

Good morning. I'd like to start out by thanking Chairman Matzie and the members of the House Consumer Protection, Technology and Utilities Committee for allowing me to testify at today's hearing on House Bill 1607, on the topic of tackling electronic waste in the Commonwealth. My name is Faran Savitz, I'm the Zero Waste Advocate with PennEnvironment. PennEnvironment is a statewide, citizen-based environmental nonprofit group dedicated to ensuring that all Pennsylvanians have clean air, clean water, and a safe and livable climate.

I'm here today to speak in support of House Bill 1607, Representative Lisa Borowski's legislation to update and improve Pennsylvania's existing electronic waste recycling infrastructure. This bill would increase funding for e-waste recycling programs, increase the number of drop-off locations for e-waste, and make it cheaper for all Pennsylvanians to dispose of their electronic waste by updating electronic waste recycling infrastructure in the Commonwealth.

First, I'm going to talk about why it's important to address the problem of e-waste and why recycling is our best option for this particular type of waste. Then I'll talk about the challenges facing Pennsylvanians when it comes to recycling e-waste. Lastly, I'll talk about what HB 1607 does to address those challenges and why PennEnvironment supports this legislation.

Taking a step back: since the slogan "Reduce, Reuse, Recycle" was popularized in the 1970s, there have been significant changes to the items that make up our waste stream—not just in Pennsylvania, but nationally and across the globe. For example, we have single-use plastics and other waste that create disposal challenges for the Commonwealth. We live in a world where we have "planned obsolescence"—products specifically designed to become useless or dated in a certain time period. Many items, especially electronics, have shorter and shorter lifespans, they're meant to be thrown away after we use them. And one of the biggest challenges in recent decades has been what to do with the growing amount of waste that's created in a more technologically advanced world, where everyone has smartphones, laptops, home computers, large screen televisions, and other electronic devices.

Electronic waste, often referred to as "e-waste", is the **fastest growing part** of the waste stream in the United States.¹ Since 2000, the amount of e-waste generated each year has seen a 42% increase.² And this shouldn't be surprising, given how much technology we use in our lives. Americans own more than 3 billion electronic devices, that's around 24 per household.³ They range from large items like TVs to smaller items like your computers, phones, headphones, and so much more. Twenty years ago we didn't have smart phones, smart appliances, or many of the gadgets that we use daily. The contrast is even more stark if we go back 35 years to when Pennsylvania's cornerstone waste and recycling law, Act 101, was passed: there were no flat

1

https://www.bakerinstitute.org/research/closing-loop-worlds-fastest-growing-waste-stream-electronics#_e dn3

2

<https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/durable-goods-product-specifi c-data#Electronics>

³ <https://www.epa.gov/sciencematters/helping-communities-manage-electronic-waste>

screen TVs and laptop computers were almost non-existent. The types of electronics we buy, use, and dispose of change and evolve constantly, but our systems for recycling and addressing this waste stream in Pennsylvania haven't changed to match them. Which is why it is such a problem that only 30% of e-waste gets recycled, leaving behind millions of tons of waste.⁴

Many of these items have short lifespans and need to be replaced frequently. Think about the new iPhone that was just released. Millions of Americans will be getting rid of their old phones to upgrade to this new one. Every day, Americans throw out 416,000 cell phones.⁵ And it's not just phones, the new model uses a different charging cord, so all the millions of people getting new phones will be getting new chargers and throwing out the old. When Act 101 was passed, VCRs were everywhere, since then, they've been replaced by DVD players, which were replaced by Blue Ray, which was replaced by streaming. All these products become waste, and that waste adds up.

Unlike most of our solid waste, electronics should not be going to a landfill or an incinerator, in fact in Pennsylvania it's illegal to include e-waste in our trash.⁶ They contain heavy metals, combustible parts, and toxins that need to be disposed of in a proper manner. This causes some individuals and businesses to improperly dispose of their waste or, even worse, illegally dump it on roadsides, in vacant lots, and directly into our environment like in forests or on public lands. Although this would be an issue with any waste, it's especially harmful with e-waste since electronics are one of the most toxic components of the waste stream. Having them enter our environment poses a threat to wildlife, our water quality, and our health.

