



Laws & Regulations: IT Reuse & Recycling

White Paper
Jan 2012



Introduction

This white paper is designed as a guide to the regulations and laws that apply to the reuse and recycling of IT equipment. Effective management of IT assets can generate significant residual value, but lack of knowledge of the legal restrictions and obligations relating to the reuse and recycling of used IT assets can expose an organisation to risk of fines, prosecution and embarrassment.

RDC manage the reuse and recycling of used IT assets in a demonstrably compliant way. Having processed more than 9 million items of used IT in the past decade makes us the largest dedicated company in this field within Europe. Our specialist IT asset management skills have been developed to manage the business risks of our customers.

“IT reuse and recycling business, RDC, receives the award for their outstanding commitment to sustainability, successfully marrying commercial success with a highly progressive sustainability agenda. Their governance and performance provides an exemplar benchmark for commercially successful, sustainable business operations.”

We provide clients with a risk assessed managed service with the controls and systems in place to demonstrate compliance with UK and EU legislation. This is assured by independent audit and certification to international quality, environmental and security standards.

Gerry Hackett
Managing Director
RDC



What laws and regulations apply to IT reuse and recycling?

There are many laws and regulations that apply to the reuse and recycling of IT. RDC comply with these laws and regulations not just to meet our own obligations but also to meet those of our customers.

Where does the legislation come from?

The table below gives an overview of the different sources of legislation and regulation:

Where?	Types	Examples
European Union	Directives	The Landfill Directive**
UK Parliament National Assemblies*	Acts	The Environmental Protection Act**
Government Departments, eg. DEFRA	Policy Guidance	Circulars, eg. 1984
Secretary of State	Regulations	Waste Management Licensing Regulations
Government Agencies, eg. Environment Agency	Codes of Practice	Duty of Care

*Scotland, Wales & Northern Ireland have separate legislative assemblies

** EU Directives are transposed into member state law

Laws and Regulations outside of the UK. There are separate pieces of legislation that affect RDC when dealing with IT reuse and recycling in other countries. These are complied with but are not included within this document.

What specific laws and regulations, and how do we comply?

On the following pages we identify the main regulations and laws applying to the reuse and recycling of IT equipment, what compliance means and how we comply with:

- Data protection laws and regulations
- Waste and environmental laws and regulations
- The WEEE Directive and UK WEEE Regulations
- Safety and consumer protection laws and regulations

Data Protection: laws and regulations affecting the reuse of IT

Laws & Regulations	Compliance Requirements	How RDC Complies
<p>Data Protection Act 1998</p> <p>and</p> <p>EU Data Protection Directive</p>	<p>Requires the eradication of confidential data stored in IT memory within EU borders Requires all organisations that create data be registered with the UK Protection Register Places a legal obligation to remedy any data breach on all data creators (people and organisations who create data files on other people and organisations).</p> <p>This may mean writing to all people and organisations whose data has been or could be exposed to unauthorised persons, amending records, security and compensation for any loss.</p> <p>Note: Insurance company Ponemon identified that the average cost to remedy a data breach in the UK in 2010 was £1.96 million.</p>	<p>Data can be eradicated using software and tools approved by the UK Government's Communications Electronic Security Group.</p> <p>We are approved by the UK Security Services to handle and eradicate data classified as restricted, confidential and secret.</p> <p>We deliver assured processes to destroy protectively marked confidential data at customer site or through our approved processing facility and observed destruction at waste to energy incineration facilities.</p> <p>We are registered data controllers under the Data Protection Act. RDC's security handling processes and procedures are certified to ISO 27001, the international Information Security Systems Management Standard.</p>
Criminal Justice and Immigration Act 2008	Since April 2010 a fine of up to £500,000 can be imposed for each data breach by the Information Commissioner's Office	
Environmental Permit Legislation 2011	Organisation holds permits for special waste they store hold and treat.	Permit held
<p>The Waste Regulations 2011</p> <p>and</p> <p>EU Waste Framework Directive</p>	<p>There has been a significant change to the way Business manage waste that came into force in 2011. The Waste Regs 201, transposed from the recast EU Waste Framework Directive, changes the 'Waste Hierarchy' from a principle to a set of enforceable regulations to reduce the amount of waste disposed of to landfill.</p> <p>The Waste Hierarchy involves a sequential approach that requires businesses demonstrate that they;</p> <ul style="list-style-type: none"> • REDUCE waste from being created • REUSE waste to avoid consuming new materials and energy • RECYCLE by preparing materials for reuse as originally intended • RECOVER the energy trapped in waste materials by waste to energy incineration or composting • DISPOSE of as little as possible and only after trying the hierarchical approaches above. 	<p>For computer equipment and packaging, we have been implementing the waste hierarchy for many years. RDC's resource management approach to waste has seen mutually beneficial improvements that enable our customers to demonstrate they meet the obligations of the Waste Regs 2011.</p> <p>We have practiced compliance with the Waste Hierarchy for many years and we demonstrate compliance by:</p> <ul style="list-style-type: none"> • REDUCING waste by providing leased IT assets owned by Computacenter and also by refurbishment of used IT assets for redeployment within organisations • REUSE of used IT to generate revenue for former users by remarketing to over 70 countries • RECYCLING waste IT with a mass balance measuring materials recycled • RECOVERY of some IT waste by waste to energy incineration • DISPOSAL of nothing – RDC reports zero landfill on IT waste and packaging.

