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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Natural Resources
(AC-NR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (Sept/2010)

Assembly

Record of Committee Proceedings

Committee on Natural Resources

Assembly Bill 278

Relating to: the sale, disposal, collection, and recycling of electronic devices, granting rule-making authority, making an appropriation, and providing penalties.

By Representatives Bernard Schaber, Benedict, Berceau, Black, Clark, Dexter, Hebl, Hilgenberg, Hintz, Hubler, Kaufert, Mason, Milroy, Molepske Jr., A. Ott, Parisi, Pasch, Pope-Roberts, Richards, Roys, Seidel, Sherman, Shilling, Sinicki, Smith, A. Williams, Grigsby and Pocan; cosponsored by Senators Miller, Carpenter, Erpenbach, Hansen, Lehman, Risser, Robson, Lassa, Taylor and Vinehout.

May 19, 2009 Referred to Committee on Natural Resources.

June 3, 2009 **PUBLIC HEARING HELD**

Present: (15) Representatives Black, Danou, Molepske Jr.,
Steinbrink, Hraychuck, Hebl, Mason, Milroy,
Clark, J. Ott, Gunderson, Huebsch, LeMahieu,
Mursau and Nerison.
Absent: (0) None.

Appearances For

- Rep. Penny Bernard Schaber, Appleton — 57th Assembly District
- Sen. Mark Miller, Monona — 16th Senate District
- Amber Meyer Smith, Madison — Clean Wisconsin
- Suzanne Bangert, Madison — DNR
- Cynthia Moore, Madison — DNR
- Toral Jha, Madison — Associated Recyclers of Wisconsin
- John Reindl, Madison — Council on Recycling
- Dan Kohler, Madison — Wisconsin Environment
- Rick Meyers, Milwaukee — City of Milwaukee
- John Welch, Madison — Dane County Solid Waste & Recycling Commission

Appearances Against

- Valerie Rickman, Washington — Information Technology Industry Council

Appearances for Information Only

- Forbes McIntosh, Madison — Apple Computer

- Tom Springer, Verona — Information Technology Industry Council

Registrations For

- Monica Groves Batiza, Madison — Wisconsin Counties Association
- Lynn Morgan, Milwaukee — Waste Management Recycle America
- Jason Johns, Madison — National Solid Wastes Management Association
- Jennifer Gonda, Milwaukee — City of Milwaukee
- Jim Connors, Madison — Sierra Club
- Jennifer Giegerich, Madison — WLCV
- John Forester, Madison — School Administrators Alliance
- Dave Krahn, Waukesha — Waukesha County
- Mickey Beil, Madison — Dane County
- Andrea Kaminski, Madison — League of Women Voters of Wisconsin Education Fund
- Curt Witynski, Madison — League of Wisconsin Municipalities

Registrations Against

- Ed Longanecker, Oakbrook Terrace — TechAmerica

Registrations for Information Only

- Sheri Krause, Madison — Wisconsin Association of School Boards

June 10, 2009

EXECUTIVE SESSION HELD

Present: (14) Representatives Black, Danou, Molepske Jr., Steinbrink, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Absent: (1) Representative Hraychuck.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

John Maycroft
Committee Clerk



Wisconsin Be SMART Coalition

Karen Fiedler, Chair
Waukesha County
262-896-8014

Executive Committee

Steve Brachman
University of WI- Extension
414-227-3160

Jill Haygood
Outagamie County
920-832-4710

Deb Krogwald
Waupaca County
715-258-6240

Rick Meyers
City of Milwaukee
414-286-2334

William Kappel
City of Wauwatosa
414-479-8933

Karin Sieg, Executive Director
WI Be SMART Coalition
c/o Recycling Connections
Corporation
600 Moore Road.
Plover, WI 54467-3148

Mission:

To provide leadership and promote actions that reduce waste, conserve resources, prevent pollution, and foster sustainability through community partnerships and educational programs.

Toll free
866-91-SMART x 3
(866-917-6278)
besmart@uwm.edu

www.BeSMART.org
www.RecycleMoreWisconsin.org

May 28, 2009

Dear Representative Black and members of the Assembly Committee on Natural Resources,

I am writing this letter in support of AB 278 on behalf of the Wisconsin Be SMART Coalition. The coalition is made up of more than 50 local governments, non-profit organizations, agencies and businesses working together to reduce waste, conserve resources, prevent pollution and foster sustainability.

The Coalition supports AB 278 because it establishes a statewide infrastructure and funding for recycling computers and televisions. This would internalize the true cost of the product and provide a system for proper recycling that recovers valuable metals, helps address the issue of exporting electronic waste to developing countries without proper environmental controls, and establishes tracking and reporting of waste to assure environmental compliance.

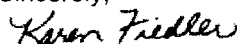
We have a history of involvement in electronics recycling. In 2004 the Coalition received a grant from Dell, and in cooperation with a Wisconsin recycling company, Cascade Asset Management, collected over 89 tons of computers, printers, and accessories at State Fair Park on a single day from over 1,900 participants. The Coalition also coordinated a cooperative bid for the recycling of computers in southeast Wisconsin. Last year more than 31 communities and agencies throughout the state recycled over 512 tons (or 1 million pounds) of computers and related equipment through the cooperative contract.

Some member municipalities have established residential computer recycling drop off sites, however due to increasing budget cuts local governments cannot continue to bear the cost to recycle residential electronics. Generally we have not been able to include televisions due to the additional cost and lack of infrastructure.

Recycling creates new business opportunities, provides jobs, recovers feedstock for new products, and creates new markets. Residents want to dispose of electronic waste responsibly, but they need convenient, responsible programs that are easy to use and assure protection of public health and the environment.

Action is needed now. The change in technology to flat screens and digital TV will result in disposal of hundreds of thousands of televisions in Wisconsin within the next few years. Thank you for your timely consideration on this important matter.

Sincerely,



Karen Fiedler, Chairperson

B E S M A R T

THINK A LITTLE AND IF WASTE REDUCTION IT CAN SAVE A LOT.

