

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2806

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

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

8 **SECTION 1.** The Legislature finds and declares that cellular
9 telephone (cell phone) use has grown dramatically in the United
10 States, from 340,000 subscribers in 1985 to over 138 million in
11 2001; that cell phones are typically used for only 18 months
12 before being replaced, and by 2005 about 130 million of these
13 devices, weighing approximately 65,000 tons, will be retired
14 annually in the United States. The Legislature further finds and
15 declares that certain environmental problems are created by used
16 cell phones and other wireless electronic devices, such as
17 personal digital assistants, portable e-mail devices, pager,
18 pocket PDs and MP3 music players, all of which are make of similar
19 materials and presents similar problems with respect to the solid
20 waste they generate; and that this so-called "wireless waste"
21 poses particularly acute problems when these small devices are
22 sent to solid waste landfills or incinerators, where releases of
23 the many toxic materials they contain create threats to human
24 health and the environment. The Legislature further finds and
25 declares that the use of toxic substance in cell phones
26 particularly lead and brominated flame retardants should be
27 reduced; that toxic substance contained in cell phones include a
28 number of persistent and bioaccumulative toxic chemicals, or PBTs,
29 which have been associated with cancer and a range of



30 reproductive, neurological and developmental disorders; that PBTs
31 pose a particular threat to children, whose developing organ and
32 immune systems are highly susceptible to toxic insult; that PBTs
33 in cell phones include arsenic, antimony, beryllium, cadmium,
34 copper, lead, nickel and zinc, and that additional health threats
35 are posed by brominated flame retardants used in plastic
36 components; that these toxic substances can leach into soil and
37 groundwater from landfill disposal and form highly toxic dioxins
38 and furans during incineration. The Legislature therefore
39 determines that it is in the public interest to prohibit used cell
40 phones from entering Mississippi's solid waste stream and that the
41 state, through the Department of Environmental Quality, should
42 promote the proper management and recycling of used cell phones.

43 **SECTION 2.** As used in this act:

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

46 "Department" means the Department of Environmental Quality.

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

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

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

59 (b) Transport the used cell phone to a household
60 hazardous waste collection site established pursuant to a county
61 household hazardous waste collection program.



62 (2) No solid waste collector shall knowingly collect
63 used cell phones placed for collection and disposal as solid
64 waste. A solid waste collector may refuse to collect a solid
65 waste container containing a used cell phone.

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

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

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

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

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

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

91 **SECTION 5.** (1) The executive director shall prepare a
92 report to the Legislature concerning the implementation of this
93 act, including recommendations as to whether the collection,
94 transportation or recycling methods prescribed herein are the most



95 appropriate means to ensure the environmentally sound collection,
96 transportation or recycling of used cell phones and other wireless
97 electronic devices. The report shall be transmitted to the
98 Legislature not later than January 1, 2005.

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

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

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

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

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

