



ELIST

Department of Toxic Substances Control

This Electronic Waste Newsletter is being sent using the 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 is 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>

**CALIFORNIA CRT RECYCLERS ARE STRONGLY ADVISED
TO MONITOR THE MANAGEMENT OF ALL CRTs
SENT OUT OF STATE FOR FURTHER PROCESSING**

The Department of Toxic Substances Control (DTSC) is well aware of the impact the changing market for recovered cathode ray tubes (CRTs) and CRT glass has had on CRT handlers (particularly recyclers) in California. While DTSC continues its dialogue with industry on the development of alternative CRT recycling technologies that meet strict California standards for protecting human health and the environment, it strongly advises industry to exercise "due diligence" when sending CRTs and CRT glass out of state - particularly to intermediate facilities. California regulations [Title 22, California Code of Regulations, section 66273.72(c)(3) et seq.] hold California recyclers responsible for the ultimate disposition of California CRTs. As a California regulatory agency, DTSC lacks the legal authority to conduct a site inspection of an out-of-state facility to verify that it manages CRTs and CRT glass in compliance with the applicable laws in that state or to determine if the facility sends California CRTs and CRT glass for ultimate disposition that complies with California regulations.

A recent, large-scale effort to reroute millions of pounds of CRTs and CRT glass from an abandoned facility in Arizona has underscored the importance for California recyclers to ask hard questions of out-of-state facilities in order to avoid potentially crippling liability for material mishandled downstream. Neither DTSC or the Department of Resources Recycling and Recovery (CalRecycle) possess jurisdiction to assess the current or future status, or viability of out-of-state companies that accept CRTs or CRT glass from California handlers. If your company is shipping CRTs or CRT glass out-of-state, you should understand the difference between a destination that remanufactures CRT glass and/or engages in lead smelting, and an *intermediate facility*. Most CRT processing facilities in other states are intermediate facilities. Your company bears responsibility under California law for material while it is at an intermediate facility, and until it reaches its *final destination* for recycling.

Over the past couple of years, some California recyclers have directly or indirectly incurred costs of up to \$100,000 for sending CRTs to an intermediate facility that subsequently abandoned that material onsite. Neither DTSC nor CalRecycle can predict whether such a scenario will occur again at a different out-of-state facility. In the event that a facility owner

walks away from his/her site and you do not have records specifically showing that your CRTs aren't there, your company would be responsible for identifying, recovering, and rerouting your CRTs and/or CRT glass to an appropriate disposition. This means that you would essentially be paying twice for the offsite shipment of that material. Furthermore, you may be subject to enforcement penalties from DTSC for failing to ensure that your CRTs reached an authorized CRT processing facility to begin with.

You may also be subject to enforcement action and/or cost recovery efforts from an out-of-state regulatory agency. You should be aware that most other states regard abandoned shipments of CRTs and CRT glass to be hazardous waste generated in (and shipped from) California, in violation of the Federal CRT Rule, and subject to full regulation as hazardous waste. Finally, you should understand that CalRecycle, pursuant to Title 14, California Code of Regulations, reserves the right to pursue partial or full repayment on covered electronic waste (CEW) recycling claims whose derived residual CRTs are abandoned out-of-state or otherwise non-compliantly managed.

To address these concerns, and to assist industry in making informed decisions and staying in compliance, DTSC strongly recommends the following:

- Arranging an in-person tour of your intermediate facility on a regular basis;
- Requesting copies of downstream shipment records for all material, not just a representative load, to ensure that material is moving out of the intermediate facility to the final destination on a regular and timely basis;
- Following up on the status of each load shipped to the intermediate facility within two weeks of receipt;
- Weekly phone calls to the intermediate facility to verify their operational status;
- Understanding the out-of-state facility's relationship with the final destination of your material, and requesting copies of detailed contracts and material flow;
- Contacting the final destination yourself regarding receipt of your processed material, whether or not that destination is in India;
- In general, not relying on third party information about the status of your CRT shipments sent to an out-of-state facility; and
- Complying with all of the applicable requirements found at http://www.dtsc.ca.gov/HazardousWaste/EWaste/upload/Ewaste_UW_Handlers_checklist.pdf that are not already mentioned above.

DTSC is happy to provide you with, or assist you in obtaining, publicly available information (such as recent inspection reports) on the compliance status of intermediate CRT and CRT glass facilities (as determined by the Arizona Department of Environmental Quality or other out-of-state regulatory agency). Please contact Rita Hypnarowski of DTSC at (916) 255-3699 or rita.hypnarowski@dtsc.ca.gov to inquire, or to discuss any concerns or questions regarding this advisory.

For more information on the laws and regulations that apply to all e-waste handlers in California, see <http://www.dtsc.ca.gov/HazardousWaste/ewaste/index.cfm> or contact the Consumer Products Section at electronicwaste@dtsc.ca.gov or (916) 323-3624. For more information on the CEW Recycling Program, please go to <http://www.calrecycle.ca.gov/Electronics/Act2003/>.
