



September 7, 2016

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Agenda

- Purpose of the Statute and Overview
- Rulemaking Overview
- Other Considerations
- Stakeholder Statements
 - 5 minutes per speaker
- Q&A

What is the purpose of the statute?

(D.C. Official Code § 8-1041.01 et seq.)

- Goal: By 2032, divert 80% of covered electronic equipment waste from landfill or incineration through recycling or reuse.
- Manufacturers must collect and arrange for recycling of covered electronic equipment.
- Manufacturers must report on their sales and efforts to arrange for reuse or recycling of covered electronic equipment.

What is in the Statute?

(D.C. Official Code § 8-1041.01 et seq.)

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What is Covered Electronic Equipment (CEE)?

The statute defines CEE as:

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**.

*Items in **bold** are defined through rulemaking.*

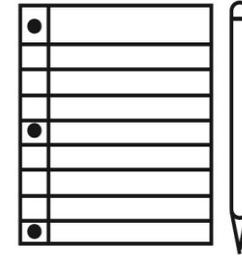


What is not CEE?

In the statute, the term “covered electronic equipment” does not include:

- Part of a motor vehicle
- Telephones of any type, including mobile telephones
- Personal digital assistant
- Global positioning system
- Hand-held gaming device
- Household appliances
- 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

Registration Options



- Individual Manufacturer
- Partnership of Manufacturers
- Representative Organization

Proposed Rulemaking creates a de minimis exemption.

Individual and Partnership Requirements

2017 Weight Collection Targets

- 40% of all 2015 sales of the manufacturer's CEE in the District, reported by weight.
- A Partnership's target is the sum of each individual manufacturer's target.

Collections

- Manufacturers may collect any CEE, not just their own brands.
- Manufacturers can collect CEE from any entity or individual.

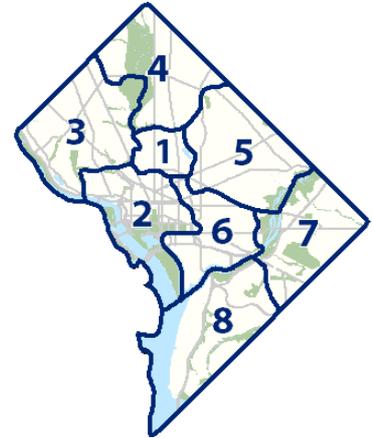
Re-use Credits

Double Collection Credit: Donate CEE that is less than three years old to local public or charter schools or certain small nonprofits.

Representative Organization Requirements

Convenience Requirement

- No weight collection target.
- Establish one permanent collection site per ward.
- In a ward where no permanent collection site is available, hold quarterly collection events in the ward.



Other Collection Options and Requirements

- Manufacturers may collect any CEE, not just their own brands.
- Manufacturers can collect CEE from any entity or individual.
- Representative Organizations must accept CEE for **free** from Covered Entities (households, small nonprofits, small businesses).

Registration Deadline

- Registration/reporting is due December 31, 2016, and annually thereafter.
- First annual registration will establish 2017 collection targets based on 2015 sales data.

Registration Approval

- Registrations will be conditionally approved once submitted.
- DOEE staff will review registration and then invoice manufactures for registration fees and confirm collection target.
- Then, DOEE will officially approve registration.



Disposal Restrictions

Beginning January 1, 2018, no person in the District shall knowingly dispose of CEE as solid waste except through recycling programs or other approved methods by the Mayor.

What is in the Proposed Rulemaking?

(63 DCR 10041)

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How are individual CEE products defined?

Computers:

An electronic, magnetic, optical, electrochemical or other high-speed data processing device performing a logical, arithmetic, or storage function, including a laptop computer or other portable computer, desktop computer, and includes any cable, cord, or wiring permanently affixed to or incorporated into such product, and may include a computer central processing unit; but such term shall not include an automated typewriter or typesetter, a portable hand-held calculator, server, or other similar device. Computer also means a small-scale server, portable digital music players that have memory capability and are battery-powered, or other similar devices.

