

# NYS E-waste Recycling Program & Regulations (Part 368-1) Update

Federation of NY Solid Waste & Recycling Conference  
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Department of  
Environmental  
Conservation



# E-waste Program Overview

- Electronic Equipment Recycling & Reuse Act
- Program Performance
- Program Updates
- Program Challenges
- Draft Regulations

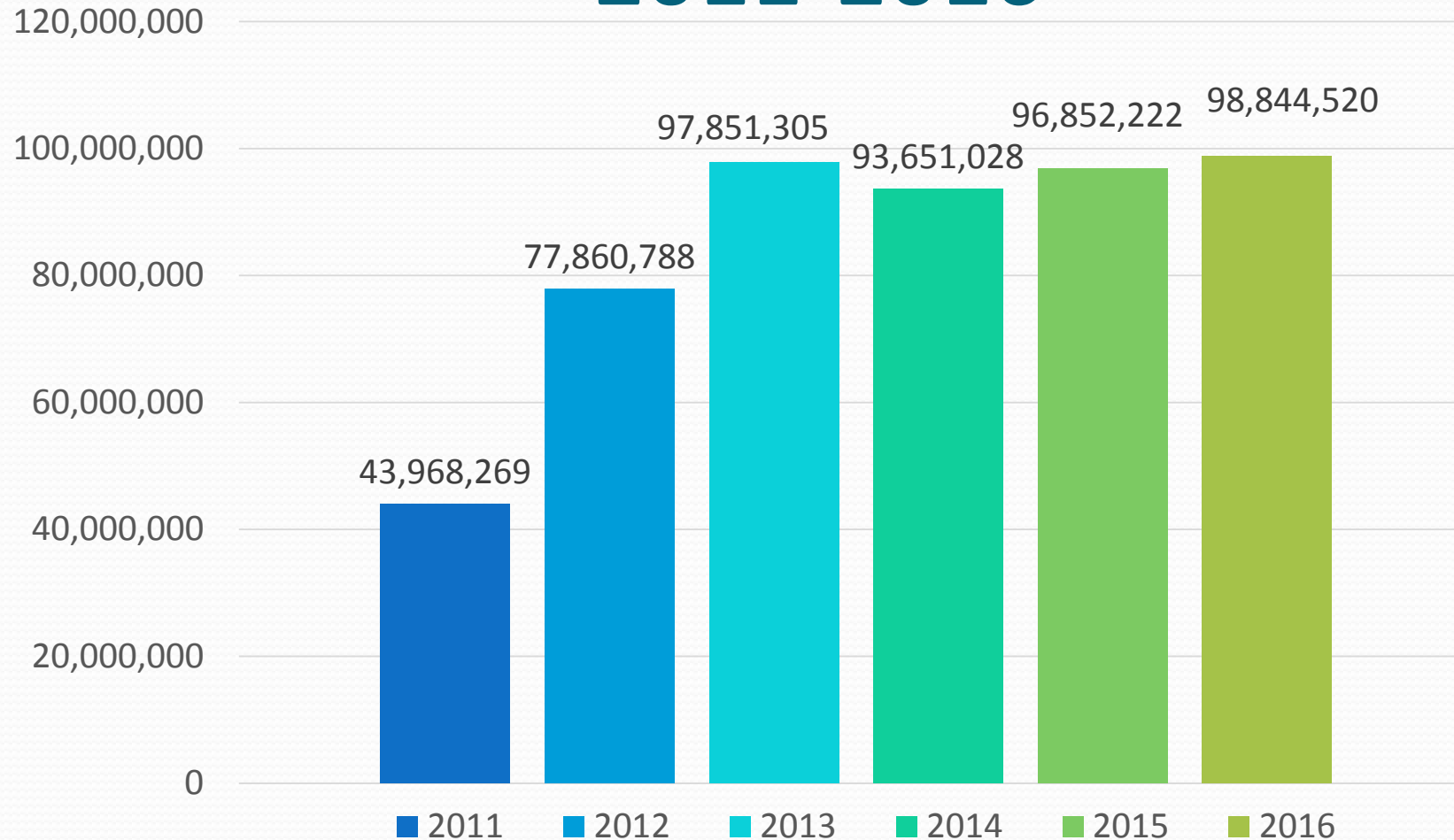
# NYS Electronic Equipment Recycling & Reuse Act

