



Ohio Legislative Service Commission

Bill Analysis

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S.B. 253

129th General Assembly
(As Introduced)

Sen. Lehner

BILL SUMMARY

Registration of manufacturers

- Requires a manufacturer who sells or offers for sale in Ohio a new covered electronic device to register with the Director of Environmental Protection, specifies information that must be included with the registration, and levies an annual registration fee of up to \$5,000 unless the balance of the Electronic Waste Recycling Fund created by the bill exceeds \$600,000 on December 31 of any year.
- Defines "covered electronic device" to mean a covered computer or covered video display device, and generally defines "covered computer" to mean a computer that was or will be used primarily for personal or small business purposes in Ohio and "covered video display device" to mean a video display device that was or will be used primarily for those purposes in Ohio.
- Requires a manufacturer's registration to include specified information that describes the implementation of a covered electronic device take-back program operated by the manufacturer.

Prohibited activities

- Beginning April 1, 2013, prohibits a manufacturer from selling or offering for sale at a sales outlet, by mail order, via the internet, or by any other means in Ohio a new covered electronic device unless the manufacturer has established a computer take-back program or a video display device take-back program, as applicable.

Computer take-back programs

- Requires a manufacturer to establish a covered computer take-back program beginning April 1, 2013, and, with respect to such a program, establishes requirements governing covered computer collection methods and the provision of information about the program to consumers.
- As part of a computer take-back program, requires a manufacturer of a covered computer or the manufacturer's designee to accept from a consumer the manufacturer's covered computer that has reached the end of its useful life for the consumer.
- Specifies that, under a covered computer take-back program, a manufacturer is not required to accept more than seven covered computers from a single consumer on a single day.
- Prohibits a manufacturer or the manufacturer's designee from charging a fee with respect to the return of the manufacturer's covered computer under a covered computer take-back program, but allows the charging of a fee when a consumer returns another manufacturer's covered computer if the manufacturer or the manufacturer's designee provides goods or services in an amount equal to or greater than the fee.

Video display device take-back programs

- Requires a manufacturer of a covered video display device to establish a covered video display device take-back program beginning April 1, 2013, and, with respect to such a program, establishes requirements governing covered video display device collection methods and the provision of information about the program to consumers.
- Prohibits a manufacturer or the manufacturer's designee from charging a fee with respect to a covered video display device take-back program.
- Establishes a nonbinding goal under which a manufacturer conducting a video display device take-back program must recycle annually 60% of the total weight of covered video display devices sold by the manufacturer in Ohio during the previous fiscal year.

Other program provisions

- Authorizes a manufacturer to arrange for the collection and recycling of covered computers and covered video display devices by another person and to conduct a

covered computer take-back program or covered video display device take-back program in conjunction with other manufacturers.

Recycling

- Requires all covered electronic devices that are collected to be collected and recycled in a manner that complies with all applicable federal, state, and local laws.
- Requires a manufacturer, in complying with the bill, to utilize recyclers that use specified recycling practices or standards or other environmental and recycling standards that may be adopted by the Director of Environmental Protection.
- Prohibits a manufacturer or a recycler operating in Ohio from employing or contracting with an entity that employs laborers who are prisoners serving a term in any state or federal correctional institution to process covered electronic devices.

Rules

- Requires the Director to adopt rules necessary to implement the bill, including procedures for submission of manufacturer registrations, the amount of the manufacturer registration fee, and criteria for approval of computer and video display take-back programs.

Actions not prohibited

- States that the bill does not prohibit a manufacturer, recycler, or collector from offering fee-based premium services regarding the collection of covered electronic devices to persons who desire such premium services or shipping a covered electronic device to another state for purposes of recycling it.

Electronic Waste Recycling Fund

- Creates the Electronic Waste Recycling Fund consisting of all fees collected under the bill, and specifies that money in the Fund must be used by the Director to implement the bill.

Enforcement and penalties

- Because of the placement of the bill's provisions in the Solid, Hazardous, and Infectious Wastes Law, applies enforcement procedures, civil penalties, and criminal penalties that are currently established in that Law to the bill.

Electronic Waste Advisory Council

- Creates the Electronic Waste Advisory Council consisting of specified members, and terminates it on July 1, 2015.
- Requires the Council to prepare a report that evaluates computer take-back programs and video display device take-back programs, requires the Council to make recommendations for improving the recycling of covered electronic devices, and specifies the items about which the Council must make recommendations.