Environmental and Waste: laws and regulations affecting recycling and disposal of IT

Laws & Regulations	Compliance Requirements	How RDC Complies
<p>Environmental Protection Act 1990</p> <p>and</p> <p>The Environmental Protection (Duty of Care) Regulations 1991</p>	Places a Duty of Care on all parties involved in the production, transfer, storage and treatment of waste to ensure no pollution or harm to people results.	<p>We hold an Environmental Permit issued by the Environment Agency, that permits the receipt and storage of waste electrical and electronic equipment and packaging as categorised under the European Waste Catalogue.</p> <p>We issue waste transfer notes for waste transferred to RDC.</p>
Waste Management Licensing Regulations 1994	<p>Waste can only be carried by organisations with an appropriate waste carrier's licence and transferred to organisations that hold a waste transfer site licence.</p> <p>When processed by a recycler or waste treatment facility, they too must be licensed or hold an exemption from licensing. Waste transfer notes record waste movements.</p>	<p>We issue hazardous waste consignment notes for hazardous waste movements.</p> <p>We report waste movements quarterly to the Environment Agency, who also visit the site to confirm compliance.</p> <p>In processes that are part of our ISO 14001 certified integrated management system, RDC verify couriers hold waste valid carrier's permits to carry waste, recyclers hold appropriate licences or exemptions.</p>
Transfrontier Shipment of Waste Regulations 1994	Documents affirming approval by environmental regulator in UK and country exported to/from. Used to track waste across frontiers.	
Landfill Regulations 2002	Separation of hazardous from nonhazardous waste and ending codisposal at landfill sites.	Recyclers and waste management supply chain must hold valid waste management licences and may be subject to audit by RDC.
Hazardous Waste Regulations 2005	<p>The European Waste Catalogue lists Monitors with Cathode Ray Tubes, lead acid, nickel cadmium and mercury batteries as hazardous.</p> <p>Producers of sites producing >500 kg hazardous waste a year to register sites with Environment Agency. Hazardous Waste Consignment notes to accompany and track each load.</p>	We will not export waste IT to developing countries classified as 'items for reuse'
Landfill Regulations 2007	All non-hazardous waste must be treated before disposal (from 31 October 2007)	We treat all waste materials by recycling and recovering with zero disposed of to landfill.



WINNER 2010

In 2010 RDC won the Chartered Institution of Wastes Management (CIWM) Award for Environmental Excellence for Recycling Performance of the Year.

