
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1607 Session of
2023

INTRODUCED BY BOROWSKI, PIELLI, MADSEN, BURGOS, HANBIDGE,
MCNEILL, BENHAM, MADDEN, HOWARD, FREEMAN, HADDOCK, SANCHEZ,
KHAN, OTTEN, CERRATO AND HILL-EVANS, AUGUST 2, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, AUGUST 2, 2023

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for electronic waste
3 recycling; imposing duties on the Department of Environmental
4 Protection; establishing the Advisory Committee on Electronic
5 Waste Recycling; and imposing penalties.

6 This act shall be known and may be cited as the Electronic
7 Waste Recycling Modernization Act.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Title 27 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 67

13 ELECTRONIC WASTE RECYCLING

14 Sec.

15 6701. Scope of chapter.

16 6702. Definitions.

17 6703. Eco-deposits and responsibilities.

18 6704. Clearinghouse.

- 1 6705. Stewardship plan.
2 6706. Collection convenience standard compliance.
3 6707. Establishment of eco-deposit.
4 6708. CED manufacturer requirements.
5 6709. Group plan requirements.
6 6710. Convenience standards for program collection sites.
7 6711. CED manufacturer recycling share responsibility.
8 6712. Individual manufacturer and group plans.
9 6713. Review of stewardship plan.
10 6714. Fees for collection or recycling of eligible devices.
11 6715. Recycler responsibilities.
12 6716. Collector responsibilities.
13 6717. Annual reports.
14 6718. Advisory committee.
15 6719. Administrative reimbursement.
16 6720. Environmental sound management requirements.
17 6721. Disposal ban.
18 6722. Enforcement.
19 6723. Antitrust.
20 6724. Other CED collection activities.

21 § 6701. Scope of chapter.

22 This chapter relates to electronic waste recycling.

23 § 6702. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Advisory committee." The Advisory Committee on Electronic
28 Waste Recycling established under section 6718 (relating to
29 advisory committee).

30 "Assessment period." As follows:

1 (1) A period of three calendar months starting on the
2 day immediately following the last day of the prior
3 assessment period.

4 (2) The first assessment period shall start on the first
5 day of the first program year.

6 "Best management practices." As follows:

7 (1) Collecting and preparing items for shipment and
8 recycling.

9 (2) The term may include standards for packaging for
10 transport, load size, acceptable load contamination levels,
11 non-CED items included in a load and other standards.

12 "CED manufacturer." As follows:

13 (1) A person or a successor in interest to a person,
14 under whose brand or label a CED is sold at retail.

15 (2) For a CED sold at retail under a brand or label that
16 is licensed from a person who is a brand owner and who does
17 not sell or produce a CED, the person who produced the CED or
18 the person's successor in interest shall be the CED
19 manufacturer.

20 (3) For a television or computer monitor sold at retail
21 under the brand or label of both the retail seller and the
22 person that produced the television or computer monitor, the
23 person that produced the television or computer monitor or
24 the person's successor in interest shall be the CED
25 manufacturer.

26 "Clearinghouse." The independent organization authorized by
27 section 6704 (relating to clearinghouse).

28 "Collection convenience standard." The minimum number of
29 collection opportunities that shall be provided for the
30 collection of CEDs as required under section 6710 (relating to

1 convenience standards for program collection sites).

2 "Collection obligation." The CED collection services which
3 the clearinghouse assigns to a CED manufacturer for a given
4 program year under section 6706 (relating to collection
5 convenience standard compliance).

6 "Collector." A person who collects residential CEDs at any
7 program collection site or one-day collection event and prepares
8 them for transport.

9 "Computer." As follows:

10 (1) A desktop, all-in-one computer, laptop, notebook, e-
11 reader or tablet computer marketed to and intended for use by
12 residential purchasers and used only in a residence.

13 (2) The term does not include an automated typewriter,
14 electronic printer, mobile telephone, portable handheld
15 calculator, portable digital assistant, MP3 player or other
16 similar device or computer peripheral.

17 "Computer monitor." As follows:

18 (1) An electronic device only used in a residence that
19 has a cathode-ray tube or other panel display primarily
20 intended to display information from a computer or other
21 commonly used electronic device and marketed to and intended
22 for use by residential purchasers.

23 (2) The term does not include an all-in-one computer,
24 laptop, notebook or tablet.

25 "Computer peripheral." A keyboard, mouse, cable or other
26 device marketed to and intended for use by residential
27 purchasers for external use with a computer.

28 "Covered electronic device" or "CED." As follows:

29 (1) An electronic device under this chapter, including a
30 computer, printer, videocassette recorder, portable digital

1 music player, digital video disc player, computer peripheral,
2 computer monitor or television.

3 (2) The term does not include any of the following:

4 (i) An electronic device that is a part of a motor
5 vehicle or any component part of a motor vehicle
6 assembled by or for a vehicle manufacturer or franchised
7 dealer, including replacement parts for use in a motor
8 vehicle.

9 (ii) An electronic device that is functionally or
10 physically part of a larger piece of equipment or that is
11 taken out of service from an industrial, commercial,
12 commercial retail, library checkout, traffic control,
13 kiosk, security, other than household security,
14 governmental, agricultural or medical setting, including
15 diagnostic, monitoring or control equipment.

16 (iii) An electronic device that is contained within
17 a clothes washer, clothes dryer, refrigerator,
18 refrigerator and freezer, microwave oven, conventional
19 oven or range, dishwasher, room air conditioner,
20 dehumidifier, water pump, sump pump or air purifier. To
21 the extent allowed under Federal and State laws and
22 regulations, a CED that is being collected, recycled or
23 processed for reuse shall not be considered to be
24 hazardous waste, household waste, solid waste or special
25 waste.

26 "Covered electronic device category" or "CED category." Each
27 of the following categories of residential CEDs:

28 (1) Computers.

29 (2) Computer monitors.

30 (3) Televisions.

1 (4) Printers.

2 (5) Videocassette recorders, portable digital music
3 players and digital video disc players.

4 (6) CED peripheral.

5 "Department." The Department of Environmental Protection of
6 the Commonwealth.

7 "Downstream processor." As follows:

8 (1) An entity that is engaged in the repair,
9 refurbishment or further processing of used components,
10 parts, materials or residuals that result from disassembly of
11 CEDs.

12 (2) The term includes an entity engaged in a repair,
13 refurbishing, disassembly, processing, recycling, energy
14 recovery and disposal facility.

15 "Eco-deposits." The amount added to the purchase price of
16 new CEDs sold in this Commonwealth that is necessary to add to
17 cover the costs of collecting, transporting and processing
18 postpurchaser CEDs by local governments, individual CED
19 manufacturers or stewardship organizations under an approved
20 stewardship plan, and the costs borne by the department to
21 fulfill its responsibilities to implement the program.

22 "Eco-deposits sharing methodology." The methodology proposed
23 to be implemented by the clearinghouse as part of the approved
24 stewardship plan to disburse eco-deposits to manufacturers,
25 local governments and group plans.

26 "Environmental sound management." The practice of ensuring
27 that all practicable steps are utilized in the management of
28 hazardous and other wastes to protect human health and the
29 environment against adverse effects.

30 "Group plan." Two or more CED manufacturers that are working

1 jointly through a third-party entity to meet the requirements of
2 this chapter.

3 "Manufacturer e-waste program." A program established,
4 financed and operated by a manufacturer, either individually or
5 collectively as part of a group plan, to transport and
6 subsequently recycle, in accordance with the requirements of
7 this chapter, residential CEDs collected at program collection
8 sites and one-day collection events.

9 "Market share." The percentage per CED manufactured as
10 determined under section 6711 (relating to CED manufacturer
11 recycling share responsibility) for the purposes of
12 administering the requirements of the approved stewardship plans
13 among the participating registered CED manufacturers.

14 "Marketplace facilitator." As defined in section 201(iii) of
15 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
16 Code of 1971.

17 "Marketplace seller." As defined in section 201(jjj) of the
18 Tax Reform Code of 1971.

