



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

**"Environmentally Sound Management and
Performance Standards for Direct Processors"**

**Washington State
Electronic Products Recycling Program**

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"Environmentally Sound Management and Performance Standards for Direct Processors"

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Solid Waste & Financial Assistance Program

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Introduction

In October of 2007 the Washington State Department of Ecology (Ecology) adopted the rule “Electronic Products Recycling Program – WAC 173-900.” This rule includes requirements for Washington State’s recycling program for computers, monitors, laptops, and televisions (covered electronic products) from covered entities. Covered entities are households, charities, school districts, small businesses (less than 50 employees), and small governments (cities with a population of less than 50,000 and counties with a population less than 125,000 and special purpose districts). Among other requirements, the rule includes minimum performance standards for direct processors who want to receive compensation under the program for the processing of covered electronic products (CEPs).

Under this program, all direct processors must register with Ecology. On Ecology’s web site is a list called “Direct Processor Registration List” which contains the names of all direct processors currently registered. The list also indicates if the direct processor is meeting the minimum performance standards for direct processors in WAC 173-900-650 or if the direct processor is conforming with the preferred performance standards (“preferred status”) in this document. Ecology encourages direct processors to conform with these voluntary preferred performance standards.

To get more information on the Electronic Product Recycling Program please visit Ecology’s web site: <http://www.ecy.wa.gov/programs/swfa/eproductrecycle/>.

Purpose

This document identifies all of the performance standards a direct processor must conform with in order to receive “preferred status” from Ecology on the “Direct Processor Registration List”, found on Ecology’s web site.

Note: Direct processors must meet the minimum performance standards and other requirements for direct processors in WAC 173-900 in order to provide processing services to a CEP recycling plan. The program for preferred performance standards is voluntary.

Performance Standards for Direct Processors Used by a CEP Recycling Plan

In order to receive “preferred status” a direct processor must conform with all of the performance standards listed in this document for the following categories:

1. [Responsible Management Priorities](#)
2. [Legal Requirements](#)
3. [Environmental, Health, and Safety Management Systems \(EHSMS\)](#)
4. [Recordkeeping](#)
5. [On-site Requirements](#)
6. [Materials of Concern](#)
7. [Recycling](#)
8. [Reuse](#)
9. [Disposal of Residuals](#)
10. [Refurbishment](#)
11. [Transport](#)
12. [Prison Labor](#)
13. [Facility Access](#)
14. [Notification of Penalties and Violations](#)
15. [Due Diligence Downstream](#)
16. [Exporting](#)
17. [Insurance](#)
18. [Closure Plan and Financial Responsibility](#)
19. [Facility Security](#)

Each performance category has two "status levels":

- A) Minimum performance standards (required in WAC 173-900-650)
- B) Preferred performance standards

Direct processors must meet all of the performance standards in both status level A) and B) and meet the other requirements in this document in order to receive “preferred status”.

Performance Standards for Direct Processors

Categories one through twenty identify all of the performance standards a direct processor must conform with in order to receive “preferred status” from Ecology on the direct processor registration list posted on Ecology’s web site.

1. Responsible Management Priorities

Minimum Performance Standards from WAC 173-900-650

A direct processor must periodically evaluate its management strategies to assure it takes advantage of new more effective technologies and is otherwise continuously improving its practices and processes.

Preferred Performance Standards

No additional performance standards.

2. Legal Requirements

Minimum Performance Standards from WAC 173-900-650

(a) A direct processor must comply with all federal, state, and local requirements and, if it exports, those of all transit and recipient countries that are applicable to the operations and transactions in which it engages related to the processing of CEPs, components, parts, and materials and disposal of residuals. These include but are not limited to applicable legal requirements relating to:

- (i) Waste and recyclables processing, storage, handling, and shipping; and
- (ii) Air emissions and waste water discharge, including storm water discharges; and
- (iii) Worker health and safety; and
- (iv) Transboundary movement of electronic equipment, components, materials, waste, or scrap for reuse, recycling, or disposal.

