Editor’s Notes

Welcome to the debut edition of the EIATRACK newsletter. We launched this bimonthly forum to provide readers insight into the depth and breadth of information supplied by our EIATRACK legal experts around the world.

CONTENT UPDATES: The service is aggressively working to update all content in the service this year, and that effort is almost complete. This includes all fifty U.S. states as well as every country and region covered by EIATRACK.

In addition, subscribers will be happy to know that we’ve opened up India, Saudi Arabia and South Africa as new regions and are in the process of launching an entire update for Japan. Europe packaging regulations are undergoing a complete update performed by the respected firm of Perchards. Transboundary waste will also be handled through general guidelines derived from the Basel Convention developments, with additional specific regulations to be updated as budget allows. These needed updates are giving our subscribers the confidence that the service is meeting their needs for on-time critical knowledge unparalleled in terms of quality, since it is compiled by respected legal firms from around the world.

REGIONAL USER CALLS
EIATRACK is very much a subscriber-driven service. A regional user call is held every three months to provide updates and receive strategic direction. Please make sure to join us the next time around!

A note on translations: While every effort is made to produce necessary translations of supporting documents, subscribers know how expensive it is to do so, especially when using reliable translation experts. We’ll be bringing these up during regional calls, because if companies have a need for additional specific documents to be translated, we’ll check to see if there’s consensus by subscribers and can prioritize based on that. If the EIATRACK budget does not allow for the added translation, we’ll ask subscribers if they want to contribute to a translation pool.
“Oh, and one thing you’ll be happy to know is that this important new upgrade will be built into the low cost of the service – subscribers will not see any hidden costs. We know these are tough times for everyone, so we wanted to give our subscribers a huge break on this important added value.”

Taly Walsh

One of the most exciting developments in the service is the coming project management tool, EIATRACK 2.0. In a couple of weeks it will be available to beta test, and any EIATRACK subscribers are welcome to join our team of beta testers. The test cycle is expected to be around two months, so the launch of this new service should happen by the October timeframe.

The powerful 2.0 functionality includes a personal dashboard that provides strong business intelligence capabilities, a company-secure library that enables users to combine and search all relevant documents from EIATRACK or elsewhere, and a tracking tool integrated with Outlook or other email software so one can send messages internally to alert others in the company about important regulations or upcoming deadlines. Let us know if you want to be a beta tester!

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SITE SECURITY You’ll note that we recently completed a security upgrade for the service to protect the value of EIATRACK content. Our web team has been diligent in responding to questions about logins, and the transition went extremely smoothly.
PERSONNEL  EIA TRACK management includes a small staff of dedicated and friendly personnel ready to respond to questions and ensure user satisfaction.

Ellen Farmer has transitioned to sales of the service. If you have ideas on companies that would benefit from the service, please let Ellen know by emailing her at efarmer@tiaonline.org. If your needs are related to service, please contact Lora Magruder, TIA's Member Services Director, who has taken on management of the program, at lmagruder@tiaonline.org. Lois Parks at lparks@tiaonline.org, our friendly Membership Manager, is responsible for the invoicing and receipt of subscription payments.

Our expanded web team, headed up by Andrew Sweatman in Australia, is making great strides as you can tell, including a redesign that took place early this year and the upcoming EIA TRACK 2.0 upgrade. And you can always contact me as well at twalsh@tiaonline.org.

CONTENT PROVIDERS  On the content side, you'll continue to receive excellent service from our regional legal firms, Beveridge & Diamond (The Americas); Holland & Knight (Asia-Pac); Hunton & Williams (Europe) and our regional consulting partner WSP Environmental (Australia, New Zealand, South Africa). Subscribers have been enjoying a 24-48 hour initial response on their questions in the past few months depending on the level of detail required.

