



OCERA

The Oklahoma Computer Equipment Recovery Act (OCERA)

(“Act”), 27A O.S. § 2 11 601 et seq.

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Submitted to: The Governor, the President Pro Tempore of the Senate,
and the Speaker of the House of Representatives

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INTRODUCTION

The purpose of the Act is to establish a convenient and environmentally sound program in Oklahoma for the collection, recycling, and reuse of computer electronics that have reached the end of their useful lives.

Recycling all electronics is important because they contain:

- Metals, plastic, and glass that can be reused and recycled.
- Precious metals and critical elements that use large amounts of energy to garner, depleting our natural resources, and creating greenhouse gas emissions and pollution. If these materials are not responsibly recycled, they have the potential to adversely affect human health the environment.
- Lithium-composed batteries that have high potential to create a spark and start fires in garbage trucks, recycling facilities, landfills, and other disposal facilities.
 - Oklahoma is not immune to the potential dangers of improperly disposed electronics. A recycling & transfer center in Tulsa caught fire in April 2022 from the spark of an improperly disposed lithium-ion battery, halting recycling for 11 months, costing up to \$12 million in damages, and luckily, no human injuries or fatalities.





DEFINITIONS

Covered Device: a desktop or notebook computer, or computer monitor which is no longer of use to a consumer. Does not include televisions, any part of a motor vehicle, personal digital assistants, telephones, or medical devices that contain a video displaying device

Minor Manufacturer: a manufacturer that sells, produces, or imports between 51 and 999 covered devices in Oklahoma

Major Manufacturer: a manufacturer that sells, produces, or imports 1,000 or more covered devices in Oklahoma

Compliant: A manufacturer is compliant when it has submitted its annual report, paid the annual fee, and submitted and implemented the recovery plan.



RESPONSIBILITIES

Manufacturers, DEQ, retailers, consumers, and the Office of Management and Enterprise Services share responsibilities of the Act.

MANUFACTURERS that sell, import, or produce 50 or more covered devices in Oklahoma must:

- Adopt and implement a recovery plan
- Permanently and visibly label covered devices with the manufacturer's brand
- Include collection and recovery information for consumers on their websites
- Submit an annual report to the DEQ by March 1st each year
- Pay an annual fee adjusted for inflation to DEQ



DEQ must:

- Review and approve all manufacturer-submitted recovery plans and annual reports, and notify manufacturers within 30 days if noncompliant
- Maintain and make available a list of compliant manufacturers
- Maintain and make available a list of manufacturers that collect additional brands other than their own
- File and make all annual reports and recovery plans available to the public
- Conduct audits and inspections, take enforcement action, and assess penalties against a manufacturer, retailer, or recycler, when necessary
- Educate the public regarding collection and recovery of covered devices

RETAILERS must not sell, or offer for sale, a covered device of a noncompliant manufacturer, or a manufacturer's product that is not properly affixed with the manufacturer's brand label.

CONSUMERS must remove all personal data, or other information, that may be on a covered device that is collected or recovered.

THE OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES must ensure that no state agency contracts with non-compliant manufacturers for the purchase of covered devices.



A SUMMARY OF 2020 PROGRAM STATUS

\$149,363.44

collected from annual fees

335,224 LBS

of covered devices collected by manufacturers (Table 1)



- The equivalent weight of one Blue Whale, the largest animal to ever live on Earth!

33 compliant manufacturers (Table 3)

5 manufacturers offering "Beyond Brand" collection, i.e., offering to collect devices of any brand for recycling not just their own brand. (Table 2)

- DEQ gains compliance of non-compliant manufacturers throughout the year by contacting them via email and/or phone. Formal enforcement may be taken if necessary.

Pounds of Covered Devices Collected

Manufacturer	Pounds
LG Electronics ISA Inc	155,073
Dell Marketing LP	127,592
HP Inc	50,000
Apple Inc	2,357
Sceptre Inc	110
Samsung Electronics America Inc	67
Google LLC	10
Lenovo (United States) Inc	10
Nook Digital	3
Microsoft Corporation	2
Total	335,224

(Table 1)

Beyond Brand

Manufacturer
Apple Inc
Dell Marketing LP
Google LLC
HP Inc
LG Electronics ISA Inc

(Table 2)

2021 Compliant Manufacturers

Acer America Corporation
Apple Inc
ASUS Computer International
BenQ America Corp
Cyberpower Inc
CTL Inc
Dell Marketing LP
Dynabook Americas Inc
Element TV Company, LP
Elo Touch Solutions Inc
Envision Peripherals Inc
Facebook Technologies LLC
Fujitsu America
Google LLC
HP Inc
IBM Corporation
Intel
Lenovo (United States) Inc
LG Electronics ISA Inc
Microsoft Corporation
Motorola Mobility LLC
MSI Computer Corp
NVIDIA
Planar Systems
Razer USA Ltd
Samsung Electronics America Inc
Sceptre Inc
TCT
TongFang Global Inc
Transcosmos America Inc
ViewSonic Corporation
VTech Electronics North America LLC
Walmart Inc

(Table 3)

ENFORCEMENT ACTION

A \$500 late fee was assessed to four manufacturers who did not pay annual fees within 30 days following the due date.

