

SENATE BILL No. 922

April 28, 2016, Introduced by Senator EMMONS and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 17301, 17303, 17311, 17313, 17315, 17317, 17319, 17327, 17329, and 17333 (MCL 324.17301, 324.17303, 324.17311, 324.17313, 324.17315, 324.17317, 324.17319, 324.17327, 324.17329, and 324.17333), sections 17301, 17311, 17313, and 17327 as added by 2008 PA 394, sections 17303 and 17317 as amended by 2015 PA 82, sections 17315 and 17333 as added by 2008 PA 392, section 17319 as added by 2008 PA 395, and section 17329 as added by 2008 PA 393, and by adding sections 17302, 17304, 17319a, 17320, 17320a, 17326, and 17335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17301. (1) As used in this part:

2 (A) "BOND" MEANS A FINANCIAL INSTRUMENT EXECUTED ON A FORM
3 APPROVED BY THE DEPARTMENT, INCLUDING A SURETY BOND, A CERTIFICATE

1 OF DEPOSIT, A CASH BOND, AN IRREVOCABLE LETTER OF CREDIT, OR A
 2 TRUST FUND, OR ANY COMBINATION OF THESE INSTRUMENTS, IN FAVOR OF
 3 THE DEPARTMENT.

4 (B) ~~(a) "Collector" means a person who receives covered~~
 5 "COLLECT" MEANS TO RECEIVE COVERED electronic devices from
 6 consumers and ~~arranges~~ ARRANGE for the delivery of the covered
 7 electronic devices CEDS to a recycler. "COLLECTION" AND "COLLECTOR"
 8 HAVE EQUIVALENT MEANINGS. THE FOLLOWING ARE NOT COLLECTORS:

9 (i) A PERSON WHO OWNS OR LEASES PROPERTY WHERE ANOTHER PERSON
 10 ENGAGES IN COLLECTION AND WHO DOES NOT MANAGE THE COLLECTION.

11 (ii) A FACILITIES-BASED WIRELESS TELECOMMUNICATIONS SERVICE
 12 PROVIDER DESCRIBED IN SUBDIVISION (M) (ii).

13 (C) ~~(b) "Computer" means a desktop personal computer, TABLET,~~
 14 or laptop computer. ~~, a computer monitor, or beginning April 1,~~
 15 2011, a printer. Computer does not include any of the following:

16 ~~—— (i) A personal digital assistant device or mobile telephone.~~

17 ~~—— (ii) A computer peripheral device, including a mouse or other~~
 18 similar pointing device, or a detachable or wireless keyboard.

19 ~~—— (c) "Computer takeback program" means a program required under~~
 20 section 17305(c).

21 (D) "COMPUTER MONITOR" MEANS AN ELECTRONIC DEVICE THAT IS A
 22 CATHODE RAY TUBE OR FLAT PANEL DISPLAY PRIMARILY INTENDED TO
 23 DISPLAY INFORMATION FROM A COMPUTER OR THE INTERNET.

24 (E) ~~(d) "Consumer" means a person IN THIS STATE who used OR~~
 25 WILL USE a covered electronic device primarily for personal or
 26 small business CONSUMER purposes. ~~in this state.~~

27 (F) "CONSUMER PURPOSES" MEANS PERSONAL OR SMALL BUSINESS

1 **PURPOSES.**

2 (G) ~~(e) "Covered computer" means a computer~~ **ELECTRONIC DEVICE"**
 3 **OR "CED", SUBJECT TO SUBDIVISION (H), MEANS ANY OF THE FOLLOWING**
 4 that was or will be used primarily for ~~personal or small business~~
 5 **CONSUMER** purposes in this state: -

6 (i) **A COMPUTER.**

7 (ii) **A COMPUTER MONITOR.**

8 (iii) **A PRINTER.**

9 (iv) **A TELEVISION.**

10 (H) ~~Covered computer~~ **ELECTRONIC DEVICE OR CED** does not include
 11 a device that is functionally or physically a part of, or connected
 12 to, or integrated within a larger piece of equipment or system
 13 designed and intended for use in an industrial, governmental,
 14 commercial, research and development, or medical setting,
 15 including, but not limited to, diagnostic, monitoring, or control
 16 products, medical products approved under the federal food, drug,
 17 and cosmetic act, 21 USC 301 to 399, equipment used for security,
 18 sensing, monitoring, antiterrorism, or emergency services purposes,
 19 or equipment designed and intended primarily for use by
 20 professional users.

21 ~~—— (f) "Covered electronic device" means a covered computer or~~
 22 ~~covered video display device.~~

23 ~~—— (g) "Covered video display device" means a video display~~
 24 ~~device that was or will be used primarily for personal or small~~
 25 ~~business purposes in this state. Covered video display device does~~
 26 ~~not include a device that is functionally or physically a part of,~~
 27 ~~or connected to, or integrated within a larger piece of equipment~~

1 ~~or system designed and intended for transportation or use in an~~
 2 ~~industrial, governmental, commercial, research and development, or~~
 3 ~~medical setting, including, but not limited to, diagnostic,~~
 4 ~~monitoring, or control products, medical products approved under~~
 5 ~~the federal food, drug, and cosmetic act, 21 USC 301 to 399,~~
 6 ~~equipment used for security, sensing, monitoring, antiterrorism, or~~
 7 ~~emergency services purposes, or equipment designed and intended~~
 8 ~~primarily for use by professional users.~~

9 (I) ~~(h)~~—"Department" means the department of environmental
 10 quality.

11 ~~——(i) "Electronic device takeback program" or "takeback program"~~
 12 ~~means a computer takeback program or a video display device~~
 13 ~~takeback program.~~

14 (J) "FISCAL YEAR" MEANS THE STATE FISCAL YEAR, THE PERIOD FROM
 15 OCTOBER 1 TO THE FOLLOWING SEPTEMBER 30.

16 (K) "FUND" MEANS THE ELECTRONIC WASTE RECYCLING FUND CREATED
 17 IN SECTION 17327.

18 (l) ~~(j)~~—"Manufacturer", subject to subdivision ~~(k)~~, ~~(M)~~, means
 19 any of the following:

20 ~~——(i) The person who owns the brand with which a covered~~
 21 ~~computer is labeled.~~

22 (i) ~~(ii)~~—The person ~~who~~ **THAT** owns or is licensed to use the
 23 brand with which a covered ~~video display~~ **ELECTRONIC** device is
 24 labeled, **IF THE PERSON SOLD TO CONSUMERS, WHETHER DIRECTLY OR**
 25 **THROUGH RETAILERS, MORE THAN 50 NEW COVERED ELECTRONIC DEVICES IN**
 26 **THE PRECEDING FISCAL YEAR.**

27 (ii) ~~(iii)~~—If **NEITHER** the brand owner **NOR LICENSEE** does ~~not~~ ~~do~~

1 business in the United States, the person on whose account a
 2 ~~covered electronic device CED~~ was imported into the United States,
 3 **IF THE PERSON SOLD TO CONSUMERS, WHETHER DIRECTLY OR THROUGH**
 4 **RETAILERS, MORE THAN 50 NEW COVERED ELECTRONIC DEVICES IN THE**
 5 **PRECEDING FISCAL YEAR.**

6 **(iii)** ~~(iv)~~—A person ~~who~~ **THAT** contractually assumes the
 7 responsibilities and obligations **UNDER THIS PART** of a person
 8 described under subparagraph (i) ~~, (ii), or (iii).~~ **OR (ii).**

9 **(M)** ~~(k)~~—Manufacturer does not include a ~~person unless the~~
 10 ~~person manufactured, sold, or imported more than 50 covered~~
 11 ~~computers in 2000 or any subsequent calendar year or more than 50~~
 12 ~~covered video display devices in the previous calendar year.~~ **ANY OF**
 13 **THE FOLLOWING:**

14 **(i) A WIRELESS SERVICE PROVIDER OR A TELECOMMUNICATIONS**
 15 **CARRIER WITH WHOSE BRAND A CED IS LABELED, IF THERE IS ANOTHER**
 16 **PERSON THAT QUALIFIES AS A MANUFACTURER OF THE CED UNDER**
 17 **SUBDIVISION (l).**

18 **(ii) A FACILITIES-BASED WIRELESS TELECOMMUNICATIONS SERVICE**
 19 **PROVIDER IF THE PROVIDER OR THE PROVIDER'S DESIGNEE DOES BOTH OF**
 20 **THE FOLLOWING:**

21 **(A) ACCEPTS FROM CONSUMERS ALL COVERED ELECTRONIC DEVICES THAT**
 22 **ARE LABELED WITH A BRAND WHICH THE WIRELESS SERVICE PROVIDER OWNS**
 23 **OR IS LICENSED TO USE AND THAT HAVE REACHED THE END OF THEIR USEFUL**
 24 **LIFE FOR THE CONSUMER.**

25 **(B) ARRANGES FOR THE RECYCLING OF THE COVERED ELECTRONIC**
 26 **DEVICES ACCEPTED UNDER SUB-SUBPARAGRAPH (A) BY A RECYCLER**
 27 **REGISTERED UNDER SECTION 17317.**

1 (N) "METROPOLITAN STATISTICAL AREA" MEANS A METROPOLITAN
2 STATISTICAL AREA AS DEFINED BY THE FEDERAL OFFICE OF MANAGEMENT AND
3 BUDGET.

