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I N A S S E M B L Y

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Introduced by M. of A. SWEENEY, WEISENBERG, DINOWITZ, GOTTFRIED, ORTIZ, JACOBS, MILLMAN, CAHILL, LAVINE, GABRYSZAK, BENEDETTO, JAFFEE, SCHIMMEL, ALFANO, FIELDS, FARRELL, KAVANAGH, ROSENTHAL, ENGLEBRIGHT, McENEANY, PERALTA, PAULIN, GALEF, LIFTON, CARROZZA -- Multi-Sponsored by -- M. of A. BARRA, BING, BOYLAND, BRENNAN, CONTE, DESTITO, GLICK, KELLNER, KOON, LATIMER, LENTOL, LUPARDO, MAISEL, PHEFFER, THIELE, TITUS, WEINSTEIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the recycling, reuse and safe handling of electronic equipment sold in the state of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "electronic equipment recycling and reuse act".  
3 S 2. Article 27 of the environmental conservation law is amended by  
4 adding a new title 26 to read as follows:  
5 TITLE 26  
6 ELECTRONIC EQUIPMENT RECYCLING AND REUSE  
7 SECTION 27-2601. DEFINITIONS.  
8 27-2603. MANUFACTURER COLLECTION.  
9 27-2605. MANUFACTURER ELECTRONIC WASTE MANAGEMENT PLAN.  
10 27-2607. RETAILER REQUIREMENTS.  
11 27-2609. LABELING.  
12 27-2611. DISPOSAL BAN.  
13 27-2613. ENFORCEMENT.  
14 27-2615. MANUFACTURER PENALTIES.  
15 27-2617. REPORTING REQUIREMENTS.  
16 27-2619. PREEMPTION.  
17 27-2621. CONFIDENTIAL INFORMATION AND TRADE SECRETS.  
18 27-2623. SEVERABILITY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

