

**NEPSI Regulatory Subgroup  
Conference Call Summary  
January 11, 2002**

**Call Participants:** Mario Rufino, Canon; Richard Menser, Missouri DNR; Lori Stolle, WEPSI; Heather Bowman, EIA; Tricia Conroy, E4 Partners for Best Buy; Peggy Harris, California DTSC; Kathie Flippin, Missouri DNR; Paul Benito, CompTIA/Siemens; Jack Price, Florida DEP; Jim Hull, Missouri DNR; Teri Goldberg, NEWMOA; Catherine Wilt, UT Center for Clean Products; Gordon Hui, US EPA

**Purpose of Call:** The purpose of this call was to review the draft matrix, discuss policy options, and talk about next steps for the subgroup prior to the next NEPSI meeting in Tampa, FL.

**Summary:**

Comments on Draft Regulations Summary Matrix

- One call participant expressed surprise by the significant variability in the regulations.
- The absence of information on the Northeast is important.
  - One participant felt that the Northeast has much more stringent hazardous waste requirements and is less willing to allow exemptions.
  - Another participant felt that the NE is more focused on waiting for the EPA to come out with its regulations and then will react to them.
- The Region 3 E-cycle exemption needs to be reflected in the Federal section of the table.
- With regards to the Northwest, one participant mentioned:
  - Idaho is waiting for EPA's rules.
  - Alaska is lacking a contact person; may not be RCRA authorized.
  - Oregon has UWR.
  - Washington information has been sent in to the group.
- Missouri will be submitting information as well.
- WEPSI has a regulatory subgroup as well and has been working on a number of fronts:
  - The subgroup has identified 5 topics, one of which involves the status of regulations in their states.
  - The subgroup also has developed a descriptive piece on the CRT rule and a general piece on RCRA with respect to electronics.
  - The subgroup is also looking at a set of criteria regarding environmentally sound recycling that can be adopted by states or recyclers.
  - They also have identified economic development as an issue.
- It is believed that Colorado recently put CRTs into the UWR

Thoughts on Landfill Bans

- Status of landfill bans
  - Massachusetts and California are the only states with landfill bans in place.
  - A number of local jurisdictions have more stringent requirements
- Consumers appear to be exempt from everything.
  - Not true in California, Maine, King County (WA), and perhaps Snohomish County (WA)

- California’s landfill ban and perspective
  - Regulate all HHW as hazardous waste
  - Problems: 1) Enforcement falls on local agency; funding becomes an issue, and 2) When products are put in municipal trash, difficult for landfiller to check; easy for HHW to be hidden.
  - CRTs subject to streamlined requirements as long as recycling. Otherwise, CRTs going to a Class 1 (hazardous waste) landfill are subject to full requirements.
- Florida
  - Hard to distinguish between household and business waste on a load check; would recommend that group table discussion on household exemption issue → could hold group up.
  - Florida not expecting to go with landfill ban in the foreseeable future.

#### Other Policy Drivers for More Collection and Recycling

- One participant expressed a need for more Shared Responsibility
  - Providing more convenient and affordable opportunities is important.
  - Another participant expressed a need for consumer education by governments.
  - In general, participants agreed that a national system with shared responsibility would be ideal.
- One participant mentioned citations for not recycling that are similar to those in New York for glass and cans.
  - One call member expressed a concern that shrinking budgets and increasing responsibility for HHW regulators would limit the efficacy of this. Florida companies and hazardous waste lamps were cited as an example.
  - Another call member mentioned Washington DC consistently sends out information on what can be placed in the garbage.

#### Are the different ways states handle used electronics a barrier?

- One participant has definitely heard that the varying regulations are a barrier to recycling and esp. cross-state transportation.
- Another call member expressed that it is difficult to assess what this statement means specific. There is a need for people to understand those differences, or is there something specific that’s a true barrier.
- There is a need to identify how the states address the issue
  - What are the similarities and the differences?
  - In CA for UWR, regulated entities owe notification.
    - How do other states handle UWR? What are the specific requirements? What’s under it?
  - What are the real substantive differences?
- A NAHMMA list identifies “electronics” as electronic devices, electronic components, and electronic equipment
  - Electronics is used as a catch-all term
  - There is a need to get down the specifics and ask which specific items are covered
- One participant expressed that a federal law could supersede all state regulations. The rechargeable battery example was cited.
  - Manufacturers pushed to get the law passed.

- A concern that was expressed was that manufacturers would want to provide input on what the regulations are.
- Another participant mentioned that state laws regulate hazardous waste differently because of specific state concerns.

#### Federal CRT Rule

- A general discussion ensued on the new CRT rule.
  - The final version is expected in 2003.
  - It was mentioned that the rule will not be specifically UWR because 1) CRTs are heavy and 2) CRTs are more commodity-like than waste
  - California intends to follow what the feds are doing.
    - The CRT rule will allow CA to alter its weight limits.
    - CA only requires notification, not complete UWR.
  - A participant expressed that many states have moved ahead of the feds.
- A call participant will send out information on the proposed CRT rule

#### Thoughts on how to proceed:

- There are substantial difference between what Massachusetts is doing and what other NE states are doing.
  - New York is similar, but there is a need to get down to details
- Worth noting: some states have to go to the state legislature to make rule changes. This is why Connecticut has been slow.
- Key issues to address:
  - When does it become a waste
  - What are the specific requirements
  - What are functional differences (manifest, permitting)?
  - What are the cutoffs eg. for CESQG, SQG?
  - How are CRTs from households handled?

#### **Next Steps:**

- Gordon Hui, USEPA will hand out a revised summary of the regulations at the Tampa NEPSI meeting
- Participants will review the summary of the proposed CRT rule.