

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 887  
Commerce Committee Substitute Adopted 5/12/09  
House Committee Substitute Favorable 6/16/10

Short Title: Amend Electronics Recycling Law.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO: (1) MODIFY THE COMPUTER EQUIPMENT RECYCLING PLAN  
3 REQUIREMENTS AND ASSOCIATED FEE IMPOSED ON MANUFACTURERS; AND  
4 (2) MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND  
5 CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT  
6 OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS, AS  
7 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1.(a) Sections 16.1 through 16.6 of S.L. 2007-550 are repealed.

10 SECTION 1.(b) S.L. 2008-208 is repealed.

11 SECTION 1.(c) Section 16 of S.L. 2009-484 is repealed.

12 SECTION 1.(d) Subsections (a) and (b) of Section 10 of S.L. 2009-550 are  
13 repealed.

14 SECTION 1.(e) This section becomes effective July 1, 2010.

15 SECTION 2.(a) Article 9 of Chapter 130A of the General Statutes is amended by  
16 adding a new Part to read:

17 "Part 2H. Discarded Computer Equipment and Television Management.

18 "§ 130A-309.130. Findings.

19 The General Assembly makes the following findings:

- 20 (1) The computer equipment and television waste stream is growing rapidly in  
21 volume and complexity and can introduce toxic materials into solid waste  
22 landfills.
- 23 (2) It is in the best interests of the citizens of this State to have convenient,  
24 simple, and free access to recycling services for discarded computer  
25 equipment and televisions.
- 26 (3) Collection programs operated by manufacturers and local government and  
27 nonprofit agencies are an efficient way to divert discarded computer  
28 equipment and televisions from disposal and to provide recycling services to  
29 all citizens of this State.
- 30 (4) The development of local and nonprofit collection programs is hindered by  
31 the high costs of recycling and transporting discarded computer equipment  
32 and televisions.
- 33 (5) No comprehensive system currently exists, either provided by electronics  
34 manufacturers, retailers, or others, to adequately serve all citizens of the  
35 State and to divert large quantities of discarded computer equipment and  
36 televisions from disposal.



- 1           (6)   Manufacturer responsibility is an effective way to ensure that manufacturers  
2           of computer equipment and televisions take part in a solution to the  
3           electronic waste problem.
- 4           (7)   The recycling of certain discarded computer equipment and televisions  
5           recovers valuable materials for reuse and will create jobs and expand the tax  
6           base of the State.
- 7           (8)   While some computers and computer monitors can be refurbished and  
8           reused and other consumer electronics products contain valuable materials,  
9           some older and bulkier consumer electronic products, including some  
10          televisions, may not contain any valuable products but should nevertheless  
11          be recycled to prevent the release of toxic substances to the environment.
- 12          (9)   For the products covered by this Part, differences in product life expectancy,  
13          market economics, residual value, and product portability necessitate  
14          different approaches to recycling.
- 15          (10) In order to ensure that end-of-life computer equipment and televisions are  
16          responsibly recycled, to promote conservation, and to protect public health  
17          and the environment, a comprehensive and convenient system for recycling  
18          and reuse of certain electronic equipment should be established on the basis  
19          of shared responsibility among manufacturers, retailers, consumers, and the  
20          State.

21    **"§ 130A-309.131. Definitions.**

22          As used in this Part, the following definitions apply:

- 23          (1)   Business entity. – Defined in G.S. 55-1-40(2a).
- 24          (2)   Computer equipment. – Any desktop computer, notebook computer, monitor  
25          or video display unit for a computer system, and the keyboard, mice, other  
26          peripheral equipment, and a printing device such as a printer, a scanner, a  
27          combination print-scanner-fax machine, or other device designed to produce  
28          hard paper copies from a computer. Computer equipment does not include  
29          an automated typewriter, professional workstation, server, ICI device, ICI  
30          system, mobile telephone, portable handheld calculator, portable digital  
31          assistant (PDA), MP3 player, or other similar device; an automobile; a  
32          television; a household appliance; a large piece of commercial or industrial  
33          equipment, such as commercial medical equipment, that contains a cathode  
34          ray tube, a cathode ray tube device, a flat panel display, or similar video  
35          display device that is contained within, and is not separate from, the larger  
36          piece of equipment, or other medical devices as that term is defined under  
37          the federal Food, Drug, and Cosmetic Act.
- 38          (3)   Computer equipment manufacturer. – A person that manufactures or has  
39          manufactured computer equipment sold under its own brand or label; sells or  
40          has sold under its own brand or label computer equipment produced by other  
41          suppliers; imports or has imported into the United States computer  
42          equipment that was manufactured outside of the United States; or owns or  
43          has owned a brand that it licenses or has licensed to another person for use  
44          on computer equipment. Computer equipment manufacturer includes a  
45          business entity that acquires another business entity that manufactures or has  
46          manufactured computer equipment. Computer equipment manufacturer does  
47          not include any existing person that does not and has not manufactured  
48          computer equipment of the type that would be used by consumers.
- 49          (4)   Consumer. – Any of the following:

- 1                   a.     An occupant of a single detached dwelling unit or a single unit  
2                   contained within a multiple dwelling unit who used a covered device  
3                   primarily for personal or home business use.  
4                   b.     A nonprofit organization with fewer than 10 employees that used a  
5                   covered device in its operations.  
6           (5)   Covered device. – Computer equipment and televisions used by consumers  
7                   primarily for personal or home business use. The term does not include a  
8                   device that is:  
9                   a.     Part of a motor vehicle or any component of a motor vehicle  
10                   assembled by, or for, a vehicle manufacturer or franchised dealer,  
11                   including replacement parts for use in a motor vehicle.  
12                   b.     (i) Physically a part of or integrated within a larger piece of  
13                   equipment designed and intended for use in an industrial,  
14                   governmental, commercial, research and development, or medical  
15                   setting; (ii) equipment used for diagnostic, monitoring, or other  
16                   medical products as that term is defined under the federal Food,  
17                   Drug, and Cosmetic Act; (iii) equipment used for security, sensing,  
18                   monitoring, antiterrorism purposes, or emergency services purposes.  
19                   c.     Contained within a household appliance, including, but not limited  
20                   to, a clothes washer, clothes dryer, refrigerator, refrigerator and  
21                   freezer, microwave oven, conventional oven or range, dishwasher,  
22                   room air conditioner, dehumidifier, air purifier, or exercise  
23                   equipment.  
24           (6)   Desktop computer. – An electronic, magnetic, optical, electrochemical, or  
25                   other high-speed data processing device that has all of the following  
26                   features:  
27                   a.     Performs logical, arithmetic, and storage functions for general  
28                   purpose needs that are met through interaction with a number of  
29                   software programs contained in the computer.  
30                   b.     Is not designed to exclusively perform a specific type of limited or  
31                   specialized application.  
32                   c.     Achieves human interface through a stand-alone keyboard,  
33                   stand-alone monitor or other display unit, and a stand-alone mouse or  
34                   other pointing device.  
35                   d.     Is designed for a single user.  
36                   e.     Has a main unit that is intended to be persistently located in a single  
37                   location, often on a desk or on the floor.  
38           (7)   Discarded computer equipment. – Computer equipment that is solid waste  
39                   generated by a consumer.  
40           (8)   Discarded computer equipment or television collector. – A municipal or  
41                   county government, nonprofit agency, recycler, or retailer that knowingly  
42                   accepts for recycling discarded computer equipment or a television from a  
43                   consumer.  
44           (9)   Discarded television. – A television that is solid waste generated by a  
45                   consumer.  
46           (10) Market share. – A television manufacturer's obligation to recycle discarded  
47                   televisions. A television manufacturer's market share is the television  
48                   manufacturer's prior year's sales of televisions as calculated by the  
49                   Department pursuant to G.S. 130A-309.138(4) divided by all manufacturers'  
50                   prior year's sales for all televisions as calculated by the Department pursuant

