



## Answers to Frequent Questions: Federally-Owned Electronics at End-of-Life

Updated: 10/05/2010

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### PURPOSE

This document provides answers to frequently asked questions about federal electronics end-of-life management.

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### FREQUENT QUESTIONS ABOUT ELECTRONICS AT END-OF-LIFE

#### **What are the electronics reuse and recycling requirements in Executive Order 13514?**

Executive Order (E.O.) 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, Section 2(i), requires agencies to "promote electronics stewardship, in particular by: ...employing environmentally sound practices with respect to the agency's disposition of all agency excess or surplus electronic products."

Through their Strategic Sustainability Performance Plans, agencies must indicate how they are using or plan to use programs such as disposal through GSAXcess®, recycling through UNICOR, donation through the General Services Administration (GSA) Computers for



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Learning (CFL) program or other non-profit organizations, and/or recycling through a private recycler certified under the Responsible Recyclers (R2) guidance or equivalent.

### **What other legislation or regulations apply to electronics reuse and recycling?**

Two resources provide information on federal regulations related to electronics reuse and recycling:

- EPA's eCycling website on Regulations/Standards:  
<http://www.epa.gov/epawaste/consERVE/materials/ecycling/rules.htm>
- The Federal Electronics Challenge (FEC) resource, *Federal Legislation and Executive Orders Relevant to the FEC*, available at:  
[http://www.federalelectronicchallenge.net/resources/docs/fec\\_regs.pdf](http://www.federalelectronicchallenge.net/resources/docs/fec_regs.pdf)

There are also a growing number of State and local recycling laws which may apply to your agency or facility, depending on your location. The National Center for Electronics Recycling provides a list of electronics recycling laws in effect by State:

<http://www.electronicrecycling.org/public/ContentPage.aspx?pageid=14>.

### **Can my organization directly transfer computer equipment under Computers for Learning without putting the equipment in GSAXcess®?**

Yes, federal entities may opt to directly transfer computer equipment to eligible schools and educational nonprofits. Direct transfers should be reported through the CFL Post Transaction Module. Certain restrictions and reporting requirements apply to direct transfers. See GSA's *Personal Property Disposal Guide*, available at:  
[http://www.gsa.gov/graphics/fas/5-06-00389\\_R2-yWC-w\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/graphics/fas/5-06-00389_R2-yWC-w_0Z5RDZ-i34K-pR.pdf), for more information.

Excess electronics that are entered into GSAXcess® may be automatically offered to eligible schools and educational nonprofits through the CFL program, as part of the personal property disposal process.

### **What is the difference between transfer and donation?**

"Transfer" refers to providing excess equipment for use by another federal entity, or for use by eligible schools and educational nonprofits. When a federal agency transfers equipment to another federal agency or to a school or educational nonprofit activity, the holding federal agency releases its ownership of the equipment and the recipient gains ownership of the property upon receipt.

"Donation" refers to providing surplus federal equipment for use outside of the federal government, including to eligible nonprofit organizations and state and local government agencies. When a federal agency donates electronic equipment through a State Agencies for Surplus Property (SASP), title to the equipment is vested with the United States Government until a specific time period of restriction is met. During the period of restriction, the recipient has conditional title to the equipment that allows them to take the electronic equipment into its custody and use it. After the period of restriction is met, the recipient gains title to the equipment.



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### Is all electronic waste hazardous waste?

No, not necessarily. Electronic equipment may contain some components that are considered hazardous and may require special handling such as cathode ray tubes, nickel-cadmium batteries, and mercury backlights on liquid crystal displays (LCD). Other components such as the plastic housings, metal parts, and non-lead glass are not hazardous and contain recyclable materials that can be recovered and reintroduced into commerce.

Federal regulatory requirements are described at EPA's eCycling website:

<http://www.epa.gov/epawaste/conserva/materials/ecycling/rules.htm>. Federal agencies and facilities should also check with their state regulatory requirements, which might be different from federal regulatory requirements. The National Center for Electronics Recycling provides a list of electronics recycling laws in effect by State:

<http://www.electronicrecycling.org/public/ContentPage.aspx?pageid=14>.

### Does the EPA certify electronics recyclers as environmentally sound or responsible?

The EPA does not certify electronics recyclers. Some recyclers might claim to be "U.S. EPA approved" or "U.S. EPA certified" but these are not accurate claims since no EPA approval or certification programs exist.

EPA supports and will continue to push for further safe and productive recycling efforts and encourage improvements in best management practices for recyclers. There are existing recycling certification programs, such as the Responsible Recycling (R2) Practices and e-Stewards, that EPA believes advance environmentally safe practices and include standards for use in third party certification of such efforts.

**IMPORTANT NOTE:** Recycling facilities are certified at the facility level. A multi-facility or national organization must independently certify each of their locations. Due to the length of time required for certification, these multi-facility or national organizations may have some facilities that are certified and some that are not yet certified. Check to determine which facility location will be used to recycle your electronics, and ensure that specific facility is certified.

