

West's District of Columbia Code Annotated 2001 Edition

Division I. Government of District.

Title 8. Environmental and Animal Control and Protection (Refs & Annos)

Subtitle B. Waste Disposal and Management.

Chapter 10B. Extended Manufacturer Responsibility for Electronic Waste.

DC ST § 8-1041.01

§ 8-1041.01. Definitions.

Effective: October 8, 2016

[Currentness](#)

For the purposes of this chapter, the term:

- (1) “Brand” means a manufacturer's name, brand designation, make or model name or number, or other nomenclature by which covered electronic equipment is offered for sale by a manufacturer.
- (2) “Collection event” means an event lasting at least 4 hours within normal daylight hours at which a District resident, small nonprofit, or small business can drop off, free of charge, unwanted covered electronic equipment for recycling or reuse.
- (3) “Collection site” means a location at which a District resident, small nonprofit organization, or small business can drop off, free of charge, unwanted covered electronic equipment for recycling or reuse during normal business hours.
- (4) “Covered electronic equipment” means computers and computer peripherals, including keyboards, electronic pointing devices, printers, computer monitors and display devices, laptops or other portable computers, and portable digital music players that have memory capability and are battery-powered, televisions, and television peripherals. The term “covered electronic equipment” does not include a motor vehicle, part of a motor vehicle, or a component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle; telephones of any type, including mobile telephones, a personal digital assistant, a global positioning system, or a hand-held gaming device, household appliances, or covered electronic equipment that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier, water heater, or exercise equipment, equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development or commercial setting, security or anti-terrorism equipment, monitoring and control instrument or system, thermostat, hand-held transceiver, server other than a small-scale server, cash register or retail self-checkout system, stand-alone storage product intended for use in industrial, research and development, or commercial settings, medical equipment that contains a cathode ray tube, a flat panel display or similar video display device, and that is not separate from the larger piece of medical equipment, or other medical devices as defined under the Federal Food, Drug, and Cosmetic Act.
- (5) “Covered electronic equipment stewardship program” means a recycling effort for covered electronic equipment established by a manufacturer, partnership, or representative organization.

(6) “Covered entity” means a District household or small nonprofit or small business entity that procures covered electronic equipment through retail channels.

(7) “Manufacturer” means a person who:

(A) Manufactures, imports, assembles, or substantially assembles covered electronic equipment for sale in the District by means of retail, wholesale, or electronic commerce, under its own or another brand name or label, or without affixing a brand name or label;

(B) Sells in the District by means of retail, wholesale, or electronic commerce, under its own brand name or label, covered electronic equipment produced by another person; or

(C) Owns a brand name or label that it licenses to another person for use on covered electronic equipment sold in the District by means of retail, wholesale, or electronic commerce.

(8) “Market share” means the total pounds of covered electronic equipment sold by a manufacturer to District residents and businesses in the previous calendar year divided by the total pounds of all covered electronic equipment sold to District residents and businesses in the previous calendar year.

(9) “Partnership” means an organization of manufacturers created to work together to meet the total minimum collection shares of its member manufacturers under [§ 8-1041.05\(a\)\(2\)](#).

(10) “Product label” means information on the surface of covered electronic equipment that must be permanently attached to, printed, or engraved on or incorporated in a permanent manner on the equipment and obvious and visible to users of the equipment.

(11) “Representative organization” means an organization created to provide convenient collection service to District residents under [§ 8-1041.05 \(a\)\(3\)](#) and to develop and oversee implementation of a District plan consisting of one or more covered electronic equipment stewardship programs in the District. A representative organization may also oversee plans in other jurisdictions.

(12) “Retailer” means a person engaged in retail sales.

(13) “Reuse” means a process by which covered electronic equipment or a component of covered electronic equipment is used for the same purpose for which it was originally purchased.

Credits

(Feb. 26, 2015, D.C. Law 20-154, § 115, 61 DCR 9971; Oct. 8, 2016, D.C. Law 21-160, § 6032(c), 63 DCR 10775.)

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DC ST § 8-1041.02

§ 8-1041.02. District covered electronics waste diversion goal.

Effective: February 26, 2015

[Currentness](#)

In implementing this chapter, the District shall strive to divert at least 80% of covered electronic equipment waste, estimated based on best available information, to be generated in the District annually from landfill or incineration through recycling or reuse by 2032, and to ensure electronics manufacturer responsibility for the recycling of covered electronic equipment waste.

