

SENATE BILL NO. 1137

June 30, 2022, Introduced by Senator LAUWERS and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 17301, 17303, 17305, 17307, 17309, 17311,
17313, 17317, 17319, 17321, 17323, 17325, and 17327 (MCL 324.17301,
324.17303, 324.17305, 324.17307, 324.17309, 324.17311, 324.17313,
324.17317, 324.17319, 324.17321, 324.17323, 324.17325, and
324.17327), sections 17301, 17305, 17307, 17309, 17311, 17313, and
17327 as added by 2008 PA 394, sections 17303 and 17317 as amended
by 2019 PA 85, sections 17319 and 17323 as added by 2008 PA 395,

section 17321 as added by 2008 PA 392, and section 17325 as added by 2008 PA 393, and by adding sections 17311b, 17311d, 17311f, 17311h, 17311j, 17313b, 17313d, 17313f, 17313h, 17313j, 17328, and 17335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17301. As used in this part:

2 (a) "Assessment period" means a period of 3 calendar months
3 starting on the day immediately following the last day of the
4 preceding assessment period. The first assessment period starts on
5 the first day of the first program year.

6 (b) "Best practices" means standards for collecting and
7 preparing items for shipment and recycling, such as standards for
8 packaging for transport, load size, acceptable load contamination
9 levels, and items included in a load that are not covered
10 electronic devices.

11 (c) "Clearinghouse" means the entity designated as
12 clearinghouse under section 17311b.

13 (d) "Collection convenience standard" means the collection
14 site and collection event standards under section 17311f.

15 (e) "Collection obligation" means the CED collection services
16 that the clearinghouse assigns to a manufacturer for a given
17 program year under section 17311h.

18 (f) ~~(a)~~—"Collector" means a person who receives covered
19 electronic devices from consumers and arranges for the delivery of
20 the covered electronic devices to a recycler. **Collector includes,**
21 **but is not limited to, both of the following:**

22 (i) A local electronics recycler or other company that
23 consolidates CEDs from collection points into loads meeting the
24 requirements of recyclers identified by a manufacturer group.

(ii) A government entity that has submitted a notice under section 17311f(1).

~~(b) "Computer" means a desktop personal computer or laptop computer, a computer monitor, or beginning April 1, 2011, a printer. Computer does not include any of the following:~~

~~(i) A personal digital assistant device or mobile telephone.~~

~~(ii) A computer peripheral device, including a mouse or other similar pointing device, or a detachable or wireless keyboard.~~

~~(c) "Computer takeback program" means a program required under section 17305(c).~~

(g) "Computer", subject to subdivision (h), means a high-speed data processing device for performing logical, arithmetic, or storage functions that is marketed by the manufacturer for use by households or schools. Computer includes all of the following:

(i) A desktop-style tower or box computer without a monitor, including a mini personal computer.

(ii) An all-in-one desktop-style computer the screen of which is integrated with the processor.

(iii) A laptop, notebook, or netbook computer.

(iv) A tablet computer.

(v) A server used by a household or school.

(vi) A thin client used by a household or school.

(h) "Computer" does not include any of the following:

(i) An automated typewriter or typesetter.

(ii) A portable hand-held calculator or device, such as a mobile telephone or personal digital assistant device.

(iii) A digital camera.

(iv) A device that is functionally or physically a part of,

1 connected to, or integrated within a larger piece of equipment or
2 system designed and intended for use in an industrial,
3 governmental, commercial, research and development, or medical
4 setting, including, but not limited to, diagnostic, monitoring, or
5 control products, medical products approved under the federal food,
6 drug, and cosmetic act, 21 USC 301 to 399, equipment used for
7 security, sensing, monitoring, antiterrorism, or emergency services
8 purposes, or equipment designed and intended primarily for use by
9 professional users.

10 (i) "Computer monitor" means an electronic device that meets
11 both of the following requirements:

12 (i) Is a cathode ray tube or display.

13 (ii) Is primarily intended to display information from a
14 consumer computer or the internet.

15 (j) "Computer peripheral" means a keyboard or any other
16 device, other than a consumer printer, that is sold exclusively for
17 external use with a consumer computer and that provides input into
18 or output from a consumer computer. Computer peripheral includes,
19 but is not limited to, all of the following:

20 (i) An external CD or DVD drive.

21 (ii) An external hard drive or backup drive.

22 (iii) An external modem.

23 (iv) A flash drive or memory stick for use with a computer.

24 (v) A game controller, such as a joystick, used with a
25 computer.

26 (vi) A keyboard.

27 (vii) A mouse.

28 (viii) A projector, such as an LCD or LED projector used with a
29 consumer computer.

1 (ix) A scanner.

2 (x) A speaker used with a computer.

3 (xi) A wire, cord, or cable designed and intended for use with
4 a covered electronic device.

5 (k) ~~(d)~~—"Consumer" means a person who ~~used~~ **purchases** a covered
6 electronic device primarily for personal or ~~small business~~ **school**
7 purposes in this state **or describes a covered electronic device**
8 **purchased for personal or school purposes in this state.**

9 ~~(e) "Covered computer" means a computer that was or will be~~
10 ~~used primarily for personal or small business purposes in this~~
11 ~~state. Covered computer does not include a device that is~~
12 ~~functionally or physically a part of, or connected to, or~~
13 ~~integrated within a larger piece of equipment or system designed~~
14 ~~and intended for use in an industrial, governmental, commercial,~~
15 ~~research and development, or medical setting, including, but not~~
16 ~~limited to, diagnostic, monitoring, or control products, medical~~
17 ~~products approved under the federal food, drug, and cosmetic act,~~
18 ~~21 USC 301 to 399, equipment used for security, sensing,~~
19 ~~monitoring, antiterrorism, or emergency services purposes, or~~
20 ~~equipment designed and intended primarily for use by professional~~
21 ~~users.~~

22 ~~(f) "Covered electronic device" means a covered computer or~~
23 ~~covered video display device.~~

24 (l) "Covered electronic device" or "CED", subject to
25 subdivision (m), means any of the following if sold at retail for
26 consumer or school use:

27 (i) A computer.

28 (ii) A small-scale server.

29 (iii) A computer monitor.

- (iv) A computer peripheral.
- (v) A television.
- (vi) A printer.
- (vii) A facsimile machine.
- (viii) A scanner.
- (ix) A digital video disc player.
- (x) A digital video disc recorder.
- (xi) A videocassette recorder.
- (xii) A video game console.
- (xiii) A digital converter box.
- (xiv) A cable receiver.
- (xv) A satellite receiver.
- (xvi) An electronic keyboard.
- (xvii) An electronic mouse.
- (xviii) A portable digital music player that has memory capability and is battery powered.
- (m) "Covered electronic device" does not include any of the following:
- (i) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.
- (ii) An electronic device that is functionally or physically part of a larger piece of equipment or that is taken out of service from an industrial, commercial, commercial retail, library checkout, traffic control, kiosk, security, other than household security, governmental, agricultural, or medical setting, including, but not limited to, diagnostic, monitoring, or control

1 equipment.

2 (iii) An electronic device that is functionally or physically
3 part of a clothes washer, clothes dryer, refrigerator, freezer,
4 refrigerator and freezer, microwave oven, conventional oven or
5 range, dishwasher, room air conditioner, dehumidifier, water pump,
6 sump pump, or air purifier.

7 (n) "Covered electronic device category" or "CED category"
8 means 1 of the following 8 categories of CEDs:

9 (i) A computer or small-scale server.

10 (ii) A computer monitor.

11 (iii) A television.

12 (iv) A printer, facsimile machine, or scanner.

13 (v) A digital video disc player, digital video disc recorder,
14 or videocassette recorder.

15 (vi) A video game console.

16 (vii) A digital converter box, cable receiver, or satellite
17 receiver.

18 (viii) An electronic keyboard, electronic mouse, or portable
19 digital music player that has memory capability and is battery
20 powered.

21 ~~(g) "Covered video display device" means a video display~~
22 ~~device that was or will be used primarily for personal or small~~
23 ~~business purposes in this state. Covered video display device does~~
24 ~~not include a device that is functionally or physically a part of,~~
25 ~~or connected to, or integrated within a larger piece of equipment~~
26 ~~or system designed and intended for transportation or use in an~~
27 ~~industrial, governmental, commercial, research and development, or~~
28 ~~medical setting, including, but not limited to, diagnostic,~~
29 ~~monitoring, or control products, medical products approved under~~

~~the federal food, drug, and cosmetic act, 21 USC 301 to 399, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.~~

(o) ~~(h)~~ "Department" means the department of ~~environmental quality~~. **environment, Great Lakes, and energy.**

~~(i) "Electronic device takeback program" or "takeback program" means a computer takeback program or a video display device takeback program.~~

(p) "Eco fee" means an amount added under section 17309 to the purchase price of a new eco fee device sold in this state.

(q) "Eco fee device" or "EFD" means a monitor or television with a screen size of 7 inches or greater if measured diagonally.

(r) "Eco fee sharing methodology" means the methodology under the stewardship plan to distribute eco fee revenue to manufacturers and manufacturer groups.

(s) "Financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

(t) "Fund", unless the context implies a different meaning, means the electronic waste recycling fund created in section 17327.