STRATEGIC ALLIANCES  We are pleased to have received the endorsement of the Consumer Electronics Association (CEA), the Information Technology Industry Council (ITI) and the Electronic Components Certification Board (ECCB) this year. We are continuing to expand this network of associations, which provides their memberships with increased value as well as the discounted membership price to subscribe to the service. Through these alliances, we are also able to tap the expertise of other associations to contribute to the strength of content in EIA TRACK. ITI, for example, is supplying content on pending legislation for all 50 U.S. states in the form of matrices showing developments as soon as they happen.

Well, I hope this gives a good overview of the extensive work that has been undertaken in the past few months. For those of you who are subscribing, feel free to let me know if you have any questions, suggestions or concerns by emailing twalsh@tiaonline.org or calling me at 703-907-7744. And if you’re not subscribing yet, I’d simply say: What are you waiting for? Give us a call and we’ll walk you through a demo and provide you and your colleagues with a free trial of the most comprehensive, accurate, user-friendly and cost-effective environmental compliance tool in the world!

My best wishes for a safe, restful and productive July and August.

Taly Walsh
Vice President, Marketing & Business Development
People’s Republic of China - Waste Electrical and Electronic Equipment (“WEEE”) Management

One of the most significant, regional developments affecting the electronics industry in Asia over this past newsletter period is the promulgation of China’s long-awaited framework regulation governing the take-back and recycling of WEEE. The Regulations for the Management of the Recycling and Disposal of Waste Electrical and Electronic Products (“China WEEE” or “Regulations”) were promulgated February 25, 2009, but not released to the general public until March 4, 2009. The Regulations will enter into force on January 1, 2011. China WEEE will enable the establishment of a national legal framework to address the processing and disposal of specified WEEE, including the development of a WEEE financing scheme, information disclosure requirements, and other measures.

In the period spanning the promulgation and the entry-into-force dates, a significant amount of implementation work will need to take place. Key agencies involved in this implementation work will be the Ministry of Environmental Protection, National Development and Reform Commission, Ministry of Industry and Information Technology, and Ministry of Finance. One of the first implementing measures these agencies will address is the finalization of the first batch of the Catalogue of products to be regulated under China WEEE.

Hong Kong - Product Eco-Responsibility Ordinance and Energy Labeling

Although Hong Kong has not yet developed mandatory measures specifically directed at end-of-life electronic and electrical equipment environmental design and product stewardship, activity is expected and being monitored. The Waste Reduction Framework Plan of 1998 and Policy Framework of 2005 were used as a basis in May, 2007 for the Hong Kong Environmental Protection Department (EPD) to announce a proposed environmental fee on plastic bags with a goal of reducing their use under the Product Eco-Responsibility Ordinance. In 2008, Hong Kong enacted the Energy Efficiency (Labeling of Products) Ordinance, requiring energy labels on room air conditioners, refrigerating appliances and compact fluorescent lamps. Building off of the 1995 voluntary scheme, this is the first phase of the mandatory scheme in Hong Kong and it is expected that energy labels will be required on other consumer products, such as electrical and electronic equipment, in phase two. The Voluntary Energy Efficiency Labeling Scheme sets forth standards for products including among others: television sets, photocopiers, fax machines, multifunction devices, laser printers, LCD monitors, and computers. It is important to note that the grace period for mandatory labeling of products in Phase 1 expires November 8, 2009.

India - Proposed Mandatory e-Waste Take Back Developments

In India, two well-known environmental NGOs, namely, Greenpeace India and Toxics Link, as well as the Manufacturers’ Association of Information Technology (MAIT), are lobbying the Ministry of Environment and Forests (MoEF) for enactment of legislation on e-waste management under the aegis of the Environment Protection Act, 1986. Currently, e-waste management is governed under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 and the Guidelines for Environmentally Sound Management of E-waste, 2008, formulated by the Central Pollution Control Board and approved by MoEF.

