

Chapter NR 530

ELECTRONIC WASTE RECYCLING PROGRAM REQUIREMENTS

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NR 530.01 Purpose. The purpose of this chapter is to ensure the electronic waste recycling program created under s. 287.17, Stats., functions well for participants and the public, and in a manner that protects public health and the environment. This chapter is adopted under ss. 287.03, 287.17 (8) and (10), and 289.06, Stats.

History: CR 21-041: cr. Register June 2023 No. 810, eff. 7-1-23.

NR 530.02 Applicability. (1) Except as otherwise provided, this chapter governs all entities and activities regulated under s. 287.17, Stats.

(2) This chapter does not apply to an electronics collection or recycling facility that is not registered under s. 287.17, Stats.

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NR 530.03 Definitions. In this chapter, the following definitions, as well as the definitions in s. 287.17, Stats., apply:

(1) “Authorized broker” means a person who provides services to registered manufacturers and registered recyclers for the purpose of cooperation under s. 287.17 (2) (b), Stats., and who complies with the notification requirement under s. NR 530.10 (2).

(2) “Collection” has the meaning specified under s. 287.17 (1) (b), Stats.

(3) “Recycled weight” means the weight of eligible electronic devices used by households or schools in this state that are recycled by a registered recycler that may count toward the total weight of eligible electronic devices recycled reported by a registered manufacturer under s. 287.17 (5) (b), Stats.

(4) “Registered collector” has the meaning specified under s. 287.17 (1) (mg), Stats.

(5) “Registered manufacturer” means a manufacturer registered under s. 287.17 (3), Stats.

(6) “Registered recycler” has the meaning specified under s. 287.17 (1) (mr), Stats.

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NR 530.04 Electronic device categories. (1) A computer monitor includes any of the following:

(a) A video display with a screen of at least 7 inches in the longest diagonal direction used with a consumer computer.

(b) A video display with a screen of at least 7 inches in the longest diagonal direction intended to display video or other content from the internet.

(c) A smart home device with a screen of at least 7 inches in the longest diagonal direction.

(d) An e-reader or other portable electronic device with a screen of at least 7 inches in the longest diagonal direction that displays information from the internet or a processor.

(e) Any other electronic device that meets the definition under s. 287.17 (1) (d), Stats., and is not specifically excluded in that section or this chapter.

(2) A consumer computer includes any of the following:

(a) An all-in-one desktop-style computer with a screen that is integrated with the processor.

(b) A laptop, netbook, or notebook computer.

(c) A server used by a household or covered school.

(d) A tablet computer.

(e) A thin client or other computer that runs from resources stored on a server instead of a local hard drive.

(f) A tower or box desktop-style computer without a monitor.

(g) A component of a video game system that meets the definition under s. 287.17 (1) (e), Stats., of a consumer computer.

(h) Any other electronic device that meets the definition under s. 287.17 (1) (e), Stats., and is not specifically excluded in that section or this chapter.

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NR 530.05 Eligible electronic devices. (1) The department has determined under s. 287.17 (10) (i), Stats., that the disposal or burning of all of the following electronic devices in a solid waste facility may be harmful to human health or the environment and are eligible electronic devices under s. 287.17 (1) (gs), Stats.:

(a) A telephone with a video display.

(b) A telephone accessory operated by a battery.

(c) A component of a video game system or a portable handheld video game device operated by a battery that does not meet the definition of a computer monitor or consumer computer.

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NR 530.06 Eligibility of electronic devices for manufacturer weight recycled. (1) CRITERIA FOR DETERMINING WHETHER MATERIAL IS NOT RECYCLABLE. To determine whether a component or material from an eligible electronic device is not recyclable, and thus may be disposed of through land disposal, destruction by incineration, or other processes, while remaining eligible to count toward a registered manufacturer’s weight of eligible electronic devices recycled under s. 287.17 (5) (b), Stats., the department shall consider all of the following:

(a) Current end markets for the material documented by a registered recycler.

(b) The efforts a registered recycler has documented to separate recyclable from non-recyclable components or materials.

(c) What percentage, by weight, of a device the component or material represents.

(d) Whether the material is hazardous waste.

(e) Other factors a registered recycler or the department considers relevant to the determination.

(2) ELIGIBILITY OF ELECTRONIC DEVICES RECOVERED FROM ILLEGAL DUMPING OR DISPOSAL TO COUNT TOWARD MANUFACTURER WEIGHT RECYCLED. If a registered collector receives an eligible electronic device recovered from waste loads or illegal dumping that can reasonably be assumed to have come from a household or covered school in this state, the eligible electronic device may be sent to a registered recycler for recycling on behalf of a registered manufacturer.