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CONTENT AND OPERATION

Overview

The bill requires manufacturers who sell or offer for sale new covered computers or covered video display devices in Ohio to register with the Director of Environmental Protection. It then requires a manufacturer to establish a covered computer or covered video display device take-back program, as applicable, and establishes requirements governing both types of programs. As part of such a program, a manufacturer must recycle or arrange for the recycling of covered computers or covered video display devices; the bill establishes requirements regarding that recycling. Finally, the bill creates the Electronic Waste Advisory Council and requires it to evaluate take-back programs and make recommendations for improving the recycling of covered electronic devices.

Definitions

The bill defines the following terms for purposes of the covered electronic devices recycling programs that it establishes:

"Collector" means a person who receives covered electronic devices from consumers and arranges for the delivery of the covered electronic devices to a recycler.¹

"Computer" means a desktop computer, notebook computer, computer monitor, or printer. "Computer" includes a peripheral device, including a mouse or other similar pointing device or a detachable or wireless keyboard. "Computer" does not include either of the following:

- (1) A personal digital assistant device or mobile telephone; or
- (2) A household appliance, including an appliance with a central processing unit or a video display.²

"Consumer" means a person who purchases a covered electronic device primarily for personal or small business purposes in Ohio.³

"Covered computer" means a computer that was or will be used primarily for personal or small business purposes in Ohio. "Covered computer" does not include a device that is functionally or physically a part of, connected to, or integrated within a larger piece of equipment or system that is designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, or control products, medical products approved under the Federal Food, Drug, and Cosmetic Act, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.⁴

"Covered electronic device" means a covered computer or covered video display device.⁵

¹ R.C. 3734.92(A).

² R.C. 3734.92(B).

³ R.C. 3734.92(D).

⁴ R.C. 3734.92(E).

⁵ R.C. 3734.92(F).

"Covered electronic device take-back program" means a computer take-back program or a video display device take-back program that is required under the bill.⁶

"Covered video display device" means a video display device that was or will be used primarily for personal or small business purposes in Ohio. "Covered video display device" does not include a video display device that is functionally or physically a part of, connected to, or integrated within a larger piece of equipment or system that is designed and intended for transportation or for use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, or control products, medical products approved under the Federal Food, Drug, and Cosmetic Act, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.⁷

"Desktop computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device to which all of the following apply:

(1) The device performs logical, arithmetic, and storage functions for general purpose needs that are met through interaction with multiple software programs contained in the computer;

(2) The device is not designed to exclusively perform a specific type of limited or specialized application;

(3) Human interface with the computer is achieved through a stand-alone keyboard, a stand-alone monitor or other display unit, and a stand-alone mouse or other pointing device;

(4) The device is designed for a single user; and

(5) The device has a main unit that is intended to be persistently located in a single location, often on a desk or on the floor.⁸

"Manufacturer" means any of the following:

(1) A person who owns or who is licensed to use a brand with which a covered computer is labeled if the person sold more than 50 covered computers in the calendar year of the bill's effective date or a subsequent calendar year;

⁶ R.C. 3734.92(G).

⁷ R.C. 3734.92(H).

⁸ R.C. 3734.92(I).

(2) A person who owns or who is licensed to use a brand with which a covered video display device is labeled if the person sold more than 50 covered video display devices in the calendar year of the bill's effective date or a subsequent calendar year;

(3) A person who imports into the United States a covered electronic device if the person who owns the brand does not do business in the United States, provided that the person who imports the covered electronic device sold or imported more than 50 covered computers in the calendar year of the bill's effective date or in a subsequent calendar year or sold or imported more than 50 covered video display devices in the calendar year of the bill's effective date or a subsequent calendar year; or

(4) A person who contractually assumes the responsibilities and obligations described in item (1) or (2) above.⁹

"Notebook computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device to which all of the following apply:

(1) The device performs logical, arithmetic, and storage functions for general purpose needs that are met through interaction with a number of software programs contained in the computer;

(2) The device is not designed to exclusively perform a specific type of limited or specialized application;

(3) The device achieves human interface through a keyboard, a video display greater than four inches in size, and a mouse or other pointing device, all of which are contained within the construction of the unit that comprises the computer;

(4) The device is able to be carried as one unit by an individual;

(5) The device is able to use an external or internal power source, including a battery; and

(6) The device allows for the attachment of supplemental stand-alone interface devices.

