

**Stakeholder Feedback Session for Board Order WA-15-24:  
Revisions to NR 530 related to the  
implementation of electronics recycling program  
requirements**

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# Rulemaking goals (changes to ch. NR 530)

1

Reflect changes to s. 287.17, Wis. Stats., from 2023 Wisconsin Act 108 (manufacturer targets and shortfall fees)

2

Clarify collector reporting and recordkeeping requirements to address frequent problems

3

Consider whether additional battery-containing devices could be recycled under E-Cycle Wisconsin

# E-Cycle Wisconsin program basics

- ▶ Manufacturers of TVs, computers, monitors, printers and video game consoles must register and meet recycling targets based on weight of covered electronics sold in WI
- ▶ Collectors and recyclers can choose to participate; must meet program requirements
- ▶ Only weight of eligible electronics from registered collectors and recyclers count toward manufacturer targets
- ▶ Only includes electronics used by households and K-12 schools

## E-Cycle Wisconsin process



## Manufacturer's role



Manufacturers sell electronics through retailers, distributors and/or directly. Some of these products are sold into Wisconsin, which has a law covering electronics manufacturers.



The law assigns manufacturers annual "recycling targets" based on the weight of covered products the manufacturer sells in Wisconsin.



¢/lb.

Manufacturers make agreements with registered recyclers or with brokers that work with registered recyclers to pay a certain number of cents per pound to meet recycling targets.



Manufacturers fulfill their contracts with recyclers, keeping costs lower for the public.



# 2023 Wisconsin Act 108



Expanded the definition of “peripheral” to include devices used for input to/output from video display devices.



Increased manufacturer registration fees beginning with the registration due March 1, 2025.



Changed the formula used to set electronics manufacturers’ annual recycling targets.



Directed DNR to create rules for “good faith progress” toward meeting a manufacturer’s recycling target.

# Manufacturer target formula changes

## Before

- 80% of weight sold to WI households and schools during program year 2 years earlier (e.g., 2022 sales set target for 2024)
  - 2024 target would have been ~27.2 million pounds

## Now

- Overall target based on weight collected 2 program years earlier
  - 2024 target: ~23.4 million pounds
- DNR determines each manufacturer's market share percentage by devising their weight sold by total weight reported by all registered manufacturers
- Market share % rounded to nearest hundredth
- DNR applies market share % to overall target weight

# Target formula implementation challenges

- No provision for manufacturers that come into compliance during a program year
  - 2025 initial registration requires 2024 sales data, but 2023 sales data needed to calculate 2025 target
- Need to specify when others' targets get updated if a manufacturer registers or amends its data after initial calculation
  - Could handle changes between Aug. 1 and Dec. 31 differently from changes after Jan. 1

# Proposed rule provisions: new/revised manufacturer registration between Aug. 1 and Dec. 31

- DNR will calculate the manufacturer's market share percentage and target recycling weight using new/revised sales data, and provide the assigned target to that manufacturer.
- If the change affects the market share percentage and recycling target assigned to any other manufacturers, the DNR will notify them by Jan. 31.
- Example: a non-compliant manufacturer with sales during 2024 registers on Oct. 1, 2025. Based on its 2024 sales, its market share is .05%. By Jan. 31, 2026, the DNR will notify that manufacturer of its target and notify any manufacturers whose 2026 targets have changed as a result.

# Proposed rule provision: New or revised registrations submitted after Jan. 1

- A manufacturer submitted an initial registration after Jan. 1 must provide sales data for each of the previous two calendar years, if it was selling during that time
  - E.g., if a manufacturer submits its registration Jan. 15, 2026, must provide sales data for both 2024 and 2025 so DNR can assign a 2026 recycling target
- No revisions to previously submitted sales data allowed after Jan. 1
  - Rationale: Revisions to data used to calculate market share percentages could change (including increase) other manufacturers' target recycling rates after the program year has begun.
- For registrations submitted after Jan. 1 (e.g., a registration for 2026 submitted in May 2026 for a manufacturer that had sales during 2024), the DNR will calculate that manufacturer's market share percentage and assign it a target if the % is .01% or more.
- Question is whether to re-calculate and reduce other manufacturers' targets based on new registrations



# Questions for feedback

1. Is there a threshold change in previously calculated market share percentages that would warrant re-calculating other manufacturers' targets after Jan. 31 for the current program year?
2. If the answer to #1 is yes, is there a cutoff date after which it is not useful to receive a revised target?

