

# FINAL BILL REPORT

## ESB 5699

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Synopsis as Enacted

**Brief Description:** Concerning electronic product recycling.

**Sponsors:** Senators Ericksen and Kline.

**Senate Committee on Energy, Environment & Telecommunications**  
**House Committee on Environment**

**Background:** The E-Cycle program provides free recycling of a covered electronic product (CEP), which includes computers, monitors, laptops, and televisions, for households, charities, small businesses, school districts, and small governments.

Manufacturers of CEPs include entities that:

- have legal ownership of the brand, brand name, or cobrand of a CEP;
- import a CEP branded by a manufacturer that has no physical presence in the United States; and
- sell at retail an imported CEP and chooses to register in place of the manufacturer.

All manufacturers of a CEP sold, or previously sold, in or into the state must participate in a recycling plan that provides for collecting, transporting, and recycling of CEPs. Manufacturers are automatically included as participants in the standard plan. If certain criteria are met, a manufacturer or group of manufacturers may implement their own independent plan.

The Department of Ecology (Ecology) reviews all plans for compliance and operation, and enforces the E-Cycle law. The Washington Materials Management and Financing Authority (WWMFA), created under the E-Cycle law, is responsible for implementing the standard plan. The membership of WWMFA is comprised of participating manufacturers of CEPs who are not participating in an independent plan.

WWMFA duties and operations are funded by participating manufacturers. WWMFA assesses a charge, based on return share, market share, or a combination of the two, to each manufacturer to cover the costs of collecting, transporting, and recycling of its equivalent share of CEPs. The return share is the percentage by weight of CEPs collected during the year through the E-Cycle program. Market share is the percentage by weight of CEPs sold in the state.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:** Beginning in 2016, funding of E-Cycle programs are based on market share. Ecology may determine the market share for CEPs based on manufacturer and retailer-supplied data, as well as available market research data. The method to determine market share is provided. The sales information is exempt from public disclosure.

An entity may assume the responsibility of another manufacturer beginning in 2016, as well as register in lieu of that entity with Ecology.

The E-Cycle program provisions are revised to reflect the use of market share beginning in 2016.

**Votes on Final Passage:**

Senate	46	3	
House	87	6	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** January 1, 2014.