

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 2/16/2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NR 500 - Solid Waste Management Requirements NR 502 - Solid Waste Storage, Transportation, Transfer, Incineration, Air Curtain Destructors, Processing, Wood Burning, Composting And Municipal Solid Waste Combustors NR 520 - Solid Waste Management Fees And Financial Responsibility Requirements NR 530 – Electronic Waste Recycling Program Requirements	
4. Subject Revisions to chs. NR 500, 502 and 520 and creation of ch. NR 530 for the purpose of implementing electronics recycling program requirements. WA-11-19	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.370(4)(nr) – electronics manufacturer registration fees; 20.370(4)(dg). – solid waste initial site inspection fees
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).	

The department estimates the proposed rule would result in a total one-time implementation cost of \$31,600 for electronics recyclers, and new annual costs of \$417,500, primarily for approximately 30 out-of-state manufacturers of video game systems and smartphones, who will be assuming responsibility for supporting the costs of recycling their products. The actual costs will depend on the number of units these manufacturers sell to Wisconsin households and schools.

More specifically, the department estimates the total initial compliance costs for electronics recyclers to be between \$26,100 and \$37,100. An estimated \$2,750 to \$5,500 of that would be paid to the department in initial site inspection fees. The remaining costs would be in staff time or consulting fees and payments to banks or other institutions that provide letters of credit, surety bonds or other owner financial responsibility instruments.

The department estimates total annual costs of \$20,000 to \$25,000, paid to the department in registration fees, for approximately 10 manufacturers of video game systems and smartphones that are not currently registered under E-Cycle Wisconsin. These manufacturers are located out of state, but sell products to Wisconsin households and schools. The department estimates about 30 manufacturers would incur total additional annual recycling costs of approximately \$385,000, which would be paid to registered recyclers as additional funding for electronics recycling, potentially reducing recycling fees paid by local governments, households and schools.

The department estimates that in-state electronics recycling facilities would annually spend an estimated \$6,000 to \$9,000 above current costs, spread among 20-30 facilities, to maintain owner financial responsibility. This would typically be paid to banks or other financial institutions to maintain a letter of credit or surety bond, and would help prevent taxpayers and landlords from shouldering clean-up costs if a recycler went out of business.

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10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?

Yes  No

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11. Policy Problem Addressed by the Rule

Wisconsin's electronics recycling law, enacted in 2009, established a statewide program to collect and recycle certain electronics. Under this product stewardship-based law, manufacturers of TVs, computers, monitors and desktop printers must register with the department the brands they sell to Wisconsin households and schools. Those manufacturers also must recycle a target weight of electronics each year based on their sales. Manufacturers contract with state-registered recyclers and collectors to meet their targets. This manufacturer-funded recycling program is called E-Cycle Wisconsin. The law also banned landfill and incinerator disposal of many electronics.

The statute (s. 287.17, Stats.) establishing this program was intended to be detailed enough for the department to complete initial implementation without rulemaking (it prohibited the department from promulgating rules during the first two years of the program). The department has worked extensively with program participants over the years to develop and improve streamlined, online registration and report forms. These allow the department to verify the accuracy of information collectors, recyclers and manufacturers report, and also provide data to update a public list of electronics recycling options in real time, which the department identified as a high priority based on statewide surveys of Wisconsin households. In addition, the department has worked with stakeholders to put in place a flexible and efficient marketplace for the buying and selling of credit for recycled eligible electronic devices, making it easier for manufacturers to meet their recycling targets and for recyclers to recover costs. The proposed new ch. NR 530 codifies many of these improved and streamlined registration and reporting practices.

The 2009 law did not include requirements for electronics collection and recycling activities outside of E-Cycle Wisconsin. These activities are regulated by solid and hazardous waste requirements in chs. 289 and 291, Wis. Stats., and the NR 500 and 600 series of the Wisconsin Administrative Code. Prior to the electronics recycling law's enactment, and anticipating increasing volumes of electronic waste, the department simplified requirements for electronics recycling to encourage development of e-cycling infrastructure. The department exempted electronics recyclers from solid waste processing license requirements under s. NR 502.08 (2) (f), Wis. Adm. Code, as "Facilities for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for scrap or use for remelting purposes." Transporters were also exempted from solid waste transporting requirements under s. NR 502.06 (2) (a), Wis. Adm. Code, as "Services for the collection and transportation of only gravel pit spoils, quarry materials, earth materials or salvageable materials other than those listed in s. 287.07 (3) or (4), Stats."