4 (O) ~~(l)~~ "Printer" means a printer or a multifunction or "all-
5 in one" device that in addition to printing performs 1 or more
6 other operations such as copying, scanning, or faxing, that is
7 designed to be placed on a desk or other work surface, and that may
8 use any of various print technologies, such as laser and LED
9 (electrographic), ink jet, dot matrix, thermal, or digital
10 sublimation. Printer does not include a floor standing printer, a
11 printer with an optional floor stand, a point of sale (POS) receipt
12 printer, a household printer such as a calculator with printing
13 capabilities or a label maker, or a non stand alone printer that is
14 embedded into a product other than a covered computer. **ANY OF THE**
15 **FOLLOWING:**

16 (i) A DESKTOP PRINTER, INCLUDING AN INKJET OR LASER PRINTER
17 DESIGNED TO BE PLACED ON A WORK SURFACE.

18 (ii) A DEVICE THAT PRINTS, THAT HAS OTHER FUNCTIONS, SUCH AS
19 COPYING, SCANNING, OR SENDING FACSIMILES, AND THAT IS DESIGNED TO
20 BE PLACED ON A WORK SURFACE.

21 (P) ~~(m)~~ "Recycler" means a person who **ENGAGED IN RECYCLING** as
22 a principal component of business operations. ~~acquires covered~~
23 ~~electronic devices and sorts and processes the covered electronic~~
24 ~~devices to facilitate recycling or resource recovery techniques.~~
25 Recycler does not include a collector, hauler, **RETAILER**, or
26 electronics **REPAIR** shop.

27 (Q) "RECYCLING" MEANS AND "RECYCLE" REFERS TO CHANGING THE

1 PHYSICAL CHARACTERISTICS OF A COVERED ELECTRONIC DEVICE BY
2 DISMANTLING, TREATMENT, OR OTHER METHODS THAT MAKE THE CED OR ITS
3 COMPONENTS A USABLE RESOURCE. RECYCLING DOES NOT INCLUDE ANY OF THE
4 FOLLOWING:

5 (i) THE REMOVAL OF A HARD DRIVE FOR DATA SECURITY REASONS.

6 (ii) DESTRUCTION BY INCINERATION OR OTHER METHODS OR LAND
7 DISPOSAL OF RECYCLABLE MATERIALS.

8 (iii) REUSE, REPAIR, OR ANY OTHER ACTIVITY THROUGH WHICH CEDS
9 ARE RETURNED TO USE IN THEIR ORIGINAL FORM.

10 (R) ~~(n)~~ "Retailer" means a person that sells a covered
11 electronic device to a consumer by any means, including
12 transactions conducted through sales outlets, catalogs, mail order,
13 or the ~~internet~~, INTERNET OR OTHER MEANS OF ELECTRONIC COMMERCE,
14 whether or not the person has a physical presence in this state.

15 (S) ~~(e)~~ "Small business" means a business with 10 or fewer
16 employees.

17 (T) "STEWARDSHIP PLAN" MEANS A STEWARDSHIP PLAN UNDER SECTION
18 17303.

19 (U) "TABLET" MEANS A GENERAL-PURPOSE COMPUTER THAT IS
20 CONTAINED IN A TOUCHSCREEN PANEL, THAT CONTAINS AN INTERNAL CENTRAL
21 PROCESSING UNIT, AND THAT PERFORMS COMPUTING FUNCTIONS INCLUDING
22 FILE STORAGE, FILE MANIPULATION, WEB BROWSING, AND INTERNET ACCESS.

23 (V) "TAKEBACK PROGRAM" MEANS A MANUFACTURER'S COVERED
24 ELECTRONIC DEVICE TAKEBACK PROGRAM AS REQUIRED UNDER SECTION
25 17302(C).

26 (W) ~~(p)~~ "Video display device" "TELEVISION" means an
27 electronic device with a viewable screen of 4 inches or larger that

1 contains a tuner that locks on to a selected carrier frequency and
2 is capable of receiving and displaying television or video
3 programming via broadcast, cable, or satellite. ~~Video display~~
4 ~~device~~ **TELEVISION** includes, but is not limited to, a direct view or
5 projection television whose display technology is based on cathode
6 ray tube (CRT), plasma, liquid crystal (LCD), digital light
7 processing (DLP), liquid crystal on silicon (LCOS), silicon crystal
8 reflective display (SXRD), light emitting diode (LED), or similar
9 technology.

10 ~~—— (g) "Video display device takeback program" means a program~~
11 ~~required under section 17305(d).~~

12 **(2) FOR THE PURPOSES OF THIS PART, A MANUFACTURER MAY ESTIMATE**
13 **THE NUMBER OF NEW COVERED ELECTRONIC DEVICES SOLD TO CONSUMERS BY**
14 **MULTIPLYING NATIONAL FIGURES FOR THE MANUFACTURER BY THE PERCENTAGE**
15 **OF THE NATIONAL POPULATION RESIDING IN THIS STATE.**

16 **SEC. 17302. A MANUFACTURER SHALL NOT SELL TO ANY CONSUMER A**
17 **NEW COVERED ELECTRONIC DEVICE, WHETHER DIRECTLY OR THROUGH A**
18 **RETAILER, AND WHETHER BY USE OF A CATALOG, MAIL ORDER, THE**
19 **INTERNET, OR ANY OTHER MEANS, UNLESS ALL OF THE FOLLOWING**
20 **REQUIREMENTS ARE MET:**

21 **(A) THE CED IS LABELED WITH A BRAND.**

22 **(B) THE MANUFACTURER IS REGISTERED UNDER SECTION 17303.**

23 **(C) TO CONSERVE RESOURCES AND PREVENT POLLUTION, THE**
24 **MANUFACTURER HAS A CED TAKEBACK PROGRAM AS DESCRIBED IN SECTION**
25 **17311.**

26 ~~Sec. 17303. (1) By 30 days after the end of each state fiscal~~
27 ~~year, a manufacturer that sells or offers for sale to any person in~~

1 ~~this state a new covered electronic device~~ **FOR THE PURPOSES OF**
 2 **SECTION 17302(B), WITHIN THE FIRST 30 DAYS OF THE FISCAL YEAR IN**
 3 **WHICH A COVERED ELECTRONIC DEVICE IS TO BE SOLD TO A CONSUMER, THE**
 4 **MANUFACTURER** shall register with the department on a form provided
 5 by the department. The registration expires 30 days after the end
 6 of the ~~following state fiscal year~~. A manufacturer who has not
 7 already filed a registration under this part shall submit a
 8 registration within 10 business days after the manufacturer begins
 9 to sell ~~or offer for sale new covered electronic devices in this~~
 10 ~~state~~. **NEW CEDS TO CONSUMERS, WHETHER DIRECTLY OR THROUGH RETAILERS.**

11 (2) A registration under subsection (1) shall include all of
 12 the following **FOR THE FISCAL YEAR FOR WHICH THE REGISTRATION IS**
 13 **FILED:**

14 (a) The manufacturer's name, address, and telephone number.

15 (b) Each brand name under which the manufacturer sells ~~or~~
 16 ~~offers for sale covered electronic devices in this state~~. **NEW CEDS**
 17 **TO CONSUMERS, WHETHER DIRECTLY OR THROUGH RETAILERS.**

18 (c) ~~Information about the manufacturer's electronic device~~
 19 ~~takeback program, including~~ **A STEWARDSHIP PLAN THAT COVERS** all of
 20 the following:

21 (i) Information **TO BE** provided to consumers on how and where
 22 to return ~~covered electronic devices labeled with the~~
 23 ~~manufacturer's name or brand label~~. **CEDS FOR RECYCLING.**

24 (ii) The means by which information described in subparagraph
 25 (i) is **TO BE** disseminated to consumers, including the relevant
 26 website address if the ~~internet~~ **INTERNET** is used, **AND ARRANGEMENTS**
 27 **WITH RETAILERS TO PROVIDE TO CONSUMERS EDUCATIONAL MATERIALS ON**

1 **RECYCLING OPPORTUNITIES AT THE TIME OF SALE.**

2 ~~—— (iii) Beginning with the first registration submitted after~~
 3 ~~the implementation of the takeback program, a report on the~~
 4 ~~implementation of the takeback program during the prior state~~
 5 ~~fiscal year, including all of the following:~~

6 ~~—— (A) The total weight of the covered electronic devices~~
 7 ~~received by the takeback program from consumers during the prior~~
 8 ~~state fiscal year.~~

9 **(iii) OTHER RECYCLING PUBLIC EDUCATION AND PROMOTIONAL**
 10 **INITIATIVES TO BE UNDERTAKEN BY THE MANUFACTURER.**

11 **(iv) ~~(B)~~ The processes and methods TO BE used to recycle or**
 12 **reuse the ~~covered electronic devices CEDS~~ received from consumers.**

13 **(v) ~~(C)~~ The COLLECTION LOCATIONS AND THE identity of any**
 14 **collector or recycler with whom the manufacturer contracts for the**
 15 **collection or recycling of ~~covered electronic devices CEDS~~ received**
 16 **from consumers, . The identity of a recycler shall include the**
 17 **addresses of that INCLUDING CONTACT INFORMATION FOR THE COLLECTOR'S**
 18 **OR recycler's recycling facilities in this state, if any. The**
 19 **identity of a collector or recycler INFORMATION reported under this**
 20 **subparagraph is exempt from disclosure under the freedom of**
 21 **information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not**
 22 **be disclosed by the department unless required by court order.**

23 **(vi) HOW THE MANUFACTURER'S TAKEBACK PROGRAM WILL SERVE**
 24 **CONSUMERS OUTSIDE OF METROPOLITAN STATISTICAL AREAS.**

25 **(3) IF ANY INFORMATION INCLUDED IN A REGISTRATION PURSUANT TO**
 26 **SUBSECTION (2) (A), (B), OR (C) (v), OTHER THAN CONTACT INFORMATION**
 27 **FOR A COLLECTOR'S OR RECYCLER'S FACILITIES IN THIS STATE, IS OR**

1 BECOMES INACCURATE, WITHIN 60 DAYS AFTER OBTAINING KNOWLEDGE OF THE
2 INACCURACY, THE MANUFACTURER SHALL SUBMIT UPDATED INFORMATION TO
3 THE DEPARTMENT IN WRITING.