Discarding e-waste isn't just bad for our planet, it's wasteful and uneconomical. Many of the metals and components in electronics are incredibly valuable—such as gold, copper, platinum and silver—and recovering and reusing these metals in new devices should be a huge priority. It's estimated that the value of unrecovered metals and minerals in e-waste are **valued each year at around \$57 billion globally**.⁷ That's a huge amount of resources to throw out when we could be putting them to beneficial reuse, just because of a lack of recycling infrastructure.

In Pennsylvania, we have limited drop-off locations for e-waste and it can often be prohibitively expensive to drop electronics off at these collections. As of 2022, there are only nine sites that offer unrestricted access to e-waste recycling out of the 443 total e-waste collection sites throughout the state. These nine sites only cover 21.1% of Pennsylvania's population, and only 5.1% of Pennsylvania's geographic land area.⁸ Often the only access Pennsylvanians have to e-waste recycling are collection events put on by private companies or by municipalities and counties at great expense. These events happen only once or twice a year, if that, and often serve large areas. Often when people show up, they may have to wait hours to recycle their

⁴ <https://www.epa.gov/sciencematters/helping-communities-manage-electronic-waste>

⁵ <https://www.wbur.org/cognoscenti/2018/12/11/right-to-repair-nathan-proctor>

⁶

<https://www.dep.pa.gov/Business/Land/Waste/SolidWaste/HazardousWaste/Household/Pages/Covered-Device-Recycling-Act.aspx>

⁷ https://collections.unu.edu/eserv/UNU:7737/GEM_2020_def_july1.pdf

⁸ Pennsylvania Recycling Markets Center (PMC)

electronics. It's time intensive, costly, and hard to navigate, which is why some people turn to short dumping and improper disposal, or squirrel it away in their basements and garages hoping for a better solution to come around.

Representative Borowski's legislation to update and improve Pennsylvania's existing electronic waste recycling infrastructure is modeled after successful legislation used in other states and would require purchasers of electronics to pay a small deposit that would be used to fund e-waste collection and recycling. Given all the challenges outlined above, PennEnvironment supports HB 1607 for the following reasons:

1. It will increase funding for Pennsylvania's e-waste recycling programs;
2. Increased funding will lead to increased access to e-waste collection, recycling centers, and drop-off locations across Pennsylvania;
3. It will eliminate drop-off fees for most e-waste items and make electronic recycling cheaper for state residents and businesses overall;
4. It will ease the burden on counties and municipalities which are struggling to provide these services, while not harming the manufacturers or retailers of electronics; and
5. Increased access to e-waste recycling will help stem the flow of toxic and harmful materials into our environment and help protect not just our wildlife, but our own health.

Given that, I hope that this committee will bring up and pass HB1607.

It's past time we updated electronics recycling in Pennsylvania. Passing this bill would position us as a leader on the issue and benefit all Pennsylvanians.

Testimony of Justin D. Clapper, Manager, Government Affairs & Communications

Pennsylvania Farm Bureau

Pennsylvania House Consumer Protection, Technology & Utilities Committee

October 25, 2023

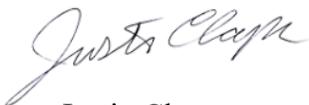
Greetings,

My name is Justin Clapper and I'm the manager of Government Affairs & Communications at Pennsylvania Farm Bureau. I'd like to extend my gratitude to Chairman Matzie, Chairman Marshall and the other members and staff of the House Consumer Protection, Technology & Utilities Committee for inviting us to share our testimony on House Bill 1607. I'd like to extend special thanks to Representative Borowski for bringing forth this e-waste legislation as it impacts many farmers and rural landowners across the Commonwealth.

Although Pennsylvania Farm Bureau is neutral on House Bill 1607, we commend the efforts of the committee to bring e-waste recycling to the forefront of the conversation. Farm Bureau policy recommends all counties provide a site for the recycling of all types of electronic devices and items not permitted for disposal in landfills. As farmers and rural landowners, our property often becomes a dumping ground for all sorts of materials, including electronic waste. As a result, farmers must navigate the burdensome process of properly disposing of the waste in addition to dealing with perpetrators who are trespassing on their land. While the concept of eco-deposits presents several concerns, we are appreciative of the intent of this legislation and look forward to working together to find electronic waste recycling solutions.

Thank you again for your time and consideration.

Respectfully,



Justin Clapper
Manager, Government Affairs & Communications
Pennsylvania Farm Bureau

E-waste Policy Proposal for Pennsylvania

March 10, 2022

Garth Hickle, Garth Hickle Consulting

Benefits of Proposal

Create greater stability for existing state electronic waste recycling programs

Ensure convenient year-round e-waste drop off locations in both remote and urban areas of the state.

