
Subject:

Electronic Waste Newsletter - January 7, 2013



This Electronic Waste Newsletter is being sent using the new Elist System at the Department of Toxic Substances Control (DTSC). Previously information was sent to e-waste stakeholders by email from the electronicwaste mailbox.

Information regarding electronic waste will now be sent to e-waste handlers and recyclers via this Elist delivery system. Those who have not been carried over to the Electronic Waste Elist may subscribe at the following DTSC web page:

<http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm>

Information for Universal Waste Handlers who Dismantle or Treat Cathode Ray Tubes (CRTs)

Dear E-waste Stakeholder,

As you are aware, DTSC recently adopted regulations that changed some of the requirements for universal waste handlers who receive and dismantle or treat cathode ray tube (CRT) devices and the CRTs removed from them pursuant to 66273.72 and 66273.73 of Title 22. DTSC would like to clarify a few points that have been a source of confusion and questions.

Requirements for Universal Waste Handlers that Treat CRTs pursuant to section 66273.73 of Title 22 and Ship CRT Glass to a Primary or Secondary Lead Smelter or to a CRT Manufacturer

Even before the new regulations took effect on October 15, 2012, handlers that treated CRTs pursuant to article 7 of chapter 23 of title 22 of the California Code of Regulations were required to ensure that CRT glass residuals sent to a CRT glass manufacturer or to a primary or secondary lead smelter-either directly or by way of an intermediate facility-were reclaimed at the glass manufacturing or lead smelting facility. This requirement is unchanged.

Under the new regulations, handlers that generate CRT glass and ship it-directly or via an intermediate facility-to a CRT glass manufacturer or a lead smelter must now also provide certain information to DTSC on request, demonstrating their compliance with the

(preexisting) requirement that they have ensured that their glass is reclaimed at one of these two types of facilities. [Please see subsection (f)(6)(B) of section 66273.75 of title 22.] This information includes:

- The name and address of the transporter and of the CRT glass manufacturer or lead smelter;
- The phone number of the transporter;
- The quantity of CRT glass in each shipment; and
- Confirmation receipts from the CRT glass manufacturer or primary or secondary lead smelter that the CRT glass was received.

Additional Requirements for Universal Waste Handlers that Treat CRTs and Ship CRT Glass to a Lead Smelter or CRT Manufacturer by way of an Intermediate Facility

In addition to the information described above, a handler that ships glass to an intermediate facility for subsequent shipment to a CRT glass manufacturer or lead smelter must also now have in place "contractual arrangements" that ensure that the intermediate facility does, in fact, send the glass to the destination identified by the handler. [Please see subsection (f)(6)(A) of section 66273.75 of title 22.] Such a handler must provide some additional information to DTSC on request, specifically:

- The name and contact information of the intermediate facility;
- For intermediate facilities in the USA, the type of facility and;
- A copy of the contractual arrangements between the handler and the intermediate facility.

The new regulations require that the handler maintain records that contain this information. DTSC presumes that any handler that sends CRT glass for lead smelting or CRT manufacturing will already have the records necessary to provide the required information to DTSC on request. Therefore, DTSC expects that these handlers will be able to provide DTSC with the new information requirement. (If DTSC determines a handler/recycler cannot produce the required information on request, we may take appropriate enforcement action.) The only new information that some handlers that ship CRT glass to a lead smelter or CRT manufacturing facility will need to be able to provide to DTSC is the contract with the intermediate facility, if the handler uses one.

Regarding these contracts:

- DTSC will consider any legally binding agreement between a handler and an intermediate facility to be a contractual arrangement.
- DTSC will not review such contractual arrangements to determine whether their specific provisions will operate to ensure that the CRT glass is recycled as required

or that the intermediate facility will provide the e-waste recycler with the information it needs to demonstrate to DTSC that its CRTs will be recycled as required.

- It is up to the e-waste recycler to determine the specific contractual provisions necessary to ensure that the intermediate facility will fulfill its contractual obligations.
- Inability of the handler to provide DTSC with the information required to document that CRT glass is being recycled as required will determine the adequacy of the contractual arrangements.

Requirements for Universal Waste Handlers that Remove CRTs from Electronic Devices and Remove Yokes from CRTs, Pursuant to Section 66273.72 of Title 22, and Ship CRTs to a Primary or Secondary Lead Smelter or to a CRT Manufacturer

Under DTSC's new CRT regulations, universal waste handlers that remove CRTs from electronic devices and ship whole CRTs to out-of state recycling facilities are subject to new conditions and requirements. The new regulations impose the same requirements on universal waste handlers that generate and ship whole CRTs for lead smelting or CRT manufacturing as on handlers that ship CRT glass for these types of recycling [Please see subsection (b)(4)(F) and (c)(3)(E) of section 66273.72 of title 22.]:

- Handlers that send whole CRTs to a CRT glass manufacturer or lead smelter for reclamation may continue to handle and transport them as universal waste.
- Handlers that ship whole CRTs to a lead smelter or CRT manufacturer must be able to provide the same information to DTSC, on request, as handlers that ships CRT glass to one of these two types of facilities.
- A handler that ships whole CRTs to an intermediate facility for subsequent reclamation by a CRT glass manufacturer or lead smelter must now have in place the same type of contractual arrangements as a handler that ships CRT glass to an intermediate facility (see above).

The new regulations also allow universal waste handlers to ship whole CRTs for recycling in ways that previously were not available, without losing their authorization to handle and treat electronic devices under the universal waste regulations. The requirements for handling and transporting CRTs to an alternative recycling destination vary depending on how the CRTs and their glass will ultimately be recycled:

- Whole CRTs sent for other types of recycling are no longer automatically eligible to be managed as universal waste. Depending on how the CRTs or their glass will be recycled:
 - They may be regulated as hazardous waste and the handler that decides to ship them to an alternate recycling destination is regulated as a hazardous waste generator.

- They may qualify for an exclusion from classification as waste. Determining whether a recycling exclusion applies to a particular recycling treatment is often not straightforward and depends on a number of technical and regulatory factors. Handlers wishing to explore this possibility are urged to consult with DTSC or a regulatory compliance expert for assistance.
- DTSC is currently finalizing guidance that discusses the regulatory status of whole CRTs shipped to an out-of-state facility under a variety of scenarios.

DTSC conducts unannounced inspections of e-waste recyclers that dismantle, treat, and ship electronic devices, CRTs, and CRT glass. DTSC expects that a universal waste handler that has previously passed a DTSC inspection is removing, treating, and shipping CRTs and CRT glass in compliance with the applicable provisions of our new regulations.

At any time, DTSC can request the required information from a handler that ships CRTs and CRT glass to a CRT manufacturing facility or a primary or secondary lead smelter for reclamation. If we determine that a handler has shipped CRTs or CRT glass in violation of the regulations, DTSC may take appropriate enforcement action. When DTSC identifies serious violations, we also notify CalRecycle, which may suspend or revoke a handler/recycler's participation in the EWRA payment program. Therefore, if you are a universal waste handler who dismantles, and/or treats CRT devices or CRTs and ships whole CRTs or CRT glass to a smelter or CRT manufacturer (whether directly or via an intermediate facility), it is important that you read, understand, and follow DTSC's regulations, as amended October 15, 2012. You can access the regulations by following this link: http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/CRT_Glass_Disposal.cfm. DTSC regulatory staff are also available to assist you in understanding and complying with the new requirements. You can reach them by emailing to electronicwaste@dtsc.ca.gov or by calling (916) 324-6564.

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