- 1 S 27-2601. DEFINITIONS.  
2 AS USED IN THIS TITLE:
- 3 1. "CATHODE RAY TUBE" MEANS A VACUUM TUBE OR PICTURE TUBE USED TO  
4 CONVERT AN ELECTRONIC SIGNAL INTO A VISUAL IMAGE.
  - 5 2. "COMPUTER" MEANS AN ELECTRONIC, MAGNETIC, OPTICAL, ELECTROCHEMICAL  
6 OR OTHER HIGH-SPEED DATA PROCESSING DEVICE PERFORMING A LOGICAL, ARITH-  
7 METIC OR STORAGE FUNCTION, AND MAY INCLUDE BOTH A COMPUTER CENTRAL PROC-  
8 ESSING UNIT AND A MONITOR; BUT SUCH TERM SHALL NOT INCLUDE AN AUTOMATED  
9 TYPEWRITER OR TYPESETTER, A PORTABLE HAND-HELD CALCULATOR, A PORTABLE  
10 DIGITAL ASSISTANT, OR OTHER SIMILAR DEVICE.
  - 11 3. "CONSUMER" MEANS A PERSON WHO OWNS OR USES COVERED ELECTRONIC  
12 EQUIPMENT, INCLUDING BUT NOT LIMITED TO AN INDIVIDUAL, A BUSINESS,  
13 CORPORATION, LIMITED PARTNERSHIP, NOT-FOR-PROFIT ORGANIZATION, OR  
14 GOVERNMENTAL ENTITY, BUT DOES NOT INCLUDE AN ENTITY INVOLVED IN A WHOLE-  
15 SALE TRANSACTION BETWEEN A DISTRIBUTOR AND RETAILER.
  - 16 4. "COVERED ELECTRONIC EQUIPMENT" MEANS ANY COMPUTER CENTRAL PROCESS-  
17 ING UNIT; CATHODE RAY TUBE; CATHODE RAY TUBE DEVICE; KEYBOARD; ELECTRON-  
18 IC MOUSE OR SIMILAR POINTING DEVICE; TELEVISION; PRINTER, COMPUTER MONI-  
19 TOR, INCLUDING BUT NOT LIMITED TO LIQUID CRYSTAL DISPLAYS (LCD) AND  
20 PLASMA SCREENS, OR SIMILAR VIDEO DISPLAY DEVICE WITH A SCREEN THAT IS  
21 GREATER THAN FOUR INCHES MEASURED DIAGONALLY AND CONTAINS ONE OR MORE  
22 CIRCUIT BOARDS; A LAPTOP OR OTHER PORTABLE COMPUTER; OR A PORTABLE  
23 DIGITAL MUSIC PLAYER THAT HAS MEMORY CAPABILITY AND IS BATTERY-POWERED;  
24 ANY DEVICE THAT HAS INTERNAL MEMORY AND CAN CONNECT TO VIDEO; OR ANY  
25 DEVICE INCLUDING A HARD DRIVE. "COVERED ELECTRONIC EQUIPMENT" DOES NOT  
26 INCLUDE ANY MOTOR VEHICLE; WIRELESS TELEPHONE; HOUSEHOLD APPLIANCES SUCH  
27 AS CLOTHES WASHERS, CLOTHES DRYERS, REFRIGERATORS, FREEZERS, MICROWAVE  
28 OVENS, OVENS, RANGES OR DISHWASHERS; EQUIPMENT THAT IS FUNCTIONALLY OR  
29 PHYSICALLY PART OF A LARGER PIECE OF EQUIPMENT INTENDED FOR USE IN AN  
30 INDUSTRIAL, RESEARCH AND DEVELOPMENT OR COMMERCIAL SETTING; SECURITY OR  
31 ANTI-TERRORISM EQUIPMENT THAT UTILIZES A CATHODE RAY TUBE; COMMERCIAL  
32 MEDICAL EQUIPMENT THAT CONTAINS WITHIN IT A CATHODE RAY TUBE, A CATHODE  
33 RAY TUBE DEVICE, A FLAT PANEL DISPLAY OR SIMILAR VIDEO DISPLAY DEVICE,  
34 AND IS NOT SEPARATE FROM THE LARGER PIECE OF EQUIPMENT; OR OTHER MEDICAL  
35 DEVICES AS THAT TERM IS DEFINED UNDER THE FEDERAL FOOD, DRUG, AND  
36 COSMETIC ACT.
  - 37 5. "ELECTRONIC RECYCLER" MEANS A PERSON WHO ENGAGES IN THE MANUAL OR  
38 MECHANICAL SEPARATION OF COVERED ELECTRONIC EQUIPMENT TO RECOVER COMPO-  
39 NENTS AND COMMODITIES CONTAINED THEREIN FOR THE PURPOSE OF REUSE OR  
40 RECYCLING OR A PERSON WHO CHANGES THE PHYSICAL OR CHEMICAL COMPOSITION  
41 OF COVERED ELECTRONIC EQUIPMENT FOR PURPOSES OF SEGREGATING COMPONENTS,  
42 FOR PURPOSES OF RECYCLING THOSE COMPONENTS AND WHO ARRANGES FOR THE  
43 TRANSPORT OF THOSE COMPONENTS.
  - 44 6. "ELECTRONIC WASTE" MEANS COVERED ELECTRONIC EQUIPMENT THAT HAS BEEN  
45 DISCARDED OR IS NO LONGER WANTED BY ITS OWNER, OR FOR ANY OTHER REASON  
46 ENTERS THE WASTE COLLECTION, RECOVERY, TREATMENT, PROCESSING, OR RECYCL-  
47 ING SYSTEM.
  - 48 7. "LABEL" MEANS A MARKER ON THE SURFACE OF COVERED ELECTRONIC EQUIP-  
49 MENT CONVEYING INFORMATION; FOR THE PURPOSES OF THIS TITLE, LABELS MUST  
50 BE PERMANENT AND CAN BE ATTACHED, PRINTED, ENGRAVED OR INCORPORATED IN  
51 ANY OTHER PERMANENT WAY THAT IS OBVIOUS AND VISIBLE TO USERS OF THE  
52 PRODUCT.
  - 53 8. "MANUFACTURER" MEANS A PERSON WHO: (A) ASSEMBLES OR SUBSTANTIALLY  
54 ASSEMBLES, OR HAS ASSEMBLED OR SUBSTANTIALLY ASSEMBLED, COVERED ELEC-  
55 TRONIC EQUIPMENT FOR SALE IN THE STATE; (B) MANUFACTURES OR HAS MANUFAC-  
56 TURED COVERED ELECTRONIC EQUIPMENT UNDER ITS OWN BRAND NAME OR UNDER ANY

1 OTHER BRAND NAME FOR SALE IN THE STATE; (C) SELLS OR HAS SOLD, UNDER ITS  
2 OWN BRAND NAME, COVERED ELECTRONIC EQUIPMENT SOLD IN THE STATE; (D) OWNS  
3 A BRAND NAME THAT IT LICENSES OR HAS LICENSED TO ANOTHER PERSON FOR USE  
4 ON COVERED ELECTRONIC EQUIPMENT SOLD IN THE STATE; (E) IMPORTS OR HAS  
5 IMPORTED COVERED ELECTRONIC EQUIPMENT FOR SALE IN THE STATE; (F) MANU-  
6 FACTURES OR HAS MANUFACTURED COVERED ELECTRONIC EQUIPMENT FOR SALE IN  
7 THE STATE WITHOUT AFFIXING A BRAND NAME.

8 9. "MANUFACTURER'S BRANDS" MEANS A MANUFACTURER'S NAME, BRAND NAME OR  
9 BRAND LABEL, AND ALL MANUFACTURER'S NAMES, BRAND NAMES AND BRAND LABELS  
10 FOR WHICH THE MANUFACTURER HAS LEGAL RIGHT OR INTEREST, INCLUDING THOSE  
11 NAMES, BRAND NAMES, AND BRAND LABELS OF COMPANIES THAT HAVE BEEN  
12 ACQUIRED BY THE MANUFACTURER OR IN WHICH THE MANUFACTURER ASSERTS A  
13 LEGAL INTEREST SUCH AS TRADEMARK OR PATENT.

