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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**
- Record of Comm. Proceedings ... **RCP**

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

Senate Bill 107

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

By Senators Miller, Jauch, Hansen, Robson, Erpenbach, Wirch, Lehman, Risser, Taylor, Carpenter and Vinehout; cosponsored by Representatives Bernard Schaber, Black, Hebl, Sherman, Milroy, Shilling, Parisi, Berceau, Benedict, Molepske Jr., Pope-Roberts, Richards, A. Ott, Clark, Smith, Hintz, Dexter, A. Williams and Hubler.

June 16, 2009 Referred to Committee on Natural Resources.

June 18, 2009 **EXECUTIVE SESSION 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.

Moved by Representative Gunderson, seconded by Representative Huebsch that **Assembly Amendment LRBA0536** be recommended for adoption.

Ayes: (7) Representatives Clark, J. Ott, Gunderson, Huebsch,
LeMahieu, Mursau and Nerison.

Noes: (8) Representatives Black, Danou, Molepske Jr.,
Steinbrink, Hraychuck, Hebl, Mason and Milroy.

**ASSEMBLY AMENDMENT LRBA0536 ADOPTION NOT
RECOMMENDED, Ayes 7, Noes 8**

Moved by Representative Steinbrink, seconded by Representative Gunderson that **Assembly Amendment 1** be recommended for adoption.

Ayes: (7) Representatives Steinbrink, J. Ott, Gunderson,
Huebsch, LeMahieu, Mursau and Nerison.

Noes: (8) Representatives Black, Danou, Molepske Jr.,
Hraychuck, Hebl, Mason, Milroy and Clark.

ASSEMBLY AMENDMENT 1 ADOPTION NOT RECOMMENDED,
Ayes 7, Noes 8

Moved by Representative Black, seconded by Representative Hebl that
Senate Bill 107 be recommended for concurrence.

Ayes: (9) Representatives Black, Danou, Molepske Jr.,
Steinbrink, Hraychuck, Hebl, Mason, Milroy and
Clark.

Noes: (6) Representatives J. Ott, Gunderson, Huebsch,
LeMahieu, Mursau and Nerison.

CONCURRENCE RECOMMENDED, Ayes 9, Noes 6

John Maycroft
Committee Clerk



Douglas M. Hagerman
Senior Vice President
General Counsel and Secretary
1201 South Second Street
Milwaukee, WI 53204
Tel 414.382.8470 Fax 414.382.8421
dmhagerman@ra.rockwell.com

**Rockwell
Automation**

May 12, 2009

Senator Mark Miller
Chair, Senate Environment Committee
State Capitol
P.O. Box 7882
Madison, WI 53707

Dear Senator Miller:

Rockwell Automation is a leading global provider of industrial automation and information solutions that help manufacturers achieve a competitive advantage for their businesses. We are a Fortune 500 organization based in Milwaukee and employing over 3,000 people at our Wisconsin facilities in Milwaukee, Mequon, Ladysmith and Richland Center.

Rockwell Automation respectfully requests that the following exemption language be included in the proposed electronics recycling bill, SB 107 (Miller). The following exemption language is consistently used in electronics recycling laws throughout the United States, including the law on which SB 107 is modeled, Minnesota's electronics recycling law. The intent of the language is to exclude equipment that includes covered electronics that are part of a larger piece of equipment. Such covered electronics may be inadvertently caught up in the system and as a result could require manufacturers, like Rockwell Automation, that otherwise are not within the scope of the law, to have obligations. The equipment for which we request an exemption is typically already managed by the owner for tax and asset management purposes or through contractual arrangements.

Requested exemption language:

A covered electronic device that is functionally or physically a part of, or connected to, or integrated with a piece of equipment or system designed and intended for use in an industrial, governmental, commercial, research and development, laboratory, or medical setting, including but not limited to diagnostic, monitoring, control or medical products (as defined under the Federal Food, Drug, and Cosmetic Act), or equipment used for security, sensing, monitoring, anti-terrorism, emergency services purposes or equipment designed and intended primarily for use by professional users.

We greatly appreciate your consideration and support on this issue.