To find an R2 certified recycler, please check the R2 Solutions website:

<http://www.r2solutions.org/index.php?submenu=Recyclers&src=gendocs&ref=R2CertifiedRecyclers&category=Main>.

To find an e-Stewards certified recycler, please check their online map for recyclers indicated by markers as **certified** to the e-Stewards Standard for Responsible Recycling and Reuse of Electronic Waste: <http://e-stewards.org/find-a-recycler/>. Please note that recyclers indicated by markers as **qualified** by BAN under the Electronic Recyclers Pledge of True Stewardship program are NOT third-party certified and do not meet federal due diligence requirements.



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**IMPORTANT NOTE:** There may be a number of recyclers that are undergoing the certification process for these standards. These recyclers are NOT third-party certified and do not meet federal due diligence requirements until their certification is complete and they are listed on the applicable website as certified.

### **Does my facility need to go through GSA in order to recycle its electronics? At what point in the property disposal process can my organization use an electronics recycler?**

Facilities do not need to go through the GSA in order to recycle electronics, but they do need to follow federal personal property management guidelines. Abandonment or destruction of property is generally considered only when reuse, transfer, donation, or sale has been found to be impractical or not cost effective. Obsolete and broken electronics declared for abandonment/destruction do not have to be reported to GSA and can be recycled through an environmentally responsible electronics recycler.

### **What is “donation in lieu of abandonment”?**

Donation in lieu of abandonment/destruction allows federal entities to donate used electronics to a public body without GSA approval. For example, federal agencies can donate their used electronics to UNICOR for reuse and recycling.

### **What is “due diligence”?**

In the context of selecting an electronics recycler, due diligence refers to the act of ensuring that the recycler you select will handle and process your electronic equipment consistent with all federal, state and local regulations, and in an environmentally sound manner. Performing due diligence prior to using an electronics recycler ensures that you can meet the requirements of E.O. 13514.

The following FEC tools can help federal organizations perform due diligence:

- *Checklist for Selection of Electronics Reuse and Recycling Services* provides a brief checklist to assist in the initial selection of an electronics recycler, and is available online at: <http://www.federalelectronicschallenge.net/resources/docs/select.pdf>.
- *Guidelines for On-Site Reviews of Electronics Recyclers* provides in-depth guidance for completing an on-site review of electronic recycler to help ensure the selection of an environmentally responsible vendor, and is available online at: [http://www.federalelectronicschallenge.net/resources/docs/onsite\\_review.pdf](http://www.federalelectronicschallenge.net/resources/docs/onsite_review.pdf).

### **Does my facility always have to perform due diligence when using an electronics recycler?**

If a federal agency or facility opts to use electronics recycler certified through either the Responsible Recycling (R2) Practices for Use in Accredited Certification Programs, or the e-Stewards Standard for Responsible Recycling and Reuse of Electronic Waste, they do not need to perform additional due diligence to ensure compliance with E.O. 13514. Due diligence activities have been performed through the third-party certification process to ensure these recyclers follow environmentally sound recycling practices.



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**IMPORTANT NOTE:** Recycling facilities are certified at the facility level. A multi-facility or national organization must independently certify each of their locations. Due to the length of time required for certification, these multi-facility or national organizations may have some facilities that are certified and some that are not yet certified. Check to determine which facility location will be used to recycle your electronics, and ensure that specific facility is certified.

Federal agencies and facilities that choose not to use a third party certified recycler may choose and contract with a local recycler that meets their needs. When selecting a different recycler, federal agencies and facilities must practice due diligence to ensure that the electronics recycler they select utilizes environmentally sound practices, in accordance with E.O. 13514.

**IMPORTANT NOTE:** There may be a number of recyclers that are undergoing the certification process to a third-party standard. These recyclers are NOT third-party certified and do not meet federal due diligence requirements until their certification is complete and they are listed on the applicable website as certified.

### How can my organization find another electronics recycler?

Agencies that choose not to use a third party certified recycler may select and contract with another recycler that meets their needs:

- Federal agencies and facilities may utilize GSA's Environmental Services Schedule (GSA 899-5), a multiple award schedule of electronic waste or hazardous material recycling contractors. Federal agencies and facilities should be aware that the selection of recyclers on this schedule was based on the business, not the environmental, practices of the recycler.
- The EPA's eCycling website includes links to manufacturer and retailer Plug-In program websites, and links to other organizations that provide assistance in finding local electronics recyclers:  
<http://www.epa.gov/epawaste/conserves/materials/ecycling/donate.htm>.
- Local or state environmental or solid waste agency may have local collection programs or databases of vendors who recycle electronics.

**IMPORTANT NOTE:** When not utilizing an R2 or e-Stewards certified recycler, federal agencies and facilities must practice due diligence to ensure that the electronics recycler they select utilizes environmentally sound practices, in accordance with E.O. 13514.

