**Resolution No. \_\_\_\_\_\_\_\_\_, 2020**

**RESOLUTION URGING STATE REPRESENTATIVES TO UPDATE THE NEW YORK STATE ELECTRONIC EQUIPMENT RECYCLING AND REUSE ACT
ON ITS 10-YEAR ANNIVERSARY IN 2020**

**WHEREAS,** the main reasons for the adoption of the New York State Electronic Equipment Recycling and Reuse Act (Act) in 2010 were to assist local governments with managing the fast-growing electronics waste stream by relying on electronics manufacturers to fund a recycling infrastructure and relieve municipalities from the recycling and end-of-life management costs; and

**WHEREAS,** the Act has succeeded in significantly increasing electronics recovery and recycling in the State, but the collection infrastructure is unstable, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as well as local governments throughout New York State, are faced with mounting costs in the absence of consistent manufacturer funding and limited markets for cathode ray tubes (CRTs); and

**WHEREAS**, such costs come at a time when \_\_\_\_\_\_\_\_\_\_\_ and local governments across the state are facing truly unprecedented financial pressures due to impacts of the Coronavirus as well as severely depressed recycling material markets due to China's National Sword policy; and

**WHEREAS**, the Act requires that manufacturers provide, and the state relies on, electronics manufacturers to fund e-scrap recycling programs that are effective, continuous and reasonably convenient to all consumers across the state at no cost; and

**WHEREAS,** manufacturers have not fulfilled their obligation to provide such convenient, year-round, no-cost drop off to residents in \_\_\_\_\_\_\_\_\_\_\_\_\_, and throughout New York State, and have further failed to manage, publicize, and adequately fund the program, leaving residents with insufficient opportunities to conveniently and properly dispose of their unwanted electronics; and

**WHEREAS**, as a result, \_\_\_\_\_\_\_\_\_\_\_\_\_ and municipalities across the state too often continue to bear the burden of organizing the recovery, as well as providing public education about the program and paying the cost to recycle the materials; and

**WHEREAS,** the consequence, specifically following the January 2015 CRT Disposal Ban, is significant as an increasing quantity of unwanted electronics are illegally dumped, and a growing number of local municipal solid waste systems are faced with bearing more of the financial responsibility for continued e-scrap collection in their communities; and

**WHEREAS,** once manufacturers have met their performance standard (goal), which in a number of cases is midway through the year, they no longer provide financial support to continue their collection programs, thus shifting management costs to cash-strapped local governments; and

**WHEREAS,** this has resulted in many local governments across the state having grappled with the burden to fund or cease e-scrap collection; and

**WHEREAS,** the New York Product Stewardship Council has recommended that the so-called "mail back" provision be removed from the statute as it undermines the requirement that manufacturers provide convenient drop-off for residents, and that mailing back heavy items, including old TV sets, is unreasonable and burdensome to residents, and has further recommended that the statute clarify that manufacturers are required to provide year-round, consistent financial support for collection sites included in their plans, regardless of whether their annual performance target has been met; and

**WHEREAS,** the state's major professional solid waste and recycling associations, including the New York State Association for Reduction, Reuse, and Recycling (NYSAR3), the Solid Waste Association of North America - NY Chapter (SWANA-NY), the New York State Association for Solid Waste Management (NYSASWM), the New York Product Stewardship Council (NYPSC) and the Federation of New York Solid Waste Associations, all endorse that the Convenience Standard (i.e. drop off) of the existing electronics recovery statute be amended so that it is based on the existing language as recently adopted by the state legislature for the Paint Stewardship Law, specifically, that:

* Manufacturers shall provide geographic modeling to determine the number and distribution of sites for collection of CEE on the following criteria (i) at least ninety percent of New York residents shall have a collection site within a fifteen mile radius; and (ii) one additional site will be established for every fifty thousand residents of an urbanized area (as defined by the United States Census Bureau).

And that the above referenced professional associations further recommend that:

* For all counties with populations between 65,000 and 300,000 people, in no event shall there be less than 3 (three) permanent collection locations.
* For counties with populations of less than 65,000 people, manufacturers shall conduct no less than 4 (four) quarterly collection events on an annual basis.
* Any county or solid waste authority may, at its discretion, establish a permanent collection site for CEE, and any materials so collected shall be accepted by the manufacturer, or its agent, at no cost to the municipality or solid waste authority, including reasonable costs for necessary supplies and materials to properly prepare the collected CEE for transport.

**RESOLVED,** that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ does hereby call upon Governor Cuomo, the New York State Assembly, and the New York State Senate to build toward the long-term goals of creating a more stable and comprehensive, manufacturer-implemented electronics recycling infrastructure by updating the New York State Electronic Equipment Recycling and Reuse Act on its 10-year anniversary in 2020, by adopting the above referenced changes to the Act's Convenience Standard and to clarify electronic equipment manufacturers' requirements to provide year-round, no-cost collection of electronics for residents, and thereby help alleviate the immediate extreme financial pressures faced by local governments; and be it further

**RESOLVED,** that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall forward a copy of this Resolution to Governor Cuomo, Environmental Conservation Committee Chairmen Senator Todd Kaminsky, and Assemblyman Steven Englebright, and local State legislative representatives. This Resolution shall take effect immediately.

**Resolution Adopted Date:**

**Vote: Ayes: Nays: Abstentions:**

**Signed:**