

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule, Board Order WA-11-19, to revise chs. NR 500, 502 and 520 and create ch. NR 530 relating to implementing electronics recycling program requirements. In accordance with s. 227.17, Wis. Stats., the DNR is seeking public comment and feedback on Board Order WA-11-19 at the time and virtual location shown below.

Hearing Information

Date: June 28, 2021

Time: 1:00 p.m.

Virtual Location:

- Zoom meeting link: <https://us02web.zoom.us/j/84890156432>
- By phone: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782
- Meeting ID: 848 9015 6432

Rule Information:

The purpose of the proposed rule is to create a new administrative code chapter under the authority of s. 287.17, Wis. Stats., and to amend chs. NR 500, 502, 520, Wis. Adm. Code, as they relate to electronics recyclers.

The goals of this rulemaking are to:

- Ensure the E-Cycle Wisconsin 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.
- Protect human health and the environment by providing more consistent oversight of electronics recycling operations in Wisconsin, including requiring owner financial responsibility for closure and cleanup costs that currently fall mainly on property owners and taxpayers.

This is the first time the DNR has undertaken such rulemaking since Wisconsin's electronics recycling law passed in 2009. Many elements in the rule come directly from discussions with E-Cycle Wisconsin program stakeholders over the years. At the most recent E-Cycle Wisconsin stakeholder meeting in May 2018, participants were positive about the electronics recycling law but noted several areas of concern, including a need for more actions to deter bad actors; the lack of affordable, convenient recycling for some state residents; a lack of consumer awareness about the need to recycle electronics responsibly; and economic and safety issues the changing electronic waste stream has brought to collectors and recyclers.

The DNR has addressed these concerns in the proposed rule, and also adjusted rule language based on feedback received after a December 2020 public information session and during the draft Economic Impact Analysis public comment period.

Changes the proposed rule would make to existing practices include:

- Requiring most Wisconsin facilities that dismantle electronics to obtain a solid waste processing license from the DNR and maintain owner financial responsibility for closure and cleanup costs.
- Setting locational and operational standards for those collecting, storing or transporting electronic waste in Wisconsin.
- Clarifying and strengthening owner financial responsibility requirements for registered E-Cycle Wisconsin recyclers, including making sure requirements for out-of-state facilities are equivalent to those for in-state facilities.
- Standardizing record-keeping requirements for registered E-Cycle Wisconsin collectors and recyclers related to eligible electronics shipments to ensure loads can be tracked and verified.
- Detailing more specifically the requirements for how electronics retailers inform purchasers of covered electronics about electronics disposal bans and recycling options.
- Clarifying that video game systems and smartphones meet the definition of a consumer computer and that manufacturers of these devices need to register with the DNR and meet annual recycling targets like other manufacturers of consumer computers.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

Appearances at the Hearing and Submittal of Written Comments

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which is available at <https://dnr.wisconsin.gov/news/input/ProposedPermanent.html>. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form](#) and send it to Sarah.Murray@wisconsin.gov.

Comments on the proposed rule must be received on or before July 7, 2021. Written comments may be submitted by U.S. mail, e-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. **Written comments and any questions on the proposed rules should be submitted to:**

Sarah Murray – WA/5
Department of Natural Resources
PO Box 7921

Madison, WI 53707-7921

(608) 234-0533

Sarah.Murray@wisconsin.gov or DNRAAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis:

The department estimates that approximately 75% of Wisconsin electronics recycling facilities affected by the rule, or approximately 20 facilities, are small businesses. The department estimates these businesses would have aggregate one-time costs of \$15,000-\$24,000 (or an average of \$750 to \$1,200 per facility). They would not be required to pay annual licensing fees to the DNR.

The proposed rule includes exemptions from solid waste processing license requirements for facilities that recycle fewer than 25 electronic devices per year. The department will also waive annual solid waste processing license fees for all facilities.

Agency Small Business Regulatory Coordinator:

Emma Esch (608) 266-1959

Emma.Esch@wisconsin.gov