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To: ANSI NAM Network Distribution
From: Rolf Schneider, Siemens ANSI Representative
Issue: **ROHS and Weee in the US: Concept Floated for a National E-Waste Program**

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Though not intended to be the last word, the outline is a step forward in the long-running quest to recycle electronic waste in the U.S.

Congressional staff members for three US senators and four members of the House of Representatives have sent a concept paper on electronics waste recycling to stakeholders in all camps. The law-makers are considering the framework for a national E-waste program.

The document does not pretend to be the final word, nor even the consensus views of the elected officials. It represents the collective thinking of the staff members, some of whom have been laboring over the legislation for several years. For the rest of the month, they are planning separate meetings and conference calls with the interested parties, including manufacturers, retailers, and the environmental community.

The proposed framework talks about the way the program would be financed. It outlines the basics of managing the covered devices and touches on performance requirements. The proposal also explains the roles meant to be played by states and the US Environmental Protection Agency.

Basic Proposal

The National Electronic Products Stewardship Act follows an extended producer responsibility (EPR) model — up to a point. Manufacturers, retailers who sell private-label products, and recyclers are responsible for collection, transport, reuse, and recycling.

To start out, any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, and any central processing unit (desktop and laptop computers) would be covered.

EPA would be authorized to expand the scope in the future by rule-making.

Industry must provide “reasonably available consumer collection capability designed to meet the collection needs of consumers in every state in which that manufacturer’s covered electronic devices (CEDs) are sold,” including in rural areas. And the manufacturers must “attain reasonably achievable annual collection volumes in every state” where they sell products.

After that, anything and everything goes.

The model reflects the ideas floated around Capitol Hill last year by the Consumer Electronics Retailers Coalition (see [Desire for Bill Has Not Bridged Divide on E-Waste](#), 12 August 2007).

Unlike pure EPR, the plan does not force industry to take back the covered products free. Whatever accomplishes the task of getting back unwanted products from the consumers is permitted. Manufacturers may work alone with their own brands or include others', or join a cooperative of companies to take back all devices of any brand. So long as they meet the performance standard, the means are unrestricted. However, manufacturers would have to vet their plans. EPA would determine what constitutes an acceptable program.

The congressional staff remains open to suggestions regarding performance requirements. The proposal is to base recycling goals on the weight of products sold nationally. But nothing is being said at this stage about quantitative targets for recycling.

Targets are one of the crucial elements of EPR programs.

In a written response to the concept paper, the Product Stewardship Institute (PSI) says, "These goals should be aggressive" and "numerical targets should be the cornerstone of the program." The Boston-based non-profit membership organization works with state and local government agencies, and mediates dialogs on EPR.

"Government officials have expressed concern that, unless a strong set of standards is included in the legislation, the congressional model being discussed would result in uneven delivery of physical collection services to the public and thus result in an under-performing system," PSI says.

Other Considerations

The manufacturers, recyclers, and all retailers that are not roped in as manufacturers must pay registration fees to EPA. The money goes into a pot for EPA to administer and enforce the program, and to state and local governments in the form of grants for the same purpose.

The registration fee arrangement is perplexing to state and local officials, according to PSI. They question why a producer-run program would need much government involvement since "the idea behind this model is that government sets targets, participates in planning, and conducts enforcement, but gets out of the way of industry so that it can run an efficient program.

"In any case, [the state officials] were very concerned about whether the costs for them to perform their functions would be covered by the registration fees."

As envisioned EPA would need to authorize state programs. The intent is to prevent duplicative requirements. The states would be allowed to impose requirements that are more stringent or broader in scope than the federal program mandates.

Existing state laws governing the collection, transportation, and recycling of electronics would not be preempted.

If a state revises its program, it has to submit a modified program description and other documentation to EPA.

The proposal contemplates incentives for the collection of products not required to be recycled, such as peripherals, and orphan products. The bonus could include such things as a partial credit against recycling goals, lower registration fees, and procurement preferences.

Under the proposal, a national ban on land disposal of the covered products would take effect “within a reasonable amount time.” That would be done by EPA through rulemaking “in consultation with state and local governments [and] municipalities.”