** "Pro rata share" means the total weight of registered video display devices of the manufacturer's brand received at intermediate collection points divided by the

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total weight of such devices received at intermediate collection points as determined by an annual OEA survey.

**Subd. 13.** "Registrant" means a manufacturer or independent party that submits a registration to the OEA as required under section 0.

**Subd. 14.** "Sell or sale" includes any transfer by lease or sales contract, including Internet sales, but excluding wholesale transactions.

**2 Registration program.** Prohibits sales of video display devices in the state after July 1, 2006 unless they are labeled with the manufacturer's brand and subject to a registration filed with the OEA. A seller must certify that these requirements have been met and must maintain that certification on-site.

Sales are also prohibited unless a manufacturer submits a registration to the OEA by February 1, 2006 that includes a certification that a registrant will participate in the intermediate consolidation point program beginning July 1, 2006. The registration must list the manufacturer's brands.

Each manufacturer must pay an annual fee set at \$2,000 multiplied by the manufacturer's pro rata share of video display devices delivered to intermediate consolidation points, with a minimum fee of \$500.

OEA is to develop and present to the legislature by January 15, 2006 a set of procedures to implement the program. The program only covers video display devices from households.

A city, county or other public agency may not require households to use the intermediate consolidation point program if other legal recycling programs exist.

Beginning in 2007, each registrant must report to the OEA annually by October 1 on the previous year's program activities (July 1 through June 30). The report must:

- identify the weight of video display devices picked up from intermediate collection points, and the total weight of such devices received through other methods;
- describe the methods used to recycle, refurbish and reuse the devices, in particular, any disassembly or physical recovery operations, and whether such operations included procedures described in the U.S. Environmental Protection Agency's guidelines for environmentally sound management of electronic equipment.

Participation in the program requires a registrant to arrange, after July 1, 2006, to pick up and recycle its pro rata share of video display devices and orphan waste. Registrants are responsible for these costs. Devices collected outside of intermediate collection points must be reported to OEA quarterly. Fees cannot be charged for such collection if the amounts are applied to the registrant's pro rata share.

After the October 1, 2009, report is filed, the OEA may issue performance standards based

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on the number of units collected per household.

- 3** **Duties of the office.** Requires OEA to administer the program. By December 1, 2010, and every three years thereafter, OEA must report to the governor and the legislature on the implementation of the program, including the weight of devices received by registrants from various sources, information on devices not being collected and those being disposed of in landfills in Minnesota, and any enforcement actions taken under this chapter.

The OEA must administer the intermediate consolidation point program or contract with a third party to carry out one or more of its duties. By February 1, 2006, OEA must receive applications for the establishment of intermediate consolidation points, seeking at least ten applications from outside the metro area. Applicants must agree not to recycle video display devices without a signed agreement with a registrant to do so, nor to accept video display devices that appear to have been previously recycled. An approved list of intermediate consolidation points must be established by April 30, 2006. Manufacturers and registrants have no responsibility for any costs of the intermediate consolidation points.

By May 1, 2006, OEA must establish a system to coordinate pick-ups from intermediate consolidation points among registrants. OEA must also annually determine each registrant's pro rata share based on a survey of intermediate consolidation points, and calculate each registrant's success in meeting its share.

- 4** **Requirements for purchases by state agencies.** Requires the Department of Administration to ensure that purchases of video display devices by the state are certified to be in compliance with the recycling program. Any vendor awarded a contract for purchase or lease of video display devices and found to violate the rules of the program will have its contract voided and will be ineligible to bid on any state contract for three years.
- 5** **Regulation of CRT devices.** Specifies that any regulations adopted by the federal Environmental Protection Agency governing the handling, storage and treatment of cathode ray tube devices or video display devices being recycled are automatically effective in Minnesota on the same date and supersede any state regulations.
- 6** **Enforcement.** Cites statutes under which these sections are enforced (section 115.071, subs. 1, 3, 4, 5, 6, and section 116.072).
- 7** **Limitations.** Specifies that this chapter expires if a federal law takes effect applicable to all video display devices sold in the U.S. and establishing a collection, recycling and reuse program for all such devices discarded by households.