Printed on Recycled Paper





**WAUKESHA COUNTY
ENVIRONMENTAL ACTION LEAGUE**
Protecting Waukesha County's natural resources since 1978

June 2, 2009

Representative Spencer Black, Chair
Committee on Natural Resources
417 North (GAR Hall)
State Capitol
Madison, WI 53708

RE: Support for AB 278

Dear Chairman Black and Committee on Natural Resources Members:

Waukesha County Environmental Action League (WEAL) is an all volunteer organization established in 1978 to protect Waukesha County's natural resources through dedicated grass-roots participation and action.

WEAL supports AB 278 because the Bill increases recycling, limits disposal, and promotes extended producer responsibly.

Since Waukesha County has two massive landfills; Emerald Park (Veolia) in Muskego, and Orchard Ridge (Waste Management) in Menomonee Falls, the passage of AB 278 will positively impact Waukesha County resident's environment and health.

Banning electronic waste from landfills and incinerators coupled with adding responsibilities for manufacturers and retailers, demonstrates AB 278 is well-planned and incorporates principal components for success.

WEAL urges the Committee on Environment to support AB 278.

Sincerely,

Charlene Lemoine

Charlene Lemoine
Waste Issues Representative
Waukesha County Environmental Action League (WEAL)

cc: Representative Penny Bernard Schaber (via e-mail)







**MILWAUKEE
PUBLIC SCHOOLS**

OFFICE OF THE SUPERINTENDENT
5225 West Vliet Street
P O Box 2181
Milwaukee, Wisconsin 53201-2181
Phone: 414.475.8001
Fax: 414.475.8585

June 3, 2009

Representative Spencer Black, Chair
Assembly Committee on Natural Resources Members
Room 210 North
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Representative Black:

**RE: Assembly Bill 278: Recycling of Electronic Waste
Seeking Amendment to Assist K-12 School with Recycling Costs**

On behalf of the Milwaukee Public Schools (MPS), we respectfully request an amendment to Assembly Bill 278 to allow electronic waste collected from the Milwaukee Public Schools and other Wisconsin K-12 schools to be counted toward manufacturers' recycling obligations. Such an amendment is intended to create a market for electronic waste generated by Wisconsin schools, and thereby reduce or eliminate the cost of recycling for K-12 schools.

As Wisconsin's educational system strives to be more efficient and implement new cost saving measures in the face of an uncertain economy – this simple amendment should allow Wisconsin schools to see an immediate savings on electronic waste recycling efforts.

Wisconsin schools purchase televisions, computers and other electronic equipment to assist in their efforts to educate students. The average lifespan of a new computer in a school is approximately five years. In additions, schools are often the beneficiaries of donated electronic equipment from businesses that are upgrading or replacing their own electronic systems. While greatly appreciated, donated equipment often has a shorter life span and can quickly become a liability for the school district. Properly disposing of electronic waste carries a cost, especially in rural areas of the state.

Although the Milwaukee Public Schools cannot accurately define the savings that the K-12 amendment to Assembly Bill 278 would create statewide, we can accurately calculate the potential savings for the Milwaukee Public Schools. The Milwaukee Public Schools recycles approximately 350,000 lbs. of electronic waste per year, which equates to approximately \$87,500 per year in recycling costs. That is why the K-12 amendment to Assembly Bill 278 is supported by the Wisconsin School Administrators' Alliance, the Wisconsin Association of School Boards and the Milwaukee Public Schools.

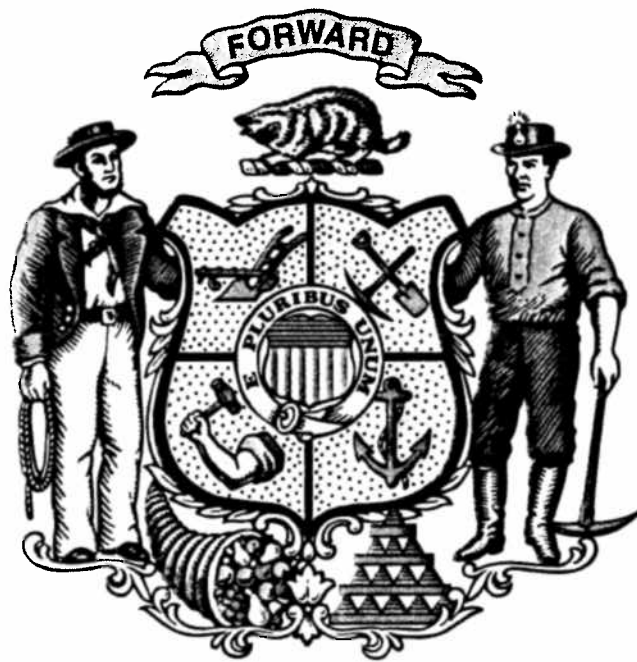
Please support an amendment to reduce or eliminate the cost of electronic waste recycling for Wisconsin schools.

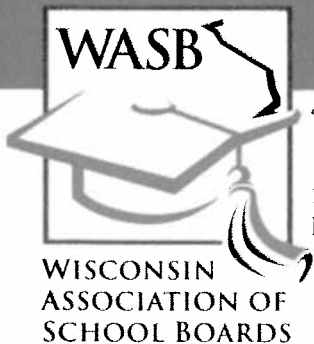
Sincerely,

A handwritten signature in black ink, appearing to read 'William G. Andrekopoulos', written in a cursive style.

William G. Andrekopoulos
Superintendent of Schools

WGA/CT/tms





"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

To: Assembly Committee on Natural Resources
From: Sheri Krause, Wisconsin Association of School Boards
Date: June 3, 2009
Re: **Assembly Bill 278: Recycling of Electronic Waste
Seeking Amendment to Assist K-12 Schools with Recycling Costs**

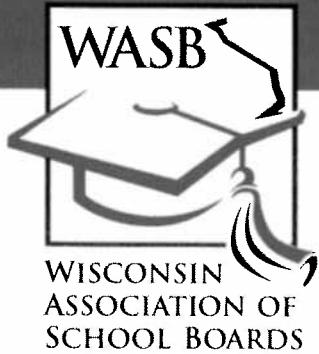
On behalf of Wisconsin's 426 school boards, we respectfully request an amendment to Assembly Bill 278 to allow electronic waste collected from Wisconsin's K-12 schools to be counted toward manufacturers' recycling obligations. Such an amendment is intended to create a market for electronic waste generated by Wisconsin schools, and thereby reduce or eliminate the cost of recycling for K-12 schools.

