



2007 SENATE BILL 397

January 17, 2008 - Introduced by Senators MILLER, JAUCH, LASSA, RISSER, LEHMAN, ERPENBACH, TAYLOR and WIRCH, cosponsored by Representatives STONE, SHERMAN, A. OTT, MOLEPSKE, SHILLING, ZEPNICK, BLACK, BERCEAU, HEBL, POCAN, BOYLE, POPE-ROBERTS, BENEDICT, GRIGSBY, HILGENBERG, SCHNEIDER and PARISI. Referred to Committee on Environment and Natural Resources.

1 **AN ACT** *to amend* 287.91 (2) and 287.97; and *to create* 16.71 (7), 20.370 (2) (hr),
2 25.49 (1m), 287.07 (5), 287.13 (5) (i) and 287.17 of the statutes; **relating to:** the
3 disposal, collection, and recycling of electronic devices, making an
4 appropriation, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill relates to the collection, recycling, and disposal of certain electronic devices.

MANUFACTURERS OF VIDEO DISPLAY DEVICES

In general

This bill imposes a number of requirements on manufacturers of video display devices. A video display device is a television or a computer monitor with a tube or screen that is at least nine inches in the longest diagonal dimension.

Under the bill, beginning on September 1, 2008, a manufacturer may not sell a video display device at retail, or to a retailer for resale, unless the manufacturer registers with the Department of Natural Resources (DNR), collects and recycles or arranges for the collection and recycling of certain electronic devices, makes required reports, and pays certain fees.

The bill also, beginning on February 1, 2009, prohibits a retailer from selling a video display device unless the retailer determines, using an Internet site maintained by DNR, that the manufacturer is registered with DNR.

SENATE BILL 397***Registration of manufacturers***

The bill requires a manufacturer to register annually with DNR. The registration must include a list of the manufacturer's brands that are sold in this state, contact information, and a certification that the manufacturer complies with the requirements in the bill. Beginning in 2009, the bill requires a manufacturer to disclose, when it registers, whether its video display devices contain certain hazardous substances, including lead and mercury.

The bill requires DNR to revoke the registration of a manufacturer that violates the requirements in the bill.

Collection and recycling

The bill requires a manufacturer of video display devices to collect and recycle or arrange for the collection and recycling of certain electronic devices that were used by individuals. Collecting more electronic devices, by weight, lowers the fees that a manufacturer is required to pay, as described below. A manufacturer is not limited to collecting electronic devices made by the manufacturer and is not limited to collecting video display devices. The electronic devices that are counted as satisfying a manufacturer's obligation to collect and recycle (covered electronic devices) include, in addition to video display devices, computers, computer peripherals, digital video players, and video recorders. Electronic devices used by businesses do not count toward a manufacturer's obligation to collect and recycle.

Under the bill, a manufacturer may not charge an individual a fee when the individual relinquishes a covered electronic device for collection and recycling.

Reporting and assessments

The bill requires a manufacturer to make quarterly reports to DNR of the weight of its video display devices sold to individuals in this state and of the weight of covered electronic devices collected by or on behalf of the manufacturer. The bill also requires a manufacturer to conduct assessments of any collectors and recyclers with whom it contracts.

Fees

The bill requires each manufacturer to pay a base fee annually. The fee is generally \$5,000 in 2008 and \$2,500 after 2008.

The bill provides for a variable fee, in addition to the base fee. The amount of the variable fee is based on the weight of a manufacturer's video display devices sold and the weight of covered electronic devices recycled by or on behalf of the manufacturer and on whether the manufacturer pays the variable fee annually or quarterly. The fee is lower if the manufacturer pays quarterly. Manufacturers are allowed to count covered electronic devices collected from individuals in rural counties (identified in the bill) as weighing 1.5 times their actual weight.

If a manufacturer meets its target recycling weight, which is 0.6 times the weight of its video display devices sold the first year and 0.8 times the weight of its video display devices sold after the first year, it is not required to pay a variable fee. If a manufacturer exceeds its target recycling weight, it receives credits, which it may use to meet its target recycling weight in any of the next three years or which it may sell to other manufacturers for that purpose.

SENATE BILL 397***Penalties***

A manufacturer may be required to pay a civil monetary penalty (forfeiture) of not more than \$10,000 for each violation of the requirements in the bill. The maximum forfeiture for a violation by any person other than a manufacturer is \$1,000.

