



Case Study:

Washington State Electronics Law

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CIWMB
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Presentation Overview

- **WA law is good example of (early U.S.) producer responsibility legislation and relevant to Framework Concept**
- **What the law does**
- **How it came about**
- **Some implementation factors of note regarding manufacturers (Walter Alcorn)**
- **A few lessons learned and observations (Sego Jackson)**

The Basics: Chapter 70.95N RCW

Electronic Product Recycling

- Scope
 - Computers – laptop, desktop, portable
 - Computer monitors (all kinds)
 - Televisions (all kinds)
 - Excludes screens 4” or less and certain industrial/commercial applications
- Covered Entities
 - Households
 - Small business
 - Small governments
 - School districts
 - Charities
- Manufacturer Responsibility
 - All manufacturers must provide recycling services throughout the state
 - Collectively or Individually (with conditions and approval)
- Minimum Service Level
 - One drop off location in cities and towns of 10,000 or larger
 - Collection service is required to be provided in every county

Washington's Law: The Basics

- **Product manufacturers** implement & finance recycling program throughout the state
 - Cost internalization
- **No state tax or fee** charged to the consumer at point of purchase or end of life
- **Program Implementation Date** –
January 1, 2009

Manufacturer Responsibility

- **Manufacturer Plans –**
 - Plan must be submitted to State for approval
 - All manufacturers selling into the state must be members of the standard program or may participate in an approved independent plan
- **Manufacturer Registration –** All manufacturers must register annually and participate in an approved plan
- **State Costs -** Covered by manufacturer registration & plan fees

Collection

- No collector type required to provide collection - decision is voluntary
- “Fair” collection costs to be covered by manufacturers
- Encourages diverse collectors: retailers, repair shops, recyclers, charities, governments, haulers
- Collection can be at sites or alternate services such as curbside

General Timeline

- 1998
 - NWPSC forms, identifies electronics as a priority product area
 - Monitor collection pilot program (King County)
- 2000 – WEPSI launched
- 2001
 - Local NGO targets e-waste for Take Back (WCRC)
 - NEPSI participation begins (Apple: “it takes 8-10 years”)
- 2002
 - Take it Back Network developed
 - Local disposal bans begin
 - Seattle-based Basel Action Network releases “Exporting Harm”



The Take it Back Network



PC ♻️ RECYCLE



Small sign or notice posted on the wall.

Goodwill



11111

STAPLES

The Office Superstore

1541

Now Hiring.

39¢

39¢

Get '3

WAGNER'S
CORPORATION



Media Attention



TV treasures plucked from the trash heap

Golden-era TVs are cast aside for recycling, but some of them have a few good years left.

By Yvonne Rubin

Remote controls? The screens? Phones? What?

There wasn't even a glimpse of people's black-and-white-watching eyes when the earliest television sets landed in their living rooms in the late 1940s and 1950s.

Looking back "Phonovision" screens and "Television-bright" picture tubes, the first TV's nearly were the best.



IN BRIEF

Consumers who recycle TVs save discounts on new ones

Scrap the old? Dumping of electronics. Everett and Pierce County are joining with local businesses and electronics manufacturers to collect and recycle TVs through Sept. 7.

For a full accounting of all that's involved, Seattle-based consultants are being hired (see sidebar on the Local Focus page at 12B this issue).

Consumers who recycle their televisions will receive a 10 percent discount on the purchase of any television within participating municipalities: Puyallup, Everett, Mukwonago, Mary and home.

Recycling televisions through local government and business programs can save up to \$100 per unit.

Behind the program are King County, Snohomish County, the City of Seattle and the Environmental Protection Agency in Everett. The program is a joint effort between the local governments and the state.

ANTI-DEPRESSANT PAXIL MAY BE LINKED TO BIRTH DEFECTS

Seattle Post-Intelligencer

50¢

NEWS

What to do with those old electronics

NEWS

GREEK FEST DISHES BAKLAWA (WE HAVE THE RECIPES)

UNCOVERED

What? Pay taxes on eBay and garage sale stuff?

