
By: **Delegates Morhaim and Bobo**
Introduced and read first time: January 16, 2004
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **Environment – ~~Cathode Ray Tubes and Computer Products~~ - Electronic**
3 **Waste Collection Systems**

4 FOR the purpose of ~~prohibiting a manufacturer from selling, using, distributing, or~~
5 ~~offering to sell a computer product or a cathode ray tube after a certain date~~
6 ~~unless the manufacturer implements a certain collection system plan; requiring~~
7 ~~a collection system plan to include certain elements; requiring a manufacturer~~
8 ~~to submit a certain report to the Department within a certain period of time;~~
9 ~~authorizing the Department to order manufacturers to take certain actions~~
10 ~~under certain circumstances; requiring the Department to adopt certain~~
11 ~~regulations; authorizing the Department to adopt certain regulations; defining~~
12 ~~certain terms requiring the Department of the Environment to study, in~~
13 ~~collaboration with certain persons and organizations, the establishment and~~
14 ~~implementation of a certain electronic waste collection system in the State by a~~
15 ~~certain date; requiring the Department to report certain recommendations to~~
16 ~~certain persons by certain dates; providing for the termination of this Act; and~~
17 ~~generally relating to computer product and cathode ray tube electronic waste~~
18 ~~collection systems.~~

19 ~~BY adding to~~
20 ~~Article – Environment~~
21 ~~Section 6-1201 through 6-1204 to be under the new subtitle "Subtitle 12.~~
22 ~~Cathode Ray Tubes and Computer Products Collection Systems"~~
23 ~~Annotated Code of Maryland~~
24 ~~(1996 Replacement Volume and 2003 Supplement)~~

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the ~~Laws of Maryland read as follows:~~

1 ~~Article—Environment~~2 ~~SUBTITLE 12. CATHODE RAY TUBES AND COMPUTER PRODUCTS COLLECTION~~
3 ~~SYSTEMS.~~4 ~~6-1201.~~5 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
6 ~~INDICATED.~~7 (B) ~~"CATHODE RAY TUBE" MEANS A VACUUM TUBE OR PICTURE TUBE USED~~
8 ~~TO CONVERT AN ELECTRONIC SIGNAL INTO A VISUAL IMAGE.~~9 (C) ~~"COLLECTION SYSTEM" MEANS THE COLLECTION, PACKAGING,~~
10 ~~TRANSPORTATION, AND RECYCLING OF COMPUTER PRODUCTS AND CATHODE RAY~~
11 ~~TUBES THAT HAVE BEEN DISCARDED BY CONSUMERS.~~12 (D) ~~"COMPUTER PERIPHERAL" MEANS A COMPUTER KEYBOARD, MOUSE OR~~
13 ~~OTHER POINTING DEVICE, AND PRINTER.~~14 (E) ~~"COMPUTER PRODUCT" MEANS:~~15 (1) ~~A DESKTOP COMPUTER, PERSONAL COMPUTER, LAPTOP COMPUTER,~~
16 ~~OR OTHER PIECE OF AUTOMATED OR ELECTRONIC EQUIPMENT THAT INCLUDES A~~
17 ~~CENTRAL PROCESSING UNIT; AND~~18 (2) ~~COMPUTER PERIPHERALS.~~19 (F) ~~"DIVERSION RATE" MEANS THE PROPORTION OF WASTE MATERIAL THAT~~
20 ~~IS RECYCLED, COMPOSTED, OR REUSED RATHER THAN SENT TO A LANDFILL OR~~
21 ~~INCINERATOR.~~22 (G) ~~"MANUFACTURER" MEANS THE CORPORATION OR OTHER LEGAL ENTITY~~
23 ~~THAT IS THE BRAND OWNER OR IMPORTER OF A CATHODE RAY TUBE OR COMPUTER~~
24 ~~PRODUCT SOLD OR USED IN THE STATE.~~25 ~~6-1202.~~26 ~~ON OR AFTER JULY 1, 2005, A MANUFACTURER MAY NOT SELL, USE,~~
27 ~~DISTRIBUTE, OR OFFER TO SELL A COMPUTER PRODUCT OR CATHODE RAY TUBE IN~~
28 ~~THE STATE UNLESS THE MANUFACTURER IMPLEMENTS A COLLECTION SYSTEM~~
29 ~~PLAN APPROVED BY THE DEPARTMENT UNDER THIS SUBTITLE.~~30 ~~6-1203.~~31 (A) ~~THE COLLECTION SYSTEM PLAN REQUIRED UNDER § 6-1202 OF THIS~~
32 ~~SUBTITLE:~~33 (1) ~~SHALL BE CONVENIENT AND ACCESSIBLE FOR CONSUMERS WHO~~
34 ~~WANT TO DISPOSE OF A COMPUTER PRODUCT OR CATHODE RAY TUBE;~~

