



# ERCC Workshop: Overview of State Electronics Recycling Laws

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***E-Scrap Virtual***

# What is the ERCC?

- Forum for coordination and info exchange, joint decision-making
- Address cross cutting issues in state electronics recycling laws
- Members
  - Voting: State/local government
  - Affiliate: industry, non-profits, trade associations, others
- Managed by National Center for Electronics Recycling (NCER) and Northeast Recycling Council (NERC)

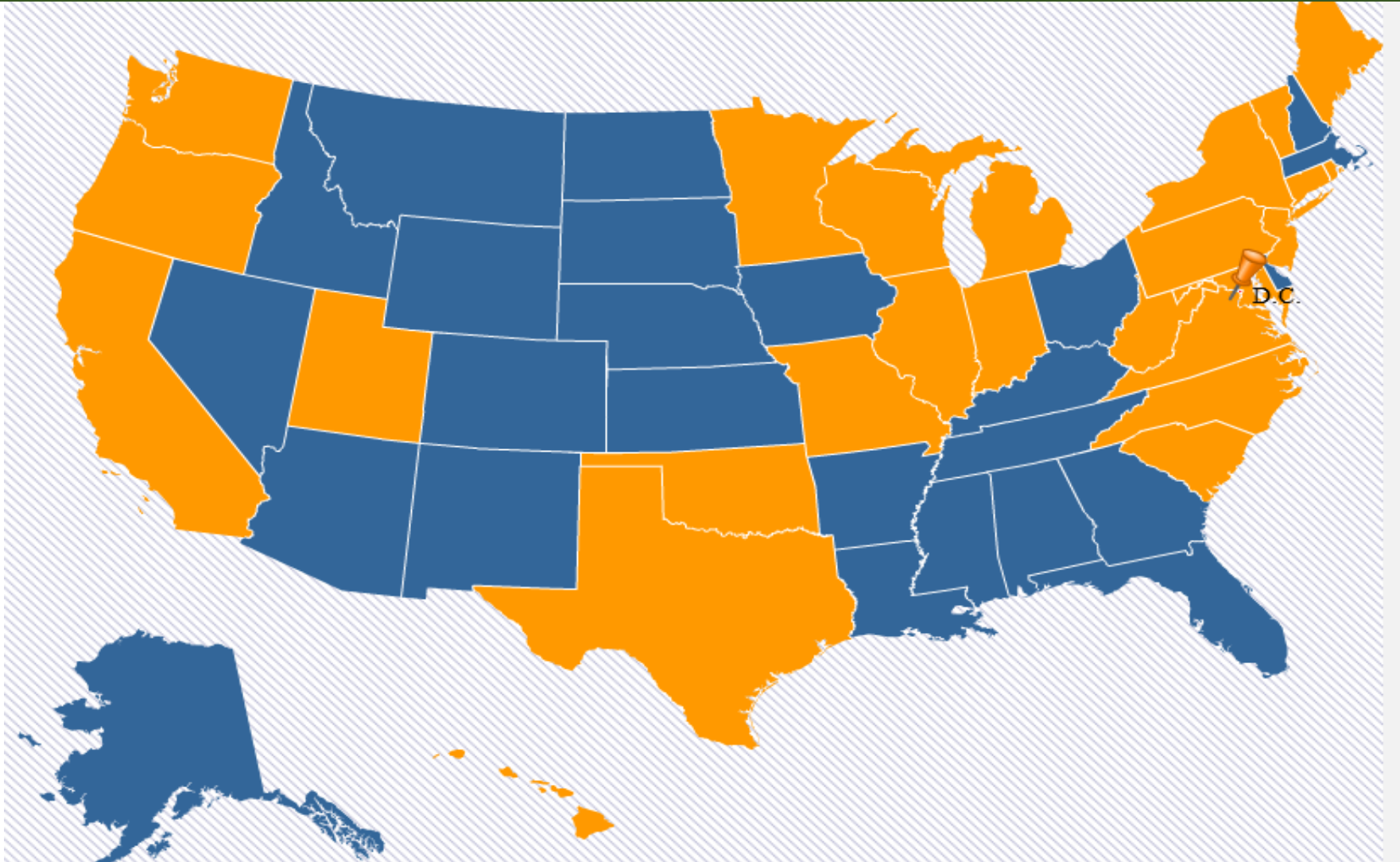


# Activities of ERCC

- [eCycleRegistration.org](http://eCycleRegistration.org)
- Compliance Calendar
- Information sharing calls
- Market share data joint purchasing
- Brand/Manufacturer tracking database
- Coordinating state program concerns on key market issues
- Coordinated responses to non-compliant companies
- Gathering data on per capita collection rates and other key performance measures
- State consumer awareness surveys



