An Uneven Playing Ground

Where NY Stands Among the Patchwork of State Laws & How the ERCC is Helping Coordinate & Harmonize Efforts at the State Level

Jason Linnell
National Center for Electronics Recycling (NCER)
Overview

• NCER Overview
• State Laws – where do we stand?
• How NY Law Stacks Up
• From Startup to Lessons Learned
  ▪ Latest Data and Performance
• Addressing the Challenge
  ▪ Electronics Recycling Coordination Clearinghouse
• Trends/Outlook
About Us

National Center for Electronics Recycling:

• Non-profit 501c3, est. 2005
• Located in Parkersburg, WV
• Involved in Federal, State & Association Projects
• Conduct Research, Run Collection Programs
• Partner with NERC on Electronics Recycling Coordination Clearinghouse
• Manage Oregon State Contractor Program
• Our Mission: Dedicated to the development and enhancement of a national infrastructure for the recycling of used electronics in the U.S.
States highlighted in orange have some type of electronics recycling law.
23 & Counting, But Slower Pace

- 2003: California
- 2004: Maine
- 2005: Maryland
- 2006: Washington
- 2007: Connecticut, Minnesota, Oregon, Texas, North Carolina

- 2009: Indiana, Wisconsin
- 2010: Vermont, South Carolina, New York

*NYC also passed in 2008, but preempted in 2010 by NY State
Some states cover a wide variety of electronic products under their law. Others are more narrow and may only include laptop computers and monitors. Go to ecycleclearinghouse.org for more details.
Patchwork of Covered Entities

Some states cover all entities, whereas others put restrictions on who is covered and may only cover households, or households and schools. Go to ecycleclearinghouse.org for more details.
Manufacturers must develop and implement their own recycling programs for their own returned products. MI has voluntary market weight-based goal.

RETURNS 1 - Manufacturers must develop and implement their own recycling programs for their own returned products. MI has voluntary market weight-based goal.

RETURNS + TV MARKET SHARE - IT Manufacturers pay for costs of their own branded products collected plus a pro rata share of orphan products. TV manufacturers pay based on their market share percentage of all TVs returned.
2008/2009 Per Capita Rates

Current Metrics

Down 15%

Up 50%

Down 9%

Up 36%

NOT a True Comparison – Products/Entities Differ!
Current Metrics
2009/2010 Per Capita Rates

MN
Up 5%

OR
Up 26%

WA
Up 1%

NOT a True Comparison – Products/Entities Differ!
Current Metrics

Other Per Capita Rates

NOT a True Comparison – Products/Entities Differ!
<table>
<thead>
<tr>
<th>State</th>
<th>In Effect?</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>Yes</td>
<td>1/1/2005</td>
</tr>
<tr>
<td>HI</td>
<td>Yes</td>
<td>1/1/2010</td>
</tr>
<tr>
<td>IL</td>
<td>Yes</td>
<td>1/1/2010</td>
</tr>
<tr>
<td>IN</td>
<td>No</td>
<td>4/1/2010</td>
</tr>
<tr>
<td>ME</td>
<td>Yes</td>
<td>1/18/2006</td>
</tr>
<tr>
<td>MD</td>
<td>Yes</td>
<td>1/1/2006</td>
</tr>
<tr>
<td>MI</td>
<td>Yes</td>
<td>10/30/2009</td>
</tr>
<tr>
<td>MN</td>
<td>Yes</td>
<td>7/1/2007</td>
</tr>
<tr>
<td>MO</td>
<td>Yes</td>
<td>7/1/2009</td>
</tr>
<tr>
<td>NC</td>
<td>No</td>
<td>7/1/2010</td>
</tr>
<tr>
<td>NJ</td>
<td>Yes</td>
<td>1/1/2010</td>
</tr>
<tr>
<td>OK</td>
<td>Yes</td>
<td>1/1/2009</td>
</tr>
<tr>
<td>OR</td>
<td>Yes</td>
<td>1/1/2009</td>
</tr>
<tr>
<td>RI</td>
<td>Yes</td>
<td>2/1/2009</td>
</tr>
<tr>
<td>TX</td>
<td>Yes</td>
<td>9/1/2008</td>
</tr>
<tr>
<td>VA</td>
<td>Yes</td>
<td>7/1/2009</td>
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<tr>
<td>WA</td>
<td>Yes</td>
<td>1/1/2009</td>
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<tr>
<td>WI</td>
<td>Yes</td>
<td>1/1/2010</td>
</tr>
<tr>
<td>WV</td>
<td>Yes</td>
<td>1/1/2009</td>
</tr>
</tbody>
</table>

**19 In Effect Above, 4 Pending Below**

<table>
<thead>
<tr>
<th>State</th>
<th>In Effect?</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CT</td>
<td>No*</td>
<td>7/1/2009 – likely Oct 2010</td>
</tr>
<tr>
<td>NY</td>
<td>No</td>
<td>4/1/2011</td>
</tr>
<tr>
<td>SC</td>
<td>No</td>
<td>7/1/2011</td>
</tr>
</tbody>
</table>
# Top Brands by Sales (Units)

<table>
<thead>
<tr>
<th>TV Brand</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samsung</td>
<td>19%</td>
</tr>
<tr>
<td>Vizio</td>
<td>17%</td>
</tr>
<tr>
<td>Funai</td>
<td>11%</td>
</tr>
<tr>
<td>Sony</td>
<td>10%</td>
</tr>
<tr>
<td>Best Buy</td>
<td>9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Computer Brand</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hewlett-Packard</td>
<td>29%</td>
</tr>
<tr>
<td>Dell</td>
<td>18%</td>
</tr>
<tr>
<td>Acer Group</td>
<td>13%</td>
</tr>
<tr>
<td>Toshiba</td>
<td>11%</td>
</tr>
<tr>
<td>Apple</td>
<td>10%</td>
</tr>
</tbody>
</table>