COLLECTORS

The bill requires collectors to register annually with DNR. A collector receives covered electronic devices from individuals and delivers them to recyclers. The bill requires a collector to certify annually that it complies with the requirements in the bill and with applicable financial responsibility requirements. The bill also requires a collector to report to DNR on a quarterly basis the total weight of covered electronic devices collected and the names of recyclers to whom the collector delivered covered electronic devices.

RECYCLERS

The bill requires recyclers to register annually with DNR. A recycler accepts covered electronic devices from individuals and collectors and prepares the devices for use in manufacturing or recovers useable materials from the devices. The bill requires a recycler to certify annually that it complies with the requirements in the bill and with applicable health, environmental, safety, and financial responsibility requirements.

The bill requires a recycler to maintain liability insurance. It prohibits a recycler from using prison labor to recycle and from exporting covered electronic devices to countries that are not members of the Organization for Economic Cooperation and Development.

The bill requires a recycler to report to DNR on a quarterly basis the total weight of covered electronic devices collected in this state that it recycles.

RETAILERS

The bill requires a retailer to report to a manufacturer, on a quarterly basis, the number of the manufacturer's video display devices, by model, that the retailer sold to individuals in this state.

The bill also requires a retailer to provide information to purchasers describing how video display devices can be collected and recycled and describing the prohibitions on disposing of video display devices in landfills, as described below.

OTHER PROVISIONS***Landfill ban***

Current law prohibits various items, including lead acid batteries and major appliances, from being disposed of in landfills. This bill prohibits the disposal in landfills of televisions, computer monitors, computers, computer peripherals, facsimile machines, digital video players, video recorders, and telephones with video displays. The prohibition takes effect on September 1, 2009. The bill authorizes DNR to expand the prohibition to other kinds of electronic devices if disposing of the electronic devices in landfills may be harmful to human health or the environment.

SENATE BILL 397***Audits***

This bill authorizes 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.

State purchasing

This bill prohibits a state agency from purchasing a television or a computer monitor unless the manufacturer is registered with DNR, as required by the bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.71 (7) of the statutes is created to read:

2 16.71 (7) Beginning on September 1, 2008, the department, any other
3 designated purchasing agent under sub. (1), and each authority, may not purchase
4 a video display device, as defined in s. 287.17 (1) (q), unless the manufacturer of the
5 video display device is registered with the department of natural resources under s.
6 287.17 (3).

7 **SECTION 2.** 20.370 (2) (hr) of the statutes is created to read:

8 20.370 (2) (hr) *Electronic waste recycling.* From the recycling fund, all moneys
9 received under s. 287.17 (4) and (10) (j) for administration of the electronic waste
10 recycling program under s. 287.17.

11 **SECTION 3.** 25.49 (1m) of the statutes is created to read:

12 25.49 (1m) The moneys received under s. 287.17 (4) and (10) (j).

13 **SECTION 4.** 287.07 (5) of the statutes is created to read:

14 287.07 (5) ELECTRONIC DEVICES. Beginning on September 1, 2009, no person
15 may dispose of any of the following in a solid waste disposal facility:

16 (a) A computer, as defined in s. 287.17 (1) (d).

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1 (b) A peripheral, as defined in s. 287.17 (1) (j).

2 (c) A facsimile machine.

3 (d) A digital video disc player.

4 (dm) A digital video player that does not use a disc and that is not a camera,
5 as defined in s. 287.17 (1) (a).

6 (e) A video cassette recorder.

7 (em) A video recorder that does not use a cassette and that is not a camera, as
8 defined in s. 287.17 (1) (a).

9 (f) A video display device, as defined in s. 287.17 (1) (q).

10 (g) A telephone with a video display.

11 (h) Another kind of electronic device identified by the department under s.
12 287.17 (10) (i).

13 **SECTION 5.** 287.13 (5) (i) of the statutes is created to read:

14 287.13 (5) (i) Solid waste that consists of covered electronic devices, as defined
15 in s. 287.17 (1) (f), used by households.

16 **SECTION 6.** 287.17 of the statutes is created to read:

17 **287.17 Electronic waste recycling. (1) DEFINITIONS.** In this section:

18 (a) "Camera" means a device that records images and that is designed to be
19 hand-held.

20 (am) "Cathode-ray tube" means a vacuum tube used to convert an electronic
21 signal into a visual image.

22 (b) "Collection" means the act of receiving covered electronic devices from
23 households and delivering, or arranging for the delivery of, the covered electronic
24 devices to a recycler.

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1 (c) “Collector” means a person who receives covered electronic devices from
2 households and delivers, or arranges for the delivery of, the covered electronic
3 devices to a recycler.

