

*Comments of
IPC – The Association Connecting Electronics Industries
for the
U.S. EPA Public Meeting
on the
Definition of Solid Waste Rule*

SEPTEMBER 12, 2011



1901 NORTH MOORE STREET SUITE 600
ARLINGTON, VA 22209

Good Morning/Afternoon.

My name is Stephanie Castorina and I am the Manger of Environmental Programs for IPC, the Association Connecting Electronics Industries.

IPC is a global trade association representing over two thousand two hundred member companies in the United States. IPC represents all facets of the electronics interconnect industry, including design, printed circuit board manufacturing and electronics assembly. Printed circuit boards and electronic assemblies are used in a variety of electronic devices including cell phones, computers, pacemakers, automobiles, and sophisticated missile defense systems.

Although IPC members include electronic giants, sixty percent of IPC members are small businesses. The typical IPC member has one hundred employees and a profit margin of less than four percent.

IPC believes the 2008 Definition of Solid Waste, or DSW, rule was an important step towards more fully realizing the sustainable materials management goals of the EPA. Under the rule, secondary materials would have been increasingly recycled, reclaimed, and otherwise beneficially re-used. The rule struck a delicate and appropriate balance between removing regulatory barriers in order to

encourage recycling and EPA's mandate to maintain environmental protections.

The 2008 DSW rule provided an opportunity for a real benefit to the environment by encouraging the recycling of secondary materials that otherwise would have been landfilled.

It is unfortunate that EPA has abandoned the potential environmental benefits of the 2008 DSW rule by proposing to return to a regulatory regime which discourages recycling by saddling secondary materials that are sent for recycling with burdensome RCRA hazardous waste regulations. The provisions of the 2008 DSW rule could still have the potential to provide significant environmental benefits and encourage sustainable materials management. We believe that EPA should not entertain additional provisions which would discourage the recycling of secondary materials.

Although there are a number of materials that would be recycled under the transfer-based provisions of the 2008 DSW rule, I'd like to use the remainder of my time to focus on one particular waste stream from the manufacture of electronics.

Copper sludge, created through the treatment of wastewater from the electroplating of printed circuit boards and other items, is one of the high-value secondary

materials that would more commonly be reclaimed under the provisions of 2008 DSW rule. This sludge often contains metals at a concentration that is significantly higher than that occurring in nature. For example, copper ore normally contains less than one percent copper, whereas copper sludge from the printed circuit board industry averages 10 to 15 percent copper. According to EPA's 1998 Common Sense Initiative F006 Benchmarking Study¹, electroplating wastewater treatment sludge represents **one of the largest sources of untapped metal-bearing secondary material in the United States**. As a result of the cost of reclamation under RCRA hazardous waste regulations, landfills have been the dominant choice for final disposal of electroplating sludge, wasting valuable resources.

For over a decade, EPA has acknowledged the importance of changing the regulatory regime for electroplating sludge. In 2007 EPA submitted to the Office of Management and Budget a draft rule that would have exempted the material from RCRA hazardous waste regulations if reclaimed. Later that same year EPA withdrew the draft rule in order to include electroplating sludge reclamation in the pending DSW rule. Unfortunately, due to doubt surrounding the implementation of the DSW rule little has changed regarding the reclamation of electroplating sludge. The 2011 proposed rule removes the transfer-based exclusion which would

¹ EPA Common Sense Initiative, Metal Finishing Sector, Workgroup Report: F006 Benchmarking Study, September 1998. Available at the National Metal Finishing Resource Center <http://www.nmfrc.org/pdf/f006fin.pdf>.

severely discourage reclamation of electroplating sludge. EPA should strongly consider a remanufacturing exclusion for electroplating sludge in order to ensure the benefits of reclaiming this high-value material are seen.

The transfer-based exclusion in the 2008 DSW rule would empower the marketplace to create new and cost-effective recycling options that produce the win-win situation of reducing the mining of virgin metals and saving money.

Under the 2011 proposed restrictions, only heavily regulated RCRA Treatment, Storage and Disposal facilities would be allowed to recycle secondary materials such as electroplating sludge. The costs to be a TSDF are extremely high and therefore companies are discouraged from becoming a TSDF. In early 2011 a recycling facility in Arizona stopped reclaiming electroplating sludge due to burdensome and costly regulations associated with being a TSDF. This facility **was the last U.S.-based recycler** that accepted electroplating sludge for reclamation.

Currently, there is one facility in Canada, while the majority of facilities are located in China, Europe, and Mexico. Removing regulatory barriers to recycling will encourage facilities in the U.S. to recycle high-value materials leading to reduced recycling costs and an increase in materials recycled.

IPC believes that, with the 2008 DSW rule, EPA has taken an important step towards relieving unnecessary regulatory burdens on the manufacturing sector

while at the same time furthering its mission of protecting the environment and human health by encouraging increased recycling. Reversing or severely restricting the provisions of the 2008 DSW rule that encourage recycling would be detrimental to industry and the environment.

We urge EPA to realize the benefits of reclaiming high-value materials, such as electroplating sludge and other metal-bearing secondary materials, outside RCRA hazardous waste regulations. EPA should classify electroplating sludge and other metal-bearing secondary materials as high value materials that qualify for an exemption under DSW.

Thank you for your time.