



eCycling Advisory Committee Final Report

Introduction

During the 2007 Interim the eCycling Advisory Committee reviewed various state models for electronics recycling legislation. The main objectives for the advisory committee were to determine the appropriate electronics recycling model and define what types of materials and products would be included in the scope of the model.

Legislative Members:

Delegate Ken Plum, Chairman

Other Members

A. Georgiana Ball, Department of General Services
John Brown, intechra
Parker Brugge, Consumer Electronics Association
Jimmy Crews, Rappahannock Goodwill Industries
Jeremy Farber, PC Recycler
Pamela Gratton, County of Fairfax
Harry E. Gregori, Environmental Solutions
Paul Liberty, AERC
Eric Link, VITA
Michael Murphy, Department of Environmental Quality
John Schlegel
Fran Valluzzo, Dell
Elizabeth Wilmot, Turtle Wings

Summary

During its first meeting the advisory committee received a presentation by Department of Environmental Quality (DEQ) reviewing current recycling practices in the Commonwealth. DEQ distributed copies of frequently asked questions and a list of ewaste vendors in the Commonwealth to the advisory committee members.

During the open discussion portion of the meeting members discussed the various types of recovery and recycling programs offered by both public and private entities. One

member suggested the need to utilize private entities for asset recovery programs and take advantage of companies that do not charge consumers for recycling certain electronic products. Although this form of manufacturer responsibility recycling can be low cost to a state, state sponsored public education on consumer recycling would be a necessary component.

Members also discussed the variety of technology users that require electronic recycling services (i.e., government, consumers, and businesses). The committee recognized the importance of convenience to residents who wish to recycle all types of electronics at one location.

On the issue of national policy, The Environmental Protection Agency (EPA) considers electronics as an environmental risk and not a health risk, and therefore not a priority. After a brief discussion on some of the international environmental concerns of ewaste, the advisory committee expressed an interest in the idea of a state-wide ban on the international export of electronic waste. However, due to the national scope of the problem, the advisory committee agreed to leave the issue to the federal government.

During the second meeting JCOTS Intern Jenn Golladay provided a follow-up presentation on the international Basel Convention and the European Union's RoHS standards. She explained the adoption of the RoHS standards by California in 2003 (SB 20) and 2004 (SB 50), both became effective January 1, 2007. One member of the advisory committee noted that many electronics manufacturers are beginning to adhere to the RoHS standards on a voluntary basis because it is less costly for them to produce one version of a device for all potential markets.

Moving Towards the Manufacturer Responsibility Model

Parker Brugge, a member of the advisory committee representing the Consumer Electronics Association provided the committee with a state by state summary of ewaste legislation. The presentation focused on state initiatives of California, Maine, Maryland, Washington, Minnesota, Texas, Oregon, and Connecticut.

During an open discussion period members suggested that the Dell/Texas manufacturer responsibility initiative is least costly and could be implemented in the shortest period of time. At the conclusion of the meeting Delegate Plum requested staff to draft a manufacturer responsibility model bill based on the Dell/Texas legislation.

At the next meeting, advisory committee member Georgiana Ball and Brad Crawford, from the Department of General Services (DGS), provided a presentation on state disposal and recycling practices for electronic equipment. Mr. Crawford also explained the information security procedures that must be followed by DGS and other state agencies.

Delegate Plum polled the advisory committee members to see if they would support a more in-depth look at the Dell/Texas model legislation. The advisory committee agreed that the Dell/Texas model would be a viable option for the Commonwealth.

Fran Valluzo, advisory committee member and Dell representative, presented on the Texas legislation establishing a manufacturer responsibility computer recycling program during the following advisory committee meeting. One of the major discussions focused around the option of adding televisions to the producer responsibility model in Texas. Televisions account for approximately 40% of the electronic waste stream, by volume, and contain toxic chemicals, that when aggregated, pose a danger to human health. Texas did not include televisions in their legislation, however, Mr. Valluzo stated Dell would not oppose including televisions in Virginia legislation. Realizing that some manufacturers may oppose this decision, the advisory committee ultimately decided to include televisions in the Virginia legislation.

Another discussion focused around whether legislation should include printers, scanners, fax machines and other peripheral equipment. The advisory committee noted that many of these items do not pose the same volume or hazardous chemical problems that televisions, monitors, and computers pose. The advisory committee decided not to include these items in the legislation at this time.

In regard to applicability, the advisory committee chose to set a minimum manufacturing threshold before the requirements of the legislation would be triggered. The draft legislation incorporates a 100 unit manufacturing threshold.

One related issue introduced by Goodwill at the last meeting was the issue of consumers leaving broken or antiquated computers and televisions at Goodwill locations because they do not know where else to take them. Although not directly related to the manufacturer responsibility legislation, this is an ewaste issue that may become ripe to address in the future.

Based on comments from the advisory committee staff drafted additional legislation amending § 10.1-1425.26 of the Code to allow localities to prohibit the disposal of cathode ray tubes (CRTs) from all waste disposal facilities and waste-to-energy facilities, as opposed to solely private landfills, if the locality implements a program to recycle CRTs.

After the final advisory committee meeting staff sent draft legislation to members of the advisory committee for comments and incorporated a potential compromise of those comments in the final draft.

Final Recommendations

The eCycling Advisory Committee formally recommends that JCOTS approve the manufacturer responsibility eCycling program based on the Dell/Texas model and the amendments to § 10.1-1425.26 of the Code. Given the limited exposure to various

manufacturers, localities, and non-profit organizations, the advisory committee recognizes future edits may be needed to address various sections of the legislation identified by staff as not achieving full consensus by the advisory committee. A copy of the draft legislation accompanies the materials for the 12/10/07 meeting of the Joint Commission on Technology and Science.