

NGO Involvement in State Laws and Manufacturer Takeback Programs

Presentation to Global E-Waste
Management Meeting

Electronics TakeBack Coalition

July 16, 2013



About the Electronics TakeBack Coalition

- Who:
National coalition (U.S.) of environmental and consumer organizations
- What:
We promote sustainable design and responsible recycling in the electronics industry



This presentation

- Why don't we have a federal law?
- What was our role with the state bills?
- Who else was involved?
- About the state laws
- Some lessons learned

Why do we have different laws?

- Industry would not agree on a federal approach (2.5 year stakeholder process)
- States moved ahead
- If we passed a federal law today, it would be very weak



ETBC role in state policy on e-waste

First step –

- Get some of the companies to do take back voluntarily
- 2002-2004 campaign to get Dell to do free takeback

TOXIC DUDE
THE COMPUTERS ON YOUR CAMPUS ARE TOTALLY TOXIC

› get the facts on toxic computers
› take action on your campus
› who we are
› spread the word
› contact us

Sign up for email updates
Get the latest news on toxic computers, Dell computers, and the clean computer movement delivered to your inbox.
your email:

**TELL MICHAEL DELL
NO TOXIC COMPUTERS ON MY CAMPUS!**
Dude, take back everyone's old Dell !!

The computer you're using contains lead, mercury, cadmium, flame retardants and other toxic materials and is considered hazardous waste, when it's thrown away. There are between 300 million and 600 million used computers in the U.S. and no good system for safely handling them. Keeping computers and all kinds of consumer electronics out of landfills and incinerators is imperative to protecting our public health and the environment. Even recycling them is difficult because they're full of toxic materials.

The **Computer TakeBack Campaign** has formed to bring about a solution to America electronics junkpile - e-waste. Join us in making computer producers responsible for the safe design, manufacturing and recycling of their equipment.

We're calling on **Dell Computer Corporation** to lead its industry to a solution. Take a minute and tell Michael Dell to **take it back, make it clean and recycle responsibly.**

SIGN THE PETITION:

Dear Michael Dell and Company,
Dude, take back everyone's old Dell !!

I'm concerned about the growing problem of discarded personal computers and other consumer electronics products. I want producers to eliminate the public health threats posed by unsafe disposal of these products. On my campus, I'll be educating other students about these hazards and

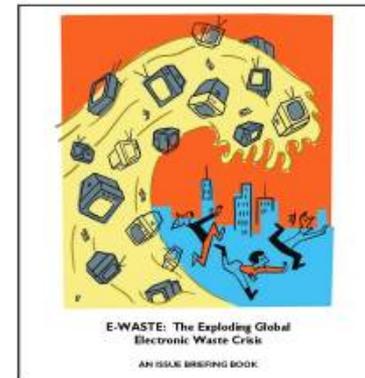
First Name:



Electronics
TakeBack
Coalition

ETBC role in state policy on e-waste

- Technical advisor to state groups working on passing takeback laws
 - Toolkit for advocates
 - Talking points
 - Facts and Figures
 - Factsheets
 - Central place to share work from other states
 - Model bill language