(b) Upon request by a covered entity, a direct processor must make available information to that covered entity about any financial penalties, regulatory orders, or violations the direct processor received in the previous three years. If the direct processor receives subsequent penalties or regulatory orders, the direct processor must make that information available within sixty days after any subsequent penalties or regulatory orders are issued.

Preferred Performance Standards

No additional performance standards.

3. Environmental, Health, and Safety Management Systems (EHSMS)

Minimum Performance Standards from WAC 173-900-650

(a) A direct processor must develop, document, fully implement, and update at least annually a written EHSMS that includes all of the following:

(i) Written goals and procedures that require the direct processor to systematically manage its environmental, health, and safety matters.

(ii) Utilization of a "plan, do, check, act" model that identifies environmental aspects, implements operational controls, and provides corrective action procedures. Elements of this model must include:

(A) Plan

(I) Identification of environmental impacts, and legal and regulatory requirements;

(II) Establishment of environmental goals, objectives and targets;

(III) Plan actions that work toward achieving identified goals;

(IV) Plan for emergency preparedness and response; and

(V) Commitment of management support.

(B) Do

(I) Establish roles and responsibilities for the EHSMS and provide adequate resources;

(II) Assure that staff are trained and capable of carrying out responsibilities; and

(III) Establish a process for communicating about the EHSMS within the business.

(C) Check

(I) Monitor key activities and track performance;

(II) Identify and correct problems and prevent recurrence; and

(III) Provide a measurement system that quantifies the application of the model.

(D) Act

(I) Conduct annual progress reviews;

(II) Act to make necessary changes to the EHSMS; and

(III) Create and implement an action plan for continual improvement.

(iii) A worker safety and health management plan that conforms to a consensus-based standard covering worker health and safety such as ANSI Z10 or to a similarly rigorous in-house standard.

(iv) A plan for responding to and reporting exceptional releases that could pose a risk to worker safety, public health, or the environment. Such releases include emergencies such as accidents, spills, fires, and explosions. The direct processor must submit this plan to all appropriate emergency responders, e.g., police, fire department, hospitals.

(v) A plan is conformable with ISO 14001, Institute of Scrap Recycling Industries' Recycling Industry Operating Standards ("RIOS"), the International Association of Electronic Recyclers' ("IAERs") standard, or other standards designed at a level appropriate for processing at the facility.

(b) A direct processor must ensure all employees understand and follow the portions of the EHSMS relevant to the activities they perform.

Preferred Performance Standards

(c) The EHSMS must also include a procedure for:

(i) Identifying and evaluating the environmental, health, and safety impacts of downstream vendors, and

(ii) Utilizing the information in (a) in the selection of downstream vendors.

4. Recordkeeping

Minimum Performance Standards from WAC 173-900-650

(a) A direct processor must maintain documentation such as commercial contracts, bills of lading, or other commercially accepted documentation for all transfers of CEPs, components, parts, materials, and residual into and out of its facilities.

(b) A direct processor must retain documents required for at least three years.

Preferred Performance Standards

(c) The direct processor must also maintain records for any brokering transactions for at least three years.

5. On-site Requirements

Minimum Performance Standards from WAC 173-900-650

(a) **General**

(i) Direct processors must take all practicable steps to maximize recycling.

(ii) A direct processor must have the expertise and technical capability to process each type of CEP and component it accepts in a manner protective of worker safety, public health, and the environment.

(iii) A direct processor must use materials handling, storage and management practices, that assure that all work and storage areas are kept clean and orderly.

(iv) Speculative accumulation:

(A) "Speculative accumulation" means holding, storing or accumulating CEPs, components, parts, materials, or residual derived therefrom for more than one hundred eighty days.

(B) Generators and facilities holding, storing, or accumulating CEPs, components, parts, materials, or residual derived therefrom for more than one hundred eighty days will be considered holding, storing, accumulating solid or hazardous waste and subject to applicable treatment, storage or disposal regulations or equivalent.

(v) A direct processor must use a certified scale to weigh CEPs and components counted towards a plan's equivalent share.

