

**RCW 70A.500.260 Selling covered electronic products without participating in an approved plan prohibited—Written warning—Penalty—Failure to comply with manufacturer registration requirements. (1)**

No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under RCW 70A.500.050. The written warning must inform the manufacturer that it must participate in an approved plan within 30 days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to \$10,000 for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to \$5,000 for the first violation along with notification that the authority or authorized party must implement its plan within 30 days of the violation. After 30 days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to \$10,000 for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under RCW 70A.500.040, education and outreach requirements under RCW 70A.500.120, reporting requirements under RCW 70A.500.140, labeling requirements under RCW 70A.500.160, retailer responsibility requirements under RCW 70A.500.170, collector or transporter registration requirements under RCW 70A.500.240, or requirements under RCW 70A.500.250, must first receive a written warning consistent with the procedures of RCW 43.21B.300, including a copy of the requirements under this chapter and 30 days to correct the violation. After 30 days, a person must be assessed a penalty of up to \$1,000 for the first violation and up to \$2,000 for the second and each subsequent violation. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under RCW 70A.500.130.

(5) The department shall enforce this section. [2024 c 347 s 11; 2020 c 20 s 1259; 2006 c 183 s 27. Formerly RCW 70.95N.260.]