



2020 Vermont State Standard Plan for the Collection and Recycling of Electronic Waste

Definitions

For purposes of this Plan, the terms shall have the meaning given in 10 V.S.A. § 7551, and as follows:

“Banned electronic devices” means an electronic device banned from disposal in a landfill pursuant to 10 V.S.A. § 6621a.

“Electronic device” means a computer; computer monitor; computer peripheral; device containing a cathode ray tube; printer; or television regardless of who deposits the device with the collector, transporter, or recycler. “Electronic device” does not include: any motor vehicle or any part thereof; a camera or video camera; a portable or stationary radio; a wireless telephone; a household appliance, such as a clothes washer, clothes dryer, water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, library, research and development, or commercial setting; security or antiterrorism equipment; monitoring and control instruments or systems; thermostats; handheld transceivers; a telephone of any type; a portable digital assistant or similar device; a calculator; a global positioning system receiver or similar navigation device; commercial medical equipment that contains a cathode ray tube, a cathode ray tube device, a flat panel display, or similar video display that is not separate from the larger piece of equipment; or other medical devices, as the term “device” is defined under 21 U.S.C. § 321(h) of the Federal Food, Drug, and Cosmetic Act, as that section is amended from time to time.

“Focus Materials” means electronic devices or components of electronic devices that include any of the following components:

- (A) Polychlorinated biphenyls (PCBs); or
- (B) Mercury; or
- (C) CRT glass, except for glass with lead content less than 5 parts per million, and clean of phosphors, CRT fines, coatings, and frit; or
- (D) Batteries; or
- (E) Whole or shredded circuit boards, except for whole and shredded circuit boards that do not contain lead solder, and have undergone safe and effective mechanical processing, or manual dismantling, to remove mercury and batteries.

“Domestic Reuse” means reuse within the United States of America.

“Manufacturer Opt-Out Individual Plan” (or “Manufacturer Opt-Out Plan”) refers to a plan approved by the Secretary under 10 V.S.A. § 7554.

“Foreign Reuse” means reuse outside of the United States of America.

“Procedure” means the Procedure for the Environmentally Sound Management of Electronic Devices created by the Secretary pursuant to its authority under 10 V.S.A. §7559(7).

“Primary recycler” means a recycler that receives electronic waste from collection or consolidation locations, or collection events.

“Refurbish” or “refurbishment” means to repair electronic devices to restore or improve the devices so that they may be used for the same purpose for which the devices were originally purchased.

I. Overview and Background

Title 10, chapter 166 of the Vermont statutes establishes a manufacturer-funded electronic waste (“e-waste”) collection and recycling program, which provides free collection and recycling services to households, charities, school districts, and businesses that employ 10 or fewer individuals (referred to as the “Vermont E-Cycles Program”). The statute also establishes that if seven or fewer covered electronic devices are delivered to a collector at any given time, those devices can be presumed to be from a covered entity. ANR considers “at any given time” to be not more frequently than daily. Section 7522 of Title 10 requires the Vermont Agency of Natural Resources (Agency) to adopt and administer a plan for the collection and recycling of e-waste in the State, referred to as the “State Standard Plan.”

Vermont’s e-waste law requires manufacturers that sell, offer, or deliver to retailers for sale in the State a covered electronic device to register with the Agency. These manufacturers must also participate in the state-administration of the State Standard Plan (referred to as the State Standard Program) for the collection and recycling of the covered electronic devices that are sold, offered, or delivered for sale in Vermont, or must alternatively develop and administer their own program, referred to as a Manufacturer Opt-Out Individual Program, for these services. The State Standard Plan may be administered by the State through a state contract, while manufacturers that wish to opt-out of the State Standard Plan requirements must submit for the approval by the Agency a Manufacturer Opt-Out Plan. The State Standard Program and any approved Manufacturer Opt-Out Program are implemented at the beginning of the program year, which is established by the Agency pursuant to 10 V.S.A. § 7551. The Agency has designated the program year to run from January 1 through December 31.

