



Rule Adoption Notice

Electronic Product Recycling, Chapter 173-900 WAC

What is the Electronic Product Recycling Program, Chapter 173-900?

In 2006, The Washington State Legislature required the Washington State Department of Ecology (Ecology) to make a rule to carry out a new state law (chapter 70.95N RCW). The rule, Chapter 173-900 WAC, will provide for a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products (CEPs) throughout the state. Ecology is adopting Chapter 173-900 WAC in two phases. This notice describes the requirements adopted during Phase 1 of rule making.

A CEP or covered electronic product is a computer, laptop or portable computer, television, or monitor.

Effective Date: The effective date of this chapter is December 8, 2006.

Response to Comments: Ecology's response to comments received during the public comment period for Phase 1 is now available. Download a copy at <http://www.ecy.wa.gov/biblio/0607030.html>

Whom does Phase 1 of rule making affect?

AFFECTED PARTIES	DESCRIPTION	PHASE 1 REQUIREMENTS
Manufacturers	If you legally own the brand name of a CEP, the state considers you a "manufacturer" under this rule. If you import CEPs for a company that does not have a physical presence in the United States, the state considers you a manufacturer under this rule.	As of January 1, 2007, manufacturers: Must register with Ecology in order to continue to sell their CEPs in or into Washington. This means the manufacturer must submit an annual registration form and the required administrative fee to Ecology. Must permanently affix a brand label on all CEPs.
Retailers	If you sell CEP in or into Washington state, this rule affects you. Sales include all sales methods, such as those through retail locations, catalogues, phone sales, or the Internet Sales do not include products sold for reuse or wholesale transactions with another retailer or distributor.	As of January 1, 2007, a retailer: Cannot sell CEPs ordered from a manufacturer that has not registered with Ecology. May sell CEPs in or into Washington only if they carry labels with the manufacturer's brand name. To check the registration status of a manufacturer, the retailer must check the "Manufacturer Registration List for the Electronic Product Recycling Program" posted on Ecology's Web site.
Collectors and/or Transporter	If you collect or transport CEPs for recycling from households, small governments, small businesses (less than 50 employees), or charities, this new rule affects you.	As of September 1, 2007, collectors and/or transporters who collect or transport CEPs in Washington must register with Ecology. The transporter/collector registration forms will be available from Ecology in the summer of 2007. You do not need to register before then.

Violations, warnings, and penalties

This rule prescribes the enforcement process and associated penalties for failing to comply. It also describes specific violations for manufacturers, retailers, collectors, and transporters.

Brand Labeling

Starting January 1, 2007, any company that manufactures or assembles computers, laptops or portable computers, televisions, or monitors must label those products with a brand name in order to sell them in or into Washington. Ecology will record all brand names and provide a list on its Web site. To generate the product-label list, Ecology will use information provided by registered manufacturers.

Phase 2 of rule making:

Ecology will be developing additional rules in relation to this new law throughout the upcoming year.

Whom does Phase 2 of rule making affect?

1. Processors.
2. Local government.
3. Covered entities (households, small businesses, charities, small government).
4. Manufacturers, transporters, collectors, and retailers included in phase 1.

What topics will Phase 2 address?

Phase 2 of rule making will focus on developing rules to carry out the remaining portions of chapter 70.05N RCW. This phase will include processor performance standards and registration; recycling plan submittal, review, and content; program implementation; return share and equivalent share calculations; standards for collectors and transporters; and additional topics identified during the public involvement process.

For assistance:

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For more information:

For the adopted rule, the agency's response to comments, and other information

Online visit:

<http://www.ecy.wa.gov/programs/swfa/eproductrecycle/rulDev.html>

Join the Electronic Product Recycling email notice list:

<http://listserv.wa.gov/archives/wa-recycles-electronics.html>

Appeal procedures

You can appeal this adoption under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption, please contact Jerry Thielen, Ecology's Regulatory Affairs Manager at (360) 407-7551 or by email jthi461@ecy.wa.gov.