4 (4) ~~(3)~~—A registration is effective upon receipt by the
5 department if the registration is administratively complete **AND**
6 **ACCOMPANIED BY ANY FEE REQUIRED UNDER THIS SECTION.**

7 (5) ~~(4)~~—If a manufacturer's registration does not meet the
8 requirements of this section and any rules promulgated ~~under this~~
9 ~~part,~~ **TO IMPLEMENT THIS SECTION,** the department shall notify the
10 manufacturer of the deficiency. If the manufacturer fails to
11 correct the deficiency within 60 days after notice is sent by the
12 department, the department may deny or revoke the manufacturer's
13 registration, after providing an opportunity for a contested case
14 hearing under the administrative procedures act of 1969, 1969 PA
15 306, MCL 24.201 to 24.328.

16 ~~—— (5) A registration is valid until October 30 of each year. A~~
17 ~~manufacturer of covered electronic devices shall update its~~
18 ~~registration within 10 business days after a change in the brands~~
19 ~~of covered electronic devices from that manufacturer sold or~~
20 ~~offered for sale in this state.~~

21 ~~—— (6) Until October 1, 2019, a manufacturer's registration shall~~
22 ~~be accompanied by an annual fee of \$3,000.00. However, if the~~
23 ~~amount of money in the fund on December 31 of any year is greater~~
24 ~~than \$600,000.00, the department shall not collect manufacturers'~~
25 ~~registration fees for the following state fiscal year.~~

26 (6) **SUBJECT TO SUBSECTION (7), UNTIL OCTOBER 1, 2021, A**
27 **MANUFACTURER'S REGISTRATION SHALL BE ACCOMPANIED BY A REGISTRATION**

1 FEE AS FOLLOWS:

2 (A) FOR A MANUFACTURER OF MORE THAN 250 CEDS, REGARDLESS OF
3 BRAND, SOLD IN THIS STATE DURING THE PRIOR FISCAL YEAR, THE LOWEST
4 OF THE FOLLOWING AMOUNTS:

5 (i) \$5,000.00.

6 (ii) IF THE TOTAL WEIGHT OF CEDS RECYCLED BY THE
7 MANUFACTURER'S TAKEBACK PROGRAM DURING THE PRIOR FISCAL YEAR WAS
8 80% OR MORE OF THE TOTAL WEIGHT OF THE MANUFACTURER'S CEDS SOLD IN
9 THIS STATE IN THE FISCAL YEAR PRECEDING THAT PRIOR FISCAL YEAR,
10 \$4,000.00.

11 (iii) IF THE TOTAL WEIGHT OF CEDS RECYCLED BY THE
12 MANUFACTURER'S TAKEBACK PROGRAM DURING THE PRIOR FISCAL YEAR WAS
13 100% OR MORE OF THE TOTAL WEIGHT OF THE MANUFACTURER'S CEDS SOLD IN
14 THIS STATE IN THE FISCAL YEAR PRECEDING THAT PRIOR FISCAL YEAR,
15 \$3,000.00.

16 (B) FOR A MANUFACTURER OF NOT MORE THAN 250 CEDS, REGARDLESS
17 OF BRAND, SOLD IN THIS STATE DURING THE PRIOR FISCAL YEAR, THE
18 LOWEST OF THE FOLLOWING AMOUNTS:

19 (i) \$1,500.00.

20 (ii) IF THE TOTAL WEIGHT OF CEDS RECYCLED BY THE
21 MANUFACTURER'S TAKEBACK PROGRAM DURING THE PRIOR FISCAL YEAR WAS
22 80% OR MORE OF THE TOTAL WEIGHT OF THE MANUFACTURER'S CEDS SOLD IN
23 THIS STATE IN THE FISCAL YEAR PRECEDING THAT PRIOR FISCAL YEAR,
24 \$1,250.00.

25 (iii) IF THE TOTAL WEIGHT OF CEDS RECYCLED BY THE
26 MANUFACTURER'S TAKEBACK PROGRAM DURING THE PRIOR FISCAL YEAR WAS
27 100% OR MORE OF THE TOTAL WEIGHT OF THE MANUFACTURER'S CEDS SOLD IN

1 THIS STATE IN THE FISCAL YEAR PRECEDING THAT PRIOR FISCAL YEAR,
2 \$1,000.00.

3 (7) THE WEIGHT OF CEDS RECEIVED FROM CONSUMERS OUTSIDE OF A
4 METROPOLITAN STATISTICAL AREA SHALL BE MULTIPLIED BY 1.5 WHEN
5 DETERMINING THE TOTAL WEIGHT OF CEDS RECYCLED FOR PURPOSES OF
6 SUBSECTION (6).

7 (8) A REGISTRATION RECEIVED BY THE DEPARTMENT 90 OR MORE DAYS
8 LATE SHALL, IN ADDITION TO THE REGISTRATION FEE, BE ACCOMPANIED BY
9 A LATE FEE EQUAL TO 50% OF THE REGISTRATION FEE.

10 (9) ~~(7)~~ Revenue from manufacturers' registration **AND LATE** fees
11 ~~collected~~ **PAID** under this section shall be deposited in the
12 ~~electronic waste recycling fund created in section 17327.~~ **FUND.**

13 (10) ~~(8)~~ The department shall maintain on its website a list
14 of registered manufacturers, ~~of computers and a list of registered~~
15 ~~manufacturers of video display devices and the website addresses~~
16 **ADDRESS** at which they provide **EACH MANUFACTURER PROVIDES**
17 information on recycling covered electronic devices, **AND EACH**
18 **MANUFACTURER'S BRANDS OF CEDS. IF REQUESTED IN WRITING BY A**
19 **FACILITIES-BASED WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER THAT**
20 **IS EXEMPT FROM THE DEFINITION OF MANUFACTURER UNDER SECTION**
21 **17301(1)(M)(ii), THE DEPARTMENT SHALL INCLUDE ON THE LIST A CED**
22 **LABELED WITH A BRAND THE WIRELESS SERVICE PROVIDER OWNS OR IS**
23 **LICENSED TO USE.**

24 ~~— (9) Not later than October 1, 2011 and every 2 years after~~
25 ~~that date, the department shall submit a report to the secretary of~~
26 ~~the senate and to the clerk of the house of representatives that~~
27 ~~assesses the adequacy of the fees under this section and any~~

1 ~~departmental recommendation to modify those fees.~~

2 SEC. 17304. (1) A MANUFACTURER REQUIRED TO REGISTER UNDER
3 SECTION 17303 FOR ANY FISCAL YEAR SHALL, BY DECEMBER 1 OF THE
4 FOLLOWING FISCAL YEAR, SUBMIT TO THE DEPARTMENT ON A FORM PROVIDED
5 BY THE DEPARTMENT A REPORT THAT INCLUDES ALL OF THE FOLLOWING:

6 (A) THE MANUFACTURER'S NAME, ADDRESS, AND TELEPHONE NUMBER.

7 (B) A STEWARDSHIP REPORT THAT COVERS ALL OF THE FOLLOWING FOR
8 THE FISCAL YEAR FOR WHICH REGISTRATION WAS REQUIRED:

9 (i) INFORMATION PROVIDED TO CONSUMERS AND RETAILERS ON HOW AND
10 WHERE TO RETURN CEDS.

11 (ii) THE MEANS BY WHICH INFORMATION DESCRIBED IN SUBPARAGRAPH
12 (i) WAS DISSEMINATED TO CONSUMERS, INCLUDING THE RELEVANT WEBSITE
13 ADDRESS IF THE INTERNET WAS USED, AND ARRANGEMENTS WITH RETAILERS
14 TO PROVIDE TO CONSUMERS EDUCATIONAL MATERIALS ON RECYCLING
15 OPPORTUNITIES AT THE TIME OF SALE.

16 (iii) OTHER RECYCLING PUBLIC EDUCATION AND PROMOTIONAL
17 INITIATIVES UNDERTAKEN BY THE MANUFACTURER.

18 (iv) THE NUMBER, TOTAL WEIGHT, AND TYPES OF THE MANUFACTURER'S
19 CEDS SOLD IN THE UNITED STATES. DATA UNDER THIS SUBPARAGRAPH ARE
20 EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976
21 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED BY THE
22 DEPARTMENT UNLESS REQUIRED BY COURT ORDER.

23 (v) THE WEIGHT OF CEDS RECEIVED BY THE TAKEBACK PROGRAM FROM
24 CONSUMERS WITHIN METROPOLITAN STATISTICAL AREAS, THE WEIGHT OF CEDS
25 RECEIVED BY THE TAKEBACK PROGRAM FROM CONSUMERS OUTSIDE OF
26 METROPOLITAN STATISTICAL AREAS, AND THE TOTAL WEIGHT OF CEDS
27 RECEIVED BY THE TAKEBACK PROGRAM.

1 (vi) HOW THE MANUFACTURER'S TAKEBACK PROGRAM SERVED CONSUMERS
2 OUTSIDE OF METROPOLITAN STATISTICAL AREAS.

3 (vii) THE PROCESSES AND METHODS USED TO RECYCLE OR REUSE THE
4 CEDS RECEIVED FROM CONSUMERS.

