

***"Environmentally Sound Management
and Performance Standards
for
Direct Processors"***

**Washington State Electronic Product
Recycling Program**

Department of Ecology – Solid Waste and Financial Assistance Program

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Introduction

In September of 2007 the Washington State Department of Ecology (Ecology) adopted the rule “Electronic Product Recycling Program – WAC 173-900.” This rule includes requirements for Washington state’s recycling program for computers, monitors, laptops, and televisions (covered electronic products) from covered entities. Covered entities are households, charities, school districts, small businesses (less than 50 employees), and small governments. Among other requirements, this program includes minimum performance standards for direct processors who want to receive compensation under the program for the processing of covered electronic products (CEPs).

Under this program, all direct processors must register with Ecology. On Ecology’s web site is a list called “Direct Processor Registration List” which contains the names of all direct processors currently registered. The list also indicates if the direct processor is meeting the minimum performance standards for direct processors in WAC 173-900-650 or if the direct processor is conforming with the preferred performance standards (“preferred status”) in this document.

To get more information on the Electronic Product Recycling Program please visit Ecology’s web site:

<http://www.ecy.wa.gov/programs/swfa/eproductrecycle/>

Purpose

This document identifies all of the performance standards a direct processor must conform with in order to receive “preferred status” from Ecology on the “Direct Processor Registration List”. This list is found on Ecology’s web site.

Preferred Performance Standards for Direct Processors Used by a CEP Recycling Plan

In order to receive "preferred status" a direct processor must conform with all of the performance standards listed in this document for the following categories:

1. [Prioritized hierarchy of responsible management strategies.](#)
2. [Legal requirements.](#)
3. [Environmental, health, and safety management systems \(EHSMS\).](#)
4. [Recordkeeping.](#)
5. [On-site requirements.](#)
6. [Materials recycling and materials disposal.](#)
7. [Materials that are not reused or recovered.](#)
8. [Transport.](#)
9. [Prison labor.](#)
10. [Facility access.](#)
11. [Notification of penalties and violations.](#)
12. [CEPs and Components Going to Reuse.](#)
13. [Due Diligence Downstream.](#)
14. [Exporting.](#)
15. [Insurance.](#)
16. [Closure plan and financial responsibility.](#)
17. [Data sanitization/destruction.](#)
18. [Facility security.](#)

This performance standards are organized into the categories listed above. Each performance category has two "status levels".

Direct Processor Status Levels:

- 1) Minimum performance standards from WAC 173-900-650
- 2) Additional performance standards for preferred status.

In order to achieve "Preferred Status" direct processors **MUST** meet all of the performance standards in both status level 1) and 2).

Table A: Preferred Performance Standards for Direct Processors

The table below identifies all of the performance standards for “preferred status”. In order to receive "preferred status" a direct processor must meet both the Minimum Performance Standards from WAC 173-900-650 (left-hand column) and the Additional Performance Standards (right-hand column) for Preferred Status.

“Preferred Status” = the Minimum + the Additional Performance Standards
1. Prioritized hierarchy of responsible management strategies.
<p>Minimum Performance Standards</p> <p>(a) A direct processor should adhere to a hierarchy of responsible management strategies for end-of-life CEPs and CEP components which calls for, in order of preference:</p> <ul style="list-style-type: none"> (i) Reuse - Directing CEPs and CEP components to reuse, and refurbishment as appropriate to enable shipment for reuse. (ii) Recycling - <ul style="list-style-type: none"> (A) Direct processors must take all practicable steps to manually and/or mechanically dismantle, separate, and when appropriate process CEPs and CEP components to enable materials recycling. (B) Direct processors must dismantle and separate CEPs and CEP components into separate "streams" based on the risks they may pose and how they can most effectively be managed in conformity with section (6)(a) of this document, including removing and, as appropriate, placing in separate streams components or materials that may pose risks to worker safety, public health, or the environment in conformity with section (5)(d) of this document; and then (iii) Disposal - Direct processors must manage any residual that cannot safely or technically be recycled in accordance with (a)(ii) of this subsection, by: <ul style="list-style-type: none"> (A) If necessary, further dismantling and separating of CEPs and their components into separate streams based on the risks they may pose and how they can most effectively be managed in conformity with section (6)(a) of this document. (B) When residual materials cannot be recycled, they must be disposed of in conformance with applicable laws and regulations. <p>(b) A direct processor must periodically evaluate its management strategies to assure it takes advantage of new more effective technologies and is otherwise continuously improving its practices and processes.</p> <p>Additional Performance Standards</p> <p>(c) No additional performance standards.</p>
2. Legal Requirements
Minimum Performance Standards

