

June 5, 2008

Model Bill Spawns Weak Takeback Laws

Is it a welcomed first step or a way to water down E-waste management?



In partnership with Windows, part of the proceeds from the sale of Dell's XPS One (Product) Red computers go into a fund to fight AIDS in Africa.

Dell lobbyists have encouraged four states to pass E-waste bills modeled on the manufacturer's preference for taking back computers and peripherals without the imposition of mandatory recycling targets or any other specific performance requirements. Oklahoma, Texas, and Virginia have adopted **Dell's framework** with various alterations for extended producer responsibility (EPR). A similar bill is awaiting the governor's signature in Missouri.

Dell's mild solution is in the legislative hopper in at least three other states. The model bill does not require the government to approve a manufacturer's plan to recover its own branded products — although Oklahoma has added that provision.

Collection systems must simply be "reasonably convenient." Whatever works best for the manufacturers and brand owners complies with the law. However, collection does have to be offered free of charge to the consumer.

The Dell bill requires covered devices to be handled "in a manner that is in compliance with all applicable federal, state, and local laws and requirements." No stronger guarantee is attempted to ensure that the equipment will not be exported and disassembled in countries without proper environmental safeguards.

The Dell approach would preempt state laws in the event that a national program is established that "substantially meets the intent" of the model bill provisions.

The pros and cons of Dell's model legislation were debated at the annual conference of the Product Stewardship Institute held this week in Boston, Massachusetts.

"I am concerned that when we have eight states that contain the Dell language, suddenly is that going to become the low bar for a federal law?" says Barbara Kyle, national campaign coordinator for the Electronics Take-Back Coalition. "That is not what we are looking for."

The coalition of more than 15 environmental non-profit organization members support take-back programs that hold manufacturers and brand owners responsible for meeting specific goals for electronics recovery, reuse, and recycled content that are at least as stringent as the goals adopted

by the EU. Kyle says the Dell model is unlikely to make a significant change in the amount of E-waste collected and recycled.

Fenton Rood, director of waste systems planning at the Oklahoma Department of Environmental Quality, offers a different opinion. Rood says that starting out with the Dell draft legislation is a good thing for states like his. He says even the weakened form of EPR would never have been adopted but for the fact that Oklahoma City is home to a Dell facility.

But Scott Mouw, section chief with the North Carolina Division of Pollution Prevention and Environmental Assistance, says Dell's current attempts to reduce the obligations proposed in the state's E-waste legislation to come into line with the model bill's weaker provisions "are not appreciated."

For more information contact Barbara Kyle, Computer TakeBack Campaign, 760 North First Street, San Jose, CA 95112, USA. Tel: +1 415 206 9595; E-mail: bkyle@etakeback.org. R. Fenton Rood, Oklahoma Department of Environmental Quality, 707 N. Robinson, P.O. Box 1677, Oklahoma City, OK 73101, USA. Tel: +1 405 702 5159; E-mail: fenton.rood@deq.state.ok.us.

Visit www.crosslandsbulletin.com

© Victor House News, Co.