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DC ST § 8-1041.03

§ 8-1041.03. Registration.

Effective: October 8, 2016

[Currentness](#)

(a) By June 1, 2017, a manufacturer or retailer shall not sell or offer for sale or deliver to a retailer for subsequent sale new covered electronic equipment, unless:

(1) The equipment is labeled with a readily visible brand identifying the manufacturer; and

(2) The manufacturer has registered with the Mayor pursuant to subsection (b) of this section; provided, that the Mayor may establish by rule a *de minimis* level of covered electronic equipment sales in the District that shall be exempt from the provisions of this section.

(b) By December 31, 2016, and annually thereafter, a manufacturer or its partnership or representative organization as provided in subsection (c) of this section shall submit an application for registration with the Mayor that shall include:

(1) The name, address, and contact information of the person responsible for ensuring compliance with this chapter;

(2) The registration fees applicable under [§ 8-1041.04](#);

(3) A report disclosing:

(A) A list of the brands of covered electronic equipment the manufacturer sells in the District;

(B) Annual data of the manufacturer's covered electronic equipment sold in the District during the previous 3 calendar years;

(C) The total weight or an estimate of the total weight of covered electronic equipment sold in the previous year;

(D) The total weight of covered electronic equipment collected and recycled through the manufacturer's electronics recycling program in the previous year;

(E) Compliance with § 8-1041.05; and

(F) The end markets and electronics recyclers utilized by the manufacturer in the previous year;

(4) A description of the manufacturer's electronics recycling program in the District, including details for the collection, handling, disposition, recycling or reuse of collected covered electronic equipment and the location of anticipated recycling facilities and end markets;

(5) A description of convenient methods by which a District resident can return covered electronic equipment, and methods by which the manufacturer will inform District residents and businesses about its electronics recycling program;

(6) If the manufacturer has not attained compliance with § 8-1041.05, a description of how the manufacturer plans to attain compliance;

(7) A signed statement certifying that the manufacturer's collection, handling, and recycling or reuse of covered electronic equipment complies with local state, federal, and international laws and regulations;

(8) A signed statement certifying that vendors who recycle or reuse covered electronic equipment collected under the manufacturer's waste management program have a valid third-party accredited certification as recognized by the Mayor;

(9) If the applicant is a representative organization established to provide convenient collection service to District residents under § 8-1041.05(a)(3), an implementation plan that includes:

(A) A description of the convenient collection system established by the organization, including the collection sites at which the representative organization will ensure continuous service, and how the organization, through public outreach and other means, determined where public collection sites would be located to meet the needs of District residents;

(B) A description of public outreach and awareness activities undertaken to ensure District residents are aware of the availability and location of collection sites and events;

(C) The market share percentage of each manufacturer in the representative organization and a description of how the representative organization will allocate responsibility across member manufacturers to ensure compliance with this chapter; and

(D) Sufficient information, including financial and operational information, to allow the Mayor to confirm the consistency of the plan with this chapter; and

(10) Any other information as may be required by the Mayor by rule.

(c) A partnership established to meet the total minimum collection shares of its member manufacturers under § 8-1041.05(a)(2) may, and a representative organization established to provide convenient collection service to District residents under § 8-1041.05(a)(3) shall, submit a single application for registration including the items listed under subsection (b) of this section on behalf of its member manufacturers; provided, that the application shall also include a list of member manufacturers and their market shares, as well as any other individual manufacturer data, information, or certification required by the Mayor through rulemaking.

(d)(1) The Mayor shall approve or disapprove a registration application and notify the applicant in writing or by electronic mail within 45 days of an individual manufacturer's submission and within 60 days of a partnership or representative organization's submission. If the Mayor disapproves an application, the Mayor shall specify the reasons for disapproval. The Mayor shall approve or disapprove a resubmitted application within 30 days of resubmission.

(2) In determining whether to approve the registration application and implementation plan of a representative organization established to provide convenient collection service to District residents under § 8-1041.05(a)(3), the Mayor shall consider:

(A) The pounds per capita of covered electronics equipment waste generated in the District in the previous calendar year, as estimated using best available data;

(B) The total market share of the representative organization's members and the pounds per capita of covered electronics equipment collected by the representative organization in the previous calendar year;

(C) The total pounds per capita of covered electronics equipment collected by all manufacturers under this chapter in the previous calendar year;

(D) Best practices in similar jurisdictions with pounds per capita electronics recycling rate data;

(E) Whether the convenient collection system outlined in the representative organization's implementation plan is sufficient to provide convenient and equitable collection opportunities to District residents; and

(F) The District's progress toward the goal established in § 8-1041.02.