- (a) A direct processor must comply with all federal, state, and local requirements and, if it exports, those of all transit and recipient countries, that are applicable to the operations and transactions in which it engages related to the processing of CEPs. These include but are not limited to applicable legal requirements relating to:
 - (i) Waste and recycling processing, storage, handling, and shipping; and
 - (ii) Air emissions and waste water discharge, including storm water discharges; and
 - (iii) Worker health and safety; and
 - (iv) Transboundary movement of electronic equipment, components, materials, waste, or scrap for reuse, refurbishment, recycling, or disposal.
- (b) Upon request by a customer, a direct processor must make available information about any financial penalties, regulatory orders, or violations the direct processor received in the previous 3 years. If the direct processor receives subsequent penalties or regulatory orders, the direct processor must make that information available within sixty days after any subsequent penalties or regulatory orders are issued.

Additional Performance Standards for “Preferred Status”

- (c) No additional performance standards.

3. Environmental, health, and safety management systems (EHSMS).

Minimum Performance Standards

- (a) A direct processor must develop, document, fully implement, and update at least annually a written EHSMS that includes all of the following:
 - (i) Written goals and procedures that require the direct processor to systematically manage its environmental, health, and safety matters.
 - (ii) Utilization of a "plan, do, check, act" model that identifies environmental aspects, implements operational controls, and provides corrective action procedures. Elements of this model must include:
 - (A) **Plan**
 - (I) Identification of environmental impacts, and legal and regulatory requirements;
 - (II) Establishment of environmental goals, objectives and targets;
 - (III) Plan actions that work toward achieving identified goals;
 - (IV) Plan for emergency preparedness and response; and
 - (V) Commitment of management support.
 - (B) **Do**
 - (I) Establish roles and responsibilities for the EHSMS and provide adequate resources;
 - (II) Assure that staff are trained and capable of carrying out responsibilities; and
 - (III) Establish a process for communicating about the EHSMS within the business.
 - (C) **Check**

- (I) Monitor key activities and track performance;
- (II) Identify and correct problems and prevent recurrence; and
- (III) Provide a measurement system that quantifies the application of the model.

(D) Act

- (I) Conduct annual progress reviews;
 - (II) Act to make necessary changes to the EHSMS; and
 - (III) Create and implement an action plan for continual improvement.
- (iii) A worker safety and health management plan that conforms to a consensus-based standard covering worker health and safety such as ANSI Z10 or to a similarly rigorous in-house standard.
 - (iv) A plan for responding to and reporting exceptional releases that could pose a risk to worker safety, public health, or the environment. Such releases include emergencies such as accidents, spills, fires, and explosions. The direct processor must submit this plan to all appropriate emergency responders, e.g., police, fire department, hospitals.
 - (v) Is conformable with ISO 14001, Institute of Scrap Recycling Industries' Recycling Industry Operating Standards ("RIOS"), the International Association of Electronic Recyclers' ("IAER's") standard, or other standards designed at a level appropriate for the processing of CEPs at the facility.
- (b) A direct processor must ensure all employees understand and follow the portions of the EHSMS relevant to the activities they perform.

Additional Performance Standards for “Preferred Status”

- (c) The EHSMS must also include a procedure for:
 - (i) Identifying and evaluating the environmental, health, and safety impacts of downstream vendors, and
 - (ii) Utilizing the information in (a) in the selection of downstream vendors.

4. Recordkeeping.

Minimum Performance Standards

- (a) A direct processor must maintain documentation such as commercial contracts, bills of lading, or other commercially accepted documentation for all transfers of equipment, components, and materials into and out of its facilities.
- (b) A direct processor must retain the documents required in WAC 173-900-650 and this document for at least 3 years.

