



**TESTIMONY ON
HOUSE BILL 1607 - ELECTRONIC WASTE**

Presented to the House Consumer Protection, Technology & Utilities Committee

By
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On behalf of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 counties in the commonwealth, thank you for the opportunity to provide comments on House Bill 1607, which would establish the Electronic Waste Recycling Modernization Act.

Many counties throughout the commonwealth provide supplemental recycling services to their constituents, including household hazardous waste pickup, recycling of electronics and tires, and recycling drop-off centers. One of the more challenging services many local governments, including counties, offer is the proper disposal and recycling of electronic devices, including desktop computers, laptop computers, computer monitors, computer peripherals and televisions.

In 2010, the General Assembly passed Act 108, also known as the Covered Device Recycling Act (CDRA), which aimed to establish a process for electronic recycling in the commonwealth, including requiring manufacturers to establish a plan to collect, transport and recycle a quantity of devices equal to its obligated share – that is, its proportion of the total weight of sales of covered devices during the previous year. While not required to do so, some counties have offered electronics recycling both before the CDRA was enacted as well as under the provisions of the CDRA, but not every county is equipped with either funds or infrastructure to provide this type of services. For those who did, they understood that funding for electronics recycling programs under the CDRA was intended to be the responsibility of the manufacturers.

Since enactment of the CDRA, counties have been dealing with the inconsistencies in the laws' provisions and have weighed-in many times over the years as a key stakeholder on numerous legislative proposals to address known shortcomings of the act, including ensuring electronic recycling programs are adequately funded. Some of the issues with the CDRA as currently drafted are as follows: vague and broadly interpreted language, lack of uniformity in enforcement protocols, insufficient details in reports and plans that skew data tracking and trend analyses, producer responsibility is not universally applied, and there is non-explicit criteria for establishing and sustaining a collection, transportation and recovery infrastructure. In addition to those issues and ambiguities, unfortunately, the CDRA couldn't account for the technological evolution that has occurred, creating smaller, less heavy devices at an exponential rate with shorter lifespans. As this committee is well aware, though, the funding mechanisms provided under the CDRA are not coming close to covering costs, and many counties have chosen not to offer these services to their residents.

While it is clear is that the CDRA is not meeting its original intent to establish and fund a recycling infrastructure for electronic devices, what has been less clear in recent years is how the law should be changed to better meet that intent. House Bill 1607 is the latest effort to provide a solution to the flaws in the CDRA. This legislation generally meets several principles outlined in the Pennsylvania County Platform related to electronics recycling, in particular providing multiple entities with the ability to establish collection sites, including those counties that are willing and able to do so. Should a county opt to become a collector as defined by this bill, counties would have some flexibility to determine the means of collection for electronic devices that is the most efficient in a given area, basing the availability of collection sites available on

countywide population and permitting alternative collection options such as single-day events where volume may be lower. In other words, this legislation does not impose a one-size-fits-all convenience standard to determine how many collection sites should be provided. Lastly, HB 1607 gives counties the option to be part of the program, depending on each counties' individual circumstances and needs.

While we are generally supportive of the abovementioned provisions, there are others that we have some concerns with, particularly the funding mechanism in this bill. Historically, counties have viewed the financial responsibility of funding a statewide electronic recycling program to be that of the manufacturers of covered electronic devices (CED). Counties support amendment to the CDRA in a manner that provides sufficient funding by manufacturers to cover costs, including personnel, collection, storage, recycling and transportation of electronic devices, and consideration for authorization of separate fees at collection sites if manufacturer funding is not sufficient. While HB 1607 does not go as far as past legislative efforts to ensure the manufacturers bear the responsibility to fully fund a statewide system, HB 1607 does institute a "eco-deposit" collected by retailers at the point-of-sale of certain devices by consumers and is intended to cover the costs to collectors and other stakeholders as remittances in the form of collector incentive payments. As counties are no stranger to supplementing the cost of inadequately funded programming, like the 911 system or the community-based mental health system, through county property taxes, we would like to work with the bill sponsor to give counties flexibility to implement an additional fee to supplement any funding shortfalls that may arise from inadequate funding from the eco-deposit collections.

Again, we believe House Bill 1607 generally meets several principles that counties would like to see in a legislative fix to the CDRA, and we look forward to working with the General Assembly and other stakeholders to address any outstanding questions or concerns and improve this legislation moving forward in order to achieve meaningful changes to the CDRA that have been sought by local governments for nearly a decade.

Thank you for your attention to these comments and we would be happy to answer any follow-up questions members of the committee may have.