Electronics recycling rulemaking & legislation update

Wisconsin Council on Recycling
June 1, 2021
Landfill and incinerator bans

- Televisions
- Computers (desktop, laptop, netbook, tablet)
- Computer monitors
- Computer accessories (mice, keyboards, external hard drives, etc.)
- Desktop printers & fax machines
- E-readers
- DVD players, VCRs and DVRs
- Cellphones
E-Cycle Wisconsin

- Manufacturers of TVs, computers, monitors and printers 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 from registered collectors and recyclers eligible for manufacturer credit.
Celebrating 10 years

Collected 325 million pounds of electronics from households and schools for recycling since 2010

Reduced CO2 emissions by about 123,000 metric tons—the equivalent of using 13.8 million fewer gallons of gasoline

Conserved an estimated 47 million pounds of steel, enough to make 20,000 cars

Conserved about 16 million pounds of copper and 8 million pounds of aluminum
Requirements for registered collectors

- Must register with E-Cycle Wisconsin IF working with a registered recycler or another registered collector
  - Annual report/re-registration submitted to DNR (no fee)
  - Sites/events where electronics collected from the public are reported and displayed on DNR’s website (can include restrictions, like community residents only)
- Solid and hazardous waste requirements and BMPs apply to everyone
- No owner financial responsibility set aside, even if dismantling
Program year 11 collection sites

- Collection sites registered during program year 11, with 10-mile or 15-mile radius circles showing average distance willing to drive to recycle electronics

- Shaded circles were eliminated or cropped in cases where sites are known to be restricted to municipal/county residents
Requirements for registered recyclers

- Must register with E-Cycle Wisconsin IF working on behalf of a registered manufacturer
- Annual report/re-registration submitted to DNR (no fee)
- Pollution liability insurance of at least $1 million
- Maintain proof of financial responsibility for closure and cleanup and a written contingency plan for environmental releases
- Comply with all federal, state and local requirements concerning storage, transportation, processing and exporting of eligible electronics and materials derived from eligible electronics
- Comply with federal requirements for occupational and environmental health and safety training for employees
- May not use prison labor to recycle electronics under E-Cycle Wisconsin
- Keep detailed records, including sources and downstream vendors for eligible electronics
Pounds recycled, by recycler location
Requirements for manufacturers

Manufacturers of TVs, computers, monitors and printers required to register with the DNR to sell devices to Wisconsin households and schools

- Submit an annual registration form to the DNR
- Pay an annual registration fee, if applicable
- Report annually on sales of covered electronic devices to Wisconsin households and covered schools
- Ensure all covered electronic devices sold under their brand in WI have a manufacturer’s label that is permanently affixed and prominent
- If the manufacturer has a recycling target for a given program year, work with registered collectors and recyclers to meet this recycling target
- Manufacturers negotiate private contracts with recyclers to purchase credits for the number of pounds needed to meet the target
- If a manufacturer does not meet its recycling target, it must pay a shortfall fee to the DNR
- A manufacturer does not need to limit its recycling to its own brand or device types
Most electronics **MAY NOT** be put in the trash. E-Cycle Wisconsin helps you find a place to recycle your old electronics. Google “E-Cycle Wisconsin” for details.

**Requirements for retailers**

- May only sell registered brands covered electronics to Wisconsin households and covered schools
- Customer education requirements
  - Inform customers about Wisconsin’s landfill and incineration bans on electronics
  - Describe how and where customers may recycle electronics
Current regulation outside of E-Cycle Wisconsin

E-Cycle WI does not cover:

- Non-eligible devices
- Devices from businesses, some private K-12 schools, higher education, government and institutions
- Collection and recycling activities not done on behalf of manufacturers

Limited DNR oversight

- Compliance with solid waste disposal requirements where salvageable material exemptions don’t apply
- Hazardous waste requirements for management of cathode ray tubes and circuit boards
- Universal waste requirements for batteries, lamps and mercury equipment removed from electronics
- Solid waste processing approvals for a few advanced processing operations
Problems to address

- More enforcement cases
- Expensive “backyard scrapping” cases
- Regulatory uncertainty and gaps for legitimate recyclers that have problems
- Uncertainty for generators—who is a responsible recycler?
- Misapplied scrap metal exemption given current electronics makeup
- Need for more consistency with other solid waste and recycling processors
Rulemaking goals

Protect human health and the environment by providing more consistent oversight of electronics recycling operations in Wisconsin.

