

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 789

Short Title: Amend Recycling Rqmts. for Computers & TVs. (Public)

Sponsors: Representatives K. Hall, Saine, Strickland, and Jones (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE RECYCLING REQUIREMENTS FOR COMPUTERS AND TELEVISIONS TO: (I) REQUIRE TELEVISION MANUFACTURERS TO RECYCLE TELEVISIONS WITH CATHODE RAY TUBES (CRT) ONLY, (II) LIMIT TELEVISION AND COMPUTER MANUFACTURERS' OBLIGATIONS TO RECYCLE THEIR DISCARDED DEVICES TO ONLY THOSE COUNTIES THAT "OPT IN" BY NOTIFYING THE DEPARTMENT OF ENVIRONMENTAL QUALITY ANNUALLY THAT THE COUNTY DESIRES TO HAVE COMPUTER EQUIPMENT AND TELEVISION MANUFACTURERS FULFILL THE MANUFACTURERS' RECYCLING OBLIGATIONS IN THEIR COUNTIES, AND (III) SUNSET TELEVISION MANUFACTURERS' OBLIGATION TO RECYCLE TELEVISIONS ONCE THE DEPARTMENT OF ENVIRONMENTAL QUALITY HAS DETERMINED THAT THE CALCULATED TOTAL FOR CRT TVS IN THE RECYCLING STREAM IS LESS THAN FOUR MILLION POUNDS FOR THE PREVIOUS YEAR.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 130A-309.131 reads as rewritten:

"§ 130A-309.131. Definitions.

As used in this Part, the following definitions apply:

...

- (5) Covered device. – Computer equipment and ~~televisions~~ CRT TVs used by consumers primarily for personal or home business use. The term does not include a device that is any of the following:
- a. Part of a motor vehicle or any component of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.
 - b. Physically a part of or integrated within a larger piece of equipment designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting.
 - c. Equipment used for diagnostic, monitoring, or other medical products as that term is defined under the federal Food, Drug, and Cosmetic Act.
 - d. Equipment used for security, sensing, monitoring, antiterrorism purposes, or emergency services purposes.
 - e. Contained within a household appliance, including, but not limited to, a clothes washer, clothes dryer, refrigerator, refrigerator and freezer,



- 1 microwave oven, conventional oven or range, dishwasher, room air
- 2 conditioner, dehumidifier, air purifier, or exercise equipment.
- 3 (5a) CRT TV - Any television with a viewable screen of 9 inches or larger whose
- 4 display technology is based on a cathode ray tube marketed and intended for
- 5 use by a consumer primarily for personal purposes. The term does not include
- 6 computer equipment.
- 7 (6) Recodified to subdivision (1a).
- 8 (7) Discarded computer equipment. – Computer equipment that is solid waste
- 9 generated by a consumer.
- 10 (8) Discarded computer equipment or ~~television~~-CRT TV collector. – A municipal
- 11 or county government, nonprofit agency, recycler, or retailer that knowingly
- 12 accepts for recycling discarded computer equipment or a ~~television~~-CRT TV
- 13 from a consumer.
- 14 (9) Discarded ~~television~~-CRT TV. – A ~~television~~-CRT TV that is solid waste
- 15 generated by a consumer.
- 16 (9a) Electronic device. – Machinery that is powered by a battery or an electrical
- 17 cord.
- 18 (10) Market share. – A television manufacturer's obligation to recycle discarded
- 19 ~~televisions~~-CRT TVs. A television manufacturer's market share is the
- 20 television manufacturer's prior year's sales of televisions as calculated by the
- 21 Department pursuant to G.S. 130A-309.138(4) divided by all manufacturers'
- 22 prior year's sales for all televisions as calculated by the Department pursuant
- 23 to G.S. 130A-309.138(4). Market share may be expressed as a percentage, a
- 24 fraction, or a decimal fraction.
- 25 (10a) Opt-in county. – A county for which a unit of local government has provided
- 26 the required notice to the Department pursuant to G.S. 130A-309.137(d1).
- 27 ...
- 28 (16) Television. – Any electronic device that contains a tuner that locks on to a
- 29 selected carrier frequency and is capable of receiving and displaying of
- 30 television or video programming via broadcast, cable, or satellite, including,
- 31 without limitation, any direct view or projection television with a viewable
- 32 screen of nine inches or larger whose display technology is based on cathode
- 33 ray tube (CRT), plasma, liquid crystal display (LCD), digital light processing
- 34 (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display
- 35 (SXRD), light emitting diode (LED), or similar technology marketed and
- 36 intended for use by a consumer primarily for personal purposes. The term
- 37 includes CRT TVs. The term does not include computer equipment.