INDICATED REQUIRED TO READ

As featured on front page

Don't throw out that old computer: it'll be against the law Oct. 1

By ROBERT HULLER REPORTER

As of Saturday, it will be illegal to throw your computer in the trash in King County. Some for televisions, computer monitors, laptops and cellular phones.

County officials were referred to an obscure statute that the network of local governments accepting electronics for recycling.

"For a lot of weeks — has just expanded considerably with the addition of 14 of our cities in and around Seattle."

The office-supply company becomes the first major national retailer to provide such a service on a permanent basis, said Lisa Sepanski, product manager of King County's Take It Back Network.

Sepanski said county officials have heard from a few people that they are interested about having to go to recycle electronic appliances.

"But that's a minority. Most people are glad to have such a convenient location" as Staples, Sepanski said. "When we tell them they can take it to a Staples store, they're in the dark."

Earlier this month, Seattle-area Staples stores put out displays offering to take back computer monitors for \$12 each. The

monitors can recycle computers, for monitors, screens and related hardware equipment such as printers, PDAs and electronic devices.

Without any outside pressure, the program started Sept. 15 during the first eight days, said Dave Phillips, Staples' district manager.

Staples did several trial runs before deciding to make the program permanent, Phillips said.

"We had some great response, and that was never to be surprised," Phillips said to be a good example of all companies that are side Staples' leadership team. Tuesday, they were joined by Target Brands, the South Seattle recycling contractor by Staples to handle the waste.

The recycling fee does not make a profit for Staples, Phillips said. No televisions, radios or kitchen are accepted at the stores.

"They basically take back the problem," he said. "Staples' and other members of the Take It Back Network, www.takeitbacknetwork.org, 206-796-4446, accept televisions, radios and chargers, and pretty much anything else electronic — like a camera lens.



SOLID • HAZARDOUS • WATER • AIR

Staples aids Wash. county effort

By Joe Trank

King County, Wash., has teamed up with Staples Inc. to help encourage and assist electronics recycling efforts in the county. The county will provide materials and information that, along with computer monitors, laptops, and other electronics, will allow us to encourage recycling efforts.



Staples will charge \$12 to accept monitors and fit for computers and other peripherals. Staples will not accept servers, cables or other equipment. Recycling electronics makes good business sense as well as helping protect the environment, said Mark Phillips, the president of environmental affairs for Staples.

King County, Wash., is looking for help of a low electronic waste during a pilot program.

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of an old "Ball of Clones".

STAPLES: A center at South's first research facility with bins of computer equipment helps area electronics retailers to find a steady customer base for recycling.



A bin of old equipment was on display when King County announced the Staples will be part of the "Take It Back Network" for recycling computers and related equipment.

The city of Seattle has already banned electronic waste from its trash.

Environmental and government officials in recent years have been alarmed by the number of computers and other electronic equipment dumped in landfills where they take up space and can leak dangerous chemicals. A recycling campaign aims to get dangerous "white" recycling of computers in the "Third World."

Thirty-one businesses are participating in the Take It Back Network. These other Staples stores in South and King County also are participating in the program.

For more information on the program, call 206-796-4446 or visit the website at www.takeitbacknetwork.org.



General Timeline

- 2003 – California E-waste law passes as government managed program using ARF (uh oh)
- 2004 – Maine passes partial producer responsibility bill
- 2004 - Washington
 - First run at simple, full producer responsibility legislation in WA
 - Passed as study bill
 - Required multi-stakeholder ADVISORY group (to agency)
 - Required agency recommendations reported back before 2006 session

E-Waste Study

2004 Legislative Direction to Washington Department of Ecology

“...develop recommendations for implementing and financing an electronic product collection, recycling, and reuse program.”

- 18 month study process begins, with diverse stakeholders advisory to Department of Ecology

E-Waste Recommendation

2005 Washington Department of Ecology Recommendations to the Legislature

“Cost internalization relies on the private sector to do what it does best – compete fairly in the open market to provide the best available products and services at the lowest possible cost.”

