

# Vermont e-cycles

A program of the  VERMONT Department of Environmental Conservation



## 2012 E-Cycles Report to the Legislature

Vermont Agency of Natural Resources  
Department of Environmental Conservation  
Waste Management and Prevention Division

## **LEGISLATIVE CHARGE:**

### **§ 7559. Agency of natural resources responsibilities**

The agency of natural resources shall:

- (1) Adopt and administer the standard plan required under section 7552 of this title.
- (2) Establish procedures for:
  - (A) the registration and certifications required under this chapter; and
  - (B) making the registrations and certifications required under this chapter easily available to manufacturers, retailers, and members of the public.
- (3) Collect the data submitted under this chapter.
- (4) Annually review data submitted under this chapter to determine whether any of the variables in the statewide recycling goal should be changed. The agency shall submit recommended changes to the senate and house committees on natural resources and energy.

Subdivision (5) repealed effective February 16, 2014, see note set out below.

- (5) Beginning February 15, 2012, annually report to the senate and house committees on natural resources and energy, the house committee on ways and means, the senate committee on finance, and the senate and house committees on appropriations regarding the implementation of this chapter. Prior to submitting this report, the secretary shall share it with interested persons. For each program year, the report shall provide the total weight of electronic waste recycled. The report shall also summarize the various collection programs used to collect electronic waste; information regarding electronic waste that is being collected by persons outside a plan approved under this chapter; and information about electronic waste, if any, being disposed of in landfills in this state. The report shall include an accounting of the cost of the program, the governor's estimated budget for the program for the next relevant fiscal year, and a summary of the funding sources for the program. The agency may include in its report other information regarding the implementation of this chapter and may recommend additional incentives to increase the rate of recycling.
- (6) Maintain a website that includes the names of manufacturers with current, valid registrations; the manufacturers' brands listed in registrations filed with the agency. The agency shall update the website information within 10 days of receipt of a complete registration.
- (7) In consultation with interested parties, establish guidelines for the environmentally sound management of consumer electronics, including specific requirements for collectors, transporters, and recyclers.
- (8) Identify approved transporters, collectors, and recyclers. (Added 2009, No. 79 (Adj. Sess.), § 2, eff. April 19, 2010.)

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## I. EXECUTIVE SUMMARY

The Agency of Natural Resources (Agency) implemented an electronic waste collection and recycling program as established under No. 79 of the Acts of the 2009 Session (Adj. Sess. 2010) ("Act 79") to offer households, charities, school districts, and businesses that employ 10 or fewer individuals (covered entities) free collection of computers, monitors, printers, televisions, and computer peripherals (electronic waste). To date, 75 manufacturers registered for the program year starting July 1, 2011 and provided market share information, which is used to determine their fees. This is a manufacturer-funded program, where manufacturers of certain electronic devices pay two types of fees: a registration fee to cover the Agency's administrative costs, and quarterly implementation fees to cover the cost of implementing the statewide program.

One of the main purposes of the program is to provide convenient collection opportunities throughout the state and throughout the year.

Each collection location is required to collect electronic waste from covered entities at no charge, and also have available collection of all other banned electronic devices.

The law established a statewide electronic waste recycling performance goal of 5.5 pounds per capita for the first program year based on the U.S. Census Bureau's 2010 population estimate for the state, which is 3,441,576 pounds.

- ***The recycling contract for the first program year (July 1, 2011 to June 30, 2012) averaged at 34 cents per pound. The governor's estimated budget for the program for the first fiscal year recycling was 35 cents per pound.***
- ***Currently 90 collection facilities are operating in the program across the state.***
- ***Within the first six months of the program, approximately 63% of the performance goal has been met, with 2,158,713 pounds of electronic waste collected as of December 15th.***
- ***To date, 75 manufacturers have registered with the program.***

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126,908	363,062	386,190	385,779	454,444	442,330
<b>TOTAL *ELECTRONIC WASTE COLLECTED UNDER THE STATE STANDARD PLAN</b>					<b>2,158,713</b>

*\*Electronic Waste: computers, monitors, televisions, printers, and computer peripherals.*

## RECOMMENDATIONS

The Agency petitioned interested parties, primarily collection locations, for input on program improvements. These entities were asked about the Agency’s performance, awareness of the program, and overall implementation fundamentals, such as frequency of pickups, storage, and payment.

