

Electronics Recycling Rule Public Comments and Department Responses Natural Resources Board Order No. WA-11-19

July 21, 2021

This document presents a summary of public comments received on the proposed revisions to chs. NR 500, 502 and 520 and creation of ch. NR 530, Wis. Adm. Code, and the Department of Natural Resources' (the department's) responses.

OVERVIEW

In the statement of scope for this rule, the department proposed creating a new administrative code chapter implementing electronics recycling program requirements under the authority of s. 287.17, Wis. Stats., and amending chs. NR 500, 502 and 520, Wis. Adm. Code, as they relate to electronics collection, storage, transportation, transfer and recycling activities.

The primary goals of this effort are to:

- Ensure the E-Cycle Wisconsin program created by s. 287.17, Wis. Stats., continues to function well by codifying numerous streamlined procedures developed by the department working with industry, keeping the program up to date with developments in the electronics industry and preserving a level playing field among program participants.
- Protect human health and the environment by providing oversight of electronics recycling operations in Wisconsin that is more consistent with oversight of other waste and material processing, including requiring owner financial responsibility for closure and cleanup costs that currently fall mainly on property owners and taxpayers.

Stakeholder Process – Many elements in the rule originated from general program implementation discussions with E-Cycle Wisconsin program participants and other stakeholders over the years. In addition, the department held a public information meeting on draft rule concepts on December 9, 2020, and accepted comments on the proposed concepts through December 23, 2020. The department fielded several questions during the meeting, and received three formal comments that are addressed in this document. The department made several adjustments to the draft rule based on this feedback.

Economic Impact Analysis (EIA) – A 30-day public comment period on the Draft EIA occurred from March 17 to April 16, 2021. During this period, the department received comments and questions related to the proposed rule language from five organizations. None of the comments directly addressed the draft EIA. The department is responding to the rule language comments in this document.

Public Hearing and Comment – The public comment period for the draft rule occurred from May 19, 2021, to July 7, 2021. The department received nine written comments or clarifying questions during the public comment period. The public hearing on the draft rule was held June 28, 2021. Seven people (in addition to department staff) attended the hearing. Two attendees provided oral comments, and both subsequently submitted written comments as well. The department made several adjustments to the rule based on the comments received, including a change that reduced the rule's estimated annual implementation costs to stakeholders by more than \$100,000.

RULE CONCEPTS FEEDBACK

The department received three formal comments, two from electronics recyclers and one from an electronics retailer, in response to a rule concepts document it shared with stakeholders following its December 9, 2020, public feedback meeting. The comments included general support for the rule-making, along with specific concerns that the department addressed as follows:

Requiring electronics transporters to obtain a collection and transportation (C&T)

license: Both of the electronics recyclers expressed concern about the department's proposal to require those transporting electronic waste to obtain a solid waste C&T license from the department under s. NR 502.06, Wis. Adm. Code. Their concerns were based on the unique methods used for transporting e-waste compared with most other solid waste, including the use of parcel carriers for mail-back programs and the use of third-party carriers and/or rented trailers for transporting electronics, all of which would make obtaining the C&T license (which is tied to specific vehicles) potentially cumbersome and costly.

Department response: Based on these comments, in the proposed rule the department included changes to s. NR 502.06, Wis. Adm. Code, to create two new exemptions from C&T licensing requirements. The first [s. NR 502.06 (2) (ag), Wis. Adm. Code] exempts transporters of waste electronics from C&T licensing provided they meet basic operational requirements, such as transporting waste electronics to DNR-licensed, exempted or approved processing facilities and loading trucks in a way that prevents electronics from falling or spilling out of containers. The department also added a requirement [s. NR 502.08 (6) (p), Wis. Adm. Code] for electronics processing facilities to notify transporters they contract with about the operational requirements. The second [s. NR 502.06 (2) (L), Wis. Adm. Code] exempts vehicles owned by the U.S. Postal Service or other parcel carriers from licensing when they transport incidental amounts of waste materials as part of mail-back recycling programs.

Level playing field among electronics recyclers: One recycler expressed concerns about whether in-state and out-of-state registered E-Cycle Wisconsin recyclers would be held to the same standards, including financial responsibility and vetting of downstream vendors for components and materials from recycled electronics.

