

California's Electronic Waste Recycling Program

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Control**

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Key Elements of the Act

- Consumers Pay Advance Recycling Fee
 - Point of Sale Collection
- DTSC's Role:
 - Scope of products determinations
 - Enforcement Actions
 - Inspections of Recyclers
 - Restrictions on Hazardous Substances (ROHS)
 - Export Notifications
- CIWMB Will Disburse Payments
 - Approve collectors and recyclers for participation in payment program
 - Process claims for funds
 - Development of environmentally preferred purchasing criteria for state agencies.



Disassembly

Electronic Waste Recycling Act

Scope of Products

DTSC has tested devices to see if they are hazardous.

- To date, DTSC has designated CRTs, CRT devices (CRT TVs and Monitors), LCD monitors, laptop computers, LCD TVs and Plasma TVs. Screen size > 4 inches.
- Determinations listed by emergency regulations adopted June 7, 2004 and December 27, 2004 (Plasmas and LCD TVs). Found in CCR, Title 22, Division 4.5, Chapter 11, Appendix X. Text of regulations at:
www.dtsc.ca.gov/LawsRegulationsPolicies/index.html#EmergencyRegulations

Electronic Waste Recycling Act

- New Emergency Regulations:
 - Approved by OAL on Monday, April 11, 2005
 - Provides that “...*(2) A manufacturer who distributes any covered electronic device for which a notice was not provided as required in subsection (b)(1)[April 1 notice provisions], shall provide the notice to the retailer(s) no later than the date the retailer(s) first receives the covered electronic device...*”

Electronic Waste Recycling Act

- New Emergency Regs Continued...
 - Provide that notification is based on “viewable” screen size
 - “...*viewable screen size means the diagonal measurement of the output surface, as viewed by the operator of the covered electronic device, excluding any plastic, wood, metal, or other bezel material that surrounds the video display surface.*”

Electronic Waste Recycling Act

- Eliminates the specific requirement for model numbers and provides that the notice shall include: *“(D) At least one of the following: the product group or family, model number or series, part number or series, or a similar descriptor for each covered electronic device that will enable the retailers to determine that the electronic device is a covered electronic device. For example, a notification could include a statement such as “All (brand name) XYZ series, 15-inch through 21-inch, LCD-desktop computer monitors and all bundled computer systems containing these monitors,” rather than delineating each XYZ monitor individually.”*

Electronic Waste Recycling Act

- Scope of Devices.....
- Questions regarding exemptions (PRC 42463(f):
 - Vehicle VDD's installed by manufacturer
 - VDD “contained within, or part of a piece of industrial, commercial, or medical equipment..”
 - VDD contained w/in a clothes washer/dryers, refrigerator, freezer, microwave, oven/range, dishwasher, air conditioner, dehumidifier..

Electronic Waste Recycling Act

DTSC Emergency Regulations

- Alternative Management Standards (AMS).
 - Cover scope of covered electronic devices
 - Specify management standards for notification, disassembly, processing, record keeping, labeling, closure, FA/FR.
 - www.dtsc.ca.gov/LawsRegulationsPolicies/index.html#EmergencyRegulations
- Will start Restriction of Hazardous Substance (ROHS) regs in late 2005.

Electronic Waste Recycling Act

Enforcement for SB 20

- DTSC will inspect recyclers annually
- Recyclers must have DTSC inspection prior to eligibility for payment
- DTSC and CUPAs will investigate complaints

Inspection Results:

- The Good.....



More good.....



The Bad...



More Bad...



The Ugly...



More Ugly...



Inspection Results:

- Summary of Recycler Inspections:
 - 39% had no violations
 - 61% had some form of violation
 - 7% had Class I violations (“non conformance”)
 - No Closure Cost Estimate
 - No Financial Responsibility/Financial Assurance
 - Release of hazardous waste to the environment

Inspection Results:

- 43% had Class II violations
 - Failure to manage CRTs to prevent breakage
 - Failure to conduct treatment over a container
- 22% had minor violations
 - Failure to notify DTSC
 - Labeling violations
 - No training records

Approved Recyclers and Collectors

- Continuing facility inspections and frantically processing applications:
 - 31 approved recyclers (all dual entities)
 - 171 approved collectors
 - Total 202 approved collectors
 - Approximately 35 applications pending, mostly collectors

Strategies to Assess Compliance

- Forms and Checklists:
- Inspection Checklists
 - <http://www.dtsc.ca.gov/HazardousWaste/CR/Ts/SB20.html>
- Notification of Intent to Handle (1382) and to Treat (1388)

**SB 20 / Universal Waste (UW)
Small Quantity Handler Inspection Report**

Facility Name: _____
 Identification Number: _____
 Facility Address: _____
 Date Inspected: _____
 Inspected By: _____
 Type of Inspection: Annual Re-inspection Complaint
 Consent given by: _____ Time: _____

DISCLAIMER:
 This checklist is intended to provide guidance only. This checklist does not replace or supersede relevant statutes and regulations. The information contained in this checklist is based upon the statutes and regulations in effect as of the date the checklist was signed. Interested parties are advised to keep apprised of subsequent changes to relevant statutes and regulations.
 Note: Checklists that start with the number "88" are to the California Code of Regulations (CCR), 88a 22, division 4.5. Checklists that start with the number "42" are to the Public Resources Code, division 20, part 3, chapter 8.5.

