

Same Truck, Different Liability

Certified ITAD vs. free scrap pickup

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The pallet looks identical going onto either truck. Everything after that is different — and the responsibility for the data and the waste never got on the truck at all.

01 · SIDE BY SIDE

The four differences that matter a year later

Question	Certified ITAD provider	Non-certified free scrap pickup
What happens to the data?	NIST SP 800-88 Rev. 2 sanitization or destruction; failed devices destroyed; certificate per serial naming method + standard; destruction operation audited (NAID AAA), incl. unannounced	Typically nothing, or an unverified wipe before resale; no standard, no per-device record, no audit
Where does the material go?	Reuse under audited refurbishment (R2v3 App. C) or destruction; commodities through qualified, monitored downstream vendors (App. A)	Whole units resold online or to brokers; boards and drives sold onward; no duty to know the next stop
What paperwork comes back?	Reconciled inventory · chain of custody · serialized certificate of destruction · certificate of recycling	A weight ticket; sometimes a one-line "certificate of recycling"
Who is responsible afterward?	You — with the evidence the duty was discharged	You — with no evidence at all
Is anyone checking?	i-SIGMA (scheduled + unannounced); SERI-authorized certification body annually; public directories	The state permit for the yard, if required — it checks the yard, not your drives

02 · WHY THE DATA DUTY DOESN'T TRANSFER

"Arrange for the destruction" — you can hire it out, not hand it off

NJ (N.J.S.A. 56:8-162), DE (6 Del. C. Ch. 50C), MD (Com. Law §14-3502) and the FTC Disposal Rule place the destruction duty on the business that held the information; it is discharged by destruction that you can prove, not by the equipment changing hands. A 2019 Blancco/Ontrack study of used drives bought online found 42% still held sensitive data — every seller believed the drives had been wiped. An unaccounted-for drive is the fact pattern breach-notification laws were written for.

03 · WHY THE WASTE LIABILITY DOESN'T EITHER

Cradle to grave

Under RCRA the generator is responsible for a waste through final disposition regardless of who hauled it; the household exemption does not apply to a business; Pennsylvania's Covered Device Recycling Act names generators and haulers as liable parties; New Jersey bans covered devices from disposal. R2v3 Appendix A exists to make the downstream provable: the facility must qualify each downstream vendor and monitor the chain. A scrap yard may be perfectly lawful and still have no obligation to tell you where the boards went.

04 · THE ROUTING RULE

One test: does it have storage?

- Yes certified ITAD, under chain of custody: computers and servers (drives left inside), laptops, phones, tablets, copiers/MFPs, network gear, DVRs and cameras, POS terminals, external drives, tapes, USB media.
- Provably no a permitted scrap recycler is an option: racks, cabling, brackets, keyboards, mice, power supplies; bare monitors subject to state disposal rules. Keep the permit and the receipt.
- When in doubt, it has storage. The copier, the desk phone, the thermostat controller, the "dumb" display with a media player inside.

Sources: 16 CFR Part 682; N.J.S.A. 56:8-162; 6 Del. C. Ch. 50C; Md. Code, Com. Law §14-3502; RCRA generator provisions; Pennsylvania Covered Device Recycling Act; New Jersey Electronic Waste Management Act; SERI R2v3 and i-SIGMA NAID AAA public program materials; Blancco/Ontrack 2019 study. Describes vendor categories generally, not any specific company. Informational only — not legal advice; no pricing stated. Full brief: promo.cccyber.com/articles/certified-itad-vs-free-scrap-pickup