



turn back the toxic tide

206 1st Ave. S., Suite 410
Seattle, Washington 98104
Telephone 206 652-5555, Fax 206 652-5750
Web: www.ban.org

BAN Board Decisions and New Staff Proposals on CRT Glass Management under the e-Stewards® Standard

November 3, 2015

I. Background

In November 2014, Kuusakoski Recycling and Peoria Disposal Company (K/PDC) submitted a petition to the Basel Action Network's Board of Directors to seek a change to the e-Stewards Standard to allow treated, leaded CRT glass to be placed into retrievable cells in a solid waste landfill on a regular basis, and not just on a "last resort" basis, as is currently allowed in the Standard. They also asked that such a method not be considered "disposal" and therefore by implication, be considered "recycling". The Board delegated the issue to the e-Stewards Leadership Council with a mandate to provide the Board with a recommendation. The Leadership Council formed a special working group of its Technical Committee to in turn delve into the K/PDC petition and provide them with its recommendation on the petition.

After a very deliberate and lengthy process, the CRT Working Group recommended that the petition be denied. The Leadership Council in turn agreed with that recommendation and passed this recommendation back to the BAN board.

This document puts forth the final decision of the BAN board regarding the K/PDC petition. This document also outlines additional decisions made by BAN in light of the Board's Statement, and based on new information and developments in the industry that occurred or came to light during or after the CRT Working Group and Leadership Council deliberations (see below).

All of these decisions/proposals (1-5 below) will be translated into a new, forthcoming Sanctioned Interpretation to the e-Stewards Standard, which will be subject to the usual 30-day public comment period.

II. Board Statement on Petition

"The BAN board greatly values and respects the time and effort spent by the large technical working group tasked by the Leadership Council to carefully consider the K/PDC petition. We wish to honor this deliberative stakeholder process and hereby endorse and respect the final recommendations of both the CRT Working Group and the Leadership Council.

At the same time, however, the board is very concerned that the rapidly shrinking capacity for sound management of CRT glass threatens to send more CRT glass offshore or to dumpsites in water or on land. It is imperative that the e-Stewards Standard provide sound options for CRT management for recyclers, enterprises, and consumers that are actually operational, that maximize true recycling, and minimize exposure to toxic substances.

We understand very well both the majority and minority viewpoints. While accepting the majority viewpoint that this type of management cannot be called recycling, nor should it be a preferred option at the best of times, we also recognize the view of the minority group which recognized that potential lead exposure is greatly minimized by the K/PDC method and downstream accountability for the waste is assured.

The Board also notes the concern of the minority group that some of the methods currently allowed in the Standard may be no more preferable than K/PDC's proposal and therefore asks the staff to continue to develop the standard, ensuring that it not only establishes the highest bar with respect to policy principles but also prevents exposures and releases due to dangerous disposal or recycling from any method. All this must be balanced with what is practical and reasonable in the given set of realities at this particular time in history."

Final Board Decisions

1. The Kuusakoski/PDC method for managing CRT glass is not to be considered a form of recycling until the stored material is actually recycled.
2. The Standard will remain the same with respect to its current policy of only allowing CRT glass to be placed in solid waste landfills in any manner, including as alternative daily cover and in retrievable mono-cells, if a more preferred option is not viable under the conditions already defined in the Sanctioned Interpretation of the Standard.

--- End BAN Board Statement ---

III. Recent Developments

Since first receiving the K/PDC petition in November of 2014, things have changed dramatically in the global landscape of CRT processing capacity. Many of these changes are significant and thus in our view bear consideration at this juncture when BAN is closely examining the CRT glass management issue.

Notable changes reported in the last months include:

- **Videocon**, the last known CRT manufacturer utilizing used CRT glass, has shut down its furnaces and is no longer accepting glass for recycling. They claim that the shutdown is for maintenance only but it is feared that the shutdown may be permanent as Videocon indicated in January 2015 that they would only continue to make CRTs for 3 more years, and their partner TDM in Mexico is developing alternative uses.
- BAN has learned that **COM2**, a Chicago area recycler that has a plan to use CRT glass in the ceramics industry and which earlier had asked for a special alternative use acceptance from BAN, is not actually permitted to go into production in the State of Illinois and their process is currently not operational.