4 (d) “Computer” means a high-speed data processing device for performing
5 logical, arithmetic, or storage functions, except that “computer” does not include an
6 automated typewriter or typesetter, a portable hand-held calculator or device, or
7 other similar device.

8 (e) “Computer monitor” means an electronic device that is a cathode-ray tube
9 or flat panel display primarily intended to display information from a computer or
10 the Internet. “Computer monitor” includes a portable computer with a display.

11 (f) “Covered electronic device” means any of the following that is used by a
12 household primarily for personal use:

- 13 1. A computer
- 14 2. A peripheral.
- 15 3. A facsimile machine.
- 16 4. A digital video disc player.
- 17 4m. A digital video player that does not use a disc and that is not a camera.
- 18 5. A video cassette recorder.
- 19 5m. A video recorder that does not use a cassette and that is not a camera.
- 20 6. A video display device.
- 21 7. Another kind of electronic device identified by the department under sub.

22 (10) (i).

23 (g) “Dwelling unit” means a single unit providing complete, independent living
24 facilities for one or more persons, including permanent provisions for living,
25 sleeping, eating, cooking, and sanitation.

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1 (gm) "Electronic device" means a device that requires electric current or
2 electromagnetic fields to function and that contains a circuit board.

3 (h) "Household" means one or more individuals who occupy one dwelling unit
4 in a detached or multiunit building.

5 (i) "Manufacturer" means a person who does any of the following:

6 1. Manufactures video display devices to be sold under the person's own brand.

7 2. Sells video display devices manufactured by others under the person's own
8 brand.

9 3. Licenses the person's brand for manufacture and sale of video display devices
10 by others.

11 (j) "Peripheral" means a keyboard, printer, or any other device that is sold
12 exclusively for external use with a computer and that provides input into or output
13 from a computer.

14 (jm) "Program quarter" means a 3-month period ending on March 31, June 30,
15 September 30, or December 31.

16 (k) "Program year" means the period from July 1 to the following June 30.

17 (L) "Recycler" means a person who accepts covered electronic devices from
18 households and collectors for the purpose of recycling. "Recycler" does not include
19 a manufacturer who accepts products for refurbishing or repair.

20 (m) "Recycling" means preparing covered electronic devices for use in
21 manufacturing processes or for recovery of useable materials and delivering the
22 materials for use. "Recycling" does not include destruction by incineration or other
23 processes or land disposal of recyclable materials and does not include reuse, repair,
24 or any other process through which covered electronic devices are returned for use
25 by households in their original form.

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1 (n) “Retailer” means a person who sells a video display device to a household
2 in this state, in person or by mail, telephone, or the Internet, for use by the household.

3 (nm) “Rural county” means a county that is not an urban county.

4 (o) “Sell” means to transfer title or right to use for consideration.

5 (p) “Television” means an electronic device, with a cathode ray–tube or flat
6 panel display, primarily intended to receive video programming via broadcast, cable,
7 or satellite transmission or to receive video images from surveillance or similar
8 cameras.

9 (pm) “Urban county” means Brown County, Calumet County, Dane County,
10 Eau Claire County, Fond du Lac County, Jefferson County, Kenosha County,
11 Manitowoc County, Milwaukee County, Outagamie County, Ozaukee County, Racine
12 County, Rock County, Sheboygan County, Walworth County, Washington County,
13 Waukesha County, or Winnebago County.

14 (q) “Video display device” means a television or computer monitor with a tube
15 or screen that is at least 9 inches in its longest diagonal measurement and that is
16 marketed by the manufacturer for use by households, except that “video display
17 device” does not include any of the following:

18 1. A television or computer monitor that is part of a motor vehicle and that is
19 incorporated into the motor vehicle by, or for, a motor vehicle manufacturer or a
20 franchised motor vehicle dealer.

21 2. A television or computer monitor that is contained within a clothes washer,
22 clothes dryer, refrigerator, freezer, microwave oven, conventional oven or stove,
23 dishwasher, room air conditioner, dehumidifier, or air purifier.

24 **(2) REQUIREMENTS FOR SALE OF VIDEO DISPLAY DEVICES.** (a) *Manufacturers.*
25 Beginning on September 1, 2008, a manufacturer may not sell, offer to sell, or deliver

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1 to retailers for subsequent sale a new video display device unless all of the following
2 apply:

3 1. The manufacturer permanently affixes a label to the video display device
4 that is readily visible and that shows the manufacturer's brand.

5 2. The manufacturer is registered with the department in accordance with sub.
6 (3).

7 3. The manufacturer pays the fees under sub. (4).

8 4. The manufacturer collects and recycles or arranges for the collection and
9 recycling of covered electronic devices used by households in this state.