Additional Performance Standards

- (c) The direct processor must also maintain records for any brokering transactions for at least 3 years.

5. On-site requirements.

Minimum Performance Standards

(a) General

- (i) A direct processor must have the expertise and technical capability to process each type of CEP and CEP component it accepts in a manner protective of worker safety, public health, and the environment.
- (ii) A direct processor must use materials handling, storage and management practices, including keeping all work and storage areas clean and orderly.
- (iii) Speculative accumulation:
 - (A) "Speculative accumulation" means holding, storing or accumulating electronic equipment or materials derived therefrom for more than one hundred eighty days.
 - (B) Generators and facilities holding, storing, or accumulating electronic equipment or materials derived therefrom for more than one hundred eighty days will be considered holding, storing, accumulating solid or hazardous waste and subject to applicable treatment, storage or disposal regulations or equivalent.
- (iv) A direct processor must use a certified scale to weigh CEPs and their components counted towards a plan's equivalent share.

(b) Disposal

- (i) These practices relate to CEPs that are generated, transported, collected, accumulated, stored, and physically dismantled (demanufactured) for recycling of useable materials.
- (ii) Electronic equipment that is intended to be disposed of (rather than recycled) at any point in the process and residues from these activities must be properly designated and managed under applicable laws.

(c) Use constituting disposal

- (i) Material that is used in a manner constituting disposal must comply with the applicable solid or hazardous waste requirements where disposal occurs.
- (ii) Use constituting disposal means the use of material derived from electronic equipment in a manner that renders the material incapable of performing the function for which it was originally created.

(d) Materials separation and processing

- (i) A direct processor must remove from CEPs and CEP components destined for material recycling any Materials of Concern that would pose a risk to worker safety, public health, or the environment during subsequent processing.
- (ii) "Materials of concern" include each of the following:
 - (A) Any devices, including fluorescent tubes, containing mercury or PCBs;
 - (B) Batteries;
 - (C) CRTs and leaded glass; and

(D) Whole or shredded circuit boards.

(iii) A direct processor must remove Materials of Concern prior to mechanical or thermal processing and handle them in a manner consistent with the regulatory requirements that apply to the items, or any substances contained in them, in a secured, sheltered enclosure with an appropriate catchment system. To prevent short circuiting, direct processors must cover or otherwise effectively separate battery terminals during storage and shipment.

(e) Storage

A direct processor must store Materials of Concern removed from equipment and components in accordance with (b) of this performance standard in a manner that:

- (i) Protects them from adverse atmospheric conditions and floods and, as warranted, includes a catchment system;
- (ii) Is secure from unauthorized entrance; and
- (iii) Is in clearly labeled containers and/or storage areas.

(f) Exceptional releases posing risks

A direct processor must be prepared to immediately implement the practices set forth in its EHSMS for responding to and reporting exceptional releases that could pose a risk to worker safety, public health, or the environment, including emergencies such as accidents, spills, fires, and explosions.

Additional Performance Standards

(g) Workforce and Environmental Protection

(i) Hazards identification and assessment: A direct processor must conduct on an ongoing basis (as new types of materials are processed or new processes are utilized) a hazards identification and assessment of occupational and environmental risks that exist or could reasonably be expected to develop at the facility. Such risks could result from any sources, including but not limited to:

- emissions of and/or exposure to substances¹
- noise
- ergonomic factors
- thermal stress
- substandard machine guarding
- cuts and abrasions

(ii) The hazards identification and assessment is captured in writing and incorporated as a component of the direct processor's EHSMS.

(iii) A direct processor must manage the hazards and minimize the releases it identifies using an appropriate combination of strategies, including but not limited to (in order of priority):

¹ Risks posed by exposure to substances may arise in a variety of situations – sometimes involving substances that do not under ordinary conditions pose a risk to worker safety or the environment. Such substances may include mercury, lead, beryllium, cadmium, PCBs, some phosphor compounds, certain brominated flame retardants (i.e., polybrominated biphenyls, pentabrominated diphenyl ether, and octabrominated diphenyl ether), silica dust, chlorinated or brominated dibenzodioxins and dibenzofurans, and hexavalent chromium.