(u) ~~(j)~~ "Manufacturer" ~~, subject to subdivision (k),~~ means any of the following:

~~(i) The person who owns the brand with which a covered computer is labeled.~~

(i) ~~(ii)~~ The person who owns or is licensed to use the brand

with which a covered ~~video display~~ **electronic** device is labeled.

(ii) ~~(iii)~~ If ~~the~~ **neither the** brand owner ~~does not do~~ **nor a licensee does** business in the United States, the person on whose account a covered electronic device was imported into the United States.

(iii) ~~(iv)~~ A person who contractually assumes the responsibilities and obligations of a person described under subparagraph (i) ~~, or (ii), or (iii).~~

~~(k) Manufacturer does not include a person unless the person manufactured, sold, or imported more than 50 covered computers in 2000 or any subsequent calendar year or more than 50 covered video display devices in the previous calendar year.~~

~~(l) "Printer" means a printer or a multifunction or "all-in-one" device that in addition to printing performs 1 or more other operations such as copying, scanning, or faxing, that is designed to be placed on a desk or other work surface, and that may use any of various print technologies, such as laser and LED (electrographic), ink jet, dot matrix, thermal, or digital sublimation. Printer does not include a floor standing printer, a printer with an optional floor stand, a point of sale (POS) receipt printer, a household printer such as a calculator with printing capabilities or a label maker, or a non-stand-alone printer that is embedded into a product other than a covered computer.~~

(v) **"Manufacturer group" means 2 or more manufacturers that work jointly to meet the requirements of this part, as provided for under section 17311j(1).**

(w) **"Manufacturer plan" means the information submitted by a manufacturer or manufacturer group under section 17313d(1).**

(x) **"Market share" means the percentage per CED manufactured**

1 as determined under section 17313b.

2 (y) "Marketplace facilitator" means that term as defined in
3 section 2d of the general sales tax act, 1933 PA 167, MCL 205.52d.

4 (z) "Marketplace seller" means that term as defined in section
5 2d of the general sales tax act, 1933 PA 167, MCL 205.52d.

6 (aa) "Personal digital assistant" means a handheld computer
7 that functions as a personal organizer and also provides email and
8 internet access.

9 (bb) "Printer", subject to subdivision (cc), means any of the
10 following if marketed by the manufacturer for use by households or
11 schools:

12 (i) A desktop printer, including, but not limited to, inkjet
13 and laser printers that can be placed on a work surface.

14 (ii) A device that prints and has other functions, such as
15 copying, scanning, or sending facsimiles, and that is designed to
16 be placed on a work surface.

17 (cc) "Printer" does not include a calculator with printing
18 capabilities, a label maker, or a photograph-only printer.

19 (dd) "Program" means or relates to the overall program created
20 under this part or an entity's undertaking as part of that overall
21 program.

22 (ee) "Program year" means the calendar year unless the
23 department provides otherwise by rule.

24 (ff) ~~(m) "Recycler" means a person who as a principal~~
25 ~~component of business operations that~~ acquires covered electronic
26 devices and sorts and processes the covered electronic devices to
27 facilitate recycling or resource recovery techniques. Recycler does
28 not include a collector, hauler, or electronics shop.

29 (gg) "Recycling" means the process of collecting and preparing

1 covered electronic devices for use in manufacturing processes or
 2 for recovery of usable materials followed by delivery of such
 3 materials for use. Recycling does not include the destruction by
 4 incineration or other process or land disposal of recyclable
 5 materials nor reuse, repair, or any other process through which eco
 6 fee devices or covered electronic devices are returned to use for
 7 households in their original form. "Recycle" has a corresponding
 8 meaning.

9 (hh) ~~(n)~~ "Retailer" means a person that sells a covered
 10 electronic device to a consumer by any means, including
 11 transactions conducted through sales outlets, catalogs, mail order,
 12 or the internet, whether or not the person has a physical presence
 13 in this state.

14 ~~(o) "Small business" means a business with 10 or fewer~~
 15 ~~employees.~~

16 ~~(p) "Video display device" means an electronic device with a~~
 17 ~~viewable screen of 4 inches or larger that contains a tuner that~~
 18 ~~locks on to a selected carrier frequency and is capable of~~
 19 ~~receiving and displaying television or video programming via~~
 20 ~~broadcast, cable, or satellite. Video display device includes, but~~
 21 ~~is not limited to, a direct view or projection television whose~~
 22 ~~display technology is based on cathode ray tube (CRT), plasma,~~
 23 ~~liquid crystal (LCD), digital light processing (DLP), liquid~~
 24 ~~crystal on silicon (LCOS), silicon crystal reflective display~~
 25 ~~(SXRD), light emitting diode (LED), or similar technology.~~

26 ~~(q) "Video display device takeback program" means a program~~
 27 ~~required under section 17305(d).~~

28 (ii) "Return share" means the percentage, by weight, of all
 29 CEDs returned represented by each CED category returned to program

1 collection sites and 1-day collection events operated by or on
2 behalf of a manufacturer or a manufacturer group during the
3 calendar year 2 years before the applicable program year, as
4 reported to the department under section 17313f. However, for
5 program year 1 and program year 2, return share shall be estimated
6 by the manufacturer or manufacturer group based on returns during
7 that program year, as reported to the department.

8 (jj) "Reuse" means the use of electronic waste that is tested
9 and certified to be in good working order and that was removed from
10 the waste stream for use for the same purpose for which it was
11 manufactured, including the continued use of whole systems or
12 components.

13 (kk) "School" means a public school or nonpublic school as
14 those terms are defined in section 5 of the revised school code,
15 1976 PA 451, MCL 380.5.

16 (ll) "Stewardship plan" means a plan approved by the department
17 under section 17311d.

18 (mm) "Television", subject to subdivision (nn), means an
19 electronic device that meets all of the following requirements:

20 (i) Is used only in a residence.

21 (ii) Contains a cathode-ray tube or other display screen type.

22 (iii) Is intended to receive video programming via broadcast,
23 cable, satellite, the internet, or another mode of video
24 transmission, or to receive video from surveillance or other
25 similar cameras.

26 (iv) Is marketed to and intended for use by residential and
27 school purchasers.

28 (nn) "Television" does not include any of the following:

29 (i) A television that is part of a motor vehicle and that is

1 incorporated into the motor vehicle by, or for, a motor vehicle
2 manufacturer or a franchised motor vehicle dealer.

3 (ii) An electronic device that is functionally or physically
4 part of a clothes washer, clothes dryer, refrigerator, freezer,
5 refrigerator and freezer, microwave oven, conventional oven or
6 range, dishwasher, room air conditioner, dehumidifier, water pump,
7 sump pump, or air purifier.

8 (iii) Any eco fee device that is not marketed for use by
9 households or schools, such as a display in equipment used only in
10 a specific industrial or commercial setting.

11 Sec. 17303. (1) ~~Within 30 days after the end of each state~~
12 ~~fiscal~~ **By January 30 each** year, a manufacturer that **markets and**
13 ~~sells or offers for sale to any person in this state a new covered~~
14 electronic device **in this state** shall register with the department
15 on a form provided by the department. A registration expires **the**
16 **following January 30.** ~~days after the end of the state fiscal year~~
17 ~~in which the registration is required to be filed.~~ A manufacturer
18 ~~who~~ **that** has not already filed a registration under this part shall
19 submit a registration within 10 business days after the
20 manufacturer begins to ~~sell or offer for sale~~ **market and sell** new
21 covered electronic devices in this state.

22 (2) A registration under subsection (1) shall include all of
23 the following:

24 (a) The manufacturer's name, address, and telephone number.

25 (b) Each brand name under which the manufacturer sells or
26 ~~offers for sale~~ **markets** covered electronic devices in this state.

27 ~~(c) Information about the manufacturer's electronic device~~
28 ~~takeback program, including all of the following:~~

29 ~~(i) Information provided to consumers on how and where to~~

~~return covered electronic devices labeled with the manufacturer's name or brand label.~~

~~(ii) The means by which information described in subparagraph (i) is disseminated to consumers, including the relevant website address if the internet is used.~~

~~(iii) Beginning with the first registration submitted after the implementation of the takeback program, a report on the implementation of the takeback program during the prior state fiscal year, including all of the following:~~

~~(A) The total weight of the covered electronic devices received by the takeback program from consumers during the prior state fiscal year.~~

~~(B) The processes and methods used to recycle or reuse the covered electronic devices received from consumers.~~

~~(C) The identity of any collector or recycler with whom the manufacturer contracts for the collection or recycling of covered electronic devices received from consumers. The identity of a recycler shall include the addresses of that recycler's recycling facilities in this state, if any. The identity of a collector or recycler reported under this subparagraph is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the department unless required by court order.~~

(c) Certification that the manufacturer has not violated and will not violate this part.

(d) The total number of CEDs, excluding eco fee devices, from that manufacturer marketed and sold in this state for the most recently concluded program year. Sales data under this subdivision and subdivision (e) are exempt from disclosure under the freedom of

1 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
2 be disclosed by the department unless required by court order.

3 (e) The total number of EFDs from that manufacturer marketed
4 and sold in this state for the most recently concluded program
5 year.

6 (f) Identification of the manufacturer group, if any, to which
7 the manufacturer belongs.

8 (3) A registration **under subsection (1)** is effective upon
9 receipt by the department, if the registration is administratively
10 complete.

