

## **Manufacturer Responsibilities**

### **Covered Device Recycling Act (Act 108) of 2010 (CDRA)**

The Covered Device Recycling Act (CDRA) addresses the sale, management and recycling of certain "covered" electronic devices. Covered devices include: **desktop computers, laptop computers, computer monitors, computer peripherals, televisions, tablets and e-readers**. Manufacturers of covered devices have several responsibilities under the CDRA.

*Manufacturer responsibilities apply to any manufacturer of covered computer or television devices that offers its covered devices for sale in the state. However, manufacturers of only computer peripherals are excluded from the responsibilities imposed by the CDRA.*

**Sales and Brand Labeling Responsibilities** - A manufacturer may not sell covered devices in Pennsylvania unless the devices are labeled with the manufacturer's brand, whether owned or licensed, and the manufacturer has registered the brand with the Department of Environmental Protection (DEP) and paid the \$5,000 registration fee.

A covered device manufacturer must register annually with DEP by **Jan. 1** in order to sell its covered devices in Pennsylvania.

#### **Registration -**

- Should be submitted to DEP by **Jan. 1** of each year. Initial registrations should be submitted prior to sales in Pennsylvania
- Requires the submission of a \$5,000 registration fee
- Includes a list of all brands, whether owned or licensed, used on the manufacturer's covered devices
- Includes the total weight of a manufacturer's covered devices sold nationally two years prior and its quotient of Pennsylvania sales

**Covered Device Collection, Transportation and Recycling Plans** - Individually, or as part of a group, a manufacturer must establish, conduct and manage a plan to collect, transport and recycle a quantity of covered devices for the entire calendar year. A completed Planning Form must be received and approved by DEP, and the plan must include:

- Methods used to collect covered devices, including the names and locations of collection sites
- The names, locations and certification status of directly utilized recyclers and the recycling processes they use
- A means to publicize collection opportunities, collection locations, and educate consumers, including a website or toll-free telephone number
- The intention of the manufacturer(s) to fulfill its requirements under this Act

DEP will review a submitted plan within 60 days of its receipt, and will then notify the manufacturer(s) of the plan's approval or rejection in writing. If the plan does not include all of the required information, the manufacturer(s) plan will not be approved. Manufacturer(s) have 30 days from receipt of DEP's notice to submit a revised plan for approval.

Manufacturers must submit their plan(s) to DEP by **Jan. 30**.

A manufacturer that did not meet their plan requirements shall include with their new plan a detailed narrative of changes demonstrating the process by which the manufacturer will increase the collection of covered devices.

**Manufacturer's Goals** - The obligated share or goal, in pounds, of covered devices to be collected from consumers in Pennsylvania in 2014 by Original Equipment Manufacturers (OEMs) should be greater or equal to 100 percent of the weight of products sold in 2012. Failure to collect and recycle the approved goal shall result in a fine.

If a manufacturer fails to comply with an approved plan for the program year, the manufacturer must submit payment to DEP by **March 15** of the following program year. The payment due shall be calculated by taking the unmet portion of the goal, in pounds, plus an additional 10 percent, and multiplying that number by \$2.

OEMs are solely responsible for maintaining and financing the recycling of materials from any on-going collection programs that have been approved by DEP as part of the OEM's plan, which covers the entire calendar year. This responsibility exists for the entire year, regardless of whether the OEM's goal has been met or exceeded. The goal is considered a minimum standard only.

**Annual Reporting** - A manufacturer or group of manufacturers that conducted a collection, transportation, and recycling program for covered devices in the previous year under an accepted plan **must submit an annual report to DEP by Jan. 30 of each year.**

Requirements of the report:

- Includes the approved goal as stipulated in the plan approval letter from DEP
- Includes the total weight of each manufacturer's covered devices sold nationally during the calendar year two years prior, and the calculated Pennsylvania sales (for example, the report that is due **Jan. 30, 2014**, must include sales data from 2012)
- Includes the weight of covered devices the manufacturer(s) collected from consumers in Pennsylvania during the previous calendar year (for example, the report due **Jan. 30, 2014**, must include 2013 collection data)

All sales data submitted by manufacturers is exempt from Right-To-Know disclosure.

**Penalties** - At the conclusion of each calendar year, if the total weight of covered devices collected by a manufacturer or group of manufacturers is less than the amount provided in the plan approval letter from DEP for that year, the manufacturer(s) must pay a penalty:

- Due to DEP by **March 15** of the following year
- Calculated by multiplying the unmet portion, in pounds, plus an additional 10 percent, times \$2

**Fee Prohibition** - No manufacturer or plan participant may charge a fee or cost to a consumer for the collection, transportation or recycling of a covered device, unless a financial incentive (e.g. coupon, rebate or other) of equal or greater value is provided to the consumer.

**Environmentally Sound Management Responsibilities** - Any covered devices collected by any collection program in Pennsylvania must be recycled in a manner that is in compliance with all applicable federal, state, and local laws, regulations and ordinances, and may not be exported for disposal in a manner that poses a significant risk to the public health or the environment. Manufacturers may not transfer any collected covered devices to an electronics recycling facility unless they can demonstrate to DEP that the facility has achieved and maintained one of the following certifications:

- Responsible Recycling (R2) Practices Standard Certification
- e-Stewards Certification
- An internationally accredited third-party environmental management standard for the safe and responsible handling of covered devices

If the recycling facility is located in Pennsylvania, the facility must also have obtained general permit #WMGR081 (regarding the processing and beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing) from DEP.

For more information on the CDRA, visit [www.dep.state.pa.us](http://www.dep.state.pa.us) (select 'Electronics Recycling' from the 'DEP Programs A - Z' menu), contact the **Recycling Hotline** at 800-346-4242 or contact:

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Bureau of Waste Management  
Division of Waste Minimization and Planning  
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