- Signed into law May 28, 2010
- Broad range of covered electronic equipment
- Wide range of covered consumers
- Comprehensive convenience standards, performance goals & environmental standards

# Goals and Objectives of the Act

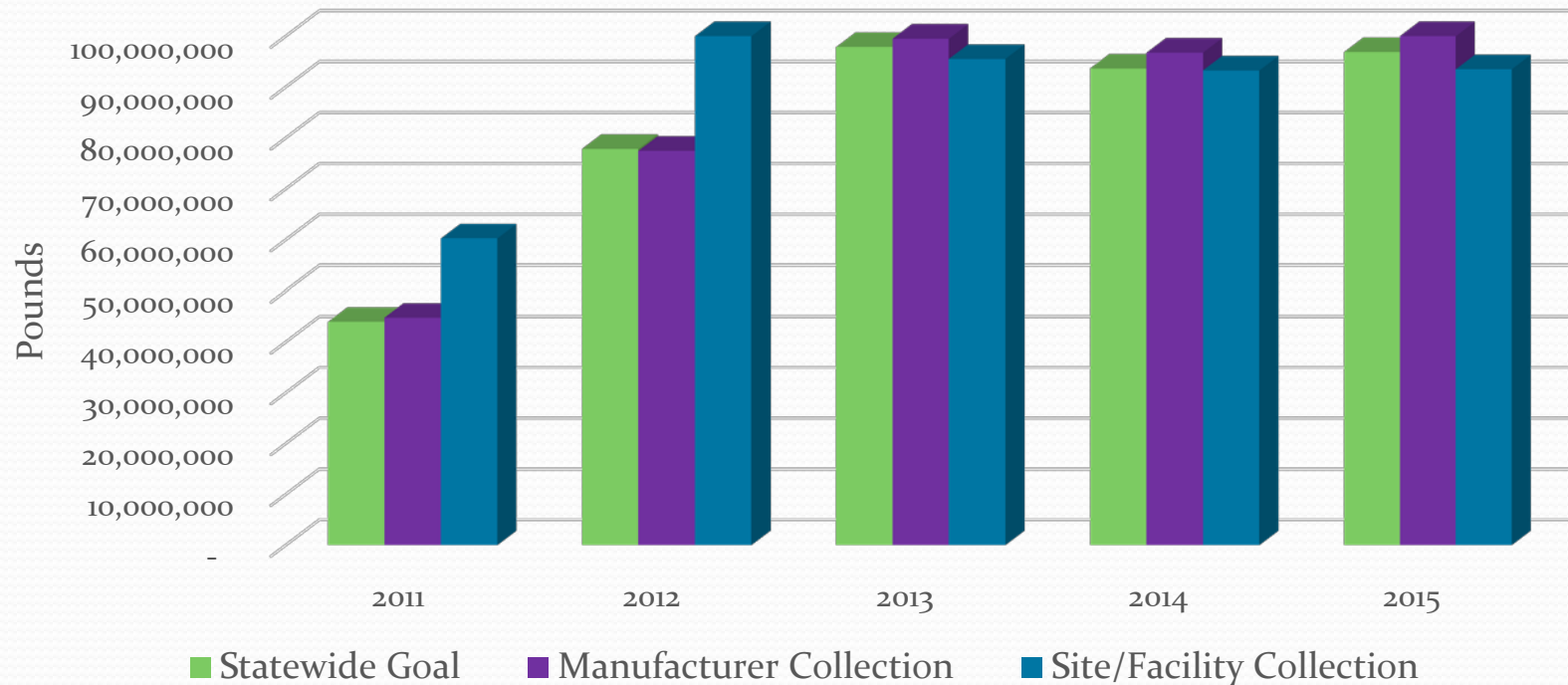
- Waste stream diversion & resource conservation
- Shift to shared responsibility
- Increase e-waste recycling & reuse
- Develop & implement a streamlined e-waste management program
- Enhance recycling/reuse infrastructure