11 (4) If a manufacturer's registration does not meet the
12 requirements of this section and any rules promulgated under this
13 part, the department shall notify the manufacturer of the
14 deficiency. If the manufacturer fails to correct the deficiency
15 within 60 days after notice is sent by the department, the
16 department may deny or revoke the manufacturer's registration,
17 after providing an opportunity for a contested case hearing under
18 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
19 to 24.328.

20 (5) A manufacturer ~~of covered electronic devices~~ shall update
21 its registration within 10 business days after a change in the
22 brands of covered electronic devices from that manufacturer sold or
23 ~~offered for sale~~ **marketed** in this state.

24 (6) ~~Until October 1, 2023, a~~ **Subject to subsection (7), a**
25 manufacturer's registration shall be accompanied by ~~an annual~~ **a** fee
26 ~~of \$3,000.00. However, if in the following amount as determined by~~
27 **the manufacturer's sales of CEDs in this state during the preceding**
28 **calendar year:**

29 (a) Not more than 100 CEDs, no fee.

1 **(b) More than 100 but not more than 250 CEDs, \$1,000.00.**

2 **(c) More than 250 CEDs, \$3,000.00.**

3 **(7) If** the amount of money in the fund on December 31 of any
4 year is greater than ~~\$600,000.00, \$750,000.00~~, the department shall
5 not collect manufacturers' registration fees for the following
6 ~~state fiscal calendar~~ year.

7 **(8) ~~(7)~~**Revenue from manufacturers' registration fees
8 collected under this section shall be deposited in the ~~electronic~~
9 ~~waste recycling fund created in section 17327.~~**fund.**

10 **(9) ~~(8)~~**The department shall maintain on its **publicly**
11 **accessible** website a

12 ~~list of registered manufacturers of computers and a both of~~
13 **the following:**

14 **(a) A** list of registered manufacturers of ~~video display~~
15 ~~devices~~**covered electronic devices, each registered manufacturer's**
16 **brands,** and the **publicly accessible** website addresses at which ~~they~~
17 ~~provide~~**each registered manufacturer provides** information on
18 recycling covered electronic devices.

19 **(b) A** list of unregistered manufacturers of CEDs and each
20 unregistered manufacturer's brands. The department shall post the
21 list not later than 90 days after the registration period under
22 section 17303(1) ends. The department shall update the list not
23 less than every 60 days thereafter until the end of that program
24 year.

25 ~~(9) Not later than October 1, 2011 and every 2 years after~~
26 ~~that date, the department shall submit a report to the secretary of~~
27 ~~the senate and to the clerk of the house of representatives that~~
28 ~~assesses the adequacy of the fees under this section and any~~
29 ~~departmental recommendation to modify those fees.~~

1 Sec. 17305. Beginning April 1, 2010, a manufacturer shall not
 2 sell or ~~offer for sale~~ **market** to any person in this state a new
 3 covered electronic device, whether through sales outlets, catalogs,
 4 mail order, the internet, or any other means, unless ~~all~~ **both** of
 5 the following requirements are met:

6 (a) The covered electronic device is labeled with the
 7 manufacturer's name or brand label, ~~owned by or, in the case of a~~
 8 ~~video display device, or~~ licensed for use by the manufacturer.

9 (b) The manufacturer's name ~~appears~~ **and the covered electronic**
 10 **device brand name appear** on the ~~applicable registration list of~~
 11 **registered manufacturers and their registered brands** maintained by
 12 the department under section 17303.

13 ~~(c) If the covered electronic device is a covered computer,~~
 14 ~~the manufacturer has a computer takeback program as described in~~
 15 ~~section 17309.~~

16 ~~(d) If the covered electronic device is a covered video~~
 17 ~~display device, the manufacturer has a video display device~~
 18 ~~takeback program as described in section 17311.~~

19 Sec. 17307. A retailer shall not sell or ~~offer for sale~~ **market**
 20 to any person in this state a new covered electronic device from a
 21 manufacturer ~~, that was~~ purchased by the retailer on or after April
 22 1, 2010 unless the manufacturer ~~appears~~ **and brand appear** on the
 23 ~~applicable registration list of~~ **registered manufacturers and their**
 24 **registered brands maintained by the department** under section 17303.

25 Sec. 17309. ~~(1) Beginning April 1, 2010, each manufacturer of~~
 26 ~~covered computers shall implement a computer takeback program that~~
 27 ~~meets all of the following criteria:~~

28 ~~(a) The manufacturer of a covered computer that has reached~~
 29 ~~the end of its useful life for the consumer or the manufacturer's~~

~~1 designee accepts from the consumer the covered computer. This part
2 shall not be construed to impair the obligation of a contract under
3 which a person agrees to conduct a computer takeback program on
4 behalf of a manufacturer.~~

~~5 (b) A consumer is not required to pay a separate fee when the
6 consumer returns the covered computer to the manufacturer of that
7 covered computer or the manufacturer's designee.~~

~~8 (c) The collection of covered computers is reasonably
9 convenient and available to and otherwise designed to meet the
10 needs of consumers in this state. Examples of collection methods
11 that alone or combined meet the convenience requirements of this
12 subdivision include systems for a consumer to return a covered
13 computer by 1 or more of the following means:~~

~~14 (i) Mail or common carrier shipper.~~

~~15 (ii) Deposit at a local physical collection site that is kept
16 open and staffed on a continuing basis.~~

~~17 (iii) Deposit during periodic local collection events.~~

~~18 (iv) Deposit with a retailer.~~

~~19 (d) The manufacturer of a covered computer provides a consumer
20 information on how and where to return the covered computer,
21 including, but not limited to, collection, recycling, and reuse
22 information on the manufacturer's publicly available website. The
23 manufacturer may also include collection, recycling, and reuse
24 information in the packaging for or in other materials that
25 accompany the manufacturer's covered computers when the covered
26 computers are sold or provide that information via a toll-free
27 telephone number.~~

~~28 (e) The manufacturer recycles or arranges for the recycling of
29 any covered computers collected under subdivision (a).~~

1 ~~(2) A manufacturer's computer takeback program is not required~~
2 ~~to accept more than 7 covered computers from a single consumer on a~~
3 ~~single day.~~

4 ~~(3) A manufacturer may conduct a computer takeback program~~
5 ~~alone or in conjunction with other manufacturers. A manufacturer~~
6 ~~may arrange for the collection and recycling of covered computers~~
7 ~~by another person to fulfill the manufacturer's obligations under~~
8 ~~this section.~~

9 (1) Beginning January 1, 2024, an eco fee is imposed on each
10 sale of a new eco fee device by a retailer to a purchaser in this
11 state for consumer or school use. The eco fee shall be in the
12 amount determined by the clearinghouse in the eco fee schedule
13 approved by the department under section 17313d.

14 (2) The retailer shall charge the applicable eco fee at the
15 time of sale of an EFD to a consumer or for school use. If a retail
16 sale is facilitated by a marketplace facilitator, the marketplace
17 facilitator shall charge the applicable eco fee to the purchaser on
18 behalf of the marketplace seller and remit the fee to the
19 marketplace seller.

20 (3) An eco fee shall be separately displayed on the receipt,
21 invoice, contract, or other record documenting the sale of the EFD.
22 The record must be visible to the purchaser when the EFD is sold to
23 the purchaser. For a sale made via a website, catalog, telephone,
24 or any similar forum, the eco fee shall be disclosed to the
25 purchaser before the purchase is completed.

26 (4) A retailer shall not advertise, hold out, or state to the
27 public or to any purchaser, directly or indirectly, any of the
28 following with respect to an eco fee or any portion of an eco fee:

29 (a) That it will not be added to the purchase price of the

1 EFD.

2 (b) That it will be paid by the retailer on behalf of the
3 purchaser.

4 (c) That its economic incidence will be shifted from the
5 purchaser to any other person by payment of money or other
6 consideration to the purchaser.

7 (5) A retailer that collects an eco fee under subsection (1)
8 may retain up to 3% of the fee as reimbursement for any costs
9 associated with the collection of the fee. The retailer shall remit
10 the remainder of the eco fee to the clearinghouse in a manner and
11 form prescribed by the clearinghouse and by the time required under
12 subsection (7).

13 (6) If a retailer or marketplace facilitator violates
14 subsection (2), the retailer or marketplace facilitator is liable
15 for the full amount of the applicable eco fee and any applicable
16 penalties under this part. However, if a marketplace facilitator
17 demonstrates to the clearinghouse's satisfaction that the
18 marketplace facilitator's failure to charge the eco fee was the
19 result of incorrect information given to the marketplace
20 facilitator by the marketplace seller, the marketplace seller is
21 solely liable for payment of the eco fee and any penalties under
22 this part.

23 (7) A retailer shall remit eco fee revenue to the
24 clearinghouse within 60 days after the completion of each
25 assessment period during which an EFD has been sold by a retailer
26 to a purchaser in this state. The amount due is the amount of the
27 eco fees collected less the sum of the following:

28 (a) Reimbursements allowed under subsection (5).

29 (b) Any eco fees refunded to purchasers for EFDs returned to

1 the retailer in that assessment period for which an eco fee has
2 already been collected for remittance to the clearinghouse.

3 (8) The amount due under subsection (7) is a debt owed to the
4 clearinghouse by the retailer.

5 (9) A retailer shall not sell or market in this state a new
6 CED after the program year begins unless all of the following
7 apply:

8 (a) The retailer registers with the department under
9 subsection (12) and participates in the clearinghouse.