Two manufacturers did not submit annual reports and have been contacted.

- Non-compliant manufacturers can become compliant throughout the year if they submit the proper documents or pay the annual fee. In this case, the Compliant Manufacturers list will be updated.

DEQ randomly inspected four retailer establishments. All were found compliant with the Act.

PUBLIC EDUCATION

DEQ maintains a website with links regarding program information, resources and tools, annual reports, and consumer, manufacturer, and retailer-focused information.

<https://www.deq.ok.gov/land-protection-division/recycling/computer-equipment-recycling>

DEQ is prepared to speak at public or private engagements on the topic when requested.

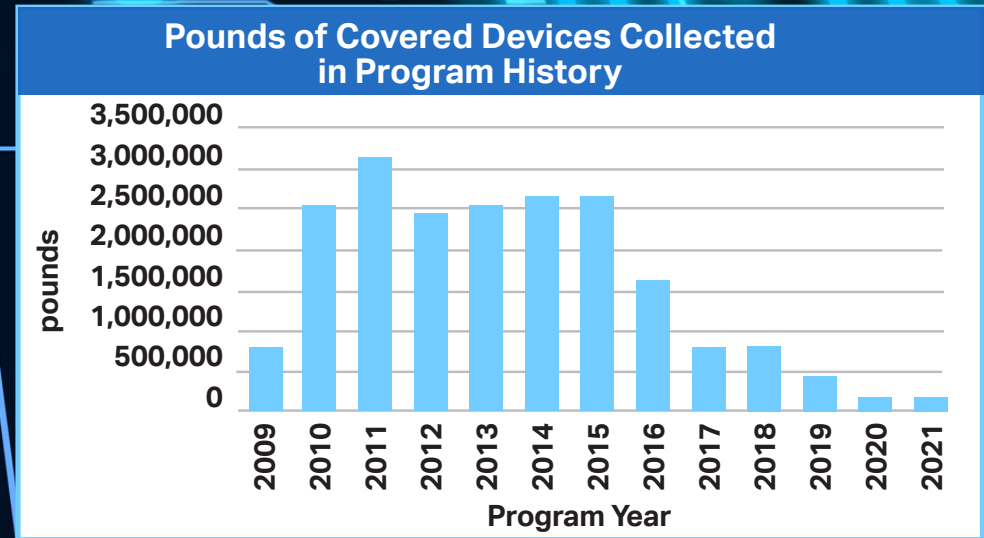
DEQ answers numerous inquiries from consumers on how to responsibly dispose of electronic devices.

PROGRAM ANALYSIS

This is the 13th year of the Oklahoma Computer Equipment Recovery Act. Since 2016, collection weight has been declining, which may be attributed to the effects of the rapidly evolving electronic industry, manufacturer participation, and consumer inconvenience.

EVOLVING ELECTRONICS INDUSTRY

The decline in collection weight over the years (Figure 1) can be partially attributed to modern, smaller, and lighter electronics of the present replacing heavier devices of the past. Industry professional, Jason Linnell, the co-founder and executive director of the National Center for Electronics Recycling (NCER), believes there is a need to “re-evaluate how to measure success in collecting and recycling electronics,” as many electronics recycling programs across the country measure success in weight. DEQ will continue collaborating with industry stakeholders and researching innovative alternatives to efficiently measure success.

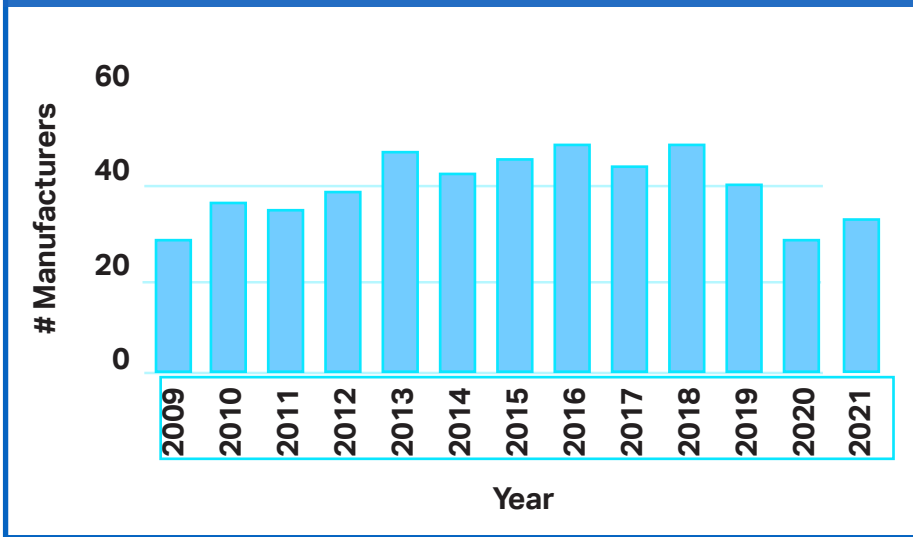


(Figure 1)



