



## **eCycling Advisory Committee**

**October 21, 2008 1:00 pm**

**Speaker's Conference Room, 6th Floor, General Assembly Building**

- **Call to order:** Chairman's welcome and introductions.

Delegate Plum called the meeting to order with Senator Howell, Delegate Miller, J., and Delegate Valentine in attendance.

- **DRAFT Legislation- Television Recovery and Recycling Act:** Review of manufacturer market share-based television recycling legislation. Advisory Committee members may suggest and discuss changes to draft legislation.

Staff provided a brief introduction to the new draft legislation distributed to the advisory committee. The new draft contains only the relevant portions addressing television recycling from the model bill distributed at the last meeting. In response to requests by advisory committee members for a more detailed analysis on the recovery and recycling responsibilities of manufacturers, retailers, consumers, and the Department of Environmental Quality, staff provided a step-by-step walk through of the requirements of all parties.

Hypothetical breakdown:

1. Manufacturer X sells 10,000 lbs of TVs in Virginia in the given program year.
  - *Manufacturer X must report to DEQ the weight of all televisions sold in VA in the given program year.*
2. Based on national sales data, there was 1,000,000 lbs of TVs sold in the US in the given program year.
3. The population of VA is roughly 3% of the US population. To estimate the weight of TVs sold in VA you multiply 1,000,000 \* 3%, which equals 30,000 lbs of TVs sold in VA by all manufacturers in the given program year.
4. To get Manufacturer X's Market Share you divide Manufacturer X's sales reported in #1 above (10,000) by the total weight of all TV's sold in VA as calculated in #3 above (30,000). The result is a Market Share of 30% for Manufacturer X.

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5. To calculate the Market Share Allocation for Manufacturer X you multiply Manufacturer X's Market Share (30%) by the weight of all TVs recycled in VA in the previous program year (hypothetically 12,000 lbs), which equals 4,000 lbs.
  - *All manufacturers must report to DEQ the weight of all televisions they have recycled or arranged for recycling in VA at the end of every program year.*
6. Therefore, Manufacturer X must recycle or arrange for the recycling of 4,000 lbs of TVs (does not have to be their own) in the given program year.

Based on this explanation the advisory committee members discussed several issues associated with the calculation of the market share. A representative from a TV manufacturer stated that manufacturers have no way of calculating the weight of televisions sold in a state. Manufacturers often sell to corporate retailers that then divide the shipments to the states based on their own sales strategy. A representative of the retail industry noted that retailers already report sales data to national organizations and it would be an unfair burden to require retailers to report to DEQ. Given the disagreement, Delegate Plum directed staff to work with both parties to try to reach a compromise and find a way of using national sales data for all the calculations of market share and market share allocation.

One member asked whether government and business purchases are covered in the calculations. Staff responded that sales to government and businesses were covered in some of the calculations but not others. Staff will correct any discrepancies and provide options that include and exclude business and government purchases in the next version of the bill.

Of the states that have passed television recycling legislation, only four states have started to implement the programs. Minnesota is the only state that has a similar program to the one proposed in the draft legislation before this advisory committee and has had time to implement the program. Advisory committee members requested that staff contact Minnesota and get feedback from the operation of its television recycling program.

A representative from Best Buy also noted that Best Buy has implemented a pilot program in a large percentage of its retail stores that allow consumers to return up to two electronic items per day. There is currently a limit on television screen size of 32".

Staff was requested to research how many manufacturers sell televisions in the Commonwealth.

Staff was requested to incorporate a provision in the next draft that would provide a credit for manufacturers that recycle more than their required market share allocation.



A member of the retail industry requested that the next draft incorporate an exception for retailers that would allow retailers to sell televisions already in inventory if a manufacturer moves out of compliance with the recycling program.

Delegate Plum requested staff to prepare another draft of the legislation incorporating comments and suggestions from the advisory committee members. Delegate Plum also requested that the next draft be incorporated in the Computer Recovery and Recycling Act passed by the General Assembly during the 2008 Session.

- **Discussion:** This is an opportunity for a discussion by the members of the advisory committee. Members may use this opportunity to identify issues they would like to see addressed by the group during its study, as well as formulate a work plan for future meetings.

Delegate Plum asked the advisory committee members for their thoughts on rechargeable battery recycling and whether legislative action is appropriate. One member responded that many retailers already have recycling for rechargeable batteries available to customers in addition to a national mail-back program sponsored by industry members. Delegate Plum introduced to the idea of proposing legislation that would permit localities to ban rechargeable batteries from the waste stream if they have another option for consumers to recycle the batteries. This approach would be similar to the CRT ban legislation passed by the General Assembly during the 2008 Session. Members of the advisory committee generally agreed that this may be a good strategy for educating consumers but noted that localities would not likely take the steps necessary to ban rechargeable batteries from the waste stream.

- **Public comment**

- **Adjournment.**