As Wisconsin's educational system strives to be more efficient and implement new cost saving measures in the face of an uncertain economy – this simple amendment should allow Wisconsin schools to see an immediate savings on electronic waste recycling efforts. As an example, the La Crosse School District estimates that this amendment would save them \$1,500 per year. While not a substantial savings, those dollars could be used to purchase new textbooks or other supplies that directly benefit students.

Wisconsin schools purchase televisions, computers and other electronic equipment to assist in their efforts to educate students. The average lifespan of a new computer in a school is approximately five years. In addition, schools are often the beneficiaries of donated electronic equipment from businesses that are upgrading or replacing their own electronic systems. While greatly appreciated, donated equipment often has a shorter life span and can quickly become a liability for the school district. Properly disposing of electronic waste properly carries a cost, especially in rural areas of the state.

It is our understanding that based on recycling data obtained from the state of Washington and through discussions with administrators around the state, it is estimated that Wisconsin schools may generate over 75,000 pounds of electronic waste each month.

Please support an amendment to reduce or eliminate the cost of electronic waste recycling for Wisconsin schools. Thank you.



122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 • FAX: 608-257-8386

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

To: Assembly Committee on Natural Resources
From: Sheri Krause, Wisconsin Association of School Boards
Date: June 3, 2009
Re: **Assembly Bill 278: Recycling of Electronic Waste
Seeking Amendment to Assist K-12 Schools with Recycling Costs**

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Wisconsin schools purchase televisions, computers and other electronic equipment to assist in their efforts to educate students. The average lifespan of a new computer in a school is approximately five years. In addition, schools are often the beneficiaries of donated electronic equipment from businesses that are upgrading or replacing their own electronic systems. While greatly appreciated, donated equipment often has a shorter life span and can quickly become a liability for the school district. Properly disposing of electronic waste properly carries a cost, especially in rural areas of the state.

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Please support an amendment to reduce or eliminate the cost of electronic waste recycling for Wisconsin schools. Thank you.





Penny Bernard Schaber

Serving the heart of Appleton

STATE REPRESENTATIVE 57th ASSEMBLY DISTRICT

June 3, 2009

Representative Bernard Schaber's Testimony

Electronics Recycling Bill

Thank you Mr. Chairmen and members of the Natural Resources Committee. I am proud to come before you today to testify in support of AB 278. As the Assembly Lead sponsor of the E-Waste Recycling bill I want to relay a recent event that more than solidified my determination to see this bill become law. On a cold and very wet April 25th, the Saturday after Earth Day, I was a volunteer at our local Re-Store Earth Week events. I spent most of this day unloading Consumer Electronic Devices from cars, trucks and vans. I unloaded TVs, Computers, old stereos, microwaves, printers, fax machines. You name it, I unloaded it that day. Some vehicles were packed full. Some had only one piece of electronic equipment. The cars were driven by women and men, old and young. The first cars arrived before the 8:30 starting time, the last cars were finished unloading about an hour after the designated ending time. There were so many cars in line that there were traffic jams at all entrances to the parking lot. In total, 89 tons of Consumer Electronic Devices were collected for proper disposal by the Re-store Shop. I believe this is about 3 times the amount the store staff anticipated. It shows that there is a definite need for this legislation. Consumers understand that the electronic devices require proper disposal because of the hazardous materials that are used in the manufacturing of the devices.

Consumers want to do what is proper. The E-waste Recycling bill asks manufactures to be responsible for the products they manufacture and sell from the beginning of the component manufacture to the end of its life cycle through proper disposal. The manufacturer may accept the recycling responsibility or they may work through registered collectors and recyclers. Manufacturers of Consumer Electronic Devices are assigned the responsibility for recycling their products. The amount of covered electronic devices is based on the manufacturer's sales of the devices. Manufacturers will be required to register with Wisconsin's DNR and to pay a fee based on the number of devices sold. They will be required to register annually, reporting the amount of sales and the amount of recycled products.

If a manufacturer exceeds the 80% goal in one year, they are assigned credits that can be used in year where they may fall short of the goal. Assembly Bill, 278, we are considering allows for recycling credits to be held or used based on annual recycling performance. Reporting procedures and registration processes will be assigned as duties to the DNR. Requirements for registering, reporting and monitoring the program are described in detail in the bill.

Questions can be asked of me or of legislative council as needed.

As I noted earlier, I am a strong and committed supporter of the E-Waste Recycling bill because it is important and necessary that we all recognize the need to be responsible for the full lifecycle of the products we manufacture, use and eventually dispose. I urge each committee member to support this bill also.

Thank you, Mr. Chairman and Committee members for considering this very important E-waste Recycling bill.





STATEMENT OF

**ED LONGANECKER
EXECUTIVE DIRECTOR
TechAmerica**

**TechAmerica
(Formerly the AMERICAN ELECTRONICS ASSOCIATION and
INFORMATION TECHNOLOGY ASSOCIATION OF AMERICA)**

**BEFORE THE
ASSEMBLY NATURAL RESOURCES COMMITTEE**

REGARDING Assembly Bill 278 – ELECTRONIC RECYCLING

June 3, 2009

Mister Chairman, and Members of the Natural Resources Committee, thank you for the opportunity to provide testimony regarding AB 278, which relates to Electronic Recycling. My name is Ed Longanecker, and I serve as Executive Director of TechAmerica (which was formed through the merger of the American Electronics Association and the Information Technology Association of America). TechAmerica is the nation's leading high-tech trade association, representing more than 1,600 high tech companies with 1.8 million employees. The U.S. technology industry provides more than five million jobs for American workers, including more than 85,000 high-tech jobs in the state of Wisconsin. TechAmerica's member companies span the high-technology spectrum, from software, semiconductors, medical devices and computers to Internet technology, advanced electronics and telecommunications systems and services. Complete information on TechAmerica is available on our website at www.techamerica.org.