(e) The Mayor may establish a procedure and timeframe for the modification or renewal of manufacturer, partnership, and representative organization applications under this section by rule.

(f) A retailer shall not be subject to penalties for selling or offering to sell covered electronic equipment received from a manufacturer whose registration under this section has expired or been revoked if the manufacturer was registered at the time that the retailer took possession of the covered electronic equipment and the sale occurred within 6 months of the expiration or revocation.

Credits

(Feb. 26, 2015, D.C. Law 20-154, § 117, 61 DCR 9971; Oct. 8, 2016, D.C. Law 21-160, § 6032(d), 63 DCR 10775.)

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DC ST § 8-1041.04

§ 8-1041.04. Registration and shortfall fees.

Effective: October 8, 2016

[Currentness](#)

(a)(1) A manufacturer that sold less than 100 units of covered electronic equipment in the District in the previous calendar year shall be exempt from paying an annual registration fee.

(2) For an individual manufacturer that sold at least 100 units but less than 250 units of covered electronic equipment in the District in the previous calendar year, the individual manufacturer's application for registration under [§ 8-1041.03](#) shall be accompanied by a registration fee of \$500.

(3) For an individual manufacturer that sold 250 or more units of covered electronic equipment in the District in the previous calendar year, the manufacturer's application for registration under [§ 8-1041.03](#) shall be accompanied by a registration fee of \$1,000.

(4) A partnership's application for registration under [§ 8-1041.03](#) shall be accompanied by a registration fee in the amount of the sum of its member manufacturers' registration fees, or \$10,000, whichever is less.

(5) A representative organization's application for registration under [§ 8-1041.03](#) shall be accompanied by a registration fee in the amount of \$10,000.

(6) A manufacturer participating in a partnership or representative organization shall be exempt from paying an individual annual registration fee.

(b) Beginning January 1, 2017, if a manufacturer or partnership did not comply with § 8-1041.05(a)(1) or (2) in the previous calendar year, the manufacturer's or partnership's application for registration under [§ 8-1041.03](#) shall be accompanied by a shortfall fee. The shortfall fee shall be determined by multiplying the difference of the weight of covered electronic equipment collected and recycled or reused by the manufacturer or the partnership and the manufacturer's minimum collection share by \$0.30 or the sum of the partnership's member manufacturers' minimum collection shares by \$0.30.

(c) The Mayor may increase the fees and modify the fee structures established by this section through rulemaking.

(d) Fees collected under this section shall be used exclusively for the purpose of offsetting the cost of implementing this chapter, including administering and enforcing the provisions related to supervision of a representative organization.

Credits

(Feb. 26, 2015, D.C. Law 20-154, § 118, 61 DCR 9971; Oct. 8, 2016, D.C. Law 21-160, § 6032(e), 63 DCR 10775.)

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DC ST § 8-1041.05

§ 8-1041.05. Manufacturer responsibilities.

Effective: October 8, 2016

[Currentness](#)

(a) Beginning January 1, 2017, and annually thereafter, a manufacturer shall either:

(1) Collect and recycle or arrange for the collection and recycling or reuse of the manufacturer's minimum collection share of covered electronic equipment as established under subsection (b) of this section;

(2) Join a partnership of manufacturers to jointly collect or arrange for the collection and recycling or reuse of the sum of each member manufacturer's minimum collection share of covered electronic equipment as established under subsection (b) of this section; or

(3) Join a representative organization created by manufacturers to establish a convenient collection service for District residents, small nonprofit organizations, and small businesses that consists of, at a minimum:

(A) One permanent publicly accessible collection site in each ward of the District; provided, that, in a ward where there is no feasible location for a permanent collection facility, a collection event made available on a quarterly basis shall fulfill this requirement;

(B) Public outreach and awareness activities to District residents through the representative organization's website and other means to ensure that District residents are aware of the availability and location of collection sites and events; and

(C) Acceptance and recycling or arranging for the recycling or reuse of all covered electronic equipment brought to the sites by covered entities free of charge.