19 "Printer." As follows:

20 (1) A desktop printer, multifunction printer, copier,
21 scanner, facsimile machine and printer and fax combination
22 taken out of service from a residence that is designed to
23 reside on a work surface that includes various print
24 technologies, including, without limitation, laser and LED,
25 ink jet, dot matrix, thermal and digital sublimation and
26 multifunction or all-in-one devices that perform different
27 tasks, including, without limitation, copying, scanning,
28 faxing and printing.

29 (2) The term does not include a floor-standing printer,
30 a printer with optional floor stand, a point of sale (POS)

1 receipt printer, a household printer such as a calculator
2 with printing capabilities, a label maker or a non-stand-
3 alone printer that is embedded into a product that is not a
4 CED.

5 "Program collection site." A physical location that is
6 included in a stewardship plan and at which residential CEDs are
7 collected and prepared for transport by a collector during a
8 program year in accordance with the requirements of this
9 chapter.

10 "Program period." As follows:

11 (1) Five calendar years.

12 (2) The first program period shall start on March 31,
13 2024.

14 "Program year." As follows:

15 (1) A year falling within a program period starting
16 March 31, 2024.

17 (2) The first program year shall start on the first day
18 of the first program period.

19 "Purchaser." As defined in section 201(h) of the Tax Reform
20 Code of 1971.

21 "Recycling." The process of preparing recyclable materials
22 and reusing the materials in their original form or using them
23 in manufacturing processes that do not cause the destruction of
24 recyclable materials in a manner that precludes further use.

25 "Registered collector." As follows:

26 (1) A unit of local government, manufacturer, retailer,
27 charity or nongovernmental organization that collects CEDs in
28 this Commonwealth as approved by a stewardship plan.

29 (2) The term does not include a recycler.

30 "Residential CED." A CED produced or distributed:

1 (1) for sale to a purchaser for use in or around a
2 permanent or temporary household or residence, in recreation
3 or otherwise; or

4 (2) for the personal use, consumption or enjoyment of a
5 purchaser in or around a permanent or temporary household or
6 residence, in recreation or otherwise.

7 "Retailer." A person or business that offers for sale, other
8 than for resale by the purchaser, new CEDs in this Commonwealth
9 by any means, including through sales outlets, catalogs and an
10 Internet website.

11 "Return share." The percentage, by weight, of each CED
12 category that is returned to program collection sites and one-
13 day collection events operated by or on behalf of either a
14 manufacturer or group plan or one or more of its participating
15 manufacturers during the calendar year two years before the
16 applicable program year, as reported to the department under
17 section 6704, except that, for program year one and program year
18 two, the term means the percentage, by weight, of each CED
19 category that is estimated by the manufacturer program plan to
20 be returned to those sites and events during the applicable
21 program year, as reported to the department.

22 "Reuse." The use of electronic waste that is tested and
23 certified to be in good working order and which was removed from
24 the waste stream for use for the same purpose for which it was
25 manufactured, including the continued use of whole systems or
26 components.

27 "Sale." As follows:

28 (1) A "sale at retail" as defined in section 201(k) of
29 the Tax Reform Code of 1971.

30 (2) The term does not include any of the following:

1 (i) The transfer of a previously owned CED,
2 including a CED that may have been refurbished by a
3 manufacturer or other vendor and a purchaser-to-purchaser
4 second-hand transfer of a CED.

5 (ii) A lease of a CED.

6 (iii) A wholesale transaction between a manufacturer
7 and wholesaler.

8 "Secretary." The Secretary of Environmental Protection of
9 the Commonwealth.

10 "Stewardship plan." An annual plan prepared by an individual
11 manufacturer or the plan prepared by the clearinghouse that
12 aggregates the plans prepared by an individual manufacturer and
13 the group plans.

14 "Television." An electronic device only used in a residence
15 that contains a cathode-ray tube or other display screen type
16 and is intended to receive video programming via broadcast,
17 cable, satellite, Internet or other mode of video transmission,
18 or to receive video from surveillance or other similar cameras,
19 and is marketed to and intended for use by residential
20 purchasers.

21 § 6703. Eco-deposits and responsibilities.

22 (a) Eco-deposits.--On and after March 31, 2024, an eco-
23 deposit shall be imposed on each sale of a new CED purchased
24 from a retailer in the amounts recommended by the clearinghouse
25 in the eco-deposit schedule approved by the department under
26 this chapter. The following apply:

27 (1) Except for a sale to a business, the retailer shall
28 charge the purchaser the amount of the eco-deposit at the
29 time of sale.

30 (2) For a sale facilitated by a marketplace facilitator,

1 the marketplace facilitator shall charge the eco-deposit to
2 the purchaser on behalf of the marketplace seller.

3 (b) Deposit display.--

4 (1) Eco-deposits shall be separately displayed on the
5 receipt, invoice, contract or other record documenting the
6 sale of the new CED by a retailer to a purchaser in this
7 Commonwealth.

8 (2) The record must be visible to the purchaser at the
9 time that the CED is sold to the purchaser.

10 (3) For a sale made via an Internet website, catalog,
11 telephone or any similar forum, the eco-deposit shall be
12 disclosed to the purchaser prior to completing the purchase.

13 (c) Deposit passage.--A retailer may not advertise, hold out
14 or state to the public or to a purchaser, directly or
15 indirectly, that the eco-deposit or part of the eco-deposit will
16 not be added to the purchase price of the CED, will be paid by
17 the retailer on behalf of the purchaser or will otherwise
18 provide consideration of any kind, whether money or otherwise,
19 to the purchaser that shifts the economic incidence of the eco-
20 deposit to a person other than the purchaser.

21 (d) Deposit reimbursement.--The retailer charging the eco-
22 deposit under subsection (a) may retain up to 3% of the deposit
23 as reimbursement for any costs associated with the collection of
24 the deposit. The remainder of the eco-deposit collected by the
25 retailer shall be remitted to the clearinghouse in a manner and
26 form recommended by the clearinghouse and prescribed by the
27 department and at the time the deposit is required to be
28 remitted under this chapter.

29 (e) Penalty.--If a retailer or marketplace facilitator does
30 not charge the eco-deposit to the purchaser at the time of sale,

1 the retailer or marketplace facilitator shall be liable for the
2 full amount of the eco-deposit and any applicable penalties
3 under this chapter. The following apply:

4 (1) Notwithstanding the provisions of this subsection, a
5 marketplace facilitator shall not be held liable for payment
6 of the eco-deposit and any applicable penalties under this
7 chapter if the marketplace facilitator can demonstrate to the
8 clearinghouse's satisfaction that the failure to charge the
9 eco-deposit was due to incorrect information given to the
10 marketplace facilitator by the marketplace seller.

11 (2) If the demonstration under paragraph (1) is made,
12 the marketplace seller shall be solely liable for payment of
13 the eco-deposit and any penalties under this chapter.

14 (f) Remittance of eco-deposit.--An eco-deposit shall be due
15 and payable to the clearinghouse no later than 60 days after the
16 completion of each assessment period during which a CED has been
17 sold by a retailer to a purchaser in this Commonwealth, less the
18 reimbursements allowed under subsection (d) and any eco-deposit
19 refunded to purchasers for CEDs returned to the retailer in that
20 assessment period for which an eco-deposit has already been
21 collected for remittance to the clearinghouse. All money
22 required to be collected by a retailer under this chapter that
23 is not properly remitted to the clearinghouse shall be deemed to
24 be a debt owed to the clearinghouse by the retailer.

25 (g) Prohibition on sale.--A retailer may not sell or offer
26 for sale in this Commonwealth a new CED after the program year
27 begins unless:

28 (1) The retailer registers with the clearinghouse.

29 (2) The brand of the CED is included on the list of
30 manufacturers that are registered with the clearinghouse and

1 maintained by the clearinghouse.

2 (3) An eco-deposit is collected on sales of CEDs and
3 remitted in a timely manner to the clearinghouse.

4 (h) Noncompliance.--A retailer shall cease sale of a
5 manufacturer's CEDs within seven days of receipt of notice from
6 the clearinghouse or department that a manufacturer has failed
7 to comply with the requirements of this chapter. The retailer
8 may recommence the sale only upon written confirmation from the
9 clearinghouse or department that the manufacturer has remedied
10 noncompliance.