On behalf of our high tech member companies, TechAmerica would like to respectfully express our opposition to AB 278 as it is currently written. TechAmerica and our member companies are committed to reducing the environmental impacts of our products throughout their lifecycle: from design, to use, to end-of-life. The industry has made unique contributions to environmental improvement through miniaturization, energy efficiency, and increased product functionality. Through several efforts, the industry has established its commitment to improving consumer awareness about the environmental impacts posed by electronic products. Additionally, the industry has taken great strides toward removing hazardous substances from electronic products.

AB 278 seeks to impose performance mandates on electronic device manufacturers based on each manufacturer's prior year sales in the state. This model is based closely on legislation that passed in Minnesota in 2007, and includes mandatory performance requirements, combined with punitive penalties for under performance. Out of nineteen states that have successfully passed electronic recycling legislation, Minnesota is the only state to officially adopt this model.

Our industry is willing and able to establish a producer responsibility system for obsolete electronics in Wisconsin, and one that accomplishes the goals of the state without placing an inordinate burden on an industry responsible for driving innovation and high quality job growth in Wisconsin and our country. We all share an interest in developing an effective, fair, and environmentally-sound market-based solution. We also note that numerous major manufacturers already operate voluntary programs that meet or exceed all applicable environmental requirements. Please consider the following.

Performance Standard and Financial Requirements Overly Burdensome:

TechAmerica believes that the collection standards outlined in AB 278 are over burdensome and are unnecessary. As currently written, AB 278 would require manufacturers of electronic devices to recycle 80% of the total weight of covered devices sold in the program year, which I might add exceeds requirements of any other state for the first program year. TechAmerica does not support the use of performance measurements, particularly those that enforce strict penalties regardless of manufacturer compliance and success with the particular recycling program.

Furthermore, we believe that penalizing manufacturers for the actions, or non-actions, of others is a violation of due process. Collection standards should instead be based on the structure of the manufacturer's program; for example, the level of convenience the program provides to citizens, such as mail back programs or hosting collection events.

No Correlation Between Unit Sales and Units Recycled:

Existing programs and data have not demonstrated any direct correlation between sales of new products and the availability of obsolete products to be recovered and recycled. Surveys of U.S. consumers also demonstrate a clear trend towards more electronic devices in use per household. This means consumers are buying more devices than they are generating for recycling, as older devices are simply moved into another room for continued use.

Additionally, manufacturers of electronic equipment produce their products to be sold in a global market place and rely heavily on a national network of wholesalers, distribution centers, and retailers to deliver their products to the consumer. Because of this complex network between the manufacturer and consumers, manufacturers cannot accurately track the amount they sell into one state.

Recycler Best Management Practices:

We promote a requirement that all electronics consolidators and recyclers in Wisconsin satisfy BMPs to ensure that obsolete devices are handled and processed under proper environmental, health and safety conditions. Establishing and properly enforcing a set of recycler BMPs can help ensure that used electronics are processed in qualified facilities under proper conditions, whether here or abroad. Great progress has been made in working with the U.S. EPA and numerous other stakeholders, including recyclers and environmental groups, to develop a consensus set of BMPs for electronics recycling.

Further, we request that AB 278 mandate compliance with the U.S. Environmental Protection Agency's "Plug-In to eCycling" or other nationally recognized best management practices while not mandating a specific program.

Conclusion:

Due to the current state of the economy, we urge you to consider how another costly program may impact manufacturers and, in turn, consumers in the state of Wisconsin. Unreasonable mandates and high penalties turn manufacturers into a captive profit stream for those entities that can collect and recycle products, and it is the consumers who will eventually pay those costs.

A successful program in Wisconsin must be based on state-specific data and must consider the time it will take to build out the necessary infrastructure. Manufacturers cannot be expected to create a comprehensive, statewide program in Wisconsin overnight, especially in difficult economic times. We ask to partner in efforts to increase public awareness and education for consumers, and to develop a program that does not place an unnecessary and unsustainable burden on manufacturers.

Thank you again for the opportunity to provide testimony. We look forward to working with the author and this committee in the coming months to develop an effective model for the disposal of electronic devices and equipment in Wisconsin. If you have any further questions please feel free to contact me directly at 630-613-7174 or you may contact Joe Gregorich, TechAmerica's Director of State Environmental Affairs at 916-443-9059. Thank You.



DNR Testimony on AB 278: Disposal, collection and recycling of discarded electronic devices
Assembly Natural Resources Committee
June 3, 2009

Thank you for the opportunity to testify today in support of AB 278 relating to the disposal, collection and recycling of electronic devices. My name is Suzanne Bangert and I am the Deputy Administrator of the Division of Air and Waste at the Department of Natural Resources. I am here today with Cynthia Moore, the department's Recycling Coordinator.

The department supports a state program for the collection and recycling of consumer discarded electronic devices that is comprehensive, fair and does not impose an undue burden on state or local governments and taxpayers. This bill achieves that objective in a way that provides maximum flexibility to key stakeholders, contributes to the growth and health of our state's economy, and prolongs the life and enhances the safety of our landfills.

The mandatory, yet flexible, structure of this program will help ensure a level playing field with consistent expectations for manufacturers, recyclers, collectors and consumers. The bill's recycling targets balance high consumer demand for electronics recycling options—highlighted recently by the overwhelming response to collection events in Milwaukee and Madison—with realistic goals for manufacturers. The ability for manufacturers to sell and carry over recycling credits will create incentives for efficient and cost-effective collection and recycling programs.

I'd like to highlight some of the reasons the department believes this bill is good for Wisconsin.

1. Electronics are a rapidly growing and problematic waste stream, containing materials that are both valuable and potentially toxic to humans if not handled properly. For the first time, Wisconsin will have a comprehensive infrastructure for recycling household electronic devices, allowing its citizens to recover valuable natural resources, avoid environmental pollution and reduce greenhouse gas emissions.

2. This bill requires shared responsibility among manufacturers, recyclers, collectors, retailers, local governments, the department and consumers for managing discarded electronics. Such an approach will reduce costs for local governments and taxpayers, who currently shoulder most of the burden for properly managing electronics. Instead, those who produce and use electronics will share more of these costs, creating incentives to reduce the harmful materials in electronics and facilitate their refurbishment and recycling.

