

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1761\*

Short Title: Amend Electronics Recycling Requirements. (Public)

Sponsors: Representatives Gibson, Harrison (Primary Sponsors); M. Alexander, Gill, Parfitt, and Samuelson.

Referred to: Environment and Natural Resources, if favorable, Finance.

May 18, 2010

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 2E of Article 9 of Chapter 130A of the General Statutes is repealed.

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

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

**"§ 130A-309.130. Findings.**

The General Assembly makes the following findings:

- (1) The computer equipment and television waste stream is growing rapidly in volume and complexity and can introduce toxic materials into solid waste landfills.
- (2) It is in the best interests of the citizens of this State to have convenient, simple, and free access to recycling services for discarded computer equipment and televisions.
- (3) Collection programs operated by manufacturers and local government and nonprofit agencies are an efficient way to divert discarded computer equipment and televisions from disposal and to provide recycling services to all citizens of this State.
- (4) The development of local and nonprofit collection programs is hindered by the high costs of recycling and transporting discarded computer equipment and televisions.
- (5) No comprehensive system currently exists, either provided by electronics manufacturers, retailers, or others, to adequately serve all citizens of the State and to divert large quantities of discarded computer equipment and televisions from disposal.
- (6) Manufacturer responsibility is an effective way to ensure that manufacturers of computer equipment and televisions take part in a solution to the electronic waste problem.



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

18 **"§ 130A-309.131. Definitions.**

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

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

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

- 1            b. Is not designed to exclusively perform a specific type of limited or  
2            specialized application.
- 3            c. Achieves human interface through a keyboard, video display greater  
4            than four inches in size, and mouse or other pointing device, all of  
5            which are contained within the construction of the unit that  
6            comprises the computer.
- 7            d. Is able to be carried as one unit by an individual.
- 8            e. Is able to use external, internal, or batteries for a power source.

9            Notebook computer includes those that have a supplemental stand-alone  
10           interface device attached to the notebook computer. Notebook computer  
11           does not include a portable handheld calculator, a PDA, or similar  
12           specialized device. A notebook computer may also be referred to as a laptop  
13           computer.

14           (12) Recover. – The process of reusing or recycling covered devices.

15           (13) Recycle. – The processing, including disassembling, dismantling, and  
16           shredding, of covered devices or their components to recover a usable  
17           product. Recycle does not include any process that results in the incineration  
18           of a covered device.

19           (14) Recycler. – A person that recycles covered devices.

20           (15) Retailer. – A person that sells computer equipment or televisions in the State  
21           to a consumer. Retailer includes a computer equipment manufacturer or a  
22           television manufacturer that sells directly to a consumer through any means,  
23           including transactions conducted through sales outlets, catalogs, the Internet,  
24           or any similar electronic means, but does not include a person that sells  
25           computer equipment or televisions to a distributor or retailer through a  
26           wholesale transaction.

27           (16) Television. – Any electronic device that contains a tuner that locks on to a  
28           selected carrier frequency and is capable of receiving and displaying of  
29           television or video programming via broadcast, cable, or satellite, including,  
30           without limitation, any direct view or projection television with a viewable  
31           screen of nine inches or larger whose display technology is based on cathode  
32           ray tube (CRT), plasma, liquid crystal display (LCD), digital light  
33           processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective  
34           display (SXRD), light emitting diode (LED), or similar technology marketed  
35           and intended for use by a consumer primarily for personal purposes. The  
36           term does not include computer equipment.

37           (17) Television manufacturer. – A person that: (i) manufactures for sale in this  
38           State a television under a brand that it licenses or owns; (ii) manufactures for  
39           sale in this State a television without affixing a brand; (iii) resells into this  
40           State a television under a brand it owns or licenses produced by other  
41           suppliers, including retail establishments that sell a television under a brand  
42           that the retailer owns or licenses; (iv) imports into the United States or  
43           exports from the United States a television for sale in this State; (v) sells at  
44           retail a television acquired from an importer that is the manufacturer as  
45           described in sub-subdivision (iv) of this subdivision, and the retailer elects to  
46           register in lieu of the importer as the manufacturer of those products; (vi)  
47           manufactures a television for or supplies a television to any person within a  
48           distribution network that includes wholesalers or retailers in this State and  
49           that benefits from the sale in this State of the television through the  
50           distribution network; or (vii) assumes the responsibilities and obligations of  
51           a television manufacturer under this Part. In the event the television

1 manufacturer is one that manufactures, sells, or resells under a brand it  
2 licenses, the licensor or brand owner of the brand shall not be considered to  
3 be a television manufacturer under (i) or (iii) of this subdivision.

