

Electronics Legislation

FEC Partner Call

April 2012

Federal Legislation, Regulations and Rules

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Resource Conservation and Recovery Act

- The Resource Conservation and Recovery Act (RCRA) of 1976 recognizes the importance of recycling, and the manufacture and purchase of products with recycled content
- RCRA Section 6002 requires Federal agencies to give purchasing preference to products and practices that conserve and protect natural resources and the environment

RCRA (Continued)

- Solid Waste
 - RCRA requires recycling of high-grade paper generated by office facilities
- Hazardous Waste
 - Electronic equipment sent for reuse or recycling is generally not hazardous waste
 - If Federal agencies require the destruction or disposal of their electronic equipment, they must comply with the RCRA hazardous waste regulations
- Universal Waste
 - RCRA specifies requirement for managing batteries, mercury-containing equipment and lamps (which may include some monitors and laptops)

Pollution Prevention Act

- The Pollution Prevention Act (PPA) of 1990 requires EPA to promote source reduction strategies in federal agencies and identify opportunities to use federal procurement to encourage source reduction

Government Performance and Results Act

- The Government Performance and Results Act (GPRA) of 1993 holds federal agencies accountable for using resources wisely and achieving program results

Information Technology Management Reform Act/Clinger-Cohen Act

- The Information Technology Management Reform Act (ITMRA)/Clinger-Cohen Act (CCA) of 1996 requires the heads of Federal agencies to link information technology (IT) investments to agency accomplishments and establish a process to select, manage and control their IT investments

Energy Policy Act of 2005

- The Energy Policy Act of 2005 (EPAct 2005) directs the Department of Energy and EPA to identify and designate energy-efficient products
- EPAct 2005 also requires the acquisition and use of these products by all federal agencies

Energy Independence and Security Act of 2007

- The Energy Independence and Security Act of 2007 (EISA) reaffirmed and clarified federal agencies' responsibility to procure energy efficient products as provided for in the Energy Policy Act of 2005
- EISA also codified the Executive Order 13423 goals for reducing energy use in federal buildings

Federal Acquisition Regulation

- The Federal Acquisition Regulation (FAR) Part 23 requires agencies to procure
 - Energy efficient products, including ENERGY STAR qualified and FEMP designated
 - Products with recovered (recycled) content
 - Environmentally preferable products and services
 - EPEAT registered equipment

Executive Order 13514

- Executive Order (E.O.) 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (October 5, 2009), sets federal sustainability goals in a number of areas, including electronics stewardship
- E.O. 13514 mandates that Federal agencies
 - Ensure procurement preference of EPEAT registered, ENERGY STAR qualified, and FEMP designated products
 - Enable power management, duplex printing, and other environmentally preferable features on electronics
 - Use environmentally sound disposition practices for surplus and excess electronics
 - Implement best management practices for servers and data centers

Executive Order 13423

- E.O. 13423, *Strengthening Federal Environmental, Energy, and Transportation Management* (January 24, 2007), sets federal sustainability goals in a number of areas, including electronics stewardship
- E.O. 13423 mandates that Federal agencies
 - Meet at least 95 percent of electronic equipment requirements through the purchase/lease of EPEAT-registered electronic products, unless there is no EPEAT standard for such product
 - Enable the ENERGY STAR features on agency computers and monitors
 - Establish and implement policies to extend the useful life of agency electronic equipment
 - Use environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life

Omnibus Appropriations Act of 2009

- The Omnibus Appropriations Act of 2009 combined bills funding the operations of a number of Cabinet departments
- Section 748 of the Omnibus Appropriations Act states that Executive Order 13423 shall remain in effect except as otherwise provided by law after the date of the enactment of the Act

Executive Order 13212

- E.O. 13212, *Actions To Expedite Energy-Related Projects* (May 18, 2001), requires executive departments and agencies to take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy

Executive Order 13221

- E.O. 13221, *Energy Efficient Standby Power Devices* (July 31, 2001) requires agencies to purchase products that use no more than one watt in their standby power consuming mode when purchasing commercially available, off-the-shelf products that use external standby power devices or that contain an internal standby power function
 - If such products are not available, agencies must purchase products with the lowest standby power wattage while in their standby power consuming mode
- The Department of Energy's Federal Energy Management Program (FEMP) determines required standby power levels for federal procurement of products that consume standby power

Executive Order 12999

- E.O. 12999, *Educational Technology: Ensuring Opportunity for All Children in the Next Century* (April 17, 1996) directs all Federal agencies to transfer excess computers and related peripherals to schools and nonprofit educational organizations
 - Federal agencies must keep track of the computer equipment transferred and report this to the U.S. General Services Administration (GSA)

General Services Administration

Bulletin FMR B-34

- Defines the universe of electronic items
- Encourages maximum reuse of electronics
- Steers agencies to sell only functional assets to the public
- Prohibits agencies from disposing of electronic waste in landfills or by incineration
- Requires agencies to use certified recyclers or refurbishers
- Enhances the reporting process
- Encourages down-stream recipients of our property to dispose of the electronics through a certified recycler

Proposed Federal Legislation, Regulations and Rules

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Responsible Electronics Recycling Act (H.R.2284 and S.1270)

- Puts prohibitions on the export of restricted electronic waste
- Requires EPA to develop and promulgate procedures for identifying certain hazardous electronic equipment and constituents
- Introduced in June 2011
- Referred to Subcommittees in House and Senate

Federal Electronic Equipment Donation Act of 2011 (H.R.3345)

- Codifies and supersedes Executive Order 12999
- Introduced November 2011
- Referred to Committee

Energy Savings and Industrial Competitiveness Act of 2011 (S.1000)

- Requires DOE to develop guidance on employing advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools
- Requires agencies to develop plans to implement guidance and estimate savings
- Introduced May 2011
- **Placed on Senate Legislative Calendar in September 2011**

Reducing Federal Energy Dollars Act of 2011 (S.963)

- Requires DOE to issue guidance for agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools
- Introduced May 2011
- Referred to Committee, Hearings held

Federal Cost Reduction Act of 2011 (H.R.1713)

- Requires OMB to issue recommendations for reducing or consolidating the number of federal data centers
- Requires executive agency heads to establish a plan to reduce the volume of material printed and to require duplex printing on all federal printers and copiers
- Requires DOE to issue guidance for agencies to achieve energy savings by using computer hardware, energy efficiency software, and power management tools
- Introduced in May 2011
- Referred to Subcommittee

Smart Energy Act (H.R.4017)

- Tightens requirements related to the Federal Data Center Consolidation Initiative
- Requires DOE to develop guidance on employing advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools
- Requires agencies to develop plans to implement guidance and estimate savings
- Introduced February 2012
- Referred to Subcommittee

State Legislation, Regulations and Rules

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States with e-Waste Laws

- 2003: California
- 2004: Maine
- 2005: Maryland
- 2006: Washington
- 2007: Connecticut, Minnesota, Oregon, Texas, North Carolina
- 2008: New Jersey, Oklahoma, Virginia, West Virginia, Missouri, Hawaii, Rhode Island, Illinois and Michigan
- 2009: Indiana, Wisconsin
- 2010: Vermont, South Carolina, New York, Pennsylvania
- 2011: Utah

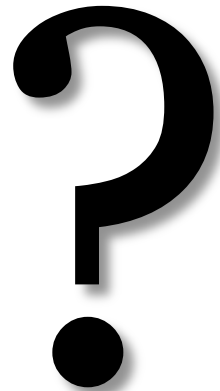
Overview of State e-Waste Laws

- Currently 25 states with e-waste laws, 3 states with disposal bans
- Combination of disposal bans, advance recycling fees, and take-back/producer responsibility requirements
- Check for requirements in your state:
<http://www.electronicrecycling.org/public/ContentPage.aspx?pageid=14>

FEC Resources

- Federal Legislation and Executive Orders Relevant to the FEC
 - http://www.epa.gov/fec/resources/fec_regs.pdf

Questions?



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