"Notebook computer" does not include a portable handheld calculator, a portable digital assistant, or a similar specialized device.¹⁰

⁹ R.C. 3734.92(J).

¹⁰ R.C. 3734.92(K).

"Printer" means a device that prints using a print technology such as laser, electrographic, ink jet, dot matrix, thermal, or digital sublimation and that is designed to be placed on a desk or other work surface. "Printer" includes a multifunction or all-in-one device that in addition to printing may perform copying, scanning, faxing, or a combination of part or all of those functions. "Printer" does not include a floor-standing device that prints or a device that prints that has an optional floor stand, a point of sale receipt printer, a calculator with printing capabilities, a label maker, or a device that prints that is embedded within a product that is not a covered computer.¹¹

"Recycler" means a person who as a principal component of business operations acquires covered electronic devices and sorts and processes the covered electronic devices in order to facilitate recycling or resource recovery techniques. "Recycler" does not include a collector, hauler, or electronics shop.¹²

"Retailer" means a person who sells a covered electronic device to a consumer at a sales outlet, by mail order, via the Internet, or by any other means regardless of whether the person has a physical presence in Ohio. "Retailer" does not include a person who, in the ordinary course of business, offers to lease or arranges for the leasing of covered electronic devices under a lease, rental, or rental-purchase agreement, but does not sell covered electronic devices.¹³

"Small business" means a business that has ten or fewer employees.¹⁴

"Video display device" means an electronic device with a viewable screen size that is greater than four inches measured diagonally, that contains a tuner, and that is capable of receiving and displaying television or video programming via a broadcast, cable, or satellite. "Video display device" includes, but is not limited to, a direct view or projection television in which the display technology is a cathode ray tube, plasma, liquid crystal display, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology. "Video display device" does not include a computer regardless of whether the computer includes a tuner or a household appliance regardless of whether the appliance includes a video display.¹⁵

¹¹ R.C. 3734.92(L).

¹² R.C. 3734.92(M).

¹³ R.C. 3734.92(N).

¹⁴ R.C. 3734.92(O).

¹⁵ R.C. 3734.92(P).

Registration of manufacturers

The bill requires a manufacturer who sells or offers for sale in Ohio new covered electronic devices, not later than 30 days after the end of Ohio's fiscal year, to register with the Director of Environmental Protection on a form prescribed and provided by the Director. The registration form must require a manufacturer to provide all of the following:

- (1) The name, address, and telephone number of the manufacturer;
- (2) Each brand name under which the manufacturer sells or offers for sale covered electronic devices in Ohio; and
- (3) Information concerning the manufacturer's covered electronic device take-back program (see "**Computer take-back programs**" and "**Video display device take-back programs**," below) that includes the following:
 - (a) Information that is provided to consumers that describes how and where to return covered electronic devices that are labeled with the manufacturer's name or brand label and a detailed statement that describes the means by which the information is provided to consumers, including any web site addresses that may be used; and
 - (b) Beginning with the submission of the first registration after the implementation of a covered electronic device take-back program, a report that describes the implementation of that program during the preceding fiscal year. The report must include the total weight of the covered electronic devices received under the take-back program from consumers during the preceding fiscal year, the processes and methods used to recycle or reuse the covered electronic devices that are received from consumers, and the identity of all collectors and recyclers with whom the manufacturer has entered into an agreement for the collection or recycling of covered electronic devices received from consumers. The identity of a recycler must include the addresses of each of the recycler's recycling facilities that are located in Ohio, if applicable. Information that is related to the identity of all recyclers is not subject to the Public Records Law unless required by a court order.¹⁶

A registration is effective on receipt by the Director, provided that the registration is complete and includes the required registration fee (see below). If a manufacturer's registration does not satisfy the requirements of the bill, the Director must notify the manufacturer of the deficiency. If the manufacturer fails to correct a

¹⁶ R.C. 3734.921(A) and (E).

deficiency within 60 days after notice of the deficiency is sent, the Director may deny or revoke the manufacturer's registration.¹⁷

The Director must maintain on the Environmental Protection Agency's web site a list of registered manufacturers of covered computers and a list of registered manufacturers of covered video display devices together with the web site addresses at which each manufacturer provides information regarding recycling covered electronic devices, if any.¹⁸