Department response: All registered E-Cycle Wisconsin recyclers are required to maintain proof of financial responsibility under s. 287.17 (8) (c), Wis. Stats. One of the department's goals in this rulemaking process is to clarify and strengthen this requirement, including ensuring that both in-state and out-of-state recyclers are meeting equivalent standards for their financial responsibility. All registered E-Cycle Wisconsin recyclers must keep detailed records of at least two steps "downstream" for recycled materials under s. 287.17 (8) (c) (4) and (5), Wis. Stats., and must provide this information to the department upon request. The department will continue using its authority under the statute to provide oversight of recyclers' downstream markets.

Customer education requirements for electronics retailers: An electronics retailer expressed a preference for providing customers with a receipt containing a short website URL for more information about electronics recycling, and concern about the potential of needing to post department-specified customer education materials in stores.

Department response: The department plans to continue maintaining information at dnr.wi.gov, which can be found by searching "ecycle," and is mindful of others using this

information for their outreach. The department's intent is not to require stores to post specific, department-branded outreach material, but to allow stores to design their own outreach material, if desired, that contains the two pieces of information required by the statute—that many electronics are banned from the trash, and where/how customers can recycle electronics. Retailers would also be welcome to use department-created materials, or modified versions with their own branding. Paper receipts are often refused by customers, and it is important that retailers fulfill their information obligations under the electronics recycling law.

ECONOMIC IMPACT ANALYSIS

The department received no comments related to the economic impact analysis (EIA) of the proposed electronics recycling rule. The following summarizes comments and questions about the proposed rule language received during the draft EIA comment period and the department's responses.

Collection site container requirements: During the EIA comment period, as well as the earlier rule concepts comment period, a few collectors and recyclers expressed concern about the proposed wording in s. NR 502.07, Wis. Adm. Code, regarding container requirements for waste at transfer stations that act as public drop-off sites. Comments and questions included:

- how the term “leak-proof” would be applied to containers/packaging for electronics such as open-topped, cardboard Gaylord boxes and pallets;
- whether these common types of packaging for electronic waste would be allowed;
- concern about potential damage that weather might cause to electronics stored outside before being sent to a recycler.

Department response: The department's intent with the rule is to continue to allow packaging such as Gaylords and shrink-wrapped pallets for electronic waste, but to put in place minimum standards consistent with other solid waste regulations to prevent electronics (particularly those with hazardous components) from breaking, to maintain the recyclability of electronics, and to reduce the potential for environmental harm from improperly stored electronics. At the same time, the department recognizes the many different circumstances under which electronics are collected for recycling (ranging from small, rural municipal drop-off sites to retailers to one-day events to large, urban sites), and that handling requirements are different for electronics than for many other types of solid waste.

Based on this and the feedback that the earlier language was not clear enough, the department is proposing a separate, new paragraph [s. NR 502.07 (2) (am), Wis. Adm. Code] to specifically address the allowed containers/packaging and minimum handling standards specific to e-waste.

Including smartphones and video game systems under the definition of “consumer computer”: The Consumer Technology Association, a group representing electronics manufacturers submitted comments objecting to the proposed inclusion of smartphones and video game systems under the definition of “consumer computer” under s. 287.17 (1) (e), Wis. Stats. The group argued that these devices are used primarily as phones and game consoles, that used smartphones and video game systems are in high demand because of their reuse value, and that there is an extensive network in place for collection of these devices for reuse and recycling. The group stated that the proposed rule “would require manufacturers of smart

phones and game consoles to incur additional costs with no concurrent recycling or environmental benefit.”

Department response: The department included device category clarifications in the rule for the public hearing based on its initial interpretation that smartphones and some video game systems meet the statutory definition of a “consumer computer,” and thus are required to be covered by this definition. The department asked the commenter for additional details about the economic impacts of this provision, but none was provided during the public comment period on the draft rule language.

Items not addressed in the rule: The department received a comment that the proposed rule language will add regulation, costs and record keeping to small market recyclers while not increasing manufacturer recycling payments, changing the manufacturer target formula, or expanding who is eligible to recycle electronics through E-Cycle Wisconsin.

Department response: The department does not have the authority to change by rule the rates manufacturers pay for recycling, the manufacturer recycling target formula, or the groups (currently households and K-12 schools) that are eligible to recycle electronics through E-Cycle Wisconsin. These would need to be statutory changes made by the Legislature. The department will continue to recommend changes to the Legislature that could improve program economics, such as the recent expansion, under 2021 Wisconsin Act 79, or eligibility to all K-12 schools, instead of K-12 public and Parental Choice Program schools.

Effect on reuse, repair or donation of used electronics: The department received a question about whether the proposed changes would negatively affect organizations involved in repair, reuse, donation and/or resale of electronics.

