

e-Stewards Sanctioned Interpretations

Revision 8
June 28, 2011

BASEL ACTION NETWORK

This document and communication system has been developed to provide a single focal point for all questions related to the e-Stewards Standard and certification process. Interpretations and clarifications will be built into subsequent revisions of the e-Stewards Standard.

The most recent updates to these Sanctioned Interpretations appear in bold, italic font in this document.

This system is intended mainly for accreditation bodies, certification bodies, and candidate e-Stewards recyclers who are working with the e-Stewards Standard, but questions from all sources will be considered and responded to as appropriate.

Interpretations published in this document shall be referenced for any audits of an e-Stewards candidate organization against the e-Stewards Standard.

This document is available in the Certification section at www.e-Stewards.org.

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Paragraph 1- Introduction

Q12 In the Introduction of the Standard, paragraph 1- Development, certification is “initially” limited to facilities located in Canada and the US. Has a decision been made to geographically expand the scope of the e-Stewards certification program?

A12 Yes. BAN has now approved certification of e-Steward candidates to include all the countries that are members of the Organization for Economic Cooperation and Development (OECD), and the European Union (EU), **and European Free Trade Association (EFTA)**. **At this time, this list includes the following 41 countries:**

Australia	Finland	Latvia	Romania
Austria	France	<i>Liechtenstein</i>	Slovak Republic
Belgium	Germany	Lithuania	Slovenia
Bulgaria	Greece	Luxembourg	South Korea
Canada	Hungary	Malta	Spain
Chile	Iceland	Mexico	Sweden
Cyprus	Ireland	Netherlands	Switzerland
Czech Republic	Israel	New Zealand	Turkey
Denmark	Italy	Norway	UK
Estonia	Japan	Poland	US
		Portugal	

Paragraph 3- Glossary of Terms

Q8 Definition 3.45, “Intermediary” lists examples of Intermediaries as “independent representatives, agents, independent managers, logistics (e.g., trucking) firms, brokers, cross-docking firms, etc.” Does the definition of Intermediary also cover those processors, refurbishers, refiners which are downstream of the certified e-Steward, but before Final Disposition?

A8 No. Processors, refurbishers, refiners, etc. who are downstream of the first tier e-Steward are considered “Downstream Recyclers”. Intermediaries are various types of entities that assist in transferring material/equipment between the facilities that actually further process the material.

Paragraph 4.2- Environmental Policy

Q10 Please clarify the intention of the reference made to SA8000 which is made in paragraph 4.2.1 (c).

A10 One of the important precepts of the e-Stewards Standard is that workers’ health, safety and social welfare should be protected throughout the electronics equipment recycling chain. BAN recognizes that the SA 8000 standard can provide excellent guidance on the areas of concern and values which should be reflected in a socially accountable company. The e-Stewards Standard does not require compliance with or certification to SA8000. An e-Steward’s management policies should, however, reflect the values and principles described in the SA8000 standard for their own operations, either by directly referencing a commitment to the principles in

the SA 8000 Standard, or listing appropriate specifics found in SA 8000 (e.g. no child labor, forced labor, right to organize, etc.) An e-Steward may “encourage” their Downstream Recyclers to operate consistent with these same principles by including this language in contracts or work agreements, performing due diligence to confirm these, etc.

Paragraph 4.4.6.1 - Health and Safety in the Workplace

Q24 When the scope of the e-Steward certification does not involve the entire site, do the Health and Safety and Environmental control requirements apply to the entire facility or only that part of the site conducting e-waste processing?

A24 The entire site must be covered by the Health and Safety and Environmental control requirements.

Q7 Please clarify the requirement of paragraph 4.4.6.1 (c) regarding on-going ergonomic evaluation following significant changes to operations.

A7 When a significant change to operations occurs, the e-Steward shall require that the ergonomic evaluation of the affected operations be reviewed and/or repeated. Significant changes may include, for example, switching from a manual disassembly process to a mechanical size reduction process (such as shredding), or making significant changes in workstations for employees who are manually de-manufacturing electronics.

