

25 January 2018

Waste and Resource Recovery Team  
Department of Environment, Land, Water and Planning  
Level 1, 8 Nicholson Street  
East Melbourne VIC 3002  
[wastepolicy@delwp.vic.gov.au](mailto:wastepolicy@delwp.vic.gov.au)

Dear Sir / Madam

### **CONSULTATION ON THE VICTORIAN GOVERNMENT'S PROPOSAL TO BAN E-WASTE FROM LANDFILL**

Australia and New Zealand Recycling Platform Limited (ANZRP) welcomes the opportunity to provide input to the Victorian Government's proposed ban of e-waste from landfill. ANZRP is very supportive of sound waste policy that drives community and environmental benefit, promotes the efficient management of resources and supports product responsibility.

ANZRP commends the Victorian Government on its ongoing support for product stewardship and the important role it has played in the development of product stewardship schemes for paint, tyres and photovoltaics. Further, ANZRP believes that the Victorian Government's proposed e-waste landfill ban is sound policy which will ideally underpin product stewardship schemes such as *the Product Stewardship Act 2011*(Cth), the National Television and Computer Recycling Scheme (NTCRS) as well as the voluntary schemes for mobile phones and fluorescent lighting. We support the inclusion of all e-waste in the proposed landfill ban as we support the expansion of the NTCRS to include additional products to televisions, computers, printers and computer peripherals.

The Managing e-waste in Victoria Policy Impact Assessment (PIA) is a comprehensive review document setting out how the Victorian Government is developing its approach to increase recovery of the resources in e-waste, reduce harm to the environment and human health from e-waste disposal, and support jobs and investment in the recycling industry. ANZRP believes the PIA puts forward a number of sound initiatives for e-waste management such as investment in infrastructure for compliant collection and sorting of e-waste, an education and awareness program, new or amended policies to implement material tracking, the application of AS/NZS 5377:2013 and amendments to requiring action by all persons to take reasonable steps to eliminate or reduce the risk of harm to human health and the environment associated with e-waste.

Based on our experience in implementing e-waste collection and recycling programs, as well as our aims to ensure Federal schemes are not jeopardised and to promote a circular economy, we provide some recommendations on the Victorian Government's preferred option (1c) below. We also raise some matters requiring further clarification.

#### **About ANZRP**

ANZRP is the pre-eminent and largest Co-regulatory Arrangement (CA) operating under the NTCRS, and is fully funded by leading consumer electronics companies with iconic global

brands.

Our vision, from the outset, has been to create a community which collects, processes and recycles e-waste for responsible environmental outcomes. This vision sees all Australians having access to free and easy drop off services managed by ANZRP predominantly in partnership with local government.

ANZRP worked with the AIIA Environmental Special Interest Group, representing major IT brands, and with PSA, representing major television brands, on the development of the NTCRS with the Federal Government.

ANZRP was established in 2011 to deliver an industry model to become the best practice CA. Some six years later our company, still run by a Board partly of industry representatives, continues to deliver the outcomes of the NTCRS in an environmentally sustainable manner, decisively consolidating our credentials as the leading CA. Our TechCollect program is now a firmly established and a highly regarded leader in the Australian e-waste recycling market. ANZRP manages 45% of all liability under the NTCRS, having in its own right recycled in excess of 110,000 tonnes of e-waste thus diverting it from landfill.

### Key Recommendations

**1. Education and Awareness** – ANZRP agrees that e-waste management is a shared responsibility and that we must each take responsibility for the products we consume. In order for consumers to become responsible for their e-waste, an education campaign supported by a behavioural change program is needed so that the community is aware of what e-waste is and how they should deal with it. ANZRP supports the Victorian Government's allocation of \$1.5M towards an education and awareness program. As shared responsibility extends to all parties that touch the product throughout its life cycle (i.e., manufacturers, distributors, retailers, all levels of government, businesses and household consumers, repairers/remanufactures and reprocessors), ANZRP recommends that the education and awareness campaign involves tangible contributions by all of these parties.

Under the NTCRS currently, retailers do not have any responsibilities even though they are in the best position to educate consumers. When a consumer is purchasing an electronic product they are potentially considering what to do the old product (i.e. e-waste). It is recommended that retailers be a key part of the education and awareness program, by providing information about e-waste drop off and collection services at point of sale (e.g. website details printed on receipts or a card of flyer available in store). Retailers are a key player in successful overseas schemes and global experience clearly demonstrates that when all parties work together the best recovery rates are achieved.