14 10. "MONITOR" MEANS A SEPARATE VISUAL DISPLAY COMPONENT OF A COMPUTER,  
15 WHETHER SOLD SEPARATELY OR TOGETHER WITH A COMPUTER CENTRAL PROCESSING  
16 UNIT/COMPUTER BOX, AND INCLUDES A CATHODE RAY TUBE, LIQUID CRYSTAL  
17 DISPLAY, GAS PLASMA, DIGITAL LIGHT PROCESSING OR OTHER IMAGE PROJECTION  
18 TECHNOLOGY, GREATER THAN FOUR INCHES WHEN MEASURED DIAGONALLY, AND ITS  
19 CASE, INTERIOR WIRES AND CIRCUITRY, CABLE TO THE CENTRAL PROCESSING  
20 UNIT, AND POWER CORD.

21 11. "ORPHAN WASTE" MEANS COVERED ELECTRONIC WASTE, THE MANUFACTURER OF  
22 WHICH CANNOT BE IDENTIFIED OR IS NO LONGER IN BUSINESS AND FOR WHICH NO  
23 SUCCESSOR IN INTEREST CAN BE IDENTIFIED.

24 12. "PERSON" MEANS ANY INDIVIDUAL, BUSINESS ENTITY, PARTNERSHIP,  
25 COMPANY, CORPORATION, NOT-FOR-PROFIT CORPORATION, ASSOCIATION, GOVERN-  
26 MENTAL ENTITY, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, FIRM,  
27 ORGANIZATION, OR ANY OTHER GROUP OF INDIVIDUALS, OR ANY OFFICER OR  
28 EMPLOYEE OR AGENT THEREOF.

29 13. "PORTABLE COMPUTER" MEANS A COMPUTER AND VIDEO DISPLAY GREATER  
30 THAN FOUR INCHES IN SIZE THAT CAN BE CARRIED AS ONE UNIT BY AN INDIVID-  
31 UAL.

32 14. "RECYCLE" MEANS TO USE THE MATERIALS CONTAINED IN COVERED ELEC-  
33 TRONIC EQUIPMENT OR COMPONENTS AS RAW MATERIALS FOR NEW PRODUCTS OR  
34 COMPONENTS, BUT NOT FOR ENERGY RECOVERY OR ENERGY GENERATION BY MEANS OF  
35 COMBUSTION, GASIFICATION, PYROLYSIS OR OTHER MEANS.

36 15. "RETAILER" MEANS A PERSON WHO SELLS COVERED ELECTRONIC EQUIPMENT  
37 TO A CONSUMER IN THE STATE THROUGH ANY MEANS, INCLUDING, BUT NOT LIMITED  
38 TO, TRANSACTIONS CONDUCTED THROUGH RETAIL SALES OUTLETS, CATALOGS OR THE  
39 INTERNET, OR ANY ELECTRONIC MEANS.

40 16. "REUSE" MEANS ANY OPERATION BY WHICH COVERED ELECTRONIC EQUIPMENT  
41 OR COMPONENTS ARE USED FOR THE SAME PURPOSE FOR WHICH THEY WERE  
42 CONCEIVED, INCLUDING THE CONTINUED USE OF WHOLE SYSTEMS OR COMPONENTS.

43 17. "SELL" OR "SALE" MEANS ANY TRANSFER FOR CONSIDERATION OF TITLE OR  
44 THE RIGHT TO USE, BY LEASE OR SALES CONTRACT, FROM A MANUFACTURER OR  
45 RETAILER TO A CONSUMER, INCLUDING, BUT NOT LIMITED TO, TRANSACTIONS  
46 CONDUCTED THROUGH RETAIL SALES OUTLETS, CATALOGS, THE INTERNET, OR ANY  
47 ELECTRONIC MEANS; THIS INCLUDES TRANSFER OF NEW PRODUCTS OR USED  
48 PRODUCTS THAT MAY HAVE BEEN REFURBISHED BY THEIR MANUFACTURER OR MANU-  
49 FACTURER-APPROVED PARTY AND THAT ARE OFFERED FOR SALE BY A MANUFACTURER  
50 OR RETAILER, BUT DOES NOT INCLUDE CONSUMER-TO-CONSUMER SECOND-HAND  
51 TRANSFER.

52 18. "TELEVISION" MEANS A DISPLAY SYSTEM CONTAINING A CATHODE RAY TUBE  
53 OR ANY OTHER TYPE OF DISPLAY PRIMARILY INTENDED TO RECEIVE VIDEO  
54 PROGRAMMING VIA BROADCAST, CABLE OR SATELLITE TRANSMISSION, HAVING A  
55 VIEWABLE AREA GREATER THAN FOUR INCHES WHEN MEASURED DIAGONALLY.

