

PPSReview

**Product & Packaging
Stewardship Review**

MANAGING WASTE RESPONSIBLY

An information service for municipal governments

Vol 5, Issue 5, March 2005

Will WEEE research contract go to industry lobby group CSR?

The first two parts of a Waste Diversion Ontario (WDO) research project on Waste Electronic and Electrical Equipment (WEEE) appear headed to industry lobby group CSR: Corporations Supporting Recycling.

CSR's proposal, the only one

received for the first two parts of the three-part RFP, included as partners MacViro Consulting, RIS International. BDO Dunwoody and Dr. Mintz and Associates..

WDO was faced with a very tight deadline (the minister had asked for

the report by June 1 of this year) and uncertainty about whether there would be any more submissions. As of March 29, the WDO was not planning to re-issue the RFP as some members of the WEEE Working Group had suggested.

See CSR, Page 3/8

PPEC issues RFP to look at recovery potential of a hybrid system in Ontario

Proposals on alternatives to Ontario's current blue box program were to be considered by Paper and Paperboard Packaging Environmental Council (PPEC) board in late March.

Two options were to be studied. The first would see all paper materials and non-beverage containers collected via the existing blue box system, while plastic, glass and metal beverage containers would be managed via a deposit/return program.

The second scenario would see all paper recyclables collected via a separate "fibre box", with plastic, glass and metal beverage containers managed via a deposit/return system and non-beverage containers handled through depots or an alternative collection and processing method.

Submissions were to ensure both options were considered within the context of Ontario's waste management objectives, as outlined in the MOE's recent 60% diversion discussion document.

PPEC executive director John Mullinder said the RFP was issued in response to concerns about the current and future costs of Ontario's blue box system "and the potential impact this could have on paper recycling viability."

Three quarters of the blue box tonnage is paper, he noted.

"Everyone and his dog has been focussing on rewarding municipalities that are more efficient, and that's great," he said. "But we continue to kick the better recyclers in the teeth on the industry pay-in side. Under the current pay-in levy, we pay more in stewardship fees the more that we recycle, while the stuff that goes straight to landfill pays relatively less.

"That's perverse, and makes a mockery of the minister's December statement that the Liberals are shifting our emphasis to ensure that good environmental players are rewarded and bad players penalized.

"In fairness to the users of our

various paper products, we have to look at alternatives to see if there are better solutions and to minimize our cost exposure.

"We see that much higher recovery rates for other materials have been achieved using other systems in other provinces," said Mr. Mullinder.

"We want to understand better how these hybrid systems work and to see if they have any applicability to the Ontario situation."

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Briefly...

E-WASTE BILL IN US SENATE WOULD BAN COMPUTERS FROM LANDFILL

On March 2, a bipartisan national electronic waste recycling bill was introduced in the U.S. Senate. It calls for the banning of computers and televisions from landfills and the establishment of tax incentives for consumers and businesses that recycle electronics. The Electronic Waste Recycling and Promotion and Consumer Protection Act of 2005 would create a national infrastructure to recycle end-of-life computers, laptops, monitors and televisions. It would prohibit the disposal of any electronics with a display screen larger than 10 centimetres (4 inches) in a landfill or incinerator three years after the legislation comes into law. On the incentive side, the bill would establish a tax credit of \$8 per unit for companies that recycle at least 5,000 display screens or computer systems annually, and a tax credit of \$15 per unit for consumers who recycle old computers and televisions at a qualified recycler.

Waste News e-bulletin, March 3, 2005

BAN ON LATE FEES MAY SLOW MOVE TO DISPOSABLE DVDs

There will be no more Disney movies on 48-hour DVDs, but don't write of the technology just yet. The company that developed the technology that renders a DVD unreadable after a set period of time has been sold to Atlanta-based Convex Group. The EZ-D was originally promoted as a way for consumers to avoid late fees from movie rental shops. Once opened, the EZ-D could be played unlimited times in 48 hours. A chemical compound on the disc combines with oxygen, rendering the DVD opaque and unreadable after two days. The disk could then be thrown away or packed off to a special recycling facility to be recycled. With Blockbuster Video's decision to stop charging late fees the appeal of the disks may not be so strong. A Convex Group spokesman said it is aware of the environmental concerns about disposable DVDs and is making an effort to address them.