Q26 Paragraph 4.4.6.1.1 (b) 4 requires e-Stewards operating Potentially Hazardous Processing Technologies (PHPTs) that involve thermal processes or power machinery to shred, cut, grind or shear Electronic Equipment to conduct air testing for brominated flame retardants. In the US, there have not been established OSHA Permissible Exposure Limits (PELs) or other federal limits. What are the minimum levels of testing required by BAN for these toxins?

A26 BAN requires the e-Steward to monitor air for brominated flame retardants in workspaces where BFRs and PBDEs may be present, if using mechanical size reduction or thermal processes. The testing protocol shall be identified by BAN and BFR experts in the near future, and the e-Steward must commit to testing for BFRs within 90 days after BAN communicates the testing protocol.

Q36 Paragraph 4.4.6.1.1(f) requires an ongoing process for identifying and assessing occupational hazards in the workplace. We are doing a Job Hazard Analysis (JHA) internally and having it reviewed and signed off by our insurance carrier. Will this meet the requirement of the Standard?

A36 A JHA is a good way to identify health and safety hazards and risks in your operation. If your insurance carrier provides a professional review service, and has qualified H&S professionals available (such as a Certified Industrial Hygienist or a Certified Safety Professional), this will meet the intent and requirement of the Standard. Most insurance carriers have qualified people available on staff, in order to reduce their risks and payout.

Q37 Paragraph 4.4.6.1 (e). Can we use our insurance carrier to conduct the ergonomic evaluation required by this paragraph?

A37 If your insurance carrier employs a professional ergonomist, this would be an acceptable way to satisfy the requirement. The key here is to assure that you use someone trained and qualified in the science of ergonomics.

Q38 Paragraph 4.4.6.1.1(k) (1) calls for medical surveillance (biological monitoring). Our Lead Protection Program calls for medical surveillance based upon specific test levels. We have run a couple years of airborne lead tests (based on our ISO 14001 program) and have never had a measurable result. Is it acceptable to discontinue medical surveillance based upon these results?

A38 Yes. The Standard does not actually require biological monitoring unless recommended by your occupational health care provider. You are required to use an occupational health care provider only if your operations include one or more PHPT's. If applicable, and biological monitoring is recommended, this should be implemented. However, if no airborne toxins are detected, annual medical surveillance may not be indicated, in which case, no bio-monitoring would be required by the Standard. But if your Lead Protection Program requires medical surveillance, then that plan must meet the requirements of subparagraph (k) 1 - 4.

Paragraph 4.4.6.2- Reuse and Refurbishment of Electronic Equipment

Q25 Regarding Reuse and Refurbishment of Electronic Equipment, paragraph 4.4.6.2 (f), and when brokers may be involved in the sale of tested and fully functional equipment, it is very difficult to demonstrate with certainty that such equipment actually reaches the Reuse market it is intended for. What alternative evidence is permissible to satisfy this requirement?

A25 BAN has decided to permit an e-Steward to demonstrate evidence of satisfying this requirement by providing records of the selling price of tested, working equipment and parts sold to the broker, such that the e-Steward shall require that pricing be at least three times higher than the prevailing scrap rate for each such item sold. Should an e-Steward select this alternative, it must provide verifiable documentation of the prevailing scrap rates at that time for each type of equipment or component sold.

Q28 Please clarify the conditions under which an e-Steward may outsource Reuse and Refurbishment tasks found in Sections 4.4.6.2(j) and 4.4.6.5(e).

A28 The e-Stewards recycler or their immediate (next-tier) Downstream Recycler may only donate or sell for Reuse, repair, refurbishment, Repurposing, or remanufacturing Electronic Equipment and components that are Fully Functional if they contain or consist of Hazardous Electronic Equipment or Problematic Components or Materials. The initial e-Stewards Recycler shall retain full responsibility for meeting the requirements in 4.4.6.2, and shall either accomplish the tasks themselves, or may outsource some or all of these tasks to an immediate Downstream Recycler.

When an initial e-Stewards recycler outsources any Reuse and Refurbishment tasks, it must be accomplished in accordance with Section 4.4.6.5 (Downstream Accountability). If any shipments are exported for this purpose, the initial e-Steward shall:

1. Ensure all shipments are in conformity with Section 4.4.6.7(Export;) and
2. Retain full ownership of and responsibility for all Electronic Equipment exported until it is sold or donated as fully functional equipment or parts in conformance with the e-Stewards Standard, and retain responsibility for ensuring all scrap and waste generated by the refurbishment process is managed according to this Standard.

