



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5411/1  
MCP:emw

## 2023 SENATE BILL 866

December 29, 2023 - Introduced by Senators COWLES, AGARD, JAMES and WANGGAARD, cosponsored by Representatives MURSAU and O'CONNOR. Referred to Committee on Natural Resources and Energy.

1     **AN ACT** *to repeal* 287.17 (10) (c) 1. a.; *to renumber and amend* 287.17 (4) (d)  
2             1.; *to amend* 287.17 (1) (j), 287.17 (4) (b) 1., 287.17 (4) (b) 2., 287.17 (5) (a) 1.  
3             a., 287.17 (5) (a) 1. b., 287.17 (5) (a) 1. c. and 287.17 (10) (c) 2.; and *to create*  
4             287.17 (4) (d) 1. b. and 287.17 (4) (g) 3. of the statutes; **relating to:** changes to  
5             the electronic waste recycling program and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

This bill makes changes to the electronic waste recycling program, known as E-Cycle Wisconsin, which is administered by the Department of Natural Resources.

#### ***Manufacturer target recycling weights***

Under the existing program, a manufacturer may not sell certain consumer electronic devices to households or covered schools in this state unless the manufacturer registers with DNR each year, pays a registration fee, and either recycles a certain amount of electronics or pays a shortfall fee. Currently, a manufacturer's recycling target for any given year is 80 percent of the weight of electronics that the manufacturer sold to households or covered schools in this state during the year that began three years before the beginning of the year in which the calculation is made.

Under the bill, DNR must calculate each manufacturer's target recycling weight for the upcoming year and notify each manufacturer of its target by the August 1 prior to the year in which the target will apply. Under the bill, DNR must

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first determine a manufacturer's market share percentage by dividing the weight of electronic devices the manufacturer sold to households or covered schools in this state during the previous year (the year that began two years before the beginning of the year in which the target recycling weight will apply) by the total weight of all manufacturers' covered electronic devices sold to households or covered schools in this state during the same program year. DNR then multiplies this percentage by the total weight of electronic devices collected in this state by recyclers during the previous year (the year that began two years before the beginning of the year in which the target recycling weight will apply).

***Manufacturer reporting***

Currently, a manufacturer must annually report to DNR the total weight of all of its electronic devices sold to households or covered schools in this state during the year that began two years before the beginning of the year in which the report is made. The bill changes this to require reporting of this weight from the previous year.

***Eligible electronic devices***

Under current law, only eligible electronic devices that are collected by a recycler may be counted towards a manufacturer's target recycling weight. "Eligible electronic device" is defined to include devices such as consumer computers, consumer video display devices, and peripherals. "Peripheral" is defined to mean devices that are sold for external use with a consumer computer and that provide input into or output from a consumer computer.

This bill changes the definition of a "peripheral" to include devices that are sold for external use with a consumer video display device and that provide input into or output from a consumer video display device. The bill therefore includes these devices in the definition of "eligible electronic device."

***Good faith progress toward a target recycling weight***

Current law provides that, if a manufacturer makes a good faith effort towards meeting its target recycling weight in a given year, but does not meet its target, DNR may waive the requirement for the manufacturer to pay a shortfall fee for that year.

The bill requires DNR to promulgate rules establishing what constitutes good faith in this context.

***Manufacturer fees***

Under current law, a manufacturer's annual registration fee is \$5,000 if it sold at least 500 covered electronic devices (consumer video display devices, consumer computers, or consumer printers) in this state during the previous year and \$1,250 if the manufacturer sold at least 250 but fewer than 500 covered electronic devices.

Under the bill, a manufacturer's annual registration fee is \$5,500 if it sold at least 550 covered electronic devices in this state during the previous year and \$2,500 if the manufacturer sold at least 250 but fewer than 550 covered electronic devices. Under current law, which is unchanged under the bill, manufacturers that sell fewer than 250 devices in a year do not pay a registration fee.

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

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

1           **SECTION 1.** 287.17 (1) (j) of the statutes is amended to read:

2           287.17 (1) (j) “Peripheral” means a keyboard or any other device, other than  
3 a consumer printer, that is sold exclusively for external use with a consumer  
4 computer or consumer video display device and that provides input into or output  
5 from a consumer computer or consumer video display device.

6           **SECTION 2.** 287.17 (4) (b) 1. of the statutes is amended to read:

7           287.17 (4) (b) 1. If the manufacturer sold at least ~~500~~ 550 covered electronic  
8 devices in this state during the previous program year, the manufacturer shall pay  
9 a registration fee of ~~\$5,000~~ \$5,500, except as provided under sub. (10) (k).

10          **SECTION 3.** 287.17 (4) (b) 2. of the statutes is amended to read:

11          287.17 (4) (b) 2. If the manufacturer sold at least 250 but fewer than ~~500~~ 549  
12 covered electronic devices in this state during the previous program year, the  
13 manufacturer shall pay a registration fee of ~~\$1,250~~ \$2,500, except as provided under  
14 sub. (10) (k).