56 S 27-2603. MANUFACTURER COLLECTION.

1 1. BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE OR ONE HUNDRED EIGHTY  
2 DAYS AFTER AN ELECTRONIC WASTE MANAGEMENT PLAN IS APPROVED BY THE  
3 DEPARTMENT, WHICHEVER DATE IS LATER, A MANUFACTURER OF COVERED ELECTRON-  
4 IC EQUIPMENT MUST ACCEPT FOR COLLECTION, HANDLING AND RECYCLING OR REUSE  
5 OF COVERED ELECTRONIC EQUIPMENT THAT IS OFFERED FOR RETURN BY ANY PERSON  
6 AND WHICH HAS BEEN ASSEMBLED, MANUFACTURED OR IMPORTED BY SUCH MANUFAC-  
7 Turer, OR HAS BEEN SOLD UNDER SUCH MANUFACTURER'S BRAND NAME.

8 2. BEGINNING JANUARY FIRST, TWO THOUSAND THIRTEEN OR ONE HUNDRED  
9 EIGHTY DAYS AFTER AN ELECTRONIC WASTE MANAGEMENT PLAN IS APPROVED BY THE  
10 DEPARTMENT, WHICHEVER DATE IS LATER, EACH MANUFACTURER MUST ACCEPT FOR  
11 COLLECTION, HANDLING AND RECYCLING OR REUSE OF ITS SHARE OF ORPHAN WASTE  
12 IN THE STATE. EACH MANUFACTURER'S SHARE OF ORPHAN WASTE SHALL BE DETER-  
13 MINED BY THE DEPARTMENT BASED ON THE WEIGHT PERCENTAGE SHARE OF THE  
14 MANUFACTURER AS DETERMINED BY THE BEST AVAILABLE INFORMATION, INCLUDING,  
15 BUT NOT LIMITED TO, STATE SALES DATA REPORTED BY WEIGHT. BEGINNING  
16 JANUARY FIRST, TWO THOUSAND TWELVE, AND EVERY YEAR THEREAFTER, THE  
17 DEPARTMENT SHALL PROVIDE EACH MANUFACTURER WITH A DETERMINATION OF ITS  
18 SHARE OF ORPHAN WASTE. NO MANUFACTURER SHALL BE RESPONSIBLE FOR THE  
19 COLLECTION, HANDLING AND RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIP-  
20 MENT OF A DIFFERENT TYPE THAN THE COVERED ELECTRONIC EQUIPMENT OFFERED  
21 FOR SALE BY THE MANUFACTURER.

22 S 27-2605. MANUFACTURER ELECTRONIC WASTE MANAGEMENT PLAN.

23 THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS PROMULGATING RECYCL-  
24 ING COLLECTION STANDARDS. SUCH STANDARDS SHALL BE DETERMINED BASED ON  
25 THE AVERAGE ANNUAL SALES OF THE MANUFACTURER'S COVERED ELECTRONIC EQUIP-  
26 MENT IN THE STATE, REPORTED BY WEIGHT, DURING THE PREVIOUS THREE CALEN-  
27 DAR YEARS; BY JULY FIRST, TWO THOUSAND SIXTEEN, THE MINIMUM COLLECTION  
28 STANDARD IS TWENTY-FIVE PERCENT AND BY JULY FIRST, TWO THOUSAND EIGH-  
29 TEEN, THE MINIMUM COLLECTION STANDARD IS FORTY-FIVE PERCENT. THE COMMIS-  
30 SIONER MAY GRANT A WAIVER, IN WHOLE OR IN PART, FROM THE COLLECTION  
31 STANDARDS AND ANY RESULTING FINES OR PENALTIES WHERE A MANUFACTURER HAS  
32 DEMONSTRATED TO THE COMMISSIONER'S SATISFACTION THAT SUCH MINIMUM  
33 COLLECTION STANDARDS COULD NOT BE MET DESPITE THE BEST EFFORTS OF THE  
34 MANUFACTURER.

35 1. A MANUFACTURER SHALL DEVELOP AN ELECTRONIC WASTE MANAGEMENT PLAN  
36 AND SUBMIT, ALONG WITH A REGISTRATION FEE OF FIVE THOUSAND DOLLARS, A  
37 REPORT AS REQUIRED BY THIS SECTION.

38 2. NO LATER THAN JANUARY FIRST, TWO THOUSAND ELEVEN, A MANUFACTURER  
39 SHALL DEVELOP AND SUBMIT TO THE DEPARTMENT AN ELECTRONIC WASTE MANAGE-  
40 MENT PLAN FOR THE COLLECTION, HANDLING AND RECYCLING OR REUSE OF COVERED  
41 ELECTRONIC EQUIPMENT AND ORPHAN WASTE. ANY PERSON WHO BECOMES A  
42 MANUFACTURER ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN SHALL SUBMIT TO  
43 THE DEPARTMENT AN ELECTRONIC WASTE MANAGEMENT PLAN FOR THE COLLECTION,  
44 HANDLING, AND RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIPMENT AND  
45 ORPHAN WASTE PRIOR TO SELLING ANY COVERED ELECTRONIC EQUIPMENT IN THE  
46 STATE. THE MANUFACTURER SHALL NOT IMPOSE A FEE ON CONSUMERS FOR THE  
47 COLLECTION, HANDLING AND RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIP-  
48 MENT.

