

## Summary of results from 2013 pre-ERCC workshop state survey

Before ERCC's pre-conference workshop at the E-Scrap 2013 conference in Orlando, we sent an online survey to contacts for the 25 states that have passed state recycling laws to learn more about how they ensure accurate reporting in their programs and how they are dealing with CRT glass issues. Representatives from 22 states responded to the survey.

Some of the findings from this survey were presented during the ERCC workshop, but below is a more complete summary of results. If you would like more specific details about anything (such as answers for specific states), please contact Sarah Murray at [sarah.murray@wisconsin.gov](mailto:sarah.murray@wisconsin.gov).

### States that responded to the survey:

California	Minnesota	Utah
Connecticut	Missouri	Vermont
Hawaii	New York	Virginia
Illinois	North Carolina	Washington
Indiana	Oklahoma	West Virginia
Maine	Oregon	Wisconsin
Maryland	Pennsylvania	
Michigan	South Carolina	

### State e-cycling program reporting, tracking and auditing provisions

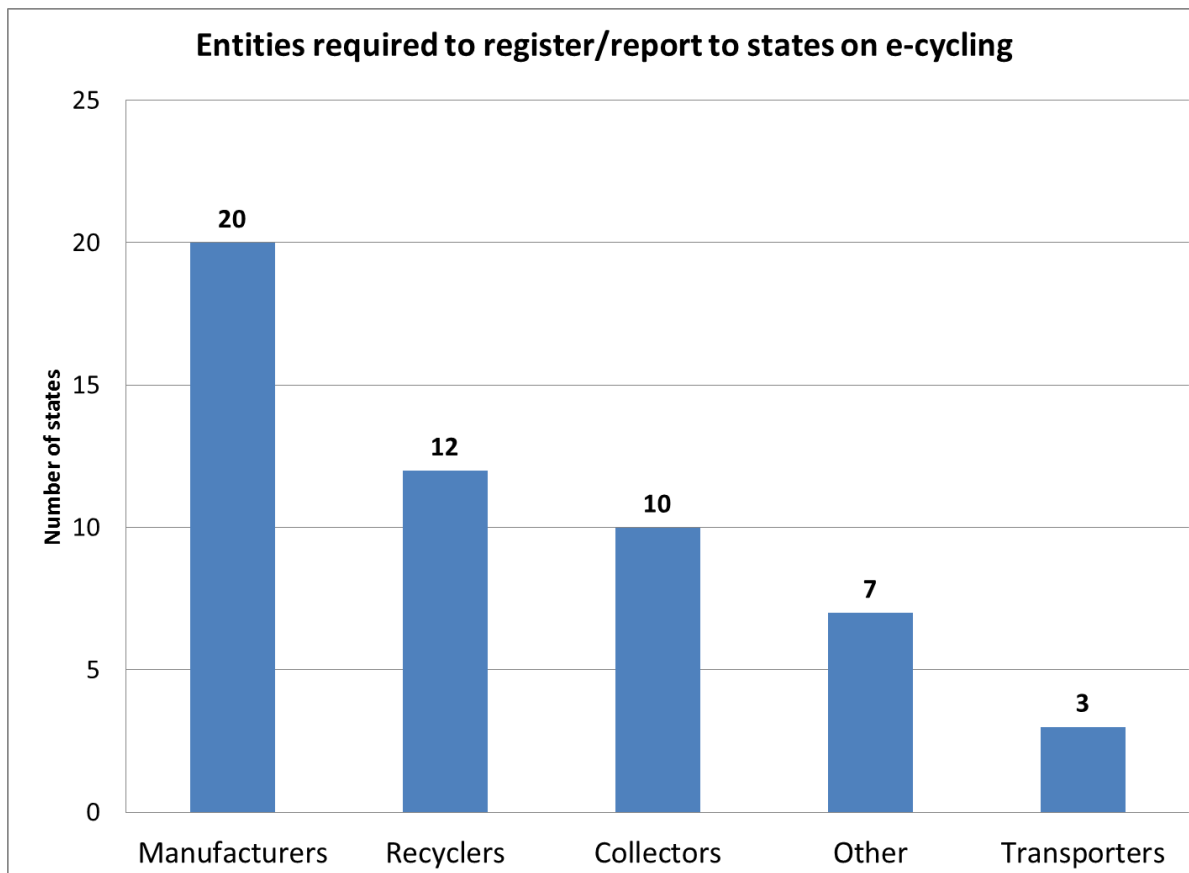
#### 1. Which of the following entities does your state require to register/report to you on management of e-waste under your e-cycling law or other state laws?

