

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Senator D. Wallace

A Bill

SENATE BILL 585

For An Act To Be Entitled

8 AN ACT TO CREATE AN ELECTRONIC WASTE RECYCLING
9 PROGRAM; TO ESTABLISH A COLLECTION RECOVERY PLAN; TO
10 PROVIDE FOR THE SUSTAINABILITY OF THE PROGRAM THROUGH
11 PUBLIC PARTICIPATION AND PUBLIC AND PRIVATE
12 AGREEMENTS; TO PROVIDE FOR THE MANAGEMENT AND
13 ACCOUNTABILITY OF THE PROGRAM THROUGH CONTRACT
14 ADMINISTRATION; AND FOR OTHER PURPOSES.

Subtitle

18 TO CREATE AN ELECTRONIC WASTE RECYCLING
19 PROGRAM AND A COLLECTION RECOVERY PLAN;
20 AND TO PROVIDE SUSTAINABILITY THROUGH
21 PUBLIC PARTICIPATION AND PUBLIC AND
22 PRIVATE AGREEMENTS AND MANAGEMENT AND
23 ACCOUNTABILITY.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28 SECTION 1. Arkansas Code Title 8, Chapter 9, is amended to add an
29 additional subchapter to read as follows:

30 Subchapter 7 – Electronic Waste Collection, Recycling, and Reuse Act

32 8-9-701. Title.

33 This subchapter shall be known and may be cited as the "Electronic
34 Waste Collection, Recycling, and Reuse Act".

36 8-9-702. Legislative intent.



1 The purpose of this subchapter is to:

2 (1) Promote recycling in order to conserve natural resources,
 3 conserve energy, and preserve landfill space;

4 (2) Protect the public health and the quality of the state’s
 5 environment through the establishment of a comprehensive, convenient,
 6 efficient, affordable, and environmentally sound electronic waste recycling
 7 program for the disposition of consumer electronic items and the potentially
 8 hazardous chemicals contained in the consumer electronic items;

9 (3) Standardize and provide criteria for the collection of
 10 consumer electronic items through local and regional collection points;

11 (4) Recognize outdated, obsolete, malfunctioning, or discarded
 12 electronic equipment as consumer electronic items, referred to as e-waste;

13 (5) Require effective and efficient criteria for the collection,
 14 transport, recycling, reuse, or disposal of consumer electronic items, thus
 15 capturing this part of the waste stream and diverting the consumer electronic
 16 items from the state’s landfills;

17 (6) Sustain the electronic waste recycling program by
 18 encouraging public participation and by requiring participation by certain
 19 state-supported entities; and

20 (7) Instill confidence in the operation of the electronic waste
 21 recycling program through proper management and accountability, including
 22 without limitation public contract administration and reporting to designated
 23 state regulators.

24
 25 8-9-703. Definitions.

26 As used in this subchapter:

27 (1) “Cathode ray tube” means a vacuum tube composed primarily of
 28 glass that is the visual or video display component of an electronic device;

29 (2) “Component” means any part of a consumer electronic item;

30 (3) “Consumer electronic item” means an electronic item or other
 31 electronic waste containing an intact or broken cathode ray tube, including
 32 without limitation a:

33 (A) Television;

34 (B) Computer monitor;

35 (C) Cathode ray tube monitor or display device;

36 (D) Personal computer or computer component;

- 1 (E) Audio or stereo player;
- 2 (F) Videocassette recorder or player;
- 3 (G) Digital videodisc recorder or player;
- 4 (H) Video camera;
- 5 (I) Telephone;
- 6 (J) Facsimile or copying machine;
- 7 (K) Printer
- 8 (L) Cellular telephone;
- 9 (M) Wireless paging device;
- 10 (N) Video game console;
- 11 (O) Device containing or requiring a hard-drive; or
- 12 (P) High-capacity self-contained storage device;

13 (4) "Contract administrator" means a public entity that performs
 14 supervision, coordination, or administration of county, municipal, or state
 15 solid waste, recycling, or reuse programs with:

- 16 (A) Demonstrated experience in the monthly collection of
 17 consumer electronic items; and
- 18 (B) A minimum annual collection of consumer electronic
 19 items in excess of two hundred (200) tons;

20 (5) "Contractor" means a person who:

- 21 (A) Owns or operates a corporate recycling entity with
 22 multiple locations in the state; and
- 23 (B) Has a minimum of three (3) years' experience in the
 24 collection, recovery, transport, recycling, refurbishing, marketing, and
 25 distribution for reuse of consumer electronic items;

26 (6) "Eligible entity" means an entity located in the state and
 27 includes without limitation a:

- 28 (A) Single-family or multifamily household;
- 29 (B) Small business or nonprofit corporation with less than
 30 five hundred (500) full-time employees;
- 31 (C) Planning and development district;
- 32 (D) Regional solid waste management district; and
- 33 (E) State-supported entity;

34 (7) "State-supported entity" includes without limitation a
 35 department, commission, council, board, committee, institution, legislative
 36 body, agency, government corporation, educational institution, or office of

1 the executive, legislative or judicial branch of the government of this
2 state;

3 (8) "Used, broken cathode ray tube" means a cathode ray tube
4 with glass removed from its housing or casing whose vacuum has been released;
5 and

6 (9) "Used, intact cathode ray tube" means a cathode ray tube
7 whose vacuum has not been released.

8

9 8-9-704. Consumer electronic items recovery plan.

10 (a) Before a program for the collection, recovery, transport,
11 recycling, refurbishing, and marketing and distribution for reuse for
12 consumer electronic items may be established, a contract administrator shall:

13 (1) Develop a recovery plan; and

14 (2) Submit the recovery plan to the Division of Environmental
15 Quality.

16 (b)(1) The recovery plan required under subsection (a) of this section
17 shall be updated every five (5) years from the start date of the initial
18 approval of the recovery plan.

19 (2) At a minimum, the recovery plan shall include a:

20 (A) Prohibition of a recycling fee at the retail point of
21 purchase or point of sale of a consumer electronic item;

22 (B) Reasonable and convenient access to recovery and
23 collection options for an eligible entity, including local and regional
24 collection options;

25 (C) Comprehensive, convenient, environmentally, and
26 economically sound collection system operated by a contractor and supervised
27 and administered by a contract administrator that may include specific
28 logistical criteria including without limitation the location, size, and
29 number of eligible entities;

30 (D) Plan for marketing and distribution of collected
31 consumer electronic items or components for individual, business,
32 educational, or other use;

33 (E) Sustainability plan ensuring appropriate public or
34 private funding of the program, which may include grants, appropriations,
35 donations, or fees for service;

36 (F) Communications and promotion program informing an

1 eligible entity on how and where consumer electronic items may be collected
2 and recovered for recycling and reuse in compliance with Arkansas law,
3 including a website that the general public and eligible entities may access
4 to be informed how and where to return consumer electronic items for
5 recovery, recycling, refurbishing, and marketing and distribution for reuse;
6 and

7 (G) Condition or requirement as may be required by the
8 contract administrator.

9
10 8-9-705. Contractor services and experience.

11 (a) Collection and recovery services provided by a contractor and
12 managed by a contract administrator may use existing collection
13 infrastructure for handling consumer electronic items.

14 (b) A contractor providing collection and recovery services and
15 managed by a contractor administrator shall:

- 16 (1) Own or operate multiple locations in the state;
- 17 (2) Have a minimum of three (3) years' experience in collecting
18 and processing consumer electronic items for recycling and reuse; and
- 19 (3) Be certified or accredited by national and international
20 electronic and environmental standards and practices organizations, including
21 without limitation the following:

22 (A) e-Stewards Standard for Ethical and Responsible Reuse,
23 Recycling, and Disposition of Electronic Equipment and Information
24 Technology;

25 (B) Responsible Recycling (R2) Sustainable Electronics
26 Reuse & Recycling Standard;

27 (C) ISO 14001:2015 Environmental Management System; or

28 (D) ISO 45001:2018 Occupational Health and Safety
29 Management System.

30
31 8-9-706. Collection logistics.

32 Collection and recovery services and collection points:

- 33 (1) Shall be designated by the contract administrator to further
34 the promotion of recycling in order to conserve natural resources, conserve
35 energy, and preserve landfill space; and
- 36 (2) May be limited to areas of the state identified by the

1 contract administrator through specific criteria, including without
 2 limitation:

3 (A) Residential population density;

4 (B) Contiguousness of counties or municipalities in the
 5 state;

6 (C) State and federal highways; and

7 (D) Existing collection infrastructure and location and
 8 size and number of eligible entities.

