

Essential Elements of E-Waste Recycling Legislation

1. **Definition.** Effective legislation must define “electronic equipment” sufficiently broad to embrace legacy waste (old TVs, computers, etc.) and anticipate new gadgetry likely to come on the market; definition of electronic equipment should include anything with a circuit board, complex circuitry, signal processing, or that contains one or more hazardous substances.

2. **Producer Responsibility.** Effective legislation must require development and implementation a system of brand owner/producer financial responsibility for equipment currently entering the marketplace. Legislation should require that brand owners, producers and distributors, or a consortium of brand owners, develop an approved system for financing the environmentally superior collection and recycling of discarded electronic equipment, with applicable rates and dates. While the producers will certainly pass on these costs to consumers in their pricing structures, this system provides the crucial financial incentive for producers to design their products with recycling and toxics reduction in mind.

3. **Performance Measures.** Effective legislation must set performance measures and time tables for meeting these performance goals. Performance could be measured in one of several ways, including:

Collection, recovery and recycling of a percentage of the brand owners products;

Collection, recovery and recycling of an amount per person based on the population of the state in question (e.g., 4 kilograms per person per year);

A level of service and convenience, measured by a required number of drop-off or collection locations per unit of population

4. **Comprehensive Scope.** Effective legislation would frame a system for e-waste collection and recycling that applies to all brand owners regardless of sales channels, and to all end users.

5. **Legacy Waste.** Effective legislation must also create and finance a system of brand owner/producer responsibility for our stockpiles of so-

called "legacy waste," electronic equipment sold and discarded prior to the effective date of the legislation.

6. No Taxpayer Liability. Effective legislation must ensure that government and taxpayers are held harmless from all costs associated with collection, handling, transportation, storage, recycling, and disposal of discarded electronics, as well as oversight and enforcement of systems established to handle these products.

7. Disposal Bans. Effective legislation must ban electronic equipment from landfills and incinerators. Landfill bans have been put in place by a handful of states but are not, by themselves, an effective solution to the problem.

8. Toxics Reduction. Effective legislation must phase out specific hazardous materials from the manufacture of electronic equipment, including but not limited to lead, mercury, polyvinyl chloride, and brominated flame retardants.

9. Labeling. Effective legislation must require labeling of electronic equipment containing hazardous materials. Legislation should also require labeling or information provided to consumers about the system for managing discarded products.

10. Responsible Recycling. Effective legislation should establish verifiable performance standards for electronics recyclers, including reporting and penalties for violations, worker health and safety and other criteria, to ensure that materials are managed in an environmentally superior manner.

11. Procurement. Effective legislation should establish procurement requirements for public agencies' information technology purchases, relating to product specifications and end of life product management.

12. No Waste Export. Effective legislation should, to the extent possible, prohibit export to non-OECD countries of non working CRTs and CRT glass waste for any reason.

13. Governance and Enforcement. Effective legislation must include means for ensuring compliance and enforcement. Legislation should require specific periodic reporting by producers selling in the state, as well as public availability of all such reports. Legislation could require a multi-stakeholder advisory board to review these reports and make additional recommendations. Legislation could prohibit sales in the

state, or sales to state agencies and units of government, for failure to abide by the terms of the legislation.

14. **Economic Development.** Effective legislation could harness the economic power of recycling and reuse industries by establishing preferences/incentives for local economic development and job creation through electronics recycling.

15. **Recycled Content.** Effective legislation should close the electronics recycling loop by requiring recycled content standards for materials used in electronic equipment.

16. **No prison labor.** Use of low wage prison labor for recycling services undercuts our domestic recycling industry, who can't compete with contracts paying workers a dollar per hour.