



How to Ensure Your Products Meet Environmental Requirements in Latin America

A White Paper Developed for
Electronics Companies

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Produced by EIATRACK and the Telecommunications Industry Association (TIA)

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The Latin American Region has witnessed an explosion of product stewardship initiatives for electrical and electronic equipment, spurred in part by international legal trends, serious urban waste management challenges, a growing local environmental awareness, and the rise in influence of local and international NGOs. Governments facing limited waste infrastructure capacity, outdated laws and regulations, and insufficient funding to support management and/or regulatory enforcement have turned to product stewardship as an attractive solution, shifting responsibility from the public to the private sector.

In response to these and similar developments world-wide, [EIATRACK \(www.eiatrack.org\)](http://www.eiatrack.org) has stepped up to provide reliable regulatory intelligence online for several countries in the region. The service allows companies to quickly and cost-effectively navigate the increasingly complex

maze of environmental regulations and legislation targeting electronic products. This white paper presents an overview of the challenging regulatory landscape in Latin America that companies must address in connection with the design, marketing, distribution and recycling of electronic products.

Are your products compliant? How ready is your business for the legal mandates that lie ahead? Consider the following information that may affect your company.

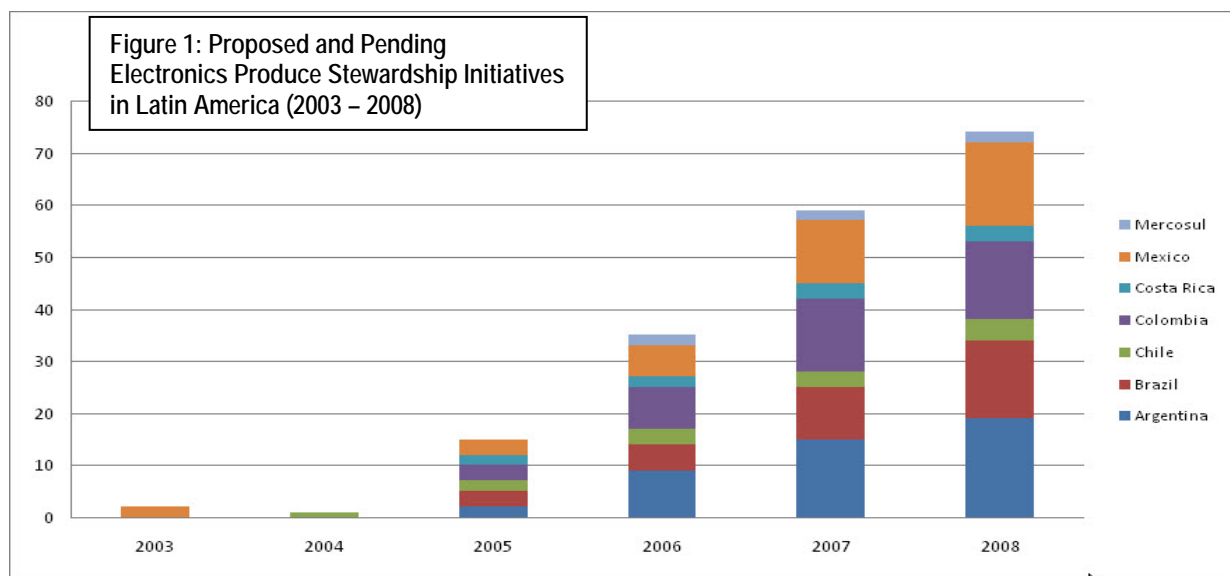
Stewardship and Waste Initiatives in Latin America

As demonstrated in *Figure 1*, the number of proposed and existing stewardship and waste initiatives has not only increased from a mere handful to more than 70 within the past five years; regulatory activity has also spread to more countries throughout the region.

There is little doubt that this trend will continue. National governments in **Mexico and Colombia** have passed large framework waste laws, or “omnibus waste laws,” that require producers,

importers, distributors, retailers and marketers to prepare and implement management plans for hazardous or special management wastes. These countries are now in the process of developing regulations and standards to identify covered products and detail baseline requirements for manufacturers and importers. (Following almost twenty years of debate, **Brazil** may be nearing completion of a similar omnibus waste law.)

At the same time, many national governments are considering significant product-specific waste management laws that place responsibility on producers, importers and others for take-back of covered products. For example, the **Argentine Senate** has before it a



bill that would implement under one law provisions drawn almost verbatim from both the EU WEEE and RoHS Directives.

More national governments will follow the lead of Mexico and Colombia, among others, and develop national product stewardship initiatives that address end-of-life electronic products.

Costa Rica's Ministry of Environment and Energy recently adopted a Solid Waste Management Plan that calls for 31 strategic actions relating to national waste management. Importantly, the plan incorporates Extended Producer Responsibility (EPR) policies, called for the approval of a proposed WEEE Regulation, and makes it clear that e-wastes are viewed as hazardous wastes and require special management. Any new regulations resulting from this plan will likely include new requirements for producers, importers and distributors of electronic products.