Q 34 Do ink and toner cartridges going for reuse after remanufacturing have to be documented and labeled, unit by unit, according to letter d) requirements in Section 4.4.6.2 (Reuse)?

A 34 Yes. Because ink and toner cartridges comprise Problematic Components and Materials and are going for reuse, the e-Stewards recycler or their cartridge remanufacturer must label or list identifying records of all cartridges going for Reuse, consistent with requirements in Section 4.4.6.2. Note that 'labeling' can be a single list of multiple cartridges in a particular shipment or lot, with identifying information for each cartridge.

Q 42: Is it required that Electronic Equipment or Components that are received new and in unopened, original packaging be tested for full functionality prior to selling or donating them into the Reuse market?

A 42: e-Stewards are obligated to assure through testing that any used equipment or components that they receive and that are destined for the Reuse market are fully functional, if they contain Hazardous Electronic Equipment, as defined in the Standard. In the case of new equipment, received in unopened new packaging destined for resale, the e-Steward shall assure itself that this material is not defective, nor the subject of a product recall, before selling or donating it. If verifiable evidence has been received and documented indicating that the subject material is not known or suspected to be defective nor the subject of a product recall, then the e-Steward may consider this new equipment to be fully functional, and there is no need to conduct functionality testing.

Paragraph 4.4.6.3- Data Security

Q9 Please clarify the extent to which compliance with NIST 800-88 Guidelines for Media Sanitization is required in paragraph 4.4.6.3 b (3).

A9 NIST 800-88 is (by definition) a Guidance Document, not a normative standard. This Guideline shall be available to the certified e-Steward, and plans and processes for media sanitization related to paragraph 4.4.6.3 b (3) shall be consistent with the recommendations set forth by NIST in this Guideline where applicable. Future revisions to the e-Steward Standard will clarify and address this distinction. In the meantime, the following guidance is provided in the Guidance Document:

“Broadly speaking, a refurbisher must demonstrate that they have the operational framework to conform to NIST 800-88 plus e-Stewards performance requirements, and they must have an information system that confirms conformance (i.e. evaluates successful data wiping) on a device-by-device basis.

The e-Steward’s operational framework must govern 1) what must be done, 2) how the operation must be performed, and 3) how to manage exceptions/errors. The record keeping system must document execution of everything above in detail, and with transparency.

On a practical level, refurbishers and their auditors must confirm that technicians know what kind of sanitization procedure is to be performed in every instance, and that they know how to perform it. The system must ensure that every asset is processed. Refurbishers must confirm that verification of every sanitization is performed and recorded. Records will be maintained indicating the type of sanitization performed for every data bearing device.

In summary, the e-Steward must create the operational governance system/framework, must ensure technicians are capable of executing procedures, and have a reporting system to capture and report all critical data on each device.”

Q11 Please clarify whether it is permissible for the certified e-Steward to outsource data security, and if so, what controls are necessary

A11 When an e-Steward has agreed to provide data security services, it is obligated to assure customers that data contained in e-Waste will be secured and destroyed, and document how it has met its data security obligations. An e-Steward may not delegate this responsibility to another entity. But an e-Steward may outsource the process of data destruction, while preserving the privacy and security of customers’ data, if they have adequate controls in place. Adequate controls must include, in all cases:

- The use of only immediate downstream contractors (not third or fourth tier vendors) to complete the data wiping
- Performance of all the due diligence required in Section 4.4.6.5 for accountability for downstream vendors, including enforcement of a contract stipulating the contractor’s full conformance with the applicable requirements in the e-Stewards Standard
- Assurances that all exports take place in conformance with Section 4.4.6.7 (export requirements) of the e-Stewards Standard).

Additional controls could also include retaining ownership of the materials that are outsourced to a contractor for data security, thereby retaining full control over and liability for the final disposition of all data and materials received by the subcontractor.

The e-Steward’s management system shall assure the safe, effective and efficient destruction of data within its operation and under its control.

