

**E-Waste Regulations Advisory Committee
Conference Call Minutes**

Date: December 12, 2007

Topic: Additional devices to be included in the definition of covered electronic devices

Participants:

Tom Metzner	CT DEP
Kevin Sullivan	CT DEP
Gabrielle Frigon	CT DEP
Carmen Holzman	CT DEP
Mark Latham	CT DEP
Valerie Bodner	CT DEP
Nick Ammann	Apple
Michael Anderson	Eastman Kodak
Jonathan Bilmes	Tunxis Recycling
Heather Bowman	Hewlett Packard
Mike Bzdyra	CT Resources Recovery Authority
Phyllis Cheatum	3M
Gina Chiarella	We Recycle
Carole Cifrino	Maine DEP
Chris Cleet	Information Technology Industry Council
Mike Conklin	Town of Wilton
Jean Cronin	Hughes & Cronin
Maggan Ehret	Thomson Inc
Ric Erdheim	Phillips
Holly Evans	Strategic Counsel
Joseph Fainer	Environmental Management Consultants, Inc.
Art Fichter	Apple
Ray Graczyk	Northeast Lamp Recycling
Peg Hall	Connecticut Recyclers Coalition
James Hogan	We Recycle
Peter Kopcyh	CRT Recycling
Jeff Kuypers	Hewlett Packard
Jason Linnell	National Center for Electronics Recycling
Erica Logan	Xerox
Joseph Nardone	Eco International
Kim O'Rourke	City of Middletown
Kristyn Rankin	ERM
Cheryl Reedy	Housatonic Resources Recovery Authority
Pamela Roach	Town of Hamden
Irene Rodriques	Robinson & Cole
Alec Rogers	Xerox
Mario Rufino	Canon USA
Peter Smith	Rome Smith
Pat Summers	NEC Display
Paul Swoveland	Lexmark
Karen Weeks	The Kowalski Group
Doreen Zaback	Town Wallingford

DEP opened the call with the introduction of participants. Call participants were informed of the status of the draft regulations and that anyone interested in attending the 1/14/08 meeting in Newington, CT should send an e-mail to DEP indicating who will be attending. DEP will send out a list of everyone who has responded to make sure the list of attendees is accurate.

DEP: The E-waste law requires the department to develop a list of covered electronic devices. The law gives the department the authority to include additional devices other than those already specified in law i.e., televisions, computers and monitors. The law specifically mentions printers but we can consider any electronic device. Our first question: What are the pros and cons of adding devices to the program at this time?

Comment: Some towns are already accepting a variety of electronics for recycling on a regular basis (cameras, cell phones, printers, keyboards, mice, USB connectors, etc). It will be confusing to the public if we do not include these items, particularly the computer peripherals.

Comment: Continuity between this program and what is already being done by towns is preferred.

Comment: Right now one-day events accept everything. To accept only certain electronics would put the towns in a bind. What would they do with the peripherals?

Comment: Agree. Other devices should be added now.

Comment: Disagree. The department should start slow, with the subset of electronic devices identified in the law. It would make it easier on the manufacturers to come up to speed with a complicated program that has not been done before in the state. Starting out small is consistent with what other states have done and with the intent of the law. Oppose a full approach before we know how it will all work.

Comment: The law does not preclude a town from collecting and recycling electronic devices that are not considered covered electronic devices.

Comment: You must consider the administration of the program. Adding devices opens up the universe of manufacturers that must participate. Instead of 30-40 you could end up with thousands. DEP should take a wait and see approach before expanding the types of devices covered by the program.

Comment: So towns will have to separate CED from non-CEDs. One container for CEDs and one for all other electronic devices. How do towns that collect electronics pay now?

Comment: For 13 towns, printers and copiers are free because of the economics.

Comment: Some towns charge a small fee for the items they collect. The purpose of the law was to serve the public and the environment. Understand the manufacturer's concerns but from the public's point of view, it will be confusing if printers and peripherals are not included. People will show up with all parts of a computer, not just the monitor and CPU. It would be easier to add additional devices now rather than having to re-educate the public when they are added later.