(A) Engineering controls such as ((A)-(C) are in order of priority):

- (I) Substitution (e.g., replacing a toxic solvent with one less toxic),
 - (II) Isolation (e.g., automating a process to avoid employee exposure), or
 - (III) Ventilation and, if appropriate, capture (e.g., fume hood),
- And
- (IV) Dust control, capture, and clean up, and
 - (V) Emergency shut-off systems, and
 - (VI) Fire suppression systems,

(B) Administrative and work practice controls including appropriate combinations of:

- (I) Regular, documented health and safety training that covers information from the hazardous assessment, safe management handling, spill prevention, engineering controls, equipment safety, and use and care of personal protection equipment; with training for new hires and refresher courses for all employees that is understandable to them given language and level-of-education considerations,
- (II) Job rotation as feasible given workforce size,
- (III) Safe work practices,
- (IV) Medical surveillance,
- (V) Safety meetings.

(C) Personal protective equipment, including respirators, protective eyewear, cut-resistant gloves, etc. as appropriate for the risks involved in the tasks being performed.

- (iv) A direct processor must use and document monitoring and sampling protocols according to state and federal standards and provide assurances that the practices it employs are effective and continuously managing the risks it has identified. This includes complying with all applicable Federal or State (Occupational Safety and Health Administration) OSHA standards and sampling and/or monitoring protocols.
- (v) A direct processor must treat its entire workforce, including volunteer workers, temporary workers, and anyone else performing activities in its facilities, using the standard of care established pursuant to section (c) of this performance standard.
- (vi) A direct processor must designate a qualified employee or consultant to coordinate its efforts to promote worker health and safety. This individual is identified to all employees and two-way communication is encouraged between employees and this individual regarding potential hazards and how best to address them.

(h) Removal and Handling of Sub-Components Posing Higher Risks

- (i) A direct processor must handle these sub-components in a manner consistent with the regulatory requirements that apply to the items and any substances contained in them.

6. Materials recycling and materials disposal.

Minimum Performance Standards

- (a) A direct processor should use the hierarchy of management strategies in subsection (1) of this section for each type of equipment, component, and material that is not directed to reuse.
- (b) Types of equipment, components, and materials are placed in separate streams as necessary to assure the risks posed by each stream are adequately addressed.
- (c) A direct processor must direct streams, that are not directed to reuse, to materials recycling unless doing so poses unacceptable risk or is not technically feasible.
- (d) A direct processor must send each stream destined for disposal to a facility designed to safely handle all the contents of the stream.

Additional Performance Standards

- (e) A direct processor must dismantle, separate, and/or mechanically process, as appropriate, CEPs and components from which materials are to be recovered for recycling into separate “streams” to generate value and minimize waste, and to enable safe management through to final disposition (see Definitions).
- (f) A direct processor conducts due diligence on each downstream vendor to which it sends materials for recycling, obtaining a written contractual commitment, and verifiable business records and/or a third-party audit verifying, that the downstream vendor:
 - (i) Is designed, managed, licensed, and insured to recover reclaimable materials from the stream, and
 - (ii) Is in compliance with its environmental and worker safety legal obligations, and
 - (iii) Possesses and adheres to an environmental, health, and safety management system consistent with performance standard # 3 (EHSMS) of this document, and
 - (iv) If the stream contains Materials of Concern (any devices containing mercury or PCBs; batteries, CRTs and leaded glass; and whole or shredded circuit boards), safely manages any by-products or wastes produced at the facility from the stream shipped by the direct processor.

7. Materials that are not reused or recovered.

Minimum Performance Standards

- (a) A direct processor must utilize permitted energy recovery or disposal facilities for all equipment, components, and materials that are not technically or economically feasible to recycle.
- (b) A direct processor must separate equipment, components, and materials destined for energy recovery or disposal into separate streams as necessary to minimize risks to worker safety, public health, and the environment.
- (c) A direct processor may direct streams with high BTU values to energy recovery if the energy recovery facility is capable of combusting such streams without posing a higher risk to worker safety, public health, or the environment than alternative management strategies.
- (d) A direct processor must not send Materials of Concern to incinerators or solid waste landfills if doing so will pose a higher risk to worker safety, public health, or the environment than alternative management strategies.

