



WASHINGTON STATE  
DEPARTMENT OF  
**E C O L O G Y**

As required by the Washington State Administrative Act, RCW 34.05.

**IMPLEMENTATION PLAN FOR THE ADOPTION OF  
Chapter 173-900 WAC, *Electronic Product Recycling***

9/11/07

Publication Number:

**07-07-037**

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IMPLEMENTATION PLAN FOR THE ADOPTION OF  
CHAPTER 173-900 WAC, Electronic Product Recycling

Prepared by:

Peter Lyon

Washington State Department of Ecology  
Solid Waste & Financial Assistance Program

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## **Implementation Plan for Chapter 173 - 900 WAC, Electronic Product Recycling**

### **1. Please describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use.**

As a result of the passage of Chapter 70.95N RCW, the Washington State Department of Ecology (Ecology) was directed to write rule language in order to implement the new law. Ecology decided to do this in two phases. The first phase was adopted in November, 2006. The second phase is scheduled to be adopted in September, 2007.

This rule change implements the following program elements for the second phase of rulemaking:

- Electronic Product Recycling Plan content and submission requirements.
- Performance standards for electronic product processors used directly by plan operators, collectors, and transporters.
- Recycling service-level standards.
- Reporting processes and requirements for plan operators, local governments, local communities, processors, collectors, and transporters.
- Registration process and requirements for processors.
- Collector standards.
- Process for establishing return share and equivalent share of responsibility for manufacturers.
- A sampling methodology to be used by all plan operators to provide Ecology data to establish return shares.
- Requirements for the Materials Management and Financing Authority.
- Warnings, penalties, and violations associated with these requirements.

The Legislature granted Ecology two fulltime employees to implement the Electronic Product Recycling Program statewide. One employee is dedicated to enforcement and will issue warnings, penalties and violations associated with the new rule requirements. The other employee is dedicated to the administration of the rule.

### **2. Please describe how the Agency intends to inform and educate affected persons about the rule.**

Ecology will provide information and education through the following methods:

- A mail-out of the Rule Notification sheet to a list of potentially affected parties.
- Email to subscribers of the WA-RECYCLES-ELECTRONICS electronic mailing list.
- Posting the Rule Notification sheet on Ecology's Web site.
- Work with specific trade associations to draft educational messages to send to their members through existing means.
- Posting on Ecology's electronics Web page information about carrying out this rule, updates on the next phase of rule-making, and any other related news.

**3. Please describe how the Agency intends to promote and assist voluntary compliance for this rule.**

The Agency will promote and assist voluntary compliance by a combination of the following:

- On-site visitations to collectors, transporters, processors and manufacturers.
- Providing start up assistance to the Washington Materials Manufacturing and Financing Authority.
- Meeting with interested stakeholder groups.
- Developing and maintaining the “Washington Recycles: Electronics” webpage.
- Providing technical assistance to the authors of Covered Electronic Product Recycling plans.
- Developing a Return Share Sampling computer program.
- Continuing to correspond with interested parties via the “WA RECYCLES” list serv.
- Presenting at local, state and national trade associations, meetings, and workshops.

**4. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome.**

The manufacturer, collector, transporter and processor registration lists are available on the Agency’s website and demonstrate annual participation results. Annual manufacturer registration is due by January 1st. Annual transporter and collector registration is due by September 1<sup>st</sup>. Successful registration consists of completing an accurate registration and paying the annual fee.

Ecology will send letters of noncompliance to manufacturers that have not registered or paid their fees. The “Washington Recycles: Electronics” webpage will provide information on manufacturers who are “in-violation”.

Beginning February of 2010, local governments and communities will have the opportunity to report their satisfaction with the services the recycling plans provide. By December 31, 2012, Ecology will develop a report for the Legislature describing the program for each of the preceding program years. The report will include the following information:

- The weight of covered electronic products recycled in the state by plan, by county, and in total.
- The performance of each plan in meeting its equivalent share.
- Payments received from and disbursed to each plan from the electronic products recycling account.
- A description of various collection programs for covered electronic products in the state.
- An evaluation of how the amount of covered electronic products recycled in the state compares, per capita, to programs in other states.
- Recommendations on how to improve the statewide system for convenient, safe, and environmentally sound recycling of electronic products.

- Analysis of whether and in what amounts unwanted electronic materials exported from Washington have gone to countries that are not members of the Organization for Economic Cooperation and Development or the European Union.

**5. Please describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.**

Ecology headquarters staff will be responsible for the implementation of this rule. The staff were involved in the rule-making process and will be attending various relevant state and national seminars and training opportunities as they become available.

**6. Please identify supporting documents that may need to be revised because of the rule amendment. Or identify new supporting documents that need to be developed because of a new rule.**

Ecology will need to revise the following:

- Electronic Product Recycling Web site.
- Manufacturer Registration Form.
- Electronic Product Recycling Fee Billing and Revenue Tracking System.
- Electronic Product Recycling Database.
- Collector/Transporter Registration Form.
- Electronic Product Recycling Program focus sheets.

Ecology will develop additional documents in response to needs it identifies after the program begins.

- Preferred Performance Standards for Electronic Product Processors
- Promotional art work
- Recycling plan template and guidance
- Enforcement policy
- Covered Electronic Product Recycling Plan Template
- Local Government Satisfaction Report Template
- Return Share Sampling protocol documents

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