

**Testimony of
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Before the Senate Environmental Resources and Energy Committee on the
Proposed SB800, Waste Electronic Equipment Recovery Act
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Chairmen Yaw and Yudichak, and members of the Committee, thank you for the opportunity to appear before you today to discuss Senate Bill 800, the proposed Waste Electronic Equipment Recovery Act (WEERA). The Department would like to thank Senators Alloway, McGarrigle, Argall, Yudichak, Mensch, Brewster, Yaw, Folmer, Vogel, Stefano, Wagner, White and Blake for introducing SB800, which establishes a new electronics recycling program.

The Department acknowledges deficiencies in the current electronics recycling program established under the Covered Device Recycling Act (CDRA), most notably the lack of collection opportunities for citizens. Those deficiencies have been examined in a prior hearing and do not need to be repeated here. However, it should be noted that in 2016, 62.7 million pounds of covered devices were still collected and recycled in Pennsylvania. Since 2010, approximately 263 million pounds of covered devices have been collected and recycled under CDRA.

SB800 contemplates a completely new electronics recycling program for Pennsylvania. The Department supports many of the concepts in SB800; however, we have reservations about the complexity of the program and concerns about the definition of recycling as

well as clarity and consistency of specific language in some areas of the draft bill. On behalf of the Department, I'd like to offer the following thoughts:

Convenience (Collection) Centers

SB800 relies on the establishment of convenience (collection) centers located preferably at county or local government facilities, and it incorporates flexibility in allowing curbside collection and satellite locations based on local government operations. The Department agrees that the establishment of convenience centers are important in the development of a system for collecting, transporting and processing waste electronic equipment, and we support this effort to alleviate the current lack of collection sites in the Commonwealth. The Department also supports further funding provided under SB800 to develop sites where they are lacking now and believes the counties and municipalities can accept this obligation with the funding provided.

Plan Options

SB800 establishes three plans for waste electronic equipment collections and recycling: a state default plan, an individual alternate plan, and a joint individual alternate plan. The individual plans must meet the same criteria as the state default plan. The only distinction is the ability of one or more manufacturer to implement the state default plan. For simplicity, the Department believes there should be only one plan – a state plan. This single-plan concept would negate the need for the Department to review, approve and administer individual and joint individual plans, thus reducing costs. The bill allows for manufacturer's voluntary take-back programs, which the Department also supports.

Recycling Operations

SB800 assigns responsibility to the various entities involved in the collection, consolidation, transportation and processing of waste electronic equipment. However, there are two areas of responsibility that I would like to address. SB800 relies on the Department to bid and contract with the entities who will transport and process materials received at collection sites under the state default plan. It would be more efficient and less costly to allow counties and municipalities that run the collection sites to contract directly with processors – and for the Commonwealth to reimburse at cost from the funding provided by the bill. The Department does not have staff available to contract and run the state default plan, so we would need to obtain dedicated funding, receive authorization to increase complement, and hire staff. This will take significantly longer than the time provided in the bill to implement the state default plan, even if the Department hired an agent to perform some of the state plan duties. Due to privity of contracts, Department personnel would need to be in the middle of any contract management and site-specific coordination at the collection sites. Allowing the collection sites to contract directly with recycling vendors, based on a state plan, will allow collection and recycling services to be performed more efficiently at the local level and reduce costs.

Secondly, this bill allows for the use of “retrievable cells” for recycling end-of-life CRTs. This process is not considered recycling, as defined in Act 101; it is landfilling of material. I recognize that various factors, including lead markets, worker safety and environmental concerns conspire to render retrievable cells a less-than-ideal solution to CRT recycling. However, based on cost and environmental impact, it is unlikely that the processed glass would ever be retrieved from a retrievable cell at a landfill. Recycling options such as smelting are available.

Funding

There are many ways to fund the cost required to responsibly recycle waste electronics. The current CDRA is a “producer-responsibility” law that places the financial responsibility on the manufacturers of the material. SB800 funds the program by placing responsibilities on both consumers and manufacturers. Whichever method to fund the program prevails, the Department’s suggestions to simplify the number of plans and transfer statewide contracting for recycling to the local level can reduce the overall cost of the program. Ultimately, we support a model that eliminates weight-based goals and ensures there is adequate funding to collect, transport and recycle all materials that Pennsylvania residents bring to collection sites.

Transition from CDRA to SB800

SB800 immediately repeals CDRA, even before the new systems under SB800 are established. This presents two issues, the first of which is how to wind down and close out CDRA, and the second is how to provide for recycling until the new program is up and running. Depending upon the timing of enactment of SB800, the approved annual operating period under CDRA may not be completed, thus manufacturer obligations for that period would be undefined. A transition from CDRA to a new system should be considered. For instance, if it is expected to take two years to get a new system running, the repeal of CDRA could be delayed while infrastructure under SB800 is developed and contracting is completed. This will allow recycling of waste electronics to continue.

Modifications and Clarifications

Lastly, the Department would like to propose some modifications and clarifications to the language as the bill is further considered. For instance, the enforcement provisions are identical to the current CDRA. This language is unclear as to the Department's civil enforcement authority, which could hamper efforts to consistently enforce the law.

Chairman Yaw, Chairman Yudichak, and members of the committee, I thank you for your attention and look forward to your thoughts, questions, and the opportunity to continue these discussions.