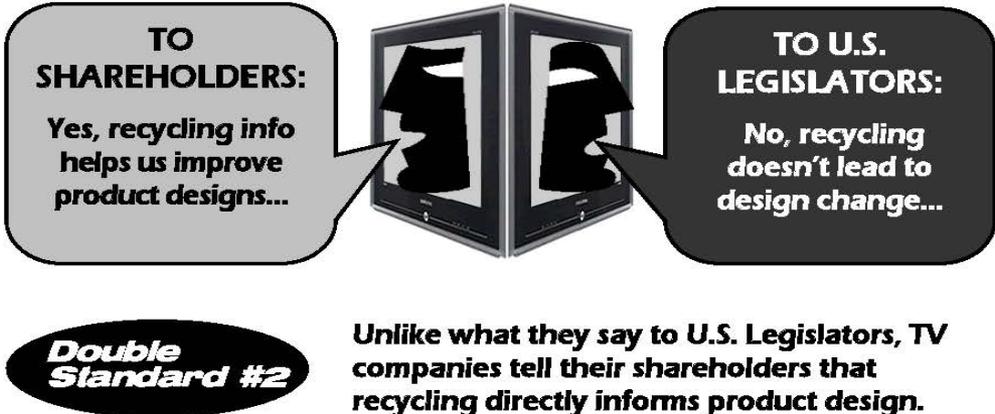


ETBC Role Continued - Convener

- Convene network of state groups who are working on bills, have passed laws to:
 - Strategize
 - Share information on what industry is doing
 - Regional meetings to bring advocates together
 - Connect new advocates with experienced experts in other states

ETBC Role Continued - Communications

The TV Industry Tells Two Stories About the Impact of Recycling on Design



TO SHAREHOLDERS:
Yes, recycling info helps us improve product designs...

TO U.S. LEGISLATORS:
No, recycling doesn't lead to design change...

Double Standard #2

Unlike what they say to U.S. Legislators, TV companies tell their shareholders that recycling directly informs product design.

- Public pressure on the manufacturers
- Get consumers involved – online actions.

Who are the players?

- Local Government
- State agency
- NGO's
- Manufacturers
- Recyclers
- Reuse charities



Which is the most important player?

- Local Government
- State agency
- NGO's
- Manufacturers
- Recyclers
- Reuse charities



Which is the most important player?

- Local Government



State recycling laws

- Producer Responsibility laws – 23 states
- Consumer fee laws – 1 state (California)
- Producer education law – 1 state (Utah)
- Some states also have laws that:
 - Ban e-waste from landfills
 - Cover state owned equipment

Two important questions:

- How much e-waste is getting collected?
- What are they doing with it?



State laws and Question 1:

How much e-waste is coming back?

- **No performance goals** – Companies must have a takeback plan, but that's it.
- **Collection goals** – companies are told how many pounds they must collect. (Weak and strong goals)
- **Convenience requirements** – companies are told how convenient to make collection
- **Local Government Control** – Local governments are gatekeepers for collection
- **Consumer Fee**



California Consumer Fee

Connecticut EPR - Local Govt control

Hawaii EPR No Performance measures

Illinois EPR Collection Goals (Escalating)

Indiana EPR Collection goals

Maine EPR - Local Govt control

Maryland EPR - Local Govt control

Michigan EPR No Performance measures

Minnesota EPR Collection goals

Missouri EPR No Performance measures

New Jersey EPR Weak Goals

New York EPR Performance and convenience (Escalating)

North

Carolina EPR - Local Govt control

Oklahoma EPR No Performance measures

Oregon EPR Convenience goals

Pennsylvania EPR Collection goals

Rhode Island EPR No Performance measures

South

Carolina EPR No Performance measures

Texas EPR No Performance measures

Vermont EPR Performance and convenience and Govt Control

Virginia EPR No Performance measures

Washington EPR Convenience goals

West Virginia EPR No Performance measures

Wisconsin EPR Collection goals



State	Pounds per Capita 2012 or latest	Type of law	State	Pounds per Capita 2012 or latest	Type of law
Vermont	7.70	EPR Performance and convenience and Govt Control	Maryland	2.95	EPR - Local Govt control
Oregon	6.90	EPR Convenience goals	Connecticut	2.7	EPR - Local Govt control
Wisconsin	6.83	EPR Collection goals	Rhode Island	2.68	EPR No Performance measures
Minnesota	6.62	EPR Collection goals	Hawaii	2.55	EPR No Performance measures
Washington	6.30	EPR Convenience goals	North Carolina	2.50	EPR - Local Govt control
California	5.54	Consumer Fee	Michigan	1.67	EPR No Performance measures
Maine	5.22	EPR - Local Govt control	West Virginia	1.21	EPR No Performance measures
New Jersey	4.53	EPR Weak Goals	Texas	0.93	EPR No Performance measures
Indiana	4.10	EPR Collection goals (escalating)	Oklahoma	0.83	EPR No Performance measures
Illinois	3.28	EPR Collection Goals (Escalating)	Virginia	0.46	EPR No Performance measures
New York	3.08	EPR Performance and convenience (Escalating)	Missouri	0.33	EPR No Performance measures
			Pennsylvania	No data	EPR Collection goals
			South Carolina	No data	EPR No Performance measures

The state laws and question 2:

What are they doing with what they take back?