Q15 Does the e-Stewards Standard require that all equipment with memory devices that are destined for Reuse have media sanitized?

A15 No, the standard does not currently call for this but does require that consumers (former owners) of used electronic equipment be informed of all risks involved. However, changes may be made to the data security requirements during the first revision to the standard, due out in March 2010 to require all memory devices refurbished for the re-use market have all data eradicated.

Q16 Regarding data security, at what point does the e-Steward take responsibility for the security of the data to be protected?

A16 An e-Steward must clearly establish the point at which it assumes responsibility for data security from each customer and must document the chain of custody through final media sanitization.

Q39 We have an Equipment Disposal Service Agreement that is supplied to customers when the job is booked. This form is not always signed and returned to us by the customer. This happens on smaller jobs and also with returning clients, already familiar with our services. Would it be sufficient to have one of these forms signed and on file for each of our clients?

A39 Yes, but in that case the form must stipulate that the notification is open-ended for all such transactions. As long as the form makes the customer aware of data security services provided and constitutes a signed waiver in cases where data security services are not provided, you have conformed to the Standard intent and requirement.

Paragraph 4.4.6.4- Managing Hazardous e-Waste and PCMs

Q40 Given the recent problems with downstream markets for CRT glass, and until acceptable destinations are available, is it possible for e-Stewards to store CRT glass for periods longer than 12 months, currently defined in paragraph 4.4.6.4 (c)?

A40 Yes, an e-Steward may store CRT glass beyond one year if all of the following situations exist and conditions are met: (a) longer term storage is due to downstream market difficulties, (b) the appropriate local/state/federal governmental agency(s) is aware and explicitly allows it, and (c) the e-Steward has a plan for resolving the problem.

Paragraph 4.4.6.5- Accountability for Downstream Recycling Chain

Q29 At the start up of this certification program, or because of changes in Downstream Recyclers, e-Stewards candidates will not always have 12 months of records of shipments to Downstream Recyclers. Is there an alternative to this requirement?

A29 Yes. The e-Steward should continue to seek and obtain copies of records as defined in 4.4.6.5, but may satisfy this requirement by visually inspecting all required records provided by their Downstream Recyclers, and in turn provide their e-Stewards auditor with a detailed report

of their audit of the full set of records. The auditor may additionally seek examples of records, contact the Downstream Recyclers and view records at their location, or find other mechanisms to verify on-going shipments to acceptable locations.

Q31 Our company has encountered resistance from some of our downstream vendors, particularly End Processors, to sign a contract to process Hazardous e-Waste according to the requirements in the Standard. What flexibility do we have for meeting this requirement?

A31 Regarding letter b) under paragraph 4.4.6.5, Accountability for Downstream Recycling Chain, BAN has decided that the following methodology may be followed as a more flexible approach to meeting the intent of the contracting section. BAN maintains that the e-Steward shall be accountable for management of Hazardous e-Waste in conformance with the Standard throughout the Recycling Chain, and shall establish, implement and maintain a documented system of controls and accountability.

1. For Downstream Recyclers that are not End Processors or Certified e-Steward Recyclers:

If an e-Stewards Recycler is sending Hazardous e-Waste to a Downstream Recycler anywhere in the Recycling Chain that is not an End Processor or another certified e-Stewards Recycler, the e-Stewards Recycler shall maintain a signed contract, memorandum of understanding, or service agreement that asserts that the Downstream Recycler is managing Hazardous e-Waste in conformance with the requirements for Downstream Recyclers.

The achievement of the written signed agreement can be accomplished within one year of the granting of the initial e-Stewards certification. However, prior to certification, and thereafter, the e-Steward shall meet the following additional requirements:

- (a) Advise Downstream Recyclers of e-Stewards Standard requirements in 4.4.6.5 and document acknowledgement of these requirements; and
- (b) Confirm through a 2nd or 3rd party on-site audit program that the Downstream Recycler meets e-Stewards requirements for Downstream Recyclers. Such audits shall assure conformity with all applicable requirements in Section 4.4.6.5.

2. For Certified e-Stewards Downstream Recyclers:

Where the Downstream Recycler is a Certified e-Steward Recycler, in lieu of a contract and audit program, the e-Stewards Recycler shall obtain and maintain ongoing objective evidence that the Certified e-Stewards Downstream Recycler receiving Hazardous e-Waste has a valid and current e-Stewards certification.