Ensure the electronics recycling program created by s. 287.17, Wis. Stats., continues to function well, including maintaining streamlined registration and reporting practices and preserving a level playing field among program participants.
## Rules affected

<table>
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<tr>
<th>Section</th>
<th>Changes</th>
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<tr>
<td>NR 500.03</td>
<td>New electronics recycling definitions; amended “salvageable materials” definition</td>
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<tr>
<td>NR 502.05</td>
<td>Include electronics in storage license exemption for facilities serving apartments, commercial and business establishments, and industries</td>
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<tr>
<td>NR 502.06</td>
<td>Electronic devices no longer meet transportation license exemption for “salvageable materials”; new exemption from C&amp;T license if certain conditions are followed; exemption for mail-back recycling programs</td>
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<td>NR 502.07</td>
<td>Ensure electronics drop-off and transfer facilities are included in exemptions from licensing; still need to meet basic requirements</td>
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<td>NR 502.08</td>
<td>Clarify the electronics recyclers do not qualify for scrap metal processing license exemption, exempt very small electronics recyclers and collectors that do limited hand sorting from processing licenses requirements, require electronics recycling facilities to obtain solid waste processing license</td>
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<tr>
<td>NR 520</td>
<td>Ensure existing OFR requirements cover electronics recycling facilities</td>
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<tr>
<td>NR 530</td>
<td>New chapter implementing E-Cycle Wisconsin</td>
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Proposed definitions

- “Electronics recycling” means processing electronic devices for use in manufacturing processes or for recovery of usable materials, and includes processing electronic devices or components derived from electronic devices by disassembling, baling, crushing, grinding, and shredding. “Electronics recycling” does not include any of the following:
  - Destruction by incineration or other processes.
  - Land disposal of recyclable materials.
  - Reuse, repair, or any other process through which electronic devices are returned for use in their original form.
  - Removal of an electronic device from another device, such as from a major appliance or motor vehicle.
  - Hand disassembly of electronic devices in an educational setting for educational purposes.
  - Hand disassembly of a waste electronic device generated by a household on the property where it is generated.
Activities/facilities that would be exempt from processing license requirement

- Reuse, repair, or other process through which electronic devices returned for use in their original form
- Removal of an electronic device from another device, such as from a major appliance or motor vehicle
- Hand disassembly in an educational setting for educational purposes
- Hand disassembly of a household’s own electronic devices
- Electronics recycling facilities that recycle fewer than 25 devices a year
- Collection sites/other facilities that only hand sort and package electronic devices for shipping to electronics recyclers without engaging in additional electronics recycling activities.
Facilities that would need a solid waste processing license

- Registered E-Cycle Wisconsin recyclers
- Registered E-Cycle Wisconsin collectors that disassemble some electronics
- Other facilities that disassemble, bale, crush, grind or shred electronic devices or components
New ch. NR 530: E-Cycle Wisconsin implementation
Summary of rule

- Most language reflects existing practices and guidance, clarifying or providing additional detail for statutory language governing registration, reporting, and DNR’s administration of the program.

- Definition clarifications would add smartphones and video game systems as covered devices.
  - Increases overall manufacturer recycling target.
  - Adds smartphones as eligible devices.

- Clarifies and strengthens customer education requirements for electronics retailers.
Requirements for registered recyclers

- On annual registration, list all facilities where they process or store eligible electronics (currently, only required to list facilities where they recycle eligible electronics) and maintain owner financial responsibility for any storage facilities, in addition to current requirement for recycling facilities.

- In-state registered recyclers subject to the solid waste processing license requirement and must follow OFR requirements in ch. NR 520.

- To ensure a level playing field with in-state recyclers, more specific requirements for out-of-state registered recyclers’ OFR, including naming independent 3rd party as beneficiary or obligee, estimating costs based on independent 3rd party performing the work, and notifying DNR of OFR changes or cancelation in a timely manner.

- Use and keep records of bills of lading for electronics loads.
Next steps

- Accepting comments on draft rule until July 7
- Public hearing on rule language June 28
- Before NRB for adoption fall 2021
- Follow at DNR solid waste rules webpage
Rulemaking timeline (estimated)

- **Dec. 2019**: Natural Resources Board approval to begin drafting rules
- **Jan. 2020**: Rule-writing process begins
- **Dec. 2020**: Public feedback meeting on rule concepts
- **Mar. 17-Apr. 16 2021**: Public comment on economic impact statement
- **June 2021**: Public hearing and comment period on draft rules
- **Sep./Oct. 2021**: Adoption by Natural Resources Board
- **Oct. 2021 - Mar. 2022**: Approval by Governor and Legislature
- **June 2022**: Rules become effective
Potential legislative changes: AB 254/SB 248

- Change program year to calendar year: 18-month transition year starting 7/1/22
- Reduce/eliminate fees for small manufacturers
- Authorizes min-grant program to develop infrastructure in underserved areas
- Expand definition of schools to include all K-12
- Slight tweak to desktop printer definition
- Requires manufacturers to report by rural/urban pounds
Full report available online
Contacts

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