



Advice to Council No: 11-03

Re: Managing E-waste in North America

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC) of North America:

IN ACCORDANCE with Article 16(4) of the North American Agreement on Environmental Cooperation (NAAEC), which states that JPAC “may provide advice to Council on any matter within the scope of this agreement (...) and on the implementation and further elaboration of this agreement, and may perform such functions as the Council may direct;”

HAVING conducted a public forum in Montreal during JPAC's most recent regular session, on the theme “Managing E-waste in North America,” a summary of which will be posted on the JPAC page of the CEC website; and

HAVING provided Council with preliminary verbal comments at an in-camera session held on 22 June in Montreal, Quebec, Canada on the results of the public forum;

SUBMITS the following observations and recommendations for Council’s consideration:

JPAC applauds Council’s inclusion in the CEC’s Operational Plan of Project 9, “Enhancing Environmental Law Enforcement in North America,” and Project 15, “Sound Management of Electronic Wastes in North America,” both of which address some of the aspects of the e-waste challenges to the environments of our three NAFTA countries. Falling under Council’s strategic priority of “Greening the Economy in North America,” the projects focus on e-waste intelligence gathering, illegal shipments of e-waste, the “movements (flows) of used and end-of-life computers and monitors” and on “enhancing the capacities of the refurbishing and recycling sectors to implement environmentally sound management practices.” We would urge that these projects adopt the following suggestions to maximize their effectiveness.

- *Use a broader definition of e-waste*

As a result of JPAC’s public forum, conducted on 21–22 June 2011, it is JPAC’s advice that, not only does the growth of e-waste continue to escalate at an alarming rate, but that it takes on many forms beyond the “computers and monitors” cited in Project 15 of the Operational Plan. Certainly, there are already very large and growing masses of computer and monitor e-waste, much of which is not biodegradable and is presenting significant health and environmental hazards. However, the public forum revealed that e-waste also encompasses a broader range of challenges, resulting from the rapid obsolescence and high turnover rates of a broad spectrum of hi-tech components, devices, and appliances. Furthermore, the emerging green energy sector, which is embracing an ever-increasing range of items, from solar panels to electric vehicles, is poised to add significantly to the growth of e-waste. The challenges in addressing the problem

are so significant that large-scale and illegal exporting of e-waste to developing countries has emerged on an equally disturbing scale. It is JPAC's advice that the scope of Project 15, "Sound Management of Electronic Wastes in North America" be expanded to go beyond the focus on "computers and monitors" and embrace a much wider and more inclusive definition of e-waste.

- *Include the global players*

From the description provided, Project 15: "Sound Management of Electronic Wastes in North America," focuses on "the promotion of the adoption of environmentally-sound management practices in small and medium-size enterprises, specifically e-waste recyclers and refurbishers, in North America." While this focus is heartily supported, it was evident from the public forum that not only should the larger players be included, but that their inclusion opens doors to more sophisticated practices that may not exist at the level of small and medium-size businesses. The bigger players, especially those operating globally, are developing practices in other jurisdictions, such as Europe, that already meet rigorous standards such as the legislative requirements that consider trade impacts, health issues and the environment while taking full advantage of the economics of e-waste. JPAC therefore advises that the scope of the Project 15 be expanded beyond the focus on small and medium-size enterprises to include the excellent opportunities to take advantage of the leadership, the best practices and the opportunities to partner with the more global players.

- *Bring the public onboard*

JPAC recognizes that work is already underway by both the CEC and various government levels within the three NAFTA countries to address e-waste. JPAC congratulates Council and the Parties for their vision in addressing the collection, tracking and coordination of data to facilitate e-waste management and enforcement through the Enforcement Working Group and the two e-waste-related projects in the Operational Plan. The use of electronics is so pervasive that the solutions will need to involve not only the hi-tech sector but also the general population. The importance of education and communication cannot be overstated and it is JPAC's advice that significant attention be devoted to promoting everything from recycling among consumers to green design initiatives among producers to extend lifecycles and design components that are less toxic and more easily recycled, or that can be upgraded rather than requiring complete replacement. Such design innovation should help companies achieve greater competitiveness on the world stage.

- *Support international agreements on e-waste*

E-waste poses tremendous risks to human health and the environment, not only within North America but also in the developing countries that are the recipients of illegal e-waste exports. It is JPAC's advice that e-waste is a global challenge and that the acceptance of international legal norms is pivotal to halt the proliferation and global dumping of this new form of toxic waste. JPAC strongly recommends that the three NAFTA countries endorse the principles of the Basel Ban Amendment of the Basel Convention to provide an internationally consistent, legal restraint on the abuse created by market forces that externalize the costs of e-waste to less developed countries.

- *Address e-waste in procurement policies and other incentives*

JPAC recognizes that the Council members and their respective governments are considering various initiatives to reduce e-waste and that governments at all levels have encouraged the establishment of recycling and refurbishing enterprises. While progress varies among the three countries, it is JPAC's advice that continued focus on procurement policies—requiring bidders to incorporate e-waste management measures in their government bids—will be important in setting the stage for other related activities. Government support for business recycling efforts through, for example, training and tax incentives will be needed to reverse the disturbing trends in e-waste and to minimize the adverse health and safety effects of exposure to workers who will be employed in this sector of the industry. Further, it is JPAC's advice that Council-level influence over legislative policies and regulations will be required to not only create a level playing field for electronics and green energy manufacturers, but also to develop and set standards within the refurbishing and recycling sectors and to enact and enforce related environmental laws throughout the electronics industry.

- *Adopt a trinational collaborative approach to the problem*

JPAC strongly supports Council's endorsement of the CEC's role in facilitating this activity through the Operational Plan and believes that a collaborative approach to the challenges posed by e-waste will benefit all three North American countries.

JPAC is unanimous in supporting this Advice to Council.

**Approved by the JPAC members
20 July 2011**

