



TESTIMONY ON SENATE BILL 800 – ELECTRONICS RECYCLING

PRESENTED TO THE SENATE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE

BY

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Good morning. I am Lisa Schaefer, Director of Government Relations for the County Commissioners Association of Pennsylvania. The CCAP is a non-profit, non-partisan association providing legislative, education, research, insurance, technology, and other services on behalf of all of the Commonwealth's 67 counties. Thank you for the opportunity to be here today to discuss counties' involvement in electronics recycling, their experience with the Covered Device Recycling Act, and the proposal outlined in Senate Bill 800.

Many counties throughout the commonwealth provide supplemental recycling services to their constituents, including household hazardous waste pickup, recycling of electronics and tires, and recycling drop-off centers. However, in 2005, a Commonwealth Court decision declared that administrative fees, previously levied by more than half of the counties, lacked an adequate statutory base, leaving counties without a dedicated revenue source to fund these programs for the past decade. At the same time, funding for Act 101 grant programs, which provides assistance to counties for developing their solid waste plans every ten years, for planning and implementation of programs and for covering the cost of the county recycling coordinator, has been declining as well. A perfect storm of increasing costs, decreasing revenues, a changing recycling market and economic difficulties over the past eight years has led many counties to curtail, if not outright eliminate, some of these programs for their residents.

The situation is no different for electronics recycling. While not required to do so, some counties have offered electronics recycling both before the CDRA was enacted as well as under the provisions of the CDRA, but not every county is equipped with either funds or infrastructure to provide this type of services. For those who did, they understood that funding for electronics recycling programs under the CDRA was intended to be the responsibility of the manufacturers. As this committee is well aware, though, the funding mechanisms provided under the CDRA are not coming close to covering costs, and many counties that had offered collection opportunities are simply no longer able to do so.

Some counties do continue to offer what programs they can. Both Dauphin County and Lancaster counties, for instance, still offer electronics recycling programs, though both are limited only to residents. York County had suspended its program in December 2015 after its vendor backed out, but was able to resume collections again in the spring of 2016 with a new vendor, and will continue through 2017; their program is also limited to residents. Out in the western part of the state, Elk County is the only outlet in a seven-county area for residents seeking to recycle their electronic devices at no charge – a two- to three-hour roundtrip for some. Cumberland County has opened up a recycling center of its own in 2017, but charges 50 cents per pound. But counties have also reported that they are no longer receiving bid

responses from recyclers, even though they may be in several manufacturers' plans – so even if the funding were adequate, without vendors there are no options to provide to residents.

At the same time, retailers like Best Buy announced in 2016 they would no longer accept televisions or computer monitors in Pennsylvania for recycling, and Goodwill stopped taking televisions and CRT computer monitors in 2013. As you have heard from others on this panel, the continual decline in available electronics recycling opportunities, combined with the landfill ban in the CDRA, is already leading to an increase in illegal dumping, particularly in our rural areas.

While it is clear that the CDRA is not meeting its original intent to establish and fund a recycling infrastructure for electronic devices, what has been less clear in recent years is how the law should be changed to better meet that intent. Senate Bill 800 is the latest effort to provide a solution to the flaws in the CDRA, by creating a statewide system coordinated by the state Department of Environmental Protection (DEP) that changes how the funding is calculated to better ensure that costs will be covered by manufacturers.

This legislation generally meets the principles outlined in the Pennsylvania County Platform related to electronics recycling, in particular providing multiple entities with the ability to establish collection sites, including those counties that are willing and able to do so. We also appreciate that Senator Alloway has addressed concerns we previously raised that a single convenience standard may not fit for the entire commonwealth; counties may instead wish to work together to operate a single convenience center, and Senate Bill 800 allows counties to operate a satellite center in lieu of a convenience center where there is low volume.

Counties have also called for changes to the current law that provide sufficient funding by manufacturers to cover costs, including personnel, collection, storage, recycling and transportation of electronic devices. As noted, Senate Bill 800 is intended to ensure that full funding is provided, remedying one of the chief complaints about the Covered Device Recycling Act. Given the experience counties have had under the Covered Device Recycling Act, they are understandably cautious about funding provisions, and we seek clarification on several points related to funding:

- Where a county chooses to operate a satellite center in lieu of a convenience center if collections are anticipated to be "low in volume," what does low in volume mean and who makes that determination? Further, it is not clear that a county's costs would be covered if it chooses to operate a satellite center, as the invitation to bid (page 20) is issued for the collection, transportation, recycling and processing of waste electronic equipment collected at *convenience centers*. Further, the calculation of the county flat

rate, discussed below, may not include any additional costs for collecting and transferring waste electronic equipment from a satellite center to a convenience center (page 24).

- It is unclear why the county's flat rate per pound needs to be determined by an independent committee, and whether the committee merely recommends the rate to DEP or has the authority to actually set the rate. If this provision is retained, at a minimum the legislation must provide for counties to be sufficiently represented on this committee, and there must be an appeals process for counties in the event costs to meet minimum site standards are greater than the average industry cost determined by the committee.

Other questions and comments about the bill's provisions include:

- In establishing convenience centers in the state default plan under Section 505, DEP has the responsibility to, based on the RFEI to counties and municipal authorities, identify the location of land or buildings owned by counties or municipal authorities that meet or could be renovated to meet the site design and operating criteria for convenience centers, or none is available, to determine sites that could be established by nonprofit organizations, retailers or private businesses. Would sites not have been selected by a county or municipality already if it has responded to the RFEI? Does this provision mean that DEP can override the site choice of county or municipal authority if it chooses to work with a nonprofit organization, even when land it owns is otherwise available that technically meets the site criteria?
- Along similar lines, section 510 indicates that if DEP receives more than one individual alternative plan or joint alternative plan submission for the same county, the Department must rate the proposed plans and give notice to proceed to the plan with the highest rating. However, under section 509, each alternative plan must operate a system on a countywide basis *provided the county has given consent and expressed an intent to enter an agreement with a manufacturer*. With this consent requirement, we are not sure that multiple plans for the same county would ever be submitted to DEP, and if so, why the input of the county would not be sought in determining who would be granted the notice to proceed.
- There are several references in the bill to "minimum per capita goals for the county," but this does not seem to be defined anywhere nor is it clear how these goals fit into the framework established by Senate Bill 800.

Finally, counties have questioned whether, even if electronics recycling programs are fully funded under a program such as Senate Bill 800, there will be a market for the material that will be collected. With their experience in the recycling environment and the lack of vendors

currently available for electronics devices, market development will also be critical to the success of electronics recycling in Pennsylvania going forward.

Again, we believe Senate Bill 800 generally meets the principles that counties would like to see in a legislative fix to the Covered Device Recycling Act, and we look forward to working with Senator Alloway and this committee on this legislation moving forward.

Thank you for your attention to these comments, and I will be pleased to answer your questions.