10 (b) The brand of the CED is included on the list of registered
11 manufacturers and their registered brands maintained by the
12 department under section 17303.

13 (c) The applicable eco fees are collected on sales of EFDs and
14 timely remitted to the clearinghouse.

15 (10) A retailer shall cease sale of a manufacturer's CEDs
16 within 7 days after receipt of notice from the clearinghouse or
17 department that a manufacturer has failed to comply with the
18 requirements of this section. The retailer may recommence the sale
19 only upon written confirmation from the clearinghouse or department
20 that the manufacturer has remedied any noncompliance.

21 (11) Beginning 1 year after the effective date of this
22 section, a retailer shall consult the list of registered
23 manufacturers and their registered brands under section 17303
24 before selling new CEDs in this state. With respect to the sale of
25 a CED through a marketplace facilitator, the marketplace seller
26 shall consult the registry before advertising, listing, or selling
27 new CEDs in this state through a marketplace facilitator. A
28 retailer shall be considered to have complied with this subsection
29 if, on the date that the new CED was ordered by the retailer, the

1 brand was included on the list of registered manufacturers and
2 their registered brands under section 17303.

3 (12) A retailer shall register with the clearinghouse and
4 receive a remitter identification number from the clearinghouse
5 before collecting any eco fee or remitting any eco fee to the
6 clearinghouse.

7 (13) The clearinghouse may, at its discretion, conduct an
8 audit of a registered retailer to verify that the eco fees
9 collected and remitted to the clearinghouse are proper and
10 accurate. An audit under this subsection shall be limited to the 3-
11 year period preceding the date the audit is requested by the
12 clearinghouse. Unless a retailer has previously been found in
13 violation of this part for remittance of an eco fee, an audit may
14 be conducted in person or via the internet and email at the
15 discretion of the retailer. If a retailer has previously violated
16 this part, the audit must be conducted in person. The retailer
17 shall make the following records available for inspection by the
18 auditors:

19 (a) Receipts of sales at retail.

20 (b) Invoices.

21 (c) Other records generally kept by the retailer detailing the
22 collection and payment of eco fees.

23 (14) If the department determines that televisions and
24 monitors that contain cathode ray tubes or cold cathode fluorescent
25 lamps constitute less than 10% of the total weight of covered
26 electronic devices collected during a program year, beginning 180
27 days after that determination, retailers and marketplace
28 distributors shall no longer charge eco fees, but manufacturers
29 shall continue to meet the requirements of this part.

1 Sec. 17311. ~~(1) Beginning April 1, 2010, each manufacturer of~~
2 ~~covered video display devices shall implement a video display~~
3 ~~device takeback program that meets all of the following criteria:~~

4 ~~(a) A manufacturer or the manufacturer's designee accepts from~~
5 ~~a consumer any covered video display device that has reached the~~
6 ~~end of its useful life for the consumer, regardless of the type or~~
7 ~~brand of covered video display device.~~

8 ~~(b) A consumer is not required to pay a separate fee when the~~
9 ~~consumer returns a covered video display device through the~~
10 ~~takeback program of any manufacturer of any covered video display~~
11 ~~device.~~

12 ~~(c) The requirements of section 17309(1)(c), as applied to~~
13 ~~covered video display devices.~~

14 ~~(d) The manufacturer provides a consumer information on how~~
15 ~~and where to return a covered video display device, including, but~~
16 ~~not limited to, collection, recycling, and reuse information on the~~
17 ~~manufacturer's publicly available website. The manufacturer may~~
18 ~~also include collection, recycling, and reuse information in the~~
19 ~~packaging for or in other materials that accompany the~~
20 ~~manufacturer's covered video display devices when the covered video~~
21 ~~display devices are sold or provide that information via a toll-~~
22 ~~free telephone number.~~

23 ~~(e) The manufacturer recycles or arranges for the recycling of~~
24 ~~any covered video display device collected under subdivision (a).~~
25 ~~As a nonbinding target, each manufacturer required to conduct a~~
26 ~~video display device takeback program should annually recycle 60%~~
27 ~~of the total weight of covered video display devices sold by the~~
28 ~~manufacturer in this state during the prior state fiscal year.~~
29 ~~Sales data under this subdivision are exempt from disclosure under~~

1 ~~the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,~~
2 ~~and shall not be disclosed by the department unless required by~~
3 ~~court order.~~

4 ~~(2) A manufacturer's video display device takeback program is~~
5 ~~not required to accept more than 7 covered video display devices~~
6 ~~from a single consumer on a single day.~~

7 ~~(3) A manufacturer may conduct a video display device takeback~~
8 ~~program alone or in conjunction with other manufacturers. A~~
9 ~~manufacturer may arrange for the collection and recycling of~~
10 ~~covered video display devices by another person to fulfill the~~
11 ~~manufacturer's obligations under this section.~~

12 (1) To the extent possible, eco fees shall be uniform for each
13 category of eco fee device and, subject to subsection (2),
14 consistent with the eco fee amounts assessed in other jurisdictions
15 in the United States for similar devices.

16 (2) The eco fees shall be sufficient to cover both of the
17 following:

18 (a) Costs associated with the collection, transportation, and
19 recycling of EFDs for all manufacturers and manufacturer groups.

20 (b) All other expenditures authorized by section 17311b and
21 approved as part of the stewardship plan.

22 (3) At least 120 days before the beginning of a program year
23 starting 2 years or more after the start of the program year for
24 which eco fees were most recently established or adjusted, the
25 clearinghouse may submit to the department a recommendation
26 regarding adjustment of the amount of eco fees.

27 (4) Within 60 days after the clearinghouse submits to the
28 department a proposal to adjust eco fees, the department shall
29 approve or deny the proposal. The department shall approve the

1 proposal if the adjusted eco fees meet the requirements of this
2 part.

3 Sec. 17311b. (1) The department shall designate a
4 clearinghouse. The clearinghouse must meet all of the following
5 requirements:

6 (a) Be incorporated as a nonprofit organization.

7 (b) Not control and not be controlled by or under common
8 control with any single manufacturer, retailer, collector, or
9 industry-wide trade association.

10 (c) Demonstrate to the department the management capability
11 and financial capacity to operate the program statewide.

12 (d) Represent at least 50% of the total collection and
13 recycling obligation under this part of all manufacturers for the
14 first program year.

15 (e) Be governed by a board of directors, a majority of which
16 represent manufacturers.

17 (f) Have a state advisory group composed of 2 representatives
18 from each state in which the clearinghouse operates.

19 (g) Have a board that meets with the state advisory group at
20 least twice a year.

21 (2) The first clearinghouse shall be designated within 60 days
22 after the effective date of this section. Designation as the
23 clearinghouse shall be valid for not less than 5 years and may be
24 renewed by the department for additional periods of not more than 5
25 years each.

26 (3) The clearinghouse shall do all of the following:

27 (a) Review and compile manufacturer plans for submission to
28 the department for review and approval or disapproval under section
29 17313d.

1 (b) Establish an eco fee for each category of EFDs in its
2 proposed stewardship plan.

3 (c) Collect in a timely manner eco fee revenue due from
4 retailers.

5 (d) Deposit the eco fee revenue in an account at a financial
6 institution.

7 (e) Disburse eco fee revenue only as provided in this section.

8 (4) Pursuant to the eco fee sharing methodology, the
9 clearinghouse shall disburse eco fee revenue each program year to
10 manufacturers and manufacturer groups participating in the
11 stewardship plan.

12 (5) If a manufacturer or manufacturer group fails to meet its
13 collection obligation, all of the following apply:

14 (a) Unless otherwise directed by the department, the
15 clearinghouse may withhold eco fee revenue from the manufacturer or
16 manufacturer group.

17 (b) The clearinghouse may disburse eco fee revenue withheld
18 under subdivision (a) to reimburse a different manufacturer or
19 manufacturer group for providing collection-related services to
20 resolve the collection obligation deficiencies for which the
21 revenue was withheld.

22 (c) Any amount expended pursuant to subdivision (b) shall be
23 deducted from any eco fee revenue owed to the manufacturer or
24 manufacturer group from which the eco fee revenue was withheld.

25 (6) The clearinghouse shall disburse a portion of eco fee
26 revenue as a per pound collection incentive payment to collectors
27 that are approved under the stewardship plan for activities
28 associated with collection, handling, and consolidation of CEDs. A
29 collector may arrange for a consolidator to receive all or a

1 portion of the collection incentive payment for performing the
2 collection, handling, or consolidation services on behalf of the
3 collector.

4 (7) The clearinghouse may expend eco fee revenue on public
5 education intended to encourage the collection and recycling of
6 EFDs or CEDs.

7 (8) The clearinghouse may maintain in the financial
8 institution account under subsection (3) a reserve not to exceed
9 25% of the estimated annual eco fee revenue budgeted under
10 subsection (10).

11 (9) The clearinghouse may recover from eco fee revenue its
12 annual operating expenses of administering the eco fees and
13 performing its other duties under this part. The clearinghouse
14 shall include these expenses in the total program costs to be
15 covered by the eco fees.

16 (10) The clearinghouse shall prepare and submit to the
17 department for approval a budget for each program year. The budget
18 shall contain estimates of each of the following for the program
19 year:

20 (a) The number of CEDs to be collected.

21 (b) The number of EFDs to be collected.

22 (c) Total program year costs.

23 (d) The amount of eco fee revenue to be remitted to the
24 clearinghouse during the program year.