While the responses were quite varied, all suggestions and comments were considered in this report, which was subsequently shared in its final draft form with the same interested parties.

Definitions in the electronic waste law created some barriers to implementation of the program as intended by the legislation. Suggested changes in definitions are attached as Appendix A. The Agency recommends that certain definitions be added or modified as follows:

- **Administrative Changes**
  - Define the word household to more clearly identify the term.
  - Modify the definition of computer to identify specifically that this term applies to laptop computers, desktop computers, and central processing units.
  - Clarify the definition of market share to identify reporting of market share by using national sales data totals as shown in § 7553(b)(1)(D).
  - Clarify the term collector to expand services available at collection locations that wish to sort, consolidate, or simply collect to provide data destruction services.
  - Modify the definition of what devices are covered by the program to include those devices:
    - Brought in by an agent for the covered entity.
    - Abandoned – Add a definition for the word abandoned to identify the scope of material covered.

- **Substantive Changes**

- Expand the definition of banned electronic devices to include copy machines and uninterrupted power supply devices.
- Expand the definitions of covered electronic device and electronic waste to include video display devices, and add a definition for video display device as used in other states to identify new emerging products more specifically that would normally fall under the definition of computer, and to also clarify any grey areas.

## **II. INTRODUCTION**

An electronic waste collection and recycling program established under Act 79 was implemented to offer households, charities, school districts, and businesses that employ 10 or fewer individuals (covered entities) free collection of computers, monitors, printers, televisions, and computer peripherals (electronic waste).

The Agency was charged with developing a State Standard Plan (Plan) for the collection and recycling of electronic waste, as well as standards for the management of that



waste, under 10 V.S.A. §7559. The program implemented under the Plan would be manufacturer-funded based on their percentage of market share sales into the state. Retailers have requirements to only sell products for manufacturers who are registered with the state program. The Agency developed a web site to provide convenient on-line registration for

manufacturers of computers, monitors, printers, and televisions. Collectors, transporters, and recyclers were also required to register on-line and certify they would collect electronic materials according to state-developed standards.

In response to the ban of electronic devices that would be effective January 1, 2011, the Agency designed a poster to be provided to all existing collection facilities, especially solid waste districts, to identify what electronic devices were banned from landfill disposal. That same template would be utilized for all E-Cycles advertisement in order to provide a consistent look for the program.

The Agency, in coordination with other states, became a member of a multi-state organization known as The Electronics Recycling Coordination Clearinghouse (ERCC).

ERCC was launched in 2010 by two leading non-profit organizations advancing recycling efforts across the country - the National Center for Electronics Recycling (NCER) and the Northeast Recycling Council (NERC), which is a Vermont-based organization. The ERCC is a forum for coordination and information exchange among the state/local agencies that are implementing electronics recycling laws, as well as all impacted stakeholders (including manufacturers).

The Agency contracted with a third party to implement the program. Currently 90 collection locations are set up across the state to provide convenient recycling for electronic waste. Seventy-five electronic manufacturers are registered and the invoicing for the first quarter recycling fees has been completed.

The first program year has been a learning experience and the program has made adjustments along the way. The statewide recycling goal will likely be met. This first year has been a collaborative effort, and the lines of communication have been kept open with regular meetings, conference calls and e-mail with collectors, transporters, recyclers, the contractor, and the Agency all working together towards the common goal to provide convenient collection of electronic waste across the state of Vermont.

### **III. PROGRAM DEVELOPMENT**

#### **a. Web Site for Program**

The program web site was initially developed to provide on-line registration for manufacturers. The web site took on a new image when it was renamed from E-Waste to the Vermont E-Cycles Program to continue the positive implications of recycling, as established in other states with similar legislation. A new Vermont E-Cycles logo was developed, the web site was given a shorter URL address of ([www.vtecycles.org](http://www.vtecycles.org)) and a toll free number (1-885-6ECYCLE) was established.

The Agency also worked with the Department of Innovation and Information (DII) and provided the data security information developed by DII for the program on the E-Cycles web site.

The E-Cycles web site provides convenient on-line registration for electronics manufacturers, as well as in-state collectors, transporters, and recyclers. A report of manufacturers, brand name, and types of devices can be viewed on-line by the public. Retailers can also utilize this information to determine if a specific manufacturer brand is listed, given the law allows them to only sell registered products in the state.

