

MINUTES – NEWMOA CONFERENCE CALL 1/12/10

Subject: E-Waste Take-back Programs

States represented during this teleconference included Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The following summarizes the comments made during this teleconference.

Connecticut

- Has new legislation that addresses this issue
- Regulation deals only with computer monitors and televisions, but printers may be added
- Towns must provide for collection and arrange for approved recycling
- Recyclers bill the manufacturers (by weight)
- There is a registration and fee process
- Retailers cannot sell brands from non-compliant manufacturers
- CT does not have a credit trading program whereby a manufacturer that exceeds its recycling obligation may sell the excess to another manufacturer or save them to use at another time
- Only recyclers compliant with CT requirements may be used, even if in another state
- Info on website: www.ct.gov/dep/e-waste

Maine:

- Submitted a one-page summary of their program to NEWMOA prior to the teleconference
- Passed legislation in 2004 that is similar Connecticut's
- Original legislation covered televisions and computer monitors
- Statute amended in 2009 to add desktop printers, game consoles and digital picture frames
- Towns must provide for collection and transport to a Consolidator
- Consolidators transport material to the recycler
- Consolidators bill the manufacturer
- Prices are market share driven
- Manufacturers to pay \$3000 annual fee beginning this year
- Only recyclers compliant with Maine requirements may be used, even if in another state
- Retailers must ban sales of products from non-compliant manufacture's
- Implemented third party audits to prevent price gauging

Massachusetts:

- Bill pending in legislator to address this issue
- Similar to Connecticut's bill
- Bill will cover several types of electronics including TVs, computers, printers, faxes and computer games.
- Bill applies to households and government entities
- Manufacturers pay processors and collectors
- Manufacturers, processors, and collectors register
- Manufacturers are not required to have a plan

New Hampshire:

- Banned land disposal of video display devices 3 years ago
- Banned land disposal of VCRs and DVD recorders 2 years ago
- Statewide take-back program currently voluntary
- Waiting for federal rules (State too small to fund infrastructure)

New Jersey:

- Electronic Waste Management Act passed in 2007
- State regulations have not yet been promulgated, but statute is in effect
- Manufacturers must register, submit annual report and pay fee
- Manufacturers must submit written plan by June 2010
- Bans landfilling of covered devices beginning January 1, 2011
- Includes credit trading program whereby a manufacturer that exceeds its recycling obligation may sell the excess to another manufacturer or save them to use at another time
- Only recyclers compliant with NJ requirements may be used, even if in another state
- Retailers cannot sell products from non-compliant manufacturer's
- State will provide educational materials for retailers to give customers
- State already requires Ewaste to be handled as Universal Waste, but this rule puts the cost on the manufacturers
- Market share is used to calculate TV manufacturer's responsibility; return share is used for computer, etc. manufacturers
- Info on website: <http://www.state.nj.us/dep/dshw/recycling>

New York:

- Does not currently have a law, but is working on one
- Statewide take-back program currently voluntary
- Manufacturer responsibility will be key to law
- Law will cover management of all electronic waste
- Based on Illinois model which has floating targets based on sales and collections
- NYC has law but being litigated because it does not include "convenience standards" to make it easier on the citizens
- Problem implementing program in rural areas because of their limited resources

Rhode Island:

- Has law that was originally a hybrid of Oregon's and Washington's but is now similar to Connecticut's
- No credit trading in this law
- Based on plan used by Rhode Island Resource Recovery (runs municipal landfill)
- Regulates equipment generated by schools and households
- Manufacturers are required to take back TVs, monitors and laptops (others to be added later)
- Non-compliant manufacturers may lose ability to sell in Rhode Island

- Manufacturers must register, but some have not
- Bans land disposal of covered electronics
- State is developing its own Universal Waste rules

Vermont:

- There is a Senate bill, but is not supported by Legislature
- Bill based on Minnesota model
- Will start with landfill ban
- Wants to simplify requirements of the bill because calculations are currently too difficult

Additional Comments:

- OR and WA coming out with a “lessons learned” document
- Problems when there are overlapping/duplicative programs. Harder to negotiate prices when can’t guarantee volume
- Unlikely that TV manufacturers will move to return share from market share basis. TVs are so long-lived, no backward pressure on design, market share more fair
- Jason Linnell, NCER – website for manufacturer brands: www.electronicrecycling.org

EPA:

- No official position yet on a national program
- May take a position on the export issue, but less clear on whether there will be a position on domestic disposal

Next call, Tuesday February 9, 2010 – Topic: sham recycling