Additional Performance Standards

- (e) A direct processor conducts due diligence on each downstream vendor to which it sends materials for

energy recovery or disposal, obtaining a written contractual commitment, and verifiable business records and/or a third-party audit verifying, that the downstream vendor:

- (i) Is designed, managed, licensed, and insured to recover energy from or engage in land disposal for all the contents of the stream, and
- (ii) Is in compliance with its environmental and worker safety legal obligations, and
- (iii) Possesses and adheres to an environmental, health, and safety management system consistent with **performance standard #3** of this document, and
- (iv) If the stream contains Materials of Concern (any devices containing mercury or PCBs; batteries, CRTs and leaded glass; and whole or shredded circuit boards), safely manages any by-products or wastes produced at the facility from the stream shipped by the direct processor.

8. Transport.

Minimum Performance Standards

- (a) A direct processor must ensure that all CEPs and CEP components to be transported are packaged in compliance with all applicable transport laws and rules.

Additional Performance Standards

- (b) A direct processor must ensure all equipment, components, and materials to be transported are packaged appropriately in light of the risk they could pose during transportation to public health or the environment and the level of care warranted by their intended use.
- (c) A direct processor must obtain written documentation or a third-party certification indicating that their transporters have all the necessary regulatory authorizations and no significant violations of relevant legal requirements during the past 3 years.

9. Prison labor.

Minimum Performance Standards

- (a) Direct processors may not use federal or state prison labor for processing.

Additional Performance Standards

- (b) No additional performance standards.

10. Facility access.

Minimum Performance Standards

- (a) Direct processors must allow access to the facility and the documentation required in this section for the purposes of assessing compliance with the requirements in this chapter and for sampling to:
 - (i) Ecology and ecology's designee(s);
 - (ii) Third-party observer for the purposes of sampling;
 - (iii) For processors used by the standard plan:

- (A) The authority;
- (B) The authority's designee(s);
- (iv) For processors used by independent plans:
 - (A) The plan's authorized party;
 - (B) The authorized party's designee(s).

Additional Performance Standards

- (b) No additional performance standards.

11. Notification of penalties and violations.

Minimum Performance Standards

- (a) Each direct processor must notify the authority or authorized party of the plan(s) for which the direct processor provides services if the direct processor receives any penalties, violations or regulatory orders related to processing activities.

Additional Performance Standards

- (b) No additional performance standards.

12. CEPs and Components Going to Reuse

Minimum Performance Standards

- (a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor must adhere to the performance standards in this document for all onsite activities relating to CEPs and components destined for reuse.
- (i) A direct processor must conform to all performance standards in this document for its onsite and sub-contracted refurbishment operations, and when shipping CEPs or components to downstream vendors for refurbishment.
- (c) Before shipping equipment or components for reuse, direct processor:
 - (i) Tests, any CEPs or components that contain a Material of Concern (any devices containing mercury or PCBs; batteries, CRTs and leaded glass; and whole or shredded circuit boards). The direct processor must use test methods appropriate for the content of the shipment.
 - (ii) Ensures that the CEPs and components are functioning properly (see Definition).
 - (iii) Accurately labels, packages, and ships the CEPs and components in a manner that will minimize damage during transport.