The proposed legislation would place the overall responsibility for the take-back services, collection and recycling of e-waste on producers. We are monitoring, through our local content providers at Kochhar and Company, the status of this NGO sector e-waste legislative proposal and MoEF action. EIATRACK subscribers will be kept up to date on key developments.
Forthcoming Commission Decision regarding registration of battery producers.
Now that the deadline for comments from the European Parliament has lapsed, the European Commission may proceed to adopt a Decision regarding registration of battery producers. This Decision will be issued pursuant to the EU Battery Directive (Directive 2006/66). Under this decision, battery producers will have to register with national registration authorities. EEE producers may also be subject to these requirements.

New RoHS Exemptions!
On 10 June 2009, the European Commission has adopted a new set of exemptions from the scope of the RoHS Directive. Exempted substances include cadmium used in certain professional audio equipment, lead in solders of certain thin copper wire and lead in the plating layer of high voltage diodes on the basis of a zinc borate body.

Another Proposed New RoHS Exemption.
The Öko-Institut and Fraunhofer IZM have launched a stakeholder consultation on behalf of the European Commission regarding a proposed exemption from the RoHS Directive for “Pb, Cd and CrVI glazed coating on ceramic body.” Stakeholders are invited to submit their comments before 3 August 2009.

New REACH Guidance Document on Substances in Articles.
In June 2009, the European Chemicals Agency, the European agency in charge of implementing the REACH regulation published two short versions of the guidance documents on data registration and dossier handling and on substances in articles.

New Energy Labeling Requirements Proposed
In April 2009, a Member State committee approved draft Directives and Regulations proposed by the European Commission that will result in an overhaul of labeling rules and new eco-design requirements for televisions, refrigerating appliances, dishwashers and washing machines. Adoption of these new laws is expected for this Summer.

European Countries:

Turkey adopts version of RoHS Directive.
A Turkish by-law incorporating some elements of the RoHS Directive has entered into force in May 2009. It covers the same product categories as the RoHS Directive and provides for similar exemptions.

Turkey issues battery rules.
Turkey has also adopted a new set of rules setting out chemical restrictions for imported batteries. These are loosely based on EU Directive 2006/66. Turkish customs requires that battery importers provide tests results as a proof of compliance.

United Kingdom adopts enforcement procedures for battery legislation.
The United Kingdom has complemented its battery legislation framework by adopting The Waste Batteries and Accumulators Regulations 2009, Statutory Instrument No. 890/2009, which provide a detailed set of sanctions and enforcement procedures for manufacturers and importers of batteries.

Ukraine adopts RoHS law.
Ukraine has recently adopted legislation implementing the RoHS Directive. Two decrees set out chemical restrictions and monitoring procedures. However, the chemical restrictions introduced differ slightly in scope from the RoHS restrictions.
**North America**

**USA**

**Congress Mulling New E-Waste Legislation and TSCA Amendments**
Legislation proposed in the U.S. Congress would ban the shipment of restricted electronic waste destined to recycling operations in non-OECD countries. The legislation, which would amend the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), also requires certain conditions to be met before used electronic equipment can be exported for refurbishment to non-OECD countries.

Congress is also considering H.R. 2420, which would amend TSCA to prohibit the manufacture after July 1, 2010 of "electroindustry products" that contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers above the maximum concentration levels specified in the RoHS Directive.

**Senator Brownback Seeks Disclosure of Country of Origin for Certain Listed Minerals**
Senator Sam Brownback (R-KS) and several other Senators have introduced Senate Bill 891, the "Congo Conflict Minerals Act of 2009". The bill would require companies that use certain listed minerals in the manufacture of a product to file an annual report with the Securities and Exchange Commission (SEC) disclosing the country of origin of those metals. If the country of origin is the Democratic Republic of Congo or an adjacent country, the company must further disclose to the SEC the mine of origin of the listed metals.