Since the decision, there have been several significant changes in the electronics recycling landscape that have led the department to re-examine this interpretation with this rulemaking and seek to define requirements for electronics collection, transportation and recycling activities. These included:

- Significant growth in Wisconsin's electronics recycling infrastructure, due largely to 2009 Wisconsin Act 50, including the rapid growth among a handful of high-tech recycling facilities in the state.
  - An increase in enforcement cases resulting from irresponsible recyclers or "scrappers" removing high value metals from electronics while leaving hazardous materials behind. Since 2015, the department estimates these cases have led to more than \$2 million in completed and needed cleanups for which there are cost estimates but the cleanups have yet to occur. The majority of these costs are covered either by taxpayers or by landlords who own the properties on which the material has been mismanaged.
  - A large change in the market for glass from cathode ray tubes (CRTs), which has made recycling older TVs and monitors much more expensive and led to stockpiles of CRTs and lead-containing CRT glass.
  - Greater public awareness of the need to recycle electronics, and more demand for legitimate recyclers providing
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these services.

- The evolution of electronics, resulting in a lower percentage of electronic components that are metal (more valuable as commodities) with a commensurate increase in plastic components with a lower commodity value.

Many elements in the rule come directly from discussions with E-Cycle Wisconsin program participants and other stakeholders over the years. At the most recent E-Cycle Wisconsin stakeholder meeting in May 2018, participants were positive about the electronics recycling law, but noted several areas of concern, including a need for more actions to deter bad actors; the lack of affordable, convenient recycling for some state residents; a lack of consumer awareness about the need to responsibly recycle electronics;; and economic and safety issues the changing electronic waste stream has brought to collectors and recyclers.

Elements of the proposed rule that address these stakeholder concerns, along with the problems the department has seen with electronic waste mismanagement, include the following:

- Strengthening owner financial responsibility requirements for recyclers registered with E-Cycle Wisconsin, including ensuring a more level playing field between in-state and out-of-state recyclers by making requirements for out-of-state recyclers commensurate with requirements for in-state recyclers.
- Ensuring consistency and a level playing field among registered recyclers by establishing criteria for when a material derived from electronics is considered not “recyclable” and thus can be sent for disposal while still remaining eligible to count toward manufacturer recycling targets.
- Codifying department procedures for suspension or revocation of registered collectors, recyclers and manufacturers, to ensure the department remains consistent and transparent with these actions.
- Clarifying which types of electronics meet definitions in s. 287.17 (1), Stats., so that all manufacturers of covered electronic devices are contributing the funding of recycling electronics from Wisconsin households and schools. This includes clarifying that smartphones and most video game systems meet the definition of “consumer computer” in s. 287.17 (1) (e), Stats. These clarifications should ensure manufacturers cover a larger share of electronics recycling costs, potentially reducing fees Wisconsin residents are currently paying to recycle their electronics.
- Codifying requirements for information included in E-Cycle Wisconsin registrations that allows the department to continue maintaining a user-friendly website where Wisconsin residents can find convenient electronics recycling options.
- Providing more specificity about electronics retailers’ customer education requirements under s. 287.17 (9), Stats. Stakeholders have identified retailers where consumers are purchasing new electronics as a significant opportunity to improve awareness of the electronics disposal bans and electronics recycling opportunities.
- Requiring all in-state facilities that recycle electronics to obtain a solid waste processing license from the department, and ensuring other facilities managing electronic waste (including storage and transfer facilities and transporters) meet basic operational and locational standards. This includes requiring that all in-state electronics recycling facilities have owner financial responsibility in place.

Regulating the management of electronic waste under chs. 500-520, Wis. Adm. Code, will also increase protection of the environment and human health by reducing the potential for mismanagement of discarded electronics. Specifically, these changes will:

- Allow the department to provide direct, concrete compliance assistance before sites become large problems.
- Deter small-scale operators from taking on processing they cannot do responsibly.
- Give electronics generators, such as businesses, a clear signal as to which recyclers they should use, cutting off supply from irresponsible scrappers and reducing liability for the generators.
- Provide money for future electronic waste cleanups through a requirement that all in-state electronics recyclers maintain owner financial responsibility.

