

Wisconsin's Proposed Electronics Recycling Bill

A Summary – September 2009

For more information
Contact Senator Mark Miller

Sen.Miller@legis.wisconsin.gov
(608) 266-9170

This fact sheet summarizes Senator Miller's proposed electronics recycling bill, SB 107. The fact sheet is current as of September 2009.

INTRODUCTION

The bill establishes a **collection and recycling system** in Wisconsin for certain consumer electronic devices discarded by households and K-12 public schools, and **bans landfilling or incineration** of these devices in Wisconsin.

MANUFACTURERS

This bill imposes a number of requirements on manufacturers of consumer covered electronic devices (CEDs). A CED is a desktop-style printer, a computer or a video display device (VDD)—such as a television or computer monitor—with a tube or screen that is at least 7 inches in the longest diagonal dimension.

Under the bill, beginning February 1, 2009, a manufacturer may not sell a CED to a Wisconsin household or K-12 public school through direct sale, at retail or to a retailer for resale, unless it:

- Registers with the Department of Natural Resources (DNR)
- Arranges for the collection and recycling of eligible electronic devices.
- Submits required reports
- Pays certain fees

Beginning July 1, 2010, the bill prohibits a retailer from selling a CED unless the retailer, using an Internet site maintained by the DNR, determines that the manufacturer is registered.

Registration

A manufacturer must register annually with the DNR, including a list of its brands sold in the state, contact information and certification that it will comply with the requirements of the bill. Beginning in 2010, the manufacturer must disclose whether its CEDs comply with European Union limitations on the presence of certain hazardous substances, including lead and mercury, in electronic devices. Manufacturers must also pay an annual registration fee.

Collection and Recycling

Manufacturers of CEDs must arrange for the collection and recycling of consumer eligible electronic devices. If a manufacturer meets recycling targets, it does not have to pay any additional fees. A manufacturer is not limited to collecting its own electronic devices and is not limited to collecting CEDs.

The eligible electronic devices (EEDs) that count toward a manufacturer's recycling obligation include:

- Video display devices
- Printers
- Computers (including laptop computers)
- Computer peripherals
- Digital video players
- Video recorders

Electronic devices used by businesses or any entity other than a household or K-12 public school do not count toward a manufacturer's recycling obligation.

Reporting

The bill requires a manufacturer to report annually to the DNR the weight of its CEDs sold to individuals in this state and of the weight of eligible electronic devices collected by or on behalf of the manufacturer for recycling.

Fees

The bill requires a manufacturer to pay an annual registration fee of \$5,000. It provides for reduced fees for manufacturers selling fewer than 250 CEDs annually in Wisconsin.

Beginning in 2011 (covering the program year from July 1, 2010 to June 30, 2011), the bill also provides for shortfall fees based on the discrepancy between its target recycling weight and the weight of eligible electronic devices recycled by or on behalf of the manufacturer. To encourage more recycling options around the state, manufacturers are allowed to count eligible electronic devices collected from individuals in rural counties (identified in the bill) as weighing 1.25 times their actual weight.

A manufacturer's target recycling weight is 80 percent of the weight of its consumer CEDs sold during the prescribed program year. If a manufacturer meets its recycling target in any program year, it is not required to pay a shortfall fee. If a manufacturer exceeds its target recycling weight, it receives credits, although the number of credits that it can carry over is capped. A manufacturer may use its credits to meet its target recycling weight in any of the next three years or sell to other manufacturers for that purpose.

COLLECTORS

The bill requires collectors to register annually with the DNR. A collector receives eligible electronic devices from individuals and K-12 public schools and delivers them to registered recyclers. A collector must certify it complies with the requirements in the bill and report annually to the DNR the total weight of EEDs collected and the names of recyclers to whom it delivered these devices. Collectors must also comply with all other applicable laws and regulations.

RECYCLERS

The bill requires recyclers to register annually with the DNR. A recycler accepts EEDs from individuals, K-12 public schools and collectors and prepares the devices for reuse or recovers useable materials from the devices (only devices that are recycled count toward manufacturers' recycling obligations). Recyclers must certify annually that they comply with the requirements in the bill and applicable state and federal health, environmental, safety, export and financial responsibility requirements. In addition, a recycler must submit a midyear report to DNR on the amount of EEDs collected for recycling during the first six months of the program year.

The bill requires a recycler to maintain liability insurance. The bill requires a recycler to report annually to the DNR the total weight of eligible electronic devices collected in this state that it recycles under this program.

RETAILERS

The bill requires a retailer to provide information to customers describing how eligible electronic devices can be collected and recycled and describing the prohibitions on disposing or incineration of electronic devices and cell phones. Beginning July 1, 2010, retailers cannot sell covered electronic devices unless a device's manufacturer is registered with the DNR.

OTHER PROVISIONS

Prohibition on the use of prison labor

A manufacturer, recycler or collector cannot use prison labor to collect or recycle eligible electronic devices under this program. The prohibition does not extend to the use of prison labor for collection or recycling of eligible electronic devices that do not count toward a manufacturer's recycling target.

Landfill and incineration ban

This bill bans the disposal in Wisconsin landfills or incineration facilities of consumer printers, televisions, computer monitors, computers, computer peripherals, facsimile machines, digital video players, video recorders and telephones with video displays. The bill authorizes the DNR to expand the ban to other electronic devices if disposing of the devices in landfills or incineration facilities may be harmful to human health or the environment.

Audits

This bill authorizes the DNR to perform or contract for the performance of an audit of the activities of a collector or a recycler. The bill requires the collector or recycler to pay a portion of the cost of the audit.