

# Comparison of State Laws on Electronics Recycling

March 24, 2006

Components	California Law	Maine Law	Maryland Law	Washington Law
<b>What Gets Recycled – Scope of products covered for recycling</b>				
<b>Which products:</b>	TVs and Monitors 4” or more diagonally. Includes CRTs and flat panels. Laptops, but NOT CPUs or other products.	TVs and Monitors 4” or more diagonally. Includes CRTs and flat panels. Laptops, and CPUs only if attached to monitors.	Monitors, computers (CPUs), laptops	TVs and Monitors 4” or more diagonally, (both CRTs and flat panels), laptops, and desktop computers (CPUs).
<b>What type of owner is targeted:</b>	All owners in California	Households only	Not specified	Households, charities, small businesses, small governments and schools.
<b>Financing Mechanisms – Who pays and how?</b>				
<b>Who pays for collection, transportation, recycling?</b>	Consumers pay via fee at purchase.	Producers (for transport and recycling and some collection) and municipalities (for some collection).	Counties pay for everything. They can apply for local grants from the state program.	Producers
<b>How does the program financing get implemented?</b>	Consumers purchasing monitors pay a recycling fee from \$6 - \$10 per device. The retailer collects this money, and remits it to the state quarterly. Fees can be adjusted every 1-2 years by the State agency. The State reimburses registered collectors or recyclers at 20 cents per pound for collection, and 28 cents per pound for recycling (total 48 cents per pound). Producers who take back their products for recycling can request reimbursements.	Shared responsibility between local governments and companies. Cities do collection, take products to consolidators. Consolidators record info on how many TVs and monitors are received (including company name). Consolidators invoice Producers for costs of handling, transport, recycling, and consolidation.	This is a modest five year pilot program (expires 2010). Producers pay a \$5000 registration fee per year to the state’s recycling fund (or \$500 in yrs 2-5 if they have instituted a takeback program. If counties set up computer collection/recycling programs, they can apply to the state recycling fund for grants to offset some costs. (Six counties already have them.)	Producers either create own takeback programs, or participate in central “standard” plan, administered by a third party organization. Producers encouraged to contract with existing local systems.

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<b>How are products collected?</b>	Consumers take them to a participating recycler, collection event, city program.	Cities collect products and take them to consolidation points	Counties set up collection programs.	Manufacturers may partner with existing e-waste collectors and will encourage retailers, charities, haulers, local governments and others to become collectors by offering fair compensation.
<b>Orphan waste – who pays</b>	Consumers. Orphan waste costs paid out of ARF recycling fund	Producers pay proportionate share	Not addressed	Producers pay proportionate share.
<b>Who manages fee collection and disbursement</b>	Retailers collect fees, remit to State. State disburses funds.	Not a fee based system	State Department of the Environment	Not a fee based system.
<b>Goals to Provide Incentives to Increase Amount of Recycling</b>				
<b>Collection Goals</b>	None at company level. State is supposed to create statewide goals (not done yet)	None	None	None
<b>Incentives for reuse</b>	No	No	No	Companies using reuse charities for collection get 5% credit towards their annual share.
<b>Mechanisms to reduce toxic materials in electronics products</b>				
<b>Compliance with RoHS Directive, banning sale of products with certain materials:</b>	Yes	No	No	No
<b>Other ways to encourage design for reuse and easier recycling</b>	Producers' annual reporting includes listing efforts made in previous year to redesign for recycling and reduce toxic materials use.	By adopting producer takeback model, producers have market driven incentive to make recycling easier (and cheaper) and reduce toxics.	No	By adopting producer takeback model, producers have market driven incentive to make recycling easier (and cheaper) and reduce toxics.

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<b>Responsible Recycling Standards</b>				
<b>Ban on exporting hazardous waste to undeveloped countries</b>	Intent was to ban export, but final language resulted in some restrictions with enforcement challenges.	No	No	No. It was included in bill passed by legislature, but this section was vetoed by the Governor.
<b>Ban on using prison labor</b>	Intent was to ban prison labor, but final language resulted in some restrictions with enforcement challenges.	No	No	<b>Yes</b>
<b>Strict recycling standards</b>	California considers e-waste at disposal to be hazardous waste, and therefore covered by state hazardous waste laws.	Maine has published standards for "environmentally sound recycling" which consolidators must certify are met by recyclers they contract with.	No	Yes. State will establish rules for environmentally sound management.
<b>Strength and Weaknesses of The Bills</b>				
<b>Strengths</b>	<ul style="list-style-type: none"> <li>All owners can use system – consumers and businesses</li> <li>Addresses recycling standards, export ban, prison labor ban</li> </ul>	<ul style="list-style-type: none"> <li>Producers take significant responsibility for products at end of life (financial and physical)</li> <li>Producer involvement creates market pressure for designing products for recycling</li> </ul>	Attempts to encourage producers to develop takeback programs.	<ul style="list-style-type: none"> <li>Producer take full responsibility</li> <li>Covers all owners but big business &amp; big gov't (both usually have asset recovery systems)</li> <li>Not just limited to monitors/TVs – includes CPUs</li> <li>Ban on prison labor</li> <li>Provides choice for Producers – set up own system or join centralized system</li> <li>No set fee per unit</li> <li>Must provide geographic coverage</li> </ul>

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<b>Weaknesses</b>	<ul style="list-style-type: none"> <li>Limited scope of products (just monitors, laptops)</li> <li>ARF approach puts whole financial burden on consumers, none on producers</li> <li>Rewards historic market share leaders (like IBM &amp; TV companies) at the expense of current market share leaders (like Dell and HP)</li> <li>Producers are not involved, have no market incentive to change products for recycling/ reuse</li> <li>State managed system has built-in inefficiencies</li> <li>No goals to drive increased recycling</li> </ul>	<ul style="list-style-type: none"> <li>Covers only households</li> <li>Still too much burden on local governments for collection (Producers are to pay some amount for collection, but amount is unspecified.)</li> <li>No goals to drive increased recycling</li> </ul>	<ul style="list-style-type: none"> <li>Program registration fee (\$5000) is very low, not enough to pay for much recycling</li> <li>Burden is still on the counties to do all the collection and recycling</li> <li>Whole program is voluntary</li> <li>No tie in with county programs and producer takeback programs</li> </ul>	<ul style="list-style-type: none"> <li>No ban on export of hazardous e-waste</li> <li>No limit on hazardous substances</li> <li>No collection goals to drive system, although it does have requirements for geographic coverage in every county</li> </ul>
<b>Implementation Dates</b>	Passed in 2004, implemented January 2005	Passed in 2004, implemented January 2006.	Passed 2005 Expires 2010	Passed March 2006. Programs must be ready by January 2009
<b>Link to program or law</b>	CA program website: <a href="http://www.ciwmb.ca.gov/Electronics/">http://www.ciwmb.ca.gov/Electronics/</a>	Chaptered Law: <a href="http://janus.state.me.us/legis/statutes/38/title38sec1610.html">http://janus.state.me.us/legis/statutes/38/title38sec1610.html</a>	Bill text: <a href="http://mlis.state.md.us/2005rs/bills/hb/hb0575t.pdf">http://mlis.state.md.us/2005rs/bills/hb/hb0575t.pdf</a>	Bill text: <a href="http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Bills/Senate%20Passed%20Legislature/6428-S.PL.pdf">http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Bills/Senate%20Passed%20Legislature/6428-S.PL.pdf</a>