

E-waste Due Diligence

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E-waste

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Universal Waste

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Hazardous Waste

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CERCLA Liability

& Moral Liability



Because E-waste in Our Landfills is Better than this!



As professionals, we understand the true impacts of this "recycling"



Laborer heating aqua regia -- a mixture of 5% pure nitric acid and 75% pure hydrochloric acid -- a mixture that will dissolve gold.

And this was us



We Are Responsible



- # We are the generators
- # Generators have cradle-to-grave responsibility
- # State "Approved Recycler" does NOT assure proper handling of E-waste downstream
- # The State cannot absolve us from liability

Example: A Sham Recycler Abandons Electronic Waste



- # In Minnesota a 'recycler' collected electronic waste from schools, businesses, and not-for-profits
- # The 'recycler' retrieved components of value and abandoned low value materials

Example: A Sham Recycler Abandons Electronic Waste



- # Many groups had paid the recycler thinking that he would properly recycle the material
- # Other groups had donated the material to a third party that sent the equipment to the 'recycler' for processing
- # No one expected to ever hear about the equipment again

Example: A Sham Recycler Abandons Electronic Waste



- # There was a judgment against the recycler: clean it up in five months or get 90 days in jail.
- # Because the landlord is losing rent she has taken it upon herself to clean up the waste.
- # To recover her cleanup costs, potentially over \$100,000; she may sue the waste generators.
- # Since the recycler abandoned the material and stopped paying rent over a year ago, the landlord may attempt to recover lost rent from the generators.



So What Do We Do?

We Cannot Sit on Our HHW Laurels with E-waste



- # Limited auditing for HHW disposal, as an industry
- # Relied on:
 - # HHW staying in the United States
 - # Regulations & Regulators
 - # CERCLA Case law = Industry Audits
- # Mostly a successful strategy

E-waste Was Solid Waste



- # Recyclers not familiar with hazardous waste laws and regulations
- # Almost all Approved Recyclers had issues
- # Waste is not staying in United States
- # Reuse is a new idea to hazardous waste management - loop hole?

Perform Our Due Diligence



- # Build appropriate contractual obligations
- # Develop an auditing/certification program

RFP/Contract Language Handout



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Contractual Obligations



- # SB 20 Approved Recycler
- # Compliance with laws & regulations
- # No incineration
- # Limit exporting to OECD countries
- # Hold contractor to downstream vendor compliance to standards
- # Require reporting of violations - including downstream vendors

Contractual Obligations (cont.)



- # Access to contractor's facility and paperwork for audits
- # Access to downstream vendors' facility and paperwork for audits
- # Require downstream vendor chain-of-custody reporting
- # Financial assurances
 - # Pollution liability insurance
 - # Closure funds

Preference Criteria



Environmental Management System certifications

- ▣ ISO 9000 & 14000

Other certifications

- ▣ BAN Pledge
- ▣ IAER
- ▣ ISRI - RIOS
- ▣ Plug-in to E-cycling

Do not use prison labor

Auditing / Certification Program



- # Certification Model - SustainGroup
- # Audit Model - CHWMEG
- # State contract?!?!?!?

What To Do Summary



- # Proactively address due diligence
- # Be responsible global citizens
- # Work collectively to reduce the costs
- # Make sure our SB 20 cost reports reflect the cost of due diligence

Call to Action



- # Use RFP/Contract Language
- # Ask State to take lead - become an active stakeholder
- # Get active & innovative in developing solutions - share your solutions