Department response: The department’s intent is to exempt reuse, repair and refurbishment of electronics from solid waste licensing requirements. In the proposed definition of “Electronics recycling” under s. NR 500.03 (71m), Wis. Adm. Code, electronics recycling does not include “Reuse, repair, or any other process through which an electronic device is returned for use in its original form.” Devices that are being reused/refurbished, sold, donated, etc., are not a “waste” and so not covered by solid waste regulations.

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE (21-041)

Comments received from the Wisconsin Legislative Council Rules Clearinghouse (LCRC) were related to form, style and placement in administrative code; adequacy of references to related statutes, rules and forms; and clarity, grammar, punctuation and use of plain language. The department made all requested changes except as follows:

Comment 2d. In SECTION 1 of the proposed rule, in s. NR 500.03 (71m) (a) (intro.), should “means processing” be changed to “means preparing” in order to achieve consistency with the definition of “recycling” in s. 287.17 (1) (m), Stats.?

Department Response: The department’s intent is for this definition to be distinct from the definition in s. 287.17 (1) (m), Wis. Stats., because of the need to be consistent with how other terms and activities are defined and applied in ch. NR 502, Wis. Adm. Code. To reduce confusion, the department changed the proposed definitions from “electronics

recycling” to “electronics processing” and “electronics recycling facility” to “electronics processing facility.”

Comment 2e(1): The definition of “collection” in sub. (2) could be removed because that term is already incorporated by the reference to s. 287.17, Stats., in s. NR 530.03 (intro.).

Department Response: There is a different and somewhat conflicting definition of “collection” in s. NR 500.03 (38), Wis. Adm. Code, since the chapter applies broadly to several waste types so we are including this definition to be clear it is the one in s. 287.17, Wis. Stats., that applies.

Comment 2e(2): The department should consider whether it is necessary to create the definition “covered school” in sub. (3).

Department Response: 2021 Wisconsin Act 79 changed the definition in s. 287.17, Stats., from “school” to “covered school,” so the department has removed the definition from the rule but retained the term “covered school.”

Comment 2e(4): Will the term “smart home device”, as used in s. NR 530.04 (1) (b), be understood by relevant stakeholders without a definition?

Department Response: This appears to be a common term, used as a device category by many retailers, and the department did not receive any comments from the public asking for clarification of this term, so the department did not add a definition.

Comment 5c: In s. NR 530.09 (2) (a) 4., what is “long-term” storage?

Department Response: The phrase “long-term” has been removed.

SUMMARY OF PUBLIC COMMENTS AND DNR RESPONSE

The department received nine written comments or clarifying questions on the draft rule between June 23 and July 7, 2021, including two comments that supplemented verbal comments during the June 28, 2021, public hearing. Comments or questions were received from electronics collectors including Brown County, the city of Madison, the city of Milwaukee, Oconto County and Portage County; electronics recycler Universal Recycling Technologies; the Consumer Technology Association that represents its member companies, including many electronics manufacturers; HP Inc.; and Waste Management. Representatives from the Consumer Technology Association and Waste Management provided verbal comments during the public hearing. All commenters expressed support for the majority of provisions in the proposed rule.

Oconto County expressed support, in particular, for the improved regulation and oversight of electronics recycling businesses, based on the county’s experience with expensive cleanups for electronics sites that had not been properly managed. Portage County and the electronics recycler Universal Recycling Technologies also expressed support for these provisions, including owner financial responsibility requirements for processors.

The city of Milwaukee and Portage County expressed support in particular for the rule's enhanced customer education requirements for electronics retailers, as a means of better educating the public about proper management of unwanted electronics.

The department reviewed and addressed all of the specific questions or requests for changes in the comments. The following summarizes these items and the DNR's response.

Device categories meeting "consumer computer" definition

The Consumer Technology Association (CTA) testified and submitted comments opposing the inclusion of smartphones and video game systems in the statutory definition of "consumer computer."

s. 287.17 (1) (e) "Consumer computer" means a high-speed data processing device for performing logical, arithmetic, or storage functions that is marketed by the manufacturer for use by households or schools, except that "consumer computer" does not include an automated typewriter or typesetter, a portable hand-held calculator or device, or other similar device.

CTA argued that smartphones are excluded because they are a "portable hand-held calculator or device." CTA's definitional argument for not including video game systems was that their purpose is to allow consumers to play games, and not to "perform logical, arithmetic or storage functions." CTA also argued that this consumer computer definition could be broadly applied to many other types of devices, questioning why video game systems were singled out.