5 (viii) COLLECTION LOCATIONS AND THE IDENTITY OF ANY COLLECTOR
6 OR RECYCLER WITH WHOM THE MANUFACTURER CONTRACTED FOR THE
7 COLLECTION OR RECYCLING OF CEDS RECEIVED FROM CONSUMERS, INCLUDING
8 CONTACT INFORMATION FOR THE COLLECTOR'S OR RECYCLER'S FACILITIES IN
9 THIS STATE, IF ANY. INFORMATION REPORTED UNDER THIS SUBPARAGRAPH IS
10 EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976
11 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED BY THE
12 DEPARTMENT UNLESS REQUIRED BY COURT ORDER.

13 (2) IF ANY INFORMATION INCLUDED IN A REPORT UNDER SUBSECTION
14 (1) IS INACCURATE, WITHIN 60 DAYS AFTER OBTAINING KNOWLEDGE OF THE
15 INACCURACY, THE MANUFACTURER SHALL SUBMIT UPDATED INFORMATION TO
16 THE DEPARTMENT IN WRITING.

17 (3) IF A MANUFACTURER'S REPORT DOES NOT MEET THE REQUIREMENTS
18 OF THIS SECTION AND ANY RULES PROMULGATED TO IMPLEMENT THIS
19 SECTION, THE DEPARTMENT SHALL NOTIFY THE MANUFACTURER OF THE
20 DEFICIENCY. IF THE MANUFACTURER FAILS TO CORRECT THE DEFICIENCY
21 WITHIN 60 DAYS AFTER NOTICE IS SENT BY THE DEPARTMENT, THE
22 DEPARTMENT MAY DENY OR REVOKE THE MANUFACTURER'S REGISTRATION,
23 AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE HEARING UNDER
24 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
25 TO 24.328.

26 Sec. 17311. (1) ~~Beginning April 1, 2010, each manufacturer of~~
27 ~~covered video display devices shall implement a video display A~~

1 COVERED ELECTRONIC device takeback program that meets REQUIRED
 2 UNDER SECTION 17302(C) SHALL MEET all of the following criteria:

3 (a) ~~A SUBJECT TO SUBSECTION (2), A~~ manufacturer OF A CED or
 4 the manufacturer's designee accepts from a consumer any covered
 5 ~~video display device CED~~ that has reached the end of its useful
 6 life for the consumer, regardless of the type or brand of covered
 7 ~~video display device CED~~. HOWEVER, IF A MANUFACTURER'S CEDS DO NOT
 8 INCLUDE TELEVISIONS, THE MANUFACTURER'S TAKEBACK PROGRAM IS NOT
 9 REQUIRED TO ACCEPT TELEVISIONS. IF A MANUFACTURER'S CEDS ARE
 10 LIMITED TO TELEVISIONS, THE MANUFACTURER'S TAKEBACK PROGRAM MAY BE
 11 LIMITED TO TELEVISIONS.

12 ~~— (b) A consumer is not required to pay a separate fee when the~~
 13 ~~consumer returns a covered video display device through the~~
 14 ~~takeback program of any manufacturer of any covered video display~~
 15 ~~device.~~

16 ~~— (c) The requirements of section 17309(1)(c), as applied to~~
 17 ~~covered video display devices.~~

18 (B) THE COLLECTION OF CEDS IS CONVENIENT AND AVAILABLE TO AND
 19 OTHERWISE DESIGNED TO MEET THE NEEDS OF CONSUMERS. A TAKEBACK
 20 PROGRAM THAT ALLOWS A CONSUMER TO RETURN A CED BY 1 OR MORE OF THE
 21 FOLLOWING MEANS, FOR EXAMPLE, MEETS THE REQUIREMENTS OF THIS
 22 SUBDIVISION:

23 (i) FOR A CED WEIGHING LESS THAN 70 POUNDS, MAIL OR COMMON
 24 CARRIER SHIPPER, IF THE TAKEBACK PROGRAM ALSO ALLOWS THE CONSUMER
 25 TO RETURN THE CED BY 1 OR MORE OF THE MEANS LISTED IN SUBPARAGRAPHS
 26 (ii) TO (iv).

27 (ii) DEPOSIT AT A LOCAL PHYSICAL COLLECTION SITE THAT IS OPEN

1 ON A REGULAR BASIS.

2 (iii) DEPOSIT DURING PERIODIC LOCAL COLLECTION EVENTS.

3 (iv) DEPOSIT WITH A RETAILER.

4 (C) ~~(d)~~The manufacturer **OF A CED** provides a consumer
 5 information on how and where to return a ~~covered video display~~
 6 ~~device, CED~~, including, but not limited to, collection, recycling,
 7 and reuse information on the manufacturer's publicly available
 8 website. The manufacturer may also include collection, recycling,
 9 and reuse information in the packaging for or in other materials
 10 that accompany the manufacturer's ~~covered video display devices~~
 11 **CEDS**, when the ~~covered video display devices CEDS~~ are sold or
 12 provide that information via a toll-free telephone number.

13 (D) ~~(e)~~The manufacturer recycles or arranges for the
 14 recycling of any covered ~~video display~~ **ELECTRONIC** device collected
 15 under subdivision (a). As a nonbinding ~~target, GOAL~~, each
 16 manufacturer ~~required to conduct a video display device takeback~~
 17 ~~program~~ should annually recycle **THROUGH ITS TAKEBACK PROGRAM CEDS**
 18 **WHOSE TOTAL WEIGHT IS AT LEAST** 60% of the total weight of ~~covered~~
 19 ~~video display devices sold by the manufacturer~~ **THE MANUFACTURER'S**
 20 **CEDS SOLD** in this state during the prior ~~state~~ fiscal year. **THE**
 21 **WEIGHT OF CEDS RECEIVED FROM CONSUMERS OUTSIDE OF METROPOLITAN**
 22 **STATISTICAL AREAS SHALL BE MULTIPLIED BY 1.5 WHEN CREDITED TOWARD**
 23 **THIS NONBINDING GOAL.** Sales data under this subdivision are exempt
 24 from disclosure under the freedom of information act, 1976 PA 442,
 25 MCL 15.231 to 15.246, and shall not be disclosed by the department
 26 unless required by court order.

27 (2) ~~A manufacturer's video display device takeback program is~~

1 ~~not required to accept more than 7 covered video display devices~~
 2 ~~from a single consumer on a single day.~~ **A TAKEBACK PROGRAM MAY LIMIT**
 3 **THE NUMBER OF COVERED ELECTRONIC DEVICES BY PRODUCT TYPE ACCEPTED**
 4 **PER CUSTOMER PER DAY OR PER DELIVERY AT A COLLECTION SITE OR**
 5 **SERVICE AS SPECIFIED IN THE STEWARDSHIP PLAN.**

6 (3) A manufacturer may conduct a ~~video display device takeback~~
 7 program alone or in conjunction with other manufacturers. A
 8 manufacturer may arrange for the collection and recycling of
 9 ~~covered video display devices~~ **CEDS** by another person to fulfill the
 10 manufacturer's obligations under this section.

11 Sec. 17313. ~~(1) The electronic waste advisory council is~~
 12 ~~created within the legislative branch of state government. The~~
 13 ~~council shall consist of the following members:~~

14 ~~—— (a) Four individuals appointed by the senate majority leader~~
 15 ~~as follows:~~

16 ~~—— (i) One individual representing covered video display device~~
 17 ~~manufacturers.~~

18 ~~—— (ii) One individual representing recyclers of covered~~
 19 ~~computers or covered video display devices.~~

20 ~~—— (iii) One individual representing a trade association of~~
 21 ~~computer manufacturers and video display device manufacturers.~~

22 ~~—— (iv) One individual who is a member of the senate.~~

23 ~~—— (b) Four individuals appointed by the speaker of the house of~~
 24 ~~representatives as follows:~~

25 ~~—— (i) One individual representing covered computer~~
 26 ~~manufacturers.~~

27 ~~—— (ii) One individual representing retailers of covered~~

1 ~~computers or covered video display devices.~~

2 ~~—— (iii) One individual representing an agency responsible for a~~
3 ~~countywide recycling program.~~

4 ~~—— (iv) One individual who is a member of the house of~~
5 ~~representatives.~~

6 ~~—— (c) Two individuals appointed by the governor as follows:~~

7 ~~—— (i) One individual representing a statewide conservation~~
8 ~~organization.~~

9 ~~—— (ii) One individual representing the department.~~

10 ~~—— (2) The appointments to the council under subsection (1) shall~~
11 ~~be made not later than 30 days after the effective date of the~~
12 ~~amendatory act that added this section.~~

13 ~~—— (3) A member of the council shall serve for the life of the~~
14 ~~council. If a vacancy occurs on the council, the vacancy shall be~~
15 ~~filled for the unexpired term in the same manner as the original~~
16 ~~appointment. The appointing official may remove a member of the~~
17 ~~council for incompetence, dereliction of duty, malfeasance,~~
18 ~~misfeasance, or nonfeasance in office, or any other good cause.~~

19 ~~—— (4) The council member who is a member of the senate and the~~
20 ~~council member who is a member of the house of representatives~~
21 ~~shall serve as co chairs of the council. The first meeting of the~~
22 ~~council shall be called by the co chairs. At the first meeting, the~~
23 ~~council shall elect from among its members any other officers that~~
24 ~~it considers necessary or appropriate. After the first meeting, the~~
25 ~~council shall meet at least quarterly, or more frequently at the~~
26 ~~call of a co chair or if requested by 2 or more members.~~

27 ~~—— (5) A majority of the members of the council constitute a~~

1 ~~quorum for the transaction of business at a meeting of the council.~~
2 ~~A majority of the members present and serving are required for~~
3 ~~official action of the council.~~

4 ~~—— (6) The business that the council may perform shall be~~
5 ~~conducted at a public meeting of the council held in compliance~~
6 ~~with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A~~
7 ~~writing prepared, owned, used, in the possession of, or retained by~~
8 ~~the council in the performance of an official function is subject~~
9 ~~to the freedom of information act, 1976 PA 442, MCL 15.231 to~~
10 ~~15.246.~~

