



National Electrical Manufacturers Association
1300 North 17th Street, Suite 1847
Rosslyn, VA 22209
703-841-3200
Fax: 703-841-3300

TESTIMONY ON LD 1892

BEFORE THE JOINT COMMITTEE ON NATURAL
RESOURCES

RIC ERDHEIM
SENIOR MANAGER GOVERNMENT AFFAIRS
NEMA

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Mr. Chairmen and members of the Joint Natural Resources Committee, I am providing testimony on behalf of the National Electrical Manufacturers Association (NEMA), which represents manufacturers of electrical products including high end medical products that use cathode ray tubes and other screens.

The Maine CRT task force early on recognized that non-consumer uses of CRTs do not present a problem in the municipal waste stream. The DEP report, "A Plan for the Collection and Recycling of Cathode Ray Tubes in Maine," says the following:

"Product types that are exclusively used by specialty businesses, such as medical and industrial control equipment, are normally managed by their business owners through contract with the manufacturer or a waste management company." *Page 4*

LD 1892 attempts to implement the recommendations of the report. Section 2 (c) uses language found in California's electronics legislation to attempt to exclude these non-consumer products. It specifically excludes from the definition "commercial or industrial equipment, such as commercial medical equipment, that contains a cathode ray tube, a cathode ray tube device, a flat panel display or similar video device that is contained within, and is not separate from, the larger piece of equipment."

Unfortunately, it is now clear that this definition does not include all medical devices because of the requirement that they be contained within and not separate from a larger piece of equipment. For example, the exclusion would not cover portable heart monitors because they are not contained within a larger device. In addition there are other situations where it is unclear whether the equipment is excluded from the definition because the equipment either is connected by a chord or uses a wireless technology. The problem can be remedied by adding to the exclusion from the definition of "covered electronic device" the following: "and other medical devices as that term is defined under the Federal food, drug and cosmetic act."

We have gone back to California legislators to address this problem in the corrections legislation that the legislature will consider and have had this phrase added to a Washington state electronics demonstration program legislation, HB 2488.

Should the Committee proceed with LD 1892 in any form we urge the Committee to fully implement the recommendation of the Maine DEP and fully exclude medical products. Thank you for your consideration.