An Eco-Fee paid by consumers when purchasing TVs and monitors would provide funding for:

- Department oversight and enforcement
- Collector costs through incentive payments
- Manufacturers and their recyclers for recycling of televisions and monitors

Manufacturers will finance recycling of all other CEDs that are included in the program.

Incentivize manufacturers to use recycled materials in manufacturing of new electronic products.

Role of Clearinghouse

- Ensure availability of collection and recycling infrastructure.
- Individual manufacturers (and/or their operational partners) are assigned collection sites by the Clearinghouse and obligated to pick up and recycle e-waste.
- Prepare annual plan for review and approval by department.
- Track and measure collection and recycling.
- Develop and provide guidance to all participants in the program.
- Develop best management practices for program collection sites.
- Supports current approach of individual manufacturers or representative organizations contracting for transportation and recycling services.

Advisory Committee

- The Secretary to appoint members to an advisory committee to provide input on the functioning of the electronics recycling program in the state.
- Committee may be composed of individuals in the environmental community, the solid waste industry, and local government, public or private representatives involved in the collection, processing, and recycling of electronics, and other interested parties as determined by the Secretary.
- Clearinghouse to provide to the advisory committee a copy of the stewardship plan or amendments to the plan no less than 30 days before submitting the stewardship plan to the department
- The advisory committee shall provide comments and recommendations to the clearinghouse and to the department based on their review of the Clearinghouse plan.

Collection Convenience Standard

- 1 site in county that has a pop. density that is less than 250 per sq mile;
- 2 sites in county that has a pop. density that is greater than or equal to 250 per sq mile but less than 500 per sq mile
- 3 sites in county that has a pop. density that is greater than or equal to 500 per sq mile but less than 750 per sq mile
- 4 sites in county that has a pop. density that is greater than or equal to 750 per sq mile but less than 1,000 per sq mile
- 5 sites in county that has a pop. density that is greater than or equal to 1,000 per sq mile but less than 5,000 per sq mile
- 15 in county has a pop. density that is greater than or equal to 5,000 per sq mile
- Municipality with a pop. of over 1 million residents shall have 10 additional sites

Convenience Standard

- Total number of permanent program sites under the proposed standard is 115
- 48 counties with one site
- 10 counties with two sites
- 2 with three sites
- 1 with four sites
- 5 with five sites
- 1 with 25 sites (municipality with population over 1 million)
- Permanent sites can be exchanged for events

Local Government Role

- Local government entities elects to participate in the program
 - Complete form provided by Clearinghouse
 - Either permanent collection sites or collection events
- Counties/city operated sites may serve as program collection sites
- Retailers, recyclers, charities etc. may serve as collection sites

Responsibilities of Collectors

- Report to Department and manufacturer/group plan annually on weight collected.
- Abide by best management practices provided by Clearinghouse.
- Accept all CEDs in the program.
- CEDs to be kept separate from other collected items.
- All CEDs are to be provided to individual manufacturer/group plan.
- All sites to collect from any resident of the Commonwealth.

Financing of Program

- Manufacturers are responsible for collection supplies, transportation and processing costs of covered electronics.
- End of life fees are prohibited for covered electronics.
- "Eco-fee" added to the price of TVs/monitors.
 - Finances recycling of CRTs/CCFLs
 - Provides for Collection Incentive Payment to program collectors
- Collection incentive payment to address staff, infrastructure costs etc.

Overview of DEP Responsibilities

- DEP appoints members to Advisory Committee.
- DEP to designate a clearinghouse organization that meets the requirements specified the legislation.
- DEP and the Clearinghouse are to execute a MOU that specifies duties and responsibilities of the Clearinghouse.
- DEP is to review and approve/disapprove the stewardship plan, including the annual budget, based on whether the plan adequately addresses the required plan components.
- DEP to estimate each manufacturers market share based on sales data provided by manufacturers or national sales data.
- DEP to send market share to each registered manufacturer and Clearinghouse.
- Receives annual report.
- Conduct overall oversight and compliance/enforcement activity.



**TESTIMONY ON
HOUSE BILL 1607 - ELECTRONIC WASTE**

Presented to the House Consumer Protection, Technology & Utilities Committee

By
Frank Mazza, Director of Government Relations

October 30, 2023

On behalf of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 counties in the commonwealth, thank you for the opportunity to provide comments on House Bill 1607, which would establish the Electronic Waste Recycling Modernization Act.