25 (11) Beginning 180 days after the effective date of this
26 section, the clearinghouse shall maintain and post on the
27 clearinghouse's publicly accessible website both of the following:

28 (a) A list of registered manufacturers and their registered
29 brands of EFDs.

1 (b) A list of the brands of EFDs for which, to the best of the
2 knowledge of the clearinghouse, no manufacturer has registered.

3 (12) Within 90 days after the department designates a
4 clearinghouse and within 90 days after the department, under
5 section 17313d, approves a stewardship plan other than the initial
6 stewardship plan, all manufacturers and manufacturer groups that
7 have received department approval of a stewardship plan shall enter
8 into a fee-sharing agreement with the clearinghouse. The
9 clearinghouse shall notify the department of each fee-sharing
10 agreement within 30 days after entering into the agreement.

11 (13) If manufacturers and manufacturer groups cannot timely
12 reach a fee-sharing agreement with the clearinghouse, the
13 clearinghouse shall submit a proposed fee-sharing arrangement to
14 the department for approval. The department shall approve the fee-
15 sharing agreement within 60 days. Upon approval, the fee-sharing
16 arrangement is binding on the clearinghouse and the relevant
17 manufacturer or manufacturer group for the relevant program period.

18 (14) The clearinghouse shall keep minutes, books, and records
19 that clearly reflect the activities and transactions of the
20 clearinghouse.

21 (15) At least once each calendar year, the clearinghouse shall
22 obtain at the clearinghouse's expense an audit of the accounting
23 books of the clearinghouse by an independent certified public
24 accountant. The clearinghouse shall arrange for the audit report to
25 be delivered to the department, along with the annual report of the
26 clearinghouse under section 17313j(2). The department shall review
27 the audit for compliance with this part. The department shall
28 notify the clearinghouse of any compliance issues or
29 inconsistencies. Any proprietary information in the audit is exempt

1 from disclosure under the freedom of information act, 1976 PA 442,
2 MCL 15.231 to 15.246, and shall not be disclosed by the
3 clearinghouse or department except as provided by court order.

4 (16) The clearinghouse may do either of the following:

5 (a) Enter into an agreement for the delegation or joint
6 exercise of the powers or duties of the clearinghouse under this
7 part.

8 (b) Conduct audits of retailers, program collection sites,
9 downstream processors, recyclers, manufacturers, and manufacturer
10 groups pursuant to this part.

11 Sec. 17311d. (1) A manufacturer group or a manufacturer member
12 shall submit to the clearinghouse, on a form provided by the
13 clearinghouse, information on collection and recycling programs.
14 The clearinghouse shall compile these manufacturer plans from all
15 manufacturer groups and individual manufacturers into a proposed
16 stewardship plan. The clearinghouse or any individual manufacturer
17 shall annually submit a proposed stewardship plan to the department
18 for approval. The department shall review the proposed manufacturer
19 plans and determine whether the collection convenience standard
20 will be met by all registered manufacturers in the aggregate, and
21 whether all registered manufacturers or manufacturer groups will
22 meet their collection obligation. If the department determines that
23 the collection convenience standard will not be met, the department
24 shall do all of the following:

25 (a) Work with the clearinghouse to determine any geographic
26 areas where the collection convenience standard will not be met and
27 identify opportunities for manufacturers and manufacturer groups to
28 ensure that the collection convenience standard is met.

29 (b) Notify all manufacturers and manufacturer groups of the

1 determination. The notice shall include the specific geographic
2 areas for which the department believes additional collection sites
3 or events are needed and the number needed.

4 (c) Provide manufacturers and manufacturer groups 30 days to
5 ensure the collection convenience standard will be met.

6 (2) If manufacturers and manufacturer groups are unable to
7 ensure under subsection (1) that the collection convenience
8 standard is met, the clearinghouse may assign the area to a
9 manufacturer or manufacturer group at the discretion of the
10 clearinghouse.

11 (3) Not less than 15 days before submitting a proposed
12 stewardship plan to the department, the clearinghouse shall submit
13 a copy of the proposed stewardship plan to the advisory committee.
14 The advisory committee shall submit comments and recommendations to
15 the clearinghouse and to the department based on the advisory
16 committee's review under this section.

17 (4) A stewardship plan shall, at a minimum, include the
18 following information:

19 (a) An executive summary.

20 (b) Copies of all individual manufacturer plans submitted to
21 the clearinghouse.

22 (c) An estimate of the total program year costs for upcoming
23 program year, including the cost of the services of the
24 clearinghouse that demonstrates that registered manufacturers are
25 responsible for the full cost of the collection of CEDs in this
26 state and the transportation and recycling of those CEDs collected
27 as part of the program.

28 (d) A schedule of the eco fee amount for each category of EFD
29 sold in the state, not to exceed \$10.00.

1 (e) A methodology to distribute eco fee revenue to
2 manufacturers and manufacturer groups to cover the costs of
3 collection, transportation, and recycling of CEDs in compliance
4 with this part.

5 (f) A description of the promotion and outreach activities
6 that will be used to encourage participation in the collection and
7 recycling programs and how the effectiveness of the activities will
8 be evaluated.

9 (g) A description of materials that will be provided to
10 retailers to inform purchasers of the program, including the eco
11 fees.

12 (h) A description of the methods by which CEDs will be
13 collected in all areas of this state according to the collection
14 convenience standard, including an explanation of how the
15 collection system will be convenient and adequate for residents in
16 both urban and rural areas on an ongoing basis.

17 (i) A discussion of the status of end markets for CEDs and
18 what, if any, additional end markets are needed to improve the
19 functioning of the program.

20 (j) A list of companies utilized to collect, consolidate, and
21 recycle CEDs.

22 (k) A list of areas that the clearinghouse assigned to a
23 manufacturer or manufacturer group under subsection (2).

24 (l) A discussion of actions that the manufacturer groups or
25 individual manufacturers are taking under their manufacturer plans
26 to reduce the generation of greenhouse gases and reduce impacts on
27 the environment by their program.

28 (m) The clearinghouse's documented annual operating expenses
29 of administering the eco fees and otherwise performing its duties

1 under this part.

2 (5) On an annual basis, by 90 days after the close of the
3 program year, the clearinghouse and any manufacturer or
4 manufacturer group with a stewardship plan shall submit to the
5 department a stewardship report. The stewardship report shall
6 summarize the accomplishments of the clearinghouse or the
7 individual manufacturer stewardship plans. A stewardship report
8 must include, but is not limited to, all of the following:

9 (a) The weight of CEDs received by the respective program from
10 consumers within metropolitan statistical areas, the weight of CEDs
11 received by the program from consumers outside of metropolitan
12 statistical areas, and the total weight of CEDs received by the
13 program.

14 (b) How the program served consumers in rural areas of this
15 state.

16 (c) The processes and methods for recycling or reuse of the
17 CEDs received from consumers.

18 (d) Collection locations and the identity of any collector or
19 recycler under contract for the collection or recycling of CEDs
20 received from consumers, including contact information for the
21 collector's or recycler's facilities in this state, if any.
22 Information reported under this subdivision is exempt from
23 disclosure under the freedom of information act, 1976 PA 442, MCL
24 15.231 to 15.246, and shall not be disclosed by the department
25 except as required by court order.

26 (e) Problems encountered during the program year and
27 recommended changes to the program for the upcoming program year.

28 Sec. 17311f. (1) Beginning with program year 2024, any of the
29 following may function as a collector after submitting a written

1 notice to the clearinghouse:

2 (a) A county.

3 (b) A municipality with a population greater than 10,000.

4 (c) A group of municipalities with a total population of
5 greater than 5,000 located in a single county.

6 (d) A solid waste management authority.

7 (e) A regional planning agency.

8 (f) A conservation district.

9 (2) A written notice under subsection (1) shall be on a form
10 provided by the clearinghouse. The notice shall include each
11 proposed collection site and a description of the collection
12 operations. Preference shall be given to collection sites operated
13 by experienced collectors that have previous experience with the
14 collection of covered electronic devices.

15 (3) Beginning in 2024, each manufacturer program for a program
16 year must include, at a minimum, the number of program collection
17 sites assigned to the manufacturer by the clearinghouse as part of
18 the manufacturer's recycling obligation, based upon the following
19 collection convenience standard:

20 (a) For each county with a government entity that has elected
21 to participate in the manufacturer's program as a collector under
22 subsection (1), the following number of collection sites based on
23 the population density per square mile of the entire county:

24 (i) 1, for a density of less than 250.

25 (ii) 2, for a density of 250 or more but less than 500.

26 (iii) 3, for a density of 500 or more but less than 750.

27 (iv) 4, for a density of 750 or more but less than 1,000.

28 (v) 5, for a density of 1,000 or more but less than 5,000.

29 (vi) 15, for a density of 5,000 or more.

1 (b) If a municipality with a population of more than 500,000
2 elects to participate in a manufacturer's program for a program
3 year, the program shall provide 5 additional collection sites for
4 the program year to be located in that municipality, and the
5 collection sites required under subdivision (a)(vi) shall be located
6 outside of the municipality.

7 (4) A collection site operated by a local government, vendor,
8 charity, or other entity is eligible for consideration as a program
9 collection site.

10 (5) For counties with a population density less than 500 per
11 square mile, collection events may be held in lieu of maintaining
12 permanent program collection sites if the events are efficient and
13 effective at providing collection opportunities for the residents
14 of those areas.

