

112TH CONGRESS
1ST SESSION

H. R. 2284

To prohibit the export from the United States of certain electronic waste,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2011

Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mr. LATOURETTE, and Mr. TERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the export from the United States of certain
electronic waste, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Responsible Elec-
5 tronics Recycling Act”.

1 **SEC. 2. ELECTRONIC WASTE EXPORT RESTRICTIONS.**

2 (a) AMENDMENT.—Subtitle C of the Solid Waste
3 Disposal Act (42 U.S.C. 6921 et seq.) is amended by add-
4 ing at the end the following new section:

5 **“SEC. 3024. ELECTRONIC WASTE EXPORT RESTRICTIONS.**

6 “(a) IN GENERAL.—Beginning on the date that is 24
7 months after the date of enactment of this section, no per-
8 son shall export restricted electronic waste to a country
9 described in subsection (e).

10 “(b) DEFINITIONS; RULE OF CONSTRUCTION.—For
11 purposes of this section:

12 “(1) CONSIGNEE.—The term ‘consignee’ means
13 the ultimate repair, refurbishment, treatment, stor-
14 age, or disposal facility in a receiving country to
15 which restricted electronic waste will be sent.

16 “(2) COVERED ELECTRONIC EQUIPMENT.—

17 “(A) IN GENERAL.—The term ‘covered
18 electronic equipment’ means the following used
19 items, whole or in fragments, including parts,
20 components, or assemblies thereof:

21 “(i) Computers.

22 “(ii) Central processing units.

23 “(iii) Mobile computers (including
24 notebooks, netbooks, tablets, and e-book
25 readers).

1 “(iv) Computer accessories (including
2 input devices, webcams, speakers, data
3 storage devices, servers, and monitors).

4 “(v) Televisions (including portable
5 televisions and portable DVD players).

6 “(vi) Video display devices (including
7 digital picture frames and portable video
8 devices).

9 “(vii) Digital imaging devices (includ-
10 ing printers, copiers, facsimile machines,
11 image scanners, and multifunction ma-
12 chines).

13 “(viii) Television peripheral devices
14 (including video cassette recorders, DVD
15 players, video game systems, game control-
16 lers, signal converter boxes, and cable and
17 satellite receivers).

18 “(ix) Digital cameras and projectors.

19 “(x) Digital audio players.

20 “(xi) Telephones and electronic com-
21 munication equipment (including cellular
22 phones and wireless Internet communica-
23 tion devices).

1 “(xii) Networking devices (including
2 routers, network cards, modems, and
3 hubs).

4 “(xiii) Audio equipment.

5 “(xiv) Portable video game systems.

6 “(xv) Personal digital assistants.

7 “(xvi) Portable global positioning sys-
8 tem navigation devices.

9 “(xvii) Other used electronic products
10 the Administrator determines to be similar
11 under the procedures promulgated in ac-
12 cordance with subsection (c).

13 “(B) EXCEPTION.—The term ‘covered elec-
14 tronic equipment’ shall not include parts of a
15 motor vehicle.

16 “(3) RESTRICTED ELECTRONIC WASTE.—

17 “(A) IN GENERAL.—The term ‘restricted
18 electronic waste’ means—

19 “(i) items of covered electronic equip-
20 ment, that include, contain, are derived
21 from, or consist of—

22 “(I) cathode ray tubes or cathode
23 ray tube glass in any form, or cathode
24 ray tube phosphor residues or dusts in
25 any form;

- 1 “(II) a lamp or other device con-
2 taining mercury phosphor;
- 3 “(III) batteries containing—
- 4 “(aa) lead, cadmium, or
5 mercury; or
- 6 “(bb) organic solvents exhib-
7 iting the characteristic of ignit-
8 ability, as defined in section
9 261.21 of title 40, Code of Fed-
10 eral Regulations;
- 11 “(IV) switches or any other de-
12 vices containing mercury;
- 13 “(V) hexavalent chromium;
- 14 “(VI) other than batteries de-
15 scribed in subclause (III), items con-
16 taining antimony, barium, cadmium,
17 lead, thallium, beryllium, arsenic, or
18 selenium, including—
- 19 “(aa) circuit boards;
- 20 “(bb) printer drums;
- 21 “(cc) liquid crystal displays;
- 22 “(dd) flatscreen glass; and
- 23 “(ee) light emitting diodes;
- 24 or

1 “(ii) any other covered electronic
2 equipment, or materials derived therefrom,
3 containing any other toxic material, in ele-
4 mental or compound form, identified by
5 the Administrator under subsection (c).