DEP: For electronics collected now, what percentage by weight are not covered electronic devices (CEDs)?

Comment: For a recent collection of 100,000 lbs., 60% was not CEDs.

Comment: Approximately 40-50% are not CEDs.

Comment: It is more like 30-40% are not CEDs.

Comment: As a town, our experience is that approximately 25% are not CEDs.

Comment: So the town will keep that 25% separate?

Comment: No. The town will not separate CEDs from non-CEDs.

DEP: Will the vendor separate them?

Comment: Yes.

DEP: What if the vendor won't?

Comment: Then we will find a vendor that will.

Comment: Non-CEDs comprising approximately 25% of the electronics waste stream seems about right. Separating CEDs from non-CEDs is not an issue for recyclers. The difficulty will be the separate accounting and paper work for these two streams.

Comment: Our town advertises that we take anything with a circuit board or screen. We discard mice and keyboards.

DEP: A question for recyclers. Are CEDs and non-CEDs processed the same way or are there differences?

Comment: We separate electronics based on what will happen to them. Wooden cased TVs are handled differently than plastic cased TVs.

Comment: Tracking and reporting for CEDs and non-CEDs are different but the actual handling of the two waste streams uses the same process.

Comment: As a town, if we only collect certain types of electronics, what do we tell the public? VCRs have the same hazardous constituents as CEDs and it seems the public will ask why we won't take it. This is a confusing message from the town.

DEP: All electronics can be taken by the town. The question is who pays for it. Towns can decide to accept non-CEDs and pay to have them recycled.

Comment: As a recycler for 13 towns, we take all electronics and charge for TVs and monitors. Everything else is free.

DEP: Is there a % return on the items that are taken for free?

Comment: Yes.

DEP: If we add a waste stream that has no cost, there will be no bill to the manufacturer.

Comment: These items are current commodities and the economics is based on today's market. This could change in the future.

Comment: We have been taking these items for free for 11 years.

Comment: Why should we add items to this program if they are already being recycled at no cost?

DEP: The economics will come out during the approval process for the recyclers. With regards to printers, how many new manufacturers would be pulled into the program because they manufacture printers but not computers?

Comment: Manufacturers such as Cannon, Eastman Kodak, Epson and Lexmark would be pulled in.

Comment: Such manufacturers may not feel they had adequate input in the drafting of the law if they are pulled into it now.

DEP: Are printers economically sustainable products?

Comment: Yes.

Comment: If there is economic value, then why should we regulate it under this law?

Comment: We shouldn't.

DEP: The law also includes a landfill disposal ban.

Comment: Can CT ban disposal of CEDs in out-of-state landfills?

DEP: No. With regard to economic value, economic value alone doesn't give residents an incentive to recycle.

Comment: As a town, we pay for TVs and monitors and everything else if free.

Comment: Economics should figure into the regulations.

Comment: But economics can change. You should take it slow and phase things in. Develop a program now for TVs and computers and continue studying other items. DEP needs to ensure that homeowners recycle. There is no need to include items that currently have value and are being recycled.

Comment: Can you identify a product and then only apply portions of the law to it?

DEP: We can add an item to the program but we do not have the authority to apply only certain provisions of the law to it.

Comment: If an item contains lead it should be subject to the ban.

DEP: The ban is not solely about toxicity. Any item added would be subject to all provisions of the law. DEP understands that economics play a role in considering if an electronic device should be added to the program. Adding printers will pull in a handful of additional manufacturers. For those who manufacture only printers, what are your concerns about adding printers to the program?

Comment: How would the program be administered? How will you know how many printers were sold in CT by each manufacturer? If the recyclers are making money on printers, what will be the bill to the manufacturer? Will there be a double payment to the recycler?