10 5. Individuals are not charged a fee when they relinquish covered electronic
11 devices for collection and recycling under subd. 4.

12 6. The manufacturer reports as required under sub. (5) and conducts
13 assessments as required under sub. (6).

14 (b) *Cooperation.* A manufacturer may carry out its responsibilities under par.
15 (a) 4. jointly with other manufacturers and may participate with other
16 manufacturers in creating an entity to collect and recycle covered electronic devices.

17 (c) *Retailers.* 1. Beginning on February 1, 2009, a retailer may not sell or offer
18 for sale a new video display device unless, before making the first offer for sale, the
19 retailer has reviewed the Internet site maintained by the department under sub. (10)
20 (a) and determined that the brand of the video display device is listed on the
21 department's Internet site under sub. (10) (a).

22 2. If a manufacturer's registration is revoked or expired and the retailer took
23 possession of a video display device of the manufacturer before the registration was
24 revoked or expired, the retailer may sell the video display device, but only if the sale
25 takes place fewer than 180 days after the revocation or expiration.

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1 **(3) REGISTRATION OF MANUFACTURERS.** (a) To comply with sub. (2) (a) 2., a
2 manufacturer shall annually, no later than September 1, submit to the department
3 a registration that includes all of the following:

4 1. A list of the manufacturer's brands of video display devices offered for sale
5 in this state.

6 2. The name, address, and contact information of an individual responsible for
7 ensuring compliance with this section.

8 3. A certification that the manufacturer has complied, and will continue to
9 comply, with the requirements of this section.

10 (b) Beginning with the registration due by September 1, 2009, a manufacturer
11 shall include in its registration under par. (a) a statement disclosing whether any of
12 its video display devices contain lead, mercury, cadmium, hexavalent chromium,
13 polybrominated biphenyls, or polybrominated diphenyl ethers and, if so, whether the
14 amount of any of those substances exceeds a maximum concentration level provided
15 under the Annex to European Union Directive 2002/95/EC and whether there is an
16 exemption in the Annex to European Union Directive 2002/95/EC permitting those
17 substances to be used in the manner in which they are used in the manufacturer's
18 video display devices.

19 (c) Notwithstanding the deadline in par. (a), a manufacturer who begins selling
20 video display devices after September 1, 2008, and who has not previously submitted
21 a registration under this subsection shall submit a registration to the department
22 not more than 10 days after the day on which the manufacturer begins selling or
23 offering to sell video display devices.

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1 (d) If a manufacturer changes the brands that it sells or offers to sell, the
2 manufacturer shall update its registration not more than 10 days after making the
3 change.

4 (e) A registration is effective on receipt by the department and is valid until the
5 following September 1 unless revoked before that date.

6 (f) The department shall review a registration submitted under this section and
7 notify the manufacturer if the registration does not contain all of the information
8 required under this subsection. A manufacturer who receives notice under this
9 paragraph shall submit the information within 30 days after the day on which it
10 receives the notice.

11 **(4) MANUFACTURER FEES; RECYCLING CREDITS.** (a) *Payment.* To comply with sub.
12 (2) (a) 3., a manufacturer shall pay fees as provided in this subsection.

13 (b) *First year.* The fee due in 2008, or the first year that a manufacturer
14 registers if later than 2008, is \$5,000, except that, if the manufacturer sells fewer
15 than 100 video display devices in this state annually, the fee is \$1,250. A
16 manufacturer shall pay the fee under this paragraph with the registration that it
17 submits under sub. (3).

18 (c) *Subsequent years.* In each year after the year in which a manufacturer pays
19 the fee under par. (b), the manufacturer shall pay, with the registration that it
20 submits under sub. (3), a base fee of \$2,500, except that, if the manufacturer sells
21 fewer than 100 video display devices in this state annually, the base fee is \$1,250.
22 In addition to the base fee, a manufacturer shall pay variable fees under par. (d) or
23 (dm) if the amount calculated under par. (d) or (dm) is a positive number. With each
24 registration that a manufacturer submits under sub. (3), the manufacturer shall

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1 state whether it will calculate and pay variable fees on an annual basis under par.
2 (d) or on a quarterly basis under par. (dm).

3 (d) *Annual variable fee.* If a manufacturer calculates variable fees on an annual
4 basis, the manufacturer shall pay the fees with the registration that it submits under
5 sub. (3). The variable fee for a manufacturer that chooses to pay on an annual basis
6 is calculated as follows:

7 1. Determine the manufacturer's target recycling weight by multiplying the
8 number of pounds of the manufacturer's video display devices sold to households in
9 this state during the previous program year, as reported under sub. (5) (a), by 0.6 for
10 the program year ending on June 30, 2009, and by 0.8 for every other program year.