11 (i) Duty of retailer to consult registry.--Beginning no
12 later than 12 months after the effective date of this
13 subsection, a retailer of new CEDs to be offered for sale to
14 purchasers in this Commonwealth shall consult the registry under
15 subsection (j) prior to selling new CEDs in this Commonwealth.

16 The following apply:

17 (1) With respect to the sale of a CED through a
18 marketplace facilitator, the marketplace seller shall consult
19 the registry prior to advertising, listing or selling new
20 CEDs in this Commonwealth through a marketplace facilitator.

21 (2) A manufacturer shall be considered to have complied
22 with this subsection if, on the date that the new CED was
23 ordered by the retailer, the brand was included on the
24 registry of CED manufacturers and CEDs and is posted on the
25 department's publicly accessible Internet website.

26 (j) Registration with clearinghouse.--A retailer shall
27 register with the clearinghouse and receive a remitter
28 identification number from the clearinghouse prior to collecting
29 any eco-deposit and remitting any eco-deposit to the
30 clearinghouse.

1 (k) Audit.--The clearinghouse may, at its discretion and as
2 directed by the department, conduct an audit of a registered
3 retailer to verify that the eco-deposits collected and remitted
4 to the clearinghouse are proper and accurate. The following
5 apply:

6 (1) Each audit under this subsection shall be limited to
7 the prior three years from the date the audit is requested by
8 the clearinghouse.

9 (2) Unless a retailer has previously been found in
10 violation of this chapter for remittance of an eco-deposit,
11 an audit may be conducted in person or via the Internet and
12 email at the discretion of the retailer.

13 (3) If a vendor has previously violated any provision of
14 this chapter, the audit conducted under this subsection must
15 be conducted in person.

16 (4) The following records must be available for
17 inspection:

18 (i) Receipts of sales.

19 (ii) Invoices.

20 (iii) Other records generally kept by the retailer
21 detailing the collection and payment of eco-deposits.

22 § 6704. Clearinghouse.

23 (a) Designation.--

24 (1) The department shall designate as the clearinghouse
25 an organization that meets all of the requirements under
26 subsection (b).

27 (2) Within 60 days of the effective date of this
28 subsection, the department shall designate the clearinghouse.

29 (3) The designation under this subsection shall be valid
30 for not less than five years.

1 (4) The clearinghouse may be renewed by the department
2 not to exceed five years at any time.

3 (b) Requirements.--The clearinghouse:

4 (1) Must be incorporated as a nonprofit organization in
5 this Commonwealth.

6 (2) May not control, be controlled by or be under common
7 control with any single manufacturer, third-party
8 organization, collector or industrywide trade association.

9 (3) Shall demonstrate to the department the management
10 capability and financial capacity to operate a Statewide
11 program.

12 (4) Shall represent two or more manufacturers
13 cooperating with one another to collectively establish and
14 operate a manufacturer e-waste program for the purpose of
15 complying with this chapter, and that collectively represents
16 at least 50% of the manufacturers' total collection and
17 recycling obligation under this chapter for the first program
18 year.

19 (5) Must be governed by a board of directors, no more
20 than 50% of which may represent manufacturers.
21 Representatives from local governments, the department,
22 registered collectors and recyclers must also be present on
23 the board of directors.

24 (6) Shall create a multistate advisory group composed of
25 two representatives from each state in which the
26 clearinghouse is approved to operate. The clearinghouse board
27 shall meet with the multistate advisory group at least twice
28 a year.

29 (7) Shall deposit all revenue from the eco-deposit
30 established under subsection (c) in a bank chartered in this

1 Commonwealth.

2 (c) Management of eco-deposits.--

3 (1) The clearinghouse shall establish an eco-deposit for
4 each category of CEDs under section 6708 (relating to CED
5 manufacturer requirements) as part of the stewardship plan of
6 the clearinghouse.

7 (2) The clearinghouse shall be responsible for:

8 (i) Collecting, in a timely manner, all eco-deposits
9 due from a retailer.

10 (ii) Ensuring that all eco-deposits collected from
11 the sales of CEDs to consumers in this Commonwealth are
12 used solely for the clearinghouse responsibilities under
13 this section.

14 (iii) Reviewing and compiling information from
15 manufacturers and group plans to be included in the
16 stewardship plan for submission to the advisory committee
17 for review and approval or disapproval before submittal
18 to the department.

19 (iv) Disbursing money to manufacturers, or their
20 group plans, and local governments participating in
21 approved programs for the collection and recycling of
22 CEDs.

23 (v) Oversight and enforcement recommendations under
24 this chapter.

25 (vi) Disbursing eco-deposits remitted to the
26 clearinghouse only to the entities and for the purposes
27 allowed by subsection (e).

28 (vii) Providing dispute resolution for local
29 government and other collection sites to resolve service
30 issues with the assigned recycler under a group plan.

1 (d) Deposit of eco-deposits.--The clearinghouse shall
2 deposit the eco-deposits collected under this chapter in
3 accounts that are maintained and disbursed in this Commonwealth
4 by the clearinghouse.

5 (e) Allowed expenditures.--As approved by the department as
6 part of the clearinghouse's stewardship plan, eco-deposits
7 collected by the clearinghouse may be used as follows:

8 (1) The clearinghouse shall disburse at least a majority
9 of the total eco-deposits collected each program year to
10 collectors who have been approved by the clearinghouse to
11 receive collector incentive payments to subsidize collection
12 site costs under the stewardship plan approved by the
13 department and are in compliance with section 6716 (relating
14 to collector responsibilities).

15 (2) Unless otherwise directed by the department, the
16 clearinghouse shall not be required to disburse any eco-
17 deposits to any CED manufacturer or group plan that has
18 failed to meet its collection obligations under the terms of
19 an approved stewardship plan.

20 (3) The clearinghouse may use funds withheld under
21 paragraph (2) to reimburse a CED manufacturer or group plan
22 of the clearinghouse's choosing to provide collection-related
23 services to resolve the collection obligation deficiencies
24 for which the funds were withheld.

25 (4) Any funds expended under paragraph (3) shall be
26 deducted from any eco-deposits owed to the CED manufacturer
27 or stewardship organization from whom the funds were
28 withheld.

29 (5) The clearinghouse may expend eco-deposit money on
30 public education programs intended to encourage the

1 collection and recycling of CEDs.

2 (6) The clearinghouse may disburse collection incentive
3 payments to local governments, CED manufacturers and group
4 plans as stated in an approved stewardship plan. To receive
5 the collection incentive payments, a local government need
6 not comply with the requirements under section 6716.

7 (f) Reserve and reimbursement.--

8 (1) The clearinghouse shall maintain a prudent reserve
9 of funds not to exceed 25% of the forthcoming program year's
10 estimated annual gross eco-deposit collection.

11 (2) The clearinghouse may recover its annual operating
12 expenses of administering the eco-deposit and performing its
13 mandatory duties under this chapter.

14 (3) The clearinghouse shall submit all expenses to the
15 department as part of the annual stewardship plan and shall
16 include expenses in the overall cost calculation for the eco-
17 deposit.

18 (4) The approved operating expenses of the clearinghouse
19 shall be paid prior to the expenditure of any eco-deposit
20 under subsection (e) for each assessment period.

21 (5) The clearinghouse shall pay the department an
22 administrative fee as described in section 6719 (relating to
23 administrative reimbursement).

24 § 6705. Stewardship plan.

25 The clearinghouse shall:

26 (1) Consolidate plans from all registered individual
27 manufacturers and group plans for submission to the advisory
28 committee and department annually as part of the stewardship
29 plan.

30 (2) Review information from manufacturers and group

1 plans submitted under paragraph (1) to confirm the collection
2 convenience criteria established in this section has been met
3 by all registered manufacturers in the aggregate and that all
4 registered manufacturers or group plans will meet collection
5 obligations. The following apply:

6 (i) If a gap in collection site or event coverage is
7 identified, the clearinghouse shall notify all
8 manufacturers and group plans of the gap and provide
9 manufacturers and group plans 30 days to remedy the
10 identified gap in coverage. Notice under this paragraph
11 shall include the specific areas for which the department
12 believes additional collection sites or events are
13 needed.