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12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The creation of ch. NR 530, Wis. Adm. Code, will affect entities covered by Wisconsin's electronics recycling program, created by s. 287.17, Wis. Stats., and referred to as E-Cycle Wisconsin. Affected types of entities include:

- Electronics collectors as defined in s. 287.17(1)(mg), Wis. Stats.;
- Electronics manufacturers as defined in s. 287.17(1)(i), Wis. Stats.;
- Electronics recyclers as defined in s. 287.17(1)(mr), Wis. Stats.; and
- Electronics retailers as defined in s. 287.17(1)(n), Wis. Stats.

Changes to chs. NR 500, 502 and NR 520, Wis. Adm. Code, will affect individuals or facilities that collect, store, transport, sort, dismantle, shred or otherwise process electronics and components derived from electronics. Some of these may also be E-Cycle Wisconsin participants.

During the solicitation period, the department contacted all participants registered with E-Cycle Wisconsin, along with more than 8,000 stakeholders signed up for a department electronics recycling email list, as well as all local units of government that operated effective recycling programs.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

Local government units were contacted for comments during the solicitation period. No local governmental units provided input about the rule's economic impact during the comment period.

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14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The department anticipates the following will have additional one-time or new annual costs as a result of the proposed rule.

- Manufacturers of smartphones and video game systems would now be required to register with the department and meet the requirements of s. 287.17, Wis. Stats., (annual registration fee and recycling costs). All manufacturers the department expects will be affected are located out-of-state. Payments made directly to recyclers would be their largest costs.
- Out-of-state electronics recyclers registered with E-Cycle Wisconsin (one-time costs to update owner financial responsibility).
- In-state electronics recycling facilities, including those currently registered as recyclers or collectors under E-Cycle Wisconsin, and those not participating in E-Cycle Wisconsin (one-time costs to obtain a solid waste processing license from the department, and annual costs to maintain owner financial responsibility).

These estimated costs are outlined in more detail below. The department does not anticipate significant additional costs for electronics retailers or collectors that do not dismantle electronics.

*New annual costs: out-of-state manufacturers of smartphones and video game systems*

The proposed ch. NR 530 would clarify the types of devices that meet the definition of a covered electronic device. The only significant change would be the inclusion of smartphones and video game systems, which the department believes currently meet the definition of a consumer computer under s. 287.17 (1) (e), Wis. Stats. Because the features of cellphones and video game systems have evolved since s. 287.17 was created, these devices were not included in the department's initial interpretations of the law.

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Section 287.17 (2), Wis. Stats., requires manufacturers of covered electronic devices to register with the department and meet certain requirements. The department estimates that approximately 10 additional manufacturers would need to register brands of covered devices, because they sell either smartphones or video game systems and are not currently registered with the department for other covered electronic devices. Depending on the number of units sold to Wisconsin households and schools by these manufacturers (see Table 1), the total annual registration fees the newly added manufacturers would pay to the department could range from \$0 to \$50,000. The department estimates the most likely additional (total for all new manufacturers participating in the program) fee amount paid annually to the department would be \$20,000 to \$25,000. This assumes \$20,000 (3 manufacturers in the \$0 fee category, 4 at \$1,250 and 3 at \$5,000) to \$25,000 (2 manufacturers at \$0, 4 at \$1,250 and 4 at \$5,000).

**Table 1: Manufacturer registration fee levels**

Units of covered devices sold to WI households and schools during previous program year	Annual registration fee	Potential number of manufactures affected
<25	\$0	2 to 3
25 to 249	\$1,250	4
250 or more	\$5,000	3 to 4

These manufacturers, along with manufacturers already registered for other covered electronic devices that also make smartphones or video game systems, would need to meet annual recycling targets based on their sales of smartphones and video game systems to Wisconsin households and schools. Each manufacturer has a recycling target equal to 80% of the weight of covered devices sold in the state during a given 12-month period. To meet these targets, manufacturers contract with registered recyclers at a per-pound price to fund the recycling of eligible electronic devices. Based on market research, the department has identified 18 brands of smartphones and 12 brands of video game systems that would likely have recycling targets, including several manufacturers already registered with E-Cycle Wisconsin.