Many of the target metals are used in electronic components such as capacitors and circuit boards. ITI led an industry coalition that successfully convinced Senator Brownback to remove provisions requiring third-party audits and extensive record-keeping, but a member of the U.S. House may introduce a bill that includes "developmental products planned for sale within two years" for Energy Star testing and evaluation purposes. For more information, please contact environment@itic.org

**Congress Seeks to Revamp a Portion of the Federal Energy-Star Program**
The Waxman-Markey climate change bill (H.R. 2454 – "The American Clean Energy and Security Act of 2009") includes several provisions to revamp a portion of the federal Energy Star program. The provisions, advanced by Congressman Anthony Weiner (D-NY), were included in the bill that passed the U.S. House in late June. Specifically, the provisions direct the Energy Star program to (1) establish and implement a rating system for Energy Star products; (2) review the Energy Star product criteria for the 10 product models in each product category with the greatest energy consumption at least once every 3 years; (3) based on that review, update the Energy Star product criteria for each category, as necessary; (4) require periodic verification of compliance with the Energy Star product criteria through purchase and testing of products from the market or other appropriate testing and compliance approaches. ITI worked with Congressman Weiner to successfully remove a provision from the bill to require manufacturers to provide “developmental products planned for sale within two years” for Energy Star testing and evaluation purposes. For more information, please contact environment@itic.org

**Senator Klobuchar Introduces Bill to Manage Environmental Impact of Electronic Devices**
Senator Amy Klobuchar (D-MN) has introduced "The Electronic Device Recycling Research and Development Act" (S. 1397). This is a companion bill to H.R. 1580 by Congressman Bart Gordon (D-TN), Chairman of the House Science Committee, which passed the full House in April. Among other provisions, the bill (1) provides for research grants “to manage the environmental impacts of electronic devices through recycling, reuse, reduction of the use of hazardous materials, and life-cycle extension”; (2) requires the National Academy of Sciences to issue a report to Congress on barriers to and opportunities in design, recycling, transport and disposal of electronic devices; (3) requires U.S. EPA to provide grants “to institutions of higher education to develop curricula that incorporates the principles of environmental design into the development of electronic devices”; and, (4) directs the National Institute of Standards and Technology (NIST) to:

(a) establish an initiative to develop a comprehensive physical property database for environmentally friendly alternative materials for use in electronic devices; and 
(b) develop a strategic plan to establish priorities and physical property characterization requirements for the database.

For more information, please contact environment@itic.org
**Latin America**

**Argentine Congress Considers Several WEEE Bills**
Argentina’s bicameral legislature is considering several bills that would implement extended producer responsibility (“EPR”) for waste electrical and electronic equipment (“WEEE”). The most prominent bill, Senate bill S-3532/08, is currently under review in the Senate’s Environment Commission and would implement under one law similar provisions taken from both the EU WEEE Directive 2002/96/EC and RoHS Directive 2002/95/EC. First introduced by Senator Daniel Filmus in late 2006, the bill is now sponsored by the head of the Environment Committee, Senator Maria Bongiorno. Other bills to watch that incorporate elements of EPR for e-waste include Senate bill S-567/08 and Chamber of Deputies bill 0187-D-2009.

**Brazil’s Congress Considers RoHS Bill**
The Brazilian Senate is considering a new bill (PL 173/2009) that would impose strict restrictions on substances, recyclability requirements, and energy efficiency standards on computers, computer components and IT equipment sold in Brazil. Covered equipment could not exceed concentrations of over 0.1% of lead, mercury, hexavalent chromium, PBB and PBDE, or over 0.01% of cadmium. Equipment would also be required to be at least 80% energy efficient and at least 95% of the parts and components (by weight) would have to be recyclable. The Bill is currently before the Senate Environment and Science and Technology Committees for consideration.

**Sao Paulo Legislature Approves E-Waste Disposal Bill**
The Sao Paulo state legislature approved a broad technological waste bill (PL 33/08 or the “Bill”). Under the Bill, producers, merchants and importers will be directly responsible for the disposal of technological wastes, which include computers, peripherals, TVs, and batteries, among others. The Law has been sent to the Governor for approval.

