

DTSC E-Waste Enforcement Program Update

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E-Waste Team Leader

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DTSC's E-Waste Team

- ◆ Consists of inspectors from four DTSC regional offices
- ◆ The Team Leader (stationed at the Sacramento regional office) coordinates their CEW collector and recycler inspection and enforcement activities, ensures their understanding of DTSC e-waste regulations, and communicates their field observations and issues to DTSC HQ and CalRecycle

You May Have Met One of These Inspectors at Your Facility

Bay Area

Bill Brown

LA County

Jessica Rodriguez

Ellen Pates

Carlos Ortega

Beatris Karaoglanyan

Orange County and the Inland Empire

Khaled Ramadan

Rich Hubbell

Kam Chen

San Diego County

Anne Ekker

Some Violations are Not Observed as Often as They Used to Be...

- ◆ Unauthorized glass breakage
- ◆ Failure to notify DTSC as an e-waste handler
- ◆ Failure to label electronic waste

Some are Observed as Often Now as They Were Five Years Ago...

- ◆ Failure to train personnel
- ◆ Failure to contain releases of electronic wastes
- ◆ Accumulation of e-waste over one year

... and Some May be Cited More in the Near Future

- ◆ The E-Waste Team is identifying how to evaluate e-waste shipments to destinations around the state, the country, and the world in an attempt to prevent far-reaching consequences to human health and the environment

New Enforcement Initiatives

1. Investigating shipments to unnotified handler destinations in California
2. Verifying that CRT glass treatment facilities ship glass to only CRT glass mfrs or lead smelters
3. Compliance with Public Resource Code (PRC) 42476.5 export demonstration requirements

1. Unnotified Handler Destinations

- ◆ During a recent audit of 2009 Annual Reports, DTSC identified 113 addresses/businesses in California that have failed to notify DTSC, but received several million pounds of e-waste from California e-waste handlers
- ◆ Because these addresses/businesses are not self-authorized, the audit raised serious questions about...
 1. The final disposition of the e-waste
 2. The accuracy of the data submitted by the handlers
 3. Potential export violations (if these unnotified destinations were in fact brokers)

1. Unnotified Handler Destinations

- ◆ DTSC conducted investigations of several of these unnotified handler destinations. In every case, the inspector showed up at the door of an empty warehouse or apartment building
 - No evidence of accumulated e-waste
 - No contacts with incoming or outgoing shipment records

1. Unnotified Handler Destinations

- ◆ DTSC suspects that many of these “destinations” may actually be sites that brokers used to consolidate shipments, or were the brokers’ office addresses

1. Unnotified Handler Destinations

- ◆ California Code of Regulations, title 22, §66273.38(a) states that “a universal waste handler is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.”
- ◆ E-waste handlers sending material to any other destination (including a site that has failed to notify) may be cited a Class II or Class I violation

1. Unnotified Handler Destinations

- ◆ If a broker accepts the shipments and repackages them, accumulates them etc. at their warehouse, that's fine – but they must notify DTSC as a universal waste handler, and follow all handler requirements
- ◆ It is unacceptable to represent a residence or the broker's office as the receiving universal waste handler. List the true destination of the material on the Annual Report!
- ◆ Bottom line: In order to protect human health and the environment, DTSC needs to be able to understand what happens to the material that a handler sends offsite

2. CRT Glass Shipped to Domestic Destinations

- ◆ California CRT glass treatment facilities (those who ship CRT glass treatment residuals offsite) have sent millions of pounds of CRT glass to destinations in various states around the country

2. CRT Glass Shipped to Domestic Destinations

- ◆ California Code of Regulations, title 22, §66273.75(c)(2) states that a universal waste handler, whose treatment of electronic devices and/or CRTs generates CRT glass, shall ensure that all CRT glass residuals are sent to a CRT glass manufacturer or to a primary or secondary lead smelter, and recycled

2. CRT Glass Shipped to Domestic Destinations

- ◆ It is unclear whether CRT glass destinations in Ohio, Texas, Arizona, and other states are limiting their recycling of California CRT glass to only CRT glass manufacture and lead smelting
- ◆ The activities in those states are usually not regulated as long as the facility is in compliance with the provisions of U.S. EPA's CRT Rule
 - This does *not* limit the California facility's responsibility to comply with §66273.75(c)(2)

2. CRT Glass Shipped to Domestic Destinations

- ◆ To confirm that CRT glass treatment facilities are complying with the proper disposition requirements, DTSC is requesting them to submit documentation that all CRT glass shipped domestically was used in glass-to-glass recycling or lead smelting at the out-of-state facility

3. PRC Export Demonstration Requirements

- ◆ Found in PRC §42476.5 [referenced from California Code of Regulations, Title 22, §66273.40(d)]
- ◆ Of the three e-waste export reporting requirements, this requirement is the least understood by industry
 - The demonstrations apply to a much narrower universe than the DTSC/CUPA export notification requirements (for EDs, CRTs, and CRT glass) and U.S. EPA notification and Acknowledgement of Consent requirements (for CRTs and unprocessed CRT glass)

3. PRC Export Demonstration Requirements

- ◆ Only apply if you are exporting Covered Electronic Devices (CEDs) or Covered Electronic Waste (CEW) to another country – for recycling (including **reuse**) or disposal
- ◆ Do not apply to ED components, canceled CRTs, or CRT glass
- ◆ Are expected to apply to more companies as LCD device quantities increase and recycling and refurbishment opportunities for those items increase overseas

3. PRC Export Demonstration Requirements

- ◆ **Describe** the destination, disposition, contents, and volume of the waste, or device intended for recycling or disposal to be exported
- ◆ Demonstrate that the waste or device is being exported for the purposes of recycling (including reuse) or disposal
- ◆ Demonstrate that the importation of the waste or device is **not prohibited** by an applicable law in the state or country of destination and that any import will be conducted in accordance with all applicable laws

3. PRC Export Demonstration Requirements

- ◆ Demonstrate that the exportation of the waste or device is in accordance with ***applicable U.S. or international law***
- ◆ Demonstrate that the waste or device will be managed within the country of destination ***only*** at facilities whose operations meet or exceed the binding decisions and implementing guidelines of the Organization for Economic Cooperation and Development (OECD) for the “environmentally sound management” of the waste or device being exported

3. PRC Export Demonstration Requirements

- ◆ Why do these demonstration requirements exist? Don't the notification(s) to DTSC/the CUPA (and to U.S. EPA) provide enough information?
 - The PRC demonstration requirements were designed to prevent Basel Party Countries, who have no capacity to treat or handle CEDs/CEWs, from receiving illegal exports from the U.S.

3. PRC Export Demonstration Requirements

- ◆ DTSC evaluates the demonstrations on a *case-by-case basis* because of the various countries, wastestreams, and laws and permits that may be involved
- ◆ Like DTSC/CUPA export notices, the PRC demonstrations must be submitted to DTSC at least 60 days prior to export
- ◆ For more information, see DTSC's detailed guidance document at http://dtsc-cm/HazardousWaste/EWaste/upload/FAQ_Elec_Devices_Export.pdf

Questions?

- ◆ For questions about how to file notifications, annual reports, or comply with export notification and demonstration requirements, contact electronicwaste@dtsc.ca.gov or 916-324-3159
- ◆ For inspection- and enforcement-related questions, contact Rita Hypnarowski at rhypnaro@dtsc.ca.gov or 916-255-3699



Thank you!