

6089

2009-2010 Regular Sessions

I N S E N A T E

July 13, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the recycling of electronic equipment

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

1 Section 1. Subdivision 8 of section 27-2601 of the environmental
2 conservation law, as added by a chapter of the laws of 2009 amending the
3 environmental conservation law relating to the recycling, reuse, and
4 safe handling of electronic equipment sold in the state of New York, as
5 proposed in legislative bills numbers S.6047 and A.9049, is amended to
6 read as follows:
7 8. "Electronic waste collection site" means a facility at a fixed or
8 temporary site at which electronic waste is accepted from consumers and
9 temporarily stored for [not] more than five days in a calendar year
10 before such waste is transported to an electronic waste consolidation
11 facility or electronic waste recycling facility. Electronic waste
12 collection sites include, but are not limited to, dedicated sites and
13 facilities for the acceptance of electronic waste, and retail stores and
14 outlets, municipal or private electronic waste collection sites and
15 not-for-profit donation sites that have agreed to accept electronic
16 waste.
17 S 2. Subdivision 1 of section 27-2603 of the environmental conserva-
18 tion law, as added by a chapter of the laws of 2009 amending the envi-
19 ronmental conservation law relating to the recycling, reuse, and safe
20 handling of electronic equipment sold in the state of New York, as
21 proposed in legislative bills numbers S.6047 and A.9049, is amended to
22 read as follows:
23 1. (A) Beginning July first, two thousand ten, a manufacturer of
24 covered electronic equipment must accept for collection, handling and
25 recycling or reuse electronic waste for which it is the manufacturer

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

LBD14554-01-9

1 [and one piece of electronic waste of any manufacturer's brand, with the
2 purchase of covered electronic equipment of the same type by a consum-
3 er]. Such waste shall count toward the amount of electronic waste
4 required to be accepted pursuant to subdivision four of this section.

5 (B) BEGINNING JULY FIRST, TWO THOUSAND TEN, A MANUFACTURER OF COVERED
6 ELECTRONIC EQUIPMENT SHALL PROVIDE AN OPPORTUNITY TO TAKE FOR
7 COLLECTION, HANDLING AND RECYCLING OR REUSE ONE PIECE OF ELECTRONIC
8 WASTE OF ANY MANUFACTURER'S BRAND, WITH THE PURCHASE OF COVERED ELEC-
9 TRONIC EQUIPMENT OF THE SAME TYPE BY A CONSUMER. SUCH WASTE SHALL COUNT
10 TOWARD THE AMOUNT OF THE ELECTRONIC WASTE REQUIRED TO BE ACCEPTED PURSU-
11 ANT TO SUBDIVISION FOUR OF THIS SECTION.

12 S 3. Subdivision 4 of section 27-2605 of the environmental conserva-
13 tion law, as added by a chapter of the laws of 2009 amending the envi-
14 ronmental conservation law relating to the recycling, reuse, and safe
15 handling of electronic equipment sold in the state of New York, as
16 proposed in legislative bills numbers S.6047 and A.9049, is amended to
17 read as follows:

18 4. No later than July first, two thousand ten, a manufacturer shall
19 not sell or offer for sale electronic equipment in the state unless the
20 manufacturer has registered with the department and maintains an elec-
21 tronic waste acceptance program through which the manufacturer, either
22 directly or through an agent or designee, accepts electronic waste from
23 consumers in the state for recycling. The manufacturer shall ensure
24 that retailers are notified of such registration. The manufacturer
25 shall not impose a fee on consumers for the collection, handling and
26 recycling or reuse of electronic waste, PROVIDED, HOWEVER, THAT A FEE OR
27 OTHER CHARGE MAY BE ASSESSED FOR COLLECTION OF THE ELECTRONIC WASTE FOR
28 RECYCLING OR REUSE FROM ANY CONSUMER HAVING FULL TIME EMPLOYEES.

29 S 4. Subdivision 8 of section 27-2605 of the environmental conserva-
30 tion law, as added by a chapter of the laws of 2009 amending the envi-
31 ronmental conservation law relating to the recycling, reuse, and safe
32 handling of electronic equipment sold in the state of New York, as
33 proposed in legislative bills numbers S.6047 and A.9049, is amended to
34 read as follows:

35 8. A manufacturer shall be responsible for all costs associated with
36 the implementation of the electronic waste acceptance program, PROVIDED,
37 HOWEVER, THAT A FEE OR OTHER CHARGE MAY BE ASSESSED FOR COLLECTION OF
38 THE ELECTRONIC WASTE FOR RECYCLING OR REUSE FROM ANY CONSUMER HAVING
39 FULL TIME EMPLOYEES.

40 S 5. Paragraph (c) of subdivision 1 of section 27-2617 of the environ-
41 mental conservation law, as added by a chapter of the laws of 2009
42 amending the environmental conservation law relating to the recycling,
43 reuse, and safe handling of electronic equipment sold in the state of
44 New York, as proposed in legislative bills numbers S.6047 and A.9049, is
45 amended to read as follows:

46 (c) all quantities of electronic waste reported by the manufacturer
47 must separately include electronic waste generated by New York state
48 consumers and electronic waste received from or shipped outside the
49 state: (i) the quantity, by weight, of electronic waste received direct-
50 ly from consumers in the state through a mail back program; (ii) the
51 name and address of each electronic waste collection site, electronic
52 waste consolidation facility, and electronic waste recycling facility at
53 which electronic waste from consumers was received on behalf of the
54 [producer] MANUFACTURER during the preceding calendar year, along with
55 the quantity, by weight, of electronic waste received; and (iii) the
56 name and address of each person to whom the [producer] MANUFACTURER sent

1 electronic waste or component materials during the preceding year, along
2 with the quantity, by weight, of electronic waste or component materials
3 thereof sent to each such person;

4 S 6. Paragraph (f) of subdivision 1 of section 27-2617 of the environ-
5 mental conservation law, as added by a chapter of the laws of 2009
6 amending the environmental conservation law relating to the recycling,
7 reuse, and safe handling of electronic equipment sold in the state of
8 New York, as proposed in legislative bills numbers S.6047 and A.9049, is
9 amended to read as follows:

10 (f) the names and locations of electronic waste [recyclers] RECYCLING
11 FACILITIES utilized by the manufacturer and entities to which electronic
12 waste is sent for reuse, whether in the state or outside the state,
13 including details on the methods of recycling or reuse of electronic
14 waste, any disassembly or physical recovery operation used, and the
15 environmental management measures implemented by such [recycler] RECYCL-
16 ING FACILITY or entity;

17 S 7. This act shall take effect on the same date and in the same
18 manner as a chapter of the laws of 2009 amending the environmental
19 conservation law relating to the recycling, reuse, and safe handling of
20 electronic equipment sold in the state of New York, as proposed in
21 legislative bills numbers S.6047 and A.9049, takes effect.