38"

39 **SECTION 1.(b)** G.S. 130A-309.132 reads as rewritten:

40 **"§ 130A-309.132. Responsibility for recycling discarded computer equipment and**

41 **~~televisions~~-CRT TVs.**

42 In addition to the specific requirements of this Part, discarded computer equipment and

43 ~~television~~-CRT TV collectors and computer equipment manufacturers and television

44 manufacturers share responsibility for the recycling of discarded computer equipment and

45 ~~televisions~~-CRT TVs and the education of citizens of the State as to recycling opportunities for

46 discarded computer equipment and ~~televisions~~-CRT TVs."

47 **SECTION 1.(c)** G.S. 130A-309.133 reads as rewritten:

48 **"§ 130A-309.133. Data security.**

49 Computer equipment manufacturers, television manufacturers, discarded computer

50 equipment and ~~television~~-CRT TV collectors, recyclers, and retailers shall not be liable in any

1 way for data or other information left on a covered device that is collected or recovered pursuant
2 to the provisions of this Part."

3 **SECTION 1.(d)** G.S. 130A-309.134 reads as rewritten:

4 **"§ 130A-309.134. Requirements for computer equipment manufacturers.**

5 ...

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

10 (1) Level I recycling plan. – A computer equipment manufacturer shall submit a
11 recycling plan for reuse or recycling of computer equipment discarded by
12 consumers in the ~~State~~opt-in counties produced by the manufacturer. The
13 manufacturer shall submit a proposed plan to the Department within 90 days
14 of registration as required by subsection (a) of this section. The plan shall:

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

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

20 1. A process offered by the computer equipment manufacturer or
21 the manufacturer's designee for consumers to return discarded
22 computer equipment by mail.

23 2. A physical collection site operated and maintained by the
24 computer equipment manufacturer or the manufacturer's
25 designee to receive discarded computer equipment from
26 consumers, which is available to consumers during normal
27 business hours.

28 3. A collection event hosted by the computer equipment
29 manufacturer or the manufacturer's designee at which a
30 consumer may return computer equipment.

31 c. Include a detailed description as to how the manufacturer will
32 implement the plan.

33 d. Provide for environmentally sound management practices to transport
34 and recycle discarded computer equipment.

35 e. Include a consumer recycling education program on the laws
36 governing the recycling and reuse of discarded computer equipment
37 under this Part and on the methods available to consumers to comply
38 with those requirements. The manufacturer shall operate a toll-free
39 telephone number to answer questions from consumers about
40 computer recycling options.

41 (2) Level II recycling plan. – A computer equipment manufacturer shall submit a
42 recycling plan for reuse or recycling of computer equipment discarded by
43 consumers in the ~~State~~opt-in counties produced by the manufacturer and by
44 other manufacturers. The manufacturer shall submit a proposed plan to the
45 Department within 90 days of registration as required by subsection (a) of this
46 section. The plan may offer additional options to collect other types of
47 electronic equipment that do not constitute discarded computer equipment, as
48 that term is defined under G.S. 130A-309.131, and may allow for assessment
49 of a nominal fee for collection of these other types of electronic equipment
50 that are not discarded computer equipment. The plan shall include all of the

1 elements set forth in subdivision (1) of subsection (c) of this section. In
2 addition the plan shall:

- 3 a. Provide that the manufacturer will take responsibility for computer
4 equipment discarded by consumers that was manufactured by other
5 manufacturers, as well as computer equipment that it manufactured.
6 b. Provide that the manufacturer shall: (i) maintain physical collection
7 sites to receive discarded computer equipment from consumers in the
8 10 most populated municipalities in the State. The physical collection
9 sites shall be available to consumers during normal business hours, at
10 a minimum; and (ii) host at least two collection events annually within
11 the State.