# Which States Have E-Scrap Laws?



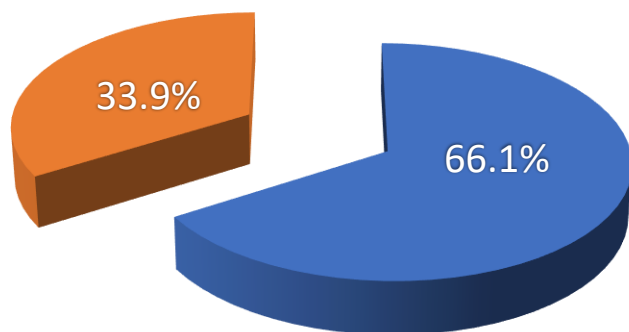
States highlighted in orange have some type of electronics recycling *program* law

# 25 State Program Laws + DC

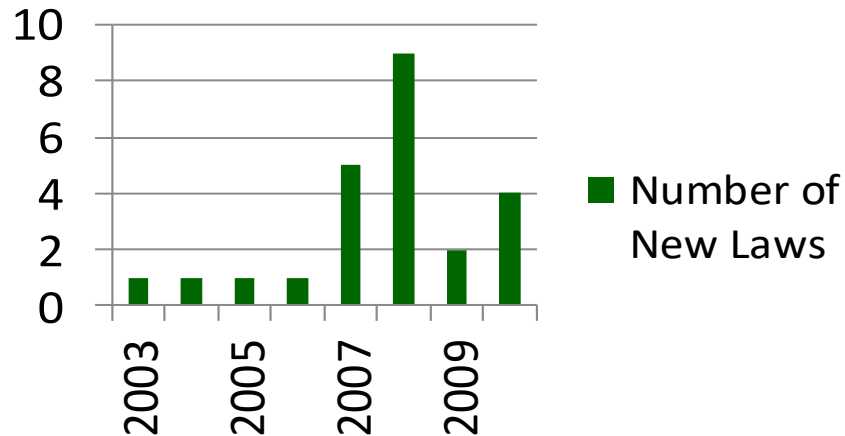
- **2003:** California
- **2004:** Maine
- **2005:** Maryland
- **2006:** Washington
- **2007:** Connecticut, Minnesota, Oregon, Texas, North Carolina

- **2008\*:** New Jersey, Oklahoma, Virginia, West Virginia, Missouri, Hawaii, Rhode Island, Illinois, Michigan
- **2009:** Indiana, Wisconsin
- **2010:** Vermont, South Carolina, New York, Pennsylvania
- **2011:** Utah
- **2014:** DC
- **2015-2020** - none