- 1 to G.S. 130A-309.138(4). Market share may be expressed as a percentage, a  
2 fraction, or a decimal fraction.
- 3 (11) Notebook computer. – An electronic, magnetic, optical, electrochemical, or  
4 other high-speed data processing device that has all of the following  
5 features:
- 6 a. Performs logical, arithmetic, or storage functions for general purpose  
7 needs that are met through interaction with a number of software  
8 programs contained in the computer.
- 9 b. Is not designed to exclusively perform a specific type of limited or  
10 specialized application.
- 11 c. Achieves human interface through a keyboard, video display greater  
12 than four inches in size, and mouse or other pointing device, all of  
13 which are contained within the construction of the unit that  
14 comprises the computer.
- 15 d. Is able to be carried as one unit by an individual.
- 16 e. Is able to use external, internal, or batteries for a power source.
- 17 Notebook computer includes those that have a supplemental stand-alone  
18 interface device attached to the notebook computer. Notebook computer  
19 does not include a portable handheld calculator, a PDA, or similar  
20 specialized device. A notebook computer may also be referred to as a laptop  
21 computer.
- 22 (12) Recover. – The process of reusing or recycling covered devices.
- 23 (13) Recycle. – The processing, including disassembling, dismantling, and  
24 shredding, of covered devices or their components to recover a usable  
25 product. Recycle does not include any process that results in the incineration  
26 of a covered device.
- 27 (14) Recycler. – A person that recycles covered devices.
- 28 (15) Retailer. – A person that sells computer equipment or televisions in the State  
29 to a consumer. Retailer includes a computer equipment manufacturer or a  
30 television manufacturer that sells directly to a consumer through any means,  
31 including transactions conducted through sales outlets, catalogs, the Internet,  
32 or any similar electronic means, but does not include a person that sells  
33 computer equipment or televisions to a distributor or retailer through a  
34 wholesale transaction.
- 35 (16) Television. – Any electronic device that contains a tuner that locks on to a  
36 selected carrier frequency and is capable of receiving and displaying of  
37 television or video programming via broadcast, cable, or satellite, including,  
38 without limitation, any direct view or projection television with a viewable  
39 screen of nine inches or larger whose display technology is based on cathode  
40 ray tube (CRT), plasma, liquid crystal display (LCD), digital light  
41 processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective  
42 display (SXRD), light emitting diode (LED), or similar technology marketed  
43 and intended for use by a consumer primarily for personal purposes. The  
44 term does not include computer equipment.
- 45 (17) Television manufacturer. – A person that: (i) manufactures for sale in this  
46 State a television under a brand that it licenses or owns; (ii) manufactures for  
47 sale in this State a television without affixing a brand; (iii) resells into this  
48 State a television under a brand it owns or licenses produced by other  
49 suppliers, including retail establishments that sell a television under a brand  
50 that the retailer owns or licenses; (iv) imports into the United States or  
51 exports from the United States a television for sale in this State; (v) sells at

1 retail a television acquired from an importer that is the manufacturer as  
2 described in sub-subdivision (iv) of this subdivision, and the retailer elects to  
3 register in lieu of the importer as the manufacturer of those products; (vi)  
4 manufactures a television for or supplies a television to any person within a  
5 distribution network that includes wholesalers or retailers in this State and  
6 that benefits from the sale in this State of the television through the  
7 distribution network; or (vii) assumes the responsibilities and obligations of  
8 a television manufacturer under this Part. In the event the television  
9 manufacturer is one that manufactures, sells, or resells under a brand it  
10 licenses, the licensor or brand owner of the brand shall not be considered to  
11 be a television manufacturer under (i) or (iii) of this subdivision.

12 **"§ 130A-309.132. Responsibility for recycling discarded computer equipment and**  
13 **televisions.**

14 In addition to the specific requirements of this Part, discarded computer equipment and  
15 television collectors and computer equipment manufacturers and television manufacturers share  
16 responsibility for the recycling of discarded computer equipment and televisions and the  
17 education of citizens of the State as to recycling opportunities for discarded computer  
18 equipment and televisions.

19 **"§ 130A-309.133. Data security.**

20 Computer equipment manufacturers, television manufacturers, discarded computer  
21 equipment and television collectors, recyclers, and retailers shall not be liable in any way for  
22 data or other information left on a covered device that is collected or recovered pursuant to the  
23 provisions of this Part.

24 **"§ 130A-309.134. Requirements for computer equipment manufacturers.**

25 (a) Registration Required. – Each computer equipment manufacturer, before selling or  
26 offering for sale computer equipment in North Carolina, shall register with the Department.

27 (b) Manufacturer Label Required. – A computer equipment manufacturer shall not sell  
28 or offer to sell computer equipment in this State unless a visible, permanent label clearly  
29 identifying the manufacturer of that equipment is affixed to the equipment.

30 (c) Computer Equipment Recycling Plan Required. – Each computer equipment  
31 manufacturer shall develop, submit to the Department, and implement one of the following  
32 plans to provide a free and reasonably convenient recycling program to take responsibility for  
33 computer equipment discarded by consumers:

34 (1) Level I Recycling Plan. – A computer equipment manufacturer shall submit  
35 a recycling plan for reuse or recycling of computer equipment discarded by  
36 consumers in the State produced by the manufacturer. The manufacturer  
37 shall submit a proposed plan to the Department within 90 days of  
38 registration as required by subsection (a) of this section. The plan shall:

39 a. Provide that the manufacturer will take responsibility for computer  
40 equipment discarded by consumers that it manufactured.

41 b. Describe any direct take-back program to be implemented by the  
42 manufacturer. Collection methods that are deemed to meet the  
43 requirements of this subdivision include one or more of the  
44 following:

45 1. A process offered by the computer equipment manufacturer  
46 or the manufacturer's designee for consumers to return  
47 discarded computer equipment by mail.

