

Message

From: Daguillard, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BBE9682B940C4F2C90732E4D37355DD4-DAGUILLARD,]
Sent: 4/27/2018 2:35:59 PM
To: Ex. 6
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Subject: a couple of questions about e-waste regulations

Adam, on background, please:

Questions: Why does RCRA have such limited coverage of electronic waste materials? My understanding is that it covers CRTs and some batteries, and the former can get an exemption from RCRA handling requirements if they are recycled. Is it fair to say that used electronics are not hazardous if they are handled properly? Is the limited attention of RCRA to e-waste in large part due to when it was passed?

There is no general exclusion or exemption for used electronics such that they are not considered hazardous waste if they are handled properly. Hazardous waste under the Resource Conservation and Recovery Act (RCRA) is a subset of the larger universe of wastes referred to as "solid wastes," which generally refers to materials that are discarded (i.e., thrown away). A solid waste is a hazardous waste if it is specifically listed by EPA, or, if it exhibits one or more of four characteristics of a hazardous waste. While used electronics as a class have not been listed by EPA as hazardous, if a representative sample of a particular used electronic waste exhibits a RCRA characteristic (e.g., leaches certain toxic metals above particular regulatory thresholds) it would be defined as a characteristic hazardous waste. Thus, whether or not any particular used electronic waste is hazardous under RCRA will typically be determined on a case-by-case basis.

More information concerning hazardous waste identification and how a waste is determined to be hazardous is available online at <https://www.epa.gov/hw/defining-hazardous-waste-listed-characteristic-and-mixed-radiological-wastes>.

Information about RCRA hazardous waste requirements is available at <https://www.epa.gov/hw>.

More information about the CRT requirements is provided at <https://www.epa.gov/hw/cathode-ray-tubes-crts-0>.

More information about the universal waste requirements is available at <https://www.epa.gov/hw/universal-waste>.

For other electronic devices, the status of the waste as hazardous under RCRA can vary widely. One of the main challenges in determining whether electronic waste is RCRA hazardous waste is the heterogeneity of the electronics waste stream. The types of electronics products entering the market continues to grow and evolve, and it is a challenge to know what materials they contain, and whether these materials are in sufficient quantity to cause the waste to exhibit a RCRA characteristic. Furthermore, there is wide variability among manufacturers, models, and designs of electronics products in terms of the types and amounts of potentially hazardous constituents used in these products that might contribute to their being defined as hazardous waste when discarded.

Question: And with respect to the Basel Convention, can you comment on why the U.S. has not ratified it? I understand that the EPA follows many of its rules.

The U.S. signed the Basel Convention in 1990 and the Senate gave its advice and consent to ratification in 1992, but before the President can ratify the treaty, implementing legislation is required. I encourage you to read

more about the Basel Convention and international waste agreements in which the U.S. participates, and how such agreements affect U.S. exports and imports of hazardous waste at

<https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste>.

Question: To what extent do you think the Basel Convention is contributing to greater recycling of E-waste in the U.S? Or are the state level laws more important in this regard?

At least 25 states and the District of Columbia have e-waste laws, many of which prohibit the disposal of certain electronics and establish used electronics collection programs. For more information about these programs, we recommend you contact state environmental agencies: <https://www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies>.

A number of states encourage the use of electronics recyclers that have been certified to either the Responsible Recycling Standard for Electronics Recyclers (R2) or the e-Stewards® Standard for Responsible Reuse and Recycling of Electronics Equipment© (e-Stewards®).

From: Adam Diamond Ex. 6
Sent: Monday, April 16, 2018 2:45 PM
To: Atagi, Tracy
Subject: a couple of questions about e-waste regulations

Tracy Atagi,

I was referred to you by Dan Gallo from the EPA region 3 office in Phila. I am writing a book chapter on e-waste policy, with some comparison across states, including Maryland, and reference to the Basel Ban. ONE question I have-- why does RCRA have such limited coverage of electronic waste materials? My understanding is that it covers CRTs and some batteries, and the former can get an exemption from RCRA handling requirements if they are recycled. Is it fair to say that used electronics are not hazardous if they are handled properly? Is the limited attention of RCRA to e-waste in large part due to when it was passed?

And with respect to the Basel Convention, can you comment on why the U.S. has not ratified it? I understand that the EPA follows many of its rules. To what extent do you think the Basel Convention is contributing to greater recycling of E-waste in the U.S? Or are the state level laws more important in this regard? If it would be easier to talk by phone, please let me know when a good time to call might be.

Thank you,

Adam Diamond

