



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

TESTIMONY ON HB 1533  
ELECTRONIC RECYCLING

BEFORE THE JOINT COMMITTEE ON  
NATURAL RESOURCES AND  
AGRICULTURE

NATIONAL ELECTRICAL  
MANUFACTURERS ASSOCIATION

May 15, 2003

The National Electrical Manufacturers Association (NEMA) represents manufacturers of electrical products. NEMA is providing testimony against HB 1533. This well-intentioned bill attempts to address a wide range of alleged problems with the disposal of any cathode ray tube and computer products. It is not, however, based on any analysis showing that the disposal of **all** of these products creates significant problems. At the same time the bill would impose significant costs on the Massachusetts' economy including diminishing public safety.

The Maine Joint Natural Resources Committee and the Rhode Island House Committee on Environment recently considered and rejected similar legislation. Both Committees instead passed a study of recycling of cathode ray products, not every product with a central processing unit.

There are a number of principles that should be followed in deciding whether to act on a potential problem. HB 1533 fails to adhere to these principles.

**PRINCIPAL ONE: THE SCOPE OF THE PROPOSAL NEEDS TO ADDRESS SIGNIFICANT PROBLEMS AND NOT BE OVERLY BROAD.**

Governments need to take into consideration scientific, environmental, product safety and economic factors affecting individual categories of products rather than the broad scope of electrical and electronic products. These factors differ from product category to product category and will affect the possible justification for regulatory requirements. NEMA does not support a one-size-fits all approach because it may lead to programs that do not support cost-effective, environmentally sound results. Product categories reviewed should be prioritized based on the volumes and toxicity of waste rather than the broad category of electrical and electronic products.

HB 1533 violates this principle by addressing any product with a central processing unit and any peripheral including cables and uninterruptible power system devices when there has been no analysis showing that each of these products creates some environmental problem. Although the bill does not define "central processing unit," the term would cover a large number of products including medical and industrial equipment that contain computers, fire signaling systems, home and building controls and traffic control devices.

Individual types of electrical and electronic products, however, are vastly different in terms of: the number of units sold, the size and fragility of the products, their constituents, their distribution channels and users and the availability and attributes of alternatives.

We are aware of no data showing that each of these types of equipment presents a disposal problem either in terms of toxicity or volume. The equipment ranges in costs from \$7.00 home smoke detectors to automobiles to \$1,000,000 pieces of industrial or medical equipment. The users of the equipment range from children to large industrial facilities and hospitals. The numbers of each type of equipment vary greatly as do the constituents of such equipment. And the attributes of the equipment vary from entertainment to safety, environmental protection, public health and commerce.

**PRINCIPAL TWO: COLLECTION REQUIREMENTS MUST BE BASED ON AN EVALUATION OF THE BENEFITS AND COSTS OF RECOVERY AND MUST INVOLVE EVERYONE IN THE CHAIN OF DISTRIBUTION, USE AND DISPOSAL.**

Any recovery requirements should be based on an assessment of benefits and costs of recovery for individual categories of products. Where such an assessment shows recovery is necessary, government and industry should work together to identify a cost-effective solution that includes appropriate roles for all interested parties including manufacturers, distributors, retailers, users, recyclers and governments. Such solutions must be harmonized throughout the political unit. To the maximum extent possible recovery efforts should rely on existing infrastructures. Manufacturers should not be solely liable for the costs of recovery of new products. Manufacturers should not be liable for the recovery of historical wastes. Recovery targets should be established only after sufficient experience has been gained. Recovery targets should not be constructed to allow for the establishment of product design standards.

The USEPA's product stewardship program calls on those in the product life cycle--manufacturers, retailers, users, and disposers--to share responsibility for reducing the environmental impacts of products.

“Product stewardship recognizes that product manufacturers can and must take on new responsibilities to reduce the environmental footprint of their products. Without serious producer commitment, we as a country cannot make significant progress toward improved resource conservation and a sustainable economy. However, real change cannot always be achieved by producers acting alone: retailers, consumers, and the existing waste management infrastructure may have to pitch in for the most workable and cost-effective solution. The solutions and the actors will vary from one product system to another.”

NEMA opposes the manufacturer take back provisions in HB 1533 because they would impose a costly and inefficient system to recover “electronic equipment” and exclude those other than manufacturers for any responsibility. We endorse the views of the Associated Industries of Massachusetts and the Electronic Industries Association that describe in greater detail the cost and complexity of implementing HB 1533.

**CONCLUSION**

NEMA believes that consideration of this bill by Massachusetts is premature. There is a significant lack of analysis to justify its scope or its provisions. Adoption of the bill could result in significant adverse affects in Massachusetts in products that are essential to the economy, the environment or public health or safety. NEMA urges the Massachusetts DEP to first identify and document what problem it wants to address and then determine the most cost-effective manner to address that concern.