15 (6) Notwithstanding subsection (3), if the operator of a
16 program collection site elects to register with the clearinghouse,
17 the operator may enter into a written agreement with a manufacturer
18 or manufacturer group to do any of the following:

19 (a) Increase or decrease the number of program collection
20 sites in the county or municipality for the program year.

21 (b) Substitute a program collection site in the county or
22 municipality with 1 or more 1-day adequately supported collection
23 events.

24 (c) Substitute the location of a program collection site in
25 the county or municipality for the program year with another
26 location.

27 (d) Substitute the location of a 1-day collection event in the
28 county or municipality with another location.

29 (7) The manufacturer or manufacturer group shall submit

1 changes in the number or location of program collection sites under
2 subsection (6) to the department in writing and post the changes on
3 the individual manufacturer's or manufacturer group's website.

4 (8) The department and the clearinghouse shall host 1 or more
5 annual promotional meetings to educate potential program
6 participants about the benefits of the program and how to
7 participate.

8 Sec. 17311h. The clearinghouse shall allocate to each
9 registered manufacturer or its manufacturer group the
10 manufacturer's obligation to arrange for pickup, transportation,
11 and recycling of CEDs from program collection sites. When
12 allocating obligations under this section, the clearinghouse shall
13 do all of the following:

14 (a) Allocate to each current EFD manufacturer its recycling
15 obligation per EFD type and require the EFD manufacturer or its
16 manufacturer group to pick up each EFD type that the manufacturer
17 currently markets and sells in this state.

18 (b) Allocate to each current CED manufacturer its recycling
19 obligation per CED category, excluding EFDs, and require the
20 manufacturer or its manufacturer group to pick up each CED
21 category, excluding EFDs that the manufacturer currently markets
22 and sells in this state.

23 (c) Take into account collection site relationships already in
24 existence between collectors and manufacturers or manufacturer
25 groups.

26 (d) Take into account both urban and rural areas in the
27 allocation of program collection sites to manufacturers.

28 (e) To the extent practical, assign collection obligations so
29 as to enable each manufacturer to collect a volume of CEDs

1 equivalent to its market share.

2 Sec. 17311j. (1) Two or more manufacturers may enter into an
3 agreement to form a manufacturer group to fulfill the
4 manufacturers' obligations under this part. The manufacturer group
5 shall act as the representative of the manufacturers with which it
6 has entered such an agreement.

7 (2) A manufacturer group shall receive eco fee revenue
8 disbursements from the clearinghouse on behalf of the member
9 manufacturers.

10 (3) A manufacturer group is solely responsible for disbursing
11 eco fee revenue to member manufacturers pursuant to the agreement
12 under subsection (1). If an individual manufacturer is a member of
13 a manufacturer group, the clearinghouse is not liable to the
14 individual manufacturer, to the extent the clearinghouse timely
15 disburses the correct amount of eco fee revenue to the manufacturer
16 group.

17 (4) A manufacturer group may contract for service in
18 geographic areas not served by programs of member manufacturers to
19 fulfill the obligations of member manufacturers for the areas.

20 (5) The clearinghouse may conduct an audit of a manufacturer
21 or manufacturer group to ensure that it has implemented programs in
22 accordance with the stewardship plan and is meeting its collection
23 obligation in each program year. An audit shall meet all of the
24 following requirements:

25 (a) Be conducted by independent third-party auditors in
26 compliance with generally accepted auditing practices.

27 (b) Be limited in scope to determining whether eco fees have
28 been properly collected on all sales of CEDs of the manufacturer or
29 manufacturer group to purchasers in this state during the 3-year

1 **period preceding the date on which the clearinghouse notifies the**
 2 **manufacturer of manufacturer group of the audit.**

3 Sec. 17313. (1) The electronic waste advisory council is
 4 created within the ~~legislative branch of state government.~~

5 **department's material management division.** The council shall
 6 consist of the following members:

7 (a) Four individuals appointed by the senate majority leader
 8 as follows:

9 (i) One individual representing ~~covered video display~~ **eco fee**
 10 device manufacturers.

11 (ii) One individual representing recyclers of ~~covered~~ computers
 12 or ~~covered video display~~ **eco fee** devices.

13 (iii) One individual representing a trade association of
 14 computer manufacturers and ~~video display~~ **eco fee** device
 15 manufacturers.

16 (iv) One individual who is a member of the senate.

17 (b) Four individuals appointed by the speaker of the house of
 18 representatives as follows:

19 (i) One individual representing ~~covered~~ computer manufacturers.

20 (ii) One individual representing retailers of ~~covered~~ computers
 21 or ~~covered video display~~ **eco fee** devices.

22 (iii) One individual representing an agency responsible for a
 23 countywide recycling ~~program.~~ **initiative.**

24 (iv) One individual who is a member of the house of
 25 representatives.

26 (c) Two individuals appointed by the governor as follows:

27 (i) One individual representing a statewide conservation
 28 organization.

29 (ii) One individual representing the department.

(2) The appointments to the council under subsection (1) shall be made not later than 30 days after the effective date of the amendatory act that added ~~this~~ section **17311j**.

(3) A member of the council shall serve for the life of the council. If a vacancy occurs on the council, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. The appointing official may remove a member of the council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(4) The council member who is a member of the senate and the council member who is a member of the house of representatives shall serve as co-chairs of the council. The first meeting of the council shall be called by the co-chairs **and occur not more than 90 days after the effective date of the amendatory act that added section 17311j**. At the first meeting, the council shall elect from among its members any other officers that it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of a co-chair or if requested by 2 or more members.

(5) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. A **vote in favor by a** majority of the members present and serving ~~are-is~~ required for ~~official-any~~ action of the council.

(6) The **council shall conduct its** business ~~that the council may perform shall be conducted at a public meeting of the council held~~ in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing **that is** prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act,

1 1976 PA 442, MCL 15.231 to 15.246.

2 (7) Members of the council shall serve without compensation.
3 However, the member of the council representing the department
4 shall serve without additional compensation.

5 (8) Within 2 years after the effective date of the amendatory
6 act that added section 17311j, the council shall submit a report to
7 the governor and the legislature recommending whether CEDs should
8 be added to the items specified in section 11514(2), (3), or (4).

9 (9) This section is repealed 90 days after the report is due
10 under subsection (8).

11 ~~(8) By April 1, 2012, the council shall submit a report to the~~
12 ~~governor, the department, and the standing committees of the~~
13 ~~legislature with jurisdiction over issues primarily pertaining to~~
14 ~~natural resources and the environment. The report shall evaluate~~
15 ~~the program under this part and make recommendations to improve the~~
16 ~~recycling of covered electronic devices. The report shall evaluate~~
17 ~~all of the following in light of the policies and objectives set~~
18 ~~forth in section 11514:~~

19 ~~(a) Whether a manufacturer's market share should be used to~~
20 ~~determine the amount of video display devices required to be~~
21 ~~recycled annually by the manufacturer.~~

22 ~~(b) Whether a manufacturer with a takeback program that~~
23 ~~recycles electronic waste at a higher rate than provided for in~~
24 ~~this part should be granted credits and, if so, the life of the~~
25 ~~credits, whether the credits would be transferable, and how the~~
26 ~~credit system should otherwise operate.~~

27 ~~(c) Whether the nonbinding target for manufacturers recycling~~
28 ~~covered video display devices under section 17311 should be~~
29 ~~increased or decreased and whether the target should be made~~

1 mandatory.

2 ~~(d) What items should be included in a mandatory takeback~~
3 ~~program and, if new items are recommended, what the recycling rates~~
4 ~~should be for those new items.~~

5 ~~(e) Whether and how a manufacturer should be sanctioned for~~
6 ~~failing to meet the requirements of this part.~~

7 ~~(f) Whether funding for the administration of this part is~~
8 ~~appropriate or needs to be increased or decreased.~~

9 ~~(g) Whether a program should be developed to recognize~~
10 ~~manufacturers that implement an expanded recycling program for~~
11 ~~additional products such as printers or recycles electronic waste~~
12 ~~at a higher rate than provided for in this part.~~

13 ~~(h) Whether a system should be developed to collect covered~~
14 ~~electronic devices that are otherwise not collected by a~~
15 ~~manufacturer.~~

16 ~~(i) Whether additional recycling data, such as the amount of~~
17 ~~covered electronic devices collected by collectors, should be~~
18 ~~collected and, if so, how.~~

19 ~~(j) Whether a program should be developed and funding should~~
20 ~~be obtained for grants to expand recycling and recovery programs~~
21 ~~for covered electronic devices and to provide consumer education~~
22 ~~related to the programs.~~

23 ~~(k) Whether a disposal ban for covered electronic devices is~~
24 ~~appropriate.~~

25 ~~(9) The council is dissolved effective July 1, 2012.~~

26 **Sec. 17313b. (1) By 2024, the department shall determine a**
27 **manufacturer's recycling share by EFD type as delineated by the**
28 **department and by CED category using the formula $R = A/T(S)$ to**
29 **which the following apply:**

1 (a) R = recycling share for the given device type assigned to
2 the manufacturer.

3 (b) A = pounds of each CED marketed and sold by a
4 manufacturer.

5 (c) T = total pounds of all CEDs marketed and sold by all
6 manufacturers.

