The NYS Electronic Equipment Recycling & Reuse Act

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SWANA Technical Training Seminar
Agenda

- NYS’s e-waste law: quick facts
- Impact on consumers
- Overview of the law as it applies to the regulated community:
  - Manufacturers of covered electronic equipment (CEE) & Collective Electronic Waste Acceptance Programs
  - Retailers
  - Electronic Waste Collection Sites, Consolidation Facilities & Recycling Facilities
  - Solid and Hazardous Waste Facilities
- Department responsibilities
- Implementation timeline
- Additional resources
NYS’s E-waste Law: Quick Facts

- Electronic Equipment Recycling & Reuse Act
  - (Article 27, Title 26 of the ECL)
- Based on Extended Producer Responsibility (EPR) & Product Stewardship Models
  - 23rd in the nation
- Establishes Disposal Ban in Phases
- Most Progressive State E-waste Law to Date
  - Comprehensive convenience standards
  - Numerous regulated entities
  - Broad range of covered electronic equipment (CEE)
## Scope of Products in E-Waste Laws

What electronic products can people bring back for recycling under the state e-waste recycling laws?

- Item is included in scope of products. **REG**: allows item to be added via regulation

### State Comparison

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<tr>
<th>State</th>
<th>Computer</th>
<th>Laptop</th>
<th>Monitor</th>
<th>TV</th>
<th>Printer</th>
<th>FAX</th>
<th>Scanner</th>
<th>Keybrd Mouse</th>
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<th>DVD Player</th>
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<th>Cell Phone</th>
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NYS Covered Electronic Equipment (CEE)

- Computers
- Computer Peripherals
  - Monitors
  - Electronic Keyboards
  - Electronic Mice or Similar Pointing Devices
  - Facsimile Machines
  - Document Scanners
  - Printers
- Televisions
- Small Electronic Equipment
  - VCRs
  - Digital Video Recorders
  - Portable Digital Music Players
  - DVD Players
  - Digital Converter Boxes
  - Cable or Satellite Receivers
  - Electronic or Video Game Consoles
- Small Scale Servers

Taken from: Tomshardware.com
Impact on Consumers

• Convenient collection, handling and recycling or reuse of electronic waste:
  • At least one acceptance method available in each NYS municipality with a population of 10,000 or greater
  • And in each county of NYS

• Free to a broad range of consumers:
  • Definition: Including, but not limited to individuals; small businesses, corporations and limited partnerships; small not-for-profit corporations; public corporations; public, private or parochial schools; and government entities located in NYS.
  • Exceptions: For-profit businesses with 50 or greater FTEs; not-for-profit entities with 75 or greater FTEs (but not 501(c)(3)’s); premium services; and existing contracts
Impact on the Regulated Community

- Manufacturers of CEE
- Collective Electronic Waste Acceptance Programs (Collectives)
- Retailers
- Collection Sites
- Consolidation Facilities
- Recycling Facilities
- Solid and Hazardous Waste Facilities
Manufacturers of CEE

- Primarily responsible for managing end-of-life CEE
- May meet obligations through individual or collective electronic waste acceptance programs
- **Definition:** A manufacturer assembles/substantially assembles CEE for sale in the state; manufactures CEE under its own brand name or under any other brand name for sale in the state; sells, under its own brand name, CEE sold in the state; owns a brand name that it licenses to another person for use on CEE sold in the state; imports CEE for sale in the state; or manufactures CEE for sale in the state without affixing a brand name
- There are some exceptions
1. Submit a registration form, registration fee form, and one-time $5,000 registration fee by January 1, 2011

2. Provide an electronic waste acceptance program beginning April 1, 2011, that:
   • Is at no cost to consumers (other than the previously mentioned exceptions)
   • Provides at least one reasonably convenient method of collection within each county, and within each municipality with a population of 10,000 or greater
   • Accepts electronic waste for which it is the manufacturer, and one piece of any manufacturer’s brand if offered by a consumer with the purchase of CEE of the same type by a consumer
   • Accepts a sufficient amount of electronic waste to meet the manufacturer’s acceptance standard.
Statewide E-waste Recycling/Reuse Goal

**Year 1:** (April 1, 2011 through Dec. 31, 2011)
20,000,000 (Approx. Population) \( \times 3 \text{ lbs.} \times \frac{3}{4} = 45,000,000 \text{ lbs. (22,500 tons)} \)

**Year 2:** (2012)
20,000,000 \( \times 4 \text{ lbs.} = 80,000,000 \text{ lbs. (40,000 tons)} \)

**Year 3:** (2013)
20,000,000 \( \times 5 \text{ lbs.} = 100,000,000 \text{ (50,000 tons)} \)

\*20,000,000 = Rounded 2009 Census population estimate of 19,541,453
Statewide E-waste Recycling/Reuse Goal (cont.)