Other comments on this topic received included the following:

- The manufacturer HP Inc. submitted brief comments in support of the proposed "consumer computer" device categories.
- The City of Milwaukee submitted comments in favor of expanding covered electronic devices in order to cover more recycling costs and assist municipalities with collection of devices "that contain flammable, difficult-to-remove lithium ion batteries."
- Portage County submitted comments in favor of including smartphones and video game systems as covered electronic devices.

Department Response: Department program staff obtained a legal opinion from the department's attorney responsible for solid waste and recycling concerning the applicability of the "consumer computer" definition to smartphones and video game systems.

The legal opinion advised that smartphones be excluded from the definition of "consumer computer" because they meet the exclusion of "a portable hand-held calculator or device," though a smartphone could meet the definition of "consumer video display device" under s. 287.17 (1) (em), Wis. Stats., if it had a screen that measures at least 7 inches in the longest diagonal direction.

The legal opinion further advised that the department should separately evaluate individual components of video game systems, and that some components, such as game consoles like Xbox and PlayStation, may meet the statutory definition of a consumer computer. Portable, hand-held video game devices with a screen of less than 7 inches in the longest diagonal direction would not be covered electronic devices, for the same definitional reasons as smartphones.

Based on this opinion, the department removed from the rule “smartphone” in the list of device categories that meet the definition of a “consumer computer.” The department updated the rule’s wording of the video game system device category to “A component of a video game system that meets the definition under s. 287.17 (1) (e), Stats., of a consumer computer” to clarify which video game-related devices would meet the definition of a consumer computer and thus be a covered electronic device.

The department included components of video game systems as a device category under the “consumer computer” definition because many video game consoles perform functions, such as browsing websites, that are similar to those of desktop, laptop or tablet computers—some of which are also specifically marketed for playing video games. In addition, five of the 25 other states that have electronics recycling laws currently include game consoles as covered devices, either as a separate category or under their definition of a computer. The department will continue to evaluate all electronic devices to determine the extent to which they meet the definition of a covered electronic device under s. 287.17 (1) (f), Wis. Stats.

Addition of eligible electronic devices

In its testimony, CTA indicated it would support including smartphones as eligible electronic devices under s. 287.17 (1) (gs), Wis. Stats., which would mean they could be recycled to count toward manufacturer recycling targets. However, if they are not designated as a covered device, smartphone manufacturers would not be required to register with the department or meet recycling targets based on their sales.

Department Response: Section 287.17 (10) (i), Wis. Stats., authorizes the department to promulgate a rule specifying that a kind of electronic device is either an eligible electronic device, is subject to the disposal ban in s. 287.07 (5) (a), Wis. Stats., or both, if the department determines that the disposal or burning of this kind of electronic device in a solid waste facility may be harmful to human health or the environment. Section 287.07 (5) (a) 9., Wis. Stats., currently bans “A telephone with a video display” from landfill or incinerator disposal.

After reviewing the issue, the department determined that telephones with video displays, which typically contain powerful lithium ion batteries, may be harmful to human health or the environment if disposed of in a solid waste facility, due to the fire risk from lithium ion batteries damaged by equipment in solid waste collection trucks, at transfer or processing facilities, incinerators and landfills. In recent years, industry experts have documented hundreds of fires in solid waste processing and disposal facilities, many of which have been traced back to lithium ion batteries in electronics.

To reduce this fire risk by encouraging proper recycling of more electronic devices, and after assessing the comments on the consumer computer definition, the department added the following to the list of eligible electronic devices in the rule:

- telephones with a video display;
- telephone accessories operated by a battery; and
- video game system components operated by a battery that do not otherwise meet the definition of a covered electronic device.

Requirement for collectors to maintain independent records of loads sent to recyclers

Brown County and the city of Madison raised initial concerns about the proposed requirement in s. NR 530.08 (3), Wis. Adm. Code, for registered E-Cycle Wisconsin collectors to “maintain records of the dates it sent eligible electronic devices to another registered collector or a

registered recycler, along with the bill of lading, scale receipt, or approximate weight or size of the load. These records shall be kept independently from receipts or other records received from the collector or recycler that received the eligible electronic devices.” The city of Madison expressed concern about collectors’ ability to do this if they don’t have a scale, and Brown County asked about potential difficulties this could cause for reconciling collector and recycler records at the end of the program year.

