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California Integrated Waste Management Board

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Arnold Schwarzenegger
Governor

TO: Interested Parties

FROM: California Integrated Waste Management Board (CIWMB) and Department of General Services (DGS)

DATE: August 8, 2005

Thank you for your response to our letter dated May 23, 2005 regarding an effort by CIWMB and DGS to establish an environmentally preferable product (EPP) standard for printer and duplication cartridges. Your comments and suggestions were very informative and helpful. In reviewing the responses, a consensus emerged indicating that the scope of the EPP standard be identified. To this end, we would like to propose the following scope for the EPP standard:

The scope of the standard should include those products that California state or local agencies purchase on contract. Currently, these products include printer and duplication cartridges, such as toner and inkjet cartridges. These cartridges consist of both black and color cartridges. The focus of this standard is on the cartridge's container and not on the cartridge's content, and the containers within each duplication and printer category, i.e., toner and inkjet appear similar; therefore, we feel that the scope of the standard should contain both black and color cartridges for toner and inkjet printers.

As stated in our letter dated May 23, 2005, "It is extremely important that the standard provide an easy and effective benchmark to readily identify EPP cartridges." The four benchmarks that were offered serve as a basis for determining an EPP cartridge. Within the context of these four benchmarks, it is envisioned that an EPP designated printer cartridge would be assembled in a manner that would be protective of human health and the environment and ease pressure on disposal options. This can be achieved any number of ways including by reducing air and water emissions and lowering product toxicity, being energy-efficient and using recycled-content material, and remanufacturing for reuse or having a "material take back program".

We realize that these benchmarks will need further definition and clarification. To this end we propose that for a printer cartridge to be designated as an EPP cartridge, it must comply with benchmark labeled 1 (tier 1) and one of the other three benchmarks labeled 2, 3 and 4 (tier 2), or a combination thereof, i.e., partial attainment of benchmarks labeled 2, 3, and / or 4 may be combined to satisfy tier 2. However, it is essential that the CIWMB's waste management hierarchy is followed in the process of establishing an EPP printer cartridge standard. For example, under current statute, a "take back and recycling" program that converts waste to energy does not qualify as recycling and therefore, it is difficult for us to consider it as such. For

California Environmental Protection Agency

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a printer cartridge to be considered as an EPP cartridge, the following revised four benchmarks are offered for your comments and suggestions¹:

Tier 1

- 1) a cartridge for which the manufacturer, wholesaler, distributor, retailer, or remanufacturer places no restriction on the recycling or remanufacturing of that cartridge by any other person (Public Contract Code section 12156). *Furthermore, the manufacturers shall not prevent, through specific design features or manufacturing processes, print cartridges from being re-used.*

Tier 2

- 2) a cartridge containing a minimum of 50 percent recycled-content *material by weight which consists of secondary and postconsumer material* with at least 10 percent by weight of postconsumer *material* (Public Contract Code section 12200).
- 3) a cartridge, that could have been disposed of as solid waste having completed its life cycle as a consumer item, but otherwise is refurbished for reuse (remanufactured, restored, renovated, repaired, or recharged) without substantial alteration of its form (Public Contract Code section 12156). *Refurbishing a cartridge is defined as disassembling the cartridge, cleaning it, changing parts if needed and refilling it with toner.*
- 4) a cartridge that would otherwise become solid waste, but which has undergone a process of collecting, sorting, cleansing, treating, or reconstituting, and which has been returned for the manufacture of new products or the remanufacture of used cartridges (Public Contract Code section 12156). *Furthermore, for those manufacturers that have a “take back and recycling” program, an EPP designation will be awarded to the actual printer cartridges collected and not to all the cartridges collected in the program. For example, if 40 percent of a specific type of cartridge is collected under a “take back and recycling” program, then the EPP designation will be awarded to that specific cartridge model and not to all the cartridges collected in the program.*

Additional definitions and clarifications are still needed; such as the definition of secondary and postconsumer material for benchmark labeled 2, a threshold for the amount of material or extent to which a cartridge is “refurbished” for benchmark labeled 3, and the percentage of cartridges collected for benchmark labeled 4. We look forward to receiving your comments and suggestions on these and other issues you would like to address.

¹ Note “new” italicized language for the benchmarks compared to the language in our letter dated May 23, 2005.

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I would like to thank you again for responding to our letter with helpful comments and suggestions. I look forward to continuing our dialogue and working together towards establishing an environmentally preferable standard for printer and duplication cartridges. Please feel free to distribute this letter to parties that you consider interested in this effort. For public access, this letter as well as your responses will be posted on our Web site at: www.ciwmb.ca.gov/EPP/Cartridges.

Comments and suggestions should be directed to:

Mr. Fareed Ferhut,
Integrated Waste Management Specialist
Buy Recycled Section
CIWMB
P.O. Box 4025, MS-12
Sacramento, CA 95812

Please try to have your comments and suggestion to us by August 29, 2005.

If you have any questions or would like to discuss this effort, please contact Mr. Ferhut at fferhut@ciwmb.ca.gov or (916) 341-6482. Thank you for your interest in this effort.

Sincerely,

Jerry Hart, Supervisor
Buy Recycled Section

Attachment

cc: Patty Wohl, CIWMB
Bill Orr, CIWMB
Fareed Ferhut, CIWMB