## Considerations:

- Historically, almost all of these registrations are for small manufacturers
- Changes for most manufacturers would be small (~2,000 to 4,000 lbs)
- Changes most likely to affect manufacturers with highest recycling targets (>500,000 pounds)

# Manufacturer shortfall fees

- Automatically assessed if weight recycled is less than target
  - 30, 40 or 50 cents/pound depending on how close to target
- Provision in statute to request a waiver from paying the fee
  - No requests before 2021
- Guidance published in 2023



## Guidance on E-Cycle Wisconsin manufacturer shortfall fees and fee waivers

PUB-WA-2022 2023

### Purpose

This document provides guidance to registered manufacturers on shortfall fees and lays out criteria and the process for reviewing requests for shortfall fee waivers from registered manufacturers.

### Background

Under Wisconsin's electronics recycling law, manufacturers of consumer video display devices, consumer computers and desktop printers must register annually with the Department of Natural Resources to sell their products to Wisconsin households and schools. Each year, a registered manufacturer has a recycling target (in pounds) based on its sales of covered electronics to households and schools. Only eligible electronics collected by registered collectors and processed by registered recyclers count toward a manufacturer's recycling target.

Each registered manufacturer must annually complete the E-Cycle Wisconsin registration form and report the total weight recycled (or paid to recycle) during the previous program year. The manufacturer's reported weight is compared with its recycling target for that program year. If the manufacturer recycles less than its target weight, it must pay a shortfall fee of 30, 40 or 50 cents per pound, as shown in Table 1, to remain in compliance with program requirements. The DNR does not take additional enforcement action against a registered manufacturer that fails to meet its target but is otherwise complying with the law. The DNR does not publish a list of manufacturers that meet or fail to meet their targets.

#### E-Cycle Wisconsin covered devices

- Computers (desktop, laptop and tablet)
- Desktop printers (desktop printers, including those that scan, fax and/or copy and 3-D printers)
- Video display devices (TVs and monitors) with a screen size of at least 7"

#### E-Cycle Wisconsin eligible devices

- All covered devices
- Computer peripherals (mice, keyboards, scanners, etc.)
- Digital video players/recorders
- DVD players
- Fax machines
- VCRs

For complete definitions, refer to s. 287.17(1), Wis. Stats.

Table 1: Shortfall fee amounts per pound short of recycling target

% of recycling target met	Shortfall fee per pound
<50%	\$0.50
50 to 90%	\$0.40
>90%	\$0.30

Shortfall fees are used to help fund the DNR's administration of the E-Cycle Wisconsin program, including the E-Cycle Wisconsin Electronics Collection Grant program.

# Proposed rule provisions: minimum requirements for shortfall fee waiver requests

- Manufacturer notifies DNR once it determines it may not meet its recycling target
- Manufacturer (not a third party) must submit the waiver request in writing to the DNR
- Manufacturer must submit its request with its annual registration. If it did not learn of a shortfall until after submitting its registration, it must submit the request once it becomes aware of the shortfall
- Waiver request must include all of the following:
  - Documentation demonstrating the manufacturer made good faith progress toward meeting its target
  - A description of any unexpected circumstances that prevented the manufacturer from meeting its target
  - A plan to address the issues that led to the shortfall and avoid a shortfall in the future

# Proposed rule provision: Items needed to demonstrate good faith progress

- Manufacturer had a contract or other written agreement, or documentation of unsuccessful attempts to contract, with one or more registered recycler(s) or authorized broker(s) before the end of the program year to meet the manufacturer's target
- Once it learned of the potential shortfall, the manufacturer, or an authorized broker or recycler working on its behalf, notified DNR and requested information about potential alternative methods of meeting its target
- The manufacturer, or an authorized broker or recycler working on its behalf, took one or more of the following steps toward meeting its target during or after the program year:
  - 1. Established additional registered collection sites or events.
  - 2. Increased collection at existing sites and events through advertising, reducing fees or other methods.
  - 3. Purchased or attempted to purchase additional recycled weight from other recyclers or brokers.
  - 4. Purchased or attempted to purchase credits from other manufacturers.
  - 5. Similar, alternative or additional actions that it believes demonstrate good faith progress.
- If applicable, an explanation of why the manufacturer is unable to provide documentation of any of the above

