

Abstract

RESEARCH PAPER: October 2012 Comparison of State Electronic Waste Recycling Legislation to Indiana's Law

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PAGES: 117

In the digital age there has been a consistent push for consumers to invest in the latest and greatest technology. With the 2009 requirement that television broadcasters switch from analog to digital signals, many consumers have upgraded televisions that are capable of decoding this signal. For the most part this meant upgrading from cathode ray tube devices (CRTs) to flat panel displays. In addition upgrades in technology in computers and cellular networks have made several computers and mobile phones obsolete. Improper disposal of these items can cause a great deal of environmental harm. When CRTs are disposed improperly lead can be released to the surrounding environment. Other electronics may contain high amounts of lead, barium and mercury. These electronics can contain valuable materials as well, such as gold, which can be recovered from obsolete devices.

Because of the environmental damage that can occur when electronic items are disposed of improperly, 29 states have passed legislation which encourage recycling of electronic devices and discourage the disposal of these items in landfills. Many of these states have passed producer responsibility laws which makes the manufacturer of electronics responsible for providing end-of-life disposal options other than landfill or incinerator disposal of items. Because each state legislature is different, rules that are in place differ. This paper

separated the 29 states that have passed legislation into five groups based on the type of law in place. Each state's legislation and rules are summarized. The majority of these states belong to a group which requires manufacturers to set up recycling programs for residents and the manufacturers must meet a predetermined recycling goal. The next group contains seven states that require manufacturers to implement collection programs for residents so they can recycle their old electronics but, manufacturers are not required to meet a collection and recycling goal. Six states have responded with legislation that puts the state in charge of collection of electronic devices with manufacturers paying for the programs. Five states belong to a group which requires either education of residents on how to recycle electronics or prohibits residents from disposing of certain devices in landfills. Last, is California which runs a statewide collection program but, residents pay for collection of items through a fee at the time of purchase of new electronic items.

The other 21 states that do not have legislation are broken down into three groups. The first, and largest group, consists of states that either have not proposed or provided information about proposed legislation for electronics recycling. The second group looks at six states that had proposed legislation in the past to see what was proposed and why the legislation did not pass. The third group contains four states that passed legislation for study committees to look into passing legislation for recycling.

The paper concludes by looking at the potential sources of confusion for consumers and manufacturers that are required to register with individual states. Electronic devices that are covered by state legislation differ and manufacturer registration dates, fees, reporting requirements and recycling requirements differ as well. Consumers in some states can receive free recycling on some but not all items. The paper concludes by examining national legislation

that has been proposed but is unlikely to pass due to the legislation being held in committee for over a year.