Percentage of Population Covered by E-Scrap Law



Number of New Laws



# How State Laws Differ

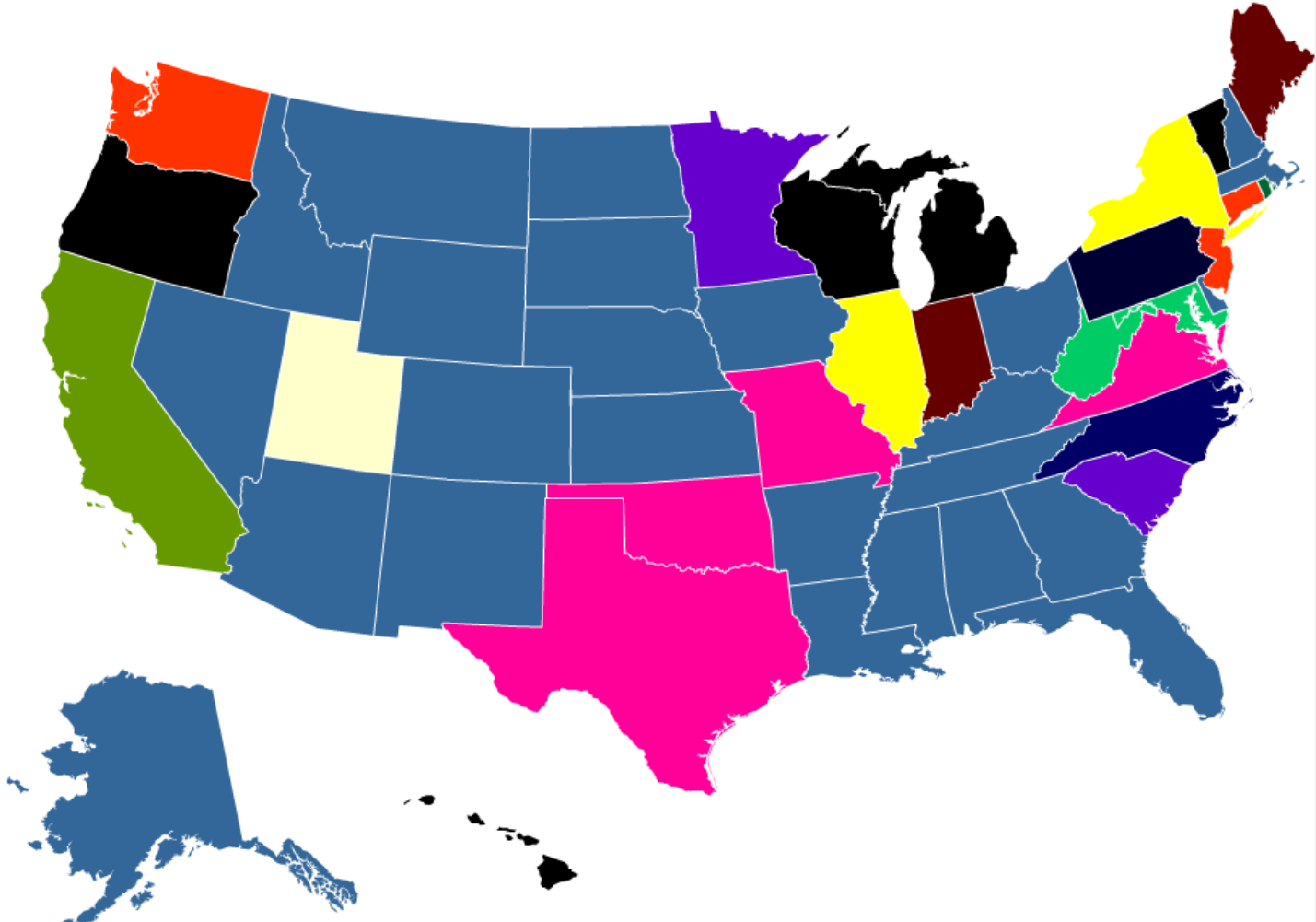
#1

## Covered Products

- Minimum: Monitors, Laptops
- Maximum: + TVs, Computers, Printers, Keyboards, Mice, Small Servers, Personal Audio, Mobile Phones, VCR/DVD, DVRs, cable/satellite boxes, 3D printers
- Most in between with “big five” TVs, desktops, laptops, monitors, and printers



# Product Scope Map



**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](http://ecycleclearinghouse.org) for more details.**

# How State Laws Differ

## #2

### Covered Entities

- Who can use (free) recycling system?
- All Cover Households/Consumers, then variations on:
  - Small businesses – fewer than 10 or 50 or 100
  - Schools – K-12 or all
  - Non-profit organizations – 501c3 or all
  - Government agencies – small local or all
  - Large businesses





# How State Laws Differ

## #3

## Program Funding

**24 states + DC = some form of producer responsibility in law**

- Manufacturer fee - 2 states
- Manufacturer Market share – 12 states
- Manufacturer Return share & market share – 2 states
- Manufacturer Clearinghouse with Market Share within Return Product Categories – 1 state
- No financing specified, but manufacturers run their own programs – 8 states