In-Country Requirements

As of this writing, it is also likely that we will see an increase in legislative and regulatory activity among states or provinces and municipalities, which, in many instances, maintain jurisdiction over waste management and overall environmental management. This can often lead to a patchwork of in-country waste management requirements, making it increasingly difficult for companies to track legal requirements and develop compliance strategies.

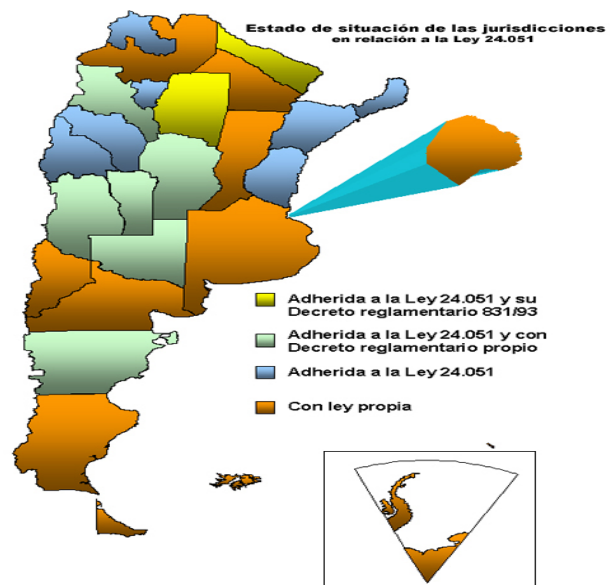
For example, in Argentina, the Provinces have jurisdiction over environmental management, and, as a result, have varied significantly in their implementation of the Federal Waste Law and its regulations. (See Figure 2.) Looking to the future, should the Argentine Congress pass the WEEE-RoHS bill currently under consideration in the Senate, the provincial map for implementation could look equally daunting, posing a real compliance challenge for manufacturers with take-back responsibilities throughout the country.

Notably, municipalities representing key markets have enacted, or have pending, some of the more progressive, leading edge producer responsibility initiatives in the region. For example, **Mexico's Federal District** and **Sao Paulo, Brazil** have enacted comprehensive

waste management laws, while the **City of Buenos Aires** has enacted a "Zero Waste Law" that calls for eliminating recyclable waste from its urban waste stream by 2020. As part of that regulation Buenos Aires has required take-back of all rechargeable batteries. These municipalities appear to be establishing producer responsibility models that states, and, even in some instances, federal governments will follow in the future.

Finally, the scope of product stewardship measures will likely expand beyond take-back and waste management to address packaging, materials restrictions, and other product design and manufacturing mandates (e.g., energy efficiency, green procurement). The **Environment Branch of Mercosur**, the trade agreement for the southern cone countries, is developing comprehensive chemicals management and EPR programs that encourage member countries to address priority chemical substances and implement EPR measures for

Figure 2: Map of Argentine provincial implementation of Law 24.051 (Federal Hazardous Waste Law)



Source: Secretary of Environment and Sustainable Development

electronics, batteries and other listed special universal wastes. **Argentina and Brazil** have implemented battery content limit laws, and other countries, including Mexico, are considering similar bills and/or regulations. Several packaging bills have been introduced in national legislatures, with more to come.

EIATRACK—Enabling You to Stay Current with Legislation and Regulation

Where does all this leave the manufacturer? From the early stages of planning and design, a product manufacturer must ensure that all components and materials being used to create the product, and the packaging and labeling of the product, adhere to the various regulations depending on the product's destination.

Within a company, those who must be familiar with these requirements include sales, marketing, legal, engineering, design and environmental departments. EIATRACK was created with the assistance of electronics companies to help their personnel meet the regulatory challenges. The economies of scale provided by EIATRACK allow for strategic and informed tracking of the most important and relevant policies, regulations and laws that will affect the electronics industry in key countries in the region. Regulatory alerts contain more than

just summaries of bills, laws or regulations that are available only in Spanish or Portuguese; they also provide legal analysis that can inform your company's compliance and advocacy strategies. EIATRACK can provide an invaluable tool for managing producer responsibility requirements in this dynamic and challenging region. With a team from the law firm of Beveridge & Diamond, P.C. and ambientelegal.com, watching the rapidly changing legislative field in South America, your company can rely on EIATRACK to help you stay informed about this fast changing and developing market.

In addition to Latin America, EIATRACK covers regulations the world over with the help of regional legal and technical experts. Users of EIATRACK also participate in regional councils to provide up-to-date information on necessary additions and changes.

Full information and free trials and demos are available by contacting EIATRACK at efarmer@eiatrack.org or +1.703.907.7582.

EIATRACK

EIATRACK, the global benchmark in environmental intelligence and product-oriented regulatory tracking, is owned by the Telecommunications Industry Association (TIA). www.eiatrack.org.

About TIA

The Telecommunications Industry Association (TIA) represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshows, business opportunities, market intelligence and world-wide environmental regulatory analysis. With roots dating back to 1924, TIA enhances the business environment for broadband, mobile wireless, information technology, networks, cable, satellite and unified communications. Members' products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment and entertainment. TIA co-owns the [SUPERCOMM](http://SUPERCOMM.com)® tradeshow and is accredited by the [American National Standards Institute](http://AmericanNationalStandardsInstitute.org) (ANSI).

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