Wired News - February 7, 2005

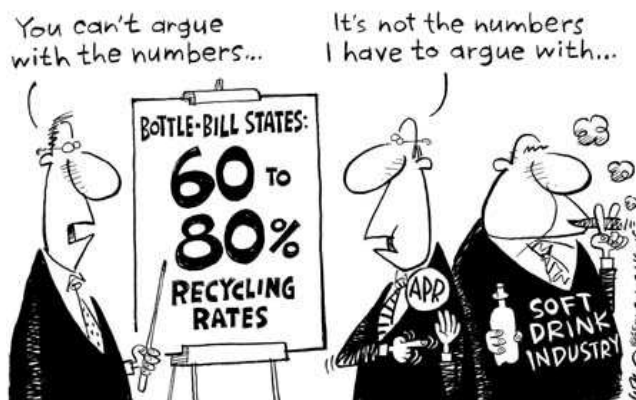
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Anyone wishing to support the Fair Comment Project may email Ben Bennett (bbc@albedo.net). Confidentiality is guaranteed.

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BOTTLE BILL UPDATES

MICHIGAN: A bill to expand the state bottle deposit law ("bottle bill") to include carbonated and non-carbonated fruit juice beverages, if they are packaged in metal, plastic or glass containers of one gallon or smaller, was referred to the House Natural Resources, Great Lakes, Land Use, and Environment Committee on February 2, 2005.

HAWAII: Beginning in January 2005, the Hawaii Bottle Bill became law. Residents can get the 5¢ deposit back when they recycle a container at a redemption centre. Beverages included under the law are soft drinks, beer, juices, water, teas and sports drinks. Excluded beverages are wine, milk and hard liquor.

IOWA: An Iowa House Committee has approved a measure that would give Iowans four cents back on their five-cent deposit on returned empty cans and bottles for recycling.

TENNESSEE: The Knoxville Coca-Cola Bottling Company has warned Loudon County it will lose its litter grant funds if a "bottle bill" proposed by two Loudon County statesmen is passed. Currently, the county receives approximately \$33,947 a year in litter grant funding.

Sources: Michigan Legislature, (www.legislature.mi.gov), February 3, 2005;

County Kauai, HI (www.kauai.hawaii.gov) March 15, 2005;

KTVO, Ottumwa, IA, (KTVOTV3.com), March 16, 2005;

Loudon County News Herald - online (Tenn., USA), March 16, 2005

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Show us the money—AMO

Municipalities want cash from publishers, not “overpriced, inflexible” in-kind ads

Ontario’s municipalities have made it quite clear where they stand on the issue of support from the province’s newspapers—show us the money.

In a bizarre five-to-two vote at the February Waste Diversion Ontario (WDO) board meeting, a motion was passed rejecting changes to the formula through which publishers support the blue box program.

At the end of 2004, Ontario Environment Minister Leona Dombrowsky asked WDO to change the rules so the in-kind contribution from the publishers could be increased.

In early February, the Association of Municipalities of Ontario (AMO) sent an *Alert* to its members seeking input on how well the in-kind contribution has worked.

According to a second *Alert* sent later in the month, AMO members “clearly advised” that they wish to see the publishers become a steward under the Blue Box Program Plan and pay steward’s fees in cash as others do.

CSR (from Page 1/8)

There were two submissions for the third part of the research, which looks at the controversial issue of cost internalization by stewards versus fees at the point of purchase: one was from the CSR consortium; the other came from a consortium lead by Prof. Michael J. Trebilcock from the University of Toronto, supported by Prof. Andrew James Green (U of T), PHA Consulting (Nova Scotia) and CM Consulting of Toronto.