48 2. A physical collection site operated and maintained by the  
49 computer equipment manufacturer or the manufacturer's  
50 designee to receive discarded computer equipment from

- 1 consumers, which is available to consumers during normal  
2 business hours.
- 3 3. A collection event hosted by the computer equipment  
4 manufacturer or the manufacturer's designee at which a  
5 consumer may return computer equipment.
- 6 c. Include a detailed description as to how the manufacturer will  
7 implement the plan.
- 8 d. Provide for environmentally sound management practices to  
9 transport and recycle discarded computer equipment.
- 10 e. Include a consumer recycling education program on the laws  
11 governing the recycling and reuse of discarded computer equipment  
12 under this Part and on the methods available to consumers to comply  
13 with those requirements. The manufacturer shall operate a toll-free  
14 telephone number to answer questions from consumers about  
15 computer recycling options.
- 16 (2) Level II Recycling Plan. – A computer equipment manufacturer shall submit  
17 a recycling plan for reuse or recycling of computer equipment discarded by  
18 consumers in the State produced by the manufacturer and by other  
19 manufacturers. The manufacturer shall submit a proposed plan to the  
20 Department within 90 days of registration as required by subsection (a) of  
21 this section. The plan may offer additional options to collect other types of  
22 electronic equipment that do not constitute discarded computer equipment,  
23 as that term is defined under G.S. 130A-309.131, and may allow for  
24 assessment of a nominal fee for collection of these other types of electronic  
25 equipment that are not discarded computer equipment. The plan shall  
26 include all of the elements set forth in subdivision (1) of subsection (c) of  
27 this section. In addition the plan shall:
- 28 a. Provide that the manufacturer will take responsibility for computer  
29 equipment discarded by consumers that was manufactured by other  
30 manufacturers, as well as computer equipment that it manufactured.
- 31 b. Provide that the manufacturer shall: (i) maintain physical collection  
32 sites to receive discarded computer equipment from consumers in the  
33 10 most populated municipalities in the State. The physical collection  
34 sites shall be available to consumers during normal business hours, at  
35 a minimum; and (ii) host at least two collection events annually  
36 within the State.
- 37 (3) Level III Recycling Plan. – A computer equipment manufacturer shall  
38 submit a recycling plan for reuse or recycling of computer equipment  
39 discarded by consumers in the State produced by the manufacturer and by  
40 other manufacturers. The manufacturer shall submit a proposed plan to the  
41 Department within 90 days of registration as required by subsection (a) of  
42 this section. The plan may offer additional options to collect other types of  
43 electronic equipment that do not constitute discarded computer equipment,  
44 as that term is defined under G.S. 130A-309.131, and may allow for  
45 assessment of a nominal fee for collection of these other types of electronic  
46 equipment that are not discarded computer equipment. The plan shall  
47 include all of the elements set forth in subdivision (1) of subsection (c) of  
48 this section. In addition the plan shall:
- 49 a. Provide that the manufacturer will take responsibility for computer  
50 equipment discarded by consumers that was manufactured by other  
51 manufacturers, as well as computer equipment that it manufactured.

1                   b.     Provide that the manufacturer shall: (i) maintain physical collection  
2                   sites to receive discarded computer equipment from consumers in 50  
3                   of the State's counties, of which 10 of those counties shall be the  
4                   most populated counties in the State. The physical collection sites  
5                   shall be available to consumers during normal business hours, at a  
6                   minimum; and (ii) host at least two collection events annually within  
7                   the State.

8           (d)     Fee Required. – Within 90 days of registration as required in subsection (a) of this  
9           section, a computer equipment manufacturer shall pay an initial registration fee to the  
10           Department. A computer equipment manufacturer that has registered shall pay an annual  
11           renewal registration fee to the Department, which shall be paid each year no later than July 1.  
12           The proceeds of these fees shall be credited to the Electronics Management Account  
13           established pursuant to G.S. 130A-309.137. A manufacturer of computer equipment that sells  
14           1,000 items of computer equipment or fewer per year is exempt from the requirement to pay  
15           the registration fee and the annual renewal fee imposed by this subsection. The amount of the  
16           fee a computer equipment manufacturer shall pay shall be determined on the basis of the plan  
17           the manufacturer develops, submits, and implements pursuant to subsection (c) of this section,  
18           as follows:

19                   (1)     A computer equipment manufacturer who develops, submits, and  
20                   implements a Level I recycling plan pursuant to subdivision (1) of  
21                   subsection (c) of this section shall pay an initial registration fee of fifteen  
22                   thousand dollars (\$15,000) and an annual renewal fee of fifteen thousand  
23                   dollars (\$15,000) to the Department.