Consumers can view information on the Agency's web page for all locations that collect electronic waste, including address, phone number and hours of operation. The list is set up so that any number of various fields, such as town, county, or collection location name, can be sorted to help identify the most convenient drop-off location.

The site also provides a variety of information for collectors, transporters, and recyclers, as well as retailers and consumers. The web site is an ever-evolving work in progress and as more information is developed, the site is being updated.

## **b. Manufacturer Registration and Fees**

The initial step in implementing this program was to provide information to manufacturers about the new requirements of the law. The Agency reached out to manufacturers both directly and through trade organizations. A web site was developed to provide on-line registration for manufacturers and initial flat registration fees were collected for all manufacturers who sold 20 or more devices into the state for the period of July 1, 2008 to June 30, 2009.

Seventy-five manufacturers registered for the program year starting July 1, 2011 and for the first time they were asked to provide market share information; please note market share data is confidential and cannot be shared with the public.

Twenty-two manufacturers of the 75 registered were exempt because they sold less than 20 units into the state or they registered a device that is not currently a covered device under the law.

The data base system automatically compiles manufacturer data into a dynamic report that is auto-populated with current information from the registration. The use of the same system allows the Agency to automatically generate electronic invoices.

## **c. State Standard Plan**

The Agency was charged with adopting a plan for the collection and recycling of electronic waste in the state. In developing the plan, the Agency evaluated current electronic waste collection services by county to determine if the number and location of existing facilities provided adequate collection opportunities.

The Solid Waste Program cultivated a list of existing electronic waste collection locations in the state and that list was posted online. Solid Waste Districts contributed to fine

tuning the list of collectors. Further research to locate collection locations, transporters, and recyclers was done with online searches.

It was necessary to identify and evaluate any barriers that would prevent the program from meeting the collection goals set forth by the statute, as well as the adequacy or inadequacy of the number of collection locations in each county. In making these determinations, the Agency considered many characteristics of each county, including population, population densities, municipalities with a population greater than 10,000, geography, and road systems (refer to State Standard Plan for complete details).

The statute mandated a minimum of three permanent locations per county unless the Agency review determined that less was adequate. If the Agency determined the collection opportunities and services in a county were inadequate, then the Agency could require additional collection facilities, events, or other activities necessary to achieve the state-wide recycling goal. In addition, any municipality with a population of 10,000 or greater is required to have a collection location.

During the evaluation of existing collection services in each county, the Agency requested input by sending a survey-type form via e-mail to a variety of interested parties, and also posted the questionnaire on the E-cycles web site.

The Plan established that a *minimum* of 52 collection locations throughout the state would be required to provide the level of convenience required by the law. The Plan also reiterated the law's requirements for collectors, transporters, and recyclers in the state, and identified that environmental standards would be established under a separate guidance document.

In addition, the Plan provided specific requirements for recyclers of electronic waste. The primary requirement was to meet the US EPA Responsible Recycling (R2) standards and to self-certify by July 1, 2011 that these requirements had been met. They must also be certified by a third party by July 1, 2012 that the recycler meets the certification standards under R2. Recyclers must also be able to document that any downstream vendors that are utilized also comply with the R2 standards. It was later agreed that e-Stewards certification could substitute for this requirement if a recycler had already obtained certification. The recycler was also required to document that no child or prison labor was utilized for recycling, nor would it be allowed for any downstream vendor. The Plan also requires recyclers to provide financial assurance for closure of the facility or any necessary response to a potential release to the environment (as required by statute), as well as allow Agency access for inspections.

The Plan was developed as draft and put out for public comment for 30 days. Recommendations from the public were used to revise the plan and the final Plan was adopted February 4, 2011.

#### **d. Procedure for Managing Electronic Devices**

The Agency developed environmental management standards for Vermont collectors, transporters and recyclers. These standards, known as the “*Procedure for the Environmentally Sound Management of Electronic Waste for Collectors, Transporters, and Recycling Facilities*” (Procedure), were developed with input from interested parties such as those who would be regulated under these standards. In addition, the standards were compared with Federal and other State standards covering the same materials. This Procedure was adopted and revised again after further input for a final adoption on June 22, 2011.

The Procedure, in addition to reporting and registration requirements mandated by the electronic waste law, includes prohibited activities, facility management standards, materials management standards, and recordkeeping requirements. The Agency also developed a guidance fact sheet to instruct collectors, transporters, and recyclers on how to manage broken electronic devices. The Agency also provided information online and via telephone and e-mail to collection locations who were preparing to comply with the standards for managing electronic waste. A direct mailing was sent to notify transporters of their upcoming requirements.

