

The County Perspective

Electronic Waste (E-Waste)

Testimony
submitted
by the

New York State Association of Counties

To the
Assembly Standing Committee on Environmental
Conservation,
Commission On Solid Waste Management,
Commission On Toxic Substances and Hazardous Waste,
Assembly Subcommittee on Oversight of the Department
of Environmental Conservation



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LOB, Hearing Room B

Hon. William Cherry, NYSAC President

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Electronic Waste (e-waste)

First, I'd like to thank Assembly members Englebright, Simanowitz, Otis and Fahy for hosting this public hearing, today. I appreciate the opportunity to discuss the electronic waste disposal issues facing our counties and to work with you to recommend solutions that will reduce burdens on counties and local governments and increase the safe and effective disposal of electronic waste across the state.

The New York State Electronic Equipment Recycling and Reuse Act was signed into law on May 28, 2010 and has been in effect since 2011. It requires manufacturers to manage and fund programs for the collection and recycling of electronic waste in New York State. This law is intended, in part, to relieve New York local municipalities of the costly burden of managing hazardous e-waste, and provide free and convenient recycling of electronics to consumers and businesses in New York State.

It also requires manufacturers to provide a comprehensive public education program to help inform consumers on how to properly recycle e-waste. However, to this day, the DEC has failed to promulgate regulations to enforce this requirement.

Our counties are finding that due to a lack of DEC regulations requiring manufactures to educate the public on e-waste take back programs, the majority of their constituents are still unaware that manufacturers are responsible for taking back the electronic products they produce. Until the public is fully aware of the new law, and the new procedures, the burden of e-waste collection will continue to fall on our local governments and their taxpayers.

Starting January 1, 2015, the NYS Electronic Equipment Recycling and Reuse Act prohibited certain types of electronic waste from being placed in the trash or at the curbside for trash pickup. Following this ban, a growing number of local municipal solid waste systems have been faced with bearing more of the financial responsibility for continued e-waste collection.

Electronic equipment Manufacturers who sell in New York State are required to accept for recycling or reuse their brand of equipment, as well as, one piece of the same type of electronic waste of any manufacturer's brand. They are responsible for providing free and convenient recycling collection for their products.

Manufacturers began to accept their brand products as electronic waste in April 2011. The state law set goals that each manufacturer have to achieve, or pay a penalty. Manufacturers began working through e-waste recyclers to recruit collection sites in order to meet the mandates of the new law.

Manufacturers also have to register with the state and indicate how they plan to comply with the law to take back electronic devices at the end of their usable life.

At the time the Act was drafted, experts dramatically underestimated the volume of electronics in the marketplace, particularly electronics containing Cathode Ray Tubes (CRTs), which are costly to process due to their lead content. Experts originally believed the supply of existing CRTs would be drastically reduced at this point in time. New

estimates now call for at least another eight years of steady CRT disposal. This raises serious problems since the Act only requires manufacturers to collect a certain volume of e-waste each year based on faulty estimates. Once the goal is met, manufacturers have little incentive to pay e-waste recyclers for additional material. As a result, e-waste recyclers have begun charging municipalities and other customers for collecting CRT items, and in some cases have ceased collecting them all together. There are even reports that some recyclers are stockpiling CRTs to dispose of them if or when an outlet develops, creating dangerous environmental conditions in the meantime.

The Act has succeeded in increasing electronics recovery, however, the requirements for manufacturer collection are not keeping pace with the amount of e-waste being generated. Although still in compliance with current law, insufficient manufacturer support is causing instability in the electronics recycling market for counties and local governments. Manufacturers have failed to keep up with e-waste being produced in our communities. Municipalities, therefore, are still facing significant costs to comply with the Act's e-waste disposal ban.

The Act was intended to facilitate the disposal of e-waste for consumers by shifting the burden of paying for proper, environmentally sound disposal to the manufacturers of the products. Unless the volume limits are increased and requirements are updated, the burden of disposal costs will continue to shift to the municipal collectors, consumers and taxpayers and adverse environmental impacts will be incurred.