14 (ii) If a manufacturer or group plan is not able to
15 remedy a gap in coverage under this paragraph, the
16 clearinghouse may assign the areas to a manufacturer or
17 group plan at the discretion of the clearinghouse.

18 (3) Submit to the advisory committee and department a
19 stewardship plan that contains the individual manufacturer
20 and group plans for all registered manufacturers that have
21 submitted information to the clearinghouse. The stewardship
22 plan must, at a minimum, include the following information:

23 (i) Copies of all individual manufacturer and group
24 plans submitted to the clearinghouse by manufacturers.

25 (ii) An estimate of the total program year costs for
26 upcoming program years, including the cost of the
27 services of the clearinghouse.

28 (iii) A schedule of the specific eco-deposit
29 amounts, not to exceed \$10 for each category of CED sold
30 in this Commonwealth, and a description of tiered

1 deposits for different items.

2 (iv) A proposed eco-deposit sharing methodology to
3 disburse eco-deposits to registered collectors and local
4 governments to subsidize the costs related to collection
5 and transportation of CEDs, as well as to manufacturers
6 and group plans if deemed necessary by the clearinghouse
7 and the advisory committee.

8 (v) A description of the promotion and outreach
9 activities that will be used to encourage participation
10 in the collection and recycling programs and how the
11 activities' effectiveness will be evaluated.

12 (vi) A description of the materials regarding the
13 eco-deposit that will be provided to retailers to inform
14 purchasers of the eco-deposit and the overall program.

15 (vii) A description of the methods by which CEDs
16 will be collected in all areas in this Commonwealth
17 according to the collection convenience standard,
18 including an explanation of how the collection system
19 will be convenient and adequate to residents in both
20 urban and rural areas on an ongoing basis.

21 (viii) A discussion of the status of end markets for
22 one or more materials that result from the dismantling
23 and recycling of CEDs and what, if any, additional end
24 markets are needed to improve the functioning of the
25 program.

26 § 6706. Collection convenience standard compliance.

27 (a) Collection allocation.--The clearinghouse shall allocate
28 the CED manufacturers' collection obligation to arrange for
29 pickup, transportation and recycling of CEDs from program
30 collection sites to each registered CED manufacturer or the CED

1 manufacturer's group plan. When allocating collection
2 obligations, the clearinghouse shall:

3 (1) Allocate by a type of equipment to ensure that CED
4 manufacturers are responsible for recovering all types of
5 CEDs that manufacturers have placed or currently place on the
6 market.

7 (2) Allocate current CED manufacturers recycling
8 obligation per CED category and require the CED manufacturer
9 or group plan to pick up each CED category type that the
10 manufacturer currently markets.

11 (3) Take into account, to the best ability of the
12 clearinghouse, those collection site relationships already in
13 existence between a collector and a CED manufacturer or group
14 plan.

15 (4) Balance the allocation of collection sites to CED
16 manufacturers in both urban and rural areas.

17 (5) To the extent practical, assign collection
18 obligations that are reasonably anticipated to enable the CED
19 manufacturer to collect a volume of CEDs equivalent to the
20 manufacturer's return share determined under section 6711
21 (relating to CED manufacturer recycling share
22 responsibility).

23 (b) Budget.--The clearinghouse shall prepare and submit a
24 budget to the department for each program year as part of the
25 stewardship plan. The budget shall contain:

26 (1) An estimate of the total number of CEDs to be
27 collected in the upcoming program year.

28 (2) The estimated total program year costs and the eco-
29 deposits expected to be remitted.

30 (c) Registry.--

1 (1) No later than six months after the effective date of
2 this subsection, the clearinghouse shall maintain a list of
3 each registered CED manufacturer, the brands of all CEDs
4 reported in each manufacturer's registration and, to the best
5 of its knowledge, the brands of CEDs for which no CED
6 manufacturer has registered.

7 (2) The registry shall be available on the publicly
8 accessible Internet website of the clearinghouse.

9 (d) Eco-deposit-sharing arrangement.--Within 90 days of the
10 department's designation of a clearinghouse or within 90 days of
11 approval of a stewardship plan, whichever occurs later:

12 (1) All manufacturers, group plans and other designated
13 recipients of eco-deposit money, which are listed in the
14 stewardship plan, shall enter into an eco-deposit-sharing
15 arrangement with the clearinghouse. The clearinghouse shall
16 notify the advisory committee and department of each eco-
17 deposit-sharing agreement within 30 days of entering into the
18 agreement.

19 (2) If a funding recipient cannot reach an agreement on
20 an eco-deposit-sharing arrangement with the clearinghouse
21 within 90 days, the clearinghouse shall submit a proposed
22 eco-deposit-sharing structure to the advisory committee and
23 department for approval. Upon approval, the approved eco-
24 deposit-sharing structure shall be binding upon the
25 clearinghouse and the relevant manufacturer or group plan for
26 the entirety of the relevant program year.

27 (e) Clearinghouse powers.--The clearinghouse:

28 (1) May enter into a joint venture, agreement or
29 contract with a third party, including a corporation,
30 partnership, nonprofit entity or governmental agency, to

1 undertake an activity on the clearinghouse's behalf that is
2 consistent with this chapter.

3 (2) Shall keep minutes, books and records that clearly
4 reflect the activities and transactions of the clearinghouse.

5 (3) May conduct audits of retailers, collection sites,
6 downstream processors, recyclers, CED manufacturers and group
7 plans.

8 (f) Memorandum of understanding.--

9 (1) The department and the clearinghouse shall enter
10 into a memorandum of understanding, the terms of which shall
11 specify the performance of the duties and powers of the
12 clearinghouse under this chapter.

13 (2) The clearinghouse shall be paid for its services
14 solely out of eco-deposits collected and remitted to the
15 clearinghouse under this chapter.

16 (g) Clearinghouse audit.--

17 (1) The accounting books of the clearinghouse shall be
18 audited at the clearinghouse's expense by an independent
19 certified public accountant retained by the clearinghouse at
20 least once each calendar year.

21 (2) The clearinghouse shall arrange for the audit to be
22 delivered to the department, along with the annual report
23 required under section 6708 (relating to CED manufacturer
24 requirements).

25 (3) The department shall review the audit for compliance
26 with this chapter and shall notify the clearinghouse of any
27 compliance issues or inconsistencies.

28 (4) The department may not disclose any proprietary
29 information in the audit.

30 § 6707. Establishment of eco-deposit.

1 (a) Establishment.--At least 180 days prior to the beginning
2 of a program year, each CED manufacturer or group plan shall
3 submit to the clearinghouse an estimate of the total program
4 costs for collection and recycling of CEDs for the upcoming
5 program year.

6 (b) Submission of market share information to
7 clearinghouse.--By December of each year prior to the beginning
8 of a program year, the department shall estimate each CED
9 manufacturer's market share, using the methodology required by
10 section 6711 (relating to CED manufacturer recycling share
11 responsibility), based on either national sales data for the
12 previous calendar year that is provided by registered
13 manufacturers upon request of the department or on reliable,
14 commercially available national sales data from the previous
15 calendar year. The following apply:

16 (1) A CED manufacturer may dispute the manufacturer's
17 assigned sales data and market share if the sales data is
18 procured from commercially available sources. The dispute
19 must be made in writing within 30 days of notification of the
20 assigned market share to the CED manufacturer.

21 (2) The department shall submit each manufacturer's
22 estimated market share to registered CED manufacturers and
23 the clearinghouse.

24 (3) National sales data submitted by a registered CED
25 manufacturer to the department or procured independently by
26 the department under this section shall not be subject to
27 access under the act of February 14, 2008 (P.L.6, No.3),
28 known as the Right-to-Know Law, and may not be disclosed by
29 the department or the clearinghouse unless otherwise required
30 by law or court order.

1 (c) Eco-deposit.--The eco-deposits shall be approved by the
2 advisory committee and department within 30 days after
3 submission by the clearinghouse of the stewardship plan on each
4 even-numbered year if the proposed eco-deposits meet the
5 following requirements:

6 (1) To the extent possible, the eco-deposit is to be
7 uniform for each type of CED and consistent with the eco-
8 deposit amount that is being assessed in other jurisdictions
9 participating in the clearinghouse incorporated in this
10 Commonwealth.