The WEEE Directive and the UK WEEE Regulations

WEEE Regulations Requirements	How RDC Complies
Encourage the reuse of used equipment and components.	We reuse about two-thirds of items received, recovering components for reuse from those recycled.
Treatment must comply with A4 of Waste Framework Directive so that waste is recovered or disposed without endangering human health or the environment. Treatment must avoid dispersion of pollutants into recycled materials or the waste stream.	We already comply, evident in our WEEE Environmental Permit EPR/HP3494NS (formerly Waste Management Licence EAWML/71408) issued by the Environment Agency. Plus BSI certification to ISO 14001 (environmental management) and OHSAS 18001 (health & safety) requires demonstrable legal compliance. We audit recyclers used to ensure compliance.
WEEE to be separately collected from other waste streams).	We track movements using waste transfer, hazardous waste consignment and transfrontier shipment of waste notes.
Retailers / Distributors to offer consumers free takeback of like for like products.	We earn revenue from the resale of refurbished IT - distributors can use this to offset takeback costs.
Only approved recyclers to be used to treat WEEE using best available techniques. Approved Treatment Facilities must hold permits or licenses plus impermeable surfaces, spillage collection, balances (weigh scales) and storage for disassembled parts, esp. batteries.	We already comply via our waste management licence and WEEE ATF permit (see above). RDC verifies that third party specialist recyclers and waste disposal organisations used hold current and valid environmental permits/waste management licences and are subject to audit by RDC.
Systems must follow Best Available Treatment for Recovery & Recycling Technology (BATRRRT)	Our processes have won awards for our best practice and our third party recycling specialists are BATRRRT approved.
Pre-treat before disposal – removal of cathode ray tubes, batteries, toner cartridges, flame-retardant plastics from the waste stream.	We already do this - with no IT waste disposed of to landfill.
Setting specific targets for IT, these are to recycle 65% and recover 75% by weight of IT discarded as waste (A7)	We have been tracking material sent to recyclers and the amount of material recovered. Since April 2002, RDC has reported zero landfill for IT waste with 92% materials recycling and the remaining 8% reclaimed by waste to energy incineration – giving 100% recovery. We report material mass balance for clients' IT equipment recycled using our purpose designed relational database.
Data Collection - WEEED A7 requires records be recorded of the WEEE items and materials entering & leaving facilities	We already do this, reporting both to the Environment Agency as regulator and to our customers.
Users other than private households (e.g. business and public organisations) can agree that either producers, distributors or users take responsibility for WEEE (A9)	We already work with producers and distributors, last users and recyclers to provide environmentally responsible and cost effective solutions for WEEE.

RDC Head of Sustainability Gary Griffiths was selected as an expert on WEEE to serve on the UK Government WEEE Advisory Body set up in 2007 to improve WEEE reuse and recycling in the UK and continues to advise on WEEE issues.

Gary led the UK Department of Business Innovation and Skills task group that developed the first European WEEE best practice standard, PAS 141:2011 on the reuse of used and waste EEE.

Safety and Consumer Protection: laws and regulations affecting the reuse of IT

Laws & Regulations	Compliance Requirements	How RDC Complies
Copyright Designs and Patents Act 1988	Most operating system and application software is licensed rather than sold outright and is not transferable.	Removal of operating system and imaging of new licensed software is undertaken. We are a Microsoft Authorised Refurbisher, permitted to load operating system and software applications backed by Microsoft licenses.
Health & Safety at Work, etc. Act 1974	Duty of care to take all reasonable precautions to avoid injury to others.	Our integrated management system has been developed and is independently certified to international standards: <ul style="list-style-type: none"> • ISO 9001 quality assurance standard, • OHSAS 18001 health and safety • ISO 14001 international environmental management systems standard • PAS 99 integrated management system for quality, environment and safety • ISO 27001 Information Security Systems Standards are subject to bi-annual independent assessment to verify continuing compliance. We conduct electrical safety tests in accordance with the Institute of Electrical Engineers (IEE) codes of practice for In Service Inspection and testing of Electrical Equipment to identify and exclude dangerous equipment. Screen tests are the same as used for new equipment and are DSE compliant. Items are tracked using our purpose designed relational database, with test records updated in real time. We verify sales comply with trading regulations by dialogue with trading standards departments.
Sale of Goods Act 1979	All equipment sold must be of satisfactory quality, fit for purpose and be adequately described.	
Consumer Protection Act 1987	Consumer right to sue for damages resulting from injury.	
Display Screen Equipment Regulations 1992	Display screens must meet safe practice criteria to avoid eye and muscular skeletal injuries,	
Provision and Use of Work Equipment Regulations 1998	Employers must ensure equipment provided is safe to use	
Electrical Safety at Work Regulations 1989	Equipment must be tested as being safe	
Management of Health & Safety At Work Regulations	Employer to undertake risk assessments and to minimise risks to employees	

Reuse can save up to **75%** of the materials and energy saved in making a new PC

'Computers and the Environment'
UN University

Frequently Asked Questions on the laws & regulations affecting IT reuse and recycling

Are all used IT assets classified as waste?