Department Response: The department’s intention is to ensure collectors are maintaining records that can be used to verify records kept/provided by receiving facilities (usually the recycler). There would be an additional benefit for many collectors of being able to better verify the accuracy of charges they are receiving from their recycler. No changes were made in the rule based on these comments.

The impetus for this requirement came from a significant enforcement case involving a recycler previously registered under E-Cycle Wisconsin, which the department believed was providing inaccurate records. When the department reached out to collectors to verify the recycler’s records, many couldn’t even verify the dates loads were picked up by the recycler or whether the weights the recycler was reporting were reasonable. The recycler abandoned more than 9 million pounds of hazardous waste in Wisconsin and Tennessee with an estimated cleanup cost of \$2 million in Wisconsin and \$1.1 million in Tennessee. Many of the materials in Tennessee came from Wisconsin. To date, this case has resulted in multiple criminal convictions, with additional cases pending.

The departments’ s expectation would be for registered collectors to track the dates they sent loads of electronics off-site, as well as some information about what was included in that load. If the collector is using a bill of lading or has its own scale, those could be used as the records. But a collector could also just note approximately how much and the types of electronics. For example, 10 pallets of cathode ray tube TVs, 5 Gaylords of mixed electronics, 1 Gaylord of computers, 1 pallet of monitors. The department will provide a worksheet collectors could use for doing these estimations.

Since most collectors don’t have scales, in most cases the department does not expect there would be much additional reconciling needed, at least at the end of the program year, with the understanding that most collectors would be looking at their records as they receive each invoice/statement from their recycler.

The department expects to do further outreach and provide guidance to make sure collectors understand this requirement and the flexibility they have to meet it.

Documenting length of time electronics remain at collection/transfer sites

Brown County expressed support for changes the department had made to proposed rule language regarding how electronics are managed at solid waste transfer facilities (e.g., collection sites), but had the following question:

“Containers, pallets or other packaging material... shall be removed or emptied at least once per year.” Will there be any required documentation proving this is happening – similar to universal wastes?

Department Response: The department understands this comment and in response made clarifying changes to the rule language.

Given that electronics may be stored in different ways, depending on their size and shape, the department wants to maintain flexibility for sites to track these dates in the manner that works best for their operations. The department updated the proposed rule language to the following, and will use guidance to outline the options transfer facilities have for demonstrating compliance with this provision. The proposed rule text now states:

S. NR 507.02 (2) (cm) A facility shall demonstrate that containers, pallets or other packaging material holding only electronic devices, along with any electronic devices stored outside of a container, are removed or emptied at least once per year.

Solid waste collection and transportation (C&T) licensing requirements for electronic waste

Universal Recycling Technologies (URT) expressed concern about transporters of electronic waste being required to obtain solid waste collection and transportation licenses from the department.

Department Response: The department clarified with URT that the proposed rule provides exemptions from C&T licensing for transporters of electronic waste, as long as they meet the basic operational requirements referenced in the exemptions.

Waste Management comments on ch. NR 502 provisions

While expressing general support for the rule provisions and for changes the department had previously made to the proposed rule, Waste Management submitted several comments and questions on specific language in ch. NR 502, Wis. Adm. Code. Below is a summary of these comments/questions and the department's responses.

1. Section 6/NR 502.06 (2) (ag) exempts services transporting "only" waste electronics. Are we correct in understanding "only" to mean the service is not transporting other solid wastes? If that is the case, a note to that effect would be helpful. Otherwise, the inference is that the service transports no other materials.

Department Response: The intent here is that, to qualify for this particular licensing exemption, a load would need to include only waste electronics. That is, a load that contains other solid waste, plus a few containers or pallets of electronics, would not qualify for this exemption. This section would not apply to loads/portions of loads that are not solid waste (e.g., if a retailer's truck included products being delivered for sale, in addition to waste electronics being backhauled from a store collection point). The department added a note clarifying that de minimis amounts of packaging or contamination are allowed, and will provide guidance to help operators understand what is required to qualify for this licensing exemption.

2. Section 6/It's not clear how or why the general requirements of NR 502.04 would apply to a common carrier transporting waste electronics.

Department Response: Any solid waste facility regulated under ch. NR 502, Wis. Adm. Code, including collection and transportation services, must meet the applicable requirements of s. NR 502.04, Wis. Adm. Code, unless specifically exempted. The department will provide guidance to help clarify which requirements in ch. NR 502, Wis. Adm. Code, apply to collection and transportation of waste electronics.