Given CSR’s role as an industry lobby group and secretariat of Stewardship Ontario, there have been questions raised about whether CSR has a conflict of interest.

The WEEE Working group was to meet with each of the proposal teams, March 29, to discuss their submissions.

“This is the only possible way of insulating municipalities from declining prices of old newspapers,” notes AMO.

Municipalities responding to the AMO survey characterized the in-kind advertising as “overpriced, inflexible, and not very effective”.

50 RESOLUTIONS

AMO asked its members to pass resolutions confirming their position on the issue and calling for the Canadian Newspapers Association (CNA) and Ontario Community Newspapers Association (OCNA) to become stewards and pay “steward fees” rather than in-kind services. (At last count, more than 50 had been sent.)

At the February WDO meeting, Roger Anderson (who has replaced Bas Balkissoon as one of the four AMO representatives) noted the Blue Box Program Plan “clearly states” that anything over \$1.3 million would be in cash.

According to the WDO minutes, the municipal representatives said the in-kind contribution does not displace real costs and they questioned whether the in-kind contribution meets the requirements of section 25.5 of the Waste Diversion Act.

In reply, MOE rep Keith West said the Act allows for in-kind contributions and “provides the Minister with the authority to make decisions regarding the value and term of the in-kind contribution”.

Following a break in the meeting, “it was noted that the parties are not in agreement”.

The following motion was brought forward:

That the Minister be advised that the WDO Board does not support changing the formula in 9.14.3 and requests that all parties live up to their

obligations under the agreement.

The motion was said to be out of order by the CNA’s Anne Kothawala. A recorded vote was requested.

Marina Kovrig (CCSPA)– abstained
Roger Anderson (AMO) —for
Deb Haswell (AMO) – for
Jeff Newton (Brewers) – abstained
John Jackson (RCO) – for
Andrew Pollock (AMO) – for
Diane Brisebois (Retail Council)– abstained
Anne Kothawala (CNA) – opposed
Justin Sherwood (CSR) – abstained
Steve Butland (AMO) - for
Lyle Clarke (LCBO) – opposed

Summary of vote: four abstainers, two opposed, five in favour.
Carried.

A FUNDAMENTAL DIFFERENCE

Noting there was “a fundamental difference in the interpretation of the Minister’s letter among the parties” it was agreed the WDO would write to the minister requesting clarification on a number of issues, including whether the publishers’ contribution to municipalities should be entirely in-kind and whether the expanded in-kind contribution applies to 2005 or the remainder of the Blue Box Program Plan.

No response had been received as of press time.

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To be visible or not visible

That is the fee question which may break NEPSI's back

Sharp divisions among the industry players over the visibility of fees appear to have brought the National Electronics Product Stewardship Initiative (NEPSI) process in the United States to a halt, and may well have a ripple effect in the debate north of the border.

NEPSI was formed four years ago

by a group of computer and television manufacturers, state and local officials, and other participants with a view to creating a national framework for the management of end-of-life electronics.

According to the Massachusetts-based Product Stewardship Institute (PSI), which coordinated state and local

agencies in the NEPSI dialogue, the key reasons for the lack of a national agreement have been the difficult issues faced by electronics manufacturers to devise an equitable financing system that could be supported by a significant portion of the market share of both the consumer electronics and information technology sectors.

Some companies favour a system that is financed with a visible fee at the point of sale, notes PSI director Scott Cassel in a recent news release, while other companies support a system that would internalize the cost of end-of-life management in the cost of their own products. Each of these scenarios would remove the need for consumers to pay at the time they discard their televisions and computers.

"The states still seek a national legislative solution and stand ready to continue negotiations should industry coalesce on a viable national financing system," said Mr. Cassel.

"Until that time, it is inevitable that other states will join California and Maine and adopt state electronics recycling legislation rather than delay in hopes for a unified national system. Minnesota, Massachusetts, Oregon, Nebraska, and other states have already taken active steps toward legislation to address the growing electronic waste issue."

