



ELECTRONICS: Legislative Update

February 7, 2006

Federal Electronics
Stewardship Conference





EXISTING STATE LAWS

California—

- **Point of sale fee on covered electronic devices**
 - CRTs (TVs & monitors)
 - LCDs (laptops and monitors)
- **Point of sale fee applies to sales or leases of above equipment to government and other commercial purchasers**
- **All covered devices sold in CA must meet EU RoHS Directive**
 - required reductions in lead, cadmium, chromium, mercury, certain flame retardants



EXISTING STATE LAWS

California (cont.)

- **Payment schedule**
 - Authorized collector - \$0.20/lb
 - Authorized recycler - \$0.28/lb
- **Payments only authorized for devices collected from consumers who used the device in CA**
- **Crushing, shredding, dismantling must occur within CA**
- **Governments and other commercial purchasers who pay the fee may bring covered products to registered collectors for EOL handling**



EXISTING STATE LAWS

Maine

- **Municipalities collect TVs and computers from *households* & deliver to consolidation facilities**
- **Not applicable to commercial/institutional discards**
- **Consolidators/recyclers count brands, arrange for recycling and bill manufacturers for recycling costs**



EXISTING STATE LAWS

- **Maryland**
- **Statewide computer recycling pilot program, effective 1/1/06**
- **Manufacturers who sell more than 1,000 computers/year must register and pay fee to state**
- **Covered products: desktops, personal computers, laptops, computer monitors.**
- **Law not clear on whether these products must come from household sources only or can include products from commercial (e.g., government) sources.**
- **Money collected from manufacturers funds grants to local governments for collection/recycling services for these products.**



Legislative Overview in 2005

- **Senate and House hold first ever e-waste hearings**
- **House e-waste working group established**
- **50+ bills introduced in 26 states**
- **Legislative proposals included: point-of-purchase fees, producer responsibility, tax incentives, study commissions, landfill bans**



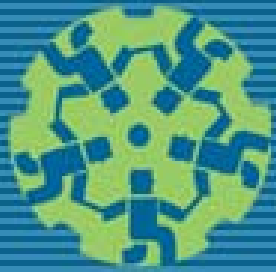
Federal Update

- **GAO report on e-waste released in 11/05 (GAO-06-47). Calls on EPA to**
 - to help develop federal legislation
 - to make Federal participation in FEC and EPEAT mandatory
- **Major Bills Pending in Congress, include bills:**
 - calling on EPA to study e-waste issue
 - establishing a tax incentives for companies and individuals who recycle electronics
 - creating a Federal grant program to jump-start recycling infrastructure to collect/recycle electronics using funds from a Federal fee on sales of electronics



STATE UPDATE: Individual States

- **Already 19 bills introduced in 8 states**
- **Include calls for:**
 - **task forces (KY),**
 - **cost sharing by municipalities and manufacturers (Nebraska)**
 - **manufacturer responsibility (NH, NJ)**



STATE UPDATE: Regional Developments

Northeast

- **10 States in New England + New York, New Jersey, Pennsylvania, Delaware looking to develop regional solution**
- **Currently have draft legislation establishing manufacturer fee for some costs of managing discarded electronics**
- **Draft legislation developed with involvement of state legislators**
- **NE states now in discussion with Midwest States about merging efforts for multi-regional solution**



STATE UPDATE: Regional Developments

Midwest

- **6 Midwest States (MN, WI, MI, IL, IA) working to develop model e-waste legislation.**
- **Draft calls on manufacturers to pay for collection/recycling of e-waste**
- **Midwest and NE states now talking about combining their efforts**
- **Some possible consideration of interstate compacts**



LEGISLATIVE OUTLOOK

- **Predictions for 2006**
 - More state action on e-waste
 - Expect at least 1-2 states to pass legislation: likely including WA, possibly NJ
 - National solution unlikely; however Hill may be asked to pass legislation facilitating/enabling regional solutions (e.g., NE/Midwest coalitions)
- **Impact on FEC partners??**
 - Depends on whether state laws address household sales/disposal only (as in ME) or all sales/disposal (as in CA) or not clear (MD)
 - Argument for including household/commercial e-waste is that it spreads the cost more broadly
 - Argument for excluding commercial is that commercial generators of e-waste have to pay to manage their own waste (e.g., not included in tax base); but they don't always do the right thing!