Electronics recycling rulemaking overview

Waste and Materials Management Study Group

April 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
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 OFR, even if dismantling
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
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.

Full scope statement
## Rules affected

<table>
<thead>
<tr>
<th>Section</th>
<th>Changes</th>
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<tbody>
<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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<tr>
<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.
Economic Impact Analysis

- Small costs for obtaining OFR and solid waste processing license (license fee waived)
- Majority of costs due to classifying smartphones and video game systems as consumer computers
  - Additional manufacturers would need to register, pay fee
  - Existing and new manufacturers would have recycling target pounds based on sales of these devices
- Would add funding to recycling system, potentially reducing collector/consumer costs
Next steps

- Accepting EIA comments through April 16
- Public hearing on rule language expected mid-2021
- 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/July 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
2021 SB 248

Change program year to calendar year
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
Contacts

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