Association Connecting Electronics Industries

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EXECUTIVE SECRETARIAT

April 23, 2009

The Hon. Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Room 3000
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Request to Affirm "Revisions to Definition of Solid Waste," 73 Federal Register 64, 668 (October 30, 2008)

Dear Administrator Jackson:

The IPC – Association Connecting Electronics® supports the Environmental Protection Agency's (EPA) Revisions to the Definition of Solid Waste, as published in the October 30, 2008 issue of the Federal Register (*73 Fed. Reg. 64, 668*) and recommends that you affirm the revised definition upon completion of your review. The definition of solid waste (DSW) rule removes regulatory barriers that inhibit recycling of manufacturing waste, thereby promoting recycling. In addition to the environmental benefit, the revised DSW rule can provide a facility with cost savings that are critical in today's economy.

IPC is a global trade association representing over 2,700 member companies from all facets of the electronics interconnect industry, including design, printed circuit board manufacturing and electronics assembly. As a member-driven organization and leading source for industry standards, training, market research and public policy advocacy, IPC supports programs to meet the needs of an estimated $1.5 trillion global electronics industry.

As a general matter, the IPC supports EPA regulations that are designed to provide real net benefits to environmental quality and the public health. To this end, the IPC supports the EPA's revisions to the DSW rule that have been developed over the course of several years to encourage recycling, allow for valuable materials reuse, and provide an environmental benefit by reducing waste in landfills.

I. EPA's Revised DSW Rule Excludes "Secondary Materials"

The final rule excludes secondary materials from Resource Conservation and Recovery Act (RCRA) hazardous waste regulations if the material is recycled according to certain specifications finalized in the revised DSW rule. An example of a secondary material that is prominent in the electronics industry and represents one of the nation's largest sources of

untapped metal-bearing secondary material amenable to metals recovery is electroplating sludge, or F006. F006 sludge is generated through the treatment of wastewater created during the production of printed circuit boards and contains valuable metals. F006 sludge is a listed hazardous waste under RCRA. Prior to the DSW rule, this hazardous waste designation served to discourage reuse, recycling and reclamation by greatly increasing the cost of recycling. This resulted in large quantities of valuable metal bearing sludges being disposed of in hazardous waste landfills rather than being recycled because land filling and associated treatment were generally less expensive than metals recovery. The revised DSW rule reduces the regulatory barriers to recycling and encourages more facilities to recover metals from sludges and other secondary materials, thus reducing landfill volumes and decreasing the environmental impact of metals mining.

II. The Final DSW Rule Allows for Brokers

The final DSW rule allows for brokers, or middlemen, to aggregate amounts of secondary materials. Small and medium-sized businesses do not produce enough secondary materials to deal directly with a recycling facility. By allowing a middleman to aggregate small amounts of secondary materials, small and medium-sized businesses can take advantage of the rule's exclusion and recycle their secondary materials.

II. The Final DSW Rule Avoids Duplication of Record-Keeping

The final DSW rule provides a common-sense approach to environmental compliance by allowing ordinary business records to be used as appropriate forms of record-keeping for shipping secondary materials. For example, regulated entities can use invoices, confirmation receipts, Department of Transportation (DOT) records and ordinary Bills of Lading to demonstrate compliance.

III. Conclusion

The revised rule provides an environmental benefit since it encourages recycling rather than disposal in a landfill. The EPA estimates that this rule may impact about 5,600 facilities handling approximately 1.5 million tons of hazardous secondary materials per year. The EPA also estimates that the regulation will save approximately $95 million per year for the affected industries.

The IPC urges the EPA to affirm the revised definition upon completion of your review. The revised rule provides a benefit to both the environment and industry and in today's economy this type of win-win situation is desperately needed. The EPA's revised DSW helps achieve that objective. If you would like to meet with some of our members who have worked with the EPA on this issue for several years, please contact Fern Abrams at FernAbrams@ipc.org or (703) 522-0225. Thank you very much for the opportunity to comment on this very important issue for manufacturing.

Sincerely,

Fern Abrams
Director, Environmental Policy