

111TH CONGRESS  
1ST SESSION

# H. R. 2595

To restrict certain exports of electronic waste.

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## 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

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## 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 (c).

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 writing 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-

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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