12 (3) Level III recycling plan. – A computer equipment manufacturer shall submit
13 a recycling plan for reuse or recycling of computer equipment discarded by
14 consumers in the ~~State-opt-in counties~~ produced by the manufacturer and by
15 other manufacturers. The manufacturer shall submit a proposed plan to the
16 Department within 90 days of registration as required by subsection (a) of this
17 section. The plan may offer additional options to collect other types of
18 electronic equipment that do not constitute discarded computer equipment, as
19 that term is defined under G.S. 130A-309.131, and may allow for assessment
20 of a nominal fee for collection of these other types of electronic equipment
21 that are not discarded computer equipment. The plan shall include all of the
22 elements set forth in subdivision (1) of subsection (c) of this section. In
23 addition the plan shall:

- 24 a. Provide that the manufacturer will take responsibility for computer
25 equipment discarded by consumers that was manufactured by other
26 manufacturers, as well as computer equipment that it manufactured.
27 b. Provide that the manufacturer shall: (i) maintain physical collection
28 sites to receive discarded computer equipment from consumers in 50
29 of the State's counties, of which 10 of those counties shall be the most
30 populated counties in the State. The physical collection sites shall be
31 available to consumers during normal business hours, at a minimum;
32 and (ii) host at least two collection events annually within the State.

33"

34 **SECTION 1.(e)** G.S. 130A-309.135 reads as rewritten:

35 "**§ 130A-309.135. Requirements for television manufacturers.**

36 (a) Registration and Fee Required. – Each television manufacturer, before selling or
37 offering for sale televisions in the State, shall register with the Department and, at the time of
38 registration, shall pay an initial registration fee of two thousand five hundred dollars (\$2,500) to
39 the Department. An initial registration shall be valid from the day of registration through the last
40 day of the fiscal year in which the registration fee was paid. A television manufacturer that has
41 registered shall pay an annual renewal registration fee of two thousand five hundred dollars
42 (\$2,500) to the Department. The annual renewal registration fee shall be paid to the Department
43 each fiscal year no later than June 30 of the previous fiscal year. The proceeds of these fees shall
44 be credited to the Electronics Management Fund. A television manufacturer that sells 1,000
45 televisions or fewer per year is exempt from the requirement to pay the registration fee and the
46 annual renewal fee imposed by this subsection.

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

50 (c) Recycling of Market Share Required. – The obligation to recycle ~~televisions-CRT~~
51 TVs shall be allocated to each television manufacturer based on the television manufacturer's

1 ~~market share.~~ share and the Department's calculation of the total weight of CRT TVs recycled
2 during the previous year in opt-in counties. A television manufacturer must annually recycle or
3 arrange for the recycling of CRT TVs in the opt-in counties based on its market share of
4 televisions pursuant to this section. Each television manufacturer must recycle at least
5 seventy-five percent (75%) of its CRT TV recycling obligation with CRT TVs, and the balance
6 of a manufacturer's recycling obligation may be fulfilled by recycling televisions manufactured
7 with other technologies.

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

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

16 (f) ~~Joint Television-CRT TV Recycling Plans.~~ – A television manufacturer may fulfill
17 the requirements of this section either individually or in participation with other television
18 manufacturers.

19 (g) Annual Report. – A television manufacturer shall report to the Department by October
20 1 of each year the total weight of CRT TVs and televisions using non-CRT technology the
21 manufacturer collected and recycled in the State during the previous fiscal year."

22 **SECTION 1.(f)** G.S. 130A-309.136 reads as rewritten:

23 **"§ 130A-309.136. Requirements applicable to retailers.**

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

30 (b) A retailer that sells or offers for sale new computer equipment or televisions must: (i)
31 determine that all new ~~covered devices~~ computer equipment and televisions that the retailer is
32 offering for sale are labeled with the manufacturer's brand, which label is permanently affixed
33 and readily visible; and (ii) review the Department's Web site to confirm that the manufacturer
34 of ~~a new covered device~~ computer equipment or new televisions is on the list developed and
35 maintained by the Department pursuant to G.S. 130A-309.138(1).

