

Summary of comments received on draft guidance on Process for Suspending or Revoking E-Cycle Wisconsin Registration

May 2015

The DNR received two comments on this draft guidance document. The text of the comment and DNR response are below.

Rick Meyers, City of Milwaukee

The draft guidance on suspension/revocation process looks good to me. My only feedback, and I'm not sure whether you have the authority to do this or not under the law, is to include payments due to DNR/State of Wisconsin for fines or administrative fees, etc. for those in suspension or revocation. Another condition of reinstatement/reregistration then would be full payment of these either "penalties" or "administrative fees." The basic premise here is that there should be both more of a deterrent as well as additional compensation for the added costs incurred to DNR staff for extra time/effort managing these companies/organizations that fall out of compliance. I know that one thing that came up in discussions related to E-Cycle WI before the Council on Recycling in Feb. was that real consequences should be defined and communicated to all parties to aid compliance.

DNR response: Section 287.17(11), Wis. Stats, provides for penalties for those that violate the electronics recycling law. The DNR does not have citation authority to directly assess these penalties, but violations could potentially be referred to the Wisconsin Department of Justice through the DNR's stepped enforcement process. We have added a note to the guidance document to make it clear that payment of any penalties would be required for reinstatement.

Neil Peters-Michaud, Cascade Asset Management

Cascade supports the "Guidance on Process for Suspending or Revoking E-Cycle Wisconsin Registration" as a common sense and fair approach to managing participation by recyclers, collectors, and manufacturers in the State program. We expect that as part of the review of recyclers and collectors (in consideration of suspension or in the case of potentially reinstating the participant in the program), the DNR shall perform on-site inspections when necessary to ensure processes conform to program requirements. There really is no substitute to seeing with your own eyes how well the recycler or collector is performing. It also provides good due process to protect recyclers or collectors who might be unfairly alleged to violate the program.

DNR response: This has been standard practice, and we have added a specific mention of this to the guidance document.