(b)(1) A manufacturer's minimum collection share for covered electronic equipment under subsection (a)(1) of this section shall be:

(A) Repealed.

(B) In 2017, 40% of the average annual sales of the manufacturer's covered electronic equipment in the District, reported by weight, during the previous reporting year;

(C) In 2018, 50% of the average annual sales of the manufacturer's covered electronic equipment in the District, reported by weight, during the previous 2 reporting years;

(D) In 2019 and beyond, 80% of the average annual sales of the manufacturer's electronic equipment in the District, reported by weight, during the previous 3 reporting years; or

(E) An amount calculated by a formula established by the Mayor through rulemaking; provided, that the sum of all manufacturer minimum collection shares under the formula, if manufacturers required to comply with this chapter met their minimum collection share, shall equal at least 60% of the total weight of covered electronic equipment that the Mayor estimates was generated by District residents and businesses in the previous reporting year.

(2) For the purposes of calculating a manufacturer or partnership's achievement of its minimum collection share as set forth in subsection (b) of this section, the manufacturer or partnership may count the collection of a single item of covered electronic equipment as twice its weight when that item is donated free of charge for reuse to the District's public or charter schools, to public or charter schools in counties adjoining the District, or to any nonprofit organization with a principal mission of assisting low-income children or families. To qualify for this credit, the covered electronic equipment must be no more than 3 years old, in full working condition, and accepted in writing by the recipient as a donation.

(3) The Mayor may grant a one-year waiver, in whole or in part, from the minimum collection standards, where a manufacturer not participating in a partnership or representative organization has demonstrated that the standard could not be met despite best efforts because the manufacturer has substantially increased the amount of covered electronic equipment sold within the District over the 3-year period during which compliance with the minimum collection standard is to be calculated.

(d) Beginning January 1, 2017, a manufacturer shall accept, on a one-to-one basis with the purchase of the same type of covered electronic equipment, covered electronic equipment that is offered for return by a person in the District.

(e) Beginning January 1, 2018, a manufacturer or retailer shall provide at the point of sale information on how a person can return purchased covered electronic equipment for recycling.

(f) A manufacturer, partnership, or representative organization shall not be liable for damages arising from information stored on covered electronic equipment collected from the manufacturer's, partnership's, or representative organization's recovery programs that comply with this chapter.

Credits

(Feb. 26, 2015, D.C. Law 20-154, § 119, 61 DCR 9971; Oct. 8, 2016, D.C. Law 21-160, § 6032(f), 63 DCR 10775.)

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DC ST § 8-1041.06

§ 8-1041.06. Agency responsibilities.

Effective: February 26, 2015

[Currentness](#)

(a) Beginning January 1, 2015, the Mayor shall work with any interested manufacturers, partnerships, or representative organizations to identify District properties that could be utilized for ongoing collection opportunities or collection events.

(b) Upon approval of a manufacturer, partnership, or representative organization registration, the Mayor shall provide information on an appropriate public website about the available electronic recycling opportunities in the District, including collection sites and collection events. The website shall also include the definition of covered electronic equipment, the proper methods for disposal of covered electronic equipment, the proper methods for disposal of noncovered equipment, and links to relevant portions of manufacturers' websites. The Mayor may fulfill this requirement by providing a link to a website managed by a third party that contains the required information.

(c) If the District chooses to receive collection or recycling services from a manufacturer, partnership, or representative organization established under this chapter for covered electronic equipment waste collected by the District, the District shall not charge the manufacturer, partnership, or representative organization for the cost of collection services and shall offer the manufacturer, partnership, or the representative organization the covered electronic equipment at no cost. Nothing in this chapter shall require a manufacturer, partnership, or representative organization to provide recycling services for covered electronic equipment waste collected by the District.

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DC ST § 8-1041.07

§ 8-1041.07. Disposal ban.

Effective: February 26, 2015

[Currentness](#)

(a) Beginning January 1, 2018, no person in the District shall knowingly dispose of covered electronic equipment or subassemblies of covered electronic equipment as solid waste in the District except through recycling programs or other methods approved by the Mayor.

(b) Beginning January 1, 2017, no manufacturer shall dispose of covered electronic equipment as solid waste in the District except through recycling programs or other methods approved by the Mayor.

Credits

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DC ST § 8-1041.08

§ 8-1041.08. Confidential information and trade secrets.

