



ADVISORY

1320 RXR Plaza
Uniondale, NY 11556-1320
516 • 227 • 0700
516 • 227 • 0777 facsimile
www.farrellfritz.com

July 2010

Contact: **Charlotte Biblow**
cbiblow@farrellfritz.com
516 • 227 • 0686

Mandatory Electronic Equipment Recycling Is Coming To New York

New York recently joined the roster of states that mandate electronics recycling. New York's "Electronic Equipment Recycling and Reuse Act" (the "Act"), was signed into law on May 28, 2010. The Act applies to certain kinds of electronics including computers (desktops and laptops), attached cables, cords and wiring, small electronic equipment, small-scale servers, cathode ray tubes and televisions. It also applies to monitors, electronic keyboards, electronic mice and similar pointing devices, facsimile machines, and document scanners or printers intended for use with a computer that weigh less than 100 pounds.

Manufacturers of electronics sold in New York must register with the New York State Department of Environmental Conservation ("DEC") by January 1, 2011 and pay a \$5,000 registration fee. Beginning on April 1, 2011, they must have in place a program for collection, handling, recycling or reuse of electronics (the "recycling program").

A manufacturer is obligated to accept its own brands into its recycling program. It also has to accept electronics made by other manufacturers in certain situations – typically as part of a consumer purchase. The DEC will, in effect, establish yearly quotas for each manufacturer based upon a formula that incorporates a manufacturer's market share. A manufacturer who fails to meet its yearly quota is subject to a surcharge. Beginning in 2014, a manufacturer that accepts more than its quota for any year earns credits that it can sell, trade or bank for future use.

Retailers also have requirements under the Act. Beginning on April 1, 2011, a retailer cannot offer or sell these electronic items unless the manufacturer and its brands are registered with the DEC. In addition, a retailer must stop selling the electronic items of any manufacturer whose registration is revoked or withdrawn. There is a 180-day grace period in the Act that allows a retailer to sell such electronics from its stock.

*For additional information, please contact:
Charlotte A. Biblow, Esq., partner, at 516.227.0686 or cbiblow@farrellfritz.com*