MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

To: Environment Prot, Cons and Water Res

By: Senator(s) Dawkins

SENATE BILL NO. 2806

AN ACT TO PROVIDE FOR THE RECYCLING AND PROPER DISPOSAL OF USED CELLULAR TELEPHONE; TO PROHIBIT THE DISPOSAL OF USED CELLULAR PHONES AS SOLID WASTE; TO AUTHORIZE THE ON-SITE SEPARATION AND COLLECTION OF CELLULAR PHONES; TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PREPARE A REPORT ON THE DISPOSAL OF SUCH PHONES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Legislature finds and declares that cellular telephone (cell phone) use has grown dramatically in the United States, from 340,000 subscribers in 1985 to over 138 million in 2001; that cell phones are typically used for only 18 months before being replaced, and by 2005 about 130 million of these devises, weighing approximately 65,000 tons, will be retired annually in the United States. The Legislature further finds and declares that certain environmental problems are created by used cell phones and other wireless electronic devices, such as personal digital assistants, portable e-mail devices, pager, pocket PDs and MP3 music players, all of which are make of similar materials and presents similar problems with respect to the solid waste they generate; and that this so-called "wireless waste" poses particularly acute problems when these small devices are sent to solid waste landfills or incinerators, where releases of the many toxic materials they contain create threats to human health and the environment. The Legislature further finds and declares that the use of toxic substance in cell phones particularly lead and brominated flame retardants should be reduced; that toxic substance contained in cell phones include a number of persistent and bioaccumulative toxic chemicals, or PBTs, which have been associated with cancer and a range of
reproductive, neurological and developmental disorders; that PBTs pose a particular threat to children, whose developing organ and immune systems are highly susceptible to toxic insult; that PBTs in cell phones include arsenic, antimony, beryllium, cadmium, copper, lead, nickel and zinc, and that additional health threats are posed by brominated flame retardants used in plastic components; that these toxic substances can leach into soil and groundwater from landfill disposal and form highly toxic dioxins and furans during incineration. The Legislature therefore determines that it is in the public interest to prohibit used cell phones from entering Mississippi's solid waste stream and that the state, through the Department of Environmental Quality, should promote the proper management and recycling of used cell phones.

SECTION 2. As used in this act:

"Executive Director" means the executive director of the Department of Environmental Quality.

"Department" means the Department of Environmental Quality.

"Institutional generator" means the owner or operator of any public or private, commercial or industrial establishment or facility, including any establishment owned or operated by, or on behalf of, a governmental agency, health care facility or hospital, research laboratory or facility, who routinely uses and eventually discards used cell phones may:

SECTION 3. (1) No person shall dispose of a used cell phone as solid waste at any time. Any person seeking to discard a used cell phone;

(a) Deliver the used cell phone to a recycling center at which used cell phones are received, stored, processed or transferred for the purpose of recycling; or

(b) Transport the used cell phone to a household hazardous waste collection site established pursuant to a county household hazardous waste collection program.
(2) No solid waste collector shall knowingly collect used cell phones placed for collection and disposal as solid waste. A solid waste collector may refuse to collect a solid waste container containing a used cell phone.

(3) No solid waste facility in this state shall knowingly accept for disposal solid waste containing any used cell phones. The owner or operator of a solid waste facility may refuse to accept for disposal any solid waste containing any used cell phones.

SECTION 4. (1) Any institutional generator may provide for the on-site source separation, collection and recycling of all used cell phones or other wireless electronic devices, including personal digital assistants, portable e-mail devices, pagers, pocket PDs or MP3 music players generated at the facility.

(2) Any institutional generator seeking to dispose of used cell phones or other wireless electronic devices may:

(a) Deliver the used cell phones or other wireless electronic devices to a recycling center at which used cell phones or other wireless electronic devices are received, stored, processed or transferred for the purposes of recycling;

(b) Transport the used cell phones or other wireless electronic devices to a household hazardous waste collection site established pursuant to a county household hazardous waste collection program; or

(c) Return the used cell phones or other wireless electronic devices to a retailer, distributor or manufacturer of cellular telephones or consumer electronics who sponsors a "take-back" program or otherwise accepts used cell phones or other wireless electronic devices for recycling on a voluntary basis.

SECTION 5. (1) The executive director shall prepare a report to the Legislature concerning the implementation of this act, including recommendations as to whether the collection, transportation or recycling methods prescribed herein are the most
appropriate means to ensure the environmentally sound collection, transportation or recycling of used cell phones and other wireless electronic devices. The report shall be transmitted to the Legislature not later than January 1, 2005.

(2) The report shall include, but need not be limited to, recommendations concerning:

(a) A requirement that manufacturers institute and implement a mandatory "take-back" program for the return and recycling of used cell phones and other wireless electronic devices;

(b) The practicability and feasibility of providing for the collection of used cell phones and other wireless electronic devices by requiring a deposit on, and establishing a refund value for, any cell phone, or any personal digital assistant, portable e-mail device, pager, pocket PD, or MP3 music player sold or offered for promotional purposes in this state; and

(c) The practicability and feasibility of ensuring the proper disposition of used cell phones, or used personal digital assistants, portable e-mail devices, pagers, pocket PDs or MP3 music players by imposing a pre-disposal surcharge on the sale of these consumer wireless electronic devices.

SECTION 6. This act shall take effect and be in force from and after July 1, 2003.