The Procedure also requires recyclers to have a written plan for responding to releases, bans certain disposal methods, and requires audits for downstream vendors, as well as minimum insurance requirements, a closure plan, and a cost estimate for closure together with a financial instrument to cover estimated closure costs. In addition to complying with the Procedure, state recyclers are also mandated to obtain an EPA Responsible Recycling (R2) certification. This federal standard could be met the first program year by supplying a self-certification that the R2 certification was being pursued and by the next program year (starting July 2012), the recycler must be fully certified.

#### **e. Registration and Reporting**

The electronic waste law also requires that a person who collects, transports, or recycles electronic waste (operators) to register with the Agency. The Agency developed a web site to make registration and certification to the conformance of the requirements under the Procedure easily accessible to all registrants. The site also contained guidance materials for all operators in the state.

The Contractor implementing the E-Cycles program, as well as the primary recycler, collect data for each collection location as their loads are processed. This data is conveyed back to the collection locations for a cross check. Some collection locations consolidate for districts and capture collection weights for further reporting. Current data

reporting to the Agency by collectors, transporters, and recyclers is due on August 1, 2012. Once received, this data will be analyzed for consistency with the numbers received from the contractor, and evaluated by county to determine recycling trends, if any.

The Contractor will also be providing a program year-end report in October 2012 with further recommendations for program improvements.

## **IV. PROGRAM IMPLEMENTATION**

### **a. RFP Process/Contract for Implementing Plan**

The Agency posted a Request for Proposal (RFP) for the implementation of the State Standard Plan. Three bids were received and reviewed by the Agency, together with a review committee comprised of representatives for the solid waste districts, retailers, manufacturers, and public interest groups. One of the bids received was deemed inadequate, and of the other two, the committee chose the bid from Northeast Resource Recovery Association (NRRA) of New Hampshire and the Association of Vermont Recyclers. This bid provided more opportunity for most of the current collection locations to continue collecting with no interruption in service, as well as a more cost-competitive bid overall that included lower recycling costs.

### **b. Number of Collection Locations**

The State Standard Plan identified that a minimum of 52 locations statewide would provide adequate convenience for electronic collection. Unlike most solid waste collections, a covered entity can drop electronic waste at *any* of the 52 locations statewide and is not restricted by county or district of residence.

The contractor implementing the E-Cycle program partnered with an in-state recycler who was already collecting for many of the existing collection sites. This partnership allowed for the majority of the existing locations to continue collecting without interruption. A total of 98 facilities registered as collection locations in the state. Out of those, 90 are participating in the State Standard Plan. In addition, there were 12 stand-alone collection events under the Plan during the first half of the program year.

The 90 collection facilities in the State Standard Plan are required to collect all electronic waste from covered entities at no charge, and are also required to collect the remaining banned electronic devices that are not covered in the program, though they may charge a fee for those devices. There were no manufacturer opt-out plans during the first program year; therefore, there were no additional collections under separate plans as allowed for under the law.

**c. E-Waste Collected to Date – Program Goal**

The law established a statewide electronic waste recycling performance goal of 5.5 pounds per capita for the first program year based on the U.S. Census Bureau’s 2010 population estimate for the state. Achievement of the goal is determined by the total pounds of electronic waste collected statewide from registered collectors operating with the State Standard Plan and outside of the Plan. The program has done well towards achieving the statewide collection goal. For the first six months of the program, the amount of electronic waste collected under the State Standard Plan from covered entities is approximately 2.2 million pounds. The program has an average collection rate of approximately 400,000 pounds per month. The anticipated projection for the first program year set to end June 30, 2012 should far exceed the performance goal of 3,441,576 pounds. The current collection numbers listed in this report were based solely on pounds collected under the manufacturer-funded State Standard Plan. The totals for collections outside of the Plan will not be available until after August 1, 2012, when reported by registered collection locations.

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## d. Contractor Implementation

The contract for implementation of the State Standard Plan was finalized on July 1, 2011 between the Agency of Natural Resources and the Northeast Resource Recovery Association (NRRA). The contract term was for one year with an option to renew for two one-year periods. The contract provided for a General Scope of Work that included contract administration; education, outreach, and training; data collection, management, and reporting; and electronic waste recycling services.