11 (2) The eco-deposits shall be sufficient to cover
12 program year costs for the collection, preparation,
13 transportation and recycling of CEDs for all CED
14 manufacturers, group plans and local governments with an
15 approved plan for the collection of CEDs and all other
16 expenditures authorized under this chapter and approved as
17 part of the stewardship plan.

18 (d) Adjustment of eco-deposit.--

19 (1) At least 120 days prior to the beginning of a
20 program year starting two years or more after the start of
21 the program year and only every year thereafter for which the
22 eco-deposit was most recently approved by the department, the
23 clearinghouse and the advisory committee may submit to the
24 department a recommendation regarding eco-deposits to be
25 collected by a retailer under section 6703 (relating to eco-
26 deposits and responsibilities), which meets the requirements
27 of subsection (c).

28 (2) Any adjustment to the eco-deposit must take into
29 consideration the following factors:

30 (i) Current and projected sale of CEDs in this

1 Commonwealth.

2 (ii) Current and projected collection rate for
3 discarded CEDs.

4 (iii) The costs associated with the collection,
5 transportation and recycling of CEDs.

6 (iv) Program administrative costs.

7 (v) Other expenditures authorized by section 6704
8 (relating to clearinghouse) and approved as part of the
9 stewardship plan.

10 (e) Approval of adjustment.--A proposal to adjust an eco-
11 deposit shall be approved by the department within 30 days after
12 submission by the clearinghouse of the proposal if the proposed
13 eco-deposit meets the requirements of subsections (c) and (d).
14 § 6708. CED manufacturer requirements.

15 (a) Collection and recycling.--Each manufacturer of CEDs
16 sold in this Commonwealth shall either:

17 (1) operate an individual manufacturer program to
18 collect and recycle CEDs in this Commonwealth; or

19 (2) under section 6707 (relating to establishment of
20 eco-deposit), participate in a group plan to collect and
21 recycle CEDs in this Commonwealth.

22 (b) Registration.--

23 (1) On or before December 31, 2023, and each year
24 thereafter, each CED manufacturer shall register with the
25 department and the clearinghouse, for the purposes of
26 complying with this chapter, and provide the following
27 information:

28 (i) A list of the CED manufacturer's brands of CEDs
29 offered for sale in this Commonwealth.

30 (ii) The name, address and contact information of a

1 person responsible for ensuring compliance with this
2 chapter.

3 (iii) Certification that the CED manufacturer has
4 complied with and will continue to comply with the
5 requirements of this chapter.

6 (iv) The total number of CEDs sold in this
7 Commonwealth for the most recently concluded program
8 year.

9 (v) Identification of the group plan, if any, that
10 represents the CED manufacturer.

11 (2) A person that becomes a CED manufacturer after March
12 31, 2024, shall register with the clearinghouse under this
13 subsection no later than 60 days after becoming a CED
14 manufacturer.

15 (c) Notifications.--A CED manufacturer shall provide retail
16 partners with annual written or emailed notifications regarding
17 the CEDs that are to be assessed an eco-deposit and the
18 requirements for remittance. If participating in a group plan, a
19 CED manufacturer shall submit to the group plan a summary of
20 individual collection and recycling activities in this
21 Commonwealth on the form specified by the clearinghouse.

22 (d) Annual report.--Each CED manufacturer or its group plan
23 shall submit an annual report to the clearinghouse and
24 department that describes the CED manufacturer's program
25 outcomes for the concluded program year, including the specific
26 program collection sites serviced.

27 § 6709. Group plan requirements.

28 (a) Group plans.--A CED manufacturer may enter into an
29 agreement with a group plan to fulfill the CED manufacturer's
30 obligations under this chapter. The following apply:

1 (1) The group plan shall act as the representative of
2 all CED manufacturers for whom it represents for purposes of
3 this chapter.

4 (2) The clearinghouse shall receive information on
5 collection and recycling programs from individual member
6 companies or their group plans on a form provided by the
7 clearinghouse.

8 (3) The clearinghouse shall compile the individual
9 manufacturer and group plan information into a stewardship
10 plan to be reviewed and approved by the department under
11 section 6711 (relating to CED manufacturer recycling share
12 responsibility).

13 (b) Requirements.--

14 (1) A group plan shall receive eco-deposit disbursements
15 from the clearinghouse on behalf of the CED manufacturers the
16 group program plan represents.

17 (2) The group plan shall solely be responsible for
18 disbursing eco-deposit money to individual CED manufacturers
19 per the mechanism and amounts as determined by agreements
20 with the CED manufacturers that the group plan represents.

21 (3) The clearinghouse shall have no liability to
22 individual CED manufacturers that are members of group plans
23 to the extent that the clearinghouse timely and accurately
24 disburses collected eco-deposits to the CED manufacturer's
25 group plan.

26 (4) A group plan may contract for service in areas not
27 served by individual CED manufacturer programs participating
28 in the group plan to fulfill the participating CED
29 manufacturers' obligations for those areas.

30 (c) Audits.--The clearinghouse may conduct an audit of CED

1 manufacturers and group plans, utilizing third-party independent
2 auditors, to ensure that CED manufacturers and group plans have
3 implemented programs in accordance with approved group plans and
4 are meeting collection obligations in each program year. The
5 following apply:

6 (1) An audit conducted under this subsection shall be
7 carried out in accordance with generally accepted auditing
8 practices and shall be limited in scope to determining
9 whether eco-deposits have been properly collected on all
10 sales of CEDs to purchasers in this Commonwealth.

11 (2) An audit shall be limited to three years prior to
12 the date that the clearinghouse informs the auditee of the
13 audit.

14 § 6710. Convenience standards for program collection sites.

15 (a) Collection sites.--Beginning March 31, 2024, each CED
16 manufacturer or group plan must include in the submission to the
17 clearinghouse, at a minimum, the number of program collection
18 sites assigned to the manufacturer by the clearinghouse as part
19 of the manufacturer's recycling obligation for a program year
20 based on the following collection convenience standards:

21 (1) One program collection site in each county that has
22 a population density that is less than 250 individuals per
23 square mile.

24 (2) Two program collection sites in each county that has
25 a population density that is greater than or equal to 250
26 individuals per square mile but less than 500 individuals per
27 square mile.

28 (3) Three program collection sites in each county that
29 has a population density that is greater than or equal to 500
30 individuals per square mile but less than 750 individuals per

1 square mile.

2 (4) Four program collection sites in each county that
3 has a population density that is greater than or equal to 750
4 individuals per square mile but less than 1,000 individuals
5 per square mile.

6 (5) Five program collection sites in each county that
7 has a population density that is greater than or equal to
8 1,000 individuals per square mile but less than 5,000
9 individuals per square mile.

10 (6) Fifteen program collection sites in each county that
11 has a population density that is greater than or equal to
12 5,000 individuals per square mile.

13 (7) If a municipality has a population of more than
14 1,000,000 residents, the program shall provide 10 additional
15 program collection sites for the program year to be located
16 in that municipality, and the program collection sites
17 required under paragraph (6) shall be located outside of the
18 municipality.

19 (b) Additional sites.--Collection sites such as those
20 operated by local governments, retailers, charities or other
21 entities shall be eligible for consideration as program
22 collection sites.

23 (c) Population density calculation.--For purposes of this
24 section, county population densities shall be based on the
25 entire county's population density, regardless of whether a
26 municipality or municipal joint action agency in the county
27 participates in a CED manufacturer e-waste program. For
28 municipalities with a population density less than 5,000,
29 collection events may be held in lieu of permanent collection
30 sites if the events are efficient and effective at providing

1 collection opportunities for the residents of those areas.

2 (d) Written agreement permitted.--

3 (1) Notwithstanding the requirements of this section, a
4 program collection site operator may enter into a written
5 agreement with the operators of a group plan or CED
6 manufacturer individually in order to do one or more of the
7 following:

8 (i) Decrease the number of program collection sites
9 in the jurisdiction for the program year.

10 (ii) Substitute a program collection site in the
11 jurisdiction with either:

12 (A) four one-day collection events; or

13 (B) a different number of events as may be
14 provided in the written agreement.

