



# Update on US Recycling and Mercury Initiatives

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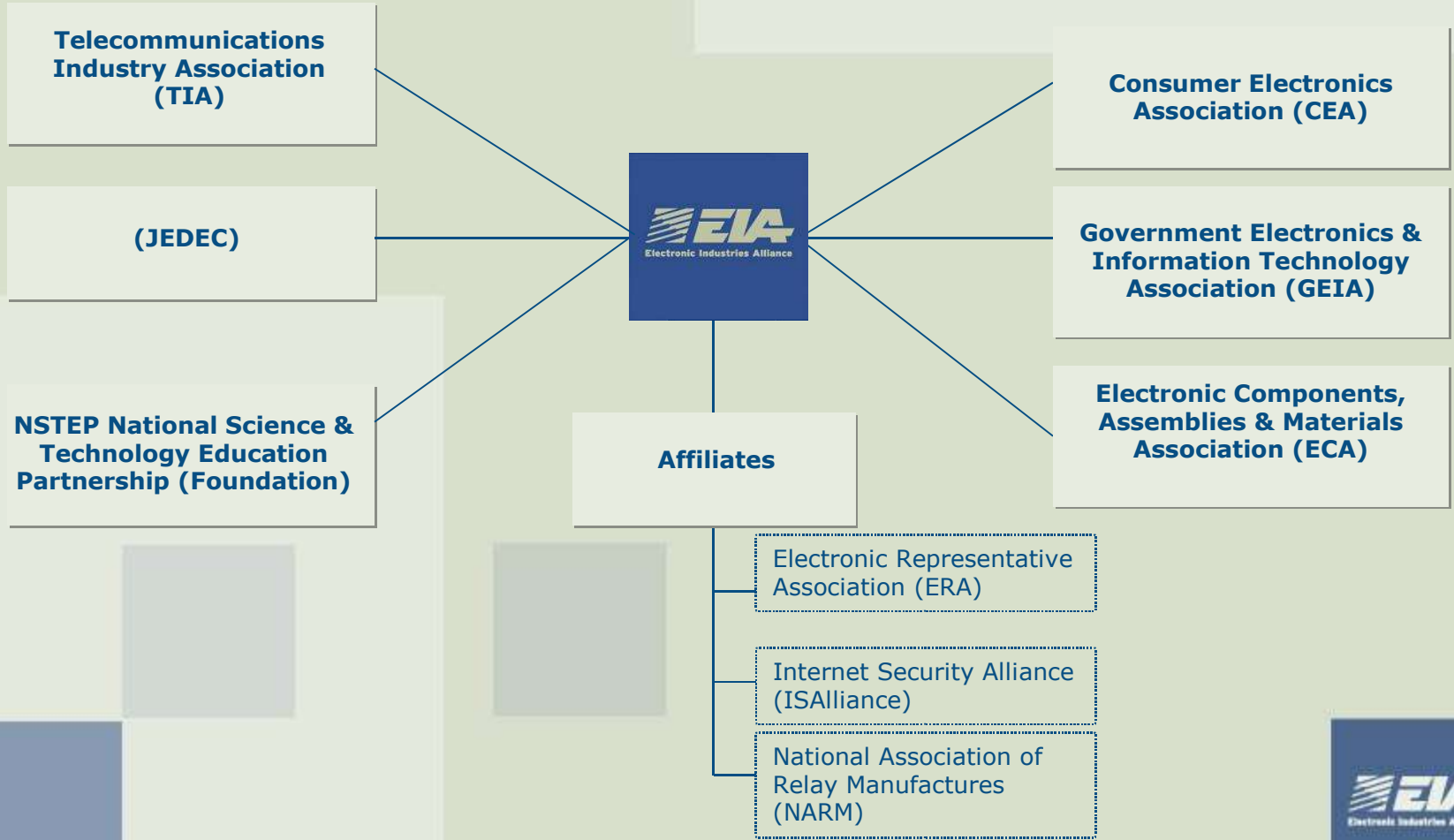
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NEMI RoHS/Lead-Free Summit

# Overview of Presentation

- **Recycling Legislation 2004**
- **Maine Update**
- **California Update**
- **Mercury Legislation**
- **Industry Solution**
- **Next Steps**

# Electronic Industries Alliance



# 2004 US State Recycling Legislation

- **Total of 52 bills introduced in over 20 states (several in some states).**

- Full Producer Responsibility
  - MA, MN, NY (cell phones), PA, RI, VT, WI
- Advanced Recovery Fee
  - CT, HI, IL, MD, NE, SC, TN
- Landfill Ban or Study Committee
  - ID (Resolution), MD\*, MI, NM, NY, RI, WA (amend)
- Combination of ARF/Partial Cost Internalization
  - Maine – DEP recommendation after Advisory Committee Meetings over summer

\* Maryland had three bills introduced one was a fee at point of sale, another full producer responsibility and the third was a landfill ban. Decided to move to a study of the issue and how MD should best address the issue.