6 “(B) EXCEPTIONS.—The term ‘restricted
7 electronic waste’ shall not apply to items de-
8 scribed in this subparagraph.

9 “(i) DE MINIMIS.—Covered electronic
10 equipment described in subparagraphs
11 (A)(i)(VI) and (A)(ii), including separated
12 component streams (such as plastics or
13 metals), which does not exceed de minimis
14 levels set by the Administrator under sub-
15 section (d).

16 “(ii) REUSE.—Covered electronic
17 equipment that is—

18 “(I) tested prior to export pursu-
19 ant to subsection (i)(1), and found to
20 be—

21 “(aa) functional for the pur-
22 pose for which the equipment
23 was designed, or, in the case of
24 multifunction devices, fully func-
25 tional for at least one of the pri-

1 mary purposes for which the
2 equipment was designed; and

3 “(bb) appropriately pack-
4 aged for shipment to prevent the
5 equipment from losing
6 functionality due to damage dur-
7 ing transit; and

8 “(II) appropriately labeled or
9 marked pursuant to subsection
10 (i)(3)(A).

11 “(iii) CERTAIN CATHODE RAY TUBE
12 GLASS.—Furnace-ready cathode ray tube
13 glass cullet, cleaned of all phosphors, to be
14 used as a direct feedstock in a lead-glass
15 manufacturing furnace without further
16 processing or preparation required other
17 than quality control, which the competent
18 authority in the importing country states
19 in writing is not waste.

20 “(iv) WARRANTIES.—Customer re-
21 turns, to point of sale, to original equip-
22 ment manufacturers, or to contractual
23 warranty collectors, of recently purchased
24 covered electronic equipment that is ei-
25 ther—

1 “(I) under original equipment
2 manufacturer warranty to customers;
3 or

4 “(II) under warranty from the
5 original design manufacturer or origi-
6 nal component manufacturer to the
7 original equipment manufacturer, or
8 otherwise returned by the original
9 purchaser of the electronic equipment,
10 due to defect or customer dissatisfac-
11 tion, and the manufacturer accepts
12 such returns for the purposes of re-
13 pair or replacement in order to return
14 to the customer a functional working
15 product or part of the same type and
16 model, except that products and parts
17 covered in this subparagraph shall not
18 include—

19 “(aa) covered electronic
20 equipment accepted for return
21 from individuals or businesses
22 under general takeback, recy-
23 cling, trade-in (for purposes of
24 recycling, disposal, sales pro-
25 motions, or obtaining credit for

1 product purchases or leases) or
2 buy-back programs, events, or
3 policies designed to collect used
4 or waste electronic equipment;

5 “(bb) covered electronic
6 equipment returned at the end of
7 leases to customers; or

8 “(cc) covered electronic
9 equipment collected by asset re-
10 covery programs.

11 “(v) RECALLS.—Recalls of covered
12 electronic equipment by an original equip-
13 ment manufacturer, original design manu-
14 facturer, or original component manufac-
15 turer where—

16 “(I) the covered electronic equip-
17 ment is subject to recall notice issued
18 by the Consumer Product Safety
19 Commission or other pertinent Fed-
20 eral authority;

21 “(II) the original design manu-
22 facturer or original component manu-
23 facturer requires the defective covered
24 electronic equipment to be physically

1 returned to that manufacturer as a
2 term of the warranty; and

3 “(III) any export of recalled cov-
4 ered electronic equipment is to a
5 country from whose competent au-
6 thority the Administrator receives
7 written consent pursuant to sub-
8 section (h)(2).

