

**The Oklahoma Computer Equipment Recovery Act:
A Summary of the 2009 Recovery Program Annual Reports**

Submitted To:

**The Governor, the President Pro Tempore of the Senate, and the
Speaker of the House of Representatives**

Submitted By:

Oklahoma Department of Environmental Quality

Introduction

With electronic waste reported by the Environmental Protection Agency to be the fastest growing waste stream, Oklahoma's Governor signed Senate Bill 1631 into law on May 12, 2008. The Oklahoma Computer Equipment Recovery Act (Act) became effective on January 1, 2009. The Act requires manufacturers to submit annual reports to the Oklahoma Department of Environmental Quality (ODEQ) no later than March 1 each year that include:

1. A summary of the recovery program implemented by the manufacturer during the previous calendar year, specifically describing the methods of recovery implemented by the manufacturer;
2. The weight of covered devices collected and recovered during the previous calendar year;
3. The location and dates of any electronics waste collection events during the previous calendar year, if any, and the location of collection sites if any; and
4. Certification that the collection and recovery of covered devices complies with the provisions of Section 9* of the Act.

Further, the ODEQ shall by July 1 of each year produce, and submit, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives a summary of the recovery program annual reports filed by the manufacturers.

*Section 9 of the Oklahoma Computer Equipment Recovery Act states: All covered devices collected pursuant to the provision of this Act shall be recovered in a manner that is in compliance with all applicable state, federal, and local laws.

Background

The Act was created as part of an ongoing, nationwide effort to establish convenient and environmentally sound collection, recycling, and reuse of electronics that have reached the end of their useful lives. Under the Act, consumers, retailers, manufacturers, and the ODEQ share responsibilities.

Consumer Responsibilities

Consumers must remove all personal data, or other information, that may be on a covered device that is collected or recovered.

Retailer Responsibilities

Retailers of equipment defined in the Act are not to sell, or offer for sale, a covered device in Oklahoma unless the manufacturer has an approved recovery plan submitted to ODEQ. Retailers also cannot offer for sale a manufacturer's product if it is not properly affixed with the manufacturer's brand label.

Manufacturer Responsibilities

Manufacturers who produce, sell, or import more than 50 covered devices per year in the state of Oklahoma must adopt, and implement, a recovery plan that provides reasonably convenient collection services for consumers. Recovery plans must explain how collection and recovery is provided at no charge to the consumer. Collection methods must also be available, and designed, to meet the needs of all Oklahoma consumers.

Covered devices must be labeled with the manufacturer's brand, which must be permanently affixed and visible.

Manufacturers' recovery plans must also include statements that they will not dispose of their devices in landfills, or contract with recycling companies who do, other than incidental amounts.

In addition, manufacturers who maintain websites providing product information regarding covered devices must include collection and recovery information for consumers and provide that information to the ODEQ.

As previously described, no later than March 1 of each year, manufacturers must submit annual reports to the ODEQ.

Oklahoma Department of Environmental Quality Responsibilities

The ODEQ must review, and approve, all manufacturer-submitted recovery plans and annual reports. If plans, or reports, do not meet the standards of the Act, the ODEQ must notify manufacturers within 20 days to ensure compliance. The ODEQ must maintain, and make available, a list of registered manufacturers who have implemented approved recovery plans including a separate list of manufacturers who collect additional brands other than their own.

Recovery plans and annual reports must be filed and made available to the public pursuant the Oklahoma Open Records Act.

The ODEQ may conduct audits and inspections, take enforcement action, and assess penalties against a manufacturer, retailer, or recycler. To date, the ODEQ has conducted over 40 inspections of retailers in 10 Oklahoma counties. The ODEQ has also performed inspections at six recycling facilities in the state that accept electronic waste. In addition, ODEQ personnel have visited a few transfer stations, and landfills, to determine whether, or not, they would be willing to separate electronics for various collection events.