3. For End Processors:

Where the Downstream Recycler is an End Processor for any Hazardous Electronic Wastes, in lieu of a contract, prior to certification the e-Stewards Recycler shall confirm the End Processor meets all applicable requirements for Downstream Recyclers and End Processors by either:

- (a) Completing a 2nd or 3rd party on-site audit program, with periodic audits conducted at least every two years, OR

- (b) Obtaining and maintaining objective evidence of the End Processor's current and valid accredited certification to ISO 14001 and advising the End Processor of e-Stewards Standard requirements in 4.4.6.5 and document End Processor's acknowledgement of these requirements.

Paragraph 4.4.6.6- Materials Recovery and Final Disposition

Q22 Please clarify the wording of paragraph 4.4.6.6(g) 3. Is it permissible to dispose of toners and ink cartridges in a solid waste landfill or non-hazardous waste incinerator with or without energy recovery?

A22 Yes, for now. Although BAN continues to recommend remanufacturing of cartridges as the optimal management solution, BAN has agreed to temporarily permit disposal of inks and toners and their cartridges in facilities licensed and permitted to dispose of these materials as a last resort, until there are better disposal or recycling options available. BAN will issue a change to the policy when this determination is made.

Q23 Please clarify the requirements of paragraph 4.4.6.6 (h). Domestic plastics recyclers are rare in the US. It would be very costly to sort and/or dispose of plastics that are potentially contaminated with flame retardants in the manner specified in this paragraph.

A23 Because plastics are not clearly considered Basel regulated wastes at this time, BAN has made the decision to currently allow for the recycling of plastics and resin materials containing or consisting of Halogenated Compounds in licensed and permitted facilities under the laws of the country in which the facility is located, whether domestic or in another country. This may include countries within or outside of OECD/EU.

Q27 Please clarify the intent of the last sentence in Section 4.4.6.6 h), which states that "...Such halogenated waste can also be deposited in a solid waste landfill."

A27 The intent, which will be clarified during the revision of the Standard, is that waste (such as fly ash and smelter slags) left over from processing halogenated plastics and resins are only allowed in solid waste landfills if they do not fail the thresholds levels listed in 3.43(b) of the e-Stewards Standard.

Q33 Our plastics are typically sold through a broker and it is difficult to obtain prior knowledge of where and when these materials reach their final disposition. When the disposition is in a foreign country, the certificates indicating that they are a licensed and permitted facility are often in another language, and arrive after shipments are made. What are our options?

A33 Concerning the requirements of 4.4.6.6 (h) and 4.4.6.7, regarding disposition of plastics and resin materials which may contain Halogenated Compounds, including brominated flame retardants or PVC, BAN's position is that the e-Steward shall know and approve of the final disposition BEFORE shipment of these materials, and have verifiable evidence that they are being

processed in facilities (in any country) that are licensed and permitted to process these plastics. With or without brokers (“Intermediaries”) involved, the Standard will continue to require that the e-Steward Recycler exercise accountability for these materials by demonstrating control of their destination to licensed and permitted facilities. This control shall include your advance approval of the destinations for these materials and evidence (translated and understood by your organization and the auditor) that the recipients are licensed and approved facilities in the countries in which they operate. In this way, e-Stewards’ plastics with halogenated compounds should not be allowed in any primitive melting or open burning operations, where dioxins and furans are likely to be generated and released.

Q41 Regarding paragraph 4.4.6.6 (c) and (d) of the Standard, is it permissible to process residues of CRTs, such as phosphors, CRT fines, coatings or any waste materials contaminated with same, in an incinerator of any kind?

A41 No. CRT process residues may only be processed in one of the following destinations that have been notified and have consented to receiving such wastes:

- a. In a primary or secondary smelting operation that will recover lead and cadmium from the residues (preferable);
- b. In a lined, leachate-controlled, and monitored solid waste landfill that is licensed and permitted to accept such residues, and only if the residues have first been stabilized with a pre-treatment method in accordance with all applicable laws and, as a result of pre-treatment, pass the TCLP test and thresholds found in paragraph 3.43 (b) of the Standard; or
- c. A lined, leachate-controlled and monitored hazardous waste landfill that is licensed and permitted to accept such residues.