Additionally, the issue is worsened by the fact that electronics today weigh much less than the obsolete CRT devices that make up approximately 70% of the weight of e-waste generated, which are cost intensive to responsibly manage.

Counties also face serious issues finding and retaining vendors to perform e-waste recycling services. A lack of available vendors is especially challenging for rural counties that do not benefit from retail collectors or economies of scale. Should counties be unable to secure a recycler, they will be forced to turn away residents, leaving them no means to recycler their e-waste.

As a result, in many areas of the state, citizens, out of frustration are leaving TVs and electronics on the side of the road where municipal Department of Public Works (DPWs) have to pick it up.

Counties have been faced with an unsustainable choice to either absorb the unbudgeted cost, charge residents for recycling, or leave residents with no means to comply with the disposal ban. Many counties end up absorbing these costs and continuing to provide recycling collection services to their residents.

Continuing to provide this service in the era of a state imposed property tax cap will be difficult and we encourage the state to offset the local costs until the private sector can better manage the disposal.

County Examples:

To give you an idea of just how expensive and challenging e-waste disposal is for our counties:

- Westchester (population 972,634) moves about 3.5 million pounds of E-Waste a year, of that 200 tons are CRT's. In December of 2015 the district was notified that their e-waste recycler would no longer be able to offer its services to the district at no cost. As a result, their 2016 costs will be roughly \$100,000 a month or \$1.2 million a year.
- Delaware County (population 46,581) anticipates total program costs for 2016 to be between \$75,000 and \$90, 000.
- In Chautauqua County (population 132,053) CRT disposal cost over \$58,000 last year and they collected 33,000 tvs, with an average weight of 87 pounds each.
- Madison County (population 72,369) annual expense for E-waste is just over \$33,000.
- Cayuga County (population 78,823) had total e-waste program costs of about \$30,000 for 2015.
- What use to be a free service in Sullivan County (population 75,943) now costs about \$30,000 a year.

- Steuben County (population 98,394) spends approximately \$40,000 a year for e-waste recycling.
- Orleans County (population 41,984) has budgeted \$40,000 for e-waste disposal for 2016.
- Cattaraugus (population 78,600) and Niagara (population 213,525) Counties both had e-waste total program costs of about \$60,000 for 2015.
- Wyoming County (population 41,188) collected almost 60,000 pounds of e-waste in 2015, including 521 TVs.
- The Development Authority of the North Country which represents Jefferson (population 119,103), Lewis (population 27,220) and St. Lawrence (population 111,400) County paid \$159,000 in CRT charges alone, in 2015. Lewis County received almost 95 tons of e-scrap in 2015, of that over 63 tons were CRT's.

Recommendations for Reform:

- NYSAC asks for \$10 million of the \$120 million bank settlement funds allocated to the EPF in the Executive's proposed budget to be allocated as reimbursement to counties, outside of NYC, for unanticipated costs to local governments associated with recycling e-waste.
- NYSAC urges the DEC to promulgate the regulations authorized in the law (ECL, Article 27, Title 26) in order to require manufacturers to provide a

comprehensive public education program to help inform consumers on how to properly recycle e-waste.

- NYSAC would like to see clarification via regulation, that manufacturers are required to provide year-round, consistent support for collection sites regardless of whether their performance target has been met, for both rural and urban populations- to help alleviate the immediate financial pressure faced by local governments.
- NYSAC would like to see an increase in manufacturer performance goals (the threshold amount that they must collect for recycling).
- NYSAC would like to see counties relieved of e-waste burdens by establishing that in any county of 60,000 people or less, five (5) collection events per year can be considered to meet the convenience requirements.
- NYSAC would like to strengthen the obligation to provide free collection by manufacturers, including prohibiting manufacturers from charging municipalities for e-waste management.

Although the \$10 million one-time allocation of bank settlement funds would give immediate assistance and relief to counties, it is not a long term fix. A statutory or regulatory solution is needed to provide a long-term solution.

Thank you again, Assembly members Englebright, Simanowitz, Otis and Fahy.

Electronic waste is a critical issue that needs both an immediate and long-term solution.

I look forward to working with you to ensure that counties are able to comply with the e-waste disposal ban without facing unanticipated, unbudgeted program costs.