36 (c) A retailer is not responsible for an unlawful sale under this section if the
37 manufacturer's registration expired or was revoked and the retailer took possession of the ~~covered~~
38 ~~device~~ computer equipment or televisions prior to the expiration or revocation of the
39 manufacturer's registration and the unlawful sale occurred within six months after the expiration
40 or revocation."

41 **SECTION 1.(g)** G.S. 130A-309.137 reads as rewritten:

42 **"§ 130A-309.137. Electronics Management Fund.**

43 (a) Creation. – The Electronics Management Fund is created as a special fund within the
44 Department. The Fund consists of revenue credited to the Fund from the proceeds of the fee
45 imposed on computer equipment manufacturers under G.S. 130A-309.134 and television
46 manufacturers under G.S. 130A-309.135.

47 (b) Use and Distribution. – Moneys in the Fund shall be used by the Department to
48 implement the provisions of this Part concerning discarded computer equipment and ~~televisions.~~
49 televisions in the opt-in counties. The Department may use all of the proceeds of the fee imposed
50 on television manufacturers pursuant to G.S. 130A-309.135 and may use up to ten percent (10%)
51 of the proceeds of the fee imposed on computer equipment manufacturers under

1 G.S. 130A-309.134 for administration of the requirements of this Part. Funds remaining shall be
2 distributed annually by the Department to eligible local governments pursuant to this section.
3 The Department shall distribute such funds on or before February 15 of each year. Funds shall
4 be distributed on a pro rata basis.

5 (c) Eligibility. – Except as provided in subsection (d) of this section, no more than one
6 unit of local government per county, including the county itself, may receive funding pursuant
7 to this section for a program to manage discarded computer equipment, televisions, and other
8 electronic devices. A unit of local government ~~shall submit a plan to include:~~may request funding
9 pursuant to this section by submitting a plan that includes:

- 10 (1) Information on existing programs within the jurisdiction to recycle or reuse
11 discarded computer equipment, televisions, and other electronic devices, or
12 information on a plan to begin such a program on a date certain. This
13 information shall include a description of the implemented or planned
14 practices for collection of the equipment and a description of the types of
15 equipment to be collected and how the equipment will be marketed for
16 recycling.
- 17 (2) Information on a public awareness and education program concerning the
18 recycling and reuse of discarded computer equipment, televisions, and other
19 electronic devices.
- 20 (3) Information on methods to track and report total tonnage of computer
21 equipment, televisions, and other electronic devices collected and recycled in
22 the jurisdiction.
- 23 (4) Information on interactions with other units of local government to provide or
24 receive services concerning disposal of discarded computer equipment,
25 televisions, and other electronic devices.
- 26 (5) Information on how the unit of local government will account for the
27 expenditure of funds received pursuant to this section.
- 28 (6) Proof of contract or agreement with a recycler that is certified as adhering to
29 Responsible Recycling ("R2") practices or that is certified as an e-Steward
30 recycler adhering to the e-Stewards Standard for Responsible Recycling and
31 Reuse of Electronic Equipment® to process the discarded computer
32 equipment, televisions, and other electronic devices that the unit of local
33 government collects.

34 (c1) Submittal of Information for Distribution of Funding. – Documentation meeting the
35 requirements of subdivision (6) of subsection (c) of this section, and other information required
36 by subsection (c) of this section, including new plans or revisions to plans as necessary, must be
37 submitted annually on or before December 31 in order to be eligible for funding during the next
38 distribution by the Department.

39 (d) Local Government Designation. – If more than one unit of local government in a
40 county, including the county itself, requests funding pursuant to this section, the units of local
41 government in question may enter into interlocal agreements for provision of services concerning
42 disposal of discarded computer equipment and televisions, and distribution of funds received
43 pursuant to this section among the parties to the agreement. If the units of local government do
44 not enter into an interlocal agreement regarding funding under this section, the Department shall
45 distribute funds to the eligible local governments based on the percentage of the county's
46 population to be served under each eligible local government's program.

