

Issue Network:  
H.R. 2284  
Analysis of Relevant Actors, Interests, and  
Action Channels

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NRE 562  
21 October 2011



## Issue Network: H.R. 2284

The “Responsible Electronics Recycling Act” (H.R. 2284/S. 1270) will create a new section of the Resource Conservation and Recovery Act, making it illegal to export certain restricted electronics (see Appendix A for specific items) whose improper disposal may lead to detrimental health and environmental effects<sup>1</sup>. H.R. 2284 creates two categories of items: covered electronic equipment and restricted electronic waste, and lays out specific materials (see Appendix B for specific toxins) that, if found at high enough level, would cause some covered electronics to be considered restricted<sup>2</sup>. The act makes exceptions for the export of tested and working electronics, along with items still under warranty or affected by a recall<sup>3</sup>. The bill was introduced on June 22, 2011 by Rep. Gene Greene of Texas<sup>4</sup> in the House and Rep. Sheldon Whitehouse of Rhode Island in the Senate<sup>5</sup>. Below, you will find a discussion of the primary actors involved with H.R.2284, their efforts, and relevant motivating factors.

### Gene Green:

Representative Green, a moderate Democrat, represents the 29<sup>th</sup> district of Texas<sup>6</sup>. He serves as the ranking member of the Subcommittee on Environment and the Economy<sup>7</sup>. Historically, he has voted pro-environment 60% of the time<sup>8</sup>, but not at the expense of economic development. While Green does care about the environment, the true aim of H.R. 2284 is job creation. Green believes this bill will resonate well with his heavily democratic constituency as well as create skilled manufacturing and de-manufacturing jobs in Texas, which has been suffering from steadily increasing unemployment since 2008<sup>9</sup>. Moreover, this is an issue Green feels strongly about, having introduced similar legislation last session. Green has a great deal of power in getting the

bill heard on the floor of the House, since it has been sent to his Subcommittee on Environment and the Economy<sup>10</sup>.

Sheldon Whitehouse:

Senator Whitehouse, a liberal Democrat, is the junior congressman representing Rhode Island<sup>11</sup>. His stated objectives align almost identically with those of the Democratic Party, with job creation coming in at number one<sup>12</sup>. His history of support on environmental issues is high, earning him a 98% lifetime score from LCV<sup>13</sup>, but it is clear his motivations for passing S.1270 lie in its potential to create employment opportunities. Mr. Whitehouse currently sits on the Committee on Environment and Public Works, giving him a larger amount of control over the Committee hearings on S.1270<sup>14</sup>. Here, he will be able to control the discourse and markups on the bill, and ultimately influence whether or not S.1270 makes it to the floor of the Senate. As a Senator, Mr. Whitehouse has a greater say over what happens with the bill than Mr. Green in the House. The bill experiences bipartisan support, and with such extensive industry support, it is unlikely that Whitehouse will be forced to accept too many concessions in getting the bill to the floor<sup>15</sup>.

Obama Administration:

The Obama Administration has indicated that electronic waste is one of its higher priorities. The President and his delegates have visited several e-waste recyclers over the last two years, highlighting the quality and quantity of jobs the industry is creating by keeping recycling in the US<sup>16</sup>. However, The National Strategy for Electronics Stewardship released by the Obama Administration-established Interagency Task Force on Electronic Stewardship downplayed the need for export controls on hazardous e-

waste<sup>17</sup>. Even though Mr. Obama will no doubt want to support his taskforce's findings, it is unlikely that he will take action against H.R. 2284 due to the bill's potential to create skilled green jobs domestically, a platform Mr. Obama campaigned on vigorously and a promise he will want to deliver upon before his re-election run next year<sup>18</sup>. Bill backers should expect support from the White House in the form of administrator pressure and testimony, along with increased media attention.

Basel Action Network, and the Electronics Takeback Coalition:

The two primary non-governmental actors on H.R. 2284 are the Basel Action Network and the Electronics Takeback Coalition<sup>19</sup>. The primary goal of both organizations is preventing hazardous dumping of electronic waste both domestically and overseas<sup>20,21</sup>. This is motivated by deeply held beliefs that environmental degradation from improper disposal is inequitable and unjust. Their highest priority is to make sure export prevention remains as a key element in the bill. Both groups are unlikely to compromise on this, as it would be seen as a powerful win for their respective organizations.