(b) Storage

A direct processor must store materials of concern removed from CEPs, components, parts, materials, or residuals in accordance with WAC 173-900-650(11) in a manner that:

- (i) Protects them from adverse atmospheric conditions and floods and, as warranted, includes a catchment system;
- (ii) Is secure from unauthorized entrance; and
- (iii) Is in clearly labeled containers and/or storage areas.

(c) Exceptional releases posing risks

A direct processor must be prepared to immediately implement the practices set forth in its EHSMS for responding to and reporting exceptional releases that could pose a risk to worker safety, public health, or the environment, including emergencies such as accidents, spills, fires, and explosions.

Preferred Performance Standards

(d) Workforce and Environmental Protection

(i) **Hazards identification and assessment:** A direct processor must conduct on an ongoing basis (as new types of CEPs, components, parts and materials are processed or new processes are utilized) a hazards identification and assessment of occupational and environmental risks that exist or could reasonably be expected to develop at the facility.

Such risks could result from any sources, including but not limited to:

- Emissions of and/or exposure to substances¹
- Noise
- Ergonomic factors
- Thermal stress
- Substandard machine guarding
- Cuts and abrasions

¹ Risks posed by exposure to substances may arise in a variety of situations – sometimes involving substances that do not under ordinary conditions pose a risk to worker safety or the environment. Such substances may include mercury, lead, beryllium, cadmium, PCBs, some phosphor compounds, certain brominated flame retardants (i.e., polybrominated biphenyls, pentabrominated diphenyl ether, and octabrominated diphenyl ether), silica dust, chlorinated or brominated dibenzodioxins and dibenzofurans, and hexavalent chromium.

(ii) The hazards identification and assessment is captured in writing and incorporated as a component of the direct processor's EHSMS.

(iii) A direct processor must manage the hazards and minimize the releases it identifies using an appropriate combination of strategies in the following order of priority:

- **Engineering controls**
- **Administrative and work practice controls**
- **Personal protection equipment**

(A) Engineering controls:

(I) A direct processor must use at least one of the following:

- Substitution (e.g., replacing a toxic solvent with one less toxic),
- Isolation (e.g., automating a process to avoid employee exposure), or
- Ventilation and, if appropriate, capture (e.g., fume hood),

And

(II) All of the following:

- Dust control, capture, and clean up, and
- Emergency shut-off systems, and
- Fire suppression systems.

(B) Administrative and work practice controls:

A direct processor must use administrative and work practice controls including appropriate combinations of:

(I) Regular, documented health and safety training that covers information from the hazardous assessment, safe management handling, spill prevention, engineering controls, equipment safety, and use and care of personal protection equipment; with training for new hires and refresher courses for all employees that is understandable to them given language and level-of-education considerations,

(II) Job rotation, as feasible, given workforce size,

(III) Safe work practices,

(IV) Medical monitoring,

(V) Safety meetings.

(C) Personal protective equipment, including respirators, protective eyewear, cut-resistant gloves, etc. as appropriate for the risks involved in the tasks being performed.

(iv) A direct processor must use and document monitoring and sampling protocols according to state and federal standards and provide assurances that the practices it employs are effective and continuously managing the risks it has identified. This

includes complying with all applicable Federal or State (Occupational Safety and Health Administration) OSHA standards and sampling and/or monitoring protocols.

(v) A direct processor must treat anyone performing activities in its facilities, using the standard of care established in this section. Direct processors are not required to provide medical monitoring for short-term, temporary and volunteer workers.

(vi) A direct processor must designate a qualified employee or consultant to coordinate its efforts to promote worker health and safety. This individual is identified to all employees and two-way communication is encouraged between employees and this individual regarding potential hazards and how best to address them.

6. Materials of Concern

Minimum Performance Standards from WAC 173-900-650

Materials of concern must be handled according to the standards in this section. "Materials of concern" are any of the following:

- (a) Any devices, including fluorescent tubes, containing mercury or PCBs;
- (b) Batteries;
- (c) CRTs and leaded glass; and
- (d) Whole circuit boards.

Preferred Performance Standards

No additional performance standards.

7. Recycling

Minimum Performance Standards from WAC 173-900-650

(a) Recycling

(i) A direct processor must remove from CEPs and components destined for recycling any parts that contain materials of concern that would pose a risk to worker safety, public health, or the environment during subsequent processing.

