

November 5, 2009

Gary Shapiro
President and CEO
Consumer Electronics Association (CEA)
1919 S. Eads St.
Arlington, VA 22202

Dean C. Garfield
President and CEO
Information Technology Industry Council (ITIC)
1101 K St, NW Suite 610
Washington, D.C. 20005

Dear Mr. Shapiro and Mr. Garfield:

Electronic waste is the fastest growing part of the waste stream, but it poses special problems for local solid waste management programs. Electronic products contain a variety of materials that are recoverable and recyclable, but some of the materials are potentially hazardous if not managed properly. Increasingly, local governments are expected to spend more and more of our limited taxpayer/ratepayer dollars managing this growing problem.

We the undersigned are state and local government officials from states which have already enacted or hope to adopt e-waste recycling laws that give the electronics manufacturers responsibility for financing effective takeback services for all the products they are selling in our states. We support producer responsibility laws for electronics because we understand that the manufacturers will internalize the cost of running such programs into the product price which is a more equitable means of providing this service. In addition, we are hopeful that these policies will lead to products designed to be less toxic and more recyclable.

Voluntary Takeback Programs Not Performing

Many electronics manufacturers either do not offer national takeback programs or they operate voluntary programs that do not result in significant recycling volumes. To fill this gap, states and local governments have adopted producer takeback laws in eighteen states and New York City. Some of these programs are already operational and are generating significant recycling volumes – far higher rates than voluntary programs. In these states, the manufacturers are already running effective programs. In Washington State for example, over 29 million pounds of electronic products have been collected in the first nine months of that State's manufacturer responsibility program.

In some cases, member companies of your organizations helped enact the laws that resulted in successful state programs. And in states with legislated programs, we have appreciated the cooperation and efforts by the manufacturers in getting these programs launched and underway. It concerns us that your organization is now challenging the very concept of producer responsibility that many of your members have publicly supported.

New York Lawsuit Challenges State and Local Rights, and Harms Taxpayers

Despite your member companies' public support for the producer responsibility concept, your respective trade associations have taken the alarming step of filing a lawsuit against the New York City law implementing producer responsibility. As such, your actions are a direct challenge

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to state and local government efforts to protect public health and the environment. Governments can little afford to cover the recycling or disposal costs of each product brought to market. In bringing forth this lawsuit, we believe the industry is not meeting its fiscal responsibility and shifting it to taxpayers/ratepayers. In this respect, and given that some of your members have publicly supported producer responsibility, we feel you are out of step with the policy direction clearly emerging in the US, and one that already exists in much of the developed world.

We call on your organizations and your members to withdraw your lawsuit in New York City.

Sincerely,

California

Kyra Emanuels Ross
Legislative Representative
League of California Cities

Mary Pitto
Regulatory Affairs Advocate
Regional Council of Rural Counties

Karen Keene
Legislative Representative
California State Association of Counties

Jared Blumenfeld, Director
Department of the Environment
San Francisco

Marin County Board of Supervisors
Marin County

Claudia Pingatore
Contra Costa Green Business Program
Contra Costa County

Steve Lederer, Director
Department of Environmental Management
Napa County

Waymond Wong
Hazardous Materials/Pollution Prevention Program Supervisor
and

Mary Bell Austin
Pollution Prevention Specialist
Environmental Health Dept.
San Mateo County

Paul Philleo, Director,
Department of Waste Management and Recycling
Sacramento County

Tim Goncharoff
Recycling and Solid Waste Planner
Department of Public Works
Santa Cruz County

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Martha Kleykamp
Solid Waste Programs Manager
Glenn County Waste Management Regional Agency
Glenn County

Jim Test, Executive Director
Humboldt Waste Management Authority
Humboldt County

Kevin Miller
Materials Diversion Administrator
Dept of Public Works
City of Napa

Cheri Donnelly
Environmental Programs Mgr
City of Cupertino, CA

Connecticut

Rep. Patricia Widlitz
Deputy Majority Leader
CT House of Representatives
Sponsor of CT's e-waste law