These residues will always be considered to be Hazardous Electronic Equipment for the purposes of this Standard, e.g. for export purposes.

Paragraph 4.4.6.8 Site Closure Plans

Q32 When is groundwater testing NOT a requirement of a site closure plan?

A 32 BAN confirms that it is NOT the intention or requirement of the Standard to require ground water testing as a part of the site closure plan in the case where PHPTs have only been operated inside impermeable floored buildings or HEWs or PCMs have only been stored in impermeable floored buildings.

Paragraph 4.4.8- Insurance Requirements

Q19 Paragraph 4.4.8 (c) of the Standard requires that an e-Steward utilizing PHPTs “shall have Pollution Liability Insurance at a level commensurate with the nature and size of their

operations.” Appendix A paragraph A.4.8 indicates a suggested minimum per-occurrence level of \$2,500,000. Is this level a requirement or guidance?

A19 Appendix A provides guidance only- there are NO requirements found in Appendix A, only in the Standard.

Q21 How can the auditor judge the adequacy of the insurance coverage chosen by the e-Steward?

A21 BAN will modify the Standard to require that the e-Steward seeks the professional advice and bids of at least two insurance actuaries regarding appropriate insurance for their site(s). The record of this professional advice shall be maintained as part of the e-Stewards records system and the insurance coverage ultimately chosen should fall within the range of the bids.

Paragraph 4.5.4- Control of records

Q20 What is the required retention period for records?

A20 The minimum retention period for all records required by the Standard is 5 years.

Q29 Paragraph 4.5.1.2 of the Standard requires e-Stewards to submit all required data to be reported to a central data base managed by BAN. So far, there are no instructions for submittal of data. What is today’s requirement?

Q29 The instructions for entry of data into BAN’s central data base will be made known to all e-Stewards program participants shortly. Until then, e-Stewards and Certification Bodies are required to report all required data to BAN by any convenient and available means (Excel spreadsheet, or the like.)

Appendix B - Rules for Certification Bodies

Q4 Paragraph 4: Please confirm the minimum number of man-days that a CB may quote for e-Stewards certification.

A4 During the first training of e-Stewards Auditors, based upon auditor input, BAN decided that it was appropriate to CHANGE the requirements listed in Appendix B, paragraph 4 of the Standard. The NEW REQUIREMENT for minimum man-days to be spent conducting the e-Stewards Standard audit shall be not less than 30% greater than that number of man-days which would be spent for initial certification of the same organization to ISO 14001 alone. And, it was determined also that there should be no maximum, or cap, placed upon the number of man-days that the CB may decide is appropriate. This change will be reflected in the first revision to the e-Stewards Standard.

14001 only. How does this change if the initial e-Stewards certification audit is conducted coincident with an existing ISO 14001 surveillance or renewal audit?

Q3 Appendix B paragraph 4 indicates that the CB may reduce audit man-days for initial e-Stewards audits by up to 50% of that which would be calculated for certification of that same organization to ISO

A3 The 50% maximum reduction refers to upgrades from an existing ISO 14001 audit as a unique event. If the upgrade is planned to be conducted coincident with a pre-planned ISO 14001 surveillance audit, the (up to) 50% reduction pertains only to the e-Stewards specific portion of the Standard. The number of man-days that would have been spent conducting the routine surveillance or renewal of the existing ISO 14001 certification must be added to the man-days calculated for the e-Stewards

EXAMPLE:

If the CB determines that the number of man-days required to audit/certify an applicant organization to ISO 14001 alone would be 10 man-days, then the minimum number of man-days to audit/certify the same organization to the e-Stewards Standard- at a unique audit event- is 10 man-days plus (30% of 10) 3 man-days or a total of 13 man-days.

If an upgrade from an existing ISO 14001 certification to e-Stewards is planned for the above organization- at a unique audit event- then the minimum time that can be spent in auditing is 50% of 13 man-days, or 6.5 man-days.

