

111TH CONGRESS
1ST SESSION

H. R. 2595

To restrict certain exports of electronic waste.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. GENE GREEN of Texas (for himself, Mr. THOMPSON of California, Mrs. BONO MACK, Ms. JACKSON-LEE of Texas, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To restrict certain exports of electronic waste.

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. ELECTRONIC WASTE EXPORT RESTRICTIONS.**

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

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

8 “(a) IN GENERAL.—Beginning 12 months after the
9 date of enactment of this section, except as provided in
10 subsection (e) or (f), no person shall export any restricted
11 electronic waste to a country described in subsection (e).

1 “(b) DEFINITIONS.—

2 “(1) IN GENERAL.—For purposes of this sec-
3 tion—

4 “(A) the term ‘covered electronic equip-
5 ment’ means used personal computers, servers,
6 monitors, televisions, other video display prod-
7 ucts, printers, copiers, facsimile machines, video
8 cassette recorders, digital video disc players,
9 video game systems, digital audio players, per-
10 sonal digital assistants, telephones, image scan-
11 ners, and other used electronic products the Ad-
12 ministrator determines to be similar; and

13 “(B) the term ‘restricted electronic waste’
14 means items of covered electronic equipment,
15 whole or in fragments, that include, contain, or
16 consist of—

17 “(i) circuit boards, lamps, switches, or
18 other parts, components, assemblies, or
19 materials derived therefrom containing
20 mercury or polychlorinated biphenyls;

21 “(ii) circuit boards, lamps, switches,
22 or other parts, components, assemblies, or
23 materials derived therefrom containing—

24 “(I) antimony in concentrations
25 greater than 1.0 mg/L;

1 “(II) beryllium in concentrations
2 greater than .007 mg/L;

3 “(III) cadmium, in concentra-
4 tions greater than 1.0 mg/L;

5 “(IV) chromium in concentra-
6 tions greater than 5.0 mg/L; or

7 “(V) lead in concentrations
8 greater than 5.0 mg/L;

9 “(iii) circuit boards, lamps, switches,
10 or other parts, components, assemblies, or
11 materials derived therefrom containing any
12 other toxic material identified by the Ad-
13 ministrator under paragraph (2);

14 “(iv) cathode ray tubes or cathode ray
15 tube glass in any form; or

16 “(v) batteries containing lead, cad-
17 mium, mercury, or flammable organic sol-
18 vents.

19 “(2) ADDITIONAL RESTRICTED MATERIALS.—
20 The Administrator shall establish procedures for
21 identifying additional restricted materials, the pres-
22 ence of which in covered electronic equipment poses
23 a substantial hazard to human health or the environ-
24 ment at the end of the life of the equipment.

1 “(c) COUNTRIES TO WHICH PROHIBITION AP-
2 PLIES.—The countries referred to in subsection (a) are all
3 countries which are not—

4 “(1) members of the Organization for Economic
5 Cooperation and Development or the European
6 Union; or

7 “(2) Liechtenstein.

8 “(d) GENERAL EXCEPTIONS.—The prohibition under
9 this section shall not apply to—

10 “(1) the export of used electronic equipment or
11 parts, for use or reuse, if—

12 “(A) such export is to a country that the
13 Administrator finds under subsection (e) will
14 permit trade in such equipment or parts; and

15 “(B) such equipment or parts are tested
16 prior to export and found to be functional for
17 at least one of the primary purposes for which
18 the equipment or parts were designed, and are
19 being sold to a customer who will reuse such
20 equipment or parts without further repairs;

21 “(2) furnace-ready cathode ray tube glass
22 cullet, cleaned of all phosphors, to be used as a di-
23 rect feedstock in a lead-glass manufacturing furnace
24 without further processing or preparation required
25 other than quality control, which the competent au-

1 thority in the importing country has stated in writ-
2 ing is not waste;

3 “(3) returns of used electronic equipment under
4 warranty by consumers or other contractual war-
5 ranty collectors to the original equipment manufac-
6 turer or its contractual agent for purposes of war-
7 ranty repair or refurbishment; or

8 “(4) the export of used electronic equipment or
9 parts for repair or refurbishment in the importing
10 country, with the intention of subsequent reuse, if—

11 “(A) such export is to a country that the
12 Administrator finds under subsection (e) will
13 permit trade in such equipment or parts;

14 “(B) the export is made by an original
15 equipment manufacturer or its contractual
16 agent, or an entity that meets an independent
17 standard as identified by the Administrator;
18 and

19 “(C) the person who exports the equipment
20 or parts—

21 “(i) prior to shipment to any receiving
22 facility, submits an annual notification to
23 the Administrator, which includes—

24 “(I) a statement that the notifier
25 plans to export used electronic equip-

1 ment or parts for refurbishment or re-
2 pair with the intention of subsequent
3 reuse;

4 “(II) the notifier’s name, ad-
5 dress, and Environmental Protection
6 Agency ID number (if applicable);

7 “(III) the name and phone num-
8 ber of a contact person;

9 “(IV) the type of used electronic
10 equipment or parts that will be
11 shipped; and

12 “(V) the name, address, and con-
13 tact information of the receiving facil-
14 ity; and

15 “(ii) keeps copies of normal business
16 records, such as contracts, demonstrating
17 that each shipment of exported used elec-
18 tronic equipment or parts is intended for
19 repair or refurbishment and subsequent
20 reuse, which documentation shall be re-
21 tained for a period of at least 3 years after
22 the date the used electronic equipment or
23 parts were exported.

24 “(e) FOREIGN MARKETS.—Not later than 12 months
25 after the date of enactment of this section, and annually

1 thereafter, the Administrator shall identify for each coun-
2 try whether such country's laws and policies permit trade
3 in such equipment or parts, by requesting written con-
4 firmation from the competent authority of the importing
5 country.

6 “(f) REGULATIONS.—Not later than 12 months after
7 the date of enactment of this section, the Administrator
8 shall issue regulations for carrying out this section, includ-
9 ing—

10 “(1) testing requirements for verifying that
11 used covered electronic equipment or parts proposed
12 to be exported under this section are functional for
13 the purposes for which they were designed, including
14 requirements for proper packaging to prevent such
15 equipment or parts from losing functionality due to
16 damage during transit; and

17 “(2) in consultation with the appropriate Fed-
18 eral agency or agencies, provisions for an efficient
19 export control regime to identify exports covered by
20 this section and provide for enforcement in coordina-
21 tion with other enforcement procedures administered
22 by United States Customs and Border Protection.”.

23 (b) TABLE OF CONTENTS AMENDMENT.—The table
24 of contents for the Solid Waste Disposal Act is amended

1 by adding after the item relating to section 3023 the fol-
2 lowing new item:

“3024. Electronic waste export restrictions.”.

3 **SEC. 2. CRIMINAL PENALTIES.**

4 Section 3008(d) of the Solid Waste Disposal Act (42
5 U.S.C. 6928(d)) is amended—

6 (1) by striking “or” at the end of paragraph
7 (6);

8 (2) by inserting “or” at the end of paragraph
9 (7); and

10 (3) by inserting after paragraph (7) the fol-
11 lowing new paragraph:

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

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