# Shared Costs: Consumers, Collectors, Recyclers

**What costs are covered and do consumers pay drop-off fees?**

- Separate fee on sale of new products – 1 state
- Some specify only certain costs covered by manufacturers – i.e. only transportation and recycling costs
- Others silent on how what aspects of costs covered by manufacturers, allows costs to collectors
- Some explicitly prohibit drop-off fees by consumers, others allow them to subsidize system costs
- Non-covered devices – can have fees for drop-off in states where other fees prohibited

# Types of Financing



**ARF** - Electronic Waste Recycling Fee, assessed on the sale of covered electronic products



**FEE** - Manufacturer Annual Registration Fees (can be reduced by establishing an approved take-back program)



**SHARE** - Manufacturers must finance a program to collect & recycle a share of covered products, either collectively or independently, calculated by market share of new sales



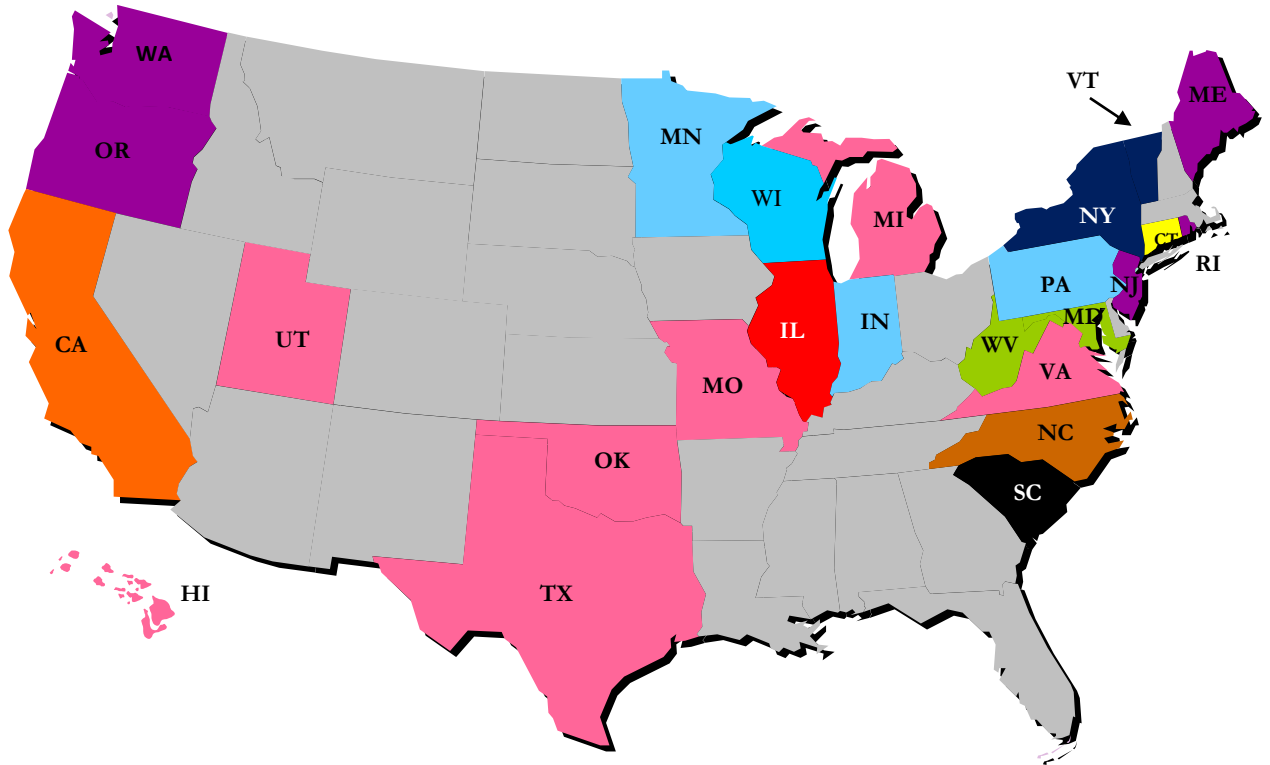
**LBS. SOLD**  
Manufacturer pays registration fee and for collection and recycling of covered electronic devices based on their yearly sales to households



**LBS. SOLD SHARE**  
Manufacturers are assigned a market share percentage based on total weight sold into the state. A separate per capita goal is used for collection targets. (IL uses return share for IT devices)



**Convenience**  
Manufacturers must cover a statewide program, but no specific financing is set. In practice, the manufacturer clearinghouse uses a combo of lbs sold share within return share product categories



**RETURNS** - Manufacturers must develop and implement their own recycling programs for their own returned products. No goals except 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.