13. Due Diligence Downstream

Minimum Performance Standards

- (a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor must undertake the practices in sections (c) and (d) below in a way that establishes and maintains a verifiable chain of custody for Materials of Concern (any devices containing mercury or PCBs; batteries, CRTs and leaded glass; and whole or shredded circuit boards) through to final disposition (see definitions).
- (c) A direct processor must obtain from each downstream vendor that receives Materials of Concern from it, either directly or indirectly or through intermediate vendors, a written contractual commitment, and appropriate, verifiable business records and/or a third-party audit verifying, that the downstream vendor:
- (i) Conforms to [performance standard #2 \(Legal Requirements\)](#).
 - (ii) Conforms to [performance standard #3 \(EHSMS\)](#).
 - (iii) Conforms to [performance standard #4 \(Recordkeeping\)](#).
 - (iv) Conforms to a, d, e, and h(i) of [performance standard #5 \(On-site Practices\)](#).
 - (v) Conforms to [performance standard #12 \(CEPs and Components Going to Reuse\)](#).
 - (vi) Conforms to [performance standard #6 \(Materials recycling and materials disposal\)](#)
 - (vii) Conforms to [performance standard #7 \(Materials that Are Not Reused or Recovered\)](#).
 - (viii) Conforms to [performance standard #14 \(Exporting\)](#) when exporting Materials of Concern.
- (d) A direct processor must maintain access to the entire downstream chain of documentation and reviews its downstream vendors' conformity to these practices at least every 2 years and more frequently as changes in circumstances warrant.
- (e) A direct processor does not need to conduct the due diligence as set forth in section (c) for:
- (i) Vendors that are certified to the performance standards in this document by an accredited certification body.
 - (ii) Vendors to which the direct processor sends only CEPs and components for reuse in conformity with [performance standard # 12\(c\)](#).
 - (iii) Vendors, to which the direct processor sends materials for final disposition—in conformity with the due diligence and other practices in [performance standard #\(6\)](#) relating to the recycling of reclaimable materials or [performance standard # 7](#) relating to energy recovery and disposal.

14. Exporting

Minimum Performance Standards

- (a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor that exports Materials of Concern (any devices containing mercury or PCBs; batteries, CRTs and leaded glass; and whole or shredded circuit boards) for any purpose—except when contained in CEPs or components going for reuse in conformity with [performance standard #12](#)

ensures that each transit and recipient country legally accepts such imports.

(c) For each country that is not a member of the Organization for Economic Co-operation and Development (OECD), this entails either:

- (i) Requesting and receiving documentation, prior to shipping, from the Competent Authority² of each such transit and/or import country, that clearly verifies in English that the country legally accepts such imports, or
- (ii) Requesting and receiving, prior to shipping, confirmation—that the country(ies) legally accepts such imports—from the United States Environmental Protection Agency, which in turn will communicate with the other country’s Competent Authority to get a determination.

15. Insurance

Minimum Performance Standards

(a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor possess adequate Comprehensive or Commercial General Liability Insurance including coverage for:
- (i) Bodily injury;
 - (ii) Property damage;
 - (iii) Pollutant releases;
 - (iv) Accidents; and
 - (v) Other emergencies.

16. Closure Plan and Financial Responsibility

Minimum Performance

(a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor must develop and keep current a closure plan and a sufficient financial instrument that assures proper closure of the facility and assures against abandonment of any electronics recycling products, components, or materials.

17. Data Sanitization/Destruction

Minimum Performance Standards

² In countries that have ratified the Basel Convention, the “Competent Authority” is the entity that provides documentation concerning the legality of transboundary transactions involving equipment or components that the country classifies as Basel wastes. In countries that have not ratified this treaty, responsible recyclers acquire the necessary documentation from the national government entity legally responsible for determining the legality of such transboundary transactions.

- (a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor must sanitize or destroy data on hard drives and other data storage devices (the National Institute of Standards and Technology's (NIST's) Guidelines for Media Sanitation – Special Publication 800-88 883 lists categories of devices which need sanitization consideration).
- (c) Unless otherwise requested in writing by the customer, the direct processor must adhere to the data sanitization or destruction practices described in:
- (i) The NIST Guidelines for Media Sanitation: Special Publication 800-88 or
 - (ii) Another current generally-accepted standard, or
 - (iii) Must be certified by the National Association for Information Destruction (NAID) or another generally-accepted certification program.
- (d) Direct processors must document their data destruction procedures.
- (e) The direct process must provide employees involved in data destruction appropriate training on a regular basis.
- (f) Data destruction processes must be reviewed and validated by an independent party on a periodic basis.

18. Facility Security

Minimum Performance Standards

- (a) No minimum performance standards in WAC 173-900-650.