EPR Bill Proponents

A core group formed around a producer-pays system

- Hewlett Packard
- Washington Retail Association
- Goodwill of Tacoma and Seattle
- Environmental groups
- A number of local governments

- Support from Dept. of Ecology

**Common Interests and Previous Work Together
Included Business Interests
Worked to Compromise**



The Vote

Short Session

Strong Bi-partisan Vote

House: yes – 69, no - 29

Senate: yes – 38, no – 11

Bill Signing – March 24, 2006



One State Passed Per Year



- Washington 2006
- Maryland 2005
- Maine 2004
- California 2003

Impact of WA Legislation

- WA passed full Producer Responsibility approach.
 - Collection, Transportation and Processing.
 - States no longer must choose between EPR funded partial system or ARF funded full system.
- Showed the U.S. can and will do full producer responsibility.
 - “E” in EPR does not stand for “European.”
- Demonstrated winning process and effective coalition building.

States With E-Waste Laws



States with producer responsibility e-waste laws

States with ARF (consumer fee) e-waste laws

States With E-Waste Laws

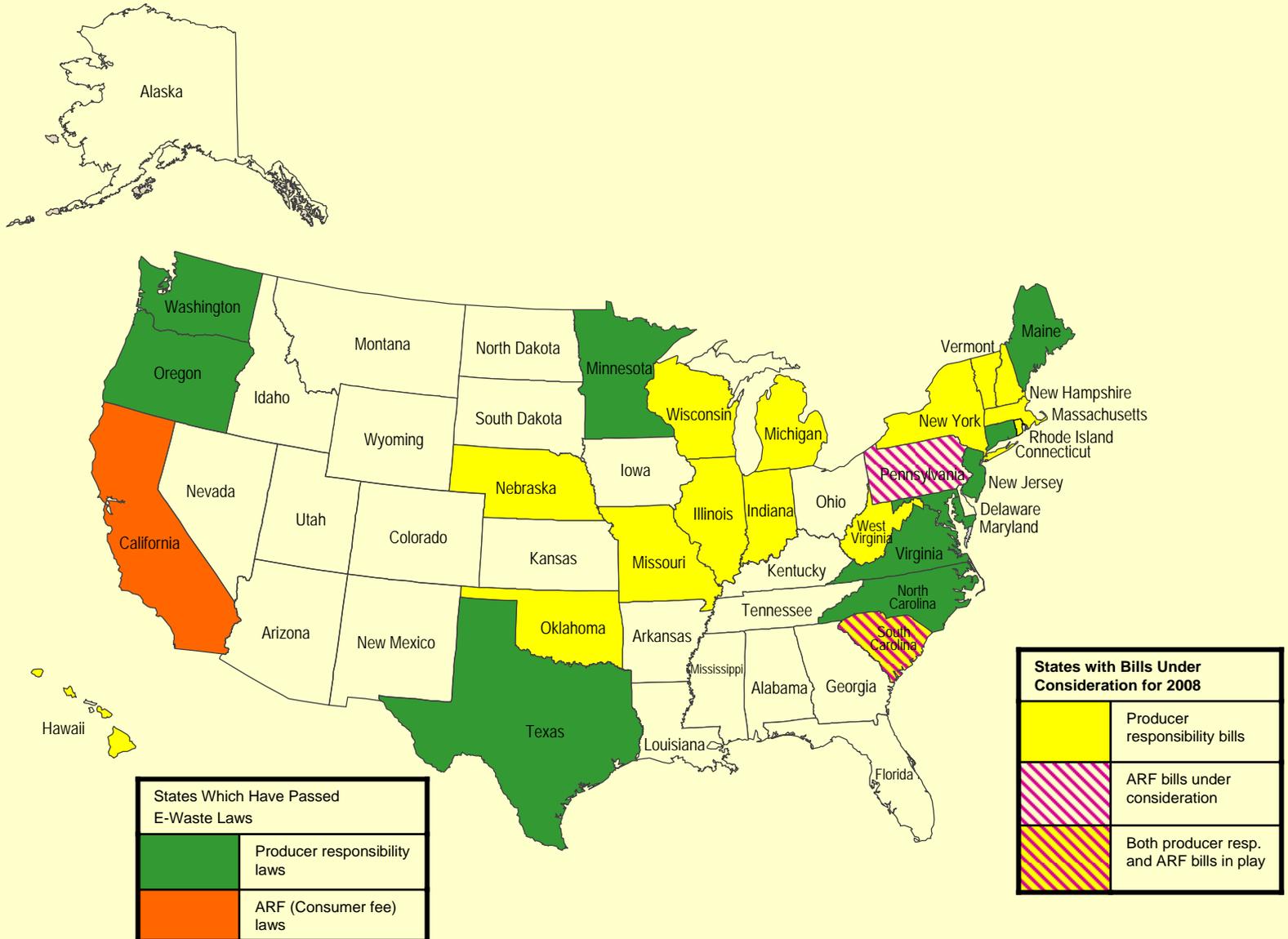
Note: This slide was not part of the original presentation but was added for accessibility.