(ii) A direct processor must remove any parts that contain materials of concern prior to mechanical or thermal processing and handle them in a manner consistent with the regulatory requirements that apply to the items, or any substances contained therein. Circuit boards and materials derived therefrom will be allowed to be shredded prior to separating.

Preferred Performance Standards

(b) Recycling:

(i) A direct processor must dismantle, separate, and/or mechanically process, as appropriate, CEPs, components, and parts from which materials are to be recovered for

recycling into separate “material streams” to generate value, recover materials and minimize waste, and to enable safe management through to final disposition.

8. Reuse

Minimum Performance Standards from WAC 173-900-650

(a) Reuse

- (i) "Reuse" means any operation by which an electronic product or component of a covered electronic product changes ownership and is used, as is, for the same purpose for which it was originally purchased.
- (ii) For a CEP, component or part to be put to reuse it must be fully functioning.
- (iii) CEPs, components and parts gleaned for reuse shall not be included in the weight totals submitted to a plan for compensation.

Preferred Performance Standards

(b) Reuse:

- (i) Before shipping CEPs, components, or parts for reuse, the direct processor must:
 - (A) Test and ensure that the CEPs, components, and parts are functioning properly for the same purpose for which they were originally purchased.
 - (B) Accurately label, package, and ship the CEPs, components, and parts in a manner that will minimize damage during transport.
- (ii) A direct processor must verify a legitimate end-use market for the intended purpose of any CEPs, components or parts shipped for reuse.

9. Disposal of Residuals

Minimum Performance Standards from WAC 173-900-650

(a) Disposal of residuals

- (i) "Residuals" are leftover materials from processing CEPs, components, parts and materials. Residuals are materials that cannot be used for their original function or cannot be recycled and are sent by a processor to a disposal facility.
- (ii) Residuals must be properly designated and managed under applicable solid waste and hazardous waste laws at the location where disposal occurs.
- (iii) A direct processor must not send residuals containing materials of concern to incinerators or solid waste landfills if doing so will pose a higher risk to worker safety, public health, or the environment than alternative management strategies.
- (iv) Residuals from processing of materials of concern must not be mixed with other residuals for the purpose of disposal.

Preferred Performance Standards

- (b) Residuals must be disposed of in a regulated solid waste disposal facility. Residuals containing materials of concern must be disposed in a regulated hazardous waste disposal facility.

10. Refurbishment

Minimum Performance Standards from WAC 173-900-650

No minimum performance standards from WAC 173-900-650.

Preferred Performance Standards

(a) Refurbishment:

- (i) A direct processor must adhere to all the performance standards in this document for all on-site activities relating to CEPs, components, and parts destined for refurbishment.
 - (A) A direct processor must conform to all performance standards in this document for its onsite and downstream vendors' refurbishment operations, and when shipping CEPs, components, or parts to downstream vendors for refurbishment.
- (ii) CEPs, components and parts gleaned for refurbishment shall not be included in the weight totals submitted to a plan for compensation.
- (iii) A direct processor must verify a legitimate end-use market for the intended purpose of any CEPs, components or parts shipped for refurbishment.

11. Transport

Minimum Performance Standards from WAC 173-900-650

- (a) A direct processor must ensure that all CEPs, CEP components and materials to be transported are packaged in compliance with all applicable transport laws and rules.

Preferred Performance Standards

- (b) A direct processor must ensure all CEPs, components, parts, materials, and residuals to be transported are packaged appropriately in light of the risk they could pose during transportation to public health or the environment and the level of care warranted by their intended use.
- (c) A direct processor must obtain written documentation or a third-party certification indicating that their transporters have all the necessary regulatory authorizations and no significant violations of relevant legal requirements during the past three years.

12. Prison Labor

Minimum Performance Standards from WAC 173-900-650

Direct processors may not use federal or state prison labor for processing.

Preferred Performance Standards

No additional performance standards.