24                   (2)     A computer equipment manufacturer who develops, submits, and  
25                   implements a Level II recycling plan pursuant to subdivision (2) of  
26                   subsection (c) of this section shall pay an initial registration fee of ten  
27                   thousand dollars (\$10,000) and an annual renewal fee of seven thousand five  
28                   hundred dollars (\$7,500) to the Department.

29                   (3)     A computer equipment manufacturer who develops, submits, and  
30                   implements a Level III recycling plan pursuant to subdivision (3) of  
31                   subsection (c) of this section shall pay an initial registration fee of ten  
32                   thousand dollars (\$10,000) and an annual renewal fee of two thousand five  
33                   hundred dollars (\$2,500) to the Department.

34           (e)     Computer Equipment Recycling Plan Revision. – A computer equipment  
35           manufacturer may prepare a revised plan and submit it to the Department at any time as the  
36           manufacturer considers appropriate in response to changed circumstances or needs. The  
37           Department may require a manufacturer to revise or update a plan if the Department finds that  
38           the plan is inadequate or out-of-date.

39           (f)     Payment of Costs for Plan Implementation. – Each computer equipment  
40           manufacturer is responsible for all costs associated with the development and implementation  
41           of its plan. A computer equipment manufacturer shall not collect a fee from a consumer or a  
42           local government for the management of discarded computer equipment at the time the  
43           equipment is delivered for recycling.

44           (g)     Joint Computer Equipment Recycling Plans. – A computer equipment manufacturer  
45           may fulfill the requirements of subsection (c) of this section by participation in a joint recycling  
46           plan with other manufacturers. A joint plan shall meet the requirements of subsection (c) of this  
47           section.

48           (h)     Annual Report. – Each computer equipment manufacturer shall submit a report to  
49           the Department by October 1 of each year stating the total weight of all computer equipment  
50           collected for recycling or reuse in the previous fiscal year. The report shall also include a  
51           summary of actions taken to comply with the requirements of subsection (c) of this section.

**"§ 130A-309.135. Requirements for television manufacturers.**

(a) Registration and Fee Required. – Each television manufacturer, before selling or offering for sale televisions in the State, shall register with the Department and, at the time of registration, shall pay an initial registration fee of two thousand five hundred dollars (\$2,500) to the Department. An initial registration shall be valid from the day of registration through the last day of the fiscal year in which the registration fee was paid. A television manufacturer that has registered shall pay an annual renewal registration fee of two thousand five hundred dollars (\$2,500) to the Department. The annual renewal registration fee shall be paid to the Department each fiscal year no later than June 30 of the previous fiscal year. The proceeds of these fees shall be credited to the Electronics Management Account. A television manufacturer that sells 1,000 televisions or fewer per year is exempt from the requirement to pay the registration fee and the annual renewal fee imposed by this subsection.

(b) Manufacturer Label Required. – A television manufacturer shall not sell or offer to sell any television in this State unless a visible, permanent label clearly identifying the manufacturer of that device is affixed to the equipment.

(c) Recycling of Market Share Required. – The obligation to recycle televisions shall be allocated to each television manufacturer based on the television manufacturer's market share. A television manufacturer must annually recycle or arrange for the recycling of its market share of televisions pursuant to this section.

(d) Due Diligence and Compliance Assessments. – A television manufacturer shall conduct and document due diligence assessments of the recyclers the manufacturer contracts with, including an assessment of compliance with environmentally sound recovery standards adopted by the Department.

(e) Contact Information Required. – A television manufacturer shall provide the Department with contact information for the manufacturer's designated agent or employee whom the Department may contact for information related to the manufacturer's compliance with the requirements of this section.

(f) Joint Television Recycling Plans. – A television manufacturer may fulfill the requirements of this section either individually or in participation with other television manufacturers.

(g) Annual Report. – A television manufacturer shall report to the Department by October 1 of each year the total weight of televisions the manufacturer collected and recycled in the State during the previous fiscal year.

**"§ 130A-309.136. Requirements applicable to retailers.**

(a) A manufacturer must not sell or offer for sale or deliver to retailers for subsequent sale new computer equipment or televisions unless: (i) the covered device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and (ii) the manufacturer has filed a registration with the Department and is otherwise in compliance with the requirements of this Part, as indicated on the list developed and maintained by the Department pursuant to G.S. 130A-309.138(1).