The contract deliverables were set with specific time deadlines and monthly billings to the Agency to compensate the contractor for completed deliverables. The contractor, in turn, contracted with two recyclers to be utilized in the program and the recycling fees were reimbursed by the contractor. The contractor also obtained memorandums of understanding from each collection location that wished to be a part of the State Standard Plan, providing materials to that location for outreach to the public as well as training materials for the operators. The recycler also contracted with each collection location and compensated each collection location based on their individual agreements with the recycler. Because the contractor was required by contract to “fairly compensate” each collection location, agreement was made for a variety of compensation methods before the finalization of the contract with the state. The variations in compensation were based on the level of service provided by the collection location in the sorting or non-sorting of covered materials under the program from other banned electronic devices.

Additional posters developed by the Agency for retailers and collection locations were printed and distributed by the contractor. The contractor developed other printed materials such as collection location signs to identify the importance of keeping data secure before dropping a device at a collection location and brochures for the general public. The contractor provided some outreach through paid newspaper advertisement and monthly press releases as well as articles in commercial newsletters to get the word out. All materials were reviewed and approved by the Agency prior to distribution and all documents were required to include reference to the E-cycles logo, toll free number, and web site address.



The Contractor and Agency meet monthly to discuss outstanding contract deliverables, collection site issues (if any), and to collaborate on methods to improve the program. Monthly invoices are presented to the Agency with a breakdown by collection location

and the pounds collected. The contractor provides a quarterly tally to collection locations as to the weight of materials collected so the collector can compare these numbers to their records. Each shipment bill of lading must be signed by the collection facilities certifying that the materials entered into the program were collected from covered entities. Each facility is responsible to confirm that they are receiving devices from covered entities.

The contractor works closely with collection locations, transporters, and recyclers to make certain they are all aware of materials management standards. In addition, the Agency provides guidance when asked. The contractor developed an operator training plan and documents, which were distributed to collectors. On-site training and webinars have also been made available. The contractor also designed uniform labels for collection containers that can be utilized by the locations. The contractor currently holds a monthly operator call where they go over any new issues and are available to answer questions. The Agency also attends these calls to provide answers to technical questions.

Collection locations contact NRRA to schedule product pickup when their facilities are at 75% capacity. The recycler makes arrangements with the collection locations to pick up from as many locations as possible with each trip. Collection events are scheduled where there are not permanent locations and are also made available by the contractor at schools, which further offer the opportunity for school fund-raisers during the event.

NRRA developed a location on their web site where information could be obtained by operators inside and outside of the program. The contractor also provided a toll-free number and assigned specific staff to locations as a single point of contact for pickups and questions.

NRRA will be exploring other outreach options throughout the year with PSAs, social media such as Facebook, booths at conference events, newsletters, and outreach developed specifically for schools.

## **V. PROGRAM COSTS**

In 2010, \$197,500 was collected from manufacturers' original registration fees to cover estimated program start-up costs. Original registration fees were a flat fee based on a tier structure for the number of devices sold into the state from July 1, 2008 to June 30, 2009. Manufacturers that sold less than 20 covered electronic devices were assessed no fee, those that sold 20-100 were assessed a \$1,250 fee, and those that sold 100 or more covered devices were assessed a \$5,000 fee.

The actual administrative costs to the Agency for this period were \$202,392. That, together with the first program quarter (July 1, 2011 to September 30, 2011) recycling costs of \$362,894, was billed to 53 manufacturers of covered devices based on their percentage of market share for the previous year. There was a significant range between the totals that were invoiced to the manufacturers.

The recycling contract for the first program year (July 1, 2011 to June 30, 2012) averaged at 34 cents per pound. The governor's estimated budget for the program for the first fiscal year recycling was 35 cents per pound.

The recycling fees negotiated with the contractor were set on a diminishing-scale based on pounds collected. The first million pounds were collected and recycled at a higher fee and each million pounds guaranteed a reduction of cost with a cap for the program year. The collection rates far exceeded the Agency's expectations and the contract had to be amended to include funding for the electronics collected over and above the cap amount.

## **VI. RECOMMENDATIONS**

Prior to writing this report, the Agency petitioned interested parties, primarily collection locations, for input. These entities were asked about the Agency's performance, awareness of the program, and overall implementation fundamentals such as frequency of pickups, storage, and payment.