11 ~~—— (7) Members of the council shall serve without compensation.~~
12 ~~However, the member of the council representing the department~~
13 ~~shall serve without additional compensation.~~

14 ~~—— (8) By April 1, 2012, the council shall submit a report to the~~
15 ~~governor, the department, and the standing committees of the~~
16 ~~legislature with jurisdiction over issues primarily pertaining to~~
17 ~~natural resources and the environment. The report shall evaluate~~
18 ~~the program under this part and make recommendations to improve the~~
19 ~~recycling of covered electronic devices. The report shall evaluate~~
20 ~~all of the following in light of the policies and objectives set~~
21 ~~forth in section 11514:~~

22 ~~—— (a) Whether a manufacturer's market share should be used to~~
23 ~~determine the amount of video display devices required to be~~
24 ~~recycled annually by the manufacturer.~~

25 ~~—— (b) Whether a manufacturer with a takeback program that~~
26 ~~recycles electronic waste at a higher rate than provided for in~~
27 ~~this part should be granted credits and, if so, the life of the~~

1 ~~credits, whether the credits would be transferable, and how the~~
2 ~~credit system should otherwise operate.~~

3 ~~—— (c) Whether the nonbinding target for manufacturers recycling~~
4 ~~covered video display devices under section 17311 should be~~
5 ~~increased or decreased and whether the target should be made~~
6 ~~mandatory.~~

7 ~~—— (d) What items should be included in a mandatory takeback~~
8 ~~program and, if new items are recommended, what the recycling rates~~
9 ~~should be for those new items.~~

10 ~~—— (e) Whether and how a manufacturer should be sanctioned for~~
11 ~~failing to meet the requirements of this part.~~

12 ~~—— (f) Whether funding for the administration of this part is~~
13 ~~appropriate or needs to be increased or decreased.~~

14 ~~—— (g) Whether a program should be developed to recognize~~
15 ~~manufacturers that implement an expanded recycling program for~~
16 ~~additional products such as printers or recycle electronic waste~~
17 ~~at a higher rate than provided for in this part.~~

18 ~~—— (h) Whether a system should be developed to collect covered~~
19 ~~electronic devices that are otherwise not collected by a~~
20 ~~manufacturer.~~

21 ~~—— (i) Whether additional recycling data, such as the amount of~~
22 ~~covered electronic devices collected by collectors, should be~~
23 ~~collected and, if so, how.~~

24 ~~—— (j) Whether a program should be developed and funding should~~
25 ~~be obtained for grants to expand recycling and recovery programs~~
26 ~~for covered electronic devices and to provide consumer education~~
27 ~~related to the programs.~~

1 ~~_____ (k) Whether a disposal ban for covered electronic devices is~~
2 ~~appropriate.~~

3 ~~_____ (9) The council is dissolved effective July 1, 2012.~~

4 (1) A RETAILER SHALL NOT SELL OR OFFER FOR SALE TO ANY PERSON
5 IN THIS STATE A NEW COVERED ELECTRONIC DEVICE FROM A MANUFACTURER,
6 AS DEFINED IN SECTION 17301, UNLESS THE MANUFACTURER IS INCLUDED ON
7 THE LIST OF REGISTERED MANUFACTURERS UNDER SECTION 17303.

8 (2) A RETAILER SHALL PROVIDE CONSUMERS INFORMATION ON WHERE
9 AND HOW TO RECYCLE ELECTRONIC DEVICES, INCLUDING COLLECTION
10 OPPORTUNITIES AND LOCATIONS. THIS REQUIREMENT MAY BE MET BY
11 PROVIDING TO CONSUMERS THE DEPARTMENT'S ELECTRONIC TAKEBACK PROGRAM
12 WEBSITE ADDRESS, A WEBSITE ADDRESS FOR A NATIONWIDE ELECTRONICS
13 RECYCLING DIRECTORY, OR INFORMATION ON THE RETAILER'S RECYCLING
14 PROGRAM IF THE RETAILER IS A COLLECTOR OR PARTICIPATES IN A
15 TAKEBACK PROGRAM. THIS REQUIREMENT MAY BE MET THROUGH 1 OR MORE OF
16 THE FOLLOWING METHODS:

17 (A) PROVIDING THE INFORMATION ON THE RETAILER'S WEBSITE.

18 (B) INCLUDING THE INFORMATION IN THE RETAILER'S CATALOG.

19 (C) DISTRIBUTING DEPARTMENT-GENERATED OR RETAILER-GENERATED
20 MATERIALS IN THE STORE.

21 (D) DISPLAYING DEPARTMENT-GENERATED OR RETAILER-GENERATED
22 MATERIALS IN THE STORE.

23 (3) THE DEPARTMENT MAY MAKE MATERIALS AVAILABLE TO RETAILERS
24 FOR DISTRIBUTION OR DISPLAY IN RETAIL STORES UNDER SUBSECTION (2).

25 Sec. 17315. (1) Covered electronic devices ~~collected under~~
26 ~~this part~~ **THAT ARE RECYCLED** shall be recycled in a manner that
27 complies with federal and state laws, including rules promulgated

1 by the department, and local ordinances.

2 (2) Any rules promulgated by the department under section
 3 17321 regulating the recycling of ~~covered electronic devices~~ **CEDS**
 4 collected under this part shall be consistent with ~~both of the~~
 5 ~~following~~ **1 OR MORE CERTIFICATION STANDARDS DESCRIBED IN SECTION**
 6 **17319(1)**.

7 ~~— (a) The United States environmental protection agency's "Plug-~~
 8 ~~in to eCycling Guidelines for Materials Management", as in effect~~
 9 ~~on the effective date of the amendatory act that added this~~
 10 ~~section.~~

11 ~~— (b) The institute of scrap recycling industries, inc.~~
 12 ~~publication "Electronics Recycling Operating Practices", dated~~
 13 ~~April 25, 2006.~~

14 Sec. 17317. (1) ~~By 30 days after the end of each state fiscal~~
 15 ~~year, a person who engages in the business of recycling covered~~
 16 ~~electronic devices shall register~~ **A PERSON THAT OPERATES DURING A**
 17 **FISCAL YEAR AS A RECYCLER OF COVERED ELECTRONIC DEVICES THAT WERE**
 18 **COLLECTED IN THIS STATE SHALL, WITHIN THE FIRST 30 DAYS OF THE**
 19 **FISCAL YEAR, REGISTER** with the department on a form provided by the
 20 department. The registration expires 30 days after the end of the
 21 ~~following state fiscal year. A recycler~~ **PERSON** who has not already
 22 filed a registration under this part shall submit a registration
 23 within 10 business days after the ~~recycler begins to recycle~~
 24 ~~covered electronic devices.~~ **PERSON BECOMES A RECYCLER OF CEDS**
 25 **OBTAINED BY THAT PERSON IN THIS STATE.**

26 (2) A registration under subsection (1) shall include all of
 27 the following:

1 (a) The name, address, telephone number, and location of all
2 recycling facilities **THAT ARE** under the **PERSON'S** direct control, ~~of~~
3 ~~the recycler~~ **ARE** located in this state, ~~that~~ **AND** may receive
4 ~~covered electronic devices.~~ **CEDS.**

5 (b) A certification by the recycler that the recycler
6 substantially meets the requirements of section 17315.

7 ~~(3) Beginning October 30, 2010, a recycler of covered~~
8 ~~electronic devices shall report the total weight of covered~~
9 ~~electronic devices recycled during the previous state fiscal year.~~
10 ~~The recycler shall keep a written log that records the weight of~~
11 ~~covered video display devices and the total weight of covered~~
12 ~~computers delivered to the recycler and identified as such on~~
13 ~~receipt. The total weight reported in the registration shall be~~
14 ~~based on this log.~~

15 (3) ~~(4)~~ A recycler's registration is effective upon receipt by
16 the department if the registration is administratively complete **AND**
17 **ACCOMPANIED BY ANY FEE REQUIRED UNDER THIS SECTION.**

18 (4) ~~(5)~~ If a recycler's registration does not meet the
19 requirements of this section and any rules promulgated under this
20 part, the department shall notify the recycler of the deficiency.
21 If the recycler fails to correct the deficiency within 60 days
22 after notice is sent by the department, the department may deny or
23 revoke the recycler's registration, after providing an opportunity
24 for a contested case hearing under the administrative procedures
25 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 (5) ~~(6)~~ Until October 1, 2019, a recycler's registration under
27 subsection (1) shall be accompanied by an annual fee of **\$1,000.00.**

1 HOWEVER, IF THE RECYCLER DOES NOT MEET THE REQUIREMENTS OF SECTION
2 17319(1), THE ANNUAL FEE IS \$2,000.00.

3 (6) A REGISTRATION UNDER SUBSECTION (1) RECEIVED BY THE
4 DEPARTMENT 90 OR MORE DAYS LATE SHALL, IN ADDITION TO THE
5 REGISTRATION FEE, BE ACCOMPANIED BY A LATE FEE EQUAL TO 50% OF THE
6 REGISTRATION FEE.

