

The Covered Device Recycling (Act 108) of 2010 (CDRA) A General Overview

Electronic products constitute one of the fastest growing streams of today's consumer and commercial waste. In November 2010, the Pennsylvania General Assembly passed the CDRA, which establishes a number of requirements for individuals and entities involved throughout the life cycle of certain "covered" electronic devices. Covered devices include: **desktop computers, laptop computers, computer monitors, tablets, computer peripherals, televisions and e-readers that contain a browser and have internet connectivity.**

Outlined below are requirements that address the manufacture, sales, and end-of-life collection, management and recycling of covered devices in Pennsylvania.

- **Manufacturers** of covered devices offered for sale in Pennsylvania:
 - Must annually register their covered device brands with the Department of Environmental Protection (DEP), and affix brand labels to their covered devices.
 - Must establish and conduct ongoing recycling programs that offer covered device collection opportunities at no cost to consumers.¹ The term "no cost" means no fee may be charged unless a financial incentive, such as a coupon or rebate, of equal or greater value is provided to the consumer. Ongoing collection programs must be maintained and financed for the entire calendar year. The devices collected through these programs must be properly recycled at certified electronics recycling facilities. The recycling plan must be approved by DEP by Jan. 30 of each year.
 - Must report annual covered device collection and recycling data to DEP.
- **Retailers** that offer covered devices for sale in Pennsylvania:
 - May only sell covered devices that are labeled with a brand registered with DEP.
 - Must notify customers of how and where they can recycle their covered devices.
 - Are not required to offer covered device collection opportunities; but if they do, they must offer them to consumers at no cost. The term "no cost" means no fee may be charged unless a financial incentive, such as a coupon or rebate, of equal or greater value is provided. Any devices collected from consumers must be properly recycled at certified recycling facilities.
- **Electronics Recycling Facilities:**
 - Whether located in or outside of Pennsylvania, facilities that process or recycle covered devices that are collected from consumers through any electronics collection program in Pennsylvania, whether municipal, manufacturer, retailer, etc., must have achieved and maintained one of the following certifications:
 - R2 (Responsible Recycling Practices Standard) Certification.
 - e-Stewards Certification.
 - An internationally accredited third-party environmental management standard for the safe and responsible handling of covered devices.
 - Currently, Pennsylvania's Residual Waste Regulations require electronics processing/recycling facilities located in Pennsylvania to obtain a DEP general permit #WMGR081 (regarding the processing and beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing) prior to processing any electronic devices or electronic waste.
- **The Pennsylvania DEP:**
 - Will post and maintain a list of registered and non-compliant covered device brands on its website for retailers and consumers to access.
 - Will also post on its website and make available via its toll-free recycling hotline (800-346-4242) an up-to-date list of all covered device collection opportunities offered to consumers, including those offered by manufacturers and retailers.
 - Will review manufacturers' covered device collection and recycling plans, and will oversee the implementation of all approved plans to ensure compliance with the CDRA.

¹ The CDRA defines a consumer as "An occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or small business use. For purposes of this definition, a small business is an entity that is independently owned or operated, employs 50 or fewer people, has purchased or leased a covered computer device from a computer manufacturer or retailer and, but for the program established under this act, would not otherwise have access to electronic recycling programs."

- Will encourage the use of existing covered device collection infrastructure to the extent that it is available to at least 85 percent of the state's population, is cost effective, and is environmentally sound.
- Will organize and coordinate public education and outreach regarding the recycling of covered devices, including assisting retailers as necessary in the conduct of their public education and outreach efforts.

A disposal ban on covered devices exists in Pennsylvania. From this point forward, no person may dispose of a covered device, or any of its components, with their municipal solid waste. These devices and their components must be properly recycled and may not be taken to, nor accepted by, landfills or other solid waste disposal facilities for disposal. However, non-hazardous residuals of covered devices that are produced during the recycling of those devices are excluded from the disposal ban. The effects of the disposal ban are outlined below.

- **Consumers:** The CDRA defines a consumer as "An occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or small business use. For purposes of this definition, a small business is an entity that is independently owned or operated, employs 50 or fewer people, has purchased or leased a covered computer device from a computer manufacturer or retailer and, but for the program established under this act, would not otherwise have access to electronic recycling programs."
 - May not dispose of their covered devices with municipal waste.
 - Must take their covered devices to an electronics collection location for proper recycling, place their covered devices for curbside collection if a specific electronics collection program is offered or utilize an approved mail-back program to recycle their covered devices.
- **Businesses:**
 - May not dispose of their covered devices with municipal waste.
 - Will need to recycle their covered devices. For businesses, the recycling facility to which covered devices are transferred does not need to be certified. If the facility is located in Pennsylvania, it must have a general permit WMGR081 from DEP.
- **Landfills and Resource Recovery Facilities:**
 - May not accept covered devices or their components for disposal. However, they may accept non-hazardous residuals produced during the recycling of covered devices.
 - Owners and operators of landfills will not be found in violation of the CDRA provided they make a good faith effort to comply with the Act; post, in a conspicuous location at the facility, a sign stating that covered devices and their components will not be accepted; and notify, in writing, all collectors registered to deposit solid waste to the facility that covered devices and their components will not be accepted at the facility.
- **Haulers:**
 - May not intentionally accept covered devices for disposal from any source of waste, and may not knowingly commingle covered devices with waste destined for disposal.
 - Covered devices that are collected from consumers through electronics collection programs in Pennsylvania must continue to be transferred to certified electronics recycling facilities.
 - If a hauler is affiliated with a Manufacturers Recycling plan and/or program they may not charge a consumer for the collection, transportation or recycling of covered devices.

For more information on the CDRA, visit www.dep.state.pa.us (select 'Electronics Recycling' from the 'DEP Programs A - Z' menu), or contact the **Recycling Hotline** at 800-346-4242, or contact:

Pennsylvania Department of Environmental Protection
 Bureau of Waste Management
 Division of Waste Minimization and Planning
 Rachel Carson State Office Building
 P.O. Box 8472
 Harrisburg, PA 17105-8472
 Telephone: 717-787-7382

For more information, visit www.dep.state.pa.us, keyword: Electronics Recycling.