Registration fee

A manufacturer must include with a registration an annual fee of not more than \$5,000 as established in rules adopted under the bill (see "**Rules**," below). However, if the balance of the Electronic Waste Recycling Fund created by the bill (see "**Electronic Waste Recycling Fund**," below) is greater than \$600,000 on December 31 of any year, the Director must not collect the annual fee for the subsequent fiscal year. The Director must transmit the money from the fees to the Treasurer of State who must deposit the money in the state treasury to the credit of the Electronic Waste Recycling Fund.¹⁹ Not later than October 1, 2013, and every two years after that date, the Director must submit a report to the Speaker of the House of Representatives and the President of the Senate that provides an assessment of the adequacy of the maximum amount of fee that may be charged and recommendations, if any, to modify the maximum amount of the fee.²⁰

Prohibited activities

Under the bill, beginning April 1, 2013, a manufacturer must not sell or offer for sale at a sales outlet, by mail order, via the Internet, or by any other means in Ohio a new covered electronic device unless all of the following are satisfied:

(1) The covered electronic device is labeled with the manufacturer's name or a brand label that is owned by or that is licensed for use by the manufacturer;

(2) The manufacturer's name is on the applicable registration list that is maintained by the Director of Environmental Protection;

¹⁷ R.C. 3734.921(C).

¹⁸ R.C. 3734.921(D).

¹⁹ R.C. 3734.921(B).

²⁰ R.C. 3734.921(F).

(3) If the covered electronic device is a covered computer, the manufacturer has established a computer take-back program (see below); and

(4) If the covered electronic device is a covered video display device, the manufacturer has established a video display device take-back program (see below).²¹

A retailer must not sell or offer for sale in Ohio a new covered electronic device that is purchased by the retailer from a manufacturer of the new covered electronic device on or after April 1, 2013, unless the manufacturer is on the applicable registration list that is maintained by the Director as required by the bill.²²

Computer take-back programs

The bill requires a manufacturer of a covered computer, beginning April 1, 2013, to establish a computer take-back program that satisfies all of the following:

(1) The manufacturer of a covered computer or the manufacturer's designee accepts from a consumer the manufacturer's covered computer that has reached the end of its useful life for the consumer. However, a manufacturer is not required to accept more than seven covered computers from a single consumer on a single day. The bill provides that the above provisions must not be construed in a manner that impairs the obligation of a contract under which a person agrees to conduct a computer take-back program on behalf of a manufacturer.²³

(2) The manufacturer or the manufacturer's designee does not charge a fee when a consumer returns a covered computer to the manufacturer of the covered computer. The manufacturer or the manufacturer's designee may charge a fee when a consumer returns another manufacturer's covered computer to the manufacturer if in exchange for the fee the manufacturer or the manufacturer's designee provides goods or services in an amount equal to or greater than the amount of the fee. The manufacturer or the manufacturer's designee also may offer to accept another manufacturer's covered computer at no charge with the purchase of a similar covered computer from the manufacturer.²⁴

(3) The collection of a covered computer is reasonably convenient for, available to, and designed to meet the needs of consumers in Ohio. Collection methods that

²¹ R.C. 3734.922(A).

²² R.C. 3734.922(B).

²³ R.C. 3734.923(A)(1).

²⁴ R.C. 3734.923(A)(2).

alone or in combination satisfy that provision include methods for a consumer to return a covered computer by mail or common carrier, deposit at a local physical collection site that is open and staffed on a continuing basis, deposit at a periodic local collection event, or deposit at a retailer.²⁵

(4) The manufacturer of a covered computer provides to consumers information on how and where to return a covered computer, including, but not limited to, information on the manufacturer's web site concerning the collection, recycling, and reuse of a covered computer. The manufacturer also may include information concerning the collection, recycling, and reuse of a covered computer via a toll-free telephone number or in the packaging for or with other materials that accompany the manufacturer's covered computers when the covered computers are sold.²⁶

(5) The manufacturer recycles or arranges for the recycling of the covered computers that are collected in accordance with the bill.²⁷

For purposes of items (1), (2), and (5) above, a manufacturer may arrange for the collection and recycling of covered computers by another person. Further, the bill authorizes a manufacturer to implement a covered computer take-back program in conjunction with other manufacturers.²⁸ Additionally, the bill states that except to the extent otherwise provided by contract, a manufacturer, recycler, collector, or retailer is not liable for the loss or use of data or other information from an information storage device of a covered electronic device collected or recycled under the bill.²⁹

Video display device take-back programs

Beginning April 1, 2013, a manufacturer of a covered video display device must establish a video display device take-back program that satisfies all of the following:

(1) The manufacturer of a covered video display device or the manufacturer's designee accepts from a consumer any covered video display device that has reached the end of its useful life for the consumer regardless of the type or brand. However, a

²⁵ R.C. 3734.923(A)(3).