Because sales data are proprietary, the department does not have access to current, detailed information on the weight of video game systems and smartphones sold in Wisconsin. Using 2017 data provided by the Electronics Recycling Coordination Clearinghouse (ERCC), the department estimates that approximately 2.3 million pounds of video game systems were sold in Wisconsin that year. Using a rough current smartphone U.S. sales estimate of 135 million units provided by ERCC and an average smartphone weight of 6.5 ounces, the department estimates approximately 970,000 pounds of smartphones are currently being sold in Wisconsin annually. Based on conversations with stakeholders, the department estimates an average per-pound recycling payment from manufacturers to recyclers of approximately 15 cents per pound. This would translate to manufacturers of smartphones paying recyclers approximately \$115,000 per year to fund electronics recycling in Wisconsin, and video game system manufacturers paying recyclers approximately \$270,000 annually (see Table 2).

**Table 2: Estimated additional annual manufacturer recycling costs**

Device type	U.S. units sold	U.S. weight sold (lbs.)	WI weight sold (lbs.)*	WI recycling target (lbs.)	Estimated recycling cost **	# of manufacturers
Video game systems	17,400,000	127,300,000	2,253,210	1,802,568	\$270,385	12
Smartphones	135,000,000	54,843,750	970,734	776,588	\$116,488	18
Total	152,400,000	182,143,750	3,223,944	2,579,156	\$386,873	

\* Assumes Wisconsin's share of the U.S. population as 1.77%

\*\* Per pound recycling cost estimated at \$0.15

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The figure for video game systems may be an overestimate, because several manufacturers already register gaming laptops and tablets, which may also be counted in the sales data provided by the ERCC. It is also possible some of the video game systems included in the sales data would not meet Wisconsin's definition of a "consumer computer" and thus would not be covered. The figure for smartphones may also be an overestimate, depending on how many of the units are covered by the program because they are sold to households and schools, rather than businesses.

#### *One-time costs: out-of-state registered E-Cycle Wisconsin recyclers*

Much of the proposed rule creating ch. NR 530, Wis. Adm. Code, would codify current practices under the E-Cycle Wisconsin program, and so would not result in additional costs for program participants. The department will conduct outreach to affected facilities through workshops, webinars and/or one-on-one technical assistance.

The most significant change to requirements for registered E-Cycle Wisconsin recyclers concerns owner financial responsibility, which is most often provided as a letter of credit or a surety bond. Section 287.17 (8) (c), Wis. Stats., already requires registered recyclers to have owner financial responsibility in place. The department believes the seven in-state registered recyclers are already in compliance with the additional requirements contained in the rule. The department believes that three of the current out-of-state registered recyclers would need to make one-time adjustments to their owner financial responsibility, such as naming an independent third party as beneficiary, with an approximate total cost of \$5,000, paid to banks or other institutions that provide the letter of credit, surety bond or other instrument used for owner financial responsibility.

#### *One-time costs: in-state electronics recycling facilities*

The proposed rule requires a solid waste processing plan of operation for electronics dismantling and processing activities. This would entail a one-time cost for some facilities. These facilities would also be required to obtain an annual license; however, the department would waive annual licensing fees, as it currently does for other solid waste processing facilities with a primary purpose of recycling. Some of these costs could be offset by attracting customers that are seeking to work with department-licensed facilities to ensure their electronics will be legitimately recycled.

There are three categories of facilities that would be required to obtain a license, with differing costs for each. These are summarized below and in Table 2 and Table 3.

- Seven in-state recyclers registered with E-Cycle Wisconsin would see minimal additional costs, as they would likely already meet solid waste processing and owner financial responsibility requirements. Some facility staff time (estimated at 10 hours per facility) would be required for the approval and licensing process, with an estimated cost of \$300 per facility.
- In-state facilities registered as collectors, but not recyclers, under E-Cycle Wisconsin that meet the definition of an electronics recycling facility would see anywhere from a few hundred to a few thousand dollars in one-time costs for staff time or, in some cases, to hire a consultant to assist with preparing a plan of operation, a closure cost estimate and other paperwork. Facilities may have additional annual fees to be paid to banks or other institutions to set aside money (owner financial responsibility funds) for closure and cleanup costs. The owner financial responsibility amount (and thus the cost of obtaining it) would be directly related to the size of a facility, so that smaller operations would hold less than larger ones. The department estimates the average costs at \$800 per facility, with 15-20 facilities affected.
- Electronics dismantling/processing locations not currently part of E-Cycle Wisconsin would potentially incur a one-time \$550 Initial Site Inspection fee (paid to the department), along with the one-time staff or consultant costs for preparing a plan of operation and closure cost estimate, and costs for setting up owner financial responsibility. Facilities may have additional annual costs to banks or other institutions to maintain owner financial responsibility for closure and cleanup. The department expects most facilities to meet this requirement through obtaining a letter of credit or surety bond. Some facilities may have to implement new operating