9 “(4) RULE OF CONSTRUCTION REGARDING
10 CHEMICAL ELEMENTS.—Any reference to a chemical
11 element shall be construed to be a reference to that
12 element in compound or elemental form.

13 “(c) ADDITIONAL COVERED ELECTRONIC EQUIP-
14 MENT AND RESTRICTED MATERIALS.—Not later than 18
15 months after the date of enactment of this section, the
16 Administrator shall, after notice and opportunity for pub-
17 lic comment, and after consultation with appropriate Fed-
18 eral and State agencies, develop and promulgate proce-
19 dures for identifying—

20 “(1) similar electronic equipment to add to the
21 list of covered electronic equipment under subsection
22 (b)(2); and

23 “(2) additional restricted toxic materials to add
24 to the list in subsection (b)(3)(A)(ii), the presence of

1 which in covered electronic equipment poses a poten-
2 tial hazard to human health or the environment.

3 Such procedures shall include a method for any interested
4 party to propose a new product or material for review by
5 the Administrator.

6 “(d) DE MINIMIS LEVELS.—Not later than 18
7 months after the date of enactment of this section, the
8 Administrator shall, after notice and opportunity for pub-
9 lic comment, and after consultation with appropriate Fed-
10 eral and State agencies, develop and promulgate proce-
11 dures for identifying de minimis levels for restricted elec-
12 tronic waste described in subparagraphs (A)(i)(VI) and
13 (A)(ii) of subsection (b)(3), below which such waste is de-
14 termined by the Administrator not to pose a potential haz-
15 ard to human health or the environment.

16 “(e) COUNTRIES TO WHICH PROHIBITION AP-
17 PLIES.—The countries referred to in subsection (a) are all
18 countries which are not—

19 “(1) members of the Organization for Economic
20 Co-operation and Development or the European
21 Union; or

22 “(2) Liechtenstein.

23 “(f) NOTICE TO ADMINISTRATOR.—No person shall
24 export covered electronic equipment described in sub-
25 section (b)(3)(B) to a country described in subsection (e)

1 unless, not later than 60 days before the initial export
2 shipment, such person transmits to the Administrator
3 written notice of an intended export. Such a notification
4 may cover export activities extending over a maximum of
5 12 months for the same type of covered electronic equip-
6 ment, exported to the same facility via the same transit
7 countries. The notification shall include the following in-
8 formation:

9 “(1) The name, mailing address, telephone
10 number, and if applicable, the Environmental Pro-
11 tection Agency or Resource Conservation and Recov-
12 ery Act identification number.

13 “(2) Documentation of licensing of the exporter
14 under subsection (g).

15 “(3) The name and site address of the con-
16 signee and any alternate consignee.

17 “(4) A statement from the exporter that in-
18 cludes—

19 “(A) a description of the type and total
20 quantity of covered electronic equipment that
21 will be exported to the consignee;

22 “(B) the estimated frequency or rate at
23 which such covered electronic equipment is to
24 be exported, and the period of time over which

1 such covered electronic equipment is to be ex-
2 ported;

3 “(C) all points of entry to and departure
4 from each country through which the covered
5 electronic equipment will pass in transit;

6 “(D) a description of the means by which
7 each shipment of the covered electronic equip-
8 ment will be transported, including the mode of
9 transportation and type or types of container;
10 and

11 “(E) a description of the manner in which
12 the covered electronic equipment will be treated,
13 stored, or disposed of in the receiving country.

14 “(5) A list of all transit countries through
15 which the covered electronic equipment will be trans-
16 ported, and a description of the approximate length
17 of time the covered electronic equipment will remain
18 in each country and the nature of its handling while
19 there.

20 “(g) LICENSE.—Covered electronic equipment may
21 only be exported to a country described in subsection (e)
22 under the exceptions to restricted electronic waste in sub-
23 section (b)(3)(B) by an entity licensed by the Adminis-
24 trator under regulations issued under subsection (i)(2).