²⁶ R.C. 3734.923(A)(4).

²⁷ R.C. 3734.923(A)(5).

²⁸ R.C. 3734.923(B) and (C).

²⁹ R.C. 3734.923(D).

manufacturer is not required to accept more than seven covered video display devices from a single consumer on a single day.³⁰

(2) The manufacturer or the manufacturer's designee does not charge a fee when a consumer returns a covered video display device to the manufacturer.³¹

(3) The collection of a covered video display device is reasonably convenient for, available to, and designed to meet the needs of consumers in Ohio. Collection methods that alone or in combination satisfy that requirement include methods for a consumer to return a covered video display device by mail or common carrier, deposit at a local physical collection site that is open and staffed on a continuing basis, deposit at a periodic local collection event, or deposit at a retailer.³²

(4) The manufacturer of a covered video display device provides to consumers information on how and where to return a covered video display device, including, but not limited to, information on the manufacturer's web site concerning the collection, recycling, and reuse of a covered video display device. The manufacturer also may include information concerning the collection, recycling, and reuse of a covered video display device via a toll-free telephone number or in the packaging for or with other materials that accompany the manufacturer's covered video display devices when the covered video display devices are sold.³³

(5) The manufacturer recycles or arranges for the recycling of the covered video display devices that are collected in accordance with the bill. As a nonbinding goal, a manufacturer who is required to conduct a video display device take-back program must recycle annually 60% of the total weight of covered video display devices sold by the manufacturer in Ohio during the previous state fiscal year. Information that is compiled for that purpose is not subject to the Public Records Law unless required by a court order.³⁴

For purposes of items (1) and (5) above, a manufacturer may arrange for the collection and recycling of covered video display devices by another person. A

³⁰ R.C. 3734.924(A)(1).

³¹ R.C. 3734.924(A)(2).

³² R.C. 3734.924(A)(3).

³³ R.C. 3734.924(A)(4).

³⁴ R.C. 3734.924(A)(5).

manufacturer also may implement a covered video display device take-back program in conjunction with other manufacturers.³⁵

Recycling

All covered electronic devices that are collected under the bill must be collected and recycled in a manner that complies with all applicable federal, state, and local laws.³⁶

In complying with the requirements established in the bill, a manufacturer must utilize recyclers that use responsible recycling practices for use in accredited certification programs, the e-stewards standard for responsible recycling and reuse of electronics, or other environmental and recycling standards that may be adopted by the Director of Environmental Protection.³⁷

The bill prohibits a manufacturer from utilizing a recycler that employs or contracts with an entity that employs laborers who are prisoners serving a term in any state or federal correctional institution to process covered electronic devices. Additionally, a recycler operating in Ohio cannot employ or contract with an entity that employs laborers who are such prisoners to process covered electronic devices.³⁸

Rules

The bill requires the Director to adopt rules in accordance with the Administrative Procedure Act that establish procedures for the submission of manufacturer registrations, the amount of the required manufacturer registration fee, criteria for approval of computer and video display device take-back programs, and any other requirements that the Director considers necessary or appropriate in order to implement the bill.³⁹

Actions not prohibited

The bill states that it does not prohibit a manufacturer, recycler, or collector from doing either of the following: (1) offering fee-based premium services regarding the

³⁵ R.C. 3734.924(B) and (C).

³⁶ R.C. 3734.925(A).

³⁷ R.C. 3734.925(B).

³⁸ R.C. 3734.925(C).

³⁹ R.C. 3734.926.

collection of covered electronic devices to persons who desire such premium services, or (2) shipping a covered electronic device to another state for purposes of recycling it.⁴⁰

Electronic Waste Recycling Fund

The bill creates the Electronic Waste Recycling Fund in the state treasury consisting of all fees collected under the bill. Investment earnings of the Fund must be credited to the Fund. Money in the Fund must be used by the Director to administer and enforce the bill.⁴¹

Enforcement and penalties

Because the Revised Code sections that comprise the bill are placed in the Solid, Hazardous, and Infectious Wastes Law, the general enforcement procedures and penalties established in that Law apply to the bill's provisions. Under that Law, the Director of Environmental Protection is authorized to issue enforcement orders with respect to violations of that Law. A court may impose on general violations of the Law a civil penalty of \$10,000 for each day of violation. In addition, a reckless violation of that Law is a felony, and an offender may be fined at least \$10,000, but not more than \$25,000, or imprisoned for at least two years, but not more than four years, or both.⁴²