# Proposed rule provision: criteria for DNR evaluation of shortfall fee waiver requests

- Whether the manufacturer met all requirements and submitted all documentation listed on previous two slides
- Whether the total recycled weight available for manufacturers to purchase for the program year was less than the total recycling target
- Whether the shortfall was the result of a recordkeeping or reporting error made by a collector, recycler or authorized broker, or the recycler or authorized broker did not notify the manufacturer of the shortfall until after the end of the program year
- Whether there were circumstances beyond a manufacturer's control such as a reduction in collection sites or events due to a local or statewide declared emergency

# Questions for feedback

1. Should meeting a specific percentage of the recycling target (e.g., >50%) be part of the criteria for demonstrating good faith progress?
  - If not a specific threshold, should there be a requirement that a manufacturer meet a “substantial” or “significant” portion of its target to demonstrate good faith progress?
2. Are there any additional items that could demonstrate good faith progress that we should specifically call out?

# Covered vs. eligible devices



Covered devices require a manufacturer to register the devices they sell to Wisconsin households or K-12 schools. All covered devices are also eligible devices



Eligible devices are a larger set of devices that can be collected and recycled to count toward manufacturers' recycling targets

# Electronics eligible under E-Cycle Wisconsin

- Cellphones, other phones with a video display and battery-operated phone accessories (*added 2023*)
- **Computers (desktop, laptop and netbook computers)**
- **Desktop printers, 3D printers and fax machines**
- **Computer monitors**
- Other computer accessories (e.g., keyboards, mice, speakers, external hard drives)
- **Tablets and e-readers**
- **TVs**
- DVD players, VCRs and other video players
- Other TV/monitor accessories (*added 2024*)
- **Video game consoles**
- Battery-operated video game components and portable hand-held gaming devices (*added 2023*)

## Which Electronics Can I Recycle Under E-Cycle Wisconsin?



Wisconsin households and K-12 schools may recycle electronics through E-Cycle Wisconsin. The following electronics are accepted under E-Cycle Wisconsin. Many collection sites also accept other items. To find a collection site or mail-back program, visit [dnr.wi.gov](http://dnr.wi.gov) and search "ecycle."