The responses were quite varied. Most agreed that the Vermont E-Cycles program provided an adequate number of convenient collection locations across the state and provided adequate guidance for the collection locations. However, most facilities felt the program needed more outreach to the general public to increase awareness. Some felt that it was confusing that banned devices and devices covered under the program were not the same. The Agency received a lot of feedback from transporters and collection locations suggesting that those in the state who were not able to bring their devices directly to collection locations should still have benefited from free collections. Collection locations felt the public had adequate information about data security and mostly agreed that utilizing a contractor to implement the program provided readily available assistance to the collection locations. Several locations would have preferred to have additional training for their locations and had concerns relating to the potential for handling injuries for their workers. All locations polled agreed that the Procedure for management standards developed by the Agency was adequate for the proper handling of electronic devices. Many collection locations felt the payment system needed improvement. The collection locations were divided in that some felt the amount of compensation for

collection locations was adequate while some felt the compensation was inadequate. Many locations stated that although the frequency of pickup of electronic waste at their locations was not adequate in the beginning, it appears that this situation is improving overall. Most collection locations were satisfied with the process for registering with the state. Overall, many collection locations recognize that the program is in flux while the Program is new and evolving.

The Agency continues to work with The Electronics Recycling Coordination Clearinghouse (ERCC) on a “Harmonization Work Plan” to coordinate with other states on performance measures, reporting, best management practices, and product definitions.

The Agency, in consultation with interested parties has identified potential areas for improvement within the program. Definitions in the electronic waste law created some barriers to implementation of the program as intended by the legislation. Suggested changes in definitions are attached as Appendix A. The Agency recommends that certain definitions be added or modified as follows:

- **Administrative Changes**

- Define the word household to more clearly identify the term.
- Modify the definition of computer to identify specifically that this term applies to laptop computers, desktop computers, and central processing units.
- Clarify the definition of market share to identify reporting of market share by using national sales data totals as shown in § 7553(b)(1)(D).
- Clarify the term collector to expand services available at collection locations that wish to sort, consolidate, or simply collect to provide data destruction services.
- Modify the definition of what devices are covered by the program to include those devices:
  - Brought in by an agent for the covered entity.
  - Abandoned – Add a definition for the word abandoned to identify the scope of material covered.

- **Substantive Changes**

- Expand the definition of banned electronic devices to include copy machines and uninterrupted power supply devices.
- Expand the definitions of covered electronic device and electronic waste to include video display devices, and add a definition for video display device as used in other states to identify new emerging products more specifically that would normally fall under the definition of computer, and to also clarify any grey areas.

## Appendix A

Sec. 1. 10 V.S.A. § 6621a is amended to read:

§ 6621a. Landfill disposal requirements

(a) In accordance with the following schedule, no person shall knowingly dispose of the following solid waste in landfills:

\* \* \*

(8) Banned electronic devices. After January 1, 2011, computers; peripherals; computer monitors; cathode ray tubes; televisions; printers; personal electronics such as personal digital assistants and personal music players; electronic game consoles; ~~printers~~; fax machines; wireless telephones; telephones; answering machines; videocassette recorders; digital versatile disc players; digital converter boxes; stereo equipment; copy machines; uninterrupted power supply devices; and power supply cords (as used to charge electronic devices).

\* \* \*

Sec. 2. 10 V.S.A. § 7551 is amended to read:

§ 7551. Definitions

For the purposes of this chapter:

(1) “Abandoned” means the discard of electronic waste at a location not registered to manage electronic waste. This includes electronic waste removed from municipal solid waste destined for disposal, discarded at locations that are not collection sites, or illegal disposal of electronic waste.

(2) "Agency" means the agency of natural resources.

(3) “Agent” means a person who delivers electronic waste to a collector or recycler on behalf of a covered entity.

~~(2)~~ (4) "Cathode-ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

~~(3)~~ (5) "Collection" means the aggregation of electronic waste from covered entities and includes all the activities up to the time the electronic waste is delivered to a recycler.

~~(4)~~ (6) "Collector" means a public or private entity that receives ~~covered electronic devices~~ electronic waste from covered entities, the covered entity's agent, or another collector, or electronic waste which is abandoned, and performs any of the following:

(A) arranges for the delivery of the electronic waste ~~devices~~ to a recycler.

(B) sorts electronic waste.

(C) consolidates electronic waste.