4 **"§ 130A-309.132. Responsibility for recycling discarded computer equipment and**  
5 **televisions.**

6 In addition to the specific requirements of this Part, discarded computer equipment and  
7 television collectors and computer equipment manufacturers and television manufacturers share  
8 responsibility for the recycling of discarded computer equipment and televisions and the  
9 education of citizens of the State as to recycling opportunities for discarded computer  
10 equipment and televisions.

11 **"§ 130A-309.133. Data security.**

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

16 **"§ 130A-309.134. Requirements for computer equipment manufacturers.**

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

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

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

26 (1) Tier I Recycling Plan. – A computer equipment manufacturer shall submit a  
27 recycling plan for reuse or recycling of computer equipment discarded by  
28 consumers in the State produced by the manufacturer. The manufacturer  
29 shall submit a proposed plan to the Department within 120 days of  
30 registration as required by subsection (a) of this section. The plan shall:

31 a. Provide that the manufacturer will take responsibility for discarded  
32 computer equipment it manufactured.

33 b. Describe any direct take-back program to be implemented by the  
34 manufacturer. Collection methods that are deemed to meet the  
35 requirements of this subdivision include one or more of the  
36 following:

37 1. A process offered by the computer equipment manufacturer  
38 or the manufacturer's designee for consumers to return  
39 discarded computer equipment by mail.

40 2. A physical collection site operated and maintained by the  
41 computer equipment manufacturer or the manufacturer's  
42 designee to receive discarded computer equipment from  
43 consumers, which is available to consumers during normal  
44 business hours.

45 3. A collection event hosted by the computer equipment  
46 manufacturer or the manufacturer's designee at which a  
47 consumer may return computer equipment.

48 c. Include a detailed description as to how the manufacturer will  
49 implement the plan.

50 d. Provide for environmentally sound management practices to  
51 transport and recycle discarded computer equipment.

- 1           e.     Include a consumer recycling education program on the laws  
2           governing the recycling and reuse of discarded computer equipment  
3           under this Part and on the methods available to consumers to comply  
4           with those requirements. The manufacturer shall operate a toll-free  
5           telephone number to answer questions from consumers about  
6           computer recycling options.
- 7           (2)    Tier II Recycling Plan. – A computer equipment manufacturer shall submit a  
8           recycling plan for reuse or recycling of computer equipment discarded by  
9           consumers in the State produced by the manufacturer and by other  
10           manufacturers. The manufacturer shall submit a proposed plan to the  
11           Department within 120 days of registration as required by subsection (a) of  
12           this section. The plan may offer additional options to collect other types of  
13           electronic equipment that do not constitute discarded computer equipment,  
14           as that term is defined under G.S. 130A-309.131, and may allow for  
15           assessment of a nominal fee for collection of these other types of electronic  
16           equipment that are not discarded computer equipment. The plan shall  
17           include all of the elements set forth in subdivision (1) of subsection (c) of  
18           this section. In addition the plan shall:
- 19           a.     Provide that the manufacturer will take responsibility for computer  
20           equipment discarded by consumers that was manufactured by other  
21           manufacturers, as well as computer equipment that it manufactured.
- 22           b.     Provide that the manufacturer shall: (i) maintain physical collection  
23           sites to receive discarded computer equipment from consumers in 10  
24           of the most populated municipalities in the State. The physical  
25           collection sites shall be available to consumers during normal  
26           business hours, at a minimum; and (ii) host at least two collection  
27           events annually within the State.
- 28           (3)    Tier III Recycling Plan. – A computer equipment manufacturer shall submit  
29           a recycling plan for reuse or recycling of computer equipment discarded by  
30           consumers in the State produced by the manufacturer and by other  
31           manufacturers. The manufacturer shall submit a proposed plan to the  
32           Department within 120 days of registration as required by subsection (a) of  
33           this section. The plan may offer additional options to collect other types of  
34           electronic equipment that do not constitute discarded computer equipment,  
35           as that term is defined under G.S. 130A-309.131, and may allow for  
36           assessment of a nominal fee for collection of these other types of electronic  
37           equipment that are not discarded computer equipment. The plan shall  
38           include all of the elements set forth in subdivision (1) of subsection (c) of  
39           this section. In addition the plan shall:
- 40           a.     Provide that the manufacturer will take responsibility for computer  
41           equipment discarded by consumers that was manufactured by other  
42           manufacturers, as well as computer equipment that it manufactured.
- 43           b.     Provide that the manufacturer shall: (i) maintain physical collection  
44           sites to receive discarded computer equipment from consumers in 50  
45           of the State's counties, of which 10 of those counties shall be the  
46           most populated counties in the State. The physical collection sites  
47           shall be available to consumers during normal business hours, at a  
48           minimum; and (ii) host at least two collection events annually within  
49           the State.
- 50           (d)    Fee Required. – Within 90 days of registration as required in subsection (a) of this  
51           section, a computer equipment manufacturer shall pay an initial registration fee to the