Response options were manufacturers, recyclers, collectors, transporters or other.

Nearly all of the states require manufacturers to register; the only exceptions among survey respondents were California (which has a program based on advanced recovery fees) and Oregon (which requires collectives/plans, rather than individual manufacturers, to register).

Eight states require **only** manufacturers or manufacturer collectives to register and report to them. The rest require more than one entity to do so.

The "other" responses were consolidators (2), local governments (2), product stewardship organizations/recycling plans (2) and CED grant recipients.



- 2. If more than one type of entity reports to you, do you currently do any cross-checking to verify that numbers they submit match? (For example, that what a collector reports sending to a recycler and a recycler reports receiving from a collector are the same.)**

Twelve states answered yes to this question. The type and amount of cross-checking states are able to do varies, depending on who they get reports from and how much staff time they have for this task.

- 3. Do you require any reporting entities to submit a list of locations from which electronics are collected each year?**

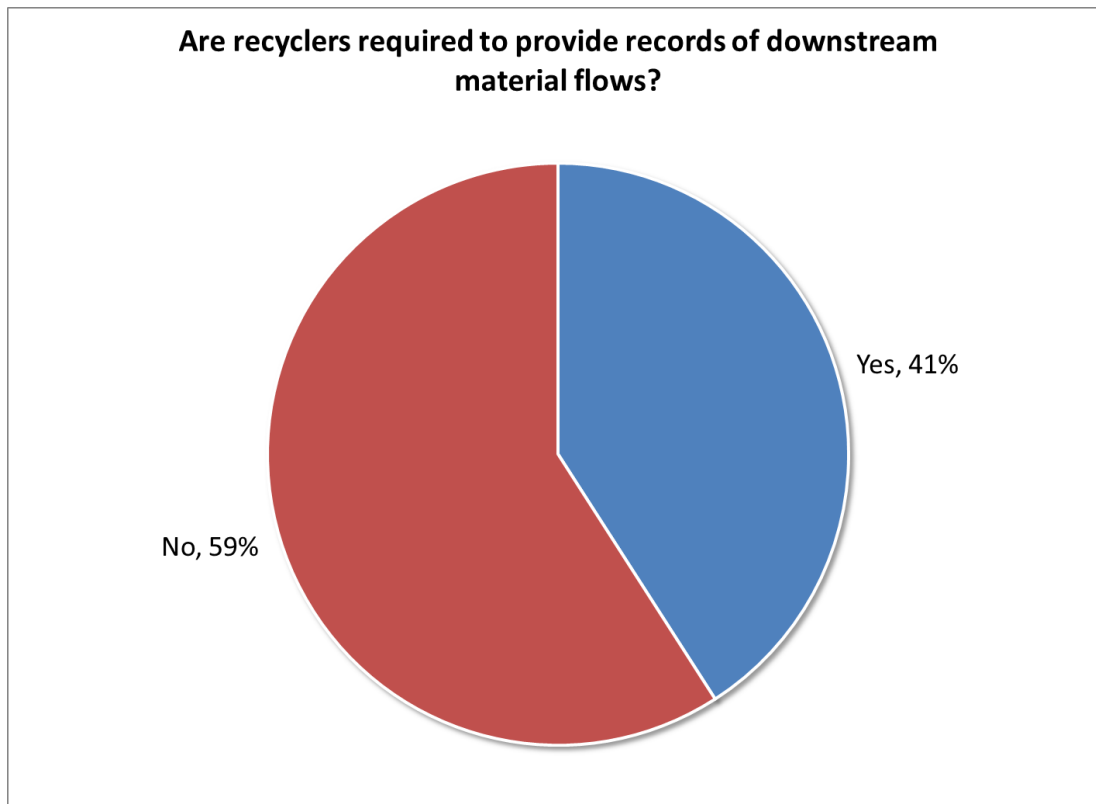
About two-thirds of the states (15) answered yes to this question. In most cases, either the collectors or manufacturers/manufacturer collectives provide this information. Recyclers provide it in a few states, and a couple of the states get this information from local governments.