Additional Performance Standards

- (b) A direct processor must have a functioning security program that controls access to all or parts of the processing facility in a manner and to a degree appropriate given the type of CEPs and components handled and the needs of the customers served.
- (c) The program could include a combination of the following:
- Photo ID
 - Badge readers
 - Manual logs
 - Video surveillance
 - Locked doors
 - Receptionist and security guards
 - Perimeter fencing
 - Escorts
 - Visitor logs
 - Securing facility dock and bay areas when not in use
 - Locking gates and doors to storage and processing areas
- (d) A direct processor must have adequate lighting inside and outside of their facilities.

³ See http://csrc.nist.gov/publications/nistpubs/800-88/NISTSP800-88_rev1.pdf

Conflict with direct processor performance standards

To the extent that the direct processor performance standards in this document conflict with laws applicable to a processor in a state other than Washington or another country, the processor may comply with the applicable national, state, or local laws and rules if the following is included in the annual compliance audit report (see WAC 173-900-365(4) and the section below on audit reports):

- (a) Documentation of the conflict; and
- (b) Documentation of compliance with the national, state, or local laws or rules applicable to the processor.

How to receive “preferred status” from Ecology

- Step 1:** A direct processor must implement all of the performance standards included in this document (minimum and additional performance standards).
- Step 2:** A direct processor must receive certification from an auditor from an “accredited certification body” (see Definitions) as documented in an annual performance audit report stating that that the processor meets all the performance standards in this document.
- Step 3:** For each CEP recycling plan for which the direct processor provides processing services, the authority or authorized party must submit a plan, or plan update, that includes the initial annual performance audit report for the direct processor. (After the initial report subsequent audit reports must be submitted with the plan’s annual report.)
- Step 4:** Upon approval of the CEP recycling plan, or a plan’s annual report, Ecology will list the processor as in conformance with the preferred performance standards on the “Direct Processor Registration List” found on Ecology’s web site.

Note: If a direct processor is already listed in the approved CEP recycling plan, the annual compliance audit report certifying that the processor meets all of the preferred performance standards must be included in the plan’s annual report to Ecology (see WAC 173-900-800)

How to lose “preferred status”

Ecology will not list or will remove a direct processor from in “preferred status” if:

- (a) Ecology does not receive an annual audit report with an accredited certification body’s certification that the direct processor meets all of the preferred performance standards in "Environmentally Sound Management and Performance Standards for Direct Processors"; or
- (b) Ecology or Ecology’s designee discovers that the direct processor is not meeting all of the additional performance standards in this document.

If a direct processor loses preferred status, and is still providing services to a CEP recycling plan, the direct processor must still be in compliance with the minimum performance standards in WAC 173-900-650. If the direct processor is not meeting the minimum performance standards, Ecology will follow the warning, penalty, and violations requirements in WAC 173-900.

Annual Compliance Audit Report for “Preferred Status”

For each CEP recycling plan for which a direct processor is providing processing services, Ecology must receive a CEP recycling plan or plan annual report that includes an annual compliance audit report (report) for the direct processor. To receive “preferred status” this report must demonstrate and certify that the direct processor is in conformance with ecology's "Environmentally Sound Management and Performance Standards for Direct Processors." (See WAC 173-365).

Each report submitted to Ecology for “preferred status” must include:

- (a) A list of all the performance standards in this document;
- (b) Certification that the direct processor meets each of the performance standards, including a list of all applicable national, state, and local laws, rules, and ordinances, related to processing activities;
- (c) Documentation of conflict: When a conflict with the preferred performance standards occurs, documentation of the conflict and of compliance with the national, state, or local laws or rules that apply;
- (d) Documentation of whether or not the accredited certification body is accredited and by which standard:
 - (i) ISO Guide 66
 - (ii) ISO/IEC Standard 17021:2006; or
 - (iii) Another accredited certification body approved by Ecology.
- (e) Signature of the auditor certifying the accuracy of the report.

Proprietary information submitted to Ecology in this audit report is exempt from public disclosure under RCW 42.56.270.

Updates to this document

Ecology may update the content of this document at any time. When updates are made, Ecology will notify all registered direct processors and the authority and authorized party for each CEP recycling plan.

Situations that may result in an update to this document include but are not limited to:

- (a) The laws or rules related to the Electronic Product Recycling program are amended.

- (b) The EPA document “Responsible Recycling Practices for Electronics Recyclers” is updated.