1 Department. A computer equipment manufacturer that has registered shall pay an annual  
2 renewal registration fee to the Department, which shall be paid each year no later than July 1.  
3 The proceeds of these fees shall be credited to the Electronics Management Account  
4 established pursuant to 130A-309.137. A manufacturer of computer equipment that sells 1,000  
5 items of computer equipment or fewer per year is exempt from the requirement to pay the  
6 registration fee and the annual renewal fee imposed by this subsection. The amount of the fee a  
7 computer equipment manufacturer shall pay shall be determined on the basis of the plan the  
8 manufacturer develops, submits, and implements pursuant to subsection (c) of this section, as  
9 follows:

- 10 (1) A computer equipment manufacturer who develops, submits, and  
11 implements a Tier I recycling plan pursuant to subdivision (1) of subsection  
12 (c) of this section shall pay an initial registration fee of fifteen thousand  
13 dollars (\$15,000) and an annual renewal fee of fifteen thousand dollars  
14 (\$15,000) to the Department.
- 15 (2) A computer equipment manufacturer who develops, submits, and  
16 implements an Tier II recycling plan pursuant to subdivision (2) of  
17 subsection (c) of this section shall pay an initial registration fee of ten  
18 thousand dollars (\$10,000) and an annual renewal fee of seven thousand five  
19 hundred dollars (\$7,500) to the Department.
- 20 (3) A computer equipment manufacturer who develops, submits, and  
21 implements an Tier III recycling plan pursuant to subdivision (3) of  
22 subsection (c) of this section shall pay an initial registration fee of ten  
23 thousand dollars (\$10,000) and an annual renewal fee of two thousand five  
24 hundred dollars (\$2,500) to the Department.

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

30 (f) Payment of Costs for Plan Implementation. – Each computer equipment  
31 manufacturer is responsible for all costs associated with the development and implementation  
32 of its plan. A computer equipment manufacturer shall not collect a fee from a consumer or a  
33 local government for the management of discarded computer equipment at the time the  
34 equipment is discarded.

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

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

43 **"§ 130A-309.135. Requirements for television manufacturers.**

44 (a) Registration and Fee Required. – Each television manufacturer, before selling or  
45 offering for sale televisions in the State, shall register with the Department and, at the time of  
46 registration, shall pay an initial registration fee of two thousand five hundred dollars (\$2,500) to  
47 the Department. An initial registration shall be valid from the day of registration through the  
48 last day of the fiscal year in which the registration fee was paid. A television manufacturer that  
49 has registered shall pay an annual renewal registration fee of two thousand five hundred dollars  
50 (\$2,500) to the Department. The annual renewal registration fee shall be paid to the Department  
51 each fiscal year no later than June 30 of the previous fiscal year. The proceeds of these fees

1 shall be credited to the Electronics Management Account. A television manufacturer that sells  
2 1,000 televisions or fewer per year is exempt from the requirement to pay the registration fee  
3 and the annual renewal fee imposed by this subsection.