49 3. THE ELECTRONIC WASTE MANAGEMENT PLAN SHALL INCLUDE, AT A MINIMUM:

50 A. DETAILS FOR IMPLEMENTING THE COLLECTION, HANDLING AND RECYCLING OR  
51 REUSE OF COVERED ELECTRONIC EQUIPMENT PRODUCED BY THE MANUFACTURER AND  
52 OFFERED FOR RETURN BY ANY CONSUMER IN THIS STATE AND FOR IMPLEMENTING  
53 THE COLLECTION, HANDLING AND RECYCLING OR REUSE OF ITS SHARE OF ORPHAN  
54 WASTE GENERATED AS ELECTRONIC WASTE IN THIS STATE, INCLUDING, BUT NOT  
55 LIMITED TO, SPECIFIC INFORMATION ON HOW A CONSUMER CAN RETURN TO THE

1 MANUFACTURER FOR RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIPMENT FREE  
2 OF COST AND IN A MANNER CONVENIENT TO CONSUMERS;

3 B. INFORMATION ON THE ANTICIPATED END MARKETS AND ELECTRONIC RECYCLERS  
4 EXPECTED TO BE UTILIZED BY THE MANUFACTURER, INCLUDING, BUT NOT LIMITED  
5 TO, DETAILS ON THE METHODS OF COLLECTION, HANDLING AND RECYCLING OR  
6 REUSE OF COVERED ELECTRONIC EQUIPMENT USED BY ELECTRONIC RECYCLERS,  
7 DETAILS ON ANY DISASSEMBLY OR PHYSICAL RECOVERY OPERATION TO BE USED,  
8 THE LOCATIONS OF ANY SUCH OPERATIONS, AND DETAILS ON THE ELECTRONIC  
9 RECYCLER'S COMPLIANCE WITH THE UNITED STATES ENVIRONMENTAL PROTECTION  
10 AGENCY'S GUIDE ON ENVIRONMENTALLY SOUND MANAGEMENT OF ELECTRONIC  
11 DEVICES;

12 C. ANNUAL STATE SALES DATA OF THE MANUFACTURER'S COVERED ELECTRONIC  
13 EQUIPMENT REPORTED BY WEIGHT FOR THE PREVIOUS THREE CALENDAR YEARS;

14 D. A SYSTEM FOR DESTROYING ALL DATA ON ANY COVERED ELECTRONIC EQUIP-  
15 MENT COLLECTED, EITHER THROUGH PHYSICAL DESTRUCTION OF THE HARD DRIVE OR  
16 THROUGH DATA WIPING TO DEPARTMENT OF DEFENSE STANDARDS (US DOD 5220.22 M  
17 - CLEARING AND SANITATION MATRIX);

18 E. A PUBLIC EDUCATION PROGRAM TO INFORM CONSUMERS ABOUT THE MANUFAC-  
19 TURER'S ELECTRONIC WASTE MANAGEMENT PLAN, INCLUDING AT A MINIMUM: (I)  
20 AN INTERNET WEBSITE AND A TOLL-FREE TELEPHONE NUMBER THAT PROVIDES  
21 SUFFICIENT INFORMATION TO ALLOW A CONSUMER OF COVERED ELECTRONIC EQUIP-  
22 MENT TO LEARN HOW TO RETURN THE COVERED EQUIPMENT FOR RECYCLING OR REUSE  
23 AND (II) ADVERTISEMENTS, IF ANY, AND PRESS RELEASES;

24 F. A LIST OF THE MANUFACTURER'S BRAND NAMES, INCLUDING: (I) ANY BRAND  
25 NAME UNDER WHICH THE MANUFACTURER ASSEMBLES OR SUBSTANTIALLY ASSEMBLES,  
26 OR HAS ASSEMBLED OR SUBSTANTIALLY ASSEMBLED COVERED ELECTRONIC EQUIP-  
27 MENT; (II) ANY BRAND NAME UNDER WHICH THE MANUFACTURER MANUFACTURES AND  
28 SELLS, OR HAS MANUFACTURED AND SOLD, COVERED ELECTRONIC EQUIPMENT; (III)  
29 ANY BRAND NAME UNDER WHICH THE MANUFACTURER SELLS OR HAS SOLD COVERED  
30 ELECTRONIC EQUIPMENT PRODUCED BY ANOTHER PERSON UNDER SUCH MANUFAC-  
31 ER'S OWN BRAND; (IV) ANY BRAND NAME THAT THE MANUFACTURER OWNS AND  
32 LICENSES OR HAS LICENSED TO ANOTHER PERSON FOR USE ON COVERED ELECTRONIC  
33 EQUIPMENT; (V) ANY BRAND NAME UNDER WHICH THE MANUFACTURER IMPORTS OR  
34 HAS IMPORTED COVERED ELECTRONIC EQUIPMENT FOR SALE IN THE STATE; AND  
35 (VI) ANY BRAND NAME OF COVERED ELECTRONIC EQUIPMENT OF WHICH THE  
36 MANUFACTURER HAS BECOME THE SUCCESSOR-IN-INTEREST; AND

37 G. ANY OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT IN ACCORDANCE  
38 WITH REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE.

