

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 (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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