

# COMPUTER TAKE ← BACK CAMPAIGN

Take it back

Make it clean

Recycle responsibly

## Essential Elements of E-Waste Recycling Legislation

### What Products Are Covered?

**Broad Scope of Products.** Consumers are more likely to use programs that accept all of the items they have for disposal. Define scope to include a wide range of electronic products, including computers, laptops, monitors, TVs, printers, computer peripherals, TV peripherals, cell phones, personal electronics, games, audio electronics, etc; Anticipate new gadgetry likely to come on the market and how new categories will be added.

**All sales channels.** System must apply to all brand owners regardless of sales channels (so that internet sales are included).

**Legacy Waste and Orphan Waste.** System must include responsibility for our stockpiles of so-called "legacy waste," electronic equipment sold and discarded before the effective date of the legislation as well as "orphan waste," discarded electronic equipment produced by companies who are no longer in business (or unknown).

### Whose Products are Covered?

**Consumers and small business and organizations.** The goal for legislation is to cover the entities that are NOT already using asset recovery programs for their old electronics. Large companies, governments, agencies tend to have programs in place. Bills should cover everyone else, including consumers, small business, small governments, school districts, and small non-profits.

### Producer Responsibility – Not Taxpayer Financed

**Producer Paid Financing.** Legislation should require development and implementation of a system of brand owner/producer financial responsibility for the environmentally superior collection, transportation, and recycling of discarded electronic equipment, including the option for companies to manage their own individual takeback programs or to manage collective programs. We recognize that producers will incorporate the recycling costs into their pricing structure, and that consumers will ultimately pay for it. But giving producers the financial obligation up front (as opposed to the consumer fee approach) gives them the incentive to recycle efficiently, and to design their product to be easier (and cheaper) to recycle.

**No Taxpayer Liability or Unfunded Local Government Mandate.** Local government and taxpayers should not bear costs for collection, handling, transportation, storage, recycling, and disposal of discarded electronics. System should allow local governments to maintain collection and recycling programs if they want, but shouldn't mandate this, and must compensate governments as they do other collectors. Companies selling electronics can pay fees that cover costs of regulatory oversight.

**No fees.** Consumers should not also be charged a fee when they recycle, so legislation should prohibit end-of-life fees assessed upon collection of the discarded product.

**Variety of collectors.** The system should not mandate any one collector type but should encourage a diversity of collectors, such as retailers, repair shops, charities, haulers, and local governments. Manufacturers must provide fair compensation for collection.

## Performance Measures.

Effective legislation must set performance measures and time tables for the manufacturers for meeting these performance goals. Goals could be phased in after programs have been up and running for a while, but they are the key to driving continued increases in recycling volumes.

Performance could be measured in one of several ways, including:

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

## Responsible Recycling and Reuse

**Promote Reuse.** System should make a priority of encouraging reuse and refurbishment over shredding for recycling. Manufacturers that collect items and refurbish them for reuse could receive additional credit toward their annual recycling obligations.

**Recycling Performance, Hazardous Waste Management, and Export.** Effective legislation should, to the extent possible, prohibit export of hazardous e-waste to developing (non-OECD/EU) countries for both recycling and disposal. States can establish rules that require processors and all their downstream vendors for specified materials to create and implement a hazardous materials identification and management plan. These plans should address how they will prevent human health or environmental risk, how workers and surrounding communities are protected, and how the processor will notify secondary processors about these materials and hold them accountable for the proper management of these materials. Documentation must include the tracking of chain of custody of these hazardous components and substances to the point of recycling or final disposal, and documentation that they have been handled according to all local, state, and national laws and the laws of any recipient and transit countries.

**No Prison Labor.** The federal government's wholly owned prison-run business – UNICOR – includes an electronics recycling division, that pays inmates from 25 cents to \$1.25 per hour. This business undercuts our own domestic recycling businesses, which need to thrive in order to create a long-term solution to e-waste recycling. UNICOR's recycling business also has a history of serious health and safety problems; the U.S. Office of Special Counsel recently ordered an independent investigation into possible toxic exposure of prisoners and staff.

## Additional Elements

**Toxics Reduction.** Allow products to be sold in state only if they do not exceed the maximum allowable levels of toxic materials regulated under the European Union's ROHS Directive.

**Disposal Bans.** Ban electronic equipment from landfills and incinerators.

**State Procurement.** Establish procurement requirements for public agencies' electronics purchases, relating to environmentally sound product specifications and end of life product takeback by the vendor/manufacturer.