



Guidance on Process for Suspending or Revoking E-Cycle Wisconsin Registration

PUB-WA 1775 2015

Purpose

This document is intended to clarify what it means to suspend or revoke collector, recycler or manufacturer registrations under E-Cycle Wisconsin.

Background

Wisconsin's electronics recycling law (2009 Wisconsin Act 50) created a manufacturer-funded program, called E-Cycle Wisconsin, for recycling electronics from Wisconsin households and K-12 schools. Manufacturers of TVs, computers (including desktops, laptops and tablets), monitors and desktop printers must register annually with the Department of Natural Resources and help fund electronics recycling in order for these products to be sold to Wisconsin households and schools. Manufacturers must work with a network of registered electronics collectors and recyclers to meet annual recycling targets, based on the weight of devices they sell in the state.

E-Cycle Wisconsin registration is voluntary for collectors and recyclers, but only the electronics they collect or recycle while registered are eligible for manufacturer credit under the program.

State statutes (s. 287.17(10)(h), Wis. Stats.) provide for suspension and revocation of collector and recycler registrations, and for revocation of manufacturer registrations. This document gives guidance regarding the process for suspending or revoking a registration and the effect these actions have on the eligibility of electronics collected or recycled before or during a suspension or revocation. This guidance is provided to ensure transparency and a level playing field for all program participants.

Suspension of collector or recycler registration

What does suspension mean?

Suspension is a temporary halt to a collector or recycler's E-Cycle Wisconsin registration for failure to meet program requirements. The DNR will suspend a registration after attempts to gain compliance in a timely manner have failed.

While a **collector's** registration is suspended, any electronics it collects from Wisconsin households and schools are not eligible for manufacturer credit under E-Cycle Wisconsin. The collector must make sure electronics collected during the suspension period are kept separate from eligible items.

While a **recycler's** registration is suspended, any electronics it processes—even if they came from registered collectors in good standing with the program—are not eligible for manufacturer credit. This means that the pounds may not be sold to manufacturers or to other registered recyclers.

During the period of suspension, the collector's or recycler's name will not appear on the DNR's list of registered program participants and the DNR will notify other registered program participants of the suspension.

Reasons for suspension

The most common reasons for suspension of a collector or recycler's registration include the following:

1. Failure to submit a complete and accurate annual report/re-registration form.

E-Cycle Wisconsin registration

Registrations for collectors and recyclers must be renewed by Aug. 1 each year. Manufacturers must renew their registration by Sept. 1.

The DNR maintains lists of registered collectors, recyclers, and manufacturers and brands, along with a list of unregistered brands of covered electronics that cannot be sold to Wisconsin households or schools.

These lists, along with the requirements for registration, are available at [dnr.wi.gov search "ecycle."](http://dnr.wi.gov/search/ecycle)

2. Failure by a registered recycler to maintain and submit proof of \$1 million in pollution liability insurance or adequate owner financial responsibility.
3. Failure to submit records of electronics sources or downstream vendors requested by the DNR.
4. Failure to comply with state and federal environmental laws.

Suspension process

If a collector or recycler fails to meet the requirements outlined in s. 287.17(7) or (8), the DNR will notify the collector or recycler in writing of this failure and outline the steps necessary to return to full compliance, along with a deadline for doing so.

If the collector or recycler fails to take the steps necessary to comply by this deadline, the DNR will follow up in writing with a reminder of what the collector or recycler needs to do. The DNR will also set a date (typically two weeks after the communication) on which the collector or recycler's registration will be suspended if it has not taken all necessary steps.

If the suspension date passes without the collector or recycler returning to compliance, the DNR will send written notification that the registration has been suspended, with instructions on how to return to compliance and information about the eligibility of electronics the collector or recycler is receiving or processing. The collector or recycler's name will be removed from the list of registered program participants, and the DNR will notify other registered program participants of the suspension.

Reinstatement

A collector or recycler's suspension will be lifted and it will be restored to the list of registered collectors or recyclers once it has resolved all compliance issues that led to the suspension. The DNR will notify a collector or recycler in writing of its reinstatement and clearly indicate the complete time period for which collected/recycled electronics are not eligible for manufacturer credit. In most cases, the DNR will schedule an on-site inspection to verify full compliance with program requirements. The DNR will notify other registered program participants of the reinstatement.

Revocation of collector or recycler registration

What does revocation mean?

The effects of revocation are the same as those for a suspension, except that a revocation lasts through the end of the current program year, and the collector or recycler may not be registered again under E-Cycle Wisconsin until the beginning of the next program year. Revocation of registration is intended to give certainty and clarity to all other registered E-Cycle Wisconsin participants, so that they can plan collection, recycling and transactions for the rest of the program year accordingly. The DNR will notify registered program participants of a revocation.

If a **collector's** registration is revoked, eligible electronics it collected during the portion of the program year before its suspension are still eligible for manufacturer credit for that program year, provided that a registered recycler received the electronics before the collector's registration was revoked. However, this is contingent upon the collector, or the registered recyclers it sent electronics to, producing complete and accurate records documenting the number of pounds that are eligible (including clear indication of the dates when the electronics were collected and received by the recycler).

