

STATEMENT OF PRINCIPLES
ON EU DIRECTIVES REGARDING
WASTE IN ELECTRICAL AND ELECTRONIC EQUIPMENT
AND SUBSTANCE BANS

OF THE

NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION

The European Union has proposed directives that would ban substances in, and restrict disposal and require labeling of, certain electrical and electronic equipment. These issues are of significant concern to NEMA members that manufacture in or export to Europe who will have to comply with national legislation implementing the directives. They also are of concern to NEMA members if they set a precedent for other countries including the United States. NEMA members have voluntarily reduced use of hazardous materials and have assisted in recovery of waste products where justified. NEMA believes that any restrictions on the use of substances and requirements for recovery of waste products should be based on a consideration of the benefits, costs, risks and alternatives for individual categories of products. The following address the concerns of NEMA members for the two currently proposed directives as they affect the members' electrical and electronic components and products and as consumers of some of these products:

- **Scope** – Governments need to review scientific and economic factors affecting categories of products rather than the broad scope of electrical and electronic products proposed in the EU directives. These factors differ from category to category and will affect the possible justification for regulatory requirements. NEMA opposes a one-size-fits all approach to substance bans and product recovery. Categories subject to review should be limited to specific product categories with significant volumes or toxicity of waste rather than the extensive list of categories in the directives.

- **Substance Bans and Restrictions** – No substance should be restricted until an appropriate risk assessment documenting a significant environmental risk and an economic assessment for the substance has been conducted. This assessment must consider the ready availability, and environmental impact and cost of substitutes and any loss of functionality (reliability or performance) or product safety from use of such substitute. Any process for establishing or revising substance bans or restrictions must be transparent, assess manufacturers' use of these substances, and determine their environmental risk. A determination to ban or restrict a substance being used in products and the time frame for such a restriction or ban must be based on sound science and understanding the effect of its use in products including its performance and consumer needs.

- Recovery of Waste Electrical and Electronic Products – 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. Manufacturers should neither be solely liable for the costs of recovery of new products nor 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.
- Labeling – The EU directives should not impose an additional “EU Only” label. Any label should be based on agreed on international labels.
- Consultation – There should be extensive consultation with manufacturers of targeted categories of electrical and electronic products.