The e-waste law establishes a statewide electronic waste recycling performance goal based on the U.S. Census Bureau’s population estimates for the state of Vermont. This performance goal will be satisfied if the requisite number of total pounds of electronic waste is collected statewide in the given program year. The total pounds collected during the program year will be used to determine whether the statewide goal has been achieved and will also be used to assess whether an alternative Manufacturer Opt-Out program is collecting its equivalent share.

This Plan provides an outline of the services to be provided as a part of the State Standard Program.¹ This Plan also requires collectors, transporters, and recyclers participating in the State Standard Program to be in compliance with specific environmental management standards adopted by the Agency, which are defined in a separate document entitled Procedure for the Environmentally Sound Management of Electronic Devices (Procedure) (as amended).

Reporting and Registration Requirements

Manufacturers are required to register with the Agency annually by a date specified by the Agency. Manufacturers are required to report national sales data for the period of January 1 through December 31 of the prior program year.

All operator (collector, transporter, and recycler) registration requirements are due by the date specified by the Agency and will remain valid for a period of not more than five years. All operators are required to track and report annually by a date specified by the Agency on forms provided by the Agency.

Recycling goals are calculated based on 12-month totals from January 1 through December 31.

Outreach

A public information and outreach campaign must be implemented to inform consumers about how to recycle their electronic waste at the end of the product's life and of the consumer's obligation to remove personal data from materials prior to collection of electronic products for recycling or reuse.

Resources

The Agency has developed a website (vtecycles.org) that contains information about the Vermont electronic waste recycling (E-Cycles) program as well as collector signage providing information to covered entities about the E-Cycles program, electronic devices banned from landfill disposal, and the importance of removing personal data from devices before recycling. The Agency has also established a toll-free E-Cycles hotline (1-855-6ECYCLE).

II. Collection Locations and Events

Minimum Plan Requirements

The Agency has determined that the State Standard Program must maintain a minimum of 52 permanent collection locations that satisfy the minimum number of locations per county as identified in Attachment A (Required Minimum Program Collection Locations). A contractor administering the State Standard Plan ("contractor") must also service collection sites that are participating in the program as identified in the list provided in the RFP. If a collection location chooses to no longer participate in the State Standard Program, the contractor is not obligated to service that location for the remainder of the contract term or to replace that location unless it is required to meet the Required Minimum Program Collection Locations outlined in Attachment A.

Collection Events

¹ The Agency has established a separate guidance document for manufacturers that choose to participate in an approved Manufacturer Opt-Out Plan (Procedure for Manufacturer Opt-Out Programs).

A contractor may also conduct events to collect electronic waste (“collection events”), provided that the event is properly registered with the Agency on a form provided by the Secretary (www.vtcycles.org), and provided that the event is conducted in compliance with the Procedure. Collection events will not be allowed as a substitution for any of the required permanent collection locations, and events will not receive any collector compensation. Before conducting an event or accepting an event request, the contractor should review alternatives such as permanent collection locations or an alternative collection opportunity in the area when alternatives might be more cost-effective.

Shared Collection Locations

A contractor may share collection locations with other approved manufacturer opt-out programs, provided that:

1. The collection location and the program all agree to the sharing of that location;
2. Each program provides the Secretary with a list of shared locations along with documentation demonstrating that the program meets the minimum collection location requirements, and shall provide the Secretary with an updated list of shared locations within 5 days of any changes to the list;
3. Each program will allocate pounds collected from shared locations based on the market share percentages of participating manufacturers of each program; and
4. The programs agree upon, document, and provide written documentation to the Secretary on how the following will be addressed at shared locations:
 - a. How collection programs will ensure that double-counting of e-waste will not occur;
 - b. How the collection programs will prevent preferential selection of high-value material by any program;
 - c. How the collection programs will coordinate collection equipment and storage units for the collection and allocation of material from shared locations;
 - d. How the pickup, transportation, and recycling of e-waste from all collection locations will be coordinated;
 - e. How the programs will allocate, based on the market share of the participating manufacturers, the pounds of covered electronic devices managed and the associated costs, including payments made to collectors for collecting covered electronic devices;
 - f. How payments will be provided to collectors, and
 - g. How the collection programs will verify compliance with the requirements of 10 V.S.A. Chapter 166 and any approval issued by the Secretary.