Best regards,



cc: All Wisconsin Legislators







WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR MARK MILLER

FROM: John Stolzenberg, Chief of Research Services

RE: Applicability of the Electronic Waste Recycling Program Created by Senate Substitute Amendment 1 to 2009 Senate Bill 107 to Commercial and Industrial Electronic Devices

DATE: June 2, 2009

This memorandum responds to your question on whether the electronic waste recycling program created by Senate Substitute Amendment 1 to 2009 Senate Bill 107 applies to electronic devices used by commercial or industrial users. As explained in more detail below, this program does not apply to commercial and industrial electronic devices.

Under the electronic waste recycling program created by this substitute amendment, a manufacturer may not sell to a household, offer to sell to a household, or deliver to retailers for subsequent sale to a household a new "covered electronic device" unless the manufacturer takes the specified actions, including recycling or arranging for the recycling by a registered recycler of "eligible electronic devices" used by households in the state [proposed s. 287.17 (2) (a) (intro.), as created by the substitute amendment]. In addition, under the program a retailer may not sell or offer for sale to a household a new covered electronic device unless, before making the first offer for sale, the retailer has determined that the brand of the covered electronic device is listed on the Department of Natural Resource's (DNR) Internet site [proposed s. 287.17 (2) (c) 1., as created by the substitute amendment].

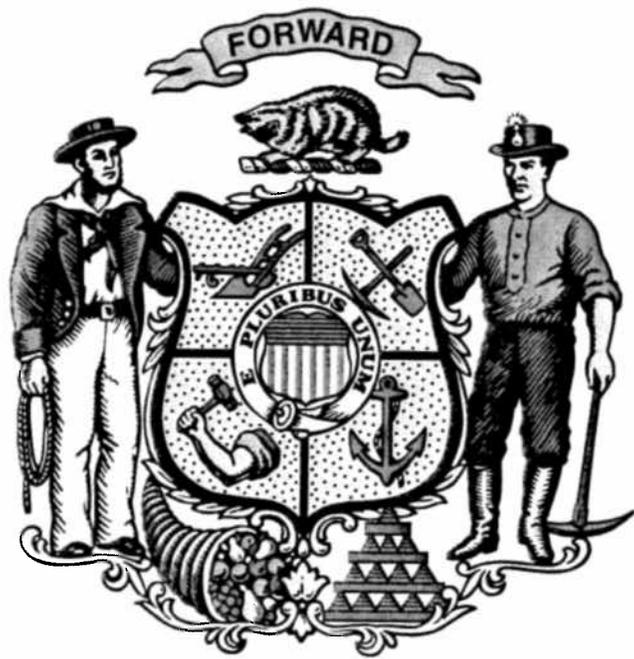
These requirements are limited to the sales of covered electronic devices to households and the recycling of eligible electronic devices used by households. The substitute amendment defines a "household" to mean "one or more individuals who occupy one dwelling unit in a detached or multiunit building" [proposed s. 287.17 (1) (h), as created by the substitute amendment]. These requirements do not apply to the sale of covered electronic devices to other types of users, such as commercial or industrial users, or to the recycling of eligible electronic devices used by other types of users.

The definitions of "covered electronic device" and "eligible electronic device" in the substitute amendment also emphasize the program's focus on household electronic devices. In particular, "eligible electronic device" is defined as a "device that is one of the following and is used by a household primarily for personal use..." [proposed s. 287.17 (1) (gs), as created by the substitute amendment]. A

“covered electronic device” is defined as a “consumer video display device, a consumer computer, or a consumer printer” [proposed s. 287.17 (1) (f), as created by the substitute amendment]. These three types of electronic devices are also defined in the substitute amendment with definitions that include the requirement that the device, computer, or printer must be “marketed by the manufacturer for use by households.” See proposed s. 287.17 (1) (e), (eg), and (em), as created by the substitute amendment.

If you have any additional questions on the electronic waste recycling program created by Senate Substitute Amendment 1 to 2009 Senate Bill 107, please feel free to contact me directly at the Legislative Council staff offices.