REGULATED FACILITIES AND WASTES:
 This checklist applies to small quantity handlers of a LW electronic device except as provided for households and for nonhazardously exempt small quantity universal waste generators in section 66273.6. "Small Quantity Handler of Universal Waste" is defined as a LW handler who does not accumulate 5,000 kilograms or more total of universal waste (e.g., batteries, electronic devices, thermopiles, lamps, etc.) collected collectively at any time. [66273.6]
 An electronic device that is listed in California Code of Regulations, Title 22, section 66280.205, subdivision (c) of Appendix A to Chapter 11 shall be managed as a "covered electronic device" under chapter 9.5 of part 3 of division 20 of the Public Resources Code (section 42460 et seq.) unless the manufacturer of the device has obtained the DTSC's concurrence that the device is non-hazardous pursuant to subdivision (c). [66280.205]
 Examples of electronic devices that shall be managed as a "covered electronic device" include, but are not limited to the following: Computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, pagers, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. [66273.9]
 Check box if not applicable (if checked see attached SOI)

PROHIBITIONS	
<input type="checkbox"/>	Discarded of LW [66273.11(a)]
<input type="checkbox"/>	Disposed or treated universal waste, except by responding to releases as provided in section 66273.17, or by managing specific wastes as provided in section 66273.19. [66273.11(a)]
WASTE MANAGEMENT	
Containment	
<input type="checkbox"/>	Failed to handle any LW electronic devices in a manner that minimizes leakage. [66273.13(d)(1)(A)]
<input type="checkbox"/>	Failed to store (e.g., in containers) LW electronic devices or manage (e.g., stored in a room) whole LW electronic devices in a manner that could reasonably prevent leakage, spillage, damage, or breakage resulting in a release of hazardous components contained within the device. [66273.13(d)(1)(A)]
<input type="checkbox"/>	Failed to immediately clean up and place in a container any LW electronic device that is broken and may reasonably be expected to cause a release of hazardous constituents to the environment. [66273.13(d)(1)(B)]
<input type="checkbox"/>	Failed to ensure that containers used to store broken LW electronic devices that may reasonably be expected to cause a release of hazardous constituents to the environment are structurally sound, compatible with the contents

<input type="checkbox"/>	of the universal waste electronic devices, and prevent leakage or releases of hazardous components to the environment under reasonably foreseeable conditions. [66273.13(d)(1)(B)]
Notification and Reporting Requirements	
<input type="checkbox"/>	Failed to notify DTSC within 30 days prior of accepting any LW electronic devices from an off-site source after August 8, 2004. [66273.13(d)(2)(A)]
<input type="checkbox"/>	Failed to notify DTSC prior to July 7, 2004, if SQH currently handling LW electronic devices from offsite sources. [66273.13(d)(2)(A)]
<input type="checkbox"/>	Submitted an incomplete notification. [66273.13(d)(2)(A)]
<input type="checkbox"/>	Failed to submit an annual report to DTSC if SQH of LW accepts > 100 kilograms or 220 pounds of LW electronic devices from any off-site source. [66273.13(d)(2)(B)]
<input type="checkbox"/>	Failed to submit a complete report to DTSC by February 1 covering the previous calendar year, commencing February 1, 2005. [66273.13(d)(2)(B)]
<input type="checkbox"/>	Failed to submit electronic notifications and reports to www.dtsc.ca.gov [66273.13(d)(2)(C)]
<input type="checkbox"/>	Failed to submit written notifications & reports to DTSC by certified mail, return receipt. [66273.13(d)(2)(A)] & [66273.13(d)(2)(D)]

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Export

- DTSC revising draft fact for exporters
- Requirements consistent w/ HW regs
- Staff is still researching international laws
- May do regulations down the road.
- DTSC to notify importing country's environmental compliance agency of export.

Regulations

- The DTSC regulations specify management standards for handling hazardous waste and identify covered electronic devices:

www.dtsc.ca.gov/LawsRegulationsPolicies/index.html#EmergencyRegulations

Approval of Collectors and Recyclers

The CIWMB, in collaboration with DTSC,
evaluates applications from Collectors and/or
Recyclers

- Collectors must:
 - notify DTSC of their intent to handle hazardous universal wastes (DTSC form 1382)
 - submit an application to CIWMB (Form 186)

Approval of Collectors and Recyclers

Recyclers must:

- notify DTSC of their intent to handle **and treat** hazardous wastes (DTSC form 1388)
- submit an application to CIWMB
- be inspected by DTSC and be found to be in conformance with all applicable laws, regulations and ordinances

A list of approved applicants is presented at:

www.ciwmb.ca.gov/Electronics/Act2003/Recovery/Approved/

What's Next?

- Insure compliance with hazardous waste regulations and minimize opportunity for fraud via audits and enforcement
- DTSC evaluating what will be the next generation of CEDs.
- Finalize emergency regulations – *We Need Input!*
- Stay tuned for further amendments to the EWRA
- Ride the wave of ewaste!

Questions?

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