

EDUCATION

# ALASKA STATE LEGISLATURE

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**SENATOR Löki Gale Tobin**

*Education Committee Chair*

## **SB 175 Sectional Analysis**

**Section 1** – (page 1) Legislative findings. The legislature finds that the collaboration between manufacturers of electronic devices to establish an electronic recycling program is protected from federal anti-trust actions.

**Section 2** – (page 2) Amends AS 29.10.200 to add regulation of electronic device recycling to the list of restrictions on home rule municipality powers.

**Section 3** – (page 2) Adds a new Sec. 29.35.142. providing that the authority to regulate electronics recycling is reserved by the state.

**Section 4** – (page 2) Amends AS 45.50.572(b) a chapter on competitive practices, regulation of competition, consumer protection which prohibits monopolies. This section adds the Electronic Product Stewardship Program to the list of programs shielded from anti-trust actions. SB 175 authorizes multiple companies that manufacture electronic devices to combine forces to create a clearing house for the purpose of funding the program. This section ensures that the clearing house will be protected from anti-trust lawsuits.

**Sections 5 through 12** - (pages 2-6) Conforming changes to ensure existing statute at Title 46 Chapter 6 Recycling and Reduction of Litter applies to itself and not the proposed new statute relating to an Electronic Product Stewardship Program.

**Section 13** - (pages 6 – 23) Establishes the Electronic Product Stewardship Program in the Department of Environmental Conservation.

**Section 46.06.200** (page 6) Requires manufacturers of the following electronic devices sold in the state to register annually with the State of Alaska: computers and small-scale servers; computer monitors; televisions; printers, fax machines,

and scanners; digital video disc players, digital video disc recorders, and videocassette recorders; video game consoles; microwave ovens; digital converter boxes, cable receivers, and satellite receivers; and battery-operated portable digital music players, computer keyboards, computer mice, and cables.

**Section 46.06.210** (pages 7-10) Manufacturer e-scrap program plans; manufacturer and manufacturer clearinghouse responsibilities. Manufacturers of electronic devices shall submit an annual plan to the Electronics Recycling Advisory Council for feedback, and incorporate this feedback into a plan submitted to DEC. Plans must include contact information, a description of the methods used in achieving the recycling program, audit and accounting information, and timelines for implementation. The manufacturer shall assume all costs of implementing the plan. If two or more manufacturers are participating in a manufacturer clearing house the clearing house shall assume all costs and manufacturers shall pay a proportional share based on national sales over the past two years.

**Section 46.06.220** (pages 10-12) Establishes requirements for the community electronic device collection sites including the frequency of collection events, and collector responsibilities.

**Section 46.06.230** (page 12, 13) Department responsibilities. DEC shall review and approve or disapprove electronic recycling plans and annual reports, conduct periodic studies to determine if new devices should be added to the recycling program, report to the legislature every two years after 2030 on the effectiveness of the program. DEC shall write regulations to establish the amount and manner of payment of a program administration fee for manufacturers and manufacturer clearinghouses covered under this act. DEC may adopt further regulations for the implementation, and enforcement of the program.

**Section 46.06.240** (page 14) Outreach requirements for manufacturers of electronic devices participating in recycling programs established by this act, for DEC, for retailers of electronic devices, and for communities.

**Section 46.06.250** (page 14, 15) Prohibited acts. A person may not knowingly mix electronic waste covered under this act with landfill waste, may not knowingly burn electronic waste. A retailer may not sell devices covered under this act unless they are labeled and branded. A manufacturer may not provide electronic devices covered under this act unless it is labeled and branded. An electronic recycling program may not charge fees for collection.

**Section 46.06.260** (page 15) Establishes penalties for false statements, submitting falsified reports, and failure to pay registration fees.

**Section 46.06.270** (pages 16, 17) Establishes a 13-member multi-stakeholder Electronics Recycling Advisory Council, appointed by the Commissioner of DEC, to serve two-year terms. The purpose of the Advisory Council is to review and comment on a proposed manufacturer e-scrap program plan before submission of the plan to the department; (2) make recommendations to the department regarding the approval or disapproval of a manufacturer e-scrap program plan; (3) make recommendations to the department regarding the need for plan amendments or other requirements based on annual reports; (4) review and comment on regulations proposed by the department under AS 46.06.230; and (5) by November 1 of each year, beginning in 2026, provide to the department a list of best practices for program collection sites and single-day collection events under manufacturer e-scrap program plans.

**Section 46.06.280** (page 18) Describes those electronic devices items that are not subject to the terms of the act.

**Section 46.06.290** (pages 19-23) Definitions

**Section 14** - Transition section regarding seats on the Advisory Council. The commissioner shall appoint seven initial members of the electronics recycling advisory council to serve four-year terms and the remaining six initial members to serve three-year terms. Initial members may be appointed to subsequent two-year terms thereafter.

**Section 15** - Immediate effective date