

COMPUTER TAKE ← BACK CAMPAIGN

Take it back

Make it clean

Recycle responsibly

February 14, 2006

Lucy Doroshko
Michigan Department of Environmental Quality
P.O. Box 30004
Lansing, MI 48909-7957

RE: Comments on the Region 5 Draft Legislation

Submitted via email to: doroshkl@michigan.gov

Dear Ms. Doroshko:

We are writing to comment on the Midwest Recycling Initiative's January discussion draft of its regional approach to developing model electronic waste recycling legislation.

The Computer TakeBack Campaign is a national coalition of organizations promoting sustainable and responsible practices throughout the high-tech electronics industry, to protect public health and the environment.

Financing Mechanism

We support the model bill's financing approach in that the producers have financial responsibility for the recycling and collection costs. We believe that this is a fundamental priority for an effective recycling system.

However, we are very concerned about the lack of any provisions for individual producers to conduct their own electronics recycling programs and to "opt out" of the centralized corporate recycling payment system. This means you will be left with a single, monopoly system with no competition. The takeback experience in Europe (under the WEEE directive) shows us that monopoly systems are not necessarily the most cost-effective. A study of recycling costs in Europe, conducted by the European Recycling Platform, shows that when countries have multiple takeback options, it can significantly lower the overall recycling prices. Introducing four takeback options in Austria, for example, reduced the overall costs of recycling by 80% for the products covered by the WEEE Directive for takeback.¹

¹ European Recycling Platform: http://www.erp-recycling.org/fileadmin/erp-files/Background_documents/ERP_Presentation-060206.pdf Page 33

Goals and Drivers

We encourage you to consider adding some kind of goals and drivers to motivate more recycling to happen at increasing rates over time. While making recycling free and available will certainly promote a good starting level of recycling activity, for programs to seriously address the escalating quantities of unwanted products, there needs to be some drivers that motivate the parties to do more to make recycling happen. Other countries have adopted collection goals (as Europe did, setting a total weight to be collected per year) or recycling content goals (as Japan has for TVs), as a way to stimulate growth in recycling. Goals can be modest in the beginning, or be phased in over time once the program has been underway. At a minimum, the bill should create a mechanism for the introduction of goals once the program is underway.

Preventing Export

Recyclers tell us that up to 80% of the e-waste collected for “recycling” in the U.S. actually gets shipped overseas to developing countries, like China and Nigeria, which have limited infrastructure for safely processing and recycling this waste. We are sure it is not the goal of any of the groups supporting this legislation to increase the amount of e-waste that the U.S. is sending abroad. We applaud the language in Section 14, for Environmentally Sound Management Requirements. However, we do not believe that this language will actually prevent the export of hazardous waste to developing countries. We recommend adding the following language to Section 14:

- (a) The Corporation shall ensure that each processor or recycler used directly by the Corporation has provided a written statement that the company will comply with the requirements of this section.
- (b) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that contain hazardous waste shall be prohibited except for exports to:
 - (i) Countries that are members of the organization for economic cooperation and development (OECD);
 - (ii) Countries that are members of the European community; or
 - (iii) Countries that have entered into an agreement with the United States that allows for such exports.
- (c) Any unwanted electronic products or electronic components products that contain hazardous waste and are exported to countries that are not members of the organization for economic cooperation and development (OECD) or the European community or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components containing hazardous waste.

(d) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

Prison Labor

We encourage you to include language to prohibit the use of prison labor for electronics recycling (and requiring that recycling vendors approved as “authorized or approved entities” in Section 13 show that they do not use prison labor). It’s important that we take steps to bolster our domestic recycling industry, and the use of extremely low-paid prison labor serves only to undercut recycling businesses.

Thank-you for the opportunity to comment on this draft legislation.

Sincerely,

Barbara Kyle
Campaign Coordinator