The ODEQ is also responsible for public education regarding collection and recovery of covered devices. To comply with this requirement, the ODEQ maintains a website with all requirements including additional links and information regarding recovery. ODEQ personnel also created an informational hand-out for local governments across the state to distribute to consumers. These efforts have been assisted by the Product Stewardship Institute (PSI). The ODEQ and PSI work closely to address various electronics recycling issues. The most recent efforts include contact with manufacturers to discuss increasing their presence in the State of Oklahoma by hosting various electronic recycling events across the state.

Additional Responsibilities

The law has provisions for those state agencies contracting for purchase of covered electronic devices along with persons submitting bids for contracts. This section of the law is administered by the Oklahoma Department of Central Services. No state agency shall contract for the purchase of covered electronic devices made by any manufacturer that is not on the ODEQ's list of registered manufacturers or that has been otherwise determined noncompliant with the provisions of the Act.

Current Program Status

In the previous summary to the Governor, the ODEQ reported 15 manufacturers who had implemented recovery plans. Efforts were made to locate additional manufacturers in the state. By the end of 2009, the ODEQ had 27 manufacturers within the State with approved recovery plans. At the date of this report, there are now 35 manufacturers registered with the ODEQ. The number of manufacturers implementing recovery plans in Oklahoma is likely to increase over the span of the next year.

All current registered manufacturers implement mail back programs. As part of the program a consumer may print a pre-paid shipping label to send the item(s) back to the manufacturer, or they may call a toll free number to request a shipping label. In addition to the mail back program, a few manufacturers offer drop-off locations within the state as alternative recovery options. Another collection option for manufacturers is to host a community event. No events were held by manufacturers in the State of Oklahoma in 2009; however manufacturers with low recycling rates have offered to become more involved in community event efforts in 2010.

According to the E-Waste Recycling Rules and Act, the ODEQ may promulgate rules including the adoption of fees. On April 14, 2010, the Governor signed into law ODEQ's fee structure. The rules became effective July 11, 2010. This structure was created to cover costs associated with implementation of the program. The fee system is a tiered system separating manufacturers into two categories: major and minor. Major manufacturers are those who sell 1,000 or more devices per year. Major manufacturers will have an annual fee of \$5,000. Minor manufacturers are those who sell between 50 and 999 devices per year and minor manufacturers will have an annual fee of \$1,000. This tiered structure was put in place to alleviate the financial burden of smaller businesses.

A Summary of 2009 Annual Reports

All 2009 annual reports were to be submitted by the ODEQ by March 1, 2010. With 23 states having various statutory requirements, not all manufacturers' reports were submitted by the due date. Reminder letters were sent to all manufacturers who had not submitted their annual report by April 1, 2010. Of the 27 manufacturers registered at the end of 2009, all annual reports were received, and approved, by June 2010.

Annual report trends show that larger manufacturers were able to recover more devices in Oklahoma; this was expected as they also sell more products. Combined, the registered manufacturers were just shy of a 1 million pound recovery total at 817,277 pounds. That is a reasonable amount of waste diverted from household garbage, landfills, and dumping. With increased education efforts across the state and a funding system put in place the program is expected to greatly increase recycling totals for 2010.

Below is a chart with individual manufacturer annual reporting data along with a bar graph displaying a comparison between recycling totals.

Figure 1: Individual Manufacturer Data

Manufacturer	Recycled Pounds	Manufacturer	Recycled Pounds
ACER	7,820	MSI	0
Apple Inc	220,600	NCR	0
ASUS	0	NEC	0
Best Buy	69,924	Nokia	0
CTX	0	Panasonic	0
Dell	468,521	Planar	0
Four Star Group	0	Samsung	50,000
General Dynamics	0	Sony	12
Hitachi	0	Soyo	0
HP	295	Toshiba	26
IBM	55	ViewSonic	0
Lenovo/AERCCR	24	Vizio	0
LG	0	Westinghouse	0
MRM	0	Total	817,277