

Industry groups sue over NYC e-waste recycling law

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The Consumer Electronics Association ([CEA](#) [1]) and the Information Technology Industry Council ([ITI](#) [2]) have [filed a legal challenge](#) [3] against a New York City law mandating door-to-door collection of e-waste. Local Law [No. 13](#) [4], taking effect July 31st, forces all electronic manufacturers doing business in NYC to provide free door-to-door collection services for covered equipment.

According to the law's provisions, manufacturers were required to submit by September 1st, 2008, *"an electronic waste management plan for the collection, handling, and recycling or reuse of covered electronic equipment and orphan waste. Any person who becomes a manufacturer on or after September first, two thousand eight shall submit to the department an electronic waste management plan for the collection, handling, and recycling or reuse of covered electronic equipment and orphan waste prior to selling any covered electronic equipment in the city."* Said plan would take effect July 31st.

CEA argues that the new regulation will clog city streets with hundreds of trucks and cost manufacturers upwards of \$200 million annually. It also shows a certain disdain for industry. Dean Garfield, president and CEO of ITI, says that, *"Despite the technology industry's best efforts to negotiate with New York City officials on a reasonable and effective recycling program, the City is proceeding with plans to impose the most costly, burdensome and environmentally harmful electronics recycling requirements in the world."* The CEA's President and CEO, Gary Shapiro, believes manufacturers shouldn't bear the entire financial burden for e-waste disposal. *"The responsibilities and costs for electronics recycling should be shared among all stakeholders, including city and state governments, retailers, recyclers and consumers,"* says Shapiro.

I question the trade groups' concern for the environment. The CEA mentions a potential increase in, *"air and noise pollution, and carbon emission"* (due to the heavy presence of collection trucks). This cynical explanation reeks. However, I agree that the law places undue financial burden on the manufacturers. With NYC's unemployment rate [surging](#) [5] at 9.5 percent, should we penalize those who create jobs? New York City Council Speaker Christine Quinn sees it differently. She believes manufacturers are [trying to](#) [6], *"duck their responsibility to New Yorkers."*

E-waste is a serious problem. The Silicon Valley Toxics Coalition ([SVTC](#) [7]) addressed the issue in their 2004 report, *"Poison PCs and Toxic TVs* [8].*"* In it, the SVTC released a number of sobering statistics. The SVTC claimed that, *"The 315 million computers that became obsolete between 1997 and 2004 contain a total of more than 1.2 billion pounds of lead. When these components are illegally disposed and crushed in landfills, the lead is released into the environment, posing a*

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hazardous legacy for current and future generations.” Furthermore, “About 70% of the heavy metals (including mercury and cadmium) found in landfills comes from electronic equipment discards. These heavy metals and other hazardous substances found in electronics can contaminate groundwater and pose other environmental and public health risks.”

What can be done? One common practice is exporting our e-waste to undeveloped countries. An editorial on these pages, “[The Dangers of Exporting E-waste](#) [9]” detailed this process of “backyard recycling.” Author Ken Manchen (Newark & Premier Farnell) describes the process thusly: “*Unprotected workers heat the products over open fires to remove reusable components. They soak what remains in acid baths to extract reclaimable metals. In the process, these “backyard recyclers” are exposed to a variety of toxic substances.*” On the other hand, these nations often depend on the commerce this brings. There must be a middle ground between workers’ safety and financial gain.

The manufacturers have also endeavored to improve their recycling techniques. Some feel they haven’t done enough. Treehugger [says](#) [10], “*It's true that manufacturers are getting a little better at voluntary recycling programs...but it's also true that e-waste crimes abound, and recycling of electronics is far from perfect.*” Greenpeace, the self-appointed “voice” of planet Earth, [claims that](#) [11], “*Many companies have made big strides to improve their products and recycling schemes...but no company has so far succeeded in offering an entire range of products free of the worst toxic chemicals or a comprehensive, free, global takeback scheme to ensure responsible recycling.*”

No one denies that e-waste is a growing problem, but this isn’t the way to go. Instead of compromising, NYC shifted all of the responsibility (and financial burden) to the manufacturers. This couldn’t be a worse time to penalize the job-creators. If NYC wanted to impose such an ambitious plan, shouldn’t they take some responsibility for its implementation?

This reminds me of the protestors I encountered at [CES 2009](#) [12]. Calling themselves “[Take Back My TV](#) [13]” (a project of the Electronic TakeBack Coalition), the activists donned zombie garb and put on street theater in front of (and inside) the Las Vegas Convention Center. The implication was that electronics “lived on” (i.e. zombies) after being disposed of. To end on a light note, here’s video of the group doing “Thriller.” If only all problems could be solved this way.

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Links:

[1] <http://www.ce.org/default.asp>

[2] <http://www.itic.org/>

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[3] http://www.ce.org/Press/CurrentNews/press_release_detail.asp?id=11765

[4] http://www.nyccouncil.info/pdf_files/bills/law08013.pdf

[5] http://www.labor.state.ny.us/pressreleases/2009/July16_2009.htm

[6] <http://www.govtech.com/gt/articles/705002>

[7] <http://www.svtc.org/site/PageServer>

[8] <http://www.svtc.org/site/DocServer/ppcttv2004.pdf?docID=301>

[9] <http://www.ecnmag.com/ez-The-Dangers-of-Exporting-E-waste.aspx?menuid=&adcode=section=effzone>

[10] <http://www.treehugger.com/files/2009/07/electronics-associations-file-suit-against-nyc-over-door-to-door-ewaste-collection-law.php>

[11] <http://www.greenpeace.org/international/news/e-waste-toxic-not-in-our-backyard210208>

[12] <http://www.ecnmag.com/CES-2009-Best-of-011609.aspx>

[13] <http://www.takebackmytv.com/>