39 4. THE DEPARTMENT SHALL APPROVE OR DISAPPROVE A PROPOSED ELECTRONIC  
40 WASTE MANAGEMENT PLAN SUBMITTED BY A MANUFACTURER WITHIN ONE HUNDRED  
41 EIGHTY DAYS OF ITS SUBMISSION. IF THE DEPARTMENT APPROVES AN ELECTRONIC  
42 WASTE MANAGEMENT PLAN, IT SHALL EXPEDITIOUSLY NOTIFY THE MANUFACTURER OF  
43 THE APPROVAL IN WRITING. IF THE DEPARTMENT DISAPPROVES AN ELECTRONIC  
44 WASTE MANAGEMENT PLAN, IT SHALL EXPEDITIOUSLY NOTIFY THE MANUFACTURER OF  
45 THE DISAPPROVAL IN WRITING AND SPECIFY THE REASONS FOR DISAPPROVAL. THE  
46 MANUFACTURER SHALL HAVE NINETY DAYS TO RESUBMIT AN ELECTRONIC WASTE  
47 MANAGEMENT PLAN AFTER THE DEPARTMENT NOTIFIES THE MANUFACTURER OF ITS  
48 DISAPPROVAL. THE DEPARTMENT SHALL THEN APPROVE OR DISAPPROVE A RESUBMIT-  
49 TED ELECTRONIC WASTE MANAGEMENT PLAN WITHIN NINETY DAYS OF RESUBMISSION.

50 5. BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE, OR ONE HUNDRED EIGHTY  
51 DAYS AFTER AN ELECTRONIC WASTE MANAGEMENT PLAN IS APPROVED BY THE  
52 DEPARTMENT, WHICHEVER DATE IS LATER, A MANUFACTURER OF COVERED ELECTRON-  
53 IC EQUIPMENT MUST FULLY IMPLEMENT THE APPROVED ELECTRONIC WASTE MANAGE-  
54 MENT PLAN FOR THE COLLECTION, HANDLING AND RECYCLING OR REUSE OF COVERED  
55 ELECTRONIC EQUIPMENT PRODUCED BY SUCH MANUFACTURER AND GENERATED AS  
56 ELECTRONIC WASTE IN THE STATE.

1 6. A MANUFACTURER MAY SATISFY THE ELECTRONIC WASTE MANAGEMENT PLAN  
2 REQUIREMENTS OF THIS SECTION BY AGREEING TO PARTICIPATE IN A COLLECTIVE  
3 ELECTRONIC WASTE MANAGEMENT PLAN WITH OTHER MANUFACTURERS. ANY SUCH  
4 COLLECTIVE WASTE MANAGEMENT PLAN MUST MEET THE SAME REQUIREMENTS AS AN  
5 ELECTRONIC WASTE MANAGEMENT PLAN SUBMITTED BY AN INDIVIDUAL MANUFACTUR-  
6 ER. ANY COLLECTIVE ELECTRONIC WASTE MANAGEMENT PLAN MUST INCLUDE A LIST  
7 OF MANUFACTURERS THAT ARE PARTICIPATING IN SUCH PLAN ALONG WITH OTHER  
8 IDENTIFYING INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT. SUCH PLAN  
9 SHALL BE SUBMITTED TO THE DEPARTMENT ALONG WITH A REGISTRATION FEE OF  
10 TEN THOUSAND DOLLARS.

11 7. A MANUFACTURER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH  
12 THE DEVELOPMENT AND IMPLEMENTATION OF THE ELECTRONIC WASTE MANAGEMENT  
13 PLAN.

14 S 27-2607. RETAILER REQUIREMENTS.

15 AT THE POINT OF SALE OF COVERED ELECTRONIC EQUIPMENT, A RETAILER SHALL  
16 PROVIDE CONSUMERS WITH INFORMATION, IF ANY, ABOUT THE RETURN OF COVERED  
17 ELECTRONIC EQUIPMENT THAT HAS BEEN PROVIDED TO THE RETAILER BY A  
18 MANUFACTURER PURSUANT TO THE MANUFACTURER'S IMPLEMENTATION OF ITS ELEC-  
19 TRONIC WASTE MANAGEMENT PLAN.