15 (iii) Substitute the location of a program
16 collection site in the jurisdiction for the program year
17 with another location.

18 (iv) Substitute the location of a one-day collection
19 event in the jurisdiction with another location.

20 (2) Any changes to the number and location of program
21 collection sites described under this section must be
22 provided in writing to the department and posted on the
23 individual CED manufacturer's or clearinghouse's publicly
24 accessible Internet website.

25 (e) Ease of access.--Collection sites assigned to the CED
26 manufacturer or group plan must maintain reasonable days and
27 hours of operation to ensure access to the public throughout the
28 year.

29 § 6711. CED manufacturer recycling share responsibility.

30 (a) Return share invoicing.--

1 (1) At each registered collection site under this
2 chapter, collectors shall log the brand and type, as
3 delineated by the department, of CEDs brought to the
4 collection site.

5 (2) The information under paragraph (1) shall be sent to
6 the clearinghouse, which shall subsequently invoice CED
7 manufacturers regarding the amount and location of the CEDs
8 required to be recycled.

9 (b) Requirement.--A CED manufacturer shall accept and
10 recycle any CED that it has produced and is or was sold in this
11 Commonwealth and that is brought to the collection site.

12 § 6712. Individual manufacturer and group plans.

13 (a) Plan submission.--Each CED manufacturer that
14 participates in the clearinghouse either individually or through
15 a group plan shall, each program year, submit to the
16 clearinghouse a plan on the form provided by the clearinghouse
17 that demonstrates how the CED manufacturer meets the
18 requirements of this chapter. The following apply:

19 (1) The plan must be submitted to the clearinghouse at
20 least 90 days before the beginning of the program year.

21 (2) The clearinghouse shall then aggregate all
22 individual manufacturer and group plans and submit as part of
23 the stewardship plan described in section 6705 (relating to
24 stewardship plan) to the department for review and approval
25 at least 60 days prior to the beginning of the program year
26 as part of the stewardship plan.

27 (b) Plan requirements.--The plan submitted by each CED
28 manufacturer to the clearinghouse must contain the following
29 information:

30 (1) Contact information for the individual and the

1 entity submitting the program plan, a list of all CED
2 manufacturers or brand owners participating in the program
3 and the brands covered by the program plan.

4 (2) Identification of the types of CEDs sold in this
5 Commonwealth by the CED manufacturer and a statement that the
6 manufacturer acknowledges the obligation to collect and
7 recycle CEDs of a similar type. The following apply:

8 (i) If a CED manufacturer does not manufacture CEDs
9 sold in this Commonwealth, but intends to voluntarily
10 collect and recycle CEDs, the CED manufacturer shall
11 identify the types of CEDs that the CED manufacturer
12 intends to voluntarily collect and recycle.

13 (ii) If the CED manufacturer has identified any
14 types of CEDs under this paragraph, a separate
15 description of the methods by which the identified types
16 of CEDs will be collected in all areas in this
17 Commonwealth, according to the collection convenience
18 standards under section 6710 (relating to convenience
19 standards for program collection sites), including an
20 explanation of how the collection system will be
21 convenient and adequate to residents in both urban and
22 rural areas on an ongoing basis.

23 (3) The names, locations and updated contact information
24 of program collection sites and recyclers that will manage
25 the collected material.

26 (4) A description of how components will be safely and
27 securely transported, tracked and handled from collection
28 through final recycling and processing.

29 (5) A description of the methods that will be used to
30 recycle CEDs.

1 (6) Evidence of adequate insurance and financial
2 assurance that may be required for collection, handling and
3 disposal operations.

4 (7) Five-year performance goals, including an estimate
5 of the percentage of CEDs that will be collected during each
6 of the first five years of the program.

7 (8) A commitment to the reuse and refurbishment of CEDs
8 to any recycling and disposal activities.

9 (9) Agreements with local governments containing
10 commitments to pay for the costs of collecting and preparing
11 the CEDs.

12 (c) New program plan.--A CED manufacturer or group plan may
13 submit a new program plan to the clearinghouse prior to the
14 completion of the current program year with the consent of the
15 department.

16 § 6713. Review of stewardship plan.

17 (a) Department review.--The advisory committee and
18 department shall review the stewardship plan submitted by the
19 clearinghouse under section 6712 (relating to individual
20 manufacturer and group plans) and, within 30 days of receipt of
21 the plan, determine whether the plan provides the information
22 required. If the plan contains the required information, the
23 advisory committee shall recommend approval of the plan and the
24 department shall approve the plan.

25 (b) Notification.--

26 (1) If the advisory committee and department approve the
27 plan under subsection (a), the department shall notify the
28 clearinghouse and the registered CED manufacturers.

29 (2) If the department rejects the plan, in whole or in
30 part, the department shall notify the clearinghouse and

1 provide the reasons for the plan's rejection. Rejection of a
2 plan shall be based on the plan's failure to provide the
3 information required under subsection (a).

4 (c) Plan revisions.--Within 30 days after receipt of the
5 department's rejection under subsection (b), the CED
6 manufacturers or group plans may revise and resubmit the plan to
7 the clearinghouse. The clearinghouse shall submit the revised
8 stewardship plan to the advisory committee and department.

9 (d) Requirements under stewardship plan.--Individual
10 manufacturers and group plans operating under an approved
11 stewardship plan shall:

12 (1) Ensure availability of collection and recycling
13 infrastructure.

14 (2) Track and measure collection and recycling.

15 (3) Develop and provide guidance to all participants in
16 the program.

17 (4) Develop best management practices for program
18 collection sites.

19 (5) Assume financial responsibility for carrying out the
20 manufacturer e-waste program plans of the individual
21 manufacturers and group plans under an approved stewardship
22 plan, including financial responsibility for providing the
23 packaging materials necessary to prepare shipments of
24 collected residential CEDs in compliance with section 6716(e)
25 (relating to collector responsibilities), as well as
26 financial responsibility for bulk transportation and
27 recycling of collected residential CEDs.

28 (e) Changes to individual manufacturer and group plans.--A
29 CED manufacturer or group plan participating under the approved
30 stewardship plan may submit changes to the clearinghouse. With

1 consent of the department, the clearinghouse shall revise and
2 submit the stewardship plan to the department for review and
3 approval prior to the completion of the current program period.

4 § 6714. Fees for collection or recycling of eligible devices.

5 No registered collector in a group or stewardship plan may
6 charge any fee or cost to a purchaser for the collection,
7 transportation or recycling of a CED unless a financial
8 incentive of equal or greater value is provided to the
9 purchaser. The financial incentive may be in the form of a
10 coupon or rebate.

11 § 6715. Recycler responsibilities.

12 (a) Recycler registration.--By January 1 of each program
13 year, a person acting as a recycler under a clearinghouse
14 stewardship plan shall register with the department by
15 completing and submitting to the department the registration
16 form prescribed by the department. The registration form
17 prescribed by the department must include, without limitation,
18 the address of each location at which the recycler processes
19 CEDs.

20 (b) Denial of registration.--The department may deny a
21 registration under this section if the recycler or an employee
22 or officer of the recycler has a history of:

23 (1) repeated violations of Federal, State or local laws,
24 regulations, standards or ordinances related to the
25 collection, recycling or other management of CEDs;

26 (2) conviction in this Commonwealth or another state of
27 a crime that is a felony under the laws of this Commonwealth;

28 (3) conviction of a felony in a Federal court or
29 conviction in this Commonwealth or another Federal or state
30 court of forgery, official misconduct, bribery, perjury or

1 knowingly submitting false information under any
2 environmental law, regulation or permit term or condition; or
3 (4) gross carelessness or incompetence in handling,
4 storing, processing, transporting, disposing or otherwise
5 managing CEDs.

6 (c) Notice of recyclers available.--

7 (1) The department shall post on its publicly accessible
8 Internet website a list of all registered recyclers that are
9 participating in the program.

10 (2) Beginning in program year one, no person may act as
11 a recycler of residential CEDs for an individual manufacturer
12 or group plan unless the recycler is registered with the
13 department and meets all requirements related to recycling
14 under this section.