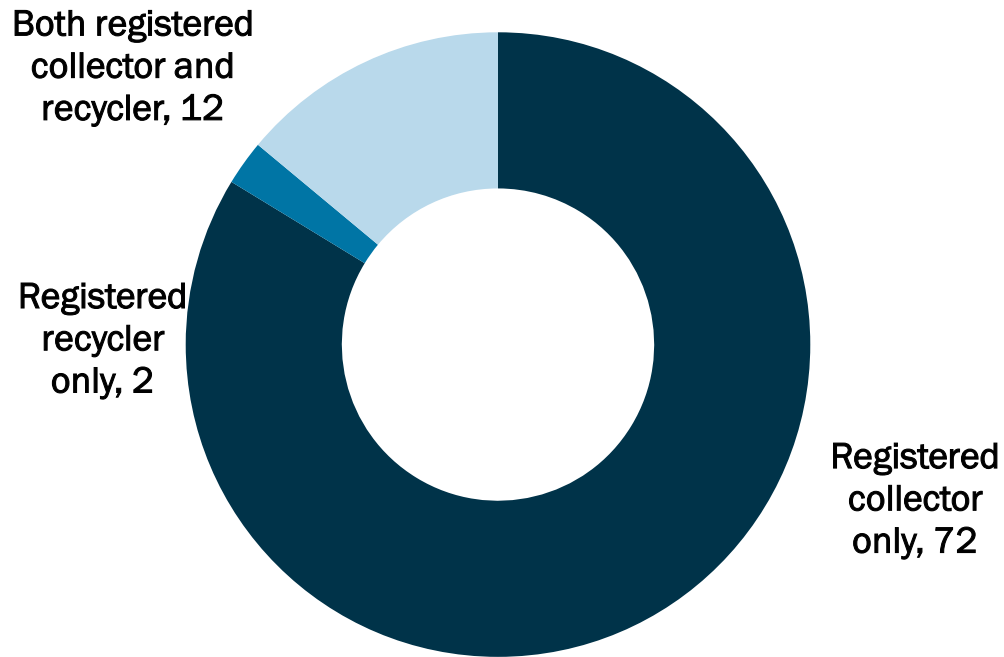


# Key devices NOT currently included under E-Cycle Wisconsin



# Eligible devices survey

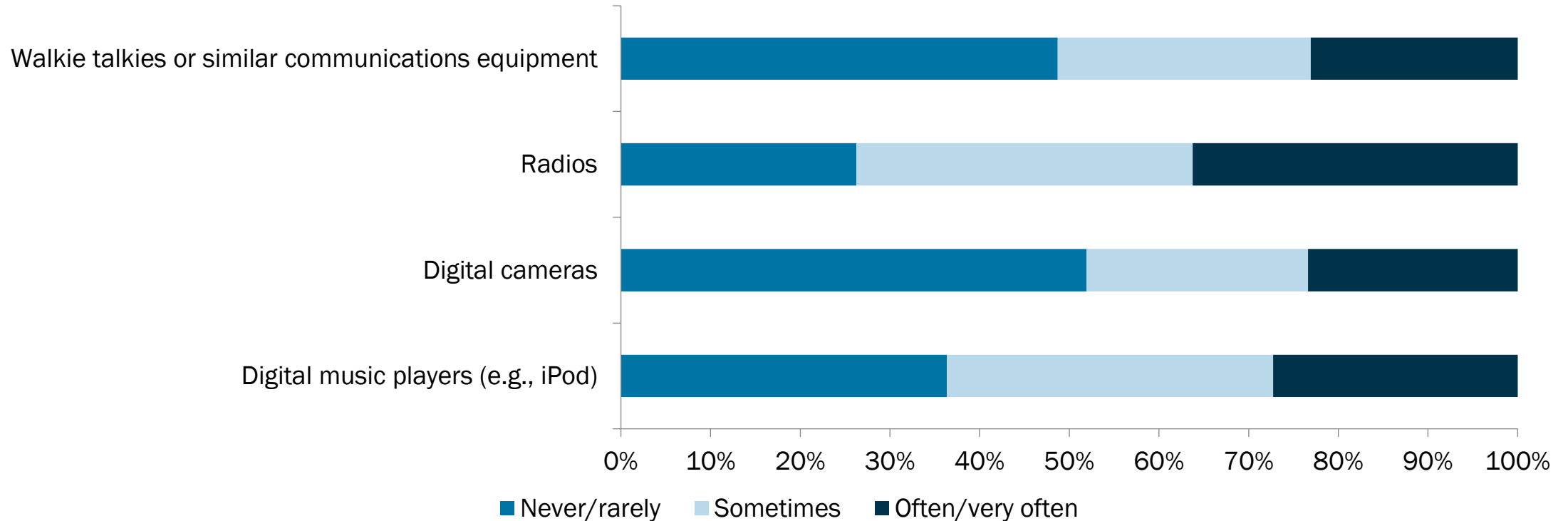
Which E-Cycle Wisconsin role(s) do you currently have?



- Sent to primary contact for registered collectors and recyclers in August
- 86 responses
- Questions focused on four device types:
  - Communications equipment (walkie-talkies, etc.)
  - Digital cameras
  - Digital music players
  - Radios