3. This bill offers consistency with electronics recycling programs in Minnesota, Illinois and Indiana, among other states. Interstate consistency will also:

- let manufacturers achieve economies of scale due to similar rules and requirements;
- allow recyclers to follow the same procedures in multiple states, including bidding, contract procedures, compliance and performance tracking; and
- help Midwest states share information and collaborate on outreach efforts, increasing the program's efficiency and cost-effectiveness.

4. This bill makes good economic sense for Wisconsin. Based on the experience in other states, its benefits will include the following:

- Add to the existing electronics recycling infrastructure in Wisconsin, creating new jobs and adding to state and local tax revenues.
- Lower electronics recycling collection costs for local governments and taxpayers. For example, the city of Milwaukee has spent up to \$100,000 a year on these collection programs.
- Make available convenient and low-cost recycling options for households. Based on the experience in other states, we expect to see electronics recycling options in many more communities.

5. This bill supports Governor Doyle's commitment to save energy and reduce greenhouse gas emissions. Recovering metals such as copper, gold, lead and steel from electronics reduces the need for new mines and saves energy during manufacturing processes. Reusing and recycling computers instead of landfilling them reduces greenhouse gas emissions.

Although this bill will not be effective by the new June 2009 digital television transition, it could put a system in place by the holiday season to handle the anticipated large volume of discarded televisions.

The department's costs for program administration and implementation will largely be offset by revenues from manufacturer registration. We are committed to implementing this important program efficiently, effectively and fairly. We will provide annual reports to the Legislature on the progress of this program, including an assessment of whether program fees are set at an appropriate level.

In conclusion, the department supports this bill which provides an innovative strategy to manage electronic waste in a cost-effective and efficient manner that protects the environment and encourages the development of new jobs and businesses. Cynthia and I are happy to take questions.





Department of Public Works
Environmental Services
Sanitation & Forestry
"Clean & Green"

Jeffrey J. Mantes
Commissioner of Public Works

James P. Purko
Director of Operations

Preston D. Cole
Environmental Services Superintendent

Assembly Committee on Natural Resources
June 3, 2009

Testimony in Support of Assembly Bill 278:
Electronics Recycling Legislation

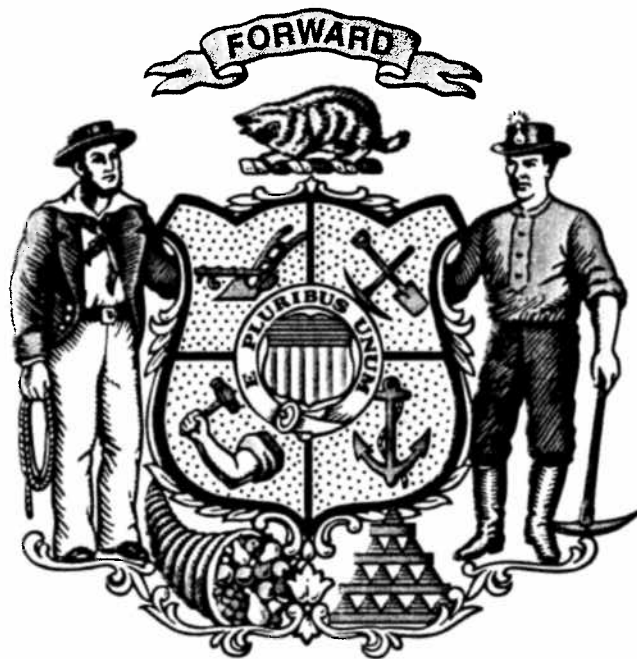
On behalf of the City of Milwaukee, thank you for the opportunity to testify in support of Assembly Bill 278. We urge swift passage of this legislation as it is critical to preserve the electronics recycling infrastructure that we have steadily built up over the past few years in anticipation of an e-scrap producer responsibility law. In recent years we have been spending **over \$100,000 each year** on recycling of electronic scrap collected from the public. From 2006 through the first quarter of 2009 we collected and recycled about **1.68 million pounds** of e-scrap from the public at a cost of about **\$350,000**. Our single largest collection effort came this past March 14th when we collected 248,000 pounds of electronics in less than five hours time at the Wisconsin State Fair Park. The tremendous turnout illustrates the need for increased opportunities to recycle consumer electronics. Despite the large public demand for e-scrap collection programs and our proven success operating such programs, this service has become something that we can no longer afford to continue without the passage of an e-scrap producer responsibility law to relieve our financial burden. **Without passage of AB278, the City of Milwaukee will discontinue its e-scrap collection programs in order to fund more essential city services.**

Just when the demand for recycling consumer electronics is at its highest to date, municipal budget shortfalls impede the development of new recycling programs and threaten to derail those that now exist. These budget shortfalls are compounded by another proposed increase in the solid waste tipping fees by the Legislature and the Governor. What the Joint Finance Committee has proposed amounts to what over just two budget cycles would be a **242% increase** in state fees on tons landfilled by businesses and municipalities in Wisconsin. The proposed \$7.10 per ton increase would result in a hit of over \$2 million per year to the City of Milwaukee's budget. **Now more than ever, local governments cannot continue to carry the full financial burden of responsibly managing industry's products.**

AB 278 appropriately shifts some of the responsibility for managing e-scrap onto the manufacturers of the products while creating a flexible, market-driven approach to e-scrap recovery. AB278's producer responsibility funding mechanism will position the public and private sectors to work together to meet the growing challenge of safely managing end-of-life electronics. Without it, the existing collection infrastructure built up by municipalities will be scaled back or eliminated at a time when the demand for collection programs continues to grow. The City of Milwaukee's successful e-scrap programs cannot continue to operate without passage of AB278 this year. Thank you for your consideration of this important legislation.

For more information, please contact:

Rick Meyers, Recycling Specialist, City of Milwaukee Department of Public Works
(414) 286-2334 or rick.meyers@milwaukee.gov





**Testimony on Assembly Bill 278 – Electronic Waste
Amber Meyer Smith, Clean Wisconsin Program Director
June 3, 2009**

Clean Wisconsin is a statewide environmental organization founded as Wisconsin's Environmental Decade with 10,000 members across the state. We focus on clean air, clean energy and clean water issues, and will celebrate our 40th anniversary in 2010.