Laptop computer or other portable computer:

A computer and display greater than six inches when measured diagonally that can be carried as one unit by an individual, including a laptop computer, tablet, e-reader, digital picture frames, or other similar devices.

Computer peripherals:

Any device that is sold primarily for external use with a computer and that provides input into or output from a computer, including: electronic keyboards; electronic mouse or other pointing device; printers; multi-function imaging equipment containing printers, which does not weigh more than 100 pounds; game controllers used in conjunction with computers; external hard drives; flash drives; speakers for use with computers; computer monitors and display devices; or other similar devices; and any cable, cord, or wiring permanently affixed to or incorporated into any such product.

How are individual CEE products defined?

Televisions:

A display system containing a cathode ray tube, flat panel, or any other type of display primarily intended to receive video programming via broadcast, cable, or satellite transmission, and which has a **display greater than six inches** when measured diagonally.

Television peripherals:

Devices attached to and used in conjunction with televisions, including video cassette recorders (VCR), digital video recorders (DVR), digital video disc players (DVD), electronic or video game systems, game controllers, signal converter boxes, cable receivers, satellite receivers, digital media receivers or set top boxes, or other similar devices, and includes any cable, cord, or wiring permanently affixed to or incorporated into any such product.

Sales Calculations



Actual District Sales Data

- Use actual data on the pounds of CEE sold in the District in 2015.

Estimate District Sales from National Sales

- Estimate District sales by multiplying 2015 national sales weight by the District's 2015 national population share, which was 0.21% (0.0021).

Example

Manufacturer sold 1,000,000 lbs. of CEE nationally in 2015.

To estimate District sales, multiply 1,000,000 by 0.0021, which equals 2,100 lbs.

De Minimis Exemption

How do Manufacturers Qualify?

- In 2015, sold fewer than 100 units of CEE in the District.
 - If utilizing national sales data to estimate District sales, sold fewer than 47,619 nationally.
 - $100/.0021=47,619$

Manufacturers that Qualify

- Are not required to collect CEE in calendar year 2017.
- Need to complete a de minimis form.
- Are not required to complete registration form and pay registration fees.

Shortfall Fees

If a manufacturer or partnership does not achieve its minimum collection target in 2017, it will be required to pay the following shortfall fee:

- **Collected $\geq 90\%$ of target:** \$0.40 per lb. of shortfall weight,
- **Collected $\geq 50\%$ but $< 90\%$ of target:** \$0.50 per lb. of shortfall weight, or
- **Collected $< 50\%$ of target:** \$0.60 per lb. of shortfall weight.

Rulemaking modifies shortfall fees that were listed in the statute.

Note: Representative Organizations do not have to pay shortfall fees because they have a convenience requirement, not a collection requirement.

Registration Fees

Manufacturer Type	Fee
De Minimis (sold <100 CEE units)	No fee
Individual (sold 100–249 CEE units)	\$1,500
Individual (sold ≥250 CEE units)	\$3,000
Partnership	Sum of each manufacturer's individual registration fee or \$30,000, whichever is less.
Representative Organization	\$10,000

Rulemaking modifies registration fees that were listed in the statute.

Third Party Certification For Recyclers

- e-Stewards



- R2



Proposed rulemaking states that DOEE will recognize third-party accreditation certification on DOEE's website.

Other Considerations?

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Waive Certain Shortfall Fees?

- Manufacturers may not have collection access to certain institutions, such as the federal and District Government.
- Should sales to these entities be exempted from a shortfall fee?

Additional Definitions?

- Are there products that should be defined in the rulemaking?
 - Printer
 - Others?

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Questions and Answers

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Comments on Proposed Rulemaking

- Comments due September 12, 2016, at 5pm
- Email comments to productstewardship@dc.gov
- Proposed rules can be accessed via doee.dc.gov/ecycle