(b) A retailer is not responsible for an unlawful sale under this section if the manufacturer's registration expired or was revoked and the retailer took possession of the covered device prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

**"§ 130A-309.137. Electronics Management Account.**

(a) Creation. – The Electronics Management Account is created as a nonreverting account within the Department. The Account consists of revenue credited to the Account from the proceeds of the fee imposed on computer equipment manufacturers under G.S. 130A-309.134 and television manufacturers under G.S. 130A-309.135.

(b) Use and Distribution. – Funds in the Account shall be used by the Department to implement the provisions of this Part concerning discarded computer equipment and



1 televisions. The Department may use all of the proceeds of the fee imposed on television  
2 manufacturers pursuant to G.S. 130A-309.135 and may use up to ten percent (10%) of the  
3 proceeds of the fee imposed on computer equipment manufacturers under G.S. 130A-309.134  
4 for administration of the requirements of this Part. Funds remaining shall be distributed  
5 annually by the Department to eligible local governments pursuant to this section. The  
6 Department shall distribute such funds on or before February 15 of each year. Funds shall be  
7 distributed on a pro rata basis.

8 (c) Eligibility. – Except as provided in subsection (d) of this section, no more than one  
9 unit of local government per county, including the county itself, may receive funding pursuant  
10 to this section for a program to manage discarded computer equipment, televisions, and other  
11 electronic devices. In order to be eligible for funding, a unit of local of government shall:

12 (1) Submit a comprehensive solid waste management plan required pursuant to  
13 G.S. 130A-309.09A, amended as necessary to include the following  
14 information:

15 a. Information on existing programs within the jurisdiction to recycle or  
16 reuse discarded computer equipment, televisions, and other  
17 electronic devices, or information on a plan to begin such a program  
18 on a date certain. This information shall include a description of the  
19 implemented or planned practices for collection of the equipment;  
20 and a description of the types of equipment to be collected and how  
21 the equipment will be marketed for recycling.

22 b. Information on a public awareness and education program  
23 concerning the recycling and reuse of discarded computer equipment,  
24 televisions, and other electronic devices.

25 c. Information on methods to track and report total tonnage of computer  
26 equipment, televisions, and other electronic devices collected and  
27 recycled in the jurisdiction.

28 d. Information on interactions with other units of local government to  
29 provide or receive services concerning disposal of discarded  
30 computer equipment, televisions, and other electronic devices.

31 e. Information on how the unit of local government will account for the  
32 expenditure of funds received pursuant to this section.

33 (2) Establish a separate local budget account for the receipt and expenditure of  
34 funds received pursuant to this section.

35 (3) Contract with a recycler that is certified as adhering to Responsible  
36 Recycling ('R2') practices or that is certified as an e-Steward recycler  
37 adhering to the e-Stewards Standard for Responsible Recycling and Reuse of  
38 Electronic Equipment® to process the discarded computer equipment,  
39 televisions, and other electronic devices that the unit of local government  
40 collects.

41 (d) Local Government Designation. – If more than one unit of local government in a  
42 county, including the county itself, requests funding pursuant to this section, the units of local  
43 government in question may: (i) enter into interlocal agreements for provision of services  
44 concerning disposal of discarded computer equipment and televisions, and distribution of funds  
45 received pursuant to this section among the parties to the agreement; or (ii) submit separate and  
46 distinct comprehensive solid waste management plans pursuant to G.S. 130A-309.09A, with  
47 the information set forth in sub-subdivisions a. through e. of subdivision (1) of subsection (c) of  
48 this section. In the case of (ii), the Department shall distribute funds to the local governments  
49 determined to be eligible based on the percentage of the county's population to be served under  
50 each eligible local government's program.

1       (e) Report. – Information regarding permanent recycling programs for discarded  
2 computer equipment and televisions for which funds are received pursuant to this section, and  
3 information on operative interlocal agreements executed in conjunction with funds received, if  
4 any, shall be included in the annual report required under G.S. 130A-309.09A.