For more insight into the industry positions on visible fees, which sees Wal-mart, one of the strongest proponents of a visible fee for WEEE in Canada, part of the US group calling for internalized fees, see Pages 5/8 and 6/8.

Nova Scotia looking at e-waste

Last month, Nova Scotians were asked for their feedback on proposed regulations to ban computers, televisions and other electronic products from landfills. The 30-day public consultation period ended March 10.

About 4,500 tonnes of electronic waste are currently discarded annually in Nova Scotia.

The draft regulations from the Department of Environment and Labour ban numerous products from landfills, including televisions; computers, printers, scanners and their components; audio and video equipment such as stereos and VCRs; telephones; fax machines; cell phones

and other wireless devices; and electronic game equipment.

The regulations also outline requirements for electronic products stewardship programs. Brand owners will develop their own programs for designing products with the environment in mind, and restoring and recycling old products. The programs must be approved before implementation.

More information and the draft regulations are available on the department's website (www.gov.ns.ca/enla— check the "What's New" section), or by contacting Barry Friesen, Nova Scotia Environment and Labour 902-424-2645 (friesebk@gov.ns.ca).

...Saskatchewan, too

On March 18, the Government of Saskatchewan announced it is looking to work with industry on an end-of-life electronics plan.

Under the proposed e-waste and paint recycling programs, consumers would pay a small environmental levy when they buy computer equipment or paint. That money would then be used to pay for industry-managed paint and e-waste recycling programs.

The precise figures of environmental levies have not yet been determined.

The government will now ask industry to help design a program that minimizes costs and works efficiently

and fairly for all industry participants.

Regulations based on the results of these consultations will be used to establish the industry-operated programs.

This year Saskatchewan will generate an estimated 2,000 tonnes of e-waste.

A similar plan for used paint was also announced in March. Paint makes up three-quarters of the material collected at household hazardous waste programs.

For more information, contact Joe Muldoon, Environment Regina, (306) 787-6178.

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THE U.S. WEEE FEE DEBATE—PRO

Manufacturers say ARF sends message, ensures level playing field

The Manufacturer's Coalition for Responsible Recycling issued its position paper in February:

Implementation of an ARF-Financed and Stakeholder-Managed System.

The coalition is a group of electronics companies that "have come together out of a belief that the Advanced Recovery Fee (ARF) is the best approach to financing management of end-of-life electronics at the state and national levels."

Coalition companies include major manufacturers in the consumer electronics sector including the major manufacturers of televisions, as well as personal computer and monitor manufacturers such as Hitachi, Mitsubishi, Samsung, IBM, Sony, Sharp, Panasonic, JVC and Philips.

In contrast to the retailers coalition (see next page), which is calling for producers responsibility, these producers are calling for a "shared responsibility".

The "underlying principle" of the manufacturers' proposal is that the stakeholders in the electronics chain of commerce should manage the end-of-life system, and that stakeholders' responsibilities should be proportionate to their ability to implement and affect the system. This is the principle of *shared responsibility*.

- It places manufacturers in a key role as the primary managers of the recycling infrastructure through governance of the management entity.
- Consumers provide system funding through paying the ARF, and they discard their end-of-life products at appropriate collection stations.
- Retailers and manufacturers that sell their products directly collect the ARF from the consumer and remit it as directed.
- Recyclers compete to provide environmentally responsible collection and processing.
- Government provides leadership by

helping assure that all stakeholders perform their duties and the rules are followed.

- Manufacturers, retailers, recyclers, and municipal governments voluntarily participate in collection of products, and are reimbursed for these activities from the ARF.
- All stakeholders share responsibility to educate and inform the public.

The ARF proposed by the manufacturers would be collected on retail sales of all PCs, monitors, TVs and large peripherals. While the National Electronics Product Stewardship Initiative (NEPSI) product scope includes only products that are sold to the public (residents) and small businesses or organizations, the Manufacturers Coalition sees benefits to including products that are sold to large commercial and institutional customers, that is, all sales.