JES:ty



Maycroft, John

From: Anderson, John
Sent: Friday, June 05, 2009 10:06 AM
To: Anderson, John; Badger, Richard; Barry, Sarah; Bier, Beth; Bishop, Jennifer; Brady, Kevin; Briganti, Sarah; Browne, Michael; Buhrandt, Jeff; Charles, Alan; Cieslewicz, Dianne; Daggs, Kathy; Dauscher, Sara; de Felice, David Patrick; DeLong, Russell; Dicks, Helen; Eiden, Molly; Enwemnwa, Madu; Erickson, Pat; Esser, Bridget; Ewy, Stuart; Flury, Kelley; Gratz, Nadine; Grehn, Mallorie; Halbach, Nathan; Hudzinski, Nicole; Johnson, Kelly; Kahn, Carrie; Kelly, Jessica; Kleinschmidt, Linda; Knickelbine, Mark; Knutson, Tryg; Kramer, Zac; Kuhn, Jamie; Kulig, Steven; Ladwig, Richelle; Larson, Benjamin; Laundrie, Julie; Libbey, Heather; Lott, Hannah; Lueth, Teresa; Lundquist, Jessica; Lynch, Carrie; McGuire, Paula; Meinholz, Susan; Nilsestuen, Joel; Novak, Elizabeth; Oechsner, Jennifer; Pagel, Matt; Peterson, Eric; Plotkin, Adam; Rylander, Thomas; Sargent, Justin; Saxler, Charles; Schultz, Charles; Schwantes, Nathan; Shannon-Bradley, Ian; Shannon-Bradley, Summer; Stephens, Liz; Strand, Brandon; Stromme, Denise; Tierney, Michael; Tuschen, Terry; Wadd, Jay; Wagnitz, John; Walsh, Patrick; Warren, Linda; Webendorfer, Wes; Williams, Jana; Wilson, Danielle; Worcester, Barbara
Cc: Wilson, Stephanie; Maycroft, John; Rep. Bernard Schaber; Rep. Black
Subject: SB 107 Household Electronics Recycling
Attachments: Memo Commercial products issue 6.2.09.pdf

Good Friday morning,

Senate Bill 107, Senator Miller's household electronics recycling legislation, is up on Tuesday, June 9. There is an effort underway to make electronics from schools eligible under this new program. On the surface this seems reasonable, but it is not that simple. Please hold off on committing to introduce or support this amendment.

Senator Miller strongly opposes adding school electronics to the household electronics recycling bill. The amendment would radically expand the scope of the legislation and subvert the purpose of the new program: To keep household electronics (and their many toxins) out of landfills and provide an easy mechanism for consumers to recycle their electronics at little to no cost.

Under SB 107, Electronics manufacturers would be responsible for recycling household electronics based on the amount of electronics they sell in Wisconsin. This is a producer responsibility bill, similar to 18 laws already on the books across the nation. This bill also imposes a landfill ban on household electronics.

School electronics are ALREADY banned from landfills under federal hazardous waste laws.

Schools can currently use the Wisconsin Department of Corrections recycling program at minimal costs and SB 107 will not change that.

As stated, this is a HOUSEHOLD electronics recycling bill. If we added school electronics, for every pound of school electronics that a manufacturer recycled, they would not be recycling a pound of HOUSEHOLD electronics which is the very purpose of this legislation.

Another group is raising a concern about whether SB 107 covers commercial products. This bill does not cover commercial products. John Stolzenberg of the Legislative Council has prepared a memo which addresses this concern. This memo is attached.

If you have any questions, please give me a call. Thanks, much. jga

John G. Anderson
Office of Senator Mark Miller
State Capitol Room 317 East
P O Box 7882
Madison, WI 53707
Phone: (608) 266-9170
Fax: (608) 266-5087



Maycroft, John

From: Anderson, John
Sent: Friday, June 05, 2009 10:14 AM
To: Maycroft, John
Subject: RE: E-waste

We do not. Our basic response is, in Minnesota, manufacturers reached their 60% target within months, then didn't have to recycle the rest of the year. 80% will work. DNR will report annually to the legislature on changes they'd like to see. This is an area they will monitor closely to make certain the target meet the capacity of manufacturers.

From: Maycroft, John
Sent: Friday, June 05, 2009 10:08 AM
To: Anderson, John
Subject: E-waste

Hi John,

Do you have a similar memo regarding the 80% standard and the Tom Springer's position?

John Maycroft
Office of Rep. Spencer Black
(608) 266-7521



Maycroft, John

From: Anderson, John
Sent: Tuesday, June 09, 2009 1:39 PM
To: Maycroft, John
Cc: Wilson, Stephanie; Bier, Beth
Subject: RE: Huebsch Amendment to AB 278

Mark considered these three items in the Huebsch amendment and picked one to introduce himself. This is Senate Amendment 1 to SSA 1 to SB 107.