Many counties throughout the commonwealth provide supplemental recycling services to their constituents, including household hazardous waste pickup, recycling of electronics and tires, and recycling drop-off centers. One of the more challenging services many local governments, including counties, offer is the proper disposal and recycling of electronic devices, including desktop computers, laptop computers, computer monitors, computer peripherals and televisions.

In 2010, the General Assembly passed Act 108, also known as the Covered Device Recycling Act (CDRA), which aimed to establish a process for electronic recycling in the commonwealth, including requiring manufacturers to establish a plan to collect, transport and recycle a quantity of devices equal to its obligated share – that is, its proportion of the total weight of sales of covered devices during the previous year. While not required to do so, some counties have offered electronics recycling both before the CDRA was enacted as well as under the provisions of the CDRA, but not every county is equipped with either funds or infrastructure to provide this type of services. For those who did, they understood that funding for electronics recycling programs under the CDRA was intended to be the responsibility of the manufacturers.

Since enactment of the CDRA, counties have been dealing with the inconsistencies in the laws' provisions and have weighed-in many times over the years as a key stakeholder on numerous legislative proposals to address known shortcomings of the act, including ensuring electronic recycling programs are adequately funded. Some of the issues with the CDRA as currently drafted are as follows: vague and broadly interpreted language, lack of uniformity in enforcement protocols, insufficient details in reports and plans that skew data tracking and trend analyses, producer responsibility is not universally applied, and there is non-explicit criteria for establishing and sustaining a collection, transportation and recovery infrastructure. In addition to those issues and ambiguities, unfortunately, the CDRA couldn't account for the technological evolution that has occurred, creating smaller, less heavy devices at an exponential rate with shorter lifespans. As this committee is well aware, though, the funding mechanisms provided under the CDRA are not coming close to covering costs, and many counties have chosen not to offer these services to their residents.

While it is clear is that the CDRA is not meeting its original intent to establish and fund a recycling infrastructure for electronic devices, what has been less clear in recent years is how the law should be changed to better meet that intent. House Bill 1607 is the latest effort to provide a solution to the flaws in the CDRA. This legislation generally meets several principles outlined in the Pennsylvania County Platform related to electronics recycling, in particular providing multiple entities with the ability to establish collection sites, including those counties that are willing and able to do so. Should a county opt to become a collector as defined by this bill, counties would have some flexibility to determine the means of collection for electronic devices that is the most efficient in a given area, basing the availability of collection sites available on

countywide population and permitting alternative collection options such as single-day events where volume may be lower. In other words, this legislation does not impose a one-size-fits-all convenience standard to determine how many collection sites should be provided. Lastly, HB 1607 gives counties the option to be part of the program, depending on each counties' individual circumstances and needs.

While we are generally supportive of the abovementioned provisions, there are others that we have some concerns with, particularly the funding mechanism in this bill. Historically, counties have viewed the financial responsibility of funding a statewide electronic recycling program to be that of the manufacturers of covered electronic devices (CED). Counties support amendment to the CDRA in a manner that provides sufficient funding by manufacturers to cover costs, including personnel, collection, storage, recycling and transportation of electronic devices, and consideration for authorization of separate fees at collection sites if manufacturer funding is not sufficient. While HB 1607 does not go as far as past legislative efforts to ensure the manufacturers bear the responsibility to fully fund a statewide system, HB 1607 does institute a "eco-deposit" collected by retailers at the point-of-sale of certain devices by consumers and is intended to cover the costs to collectors and other stakeholders as remittances in the form of collector incentive payments. As counties are no stranger to supplementing the cost of inadequately funded programming, like the 911 system or the community-based mental health system, through county property taxes, we would like to work with the bill sponsor to give counties flexibility to implement an additional fee to supplement any funding shortfalls that may arise from inadequate funding from the eco-deposit collections.

Again, we believe House Bill 1607 generally meets several principles that counties would like to see in a legislative fix to the CDRA, and we look forward to working with the General Assembly and other stakeholders to address any outstanding questions or concerns and improve this legislation moving forward in order to achieve meaningful changes to the CDRA that have been sought by local governments for nearly a decade.

Thank you for your attention to these comments and we would be happy to answer any follow-up questions members of the committee may have.