(D) provides data security services in a manner approved by the Secretary.

~~(5)~~ (7) "Computer" means an a laptop computer, desktop computer, or central processing unit that conveys electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, ~~including a laptop computer, desktop computer, and central processing unit.~~ "Computer" does not include an automated typewriter or typesetter or other similar device.

~~(6)~~ (8) "Computer monitor" means a display device without a tuner that can display pictures and sound and is used with a computer.

~~(7)~~ (9) "Computer peripheral" means a keyboard or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

~~(8)~~ (10) "Covered electronic device" means a: computer; computer monitor; device containing a cathode ray tube; video display device; printer; or television sold to a covered entity. "Covered electronic device" does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development, or commercial setting; security or anti-terrorism equipment; monitoring and control instruments or systems; thermostats; hand-held transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term "device" is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

~~(9)~~ (11) "Covered entity" means any household, charity, or school district in the state; or a business in the state that employs ten or fewer individuals.

~~(10)~~ (12) "Electronic waste" means a: computer; computer monitor; computer peripheral; device containing a cathode ray tube; video display device; printer; or television sold to a covered entity. "Electronic waste" does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, library, research and development, or commercial setting; security or antiterrorism equipment; monitoring and control instruments or systems; thermostats; handheld transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term "device" is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

(13) "Household" means a single or multi-family residence, or seasonal residence within the state.

~~(11)~~ (14) "Manufacturer" means a person who:

(A) Manufactures or manufactured a covered electronic device under its own brand or label for sale in the state;

(B) Sells in the state under its own brand or label covered electronic devices produced by another supplier;

(C) Owns a brand that it licenses or licensed to another person for use on a covered electronic device sold in the state;

(D) Imports into the United States for sale in the state a covered electronic device manufactured by a person without a presence in the United States;

(E) Manufactures covered electronic devices for sale in the state without affixing a brand name; or

(F) Assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (A) through (E) of this subdivision (11), provided that the secretary may enforce the requirements of this chapter against a manufacturer if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

~~(12)~~ (15) "Market share" means a "manufacturer's market share" which shall be the manufacturer's percentage share of the total weight of covered electronic devices sold in the state as determined by ~~the best available information, which may include~~ an estimate of the aggregate total weight of the manufacturer's covered electronic devices sold in the state during the previous program year based on national sales data unless the Secretary approves a manufacturer to use actual sales data.

~~(13)~~ (16) "Printer" means desktop printers, multifunction printer copiers, and printer fax combinations taken out of service that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that perform different tasks, including copying, scanning, faxing, and printing. "Printer" does not include floor-standing printers, printers with an optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or non stand-alone printers that are embedded into products that are not covered electronic products.

~~(14)~~ (17) "Program year" means the period from July 1 through June 30.

~~(15)~~ (18) "Recycler" means a person who accepts electronic waste from covered entities and collectors for the purpose of recycling. A person who takes products solely for reuse, refurbishment, or repair is not a recycler.

~~(16)~~ (19) "Recycling" means the process of collecting and preparing electronic wastes for use in manufacturing processes or for recovery of useable materials followed by delivery of such materials for use. Recycling does not include destruction by incineration; waste-to-energy incineration, or other such processes; or land disposal.

~~(17)~~ (20) "Retailer" means a person who sells, rents, or leases covered electronic devices to a person in the state, through any means, including sales outlets, catalogues, the telephone, the Internet, or any electronic means.

~~(18)~~ (21) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales contract of a covered electronic device to a person in the state. "Sell" or "sale" does not include the sale, resale, lease, or transfer of used covered electronic devices or a manufacturer's or a distributor's wholesale transaction with a distributor or a retailer.

~~(19)~~ (22) "Television" means any telecommunications system or device containing a cathode ray tube or other type of display system with a viewable area of greater than four inches when measured diagonally that can broadcast or receive moving pictures and sound over a distance and includes a television tuner or a display device peripheral to a computer that contains a television tuner.

~~(20)~~ (23) "Transporter" means a person that moves electronic waste from a collector to either another collector or to a recycler.

(24) "Video display device" means and includes units capable of presenting images electronically on a screen, with a viewable area greater than four inches (4") when measured diagonally, viewed by the user and may include cathode ray tubes, flat panel computer monitors, plasma displays, liquid crystal displays, rear and front enclosed projection devices and other similar displays that exist or may be developed.

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