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procedures or facility updates, but these are expected to be minimal. The department estimates that approximately 5-10 facilities not part of E-Cycle Wisconsin could be required to obtain a solid waste processing license, and most of these would be relatively small facilities. The department estimates the average total initial costs for a facility at \$1,400 and annual costs at approximately \$200-\$300 for fees paid to banks or other institutions.

Table 3 summarizes the figures used to calculate facility costs. The department used the U.S. Bureau of Labor Statistics' average hourly wage of \$30.73 for compliance officers in Wisconsin.

**Table 3: Estimated per-facility one-time costs to obtain solid waste processing license**

Entity	Est. # hours to obtain license	Total staff cost	Owner financial responsibility cost	ISI cost**	Total cost
Registered recycler*	10	\$307.30	--	\$0.00	\$307.30
Registered collector that dismantles	15	\$460.95	\$300.00	\$0.00	\$760.95
Other recycling facility	20	\$614.60	\$250.00	\$550.00	\$1,414.25

\*Registered recyclers are already required to maintain owner financial responsibility (OFR), and the department does not expect them to have additional costs for this.

\*\* The department would not require an Initial Site Inspection (ISI) for facilities that are already operating when the new rule takes effect, unless a facility was expanding.

Table 4 summarizes the number of facilities affected and their estimated one-time costs.

**Table 4: Estimated aggregate one-time costs for obtaining a DNR solid waste processing facility license**

Facility type	# facilities	Average cost per facility	Total cost
Registered E-Cycle Wisconsin recyclers	7	\$300	\$2,100
Registered E-Cycle Wisconsin collectors that dismantle some electronics	15-20	\$800	\$12,000-\$16,000
Other electronics recycling facilities	5-10	\$1,400	\$7,000-\$14,000
<b>Totals</b>	<b>27-37</b>		<b>\$21,100-\$32,100</b>

*Annual owner financial responsibility costs: in-state electronics recycling facilities*

Fees vary depending on the type of instrument the facility uses to set aside funds. Most types of owner financial responsibility (OFR), including the frequently used letter of credit or surety bond methods, require annual fees paid to a bank or other financial institution. A deposit with the DNR for the full amount of estimated closure costs would not have fees; however, most facilities find it financially difficult to set aside enough to cover full closure and choose other methods instead.

Registered E-Cycle Wisconsin recyclers already pay these fees to meet their requirements under s. 287.17 (8) (c), Wis. Stats., so the department does not anticipate they would have additional annual costs. The department estimates other in-state electronics recycling facilities (both registered E-Cycle Wisconsin collectors and other facilities) would pay an additional \$250 per year on average to obtain and maintain their OFR. This would mean an estimated total aggregate cost of \$6,000 to \$9,000 per year for the estimated 20 to 30 facilities it would affect.

*Impact on state economy and fiscal impact:*

The department does not anticipate an adverse impact of this rule to the state's economy.

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The department anticipates additional revenue from fees paid to the agency for in-state electronics recycling facilities and manufacturers of video game systems and smartphones. This includes estimated one-time Initial Site Inspection fees of \$2,750 to \$5,500 for five to 10 in-state electronics recycling facilities, and estimated annual manufacturer registration fees of \$20,000 to \$25,000 (total for the 10 manufacturers the department estimates would need to register new brands of smartphones or video game systems).

*Public utility rate payers:*

The department does not anticipate the promulgation of this rule to affect utility rate payers.

*Impact on local government:*

The department is not currently aware of local governments that are dismantling or manufacturing electronics, so does not anticipate local governments would incur any of the costs outlined here.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The department believes this rule will bring more clarity to existing regulations for affected parties, reduce pollution from mismanagement of hazardous electronic waste, and provide a more level playing field among electronics recyclers.

