

Frequently Asked Questions
Environment Article, Title 9 Water, Ice and Sanitary Facilities,
Subtitle 17 Office of Recycling,
Part IV Statewide Electronics Recycling Program

The following answers are general in nature. Refer to the Statewide Electronics Recycling Program law for exact language.

Question 1 – What is the Statewide Electronics Recycling Program?

The Statewide Electronics Recycling Program is a Maryland law that became effective October 1, 2007. Revisions to the law, as set forth in House Bill 879, become effective October 1, 2012. The revised law requires a manufacturer of a covered electronic device to affix its products with a label that contains the name of the manufacturer or the manufacturer's brand label. It also requires a manufacturer of a covered electronic device to register with, and pay a registration fee to the Maryland Department of the Environment (the Department) if the manufacturer plans to sell or offer for sale to any person in the State a new covered electronic device.

Question 2 – What is a manufacturer?

A manufacturer means a person that is the brand owner of a covered electronic device sold or offered for sale in the State, by any means, including transactions conducted through sales outlets, catalogs, or the internet.

Question 3 – What is a covered electronic device?

A covered electronic device (CED) means a computer or video display device with a screen that is greater than 4 inches measured diagonally.

A CED does not include a video display device that is part of a motor vehicle or that is contained within a household appliance or commercial, industrial, or medical equipment (*e.g.*, video display device that is contained within a MRI machine, control panel, cash register, clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air-conditioner, dehumidifier, air purifier, etc.).

See Questions 5 and 6, for more details.

Question 4 – What is a computer?

A computer is defined as a desktop personal computer, a laptop computer, or a computer monitor. Computer does not include a personal digital assistant device or a computer peripheral device (*i.e.*, a mouse or other similar pointing device, a printer, or a detachable keyboard).

Question 5 – What is a video display device?

A video display device means an electronic device with an output surface that displays or is capable of displaying moving graphical images or visual representations of image sequences or pictures that show a number of quickly changing images on a screen to create the illusion of motion.

A video display device includes a device that is an integral part of the display and cannot easily be removed from the display by the consumer and that produces the moving image on the screen.

A video display device may use a cathode ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, or other image–projection technology (*e.g.* televisions, monitors, portable DVD players, etc.).

Question 6 – When does the revised Statewide Electronics Recycling Program go into effect?

The current version of the law went into effect on October 1, 2012, and affects all registrations for calendar year 2013 and beyond.

Question 7 – Who has to register?

A manufacturer that sells or offers for sale, at least 1 (one) CED in Maryland on or after January 1, 2013, must register.

Question 8 – When are registrations due?

Manufacturers must register with, and pay the registration fee to, the Department on or before March 1st, or they may not sell or offer for sale their CEDs in Maryland. The Department **recommends** that registrations be **submitted by February 1st** each year to allow for processing.

Question 9 – Is there a cost associated with registration?

Yes.

Initial registration is:

- \$10,000 for a manufacturer that sold at least 1,000 CEDs in Maryland in the prior year, and
- \$5,000 for a manufacturer that sold at least 100 but not more than 999 CEDs in the prior year.

In subsequent years the annual renewal registration fee for a manufacturer who has not implemented the Department-approved CED takeback program is:

- \$5,000 for a manufacturer that sold 100 or more CEDs in the prior year.

In subsequent years the annual renewal registration fee for a manufacturer that has implemented the Department-approved CED takeback program in the prior year is \$500 (*e.g.*, for a 2018 registration, the Department-approved CED takeback program must be operating in 2017).

There is no registration fee for a manufacturer that sold less than 100 CEDs in Maryland in the prior year. However, **all manufacturers must register whether they need to pay a registration fee or not.**

The registration fee must be paid annually by March 1st. Fees cover one calendar year and are not be prorated.

Question 10 – How to register with MDE?

Complete the Maryland Electronics Manufacturer Registration Form and mail the completed form and the required registration fee to:

**Maryland Department of the Environment
P.O. Box 1417
Baltimore, Maryland 21203-1417**

(Please include the following: “PCA 13719” and “AO 5671” in the memo field of the check)

If additional sheets are needed to supply details regarding the information requested on the registration form, please attach them to your registration form.

Registration fee can also be paid via electronic transfer. Email David Mrgich for details.

A manufacturer’s registration must include the total number of CEDs sold in the State in the prior year (sales data submitted on the manufacturer’s registration shall be treated as confidential and proprietary, and may not be disclosed except as otherwise required by law), including the types of CEDs sold and the brand names under which the CEDs were sold.

Question 11 – What constitutes a CED takeback program?

In order for a CED takeback program to be approved by MDE it **must be operating in the year prior to the registration year** (*e.g.*, A manufacturer must have a CED takeback program operating in 2017, if they wish to be eligible for the reduced renewal registration fee of \$500 when submitting a renewal registration for 2018).