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

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

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

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

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

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

25 **"§ 130A-309.136. Requirements applicable to retailers.**

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

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

36 **"§ 130A-309.137. Electronics Management Account.**

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

41 (b) **Use and Distribution.** – Funds in the Account shall be used by the Department to  
42 implement the provisions of this Part concerning discarded computer equipment and  
43 televisions. The Department may retain up to ten percent (10%) of the fees collected for  
44 administration of the requirements of this Part. Funds remaining shall be distributed annually  
45 by the Department to eligible local governments designated pursuant to subsection (c) of this  
46 section on or before February 15 of each year, based on each local government's pro rata share  
47 of the funds to be distributed to all eligible designated local governments.

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



- 1           (1)   Submit a comprehensive solid waste management plan required pursuant to  
2           G.S. 130A-309.09A, amended as necessary to include the following criteria:  
3           a.       Information on existing programs within the jurisdiction to recycle or  
4           reuse discarded computer equipment, televisions, and other  
5           electronic devices, or information on a plan to begin such a program  
6           on a date certain. This information shall include a description of the  
7           implemented or planned practices for collection of the equipment;  
8           and a description of the types of equipment to be collected and how  
9           the equipment will be marketed for recycling.  
10          b.       Information on a public awareness and education program  
11          concerning the recycling and reuse of discarded computer equipment,  
12          televisions, and other electronic devices.  
13          c.       Information on methods to track and report total tonnage of computer  
14          equipment, televisions, and other electronic devices collected and  
15          recycled in the jurisdiction.  
16          d.       Information on interactions with other units of local government to  
17          provide or receive services concerning disposal of discarded  
18          computer equipment, televisions, and other electronic devices.  
19          e.       Information on how the unit of local government will account for the  
20          expenditure of funds received pursuant to this section.  
21          (2)   Establish a separate local budget account for the receipt and expenditure of  
22          funds received pursuant to this section.  
23          (3)   Contract with a recycler, as defined in G.S. 130A-309.131, to process the  
24          discarded computer equipment, televisions, and other electronic devices the  
25          unit of local government collects that is certified as adhering to Responsible  
26          Recycling ('R2') practices or that is certified as an e-Steward recycler  
27          adhering to the e-Stewards Standard for Responsible Recycling and Reuse of  
28          Electronic Equipment®.  
29          (d)   Local Government Designation. – If more than one unit of local government in a  
30          county, including the county itself, requests funding pursuant to this section, the units of local  
31          government in question may: (i) enter into interlocal agreements for provision of services  
32          concerning disposal of discarded computer equipment and televisions, and distribution of funds  
33          received pursuant to this section among the parties to the agreement; or (ii) submit separate and  
34          distinct comprehensive solid waste management plans pursuant to G.S. 130A-309.09A, with  
35          the information set forth in subdivisions (1) through (5) of subsection (c) of this section. In the  
36          case of (ii), the Department shall distribute funds to the local governments determined to be  
37          eligible based on the percentage of the county's population to be served under each eligible  
38          local government's program.  
39          (e)   Report. – Information regarding permanent recycling programs for discarded  
40          computer equipment and televisions for which funds are received pursuant to this section, and  
41          information on operative interlocal agreements executed in conjunction with funds received, if  
42          any, shall be included in the annual report required under G.S. 130A-309.09A.  
43          "**§ 130A-309.138. Responsibilities of the Department.**  
44          In addition to its other responsibilities under this Part, the Department shall:  
45          (1)   Develop and maintain a current list of manufacturers that are in compliance  
46          with the requirements of G.S. 130A-309.134 and G.S. 130A-309.135, post  
47          the list to the Department's Web site, and provide the current list to the  
48          Office of Information Technology Services each time that the list is updated.  
49          (2)   Develop and implement a public education program on the laws governing  
50          the recycling and reuse of discarded computer equipment and televisions  
51          under this Part and on the methods available to consumers to comply with

1 those requirements. The Department shall make this information available  
2 on the Internet and shall provide technical assistance to manufacturers to  
3 meet the requirements of G.S. 130A-309.134(c)(1)(e.). The Department shall  
4 also provide technical assistance to units of local government on the  
5 establishment and operation of discarded computer equipment and television  
6 collection centers and in the development and implementation of local public  
7 education programs.