15 § 6716. Collector responsibilities.

16 (a) Collector registration.--By January 1 of each program
17 year, a person acting as a collector under a stewardship plan
18 shall register with the department by completing and submitting
19 to the department the registration form prescribed by the
20 department. The registration form prescribed by the department
21 must include, without limitation, the address of each location
22 at which the collector accepts CEDs.

23 (b) Registration permitted.--The department shall grant a
24 collector's registration under this section unless the
25 collector, or any employee or officer of the collector, has a
26 history of:

27 (1) repeated violations of Federal, State or local laws,
28 regulations, standards or ordinances related to the
29 collection, recycling or other management of CEDs;

30 (2) conviction in this Commonwealth or another state of

1 a crime that is a felony under the laws of this Commonwealth;

2 (3) conviction of a felony in a Federal court or
3 conviction in this Commonwealth or another Federal or state
4 court of forgery, official misconduct, bribery, perjury or
5 knowingly submitting false information under any
6 environmental law, regulation or permit term or condition; or

7 (4) gross carelessness or incompetence in handling,
8 storing, processing, transporting, disposing or otherwise
9 managing CEDs.

10 (c) Registered collector notice.--The department shall post
11 on its publicly accessible Internet website a list of all
12 registered collectors. Manufacturers and recyclers acting as
13 collectors shall so indicate on their registration with the
14 department.

15 (d) Report of weight.--By March 1 of each program year, each
16 collector that operates a program collection site or one-day
17 collection event shall report, to the department and to the
18 individual manufacturer or group plan, the total weight, by CED
19 category, of residential CEDs transported from the program
20 collection site or one-day collection event during the previous
21 program year.

22 (e) Best management practices.--The clearinghouse shall
23 provide registered collectors with best management practices
24 that address packaging, containers, average shipment weights and
25 other items that pertain to the collection of CEDs.

26 (f) Acceptance of CEDs.--All categories of residential CEDs
27 must be accepted at the program collection site or one-day
28 collection event unless otherwise provided in this chapter. The
29 following apply:

30 (1) Residential CEDs shall be kept separate from other

1 material and shall be:

2 (i) Packaged in a manner to prevent breakage.

3 (ii) Loaded onto pallets and secured with plastic
4 wrap or in pallet-sized bulk containers prior to
5 shipping.

6 (iii) On average, per collection site, 18,000 pounds
7 per shipment and, if not, the recycler may be subject to
8 a reduction in the collection incentive payment for those
9 pounds.

10 (2) Half box semi-trailer loads shall be permitted from
11 program collection sites that cannot accommodate larger
12 trailers.

13 (3) CEDs shall be sorted into the following categories:

14 (i) Computers.

15 (ii) Computer monitors.

16 (iii) Televisions.

17 (iv) Printers.

18 (v) Videocassette recorders, portable digital music
19 players and digital video disc players.

20 (vi) CED peripheral.

21 (vii) Any electronic device that is not part of the
22 individual manufacturer or group plan that the collector
23 has arranged to have picked up with residential CEDs and
24 for which a financial arrangement has been made to cover
25 the recycling costs outside of the manufacturer program.

26 (4) Containers holding the CEDs must be structurally
27 sound for transportation and meet applicable requirements of
28 the United States Department of Transportation and the
29 Department of Transportation of the Commonwealth.

30 (5) Each shipment of residential CEDs from a program

1 collection site or one-day collection event shall include a
2 collector-prepared bill of lading or similar manifest, which
3 describes the origin of the shipment and the number of
4 pallets or bulk containers of residential CEDs in the
5 shipment.

6 (g) Acceptance.--

7 (1) Except as otherwise provided in this chapter, each
8 collector that operates a program collection site or one-day
9 collection event during a program year shall accept all
10 residential CEDs that are delivered to the program collection
11 site or one-day collection event during the program year.

12 (2) Notwithstanding the provisions of this subsection,
13 no collector that operates a program collection site or one-
14 day collection event shall:

15 (i) Be required to accept, at the program collection
16 site or one-day collection event, more than seven CEDs
17 from a person at any one time.

18 (ii) Scrap, salvage, dismantle or otherwise
19 disassemble any CED collected at a program collection
20 site or one-day collection event.

21 (iii) Deliver to a CED manufacturer or group plan,
22 through its recycler, a CED other than a residential CED
23 collected at a program collection site or one-day
24 collection event.

25 (iv) Deliver to a person other than the CED
26 manufacturer or group plan a residential CED collected at
27 a program collection site or one-day collection event.

28 (h) Limitation.--Nothing in this chapter shall prevent a
29 person from acting as a collector independently of a
30 manufacturer or group plan, but all collectors must register

1 with the department in order to accept CEDs.

2 § 6717. Annual reports.

3 (a) Group plan or individual manufacturer annual report.--

4 Each group plan or individual manufacturer operating under the
5 approved stewardship plan shall each prepare and submit by May
6 1, 2026, and annually thereafter to the clearinghouse and post
7 on its publicly accessible Internet website a report that
8 includes:

9 (1) The total weight of CEDs collected as a result of
10 the individual manufacturer's or group plan's
11 responsibilities under the stewardship plan.

12 (2) A complete listing of the amount of CEDs, by weight
13 for each type, collected at each site serviced.

14 (3) Recommendations, if any, for changes to the list of
15 CEDs.

16 (b) Clearinghouse report.--

17 (1) By June 1, 2026, and each June 1 thereafter, the
18 clearinghouse shall prepare and submit annually to the
19 department a report that includes the following:

20 (i) The total sum of eco-deposits which were
21 required to be collected from retailers during the
22 program year, including any amounts not remitted or in
23 default.

24 (ii) The total sum of eco-deposits disbursed to CED
25 manufacturers or group plans during the prior program
26 year, including any unpaid or uncollected eco-deposits.

27 (iii) The total sum of eco-deposits disbursed to
28 registered collectors.

29 (iv) The total weight of CEDs collected under the
30 stewardship plan.

1 (v) A complete listing of the amount of CEDs, by
2 weight for each type, collected at each site serviced.

3 (vi) Recommendations, if any, for changes to the
4 list of CEDs.

5 (2) Each report under this subsection shall be posted on
6 the publicly accessible Internet website of the
7 clearinghouse.

8 (c) Department report.--The department shall prepare and
9 submit annually to the General Assembly, according to procedures
10 and deadlines determined by the department, a report that
11 includes:

12 (1) The total weight of CEDs collected under this
13 chapter in this Commonwealth during the previous plan year.

14 (2) Stated separately, the total weight of CEDs
15 collected under this chapter in this Commonwealth during the
16 previous plan year.

17 (3) A complete listing of all of the individual and
18 group plans operating in this Commonwealth during the prior
19 program year, the parties that operated the group plans and
20 the amount of CEDs, by weight for each type, collected at
21 each site included in the stewardship plan.

22 (4) Recommendations, if any, for changes to the list of
23 CEDs.

24 § 6718. Advisory committee.

25 (a) Establishment and purpose.--The Advisory Committee on
26 Electronic Waste Recycling is established within the department
27 to provide input on the functioning of the electronics recycling
28 program in this Commonwealth as well as oversight and approval
29 on the measures specified in this chapter, including eco-
30 deposits and stewardship plans.

1 (b) Members.--

2 (1) The secretary shall appoint up to 11 members to the
3 advisory committee.

4 (2) The advisory committee shall be composed of
5 individuals who represent:

6 (i) The environmental community.

7 (ii) The solid waste industry.

8 (iii) Local governments.

9 (iv) Public and private entities involved in the
10 collection, processing and recycling of electronic
11 devices.

12 (v) Other interested parties as identified by the
13 secretary.

14 (c) Stewardship plans.--

15 (1) The clearinghouse shall provide to the advisory
16 committee a copy of the stewardship plan and any amendments
17 to the stewardship plan no fewer than 15 days before
18 submitting the stewardship plan and any amendments to the
19 stewardship plan to the department.

20 (2) The advisory committee shall provide comments and
21 recommendations regarding the stewardship plan or amendments
22 to the stewardship plan to the clearinghouse and to the
23 department based on the advisory committee's review under
24 this section.