The one he offered provides the appeals process, minus the provision that would not allow the manufacturer the ability to appeal the DNRs decision. Mark wants the manufacturer to be able to appeal the decision. (Sentence beginning on line 16 page 2)

Miller does NOT support delaying the shortfall fee.

Miller does NOT support #13. Unnecessary. The DNR will be considering how to make changes to improve the effectiveness of the program, as required under the bill.

From: Maycroft, John
Sent: Tuesday, June 09, 2009 1:26 PM
To: Anderson, John
Subject: FW: Huebsch Amendment to AB 278

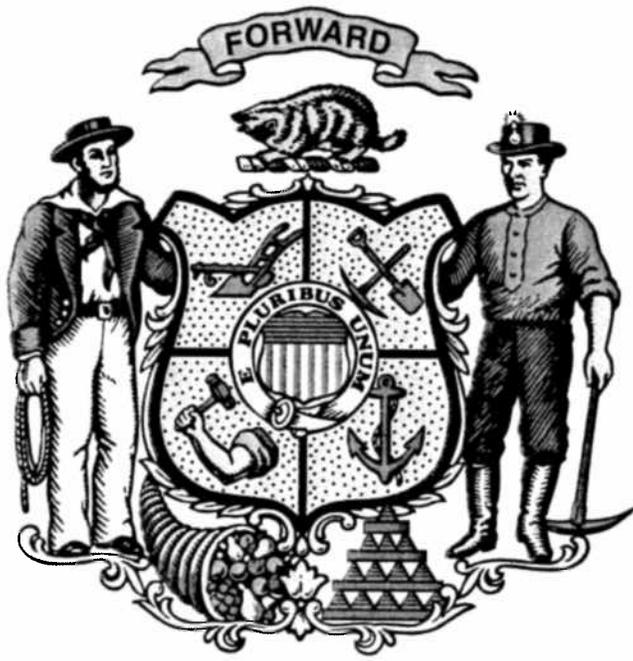
Here's the draft Huebsch amendment

From: Nelson, Elise
Sent: Tuesday, June 09, 2009 9:24 AM
To: Rep.Black
Cc: Maycroft, John; Zimmerman, Terri
Subject: Huebsch Amendment to AB 278

Attached is the preliminary draft to AB 278 that Rep. Huebsch is planning to introduce in tomorrow's executive session. The drafter is currently redrafting as a /1 for formal introduction and I will have it to your office as soon as possible! I apologize for the inconvenience.

Thanks,
Elise Nelson
Office of Rep. Mike Huebsch
94th Assembly District
(608)266-0631

<< File: 09a0512P1.pdf >>



2009?

6/16

CALL

NO CALL

DATE

TIME

4:30

INITIALS

ym

NAME

Ann Jablonski WI Towns Association

ADDRESS

CITY, ST, ZIP

TELEPHONE NUMBER

251-0702

REGARDING (BE SPECIFIC)

SB 107

against Apple amendment

would exclude household ewaste

other towns are against, too



Rep.Black

From: Lynn Morgan [lmorgan@broydrick.com]
Sent: Wednesday, June 17, 2009 3:47 PM
To: Rep.Black
Subject: Tomorrow's exec on SB 107, electronics recycling

Rep. Black, on behalf of Waste Management thank you for supporting SB 107 and expediting the bill's consideration by the Committee on Natural Resources.

It's crucial that SB 107 become law during this floor period if at all possible. In the current economy, fewer consumers are willing to pay to recycle electronics and local governments are warning that they can no longer afford to subsidize electronics recycling. That means that more electronics than ever will be landfilled if SB 107 is delayed.

Wisconsin residents will recycle 30-35 million pounds of electronics a year if recycling is free and convenient, experience in other states shows. Conversely, millions of pounds of electronics will be landfilled every month until SB 107 or a comparable measure is passed and implemented. We will never recapture the energy investment and precious resources buried with those devices.

Although schools and others may have proposed worthwhile changes, we understand that amending SB 107 now would delay enactment until fall. For that reason, we hope the Committee will set potential modifications aside for future consideration.

Thank you, and please let me or Greg Hubbard know if we or Waste Management can be of assistance.

Lynn
Lynn Morgan
Broydrick & Associates
400 East Wisconsin Ave.
Suite 400
Milwaukee, WI 53202

414/224-9393 (office)
414/429-2019 (mobile)

414/224-0323 (fax)

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www.wicounties.org

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Natural Resources

FROM: John Reinemann, Legislative Director 

DATE: June 17, 2009

SUBJECT: Support for SB 107 as Passed by the State Senate

The Wisconsin Counties Association (WCA) supports Senate Bill 107 (SB 107). This bill creates a recycling program for household electronic devices.

