

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
Department of Energy and Environment

December 14, 2016

**eCYCLE DC Program FAQ**

This FAQ document provides additional information to assist manufacturers as they work to meet the requirements of the eCYCLE DC Program. For more information, please see [doee.dc.gov/ecycle](http://doee.dc.gov/ecycle).

**1. Where are the sections of the D.C. Official Code and regulations that govern the eCYCLE DC program?**

The associated sections of the D.C. Official Code can be found here:

[http://doee.dc.gov/sites/default/files/dc/sites/ddoe/page\\_content/attachments/DC%20E-Waste%20Statute%20%28in%20DC%20Code%3B%20Amended%29.pdf](http://doee.dc.gov/sites/default/files/dc/sites/ddoe/page_content/attachments/DC%20E-Waste%20Statute%20%28in%20DC%20Code%3B%20Amended%29.pdf)

The regulations for the program can be found here:

<http://dcregs.dc.gov/Notice/Download.aspx?noticeid=6278342>

**2. What if a manufacturer is unable to meet the December 31, 2016 registration deadline, when will the Department of Energy and Environment (DOEE) begin enforcement action against unregistered manufacturers?**

DOEE is committed to offering compliance assistance to manufacturers working to meet their regulatory requirements. Manufacturers that are working in good faith to complete registration forms (due December 31, 2016) will not have enforcement action taken against them until January 1, 2018. During this period of compliance assistance, if DOEE finds that a manufacturer is not working in good faith to meet their registration requirements, DOEE will first provide a warning to the manufacturer before taking an enforcement action.

Though late registrations will be accepted, DOEE will not pro-rate or reduce collection targets for manufacturers that register as an Individual or in a Partnership. For manufacturers registering as a Representative Organization, DOEE will work with any Representative Organization that is working in good faith to complete their registration. DOEE will waive first quarter convenience requirements, but the Representative Organization will need to have permanent collection sites open beginning April 1, 2017, and/or hold quarterly events beginning in the 2nd quarter of 2017.

**3. When should manufacturers remit registration fees to DOEE?**

The amount of the registration fee is determined by annual sales and registration type. To avoid checks that are mistakenly issued for the wrong amount, DOEE will electronically invoice the billing contact for the registration fee once DOEE has reviewed and approved the registration. The invoice will include payment instructions and the Department's W-9 form. If the manufacturer has additional forms that DOEE needs to complete, they may contact [productstewardship@dc.gov](mailto:productstewardship@dc.gov).

**4. What if a manufacturer is unable to determine past sales in 2013 and 2014?**

Manufacturers should, to the best of their ability, provide sales data for 2013 and 2014. If a manufacturer, acting in good faith, is unable to provide sales data for those years, it may leave them blank provided the manufacturer includes an explanation as to why it was unable to retrieve data for Calendar Year 2013 and 2014. Data for Calendar Year 2015 must be provided without exception as it is needed to calculate the collection target subject to a shortfall fee for manufacturers that register as Individuals or in a Partnership.

**5. How does the term “covered entities” as defined in the statute affect reporting and collection requirements?**

A covered entity is defined as a “District household or small nonprofit or small business entity that procures covered electronic equipment through retail channels.” The term “covered entities” is used to describe the requirements of Representative Organizations (see [D.C. Official Code § 8-1041.05\(a\)\(3\)\(C\)](#)). Representative Organizations have to accept, for free, covered electronic equipment from covered entities. Sales calculations, as reported in the registration forms, include all sales, not just those to covered entities.

**6. What if a manufacturer is unable to determine exact sales to the federal government in the District of Columbia, how should it proceed?**

If a manufacturer is unable to determine their exact sales to the federal government in the District, DOEE will accept reasonable and good faith estimates, such as using national sales to the federal government and multiplying that number by the population percentage of the District compared to the nation's population (0.21%). If an estimate is used, the manufacturer should describe the methodology used to calculate federal government sales in the District.

**7. What entities are considered part of the Government of the District of Columbia?**

For purposes of reporting District Government sales, manufacturers should consider sales to any of the entities, other than Regional Bodies and Residents, listed in the Government of the District of Columbia's Organizational Chart as part of the District Government. This includes Executive, Legislative, and Judicial Branches, as well as Independent Agencies and Charter Independent Agencies. The current organizational chart can be found here:

<http://mayor.dc.gov/sites/default/files/dc/sites/mayormb/publication/attachments/DC-Govt-Org-Chart11-03-2015.pdf>

**8. What sales data do manufacturers in a Representative Organization need to report regarding market share?**

The registration forms for a Representative Organization include sales data as required by [D.C. Official Code § 8-1041.03\(b\)\(3\)](#). DOEE is waiving additional data reporting requirements found in [D.C. Official Code § 8-1041.03\(b\)\(9\)\(C\)](#), but the Representative Organization will need to explain how it will allocate responsibility across member manufacturers. If a manufacturer, acting in good faith, finds it impossible to provide sales data for 2013 or 2014, it may leave their response blank provided the manufacturer includes an explanation as to why the information was impossible to retrieve.

**9. What if a manufacturer only sells covered electronic equipment to the federal or District Government?**

If a manufacturer only sold covered electronic equipment to the federal or District government in 2015, it then has a collection target subject to shortfall fees of zero pounds in 2017. The manufacturer still needs to complete the appropriate registration form, but in the Recycling Plan section of the registration form, it can list "N/A," as they are not required to collect covered electronic equipment in 2017. DOEE will not need to review the manufacturer's recycling plan or provide oversight of the plan, and because of this, DOEE will waive the registration fee for 2017.

**10. What if a manufacturer sold to both non-government and government entities in the District in 2015, but the government sales raise the manufacturer above the de minimis threshold? How should the manufacturer register?**

The manufacturer needs to register, as it has a collection target subject to shortfall fees in 2017. DOEE will need to review and approve the manufacturer's recycling plan and provide oversight of the implementation of the plan. DOEE will collect registration fees as established in [20 DCMR 4102](#), which are calculated based on all sales in the District in 2015.

**11. What if a manufacturer sold to both non-government and government entities in the District in 2015, but the government sales raise the manufacturer above the 250 unit sold threshold for purposes of determining the annual fee?**

DOEE will need to review and approve the manufacturer's recycling plan and provide oversight of the implementation of the plan. DOEE will collect registration fees as established in [20 DCMR 4102](#), which are calculated based on all sales in the District in 2015.

**12. What should manufacturers report in their registration forms with regard to end markets?**

[D.C. Official Code § 8-1041.03\(b\)\(4\)](#) requires manufacturers to report the location of anticipated recycling facilities and end markets. In their registration, manufacturers should provide the addresses of anticipated recycling facilities and, to the extent possible, an overview of the anticipated process flow of collected materials and/or downstream vendors.

**13. [D.C. Official Code § 8-1041.05\(d\)](#) states, "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." What does a manufacturer need to do to be in compliance with this requirement?**

When a person (either an individual or business) purchases a piece of covered electronic equipment, a manufacturer needs to make a process available for the return (whether at the point of sale or by some other means) of the same type of covered electronic equipment. There is not a prohibition on charging for this service. De minimis manufacturers are exempted from D.C. Official Code § 8-1041.05(d).

**14. How and when will manufacturers need to report their 2017 collection of covered electronic equipment?**

The weight of covered electronic equipment collected to meet a manufacturer's obligation under eCYCLE DC should be reported with a breakdown by category of covered electronic equipment (TV, TV peripheral, computer, computer peripheral). 2017 collections will be reported on the annual registration form due December 31, 2018.

Additional questions? E-mail [productstewardship@dc.gov](mailto:productstewardship@dc.gov)