- 4. Under your state's law, can one recycler sell credits for processed/recycled pounds to another recycler, rather than directly to a manufacturer?**

About one-third of the states (8) answered yes to this question. Only one mentioned a specific process for reviewing/verifying these transactions.

**5. Are recyclers required to provide records to your agency showing where materials go following initial disassembly/recycling of electronics?**

Nine states answered yes to this question, though one of those states said it had not been able to request and review any of this data yet. In most other cases, states review these records as part of recycling facility inspections, or have the ability to request this information if they have questions or concerns. Except for California, where the state plays a much larger role in administering the program, it does not appear that states have been able to do detailed, thorough reviews of this information.



**6. Does your e-cycling law have any provisions for detailed audits of recyclers, collectors or other groups covered by the law?**

Half of the states answered yes to this question, though the meaning and scope of audits varies by state, and several of the states have not yet acted on audit authority. Connecticut has announced plans to have third-party audits of recyclers approved under its program. Other responses included the following:

- Mandatory annual inspection of recyclers; possible inspection of anyone handling e-waste in state. Review of physical operations and records. Supplemental audits.
- We are allowed to perform inspections and issue administrative citations and/or referrals to the Attorney General.

- All records related to state program must be made available to Maine DEP upon request. Manufacturers have the right to on-site audit during normal business hours provided they give 24 hour notice.
- Collectors (under separate law) are required to keep records of the pounds they send to recyclers. Recyclers are required under the state ewaste law to keep records of where the material they recycle is sent.
- Inspections under solid and hazardous waste rules.
- Our statutes allow for the inspections, and audits, of electronics retailers to ensure they are selling brands that have filed recovery plans with our state.
- Recycling programs must include inspections of their collectors and comprehensive audits of their recyclers in their annual plans approved by DEQ. Audits include tracking of materials downstream.
- Recoverers have to be certified (e.g., R2, e-Steward or otherwise approved).
- Annual independent audits of recyclers showing compliance with performance standards set in rule.
- In addition to regular reporting and inspections, there is a provision for in-depth audits of recyclers by a 3rd party, which the recycler helps pay for.