11 2. Determine the actual recycling weight by adding the weight of covered
12 electronic devices recycled by or on behalf of the manufacturer, as determined under
13 par. (f) 1., plus the number of recycling credits that a manufacturer elects to use, as
14 reported to the department under sub. (5) (c) 3.

15 3. Subtract the actual recycling weight, determined under subd. 2., from the
16 target recycling weight, determined under subd. 1.

17 4. Multiply the amount determined under subd. 3. by the estimated cost of
18 recycling determined as follows:

19 a. Fifty-five cents per pound for a manufacturer if the weight of covered
20 electronic devices collected by or on behalf of the manufacturer, as determined under
21 par. (f) 1., is less than 50 percent of the target recycling weight, determined under
22 subd. 1.

23 b. Forty-four cents per pound for a manufacturer if the weight of covered
24 electronic devices collected by or on behalf of the manufacturer, as determined under

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1 par. (f) 1., is at least 50 percent but not more than 90 percent of the target recycling
2 weight, determined under subd. 1.

3 c. Thirty-three cents per pound for a manufacturer if the weight of covered
4 electronic devices collected by or on behalf of the manufacturer, as determined under
5 par. (f) 1., is more than 90 percent of the target recycling weight, determined under
6 subd. 1.

7 (dm) *Quarterly fee.* 1. If a manufacturer calculates variable fees on a quarterly
8 basis, the manufacturer shall pay the fees with the reports that it submits under sub.
9 (5) (a), beginning with the report that is due no later than December 1, 2008.

10 2. The quarterly variable fee for a manufacturer for the first 3 quarters of a
11 program year is calculated as follows:

12 a. Determine the manufacturer's target recycling weight by multiplying the
13 number of pounds of the manufacturer's video display devices sold to households in
14 this state during the previous program quarter, as reported under sub. (5) (a), by 0.6
15 for program quarters in the program year ending on June 30, 2009, and by 0.8 for
16 program quarters in every other program year.

17 b. Determine the actual recycling weight under par. (f) 2.

18 c. Subtract the actual recycling weight, determined under subd. 2. b., from the
19 target recycling weight, determined under subd. 2. a.

20 d. Multiply the amount determined under subd. 2. c. by the estimated cost of
21 recycling determined under subd. 5.

22 3. The quarterly variable fee for a manufacturer for the last quarter of a
23 program year is calculated as follows:

24 a. Determine the manufacturer's target recycling weight by multiplying the
25 number of pounds of the manufacturer's video display devices sold to households in

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1 this state during the previous program year, as reported under sub. (5) (a), by 0.6 for
2 the program year ending on June 30, 2009, and by 0.8 for every other program year.

3 b. Determine the actual recycling weight by adding the weight of covered
4 electronic devices recycled by or on behalf of the manufacturer, as determined under
5 par. (f) 1., plus the number of recycling credits that a manufacturer elects to use, as
6 reported to the department under sub. (5) (c) 3.

7 c. Subtract the actual recycling weight, determined under subd. 3. b., from the
8 target recycling weight, determined under subd. 3. a.

9 d. Multiply the amount determined under subd. 3. c. by the estimated cost of
10 recycling determined under subd. 5.

11 e. Determine the total amount of the quarterly fees paid for the first 3 quarters
12 of the program year.

13 f. If the amount determined under subd. 3. d. is greater than the amount
14 determined under subd. 3. e., the fee for the last quarter equals the difference. If the
15 amount determined under subd. 3. d. is equal to or less than the amount determined
16 under subd. 3. e., the manufacturer is not required to pay a fee for the last quarter.

17 4. If the amount determined under subd. 3. d. is less than the amount
18 determined under subd. 3. e., the department shall refund the difference to the
19 manufacturer.

20 5. The estimated cost of recycling is determined as follows:

21 a. Fifty cents per pound for a manufacturer if the number of pounds of covered
22 electronic devices collected by or on behalf of the manufacturer, as determined under
23 par. (f) 1. or 2., is less than 50 percent of the target recycling weight, determined
24 under subd. 2. a. or 3. a.

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1 b. Forty cents per pound for a manufacturer if the number of pounds of covered
2 electronic devices collected by or on behalf of the manufacturer, as determined under
3 par. (f) 1. or 2., is at least 50 percent but not more than 90 percent of the target
4 recycling weight, determined under subd. 2. a. or 3. a.