The manufacturers note the ARF they are recommending "is not a traditional ARF run by government".

"The ARF in this system simply provides funding, in an efficient and equitable way, while the system is structured so as to assure that

management responsibilities are shared by stakeholders."

Unlike a traditional ARF, the collected funds would be managed by a private third-party organization (TPO). This organization would have a multi-stakeholder governance structure with majority industry participation. The TPO would use competitive contracting to manage end-of-life products. A portion of the funds, the Collection Incentive Payment, would pay for local collection "so these costs are not left on government's back."

At the "appropriate time" in the future, notes the manufacturers' paper, the ARF may no longer be needed, or it may be determined that an alternative financing system is more appropriate.

The NEPSI proposal called for an eventual transition to partial cost internalization (PCI) based on government taking responsibility for collection, and manufacturers taking responsibility for recycling. However, the NEPSI stakeholders were never able to fully describe the design of a partial cost internalization system and how it would work in practice.

The Coalition proposes a thorough re-evaluation of the recycling system "at a definite point in the future", with all options being on the table.

Why the manufacturers say producer responsibility is not the answer

The Manufacturer's Coalition for Responsible Recycling's 16-page position paper lists several reasons why it feels "pure producer responsibility" is not the solution to e-waste management, such as:

- It's a government-regulated mandate
- It skews the marketplace
- It provides a weak design incentive
- It is a poor system model

The full report can be downloaded from the *PPSReview* website (www.productstewardship.org).

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THE U.S. WEEE FEE DEBATE—CON

Retailers group opposes visible fees

The U.S.-based Consumer Electronics Retailers Coalition (CERC) is circulating a position paper that calls for a national system for the recovery and recycling of e-waste. The group also wants to see all costs for end-of-life management internalized. It opposes visible fees.

The membership of CERC includes the biggest names in US electronics retailing: Best Buy, Circuit City, Radio Shack, Target, Wal-Mart and the North American Retail Dealers Association (NARDA).

In a position paper issued recently, CERC says a national electronics management system that effectively encourages the collection and recycling of electronic waste is preferable to programs run by individual states.

It also notes this can be achieved without visible fees.

“Consumer electronics (CE) retailers believe a successful national system for electronics recycling can be established without imposing fees at the point-of-sale; without having to create a new complex administrative structure; and without mandates that discourage innovation.”

A system with no visible fee “will not only continue to encourage innovation, but will also provide consumers with a variety of choices and manufacturers with flexibility to implement electronics recycling programs that make sense – to consumers, government, retailers and manufacturers.”

“A comprehensive nationwide approach to the financing, collection, transportation and recycling of electronic devices that pre-empts individual state action is ultimately the best solution for all parties – manufacturers, distributors, retailers, collection agencies, recyclers, governments at all levels and consumers.”

CERC says the *producer responsibility* model would be the most efficient and comprehensive electronics waste management plan. “Such an approach will encourage effective

recycling while, at the same time, be the least burdensome to the consumer.”

For practical and administrative reasons, CERC feels a nationwide producer responsibility approach is the most efficient and optimal answer because it will:

- Place responsibility for the effective recycling of electronic devices where it belongs – on those stakeholders, including producers, distributors, retailers and consumers, who benefit from the sale of electronic products.
- Encourage producers to design products for ease of recycling, and encourage manufacturers to design products with less materials of concern, if laws are designed to exempt those products that are safe for landfills.

- Establish a system that – unlike the point-of-sale advance recovery fee approach instituted in California – is easy to administer, is not complicated, is inexpensive for consumers, retailers and governments, and does not unfairly burden the residents of one state.
- Provide a level playing field that applies to all types of sales at the state level – whether the covered consumer electronic product is sold via the Internet, catalogue, over the telephone, or in a traditional brick-and-mortar/in-store operation.

The full text is available at the CERC website (www.ceretailers.org).