5 **"§ 130A-309.138. Responsibilities of the Department.**

6 In addition to its other responsibilities under this Part, the Department shall:

- 7       (1) Develop and maintain a current list of manufacturers that are in compliance  
8 with the requirements of G.S. 130A-309.134 and G.S. 130A-309.135, post  
9 the list to the Department's Web site, and provide the current list to the  
10 Office of Information Technology Services each time that the list is updated.
- 11       (2) Develop and implement a public education program on the laws governing  
12 the recycling and reuse of discarded computer equipment and televisions  
13 under this Part and on the methods available to consumers to comply with  
14 those requirements. The Department shall make this information available  
15 on the Internet and shall provide technical assistance to manufacturers to  
16 meet the requirements of G.S. 130A-309.134(c)(1)(e.). The Department shall  
17 also provide technical assistance to units of local government on the  
18 establishment and operation of discarded computer equipment and television  
19 collection centers and in the development and implementation of local public  
20 education programs.
- 21       (3) Maintain the confidentiality of any information that is required to be  
22 submitted by a manufacturer under this Part that is designated as a trade  
23 secret, as defined in G.S. 66-152(3) and that is designated as confidential or  
24 as a trade secret under G.S. 132-1.2.
- 25       (4) The Department shall use national televisions sales data available from  
26 commercially available analytical sources to calculate the generation of  
27 discarded televisions and to determine each television manufacturer's  
28 recovery responsibilities for televisions based on the manufacturer's market  
29 share. The Department shall extrapolate data for the State from national data  
30 on the basis of the State's share of the national population.

31 **"§ 130A-309.139. Enforcement.**

32 This Part may be enforced as provided by Part 2 of Article 1 of this Chapter.

33 **"§ 130A-309.140. Annual report.**

34 No later than January 15 of each year, the Department shall submit a report on the recycling  
35 of discarded computer equipment and televisions in the State under this Part to the  
36 Environmental Review Commission. The report must include an evaluation of the recycling  
37 rates in the State for discarded computer equipment and televisions, a discussion of compliance  
38 and enforcement related to the requirements of this Part, and any recommendations for any  
39 changes to the system of collection and recycling of discarded computer equipment, televisions,  
40 or other electronic devices.

41 **"§ 130A-309.141. Local government authority not preempted.**

42 Nothing in this Part shall be construed as limiting the authority of any local government to  
43 manage computer equipment and televisions that are solid waste."

44 **SECTION 2.(b)** This section becomes effective August 1, 2010, except that: (i) the  
45 first annual report due under G.S. 130A-309.134(h) is due October 1, 2011; (ii)  
46 G.S. 130A-309.136 becomes effective July 1, 2011; (iii) changes required to comprehensive  
47 solid waste management plans in accordance with G.S. 130A-309.137 shall be submitted to the  
48 Department of Environment and Natural Resources on or before December 31, 2010; and (iv)  
49 G.S. 130A-309.137(c)(3) becomes effective January 1, 2013.

50 **SECTION 3.(a)** G.S. 130A-309.09A(b)(6) is amended by adding a new  
51 sub-subdivision to read:

1           "(6) Include an assessment of current programs and a description of intended  
2           actions with respect to:

3           ...

4           e.       For each county and each municipality with a population in excess of  
5                    25,000, collection of discarded computer equipment and televisions,  
6                    as defined in G.S. 130A-309.131."

7           **SECTION 3.(b)** G.S. 130A-309.09A(d) is amended by adding a new subdivision  
8 to read:

9           "(d) In order to assess the progress in meeting the goal set out in G.S. 130A-309.04, each  
10 unit of local government shall report to the Department on the solid waste management  
11 programs and waste reduction activities within the unit of local government by 1 September of  
12 each year. At a minimum, the report shall include:

13           ...

14           (8)       Information regarding permanent recycling programs for discarded computer  
15                    equipment and televisions for which funds are received pursuant to  
16                    G.S. 130A-309.137, and information on operative interlocal agreements  
17                    executed in conjunction with funds received, if any."

18           **SECTION 3.(c)** This section becomes effective August 1, 2010.

19           **SECTION 4.(a)** G.S. 130A-309.10(f) is amended by adding two new subdivisions  
20 to read:

21           "(f) No person shall knowingly dispose of the following solid wastes in landfills:

- 22           (1) Repealed by Session Laws 1991, c. 375, s. 1.
- 23           (2) Used oil.
- 24           (3) Yard trash, except in landfills approved for the disposal of yard trash under  
25 rules adopted by the Commission. Yard trash that is source separated from  
26 solid waste may be accepted at a solid waste disposal area where the area  
27 provides and maintains separate yard trash composting facilities.
- 28           (4) White goods.
- 29           (5) Antifreeze (ethylene glycol).
- 30           (6) Aluminum cans.
- 31           (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition on  
32 disposal of whole scrap tires in landfills applies to all whole pneumatic  
33 rubber coverings, but does not apply to whole solid rubber coverings.
- 34           (8) Lead-acid batteries, as provided in G.S. 130A-309.70.
- 35           (9) Beverage containers that are required to be recycled under G.S. 18B-1006.1.
- 36           (10) Motor vehicle oil filters.
- 37           (11) Recyclable rigid plastic containers that are required to be labeled as provided  
38 in subsection (e) of this section, that have a neck smaller than the body of the  
39 container, and that accept a screw top, snap cap, or other closure. The  
40 prohibition on disposal of recyclable rigid plastic containers in landfills does  
41 not apply to rigid plastic containers that are intended for use in the sale or  
42 distribution of motor oil or pesticides.
- 43           (12) Wooden pallets, except that wooden pallets may be disposed of in a landfill  
44 that is permitted to only accept construction and demolition debris.
- 45           (13) Oyster shells.
- 46           (14) Discarded computer equipment, as defined in G.S. 130A-309.131.
- 47           (15) Discarded televisions, as defined in G.S. 130A-309.131."

