



Support for amendments to S.386
An Act Relative to Information Technology Producer Responsibility
June 18, 2013

The undersigned organizations, which are committed to passage of an effective producer responsibility bill for electronic waste, request that the Senate Ways & Means committee make the following essential modifications to the e-waste bill S.386.

The goals of producer responsibility bills are (1) to shift the burden of managing covered products from local governments to the producers who design and market the products, and (2) to increase the reuse and recycling of the covered products, thereby protecting the environment and also generating new businesses and jobs in the Commonwealth.

In Massachusetts we have had a waste ban on cathode ray tubes for 13 years, and already have a well-developed municipal infrastructure for collecting electronics, and thus a higher recycling rate than most states. Though we do not have precise figures for the recycling rates for households and small businesses, we estimate that it is at least 6 pounds per capita currently. (Recent data from Vermont's 2-year-old E-Cycle collection program showed a collection rate of 7.7 lbs/capita in its last program year. (<http://www.nrra.net/news/newsfull-of-scrap/full-of-scrap-05152013/>)). Our goal is to increase our current recycling rate while relieving our cash-strapped municipalities from the financial burden of recycling these products. Therefore a Massachusetts e-waste bill must at least maintain the level of recycling convenience we have now, and also ensure that electronics collected by our municipalities are covered year-round under the program that is established by the e-waste bill.

Bill S.386, which is based on establishing a statewide goal, could be an effective producer responsibility bill with only two key modifications, and a third to provide

consistency with the other two:

1. Eliminate the provision that counts material collected from municipal programs for recycling as double for the producer's target collection by weight Section 3 (h).

Reason: The "doubling" provision combined with a yearly adjustment in the statewide goal (after the first three years) based on *actual weight collected—not the doubled number*-- means that in three years the statewide rate could become 3 pounds per capita—not 6. And the following year the industry need only collect half of that—or 1.5 pounds. *Thus over time the statewide goal would be a vanishing number.*

Note: "Doubling" of material collected for reuse, however, is acceptable because such materials make up very small proportion of the waste stream, while the benefits from reuse are much higher than from recycling.

2. Require producers to accept covered electronics into their programs on an on-going, year-round basis from any public or private entity providing electronics collection service as of December 31, 2012. Section 3 (c) 1.

Reason: As noted, an effective producer responsibility bill for electronics must at least maintain the current rate of recycling, which is estimated to be higher than 6 lbs./capita now, and also ensure that municipalities that accept electronics from residents are not left with the cost of recycling this material. In Massachusetts this is essential, because for many years our municipalities have been forbidden by regulation to send CRTs to disposal facilities, and have had to bear the cost or charge a fee to cover all or part of the cost of recycling computers and TVs. Without this provision added, there is nothing in the bill to ensure that the material brought to municipal programs will be accepted by the program after manufacturers reach their collection goals for a given year, and, as noted, shifting the costs of recycling electronics from municipalities to the producers is the first goal of a producer responsibility bill for electronics.

3. Consistent with #2 above, the "Manufacturer's Collection Amount" should be defined as the *minimum* weight in covered electronic equipment that has reached the end of its useful life that each manufacturer is responsible for collecting annually, as measured by the product of the statewide collection goal and the manufacturer's market share. Section 1, "Manufacturer's Collection Amount."

Reason: Currently the bill defines the manufacturer's collection amount as a fixed *total*, which would enable the manufacturers to shut off their program every year when they reach this target, instead of continuing to accept materials collected by municipalities year round. Therefore, as this practice works against the goals of increasing recycling and shifting the cost burden from municipalities, as stated above, the target collection amount should be expressed as a "minimum" rather than a "total."

We look forward to supporting passage of S.386 with the indicated changes, which will bring it in line with the goals of producer responsibility bills to shift the costs from local governments to producers and to increase reuse and recycling.

We request a meeting with Senate Ways & Means to discuss the bill further. Thank you for your consideration of these suggested changes. We look forward to hearing from you regarding a convenient time to meet. Please contact Lynne Pledger at 413-477-8596 or lpledger@cleanwater.org.

Signed by,

Clean Water Action

League of Women Voters of Massachusetts

Massachusetts Product Stewardship Council

MassRecycle

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