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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO HEALTH AND SAFETY -- PRODUCT STEWARDSHIP

Introduced By: Representatives A Rice, Walsh, Handy, Segal, and Ucci

Date Introduced: April 08, 2010

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 19.16

4 PRODUCT STEWARDSHIP

5 **23-19.16-1. Definitions.** – As used in this chapter, unless the context otherwise indicates,
6 the following terms shall have the following meanings:

7 (1) “Brand” means a name, symbol, word or mark that identifies a product, rather than its
8 components, and attributes the product to the owner of the brand.

9 (2) “Person” means any individual, trust, firm, joint stock company, partnership,
10 corporation, limited liability company, association, or other entity or any group thereof or any
11 officer, employee or agent thereof.

12 (3) “Producer” means a person that:

13 (i) Has legal ownership of the brand of a product sold in or into the state;

14 (ii) Imports a product branded by a person that meets the requirements of paragraph (1)
15 and has no physical presence in the United States; or

16 (iii) Sells a product in the state at wholesale or retail, does not have legal ownership of
17 the brand of the product and elects to fulfill the responsibilities of the producer for that product.

18 (4) “Product” means an item intended for sale within the state that is identified pursuant
19 to section 1772 as appropriate for a product stewardship program.

1 (5) “Product category” means a group of similar products designated pursuant to section
2 23-19.16-2 for the purpose of establishing product stewardship programs.

3 (6) “Product Stewardship” means a producer’s taking responsibility for managing and
4 reducing the life-cycle impacts of the producer’s product, from product design to end-of-life
5 management.

6 (7) “Product stewardship program” means a program financed without a visible fee at
7 purchase either managed or provided by producers and includes, but is not limited to, the
8 collection, transportation, reuse and recycling or disposal, or both, of unwanted products.

9 (8) “Recycling” means the transforming or remanufacturing of an unwanted product or
10 the unwanted product’s components and by-products into usable or marketable materials.
11 “Recycling” does not include landfill disposal, incineration or energy recovery or energy
12 generation by means of combusting unwanted products, components and by-products with or
13 without other waste.

14 (9) “Reuse” means a change in ownership of a product or component in a product for use
15 in the same manner and purpose for which it was originally produced.

16 (10) “Unwanted product” means a product that is no longer wanted by its owner or that
17 has been abandoned or discarded or is intended to be discarded by its owner.

18 **23-19.16-2. Identification of candidate products -- Report.** – (a) Policy. It is the policy
19 of the state, consistent with its duty to protect the health, safety and welfare of its citizens, to
20 promote product stewardship to support the state’s solid waste management hierarchy under
21 chapter 23. In furtherance of this policy, the resource recovery corporation (hereinafter referred to
22 as “the corporation”) may collect information available in the public domain regarding products
23 in the waste stream and assist the legislature in designating products or product categories for
24 product stewardship programs, in accordance with this chapter. By January 15, 2011, and
25 annually thereafter, the corporation may submit to the standing committees of the legislature
26 having jurisdiction over natural resources matters a report on products and product categories that
27 when generated as waste may be appropriately managed under a product stewardship program.

28 (b) Recommendations. The report submitted under subsection (a) may include
29 recommendations for establishing new product stewardship programs and changes to existing
30 product stewardship programs. The corporation may identify a product or product category as a
31 candidate for a product stewardship program if the corporation determines one or more of the
32 following criteria are met:

33 (1) The product or product category is found to contain toxics that pose the risk of an
34 adverse impact to the environment or public health and safety;

1 (2) A product stewardship program for the product will increase the recovery of materials
2 for reuse and recycling;

3 (3) A product stewardship program will reduce the costs of waste management to local
4 governments and taxpayers;

5 (4) There is success in collecting and processing similar products in programs in other
6 states or countries; and

7 (5) Existing voluntary product stewardship programs for the product in the state are not
8 effective in achieving the policy of this chapter.

9 (c) Draft legislation. The report submitted under subsection (a) must include draft
10 legislation if any is necessary to implement a product stewardship program requirement for the
11 product or product category.

12 (d) Public comments. At least thirty (30) days before submitting the report under
13 subsection (a) to the committees of the legislature having jurisdiction over natural resources
14 matters, the corporation shall post the report on its publicly accessible website. Within that period
15 of time, a person may submit to the corporation written comments regarding the report. The
16 corporation shall submit all comments received to the committee with the report.

17 **23-19.16-3. Establishment of product stewardship programs.** – Annually, after
18 reviewing the report submitted by the corporation pursuant to section 23-19.1-2, the standing
19 committees of the legislature having jurisdiction over natural resources matters may have a bill
20 submitted to implement recommendations included in the corporation’s report to establish new
21 product stewardship programs or revise existing product stewardship programs.

22 **23-19.16-4. Exclusions.** – This chapter does not apply to:

23 (1) Motor vehicles and watercraft. Motor vehicles as defined in title 29-A, section 101,
24 subsection 42 and watercraft as defined in title 12, section 13001, subsection 28 or their
25 component parts; and

26 (2) Pulp and paper manufacturers. Pulp and paper manufacturers except conversion
27 facilities for consumer product packaging.

28 **23-19.16-5. No limitation of municipal authority.** – Nothing in this chapter changes or
29 limits municipal authority to regulate collection of solid waster, including curbside collection of
30 residential recyclable materials.

31 SECTION 2. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- PRODUCT STEWARDSHIP

1 This act would authorize the resource recovery corporation to annually submit a request
2 to the general assembly concerning products and product categories that when generated as waste
3 may be appropriately managed under a product stewardship program.

4 This act would take effect upon passage.

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