1 “(h) ADDITIONAL EXPORT CONDITIONS FOR WAR-
2 WARRANTIES AND RECALLS.—

3 “(1) IN GENERAL.—No person shall export cov-
4 ered electronic equipment to a country described in
5 subsection (e) under the exceptions to restricted
6 electronic waste in subsections (b)(3)(B) (iv) or (v)
7 unless—

8 “(A) the export is made by an original
9 equipment manufacturer or its contractual
10 agent to the original design manufacturer or
11 original component manufacturer’s site of last
12 assembly, or to a company contracted to make
13 warranty repairs, for the purposes of business
14 credit to the original equipment manufacturer,
15 repair or refurbishment and subsequent reuse,
16 or replacement;

17 “(B) the original equipment manufacturer
18 has a presence and assets in the United States;
19 and

20 “(C) the person who exports the covered
21 electronic equipment—

22 “(i) keeps copies of normal business
23 records, such as contracts, demonstrating
24 that each shipment of exported covered
25 electronic equipment is intended for repair

1 or refurbishment and subsequent reuse, or
2 replacement, which documentation shall be
3 retained for a period of at least 3 years
4 after the date of export; and

5 “(ii) submits an annual report to the
6 Administrator on the amount and types of
7 waste resulting from the refurbishment or
8 replacement process, and how it was dis-
9 posed of or recycled, which shall include—

10 “(I) number and weight of units
11 of products returned by the original
12 equipment manufacturer for repair,
13 refurbishment, or replacement listed
14 by category and country of destina-
15 tion; and

16 “(II) the covered electronic
17 equipment, or materials derived there-
18 from, sent onward to further reuse,
19 disposal, or recycling following repair,
20 refurbishment, or replacement, listed
21 by weight, a description of the wastes,
22 and the ultimate country destination.

23 “(2) ACKNOWLEDGMENT OF CONSENT.—

24 “(A) REQUIREMENT.—No person shall ex-
25 port covered electronic equipment to a country

1 described in subsection (e) under the exceptions
2 to restricted electronic waste in subsections
3 (b)(3)(B) (iv) or (v) until the Administrator—

4 “(i) obtains the written consent of the
5 competent authority of the receiving coun-
6 try, and of each country through which the
7 covered electronic equipment will pass in
8 transit; and

9 “(ii) transmits to the exporter an Ac-
10 knowledgment of Consent reflecting receipt
11 of each country’s consent.

12 “(B) COUNTRY NOTIFICATION.—In co-
13 operation with other appropriate agencies, the
14 Administrator shall provide notification in writ-
15 ing of an intended export submitted under sub-
16 section (f) to the receiving country and any
17 transit countries.

18 “(C) CONSENT AND EXPORTER NOTIFICA-
19 TION.—When the receiving country and all
20 transit countries consent in writing to the re-
21 ceipt or transit of the covered electronic equip-
22 ment, the Administrator shall transmit an Ac-
23 knowledgment of Consent to the exporter. The
24 consent from a receiving or transit country may
25 be for a notice of multiple shipments or a speci-

1 fied duration as described in subsection (f). The
2 exporter shall attach a copy of the Acknowledg-
3 ment of Consent to the shipping papers or
4 equivalent documents to ensure that the Ac-
5 knowledgment of Consent accompanies the ship-
6 ment of covered electronic equipment.

7 “(3) WITHDRAWAL OF CONSENT.—Where the
8 receiving country or a transit country objects to re-
9 ceipt or transit of the covered electronic equipment,
10 or withdraws a prior consent, the Administrator
11 shall notify the exporter in writing.

12 “(i) REGULATIONS.—Not later than 18 months after
13 the date of enactment of this section, the Administrator
14 shall issue regulations for carrying out this section, includ-
15 ing—

16 “(1) testing requirements for covered electronic
17 equipment proposed to be exported under subsection
18 (b)(3)(B)(ii);

19 “(2) establishing a process for licensing entities
20 under subsection (g);

21 “(3) in consultation with the appropriate Fed-
22 eral agency or agencies, provisions for an efficient
23 export control regime which will allow for—

1 “(A) requiring a person exporting under
2 this section to use appropriate labeling or
3 marking, distinguishing among—

4 “(i) covered electronic equipment as
5 permitted under this section;

6 “(ii) restricted electronic waste de-
7 scribed in this section; and

8 “(iii) tested working covered electronic
9 equipment as permitted under this section;
10 and

11 “(B) enforcement mechanisms, tests, and
12 procedures in coordination with enforcement
13 procedures administered by other appropriate
14 Federal agencies; and

15 “(4) establishing a registry of violators, where-
16 by any person or entity found to be exporting re-
17 stricted electronic waste in violation of this section
18 shall be listed on a public registry on a website
19 maintained by the Administrator for a period of 5
20 years after each violation.