While BAN and ETBC may be the most impassioned pro-bill voices, they are also some of the least well known. To increase visibility, both groups have been running relatively ineffective media campaigns. BAN has been the most effective at establishing credibility however, building a large coalition of responsible recyclers through their e-Steward program<sup>22</sup>. This support, assembled constituency, and its position as the authority on global e-waste dumping will ensure BAN (and to a lesser extent ETBC) access to any proceedings on the bill.

ISRI:

The main opposition for the bill is currently coming from the private sector. The Institute of Scrap Recycling Industries, Inc. (ISRI) is a trade association comprised of over 1,600 manufacturing and processing companies<sup>23</sup>. In 2010, the ISRI Board of Directors adopted a recycling export policy similar to H.R. 2284 with the exception of “free trade” of hazardous substances<sup>24</sup>. The Institute claims the bill will deter domestic job creation as well as shutting down foreign efforts to create a green economy, however, their real interest lies in protecting the export businesses of their members<sup>25</sup>.

Historically, the ISRI has lobbied the EPA and members of congress to allow for the foreign export of electronics<sup>26</sup>, and from July 24 to July 27, over 100 ISRI members visited 160 elected officials and staff to advise them on their concerns over H.R. 2284<sup>27</sup>. In response to BAN’s E-Stewards initiative, ISRI has started R<sup>2</sup>, a similar certification program (the key difference being the allowance of exports) aimed at growing ISRI’s constituency base and expertise<sup>28</sup>. ISRI is hoping to gain access to any decision-making, and as the main voice for the de-manufacturing industry, it is likely they will be included.

#### Manufacturers and Retailers:

There is large support for H.R. 2284 from companies such as Apple, Samsung, HP, Best Buy, and others (see Appendix C). Most companies are claiming that their interest in the passage of the bill is strictly environmental<sup>29</sup>, and while this certainly is a motivating factor, the private sector’s main interest is in uniformity of regulation. With 24 states passing different regulations on electronic waste in the last 10 years, the manufacturing and retail industry would prefer a universal standard to meet.

CEA, the industry’s lobbying group, prefers industry-led solutions over government regulation, but still has not released a position on the bill. Congress often seeks experts

from the industry they wish to regulate, and companies like HP and Best Buy are hoping that by showing early support, they can establish themselves as a clear voice on the issue, assuring them a place in the debates over H.R.2284.

Conclusion:

The level of support from the manufacturing, retail and (segments of the) de-manufacturing industries has been helpful in allowing Rep. Green and Sen. Whitehouse to build bipartisan support by framing H.R.2284 as an economic stimulator. In backing the bill, these sectors have increased their access to key subcommittees where Green and Whitehouse preside and increased the likelihood that they will be included in any debate on the subject. Green and Whitehouse currently hold positions on committees reviewing the bill, so it is likely H.R.284/S.1270 will make it to their respective floors. Getting the bill through the Democratic Senate will be much easier than through the Republican-controlled house. In order to continue to build support, Rep. Green will likely continue to frame the bill as an economic stimulator that is pro-environment. Republicans will likely jump at the chance to increase their environmental credibility while creating jobs. The support of the Obama Administration indicates that if the bill makes it to his desk, it will most likely become law. It is still unknown how effective the ISRI has been in lobbying Congress to gain influence over the action channel, but it is unlikely to have a dramatic effect in the face of such support. Even though both bills remain in committee with very little indication of movement, it is likely the bills will see some action given the high level of support and interest by sponsors and the Administration.