III. Plan Requirements for Collectors, Transporters, and Recyclers

All electronic waste collectors, transporters, and recyclers located within the state, are required to register with the Agency prior to operating within the State of Vermont. Registration must be updated no less than

once every five years. Registration must be amended within 10 days after a change to any information in the registration submitted by the operator under this section. Forms and guidance on collector, transporter, and recycler registration are posted on the E-Cycles website.

In addition to these registration requirements, all collectors, transporters, and recyclers are subject to the requirements of the Procedure. Collectors, transporters, or recyclers who are a part of the State Standard Program are furthermore subject to the requirements within this Plan.

The Vermont State Standard Plan will only reimburse for the collection, transport, and recycling of electronic waste and foreign reuse and refurbishment. The State Standard Plan will not reimburse for domestic reuse and/or refurbishment, or any premium services identified in (A)(2) below. Collectors shall be fairly compensated for providing collection services.

Collectors and recyclers must report the quantity of electronic waste managed to the Agency in accordance with the requirements of the Procedure.

A. Collector Requirements

1. When providing services for the State Standard Program, the collector shall:
 - a. Register each collection location and collection event;
 - b. Provide collection service throughout the program year;
 - c. Not refuse to accept electronic waste from covered entities. Electronic waste shall be collected:
 - i. Free of charge from covered entities who are residents of, or residing in, the state of Vermont, regardless of whether the covered entity is located within the collector's municipality, county or waste management district; and
 - ii. By appointment if devices from one covered entity represent a volume beyond the collector's available storage space where acceptance of the waste would place the collector out of compliance with the Procedure.
 - d. Staff the collection location during operating hours. The facility shall offer collection services during the hours the facility is open for operation. Each county shall have at least one collection location that is open on Saturdays;
 - e. Allow access by the Agency for inspections to determine compliance with the requirements in 10 V.S.A. Chapter 166, as well as any other applicable environmental laws and the management standards outlined in the Procedure;
 - f. Report annually to the Agency on a form prescribed by the Agency, the type of electronic waste collected, the total weight of electronic waste recycled during the preceding program year, and whether electronic waste was collected under the State Standard Plan or any approved Manufacturer Opt-Out Plan. In addition, the collector shall report electronic waste that was removed for domestic reuse. Reports shall be submitted to the Agency by the date specified by the Agency;
 - g. Comply with the Procedure for the Environmentally Sound Management of Electronic Devices

(Procedure) (as amended).

2. When providing collection services for the State Standard Program, the collector may offer premium services to covered entities for a fee, however these premium services will not be reimbursed by the State Standard Program. Premium services may include:
 - a. Special curbside services;
 - b. Pick up and transport from covered entities;
 - c. Data security services; or
 - d. Other services authorized in advance by the Agency.

B. Transporter Requirements

When providing transport services for the State Standard Program, transporters shall:

1. Register as a transporter before operating in the state.
2. Comply with the Procedure for the Environmentally Sound Management of Electronic Devices (Procedure) (as amended).

C. Recycler Requirements

When providing recycling services for the State Standard Program, primary recyclers operating within the State shall:

1. Be registered as a recycler with the Agency if located within Vermont.
2. Be certified by the R2 Standard for Responsible Recycling (most current version according to SERI - <https://sustainableelectronics.org/>)(R2) or e-Stewards accredited certifying body. Primary recyclers shall also be able to document that any downstream vendors comply with US EPA R2 or e-Stewards Standards.
3. Comply with the Procedure for the Environmentally Sound Management of Electronic Devices (Procedure) (as amended).
4. Comply with all applicable federal, state, and local laws.
5. Be able to document that the primary recycler and its downstream vendors do not use prison or child labor to recycle electronic waste.
6. Allow access by the Agency for inspections to determine compliance with requirements in 10 V.S.A. Chapter 166 as well as any other applicable environmental laws, including the management standards outlined in the Procedure.
7. Report annually to the Agency pounds of electronic waste collected as identified under the Procedure for the Environmentally Sound Management of Electronic Devices (Procedure)

(as amended).