21 “(j) CIRCUIT BOARDS.—For the purposes of export
22 to Organization for Economic Co-operation and Develop-
23 ment member countries, circuit boards shall be subject to
24 the Amber Control Procedure as described in the Organi-

1 zation for Economic Co-operation and Development Con-
2 trol System for waste recovery.”.

3 (b) TABLE OF CONTENTS AMENDMENT.—The table
4 of contents for the Solid Waste Disposal Act is amended
5 by adding after the item relating to section 3023 the fol-
6 lowing new item:

“Sec 3024. Electronic waste export restrictions.”.

7 **SEC. 3. ENFORCEMENT.**

8 (a) CRIMINAL PENALTIES.—Section 3008(d) of the
9 Solid Waste Disposal Act (42 U.S.C. 6928(d)) is amend-
10 ed—

11 (1) by striking “or” at the end of paragraph
12 (6);

13 (2) by inserting “or” at the end of paragraph
14 (7)(B); and

15 (3) by inserting after paragraph (7) the fol-
16 lowing new paragraph:

17 “(8) knowingly exports restricted electronic
18 waste in violation of section 3024;”.

19 (b) INSPECTIONS.—Section 3007(a) of the Solid
20 Waste Disposal Act (42 U.S.C. 6927(a)) is amended—

21 (1) by inserting “or restricted electronic
22 wastes” after “or has handled hazardous wastes”;
23 and

1 (2) by inserting “or restricted electronic
2 wastes” after “or other place where hazardous
3 wastes”.

4 **SEC. 4. RARE EARTH MATERIALS RECYCLING RESEARCH**
5 **INITIATIVE.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) INITIATIVE.—The term “Initiative” means
11 the Rare Earth Materials Recycling Research Initia-
12 tive established under subsection (b).

13 (3) RARE EARTH MATERIAL.—The term “rare
14 earth material” means any of the following chemical
15 elements in any physical form or chemical combina-
16 tion:

17 (A) Scandium.

18 (B) Yttrium.

19 (C) Lanthanum.

20 (D) Cerium.

21 (E) Praseodymium.

22 (F) Neodymium.

23 (G) Promethium.

24 (H) Samarium.

25 (I) Europium.

1 (J) Gadolinium.

2 (K) Terbium.

3 (L) Dysprosium.

4 (M) Holmium.

5 (N) Erbium.

6 (O) Thulium.

7 (P) Ytterbium.

8 (Q) Lutetium.

9 (R) Other elements identified by the Sec-
10 retary as rare or in critical supply.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of Energy.

13 (b) ESTABLISHMENT.—Not later than 120 days after
14 the date of enactment of this Act, the Secretary, in con-
15 sultation with the Administrator and the heads of other
16 appropriate Federal agencies, shall establish the Rare
17 Earth Materials Recycling Research Initiative to assist in
18 and coordinate the development of research in the recy-
19 cling of rare earth materials found in electronic devices.

20 (c) GRANTS.—Under the Initiative, the Secretary
21 shall establish a competitive research application program
22 under which the Secretary shall provide grants to appli-
23 cants to conduct research on one or more of the following
24 activities:

1 (1) The safe removal, separation, and recycling
2 of rare earth material from electronics.

3 (2) Technology, component, and material design
4 of electronics more suitable for disassembly and re-
5 cycling of rare earth material.

6 (3) Collection, logistics, and reverse supply
7 chain optimization as related to recycling rare earth
8 materials from electronics.

9 (d) GRANT REQUIREMENTS.—The Secretary shall
10 issue requirements for applying for grants under the Ini-
11 tiative.

○