Clean Wisconsin applauds the introduction of Assembly Bill 278 and its companion Senate Bill 107. Wisconsinites increasingly want to be part of the solution in addressing their environmental impact, and they need assistance when making the small every day decisions on recycling that have a huge impact when considered as a whole. I bet every single person in this room has wondered at some point what they should be doing with that old computer sitting in their garage or basement – people need easier access to recycling options that will result in greater electronics recycling and less toxins in our landfills.

The producer responsibility method works. We're pleased to see that AB 278 is patterned after the producer responsibility-based electronic waste laws in Minnesota, but has worked out the kinks their system encountered. Learning from Minnesota's experience will make Wisconsin's law that much stronger.

Wisconsin has made significant progress towards recycling in the last several decades. Citizens have come to expect recycling to be an option for their discarded materials, and they clearly see the problems with dumping environmentally hazardous materials in landfills. Currently, less than 10 percent of electronic waste is recycled properly. If the U.S. recycled all of its electronic waste, 20 million tons of e-waste would be diverted from U.S. landfills.

Clean Wisconsin has long been an advocate for reducing the presence of mercury in the ground, air and water. In addition to mercury, electronics often contain cadmium, lead, chromium and bromated flame retardants which also pose a serious risk to human and environmental health. In fact, electronic waste is the only waste stream that contains all eight of the most hazardous metals listed in the Resource Conservation and Recovery Act. Our state has made great strides in reduces mercury, and this bill is another positive step forward.

At Clean Wisconsin we are walking the talk. In February, our offices recycled almost 400 pounds of broken and outdated computers, monitors, floppy disks, printers, cords, CD-ROMs and other various electronic devices using the services of Applied Tech and File 13.

Clean Wisconsin urges passage of Assembly Bill 278, and thanks you for your consideration.



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John Muir Chapter

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Support AB 278 / SB 107, Keeping Electronic Waste out of Landfills

Before the Assembly Natural Resources Committee 06/03/2009,

Jim Connors, Volunteer Lobbyist and Eric Uram Conservation Chair, Sierra Club- John Muir Chapter

Thank you for holding a public hearing on this important and precedent-setting initiative, and for accepting our statement on this key conservation issue. Sierra Club- John Muir Chapter's 15,000 members, as Wisconsin residents and taxpayers, through their local governments, spend millions of dollars annually to manage products banned from landfilling as well as those headed to be buried forever in landfills. We support AB 278 / SB 107 and the associated goals it will help achieve.

Waste generation over the years has grown with population and economic growth. While Wisconsin has made enormous advances in recycling, we throw away about the same amount of trash today as we did 20 years ago. Programs that address product recycling promote innovative product design and management. This will result in less waste generation and more easily recycled products that support a healthy environment, vibrant economy and reduce society's overall costs.

AB 278 / SB 107 will increase recycling – recycling a ton of so-called “waste” has twice the economic impact of burying it in the ground and prevents the environmental pollution and liability issues associated with their disposal. This, in turn, will reap environmental benefits – by diverting surplus electronic materials from landfills.

This will result in:

- Reduced toxic air and emissions water releases – using existing resources rather than virgin materials reduces the associated pollution created from mining, refining and transporting raw materials.
- Reduced toxic product components – increasing the responsibility of manufacturers to address the end-of-life of their products encourages more thoughtful design.
- Increased energy efficiency – recycling rather than disposal will result in significant energy savings.

AB 278 will also create a level playing field in Wisconsin – relieving residents and businesses of having to comply with a patchwork of local regulations and ordinances implemented in response to rising disposal costs and related liability issues.

AB 278 / SB 107 will help protect and conserve resources – by helping create markets for recycled materials. This bill can protect the sensitive regions where resource extraction conflicts with other environmental priorities including protecting existing air and water quality or high-value biologic or aesthetic aspects.

AB 278 / SB 107 will help protect the economy – by directly connecting manufacturers to the recycling markets. This bill will help stabilize prices for recycled materials and enhance their use in future design and production.

Thank you for considering this important legislation. We urge you to pass AB 278 / SB 107.





School Administrators Alliance

Representing the Interests of Wisconsin School Children

To: Representative Spencer Black, Chair
Members, Assembly Committee on Natural Resources

From: John D. Forester, Director of Government Relations

Date: June 3, 2009

**Re: Assembly Bill 278: Recycling of Electronic Waste
Seeking Amendment to Assist K-12 Schools with Recycling Costs**

On behalf of the School Administrators Alliance (SAA) and the more than 3,000 public school administrators we represent throughout Wisconsin, we respectfully request an amendment to Assembly Bill 278 to allow electronic waste collected from Wisconsin's K-12 schools to be counted toward manufacturers' recycling obligations. Such an amendment is intended to create a market for electronic waste generated by Wisconsin schools, and thereby reduce or eliminate the cost of recycling for K-12 schools.

As Wisconsin school districts strive to be more efficient and implement new cost saving measures in the face of an uncertain economy – this simple amendment should allow Wisconsin schools to see an immediate savings on electronic waste recycling efforts.

Wisconsin schools purchase televisions, computers and other electronic equipment to assist in their efforts to educate students. The average lifespan of a new computer in a school is approximately five years. In addition, schools are often the beneficiaries of donated electronic equipment from businesses that are upgrading or replacing their own electronic systems. While greatly appreciated, donated equipment often has a shorter life span and can quickly become a liability for the school district. Properly disposing of electronic waste properly carries a cost, especially in rural areas of the state.

In considering this amendment, the SAA submitted it for review to the Technology Committee of the Wisconsin Association of School Business Officials. This committee gave the amendment their unqualified support. That is why the K-12 amendment to AB 278 is supported by Milwaukee Public Schools, the Wisconsin Association of School Boards, as well as the SAA.

Please support an amendment to reduce or eliminate the cost of electronic waste recycling for Wisconsin schools. Thank you for your consideration of our views.