7 (d) S = return share of CEDs, which means the percentage, by
8 weight, of the CEDs collected by the manufacturer divided by the
9 weight of all CEDs collected by all manufacturers, as determined by
10 the clearinghouse using the actual weight collected at program
11 collection sites in the preceding year.

12 (2) In calculating the recycling shares of manufacturers, the
13 department shall reduce market shares if any of the manufacturer's
14 CEDs sold into this state and reported to the department in the
15 preceding program year under section 17313f are determined to
16 contain a minimum of 10% postconsumer recycled content. The
17 determination shall be made by an independent third-party
18 accreditation firm appearing on a list of such firms to be prepared
19 by the clearinghouse. In the formula, the department shall reduce
20 the number of pounds of CEDs marketed and sold by a manufacturer by
21 the equivalent weight of the postconsumer recycled content, but not
22 by more than 50%. To receive a reduction under this subsection, the
23 manufacturer must submit to the department with the manufacturer's
24 registration under section 17303 documentation that verifies the
25 manufacturer has achieved and maintained third-party accreditation.

26 Sec. 17313d. (1) At least 90 days before the beginning of a
27 program year, each manufacturer acting individually or through a
28 manufacturer group shall submit to the clearinghouse a manufacturer
29 plan on the form agreed to by the clearinghouse and the department.

1 A manufacturer or manufacturer group may also submit a proposed new
2 manufacturer plan to the clearinghouse before the completion of the
3 current program period with the consent of the department.

4 (2) A manufacturer plan shall contain the following
5 information:

6 (a) Contact information for the individual and the entity
7 submitting the manufacturer plan, a list of all CED manufacturers
8 or brand owners participating in the program, and the brands
9 covered by the manufacturer plan.

10 (b) If the manufacturer markets and sells EFDs in this state,
11 all of the following:

12 (i) The types of EFDs marketed and sold in this state.

13 (ii) The manufacturer's acknowledgement of its obligation to
14 collect and recycle EFDs of a similar type to those identified
15 under subparagraph (i).

16 (c) If the manufacturer does not market and sell EFDs in this
17 state, but intends to voluntarily collect and recycle EFDs, the
18 types of EFDs the manufacturer intends to voluntarily collect and
19 recycle.

20 (d) If a manufacturer is required to identify types of EFDs
21 under subdivision (b) or (c), both of the following:

22 (i) A description of the methods by which the identified types
23 of EFDs will be collected in all areas in this state, in compliance
24 with the collection convenience standard.

25 (ii) An explanation of how the collection system will be
26 convenient and adequate for residents in both urban and rural areas
27 on an ongoing basis.

28 (e) The names and locations of program collection sites,
29 consolidators, and recyclers that will manage the collected

1 material.

2 (f) A description of how components will be safely and
3 securely transported, tracked, and handled from collection through
4 final recycling and processing.

5 (g) A description of the methods that will be used to recycle
6 CEDs.

7 (h) Evidence of adequate insurance and financial assurance
8 that may be required by collectors, consolidators, or recyclers for
9 collection, handling, and disposal operations.

10 (i) The number of the recyclers and consolidators that will be
11 used by the manufacturer or manufacturer group that are Michigan-
12 based companies.

13 (j) Five-year performance goals, including an estimate of the
14 percentage of CEDs and EFDs that will be collected during each of
15 the first 5 years of the program.

16 (k) A commitment to the reuse and refurbishing of CEDs in
17 preference to recycling and disposal of CEDs.

18 (3) The clearinghouse shall aggregate manufacturer plans and
19 submit them in a proposed stewardship plan to the department for
20 review and approval at least 60 days before the beginning of the
21 program year.

22 (4) Within 45 days after receipt of a proposed stewardship
23 plan under subsection (3), the department shall review and approve
24 or reject the proposed stewardship plan and provide notice under
25 subsection (5). The department shall approve the proposed
26 stewardship plan if it meets the requirements of subsection (2).

27 (5) If the department approves the proposed stewardship plan,
28 the department shall notify the clearinghouse and the registered
29 CED manufacturers. If the department rejects the proposed

1 stewardship plan, in whole or in part, the department shall notify
2 the clearinghouse and provide the reasons for the rejection. Within
3 30 days after receipt of the department's rejection, the
4 manufacturers or manufacturer groups may revise the proposed
5 stewardship plan and resubmit it to the clearinghouse. Within 30
6 days after receipt of the revised proposed stewardship plan, the
7 clearinghouse shall submit it to the department for processing
8 under subsection (4) and this subsection.

9 (6) Manufacturers or manufacturer groups operating under the
10 stewardship plan shall do all of the following:

11 (a) Ensure availability of collection and recycling
12 infrastructure in all areas of this state.

13 (b) Track and measure collection and recycling.

14 (c) Develop and provide guidance to all participants in the
15 program.

16 (d) Develop best management practices for program collection
17 sites.

18 (e) Document that the program covers the cost of the
19 collection and recycling of the covered devices that are managed
20 under the stewardship plan.

21 (f) Indicate the steps or actions that the program will take
22 to reduce the generation of greenhouse gases and reduce the
23 program's impacts on the environment.

24 (7) With the consent of the department, a manufacturer or
25 manufacturer group operating under the stewardship plan may submit
26 changes to the clearinghouse before the completion of the current
27 program period. The clearinghouse shall revise and submit the
28 stewardship plan to the department for review and approval.

29 Sec. 17313f. (1) Each collector shall register with the

1 department on a form provided by the department. The registration
2 form provided by the department shall require the collector to
3 provide the address of each location at which the collector accepts
4 CEDs. A collector shall submit an initial collector registration
5 within 90 days after the effective date of the amendatory act that
6 added this section and subsequent registrations by January 1 of
7 each program year.

8 (2) The department shall grant a collector's registration
9 after the application has been determined to be administratively
10 complete. However, the department shall deny the registration if
11 the collector, or any employee or officer of the collector, has a
12 history of any of the following:

13 (a) Repeated violations of federal, state, or local laws
14 related to the collection, recycling, or other management of CEDs.

15 (b) Conviction in this state or another state of any crime
16 that is a felony under the laws of this state.

17 (c) Conviction of a felony in a federal court.

18 (d) Conviction in this state, another state, or a federal
19 court of forgery, official misconduct, bribery, perjury, or
20 knowingly providing false information under any environmental law.

21 (e) Gross carelessness or incompetence in handling, storing,
22 processing, transporting, disposing of, or otherwise managing CEDs.

23 (3) The department shall submit to the clearinghouse and post
24 on its publicly accessible website a list of all registered
25 collectors, including registered manufacturers and recyclers acting
26 as collectors. Manufacturers and recyclers acting as collectors
27 shall so indicate on their registration with the department.

28 (4) By March 1 of each program year, each collector that
29 operates a program collection site or 1-day collection event shall

1 report, to the department and to the individual manufacturer or
2 manufacturer group, the total weight, by CED category, of CEDs
3 transported from program collection sites or 1-day collection
4 events during the preceding program year.

5 (5) Subject to subsection (11)(a), CEDs shall be accepted at a
6 program collection site or 1-day collection event.

7 (6) CEDs shall be managed by collectors as follows:

8 (a) Kept separate from other material.

9 (b) Packaged in a manner to prevent breakage.

10 (c) Loaded onto pallets and secured with plastic wrap or in
11 pallet-sized bulk containers before shipping.

12 (d) On average, per program collection site, weigh 18,000
13 pounds per shipment. This subdivision does not apply to CEDs
14 collected during 1-day or 2-day collection events.

15 (7) If a collector violates subsection (6)(d), the recycler
16 may charge the collector a prorated charge on the shortfall in
17 weight, not to exceed \$600.00.

18 (8) A collector shall sort CEDs into the following categories:

19 (a) Computer monitors and televisions containing a CRT.

20 (b) Computer monitors and televisions containing a flat panel
21 or other type of non-CRT display.

22 (c) Desktop computers, laptop computers, tablets, and computer
23 accessories.

24 (d) Printers, scanners, and facsimile machines.

25 (e) All other CEDs.

26 (f) An electronic device that is not part of the individual
27 manufacturer or manufacturer group plan, that the collector has
28 arranged to have picked up with CEDs, and for which a financial
29 arrangement has been made to cover the recycling costs outside of

1 the manufacturer's or manufacturer group's program.

2 (9) Containers holding the CEDs must be structurally sound for
3 transportation and meet any applicable requirements of the United
4 States Department of Transportation and the state transportation
5 department.

6 (10) Each shipment of CEDs from a program collection site or
7 1-day collection event shall include a collector-prepared bill of
8 lading or similar manifest that describes the origin of the
9 shipment and the number of pallets or bulk containers of CEDs in
10 the shipment.

11 (11) A collector that operates a program collection site or 1-
12 day collection event during a program year shall not do any of the
13 following:

14 (a) Refuse to accept any CED that is delivered to the program
15 collection site or 1-day collection event during the program year.
16 However, the collector is not required to accept, at the program
17 collection site or 1-day collection event, more than 7 CEDs from a
18 person at 1 time.

19 (b) Charge a fee to a consumer to collect or recycle a CED
20 unless a financial incentive, such as a coupon or rebate, of equal
21 or greater value is provided to the consumer.

22 (c) Scrap, salvage, dismantle, or otherwise disassemble any
23 CED collected at a program collection site or 1-day collection
24 event unless approved by a manufacturer group or manufacturer.

