

Electronics Legislation

FEC Partner Call

August 2010

Federal Legislation, Regulations and Rules



Resource Conservation and Recovery Act

- **The Resource Conservation and Recovery Act (RCRA) of 1976 recognizes the importance of recycling, and the manufacture and purchase of products with recycled content**
- **RCRA Section 6002 requires Federal agencies to give purchasing preference to products and practices that conserve and protect natural resources and the environment**

RCRA (Continued)

- **Solid Waste**
 - RCRA requires recycling of high-grade paper generated by office facilities
- **Hazardous Waste**
 - Electronic equipment sent for reuse or recycling is generally not hazardous waste
 - If Federal agencies require the destruction or disposal of their electronic equipment, they must comply with the RCRA hazardous waste regulations
- **Universal Waste**
 - RCRA specifies requirement for managing batteries, mercury-containing equipment and lamps (which may include some monitors and laptops)

Pollution Prevention Act

- **The Pollution Prevention Act (PPA) of 1990 requires EPA to promote source reduction strategies in federal agencies and identify opportunities to use federal procurement to encourage source reduction**

Government Performance and Results Act

- **The Government Performance and Results Act (GPRA) of 1993 holds federal agencies accountable for using resources wisely and achieving program results**

Information Technology Management Reform Act/Clinger-Cohen Act

- **The Information Technology Management Reform Act (ITMRA)/Clinger-Cohen Act (CCA) of 1996 requires the heads of Federal agencies to link information technology (IT) investments to agency accomplishments and establish a process to select, manage and control their IT investments**

Energy Policy Act of 2005

- **The Energy Policy Act of 2005 (EPAct 2005) directs the Department of Energy and EPA to identify and designate energy-efficient products**
- **EPAct 2005 also requires the acquisition and use of these products by all federal agencies**

Energy Independence and Security Act of 2007

- **The Energy Independence and Security Act of 2007 (EISA) reaffirmed and clarified federal agencies' responsibility to procure energy efficient products as provided for in the Energy Policy Act of 2005**
- **EISA also codified the Executive Order 13423 goals for reducing energy use in federal buildings**

Federal Acquisition Regulation

- The Federal Acquisition Regulation (FAR) Part 23 requires agencies to procure
 - Energy efficient products, including ENERGY STAR qualified and FEMP designated
 - Products with recovered (recycled) content
 - Environmentally preferable products and services
 - EPEAT registered equipment

Executive Order 13514

- Executive Order (E.O.) 13514, *Federal Leadership in Environmental, Energy, and Economic Performance* (October 5, 2009), sets federal sustainability goals in a number of areas, including electronics stewardship
- E.O. 13514 mandates that Federal agencies
 - Ensure procurement preference of EPEAT registered, ENERGY STAR qualified, and FEMP designated products
 - Enable power management, duplex printing, and other environmentally preferable features on electronics
 - Use environmentally sound disposition practices for surplus and excess electronics
 - Implement best management practices for servers and data centers

Executive Order 13423

- E.O. 13423, *Strengthening Federal Environmental, Energy, and Transportation Management* (January 24, 2007), sets federal sustainability goals in a number of areas, including electronics stewardship
- E.O. 13423 mandates that Federal agencies
 - Meet at least 95 percent of electronic equipment requirements through the purchase/lease of EPEAT-registered electronic products, unless there is no EPEAT standard for such product
 - Enable the ENERGY STAR features on agency computers and monitors
 - Establish and implement policies to extend the useful life of agency electronic equipment
 - Use environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life

Omnibus Appropriations Act of 2009

- **The Omnibus Appropriations Act of 2009 combined bills funding the operations of a number of Cabinet departments**
- **Section 748 of the Omnibus Appropriations Act states that Executive Order 13423 shall remain in effect except as otherwise provided by law after the date of the enactment of the Act**

Executive Order 13212

- E.O. 13212, *Actions To Expedite Energy-Related Projects* (May 18, 2001), requires executive departments and agencies to take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy

Executive Order 13221

- E.O. 13221, *Energy Efficient Standby Power Devices* (July 31, 2001) requires agencies to purchase products that use no more than one watt in their standby power consuming mode when purchasing commercially available, off-the-shelf products that use external standby power devices or that contain an internal standby power function
 - If such products are not available, agencies must purchase products with the lowest standby power wattage while in their standby power consuming mode
- The Department of Energy's Federal Energy Management Program (FEMP) determines required standby power levels for federal procurement of products that consume standby power