4797 Hayes Road, 2nd Floor • Madison, WI 53704 • (608) 242-1370 • Fax (608) 242-1290 • www.wsaa.org

An Alliance of:

Association of Wisconsin
School Administrators

Wisconsin Association of
School District Administrators

Wisconsin Association of
School Business Officials

Wisconsin Council for
Administrators of Special Services





Information Technology Industry Council

Leading Policy for the Innovation Economy

June 3, 2009

Honorable Spencer Black, Chairman
Assembly Committee on Natural Resources
417 North
State Capitol
Madison, WI 53707

RE: AB 278 on Electronics Recycling

Dear Chairman Black and Members of the Committee:

Thank you for the opportunity to present testimony on behalf of electronics manufacturers on the important issue of electronics recycling. The Information Technology Industry Council (ITI) represents numerous major manufacturers of information technology and consumer electronics devices that would be subject to the electronics recycling program proposed under AB 278.

ITI and our members support the public policy objectives of this legislation, and are willing to step forward to help develop and implement sensible and cost-effective producer responsibility solutions in Wisconsin. As manufacturers of these devices, we believe it is important to acknowledge that we have a key role to play in the dialogue and that we are ready to work with government officials and other stakeholders to craft an effective policy.

We have some serious concerns with the current proposed approach and are opposed to the bill as currently written. However, we would like to propose a reasonable and measured alternative approach designed to phase-in an environmentally-sound and effective electronics recycling infrastructure for the benefit of state residents. Such a system must be fair, cost-effective and market-based; rely on state-specific data and consider existing state infrastructure; avoid unreasonable mandates and associated penalties; and, be regularly evaluated and modified based on state-specific results.

Industry Job Losses and Economic Conditions

Our primary concerns with the current version of the bill center around the performance mandates and associated penalties, and the direct, immediate and negative impacts these mandates will have on our companies. As with every other business sector, the electronics industry has been struggling in a difficult economy. Our collective membership has already cut tens of thousands of jobs during the current economic downturn. Costly and arbitrary regulatory mandates will force our members to eliminate additional jobs. In general, for every \$75,000 in additional regulatory costs that our companies incur in this economy, they must eliminate one additional job.

As part of our testimony, we have provided a document that catalogs numerous public announcements of job losses plant closings and market losses in our industry just from the past few months. Overall, the high tech industry employees over 85,000 people in Wisconsin, primarily in jobs that pay significantly above the private sector average in the state. The last challenge that our industry and the people it employs can endure during these difficult economic times are new and expensive regulatory requirements. Now is the time to work on cooperative and market-based solutions that achieve and build measurable results.

Limitations of the Minnesota Model

AB 278 is largely based on a new law in Minnesota that is unique in the country. Only the New York City law, which has yet to be implemented, is even similar to it; the other states in the Midwest that have already acted or are considering action are taking far different approaches:

- Illinois enacted a law last year that establishes a far more reasonable initial goal of 2.5 pounds per capita. There are no penalties for the first two program years, and the recycling goal adjusts based on actual documented collection rates in the state.
- Michigan's law, also enacted last year, requires all manufacturers of covered devices to offer programs to state residents and publicly report their results. There are no quantitative goals and no penalties.
- During the Indiana Legislature's 2009 session, the Legislature considered the Minnesota model, but subsequently amended the approach to institute a two-year delay for any penalties, lower the quantitative targets and provide for an appeals process in case the targets proved infeasible. Governor Mitch Daniels signed this bill just a few weeks ago.

There are several other key factual, economic and legal reasons why the Minnesota approach is problematic:

1. **The Minnesota program is not producer responsibility.** Manufacturers support producer responsibility and are willing to step up and take responsibility for their products under a reasonable, flexible and cost effective program. The Minnesota program, however, deviates significantly from the concept of producer responsibility. Under the Minnesota program, manufacturers often have to collect not only products that they did not brand, but types of products that they never made in order to meet the arbitrary performance mandates.
2. **The Minnesota program mandates are arbitrary, punitive and unsupported by data.** There are no data that demonstrate that manufacturers can cost-effectively and consistently collect 80% of the weight of their sales of covered devices in perpetuity. Minnesota established high mandates and costly penalties in the absence of reliable data on statewide recycling capabilities and expectations. Moreover, the statute automatically and significantly increased those numbers in year two before program data from the initial year had even been evaluated. Government should base policy decisions on facts, data and documented results.
3. **Program mandates and penalties raise significant legal concerns.** First and foremost, these devices are private property. We cannot compel citizens to turn them in at all, let alone according to some statutory schedule. Yet, manufacturers are exposed to major

financial penalties if we are unable to satisfy excessive performance mandates. Penalizing manufacturers for the actions (or inactions) of third parties raises significant legal and constitutional concerns.

4. **Manufacturers will either be forced to pass excessive costs down to consumers, or cut jobs.** Manufacturers rely on a national network of wholesalers, distributors and retailers to transport (often across state lines), distribute, market and sell our products to consumers. While there are numerous other commercial entities that are essential to - and benefit from - the sale of our products, the Minnesota approach directs manufacturers alone to resolve the entire challenge. Since manufacturers have little to no direct distribution capabilities, we must rely on third parties to collect used devices. Arbitrary program measures, backed by the threat of steep penalties, make us a captive market for those third party business interests. Experience in other states already demonstrates that non-market approaches result in manufacturers paying artificially inflated costs that must either be passed on to consumers or result in forced job cuts.
5. **The Minnesota program results are not relevant for Wisconsin.** The Minnesota law has generated only a single year of data. The relatively high first-year totals in Minnesota are skewed because the state grossly overestimated what manufacturers would need to recycle to avoid severe penalties. Furthermore, major metropolitan areas in Minnesota have been developing electronics collection infrastructure since the early 1990s and were able to assist manufacturers in meeting their recycling requirements. One year of data in Minnesota is not indicative of achievable long-term recycling rates in Minnesota, and has no bearing on potential recycling rates in Wisconsin. ITI estimates that manufacturers spent more than \$9 million complying in Minnesota in the first program year; additional costly government mandates will severely impact our ability to avoid further job cuts.

MANUFACTURER PROPOSAL

Due to these facts, and considering the current state of the economy, we urge you to consider how another costly program may impact manufacturers and, in turn, employees and consumers in the state of Wisconsin. We also note that numerous major manufacturers already operate voluntary programs that meet or exceed all applicable environmental requirements.