If a **recycler's** registration is revoked, eligible electronics it processed during the portion of the program year before its suspension are still eligible for manufacturer credit if the eligible pounds were sold before the date of revocation. This is contingent upon the recycler providing complete and accurate records of:

- when and from which collectors it received eligible electronics;
- when the electronics were processed; and
- to which recyclers or manufacturers it sold pounds and when the pounds were sold.

If the DNR cannot verify that these pounds are indeed eligible, recyclers or manufacturers that had purchase agreements with the suspended/revoked recycler will need to instead purchase pounds from another recycler.

Revocation process

The DNR will revoke a collector or recycler's registration for the remainder of the current program year once the registration has been suspended for 60 days.

The DNR will notify a collector or recycler 15 days before the revocation date, with a reminder of what steps the collector or recycler can take to avoid revocation. The DNR may postpone the revocation date if it believes the collector or recycler needs a short amount of additional time to comply.

Once the DNR has revoked a registration, it will notify the collector or recycler in question, and will also notify all other registered collectors, recyclers and manufacturers.

Reinstatement/re-registration

Once a collector or recycler's registration has been revoked, the collector or recycler cannot re-register under E-Cycle Wisconsin until the beginning of the next program year (July 1).

Before the collector or recycler may re-register, it must:

1. Resolve any outstanding compliance issues related to the revocation (e.g., supply requested records, show current proof of adequate owner financial responsibility) and pay any penalties related to violations.
2. Submit a complete registration form.
3. Be able to truthfully certify on its registration that it is in compliance with all E-Cycle Wisconsin program requirements and with all other applicable state and federal laws.
4. Demonstrate full compliance with applicable laws. In most cases, this will include an on-site inspection by DNR staff.

Once these conditions are satisfied, but no earlier than July 1, the collector or recycler will once again be registered with E-Cycle Wisconsin. The DNR will notify registered program participants of the reinstatement.

Revocation of manufacturer registration

What does revocation of manufacturer registration mean?

Under s. 287.17(2), Wis. Stats., a manufacturer may not sell covered electronics to Wisconsin households or schools unless it is registered with the DNR and in compliance with the law's requirements. The sale prohibition for non-registered brands covers direct sales as well as sales through online, catalog or brick-and-mortar stores.

If a manufacturer's registration is expired or revoked, it must immediately cease direct sales to Wisconsin households and schools. Retailers have 180 days to sell off any remaining inventory or the affected products that the retailers received before the manufacturer's registration expired or was revoked [s. 287.17(2)(c)2.].

The DNR will add a revoked manufacturer's brands to the Do Not Sell list posted on its website and include a notice of the revocation in its next E-Cycle Wisconsin Updates email.

Reasons for revocation

There are three reasons the DNR may revoke a manufacturer's registration during a program year:

1. The manufacturer has failed to submit a complete, accurate annual report and registration form.
2. The manufacturer has failed to pay a required registration fee.
3. The manufacturer has failed to either meet its recycling target or pay a shortfall fee for the previous program year.

In the first case, the manufacturer's registration will have technically expired as of Sept. 1. However, the DNR may grant a grace period or may be working with the manufacturer to resolve questions about a submitted form, so a manufacturer and its brands typically remain on the registered list beyond Sept. 1 even if the manufacturer's report is not complete.

Process for revocation

1. If a manufacturer fails to submit a complete registration/annual report form by Sept. 1 or pay applicable fees by an invoice due date, the DNR will send a written reminder of the need to submit the form or pay the invoice, along with a deadline.
2. If the manufacturer fails to do so by the deadline, the DNR will send another reminder with a deadline (typically two weeks later), after which the manufacturer's registration will be revoked and its brands will be placed on the Do Not Sell list.
3. If the manufacturer fails to meet the deadline, the DNR will send written confirmation of the revocation, along with a reminder of what the manufacturer can do to have its registration reinstated.

Process for re-registration

To be reinstated as a registered manufacturer and have its brands removed from the Do Not Sell list, a manufacturer must do all of the following:

1. Complete and submit all outstanding registration and report forms to the DNR. This may include forms for a previous program year, in addition to the current program year.
2. Pay all applicable registration or shortfall fees, including past due invoices, and any penalties related to violations.

Once the DNR receives all forms and payments, the manufacturer will be registered and may begin selling covered electronics to Wisconsin households and schools. The DNR will include a notice that the brands are registered in its next E-Cycle Wisconsin Updates email.

More information

For more information on electronics recycling and E-Cycle Wisconsin, go to dnr.wi.gov search "ecycle."

Text of s. 287.17, Wis. Stats.: <https://docs.legis.wisconsin.gov/statutes/statutes/287/II/17>



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WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

WA-19-1775-C

DOCUMENT TITLE

Guidance on Process for Suspending or Revoking E-Cycle Wisconsin Registration

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Ch. 287, Wis. Stats.

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

September 9, 2019

DATE FINALIZED

October 4, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

A handwritten signature in black ink, appearing to read 'Joseph P. Van Rossum'.

October 4, 2019

Signature

Date