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Representing the Equipment Leasing and Finance Industry

Equipment Leasing Association
Comments to
Northeast Regional Electronics Legislation Project
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The Equipment Leasing Association (ELA) appreciates the opportunity to file comments on model electronic waste legislation being drafted by the Council of State Governments - Eastern Regional Conference (CSG- East) with assistance from the Northeast Recycling Council (NERC). Your constructive engagement of equipment lessors provides a needed perspective from the commercial sector.

The current amended draft establishes a producer/manufacturer responsibility system centered on retail sales of household products to consumers. This objective would be further safeguarded while reinforcing intent of the committee by duplicating in the definition of retail sale the term “excluding leases” that currently appears in the definition of sell and sale. As an example, ‘Retail sales includes sales of products to a consumer, excluding leases, through sales outlets, via the Internet, mail order, or other means, whether or not the seller has a physical presence in this state.’

In examining a separate aspect of the revised draft, ELA takes note of the elaborate and costly product tracking obligations envisioned for all retail stores. Such a proposal reinforces critical distinctions between equipment lessors and main street merchants targeted by that proposal. Equipment lessors do not have physical possession of equipment prior to the lease nor its descriptive manuals and do not maintain a stock of inventory. Commercial leased equipment is shipped directly from supplier's inventory at multiple points of origin through interstate commerce directly to lessees. Equipment supplier invoices provide only general descriptions lacking details that would be required by this administratively arduous tracking system. What promises to be a costly burden for retailers would be impossibility for equipment lessors.

It is noteworthy and appreciated to have been afforded this occasion for comment on the model electronic waste recycling bill. Equipment Leasing Association members have benefited from this opportunity and will remain engaged as the process nears conclusion.