Source: CT Market Share Determination for Manufacturers of Covered Devices - 2009 Sales Data
## Pounds Sold Annual

<table>
<thead>
<tr>
<th>Product Category</th>
<th>National Home Sales Estimate (millions of lbs)</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desktop Computers</td>
<td>270</td>
<td>10%</td>
</tr>
<tr>
<td>Laptop Computers</td>
<td>133</td>
<td>5%</td>
</tr>
<tr>
<td>Monitors</td>
<td>248</td>
<td>9%</td>
</tr>
<tr>
<td>Televisions</td>
<td>1,686</td>
<td>63%</td>
</tr>
<tr>
<td>Printers</td>
<td>332</td>
<td>12%</td>
</tr>
<tr>
<td><strong>TOTAL NATIONAL POUNDS</strong></td>
<td><strong>2,669</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: NCER Analysis of iSuppli and IDC unit data, July 2008 – June 2009
How NY Law Fits In

• Big Difference – product scope larger than any other state
  ▪ Not just collected, but for manufacturer compliance
  ▪ Manufacturers not previously obligated: Small Scale Servers, Keyboards, Mice, Stand-alone fax machines and scanners, VCRs, DVRs, Portable Digital Music Players, DVD Players, Digital Converter Boxes, Cable or Satellite Receivers
  ▪ Challenges for DEC – finding, registering new OEMs, balancing accuracy of self-reports with cost of third party data
  ▪ Opportunities – little non-covered “electronics” confusion for covered entities
Similar Laws

• Similarities to IL and VT (and MN, WI, and IN)
  ▪ Overall lbs goal set in legislation, can float in future years based on actual
  ▪ Division of goal for OEMs by sales weight (except IT in IL)
  ▪ – little non-covered “electronics” confusion for covered entities

• In like states, manufacturer focus on lbs goal
  ▪ NY different by requiring options in all counties (mailback?)
  ▪ Collectors/recyclers pay attention to lbs!
How are recyclers impacted?

• Some winners/losers; not all will participate
• Need contract with manufacturer/group of manufacturers before collecting  
  – Other way around much riskier
• Pressure to meet collection targets and control costs
• Manufacturers naturally limit number of vendors
How are collectors impacted?

• Again - winners/losers; not all will participate
• Contract with manufacturer/ or ensure and verify recycler has
  – May mean new vendor
• Ask about volume targets or limits, and contract termination details
• Some collectors choose “open market” for all or some covered devices
  – Higher likelihood of bad actors
Addressing the Patchwork Challenge
Electronics Recycling Coordination Clearinghouse
The Need

• Regular forum for info exchange
  ▪ Away from infrequent conference sessions, exaggerations of legislative battles

• Learn from previous states
  ▪ “Home” for knowledge base

• Method for identifying and reducing overlap
  ▪ Saves government and stakeholder resources

• Formal process for making decisions
  ▪ i.e. new products, gray areas, standardized reporting guidelines, best practices for difficult challenges
The Solution:

- Forum for coordination and joint decision-making
- Modeled on Toxics in Packaging Clearinghouse
- Members
  - Voting: State/local government – 14 and others pending
  - Affiliate: industry, non-profits, state/local without legislation, trade associations - 15
Activities of ERCC

• Ultimately decided by Executive Committee based on member (including Affiliate) input
• Extension resources on state law comparisons for public on website
• Other activities
  ▪ Manufacturer tracking database and consolidated registration system
  ▪ Market share data gathering and access
  ▪ Coordinated responses to non-compliant companies and common questions
  ▪ Data tracking of performance measures
  ▪ Harmonization workshop for priorities
Conclusions/Outlook

• More to learn in 2011
  ▪ Twice as many states with results
  ▪ Standardized metrics help compare performance

• First year “bugs” and adjustments
  ▪ New law brings new realities, but not all make necessary changes
  ▪ Will NY product list become new standard? Or create more challenges?

• How many more state programs?
  ▪ Trend is down, but who wants to be left out?
  ▪ Legislated harmonization of details? Industry solutions?

• Will Congress move on legislation addressing patchwork?
Thank You!

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Visit us on the web:
www.electronicsrecycling.org
and www.ecycleclearinghouse.org
Other Background Data & Facts on US State/Local Electronics Recycling Laws
Disposal Bans

3 without program laws,
6 without bans but program laws
ERCC Founding Members:
ERCC Members 2010
Voting Members:
* Indicates Founding Member

- CalRecycle*
- CT Department of Environmental Protection*
- Hawaii Department of Health*
- Illinois Environmental Protection Agency*
- Indiana Dept of Environmental Management
- Maine Department of Environmental Protection*
- Minnesota Pollution Control Agency*
- NYC Department of Sanitation*
- NJ Department of Environmental Protection*
- NC Department of Env and Natural Resources*
- South Carolina Dept of Health, Natural Resources and Environment
- Oregon Dept of Environmental Quality
- Wisconsin Department of Natural Resources*
Affiliate Members:

- Best Buy*  * Indicates Founding Member
- Brother*
- Consumer Electronics Association*
- Dell
- ecoATM*
- ECS Refining*
- Funai Group*
- IMS Electronics Recycling*
- Orion
- Rhode Island Resource Recovery Authority
- Samsung*
- Sims Recycling Solutions*
- Waste Management Recycle America*
- WeRecycle!*
- Zero Waste Alliance