# Current Study Committees

- Study Committee Overview
  - Studies usually result in legislation the following year
  - Most are multi-stakeholder with manufacturers, local government, state legislators, regulators, recyclers, and environmental groups participating
  - Important to follow and participate: Maine completed in 2003 led to legislation in 2004
- Current Studies
  - Maryland
  - Michigan
  - Minnesota
  - Oregon
  - Washington

# Maine Limited Producer Responsibility Law: Key Dates

- January 1, 2005: most video display devices containing a circuit board and a screen >4 inches must be labeled
- March 1, 2005: Manufacturer selling products in Maine required to develop and submit plans for collection and recycling/reuse
- January 1, 2006: implement and finance plans (either collectively or individually)
- January 1, 2006: prohibits sale of any video display device by a manufacturer who is not in compliance with the bill's provisions. Retailers barred from selling covered devices of an out-of-compliance manufacturer
- January 1, 2007: submit annual report

# Maine Law: Manufacturer Collection Plans

- Manufacturers are responsible for the development and implementation of the plans – including costs involved, if costs are passed on to consumers, the costs must be imposed at the time of purchase and not with a fee imposed at the end-of-life of the product.
- Manufacturer Collection Plans must include:
  - a description of the collection system;
  - a public education element;
  - details for implementing and financing the handling of its products;
  - details for the method of reimbursing consolidation facilities for their costs;
  - documentation of the willingness of all necessary parties to implement the plan;
  - assurances that the plan will comply with the local, state, and federal waste management laws; descriptions of performance measures that will be used;
  - description of additional or alternative actions that will be taken for improvement, if needed; and
  - annual sales data on the number and type of monitors and televisions sold by the manufacturer in Maine over the five years prior to filing the plan.

# California Recycling Law

- As of October 1, 2004 all companies should have sent notification to retailers/distributors informing of products that should carry the fee
- Scope of Products (per current regulations)
  - CRTs and CRT devices
  - Flat Panel Computer Monitors
  - Laptops

# California Law: Fees

- Six dollars (\$6) for each covered electronic device with a screen size of less than 15 inches measured diagonally.
- Eight dollars (\$8) for each covered electronic device with a screen size greater than or equal to 15 inches but less than 35 inches measured diagonally.
- Ten dollars (\$10) for each covered electronic device with a screen size greater than or equal to 35 inches measured diagonally.

# California SB 20: Reporting

- July 1, 2005: first annual report due
  - Estimate of number of covered products sold by company in state the previous year
  - New change: Only report on substances exempted from EU RoHS directive
  - Baseline that shows the following:
    - Total estimated amounts of mercury, cadmium, lead, hexavalent chromium, PBDE's and PBB's used and the reduction in the use of those from the previous years.
    - Recycled material
    - Design for recycling

# California Update: SB 50 and AB 901

- AB 901- Passed, Signed by Gov
  - Changed fee to November 1, 2004
- SB 50- Cleanup for SB 20, several positive changes, signed by governor:
  - NEW FEE DATE: January 1<sup>st</sup>, 2005
  - Schedule for new products
  - Design requirements harmonization
  - Manufacturer reporting more flexible

# National Electronic Product Stewardship Initiative (NEPSI)

- June 2001: Dialogue convened to develop viable national system for increasing collection, reuse and recycling of used electronics
- Multi-Stakeholder Dialogue
  - 15 manufacturers
  - 15 state, local & federal governments
  - 18 'others' – recyclers, NGOs, academics, retailers, etc.
- Last meeting Feb.10-11, '04
  - Industry committed to find financing solution

# Industry Consensus Financing Solution

- Industry committee has met 2 times and held numerous concalls to determine consensus financing solution for federal legislation
- Tentative compromise at May Meeting
  - Visible fee at the point of sale with flexibility in how the collected funds are managed
  - Individual companies would have the authority to manage the funds collected on the sale of their branded products and be responsible for recycling that company's share of returned products.
  - Further work needed on details

# State Mercury-Containing Product Legislation

- EIA opposes such legislation because mercury in electronics reduces net mercury emissions to environment
  - Mercury is used for energy efficiency lighting in LCD products, i.e. laptops and digital cameras.
  - Fossil fuel power plants are largest source of man-made mercury emissions
- Legislation Enacted in Several New England States
  - Require prior notification of mercury in products for sale in the state
  - Require collection of certain products (e.g., removable lamp)
  - Companies struggling to comply with conflicting requirements – labeling, collection.

# State Mercury-Containing Product Legislation

- Total of 14 bills in 8 states
  - Producer responsibility for collection
    - CA, MA
  - Labeling of mercury-containing products
    - CA, MD, MA, NY, VT, WA
  - Phase-out of mercury based on amount (down to 10mg)
    - CA, MA
  - Phase-out of mercury based on product (relays, switches)
    - IL, ME, NH
  - ARF for mercury lamps
    - CA
  - Notification prior to sale in state
    - CA, IL, MA, VT

## **BFR Use in Electrical and Electronic Equipment**

- Brominated Flame Retardants (BFRs) are a family of 75 chemical substances with different properties, characteristics, and performance.
- Only common point: all contain bromine – an element that is available in nature.
- BFRs are added to plastics used in electrical and electronic equipment (EEE) to slow down or prevent the ignition of fire

# Summary of Legal Restrictions on BFRs in EEE

	Applications	Status
PBBs	Rarely found	Banned in US and EU
Octa and Penta BDEs	Rarely found	Banned in Certain US States and EU by 2006
Deca BDEs	TV and computer casings	Not banned but under study in US and EU
TBBPA	Circuit boards and chip casings	Not banned but under study in Certain EU states

# Future BFR Use in the Electronic Industries

- The production of PBB, Penta BDE and Octa BDE has stopped or will stop by 2004.
- Existing risk assessments do not demonstrate a public health or environmental concern from Deca-BDE or TBBPA.
- Any mandated restrictions on Deca-BDE or TBBPA could cost lives and increase property damage by restricting the industry's use of effective flame retardants.
- BFR restrictions should not apply to recycled plastic resins.
- Industry will voluntarily continue to look for alternatives to BFRs.

# Industry Concerns with US Legislation

- Companies need a Level Playing Field
- States must also play role with strong enforcement
- Industry is concerned about consumer reaction
- Any programs must be efficient and allocate funds to program
  - Consumers
  - Company
  - Government
- Design Restrictions must be harmonized worldwide
- Need for federal guidance or preemption in US to prevent “patchwork quilt” of requirements

# Thank you for your kind attention

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