**Years 4** (2014) and beyond TBD based upon:

Base weight x Goal Attainment Percentage = ? Lbs.

- **Base Weight**: Average weight of e-waste collected during the previous three calendar years
- **Goal Attainment Percentage**: (90-110%) of the statewide recycling or reuse goal for the previous calendar year
Manufacturer’s Acceptance Standard

Example calculation

\[
\text{Manufacturer’s Acceptance Standard} = \text{Statewide Recycling or Reuse Goal} \times \text{Manufacturer’s Market Share of E-waste} = \frac{50,000,000 \times 10\%}{1,000,000 \text{ lbs.}} = 5 \text{ million lbs.}
\]

Total weight of manufacturer’s CEE sold in the state based on the average annual retail sales during the preceding 3 calendar years

Total weight of all manufacturer’s CEE sold in the state based on the average annual retail sales during the preceding 3 calendar years

\[
= 100,000 \text{ lbs.} = 10\%
\]

NYS Electronic Equipment Recycling & Reuse Act
Manufacturer’s Recycling Surcharge

- Multiplied by the number of additional lbs. that should have been collected

- $0.50
  - < 50% of acceptance standard

- $0.40
  - 50% to < 90% of acceptance standard

- $0.30
  - 90% to < 100% of acceptance standard
Manufacturer Recycling Credits

- Beginning **2014**, if a manufacturer accepts more than its acceptance standard, the excess weight may be used as electronic waste acceptance credits.
- May be sold, traded, or banked for a period no longer than three calendar years succeeding the year in which the credits were earned.
- No more than 25% of a manufacturer's obligation for any calendar year may be met with recycling credits generated in a prior calendar year.
3. Provide a public education program, which must include:
   • An internet website
   • A toll-free telephone number
   • Written information included in the product manual for, or at the time of sale of CEE, that provides a consumer of CEE to information on how to return CEE for recycling or reuse.

4. Provide information to retailers regarding registration

5. Properly label CEE beginning April 1, 2011

6. Comply with disposal ban beginning April 1, 2011

7. Submit an annual report form, annual report fee form, and $3,000 annual reporting fee by March 1, 2012, and recycling surcharge (if applicable) beginning March 1, 2013

8. Maintain records on-site for three years
The Law enables manufacturers of CEE to meet their obligations through individual or collective electronic waste acceptance programs. Collectives must meet the same requirements as an individual manufacturer’s electronic waste acceptance program described previously, with the following adjustments:

- The collective must submit a registration form, registration fee form, and one-time $10,000 registration fee by January 1, 2011.
- The collective must submit an annual report form beginning March 1, 2012.
Requirements for Manufacturers Participating in Collectives

- Manufacturers participating in a collective are required to meet the same requirements as an individual manufacturer's electronic waste acceptance program described previously, with the following adjustments:
  - The manufacturer must still individually register, but no individual registration fee is required
  - The electronic waste acceptance program will be provided by the collective on behalf of its participating manufacturers
  - Collective may provide information to retailers
Requirements for Retailers

- **Definition:** A retailer sells CEE to a person in the state through any means, including, but not limited to, transactions conducted through retail sales outlets, mail, catalogs, the telephone or the internet, or any electronic means.

- **Retailer Requirements:**
  1. Provide purchasers with information on recycling opportunities for their electronic waste.
  2. Sell only compliant brands beginning **April 1, 2011**.
  3. Sell only labeled equipment beginning **April 1, 2011**.
  4. Comply with disposal ban beginning **April 1, 2011**.
Requirements for Collection Sites

• **Definition:** An e-waste collection site is a fixed or temporary site at which e-waste is accepted from consumers and temporarily stored for more than five days in a calendar year before such waste is transported to an e-waste consolidation or recycling facility.

• **Collection Site Requirements:**
  1. Submit a registration by **January 1, 2011**
  2. Store e-waste properly
  3. Remove e-waste from the site within one year of receipt, and maintain records on-site for three years
  4. Submit an annual report by **March 1, 2012**
  5. Comply with disposal ban beginning **April 1, 2011**
Requirements for Municipal Collection Sites

- Municipal collection sites that fall under the definition of “electronic waste collection sites” under the new law must meet the same requirements as an electronic waste collection site.

- Additional considerations for municipalities:
  - You are not required to collect under the new law, as it was intended to remove the burden/expense.
  - Household Hazardous Waste State Assistance Program funding will no longer be available for the municipal collection of CEE as of April 1, 2011.
Requirements for Consolidation Facilities

• **Definition:** An e-waste consolidation facility is a facility that receives and stores e-waste for the purpose of organizing, categorizing or consolidating items of e-waste before such waste is transported to an e-waste recycling facility.