MANUFACTURER PARTICIPATION

Number of Compliant Manufacturers Throughout Program History



(Figure 2)

The decline in collection weight over the years (Figure 1) can also be attributed to manufacturers playing a passive role in collection. Zero manufacturers held a collection event in 2021. This compares to only nine manufacturer-hosted collection events since 2015. Instead of collection events, most manufacturers only offer mail-back programs, as collection events are not required by the Act.

Slight fluctuations in manufacturer compliance throughout the program (Figure 2) may be attributed to common movement in the industry, such as manufacturers closing, changing their scope of marketing, or merging with other entities over time.



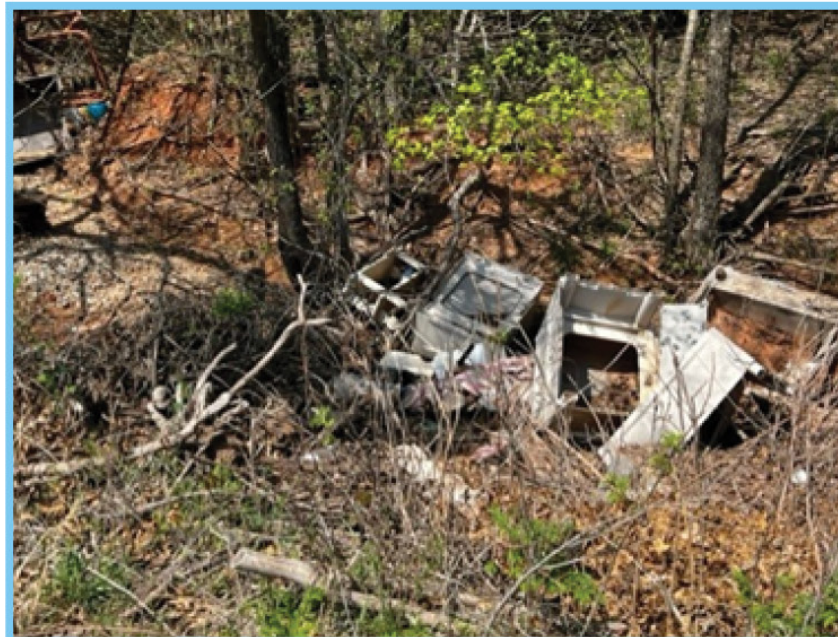


CONSUMER CONVENIENCE

Based on consumer phone calls to DEQ, Oklahomans largely prefer to drop-off their old devices, rather than mail-in.

DEQ uses OCERA manufacturer fees in DEQ's Solid Waste Management Grant Program to fund Collection Event Grants to Oklahoma communities. These events create convenient and free opportunities for consumers to responsibly dispose of their electronic waste in addition to keeping Oklahoma clean by preventing illegal roadside dumping (Image 1). However, DEQ funding is limited.

In 2021, \$125,962 were allocated toward 12 household hazardous waste collection events across the state where over 31,466 pounds of electronic waste were collected.



(Image 1)

As consumers continue to express significant interest in drop-off, rather than mail-back programs, DEQ will continue to supplement OCERA by assisting communities in hosting collection events for electronic waste.

Image 1. An illegal roadside dump in rural Oklahoma containing old electronics. Cleanup funded by DEQ's Solid Waste Management Grant Program. 2 "Gartner Says 2016 Marked Fifth Consecutive Year of Worldwide PC Shipment Decline". Gartner. January 11, 2017. Retrieved January 12, 2017.

UPDATING THE ACT

OCERA has not been updated since its inception in 2009. Based on calls received at DEQ, Oklahoman residents could benefit from updating OCERA to include televisions, similarly to what Texas implemented in 2012. Electronic waste recyclers typically charge consumers \$25-30 to drop-off TVs. Many Oklahomans who inquire about electronics recycling are specifically interested in recycling televisions, but not all are willing to pay out of pocket. As a result, many of these TVs are landfilled along with regular household trash.

CONCLUSION

Moving forward, DEQ will continue to implement OCERA by continually updating its resources; conducting outreach efforts to increase manufacturer, consumer, and retailer awareness and participation; conducting retailer inspections; providing technical assistance for community collection events throughout the state; and collaborating with stakeholders to identify areas of improvement. Amending the Act to require manufacturers to offer recycling of TVs would greatly benefit Oklahomans. OCERA will continue to serve our citizens.





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