The disposal of electronic equipment at the end of its service life poses significant health hazards if not done carefully. Hazardous materials found in electronic equipment include calcium, lead, mercury, chromium and brominated flame retardants. It is important that recycling efforts be expanded in this area as soon as practical, not just to recover resources and conserve landfill space but to prevent possible further contamination of soil and groundwater.

WCA has long supported efforts to preserve the environment such as electronic recycling. When Governor Doyle created the Governor's Task Force on Waste Materials Recovery and Disposal in 2005, four of the 19 members were county waste management representatives. Over the last several years, their participation and review of the recommendations set forth in the final report ensured that Wisconsin counties' concerns and ideas were included in what is now SB 107. We thank the bill's author, Sen. Mark Miller, for his work on this proposal.

We therefore ask your support for SB 107. **Specifically, we ask that you not support potential amendments that could imperil or delay passage of this legislation.** Notably, we have learned that a possible amendment to the bill would expand the program to include electronics from schools.

Including school electronics in SB 107 may at first seem like a means of assuring that more electronics are recycled. However, school electronics are ALREADY banned from landfills under federal hazardous waste laws. Wisconsin schools can currently use a recycling program for electronics offered by the Wisconsin Department of Corrections; SB 107 will not change that.

LYNDA BRADSTREET
DIRECTOR OF ADMINISTRATION & FINANCE

JON HOCHKAMMER
DIRECTOR OF INSURANCE OPERATIONS

JOHN REINEMANN
LEGISLATIVE DIRECTOR

J. MICHAEL BLASKA
DIRECTOR OF PROGRAMS & SERVICES

MARK D. O'CONNELL, EXECUTIVE DIRECTOR

Page Two
WCA Memo
June 17, 2009

The goal of SB 107 is to keep household electronics (and their many toxins) out of landfills and provide an easy mechanism for consumers to recycle their electronics at little to no cost. An implicit goal would seem to be not replicating existing programs.

We understand that a potential amendment to include school electronics may include a provision to allow manufacturers to count e-waste collections from schools toward meeting their recycling obligation without counting the donated equipment provided to schools in the calculations that determine their obligation to recycle. While we applaud manufacturers' donations to schools, this potential disconnect between the amount of equipment supplied and the amount recycled seems to undermine the integrity of the program. One result may be that a pound of e-waste collected from a school is potentially a pound not collected from households.

Further, including school electronics in the manufacturer-based program created in SB 107 would increase the volume of electronics to be processed under the new program. Until the program is established, and until policymakers have had a chance to analyze the success of the new program, it seems premature to expand the new program.

We join the bill's author, Senator Miller, in opposing such amendments.

Thank you for considering our comments.



June 17, 2009

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

Dear Chairman Black and Members of the Committee on Natural Resources:

As the processors, managers, and consumers of electronics in Wisconsin, we urge you to support SB 107. Local governments and residents need the timely passage of this bill now. It has broad support from recyclers, school districts, haulers, citizens, and local governments.

It is our understanding that Apple is arguing for manufacturers to count collections from schools toward meeting their recycling obligation without counting the donations made to the schools in the calculations of determining their obligation. This "Apple amendment" undermines the integrity of the program.

The implication of such an amendment is that every pound collected from a school is potentially a pound not collected from households. Schools currently do have opportunities for successful recycling through take-back programs offered by the manufacturers from whom they purchased or were given computer equipment. Households, on the other hand, do not have such easily available opportunities – which is why this legislation has been developed. Furthermore, schools can certainly be added in entirety at a later date once the bill has passed and the state program is in process.

Passage of this bill is needed now so that the development of Wisconsin's electronics recycling program can get underway. State and local government officials throughout the state have been preparing for the passage of this bill and are developing their 2010 budgets with this in mind. Many communities, such as the City of Milwaukee, have stated that given state and local budget shortfalls they will discontinue offering a collection program for their constituents after this year if SB 107 does not pass. Residents, however, are eagerly awaiting options to dispose of electronic waste, but need convenient, responsible programs that assure protection of public health and the environment.

Thank you for your consideration.

