

Headline News

GOVERNMENT OFFICIALS CALL FOR WITHDRAWAL OF CEA/ITIC LAWSUIT

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Officials from 18 states call for CEA and ITIC to withdrawal their lawsuit against New York City's electronics recycling law.

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Representatives from 18 states as well as from various associations joined with officials from across the country in calling for the electronics industry to withdraw its lawsuit against the [New York City electronics recycling law](#), describing the lawsuit as a direct challenge to state and local government efforts to protect public health and the environment.

In a letter to the [Consumer Electronics Association \(CEA\)](#) and the [Information Technology Industry Council \(ITIC\)](#), who filed the lawsuit, state and local government representatives express their continued support for state and local laws that give the electronics manufacturers responsibility for financing effective take-back services for all the products they are selling in those states.

"While this lawsuit was filed against New York City, it's a direct challenge to the ability of states to pass take-back laws on any product, such as the law California passed in 2008 for mercury thermostats," says Heidi Sanborn, executive director of [California Product Stewardship Council \(CPSC\)](#), who co-sponsored the bill. "Our state is poised to pass take-back legislation on paint (AB 1343- Huffman) and the California Product Stewardship Act (AB 283 – Chesbro) in 2010, and we hope the courts don't undermine our work to protect the environment and public health."

The lawsuit, filed in U.S. District Court July 24, argues that the New York City electronics recycling law passed in April 2008 is unconstitutional. The city's law requires the electronics companies to collect and recycle old electronic products. Nineteen states have passed laws similar "producer take-back" laws.

According to the California Integrated Waste Management Board, the cost of collecting, recycling and disposing of hazardous products easily exceeds \$500 million per year in California alone, and local governments are looking to EPR laws to not only shift costs, but to drive green design of products.

Local governments in New York, Oregon and California have submitted an amicus brief to the court providing legal arguments challenging the industry claims in the lawsuit and in support of New York City's right to enact the produce take-back law. Two states, Maine and Washington, have provided affidavits that were submitted as part of the New York City's defense. [The Natural Resources Defense Council \(NRDC\)](#) has also intervened in the case, in support of the city's law, and is now a party to the case.

Oral arguments in the New York City lawsuit are expected to begin in late December of 2009.