



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE ENVIRONMENTAL RESOURCES & ENERGY COMMITTEE**

ON

SENATE BILL 800

PRESENTED BY

**ELAM M. HERR
ASSISTANT EXECUTIVE DIRECTOR**

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Chairman Yaw and members of the Senate Environmental Resources and Energy Committee:

Good morning. My name is Elam M. Herr and I am the Assistant Executive Director for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of Pennsylvania's 1,454 townships.

Townships comprise 95 percent of the commonwealth's land area and are home to more than 5.5 million Pennsylvanians, nearly 44 percent of all state residents. These townships are very diverse, ranging from rural, agricultural communities with fewer than 200 residents to more suburban, populated communities with populations of more than 60,000 residents.

Thank you for the opportunity to provide comments on SB 800 (*PN 1041*), a proposed replacement for the Covered Device Recycling Act (*Act 108 of 2010*) on behalf of the 1,454 townships in Pennsylvania represented by the Association.

The Covered Device Recycling Act outlawed the disposal of electronic devices in landfills and required manufacturers and retailers to provide recycling programs for desktop computers, laptop computers, computer monitors, computer peripherals, and televisions sold to Pennsylvania consumers. The Act also requires manufacturers to pay a fee to the state Department of Environmental Protection based on tonnage sold the previous year.

While enacted with good intentions, the manufacturers fee is based on devices that were manufactured in the past and are larger and heavier, making this formula obsolete. Recyclers are requiring payment for collection and transportation, if you can find a recycler willing to take these devices. Under the Act, retailers are prohibited from charging fees for collecting these devices. As a result, retailers are no longer accepting used devices, particularly old televisions and computer monitors.

As described by previous testimony, townships across the Commonwealth have seen a significant increase in the illegal disposal of these devices. Municipalities are struggling to find any provider willing to take these devices and most that do charge a significant amount. In fact, 45 cents per pound is not unusual, again, if the municipality can even find a vendor willing to accept these materials. This has led to the need for municipalities and the public to store these large devices until a willing recycler can be found. This issue has become of increasing concern to our members and must be addressed. In fact, our members approved a policy position at our April 2017 conference asking for the legislature to evaluate this act and to seek amendments to correct its failure to foster the recycling of electronic devices.

We commend Sen. Alloway for his work as sponsor of Senate Bill 800 (*PN 1041*) and this committee for its willingness to discuss this critical issue. We believe that the solutions proposed by this legislation will address the concerns and work to alleviate the pressures of illegal dumping.

Our organization submitted comments for previous hearings that, along with many other groups, made suggestions for possible solutions, including a statewide recycling effort, revisions to the manufacturers' fees to address adequacy, and authorizing municipalities to charge a fee for collection and storage of these devices. These components are all present in SB 800.

SB 800 proposes to accomplish its goal through a statewide default plan that the Department would develop. The statewide effort would focus on finding recyclers and reprocessors to accept the items currently being collected. Flexibility is built into the proposal to allow for alternative plans proposed by counties or manufacturers. It is our understanding that statewide recycling efforts have been successful in other states and we are hopeful that this will be the case for Pennsylvania. Our members are finding it immensely challenging to find vendors willing to accept these devices, particularly older televisions and monitors, at the municipal level. As such, we welcome the state's involvement.

The proposal focuses on accessibility of collection facilities by ensuring that an adequate collection facility is available in every county, while allowing for joint county facilities where appropriate. The state contracted vendors would pick up devices at these designated collection facilities. SB 800 appropriately looks first at existing facilities and publicly owned property for the collection sites. The proposal also allows for satellite collection sites, which could include municipalities that are currently trying to provide this service, as well as others that see the need but have been unable to find a recycler. This would ensure that all residents of this Commonwealth are able to properly and conveniently recycle these devices.

SB 800 would authorize municipalities operating satellite sites to collect a reasonable fee for collection, storage, and transportation costs to move these items to the designated collection facilities. This fee is critical in the current climate as municipalities are seeing unreimbursed expenses for these services. The proposal would also allow voluntary curbside collection programs provided that only those individuals putting out devices for collection are charged. This could be accomplished through a semi-annual collection of old items, where the individual would pay for a tag from the municipality to indicate that they have paid the collection fee for the electronic devices placed curbside.

As has been suggested by many groups, the proposal revisits the fee formula for the manufacturers and comprehensively revises it to address the current weaknesses. We believe these changes would help to offset the increased costs due to the lighter products that are currently being produced versus the heavier products that are being recycled. SB 800 also eliminates the prohibition on charging of a fee by a retailer who is accepting electronic devices for recycling. While allowing a retailer to charge a fee, the proposal appropriately requires that the retailer accept all types of devices. We also believe it appropriate to provide the Environmental Quality Board with the authority to address the fees in the future without the need to reopen the act.

The proposal also includes a small up-front fee for electronics recycling at the time of purchase. This is the appropriate time to collect a fee that is dedicated for collection and recovery efforts, particularly when we see how costly the clean-up effort has become for local governments.

We do have a few questions and comments for your consideration:

- If a municipality establishes a satellite center under the program, but finds in the future, after the backlog is addressed, that the satellite center is not being utilized enough to justify the costs for running the program, would the municipality be able to close the satellite center? If so, what would be the procedure?

- The voluntary curbside program would require a competitive bid process for the collectors. If a municipality included covered devices as part of an existing contract, would this be grandfathered? Would bidding be required if township employees are the collectors?
- While the proposal would allow one-day collection events, it would prohibit a fee from being charged for these events. Why is this? While it may make sense to prohibit these fees in the future, after recycling channels have been established, today these events often end with the municipality storing a multitude of large devices until a recycler can be found. Thought should be given to allowing fees to be charged for one-day collection events until the state has entered into contracts for recyclers/reprocessors in each county and this program is up and running.

Again, we applaud the sponsors efforts and those of the committee to develop a long-term solution so that devices can be conveniently and properly recycled.

Thank you for the opportunity to provide comments on this critical issue. We look forward to working with you on SB 800 as it moves forward.