No. Used IT can be reused both internally within organisations or can be sold or donated for reuse just as any other asset – so long as data protection, functionality and electrical safety issues are addressed. The Environment Agency has confirmed that RDC has the procedures and processes in place to receive such equipment without it being classified as waste. Not all IT reuse and recycling companies may so comply.

Will the WEEE Directive mean all used IT will soon be presumed to be waste?

No. The WEEE Directive Article 1 (1A) and the recast Waste Framework Directive & UK Waste Regulations 2011 specifically encourages reuse of equipment. Re-use is favoured environmentally as it reduces the amount of resources consumed. The UK Government Department for Environment, Food and Rural Affairs (DEFRA) estimate that for every ton of equipment produced, up to ten tons of resources have been consumed. Re-use at a lower, second-user price also offers opportunities for affordable access to IT for business and domestic users – and reduces equivalent carbon dioxide produced by 75% according to the UN University.

Can used IT equipment be classified as waste, even if people want to buy it?

Yes. Legally, something becomes 'waste' when it is 'discarded' by the holder and falls out of the chain of utility. European case law (e.g. Tombesi & Mayer Parry) has established that items may be waste even though they have a commercial value. Used IT becomes waste when it is described as waste by former users. So items discarded as waste cannot then be legally exported as items for reuse by unscrupulous operators unless they have been through some approved process. Such illegal export of waste overseas can lead to prosecution for all links in the supply chain involved.

Who oversee WEEE recovery and recycling?

In the UK, the Department for Business Innovation and Skills (BIS - formerly BERR / DTI) is responsible for the WEEE Regulations 2006. The Environment Agency / SEPA / NIEHS are responsible in the UK for enforcement of regulations - with fines and possible imprisonment for breaches.

Will WEEE impact on design of IT equipment?

Yes, WEEE is accompanied by the Restriction of Hazardous Substances Directive (RoHS). This names hazardous materials that should not be used in the manufacture of electrical and electronic equipment from 1 July 2006. E.g. lead in solder, hexavalent chromium (a steel finishing agent), and certain poly-brominated flame-retardants.

How will Business WEEE be handled?

- Business Users of IT (B2B users) have to separate WEEE from other waste and pass it for treatment to an appropriately licensed treatment facility.
- B2B users are responsible for 'historic WEEE' (EEE placed on the market before 13 August 2005).
- Distributors selling B2B must offer free 'like for like' takeback of 'New WEEE',
- Producers & Importers will have to provide for financing the collection, recovery and recycling of all household and 'New' B2B WEEE (items placed on the market after 13 August 2005).
- B2B WEEE obligations may be agreed by negotiation between users, distributors and producers when supplying new EEE - giving users' power to resell reusable items to generate revenue.

Why would business or public bodies want to take on WEEE liability from Producers?

By agreeing to take on WEEE liabilities, users will be free to resell used IT in order to earn revenue from reuse. Also, rather than pay a supplement to pay for recovery and recycling from the producer at time of purchase, users should negotiate discounts from them.

What about IT Packaging & Consumables?

We can recover and recycle most IT packaging. We manage the recycling of cardboard, LDPE film wrap, expanded polystyrene, toner cartridges, wooden pallets, paper, media disks and data tapes - the latter by guaranteed destruction observed by RDC screened personnel. Zero packaging waste is disposed of to landfill.

What about other WEEE?

We are able to offer services and advice on non-IT WEEE collection and recycling and already collect items from our customers including fridges, fluorescent tubes, telephones and office equipment. We provide a secure bin service for securely storing data media which is collected and destroyed. If interested, contact us for more information.

How can I find out more information?

We are the leading IT reuse and recycling company in Europe, enjoying continuing growth. To find out more, please visit our web site at **www.rdc.co.uk**



RDC

Tekhnicon,
Springwood,
Braintree,
Essex, CM7 2YN,
United Kingdom.
T: +44 (0)1376 336555

www.rdc.co.uk

E&OE
All trademarks acknowledged
© 2012 RDC
All rights reserved