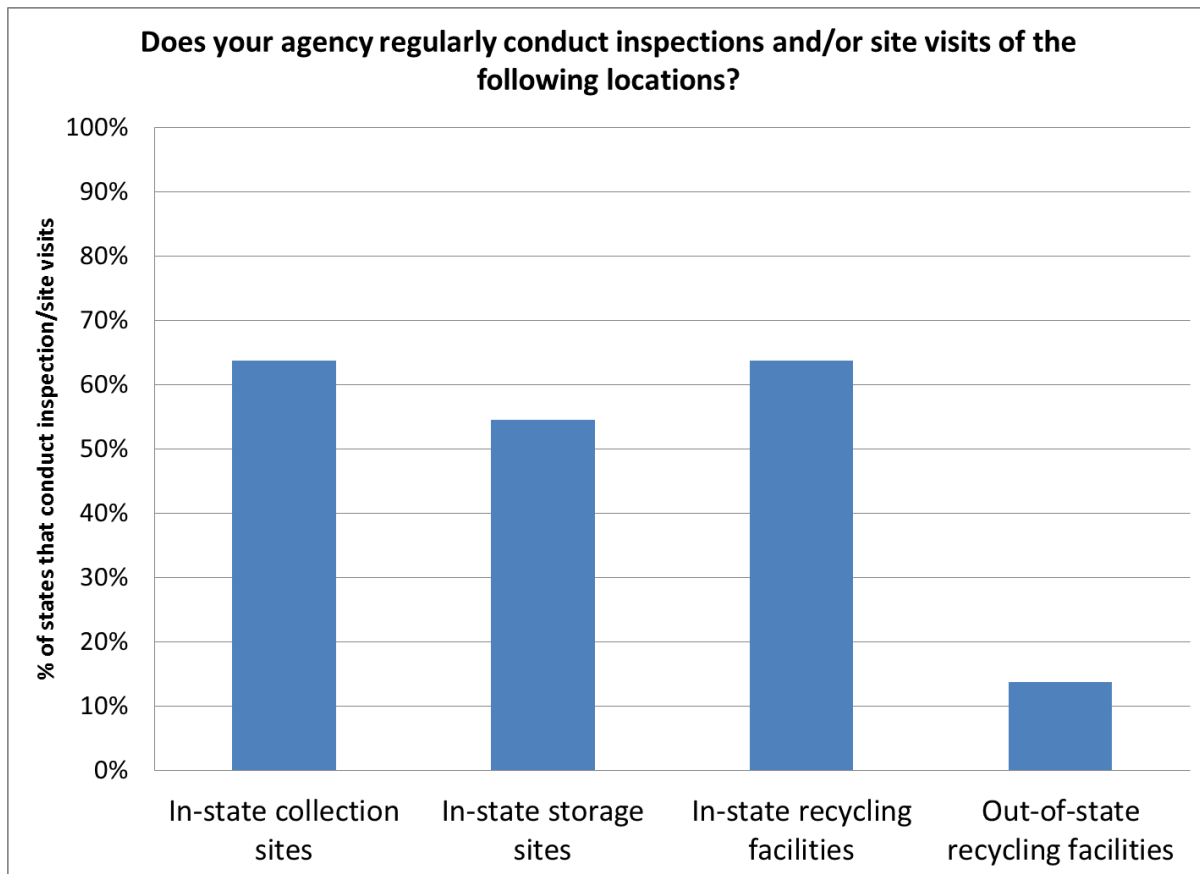
**7. Do employees from your state agency regularly conduct inspections and/or site visits of the following locations?**

The response options were collection sites within the state; consolidation/storage sites within the state; recycling facilities within the state; and out-of-state recycling facilities.

Six states reported not conducting inspections at any of these locations. The rest of the states reported conducting inspections at one or more of these locations, either as part of their electronics recycling program or as part of routine solid and hazardous waste inspections. Some states perform annual inspections of some facilities, while others inspect periodically or in response to complaints.

The graph below shows the percentages of responding states that conduct each type of inspection. The numbers are:

- In-state collection sites—14
- In-state consolidation/storage sites—12
- In-state recycling facilities—14
- Out-of-state recycling facilities—3



**8. Is there anything else you would like to share about steps your program takes to ensure responsible recycling and prevent fraudulent activity?**

Some states mentioned that they perform checks to monitor whether retailers are selling unregistered brands, and others clarified their answers about inspections in the question above. Other responses to this question included the following:

- CT's law has a system of checks and balances to foster a cooperative working relationship between the CERs and the OEMs. CT's program provides detailed record keeping requirements for CERs to track the movement of material into and out of each downstream recycling or disposal facility that is also disclosed by the CER in its application which is approved. CERs cannot send their CEDs to a recycling or disposal facility that is not specifically approved without consequences. Additionally, applications to become approved CERs need to include a price / pound for the transportation and recycling of all CEDs including the net revenue generating devices and the net neutral or negative devices. Therefore, recyclers need to take into account the cost for recycling CRT glass as well as other items/ costs under program. Lastly, OEMs and CERs are obligated to work cooperatively to ensure the responsible recycling, including entering into private agreements or arrangements to ensure the responsible recycling of CEDs.