20 S 27-2609. LABELING.

21 BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE OR ONE HUNDRED EIGHTY  
22 DAYS AFTER AN ELECTRONIC WASTE MANAGEMENT PLAN IS APPROVED BY THE  
23 DEPARTMENT, WHICHEVER DATE IS LATER, A MANUFACTURER MAY NOT OFFER FOR  
24 SALE IN THE STATE OF NEW YORK OR DELIVER TO RETAILERS FOR SUBSEQUENT  
25 SALE COVERED ELECTRONIC EQUIPMENT UNLESS IT HAS A VISIBLE, PERMANENT  
26 LABEL CLEARLY IDENTIFYING THE MANUFACTURER OF THAT EQUIPMENT. IN ADDI-  
27 TION, THE MANUFACTURER SHALL PROVIDE A TOLL-FREE TELEPHONE NUMBER AND  
28 INTERNET WEBSITE THAT CONSUMERS CAN ACCESS FOR INFORMATION ON HOW  
29 COVERED ELECTRONIC EQUIPMENT CAN BE RETURNED FOR RECYCLING OR REUSE FREE  
30 OF CHARGE TO THE CONSUMER.

31 S 27-2611. DISPOSAL BAN.

32 BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE, NO MANUFACTURER SHALL  
33 DISPOSE OF COVERED ELECTRONIC EQUIPMENT OR ANY COMPONENT THEREOF IN ANY  
34 SOLID WASTE MANAGEMENT FACILITY IN THIS STATE UNLESS SUCH FACILITY IS  
35 PERMITTED PURSUANT TO THIS ARTICLE TO ACCEPT SUCH WASTE.

36 BEGINNING JANUARY FIRST, TWO THOUSAND FOURTEEN, NO CONSUMER SHALL  
37 PLACE OR DISPOSE OF ANY COVERED ELECTRONIC EQUIPMENT OR ANY COMPONENT  
38 THEREOF IN ANY SOLID WASTE MANAGEMENT FACILITY IN THIS STATE UNLESS SUCH  
39 FACILITY IS PERMITTED PURSUANT TO THIS ARTICLE TO ACCEPT SUCH WASTE.

40 S 27-2613. ENFORCEMENT.

41 1. THE DEPARTMENT SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS  
42 OF THIS TITLE, AND THE PROVISIONS OF THIS TITLE MAY ALSO BE ENFORCED BY  
43 THE ATTORNEY GENERAL, COUNTIES AND A CITY WITH A POPULATION OF ONE  
44 MILLION OR MORE.

45 2. ANY CONSUMER WHO VIOLATES THE PROVISIONS OF SECTION 27-2611 OF THIS  
46 TITLE SHALL BE LIABLE FOR A CIVIL PENALTY OF ONE HUNDRED DOLLARS FOR  
47 EACH VIOLATION.

48 S 27-2615. MANUFACTURER PENALTIES.

49 1. BEGINNING JANUARY FIRST, TWO THOUSAND ELEVEN, A MANUFACTURER WHO  
50 FAILS TO SUBMIT AN ELECTRONIC WASTE MANAGEMENT PLAN AS REQUIRED BY THIS  
51 TITLE SHALL BE LIABLE FOR A CIVIL PENALTY OF ONE THOUSAND DOLLARS PER  
52 DAY FOR EACH DAY THAT AN ELECTRONIC WASTE MANAGEMENT PLAN IS NOT SUBMIT-  
53 TED.

54 2. BEGINNING JANUARY FIRST, TWO THOUSAND ELEVEN, A MANUFACTURER WHO  
55 SUBMITS AN ELECTRONIC WASTE MANAGEMENT PLAN THAT IS DISAPPROVED BY THE  
56 DEPARTMENT MORE THAN THREE TIMES SHALL BE LIABLE FOR A CIVIL PENALTY OF

1 ONE THOUSAND DOLLARS PER DAY FOR EACH DAY THAT AN ELECTRONIC WASTE  
2 MANAGEMENT PLAN IS NOT SUBMITTED AND APPROVED BY THE DEPARTMENT FOLLOW-  
3 ING THE DATE OF SUCH THIRD DISAPPROVAL.

4 3. ANY MANUFACTURER WHO VIOLATES ANY PROVISION OF THIS TITLE SHALL BE  
5 LIABLE FOR A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR THE FIRST  
6 VIOLATION, TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE SECOND VIOLATION  
7 AND FIVE THOUSAND DOLLARS FOR THE THIRD VIOLATION AND SUBSEQUENT  
8 VIOLATIONS OF THIS TITLE WITHIN A TWELVE MONTH PERIOD.

