

Summary of H.R. 6252, The Responsible Electronics Recycling Act.

Export Restrictions

The bill creates a new section of the federal RCRA law, that prohibits the export of "restricted electronic waste" from the U.S. to developing nations.

While tested and working equipment can still be exported to promote reuse, other consumer electronic equipment, parts, and material derived from them (such as shredded material) that contain toxic chemicals could not be exported to developing nations.

Exceptions:

There are three exceptions to the export restriction:

- Products subject to a recall
- Processed leaded glass cullet, which has been cleaned and prepared as feedstock into a glass-to-glass recycling plant in a country that does not classify it as a hazardous waste.
- Products covered by manufacturer warranties that are going back to the manufacturers that made them

Importing countries must give their consent to accept all of the exempted exports.

This approach is consistent with the policy most other developed nations have adopted via international treaties – the Basel Convention and Basel Ban Amendment.

Enforcement:

The violation of the bill can result in criminal penalties. Companies violating the law will be posted on a public registry of violators.

Definitions

Developing nations:

Countries which are not members of the Organization for Economic Cooperation and Development (OECD) or the European Union; or Liechtenstein (which is not a member of either). This definition is consistent with that used in international treaties, such as the Basel Convention

Restricted electronic waste:

- Items of covered electronic equipment, whole or in fragments, that include, contain, are derived from the following in more than a de minimus amount —
 - cathode ray tubes or cathode ray tube glass in any form, or cathode ray tube phosphor residues or dusts in any form;
 - a lamp or other device containing mercury phosphor;
 - batteries;
 - switches or any other devices containing mercury in elemental or compound form;
 - capacitors, transformers, light ballasts, or any other devices containing or suspected of containing polychlorinated biphenyls (PCBs); or

- parts, components, or assemblies, or materials derived therefrom, containing hexavalent chromium or beryllium (in elemental or compound form);
- items of covered electronic equipment, whole or in fragments, that include, contain, are derived from, or consist of—
 - circuit boards containing lead, cadmium, or beryllium in elemental or compound form;
 - printer drums or any other devices containing selenium in elemental or compound form;
 - liquid crystal displays, flatscreen glass, light emitting diodes (LEDs), or any other device containing arsenic in elemental or compound form; or
 - parts, components, or assemblies, or materials derived therefrom, containing antimony, barium, cadmium, chromium (other than hexavalent chromium), lead, thallium, beryllium, arsenic, or selenium; or
- any other covered electronic equipment parts, components, or assemblies, or materials derived therefrom, containing any other toxic material identified by the EPA that should be added to the definition
- The EPA will conduct rulemaking to determine the de minimus amounts for the materials above

- The term 'restricted electronic waste' shall not apply to covered electronic equipment or parts which are tested prior to export, and are found to be functional for the purpose for which the equipment or parts were designed, or in the case of "multi-function devices," fully functional for at least one of the primary purposes for which the equipment or parts were designed and appropriately packaged and labeled for shipment

Covered electronic equipment' includes:

Used computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers); computer accessories including input devices, webcams, speakers; data storage devices, servers; monitors, televisions, digital picture frames, and other video display devices; digital imaging devices (including printers, copiers, facsimile machines, image scanners and multifunction machines), television peripheral devices including 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; networking devices including routers; network cards, modems; and hubs; audio equipment; other wireless communication devices including cell phones, mobile television and entertainment devices, personal digital assistants; portable GPS navigation systems; and other used electronic products the EPA determines to be similar.