

Stricken language would be deleted from and underlined language would be added to present law.
Act 839 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S3/31/21

A Bill

SENATE BILL 585

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO CREATE AN ELECTRONIC WASTE RECYCLING PROGRAM; TO ESTABLISH A COLLECTION RECOVERY PLAN; TO PROVIDE FOR THE SUSTAINABILITY OF THE PROGRAM THROUGH PUBLIC PARTICIPATION AND PUBLIC AND PRIVATE AGREEMENTS; TO PROVIDE FOR THE MANAGEMENT AND ACCOUNTABILITY OF THE PROGRAM THROUGH CONTRACT ADMINISTRATION; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE AN ELECTRONIC WASTE RECYCLING PROGRAM AND A COLLECTION RECOVERY PLAN; AND TO PROVIDE SUSTAINABILITY THROUGH PUBLIC PARTICIPATION AND PUBLIC AND PRIVATE AGREEMENTS AND MANAGEMENT AND ACCOUNTABILITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 8, Chapter 9, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Electronic Waste Collection, Recycling, and Reuse Act

8-9-701. Title.

This subchapter shall be known and may be cited as the "Electronic Waste Collection, Recycling, and Reuse Act".

8-9-702. Legislative intent.



The purpose of this subchapter is to:

(1) Promote recycling in order to conserve natural resources, conserve energy, and preserve landfill space;

(2) Protect the public health and the quality of the state's environment through the establishment of a comprehensive, convenient, efficient, affordable, and environmentally sound electronic waste recycling program for the disposition of consumer electronic items and the potentially hazardous chemicals contained in the consumer electronic items;

(3) Standardize and provide criteria for the collection of consumer electronic items through local and regional collection points;

(4) Recognize outdated, obsolete, malfunctioning, or discarded electronic equipment as consumer electronic items, referred to as e-waste;

(5) Require effective and efficient criteria for the collection, transport, recycling, reuse, or disposal of consumer electronic items, thus capturing this part of the waste stream and diverting the consumer electronic items from the state's landfills;

(6) Sustain the electronic waste recycling program by encouraging public participation and by requiring participation by certain state-supported entities; and

(7) Instill confidence in the operation of the electronic waste recycling program through proper management and accountability, including without limitation public contract administration and reporting to designated state regulators.

8-9-703. Definitions.

As used in this subchapter:

(1) "Cathode ray tube" means a vacuum tube composed primarily of glass that is the visual or video display component of an electronic device;

(2) "Component" means any part of a consumer electronic item;

(3) "Consumer electronic item" means an electronic item or other electronic waste containing an intact or broken cathode ray tube, including without limitation a:

(A) Television;

(B) Computer monitor;

(C) Cathode ray tube monitor or display device;

(D) Personal computer or computer component;

- (E) Audio or stereo player;
- (F) Videocassette recorder or player;
- (G) Digital videodisc recorder or player;
- (H) Video camera;
- (I) Telephone;
- (J) Facsimile or copying machine;
- (K) Printer
- (L) Cellular telephone;
- (M) Wireless paging device;
- (N) Video game console;
- (O) Device containing or requiring a hard-drive; or
- (P) High-capacity self-contained storage device;

(4) "Contract administrator" means a public entity that performs supervision, coordination, or administration of county, municipal, or state solid waste, recycling, or reuse programs with:

(A) Demonstrated experience in the monthly collection of consumer electronic items; and

(B) A minimum annual collection of consumer electronic items in excess of two hundred (200) tons;

(5) "Contractor" means a person who:

(A) Owns or operates a corporate recycling entity with multiple locations in the state; and

(B) Has a minimum of three (3) years' experience in the collection, recovery, transport, recycling, refurbishing, marketing, and distribution for reuse of consumer electronic items;

(6) "Eligible entity" means an entity located in the state and includes without limitation a:

(A) Single-family or multifamily household;

(B) Small business or nonprofit corporation with less than five hundred (500) full-time employees;

(C) Planning and development district;

(D) Regional solid waste management district; and

(E) State-supported entity;

(7) "State-supported entity" includes without limitation a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution, or office of

the executive, legislative or judicial branch of the government of this state;

(8) "Used, broken cathode ray tube" means a cathode ray tube with glass removed from its housing or casing whose vacuum has been released; and

(9) "Used, intact cathode ray tube" means a cathode ray tube whose vacuum has not been released.

8-9-704. Consumer electronic items recovery plan.

(a) Before a program for the collection, recovery, transport, recycling, refurbishing, and marketing and distribution for reuse for consumer electronic items may be established, a contract administrator shall:

(1) Develop a recovery plan; and

(2) Submit the recovery plan to the Division of Environmental Quality.

(b)(1) The recovery plan required under subsection (a) of this section shall be updated every five (5) years from the start date of the initial approval of the recovery plan.

(2) At a minimum, the recovery plan shall include a:

(A) Prohibition of a recycling fee at the retail point of purchase or point of sale of a consumer electronic item;

(B) Reasonable and convenient access to recovery and collection options for an eligible entity, including local and regional collection options;

(C) Comprehensive, convenient, environmentally, and economically sound collection system operated by a contractor and supervised and administered by a contract administrator that may include specific logistical criteria including without limitation the location, size, and number of eligible entities;

(D) Plan for marketing and distribution of collected consumer electronic items or components for individual, business, educational, or other use;

(E) Sustainability plan ensuring appropriate public or private funding of the program, which may include grants, appropriations, donations, or fees for service;

(F) Communications and promotion program informing an

eligible entity on how and where consumer electronic items may be collected and recovered for recycling and reuse in compliance with Arkansas law, including a website that the general public and eligible entities may access to be informed how and where to return consumer electronic items for recovery, recycling, refurbishing, and marketing and distribution for reuse; and

(G) Condition or requirement as may be required by the contract administrator.