5 c. Thirty cents per pound for a manufacturer if the number of pounds of covered
6 electronic devices collected by or on behalf of the manufacturer, as determined under
7 par. (f) 1. or 2., is more than 90 percent of the target recycling weight, determined
8 under subd. 2. a. or 3. a.

9 (e) *Recycling credits.* If, for a program year, the weight of covered electronic
10 devices recycled by or on behalf of a manufacturer, as determined under par. (f) 1.,
11 exceeds the target recycling weight determined under par. (d) 1. or (dm) 3. a., the
12 manufacturer has a number of recycling credits equal to the number of excess
13 pounds. The manufacturer may use the credits for the purpose of par. (d) 2. or (dm)
14 3. b. for any of the 3 succeeding program years or may sell credits to another
15 manufacturer for use for any of the 3 succeeding program years.

16 (f) *Weight recycled.* 1. The weight of covered electronic devices recycled by or
17 on behalf of a manufacturer for a program year is the weight reported under sub. (5)
18 (b) for that program year, except that if the manufacturer reports separately the
19 weight of covered electronic devices collected from households in rural counties and
20 from households in urban counties for a program year the weight is determined by
21 adding the weight collected from households in urban counties in that program year
22 and 1.5 times the weight collected from households in rural counties in that program
23 year.

24 2. The weight of covered electronic devices recycled by or on behalf of a
25 manufacturer for a program quarter is the weight reported under sub. (5) (b) for that

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1 program quarter, except that if the manufacturer reports separately the weight of
2 covered electronic devices collected from households in rural counties and from
3 households in urban counties for a program quarter the weight is determined by
4 adding the weight collected from households in urban counties in that program
5 quarter and 1.5 times the weight collected from households in rural counties in that
6 program quarter.

7 (5) MANUFACTURERS REPORTING REQUIREMENTS. (a) *Weight of video display*
8 *devices sold.* 1. No later than December 1, March 1, June 1, and September 1 of each
9 program year, beginning with December 1, 2008, a manufacturer shall report one of
10 the following to the department:

11 a. The total weight of each model of its video display devices sold to households
12 in this state during the previous program quarter.

13 b. The total weight of all of its video display devices sold to households in this
14 state during the previous program quarter.

15 c. An estimate of the total weight of its video display devices sold to households
16 in this state during the previous program quarter based on national sales data.

17 2. A manufacturer shall include in the report required under subd. 1. a
18 description of how the manufacturer calculated the weight reported under subd. 1.

19 (b) *Weight of covered electronic devices collected and recycled.* No later than
20 December 1, March 1, June 1, and September 1 of each program year, beginning with
21 December 1, 2008, a manufacturer shall report to the department the total weight
22 of covered electronic devices that the manufacturer collected from households in this
23 state and recycled or arranged to have collected from households in this state and
24 recycled during the preceding program quarter. A manufacturer may report
25 separately the weight of covered electronic devices collected from households in rural

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1 counties and from households in urban counties for the purpose of obtaining the
2 weight adjustment under sub. (4) (f) for covered electronic devices collected from
3 households in rural counties.

4 (c) *Recycling credits.* No later than September 1 of each year, beginning in
5 2009, a manufacturer shall report all of the following to the department:

6 1. The number of recycling credits that the manufacturer purchased during the
7 preceding program year.

8 2. The number of recycling credits that the manufacturer sold during the
9 preceding program year.

10 3. The number of recycling credits that the manufacturer elects to use in the
11 calculation of its variable recycling fee under sub. (4) (d) 2.

12 4. The number of recycling credits available to the manufacturer after
13 calculating its variable recycling fee under sub. (4) (d) 2.

14 **(6) MANUFACTURER ASSESSMENT REQUIREMENTS.** A manufacturer shall conduct
15 and document assessments of the performance of any collectors and recyclers with
16 whom it contracts, including assessments of whether the recyclers comply with sub.
17 (8) (c). A manufacturer shall maintain, for 3 years, documentation of its assessments
18 under this subsection.

19 **(7) COLLECTORS.** (a) *Registration.* 1. Beginning on August 1, 2008, no person
20 may operate as a collector unless the person submits to the department an annual
21 registration, using a form prescribed by the department, that includes all of the
22 following:

23 a. The name, address, and contact information of a responsible individual.

24 b. The address at which the person operates as a collector.

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1 c. A certification that the person has complied, and will continue to comply, with
2 the requirements of this subsection and with application financial responsibility
3 requirements.

4 2. A registration is effective on receipt by the department and is valid until the
5 following August 1 unless revoked before that date.