States have very different approaches, including:

- No language at all
- Weak language that is unenforceable
- Require recyclers to meet voluntary standards (e-Stewards, R2)
- Recyclers must meet state's own standard

The state laws and question 2:

What are they doing with what they take back?

Who is responsible for making sure recycling is managed responsibly?

- Manufacturers
 - State
 - No one?
-
- This is the area where state laws need the **MOST** improvements

The state laws and question 2:

What are they doing with what they take back?

Follow the money

- Many manufacturers don't pay the recyclers enough money to handle their equipment responsibly
- Biggest problem is with CRT glass

Lessons we have learned

Lesson 1:

- States see high collection volumes when laws either make the collection very convenient, or they establish collection goals

Policy conclusion:

- Bills should include some kind of driver for high collection – either convenience requirements or collection goals or a combination of both.

Lessons Learned

Lesson 2:

- Some states with higher collection numbers have a variety of collector types because their laws cover collection costs.

Policy conclusion:

- Bills should encourage diversity of collector types: government, private (recyclers, retailers), non-profits by covering the costs of collection

Lessons Learned

Lesson 3:

- **Most manufacturers will only do what the law requires them to do and not more.**

Policy conclusion:

- Bills should include clear and high expectations for performance, or your program will underperform.

Lessons Learned

Lesson 4:

- Many manufacturers will **stop collecting** when they hit their goals, so goals should be high and set as minimums, not ceilings.

Policy conclusion:

- Set your collection goals high enough to generate real collection activity
- Don't link your initial goal setting to the manufacturers' collection activity (or inactivity) or you will start off with a very low goal
- Set minimum recycling goals, not goals that act as "ceilings"
- Because manufacturers will stop collection when they hit their goal, consider bills that combine both collection goals and convenience requirements.

Lessons Learned

Lesson 5:

- **Manufacturers will focus efforts on urban areas, not rural ones**

Policy conclusion:

- States with large rural areas need to include a strategy that (like convenience measures or rural collection credits) that will make sure that your rural constituents are not neglected.

Lessons Learned

Lesson 6:

- **Landfill bans boost recycling levels.**

Policy conclusion:

- Include in your e-waste law a disposal ban that prevents e-waste from being discarded into the municipal waste stream (landfills or incinerators)

Lessons Learned

Lesson 7:

- **States need to be proactive to make sure e-waste is handled responsibly. .**

Policy conclusion:

- Include language in your bill that requires all processors and refurbishment vendors handling e-waste collected in your state programs to be certified to either the R2 or e-Stewards Standards, showing a preference for e-Stewards.
- States must be able to audit what they are doing.



Lessons Learned

Lesson 8:

- **We want to encourage reuse, but e-waste laws can inadvertently discourage reuse if we are not careful .**

Policy conclusion:

- Analyze your bill language to make sure reuse is not discouraged, and include language to award extra credit toward goals for units that are actually reused.

Lessons Learned

Lesson 9:

- **Consumers want to be able to bring back everything – including televisions and printers.**

Policy conclusion:

- Include a broad scope of products for free recycling.
- Since new products emerge all the time, use more general terms to describe these products.
- If possible, create an administrative procedure for adding to the scope of products, without going back to the legislature.



Lessons Learned

Lesson 10:

- **Transparency and reporting helps us to understand better what's happening in the programs.**

Policy conclusion: Include language that requires

- Public reporting by states and manufacturers
- Manufacturer plans should be public
- Public review process

Final thoughts: It's a long road



And we are
here



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