1 (2) ~~SHALL PROVIDE FOR THE COLLECTION OF COMPUTER PRODUCTS~~
2 ~~AND CATHODE RAY TUBES; AND~~

3 (3) ~~MAY NOT IMPOSE ANY COST ON A COUNTY, MUNICIPAL~~
4 ~~CORPORATION, OR THE STATE.~~

5 (B) ~~IF A CATHODE RAY TUBE IS A COMPONENT OF ANOTHER PRODUCT, THE~~
6 ~~COLLECTION SYSTEM PLAN MAY SATISFY SUBSECTION (A)(2) OF THIS SECTION BY~~
7 ~~PROVIDING FOR THE:~~

8 (1) ~~REMOVAL AND COLLECTION OF THE CATHODE RAY TUBE; OR~~

9 (2) ~~COLLECTION OF THE CATHODE RAY TUBE AND THE PRODUCT~~
10 ~~CONTAINING IT.~~

11 (C) ~~EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~
12 ~~COLLECTION SYSTEM PLAN SHALL INCLUDE:~~

13 (1) ~~A PUBLIC EDUCATION PROGRAM TO INFORM THE PUBLIC ABOUT~~
14 ~~THE PURPOSE OF THE COLLECTION PROGRAM AND HOW TO PARTICIPATE IN IT;~~

15 (2) ~~A PLAN FINANCING THE COLLECTION SYSTEM;~~

16 (3) ~~DOCUMENTATION OF THE WILLINGNESS OF ALL NECESSARY~~
17 ~~PARTIES TO IMPLEMENT THE COLLECTION SYSTEM;~~

18 (4) (I) ~~A DESCRIPTION OF THE EXISTING COLLECTION AND~~
19 ~~RECYCLING INFRASTRUCTURE IN THE STATE THAT WILL BE INCORPORATED INTO~~
20 ~~THE COLLECTION SYSTEM; OR~~

21 (II) ~~AN EXPLANATION FOR NOT INCORPORATING EXISTING~~
22 ~~COLLECTION AND RECYCLING INFRASTRUCTURE IN THE STATE;~~

23 (5) ~~A DESCRIPTION OF THE PERFORMANCE MEASURES THE~~
24 ~~MANUFACTURER WILL USE TO DEMONSTRATE THE DIVERSION RATE OF THE~~
25 ~~COLLECTION SYSTEM AND ANY OTHER MEASURES OF PROGRAM EFFECTIVENESS~~
26 ~~REQUIRED BY THE DEPARTMENT;~~

27 (6) ~~PROVISIONS TO COLLECT COMPUTER PRODUCTS AND CATHODE RAY~~
28 ~~TUBES DISCARDED BY CONSUMERS IN THE STATE AFTER JULY 1, 2005, INCLUDING~~
29 ~~THOSE PRODUCED BY MANUFACTURERS WHO LEFT THE MARKET BEFORE THEIR~~
30 ~~PRODUCTS WERE DISCARDED;~~

31 (7) ~~A DESCRIPTION OF ADDITIONAL OR ALTERNATIVE ACTIONS THAT~~
32 ~~THE MANUFACTURER WILL IMPLEMENT TO IMPROVE THE COLLECTION SYSTEM IF~~
33 ~~THE PROGRAM TARGETS ESTABLISHED BY THE DEPARTMENT ARE NOT MET;~~

34 (8) ~~AN IMPLEMENTATION PLAN TO ENSURE THAT THE COLLECTION~~
35 ~~SYSTEM WILL BE FULLY IMPLEMENTED ON OR BEFORE JULY 1, 2005; AND~~