- BAN has learned that another ceramics industry alternative-use recycler in Spain known as **Camacho**, creates tiles that are said to be illegal to import into the US due to their heavy metal content. BAN has yet to make a determination (under 4.4.6.6 (e)) as to whether Camacho is seen as an acceptable alternative-use process for use by e-Stewards recyclers.
- BAN has learned that there is some serious debate about whether CRT glass used as a flux in **lead smelters** can normally be considered legitimate recycling for the lead content of the glass due to the fact that most of the lead in the glass may not be recovered but ends up in the slag for disposal.
- Further, former downstream receivers of CRT glass, such as **Diversified Recycling, GES, MPC, Stone Castle**, and others have been caught in egregious acts of irresponsible CRT management and have either gone out of business or have lost certification. These acts have included outdoor fires of acres of CRT devices, abandonment of warehouses full of hazardous CRT glass, sending to smash and dump operations, and burying CRTs in a hole in the earth behind recycling operations.
- Some companies like **Dlubak, NuLife, and Closed Loop**, are reportedly accepting or holding glass when they have no operational permitted process for recycling it, raising serious concerns about ongoing exposure (e.g. from phosphors), potential bankruptcy and abandonment in the future.
- The **California State Dept of Toxic Substances Control**, concerned that a strict landfill ban for CRT glass would lead to more egregious acts of CRT export, dumping or abandonment, have made it lawful to dispose of leaded CRT glass in hazardous waste landfills and still get credit for recycling under the state program.
- **Illinois State** has amended their law to allow the K/PDC retrievable storage method to be considered a form of recycling for their state. It is rumored that other states are considering doing the same. This new rule was supported by environmental groups and local governments in Illinois.

IV. New BAN Considerations

Recent news and discoveries has caused BAN great concern over speculative accumulation of glass and has noted that the laws governing such have often been ignored or waived by state authorities, at least in the US, which has led to abandonment, fires and stockpiles without adequate funding to manage them.

BAN has also become concerned about new information which challenges the legitimacy of using leaded CRT glass as a flux in lead smelters as a preferred form of ‘recycling’, unless it can be demonstrated that significant recovery rates of lead from the CRT glass are possible.

Further, we are acutely aware that, in the rush to approve any new form of “recycling,” the e-Stewards program should ensure that reuse of CRT glass does not create legacy issues. Any method of alternative use in products, building or other materials, needs to continue to undergo strong scrutiny to ensure that products and by-products will not lead to downstream and future exposure to heavy metals, and a precautionary approach is applied where there is doubt.

Finally, BAN believes that the program is not well served by continuing to use the term “Last Resort” in Version 2 of the Standard on the subject of CRT management. While descriptive, the connotation of this term is unduly judgmental in a field where there are increasingly few

ideal options.

New CRT Proposals

In light of the recent developments and concerns highlighted above, the BAN Board's statement, as well as new information received, BAN staff proposes the following additional changes to the standard to better manage CRT glass. BAN will be closely monitoring the situation and may propose new requirements in future.

3. The term "Last Resort" in the standard is replaced by the term "Conditionally Allowable Option/s" with respect to CRT glass disposition options. The actual criteria for determining eligibility for this category (see Sanctioned Interpretation) will not change.
4. Only CRT glass processing facilities that are fully permitted and operational (actively processing glass) can be acceptable destinations for leaded CRT glass, frit, and processing residuals. These facilities will only be allowed to store leaded CRT glass, frit, and residuals for a maximum of 2 years (the law may require less) from the date of the company receiving them at any location, regardless of longer time periods that might be allowed under the law.
5. Use of lead smelters to recover lead will remain a preferred option for e-Stewards recyclers as long as a lead recovery rate of 95% or higher from the CRT glass can be demonstrated through tests, the results of which must be provided by the smelter to the e-Stewards program administrator. In the absence of such data, leaded CRT glass for use in smelters, e.g. as a flux, will be considered as a Conditionally Allowable Option.

All of the above decisions/proposals (1-5), will be translated into a new Final Draft Sanctioned Interpretation which will, once published, be subject to the usual 30-day public comment period.

END