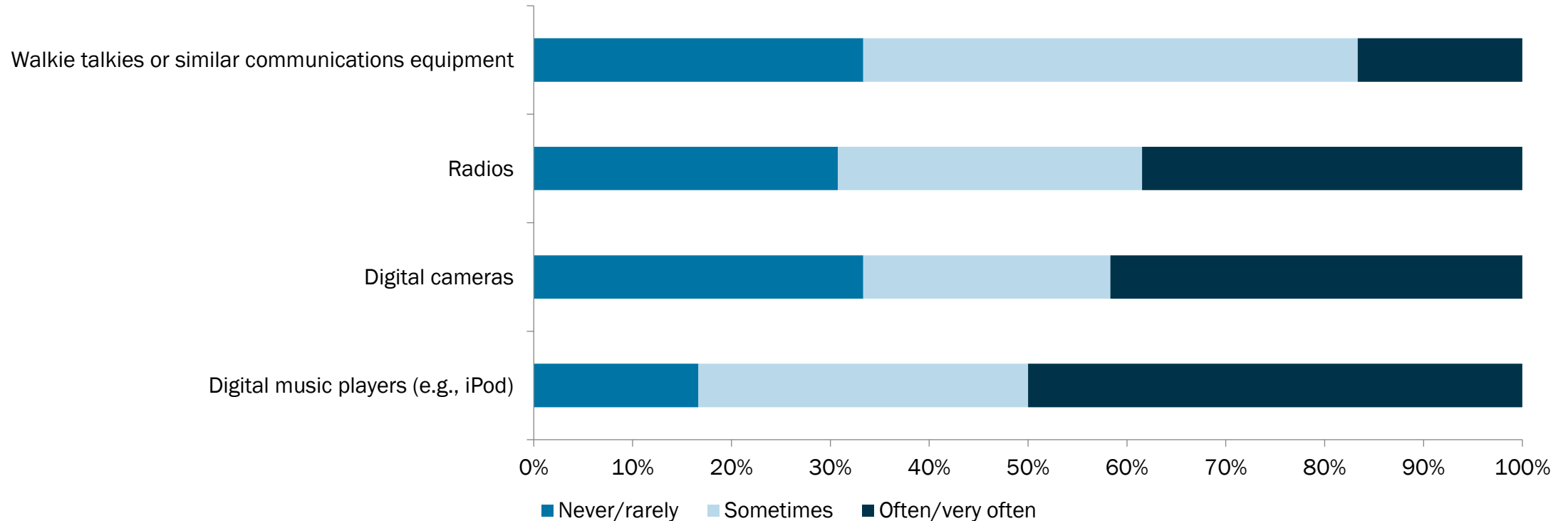
# Collectors: frequency of receiving devices

How often do you typically receive the following battery-powered devices from households or K-12 schools?



# Recyclers: frequency of receiving devices

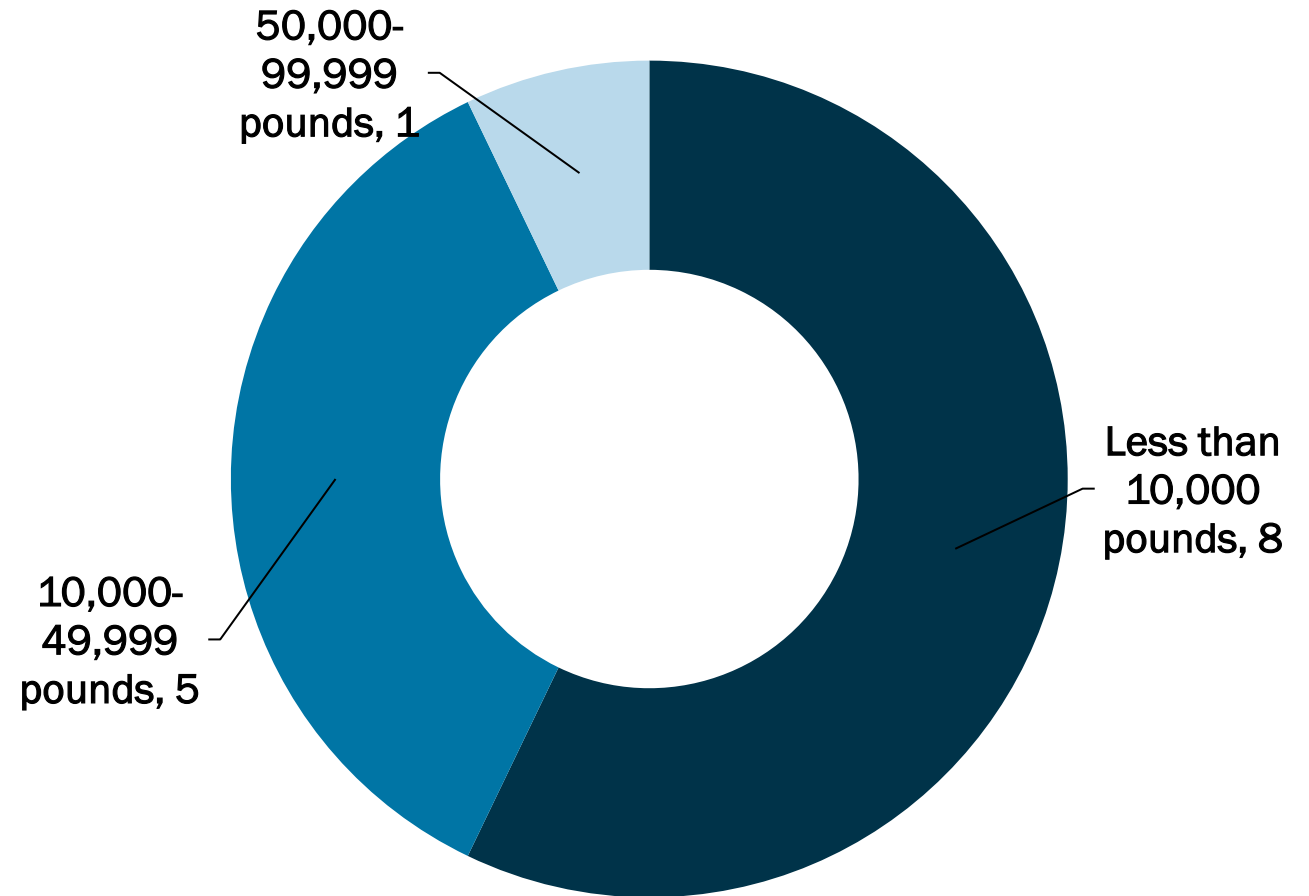
How often do you typically receive the following battery-powered devices from registered E-Cycle Wisconsin collectors?