48           **SECTION 4.(b)** G.S. 130A-309.10(f1) is amended by adding two new  
49 subdivisions to read:

50           "(f1) No person shall knowingly dispose of the following solid wastes by incineration in  
51 an incinerator for which a permit is required under this Article:

- 1 (1) Antifreeze (ethylene glycol) used solely in motor vehicles.
- 2 (2) Aluminum cans.
- 3 (3) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 17.
- 4 (4) White goods.
- 5 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.
- 6 (6) Beverage containers that are required to be recycled under G.S. 18B-1006.1.
- 7 (7) Discarded computer equipment, as defined in G.S. 130A-309.131.
- 8 (8) Discarded televisions, as defined in G.S. 130A-309.131."

9 **SECTION 4.(c)** This section becomes effective July 1, 2011.

10 **SECTION 5.(a)** Part 4 of Article 3D of Chapter 147 of the General Statutes is  
11 amended by adding a new section to read:

12 **"§ 147-33.104A. Purchase by State agencies and governmental entities of certain**  
13 **computer equipment and televisions prohibited.**

14 (a) The exemptions set out in G.S. 147-33.80 do not apply to this section.

15 (b) No State agency, political subdivision of the State, or other public body shall  
16 purchase computer equipment or televisions, as defined in G.S. 130A-309.131, or enter into a  
17 contract with any manufacturer that the Secretary determines is not in compliance with the  
18 requirements of G.S. 130A-309.134 or G.S. 130A-309.135 as determined from the list provided  
19 by the Department of Environment and Natural Resources pursuant to G.S. 130A-309.138. The  
20 Secretary shall issue written findings upon a determination of noncompliance. A determination  
21 of noncompliance by the Secretary is reviewable under Article 3 of Chapter 150B of the  
22 General Statutes.

23 (c) The Office of Information Technology Services shall make the list available to  
24 political subdivisions of the State and other public bodies. A manufacturer that is not in  
25 compliance with the requirements of G.S. 130A-309.134 or G.S. 130A-309.135 shall not sell or  
26 offer for sale computer equipment or televisions to the State, a political subdivision of the  
27 State, or other public body."

28 **SECTION 5.(b)** This section becomes effective August 1, 2010.

29 **SECTION 6.** The Environmental Review Commission, with the assistance of the  
30 Department of Environment and Natural Resources, shall conduct a study to determine the  
31 feasibility of requiring recycling of: (i) computer equipment discarded by small businesses; and  
32 (ii) other electronic equipment, including, but not limited to: automated typewriters,  
33 professional workstations, servers, ICI devices, ICI systems, mobile telephones, portable  
34 handheld calculators, PDAs, MP3 players, copy machines, VCRs, stereos, radios, tape players,  
35 CD players, telephones, fax machines, electronic games, power and network cables, network  
36 hubs, switching boxes, controllers, modems, docking stations, CD-ROMs, hard drives, printed  
37 circuit boards, uninterruptible power supplies, routers, and rechargeable batteries. The  
38 Environmental Review Commission, with the assistance of the Department of Environment and  
39 Natural Resources, shall also study the fee structure for computer manufacturers imposed under  
40 this act. The Environmental Review Commission shall report its findings and  
41 recommendations, including any legislative proposals, to the 2011 Regular Session of the  
42 General Assembly upon its convening.

43 **SECTION 7.** The Environmental Review Commission, with the assistance of the  
44 Department of Environment and Natural Resources, shall monitor and review electronic  
45 recycling programs in other states on an ongoing basis and shall report its findings and  
46 recommendations to the General Assembly periodically.

47 **SECTION 8.** Notwithstanding the provisions of G.S. 130A-309.136, as enacted by  
48 Section 2 of this act, during the first year after the effective date of this act, the Department  
49 shall not initiate an enforcement action against a retailer for a first violation of  
50 G.S. 130A-309.136. The Department shall, however, issue a notice of violation to the retailer in  
51 conjunction with the first violation.

1                   **SECTION 9.** Sections 6, 7, 8, and 9 of this act are effective when they become  
2 law.