Sebastian Guiliano, Mayor
Middletown, CT

Cyril Mays, Exec Dir.
Connecticut Recyclers Coalition

Florida

Katy Sorenson
County Commissioner for District 8
Miami-Dade County

Georgia

Kathie Gannon, Commissioner
DeKalb County, GA

Illinois

Senator Susan Garrett
Illinois State Senate
Sponsor of Illinois' e-waste law

Representative Elaine Nekritz
Illinois House of Representatives
Sponsor of Illinois' e-waste law

Indiana

Representative Mary Ann Sullivan
Indiana House of Representatives
Sponsor of Indiana's e-waste law

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Kansas

Edward W. Elam, LLS, ICM-CM
County Administrator
Ford County, KS

Maine

David P. Littell, Commissioner
Maine Department of Environmental Protection

Rep. Hannah Pingree
Maine Speaker of the House

Rep Jon Hinck
Maine House of Representatives

Rep. Seth Berry
Majority Whip, Maine House of Representatives

Rep. Melissa Walsh Innes
Maine House of Representatives

Rep. Joan Welsh
Maine House of Representatives

Maryland

Carol R. Fordonski
County Commissioner – Dist. 4.
Queen Anne’s County

Massachusetts

Frank Smizik
Massachusetts State Representative
Sponsor of Massachusetts e-waste legislation pending

Minnesota

Rep Brita Sailer
MN House of Representatives
Sponsor of Minnesota’s e-waste law

Senator Linda Higgins
MN State Senate
Sponsor of Minnesota’s e-waste law

Victoria Reinhardt
County Commissioner
Ramsey County

Jim McDonough, President
Association of Minnesota Counties

New Jersey

Assemblyman Reed Gusciora
New Jersey State Assembly
Sponsor of New Jersey’s e-waste law

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Oregon

Senator Jackie Dingfelder
Oregon State Senate
Sponsor of Oregon's e-waste law

Rep Ben Cannon
Oregon House of Representatives

David Bragdon
Metro Council President
(Metro is an elected regional government)

Rhode Island

Rep. Arthur Handy
Rhode Island House of Representatives
Sponsor of Rhode Island's e-waste law

Seth Yurdin
Providence City Council

Texas

Lee Leffingwell, Mayor
Austin, TX

Debbie Branch
Commercial Recycling &
Keep Fort Worth Beautiful Coordinator
City of Fort Worth - Environmental Management

Kim A. Mote, Ass't Director
Environmental Management Department
City of Fort Worth
Chairman, Texas Product Stewardship Council

Carol Clark
Recycling Coordinator
City of New Braunfels, Texas

Nancy Nevil, Director
Robert Smouse, Manager
Sustainability & Environmental Services
City of Plano, Texas

Heather Merchant
Environmental Education & Community Outreach Manager
City of Plano, TX

Liz Sumter, Judge
Hays County

Jerry Pinnix, Director
Recycling & Solid Waste
County of Hays, Texas

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Vermont

Senator Virginia Lyons

Vermont State Senate

Sponsor of pending e-waste legislation for Vermont

Jennifer Holliday, Chair

Vermont Product Stewardship Council

John Malter, Administrator

Mad River Resource Management Alliance

James O'Gorman

District Manager

Rutland County Solid Waste District

Rutland, VT

The Londonderry Solid Waste Group

A five town solid waste district

Washington

Sen. Craig Pridemore

Washington State Senate

Sponsor of Washington's e-waste law

Mike Cooper, Chair

Snohomish County Council

Former member of House of Representatives, where he was original sponsor of WA's e-waste bill

Councilmember Brian Sullivan

Snohomish County Council

Former member of House of Representatives, where he was sponsor of Washington's e-waste law

Matt Zybas

Solid Waste Utility Director

Snohomish County

Dr. Jay L. Watson, PhD, Administrator

Local Hazardous Waste Mgt. Program in King County (program covers Seattle, King Co. and 37 suburban cities)

Wisconsin

Sen. Mark Miller

Wisconsin State Senate

Sponsor of Wisconsin's e-waste law