25 (d) Deliver to a manufacturer or manufacturer group, through
26 its recycler, any CED other than a CED collected at a program
27 collection site or 1-day collection event.

28 (e) Deliver to a person other than the manufacturer or
29 manufacturer group a CED collected at a program collection site or

1 1-day collection event.

2 (f) Charge fees to a manufacturer or manufacturer group or its
3 contracted transportation or recycler vendors.

4 (12) This part does not prohibit a person from acting as a
5 collector independent of a manufacturer or manufacturer group.

6 (13) The department and the clearinghouse shall collaborate to
7 educate collectors about compliance with best practices and
8 effective means to reduce their operating costs under this part.

9 Sec. 17313h. (1) The department shall administer and enforce
10 this part.

11 (2) The department may during normal business hours inspect
12 the operations of a collector to assess compliance with this part.

13 Sec. 17313j. (1) By March 1, 2025, and each year thereafter,
14 each manufacturer group or individual manufacturer shall prepare
15 and submit to the clearinghouse and post on its publicly accessible
16 website a report that includes all of the following:

17 (a) The total weight of CEDs collected by the individual
18 manufacturer or manufacturer group under the stewardship plan.

19 (b) The total weight of each type of CED as identified in
20 section 17313f(8) collected at each collection site serviced.

21 (c) The percent of the total weight collected from Michigan
22 locations that was recycled by Michigan-based registered recyclers.

23 (d) Recommendations, if any, for changes to the list of CEDs.

24 (2) By March 1, 2025, and each year thereafter, the
25 clearinghouse shall prepare and submit to the department and post
26 on the clearinghouse's publicly accessible website a report that
27 includes both of the following:

28 (a) With respect to the preceding program year, all of the
29 following:

1 (i) The total sum of eco fees that were required to be remitted
2 to the clearinghouse by retailers, including any amounts not
3 remitted.

4 (ii) The total amount of eco fee revenue disbursed to
5 manufacturers or manufacturer groups.

6 (iii) The total weight of CEDs collected under the stewardship
7 plan.

8 (iv) The total weight of each type of CED as identified in
9 section 17313f(8) collected at each site serviced.

10 (b) Recommendations, if any, for changes to the list of CEDs
11 or CED categories.

12 (3) By March 1, 2025, and each year thereafter, the department
13 shall prepare and post on its publicly accessible website a report
14 that includes all of the following:

15 (a) The total weight of CEDs collected under this part during
16 the preceding program year.

17 (b) The total weight of EFDs collected under this part during
18 the preceding program year.

19 (c) A list of all of the individual manufacturers and
20 manufacturer groups that marketed and sold CEDs in this state
21 during the preceding program year.

22 (d) The total weight of each type of CED as identified in
23 section 17313f(8) collected in the program.

24 (e) Recommendations, if any, for changes to the lists of CEDs,
25 CED categories, or EFDs.

26 (f) An assessment of the adequacy of the fees under section
27 17303 and any recommendation to modify those fees.

28 (g) An assessment of the adequacy of the fees under section
29 17317 and any recommendation to modify those fees. The information

1 required under this subdivision need be included only in reports
2 issued in odd-numbered years.

3 (h) Any recommendations to modify other portions of the
4 program.

5 (i) The actions that the manufacturer groups or individual
6 manufacturers took to reduce the generation of greenhouse gases and
7 other negative impacts on the environment.

8 Sec. 17317. (1) Within 30 days after the end of each ~~state~~
9 ~~fiscal~~-**calendar** year, a person who engages in the business of
10 recycling covered electronic devices **collected in this state** shall
11 register with the department on a form provided by the department.
12 ~~A~~-**The** registration expires 30 days after the end of the ~~state~~
13 ~~fiscal~~-**calendar** year. ~~in which the registration is required to be~~
14 ~~filed.~~ A recycler who has not already filed a registration under
15 this part shall submit a registration within 10 business days after
16 the recycler begins to recycle covered electronic devices.

17 (2) A registration under subsection (1) shall include all of
18 the following:

19 (a) The name, address, telephone number, and location of all
20 recycling facilities that are under the direct control of the
21 recycler, are located in this state, and may receive covered
22 electronic devices.

23 (b) A certification by the recycler that the recycler
24 substantially meets the requirements of section 17315.

25 (3) A recycler of covered electronic devices shall report the
26 total weight of covered electronic devices recycled during the
27 ~~previous~~-**preceding** ~~state fiscal~~-**calendar** year. The recycler shall
28 keep a written log that records the weight of ~~covered video display~~
29 **eco fee** devices and the total weight of ~~covered~~ computers delivered

1 to the recycler and identified as such on receipt. The total weight
2 reported in the registration shall be based on this log.

3 (4) A recycler's registration is effective upon receipt by the
4 department if the registration is administratively complete.

5 (5) If a recycler's registration does not meet the
6 requirements of this section and any rules promulgated under this
7 part, the department shall notify the recycler of the deficiency.
8 If the recycler fails to correct the deficiency within 60 days
9 after notice is sent by the department, the department may deny or
10 revoke the recycler's registration, after providing an opportunity
11 for a contested case hearing under the administrative procedures
12 act of 1969, 1969 PA 306, MCL 24.201 to 24.328. **However, the**
13 **department shall deny the registration if the recycler, or any**
14 **employee or officer of the recycler, has a history of any of the**
15 **following:**

16 (a) Repeated violations of federal, state, or local laws
17 related to the collection, recycling, or other management of CEDs.

18 (b) Conviction in this state or another state of any crime
19 that is a felony under the laws of this state.

20 (c) Conviction of a felony in a federal court.

21 (d) Conviction in this state, another state, or a federal
22 court of forgery, official misconduct, bribery, perjury, or
23 knowingly providing false information under any environmental law.

24 (e) Gross carelessness or incompetence in handling, storing,
25 processing, transporting, disposing of, or otherwise managing CEDs.

26 (6) ~~Until October 1, 2023,~~ **January 1, 2030**, a recycler's
27 registration under subsection (1) shall be accompanied by an annual
28 fee of ~~\$2,000.00.~~ **\$500.00. However, if the recycler is certified**
29 **under a standard described in section 17319(c), the fee is \$250.00.**

(7) Revenue from recyclers' registration fees collected under this section shall be deposited in the ~~electronic waste recycling fund created in section 17327.~~**fund.**

(8) Submitting a false registration under subsection (1) is a violation of this part.

~~(9) Not later than October 1, 2011 and every 2 years after that date, the department shall submit a report to the secretary of the senate and to the clerk of the house of representatives that assesses the adequacy of the fees under this section and any departmental recommendation to modify those fees.~~

Sec. 17319. A recycler shall comply with all of the following:

(a) Employ industry-accepted procedures substantially equivalent to those specified by the United States ~~department of defense~~**Department of Defense** for the destruction or sanitization of data on hard drives and other data storage devices.

(b) Maintain a documented environmental, health, and safety management system that may be audited and is compliant with or equivalent to ISO 14001.

(c) If the recycler participates in the program in association with a manufacturer or manufacturer group, maintain certification for an environmentally sound management standard by a third-party certification body accredited by the ANSI-ASQ National Accreditation Board.

~~(d) (e)~~ Maintain records identifying all persons to whom the recycler provided electronic devices or materials derived from electronic devices for the purpose of conducting additional recycling and the weight and volume of material provided to each of those persons.

(e) ~~(d)~~ Not use state or federal prison labor to process

covered electronic devices or transact with a third party that uses or subcontracts for the use of prison labor.

Sec. 17321. After April 1, 2012, the department, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may promulgate rules for the purposes of sections 17303 and 17315.

Sec. 17323. **(1)** Management of covered electronic devices consistent with this part is not considered disposal for purposes of section ~~11538(6)~~. **11538(7)**.

(2) To the extent allowed under federal law, a CED that is being collected for recycling or reuse, that is being recycled, or that is being processed for reuse is not considered to be hazardous waste, household waste, or solid waste.

Sec. 17325. (1) The department shall administer and enforce this part to the extent that funds are appropriated for that purpose.

~~(2) The~~ **At least once every 2 years, the** department ~~may~~ **shall** inspect the operations of a recycler of covered electronic devices to assess compliance with **the** requirements of this part.

Sec. 17327. (1) The electronic waste recycling fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

~~(4) The department of environmental quality shall be the~~ administrator of the fund for auditing purposes.

1 (5) Money from the fund shall be expended, upon appropriation,
2 **only** for the ~~administrative~~ **following**:

3 **(a) Administrative** expenses of the department in implementing
4 this part.

5 **(b) Grants under section 17328.**

6 Sec. 17328. The department shall award grants to support the
7 collection of electronics in rural areas of this state.

8 Sec. 17335. (1) Manufacturers and manufacturer groups acting
9 in compliance with this part may negotiate with, enter into
10 contracts with, or conduct business with each other and with any
11 other entity developing, implementing, operating, or participating
12 in or performing any other activity directly related to a program,
13 and the manufacturer, clearinghouse, and any entity developing,
14 implementing, operating, or participating in or performing any
15 other activity related to a program are not subject to damages,
16 liability, or scrutiny under federal antitrust law regardless of
17 the effects of their actions on competition.

18 (2) The supervisory activities described in this part are
19 sufficient to confirm that activities of the manufacturers,
20 manufacturer group, and any entity developing, implementing,
21 operating, participating in, or performing any other activities
22 related to a stewardship program are authorized and actively
23 supervised by this state.