DEP: If printers are added and there is a net value to the recycler, there would be no bill to the manufacturer. Manufacturers would be responsible for paying orphan share and annual fees to cover the department's administrative costs.

Comment: Why include printers when there is no cost to recycle? Paying orphan share and the department's administrative costs will simply drive up the manufacturer's costs.

Comment: Printers are not found in the definition sections of the law. However, they are specifically mentioned in the section that requires the department to develop regulations. Including printers was debated on the floor and not in a public forum. Printer manufacturers did not have the chance to participate. Different products have different environmental concerns and that must be considered.

Comment: Legislative intent does have a place in considering whether or not an electronic device should be added to the program.

Comment: The legislative intent was to start out slow and then add products as necessary.

Comment: What is the definition of a printer?

DEP: Let's talk about the definition of a printer. There are a lot of different printers out there. Are photo printers significantly different from computer printers?

Comment: There are different manufacturers and identifying all of them will be difficult. There are multifunction devices, bubble jets, lithographic machines, handheld devices and certain copy machines are considered printers.

Comment: We manufacturer everything from commercial printers to medical imaging printers.

DEP: The law only provides for household generated wastes. A question for the recyclers: Is the recycling process different for a multi-function unit vs. a standard printer?

Comment: Multi-function units have a greater variety of ink cartridges but basically the two are the same.

Comment: Multi-function units can have platen glass, different inks and toners and tend to be a little more complex than a desktop bubble jet printer.

Comment: Printers are predominately plastic with some circuitry and mechanical components.

Comment: Printers have a value of about 12 cents/lb excluding plastic.

Comment: There are also small handheld printers and printing calculators.

DEP: Does Washington have printers on its list and are they defined?

Comment: Washington did not include printers.

DEP: Minnesota includes printers but they are simply used as a way for manufacturers to meet their recycling quotas. Is there a good source for definition of printers?

Comment: Given the difficulty in defining “printer” and the short timeframe within which we must work, it is ill advised to add printers at this time.

Comment: You should take a look at the legislative transcripts to determine the legislative intent.

DEP: We have been have been consulting the transcripts throughout this process to determine legislative intent. We are considering adding printers because the law specifically mentions them. With regards to keyboards, who manufactures only keyboards? Do they account for a large percentage of the keyboards on the market?

Comment: There are wireless keyboard and mice manufacturers but do not know the mix.

Comment: Including keyboards and mice would bring manufacturers into the program that would otherwise have no obligation.

DEP: Which would mean that more manufacturers, such as Logitech and Microsoft, would be subject to administrative fees and orphan share costs. Would the same manufacturers that make keyboards also manufacture mice?

Comment: Yes. Mice and keyboards probably are made by the same manufacturers. You are potentially adding a lot of new manufacturers to the program if keyboards and mice are included. See www.keyboards.com

DEP: What about VCRs and DVD players? Do these represent a separate group of manufacturers or are they closely associated with TV manufacturers?

Comment: Most TV manufacturers make VCRs and DVD players. However, there are manufacturers who make VCRs and DVD players but do not manufacture TVs.

Comment: True. What products are funded by the program?

DEP: Those on the list, which the law gives the department the authority to add to.

Comment: So when a product is added all of those manufacturers would need to register with the department?

DEP: Yes.

Comment: Could you add printers to the regulations now, but not have it take effect until 2010 or 2011?

DEP: That is a good question.

Comment: DEP has the authority to add items to the list whenever it wants.

DEP: We do not have to add items up front. The problem is that if we add items later, that will require modifying the regulations which is a long process.

Comment: Add additional items to the regulations now using a phased in approach.

Comment: Phasing items in would reduce the chaos of bringing a lot of new manufacturers into the program at once.

DEP: The law uses a phased in approach so the regulations could also phase in the addition of new items.

Comment: The department should come up with criteria , such as toxicity, for adding new items to the list. To be added, the item must meet those criteria.

DEP: Toxicity is only one consideration. Criteria such as volume and problems with disposal should also be considered. Did California formalize criteria for adding items to its program?

