ERCC Workshop 2011

Harmonization of State Programs

Summary of Discussion and "Work Plan" Ideas

Overview

On October 4th, the Electronics Recycling Coordination Clearinghouse (ERCC) held a pre-conference workshop at E-Scrap 2011. The workshop, which was open to members and non-members, was organized with the goal of developing a series of actions to address priority challenges for impacted stakeholders and government agencies due to the differing state laws. The result was to be a Harmonization Work Plan that identifies key actions for ERCC to the take over the next twelve months.

The below Workshop Summary highlight the discussion questions and recommendations for the three priority topic areas that were discussed. A presentation was used to guide the discussion and is available on the ERCC website at:

http://www.ecycleclearinghouse.org/documents/ERCC%202011%20workshop%20slides.pdf

Please reference the slide numbers noted below for an introduction to each topic area as well as results from a survey of state program managers on their preferences and concerns.

Issue Topic #1: Performance Goals and Reporting [Slides 17-22]

Suggestions/Questions

- Manufacturers starting to look at look at performance on national or region basis rather than just states
    - o Would need ability to add in non mandated states
    - o Subsets of info might be of interest to manufacturer or recycler, are there additional perf measures
- What are other industries with EPR requirements looking at?
    - o Toxicity? Jobs?

- What can be measured across states?
    - Awareness by consumers where to recycle
    - Collection opportunities
    - Total number of manufacturers
    - Level of recycling activity/ increase in # of recyclers
    - Role of collection sites and collection totals
- What will be the use of the data – why do we want these data?
    - Do we want comparisons between states or in one state over time
    - Look at which stakeholders are most interested in a piece of data
    - Who pays for data collection
- Come up with annual metric for each state?
- What are the biggest challenges with reporting on these metrics?
    - Level of detail – breakdowns by brand
    - Biggest concerns – states ask for sales data, it can be highly protected, not always confidential and made public
    - Ask for national data, but calculations are based on just state percentage
        - Estimate vs actual
    - Some recyclers have very detailed tracking, could provide that data to manufacturer and then third party
        - Can we get enough on voluntary basis? Recycler should have that relationship already
- What is actionable? Variety of ways to get data, complexity impacts costs; are the data points state by state truly actionable or not; 25 states asking for it differently; lessons learned; focus on what is actionable, then harmonize

Potential Actions

- *Review data requested by states and determine which are higher priority for taking followup action*
- *Create database of cross state measures, such as awareness*
    - *Compare states on total number of manufacturers, collection sites/opportunities per population*
    - *Track individual state progress over time*

Topic #2 Product Scope Variation and Gray Area Products [Slides 23-27]

Suggestions/Questions

- Need for consistent definitions; sometime definitions are missing for simple items such as printers
    - Not possible to have totally consistent definitions due to legislative realities
- Covered vs eligible makes a difference for manufacturers and recyclers. Some products don't require manufacturer registration or reporting but are covered by collection system

- As new products come online, have ERCC say they are covered in XYC states; drive consistency in the interpretations
    - Sometime official interpretations can take a long time
- Look at definitions and work towards function definition: What signal can it receive, limitations to that, etc.
    - Keep recycler and consumer point of view in mind. Technical definitions may not come into play for those entities
- What could states do to make it easier for definitions or interpretations clearer?
    - Device and covered entity definitions should be consistent
- Encourage folks to keep in mind market forces in play. Collection program are abundant for cell phones due to value; might not have to worry about those devices
    - Try to make life easier for companies coming forward and trying to comply; free riders escaping obligations
- What level of detail do you need to know where it's coming from; more detail means less accuracy
- Don't have clear definition of how you define an effective program? How do you take action from data?
- Canada- broad definitions, daunting challenges, brand owners get together and exchange info; no easy solution; look at int'l standards; difficult to list every single product
    - Brand owners look at all new products on the market, make recommendations, go back to retailers; committee of industry looking at product

Potential Actions

- *Act as 3rd party to have info submitted about a product category, bounce off for state interpretations; non-binding, but gives a sense of where regulators would be*

Topic #3 Collector Best Practices [Slides 28-32]

Suggestions/Questions

- How do you prevent collectors from skimming more valuable items? Incentivize them through a 3rd party certification requirement? Could be expensive for collectors to achieve
    - Size of company shouldn't matter, certifying an outcome not dependent on size;
- Data security big risk for collector practices; up to the generator to destroy data unless handled via contractual arrangement ; also have to keep in mind brand risk to manufacturers/managers that want to guard against perception that data can get out.
- Should have facility security and data security
- Address transport from collection site to recycler? Might be addressed by requiring that all devices be send to certified recycler
- Recyclers concerned that devices are coming from correct covered entities and then credited to manufacturers for stat e programs
- Are we setting up barriers to entry for collection options, limiting them?

- o   Not always a market for collectors – some are required by town and not always meeting all requirements since they are required in that town.
- Recyclers develop relationships to help get collectors up to par

Potential Actions

- *Circulate Collector Best Practices more widely with collectors for feedback*
- *Investigate recycler contractual and manufacturer voluntary commitments*

"Harmonization Work Plan," Next Steps

- Performance Measures
    - o   Put a list of all recommended performance measures from ERCC document and publish on ERCC website
    - o   Set up reporting system for manufacturers to report sales, collection totals
    - o   Start dialogue on reporting requirements, what is useful, what is needed

- Product Definitions
    - o   Streamline info about new products
    - o   List which states cover which devices through interpretations
    - o   Look at cross state metrics, such as awareness
    - o   Look at industry definitions and standards
    - o   Try to define easier "gray area products" such as electronics piano keyboards, cable modems
    - o   Develop standard set of FAQ's for states to list on their websites about covered products and gray area products

- Collector Practices
    - o   Get feedback from collectors on content of CBP
    - o   Decide on options for implementation – let market drive before implementation via regulation
    - o   Two parts – self declaration from collector and verification from recycler
        - ▪   Whoever is hiring them should know and verify