13. Facility Access

Minimum Performance Standards from WAC 173-900-650

(a) Direct processors must allow access to the facility and the documentation required in this section for the purposes of assessing compliance with the requirements in this chapter and for sampling to:

- (i) Ecology and ecology's designee(s);
- (ii) Third-party observers for the purposes of sampling;
- (iii) For processors used by the standard plan:
 - (A) The authority;
 - (B) The authority's designee(s);
- (iv) For processors used by an independent plan:
 - (A) That plan's authorized party;
 - (B) The authorized party's designee(s) for that plan.

Preferred Performance Standards

No additional performance standards.

14. Notification of Penalties and Violations

Minimum Performance Standards from WAC 173-900-650

Each direct processor must notify ecology within thirty days if the direct processor receives any penalties, violations or regulatory orders related to processing activities.

Preferred Performance Standards

No additional performance standards.

15. Due Diligence Downstream

Minimum Performance Standards from WAC 173-900-650

No minimum performance standards in WAC 173-900-650.

Preferred Performance Standards

(a) For materials of concern and residuals containing materials of concern a direct processor must only use downstream vendors who conform with all of the performance standards in this document.

-
- (i) A direct processor must review its downstream vendors' conformity to these standards at least every two years and more frequently as changes in circumstances warrant. The direct processor must provide the verification and documentation to Ecology upon request.
 - (ii) A direct processor must document the chain of custody of all materials of concern and their residuals through final disposition.
 - (iii) A direct processor does not need to conduct the due diligence for downstream vendors certified to the performance standards in this document by an accredited body.

16. Exporting

Minimum Performance Standards from WAC 173-900-650

No minimum performance standards in WAC 173-900-650.

Preferred Performance Standards

- (a) A direct processor that exports materials of concern must ensure that each transit and recipient country legally accepts such imports. For each country that is not a member of the Organization for Economic Co-operation and Development (OECD), this entails either:
 - (i) Requesting and receiving documentation, prior to shipping, from the Competent Authority² of each such transit and/or import country, that clearly verifies in English that the country legally accepts such imports, or
 - (ii) Requesting and receiving, prior to shipping, confirmation—that the country(ies) legally accepts such imports—from the United States Environmental Protection Agency, which in turn will communicate with the other country's Competent Authority to get a determination.

17. Insurance

Minimum Performance Standards from WAC 173-900-650

No minimum performance standards in WAC 173-900-650.

Preferred Performance Standards

- (a) A direct processor possesses adequate Comprehensive or Commercial General Liability Insurance including coverage for:
 - (i) Bodily injury,
 - (ii) Property damage,
 - (iii) Pollutant releases,

² In countries that have ratified the Basel Convention, the "Competent Authority" is the entity that provides documentation concerning the legality of transboundary transactions involving equipment or components that the country classifies as Basel wastes. In countries that have not ratified this treaty, responsible recyclers acquire the necessary documentation from the national government entity legally responsible for determining the legality of such transboundary transactions.

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- (iv) Accidents and
 - (v) Other emergencies.

18. Closure Plan and Financial Responsibility

Minimum Performance Standards from WAC 173-900-650

No minimum performance standards in WAC 173-900-650.

Preferred Performance Standards

A direct processor must develop and keep current a closure plan and a sufficient financial instrument that assures proper closure of the facility and assures against abandonment of any CEPs, components, parts, materials or residuals.

19. Facility Security

Minimum Performance Standards from WAC 173-900-650

No minimum performance standards in WAC 173-900-650.

Preferred Performance Standards

A direct processor must have a functioning security program that controls access to all or parts of the processing facility in a manner and to a degree appropriate given the type of CEPs, components, parts, materials, and residuals handled and the needs of the customers served and may include such items such as indoor and outdoor lighting, secured facilities, and perimeter fencing.

How to receive “preferred status” from Ecology

- Step 1:** A direct processor must implement all of the performance standards included in this document (minimum and preferred performance standards).
- Step 2:** A direct processor must receive certification from an auditor from an “accredited body” as documented in an annual performance audit report documenting that the processor meets all the performance standards in this document.
- Step 3:** For each CEP recycling plan for which the direct processor provides processing services, the authority or authorized party must submit a plan, or plan update, that includes the initial annual performance audit report for the direct processor. (After the initial report, subsequent audit reports must be submitted with the plan’s annual report.)
- Step 4:** Upon approval of the CEP recycling plan, or a plan’s annual report, Ecology will list the processor as in conformance with the preferred performance standards on the “Direct Processor Registration List” found on Ecology’s web site.