For E-Cycle Wisconsin program participants, the rule will clearly set out steps needed to meet statutory requirements. It will also create a more level playing field by making owner financial responsibility requirements more consistent between in-state and out-of-state facilities.

The rule will also clarify definitions of covered electronic devices, requiring manufacturers of smartphones and video game systems to fund electronics recycling efforts, which will increase manufacturer funding of electronics recycling in Wisconsin, further reduce toxic as well as salvageable materials going into Wisconsin's landfills, and potentially reduce recycling costs for Wisconsin households and schools.

Requiring solid waste processing licenses for facilities dismantling or processing electronics could reduce or avoid costs to landlords and governments for cleaning up sites where electronics were mismanaged. One site where electronics were dumped and burned on a small residential property required an Environmental Protection Agency cleanup costing \$163,000 in 2015. The department estimates that mismanagement of electronics by unlicensed recyclers without owner financial responsibility in place has resulted in the need for more than \$2 million in environmental cleanups since 2015. The majority of these costs are currently covered either by taxpayers or by landlords who own the properties on which the material has been mismanaged. The licensing process will require recyclers to meet specific locational and operational requirements, potentially discouraging unqualified facilities from becoming established and reducing supply of electronics to unlicensed individuals or facilities.

Without the rule, the department would need to continue to rely on guidance and existing rule language in chs. NR 500, 502 and 520. This would not address disparities between in-state and out-of-state facilities registered with E-Cycle Wisconsin. It would also not allow the department to provide oversight and technical assistance for all electronics recycling facilities located in Wisconsin, and would mean that many electronics recyclers continue to operate without any standard environmental and operational standards or owner financial responsibility in place, leading to potential costs for taxpayers and landlords.

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16. Long Range Implications of Implementing the Rule

Implementing solid waste processing licensing requirements and adequate owner financial responsibility will reduce the likelihood of future unfunded cleanups of mismanaged electronics that taxpayers or property owners now pay.

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17. Compare With Approaches Being Used by Federal Government

There is no existing or proposed federal regulation for electronics recycling.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Four other Midwest states (Illinois, Indiana, Michigan and Minnesota) have electronics take-back laws. Iowa does not have a similar law. In all four, all collectors and recyclers receiving and processing residential e-waste are required to register with the take-back programs (equivalent to E-Cycle Wisconsin). In contrast, Wisconsin's statute only requires collectors and recyclers participating in the manufacturer-funded E-Cycle Wisconsin program to register with the department.

Two of these states require recyclers to separately obtain a license or permit.

- Minnesota electronics recyclers are required to obtain a "permit by rule" as solid waste facilities, which require a simple application and a sign-off by local governments that they have met zoning requirements. Owner financial responsibility is not required.
- Indiana permits electronics recyclers that have 23 tons or more of material on-site for more than 5 days. The permits must be renewed every 5 years and require owner financial responsibility (\$200/ton for material on-site, with the state as the beneficiary.)

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19. Contact Name

Sarah Murray

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20. Contact Phone Number

608-234-0533

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This document can be made available in alternate formats to individuals with disabilities upon request.

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### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The department estimates that approximately 75% of Wisconsin electronics recycling facilities (15 to 22 businesses) affected by the rule would be small businesses. The department estimates these businesses would have total aggregate one-time costs of \$14,250 to \$22,500. They would not have annual fees.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The department reviewed a list of known electronics recycling facilities and estimated the number that were likely to meet the definition of a small business, based on staff knowledge of the businesses, including through past inspections.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements  
 Less Stringent Schedules or Deadlines for Compliance or Reporting  
 Consolidation or Simplification of Reporting Requirements  
 Establishment of performance standards in lieu of Design or Operational Standards  
 Exemption of Small Businesses from some or all requirements  
 Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The proposed rule includes exemptions from solid waste processing license requirements for facilities that recycle fewer than 25 electronic devices per year. The department will also waive annual solid waste processing license fees for all facilities.

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5. Describe the Rule's Enforcement Provisions

Enforcement provisions are not included in the subsections of the rule affected by the proposed order. Department enforcement of violations of this, and all pretreatment standards promulgated by the department by rule, is authorized by s. 283.89, Wis. Stats. Solid waste enforcement provisions are found in s. 289.97, Wis. Stats., and s. NR 500.11, Wis. Adm. Code.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes  No
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