6 (b) *Reporting.* No later than November 1, February 1, May 1, and August 1 of
7 each program year, beginning November 1, 2008, a collector shall report to the
8 department the total weight of covered electronic devices collected in this state
9 during the preceding program quarter and a list of all recyclers to whom the collector
10 delivered covered electronic devices.

11 **(8) RECYCLERS.** (a) *Registration.* 1. Beginning on August 1, 2008, no person
12 may operate as a recycler unless the person submits to the department an annual
13 registration, using a form prescribed by the department, that includes all of the
14 following:

15 a. The name, address, and contact information of a responsible individual.

16 b. The address of all facilities at which the person conducts recycling.

17 c. A certification that the person has complied, and will continue to comply, with
18 the requirements of this subsection.

19 2. A registration is effective on receipt by the department and is valid until the
20 following August 1 unless revoked before that date.

21 (b) *Reporting.* No later than November 1, February 1, May 1, and August 1 of
22 each program year, beginning with November 1, 2008, a recycler shall report to the
23 department the total weight of covered electronic devices collected in this state that
24 the recycler recycled during the preceding program quarter.

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1 (c) *Operational requirements.* 1. A recycler shall maintain liability insurance
2 coverage in the amount of at least \$1,000,000 for environmental releases, accidents,
3 and other emergencies.

4 2. A recycler may not use prison labor to recycle covered electronic devices.

5 3. A recycler may not export covered electronic devices to any country that is
6 not a member of the Organization for Economic Cooperation and Development
7 except for covered electronic devices that are in working order and destined for direct
8 reuse.

9 (d) *Certification.* No later than August 1 of each year, beginning in 2009, a
10 recycler shall submit to the department a certification that states that the recycler,
11 and all persons who conduct recycling activities on covered electronic devices or
12 materials derived from covered electronic devices after the recycler completes its
13 recycling activities on the covered electronic devices or materials:

14 1. Comply with applicable health, environmental, safety, and financial
15 responsibility requirements;

16 2. Have all required governmental licenses or other approvals;

17 3. Possess liability insurance coverage in the amount of at least \$1,000,000 for
18 environmental releases;

19 4. Use no prison labor to recycle covered electronic devices; and

20 5. Do not export covered electronic devices to any country that is not a member
21 of the Organization for Economic Cooperation and Development except for covered
22 electronic devices that are in working order and destined for direct reuse.

23 **(9) RETAILERS.** (a) *Reporting to manufacturers.* No later than November 1,
24 February 1, May 1, and August 1 of each program year, beginning with November
25 1, 2008, a retailer shall report to a manufacturer, using a format specified or

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1 approved by the department, the number of video display devices, by model, labeled
2 with the manufacturer's brand that the retailer sold to households in this state
3 during the previous program quarter.

4 (b) *Providing information to purchasers.* A retailer who sells new video display
5 devices for use by households shall provide to purchasers information describing how
6 video display devices can be collected and recycled and a description of the
7 prohibitions in s. 287.07 (5). A retailer may satisfy this requirement by providing a
8 toll-free number for receiving the information and a description of how to access the
9 department's Internet site under sub. (10) (a). A retailer who sells through a catalog
10 may provide the information in the catalog. A retailer who sells through the Internet
11 may provide the information on its Internet site.

12 **(10) POWERS AND DUTIES OF THE DEPARTMENT.** (a) *Internet site.* The department
13 shall maintain an Internet site on which the department lists the names of
14 manufacturers who are registered under sub. (3) and the names of the brands listed
15 in the manufacturers' registrations. The department shall update the information
16 on the Internet site promptly upon receipt of a new or revised registration. The
17 department shall include on the Internet site a statement that this section applies
18 only to video display devices sold for household use and that the list of manufacturers
19 is not a list of manufacturers qualified to sell video display devices for industrial,
20 commercial, or other nonhousehold uses. The department shall also include on the
21 Internet site the contact information provided by manufacturers under sub. (3) (a)
22 2.

23 (b) *Providing information.* The department shall make the information
24 provided in registration statements and reports under subs. (3), (5), (7), and (8)
25 available to manufacturers, retailers, and the public.

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1 (c) *Review of formula.* 1. The department shall annually review all of the
2 following:

3 a. The number by which the weight of video display devices sold is multiplied
4 under sub. (4) (d) 1. to determine target recycling weight.

5 b. The estimated cost of recycling under sub. (4) (d) 4.

6 c. The base registration fee under sub. (4) (c).

7 d. The multiplier for the weight of covered electronic devices collected from
8 households in rural counties under sub. (4) (f).