Note: If a direct processor is already listed in the approved CEP recycling plan, the annual compliance audit report certifying that the processor meets all of the preferred performance standards must be included in the plan’s annual report to Ecology (see WAC 173-900-800)

Noncompliance with preferred performance standards

Ecology may allow a direct processor to not comply with a specific performance standard in this document when the national, state, or local laws or rules where the processor is located and a performance standard in this document conflict. When a conflict exists, the direct processor’s audit report must document the conflict and the processor’s compliance with the corresponding laws or rules (see WAC 173-900-365(4) and the section below on audit reports). The annual compliance audit report must include:

- (a) Identification of which performance standard(s) is in conflict; and
- (b) Documentation of the conflict and the processor's compliance with the corresponding national, state, or local laws or rules that apply at that location;

How to lose “preferred status”

Ecology will not list or will remove a direct processor from “preferred status” if:

- (a) Ecology does not receive an annual audit report with certification from an accredited body that the direct processor meets all of the preferred performance standards in this document; or
- (b) Ecology or Ecology’s designee discovers that the direct processor is not meeting all of the preferred performance standards in this document.

If a direct processor loses preferred status, and is still providing services to a CEP recycling plan, the direct processor must still be in compliance with the minimum performance standards

in WAC 173-900-650. If the direct processor is not meeting the minimum performance standards Ecology will follow the warning, penalty, and violations requirements in WAC 173-900-380 and 173-900-390.

Annual Compliance Audit Report for “Preferred Status”

For each CEP recycling plan for which a direct processor is providing processing services, Ecology must receive a CEP recycling plan or plan annual report that includes an annual compliance audit report (report) for the direct processor. To receive “preferred status” this report must demonstrate and certify that the direct processor is in conformance with all of the performance standards in this document.

Each report submitted to Ecology for “preferred status” must include:

- (a) A list of all the performance standards in this document;
- (b) Documentation that the direct processor meets each of the performance standards, including a list of all applicable national, state, and local laws, rules, and ordinances, related to processing activities;
- (c) Documentation of noncompliance with a performance standard: Ecology may allow a direct processor to not comply with a specific performance standard in WAC 173-900-650 or this document when the national, state, or local laws or rules where the processor is located and a performance standard conflict. When a conflict exists, the audit report must include:
 - (i) Identification of which performance standard(s) is in conflict.
 - (ii) Documentation of the conflict and the processor's compliance with the corresponding national, state, or local laws or rules that apply at that location;
- (d) Documentation of the compliance auditor’s accreditation through:
 - (i) ISO Guide 66;
 - (ii) ISO/IEC Standard 17021:2006; or
 - (iii) Another body approved by Ecology.
- (e) Signature of the auditor certifying the accuracy of the report.

Proprietary information submitted to Ecology in this audit report is exempt from public disclosure under RCW 42.56.270.

Updates to this document

Ecology may update the content of this document at any time. When updates are made, Ecology will notify all registered direct processors and the authority and authorized party for each CEP recycling plan.

Situations that may result in an update to this document include but are not limited to:

- (a) The laws or rules related to the Electronic Product Recycling program are amended.
- (b) The EPA document “Responsible Recycling Practices for Electronics Recyclers” is updated.

Conformance with “Responsible Recycling (R2) Practices for Electronics Recyclers”

The preferred performance standards in this document are based on the responsible recycling standards defined in “Responsible Recycling (R2) Practices for Electronics Recyclers” issued by the Environmental Protection Agency. EPA’s voluntary program covers a broader range of electronic products than Washington State’s program. Ecology’s recognition of a direct processor in “preferred status” does not automatically mean that processor is in compliance with EPA’s voluntary program.

Definitions

Accredited Body

An “accredited body” is accredited under ISO Guide 66, ISO/IEC Standard 17021:2006, or another body approved by Ecology.

