

Summary of the NEPSI Action Plan Subgroup Conference Call
May 22, 2002
11:30 AM – 12:30 PM EDT

Members in Attendance

Sego Jackson, Snohomish County (Chair)	Gordon Hui, U.S. EPA
Maureen Hickman, MN OEA	Ted Smith, SVTC
Mike Papanian, CIWMB	Clare Lindsay, U.S. EPA
Scott Cassel, Product Stewardship Inst.	Frank Marella, Sharp
Heather Bowman, EIA	Cat Wilt, Center for Clean Products, UTK
Wayne Rifer, WEPSI	Jan Whitworth, Oregon DEQ
Vicky Salazar, U.S. EPA Region 10	Ben Carlisle, ERG (note-taker)

The participants of the NEPSI Action Plan Subgroup met via conference call on May 22, 2002, from 11:30 AM to 12:30 PM EDT. This document briefly summarizes the major topics covered during the subgroup's discussions, and highlights agreements that were reached.

Purpose of the Call

The purpose of this conference call was to discuss three draft documents developed by subgroup members:

- The Action Plan Timeline, prepared by Vicky Salazar.
- A draft outline for the Action Plan, prepared by Jan Whitworth.
- A preamble to the Action Plan, also prepared by Jan.

The subgroup began by briefly discussing the outcomes of the NEPSI meeting in Chicago, held on May 20th.

Chicago Debrief

Sego Jackson and Clare Lindsay summarized the outcomes of the Chicago meeting for those subgroup members who couldn't attend (although, as Sego pointed out, most Action Plan members were there). In all, roughly 25 people attended the meeting. There was a decent balance of attendees among the major stakeholder groups, though computer manufacturers were not represented. In terms of results, Clare said she thought that the Finance Subgroup had agreed that a visible fee at point of purchase is acceptable to all stakeholder groups as a financing mechanism. She said that the Finance Subgroup had delineated two options for structuring the fee, one preferred by industry and the other preferred by government. Although no firm agreement was reached on which option to pursue, the subgroup decided to refine their level of conversation by focusing on the option preferred by industry and exploring it more deeply.

Clare also said that the Finance Subgroup had reached two other agreements: that funds generated through the visible fee should be managed by a non-governmental third-party organization (TPO), and that the fee should cover all system costs (i.e., collection, transportation, recycling), unless there are unacceptable consequences.

After listening to Clare's summary, Wayne Rifer said he was pleasantly surprised to hear that these agreements had been reached. He said that he hadn't heard those points emphasized during the Finance Subgroup's report back to the Stakeholder Group at the end of the Chicago meeting. Heather Bowman questioned whether definitive agreements had been reached. She said that, in her opinion, there was no finality to the agreements. Ted Smith acknowledged that the decisions

reached by the Finance Subgroup in Chicago were not definitive, but he thought that the subgroup had decided to explore the options Clare had mentioned. Clare agreed with Ted's characterization. She said that the Finance Subgroup had achieved a "narrowing of options."

Wayne briefly summarized the work done by the Infrastructure Subgroup in Chicago. He said that the members had discussed two documents being developed by the subgroup: a TPO document (which describes potential responsibilities of a third-party organization in managing funds from front-end fees) and a Base Service document (which outlines the base level of electronics recycling services that should be implemented nationwide). He said that the subgroup had made substantial progress on the documents, but had not reached total agreement on all of the important issues.

Maureen Hickman asked Gordon Hui whether he could send around copies of the cost memorandum that he and Lynn Knight had delivered at the Chicago meeting. Gordon said that he was still revising the memo based on comments received and would prefer to hold off on distributing the memo until that process was complete.

Action Plan Timeline

Vicky Salazar gave an overview of the timeline document she had prepared. The document outlines the tasks that must be accomplished to develop the Action Plan document and proposes some target dates for completing the tasks. Vicky said that she had organized the document on a task basis, partly to indicate how much work needs to be done and where the Action Plan Subgroup is dependent on the work of the other subgroups. She noted that the timeline incorporates many of the dates from the NEPSI Roadmap, recently revised by Gary Davis. She suggested that the subgroup should try to finalize the timeline by the Minnesota meeting in late June.

Jan Whitworth asked whether the Action Plan Subgroup intended to incorporate documents from the other subgroups into the Action Plan without giving the larger Stakeholder Group a chance to discuss and approve the documents. Vicky said that there is a long list of consensus items that are supposed to go into the Action Plan. She said that the best-case scenario was that the Stakeholder Group would reach consensus on these documents in Minnesota, giving the Action Plan Subgroup time to incorporate them during late June and July.

Wayne asked about the Action Plan Subgroup's role. Did they plan to simply incorporate text developed by the other subgroups, or might they also incorporate *ideas* that emerge from the subgroups? In other words, would the Action Plan Subgroup get involved with shaping ideas and drafting new text?