Electronic Waste Advisory Council

The bill creates the Electronic Waste Advisory Council consisting of the following members:

- (1) The Director of Environmental Protection or the Director's designee;
- (2) Four members appointed by the President of the Senate as follows:
 - (a) One member representing manufacturers of covered video display devices;
 - (b) One member representing recyclers of covered computers or covered video display devices;
 - (c) One member representing an association of computer manufacturers and video display device manufacturers; and
 - (d) One member who is a member of the Senate.

⁴⁰ R.C. 3734.927.

⁴¹ R.C. 3734.928.

⁴² R.C. 3734.13 and 3734.99, not in the bill.

(3) Four members appointed by the Speaker of the House of Representatives as follows:

(a) One member representing manufacturers of covered computers;

(b) One member representing retailers of covered computers or covered video display devices;

(c) One member representing a single county solid waste management district; and

(d) One member who is a member of the House of Representatives.

(4) Two members appointed by the Governor as follows:

(a) One member who represents a statewide conservation organization; and

(b) One member who represents the private solid waste disposal industry.⁴³

Appointments to the Council must be made not later than 30 days after the effective date of the bill. If a vacancy occurs on the Council, the vacancy must be filled in the same manner as the original appointment. A member of the Council may be removed by the person who appointed the member for malfeasance, misfeasance, nonfeasance, or any other good cause. The Council members who are members of the Senate and of the House of Representatives must serve as co-chairpersons. The Council must elect from its members any other officers that it considers necessary or appropriate. A majority of the members of the Council constitutes a quorum for any matter that is before the Council. The co-chairpersons must call the first meeting of the Council. The Council then must meet at least quarterly or more often at the call of the co-chairpersons or if requested by two or more members of the Council. Members of the Council must serve without compensation. The bill states that serving as a member of the Council does not constitute holding a public office or position of employment under the laws of Ohio and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.⁴⁴

Duties of the Council

The Council must prepare a report that evaluates computer take-back programs and video display device take-back programs and must make recommendations to

⁴³ R.C. 3734.929(A).

⁴⁴ R.C. 3734.927(B).

improve the recycling of covered electronic devices. In addition, the report must evaluate and make recommendations concerning all of the following:

(1) Whether a manufacturer's market share should be used to determine the amount of video display devices that a manufacturer is required to recycle annually;

(2) Whether a manufacturer that is implementing a take-back program and recycles electronic waste in an amount greater than an applicable amount that is provided for in the bill (see above) should be granted credits, and, if credits should be granted, a determination of the lifespan of a credit, a determination of the transferability of a credit, and a description of how a credit system will operate;

(3) Whether the nonbinding annual recycling goal that is established by the bill for manufacturers of covered video display devices (see above) should be changed and whether such a goal should be mandatory;

(4) The items that should be included in a mandatory take-back program, and, if new items are recommended, the recycling rates or amounts for each of the new items;

(5) Whether and how a manufacturer should be fined or sanctioned for a violation of the bill (see **COMMENT**);

(6) Whether the funding for the administration of the bill is appropriate;

(7) Whether a program should be established to recognize a manufacturer that implements a recycling program that recycles products in addition to covered electronic devices that are required to be recycled under the bill or that recycles covered electronic devices in an amount greater than an amount that is established in the bill;

(8) Whether a system should be developed to collect covered electronic devices that otherwise are not collected by a manufacturer;

(9) Whether recycling data, such as the amount of covered electronic devices collected by collectors, should be maintained;

(10) Whether a grant program should be established to expand recycling and recovery programs for covered electronic devices and to provide consumer education for such recycling and recovery programs; and

(11) Whether a ban on the disposal of covered electronic devices in solid waste landfills in Ohio is appropriate.⁴⁵

⁴⁵ R.C. 3734.927(C).

Not later than April 1, 2015, the Council must submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.⁴⁶ The bill terminates the Council on July 1, 2015.⁴⁷

COMMENT

It is not clear how this provision coordinates with the enforcement provisions discussed above.

HISTORY

ACTION	DATE
Introduced	11-09-11

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⁴⁶ R.C. 3734.927(D).

⁴⁷ Section 2.