• **Consolidation Facility Requirements:**
  1. Submit a registration form, registration fee form, and one-time **$250** registration fee by **January 1, 2011**
  2. Store e-waste properly
  3. Control entry
  4. Inform employees
  5. Remove e-waste from the facility within one year of receipt, and maintain records on-site for three years
  6. Submit an annual report form by **March 1, 2012**
  7. Comply with disposal ban beginning **April 1, 2011**
Requirements for Recycling Facilities

• **Definition**: An e-waste recycling facility is a facility at which e-waste is recycled

• **E-waste Recycling Facility Requirements**:
  1. Submit a registration form, registration fee form, and one-time $250 registration fee by **January 1, 2011**
  2. Store e-waste properly
  3. Control entry
  4. Inform employees
  5. Remove e-waste from the facility within one year of receipt, and maintain records on-site for three years demonstrating compliance with this requirement
  6. Submit an annual report form by **March 1, 2012**
  7. Comply with disposal ban beginning **April 1, 2011**
Additional Requirements for Sites and Facilities

• All must manage e-waste in a manner that complies with all applicable laws, rules and regulations
  • Hazardous waste exemption:
    • Scrap metal is ultimately recycled
    • Prior notification (“c7”)

• Recycling facilities must:
  • Properly handle recycling residues
  • Be in compliance with USEPA CRT Export Rule
E-waste Rulemaking

• E-waste rulemaking:
  • Incorporate provisions of Electronic Equipment Recycling & Reuse Act
  • Standards consistent with Wireless Telephone Recycling Act
  • Facility Standards for collection sites, consolidation and recycling facilities
Requirements for Solid and Hazardous Waste Facilities

- Solid and Hazardous Waste Management Facility Requirements:
  - Educate Facility Users beginning **January 1, 2012**:
    - By providing written information on the proper methods for recycling e-waste; and
    - By posting signage on disposal ban.

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**SIGNAGE**
(example)

This facility may no longer accept CEE for disposal:

- **April 1, 2011:**
  - from any manufacturer, retailer, or owner or operator of an e-waste collection site, consolidation or recycling facility.

- **January 1, 2012:**
  - from any person other than an individual or household.

- **January 15, 2015:**
  - from any person.

Taken from: thunderbay.ca

NYS Electronic Equipment Recycling & Reuse Act
Department Responsibilities

- Promulgate rules and regulations
- Process registrations and fees
- Provide manufacturer acceptance standards annually
- Maintain Department website
- Process annual reports and fees
- Track acceptance credits and recycling surcharges
- Submit a biennial report to the Governor and legislature
- Enforcement
Implementation Timeline

Registrations and registration fees due from manufacturers of CEE, collectives, electronic waste collection sites, and consolidation and recycling facilities

1/1/2011

4/1/2011

1/1/2012

3/1/2012

4/1/2012

1/1/2015

(1) DEC provides manufacturers with their acceptance standard annually
(2) Electronic waste acceptance programs begin
(3) Disposal ban begins for registrants and retailers
Disposal ban begins for all persons except individuals and households
Annual reports, annual reporting fees, and applicable surcharges due
DEC submits biennial report to the governor and legislature
Disposal ban begins for all, including consumers

NYS Electronic Equipment Recycling & Reuse Act
Additional Resources

- [http://www.dec.ny.gov/chemical/65583.html](http://www.dec.ny.gov/chemical/65583.html)
  (DEC Provides detailed information on the law, all necessary forms, as well as guidance pages on the responsibilities of those affected by the law. A listserv will soon be available to keep stakeholders up-to-date on the law’s implementation.)

- [http://www.esd.ny.gov/BusinessPrograms/Electronics.html](http://www.esd.ny.gov/BusinessPrograms/Electronics.html)
  (Empire State Development is currently working to connect manufacturers with NYS-based electronic waste collectors, consolidators and recyclers that are interested in being a part of the new electronic waste recycling program.)

- [http://assembly.state.ny.us/leg/?default_fld=&bn=A11308%09%09&Summary=Y&Text=Y](http://assembly.state.ny.us/leg/?default_fld=&bn=A11308%09%09&Summary=Y&Text=Y)
  (Link to Law: Part of omnibus bill; e-waste starts on page 10)
Contact Us

- Phone: (518) 402-8706
- E-mail: ewaste@gw.dec.state.ny.us
- Mail:

New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Waste Reduction & Recycling
Product Stewardship & Waste Reduction Section
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Albany, NY 12233-7253