

WAC 173-900-730 Retailer violations. (1) A retailer is "in violation" of this chapter when one or more of the following retailer violations occurs:

- (a) Offering for sale or selling violation;
- (b) Labeling violation; or
- (c) Public outreach violation.

(2) **Retailer offering for sale or selling violation.**

A retailer is in "offering for sale or selling violation" of this chapter when a retailer offers for sale or sells CEPs and:

(a) On the date the electronic products are ordered from the manufacturer or their agent, the manufacturer's name or brand name does not appear on ecology's "manufacturer registration list."

(i) This means that brand of the manufacturer's electronic products must not be sold in or into Washington state.

(ii) Each unit offered for sale or sold is a separate violation by the retailer.

(iii) If the retailer can prove that the retailer ordered the electronic products from the manufacturer or their agent prior to January 1, 2007, the offering for sale, or selling, of those products is not a retailer violation.

(b) On the date the electronic products were ordered from the manufacturer or their agent, the manufacturer was in "in violation" status on ecology's "manufacturer registration list."

(i) Each unit offered for sale or sold is a separate violation for the retailer.

(ii) If the retailer can prove that the products were ordered from the manufacturer or their agent when the brand and manufacturer name was on ecology's "manufacturer registration list" and was in "in compliance" or "pending" status, the offering for sale, or selling, of those products is not a violation.

(3) **Retailer labeling violations.**

(a) It is a retailer "labeling violation" when a retailer offers for sale or sells an electronic product in or into Washington state that is not labeled with the manufacturer's brand name.

(b) Each unlabeled unit offered for sale or sold is a separate violation by the retailer.

(c) If the retailer can demonstrate to ecology that the retailer was in possession of the unlabeled electronic products prior to January 1, 2007, the offering for sale or selling of these electronic products is not a violation.

(4) **Retailer public outreach violation.**

It is a retailer violation if the retailer does not meet the public outreach requirements in WAC 173-900-980.

[Statutory Authority: Chapters 70.95N, 70.105, and 70.105D RCW. WSR 07-21-013 (Order 07-05), § 173-900-730, filed 10/5/07, effective 11/5/07.]