# Statewide Recycling & Reuse Goal in Lbs. 2011-2016



# Program Performance (2011-2015)

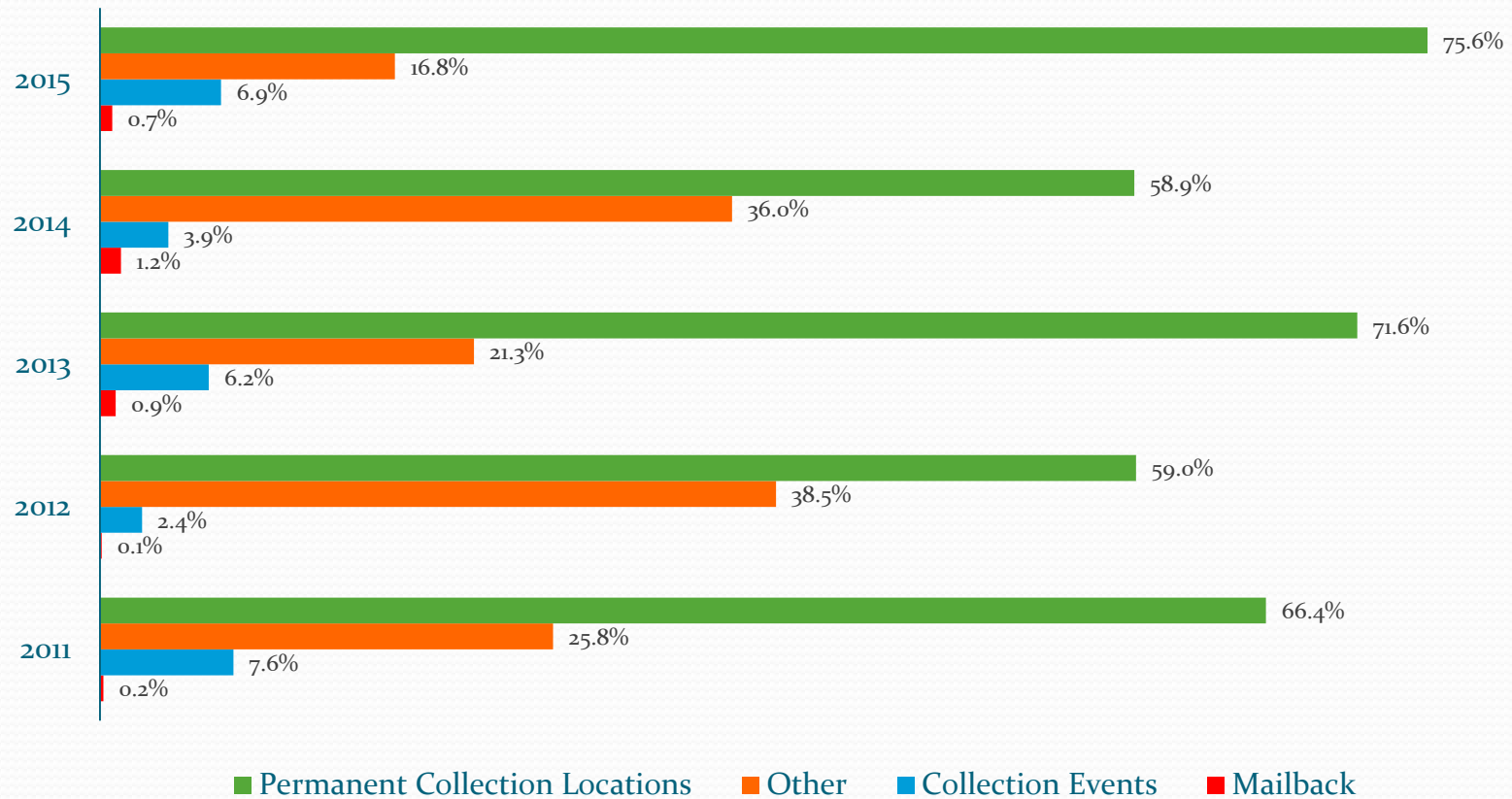
## Statewide Goal vs. Reported Collection



Total reported collected through manufacturers' programs for years 2011 – 2015 was approximately **420 million pounds**.