**2. Standards and Enforcement** – ANZRP supports the requirement for AS/NZS 5377:2013 to be adopted by all e-waste service providers. However, the Draft Waste Management Policy (E-waste) 2018 does not make this requirement clear. Clause 8 infers that meeting the requirements of AS/NZS 5377:2013 will ensure compliance with the Draft Waste Management Policy (E-waste) 2018. However, it does not specifically require AS/NZS 5377:2013 to be complied with. The PIA acknowledges that e-waste reprocessing incurs significant health, safety and environmental (HSE) risks. These risks can also be passed onto downstream reprocessors offshore. AS/NZS 5377:2013 includes requirements to manage these risks both domestically and offshore. As such, it is recommended that it be clearly stated that the requirements of the Draft Waste Management Policy (E-waste) 2018 and AS/NZS 5377:2013

must be complied with by e-waste service providers. It is also recommended that reprocessing facilities in Victoria (including metals recyclers) be certified to AS/NZS 5377:2013. AS/NZS 5377:2013 requires that e-waste is stored on an impermeable surface, with weatherproof coverings and in a manner preventing potentially hazardous material entering stormwater drainage. However, these infrastructure requirements are not currently available at many collection points or are a work in progress. ANZRP is pleased to see that the Victorian Government will fund the enhancement of a number of collection facilities to ensure safe and environmentally sound storage and collection of e-waste. However, ANZRP recommends that consistent "collection units" be used that allow for environment protection, occupational health and safety, prevention of e-waste breakage and the efficient use of vehicles. ANZRP's preference is for stillages with forklift access.

Auditing and monitoring activities are required to ensure safe and environmentally responsible e-waste management practices are performed and that AS/NZS 5377:2013 is complied with. Over our six years of operation we have conducted numerous audits of collection facilities, transporters and reprocessing facilities and have worked with them to improve their HSE performance as well as their material recovery rates to a level that is compliant with AS/NZS 5377:2013 (we note that for some service providers this is still a work in progress). ANZRP's experience is that auditing, monitoring and training takes considerable effort, time and cost. As such, ANZRP recommends that the Victorian Government outlines and funds a training and auditing program for e-waste service providers and auditors.

ANZRP is aware that illegal exports of e-waste (i.e. waste exports that are non-compliant with the *Hazardous Waste (Regulation of Exports and Imports) Act 1989 (Cth)*) currently take place in the e-waste industry under the guise of reuse. ANZRP is concerned that a landfill ban on e-waste in Victoria will lead to increased illegal exports. It is therefore recommended that the Victorian Government work with the Federal Government on this issue.

**3. Material Recovery Rate** – ANZRP's experience in the NTCRS is that there must be a minimum material recovery rate target to ensure that products are recycled to achieve maximum resource recovery. Without a target, the higher value components (e.g. metals) are recovered and recycled while lower value components (e.g. plastics) may be disposed of to landfill. ANZRP therefore recommends that material recovery rates or targets be set. There may need to be different targets for different classes of e-waste.

The material recovery rate calculation in clause 7(6) of the Draft Waste Management Policy (E-waste) 2018 is unclear. ANZRP recommends that the definitions of "output materials" and "reprocessing" be amended to state whether waste to energy, offshore reprocessing and parts harvesting can be included. ANZRP also recommends that the definition of "residual waste" be amended to state whether thermal disposition/incineration can be included as disposal.

**4. Transparent Tracking and Reporting** – In order to drive investment in Victorian and Australian recycling technology and infrastructure (which will in turn create more jobs and value to the economy), there needs to be accurate data and reporting to confirm economies of scale and reliable levels of feedstock. Reporting regimes that provide real, timely and transparent data and take a chain-of-custody approach are needed. This includes all steps in the supply chain through to final disposition (be that in Australia or overseas). The Draft Waste Management Policy (E-waste) 2018 provides reporting requirements. However, it is recommended that the Victorian Government assess whether these reporting requirements will provide the necessary data and how and when this data

will be reported and collated to drive investment in the recycling industry. ANZRP also recommends that data reporting be underpinned by the requirements of AS/NZS 5377:2013 that are monitored and enforced.

**5. Ensuring Resource Recovery** – South Australian e-waste recyclers that ANZRP work and engage with advise that the South Australian e-waste landfill ban did not increase the level of e-waste going to e-waste recyclers. Instead, increased volumes of e-waste are being sent via scrap metal bins to metal recyclers who may only reprocess the high-value metal components (e.g. hard drives and printed circuit boards) and send to landfill the low value components (e.g. plastics). There is at least one loophole in the South Australian legislation that allows recyclers to determine that e-waste may be unsuitable or unsafe for them to recycle and can therefore divert it to landfill. This loophole may currently be exploited. ANZRP recommends that the Victorian Government ensures that a similar loophole is not created in its regulatory instruments. This includes the “hardship” type provision under section 30A of the *Environment Protection Act 1970* allowing prohibited items to be disposed to landfill in certain situations. It also includes the “reasonably practicable” policy wording which could result in councils or recyclers being in situations where “undue burdens” have been imposed on them allowing them to dispose of e-waste to landfill under some circumstances.