- CT will make a concerted effort to audit a couple recyclers in 2014 to verify records are being kept as required under state law and to attempt to cross check that information against municipal and manufacturers reports.
- In Oregon, the recycling programs, which are responsible for collection and recycling on behalf of their participating manufacturers, are the only entities that earn, transfer or use recycling credits. They can transfer credits among recycling programs and report that activity in their annual reports to DEQ.2)Re: #9: The recycling programs must ensure recordkeeping is in place for the management of materials collected and processed, from the point they leave a facility through the point they become a single material commodity suitable for final processing. The programs do this through contracts with their service providers. DEQ does normally deal directly with those service providers and they do not report to DEQ under the E-Cycles program. 3) Re: #11: Recycling programs are primarily responsible for ensuring their service providers meet established environmental management practices through education/outreach, feedback, inspections and audits. DEQ's inspections are to audit recycling programs oversight of their service providers and to inspect e-waste collection, storage and recycling facilities for activities outside of the E-Cycles program.
- We require any recycler that manages covered materials to be R2 Certified as well as any downstream vendors. We require all in-state recyclers to be R2 Certified. Question #10 above - our law does not require audits - but our contract to implement the State Standard Plan does require third-party audits of the contractor and the R2 Certification - also requires a third-party audit of the recycler.
- We ask that recipients of CED grants to contract with a certified recycling company when holding an event or contracting for collection and transporting. This is not a state law.
- We inspect in-state recycling facilities approximately once a year, and have recently increased our inspections of collection sites. Our law requires recyclers participating in the program to carry pollution liability insurance and owner financial responsibility, regardless of whether they are located in the state. We are getting better about spotting red flags in reporting and following up with requests for additional records, and have removed some collectors and recyclers from the program.

## **Management of CRTs**

### **9. Has your state adopted the U.S. EPA CRT Rule?**

Twelve of the 22 states that responded to the survey have adopted the federal CRT rule.

### **10. If not, what limits would apply for accumulation of CRTs?**

- As a RCRA authorized state, California adopts its own standards. One year limit under universal waste rule, 90 days under haz waste conditions.

- 1 year speculative accumulation under universal waste rule.
- Hazardous waste rules (for commercial entities) and solid waste permitting requirements.
- 180 days and 600 kg.
- A recycler would only be allowed to speculatively accumulate CRT's for one year before they would be considered wastes.
- None at the current time. We also do not have a landfill ban so electronic equipment can be disposed of in landfills should the landfills choose to accept it.
- Not specifically. Our state identifies CRTs as universal waste and has provisions in the hazardous waste regulations for accumulation according to universal waste accumulation standards. Contact me for details - no space here.
- Facilities must manage all CRTs in a manner that prevents breakage for shipping purposes. If CRTs are broken they are to be placed in a closed container to prevent spillage. All CEDs (CRTs) are to be kept in a secure facility under roof.

**11. Are there any facilities/locations in your state where abandoned CRTs have been found in the past year?**

Ten of the 22 states (about 45 percent) answered yes to this question, and provided the following details:

- Two instances of processors skipping town and leaving behind CRTs. Approximately 200 Gaylords each instance. Material appeared to not originate in-state, so was not eligible for CA's recycling program.
- Two facilities that are permitted to disassemble used electronics. These facilities are not approved recyclers under CT's e-cycling law.
- We've had a couple collectors/recyclers go out of business and fail to remove all e-waste from the property, but nothing like the warehouses full of CRTs that have been recently discovered.
- One site that we are aware of—still under investigation and due to that, the information is confidential.
- Three locations currently identified. One is an unregistered recycling facility and the other two are abandoned sites associated with recyclers that went out of business.
- Several.
- Three sites—1) only ~20 gaylords of CRTs; 2) mixed electronics debris, including smashed CRTs spread over 17 acres; 3) a 1,700 sq foot warehouse filled with mixed electronics, including CRTs. An inventory has been performed yet, the site is not safe.
- Three sites: 1 leased warehouse with CRTs scavenged by recycler needing money for the rent & 2 smaller sites with individuals scavenging CRTs. We expect to see more in the future.
- In the past, we have noted 2-3 sites where computer equipment was dumped; however, there are typically other forms of waste (such as white goods) within these illegal dumps. Now since the inception of the program, there are more options for citizens.

- We have heard of a couple, which other recyclers have worked privately to clean up, usually working with a landlord.

**12. Do you know of any facilities in your state where CRT stockpiling beyond the one-year regulatory limit has occurred in the past year?**

Just over one-quarter of the responding states (6) answered yes to this question and provided the following details:

- One site that we are aware of.
- Less than five.
- I just received a report of a recycler accumulating 5 tractor-trailers of CRTs.
- Yes, there are two sites that are suspected of speculative accumulation. The sites are under investigation.
- One site.