IV. Environmental Management Standards

All facilities operating within the State are required to comply with the Agency's Procedure for the Environmentally Sound Management of Electronic Devices (as amended).

The Contractor for the State Standard Plan shall ensure that primary recyclers operating under the State Standard Program comply with the following with respect to State Standard Program materials:

1. A primary recycler is prohibited from disposing of any electronic waste. A primary recycler may initiate a shipment of parts that are not recyclable to a facility that is permitted or certified to accept those materials.
2. A primary recycler shall submit a copy of a current certification by an accredited certifying body demonstrating that the primary recycler to be used in the State Standard Program is certified as compliant with either the Responsible Recycling (R2) or e-Stewards Standard. Notwithstanding the requirements of either the e-Stewards Standard or R2, in no case shall the regulatory requirements of this Procedure be more restrictive than 40 C.F.R. Part 262 Subparts E or H.
3. A third-party compliance audit of any primary recycler to be used by the State Standard Program shall be conducted as approved by the Secretary. An audit shall be performed at least annually and shall provide a report to the Secretary outlining the recycler's compliance and any non-compliance with applicable state and federal laws and regulations pertaining to the storage and speculative accumulation of electronic waste in the state where the recycler is located.
4. Provide documentation of certification from the Vermont Agency of Agriculture, Food, and Markets (AAFM), Consumer Protection Section, for any scale used for weighing electronic waste materials to be recycled or shipped for export, and the date of the most recent calibration or inspection of the scales performed by the AAFM. For any out-of-state facilities to be used by the program, the contractor shall provide documentation of the out-of-state facility's compliance with respective state's weights and measures laws, regulations, and standards.
5. Complete all reporting requirements under the State Standard Program as established by the Secretary.
6. Record retention. A primary recycling facility must retain records for shipments, export, and records identified in subsection (6) of this section for at least three years from the date a shipment of electronic devices, electronic devices for reuse, or components containing Focus Materials was received by, or were shipped from, the facility.
7. Primary recycling facilities shall be in compliance with all applicable federal, state, and local laws.
8. Primary recycling facilities should be able to document that the facility and its downstream vendors do not use prison or child labor to recycle electronic waste.
9. Primary recycling facilities shall allow access by the Agency for inspections to determine compliance with the requirements of 10 V.S.A. Chapter 166, including the management standards outlined in the Procedure, as well as any other applicable environmental laws.

V. **Effective Date**

This State Standard Plan is effective upon date of signature.

Signature



12/15/2020

Peter Walke, Commissioner
Department of Environmental Conservation
Agency of Natural Resources

Signed this Date

ATTACHMENT A

REQUIRED MINIMUM PROGRAM COLLECTION LOCATIONS

The Secretary has determined that a collection program must maintain a minimum of 52 permanent collection locations that satisfy the minimum number per county as identified below. Any municipality with a population of 10,000 people or more, must have at least one collection location.

County	Census Estimate July 1, 2019 ²	% of Total State Population	Towns with population >10,000	Minimum number of collection facilities required per county
Addison	36,777	6%	-	at least 3
Bennington	35,470	6%	Bennington	at least 3
Caledonia	29,993	5%	-	at least 3
Chittenden	163,774	26%	Burlington Colchester Essex Milton South Burlington Williston	at least 10
Essex	6,163	1%	-	at least 3
Franklin	49,402	8%	-	at least 3
Grand Isle	7,235	1%	-	at least 1
Lamoille	25,362	4%	-	at least 3
Orange	28,892	5%	-	at least 2
Orleans	27,037	4%	-	at least 3
Rutland	58,191	9%	Rutland City	at least 5
Washington	58,409	9%	-	at least 4
Windham	42,222	7%	Brattleboro	at least 4
Windsor	55,062	9%	-	at least 5

² Annual Estimate of the Resident Population, U.S. Census Bureau, Population Division, <https://www.census.gov/programs-surveys/popest/data/tables.2019.html>