36 (9) ~~ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT.~~

1 ~~(D) INSTEAD OF THE ITEMS REQUIRED UNDER SUBSECTION (C) OF THIS~~
2 ~~SECTION, A MANUFACTURER MAY SUBMIT A COLLECTION SYSTEM PLAN THAT~~
3 ~~INCLUDES:~~

4 ~~(1) A CERTIFICATION FROM THE MANUFACTURER TO THE DEPARTMENT~~
5 ~~THAT:~~

6 ~~(I) THERE WILL BE A NATIONAL COLLECTION SYSTEM FOR~~
7 ~~COMPUTER PRODUCTS AND CATHODE RAY TUBES FULLY IMPLEMENTED IN THE~~
8 ~~STATE BY JULY 1, 2005; AND~~

9 ~~(II) THE MANUFACTURER WILL PARTICIPATE IN THE NATIONAL~~
10 ~~COLLECTION SYSTEM; AND~~

11 ~~(2) ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT.~~

12 ~~(E) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE REVIEW AND~~
13 ~~APPROVAL OF A COLLECTION SYSTEM PLAN.~~

14 ~~6-1204.~~

15 ~~(A) (1) WITHIN 2 YEARS AFTER THE DEPARTMENT APPROVES A~~
16 ~~COLLECTION PLAN UNDER THIS SUBTITLE, THE MANUFACTURER SHALL SUBMIT A~~
17 ~~REPORT TO THE DEPARTMENT ON THE EFFECTIVENESS OF THE COLLECTION~~
18 ~~SYSTEM.~~

19 ~~(2) THE REPORT SHALL INCLUDE:~~

20 ~~(I) AN ESTIMATE OF THE TOTAL NUMBER OF CATHODE RAY TUBES~~
21 ~~AND COMPUTER PRODUCTS THAT HAVE BEEN COLLECTED THROUGH THE~~
22 ~~COLLECTION SYSTEM;~~

23 ~~(II) THE DIVERSION RATE FOR THE CATHODE RAY TUBES AND~~
24 ~~COMPUTER PRODUCTS;~~

25 ~~(III) THE RESULTS OF ANY OTHER PERFORMANCE MEASURES~~
26 ~~INCLUDED IN THE COLLECTION SYSTEM PLAN; AND~~

27 ~~(IV) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.~~

28 ~~(B) IF THE DEPARTMENT DETERMINES THAT A MANUFACTURER IS NOT~~
29 ~~MEETING THE PERFORMANCE STANDARDS REQUIRED BY THE DEPARTMENT, THE~~
30 ~~DEPARTMENT MAY ORDER THE MANUFACTURER TO TAKE ACTIONS NECESSARY TO~~
31 ~~ACHIEVE THE PERFORMANCE STANDARDS.~~

32 ~~(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE~~
33 ~~PROVISIONS OF THIS SUBTITLE.~~

34 (a) The Department of the Environment shall study, in collaboration with the
35 persons and organizations listed in subsection (c), the establishment and

1 implementation, by January 2006, of an electronic waste collection system in the
2 State for the collection and recycling of electronic waste, including cathode ray tubes.

3 (b) As part of the study the Department shall consider:

4 (1) methods of funding the system;

5 (2) possible locations in the State for electronic waste collection facilities
6 that are convenient and accessible for all the citizens of the State;

7 (3) methods of collecting, packaging, and transporting electronic waste
8 from the collection facilities to recycling facilities; and

9 (4) economic development opportunities arising from an electronic waste
10 collection system.

11 (c) In conducting the study, the Department shall collaborate with
12 representatives of:

13 (1) local governments;

14 (2) environmental groups;

15 (3) electronics manufacturers, retailers, and recyclers;

16 (4) the solid waste industry; and

17 (5) members of the Maryland General Assembly.

18 (d) The Department shall report its:

19 (1) recommendations for funding an electronic waste collection system in
20 the State to the Governor and, subject to § 2-1246 of the State Government Article,
21 the General Assembly on or before December 31, 2004; and

22 (2) findings and recommendations for the establishment and
23 implementation of an electronic waste collection system in the State to the Governor
24 and, subject to § 2-1246 of the State Government Article, the General Assembly on or
25 before July 1, 2005.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2004. This Act shall remain effective for a period of 1 year and 1 month and, at
28 the end of July 31, 2005, with no further action required by the General Assembly,
29 this Act shall be abrogated and of no further force and effect.