**IT FEE + TV MARKET SHARE** - IT Manufacturers pay for a staged fee based on market level of collection service provide. TV manufacturers pay based on market share %.

# Grouping the States – 6 Models

1. **Pounds targets**– OEM individual lbs goals, some without convenience metric
  - DC, IN, MN, NY, NJ, WI, (MI), (NC), (SC)
2. **Default and opt-out**, usually with convenience goals, collective programs
  - OR, RI, VT, WA
3. **Limited take-back programs**
  - MD, MO, (NC), (MI), (SC), OK, TX, VA, UT, WV
4. **Recycler approval** by state, then bill manufacturer
  - CT, ME
5. **Advanced Recycling Fee** (CA)
6. **Clearinghouse Model** – IL (as of 2019) – no lb targets, but must provide statewide coverages to local governments who opt in



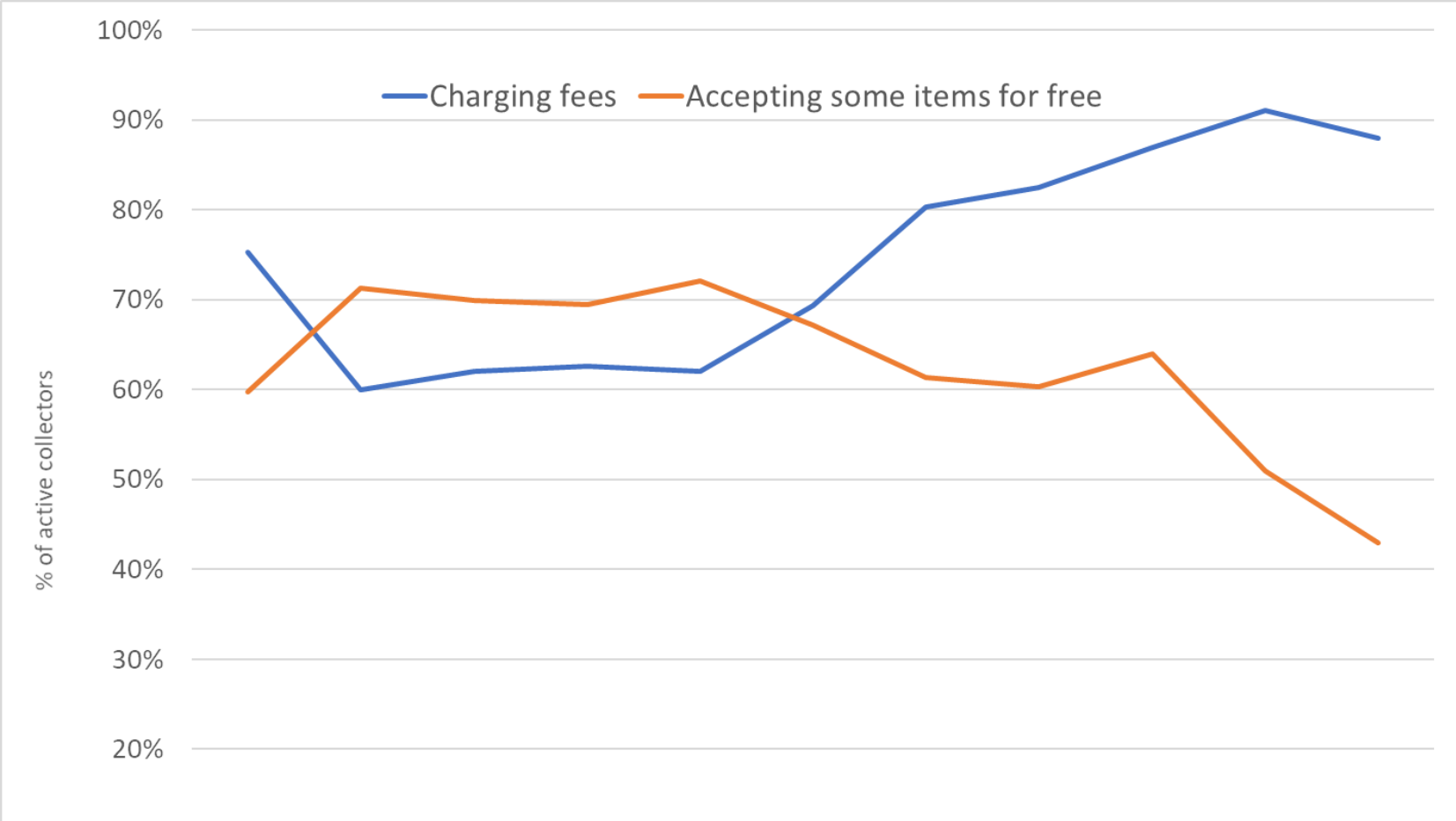
# Case Study: Wisconsin

## Model 1: Lbs Sold/Share

- Covered products: computers (desktop, laptop, tablet), printers, TVs, monitors, others over 7"
- Manufacturer Responsibilities: Register, report brands and pay fee; know their annual lbs target, find recyclers or mgmt. groups to meet
  - Individual manufacturer recycling targets directly based on weight sold in state
  - Contract with registered recyclers to pay for number of pounds equal to or greater than recycling target; weight must come from registered collectors
- How are costs shared?
  - Manufacturers (or collectives/brokers representing OEMs) privately negotiate a per-lb price/details with reg. recyclers
  - Recyclers determine how much they need to charge collectors for different items/services to make up for costs not covered by manufacturers or weight collected beyond manufacturer targets
  - Collectors determine how much to charge residents to accept electronics for recycling



# Wisconsin collectors charging fees and accepting some items for free



# Case Study: Vermont Model 2: Default/Opt Out

- Covered Products: computers, monitors, TVs, printers, and computer peripherals (e.g., mouse, keyboard, scanner) from Vermont Households, 501c3 Charities, School Districts and Small Businesses with 10 or fewer employees