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NR 530.07 Requirements for registered manufacturers. On the registration under s. 287.17 (3) (a), Stats., a registered manufacturer shall include all of the following:

(1) The date on which the manufacturer began selling the brands of covered electronic devices offered for sale in this state and, if applicable, the date it stopped selling the brands.

(2) A list of the brands and types of eligible electronic devices accepted through the manufacturer's mail-back recycling program, if applicable, and information on how households or covered schools can access the program, including a website address, if available.

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NR 530.08 Requirements for registered collectors.

(1) REGISTRATION. (a) A registered recycler or manufacturer shall also register as a collector if the recycler or manufacturer is accepting electronic devices from a household or covered school for recycling on behalf of a registered manufacturer.

(b) A registered collector shall include all of the following information with its registration under s. 287.17 (7) (a), Stats.:

1. A list of the electronic devices banned from disposal under s. 287.07 (5), Stats., that the collector accepts.

2. The site name, street address, and county for any location where the collector accepts eligible electronic devices used by households, and a phone number that households may call for more information about the location.

3. The date and time of any collection event to be held by the collector, if known at the time of registration, or any collection event held during the previous program year, along with the information listed under subd. 2. for the event.

4. Fees the collector charges households or covered schools to accept eligible electronic devices for recycling.

(c) A registered collector shall notify the department in a timely manner if any of the information provided under par. (b) 1. to 3. changes before the time of its next registration under s. 287.17 (7) (a), Stats.

(2) REPORTING. (a) In the annual report submitted under s. 287.17 (7) (b), Stats., a registered collector shall report to the department the total weight of eligible electronic devices used by households or covered schools it collected in this state during the preceding program year. The report shall identify the following, as applicable:

1. The total weight of eligible electronic devices sent to registered recyclers during the preceding program year, along with the name of each registered recycler that received weight, and the weight sent to each.

2. The total weight of eligible electronic devices sent to other registered collectors during the preceding program year, along with the name of each registered collector that received weight, and the weight sent to each.

3. The total weight of eligible electronic devices received from other registered collectors during the preceding program

year, along with the name of each registered collector that sent weight, and the weight received from each.

4. The total weight of eligible electronic devices dismantled instead of sending to a registered recycler during the preceding program year.

5. The total weight of eligible electronic devices sent to a non-registered recycler during the preceding program year.

(b) For weights reported under par. (a) 1. to 3., the collector shall report separate totals for the weight of eligible electronic devices used in rural and urban counties. When the source county is unknown, the weight shall be counted in the total for urban counties.

(3) RECORDKEEPING. (a) A registered collector shall 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.

(b) A registered collector shall maintain records related to the program under this section and reports required under this section for at least 3 years and present records to the department upon request.

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NR 530.09 Requirements for registered recyclers.

(1) REGISTRATION. (a) A registered collector or manufacturer shall also register as a recycler if the collector or manufacturer is recycling eligible electronic devices on behalf of a registered manufacturer.

(b) A registered recycler shall include all of the following information with its registration under s. 287.17 (8) (a), Stats.:

1. The street address of all facilities at which the registered recycler conducts recycling or stores eligible electronic devices or materials derived from eligible electronic devices.

2. A list of the electronic devices banned from disposal under s. 287.07 (5), Stats., that the recycler accepts.

3. A list of applicable third-party certifications that the recycler maintains.

Note: Electronics recycling facilities may become certified by demonstrating to an accredited, independent third-party auditor that they meet specific standards to safely recycle and manage electronic devices. Currently two accredited certification standards exist: the Responsible Recycling ("R2") Standard for Electronics Recyclers and the e-Stewards® Standard for Responsible Recycling and Reuse of Electronic Equipment® ("e-Stewards®").

4. If the facility is located in Wisconsin, the solid waste processing facility operating license number obtained under s. NR 502.08.

(2) REPORTING RECYCLED WEIGHT. (a) In the annual report submitted under s. 287.17 (8) (b), Stats., a registered recycler shall include all of the following:

1. The names of all registered collectors in this state from which the recycler received eligible electronic devices during the preceding program year.

2. The total weight of eligible electronic devices used by households or covered schools in rural counties and used by households or covered schools in urban counties received from each collector. When the source county is unknown, the weight shall be counted in the total for urban counties.

3. The total weight of eligible electronic devices that the recycler diverted for reuse or refurbishment, rather than recycled, during the preceding program year.

4. The total weight of eligible electronic devices that the recycler put in storage, rather than recycled or sent for disposal, during the preceding program year.

5. The total weight of recyclable material derived from eligible electronic devices that the recycler sent for disposal, rather than recycled, during the preceding program year.

