

By: Senator(s) Dawkins

To: Environment Prot, Cons  
and Water Res

SENATE BILL NO. 2375

1 AN ACT TO PROVIDE FOR THE RECYCLING AND PROPER DISPOSAL OF  
2 USED CELLULAR PHONES; 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 three hundred forty thousand (340,000) subscribers in  
11 1985 to over one hundred thirty-eight million (138,000,000) in  
12 2001; that cell phones are typically used for only eighteen (18)  
13 months before being replaced, and by 2005 about one hundred thirty  
14 million (130,000,000) of these devices, weighing approximately  
15 sixty-five thousand (65,000) tons, will be retired annually in the  
16 United States. The Legislature further finds and declares that  
17 certain environmental problems are created by used cell phones and  
18 other wireless electronic devices, such as personal digital  
19 assistants, portable e-mail devices, pager, pocket PDs and MP3  
20 music players, all of which are made of similar materials and  
21 presents similar problems with respect to the solid waste they  
22 generate; and that this so-called "wireless waste" poses  
23 particularly acute problems when these small devices are sent to  
24 solid waste landfills or incinerators, where releases of the many  
25 toxic materials they contain create threats to human health and  
26 the environment. The Legislature further finds and declares that  
27 the use of toxic substance in cell phones, particularly lead and  
28 brominated flame retardants, should be reduced; that toxic  
29 substance contained in cell phones include a number of persistent

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

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

46 (a) "Department" means the Department of Environmental  
47 Quality.

48 (b) "Executive director" means the Executive Director  
49 of the Department of Environmental Quality.

50 (c) "Institutional generator" means the owner or  
51 operator of any public or private, commercial or industrial  
52 establishment or facility, including any establishment owned or  
53 operated by, or on behalf of, a governmental agency, health care  
54 facility or hospital, research laboratory or facility, who  
55 routinely uses and eventually discards used cell phones.

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

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

62 (b) Transport the used cell phone to a household  
63 hazardous waste collection site established pursuant to a county  
64 household hazardous waste collection program.

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

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

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

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

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

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

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

94           **SECTION 5.** (1) The executive director shall prepare a  
95 report to the Legislature concerning the implementation of this  
96 act, including recommendations as to whether the collection,  
97 transportation or recycling methods prescribed herein are the most  
98 appropriate means to ensure the environmentally sound collection,  
99 transportation or recycling of used cell phones and other wireless  
100 electronic devices. The report shall be transmitted to the  
101 Legislature not later than January 1, 2006.

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

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

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

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

119           **SECTION 6.** This act shall take effect and be in force from  
120 and after July 1, 2004.