8-9-705. Contractor services and experience.

(a) Collection and recovery services provided by a contractor and managed by a contract administrator may use existing collection infrastructure for handling consumer electronic items.

(b) A contractor providing collection and recovery services and managed by a contractor administrator shall:

(1) Own or operate multiple locations in the state;

(2) Have a minimum of three (3) years' experience in collecting and processing consumer electronic items for recycling and reuse; and

(3) Be certified or accredited by national and international electronic and environmental standards and practices organizations, including without limitation the following:

(A) e-Stewards Standard for Ethical and Responsible Reuse, Recycling, and Disposition of Electronic Equipment and Information Technology;

(B) ISO 14001:2015 Environmental Management System; or

(C) ISO 45001:2018 Occupational Health and Safety Management System.

8-9-706. Collection logistics.

Collection and recovery services and collection points:

(1) Shall be designated by the contract administrator to further the promotion of recycling in order to conserve natural resources, conserve energy, and preserve landfill space; and

(2) May be limited to areas of the state identified by the contract administrator through specific criteria, including without limitation:

- (A) Residential population density;
- (B) Contiguosness of counties or municipalities in the state;
- (C) State and federal highways; and
- (D) Existing collection infrastructure and location and size and number of eligible entities.

8-9-707. Collection and participation.

(a) An effective and sustainable collection, recovery, transport, recycling, refurbishing, and marketing and distribution for reuse of consumer electronic items program protecting the environmental quality of this state shall require no less than two (2) levels of participation by eligible entities.

(b) A contractor, managed by a contract administrator, may provide collection and recovery services for consumer electronic items from eligible entities in accordance with the recovery plan.

(c)(1) An eligible state-supported entity shall participate in the program.

(2) The Marketing and Redistribution Section of the Department of Transformation and Shared Services, or any state-supported entity that oversees the redistribution and sale of state surplus property, shall assist in the facilitation of participation in the program.

(d) An eligible entity other than a state-supported entity using consumer electronic items may:

(1) Be encouraged and incentivized to participate in collection contracts and permanent and temporary collection points; and

(2) Participate through a fee-for-service collection program.

8-9-708. Compliance with law.

All consumer electronic items recovered and collected under this subchapter shall be recycled or otherwise disposed of in a manner that complies with federal, state, and local law.

8-9-709. Disposal.

Contractors shall only dispose of consumer electronic items or components that:

(1) Cannot be refurbished or recycled for reuse in a manner consistent with their original use; or

(2) Have no other beneficial use.

8-9-710. Hazardous waste and hazardous substances.

Hazardous waste and hazardous substances, including without limitation mercury, lead, cadmium, beryllium, and similar substances found in consumer electronic items or components shall be managed, recycled, and disposed of in accordance with local, state, and federal law.

8-9-711. Transparency.

(a) A contractor and contract administrator shall conduct and administer respectively a program for the collection, recovery, transport, recycling, refurbishing, and marketing and distribution for reuse of consumer electronic items that is fiscally transparent and sustainable.

(b)(1) The contractor shall report the total monthly weight in pounds of consumer electronic items collected to the contract administrator no later than the tenth day of the month following the month in which the consumer electronic items were collected.

(2) The contract administrator shall verify each monthly report required by subdivision (b)(1) of this section.

(c) The report shall include the location of collection, consumer electronic items collected, and per-pound accounting for each category of consumer electronic items collected.

(d) Within sixty (60) calendar days of submission of the final monthly report for a calendar year, the contract administrator and the contractor shall prepare and publish an annual report based on the monthly reports.

8-9-712. Contractor and contract administrator selection and funding.

(a) Within thirty (30) days of the effective date of this subchapter, the Secretary of the Department of Energy and Environment shall issue a request for qualifications for a contract administrator.

(b) Within thirty (30) days of being selected by the secretary, the contract administrator shall issue a request for qualifications for a contractor.

(c) The contractor's responsibilities for collection, recovery,

transport, recycling, refurbishing, and marketing and distribution for reuse of consumer electronic items shall be funded:

(1) Based on sales of recycled or refurbished consumer electronic items or components or other materials recovered; and

(2) On fee for service.

(d) The contract administrator's responsibilities for management, accountability, reporting, education, communication, and promotion of the electronic waste recycling program shall be funded by the contractor based on:

(1) An amount not less than fifteen percent (15%) of the gross amount collected by the contractor for any fee for service from an eligible entity; and

(2) A specific amount agreed to on an annual basis between the contractor and the contract administrator based on a cents-per-pound calculation for consumer electronic items collected by the contractor and reported to the contract administrator on a monthly basis.

8-9-713. Responsibility and liability.

The contractor shall be responsible for all collection logistics, handling, transporting, recycling, refurbishing, and disposal of consumer electronic items including without limitation contractual agreements with existing or future regional solid waste management districts in the state and shall hold harmless from all liability the contract administrator and the State of Arkansas.

/s/D. Wallace

APPROVED: 4/22/21