8 (3) Maintain the confidentiality of any information that is required to be  
9 submitted by a manufacturer under this Part that is designated as a trade  
10 secret, as defined in G.S. 66-152(3) and that is designated as confidential or  
11 as a trade secret under G.S. 132-1.2.

12 (4) The Department shall use national televisions sales data available from  
13 commercially available analytical sources to calculate the generation of  
14 discarded televisions and to determine each television manufacturer's  
15 recovery responsibilities for televisions based on the manufacturer's market  
16 share. The Department shall extrapolate data for the State from national data  
17 on the basis of the State's share of the national population.

18 **§ 130A-309.139. Enforcement.**

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

20 **§ 130A-309.140. Annual report.**

21 No later than January 15 of each year, the Department shall submit a report on the recycling  
22 of discarded computer equipment and televisions in the State under this Part to the  
23 Environmental Review Commission. The report must include an evaluation of the recycling  
24 rates in the State for discarded computer equipment and televisions, a discussion of compliance  
25 and enforcement related to the requirements of this Part, and any recommendations for any  
26 changes to the system of collection and recycling of discarded computer equipment, televisions,  
27 or other electronic devices.

28 **§ 130A-309.141. Local government authority not preempted.**

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

31 **SECTION 3.(a)** G.S. 130A-309.09A(b)(6) reads as rewritten:

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

34 ...

35 e. For each county and each municipality with a population in excess of  
36 25,000, collection of discarded computer equipment and televisions,  
37 as defined in G.S. 130A-309.131. ~~130A-309.91."~~

38 **SECTION 3.(b)** G.S. 130A-309.09A(d) is amended by adding a new subdivision

39 to read:

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

44 ...

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

49 **SECTION 4.(a)** G.S. 130A-309.10(f) reads as rewritten:

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

51 (1) Repealed by Session Laws 1991, c. 375, s. 1.

- 1 (2) Used oil.
- 2 (3) Yard trash, except in landfills approved for the disposal of yard trash under
- 3 rules adopted by the Commission. Yard trash that is source separated from
- 4 solid waste may be accepted at a solid waste disposal area where the area
- 5 provides and maintains separate yard trash composting facilities.
- 6 (4) White goods.
- 7 (5) Antifreeze (ethylene glycol).
- 8 (6) Aluminum cans.
- 9 (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition on
- 10 disposal of whole scrap tires in landfills applies to all whole pneumatic
- 11 rubber coverings, but does not apply to whole solid rubber coverings.
- 12 (8) Lead-acid batteries, as provided in G.S. 130A-309.70.
- 13 (9) Beverage containers that are required to be recycled under G.S. 18B-1006.1.
- 14 (10) Motor vehicle oil filters.
- 15 (11) Recyclable rigid plastic containers that are required to be labeled as provided
- 16 in subsection (e) of this section, that have a neck smaller than the body of the
- 17 container, and that accept a screw top, snap cap, or other closure. The
- 18 prohibition on disposal of recyclable rigid plastic containers in landfills does
- 19 not apply to rigid plastic containers that are intended for use in the sale or
- 20 distribution of motor oil or pesticides.
- 21 (12) Wooden pallets, except that wooden pallets may be disposed of in a landfill
- 22 that is permitted to only accept construction and demolition debris.
- 23 (13) Oyster shells.
- 24 (14) Discarded computer equipment, as defined in G.S. 130A-309.131.
- 25 ~~G.S. 130A-309.91.~~
- 26 (15) Discarded televisions, as defined in G.S. 130A-309.131. ~~130A-309.91.~~"

27 **SECTION 4.(b)** G.S. 130A-309.10(f) reads as rewritten:

28 "(f1) No person shall knowingly dispose of the following solid wastes by incineration in

29 an incinerator for which a permit is required under this Article:

- 30 (1) Antifreeze (ethylene glycol) used solely in motor vehicles.
- 31 (2) Aluminum cans.
- 32 (3) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 17.
- 33 (4) White goods.
- 34 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.
- 35 (6) Beverage containers that are required to be recycled under G.S. 18B-1006.1.
- 36 (7) Discarded computer equipment, as defined in G.S. 130A-309.131.
- 37 ~~130A-309.91.~~
- 38 (8) Discarded televisions, as defined in G.S. 130A-309.131. ~~130A-309.91.~~"

39 **SECTION 4.(c)** Section 16.6(b) of S.L. 2007-550, as amended by Section 16(a) of

40 S.L. 2009-484, reads as rewritten:

41 "**SECTION 16.6.(b)** Section 16.2 of this act becomes effective July 1, 2010. Sections 16.3

42 and 16.4 of this act become effective ~~January~~ July 1, 2011. Section 16.5 of this act becomes

43 effective July 1, 2010. Subsection (b) of Section 16.1 of this act, Section 16.6 of this act, and

44 any other provision of Section 16 of this act for which an effective date is not specified become

45 effective July 1, 2010."

46 **SECTION 5.** G.S. 147-33.104 reads as rewritten:

47 "**§ 147-33.104. Purchase by State agencies and governmental entities of certain computer**

48 **equipment prohibited.**

- 49 (a) The exemptions set out in G.S. 147-33.80 do not apply to this section.
- 50 (b) No State agency, political subdivision of the State, or other public body shall
- 51 purchase computer equipment or televisions, as defined in G.S. ~~130A-309.91,~~ 130A-309.131 or

1 enter into a contract with ~~from~~ any manufacturer that the Secretary determines is not in  
2 compliance with the requirements of G.S. ~~130A-309.93-130A-309.134~~ or G.S. ~~130A-309.93A-~~  
3 ~~130A-309.135~~ as determined from the list provided by the Department of Environment and  
4 Natural Resources pursuant to G.S. ~~130A-309.95(1)-130A-309.138~~. The Secretary shall issue  
5 written findings upon a determination of noncompliance. A determination of noncompliance by  
6 the Secretary is reviewable under Article 3 of Chapter 150B of the General Statutes.

7 (c) The Office of Information Technology Services shall make the list available to  
8 political subdivisions of the State and other public bodies. A manufacturer that is not in  
9 compliance with the requirements of G.S. ~~130A-309.93-130A-309.134~~ shall not sell or offer for  
10 sale computer equipment or televisions to the State, a political subdivision of the State, or other  
11 public body."

12 **SECTION 6.** The Environmental Review Commission, with the assistance of the  
13 Department of Environment and Natural Resources, shall conduct a study to determine the  
14 feasibility of requiring recycling of: (i) computer equipment discarded by small businesses; and  
15 (ii) other electronic equipment, including, but not limited to: automated typewriters,  
16 professional workstations, servers, ICI devices, ICI systems, mobile telephones, portable  
17 handheld calculators, PDAs, MP3 players, copy machines, VCRs, stereos, radios, tape players,  
18 CD players, telephones, fax machines, electronic games, power and network cables, network  
19 hubs, switching boxes, controllers, modems, docking stations, CD-ROMs, hard drives, printed  
20 circuit boards, uninterruptible power supplies, routers, and rechargeable batteries. The  
21 Environmental Review Commission, with the Assistance of the Department of Environment  
22 and Natural Resources, shall also study the fee structure for computer manufacturers imposed  
23 under this act. The Environmental Review Commission shall report its findings and  
24 recommendations, including any legislative proposals, to the 2011 Regular Session of the  
25 General Assembly upon its convening.

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

30 **SECTION 8.** Notwithstanding the provisions of G.S. 130A-309.136, as enacted by  
31 Section 2 of this act, during the first year after the effective date of this act, no penalty shall be  
32 imposed for a first violation of G.S. 130A-309.136. The Department shall, however, issue a  
33 notice of violation to the retailer in conjunction with the first violation.

34 **SECTION 9.** This act is effective when it becomes law, except that: (i)  
35 G.S. 130A-309.136, as enacted by Section 2 of this act, is effective July 1, 2011; and (ii)  
36 changes required to comprehensive solid waste management plans in accordance with  
37 G.S. 130A-309.137, as enacted by Section 2 of this act, shall be submitted to the Department of  
38 Environment and Natural Resources on or before December 1, 2010.