Legislative History:

21 October 1976    President Ford signs into law the Resource Conservation and

- Recovery Act (RCRA), the first piece of legislation to address solid and hazardous wastes on a federal level,<sup>30</sup> establishing the future framework for electronic waste legislation.
- August 1986 – 1987 Two highly publicized incidents of international hazardous waste export: the Khian Sea incident in Haiti and the Koko Beach case in Nigeria.<sup>31</sup>
- Ensuing international outrage leads to the creation of the inter-governmental Basel Convention.
- 22 March 1989 “The Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal” is adopted in Basel, Switzerland.<sup>32</sup> 170 countries are parties to the Convention.
- 1 January 1991 Switzerland implements SENS, whose initial focus is on recycling freezers and refrigerators.<sup>33</sup>
- SENS is the first example of nationalized electronic waste recycling legislation.
- 5 May 1992 Basel Convention enters force.
- Of the 170 consigning countries, only the Haiti, Afghanistan, and the United States have not yet ratified the Convention at this point.<sup>34,35</sup>
- 14 April 1993 Steve Lohr brings attention to the issue of e-waste recycling in his article “Recycling Answer Sought for Computer Junk,” which ran on the front page of the New York Times.<sup>36</sup>
- Mr. Lohr’s article is the first to address the issue of electronic waste in a major US publication.
- 25 March 1994 Basel Convention passes the Basel Ban Amendment, prohibiting the export of hazardous wastes from developed countries to developing nations.<sup>37</sup>
- Criticism arises as to whether this was legally binding due to the fact that BBA was not formally incorporated into the framework of the Basel Convention.<sup>38</sup>
- 22 September 1995 Basel Ban Amendment passes to formally become part of the Basel Convention.<sup>39</sup>
- Strong opposition is put forth by the United States, Canada, Germany, and other developed nations.<sup>40</sup> Lobbying by several European countries and NGOs (such as Denmark and Greenpeace) helped lead to success. After incorporation of the amendment, 71 countries have ratified the convention.<sup>41</sup>
- 22 February 1998 Basel Action Network (BAN) is launched, a Seattle-based NGO whose mission is to strengthen and ensure implementation of the Basel Ban.<sup>42</sup>
- BAN will later evolve into the authority on global e-waste dumping.
- 25 February 2002 Guiyu, China is documented fully for the first time by BAN in the film *Exporting Harm*, released in 2002.
- Guiyu is found to be the largest e-waste site on earth.<sup>43</sup>

- February 2003 European Community enacts WEEE directive, placing the burden of electronic equipment on manufacturing companies.<sup>44</sup> Participating countries are expected to have a framework on place by August 2004.
- 24 September 2003 California passes SB20, better known as The Electronic Waste Recycling Act of 2003, establishing advanced recycling fees for electronics with screens measuring over 4 inches.
- The bill passed the Senate 42-29 and was signed into law on the 24<sup>th</sup>.<sup>45</sup> California is the first state to adopt legislation regarding electronic waste.<sup>46</sup>
- 20 April 2004 Governor John Baldacci signs Maine's e-waste bill into law. The act, entitled "An Act to Protect Public Health and the Environment by Providing for a System of Shared Responsibility for the Safe Collection and Recycling of Electronic Waste," mandating that televisions and computer monitors collected from households by municipalities be aggregated and recycled through funds from the manufacturers of these items.<sup>47</sup>
- Maine becomes the second state in the US to adopt E-Waste legislation.
- 27 November 2006 Conference of the Parties to the Basel Convention focus hearings heavily on electronic waste disposal.<sup>48</sup>
- The meeting is held in Nairobi, and several African diplomats take the opportunity to call global attention to the e-waste crisis in neighboring countries.
- 31 December 2006 Maryland and Washington have joined California and Maine in passing state-level legislation, bringing the total number of states with E-Waste laws to 4.<sup>49</sup>
- 31 December 2007 Connecticut, Minnesota, Oregon, Texas, and North Carolina pass legislation governing the disposal of electronics in 2007, bringing the total number of states with state-level legislation on e-waste to 9.<sup>50</sup>
- 7 January 2008 Panasonic<sup>TM</sup>, Sharp<sup>TM</sup>, and Toshiba<sup>TM</sup> join together to create the Electronic Manufacturers Recycling Management Company (MRM).<sup>51</sup>
- MRM is the first manufacturer owned and operated recycling organization in the United States.
- 28 August 2008 Government Accountability Office releases a report on the EPA's need for stricter control harmful exports. The document also lays out the EPA's need for stronger enforcement and more comprehensive regulation of electronic waste specifically.<sup>52</sup>
- 31 December 2008 Virginia, West Virginia, Oklahoma, Missouri, Rhode Island, Hawaii, Illinois, and Michigan pass E-Waste laws in 2008, bringing the total number of states with electronic waste legislation to 17.<sup>53</sup>
- 6 July 2009 Sen. Klobuchar (D-MN) proposes S. 1397, the "Electronic Device Recycling Research and Development Act".<sup>54</sup> This is the first federal