- Manufacturer responsibilities Register prior to sale
  - Report covered brands, pay admin fee
- Make Program Choice
  - Default plan/program or propose opt-out plan = State Standard Plan (SSP)
    - No recycler choice with default, (or collective)
  - Can meet convenience and lbs goals with opt-out, but..
  - Since 2015 – all manufacturers in SSP
- How are costs shared?
  - Manufacturers billed by VT ANR for all costs of collector compensation, transportation and recycling costs along with program admin; based on market share
  - NO consumer drop-off fees for covered devices



# Case Study: Virginia

## Model 3: Limited Takeback

- Covered products – computers and monitors
- Manufacturer Responsibilities: register and submit takeback plan for own brand computers and monitors
- How are costs shared?
  - Manufacturers must offer free takeback for own brands only (can go beyond); mail-back is used primarily, few drop-off options supported





# Case Study: Maine Model 4: Recycler Approval, Bill Manufacturer

- Covered devices: TVs, portable DVD, game consoles, computer monitors, laptops, tablets, e-readers, 3D printers, printers, digital picture frames, and other visual display devices with screens of at least 4”
- Manufacturer Responsibilities: register, pay admin fee and accept/pay bills from approved consolidators
- How are costs shared? Manufacturers invoiced for “handling, transport and recycling” of their share of covered devices
  - Silent on how collection, but not in approved costs for manufacturers; drop off fees allowed



# Case Study: California Model 5: Advanced Recycling Fee

- Covered devices: displays – TVs, monitors, laptops; greater than 4”
- Only/first state with ARF collected at sale, remitted to state by seller
  - Currently \$4-\$6 depending on screen size
- Collection and recycling costs covered by fund from fees, can be adjusted up or down
  - Currently 66 cents/lb CRT; 87 cents non-CRT; of which 26 cents for collection
- Manufacturer role – limited to reporting