25 (3) The advisory committee shall provide recommendations
26 to the department regarding the approval of deposits and
27 stewardship strategies.

28 (d) Compensation.--A member of the advisory committee shall
29 serve without compensation but shall be reimbursed for actual
30 and necessary travel and other expenses incurred in the

1 performance of official duties.

2 § 6719. Administrative reimbursement.

3 (a) Annual reimbursement fee.--The clearinghouse submitting
4 a stewardship plan shall pay an annual reimbursement fee to the
5 department for the costs of administering this chapter.

6 (b) Cost identification.--

7 (1) Prior to July 1, 2024, and each July 1 thereafter,
8 the department shall identify the costs incurred under this
9 section.

10 (2) The department shall set the fee under this section
11 at an amount that is adequate to reimburse the department's
12 full costs of administering this chapter.

13 (3) The total amount of annual fees collected under this
14 section shall not exceed the amount necessary to reimburse
15 costs incurred by the department to administer this section.

16 (c) Administrative fee.--

17 (1) The clearinghouse shall pay the department's
18 administrative fee under subsection (a) on or before July 1,
19 2024, and annually thereafter.

20 (2) The clearinghouse shall collect the administrative
21 fee from manufacturers that sell CEDs in this Commonwealth.
22 The share of the fee that is charged to each manufacturer
23 shall be determined by the manufacturer's share of the total
24 amount of CEDs sold by weight in this Commonwealth in the
25 previous year.

26 § 6720. Environmental sound management requirements.

27 (a) General rule.--CEDs collected through any program in
28 this Commonwealth, whether by a CED manufacturer, retailer, for-
29 profit or not-for-profit corporation or unit of government,
30 shall be recycled in a manner that is in compliance with all

1 applicable Federal, State and local laws, regulations and
2 ordinances and may not be exported for disposal in a manner that
3 poses a significant risk to the public health or the
4 environment.

5 (b) Performance requirements.--All entities shall, at a
6 minimum, demonstrate to the satisfaction of the department that
7 the facility to be used to recycle CEDs has achieved and
8 maintained certification from an ANSI-ASQ National Accreditation
9 Board-accredited third-party certification body to an
10 environmentally sound management standard.

11 (c) Required disclosure.--All entities shall provide
12 information about their certification and its standing to the
13 department along with any other requirements regarding this
14 section that may be mandated by Federal or State law. The
15 department shall make this information available on its publicly
16 accessible Internet website.

17 (d) Department to maintain publicly accessible Internet
18 website.--The department shall maintain a publicly accessible
19 Internet website that includes a list of entities and
20 organizations that have registered with the department. The
21 website shall contain a list of the locations of all collection
22 sites, hours of operation and any other information that will be
23 helpful to purchasers in understanding where and how they can
24 recycle CEDs.

25 § 6721. Disposal ban.

26 (a) General rule.--No person may place in municipal solid
27 waste a CED or any of its components, excluding any nonhazardous
28 residuals produced during recycling in any solid waste disposal
29 facility.

30 (b) Hold harmless.--An owner or operator of a solid waste

1 disposal facility may not be found in violation of this section
2 if the owner or operator has:

3 (1) made a good faith effort to comply with this
4 section;

5 (2) posted in a conspicuous location at the facility a
6 sign stating that CEDs or any of their components shall not
7 be accepted at the facility; and

8 (3) notified, in writing, all registered collectors
9 registered to deposit solid waste at the facility that those
10 devices or their components shall not be accepted at the
11 facility.

12 (c) Definition.--For purposes of this section, the term
13 "facility":

14 (1) Shall have the same meaning as in section 103 of the
15 act of July 7, 1980 (P.L.380, No.97), known as the Solid
16 Waste Management Act.

17 (2) Does not include a transfer station.

18 § 6722. Enforcement.

19 (a) Authorization.--The Commonwealth, through the Attorney
20 General and the department, may initiate independent action to
21 enforce any provision of this chapter.

22 (b) Enforcement expenses.--Any money awarded by a court
23 shall be used first to offset enforcement expenses. Money in
24 excess of the enforcement expenses shall be provided to the
25 clearinghouse for use in the recycling of CEDs and the other
26 expenditures authorized by this chapter.

27 (c) Civil penalties.--Except as provided in subsection (d),
28 a person who willfully violates any provision of this chapter
29 may be assessed by the department a civil penalty of not more
30 than \$1,000 for each violation. The maximum penalty under this

1 subsection for a related series of violations shall be \$10,000.

2 (d) Additional penalties.--Notwithstanding any other
3 provision of this chapter, the following apply:

4 (1) A person who willfully sells a CED in violation of
5 section 6703 (relating to eco-deposits and responsibilities)
6 may be assessed by the department a civil penalty of not more
7 than \$1,000 for each violation. The maximum penalty under
8 this paragraph, for any and all sales in violation of this
9 subsection, shall be \$10,000 for each assessment period
10 during which the sales occur.

11 (2) A person who refuses to pay, collect or remit any
12 eco-deposit duly required of the person under this chapter
13 may be assessed by the department a civil penalty of not more
14 than \$1,000 for each violation. The maximum penalty under
15 this paragraph for any and all eco-deposits required to be
16 paid, collected or remitted in a single assessment period
17 shall be \$10,000.

18 (e) Injunctive relief.--A violation of the prohibitions of
19 this chapter may be enjoined in an action in the name of the
20 Commonwealth brought by the Attorney General.

21 (f) Limited private right action.--A person required to
22 register with the department under this chapter that is duly
23 registered and in good standing with the department and
24 clearinghouse may maintain a civil action in Commonwealth Court
25 against a noncompliant person to enjoin a violation of the
26 prohibitions of this chapter.

27 (g) Remittance of deposits.--Eco-deposits owed to the
28 clearinghouse that are recovered by a third party shall be
29 remitted to the clearinghouse.

30 (h) Written notice of action, deposits and costs.--

1 (1) An action may not be commenced under this section
2 until 60 days after a potential plaintiff provides to the
3 potential noncompliant person a written notice of the claim
4 specifying the amount of the claim and the basis for the
5 calculation of that amount.

6 (2) The potential plaintiff shall also deliver a copy of
7 the notice to the clearinghouse and the department.

8 (3) A court may, in the interests of justice, award to a
9 registered person who prevails in an action brought under
10 this section reasonable attorney fees and court costs,
11 including expert witness fees.

12 (4) A class action may not be brought against a retailer
13 on behalf of purchasers arising from or in any way related to
14 an overpayment of an eco-deposit.

15 § 6723. Antitrust.

16 (a) Authorization.--A CED manufacturer or stewardship
17 organization acting in accordance with the provisions of this
18 chapter may negotiate with, enter into contracts with or conduct
19 business with each other and with any other entity developing,
20 implementing, operating, participating in or performing any
21 other activities directly related to a manufacturer product
22 stewardship plan approved under this chapter.

23 (b) Damages, liability and scrutiny.--The manufacturer,
24 clearinghouse and any entity developing, implementing,
25 operating, participating in or performing any other activities
26 related to a stewardship plan approved under this chapter shall
27 not be subject to damages, liability or scrutiny under Federal
28 antitrust law or the act of December 17, 1968 (P.L.1224,
29 No.387), known as the Unfair Trade Practices and Consumer
30 Protection Law, regardless of the effects on competition.

1 (c) Effect.--The supervisory activities described in this
2 chapter are sufficient to confirm that activities of the
3 manufacturers, stewardship organization and any entity
4 developing, implementing, operating, participating in or
5 performing any other activities related to a stewardship plan
6 that is approved under this chapter are authorized and actively
7 supervised by the Commonwealth.

8 § 6724. Other CED collection activities.

9 (a) Waste hauler.--Nothing in this chapter shall prohibit a
10 waste hauler from entering into a contractual agreement with a
11 unit of local government to establish a collection program for
12 the recycling or reuse of CEDs, including services such as
13 curbside collection, home pick-up, drop-off locations or similar
14 methods of collection.

15 (b) E-waste program.--No person may be prohibited from
16 establishing an e-waste program independently of a manufacturer
17 e-waste program under this chapter.

18 Section 2. This act shall take effect in 60 days.