9 S 27-2617. REPORTING REQUIREMENTS.

10 1. BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN, FOR THE PREVIOUS  
11 CALENDAR YEAR AND ANNUALLY THEREAFTER, A MANUFACTURER THAT OFFERS  
12 COVERED ELECTRONIC EQUIPMENT FOR SALE IN THIS STATE SHALL SUBMIT A  
13 REPORT TO THE DEPARTMENT THAT INCLUDES THE FOLLOWING: (I) ANY PROPOSED  
14 MODIFICATION TO THE PREVIOUSLY APPROVED MANUFACTURER ELECTRONIC WASTE  
15 MANAGEMENT PLAN FOR THE COLLECTION, HANDLING AND RECYCLING OR REUSE OF  
16 ITS COVERED ELECTRONIC EQUIPMENT; (II) SALES DATA REPORTED BY WEIGHT FOR  
17 THE MANUFACTURER'S COVERED ELECTRONIC EQUIPMENT SOLD IN THIS STATE FOR  
18 THE PREVIOUS CALENDAR YEAR; (III) THE QUANTITY OF COVERED ELECTRONIC  
19 EQUIPMENT COLLECTED FOR RECYCLING OR REUSE IN THIS STATE, CATEGORIZED BY  
20 THE TYPE OF COVERED ELECTRONIC EQUIPMENT COLLECTED; (IV) INFORMATION ON  
21 THE END MARKETS AND ELECTRONIC RECYCLERS UTILIZED BY THE MANUFACTURER,  
22 INCLUDING DETAILS ON THE METHODS OF COLLECTION, HANDLING AND RECYCLING  
23 OR REUSE OF COVERED ELECTRONIC EQUIPMENT USED BY ELECTRONIC RECYCLERS,  
24 DETAILS ON ANY DISASSEMBLY OR PHYSICAL RECOVERY OPERATION TO BE USED,  
25 THE LOCATIONS OF ANY SUCH OPERATIONS, AND DETAILS ON THE ELECTRONIC  
26 RECYCLER'S COMPLIANCE WITH THE UNITED STATES ENVIRONMENTAL PROTECTION  
27 AGENCY'S GUIDE ON ENVIRONMENTALLY SOUND MANAGEMENT OF ELECTRONIC  
28 DEVICES; (V) COSTS AND EXAMPLES OF PUBLIC EDUCATION INCLUDING THE NUMBER  
29 OF VISITS TO THE INTERNET WEBSITE AND CALLS TO THE TOLL-FREE TELEPHONE  
30 NUMBERS PROVIDED BY THE MANUFACTURER AS PART OF ITS ELECTRONIC WASTE  
31 MANAGEMENT PLAN; AND (VI) ANY OTHER INFORMATION AS REQUIRED IN ACCORD-  
32 ANCE WITH DEPARTMENT RULES.

33 2. THE DEPARTMENT SHALL SUBMIT A REPORT ON IMPLEMENTATION OF THE TITLE  
34 IN THIS STATE TO THE GOVERNOR AND LEGISLATURE BY OCTOBER FIRST, TWO  
35 THOUSAND FOURTEEN AND EVERY TWO YEARS THEREAFTER. THE REPORT MUST  
36 INCLUDE, AT A MINIMUM, AN EVALUATION OF THE RECYCLING AND REUSE RATES IN  
37 THE STATE FOR COVERED ELECTRONIC EQUIPMENT, A DISCUSSION OF COMPLIANCE  
38 AND ENFORCEMENT RELATED TO THE REQUIREMENTS OF THIS TITLE AND RECOMMEN-  
39 DATIONS FOR ANY CHANGES TO THE SYSTEM OF COLLECTION, HANDLING AND RECY-  
40 CLING OR REUSE OF ELECTRONIC EQUIPMENT IN THIS STATE.

41 S 27-2619. PREEMPTION.

42 JURISDICTION IN ALL MATTERS PERTAINING TO ELECTRONIC EQUIPMENT RECYCL-  
43 ING IS, BY THIS TITLE, VESTED EXCLUSIVELY IN THE STATE.

44 S 27-2621. CONFIDENTIAL INFORMATION AND TRADE SECRETS.

45 INFORMATION RELATING TO ELECTRONIC EQUIPMENT SUBMITTED TO THE DEPART-  
46 MENT UNDER THIS TITLE MAY BE DESIGNATED BY THE PERSON SUBMITTING IT AS  
47 BEING ONLY FOR THE CONFIDENTIAL USE OF THE DEPARTMENT, ITS AGENTS AND  
48 EMPLOYEES, OTHER STATE AGENCIES, EMPLOYEES OF THE UNITED STATES ENVIRON-  
49 MENTAL PROTECTION AGENCY AND THE ATTORNEY GENERAL OF THE STATE, AND ANY  
50 POLITICAL SUBDIVISION OF THE STATE AND ITS AGENTS AND EMPLOYEES.

51 S 27-2623. SEVERABILITY.

52 THE PROVISIONS OF THIS TITLE SHALL BE SEVERABLE, AND IF ANY PROVISION  
53 OF THIS TITLE IS DECLARED TO BE VOID OR INVALID BY A COURT OF COMPETENT  
54 JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED, BUT SHALL  
55 REMAIN IN FULL FORCE AND EFFECT.

56 S 3. This act shall take effect immediately.