9
 10 8-9-707. Collection and participation.

11 (a) An effective and sustainable collection, recovery, transport,
 12 recycling, refurbishing, and marketing and distribution for reuse of consumer
 13 electronic items program protecting the environmental quality of this state
 14 shall require no less than two (2) levels of participation by eligible
 15 entities.

16 (b) A contractor, managed by a contract administrator, may provide
 17 collection and recovery services for consumer electronic items from eligible
 18 entities in accordance with the recovery plan.

19 (c)(1) An eligible state-supported entity shall participate in the
 20 program.

21 (2) The Marketing and Redistribution Section of the Department
 22 of Transformation and Shared Services, or any state-supported entity that
 23 oversees the redistribution and sale of state surplus property, shall assist
 24 in the facilitation of participation in the program.

25 (d) An eligible entity other than a state-supported entity using
 26 consumer electronic items may:

27 (1) Be encouraged and incentivized to participate in collection
 28 contracts and permanent and temporary collection points; and

29 (2) Participate through a fee-for-service collection program.

30
 31 8-9-708. Compliance with law.

32 All consumer electronic items recovered and collected under this
 33 subchapter shall be recycled or otherwise disposed of in a manner that
 34 complies with federal, state, and local law.

35
 36 8-9-709. Disposal.

1 Contractors shall only dispose of consumer electronic items or
2 components that:

3 (1) Cannot be refurbished or recycled for reuse in a manner
4 consistent with their original use; or

5 (2) Have no other beneficial use.

6
7 8-9-710. Hazardous waste and hazardous substances.

8 Hazardous waste and hazardous substances, including without limitation
9 mercury, lead, cadmium, beryllium, and similar substances found in consumer
10 electronic items or components shall be managed, recycled, and disposed of in
11 accordance with local, state, and federal law.

12
13 8-9-711. Transparency.

14 (a) A contractor and contract administrator shall conduct and
15 administer respectively a program for the collection, recovery, transport,
16 recycling, refurbishing, and marketing and distribution for reuse of consumer
17 electronic items that is fiscally transparent and sustainable.

18 (b)(1) The contractor shall report the total monthly weight in pounds
19 of consumer electronic items collected to the contract administrator no later
20 than the tenth day of the month following the month in which the consumer
21 electronic items were collected.

22 (2) The contract administrator shall verify each monthly report
23 required by subdivision (b)(1) of this section.

24 (c) The report shall include the location of collection, consumer
25 electronic items collected, and per-pound accounting for each category of
26 consumer electronic items collected.

27 (d) Within sixty (60) calendar days of submission of the final monthly
28 report for a calendar year, the contract administrator and the contractor
29 shall prepare and publish an annual report based on the monthly reports.

30
31 8-9-712. Contractor and contract administrator selection and funding.

32 (a) Within thirty (30) days of the effective date of this subchapter,
33 the Secretary of the Department of Energy and Environment shall issue a
34 request for qualifications for a contract administrator.

35 (b) Within thirty (30) days of being selected by the secretary, the
36 contract administrator shall issue a request for qualifications for a

1 contractor.

2 (c) The contractor’s responsibilities for collection, recovery,
3 transport, recycling, refurbishing, and marketing and distribution for reuse
4 of consumer electronic items shall be funded:

5 (1) Based on sales of recycled or refurbished consumer
6 electronic items or components or other materials recovered; and

7 (2) On fee for service.

8 (d) The contract administrator’s responsibilities for management,
9 accountability, reporting, education, communication, and promotion of the
10 electronic waste recycling program shall be funded by the contractor based
11 on:

12 (1) An amount not less than fifteen percent (15%) of the gross
13 amount collected by the contractor for any fee for service from an eligible
14 entity; and

15 (2) A specific amount agreed to on an annual basis between the
16 contractor and the contract administrator based on a cents-per-pound
17 calculation for consumer electronic items collected by the contractor and
18 reported to the contract administrator on a monthly basis.

19
20 8-9-713. Responsibility and liability.

21 The contractor shall be responsible for all collection logistics,
22 handling, transporting, recycling, refurbishing, and disposal of consumer
23 electronic items including without limitation contractual agreements with
24 existing or future regional solid waste management districts in the state and
25 shall hold harmless from all liability the contract administrator and the
26 State of Arkansas.

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