Conformance with “Responsible Recycling (R2) Practices for Electronics Recyclers”

The preferred performance standards in this document are based on the responsible recycling standards defined in “Responsible Recycling (R2) Practices for Electronics Recyclers” issued by the Environmental Protection Agency. EPA’s voluntary program covers a broader range of electronic products than Washington state’s program. Ecology’s recognition of a direct processor in “preferred status” does not automatically mean that processor is in compliance with EPA’s voluntary program.

Definitions

Accredited Certification Body

An “accredited certification body” is accredited under ISO Guide 66, ISO/IEC Standard 17021:2006, or another accredited certification body approved by Ecology.

Authority

"Authority" means the Washington materials management and financing authority.

Authorized Party

"Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

Collector

"Collector" means an entity that is licensed to do business in Washington state and that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets the registration and collector performance standards requirements in Chapter 173-900 WAC – Part IV.

Covered Electronic Product

"Covered electronic product" or "CEP" includes any one of the following four types of products that has been used in Washington state by any covered entity, regardless of original point of purchase:

- (a) Any monitor having a viewable area greater than four inches when measured diagonally;
- (b) A desktop computer;
- (c) A laptop or a portable computer; or
- (d) Any video display device having a viewable area greater than four inches when measured diagonally.

"Covered electronic product" does not include:

- (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft;
- (b) Monitoring and control instruments or systems;
- (c) Medical devices;
- (d) Products including materials intended for use as ingredients in those products as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts;
- (e) Equipment used in the delivery of patient care in a health care setting;
- (f) A computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; automatic teller machines, vending machines or similar business transaction machines; or
- (g) Hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

Direct Processor

“Direct processor” means a processor contracted with a CEP recycling plan to provide processing services for the plan.

Downstream Vendors

“Downstream vendors” include any entity to which a direct processor transfers used or end-of-life electronic equipment, components, or materials including reuse, refurbishing, demanufacturing, processing, materials recycling, energy recovery, and disposal facilities.

Final Disposition

“Final Disposition” refers to the point in the recycling/disposal chain beyond which no further processing takes place and the materials are either in a form capable of direct use as a feedstock in manufacturing new products, as an alternative to primary raw materials, or are finally disposed of (e.g. in a landfill or incinerator.) This includes e.g. smelters, glass-to-glass manufacturing facilities, landfills, incinerators, and waste-to-energy facilities.

Functioning Properly

“Functioning Properly” means a piece of equipment or component can perform the primary functions it originally was designed to perform and that it does not include any components or subcomponents containing a Material of Concern that a downstream vendor or end user would typically remove and discard upon receipt. For notebook batteries, “functioning properly” means capable of holding at least a 45 minute charge under typical use and conditions.

Materials of Concern

“Materials of Concern” include each of the following, and any equipment or component, or any aggregate material(s) derived from end-of-life equipment or components (e.g. shredded, granulated, or mixed materials) containing any of the following:

- (1) Any devices, including fluorescent tubes, containing mercury or polychlorinated biphenyls (PCBs)
- (2) Batteries
- (3) Cathode Ray Tubes (CRTs) and leaded glass;
- (4) Circuit boards (whole, shredded, or in other form)

These items are included in the definition because of their varying levels of potential for improper handling and/or management that could result in risk to worker safety, public health, or the environment.

Processing Services

“Processing services” means disassembling, dismantling, or shredding electronic products to recover materials contained in the CEPs received from registered collectors or transporters and preparing those materials for reclaiming, reuse, or refurbishment in accordance with processing standards established in this chapter.

Processor

A “processor” is an entity:

- (a) Engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and preparing those materials for reclaiming, reuse, or refurbishment in new products in accordance with processing standards established by this chapter;
- (b) That prepares materials originating from CEPs for market as a commodity; and
- (c) That may salvage components to be used in new or refurbished products.

Recycling

"Recycling" means transforming or remanufacturing unwanted electronic products, components, and by-products into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and by-products with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

Third-Party Auditor

“Third-party auditors” are (a) individuals or entities established in the business of conducting environmental audits of companies and that (b) do not have an affiliation or relationship with the company it is auditing other than the formal auditing relationship.

Transporter

"Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.