# Program Performance (2011-2015)

Percentage Results by Acceptance Method  
2011-2015



# Recycling Surcharges (2012 - 2015)

| Program Year           | <u>2012</u> | <u>2013</u>  | <u>2014</u>  | <u>2015</u> |
|------------------------|-------------|--------------|--------------|-------------|
| Manufacturers          | 10          | 9            | 10           | 10          |
| Pounds under-collected | 90,512      | 466,461      | 523,512      | 139,605     |
| Surcharges issued      | \$41,922.30 | \$176,536.50 | \$242,848.70 | \$67,747.90 |
| Surcharges paid        | \$41,922.30 | \$176,536.50 | \$239,571.20 | \$53,356.40 |



# Program Updates

- E-waste Online Registration & Reporting System Improvements
- Electronic Waste Assistance Grants
- Statewide recycling facility inspections
- Compliance activities
- Environmental Law Institute collaboration
- Governor's report

# E-waste Program Challenges

- Manufacturers Acceptance Programs:
  - Acceptance Standards
  - Implementation Costs
  - Continuous Collection/Recycling
  - Mailback
  - Public Education
  - CRT's
  - Reporting

# E-Waste Rulemaking Objectives

- Provide clarity to the existing provisions of the Act for all participating stakeholders
- Strengthen existing provisions to improve overall program performance and address challenges

# Definitions

- To help provide clarity and address items which have not been previously defined. For example;
  - Acceptance Program, new
  - Collection Site, expanded to:
    - include out-of-state entities
    - clarify meaning of 5 day de-minimus
  - Collectives, new

# Manufacturer's Acceptance Program

- Continuous
  - Must collect year round without limitation of acceptance standards
- Convenient
  - Provides one acceptance method in each county and each municipality with a population of 10,000 or more.
  - Must not exclude CEE offered for sale by the manufacturer without offering an effective and convenient alternative to the consumer that is acceptable to the Department.
- Effective
  - Must meet continuity and convenience requirements without exceptions
  - Must be viable – methods offered by program are being utilized by consumers
  - Must not discourage consumer use

# Method of Acceptance: Mailback

- Mailback requirement for all acceptance programs:
  - Must cover all expenses, including: shipping, packaging materials, and professional packaging when required
- Manufacturers using a mailback-only acceptance program to meet the requirements of the law in an area:
  - Must not be implemented to discourage consumer use
  - Must be considered effective, convenient and appropriate for the type(s) of CEE involved
  - Set target to achieve prior to start of the program year and track collection quarterly
  - If target is not being attained, must supplement with additional acceptance methods

# Method of Acceptance: Collection Events

- May be used individually or in conjunction with other acceptance methods
- Minimum number of collection events required
- No charge to the consumer.
- Require reporting for events held by non-registered entities

# Public Education and Outreach

- Expand and clarify public education requirements
  - Easily accessible information website/webpage
  - Toll-free number available at all times with voicemail ensuring calls are returned within 72 hours
  - Clearly written information included in or with the product manual providing details on how to return and recycle CEE at no charge
  - Public service announcements via TV, radio, social media and/or advertisements in publications with statewide coverage informing consumers of methods/options available for collection and recycling



# Surcharges and Waivers

- Waiver request forms shall include information such as
  - Details of the acceptance program
  - How acceptance program meets the continuity, convenience, and effective requirements
  - Actions taken by the manufacturer to track and forecast collections
  - Correctives steps - collection methods and/or physical locations
  - Surcharge will be due immediately upon the Department's determination

# Credits

- Credits earned, used, sold or bought must be reported in annual report
- No more than twenty-five percent of a manufacturer's obligation for any program year may be met with recycling credits generated in a prior program year.
- Credits may be transferred to a new owner in the case of a brand sale
- Credits may not be purchased or sold to satisfy an acceptance standard in the same program year in which they were generated
- Credits purchased in a program year must be used in the same year

# CRT Collection

- Evaluating alternative methods to assure manufacturers of televisions and monitors, especially those who produced CRTs, do not avoid the collection of CRTs and therefore, collect their fair share of CRT devices.
- Must provide a process to facilitate collection of incidentally broken or damaged televisions, monitors, cathode ray tubes.

# Additional Requirements

- Collectives
- Collection Sites
- Consolidation/Recycling Facilities
- Out-of-state Collectors
- Transporters and Waste Disposal Facilities
- Retailers

# Looking Ahead

- Draft regulations – anticipated Fall 2017 for public review and comment
- Comment period – typically 30 – 60 days
- Response to comments
- Final draft – early 2018

# Contact Information

- Comments, questions and suggestions to:  
New York State Department of Environmental Conservation  
Product Stewardship Section – E-waste Team  
625 Broadway, 9<sup>th</sup> Floor  
Albany, NY 12233-7253  
Phone: (518) 402-8706  
E-mail: [ewaste@dec.ny.gov](mailto:ewaste@dec.ny.gov)
- Information on the E-waste Law can be found at:  
<http://www.dec.ny.gov/chemical/65583.html>