15          **SECTION 4.** 287.17 (4) (d) 1. of the statutes is renumbered 287.17 (4) (d) 1.  
16 (intro.) and amended to read:

17          287.17 (4) (d) 1. (intro.) Determine the manufacturer’s target recycling weight  
18 by multiplying. The department shall calculate the target recycling weight for each  
19 manufacturer for the upcoming program year and shall report a manufacturer’s  
20 target recycling weight to the manufacturer no later than the August 1 preceding the

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1 program year in which the target recycling weight will apply. The department shall  
2 calculate a manufacturer's target recycling weight as follows:

3 a. Divide the number of pounds of the manufacturer's covered electronic  
4 devices sold to households or covered schools in this state during the program year  
5 that began ~~3~~ 2 program years before the beginning of the program year in which the  
6 calculation is made target recycling weight will apply, as reported under sub. (5) (a),  
7 by ~~0.8~~ the total weight of all manufacturers' covered electronic devices sold to  
8 households or covered schools in this state during the same program year. The  
9 quotient, rounded to the nearest one-hundredth, shall be the manufacturer's market  
10 share percentage.

11 **SECTION 5.** 287.17 (4) (d) 1. b. of the statutes is created to read:

12 287.17 (4) (d) 1. b. Multiply the manufacturer's market share percentage, as  
13 calculated under subd. 1. a., by the total weight of eligible electronic devices collected  
14 in this state by recyclers during the program year that began 2 program years before  
15 the beginning of the program year in which the target recycling weight will apply,  
16 as reported under sub. (8) (b) 1. The product, rounded to the nearest whole number,  
17 shall be the manufacturer's target recycling weight for the upcoming program year.

18 **SECTION 6.** 287.17 (4) (g) 3. of the statutes is created to read:

19 287.17 (4) (g) 3. The department shall establish by rule what may constitute  
20 good faith progress toward meeting a target recycling weight under this paragraph.  
21 The rule shall provide flexibility in staff determination of good faith progress, but  
22 shall establish means by which good faith progress may be demonstrated, and shall  
23 account for circumstances beyond a manufacturer's control such as a reduction in  
24 collection sites or events due to a local or statewide declared emergency.

25 **SECTION 7.** 287.17 (5) (a) 1. a. of the statutes is amended to read:

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1           287.17 (5) (a) 1. a. The total weight of each model of its covered electronic  
2 devices sold to households or covered schools in this state during the previous  
3 program year ~~that began 2 program years before the beginning of the program year~~  
4 ~~in which the report is made.~~

5           **SECTION 8.** 287.17 (5) (a) 1. b. of the statutes is amended to read:

6           287.17 (5) (a) 1. b. The total weight of all of its covered electronic devices sold  
7 to households or covered schools in this state during the previous program year ~~that~~  
8 ~~began 2 program years before the beginning of the program year in which the report~~  
9 ~~is made.~~

10          **SECTION 9.** 287.17 (5) (a) 1. c. of the statutes is amended to read:

11          287.17 (5) (a) 1. c. An estimate, based on national sales data, of the total weight  
12 of its covered electronic devices sold to households or covered schools in this state  
13 during the previous program year ~~that began 2 program years before the beginning~~  
14 ~~of the program year in which the report is made.~~

15          **SECTION 10.** 287.17 (10) (c) 1. a. of the statutes is repealed.

16          **SECTION 11.** 287.17 (10) (c) 2. of the statutes is amended to read:

17          287.17 (10) (c) 2. If the department determines that any of the values under  
18 subd. 1. a. b. to d. should be changed in order to improve the effectiveness of the  
19 program under this section or to provide more recycling opportunities to rural areas  
20 of this state, the department shall report its recommendations for changes under s.  
21 13.172 (3) to the committee of each house of the legislature with jurisdiction over  
22 solid waste policy.

23          **SECTION 12. Nonstatutory provisions.**

**SENATE BILL 866****SECTION 12**

1 (1) RECYCLING TARGETS FOR PROGRAM YEAR 2024. Notwithstanding s. 287.17 (4)  
2 (d) 1., a manufacturer's target recycling weight for program year 2024 shall be  
3 determined as follows:

4 (a) Divide the number of pounds of the manufacturer's covered electronic  
5 devices sold to households or covered schools in this state during program year  
6 2021-22, as reported under s. 287.17 (5) (a), by the total weight of all manufacturers'  
7 covered electronic devices sold to households or covered schools in this state during  
8 the same program year. The quotient, rounded to the nearest one-hundredth, shall  
9 be the manufacturer's market share percentage.

10 (b) Multiply the manufacturer's market share percentage, as calculated under  
11 par. (a), by the total weight of eligible electronic devices collected in this state by  
12 recyclers during program year 2021-22, as reported under s. 287.17 (8) (b) 1. The  
13 product, rounded to the nearest whole number, shall be the manufacturer's target  
14 recycling weight for program year 2024.

15 (2) RECYCLING TARGETS FOR PROGRAM YEAR 2025.

16 (a) In this subsection, "transition year" has the meaning given in s. 287.17 (1)  
17 (pg).

18 (b) Notwithstanding s. 287.17 (4) (d) 1., a manufacturer's target recycling  
19 weight for program year 2025 shall be determined as follows:

20 1. Divide the number of pounds of the manufacturer's covered electronic  
21 devices sold to households or covered schools in this state during the transition year,  
22 as reported under s. 287.17 (5) (a), by the total weight of all manufacturers' covered  
23 electronic devices sold to households or covered schools in this state during the  
24 transition year. The quotient, rounded to the nearest one-hundredth, shall be the  
25 manufacturer's market share percentage.

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1           2. Multiply the manufacturer's market share percentage, as calculated under  
2           subd. 1., by the total weight of eligible electronic devices collected in this state by  
3           recyclers during the transition year, as reported under s. 287.17 (8) (b) 1.

4           3. Multiply the product under subd. 2. by two-thirds. The product, rounded  
5           to the nearest whole number, shall be the manufacturer's target recycling weight for  
6           program year 2025.

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**(END)**