# Case Study: Illinois Model 6: Manufacturer Clearinghouse

- Covered Products: Computers and Small-Scale Servers, Computer Monitors, Keyboards & Mice, Printers, Fax Machines, and Scanners, TVs, DVD Players/VCRs, Converters, Cable/Sat Receivers, Portable Digital Music Players and Video Game Consoles
- Manufacturer Responsibilities: register, pay fee and make own program or join Clearinghouse
  - Either must cover ALL counties who “opt-in” to program, min # of sites per county by population density
  - All manufacturers in Clearinghouse, which divides up counties among group plans, first 3 years
  - No lbs targets, but must cover all covered lbs coming in
- How are cost shared: manufacturer programs cover bulk transport and recycling costs; drop-off fees are allowed





# Illinois Model

- Instead of pounds targets, moves to convenience standard starting in 2019
  - Minimum number of collection sites on population density basis
- Counties and certain municipalities “opt in” to the manufacturer program under CERA
- Each manufacturer must provide an “e-waste program” to transport/recycle residential CEDs for the ENTIRE ROSTER of counties (at least minimum number of sites) who opted in independently.....

# Illinois Clearinghouse

## OR

- Through a “manufacturer clearinghouse” – collection of manufacturers representing 50% or more of the total collection obligations
- 2019-21 – ALL registered manufacturers participating through Clearinghouse
- Electronics Recycling Representative Organization (ERRO) moved forward to create a CERA Clearinghouse for IL
  - ERRO – non-profit with manufacturer board, no staff
    - Issued RFP in 2018 for a Clearinghouse Administrator



# Key Facts IL

## 2019 Clearinghouse Program

- 58 Counties/jurisdictions submitted opt-in forms
- 2019 Total population covered – 89% of IL population
- 87 Registered Manufacturers

## 2020 Clearinghouse Program

- 61 jurisdictions opted-in
- 2020 Total population covered –88% of IL population
- 95 Registered Manufacturers

## Total CY 2019 LBs Recycled: **29.5 million lbs**

- % Opt-In Programs: **51.2%**
- % Private Programs: **48.8%**





# What the IL Clearinghouse Does Do

- **DOES** help manufacturers collectively meet the requirements to implement a statewide “manufacturer e-waste program” in Illinois through a joint Plan
- **DOES** administer manufacturer obligation percentages within the Program Plan, request existing relationship preferences, and then allocate opt-in counties to individual manufacturers or groups
- **DOES** set rules for manufacturer or designated group participation
- **DOES** establish an auditing program for verifying reported pound totals and collector practices
- **DOES** compile information required and submit Program Plan to IEPA

# What the IL Clearinghouse Doesn't Do

- **DOES NOT** contract with recyclers, collectors or other service providers (all contracts made by group plans)
- **DOES NOT** decide which collection site/s or events will be included in the final Program Plan
- **DOES NOT** decide which entities (collectors, super-collectors, recyclers) are used in meeting the required minimum sites for convenience standard (all entities must meet requirements in law and those by contract)
- **DOES NOT** mandate whether assigned groups/manufacturers agree to include all proposed sites/events from opt-in forms, including those beyond minimum required under convenience





# Why Not A Federal Program?

- Attempt in early 2000's –  
4 years of negotiations but no agreement
  - States started own laws, rest is history
- Congress: limited activity
  - Years ago – R&D moved far, but failed
  - Export restriction bill – introduced several times
  - Some discussion of eco-fees, but no legislation introduced
- Off and On Attention in Administration
  - Interagency Task Force Report in July 2011
  - Focuses on Federal Agency actions, purchases
  - Export Studies
  - Push for recycler certification –  
R2 and e-Stewards



# Key Challenges & Common Issues

- What products should be covered, and how can programs adapt?
- How to balance equity and costs for manufacturers, collectors and recyclers
  - Pounds goals, convenience, cost sharing?
- Multi-year challenge of CRT glass and markets
  - Declining, but still dominant weight from households
  - Downstream markets change, some recyclers have left with stockpiles
- Plastics
- Batteries



# ERCC Compliance Calendar

- Desire for a comprehensive and public resource for tracking the complicated requirements under state electronics recycling laws
- Multi-year effort to develop
- Site was made possible by a contribution from the Consumer Technology Association (CTA)
- **Free resource for all with need for info on state laws**



# Compliance Calendar

Newest ERCC Project and a one-stop location for stakeholders who need to view and track requirements across the 25 state electronics recycling laws.