The previous slide depicts a map of the United States and indicates the following information:

States with producer responsibility e-waste laws—
Washington, Oregon, Texas, Minnesota, North
Carolina, Virginia, Maryland, New Jersey, Connecticut,
and Maine.

States with ARF (consumer fee) e-waste laws—
California.

States with E-Waste Laws Plus E-Waste Bills Under Consideration in 2008



States With E-Waste Laws Plus E-Waste Bills Under Consideration in 2008

Note: This slide was not part of the original presentation but was added for accessibility.

The previous slide repeats the same E-waste laws map of the United States and indicates additional information regarding states with bills under consideration for 2008 in the following areas:

Producer responsibility bills— Nebraska, Oklahoma, Missouri, Illinois, Indiana, Michigan, Wisconsin, West Virginia, South Carolina, New York, Rhode Island, Massachusetts, Vermont, and New Hampshire.

ARF bills under consideration—South Carolina and Pennsylvania.

Implementation Steps

- Rulemaking undertaken in 2006-2007
 - Registration Fees
 - Details for Plans
 - Processing Standards
 - Required about 2.25 state government FTEs
- January 2007
 - Manufacturer Registration
 - Product Labeling
 - Collector and Transporter Registration
 - Sales Prohibition
 - Administrative Fee
- Plans Submitted - February 2008
- Full Implementation by January 2009

Progress by the Numbers

- Number of ongoing government staff related to program: about 2.5 FTEs
- Number of producers registered: 182
- Number of collectors registered:
69 representing 188 registered locations
- Number of transporters registered: 44

Implementation Context

- Washington Materials Management and Financing Authority (WMMFA) created by new law
 - 11 member board, all manufacturers of differing stripes
 - Dep. of Ecology had to find/recruit WMMFA board members by February 2007
 - Many large manufacturers were not feeling very cooperative after recent legislative defeat

Immediate Challenges

- Who would lead the WMMFA?
 - John Swiderski of Deer Park Computer Sales and Service elected Chairman at first meeting
 - Ambivalence among larger manufacturers about staying in the WMMFA or pursuing an independent plan
- No \$ for WMMFA start-up
 - John Swiderski had to lobby legislature for \$500K start-up loan

2007 Implementation Challenges

- WMMFA endured several months of disruption by a local hired gun
- Real start-up not begun until summer, 2007
 - Loan \$ obtained from state
 - Law firm hired
 - Committees formed, began meeting to discuss policy, operational direction

WMMFA Policy Development

- Policy #1: Financing!
 - Law gave WMMFA broad discretion in determining a financing policy
 - “Such apportionment shall be based on return share, market share, any combination of return share and market share, or any other equitable method.”
- Note that law specifies that each manufacturer’s **material/CEP obligation** be based on return share
 - Confusing, even for many manufacturers