Sincerely,

Associated Recyclers of Wisconsin
City of Milwaukee
Clean Wisconsin
Dane County Executive Kathleen Falk
Dunn County Board of Supervisors
Dunn County Solid Waste and Recycling
Management Board
Environmental Law & Policy Center
George Hayducsko, Solid Waste Director, Dunn
County Solid Waste/Recycling Division
Jim Cornwell, CRT Processing
Marathon County Solid Waste Department
Mary Klun, Douglas County Recycling Coordinator
Eric Uram, Director, Mercury Free Wisconsin

Neil Peters-Michaud, Cascade Asset Management
Roger Holman, Director, Waupaca County Solid
Waste & Recycling Department
Terry Mesch, Pepin County Recycling/Solid Waste
Coordinator
WasteCap Wisconsin
Waukesha County
Waupaca County Board of Supervisors
Waupaca County Solid Waste Management Board
Wisconsin Be SMART Coalition
Wisconsin Counties Association
Wisconsin Environment
Wisconsin League of Conservation Voters
Sierra Club – John Muir Chapter



Date ?

SB 107 Adding Schools is Non germane.

The electronic recycling bill that is under consideration on Tuesday is targeted specifically at household electronic devices. Large scale users such as public entities (including schools) and businesses are currently required to dispose of their electronic devices under state and federal law as hazardous waste. Although the relating clause nor the LRB analysis clearly identifies that the bill only relates to household waste, the term "household" or "consumer" is used over 30 times in the LRB analysis of the substitute amendment and in the bill to describe the universe of covered electronic devices under the bill. On May 6, 2009, John Stolzenberg authored a Legislative Council memo (attached) describing the substitute amendment. The first sentence of the overview states:

"The substitute amendment assigns manufacturers of specified household electronic devices sold in the state the responsibility for recycling those devices...."

I anticipate a motion to allow manufacturers to claim credit for recycling electronic devices collected from schools. I would argue that such an amendment is non-germane in that it would expand the scope of the bill outside of the clear language and intent of the bill to apply only to household electronic waste. Under the bill, a manufacturer's responsibility for recycling is determined by the amount of household electronic devices sold in the state. This does not include electronic devices sold to schools, public institutions, or businesses. Allowing a manufacturer to claim credit for electronic devices collected from schools (or any other non-household consumer) completely undermines the bill that was carefully crafted to apply only to household devices. This school provision is being pushed by Apple computers which is the largest supplier of computers to schools. Apple already picks up and recycles school electronic devices. Such a provision would allow Apple to meet their quota from school collections alone and undermine the purpose of the bill which is add household electronic devices to the existing universe of electronic devices that are covered under state and federal law.

I provide, in advance, the following information for your consideration on the issue of whether a motion that would include schools is germane:

<< File: Legislative council memo on bill and sub 5.6.09.doc >>

Referencing the Leg Council Memo:

Page 1 under "Overview: "The substitute amendment assigns manufacturers of specified household electronic devices responsibility...."

Page 2 under "Requirements for Sale of Electronic Devices: "... a manufacturer may not sell to a household, offer to sell to a household, or deliver to retailers for subsequent sale to a household a new electronic device unless...."

"...a retailer may not sell or offer for sale to a household a new electronic device..."

Page 3, under Manufacturer Recycling Targets, fees, and Recycling Credits: "...a manufacturer's covered electronic devices sold to households in this state...."

"....the weight of eligible electronic devices used by households in rural counties.....of the weight used by households in urban counties...."

Page 4, first paragraph: "...plus the following devices used by a household primarily for personal use...."

Page 4, under Manufacturers Reporting Requirements: "...covered electronic devices sold to households..."

<< File: SUB amendment 09s00471.pdf >>

Referencing the bill:

LRB Analysis, In General: The first paragraph uses the term "consumer" numerous times to refer to the electronic devices covered under the bill.

Page 2, under Collection and recycling reporting: "...covered electronic devices sold to individuals..."

Page 3, under Collectors: "...eligible electronic devices from individuals..."

Page 3, Under recyclers: "...eligible electronic devices from individuals..."

Page 4, under Retailers: "...requires a retailer to provide information to purchasers..."

Pages 6-11, numerous places the term "consumer" or "household" is used repeatedly to limit the scope of the program to household and consumer electronic devices.

Page 13, line 19: the term "covered electronic devices sold to households" is used to calculate the shortfall of a manufacturer's quota during startup.

