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ELECTRONIC DEVICE RECYCLING

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In 2012, the General Assembly enacted and the Governor signed the Electronic Recycling Jobs Act (Senate Bill 12-133), which prohibits the disposal of certain personal-use electronic items in landfills. This issue brief provides an overview of electronic waste (e-waste) legislation, the types of devices that may and may not be disposed of in Colorado landfills, and information about how to properly dispose of e-waste.

Background

Electronics may contain potentially dangerous substances such as lead, mercury, and cadmium. If electronics are not properly disposed of, these substances could pose a risk to human health and the environment. Additionally, recycling the materials in electronics may reduce the need to mine and extract more natural resources used to make electronics.

The regulation of e-waste has been a legislative trend in recent years. Currently, there is no federal mandate to recycle e-waste, but federal law deems certain electronic devices hazardous. If an electronic device tests as hazardous under federal law it is subject to special handling requirements. One factor used to determine whether e-waste is hazardous under federal regulations is the quantity of e-waste generated by a business or other organization. However, used computer monitors and televisions generated by households are not federally regulated.

Over 20 states have enacted legislation concerning e-waste and electronics recycling. Specifically, states

including Illinois, Pennsylvania, West Virginia, and Wisconsin have enacted legislation similar to Colorado's Electronic Recycling Jobs Act prohibiting the disposal of e-waste in landfills. Other states have enacted extended producer responsibility laws that require manufacturers to finance the costs of recycling or safe disposal of their products.

Legislation Overview

Prior to the enactment of the Electronic Recycling Jobs Act, many landfills in Colorado did not accept electronic waste because of concerns about hazardous materials in electronic devices. Under the act, as of July 1, 2013, the following devices may no longer be disposed of in Colorado landfills:

- television sets;
- central processing units, which are the key component of a computer system, containing the circuitry necessary to interpret and execute program instructions;
- computer monitors;
- computer keyboards, mice, and other devices sold exclusively for external use with a computer;
- printers;
- fax machines;
- laptops;
- electronic tablets;
- DVD players;
- VCRs;
- radios;

- stereos;
- video game consoles; and
- video display devices with viewing screens greater than four inches diagonally.

The following electronic devices may still be disposed of in Colorado landfills:

- appliances;
- non-hazardous industrial or commercial devices;
- motor vehicle components; and
- telephones.

If a person leaves an electronic device for a waste hauler to dispose of, the hauler will tag the device with a notice that the device cannot be disposed of at a landfill and must be recycled. Devices that remain left out for the waste hauler for consecutive weeks are considered illegal disposal of solid waste. According to the Colorado Department of Public Health and Environment (CDPHE), the generator of the waste is subject to local government fines and possibly state enforcement for abandoning solid waste. Waste haulers and landfill owners and operators are provided immunity if they have made a good-faith effort to comply with the electronic device disposal ban.

Individuals are responsible for removing any personal or financial data from any device they recycle. The legislation provides immunity to a recycler for any personal or financial data left on a device by a consumer.

Finally, the legislation specifies that as of July 1, 2013, state agencies must arrange for the recycling of specified electronic devices with a certified recycler.

Exceptions. If a county does not have at least two e-waste recycling events a year or an ongoing e-waste recycling program for its residents, a board of county commissioners can vote to exempt the county's residents from the landfill ban. A county should make a good faith effort to secure e-waste recycling services before exempting the county's residents from the landfill ban. The bill allows county boards to invoke the local exemption in two-year intervals.

Public education. The CDPHE must coordinate with existing public and private efforts pertaining to the development and implementation of a public education program regarding electronic device recycling. Since January 2013, the CDPHE has utilized television, newspaper, radio, and social media to inform the public about the landfill ban.

Economic Impact

The Electronic Recycling Jobs Act does not specify how banning the disposing of electronics will impact the job market. However, the CDPHE cites the Institute for Local Self-Reliance statistic that recycling sustains ten recycling jobs for every one landfill job per ton of waste. According to analysis performed by Legislative Council Staff, in 2012, Colorado employed 1,532 people in the recyclable materials merchant industry, a 12 percent increase from 2002.

Other Options for E-waste

Unwanted working electronic devices may be donated or resold. However, this option is becoming more difficult as thrift stores and donation centers become more discriminating about what they will accept. The act allows charitable organizations to refuse electronic devices donations and permits them to establish a surcharge for accepting electronic devices. Recycling unwanted electronic devices can be done through community collection events, manufacturer's take-back programs, certain electronics retailers, or reputable electronics recycling firms. Additionally, while cell phone disposal in landfills is not prohibited under act, many cell phone retailers buy back and collect unwanted cell phone. Fees may be charged by recyclers for electronics recycling, and counties are not required to pay for recycling services.

Counties may have specific information about electronics recycling options for their residents. Additional information about the e-waste disposal ban and electronics recycling resources can be found on the CDPHE website at:

www.colorado.gov/cdphe/ewaste.