# Recycler estimates of additional annual program weight

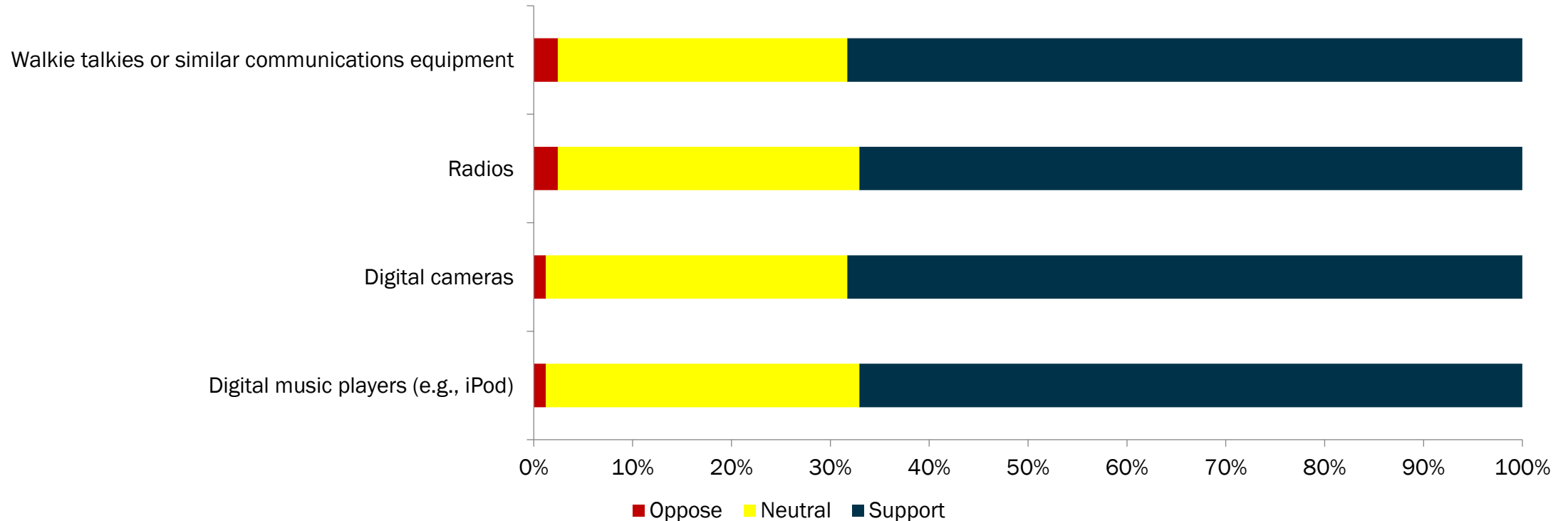
14 recyclers responded

Based on estimates, maximum additional weight they would receive totaled ~430,000 pounds annually



# Nearly all respondents supported adding those categories of devices as eligible

Would you support or oppose adding any of the following as eligible electronics under E-Cycle Wisconsin?