Manufacturers are proposing a reasonable alternative to the program measures contained in the bill. The manufacturer proposal is fair, cost-effective and market-based; relies on state-specific data and considers existing state infrastructure; avoids unreasonable mandates and associated penalties; and, provides for program evaluation and modification based on actual results. Importantly, our proposal also provides for a gradual expansion as necessary recycling infrastructure is developed in Wisconsin.

Under our approach, every manufacturer of covered devices sold in the state would be required to operate an environmentally-sound electronics recycling program in Wisconsin and publicly report its results. The actual volume of devices collected in one year would be used to establish the recycling goal for the subsequent year. In this fashion, the program measures are based on what is demonstrable and achievable in Wisconsin, and reflect what Wisconsin residents actually make available for recycling. Manufacturers must operate programs, but are not subject to penalties if third parties do not participate at some government-prescribed level.

This solution is fair, transparent and measurable and can be phased in over time along with the growth of necessary electronics recycling infrastructure in Wisconsin. Our proposal also builds in periodic state reviews to evaluate the results and make any modifications to ensure the program is achieving its public policy goals.

Thank you again for considering our input on this important matter. Please contact Valerie Rickman, Assistant Manager of Environmental Affairs, at vrickman@itic.org or 202-626-5729 if we can provide any additional information.





**Assembly Committee on Natural Resources
Madison, Wisconsin
Comments on Electronics Recycling
Assembly Bill 278 (Schaber)
June 3, 2009**

**Nick Ammann
State & Local Government Affairs
Apple Inc.**

Dear Chairman Black and Members of the Committee:

Apple has long been an advocate of product stewardship, and we believe that this concept extends to the proper disposal of electronic equipment at the end of its useful life. We believe that all parties that have a role in manufacturing, selling or using Apple products also have a role in end-of-life management. Manufacturers should design products with minimal environmental impact and provide means to facilitate environmentally friendly recycling; consumers should select a disposal method that does not adversely affect the environment; governments should develop public policies that promote appropriate end-of-life management, including environmentally friendly disposal and recycling; and recycled materials should be used as feedstock for new products whenever possible.

Apple supports the responsible management of used electronic products in a manner that protects the environment and uses resources efficiently. Apple takes a holistic view of recycling and waste minimization. At Apple, we believe that end-of-life management of electronic products begins with design. We apply this philosophy from the outset, beginning in the design stage by creating compact, ultra efficient products that use high recycling-value materials wherever possible.

Assembly Bill 278 - Appropriate Product Scope

Assembly Bill 278 covers devices that constitute the majority of the electronic products in the waste stream. Products with the same internal components, such as computer peripherals need to be covered under any recycling legislation. These products, such as

printers, are often more bulky and contain the same chemicals, metals, and plastics as computers. Removing these products from the scope will provide no incentive to the manufacturer's of those products to design for the environment. Product scope should not be determined by the use of the product, but rather by the contents of the product: products with similar internal and external materials should be treated the same.

According to the latest US EPA data the following electronics are discarded in the US (all numbers in thousands of tons):

TV's (CRT)	759.1
Monitors (CRT)	389.8
Printers, keyboards, mice	324.9
Desktops	259.5
TV's (projection)	132.8
Laptops	30.8
Cell phones	11.7
Monitors (LCD)	4.9

The scope of products in the bill currently matches those creating the largest impact on the waste stream. It is critical that legislation at least require the manufacturers of the top five products to have a recycling obligation: TV's, monitors, printers, desktops, and Laptops.

Most states that have recently passed significant electronic waste legislation have included the top 5 products in the waste stream. In addition, most states pursuing ewaste legislation this year incorporate a broad product scope, including, NY, MA, WI, and VT.

Assembly Bill 278 Should Cover Waste Generated by All Entities Including, Schools and Businesses

Apple has a long history of partnership with educational institutions. With that comes a great understanding of recycling practices. Schools regularly get large donations of outdated electronics equipment, which has a very limited life in the classroom and can be costly to recycle. Schools often will seek the most cost effective disposal method to preserve scarce education dollars for teaching. This electronic equipment has the potential to end up overseas where it is not treated appropriately. If schools are not part of this program, the unintended consequence will be an increase in improperly disposed of electronics.

Businesses face a similar problem, and should be part of the program. Some of the largest discarded electronic product generators are large and small business, government, and non-profits. AB 278 should be expanded to cover schools, small and large businesses, and governments.

AB 278 Needs to Reward Good Environmental Design

The best way we can help minimize waste creation is to design products that are environmentally sensitive, minimize power use, and have a long lifespan.

Apple is committed to designing products with the environment in mind. The most recent example of this is the design behind our latest product: the Macbook Air. The new MacBook Air embodies Apple's continuing environmental progress with its aluminum enclosure, a material highly desired by recyclers; a mercury-free LCD display with arsenic-free glass; and brominated flame retardant-free material for the majority of circuit boards as well as PVC-free internal cables. In addition, MacBook Air consumes the least amount of power of any Mac, and its retail box, made primarily from 100 percent post-consumer recycled material, is 56 percent smaller by volume than the previously smallest MacBook packaging. We apply this philosophy of environmental design to all of our products and in addition, Apple offers free computer takeback with purchase and free takeback for our ipods and iphones.

Apple suggests the performance standards in AB 278 should be modified or removed. Performance measures should not be based on arbitrary percentages, but rather on substantiated recycling data. Gathering recycling data prior to setting in place performance standards would allow the state to accurately reflect the recycling habits of covered entities in Wisconsin. In addition, it would be beneficial for the State to encourage environmental design by reducing performance metrics for companies that design and produce products with the environment in mind. A better-designed product will have less of an impact on the environment and this should be encouraged and rewarded. This could be accomplished by using the Electronic Product Environmental Assessment Tool (EPEAT), which is funded by the US EPA. This tool ranks electronics based on their environmental impact and design choices. Encouraging environmental design would reduce the overall impact of electronic products in the State of Wisconsin.

Thank for the opportunity to share our comments on AB 278. We

look forward to working with you to develop meaningful
electronics recycling legislation that is fair and comprehensive.
Please do not hesitate to contact me at 408.974.0343 or by email
at nammann@apple.com if you have any questions.