**Chile’s Federal Government Outlines Plan to Address E-Waste**
Chile’s federal government recently set out its plan to (a) develop a specific e-waste regulation and (b) incorporate extended producer responsibility requirements into its emerging draft framework solid waste law. The government has stated its intention to issue the solid waste law in 2009, and it remains unclear whether the e-waste regulation will be a stand-alone regulation or linked with the new law.

**Colombia Joins Other Latin American Countries Considering WEEE Bills**
Colombian Bill 273/09, recently presented in the Colombian Senate, would establish a framework for the development of a national policy on the management of waste electrical and electronic equipment (“WEEE”). Although many details would be left to the future policy and implementing regulation, it is clear that producers and importers would be required to develop management plans and fund recycling and/or disposal operations for end-of-life products. It is too early to assess the likelihood of passage, but it is noteworthy that this Bill could signal a departure from the Ministry of Environment’s current efforts to leverage existing authority under its hazardous waste regime to regulate WEEE.

**Costa Rica Poised to Issue Framework Solid Waste Law**
Costa Rica’s long-awaited Solid Waste Bill is likely to be up for a vote in plenary session in the unicameral legislature in the near term. The Bill sets out a comprehensive waste scheme that includes a broad extended producer responsibility section which could feasibly cover all electric and electronic products. The Bill has been undergoing closed-door revisions since its approval by the Environment Committee last Fall.

**Mexico Battery Study Calls for EU-Based Content Limits**
Mexico’s National Institute of Ecology (“INE”) issued a study in April 2009 that calls for urgent regulatory action to ban sales of batteries exceeding the EU limits for mercury and cadmium and to require eco-labeling, among other measures. The study outlined the results of its chemical analysis of a wide range of batteries sold in Mexico and found all batteries exceeded Mexico’s pH limit for corrosivity and a few also exceeded international reference limits for cadmium and mercury. Although INE does not have jurisdiction to issue regulations, it is likely that Mexico’s Secretary of Environment (SEMARNAT) will likely take seriously the study’s findings and consider the development of binding content limit and labeling standards for batteries.
Did you know?

Smarter technology use could reduce global emissions by 15 per cent and save global industry USD 800 billion in annual energy costs by 2020.

Transformation in the way people and businesses use technology could reduce annual man-made global emissions by 15 per cent by 2020 and deliver energy efficiency savings to global businesses of over USD 800 billion, according to a new report published by independent non-profit The Climate Group and the Global e- Sustainability Initiative (GeSI).

The report – SMART 2020: enabling the low carbon economy in the information age – was one of the world’s first comprehensive global study of the Information and Communication Technology (ICT) sector’s growing significance for the world’s climate. The report’s supporting analysis, conducted independently by international management consultants McKinsey & Company, shows that while ICT’s own sector footprint - currently two per cent of global emissions - will almost double by 2020, ICT’s unique ability to monitor and maximise energy efficiency both within and outside of its own sector could cut CO₂ emissions by up to five times this amount. This represents a saving of 7.8 Giga-tonnes of carbon dioxide equivalent (GtCO₂e) by 2020 – greater than the current annual emissions of either the US or China.

“The ICT industry is a key driver of low carbon growth and can lead transformation towards a low carbon economy and society. The ICT sector must act quickly to demonstrate what is possible, require clear messages from policy makers about targets and continue to radically innovate to reduce emissions.”

Luis Neves, Chair, GeSI

Although tele-working, video-conferencing, e-paper, and e-commerce are increasingly commonplace, the report notes that replacing physical products and services with their virtual equivalents (dematerialisation and substitution) is only one part (six per cent) of the estimated low carbon benefits the ICT sector can deliver.