(b) To calculate total recycled weight for the preceding program year, the registered recycler shall subtract the weights reported under par. (a) 3. to 5. from the total weight reported under par. (a) 2.

(3) REPORTING ASSIGNMENTS OF RECYCLED WEIGHT. (a) A registered recycler may assign recycled weight to an authorized broker or registered manufacturer.

(b) On the annual report submitted under s. 287.17 (8) (b), Stats., a registered recycler shall identify the total recycled weight the recycler assigned to authorized brokers or registered manufacturers during the preceding program year, the name of all authorized brokers and registered manufacturers assigned recycled weight, and the recycled weight assigned to each.

(c) A registered recycler shall report separate totals for the recycled weight used in rural and urban counties under par. (b). When the source county is unknown, the recycled weight shall be counted in the total for urban counties.

(d) The total recycled weight reported under par. (b) may not exceed the total reported under sub. (2) (b).

(4) OWNER FINANCIAL RESPONSIBILITY. (a) To meet the owner financial responsibility requirement under s. 287.17 (8) (c) 3., Stats., a registered recycler shall do all of the following:

1. Submit a copy of the registered recycler's current proof of financial responsibility to the department with its initial registration and upon request by the department.

2. Provide proof of financial responsibility for all facilities where eligible electronic devices, or materials derived from eligible electronic devices, are stored or recycled.

(b) In addition to meeting the requirements under par. (a), a registered recycler located in Wisconsin shall do all of the following:

1. Submit a closure cost estimate for all facilities listed under sub. (1) (b) 1. on a form required by the department, in accordance with s. NR 520.07.

2. Name the department as beneficiary or obligee and meet the requirements of s. NR 520.06, except the facility may only use one of the financial responsibility mechanisms under s. 287.17 (8) (c) 3. a. to e., Stats.

(c) In addition to meeting the requirements under par. (a), a registered recycler not located in Wisconsin shall do one of the following:

1. Name the department as beneficiary or obligee and meet the applicable requirements of ch. NR 520.

2. Name an independent third party other than the department as beneficiary or obligee and meet all of the following requirements:

a. Provide proof of financial responsibility using one of the mechanisms under s. 287.17 (8) (c) 3. a. to e., Stats. If selecting a performance or forfeiture bond as the means of proof of financial responsibility, the bonds shall be issued by a surety company among those listed as acceptable sureties for federal bonds in Circular 570 of the U.S. department of the treasury.

b. Provide a closure cost estimate that does not count any assets as positive value and is based on the cost of an independent third party managing the facility closure and cleanup.

c. Provide a copy of new or updated proof of financial responsibility within 10 days of its effective date.

d. Notify the department at least 90 days prior to the cancellation date of proof of financial responsibility.

(5) TRANSPORTATION OF ELECTRONIC DEVICES. (a) A registered recycler shall use a bill of lading for all of the following:

1. Transporting electronic devices and their components from the point of collection or consolidation to the recycler's facility.

2. Transporting electronic devices and their components from the recycler's facility to other recyclers or end users of the material.

(b) Each bill of lading shall include the date the load was picked up from the originating facility and a description of the load, including the type of materials and number of pallets or containers. Each bill of lading shall also include one of the following:

1. The weight of the load, if a scale is available.

2. The estimated weight of the load, if a scale is not available.

(c) Each bill of lading shall be signed by both the shipper and the receiver.

(d) A registered recycler shall maintain bills of lading and other records required under this section for at least 3 years. The department may inspect records that are required under this section.

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NR 530.10 Requirements for authorized brokers.

(1) MANUFACTURER COOPERATION. This section applies to any authorized broker providing services to a registered manufacturer for the purpose of cooperation under s. 287.17 (2) (b), Stats.

(2) NOTIFICATION. A person, including a registered recycler, wishing to operate as an authorized broker on behalf of one or more registered manufacturers shall notify the department and provide the name, address, and contact information of an individual responsible for ensuring compliance with this section.

(3) ANNUAL WEIGHT TRANSACTION SUMMARY. (a) An authorized broker may transact assignments of recycled weight with registered recyclers, authorized brokers, and registered manufacturers.

(b) An authorized broker shall submit to the department no later than the first day of the third month of a program year, a report that includes all of the following:

1. The recycled weight assigned by others to the authorized broker during the preceding program year, the names of the persons who assigned the recycled weight, and the recycled weight assigned by each person.

2. The recycled weight the authorized broker assigned to others during the preceding program year, the names of the persons recycled weight was assigned to, and the recycled weight assigned to each person.

(c) For weights reported under par. (b), the authorized broker shall report separate totals for the recycled weight associated with recycling of eligible electronic devices used in rural and urban counties. When the source county is unknown, the weight shall be counted in the total for urban counties.