# Other suggested additions

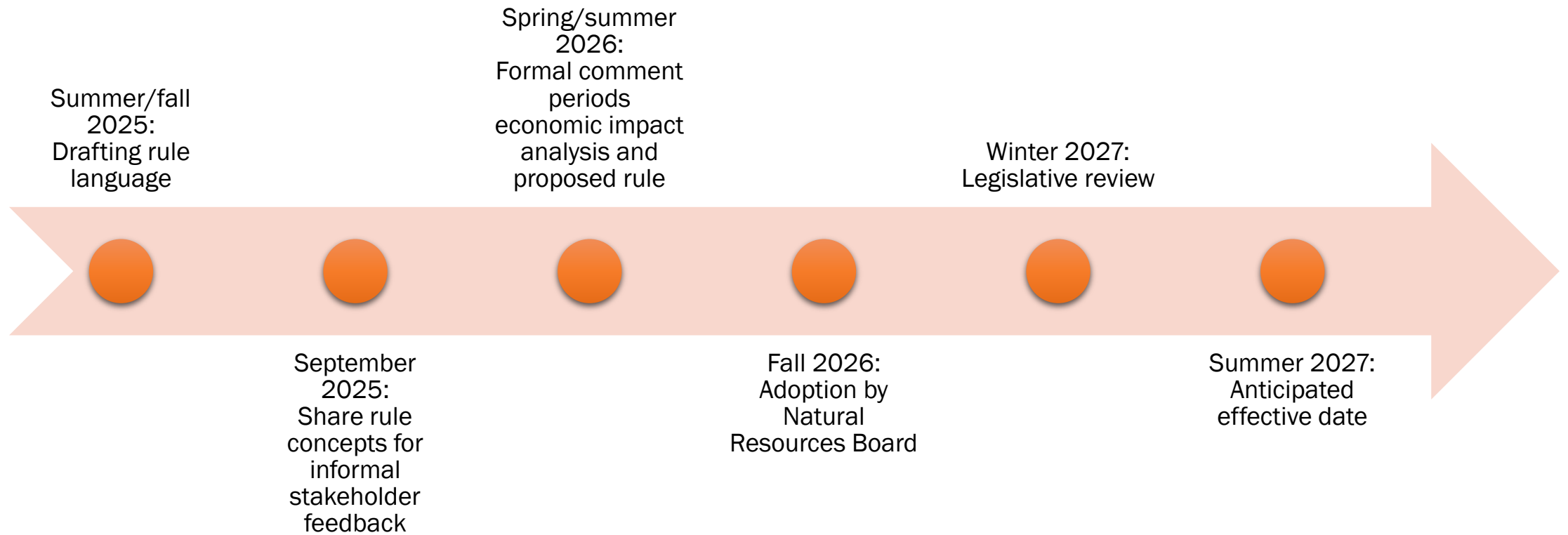
- Vapes (too complicated to include with this rule)
- Loose batteries (outside scope)
- Headphones/earbuds (already eligible)
- Battery backups (eligible if meet definition of peripheral)
- Power tools
- E-mobility devices
- Small appliances
- Smart watches

# Questions for feedback

1. Would there be any objection to adding any of the following as eligible devices?
  - Communications equipment (walkie-talkies, etc.)
  - Digital cameras
  - Digital music players
  - Radios
  - Smart watches
2. If we add any of the above as eligible, should the DNR recommend the Legislature make them covered devices as well?
3. Are there any other devices we should consider adding?



# Rulemaking timeline



# Next steps



Slides posted on DNR website (will send email to contacts)



Submit any feedback by Sept. 30 to [DNRWle-cycling@wisconsin.gov](mailto:DNRWle-cycling@wisconsin.gov)



Look for additional public comment opportunities in spring 2026

# CONNECT WITH US

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