Why CERC says the visible, advanced recycling fee (ARF) is not the answer

CERC members feel the visible fee will not work. It says the approach is “administratively burdensome for all parties”, and will only guarantee a new revenue source for government without guaranteeing that an effective recycling system will be put into place. The recent institution of such a fee/tax program in California has already been shown to be:

- too complicated for all parties – government, businesses and consumers – to understand and administer
- costly for both the governmental agencies and retailers to implement
- impracticable to bring sufficient dollars down to the local level to implement enough local collection and disposal facilities
- impossible to impose on out-of-state online/mail order retailers
- impractical, by asking the government to set up a new administrative structure to collect

the fees, manage the program and disperse the revenue for effective recycling, and

- impossible to know how high the taxes/fees charged to consumers need to be in order to adequately fund a successfully electronics device recycling program.
- “In short, CERC says, “A point of sale/advanced recycling fee approach—particularly given significant budget cutting at all levels of government—will not adequately fund an effective recycling program, and will only serve to confuse and burden the consumer with the imposition of new fees and perceived new taxes without any direct benefits.”

Lindhqvist to speak as RCO looks at EPR

Thomas Lindhqvist, the "father of Extended Producer Responsibility (EPR)" is the keynote speaker at this year's Recycling Council of Ontario (RCO) conference in Etobicoke.

An Associate Professor at Lund University in Sweden, Prof. Lindhqvist will speak about how EPR principles fit with product stewardship programs in Ontario.

Using a new format, the RCO conference will feature a number of panels and debates on key stewardship issues:

- **EPR criteria**, with panelists from the RCO, an industry funding organization, an electronics manufacturer and a provincial government outside of Ontario.

- **Blue box hybrid systems**, with panelists from PPEC, a municipality, a liquor retailer and a government representative from out of province;

- **Visible versus non-visible fees**, with panelists from a major retail store, a consultant, a representative from a consumers group and a PhD candidate from Lund University studying EPR.

The conference concludes with a review of "achievements and limitations" of the Waste Diversion Act and Waste Diversion Ontario.

More details on the conference, May 4-6 at the Holiday Inn Select in Etobicoke, are on RCO's website (www.rco.on.ca).

COMING EVENTS

April 27-30

Northern Ontario Municipal Association (NOMA) Conference
Lakeside Inn, Kenora, ON
(807) 626-0155

May 4-6

Recycling Council of Ontario Annual Conference
Etobicoke, ON
www.rco.on.ca

May 4-7

Ontario Small Urban Municipalities (OSUM) Conference
County of Huron, ON
(416) 971-9856

May 11-13

Federation of Northern Ontario Municipalities (FONOM) Annual Meeting
Parry Sound, ON
(705) 669-0135

Consumer lawsuit spreads to Quebec and Ontario

Following on the heels of the Consumer Association of Canada's (CAC) BC class action suit against industry collecting consumer fees to pay for their stewardship obligation, another group has joined the fight.

On January 18th and 21st, in Quebec and Ontario respectively, a group of individuals, and un-named secondary and small bottlers and retailers, filed a

similar statement of claim against beverage brandowners, large retailers and stewardship agencies in Canada.

In BC, in late February, the CAC formally requested that the Provincial government take immediate action to defend the interests of consumers under the Beverage Stewardship Program Regulation. CAC asserts "in Ontario, the provincial government has made it

clear that brand owners must assume significant financial responsibility for the recycling costs of the containers in which their products are sold. Under Ontario's regulations companies pay millions of dollars to support beverage container recycling programs". It continues, "In British Columbia these same firms contribute nothing".

AMO removes Toronto councillor from WDO board

Toronto councillor Bas Balkissoon, who had been chair of the Waste Diversion Ontario board, has been replaced as an Association of Municipalities of Ontario (AMO) representative.

AMO president Roger Anderson is taking his place as the fourth AMO rep

until a permanent replacement is found.

In a letter to Mr. Balkissoon, February 16, Mr. Anderson notes the City of Toronto is no longer a member of AMO and thus there is "no accountability link back to the AMO board or the sector." Mr. Balkissoon's

Toronto alternate has also been removed, meaning the generator of more 25% of the province's waste is no longer at the table for WDO meetings.