A manufacturer’s CED takeback program must accept **ALL** of its products that fall under the scope of the Statewide Electronics Recycling Program.

A Manufacturer’s takeback program must be free to the returner of a CED and contain a method of returning a CED (*e.g.*, postage paid mailing packages, designated collection points throughout the State, etc.) for recycling, reuse, or refurbishing. A manufacturer may also contract with a recycler, local government, other manufacturer or any other person to manage the takeback of its products. Additionally, there must be a toll-free number or website address that provides information about the CED takeback program, including a detailed description of how a person may return a CED for recycling, refurbishing, or reuse.

Furthermore, a manufacturer must include educational and instructional materials relating to the destruction and sanitization of data from a CED:

- With each new CED sold or offered for sale in the State;
- On the manufacturer’s CED takeback program web site; or
- As information provided through the manufacturer’s CED takeback program toll-free number.

Question 12 – What happens if a manufacturer doesn't register?

A retailer may not sell or offer for sale to any person in the State a new CED manufactured by the manufacturer if the manufacturer has not registered and paid the required registration fee to the Department.

Manufacturers who fail to comply with the Statewide Electronics Recycling Program are subject to a civil penalty, not exceeding \$10,000, and an administrative penalty up to \$10,000 for each violation (each day a violation occurs is a separate violation), but not exceeding \$100,000.

Question 13 – What happens if a retailer sells a CED from an unregistered manufacturer?

Retailers who fail to comply with the Statewide Electronics Recycling Program are subject to a civil penalty, not exceeding \$10,000, and an administrative penalty up to \$10,000 for each violation (each day a violation occurs is a separate violation), but not exceeding \$100,000.

In addition, MDE may assess against any retailer that violates §9-1728.1(b) of the Statewide Electronics Recycling Program a fine up to \$1,000 for each violation, but not exceeding \$10,000 total.

Question 14 – My company purchases CEDs as defined under the Statewide Electronics Recycling Program from another company and uses this equipment in systems for sale under my company's brand name. Am I required to comply with Maryland law?

Yes. As the brand owner of the CED, you are required to comply if you plan on selling CEDs in Maryland. The company from whom you purchased the equipment would also be required to comply if they plan on selling CEDs in Maryland under their own brand name. The registration fee due will be based upon the number of CEDs sold in Maryland the previous year.

See Question 9, for more details.

Question 15 – My company is a manufacturer as defined by the law. However, my company only manufactures a small number of CEDs. Are we still required to register?

The law requires manufacturers that sell or offer for sale, at least 1 (one) CED in Maryland on or after January 1, 2013, to register. The registration fee due will be based upon the number of CEDs sold in Maryland the previous year.

See Question 9, for more details.

Question 16 – My company only sold 50 CEDs in Maryland during the last calendar year. Are we still required to register?

Yes. The law does not set a minimum number of CEDs that must be sold in Maryland for a manufacturer to be subject to the law. All manufacturers must register whether they need to pay a registration fee or not. There is no registration fee for a manufacturer that sold less than 100 CEDs in Maryland in the prior year. A manufacturer may not sell or offer for sale to any person in the State a new CED unless the device is labeled with the name of the manufacturer or manufacturer's brand label and the manufacturer has registered and paid the required registration fee to MDE.

Question 17 – My company only sold 600 CEDs of one type and 600 CEDs of another type in Maryland last year. Does my company still have to pay the \$10,000 fee to register with MDE?

Yes. The 1,000 CEDs sold in the preceding year includes the total number of CEDs sold by a manufacturer in the prior year (*e.g.*, 600 (of 1 type) + 600 (of a 2nd type) = 1,200/year), which is more than the 1,000 CED threshold for the \$10,000 initial registration fee).

Question 18 – My company only manufactures CEDs in Japan. Is my company still required to comply with the Statewide Electronics Recycling Program?

Yes, your company is required to comply if your company sells or offers for sale, at least 1 (one) CED in Maryland on or after January 1, 2013. The law does not specify where the CEDs are manufactured.

Question 19 – How will I know if my registration has been received, reviewed, and accepted?

A list of manufacturers who have successfully registered with the Department will be posted on the Department's eCycling web page at www.mde.maryland.gov/eCycling.

Question 20 – Is there someone I can contact if I have additional questions?

Yes. Contact Mr. David Mrgich by email at dave.mrgich@maryland.gov, by phone at 410-537-3314, or by mail at:

Mr. David Mrgich
c/o Maryland Department of the Environment
LMA/Resource Management Program
1800 Washington Boulevard
Suite 610
Baltimore, MD 21230-1719

Additional information regarding Maryland's Statewide Electronics Recycling Program, including a copy of the law, is available on the Department's electronics recycling web page at www.mde.maryland.gov/eCycling.