Sego said he imagined that the Action Plan Subgroup would be the holder of "the vessel" for the larger Stakeholder Group (the vessel being the agreement, the Action Plan document). He suggested that the subgroup's role would be to manage the development of that document, anticipating what pieces will emerge from the other subgroups and how those pieces will fit into the whole. For example, once the TPO document emerges from the Infrastructure Subgroup and receives approval from the Stakeholder Group, the Action Plan Subgroup will have to decide how best to incorporate it. The subgroup members might decide to incorporate a short version of the TPO document into the Action Plan, with the longer version reserved for the appendices. In that case, the Action Plan Subgroup might have to ask the Infrastructure Subgroup to create the shorter version.

Several subgroup members agreed with Sego's characterization of the subgroup's role. Cat Wilt said that she had had some concerns about whether the Action Plan Subgroup envisioned itself

negotiating the agreements that would be captured in the Action Plan document. In her opinion, such a role would be beyond the subgroup's scope, so she was glad to have her concerns alleviated. She said that she planned to work closely with the group.

Cat also said that, based on her experience helping to develop the carpet agreement, it could take a shocking amount of time to go from a draft Action Plan to the final language. She suggested that it might be hard to finalize the language by the end of September and she proposed adding a footnote to the timeline, saying that NEPSI is considering a November meeting. If a meeting were held in November, the September meeting would be used for reviewing the draft Action Plan.

Several people agreed with this idea. Ted Smith said he had felt overwhelmed when he had looked at the NEPSI Roadmap prior to the Chicago meeting and realized how much work needed to be done before September. However, Heather Bowman pointed out that the stakeholders had not agreed to continue the NEPSI process past September. She said that it shouldn't be assumed that stakeholders can go on committing time to the process. Cat suggested that the Stakeholder Group could talk about this in Minnesota. For now, she preferred to stick to the original schedule and keep the pressure on.

Clare added a couple of additional thoughts about the Action Plan Subgroup's role. She said that, in her mind, the Action Plan is a repository for all of the pieces that emerge from the subgroups and receive the approval of the Stakeholder Group. She said that the Action Plan Subgroup's job is to put the pieces together into a single document, make it flow, and identify gaps that need to be bridged or inconsistencies that need to be ironed out.

Wayne predicted that the subgroups would produce some pieces that achieve consensus and others that will still need work. He said that the Action Plan Subgroup could organize these pieces and think about what steps need to occur beyond September or November.

Draft Outline for the Action Plan

Jan Whitworth gave an overview of the draft outline for the Action Plan. She said that the outline was a rough first attempt to capture the key components of the Action Plan document and that it was meant to help the subgroup identify gaps and missing pieces.

The subgroup members offered the following comments on the outline:

- Wayne expressed reservations about the fact that Jan had shortened the list of NEPSI desired attributes. He said it might be safest if the Action Plan Subgroup did not try to rewrite deliverables that have been produced by the other subgroups or by the Stakeholder Group. Jan explained that she had shortened the list only because the subgroup had specified that the entire Action Plan document be only six or seven pages long. It was agreed that the subgroup could include details (such as the full attributes list) in appendices. Scott Cassel also pointed out that the Finance Subgroup had produced a condensed attributes list.
- Clare said that, in her opinion, the subgroup does not necessarily need to include cost estimates in the Action Plan, unless it's in an appendix or an accompanying resource document. Gordon Hui added that it was unlikely that the Stakeholder Group would ever truly agree on estimated costs for the national system. Jan said that she had included the cost information to indicate which costs are being accounted for. Wayne suggested that, although the TPO will have to take future steps in estimating costs, it would be useful for the Action Plan to identify a process for setting costs.

- Ted Smith suggested striking the word “voluntary” from Section D, where the outline refers to a “flexible, voluntary system.” He said that, in Chicago, the Finance Subgroup had agreed to pursue a system based on a *mandatory* front-end fee. Heather questioned this, saying that she thought the government stakeholders still wanted a voluntary system. The subgroup agreed to strike the word “voluntary” for now, though there was general agreement that it’s too early to start debating the language in the outline, since it is only “placeholder” language at this point.
- Another participant suggested that Jan might want to leave extra space in Section K (“Next Steps”) for additional steps. Seago added that the section could be broken down by stakeholder group (e.g., next steps for government, next steps for industry, etc.).

Jan asked that subgroup members send her any additional comments via email. She also volunteered to be the keeper of any items destined for the Action Plan document.

Action Plan Preamble

The subgroup agreed to send comments to Jan on the draft preamble. Jan will assemble the comments for a later discussion. Clare suggested that the subgroup might want to have a discussion about the purpose of the preamble (e.g., what is it meant to communicate? how is it different from the introduction?). Once that is decided, the subgroup can concentrate on drafting language.

Next Steps

The subgroup members agreed that during the next conference call(s), they will refine the outline and try to reach agreement within the subgroup. Then the various subgroup leaders can have a conference call to discuss the outline. The goal is to present the outline at the Minnesota meeting, but to spend little or no time discussing it since there are so many other things that need to get done during the meeting.

The next conference call is scheduled for June 5th at 11:30 AM EDT. The call-in number is 202-260-1015, and the access code is 4108#.

After that, the next call is on June 19th at 11:30 AM EDT.