

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

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Good Morning.

My name is Fern Abrams and I am the Director of Environmental Policy and Government Relations for IPC, the Association Connecting Electronics Industries.

IPC is a global trade association representing over two thousand seven hundred member companies, approximately 75 percent of which are in located 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 Definition of Solid Waste, or DSW, rule is an important step towards more fully realizing the resource conservation goals of RCRA. Contrary to the Sierra Club's characterization of the 2008 DSW rule as a "Midnight Rule," the EPA formed a *Definition of Solid Waste Task Force* in 1992, **over fifteen years before the rule was published.**

Over the years, a number of independent published studies, summarized in EPA's Regulatory Impact Analysis¹, identified the RCRA regulatory structure as a **barrier to recycling**. In their July 2003 publication, *Beyond RCRA, Waste and Materials Management in the Year 2020*, EPA recognized the need for reform stating,

“Creating a system **truly** oriented towards efficient use of resources could also require fundamental changes ... so that materials now considered wastes would be seen, whenever possible, as **commodities** with potential uses. One approach to making such a system work would be to identify materials as “wastes” **only when they are clearly destined for disposal**; ... that is “**materials** management” rather than “**waste** management.” Reducing distinctions between wastes and materials could **dramatically improve recycling and reuse rates** and, therefore, make great contributions towards conservation of resources.”²

¹ Regulatory Impact Analysis, USEPA's 2008 Final Rule Amendments to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, September 25, 2008.

² *Beyond RCRA, Waste and Materials Management in the Year 2020*, US EPA, Office of Solid Waste, EPA530-R-02-009, April 2003.

We believe the DSW rule finalized in 2008 represents an essential step in enabling EPA to move toward a future where the focus of RCRA is on resource conservation. Under the rule, secondary materials that would be considered hazardous waste if discarded will increasingly be recycled, reclaimed, and otherwise beneficially re-used. EPA's Regulatory Impact Analysis³ estimates that in addition to providing valuable economic benefits to the beleaguered manufacturing sector, over **two thousand four hundred** industrial facilities are expected to switch from disposal to recycling, resulting in the diversion of over **twenty thousand tons per year of waste from landfills into beneficial reuse.**

The rule strikes a delicate and appropriate balance between removing regulatory barriers in order to encourage recycling and EPA's mandate to maintain environmental protections. EPA has amassed a significant and thorough docket to support the provisions selected. We believe that EPA should not contradict its previous judgment by reopening the rule, nor should it entertain additional provisions which would over regulate the excluded materials.

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

³ Regulatory Impact Analysis, USEPA's 2008 Final Rule Amendments to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, September 25, 2008.

Metal sludge, created through the treatment of wastewater from the electroplating of printed circuit boards and other items, is one of the secondary materials that will more commonly be recycled under the provisions of DSW. 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 recycling under RCRA hazardous waste regulations, landfilling has been the dominant choice for final disposal of electroplating sludge.⁴ 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. However, because landfilling is generally less expensive than metals recovery under RCRA hazardous waste regulations, most metals-rich sludge has been landfilled, wasting valuable resources.

Under the restrictions allowing recycling only by heavily regulated RCRA Treatment, Storage and Disposal facilities, very few companies have undertaken the recycling of electroplating sludge, creating monopoly-like conditions and monopolistic prices. The transfer-based exclusion in the DSW rule empowers 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.

⁴ EPA Common Sense Initiative, Metal Finishing Sector, Workgroup Report: F006 Benchmarking Study, September 1998. Available from the at National Metal Finishing Resource Center at <http://www.nmfrc.org/pdf/f006fin.pdf>

One such company, Micronutrients, was recently featured on the Discovery Channel's Green Magazine TV⁵. By pursuing an exemption from RCRA hazardous waste regulations, Micronutrients became a leading recycler of copper from spent etching solutions. Now under the provisions of the DSW rule Micronutrients may begin recovering the valuable copper contained in electroplating sludge. This company is but a single example of the new recycling that will be encouraged by the removal of regulatory barriers under the DSW rule.

This example also highlights the importance of the transfer-based exclusion, which provides the greatest opportunity for increasing the recycling of secondary materials. Many of the secondary materials produced in the electronics and other manufacturing sectors cannot be recycled onsite. Economies of scale, along with differing input needs, allow manufacturers in one sector to make efficient use of secondary materials produced by other manufacturing sectors.

IPC believes that, with the 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.

We urge EPA to reexamine the strong regulatory record it has amassed in support of this carefully calibrated rule and deny the Sierra Club's petition to reopen the Definition of Solid Waste Rule.

⁵ Aired June 25, 2009 on the Discovery Channel