
SENATE BILL 6336

State of Washington

62nd Legislature

2012 Regular Session

By Senator Pridemore

Read first time 01/18/12. Referred to Committee on Environment.

1 AN ACT Relating to electronic product recycling; and amending RCW
2 70.95N.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.95N.050 and 2006 c 183 s 5 are each amended to read
5 as follows:

6 (1) A manufacturer must participate in the standard plan
7 administered by the authority, unless the manufacturer obtains
8 department approval for an independent plan for the collection,
9 transportation, and recycling of unwanted electronic products.

10 (2) An independent plan may be submitted by an individual
11 manufacturer or by a group of manufacturers, provided that:

12 (a) For program years 2009 through 2012, each independent plan
13 represents at least a five percent return share of covered electronic
14 products and for program year 2013 and all subsequent program years,
15 each independent plan represents at least a three percent market share
16 of covered electronic products; and

17 (b) No manufacturer may participate in an independent plan if it is
18 (~~a new entrant or~~) a white box manufacturer.

1 (3) An individual manufacturer submitting an independent plan to
2 the department is responsible for collecting, transporting, and
3 recycling its equivalent share of covered electronic products.

4 (4)(a) Manufacturers collectively submitting an independent plan
5 are responsible for collecting, transporting, and recycling the sum of
6 the equivalent shares of each participating manufacturer.

7 (b) Each group of manufacturers submitting an independent plan must
8 designate a party authorized to file the plan with the department on
9 their behalf. A letter of certification from each of the manufacturers
10 designating the authorized party must be submitted to the department
11 together with the plan.

12 (5) For the 2013 program year and all subsequent program years, an
13 independent plan must apportion its costs among manufacturers
14 participating in that plan based on market share.

15 (6) Each manufacturer in the standard plan or in an independent
16 plan retains responsibility and liability under this chapter in the
17 event that the plan fails to meet the manufacturer's obligations under
18 this chapter.

19 (7)(a) If the department deems an independent plan unapproved, the
20 department shall detail all deficiencies in writing within thirty days
21 of the submission of an independent plan.

22 (b) An independent plan must have the opportunity to address the
23 deficiencies as authorized in (a) of this subsection and provide an
24 updated plan within thirty days of the department's rejection
25 notification.

26 (8) If an independent plan does not match the recovery rate of the
27 standard plan after two years, the department shall withdraw approval
28 for the independent plan and the independent plan's members must join
29 the standard plan.

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