Authority

"Authority" means the Washington materials management and financing authority.

Authorized Party

"Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

Collector

"Collector" means an entity that is licensed to do business in Washington state and that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets the registration and collector performance standards requirements in Chapter 173-900 WAC – Part IV.

Component

"Component" includes but is not limited to televisions, computers, laptops, portable computers, monitors, keyboards, mice, and external hard drives.

Covered Electronic Product

"Covered electronic product" or "CEP" includes any one of the following four types of products that has been used in Washington state by any covered entity, regardless of original point of purchase:

- (a) Any monitor having a viewable area greater than four inches when measured diagonally;
- (b) A desktop computer;
- (c) A laptop or a portable computer; or
- (d) Any video display device having a viewable area greater than four inches when measured diagonally.

"Covered electronic product" does not include:

- (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft;
- (b) Monitoring and control instruments or systems;
- (c) Medical devices;

(d) Products including materials intended for use as ingredients in those products as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts;

(e) Equipment used in the delivery of patient care in a health care setting;

(f) A computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; automatic teller machines, vending machines or similar business transaction machines; or

(g) Hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

Direct Processor

“Direct processor” means a processor contracted with a CEP recycling plan to provide processing services for the plan.

Downstream Vendors

“Downstream vendors” include any entities which further process used or end-of-life CEPs, components, parts, materials, or residuals for a CEP recycling plan. Downstream vendors include reuse, refurbishing, demanufacturing, processing, recycling, energy recovery, and disposal facilities.

Final Disposition

“Final Disposition” refers to the point in the recycling/disposal chain beyond which no further processing takes place and the materials are either in a form capable of direct use as a feedstock in manufacturing new products, as an alternative to primary raw materials, or are finally disposed of (e.g., in a landfill or incinerator.) This includes e.g. smelters, glass-to-glass manufacturing facilities, landfills, incinerators, and waste-to-energy facilities.

Functioning Properly

“Functioning Properly” means a CEP, component, or part can perform the primary functions it originally was designed to perform and that it does not include any CEPs, components or parts containing a Material of Concern that a downstream vendor or end user would typically remove and discard upon receipt.

Material and Material Stream

“Material” and “material stream” means processed CEPs, components, and parts.

Materials of Concern

“Materials of Concern” include each of the following:

- (1) Any devices, including fluorescent tubes, containing mercury or polychlorinated biphenyls (PCBs);
- (2) Batteries;
- (3) Cathode Ray Tubes (CRTs) and leaded glass; and
- (4) Whole circuit boards

These items are included in the definition because of their varying levels of potential for improper handling and/or management that could result in risk to worker safety, public health, or the environment.

Part

"Part" means whole pieces out of CEPs or components such as but not limited to processors, chips, or cathode ray tubes.

Processing Services

“Processing services” means disassembling, dismantling, or shredding electronic products to recover materials contained in the CEPs received from registered collectors or transporters and preparing those materials for reclaiming, reuse, or refurbishment in accordance with processing standards established in chapter 173-900 WAC and this document.

Processor

A “processor” is an entity:

- (a) Engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and preparing those materials for reclaiming, reuse, or refurbishment in new products in accordance with processing standards established by this chapter; and
- (b) That may salvage CEPs, components, and parts to be used in new or refurbished products.

Recycling

"Recycling" means transforming or remanufacturing unwanted electronic products, components, and by-products into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and by-products with or without other

waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

Refurbishment

“Refurbishment” means to repair a used CEP, component, or part in order to restore or improve it so that it may be used for the same purpose for which it was originally designed.

Residual

“Residual” means leftover materials from processing CEPs, components, parts and materials. Residuals are materials that cannot be used for their original function or cannot be recycled and are sent by a processor to a disposal facility.

Reuse

“Reuse” means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

Third-Party Auditor

“Third-party auditors” are (a) individuals or entities established in the business of conducting environmental audits of companies and that (b) do not have an affiliation or relationship with the company it is auditing other than the formal auditing relationship.

Transporter

“Transporter” means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.