### Does my organization need to perform due diligence if we sell our surplus electronic equipment?

Yes, E.O. 13514 requires all federal agencies to use environmentally sound practices with respect to disposition of all agency electronic equipment. Electronics sold to the public, including electronics sold to electronics recyclers, may not be disposed of in an environmentally sound manner. Federal agencies, therefore, should exercise due diligence when selling or otherwise disposing of used electronics.



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While required by E.O. 13514, there is currently no guidance on how to perform due diligence on buyers of electronic equipment through public auctions. The FEC encourages federal agencies and facilities to declare obsolete and broken electronics for abandonment and destruction, and send them to an environmentally responsible recycler, instead of offering them for public sale.

### **Can my organization do an exchange sale with electronic equipment?**

Yes, when replacing personal property with similar items, the value of the old items may be used to reduce the cost of the replacement item either by exchange (trade-in) or sale. Certain restrictions and reporting requirements apply to exchange/sales. See GSA's *Personal Property Disposal Guide*, available at: [http://www.gsa.gov/graphics/fas/5-06-00389\\_R2-yWC-w\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/graphics/fas/5-06-00389_R2-yWC-w_0Z5RDZ-i34K-pR.pdf), for more information.

### **Can my organization use manufacturer take-back services?**

Yes, federal agencies and facilities may use manufacturer take-back services through one of two methods: exchange/sales or abandonment/destruction.

- *Exchange/Sales:* When replacing personal property with similar items, the value of the old items may be used to reduce the cost of the replacement item either by exchange (trade-in) or sale with a manufacturer or vendor.
- *Abandonment/Destruction:* If the manufacturer is willing to take-back obsolete and/or broken equipment, federal agencies may declare the property for abandonment and destruction and use manufacturer take-back services.

**IMPORTANT NOTE:** Electronics taken-back by a manufacturer may not necessarily be reused, refurbished, recycled or disposed of in an environmentally sound manner. Federal agencies and facilities must exercise due diligence when returning used electronics to manufacturers.

Certain restrictions and reporting requirements apply to exchange/sales and abandonment/destruction declarations. See GSA's *Personal Property Disposal Guide*, available at: [http://www.gsa.gov/graphics/fas/5-06-00389\\_R2-yWC-w\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/graphics/fas/5-06-00389_R2-yWC-w_0Z5RDZ-i34K-pR.pdf), for more information.

### **What responsibilities does my organization have for leased equipment, or equipment provided through seat management, at end-of-life?**

Equipment leased by federal agencies, or provided under seat management contracts, is included under the requirements of E.O. 13514. Agencies must ensure applicable information technology contracts incorporate adequate language to require that, at the end of the contract period, the equipment is reused, donated, sold, or recycled using environmentally sound management practices.



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### Where can we get information on reusing or recycling non-federally owned electronic equipment (i.e., equipment collected from employees)?

For information on recycling non-federal equipment, please see the EPA's eCycling website: <http://www.epa.gov/ecycling/>.

### REFERENCES AND RESOURCES

The text of Executive Order 13514 is available from FedCenter at: <http://www.fedcenter.gov/programs/eo13514/>.

Information about the Responsible Recycling (R2) Practices for Use in Accredited Certification Programs is available at the R2 Solutions website: <http://www.r2solutions.org/>.

Information about the Basel Action Network's e-Stewards Standard for Responsible Recycling and Reuse of Electronic Waste is available at: <http://e-stewards.org/>.

Information about GSA's guidelines and services for personal property disposal is available online at: <http://www.gsa.gov/portal/category/21045>.

GSA's *Personal Property Disposal Guide* is available online at: [http://www.gsa.gov/graphics/fas/5-06-00389\\_R2-yWC-w\\_0Z5RDZ-i34K-pR.pdf](http://www.gsa.gov/graphics/fas/5-06-00389_R2-yWC-w_0Z5RDZ-i34K-pR.pdf).

Information about Computer for Learning (CFL) is available online at: <http://computersforlearning.gov/>.

Information about GSAXcess® is available online at: <http://gsaccess.gov/>.

A list of State Agencies for Surplus Property, with contact information, is available online from the GSA at: <http://www.gsa.gov/portal/content/100851>.

Information regarding UNICOR's electronics recycling services is available online at: <http://www.unicor.gov/recycling/>.

Additional resources that address end-of-life issues are available online from the FEC, at: <http://www.federalelectronicschallenge.net/resources/eolmngt.htm>.

### CONTACT INFORMATION

If you have questions related to this resource or need other assistance with the Federal Electronics Challenge, please contact your Regional Champion. The list of FEC Regional Champions is available at <http://www.federalelectronicschallenge.net/champions.asp>.

Partners may also request technical assistance via email to [partner@electronicschallenge.net](mailto:partner@electronicschallenge.net).



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### FEDERAL ELECTRONICS CHALLENGE

Website: <http://www.federalectronicchallenge.net/>

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