7 (7) Revenue from ~~recyclers'~~ registration **AND LATE** fees
8 collected under this section shall be deposited in the ~~electronic~~
9 ~~waste recycling fund created in section 17327.~~**FUND.**

10 ~~—— (8) Submitting a false registration under subsection (1) is a~~
11 ~~violation of this part.~~

12 ~~—— (9) Not later than October 1, 2011 and every 2 years after~~
13 ~~that date, the department shall submit a report to the secretary of~~
14 ~~the senate and to the clerk of the house of representatives that~~
15 ~~assesses the adequacy of the fees under this section and any~~
16 ~~departmental recommendation to modify those fees.~~

17 Sec. 17319. A ~~recycler shall comply with all of the following.~~

18 ~~—— (a) Employ industry accepted procedures substantially~~
19 ~~equivalent to those specified by the United States department of~~
20 ~~defense for the destruction or sanitization of data on hard drives~~
21 ~~and other data storage devices.~~

22 (1) ~~(b) Maintain~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), A**
23 **RECYCLER SHALL MAINTAIN** a documented environmental, health, and
24 safety management system that ~~may be audited and is compliant with~~
25 ~~or equivalent to ISO 14001.~~ **IS CERTIFIED UNDER THE E-STEWARDS**
26 **STANDARD FOR RESPONSIBLE RECYCLING AND REUSE OF ELECTRONIC**
27 **EQUIPMENT, ADOPTED BY THE BASEL ACTION NETWORK, OR THE RESPONSIBLE**

1 RECYCLING ("R2") STANDARD FOR ELECTRONICS RECYCLERS, ADOPTED BY
2 SERI, IN EFFECT ON THE ENACTMENT DATE OF THE 2016 ACT THAT AMENDED
3 THIS SECTION. THE DEPARTMENT MAY ADOPT BY RULE STANDARDS OF AN
4 ACCREDITED THIRD-PARTY CERTIFICATION BODY THAT ARE AN ALTERNATIVE
5 TO OR AN UPDATED VERSION OF STANDARDS SPECIFIED IN THIS SUBSECTION
6 IF THE UPDATED OR ALTERNATIVE STANDARDS ARE REASONABLE AND
7 CONSISTENT WITH THE PURPOSES OF THIS PART. THE DEPARTMENT MAY AUDIT
8 THE ENVIRONMENTAL, HEALTH, AND SAFETY MANAGEMENT SYSTEM.

9 (2) A RECYCLER IS EXEMPT FROM THE REQUIREMENTS OF SUBSECTION
10 (1) IF, IN ADDITION TO MEETING THE REQUIREMENTS OF SUBSECTION (3)
11 AND SECTION 17319A, THE RECYCLER DOES 1 OF THE FOLLOWING:

12 (A) OBTAINS FROM A THIRD-PARTY CERTIFICATION BODY UNDER
13 SUBSECTION (1) AN ACKNOWLEDGMENT OF RECEIPT OF A COMPLETE
14 APPLICATION FOR CERTIFICATION BY THE FOLLOWING TIME AND CONTINUES
15 TO MAKE SIGNIFICANT PROGRESS TOWARD CERTIFICATION UNDER SUBSECTION
16 (1):

17 (i) IF THE RECYCLER WAS ESTABLISHED BEFORE THE ENACTMENT DATE
18 OF THE 2016 ACT THAT AMENDED THIS SECTION, 1 YEAR AFTER THAT DATE.

19 (ii) IF THE RECYCLER WAS NOT ESTABLISHED BEFORE THE ENACTMENT
20 DATE OF THE 2016 ACT THAT AMENDED THIS SECTION, 2 YEARS AFTER THE
21 RECYCLER IS ESTABLISHED.

22 (B) COMPLIES WITH APPLICABLE INDUSTRY STANDARDS FOUND IN ISO
23 14001:2004 BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION
24 AND OHSAS 18001:2007 BY THE OCCUPATIONAL HEALTH, SAFETY & ADVISORY
25 SERVICES. THE DEPARTMENT MAY ADOPT BY RULE STANDARDS THAT ARE AN
26 ALTERNATIVE TO OR AN UPDATED VERSION OF THE STANDARDS SPECIFIED IN
27 THIS SUBDIVISION IF THE UPDATED OR ALTERNATIVE STANDARDS ARE

1 REASONABLE AND CONSISTENT WITH THE PURPOSES OF THIS PART.

2 (3) TO BE EXEMPT UNDER SUBSECTION (2) FROM THE REQUIREMENTS OF
3 SUBSECTION (1), A RECYCLER SHALL DO ALL OF THE FOLLOWING:

4 (A) MAINTAIN A WRITTEN CONTINGENCY PLAN FOR ENVIRONMENTAL
5 RELEASES.

6 (B) ANNUALLY CERTIFY TO THE DEPARTMENT ON A FORM PROVIDED BY
7 THE DEPARTMENT THAT THE FACILITY SUBSTANTIALLY COMPLIES WITH ALL
8 STATE, FEDERAL, AND LOCAL REQUIREMENTS CONCERNING STORAGE,
9 TRANSPORTATION, PROCESSING, AND EXPORTING OF COVERED ELECTRONIC
10 DEVICES AND MATERIALS DERIVED FROM CEDS.

11 (4) A RECYCLER SHALL MAINTAIN FOR 5 YEARS, AND MAKE AVAILABLE
12 TO THE DEPARTMENT UPON REQUEST, RECORDS RELEVANT TO COMPLIANCE WITH
13 THE REQUIREMENTS OF THIS PART AND RULES PROMULGATED UNDER THIS
14 PART, INCLUDING RECORDS OF ALL OF THE FOLLOWING:

15 (A) ~~(c) Maintain records identifying~~ THE IDENTITY OF all
16 persons to whom the recycler provided ~~electronic devices CEDS~~ or
17 materials derived from ~~electronic devices CEDS~~ for the purpose of
18 conducting additional recycling. ~~and the~~

19 (B) THE weight and volume of CEDS OR material DERIVED FROM
20 CEDS provided to each of ~~these~~ THE persons IDENTIFIED UNDER
21 SUBDIVISION (A). INFORMATION REQUIRED TO BE RECORDED UNDER THIS
22 SUBDIVISION AND SUBDIVISIONS (C) TO (E) IS EXEMPT FROM DISCLOSURE
23 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
24 15.246, AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS
25 REQUIRED BY COURT ORDER.

26 (C) THE TOTAL WEIGHT OF CEDS RECYCLED.

27 (D) THE TOTAL WEIGHT OF CEDS THAT WERE RECEIVED UNDER CONTRACT

1 DIRECTLY WITH A MANUFACTURER OR THROUGH PARTICIPATION IN A
2 MANUFACTURER'S TAKEBACK PROGRAM.

3 (E) THE TOTAL WEIGHT OF CEDS RECEIVED FROM CONSUMERS OUTSIDE
4 OF METROPOLITAN STATISTICAL AREAS.

5 (F) THE IDENTITY OF ANY MANUFACTURER WITH WHOM THE RECYCLER
6 CONTRACTS FOR THE RECYCLING OF CEDS RECEIVED FROM CONSUMERS.

7 (G) THE IDENTITY OF ANY COLLECTOR WITH WHOM THE RECYCLER
8 CONTRACTS FOR THE COLLECTION OF CEDS TO FULFILL CONTRACTUAL
9 OBLIGATIONS DESCRIBED IN SUBDIVISION (F).

10 (5) A RECYCLER THAT IS REQUIRED TO REGISTER UNDER SECTION
11 17317 FOR ANY FISCAL YEAR SHALL, BEFORE DECEMBER 1 OF THE FOLLOWING
12 FISCAL YEAR, SUBMIT TO THE DEPARTMENT ON A FORM PROVIDED BY THE
13 DEPARTMENT A REPORT ON ALL OF THE FOLLOWING:

14 (A) THE TOTAL WEIGHT OF CEDS RECYCLED DURING THE FISCAL YEAR
15 FOR WHICH REGISTRATION WAS REQUIRED. INFORMATION REQUIRED TO BE
16 REPORTED UNDER THIS SUBDIVISION IS EXEMPT FROM DISCLOSURE UNDER THE
17 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND
18 SHALL NOT BE DISCLOSED BY THE DEPARTMENT UNLESS REQUIRED BY COURT
19 ORDER.

20 (B) THE INFORMATION REQUIRED UNDER SUBSECTION (4) (F) AND (G).

21 (6) ~~(d) Not use state or federal~~ A RECYCLER SHALL NOT USE
22 prison labor to process ~~covered~~ electronic devices or transact with
23 a third party that uses or subcontracts for the use of prison
24 labor.

25 (7) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF
26 RECYCLERS REGISTERED UNDER SECTION 17317. THE LIST SHALL IDENTIFY
27 WHETHER A RECYCLER IS CERTIFIED UNDER STANDARDS DESCRIBED IN OR

1 ADOPTED BY RULE UNDER SUBSECTION (1). THE DEPARTMENT SHALL UPDATE
2 THE LIST AT LEAST ANNUALLY.

3 SEC. 17319A. (1) TO BE EXEMPT UNDER SECTION 17319(2) FROM THE
4 REQUIREMENTS OF SECTION 17319(1), A RECYCLER SHALL DO ALL OF THE
5 FOLLOWING:

6 (A) DEVELOP A WRITTEN COST ESTIMATE, IN CURRENT DOLLARS, FOR
7 THE DEPARTMENT TO CONTRACT WITH A THIRD-PARTY FOR CLOSURE OF THE
8 RECYCLING SITE. THE ESTIMATE SHALL INCLUDE THE COSTS TO REMOVE AND
9 DISPOSE OFFSITE ALL COVERED ELECTRONIC DEVICES AND ASSOCIATED
10 WASTES ACCUMULATED AT THE RECYCLING SITE, TO DECONTAMINATE OR
11 REMOVE ALL CONTAMINATED EQUIPMENT, STRUCTURES, AND SOILS, AND TO
12 CONDUCT SAMPLING AND ANALYSIS TO VERIFY THAT CLOSURE IS COMPLETE.
13 THE COST ESTIMATE SHALL NOT INCORPORATE ANY SALVAGE VALUE OF
14 EQUIPMENT.