In ANZRP’s experience, even though NTCRS in-scope products have a very good recoverable commodity value, payments still need to be made to recyclers as the commodity value does not cover the recycling costs. There are also logistics payments made to transporters for transporting e-waste between collection points and recyclers, and business customers and recyclers. The split between logistics and recycling costs is 20% vs 80%. ANZRP is concerned that if there is no Victorian Government funding for the recycling of e-waste products that are not covered product under the NTCRS or part of voluntary programs for mobile phones and lighting equipment, there is unlikely to be appropriate resource recovery from e-waste other than higher value metal components. As such, ANZRP recommends that the Victorian Government consider funding the recycling of some classes of e-waste or ensures adequate policy and enforcement powers are in place to guarantee e-waste is diverted from landfill.

#### **Matters Requiring Further Clarification**

1. Given that recycling in scope products under the NTCRS incurs a cost, even when in-scope product has a reasonable recovery value and demand, ANZRP fails to see how the cost benefit analysis of the PIA shows there is a net benefit to recyclers – especially given the broader scope of products. ANZRP is concerned that without state funding for recycling, e-waste in Victoria will either not be recycled or a high material recovery rate will not be achieved. This could lead to stockpiling, breaches of licence conditions or an unviable e-waste recycling industry.
2. Is the Victorian Government working with the Federal Government to ensure that the proposed e-waste landfill ban in Victoria does not undermine current and future/expanded Federal product stewardship schemes for e-waste such as the NTCRS? This includes administration, education, auditing, enforcement and funding activities. The Victorian Government could also support the Federal Government’s review of the *Product Stewardship Act 2011* (Cth) including the potential expansion of the NTCRS.
3. Option 1c proposes a state-administered collection service comprising permanent drop-off points and mobile/temporary collection events funded by local council, residents and businesses. However, the PIA states that “transport costs will sometimes be borne by another party (e.g. co-regulatory organisations, recyclers)”. ANZRP agrees that CAs will continue to collect and transport NTCRS in-scope product free of charge, but this is only

17% of e-waste based on PIA data. Recyclers, other than metals recyclers, are likely to charge transport costs, particularly if the product has a low commodity value. Has the Victorian Government considered these charges in its analysis? ANZRP is also concerned that without state funding for transport between collection sites and reprocessors this could lead to stockpiling, particularly at collection sites located long distances from reprocessors.

4. Data used in the PIA indicated 106,000 tonnes of e-waste was generated in Victoria in 2014 which is projected to increase to around 256,000 tonnes by 2035, and that of the e-waste generated in Victoria in 2014, 50% was reprocessed by an e-waste reprocessor or a metal recycler. ANZRP notes that in 2017 the NTCRS was fully operational with 62% of product being reprocessed by an e-waste reprocessor. As such, a smaller volume of NTCRS in-scope product is now likely to be entering Victoria's landfills. Has the Victorian Government considered this in its analysis?
5. The PIA states that in Victoria in 2014, 50% of e-waste ended up in landfill. What is the make-up of this e-waste – is it whole units of low value product, damaged/contaminated product or remnants of product stripped of its valuable commodities?
6. ANZRP's research indicates that the majority of out-of-scope NTCRS e-waste is processed by metals recyclers. This is confirmed in the PIA which states metals recyclers recycle 83% of the e-waste recovered in Victoria. What is the resource recovery rate achieved by metal recyclers (did they only recover metal components)?
7. Has the Victorian Government considered how to increase material recovery rates for e-waste going to metal recyclers that has a low commodity value? For example, will the policy package require metal recyclers to achieve a minimum material recovery rate or be certified to AS/NZS 5377:2013?
8. If the Victorian Government requires metal recyclers to be certified to AS/NZS 5377:2013 (which ANZRP recommends), ANZRP believes this will be a significant challenge and cost to metal recyclers. Has funding been allocated to assist metal recyclers to meet the requirements of the standard?
9. How is the Victorian Government proposing to monitor and change the behaviour of households who dispose of e-waste in general waste bins? Also, will there be a requirement for transfer stations to sort and report on e-waste received?
10. It is not clear whether the Draft Waste Management Policy (E-waste) 2018 requires landfill operators to report e-waste received (either whole product or parts).

ANZRP looks forward to contributing to the Victorian Government's development of e-waste management in Victoria and ensuring the long term sustainability of recycling and product stewardship in Victoria and Australia.

We are more than happy to discuss any of the points raised herein.

Yours faithfully



Carmel Dollisson  
CEO