Executive Order 12999

- E.O. 12999, *Educational Technology: Ensuring Opportunity for All Children in the Next Century* (April 17, 1996) directs all Federal agencies to transfer excess computers and related peripherals to schools and nonprofit educational organizations
 - Federal agencies must keep track of the computer equipment transferred and report this to the U.S. General Services Administration (GSA)

Proposed Legislation

- **H.R.2595, To restrict certain exports of electronic waste (introduced May 2009)**
 - **Prohibits the export of restricted electronic waste to certain countries, with certain exemptions**
 - **Requires EPA to identify countries that permit trade in used electronic equipment and parts**
 - **Imposes criminal penalties for knowingly exporting restricted electronic waste in violation of the Act**

Proposed Legislation

- **H.R.3465, Federal Electronic Equipment Donation Act of 2009 (introduced July 2009)**
 - **Federal agencies must identify, report to GSA, and transfer, excess electronics to an educational recipient**
 - **Transfer equipment directly**
 - **Report equipment to GSA if transfer is not practicable**
 - **Supersedes E.O. 12999**

State Legislation, Regulations and Rules



States with e-Waste Laws

- 2003: California
- 2004: Maine
- 2005: Maryland
- 2006: Washington
- 2007: Connecticut, Minnesota, Oregon, Texas, North Carolina
- 2008: New Jersey, Oklahoma, Virginia, West Virginia, Missouri, Hawaii, Rhode Island Illinois and Michigan
- 2009: Indiana, Wisconsin
- 2010: Vermont, South Carolina, New York

Overview of State e-Waste Laws

- Currently 23 states with e-waste laws
- Combination of disposal bans, advance recycling fees, and take-back/producer responsibility requirements
- Check for requirements in your state:
<http://www.electronicrecycling.org/public/ContentPage.aspx?pageid=14>

International Legislation, Regulations and Rules

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RoHS

- **Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS), European Union (EU) Directive 2002/95/EC**
- **Applies to any electrical and electronic equipment put on the market in the EU on or after July 1, 2006**
- **Restricts the amount of hazardous chemicals and heavy metals used in the production of electrical and electronic equipment**
 - **Lead, cadmium, hexavalent chromium, mercury, polybrominated biphenyl (BPP), polybrominated diphenyl ether (PBDE)**
- **Limited exemptions are reviewed on a regular basis**

WEEE

- **Waste Electrical and Electronic Equipment (WEEE), EU Directive 2002/96/EC**
- **Applies to any electrical and electronic equipment put on the market in the EU after August 13, 2005**
- **Aims to raise the level of recycling of electrical and electronic equipment and encourage designers to create products with recycling in mind**
- **WEEE legislation requires manufacturers to arrange and pay for recycling/reuse of their products at no cost to the consumer**

EuP

- Eco-design Requirements for Energy-using Products (EuP), EU Directive 2005/32/EC
- Applies to “energy-using products” that meet specific criteria, as of August 11, 2007
- Aims to encourage manufacturers to design and produce products with minimal overall environmental impact, including resources consumed in production and disposal (e.g., design for the environment)
- Implementing measures define the mandatory “eco-design” requirements for specific products

REACH

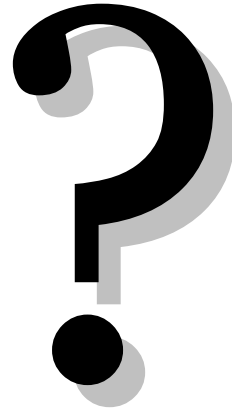
- **Registration, Evaluation, Authorization and Restrictions of Chemicals (REACH), EU Directive 2006/121/EC**
- **Applied to chemical substances as of June 1, 2007**
- **Requires producers and their suppliers to examine and disclose the characteristics of the substances they use in the manufacture of, and/or are contained in, their products**

FEC Resources

- **Federal Legislation and Executive Orders Relevant to the FEC**
 - http://www.federalectronicschallenge.net/resources/docs/fec_regs.pdf

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Questions?



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