

New E-Waste Bills in Congress

July 2011

The Responsible Electronics Recycling Act of 2011

On June 22, 2011, Reps. Gene Green (D-TX) and Mike Thompson (D-CA) introduced H.R. 2284, the Responsible Electronics Recycling Act of 2011. It is substantially similar to legislation introduced in 2009 and 2010. As with the Representatives' past bills, H.R. 2284 is intended to address the issues raised by the Government Accountability Office in a 2008 report, which criticized the United States' regulatory coverage of e-waste exports as "among the narrowest in the industrialized world." Sens. Sheldon Whitehouse (D-RI), Lisa Murkowski (R-AK), and Sherrod Brown (D-OH) introduced a companion bill (S. 1270) in the Senate on June 23.

What the Act Regulates

H.R. 2284 adds a new section to the Resource Conservation and Recovery Act (RCRA) that prohibits the export to developing nations of "restricted electronic waste"—essentially any used consumer electronic product that contains one of the toxic materials listed in the bill (e.g., a mercury switch), or a material that Environmental Protection Agency (EPA) later adds to the list via a rulemaking. A violation of the export ban is a crime punishable by substantial fines, imprisonment or both.

What the Act Does Not Regulate

The ban on exports to developing countries does not apply to:

- Tested, functional equipment exported for reuse;
- Products exported for warranty repair or due to recall; and
- Cleaned CRT glass cullet that is exported for use as feedstock in a glass-to-glass recycling plant located in a country that does not classify the cullet as waste.

The bill also requires EPA to establish *de minimis* levels of restricted electronic waste that can be exported without posing a "potential hazard to human health or the environment," and clarifies that material streams such as plastics, metal and glass that do not exceed the *de minimis* levels set by EPA may be exported. In all instances, however, the importing country must consent to accept the exempted exports, and the exporter must have an e-waste export license issued by EPA.

H.R. 2284 has received broad support from a diverse group of stakeholders, including official backing from Hewlett Packard, Dell, Apple, Samsung, Best Buy, The Electronics TakeBack Coalition, the Natural Resources Defense Council, and 29 recyclers from across the country. Opponents of the bill include the Institute of Scrap Recycling Industries, Inc. (ISRI), which argues that the legislation would hurt domestic businesses and detract from efforts to improve foreign recycling operations.

The Electronic Device Recycling Research and Development Act

On June 24, 2011, Rep. John Sarbanes (D-MD) introduced H.R. 2396, which is nearly identical to companion bills introduced in 2009. The bill creates competitive research grants for reducing the environmental impact of discarded electronic devices and promoting the recycling of e-waste. It also calls for the National Academy of Sciences to report to Congress on the opportunities, barriers and risks relating to e-waste recycling, and authorizes EPA to award grants for curriculum development in the areas of e-waste recycling and environmentally friendly product design.