Far greater opportunities for emissions savings exist in applying ICT to global infrastructure and industry and the report examines four major opportunities where ICT can make further transformational cuts in global emissions. These exist globally within smart building design and use, smart logistics, smart electricity grids, and smart industrial motor systems.
In the News

International Forum on Sustainability of Consumer Electronics at SINOCES

The Consumer Electronics Association (CEA)® and Vogel Burda Media’s (VBM) CHIP magazine produced the International Forum on Sustainability of Consumer Electronics on July 10 at SINOCES in Qingdao, China. Featured speakers included policymakers from China’s Ministry of Environment Protection, Ministry of Industry and Information Technology, as well as representatives from other Chinese and international companies. Topics of discussion covered:

- E-waste recycling regulatory initiatives.
- Advancements in improving energy efficiency of consumer electronics.
- Policies facing the industry worldwide.

Dell Ranks No. 1 in First TBR Sustainability Index Benchmark Report

Technology Business Research (TBR) announced Dell took the No. 1 position in its inaugural Corporate Sustainability Index (CSI) Benchmark Report for 2009. The report measures the environmental initiatives of 40 companies in the computer hardware, software, professional services and network and telecommunications sectors. Scoring 317.9 points, Dell led the second place firm (BT) by more than 52 points in the overall index ranking. In addition to its overall top ranking, Dell also led firms in the computing sector, including IBM, HP, Sun Microsystems and Cisco. Dell scored particularly well in renewable energy use, recycling and its integration of a sustainability strategy in its business. Dell sources about 35 percent of its U.S. energy use from green power and approximately 20 percent globally, and it offers free computer recycling to consumers worldwide.

ITI to Host Free Webinar Series

ITI will host a free webinar series in the early fall on select environment and energy topics. Suggested webinar topics include EPEAT, the California Green Chemistry Initiative, federal Congo conflict metals legislation, various international jurisdictions, lifecycle assessment, and many others. Webinars are free to ITI members and non-members alike; however, space is limited. If you would like to receive more information about ITI’s webinar series and future ITI events, please send an email to environment@atic.org

Joint Industry Guide Remains Important Benefit for the Consumer Electronics Industry

An international group of trade associations and consumer electronics companies has recently completed revision of the Joint Industry Guide (JIG), Material Composition Declaration for Electrotechnical Products. The JIG is designed to promote consistent and standardized material declaration requests across the global supply chain. This guide applies to business-to-business transactions and is not intended to be used by the general public when making purchasing decisions. This Guide represents industry-wide consensus on the relevant materials and substances that shall be disclosed by suppliers when those materials and substances are present in products that are incorporated into electrotechnical products. The Guide also benefits suppliers and their commercial customers by providing consistency and efficiency to the material declaration process and will promote the development of consistent data exchange formats and tools that will facilitate and improve data transfer along the entire global supply chain. The Joint Industry Guide is available at www.CE.org/JIG. If you would like more information, please contact Bill Belt at bbelt@ce.org or Amy Dempster at adempster@ce.org

Sony Ericsson unveiling two “greener” phones

The company will push greener features across its product line in the next two years.

The new models, C901 GreenHeart and Naite, will be sold in smaller packages and have user manuals that are electronic. The devices use more recycled materials and consume less energy.

"[We] are announcing ... a commitment to roll out these innovations across the broader portfolio in 2010 and 2011," Sony Ericsson Chief Executive Hideki Komiyama said in a statement.
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EIATRACK News Roundup is a monthly online newsletter produced by the Telecommunications Industry Association (TIA), a non-profit trade association serving the information and communications technology (ICT) industry worldwide. The EIATRACK global online service, which provides extensively-researched news and information from a distinguished team of legal and technical experts, helps companies keep track of environmental regulations so that they can work to ensure their products comply during the entire product lifecycle.

SEND COMMENTS AND ADDRESS CHANGES TO:
lmagruder@tiaonline.org

Telecommunications Industry Association
2500 Wilson Blvd., Suite 300
Arlington, VA 22201
U.S.A.