Page 14, line 19, the term "covered electronic devices sold to households" is used to calculate the shortfall of a manufacturer's quota after startup.

Pages 16-17, the term "eligible electronic devices used by households" is used repeatedly to calculate a manufacturer's quota.

As always, thank you for your considered judgment.

Arguments against Apple Amendment:

- Is non germane (see reverse)
- Expands the scope of the bill beyond household recycling
 - and will leave many household Apple products unrecycled
 - For every pound of school waste recycled, it's one less household pound
- Apple will have no trouble finding Apple products to recycle
 - Many years, many products, plenty of waste
 - 100% of Apple products eventually become waste, just like other brands



ALTERNATIVE APPROACH TO SB 107 PERFORMANCE STANDARDS

OVERVIEW

In 2008, both Illinois and Michigan enacted electronics recycling statutes based on producer responsibility approaches. Descriptions of these programs are provided in the attached document. While both states acted after the Minnesota law took effect, neither state based its approach on the Minnesota statute, which remains unique in the country.

The producer-responsibility laws enacted in Michigan and Illinois are fair and flexible; provide for reasonable, measurable and transparent solutions; rely on state-specific data and consider existing state infrastructure; and, provide for evaluation and modification based on state-specific results.

ALTERNATE PROPOSAL

The following proposal:

- ✓ Is a producer responsibility solution
- ✓ Provides for environmentally-responsible recycling
- ✓ Relies on the market to provide for efficient and cost-effective recycling
- ✓ Factors in Wisconsin-specific data on infrastructure, recycling rates and options
- ✓ Is transparent and measurable and provides for gradual phase-in
- ✓ Provides for regular modifications to meet changing conditions and meet public policy objectives

Proposal Specifics

1. Beginning in Program Year 1 (PY1) and every year thereafter, each manufacturer of covered devices must develop and implement an electronics recycling program and report its results to the state for review and publication. The program shall be offered at no cost to residents.
2. For PY1, the total recycling goal for the state will be 2.5 lbs/capita. For PY2, WDNR will use the actual reported results from the first six months of PY1 to establish a total statewide recycling goal (in pounds) for PY2. For each year thereafter, the results from the prior program year are used to establish the goals for the subsequent program year.
3. Manufacturers can run independent programs, or operate programs collectively with other manufacturers. Manufacturers can trade pounds or credits between themselves for up to three program years after they are generated. Manufacturers can also buy pounds from qualified third parties that satisfy all programmatic requirements. Pounds sold by third parties must be sold during the

- program year during which they were collected and processed. Manufacturers are granted an additional half-pound credit for every pound of covered devices they collect from a rural county for appropriate recycling.
4. Manufacturers must use recyclers that meet or exceed the Responsible Recycling (R2) practices for electronics recycling that were developed through a multi-stakeholder process facilitated by the U.S. Environmental Protection Agency.
 5. Manufacturers are allowed to use any vendors that meet or exceed the program requirements. The state may elect to provide manufacturers with an additional per-pound credit to encourage the use of in-state vendors, but will not compel manufacturers to use specific vendors or only use in-state vendors.
 6. The state agrees to purchase only EPEAT-registered products* (where applicable) and provide an additional state procurement incentive to companies that meet or exceed their recycling targets. This will serve to encourage companies to increase their recycling rates, rather than penalizing them if residents fail to participate in their programs.
 7. WDNR will review the results after complete data from the first three program years are available. WDNR will hold public hearings and evaluate the program by considering, among other elements: the volume of covered devices that are being recycled; the overall costs of the program; the availability and growth of necessary infrastructure; and the level of access that Wisconsin residents have to recycling opportunities. WDNR will then provide the results of its analysis and make recommendations to the legislature.
 8. If the legislature determines that public policy goals are being met, then the program continues and is re-evaluated after another three years. If the legislature determines that public policy goals are not being met or will not be met without mandates and penalties, then it amends the law as needed.

* EPEAT - the Electronic Product Environmental Assessment Tool - is an international standard designed to facilitate and encourage the purchase of environmentally-preferable electronics. The program currently applies to certain IT equipment (primarily desktop computers, laptop computers, and computer monitors) and is in the process of being expanded to include additional product categories. A Presidential Executive Order requires federal agencies to use EPEAT for at least 95% of their covered IT procurement, and the program is cited in over \$60 billion worth of public and private contracts. Please see: <http://www.epeat.net/>