If that same upgrade is scheduled to be conducted coincident with a planned surveillance audit for the existing ISO 14001 certification (assuming that surveillance audit was pre-planned to be 3.5 man-days) then the total number of man-days spent to upgrade from ISO 14001 to e-Stewards certification shall be 6.5 man-days plus 3.5 man-days or 10 man-days minimum.

If that same upgrade is scheduled to be conducted coincident with a planned renewal (re-certification) audit, then the minimum time to upgrade is the same as for a full, initial audit for the e-Stewards Standard, or 13 man-days in this example.

Q1 Appendix B, paragraph 6 of the Standard provides for certification of organizations with multiple sites, and allows the use of sampling methodology. Must all sites which are a part of such an organization be audited within the 3-year validity period of the certification?

A1 ***BAN has revised its policy with regard to use of sampling methods as follows: site sampling shall NOT be permitted for the initial site certification, but may be followed in accordance with IAF Mandatory Document for the Certification of Multiple Sites Based on Sampling, IAF MD 1:2007 after all sites have been initially audited and certified.***

When sampling methods are employed as part of the surveillance or recertification plan, every site must be audited at least once within every 3-year certification period.

Q2 Appendix B, paragraph 6 of the Standard permits “multi-site certification.” Does this paragraph permit a multi-sited organization the option of being certified by individual site certification for each site as well as the option for a corporate certificate that covers all sites?

A2 Yes. Companies with e-waste recycling operations at multiple locations are required to have all locations certified to the standard. This certification can be held either in the form of individual location (site) certificates or in a single multi-site certificate which encompasses all locations (sites). For multi-site certification based on the sampling method, all operational sites must undergo audits at least once during the three-year certification period.

Q5 Please clarify the requirement in Appendix B paragraph 6 regarding multi-site certification and the required conformance of all sites to the Standard.

A5 BAN has revised its policy regarding multi-site certification to allow a progressive certification of all of its sites when all are not ready for certification at once. When a multi-sited organization seeks certification, it must commit to and contract with its Certification Body to certify all of its sites within 18 months of the initial site certification. Failure to complete all site certifications within 18 months shall result in the suspension or withdrawal of all certificates issued for that organization until this requirement is fully met.

Q13 Answer #5 of these Sanctioned Interpretations indicates that “when an organization consisting of multiple sites seeks e-Stewards certification, it must commit to and contract with its CB for certification of all its operational sites at the outset. All sites must be certified within 18 months of the issuance of the first certificate for any individual site. How should the CB interpret this requirement in light of Answer # 12 above, indicating that certification will now be expanded into additional countries?

A13 When a multi-sited recycler applies for e-Steward certification, it must commit to and contract with its CB for the certification of all sites located within the OECD/EU/EFTA group of nations (but NOT those that lie outside this group), and the certification of all sites within this group must occur within 18 months of the original certification.

Q14 When an e-Steward applicant is a partner, joint owner, or franchiser of another site(s), must this site(s) be included in the multi-site certification requirement provided in Answer 5 of these Sanctioned Interpretations.

A14 If the site is located in an OECD/EU/EFTA country, yes. If the applicant e-Steward is a majority shareholder or owner or franchiser of another site(s), that site must be included within the multi-site contract for certification. If a minority shareholder or owner, and all (or a majority of) ownership parties to the entity agree to pursue multi-site certification, and the management system meets all criteria for multi-site certification, then the CB may offer such certification. In all cases, it is important that the certificate issued clearly defines the scope of the certification and sites included, and it is incumbent upon the CB to regularly check for proper “use of logo” by the certified entity ensuring that the certified e-Steward accurately represents its certification with regard to sites covered.

Q6 Please clarify the requirement for CB verification of annual revenues of the e-Steward (Appendix B, paragraph 8).

A6 BAN has REVISED its requirement for CB verification of annual revenues. No verification of annual revenues is now required by CBs. This change will be reflected in the first revision of the e-Stewards Standard.

Q17 Will a certified e-Stewards facility retain its certification if there is a change in ownership, a bankruptcy filing, or some other future event that affects the administration of the site?