WMMFA Policy #1: Financing

- Policy development begun in May 2007 in the WMMFA Financing Committee with differing financing interests
 - Samsung (chair)
 - Lenovo
 - Apple
 - Sony
- On August 16, 2007 the WMMFA Board approved a financing policy 6-0 with 2 abstentions

Policy #1: Financing (cont)

- The “50-50” policy
- In 2009
 - Half of the allocation based on return shares assigned by Ecology
 - Half of the allocation based on pounds of CEP sold into Washington (i.e., a form of market share)
- Over the next 8 years the split gradually transitions to 100% market share

Policy #2: Collector Management

- WMMFA required by law to pay vendors “fair compensation” -- including collectors
- Committee recommendations adopted by WMMFA board:
 - Collector compensation amounts to be determined on a case-by-case basis
 - Collector arrangements will be worked out between WMMFA and collectors, **not** via recyclers
 - *Thank you California for providing experiential insight useful to Washington!*

Policy #3: The Flex Plan Option

- Washington law is structured to require competition between WMMFA and Independent Manufacturer Plans
- WMMFA Board recognized the need to provide flexibility to manufacturers interested in doing independent collections/recycling from within the WMMFA's Standard Plan
- The Flex Plan was born

Policy #3: The Flex Plan (cont)

- Larger WMMFA member manufacturers can get credit and reduce \$ amounts invoiced for all pounds independently collected and recycled
- (Ecology also interpreted the legal requirements for plans strictly, making it difficult for independent plans to qualify)
- The result
 - No independent plans filed for 2009
 - The WMMFA's Standard Plan will be the only approved recycling plan at least through 2009

Other Items of Note

- Role of reuse in the system....stay tuned
- Return share methodology paid for mostly by manufacturer trade association (CEA)
 - As suggested by a manufacturer who is a very strong opponent of return share-based programs
- Manufacturer ambivalence about Washington program success
 - The vast majority do not want more Washington-type laws
 - Most see mandated collection service levels, institutional development as particularly onerous
- Ongoing financing battles in legislatures, and potentially Capitol Hill, distracts and constrains truly efficient implementation of programs like Washington's

Lessons and Observations

- Diverse stakeholder engagement, experience, knowledge and support is important.
- Consensus by all manufacturers is NOT needed (nor possible)
- Consensus by diversity of other local stakeholders, including some businesses IS needed
- Government should be focused on what is right for and works for its citizens

Lessons and Observations

- Early EPR legislation is more complicated than necessary due to “show me” and “make me” syndromes
 - will continue to play out for awhile, but will pass
 - delay tactics result in more prescriptive legislative approaches
- Example: early threats of white print on white background in B.C. lead to B.C. approach early on. Some of this in WA law too.
- Example: unwanted pharmaceuticals
 - companies that have been doing it in Canada for over 10 years (and Australia, France, etc.) still claiming to not know subject, or how or what to do.

“You can tell me how you want to do it or we’ll design it for you and tell you how to do it – I don’t think you want that”

- remarks to pharmaceutical companies by WA Representative Dawn Morrell 4/18/08

Lessons and Observations

- Long drawn-out stakeholder engagement starting from zero on product-by-product basis is not adequate, sustainable or necessary – most key lessons already learned
- EPR no longer new subject in U.S.
- Govs and others no longer lack any experience
- Business opportunities of EPR are being recognized and moved on
- Some manufacturers in a number of product areas are moving toward support of EPR – party line is falling apart, impacts trade groups
- Focus shifted from “if” EPR and “how” EPR, to “how” of performance standards
- We need Feds to focus on export issues, states can handle the rest

California Bound From Free E-waste Events in WA



Additional Information

- **Department of Ecology's Home Page for Electronics Recycling**
<http://www.ecy.wa.gov/programs/swfa/eproductrecycle/index.html>
- **Washington Material Management and Financing Authority**
<http://www.wmmfa.net/>
- **Northwest Product Stewardship Council**
<http://www.productstewardship.net/>