15 (B) PROVIDE TO THE DEPARTMENT A BOND TO COVER THE COST OF
16 CLOSURE OF THE RECYCLING SITE. THE AMOUNT OF THE BOND SHALL NOT BE
17 LESS THAN THE AMOUNT OF THE COST ESTIMATE UNDER SUBDIVISION (A).

18 (2) A RECYCLER WHO ELECTS TO POST CASH AS A BOND SHALL ACCRUE
19 INTEREST ON THAT BOND QUARTERLY AT THE ANNUAL RATE OF 6%, EXCEPT
20 THAT THE INTEREST RATE ACCRUED SHALL NOT EXCEED THE INTEREST RATE
21 ON THE STATE COMMON CASH FUND FOR THE QUARTER IN WHICH AN ACCRUAL
22 IS DETERMINED. INTEREST SHALL BE PAID TO THE RECYCLER UPON RELEASE
23 OF THE BOND BY THE DEPARTMENT. ANY INTEREST EARNINGS GREATER THAN
24 6% SHALL BE DEPOSITED IN THE FUND.

25 (3) THE RECYCLER SHALL ANNUALLY ADJUST THE COST ESTIMATE UNDER
26 SUBSECTION (1) AND THE CORRESPONDING AMOUNT OF THE BOND FOR
27 INFLATION. THE ADJUSTMENT SHALL BE MADE BY 1 OF THE FOLLOWING

1 METHODS, AT THE RECYCLER'S OPTION:

2 (A) RECALCULATING THE COST ESTIMATE IN CURRENT DOLLARS.

3 (B) MULTIPLYING THE COST ESTIMATE BY AN INFLATION FACTOR THAT
4 IS DERIVED FROM THE MOST RECENT IMPLICIT PRICE DEFLATOR FOR GROSS
5 DOMESTIC PRODUCT PUBLISHED BY THE UNITED STATES DEPARTMENT OF
6 COMMERCE, BUREAU OF ECONOMIC ANALYSIS, OR A SUCCESSOR AGENCY, IN
7 ITS SURVEY OF CURRENT BUSINESS.

8 (4) THE DEPARTMENT SHALL RELEASE THE BOND REQUIRED BY THIS
9 SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

10 (A) THE RECYCLER REPLACES THE BOND WITH AN ACCEPTABLE
11 REPLACEMENT BOND.

12 (B) THE RECYCLER'S ENVIRONMENTAL, HEALTH, AND SAFETY
13 MANAGEMENT SYSTEM IS CERTIFIED AS REQUIRED UNDER SECTION 17319(1)
14 AND THE CERTIFICATION IS NOT DEPENDENT ON THE BOND.

15 (C) THE RECYCLER IS NO LONGER REQUIRED TO REGISTER UNDER
16 SECTION 17317 AND THE RECYCLING SITE HAS UNDERGONE CLOSURE.

17 (5) THE DEPARTMENT MAY UTILIZE A BOND TO CONDUCT CLOSURE OF A
18 RECYCLING SITE IF THE RECYCLER FAILS TO REMOVE AND DISPOSE OFFSITE
19 ALL CEDS AND ASSOCIATED WASTES ACCUMULATED AT THE RECYCLING SITE,
20 TO DECONTAMINATE OR REMOVE ALL CONTAMINATED EQUIPMENT, STRUCTURES,
21 AND SOILS, AND TO CONDUCT SAMPLING AND ANALYSIS TO VERIFY THAT
22 CLOSURE IS COMPLETE, AFTER RECYCLING OPERATIONS CEASE AND THE SITE
23 IS NO LONGER REGISTERED UNDER SECTION 17317.

24 (6) UNDER THE TERMS OF A SURETY BOND OR LETTER OF CREDIT, THE
25 ISSUING INSTITUTION SHALL NOTIFY BOTH THE DEPARTMENT AND THE
26 RECYCLER AT LEAST 120 DAYS BEFORE THE EXPIRATION DATE OR ANY
27 CANCELLATION OF THE BOND. IF THE RECYCLER DOES NOT EXTEND THE

1 EFFECTIVE DATE OF THE BOND, OR ESTABLISH AN ACCEPTABLE REPLACEMENT
2 BOND WITHIN 90 DAYS AFTER RECEIPT OF AN EXPIRATION OR CANCELLATION
3 NOTICE FROM THE ISSUING INSTITUTION, THE DEPARTMENT MAY DRAW ON THE
4 BOND.

5 SEC. 17320. (1) A PERSON SHALL NOT OPERATE AS A COLLECTOR OF
6 COVERED ELECTRONIC DEVICES DURING A FISCAL YEAR UNLESS, WITHIN THE
7 FIRST 30 DAYS OF THE FISCAL YEAR, OR, FOR THE 2016-2017 FISCAL
8 YEAR, WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
9 PERSON REGISTERS WITH THE DEPARTMENT ON A FORM PROVIDED BY THE
10 DEPARTMENT. A PERSON WHO HAS NOT ALREADY FILED A REGISTRATION UNDER
11 THIS PART SHALL SUBMIT A REGISTRATION WITHIN 10 BUSINESS DAYS AFTER
12 THE PERSON BECOMES A COLLECTOR OF CEDS UNLESS A LATER REGISTRATION
13 DEADLINE IS APPLICABLE UNDER THIS SUBSECTION. A REGISTRATION
14 EXPIRES 30 DAYS AFTER THE END OF THE FISCAL YEAR.

15 (2) A COLLECTOR'S REGISTRATION SHALL INCLUDE THE NAME,
16 ADDRESS, TELEPHONE NUMBER, AND LOCATION OF ALL COLLECTION
17 FACILITIES THAT ARE UNDER THE PERSON'S DIRECT CONTROL, ARE LOCATED
18 IN THIS STATE, AND MAY RECEIVE CEDS.

19 (3) A COLLECTOR'S REGISTRATION IS EFFECTIVE UPON RECEIPT BY
20 THE DEPARTMENT IF THE REGISTRATION IS ADMINISTRATIVELY COMPLETE.

21 (4) IF A COLLECTOR'S REGISTRATION UNDER SUBSECTION (1) DOES
22 NOT MEET THE REQUIREMENTS OF THIS SECTION, THE DEPARTMENT SHALL
23 NOTIFY THE COLLECTOR OF THE DEFICIENCY. IF THE COLLECTOR FAILS TO
24 CORRECT THE DEFICIENCY WITHIN 60 DAYS AFTER NOTICE IS SENT BY THE
25 DEPARTMENT, THE DEPARTMENT MAY DENY OR REVOKE THE COLLECTOR'S
26 REGISTRATION, AFTER PROVIDING AN OPPORTUNITY FOR A CONTESTED CASE
27 HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA

1 306, MCL 24.201 TO 24.328.

2 SEC. 17320A. A COLLECTOR SHALL DO ALL OF THE FOLLOWING:

3 (A) COMPLY WITH THE ELECTRONICS RECYCLING COORDINATION
4 CLEARINGHOUSE DOCUMENT "ERCC COLLECTION SITE BEST PRACTICES" AS IN
5 EFFECT ON THE ENACTMENT DATE OF THE AMENDATORY ACT THAT ADDED THIS
6 SECTION.

7 (B) MAINTAIN FOR 5 YEARS AND MAKE AVAILABLE TO THE DEPARTMENT
8 UPON REQUEST RECORDS RELEVANT TO COMPLIANCE WITH THE REQUIREMENTS
9 OF THIS PART AND RULES PROMULGATED UNDER THIS PART, INCLUDING
10 RECORDS OF THE NAMES AND ADDRESSES OF THE VENDORS TO WHICH
11 SHIPMENTS OF COVERED ELECTRONIC DEVICES WERE MADE BUT NOT INCLUDING
12 ANY RECORDS OF THE DATES OF SHIPMENTS OF COVERED ELECTRONIC
13 DEVICES. INFORMATION DESCRIBED UNDER THIS SUBDIVISION IS EXEMPT
14 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
15 MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED BY THE DEPARTMENT
16 UNLESS REQUIRED BY COURT ORDER.

17 (C) IF REQUIRED TO REGISTER UNDER SECTION 17320 FOR ANY FISCAL
18 YEAR, BEFORE DECEMBER 1 OF THE FOLLOWING FISCAL YEAR, SUBMIT TO THE
19 DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT A REPORT ON THE
20 TOTAL NUMBER OF SHIPMENTS OF CEDS BY THE COLLECTOR TO VENDORS MADE
21 DURING THE FISCAL YEAR FOR WHICH REGISTRATION WAS REQUIRED.

22 (D) IF THE COLLECTOR PARTICIPATES IN A MANUFACTURER'S TAKEBACK
23 PROGRAM, DO ALL OF THE FOLLOWING:

24 (i) COMPLY WITH THE TERMS OF THE MANUFACTURER STEWARDSHIP
25 PLAN.

26 (ii) MAKE AVAILABLE TO THE TAKEBACK PROGRAM ALL COLLECTED CEDS
27 UNLESS THE MANUFACTURER AGREES OTHERWISE.

1 (iii) KEEP COLLECTION SITES STAFFED AND OPEN TO THE PUBLIC AT
2 A FREQUENCY ADEQUATE TO MEET THE NEEDS OF THE AREA BEING SERVED,
3 AND ON AN ONGOING BASIS.

4 SEC. 17326. (1) THE DEPARTMENT MAY ESTABLISH A PROGRAM TO
5 PROVIDE SHORT-TERM GRANTS TO LOCAL UNITS OF GOVERNMENT OR NONPROFIT
6 ENTITIES FOR THE PURPOSE OF COLLECTING COVERED ELECTRONIC DEVICES.