3. Section 7/NR 502.06 (2)(am) – This section exempts only transporters of, “...non-hazardous materials derived from electronic devices...” This is confusing, since it is not clear whether or how the Department is requiring licensing for transportation of any fraction of electronic devices. Other than batteries, device materials are not DOT Hazardous materials given the quantity and concentration of the materials in question. A material cannot be regulated as a hazardous waste unless it is first a solid waste (40 CFR 261.4(a)). When recycling, how a material is regulated under RCRA depends on what type of material it is and how it is being recycled. To determine which regulations apply to e-waste, the generator has to consider both of those questions. To encourage recycling and still protect human health and the environment, EPA tried to make the level of regulation reflect the actual hazard of the recycling activity. Like the federal regulations, Wisconsin exempts certain wastes recycled under NR 661.02 and 661.04, and Universal Waste under 661.09.

Is the intent to depart from these policies by requiring licensing of transporters of electronic devices/components under certain conditions?

Department Response: The intent of the “non-hazardous” language is to provide clarification that hazardous waste requirements may still apply to some materials derived from electronics, such as cathode ray tubes, batteries and lamps. This language does not change any of the hazardous waste requirements in chs. NR 600-699, Wis. Adm. Code. This provision clarifies that non-hazardous materials derived from electronic devices, which might include plastics, steel, aluminum, copper or other metals, which are regulated under chs. NR 500-599, Wis. Adm. Code, (solid waste regulations), qualify for the same exemption from solid waste collection and transportation licensing as cans, bottles, paper, cardboard, and other materials banned from disposal under s. 287.07 (3) and (4), Wis. Stats.

4. Section 16/NR 502.08(6)(p) – We recommend omitting this proposed requirement. It is not at all practical for a facility operator to notify any carrier delivering devices to the facility of the need to comply with various state regulations. The provision assumes that the facility is contracting with or arranging transport of devices to the facility, but in many cases the facility has no nexus at all to the carrier. Delivery is arranged by a broker or other 3rd party. The facility often does not even need to know who the carrier will be until the truck is backing up to the dock. Moreover, brokers and those arranging transportation don't typically contract with, and rely upon, a single carrier. They engage multiple carriers in a continuously shifting dynamic driven by logistics, availability and price.

Department Response: The department believes that electronics processing facilities that are contracting with third-party carriers to transport waste electronics to their processing facilities should ensure that the carriers are aware of the requirements under s. NR 502.06, Wis. Adm. Code, because these carriers may not otherwise be familiar with solid waste requirements.

To address the core concern in this comment, the department updated the language in the proposed rule so that facilities are only required to provide this notification to collection and transportation services they contract with, so that the facilities have a clear mechanism (a written contract) for providing the notification.

5. Section 10/ NR 502.07(2)(am) – We greatly appreciate the modifications the Department made to the originally proposed container language. We ask that you consider further modifying this provision to make it clear that a container intended to hold only electronic devices is covered under 502.07(2)(am) even if it also contains de minimis amounts of other material, such as plastic wrapping, pallet banding, packaging or litter or other garbage inappropriately placed in the container.

Department Response: The department added a note clarifying that de minimis amounts of packaging or contamination are allowed, and will also provide guidance to this effect.

6. Section 20/NR 530.05(2) – Provision seems to say that if a registered recycler or collector receives certain material...it can be sent to a registered recycler for recycling on behalf of a registered manufacturer. May be clearer to state: ~~If a registered collector or registered recycler receives~~ Eligible electronic devices recovered from waste loads or illegal dumping that can reasonably be assumed to have come from households or schools in this state, the eligible electronic devices may be accepted by sent to a registered recycler for recycling on behalf of a registered manufacturer.

Department Response: The department removed the first reference to “recycler” to avoid confusion, but kept the reference to collectors, because all material must go through registered collectors to be eligible.

7. Section 20/NR 530.08 – Information originally submitted may change throughout the licensing period as events are added, prices change, event times are determined, etc. Please indicate that a collector is required to submit information known and available at the time of registration, but not obligated to continually update that information in agency records.

Department Response: The department does expect collectors to continually update this information throughout the year, because it keeps the department’s public list (which hundreds of thousands of people visit annually) current. These types of updates may include a phone number change, a collection site closing, or a site or one-day event being added during the course of the program year.

The department added a statement in s. NR 530.08 (1) (c), Wis. Stats, that collectors need to notify the department of changes to some of their registration information in a timely manner.