- attempt to tackle the electronic waste issue.
- Bill is referred to the Committee on Environment and Public Works and is placed on the legislative calendar no. 351, but is never heard.<sup>55</sup>
- 29 September 2009 Rep. Green (D-TX) introduces the Responsible Electronics Recycling Act.
- Act is quickly referred to the House Committee on Energy and Commerce where it remains without movement until the end of session.<sup>56</sup>
- 5 May 2010 EPA teams up with Interpol to develop strategies for combatting illegal global e-waste trade.<sup>57</sup>
- Experts from 21 countries and 12 NGOs participated in the three-day gathering, making it the largest such gathering of involved agencies and interest groups.<sup>58</sup>
- 16 November 2010 President Obama signs America Recycles Day Proclamation, at the same time establishing an interagency task force aimed at addressing electronics stewardship.<sup>59</sup>
- Task force is comprised of CEQ, EPA, and GSA and aims to assist the federal government in leading by example to responsibly handle end-of-life electronics.<sup>60</sup>
- 31 December 2010 Indiana, Wisconsin, Vermont, South Carolina, New York, and Pennsylvania pass E-Waste laws in 2009 and 2010, bringing the total number of states with electronic waste legislation to 23.<sup>61</sup>
- 17 March 2011 BAN hosts over thirty e-Steward certified electronic waste recyclers for a meeting in Chicago.<sup>62</sup>
- Group calls upon the Federal Government to prohibit the export of its electronic waste in the wake of the President's creation of an interagency taskforce aimed at addressing electronics stewardship.<sup>63</sup>
- 22 June 2011 Rep. Green (D-TX) and Sen. Whitehouse (D-RI) introduce electronic waste bills to the House and Senate concurrently.<sup>64</sup>
- H.R. 2284 and S. 1270 are designed to prohibit the export of all restricted electronic waste.<sup>65</sup> Bill is referred to the Subcommittee on Environment and the Economy.
- 29 June 2011 H.R. 2284 is referred to the Subcommittee on Energy and the Environment.<sup>66</sup> Bill is still currently on the agenda for the Subcommittee.
- 15 September 2011 EPA brings first ever charges against illegal E-Waste exporters. Executive Recycling CEO and VP are charged with fraud and environmental crimes.<sup>67</sup>

## Appendix A

## Covered Electronic Equipment, Restricted Electronic Waste, Exceptions

### Covered Electronic Equipment

#### Computers

Central Processing Units

#### Mobile Computers

Notebooks

Netbooks

Tablets

E-book Readers

#### Computer Accessories

Input Devices

Webcams

Speakers

Data Storage Devices

Servers

Monitors

#### Televisions

Portable Televisions

Portable DVD Players

#### Video Display Devices

Digital Picture Frames

Portable Video Devices

#### Digital Imaging Devices

Printers

Copiers

Facsimile Machines

Image Scanners

Multifunction Machines

#### Television Peripheral Devices

Video Cassette Recorders

DVD Players

Video Game Systems

Game Controllers

Signal Converter Boxes

Cable and Satellite Receivers

#### Digital Cameras and Projectors

Digital Audio Players

Telephones and Electronic Communication

Equipment

Cellular Phones

Wireless Internet Communication

Devices

#### Networking Devices

Routers

Network Cards

Modems

Hubs

#### Audio Equipment

Portable Video Game Systems

Personal Digital Assistants

Portable Global Positioning System Navigation

Devices

### Restricted Electronic Waste

#### Cathode Ray Tubes:

Cathode Ray Tube Glass and Phosphor

Lamps Containing Mercury Phosphor

#### Batteries:

Batteries Containing Lead, Mercury, and

Cadmium

Flammable Organic Solvents

Switches and Other Devices containing Toxins

including:

Circuit Boards

Printer Drums

Liquid Crystal Displays

Flatscreen Glass

Light Emitting Diodes

### Exceptions

Motor Vehicle Parts

Tested and Working Electronics

Products under Warranty

Products being Recalled

Crushed Cathode Ray Tube Glass

Cleaned Cullet for Feedstock

Uncontaminated Material Streams

## Appendix B

Toxins Present in Restricted Electronic Waste  
as defined by H.R.2284

<u>Toxin</u>	<u>Effect</u>	<u>Toxin</u>	<u>Effects</u>
Mercury	Memory Loss Tremors Vision Loss Heart Disease* <sup>68</sup>	Beryllium	Respiratory Disease Chemical Pneumonia Cancer <sup>69</sup>
Cadmium	Lung Edema, Kidney Damage, Bone Damage, Testicular Necrosis <sup>70</sup>	Arsenic	Vomiting Diarrhea Seisures Death <sup>71</sup>
Hexavalent Chromium	Cancer Kidney Damage Liver Damage Ulceration Eye Damage <sup>72</sup>	Selenium	Vomiting Diarrhea Tachycardia Fatigue <sup>73</sup>
Antimony	High Blood Pressure Bronchitis Emphysema GI Disorders <sup>74</sup>	Barium	Paralysis Muscle Weakness Cardiac Irregularities <sup>75</sup>
Thallium	Hair Loss Kidney Damage Liver Damage Testicular Issues <sup>76</sup>	Lead	Reproductive Problems Nerve Disorders Berth Defects <sup>77</sup>

## Appendix C

### Specific Organizations Supporting H.R.2284 By Sector

<u>Group</u>	<u>Sector</u>	<u>Industry</u>	<u>Scope</u>
Basel Action Network	Not-for-Profit		International
Electronics TakeBack Coalition	Not-for-Profit		Domestic
Campaign for Recycling	Not-for-Profit		Domestic
Hewlett Packard	Private	Manufacturing	International
Dell	Private	Manufacturing	International
Apple	Private	Manufacturing	International
Samsung	Private	Manufacturing	International
Best Buy	Private	Retail	International

## Appendix D

### Acronyms, Definitions, and Additional Information

<u>Acronym</u>	<u>Definition</u>	<u>Additional Information</u>
CED/CEE	Covered Electronic Device / Covered Electronic Waste	Category of electronic equipment created by H.R.2284.
REW	Restricted Electronic Waste	List of toxins that, if found in a CED, prohibit it from export under H.R.2284.
SB20	The Electronic Waste Recycling Act of 2003	Legislation passed in California establishing advanced recycling fees for electronics with screens measuring over 4 inches.
BBA	Basel Ban Amendment	Proposed amendment to the Basel Convention prohibiting the export of hazardous wastes from developed countries to developing nations.
NGO	Non-Governmental Organization	Not-for-profit organization operating at local, national, or international level.
BAN	Basel Action Network	Global NGO aimed at bridging inequalities in global toxics trade with a focus on electronic waste.
SENS	Swiss Foundation for Waste Management	Not-for-profit organization conceived to facilitate municipal electronic waste recycling in Switzerland.
MRM	Electronic Manufacturers Recycling Management Company	Privately-founded organization with the goal of bringing together manufacturers to facilitate electronic waste recycling.
LCV	League of Conservation Voters	National not-for-profit organization working to bring environmental issues to the forefront of American political discourse.
ETBC	Electronics TakeBack Coalition	Not-for-profit institution promoting green design and recycling of electronics.
CEA	Consumer Electronics Association	Group founded by the electronics industry aimed at promoting clean electronics recycling from industry-driven initiatives.
ISRI	Institute of Scrap Recycling Industries, Inc.	Advocacy group for US-based de-manufacturers.
R <sup>2</sup>	Responsible Recycling	Certification for electronics recyclers founded by the ISRI.

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