

Dear Chairman:

The MassRecycle Board of Directors supports the concept of producer responsibility for electronic waste. We are pleased that H864, “To require producer responsibility for recycling of discarded electronic products” has been sent to Ways and Means after receiving a favorable report by the Committee on Environment, Natural Resources and Agriculture.

Proper management of unwanted electronics is a complex and pressing issue. The Committee did a very good job listening to the many stakeholders who would be affected by this legislation, and addressing many potential pitfalls of implementation of this important bill.

The MassRecycle Legislative Committee has discussed this draft at length, and our Board of Directors hopes that your committee will report H864 out for a floor vote during this session. There are just a few items that MassRecycle hopes you will consider if you will be revisiting any details:

- Regarding the definitions of “Collectors” and “Processors”, we suggest that they be mutually exclusive, i.e. processors may not also be classified as collectors, and vice versa to avoid duplication of reimbursement costs.
- Regarding the definition of “Collector reimbursement”, transportation between the collector and processor may be done by either party. Whichever party provides the service should be eligible for reimbursement from the consolidation point. (This is addressed in Section 6,b)
- It is, and will be, very difficult to monitor and enforce rules regarding exportation of unwanted electronics. Repairable/reusable equipment still has value, and currently offsets, to a great extent, the costs to demanufacture and recycle unusable equipment. There is a legitimate refurbishment and reuse industry both here and overseas.
- Under the current system, there is incentive to include “junk” equipment with exported loads, which can account for a third to over half of the shipments. Many receiving countries lack the infrastructure to properly manage unusable electronics.
- Receiving countries are required to provide written permission for the receipt of shipments, but in practice this often doesn’t happen. There is a high incentive for corruption.
- Therefore, we recommend that reimbursement rates for processing should be higher for, or restricted to, unusable electronics that are demanufactured or refurbished in the US. If exported intact items are reimbursed at a lower rate, or excluded from the reimbursable tonnage, the exportation of equipment which cannot be repaired and resold would be discouraged, efficiency and competition would be encouraged, and the value of the higher quality exports would increase.
- The referenced U.S. EPA “Plug In to eCycling” guidelines, which are cited in the current draft as a minimal standard for processing, are undergoing a major revision. The anticipated revision, dubbed “R2”, should be referenced in the legislation as a minimal standard.
- Section 3, a, 1, many collection facilities are run by municipalities. In line 4, the word “business” should be replaced with “collection facility”.
- Section 3, c, the prohibition to charge consumers for transportation should not apply to municipalities or businesses that provide curbside pickup service. This should only apply to transportation from the collection facility to the processor. Some towns offer curbside electronics collection through their hauler, often for an additional service fee. This is above and beyond what should be considered a reimbursable cost, and should be excluded from the prohibition on cost recovery by the collector.

- There should be a provision for MassDEP to adopt interstate conventions or a national standard as more states pass their own parallel laws on electronic waste management.

We would welcome the opportunity to provide further detail to you from our broad based coalition of Board members in person. We will call your office after you have had time to review our comments to see if you would like to meet with us.

Sincerely,

Angela Sottile, President

Cc: (list of House W&M committee members)

About MassRecycle (www.massrecycle.org): MassRecycle is a statewide coalition of individuals, governments, businesses, institutions and non-profits dedicated to promoting the environmental, social and economic benefits created by reducing, reusing, and recycling waste materials, and by purchasing recycled products. We have a 20-year history of advocating for and educating the public, policy makers, and legislators about recycling. We strengthen local recycling programs by educating municipal staff and volunteer recycling committees, maintaining a recycling listserv and organizing bulk purchases of recycling hardware.

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