Effective: February 26, 2015

[Currentness](#)

Information submitted to the Mayor pursuant to this chapter may be designated by the Mayor as confidential upon a showing of good cause by the person submitting the information. Except as otherwise provided by law or court order, information the Mayor deems confidential may be used only by the Mayor, the Mayor's agents and employees, other District agencies, and, as authorized by the Mayor, the United States Environmental Protection Agency.

Credits

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DC ST § 8-1041.09

§ 8-1041.09. Supervision; immunity from liability.

Effective: February 26, 2015

[Currentness](#)

(a) The Mayor shall supervise the implementation of this chapter and manufacturer, partnership, and representative organization activities conducted in connection with this chapter, including commercial and competitive behavior; provided, that nothing in this section is intended to, or does, create a private right of action against the government of the District of Columbia and its officers, employees, agents, representatives, contractors, successors, and assigns based upon compliance or noncompliance with its provisions.

(b) Notwithstanding the provisions of Chapter 45 of Title 28, a manufacturer or manufacturers and a partnership or representative organization may negotiate, enter into agreements with, share the burdens of their operation with, and conduct business with each other in accordance with this chapter in ways that may affect competition. No manufacturer, partnership, or representative organization shall be prosecuted, held liable, or subject to penalties or damages under Chapter 45 of Title 28, for actions conducted in accordance with this chapter.

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DC ST § 8-1041.10

§ 8-1041.10. Reporting requirements.

Effective: October 8, 2016

[Currentness](#)

(a) On June 1, 2018, and annually thereafter, the Mayor shall submit a report to the Council regarding implementation of the provisions in this chapter and estimating, based on best available information, the progress the District has made toward achieving the goal outlined in [§ 8-1041.02](#). The annual reports shall be posted on the Mayor's website by June 1 of each year.

(b) By June 1, 2019, the Mayor shall submit a report to the Council analyzing the effectiveness of the provisions outlined in this chapter in meeting the goal established in [§ 8-1041.02](#), and recommending any changes necessary to ensure that the goal may be met as early as possible. The report shall further advise the Council whether the convenient collection service alternative to the minimum collection share requirement allowed under [§ 8-1041.05\(a\)\(3\)](#) has generated per capita collection rates similar to the best performing electronics waste programs in other jurisdictions, considering relevant differences in covered electronic equipment and the electronics waste stream.

Credits

(Feb. 26, 2015, D.C. Law 20-154, § 124, 61 DCR 9971; Oct. 8, 2016, D.C. Law 21-160, § 6032(g), 63 DCR 10775.)

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DC ST § 8-1041.11

§ 8-1041.11. Limitation in the event of a federal program.

Effective: February 26, 2015

[Currentness](#)

Upon the establishment and implementation of a federal program for the collection and recycling or reuse of covered electronic equipment discarded by households, §§ [8-1041.01](#), [8-1041.02](#), [8-1041.03](#), [8-1041.04](#), [8-1041.05](#), [8-1041.06](#), [8-1041.07](#), [8-1041.08](#), [8-1041.09](#), and [8-1041.10](#) shall not apply to that covered electronic equipment.

Credits

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DC ST § 8-1041.12

§ 8-1041.12. Rules; enforcement.

Effective: October 8, 2016

[Currentness](#)

(a)(1) Repealed.

(2) The Mayor may expand the definition of covered electronic equipment to include items exempted in [§ 8-1041.01\(4\)](#); provided, that the Mayor shall not do so before January 1, 2018; provided further, that the Mayor shall not include household appliances. Before issuing such a rule, the Mayor shall provide a report and economic analysis to the Council outlining the reasons that expanding the definition is beneficial to the District's electronics waste diversion activities and will likely result in higher recycling or reuse rates of the electronic equipment that the Mayor proposes to include.

(b) The Mayor may impose civil fines and penalties as sanctions for violations of the provisions of this chapter or any rules issued under the authority of this chapter, pursuant to Chapter 18 of Title 2.

(c) In addition to the enforcement authority provided in subsection (b) of this section, the Mayor may seek injunctive relief or other appropriate remedy in any court of competent jurisdiction to enforce compliance with the provisions of this chapter.

Credits

(Feb. 26, 2015, D.C. Law 20-154, § 126, 61 DCR 9971; Oct. 8, 2016, D.C. Law 21-160, § 6032(h), 63 DCR 10775.)

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DC CODE § 8-1041.12

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