

Covered Device Recycling Act 2014 Program Guiding Principles

Soon after the passage of the CDRA the Department of Environmental Protection recognized the need to provide the manufacturers, recyclers, local governments and other invested parties time to adapt and refine business practices to meet the provisions of the CDRA. Over that time we have all gained valuable experience with ways to successfully implement programs under the CDRA. We have also identified challenges regarding some aspects of the CDRA and emerging stress points which can cause uncertainty, frustration and disagreement between parties as they attempt to implement programs. As with any new program, there is a period when the initial implementation does not always function as smoothly as anticipated or achieve the desired results, which can be challenging.

To support our collective effort to achieve success in meeting the purposes of the CDRA, the following 2014 guiding principles have been developed. These principles generally serve the purpose of the CDRA, which is to provide citizens of the commonwealth with the opportunity to have their covered devices recycled at no cost, recover valuable commodities from those devices through recycling, and eliminate the disposal of covered devices in our landfills. Most importantly the success of the CDRA is entirely dependent on full cooperation among all the parties involved, manufacturers, recyclers, and the many other partners participating in this important effort.

Citizens should always have a reasonable opportunity to recycle covered devices (CD) and have convenient access to recycling at no cost. To achieve that goal:

- a. Collection programs offered by manufacturers and their partners are to be available to citizens throughout the year on a regular or event-type basis.
- b. Manufacturers should ensure that funding for all aspects of the recycling program, i.e. collection, storage and transportation and any other costs, are reasonable and fair to ensure collectors, recyclers, local governments, and others participating in the program are adequately compensated for their efforts and programs can be sustained on a regular basis.

All material collected must be recycled to the greatest extent technology allows.

- a. Manufacturers, collectors and recyclers need to work closely together to develop a clear understanding of each other's needs and expectations to assure that all available CDs are being collected and recycled during the 2014 calendar year.
- b. Manufacturers, collectors and recyclers should take steps to ensure the collection/recycling of CDs does not result in material being stockpiled after the program year ends.

Manufacturers' 2014 program goals.

- a. It is estimated that full and continuous implementation of manufacturer programs throughout the entire Commonwealth could yield 60,000,000 pounds of material available for recycling. This estimate is based on material collected, materials stockpiled, materials not collected due to program shutdowns or not offered, and 2013 performance data.
- b. Manufacturers' goals will be established based on the percent of their sales market share. That percentage will be their obligated share or portion of the 60,000,000 pounds of material estimated to be available for recycling.
- c. In addition to the goal established in b., immediately above, each manufacturer's plan must provide provisions to collect, transport and recycle all of the material made available for recycling. The amount that is available for recycling is the total material made available by collection centers, recyclers, local governments and other entities that provide recycling services to consumers.
- d. Manufacturers' recycling programs are not to be shut down when their respective goals are reached. Programs are to be made available to all citizens throughout the year either on a continuous or special-event basis.
- e. If the total weight of all the material made available for recycling is less than necessary for a manufacturer to meet its goal, but the manufacturer has recycled its obligated share of the material that was available to be recycled, the manufacturer will be determined to have met its obligation under the statute.
- f. In the event a manufacturer does not collect its obligated share of what is available to be recycled due to other circumstances, the manufacturer will be provided an opportunity to explain why the shortfall occurred. DEP enforcement posture will be dependent upon the circumstances that have led to the shortfall, efforts of the manufacturer in implementing a program, and other mitigating factors.
- g. The program goals for the 2015 calendar year will be adjusted based on the results of the implementation of the program in 2014.

Effective communications are essential.

- a. Throughout the year DEP working with its partner, the Recycling Markets Center (RMC), will actively pursue input and feedback from all parties involved with aspects of the CDRA.
- b. Meetings will be held throughout the program year to provide opportunities for all impacted parties to discuss the progress made and recommendations for future implementation.
- c. The RMC is developing a process that will allow for tracking of available tonnage to assist manufacturers in meeting their goals.