[www.ecyclingcompliance.org](http://www.ecyclingcompliance.org)



[Home](#) [About](#) [Contact](#)

List View

Calendar View

Data View Options

Export State Contact List

## Welcome to the e-Cycle Compliance Calendar!

The e-cycle compliance calendar was developed as a project under the [Electronics Recycling Coordination Clearinghouse \(ERCC\)](#). ERCC's Compliance Calendar arose from [member discussions](#) around the need for a one-stop location for stakeholders to view requirements across the state electronics recycling laws. By signing up for an account, you can save your filters and sign up for email alerts for specific state deadlines or changes.

Use one of the following buttons for a quick view of the stakeholder-specific requirements:

Manufacturer Requirements

Collector Requirements

Recycler Requirements

Retailer Requirements

[View all Deadlines](#)

### Upcoming Deadlines

9/30/2019 CT Annual Manufacturer Fee Deadline

9/30/2019 CT Annual Manufacturer Registration Deadline

10/1/2019 NC Manufacturer Private Collection/Takeback/Recovery Program or Plan Deadline

10/1/2019 SC Manufacturer Private Collection/Takeback/Recovery Program or Plan Deadline

10/1/2019 NC Manufacturer Reports Deadline

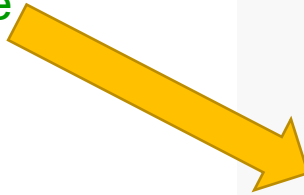
10/1/2019 VT Recycler Application Due Date

10/15/2019 RI Annual Manufacturer Fee Deadline

10/15/2019 RI Manufacturer Private

# List View:

Change filtering options like “state” here



Current Data View: All Items Clear Filters Export State Contact List

Deadlines (next 90 days) Deadline Between  and

Show  entries Export to Excel Show/Hide Columns Search:

STATE	CATEGORY	LAW COMPONENT	ACTION ITEM/ANSWER
All	All	All	
IN	Reporting	Collector Reporting Deadline	2020-03-01
OR	Collection	Collection Limit	7 or fewer CEDs
CT	Collection	Collection Limit	7 or fewer CEDs at any one time - no charge
WA	Collection	Collection Limit	A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans. For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.
NC	Collection	Collection Limit	Depending on the plan instituted by the manufacturer, there may be limits on the brands and types of electronics taken at collection sites/events.
TX	Collection	Collection Limit	Each manufacturer is responsible only for its own brand(s) of computer equipment. The collection and recycling must be convenient and free at the time of recycling. Manufacturers may choose to offer recycling for brands other than their own.
DC	Recycling Plan	Collector or Municipal Plan Required	No
HI	Recycling Plan	Collector or Municipal Plan Required	No
IL	Recycling Plan	Collector or Municipal Plan Required	No
IN	Recycling Plan	Collector or Municipal Plan Required	No
MD	Recycling Plan	Collector or Municipal Plan Required	No

# ERCC Voting Members

**CalRecycle**

**Connecticut DEEP**

**Hawaii DOH**

**Maine DEP**

**Maryland DOE**

**Michigan DEQ**

**Minnesota PCA**

**New Jersey DEP**

**North Carolina DENR**

**Oregon DEQ**

**Pennsylvania DEP**

**Rhode Island DEM**

**South Carolina DHEC**

**Vermont DEC**

**Wisconsin DNR**

**Washington DC DOEE**



# Affiliate Members

- Best Buy
- Brother
- CTA
- Dell
- DNA Group
- Dynamic
- ERI
- Funai
- HP
- LG
- MRM
- Panasonic
- PA Recycling Markets Center
- Product Stewardship Institute
- Re-Teck
- Rhode Island Resource Recovery Corporation
- Ricoh
- RLGA
- Samsung
- SERI
- Sims
- TCL North America
- Tongfang
- URT
- Vintage Tech
- Vizio



# Consider Membership Today!

- States – based on population
- Affiliates – based on revenue, rates for non-profits and others







# Thank You!



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