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## Mandated Recycling of Electronics A Lose-Lose-Lose Proposition

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### ***...The European Union's WEEE and RoHS Directives***

The most far-reaching proposal to regulate e-waste is the European Union's (EU) Waste Electrical and Electronic Equipment (WEEE) directive, which went into effect in August 2004. WEEE requires all 15 member nations to implement programs requiring manufacturers or retailers of electronics and their importers to take full responsibility for the end-life of electrical and electronic equipment. Specifically, producers must implement and finance the take-back and recycling of used electronics,<sup>44</sup> including those manufactured in the past, by August 2005... (Page 11)

...**Environmental costs.** In addition to high monetary costs, the EU directives also impose costs on the environment—without yielding any clear environmental benefits...While the final directive does identify environmental protection as its objective — “to preserve, protect and improve the quality of the environment, protect human health and utilize natural resources prudently and rationally” and “to reduce the quantity of waste for disposal and saving natural resources” — it never provides any conclusive evidence that current waste disposal practices are an environmental or human health threat.<sup>56</sup> Rather, it implies it is justified based on the need to adopt the “precautionary principle” and “sustainable development.” Nor are the directives' costs and tradeoffs ever considered.**57** (Page 13)

**57 Orgalime, *op. cit.*, p. 3; National Foreign Trade Council, Inc., *Looking Behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science*, Washington, D.C., May 2003, p. 69.**

The following are just some of their likely risks and costs to the environment and to human health:..

-- **Substitute metals and flame retardants carry serious environmental and human safety risks.** Like the recycling directive, the EU's directive to ban "certain hazardous" substances lacks justification on the basis of either sound science or risk analysis.**63**

**63 Interestingly, the lack of a risk assessment came under attack in discussion papers circulated by the EU Committee for violating international law on trade: "An EU substance ban not supported by appropriate risk assessment [based on science] is contrary to international trade law, as it would create a technical barrier to the trade of electronic and electrical equipment without the requisite demonstration of justification." EU Committee Comments, *Initial Discussion Paper on the Proposed WEEE and RoHS Directives*, October 5, 2000, in National Foreign Trade Council, *op. cit.*, pp. 69-70.**

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