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Opinion Piece

The opinions expressed in this column are not necessarily those of PPSReview

WDO Night in Canada

by Jay Arthur

Well, what interesting times we live in. And I think we've seen the best and the worst of times this past couple of months.

Two months ago I was lamenting about the less-than-level playing field on which the blue box funding negotiations take place, and how poorly equipped the good folks at the Association of Municipalities of Ontario (AMO) are to take on the mighty industry lobby.

Where, I cried, is the knight in shining armour it so desperately needs—even if he is wearing an oversized hockey sweater, in keeping with the mandatory winter sports metaphor?

And then, just a few short days after sending my scribbles along the ether to the editor, and ultimately to the reading public via the publication itself, AMO sends out an *Alert*.

Tell us what you really think about those in-kind ads, it said.

And they did. The ads are no good and we want cash instead, they said.

This is of course not "news" to anyone, but it helps in these matters to have these things verified.

And this then is the message the AMO reps took to the Waste Diversion Ontario board the very next week.

There was a new face at the table this time. Someone had finally noticed that Toronto had not renewed its AMO membership (it's a long and rather sad story, primarily about ego...).

And so the new AMO chair was now formally occupying the seat formerly occupied by Toronto councillor Bas Balkissoon.

The backroom boys can lobby the referee all they want off the ice but there is a rulebook and Roger and company have every right to ask that those rules be respected.

In the meantime, Team CSR continues to rule the ice at the WEEE arena with a dream team. (There has to be a better way to describe the e-waste "stream" - darned Europeans.)

As the only side with players on the ice for the first two periods of the research playoffs the ref seemed to have little choice but to award the points to them.

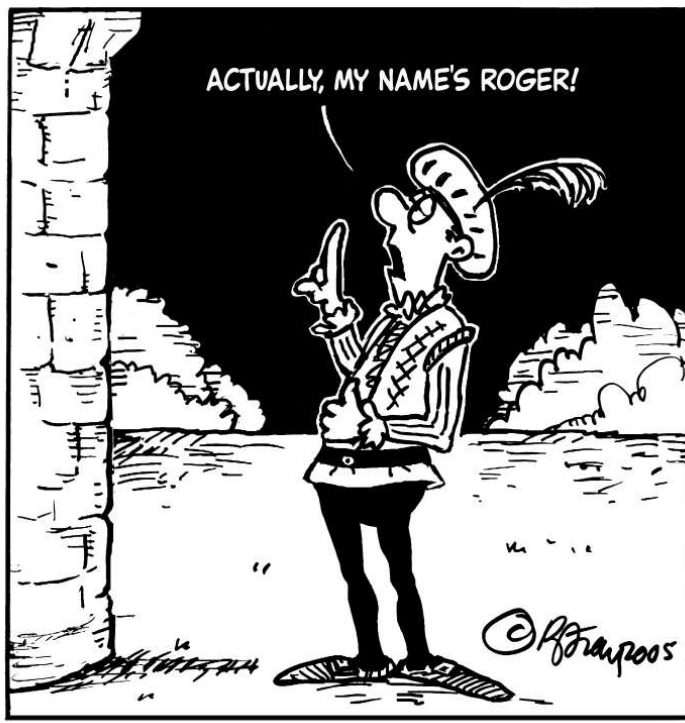
But if they win the third period I think we will see the word "conflict" in several sports page headlines. How they even have the nerve to enter a team is beyond me.

What is also beyond me is why CSR wouldn't put their star players from MacViro and RIS up front, rather than adding their names at the end of the roster.

But then, you have likely heard enough about ego for one day.



PPSReview,
January 2005



By all accounts, Roger Anderson was not wearing an oversized hockey sweater or riding a white charger, but it does appear that there was a bit more muscle in the board room. The elbows were suddenly a little higher and no one was holding back when there were collisions on the boards. Just ask Team CNA/OCNA.

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