7 (2) ANNUALLY, THE DEPARTMENT SHALL PUBLICLY RECOGNIZE
8 MANUFACTURERS THAT MEET THE NONBINDING GOALS OF THEIR STEWARDSHIP
9 PLANS. THE DEPARTMENT MAY COOPERATE WITH A NATIONAL ORGANIZATION OF
10 MANUFACTURERS OF CEDS FOR THE PURPOSE OF THIS SUBSECTION.

11 (3) THE DEPARTMENT AND MANUFACTURERS THAT OWN CELLULAR
12 TELEPHONE BRANDS SHALL JOINTLY DEVELOP AND, WITHIN 1 YEAR AFTER THE
13 ENACTMENT DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
14 IMPLEMENT A STATEWIDE PROGRAM TO INFORM CONSUMERS ABOUT ENTITIES
15 THAT ACCEPT CELLULAR TELEPHONES FOR SAFE AND SECURE COLLECTION.

16 Sec. 17327. (1) The electronic waste recycling fund is created
17 within the state treasury.

18 (2) The state treasurer may receive money or other assets from
19 any source for deposit into the fund. The state treasurer shall
20 direct the investment of the fund. The state treasurer shall credit
21 to the fund interest and earnings from fund investments.

22 (3) Money in the fund at the close of the fiscal year shall
23 remain in the fund and shall not lapse to the general fund.

24 (4) The department of environmental quality shall be the
25 administrator of the fund for auditing purposes.

26 (5) Money from the fund shall be expended, upon appropriation,
27 **ONLY for 1 OR MORE OF the FOLLOWING:**

1 (A) THE administrative expenses of the department in
2 implementing this part.

3 (B) GRANTS UNDER SECTION 17326. HOWEVER, MONEY IN THE FUND
4 FROM MANUFACTURER REGISTRATION FEES SUBMITTED UNDER SECTION 17303
5 AFTER SEPTEMBER 30, 2017, SHALL NOT BE EXPENDED FOR THESE GRANTS.

6 Sec. 17329. (1) A person who violates this part may be ordered
7 to pay a civil fine of not more than ~~\$500.00~~ \$1,000.00 for the
8 first violation or not more than ~~\$2,500.00~~ \$5,000.00 for a second
9 or subsequent violation.

10 (2) A person who knowingly violates this part or who knowingly
11 submits false information to the department under this part is
12 guilty of a misdemeanor punishable by a fine of not more than
13 ~~\$5,000.00~~ \$10,000.00. Each day on which a violation described in
14 this subsection occurs represents a separate violation.

15 (3) After a contested case hearing, the department may suspend
16 or revoke the registration of a recycler that violates this part a
17 third or subsequent time. The department shall provide notice of
18 the suspension or revocation on its website.

19 (4) A civil fine collected under this section shall be
20 deposited in the ~~electronic waste recycling fund created in section~~
21 ~~17327.FUND.~~

22 Sec. 17333. (1) NOT LATER THAN DECEMBER 1, 2017 AND EVERY 2
23 YEARS AFTER THAT DATE, THE DEPARTMENT SHALL SUBMIT TO THE STANDING
24 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH PRIMARY
25 RESPONSIBILITY FOR ISSUES PERTAINING TO NATURAL RESOURCES AND THE
26 ENVIRONMENT A REPORT THAT INCLUDES ALL OF THE FOLLOWING INFORMATION
27 FOR EACH OF THE PRECEDING 2 FISCAL YEARS:

1 (A) AN ASSESSMENT OF THE ADEQUACY OF THE FEES UNDER SECTIONS
2 17303 AND 17317 AND ANY DEPARTMENTAL RECOMMENDATION TO MODIFY THOSE
3 FEES.

4 (B) EXPENDITURES FROM THE FUND.

5 (C) THE TOTAL WEIGHT OF COVERED ELECTRONIC DEVICES RECYCLED
6 AND A SUMMARY OF INFORMATION IN THE REGISTRATION FORMS SUBMITTED BY
7 MANUFACTURERS UNDER SECTION 17303 AND RECYCLERS UNDER SECTION
8 17317.

9 (D) A DISCUSSION OF THE VARIOUS TAKEBACK PROGRAMS USED BY
10 MANUFACTURERS.

11 (E) AVAILABLE INFORMATION ABOUT THE COLLECTION AND RECYCLING
12 OF CEDS BY PERSONS OTHER THAN REGISTERED MANUFACTURERS, COLLECTORS,
13 AND RECYCLERS.

14 (F) THE EFFECTIVENESS OF THIS PART IN ENCOURAGING THE
15 RECYCLING OF CEDS AND ENSURING THE SAFE COLLECTION AND RECYCLING OF
16 CEDS.

17 (G) RECOMMENDATIONS FOR ANY CHANGES TO THIS PART, INCLUDING
18 THE PURPOSES FOR WHICH MONEY IN THE FUND MAY BE EXPENDED.

19 (2) ~~IF~~ WITHIN 90 DAYS AFTER ENACTMENT OR ADOPTION OF A federal
20 law THAT establishes a national program for the collection and
21 recycling of computer equipment, the department shall ~~, within 90~~
22 ~~days,~~ submit a report to the standing committees of the senate and
23 house of representatives with primary responsibility for recycling
24 and solid waste issues. The report shall describe the federal
25 program, discuss whether provisions of this part have been
26 preempted, and recommend whether this part should be amended or
27 repealed.

1 SEC. 17335. (1) THE ELECTRONIC WASTE ADVISORY COUNCIL IS
2 CREATED WITHIN THE DEPARTMENT.

3 (2) WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,
4 THE DIRECTOR OF THE DEPARTMENT SHALL APPOINT THE MEMBERS OF THE
5 COUNCIL. THE COUNCIL SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, A
6 REPRESENTATIVE OF EACH OF THE FOLLOWING:

7 (A) MANUFACTURERS.

8 (B) RETAILERS.

9 (C) RECYCLERS.

10 (D) COLLECTORS.

11 (E) LOCAL UNITS OF GOVERNMENT.

12 (F) LANDFILL OWNERS OR OPERATORS.

13 (G) A STATEWIDE ENVIRONMENTAL PROTECTION ORGANIZATION.

14 (H) A FACILITIES-BASED WIRELESS TELECOMMUNICATIONS SERVICE
15 PROVIDER.

16 (3) MEMBERS OF THE ADVISORY COUNCIL SHALL BE APPOINTED FOR 4-
17 YEAR TERMS.

18 (4) THE COUNCIL SHALL ADVISE THE DIRECTOR ON ALL OF THE
19 FOLLOWING:

20 (A) THE IMPLEMENTATION OF THIS PART.

21 (B) WHETHER THIS ACT SHOULD BE AMENDED, INCLUDING, BUT NOT
22 LIMITED TO, AMENDMENTS TO DO ANY OF THE FOLLOWING:

23 (i) INCLUDE SCHOOLS IN THE DEFINITION OF CONSUMER.

24 (ii) DELETE THE EXEMPTION OF CERTAIN WIRELESS SERVICE
25 PROVIDERS FROM THE DEFINITION OF COLLECTOR OR MODIFY THE EXEMPTION,
26 WHETHER BY REVISING THE LISTED CEDS OR OTHERWISE.

27 (iii) EXPAND THE DEFINITION OF COVERED ELECTRONIC DEVICE BY

1 INCLUDING SMARTPHONES OR OTHER DEVICES.

2 (iv) AUTHORIZE MONEY FROM MANUFACTURER'S REGISTRATION FEES
3 SUBMITTED UNDER SECTION 17303 AFTER SEPTEMBER 30, 2017 TO BE
4 EXPENDED FOR THE GRANT PROGRAM UNDER SECTION 17326.

5 (v) EXPAND THE GRANT PROGRAM UNDER SECTION 17326 TO ADDRESS
6 ILLEGAL DISPOSAL OF CEDS, COLLECTION OF TELEVISIONS AND COMPUTER
7 MONITORS WITH CATHODE RAY TUBES, OR ELECTRONICS RECYCLING EDUCATION
8 FOR CONSUMERS.

9 (vi) BAN SOME OR ALL CEDS FROM LANDFILL DISPOSAL AND, IF SO,
10 WHEN AND UNDER WHAT CONDITIONS.

11 (vii) REPLACE THE NONBINDING GOAL UNDER SECTION 17311(1)(D)
12 FOR THE WEIGHT OF COVERED ELECTRONIC DEVICES TO BE RECYCLED WITH A
13 BINDING REQUIREMENT.

14 (C) THE DEVELOPMENT OF ANY ELECTRONIC DEVICE RECYCLING
15 PROGRAMS THAT COULD REPLACE THE TAKEBACK PROGRAM REQUIREMENTS OF
16 THIS PART.

17 (D) THE ILLEGAL DISPOSAL OF CEDS IN THIS STATE.

18 (E) THE EFFECTS OF AMENDING SECTION 17311 TO REMOVE THE FORMER
19 REQUIREMENT THAT A CONSUMER NOT BE REQUIRED TO PAY A SEPARATE FEE
20 FOR PARTICIPATION IN A TAKEBACK PROGRAM.

21 (F) POTENTIAL FUNDING MECHANISMS TO ASSIST WITH THE RECYCLING
22 OF ELECTRONIC DEVICES.

23 (G) HOW THE DEPARTMENT CAN ENGAGE IN NATIONAL COLLABORATION
24 EFFORTS FOR RECYCLING ELECTRONIC DEVICES.

25 (5) BY 2 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
26 COUNCIL SHALL SUBMIT TO THE DIRECTOR A REPORT ON THE TOPICS LISTED
27 IN SUBSECTION (4).

1 (6) THE COUNCIL IS DISSOLVED 4 YEARS AFTER THE EFFECTIVE DATE
2 OF THIS SECTION.

3 Enacting section 1. This amendatory act takes effect January
4 1, 2017.