47 (d1) Local Government Opt-In. – A unit of local government in a county may request that
48 it be designated by the Department as an opt-in county by notifying the Department annually on
49 or before December 31 that the county desires to have computer equipment manufacturers fulfill
50 the requirements of G.S. 130A-309.134 in the county if the county qualifies, and the county
51 desires to have television manufacturers fulfill the requirements of G.S. 130A-309.135 in the

1 county if the county qualifies. The submission of a plan pursuant to G.S. 130A-309.137(c) shall
2 be deemed to constitute notice of a request to be designated an opt-in county pursuant to this
3 section.

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

8 **SECTION 1.(h)** G.S. 130A-309.138 reads as rewritten:

9 **"§ 130A-309.138. Responsibilities of the Department.**

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

11 ...

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~~ CRT TVs based on the manufacturer's
16 market share. The Department shall extrapolate data for the State from
17 national data on the basis of the State's share of the national population."

18 **SECTION 1.(i)** G.S. 130A-309.140 reads as rewritten:

19 **"§ 130A-309.140. Annual report by Department of recycling under this Part; periodic**
20 **report by Environmental Review Commission of electronic recycling programs**
21 **in other states.**

22 (a) The Department shall include in the status of solid waste management report required
23 to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report
24 on the recycling of discarded computer equipment and ~~televisions~~ CRT TVs in the State under
25 this Part. The report must include an evaluation of the recycling rates in the State for discarded
26 computer equipment and televisions, a discussion of compliance and enforcement related to the
27 requirements of this Part, and any recommendations for any changes to the system of collection
28 and recycling of discarded computer equipment, ~~televisions,~~ CRT TVs, or other electronic
29 devices.

30 (b) The Environmental Review Commission, with the assistance of the Department of
31 Environmental Quality, shall monitor and review electronic recycling programs in other states
32 on an ongoing basis and shall report its findings and recommendations to the General Assembly
33 periodically."

34 **SECTION 2.** The Environmental Review Commission shall study ways to optimize
35 and modernize North Carolina's recycling requirements for discarded computer equipment and
36 televisions. In conducting this study, the Commission shall consider (i) the changing waste
37 stream, including trends involving the amount of cathode ray tube televisions discarded and the
38 conditions of associated recycling markets, (ii) the economics of the recycling stream for
39 computer equipment and televisions in light of trends in recycling markets, (iii) impacts of market
40 conditions and the State's recycling policies on computers and televisions on the State's recycling
41 industry, computer and television manufacturers, and local governments, (iv) the current status
42 of North Carolina's recycling system, including cost and financing issues, and options that may
43 be available to reduce costs, (v) opportunities for more efficient and effective recycling systems,
44 and (vi) any other issue the Department deems relevant. The Environmental Review Commission
45 shall report its findings, together with any proposed legislation to modernize the recycling
46 requirements for computers and televisions, to the 2021 Regular Session of the General
47 Assembly upon its convening.

48 **SECTION 3.** Using data reported by television manufacturers under
49 G.S. 130A-309.135(g), the Department shall annually calculate the total CRT TVs in the
50 recycling stream for the previous year to the General Assembly on or before December 31 of
51 each year.

1 **SECTION 4.** This act is effective when it becomes law. On the date the Department
2 determines that the calculated total for CRT TVs in the recycling stream is less than four million
3 pounds for the previous year, the Department shall submit a report to the General Assembly and
4 shall notify the Revisor of Statutes accordingly. Upon submittal of such information and
5 notification to the Revisor of Statutes of this determination, G.S. 130A-309.135 is repealed, and
6 the Revisor of Statutes shall identify all changes necessary to delete all other references to
7 "televisions" and "CRT TVs," and any obligations of manufacturers associated with recycling
8 such devices, under Part 2H of Article 9 of the General Statutes, and report such changes to the
9 General Statutes Commission for appropriate action.