

**PROPOSALS FOR END-OF-LIFE ELECTRONICS MANAGEMENT:**

**A PRIMER**

**Retail Perspective**

**Prepared and Compiled by  
The Northeast Recycling Council (NERC) and the Council of State Governments/Eastern Regional Conference (CSG/ERC)**

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**CONSUMER ELECTRONICS RETAILERS COALITION (CERC)**  
**Position on the Need for a National Electronics Management System**

**Consumer electronics (CE) retailers strongly believe that –**

- Developing a national electronics management system that effectively encourages the collection and recycling of electronic waste is far more preferable if handled as a “federal solution” rather than by individual states;
- They have an important role in working with and being active participants with other interested stakeholders in developing a successful federal model that will have to be implemented at the local level.
- A successful national system for electronics recycling can be established without imposing fees at the point-of-sale; without having to create a new complex administrative structure; and without mandates that discourage innovation.
- A no-fee system will not only continue to encourage innovation, but will also provide consumers with a variety of choices and manufacturers with flexibility to implement electronics recycling programs that make sense – to consumers, government, retailers and manufacturers.
- The U.S. can learn from and build on the lessons of other countries that have implemented recycling programs. Our nation has a unique opportunity to create a progressive producer responsibility system that encourages the market to drive an effective, efficient and environmentally sound solution.

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**FEDERAL LEGISLATION** – A comprehensive nationwide approach to the financing, collection, transportation and recycling of electronic devices that preempts individual state action is ultimately the best solution for all parties – manufacturers, distributors, retailers, collection agencies, recyclers, governments at all levels and consumers.

- CE retailers view the implementation of the ***Producer Responsibility*** model as the most efficient and comprehensive electronics waste management plan. This approach will encourage effective recycling and be the least burdensome to the consumer. In order to be successful, however, the ***Producer Responsibility*** approach must include –
  - A **limited number of types and clear definition** of covered devices.
  - That any ‘**take-back**’ programs – if mentioned at all – must remain **voluntary**.
  - A ‘**safe harbor**’ for a consumer electronics retailer that sells a product not covered under an approved management plan absent actual knowledge.
  - Programs that help **educate** and are easily understood by **consumers**.
  - A **flexible system** that allows manufacturers the ability to provide services to consumers and encourages the market to drive efficiencies and choices.
  - Encouraging **voluntary collection initiatives**.
  - Establishing manufacturers’ **financial responsibility based on the products that consumers return to the system** – not point-of-sale fees or other financial models that do not reflect the true costs of the return system.

**STATE ACTION** – Though a successful electronic waste management solution must be nationwide in scope, CE retailers, in coalition with other interested stakeholders, will actively work with states that remain desirous of moving their own legislative solution as a transitional step to the implementation of a nationwide system – focusing their attention on the ***Producer Responsibility*** model. If a state does move such legislation, it should include a **sunset provision** that allows for federal preemption in the event that Congress passes a national electronic device recycling law and cover **all means by which a covered device is sold for retail** in the state – whether sold in-store, by telephone or over the Internet.

For practical and administrative reasons, a **nationwide *PRODUCER RESPONSIBILITY* approach is the most efficient and optimal answer** because it will –

- Place responsibility for the effective recycling of electronic devices where it belongs – on those stakeholders, including producers, distributors, retailers and consumers, who benefit from the sale of electronic products.
- Encourage producers to design products for ease of recycling, and could encourage manufacturers to design products with less materials of concern, if laws are designed to exempt those products that are safe for landfills.
- Establish a system that – unlike the point-of-sale advance recovery fee approach instituted in California – is easy to administer, is not complicated, is inexpensive for consumers, retailers and governments, and does not unfairly burden the residents of one state.
- Provide a level playing field that applies to all types of sale at the state level – whether the covered consumer electronic product is sold via the Internet, catalogue, over the telephone, or in a traditional brick-and-mortar/in-store operation.

**THE POINT-OF-SALE|ADVANCE RECOVERY FEE APPROACH WILL NOT WORK**

- CE retailers oppose any “point-of-sale advance recovery fee” (POS|ARF) approach because it has been shown to not accomplish its goals; is administratively burdensome for all parties; and will only guarantee a new revenue source for government without guaranteeing that an effective recycling system will be put into place. In short, particularly given significant budget cutting at all levels of government **a POS|ARF will not adequately fund an effective recycling program, and will only serve to confuse and burden the consumer with the imposition of new fees and perceived new taxes without any direct benefits.**