9 2. If the department determines that any of the values under subd. 1. a. to d.
10 should be changed in order to improve the effectiveness of the program under this
11 section or to provide more recycling opportunities to rural areas of this state, the
12 department shall report its recommendations for changes under s. 13.172 (3) to the
13 committee of each house of the legislature with jurisdiction over solid waste policy.

14 (d) *Annual report.* Before December 1 of each year, beginning in 2011, the
15 department shall provide a report on the program under this section to the
16 legislature under s. 13.172 (2) and to the governor. The department shall include all
17 of the following in the report:

18 1. The total weight of covered electronic devices recycled.

19 2. A summary of the information provided by manufacturers and recyclers
20 under subs. (5) and (8).

21 3. Information concerning the collection programs used by manufacturers to
22 collect covered electronic devices.

23 4. Information concerning the collection of covered electronic devices by
24 persons other than registered manufacturers, collectors, and recyclers.

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1 5. Information about any disposal of covered electronic devices in landfills in
2 this state.

3 6. A description of any actions taken to enforce the requirements of this section.

4 (e) *Report concerning federal legislation.* If a federal law relating to the
5 collection and recycling of video display devices sold in the United States is enacted,
6 the department shall prepare a report describing the effect of the federal law and
7 shall submit the report under s. 13.172 (3) to the committee of each house of the
8 legislature with jurisdiction over solid waste policy.

9 (f) *Outreach and communication.* The department shall promote public
10 participation in the collection and recycling of covered electronic devices by and on
11 behalf of manufacturers through education and outreach activities. The department
12 shall facilitate communications between local governments, persons operating solid
13 waste collection and recycling centers, and manufacturers to ensure that
14 manufacturers are aware of covered electronic devices that are available for
15 recycling.

16 (g) *Cooperation with other states.* The department may cooperate with other
17 states to effectuate the program under this section.

18 (h) *Revocation.* The department shall revoke the registration of a
19 manufacturer who violates sub. (2) (a), (3), (4), (5), or (6). The department may
20 revoke the registration of a collector or recycler who violates sub. (7) or (8) (a).

21 (i) *Additional covered electronic devices.* If the department determines that the
22 disposal of a kind of electronic device that is not listed in sub. (1) (f) in a solid waste
23 disposal facility may be harmful to human health or the environment, the
24 department may promulgate a rule specifying that the kind of electronic device is a
25 covered electronic device and is subject to s. 287.07 (5).

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1 (j) *Audits.* The department may perform or contract for the performance of an
2 audit of the activities of a collector or recycler. If the department performs or
3 contracts for the performance an audit of a collector or recycler during the first 3
4 years in which the collector or recycler is registered under sub. (7) or (8) (a), the
5 collector or recycler shall pay 25 percent of the cost of the audit. If the department
6 performs or contracts for the performance of an audit of a collector or recycler after
7 the first 3 years in which the collector or recycler is registered, the collector or
8 recycler shall pay 50 percent of the cost of the audit.

9 **(11) PENALTIES.** (a) *Manufacturer.* Any manufacturer who violates this section
10 may be required to forfeit not more than \$10,000 for each violation.

11 (b) *Others.* Any person, other than a manufacturer, who violates this section
12 may be required to forfeit not more than \$1,000 for each violation.

13 **SECTION 7.** 287.91 (2) of the statutes is amended to read:

14 287.91 **(2)** Notwithstanding sub. (1) and s. 287.95 (3) (a), the attorney general
15 may enforce s. 287.07 (3) and, (4), and (5) by seeking injunctive relief against any
16 person violating those provisions.

17 **SECTION 8.** 287.97 of the statutes is amended to read:

18 **287.97 Penalties.** Any person who violates this chapter, except s. 287.07,
19 287.08, 287.17, or 287.81, or any rule promulgated under this chapter, except under
20 s. 287.07, 287.08 or 287.81, may be required to forfeit not less than \$10 nor more than
21 \$1,000 for each violation.

22 **SECTION 9. Nonstatutory provisions.**

23 (1) **PERMANENT POSITION AUTHORIZATION.** The authorized FTE positions for the
24 department of natural resources are increased by 2.0 SEG positions, to be funded

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1 from the appropriation under section 20.370 (2) (hr) of the statutes, as created by this
2 act, to administer the electronic waste recycling program.

3 (2) PROJECT POSITION AUTHORIZATION. The authorized FTE positions for the
4 department of natural resources are increased by 2.0 SEG 2-year project positions,
5 to be funded from the appropriation under section 20.370 (2) (hq) of the statutes, for
6 start up of the electronic waste recycling program.

7 (END)