Comment: California's law includes the criteria that an item must fail for toxicity to be added to the program. This is a good way to lend objectivity to the process and ensure that items aren't added based on a perception.

DEP: We are sensitive to the town's concerns about covering the cost of recycling non-CEDs bought to them. We are also sensitive to fairness and burden of pulling new manufacturers of products other than TVs and computers into the program. How did Maine do it?

Comment: Maine used a stakeholder process before the law was adopted. We considered the volume, cost and difficulty towns had in handling the item. Currently Maine's program is limited to TVs and computer monitors. However our law gives us the flexibility to add more and we would consider the cost to the town and volume.

Comment: How does Maine handle electronics brought in by residents that are not part of the program?

Comment: The town and the approved consolidator work out an agreement on the cost for handling those wastes on a case by case basis.

DEP: Are there any other questions or comments? Are there any other items we should consider adding at this time? Are there other categories of electronics that show up regularly at transfer stations?

Comment: Have you surveyed other states to see what they can and are doing. Many states will follow Connecticut's lead.

DEP: We have the ability to add items immediately but other states may not have that flexibility. We are simply gathering information to decide if adding items is something we want to do now.

Comment: Can we add an item and only have the disposal ban apply?

DEP: That would require changing the law. Also keep in mind that the purpose of the law is to increase recycling across the board.

Comment: We receive radios, speakers and stereos. Have these items already been discussed?

DEP: Not to this point. The law addresses computers, TVs and their related components. Radios would be a separate category and adding them at this time would be an administrative challenge. Cell phones are not a candidate because there is already a recycling program out there for them.

Comment: What about home copiers, all-in-one machines and digital cameras?

Comment: We get stereos.

DEP: Are stereos still manufactured? It seems that many of the past stereo manufacturers would be out of business so there would be a lot of orphan devices.

Comment: Yes, stereos are still being manufactured. We support developing criteria to be used when considering adding an item to the program to provide quantitative assurances.

DEP: Criteria could include such things as environmental benefit, cost, volume, toxicity and useful life.

Comment: Are keyboards and mice toxic?

Comment: They are not highly toxic. Toxicity mostly comes from copper in the circuitry. There can also be mercury and lead although newer products are already going lead-free.

Comment: Keyboards and mice are not high ranking for toxicity but perhaps for volume.

Comment: Toxicity is becoming less of an issue because of the European requirements.

Comment: California decided that keyboards and mice were not a high priority based on toxicity. The issue was DECA, a brominated flame retardant.

DEP: The European requirements call for the removal of lead solder, mercury, etc. There is still the responsibility to recycle. What is the scope of the WEEE initiative?

Comment: It is huge. It includes everything from small household appliances to electrical tools. Basically, if it requires an electrical current it is covered, with the exception of medical and military devices.

DEP: So it would include the items we are discussing now?

Comment: Yes.

Comment: Local government is tasked with collecting and getting the items to consolidation points.

Comment: The initiative is a work in progress. It does not use criteria but takes a precautionary approach.

DEP: We are concerned about coming up with hard numbers for the criteria.

Comment: What about burning keyboards and mice?

Comment: While resource recovery facilities have very efficient scrubbers, we still do not want to burn them.

Comment: Then you are applying an arbitrary measure. Since plastic is made from oil, why not consider it a fuel?

DEP: The Solid Waste Management Plan does not recognize incineration as recycling and the plan calls for an increase in recycling.

Comment: However, resource recovery is ranked above land filling in the plan's hierarchy.

Comment: We want to recycle rather than incinerate.

DEP: Are there any other issues the department should consider in adding items to the list of covered electronic devices?

Comment: Can a town charge its residents to drop-off printers and keyboards to help offset its costs?

DEP: As long as the items are not included in the definition of "covered electronic device", a town can charge what it wants.

Next Conference Call: January 2, 2008

1:30 to 3:00 p.m.

Topic: Other requirements to be included in the regulations