A17 ISO 17021 (an e-Stewards normative standard) in paragraph 8.6.3 requires that CBs have enforceable arrangements with their clients requiring the client to inform the CB without delay of matters that may affect the capability of the client's management system to fulfill the requirements of the Standard. Such situations include "the legal, commercial, organizational status or ownership" of the client as well as other major changes to the management system and processes. BAN would expect that a surveillance audit would occur within 6 months of any of the events cited, in order to determine continued conformance by the client of concern.

Q43 *Since all qualified sites of a certified e-Steward must be certified within 18 months of the initial site certification, what notification or action is required when a certified e-Steward acquires or starts a new qualified recycling/refurbishing site?*

A43 *Rev 1 of the Standard will be revised to clarify the following notification requirements between the e-Steward and the CB:*

"The contract shall also require the certified e-Steward to make appropriate notification to the certification body, without delay, when the certified e-Steward has begun e-waste processing at another site, not covered by the current contract, whether through new site start-up or acquisition of another facility. New sites must be certified within 18 months of the start-up or acquisition date of all such processing sites."

Q18 By what means will the e-Stewards® mark be protected from misuse during the certification period?

A18 ISO 17021 paragraph 8.4 details the obligations of the accredited CB to protect its mark or logo from misuse by the certified client. BAN requires that the same due diligence and control be exercised by the auditors and CB for the e-Stewards® name and logo, and report any nonconformances to BAN, and require corrective action when misuse is detected. The Marketing and Licensing Agreement signed between BAN and the e-Stewards provides BAN with the necessary ability to protect its mark against misuse.

Q30 Appendix B paragraph 8 of the Standard requires Certification Bodies to submit all required data to be reported to a central data base managed by BAN. So far, there are no instructions for submittal of data. What is today's requirement?

Q30 The instructions for entry of data into BAN's central data base will be made known to all e-Stewards program participants shortly. Until then, e-Stewards and Certification Bodies are required to report all required data to BAN by any convenient and available means (Excel spreadsheet, or the like.)

Q35 Paragraph 1 of Appendix B: Will BAN permit ALL Certification Bodies which have been accredited by ANAB or another BAN approved accreditation body to participate in the e-Stewards certification program?

A35 BAN requires that any Certification Body operating within the e-Stewards Certification program must demonstrate initial and ongoing satisfactory performance. Satisfactory performance is defined by both adherence to the applicable accreditation body rules and the additional performance rules defined by BAN as documented in The e-Stewards Standard for Responsible Recycling and Reuse of Electronic Equipment® Appendix B and the current e-Stewards Sanctioned Interpretation. Unsatisfactory performance is defined by, but not limited to, the following:

- a. The Certification Body is not licensed by BAN or is not current with any licensing fees required by BAN;
- b. The Certification Body has not reported certification data as required by Appendix B paragraph 8 of the e-Stewards Standard within 30 days of initial certification or within 30 days of any certification status changes;
- c. The Certification Body has been suspended by ANAB (or another BAN approved accreditation body) for non-conformance with requirements for certifying to any standard two or more within five years; and/or
- d. The e-Stewards Certification Body has been suspended by ANAB (or another BAN approved accreditation body) for non-conformance with the e-Stewards program requirements.

BAN may require suspension or corrective action for any of the above unsatisfactory performance (for example, a-d) and there shall be no refund of application or licensing fees as a result of a BAN suspension or corrective action.

In the case of (c) above, BAN will suspend the CB's licensing agreement and its approval to issue new accredited e-Stewards certificates for two years if the CB incurs two or more infractions for non-conformity within a 5-year retroactive period, resulting in an ANAB (or any other e-Stewards accreditation body) accreditation suspension. The BAN two-year license suspension period will begin after the last suspension is lifted by the accreditation body.

The BAN license agreement suspension applies also to CBs not yet accredited but in the accreditation process. That is, the licensing agreement will not be granted by BAN to any CB within the e-Stewards application process with two or more infractions resulting in accreditation suspensions within the last five year period, until two years after the most recent accreditation suspension has been lifted by the accreditation body.

Following the license agreement suspension period, the CB may be cleared for licensing if no further infractions resulting in an accreditation body suspension have occurred within the two year

license suspension period. However, a new infraction following clearance will result in re-suspension if the new infraction again results in two or more infractions having occurred in the past five years.

The rules above may only be waived in full or in part at BAN's sole discretion.