RECALLED

May 31, 2011

**H. 4258**

Introduced by Agriculture, Natural Resources and Environmental Affairs Committee

S. Printed 5/31/11--S.

Read the first time May 31, 2011.

**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ELECTRONIC EQUIPMENT COLLECTION AND RECOVERY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4179, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The regulations of the Department of Health and Environmental Control, relating to Electronic Equipment Collection and Recovery, designated as Regulation Document Number 4179, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

The South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act, Section 48‑60‑5 et seq., S.C. Code of Laws, 1976, as amended, establishes requirements for the sale, disposal and recovery of covered electronic devices, specifically for household computers, printers and televisions. The Act requires the Department of Health and Environmental Control to promulgate regulations to implement the provisions of the Act.

To satisfy the requirements of the Act, the Department has promulgated new Regulation 61‑118, Electronic Equipment Collection and Recovery. The regulation establishes standards for the safe, environmentally responsible recovery, recycling or disposal of discarded electronic devices as defined by the Act; addresses responsibilities of manufacturers and retailers of covered devices; and specifies manufacturers’ fees relative to sales of computers and market share of sales for televisions. The regulation also establishes fines for violations of the Act and the regulation. The regulation will not take effect prior to July 1, 2011.

This regulation is a reasonable way to comply with the Act. Implementation of this regulation will not require additional resources beyond those allowed for in the Act and will not impact the general fund. It provides clear procedures, standards and criteria for manufacturers, sellers and recyclers of covered electronic devices. It promotes the development of a comprehensive system for end‑of‑life devices that promotes resource conservation, public health, public safety, and economic prosperity. The recovery program will be based on shared responsibility among manufacturers, consumers, retailers, and government. The fee schedule is reasonable because it includes no fees on consumers at the retail level. The schedule is also reasonable because the manufacturer fees are consistent with fees in other states with electronics recycling programs and provides incentives with reduced fees for certain manufacturers to meet or exceed their recycling obligation goals. In addition, manufacturers’ fees are reduced following the first year of registration to reflect the lower cost of administering the program after the initial start‑up costs have been incurred. No fees to implement the program will be paid by the public.

This regulation would not take effect prior to July 1, 2011. A Notice of Drafting to promulgate this regulation was published in the *State Register* on October 22, 2010.

Pursuant to S.C. Code Ann. Section 1‑23‑111, the Board of Health and Environmental Control conducted a public hearing April 14, 2011, on proposed new R.61‑118 and approved it for submission to the S.C. General Assembly for review.

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