Summary of Criterion Status

The EOL processing criterion was approved by the JC by electronic Straw Ballot (closed January 22, 2020.) A comment in the Straw Ballot identified an error in the Verification Requirements (VR). Modifications made by the JC to remove the requirements for exempt programs in the criterion text were not carried forward into the VR. On the February 20 JC call, the JC Chair asked the TG to recommend modifications to the verification requirements to align with the approved criterion.

The TG unanimously recommends the modification to verification requirement d) shown in track changes below:

d) List of exempted programs

7.2.1 Required - End-of-life processing requirements

The manufacturer shall demonstrate the following requirements are met for all end-of-life equipment collected by the manufacturer (or their contractual agent) pursuant to the “Required—Provision of product take-back service” criterion (X.1) contained herein, by utilizing:

1) a government-approved program for end-of-life electronics processing in which the manufacturer does not control the selection of initial service providers for the covered product in the jurisdiction;

Or

2) initial service providers that meet one of the following:

a) are certified by a certification body to a Qualified Electronics Recycling Standard (as specified below), such as:
   — The Responsible Recycling (R2) Standard for Electronics Recyclers
   — The e-Stewards Standard for Responsible Recycling and Reuse of Electronic Equipment
   — EN 50625 Series

The certification body scope of accreditation shall include the Qualified Electronics Recycling Standard(s).

Or

b) demonstrate conformance to a Qualified Electronics Recycling Standard, in countries or regions that require compliance with a Qualified Electronics Recycling Standard;

Or

c) are certified to or demonstrate conformance by third-party audit to the requirements of ISO 45001 and either ISO 14001 or EU EMAS1;

And

demonstrate conformance through annual third-party audits to a Qualified Electronics Recycling Standard. The audit shall be performed by:
I. a third-party conformity assessment body accredited by an IAF member accreditation body to ISO/IEC 17020, ISO/IEC 17021-1 or ISO 17065 and with competency to conduct an audit to the Qualified Electronics Recycling Standard. 1

or

II. An auditor demonstrating competency in audits of environmental management systems and to the Qualified Electronics Recycling Standard. See [appendix].

For products declared in the U.S. and Canada, manufacturers shall conform with 1) or 2) a) above.

For either option 1) or 2) above, the manufacturer may use an initial service provider located in a country other than where the end-of-life equipment is collected in compliance with national laws implementing applicable international agreements.

The following programs operated by the manufacturer (or their contractual agent) are exempt from the requirements of this criterion:

- Management of leased products where the manufacturer (or their contractual agent) retains legal ownership.
- Trade-in/exchange programs where the customer surrenders the product to the manufacturer (or their contractual agent) in return for compensation or replacement product.
- Product servicing and/or warranty programs, operated by the manufacturer, or their contractual agent, where a product (or similar product) is returned to a customer.

Qualified Electronics Recycling Standard: A Qualified Electronics Recycling Standard shall meet minimum technical requirements a) through g) below. A conformity assessment body or a registry service providing a registry of products declared to conform to this Standard shall determine whether an electronics recycling standard is qualified. For the purposes of this criterion, a manufacturer’s internal technical performance requirements for initial service providers may qualify, if they meet the requirements below for a Qualified Electronics Recycling Standard.

The Minimum Technical Requirements for a Qualified Electronics Recycling Standard are:

a) the Standard is applicable within the country(s)/region(s) being declared to, and is applicable to the scope of equipment covered by this criterion.

b) the Standard includes:

- a definition for “materials of concern” (or analogous term identifying materials with hazardous characteristics as well as materials with special handling needs);
- requirements for handling and disposition of those materials to protect human health and the environment; and
- a requirement that initial service providers have a written management plan that addresses “materials of concern” and applicable legal requirements.

c) the Standard requires that initial service providers shall document, maintain, review annually, and update as needed, an environmental, health and safety management system, and train their workers regarding the implementation of this system.

1 Certification to Recycling Industry Operating Standard™ (RIOS™) is equivalent; available at: http://www.rioscertification.org/
d) the standard requires that material intended for reuse, repair, refurbishment, remanufacturing, recycling and/or disposal shall be managed in accordance with applicable trade and transporting laws of the exporting, transit, and importing countries.

e) the standard requires that equipment/components going for reuse, repair or refurbishment shall be tested or evaluated to determine if the product is suitable for reuse, refurbishment, or repair (for example, key functions are working if intended for reuse) prior to export and in conformance with the laws of the importing, exporting, and transit countries.

f) the standard requires that initial service providers shall control, document and track the material flow of all equipment, components, and materials covered by the standard, that pass through its facilities or its control.

g) the standard requires initial service providers to track all "materials of concern" to final disposition, and to ensure that the downstream take-back service providers are meeting the requirements of items b) through f).

Verification requirements:
For each of the country(s)/region(s) within which the manufacturer is declaring the product conformant, the following shall be documented:

a) government-approved program(s) utilized by the manufacturer in the jurisdiction where the product was taken back with evidence that:
   — the scope of products covered by the government-approved program includes products covered under the scope of this Standard;
   — the government-approved program accepts products from all product users (e.g., consumer, commercial, institutional), or the manufacturer offers take back as per the requirements of this criterion for products or users not covered by the government-approved program, if permitted;
   — the manufacturer is participating in the government-approved program in that country/region;

and/or

b) for each initial service provider that performs take-back services outside of a government-approved program in the jurisdictions where the product was taken back, in conformance with a Qualified Electronics Recycling Standard:
   — identification of the Qualified Electronics Recycling Standard(s) used;
   — for initial service providers meeting 2a) above, copy/evidence of a current certification, performed by a certification body that is accredited to certify to the Qualified Electronics Recycling Standard(s);
   — for initial service providers meeting 2c) above, documentation of the accreditation and competency of third party conformity assessment body or competency of auditor as specified in 2c) above, and planned/implemented resolutions of the most recent third-party audit reports examining the performance of the initial service provider against the Qualified Electronics Recycling Standard.
c) when an agent is being used, the manufacturer must demonstrate that it has a contract with the agent and that the agent has a contract with the initial service providers that are providing the take-back services for the manufacturer

d) List of exempted programs: For programs exempt from the criterion’s requirements:

- A list of exempted programs and documentation of a program that monitors the legal requirements of importing, exporting and transit countries for transboundary trade to the point of repair or refurbishment.
- Documentation that any residual equipment and components (including unrepairable equipment/components or equipment/components with no reuse value or market), scrap, and materials derived from equipment that result from these exempt programs are processed by a recycler certified to a Qualified Electronic Recycling Standard and that any transboundary trade to the certified recycler is conformant with the legal requirements of importing, exporting and transit countries

References and details: None