(d) The total weight reported under par. (b) 2. shall not exceed the total weight reported under par. (b) 1.

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NR 530.11 Requirements for retailers. **(1) REGISTERED BRANDS.** If a retailer determines that a covered electronic device is not listed as registered on the department's internet site, and that s. 287.17 (2) (c) 2., Stats., does not apply, the retailer shall do all of the following:

(a) Remove the covered electronic device from the sales area of its in-person stores located in Wisconsin.

(b) Remove the covered electronic device from its own internet store or block Wisconsin households and schools from purchasing the covered electronic device through its internet store.

Note: The department's internet site listing registered brands of covered electronic devices can be found at <https://dnr.wi.gov/topic/Recycle/>.

(2) EDUCATION. Under s. 287.17 (9), Stats., a retailer shall provide to purchasers information describing how eligible electronic devices may be collected and recycled and provide a description of the prohibitions under s. 287.07 (5) (a), Stats. To meet this requirement, a retailer may do the following, as applicable:

(a) Provide the required information on receipts provided to purchasers of covered electronic devices.

(b) For in-person sales, post the required information in a prominent location either in the electronics section of the store or at the register where covered electronic devices are purchased.

(c) For sales by telephone, provide the required information over the telephone.

(d) For sales by catalog, provide the required information in the catalog.

(e) For sales over the internet, maintain a web page that is easily accessible to customers that includes the required information.

Note: This section applies only to a retailer as defined in s. 287.17 (1) (n), Stats.

History: CR 21-041: cr. Register June 2023 No. 810, eff. 7-1-23.

NR 530.13 Suspension and revocation of collector and recycler registrations. **(1) REASONS FOR SUSPENSION.**

The department may suspend the registration of a collector under s. 287.17 (7), Stats., for failure to comply with any of the requirements under s. 287.17 (7), Stats. The department may suspend the registration of a recycler under s. 287.17 (8), Stats., for failure to comply with any of the requirements under s. 287.17 (8), Stats.

(2) REASONS FOR REVOCATION. The department may revoke a collector or recycler's registration if the collector or recycler has failed to take action to return to compliance in a timely manner following a suspension.

(3) ELIGIBILITY OF ELECTRONIC DEVICES COLLECTED DURING SUSPENSION OR REVOCATION. Beginning on the effective date of a suspension or revocation and continuing until a collector's registration is reinstated by the department, no eligible electronic device a collector receives from a household or covered school, or delivers to a manufacturer or recycler, may be included in the weight of eligible electronic devices recycled by a registered manufacturer under s. 287.17 (4) (f), Stats.

(4) ELIGIBILITY OF ELECTRONIC DEVICES RECYCLED DURING SUSPENSION OR REVOCATION. Beginning on the effective date of

a suspension or revocation and continuing until a recycler's registration is reinstated by the department, no eligible electronic devices a recycler recycles are eligible to count toward the weight of eligible electronic devices recycled by a registered manufacturer under s. 287.17 (4) (f), Stats.

(5) PROCESS FOR REINSTATEMENT FOLLOWING SUSPENSION OR REVOCATION. (a) After a collector or recycler's registration has been suspended or revoked, the collector or recycler shall do all of the following to be reinstated as a registered collector or recycler:

1. Resolve any outstanding compliance issues related to the suspension or revocation to the satisfaction of the department.

2. Demonstrate to the department full compliance with the requirements under s. 287.17, Stats., and other applicable laws.

(b) The department shall reinstate a collector's registration under s. 287.17 (7), Stats., or a recycler's registration under s. 287.17 (8), Stats., once the collector or recycler has met all requirements under par. (a).

(c) The department shall notify a collector or recycler in writing of its reinstatement and clearly indicate the complete time period for which collected or recycled electronic devices are not eligible to count toward a registered manufacturer's weight recycled.

(d) The department shall notify all authorized brokers and registered collectors, recyclers, and manufacturers of the reinstatement.

History: CR 21-041: cr. Register June 2023 No. 810, eff. 7-1-23.

NR 530.14 Revocation of manufacturer registrations. **(1) REASONS FOR REVOCATION.**

The department may revoke a manufacturer's registration under s. 287.17 (3), Stats., if the manufacturer has failed to comply with one or more of the requirements under s. 287.17 (2) (a), (3), (4), or (5), Stats.

(2) PROCESS FOR REINSTATEMENT FOLLOWING REVOCATION.

(a) A manufacturer shall do all of the following to be reinstated as a registered manufacturer:

1. Resolve any outstanding compliance issues related to the revocation to the satisfaction of the department.

2. Demonstrate to the department full compliance with the requirements under s. 287.17, Stats., and other applicable laws.

(b) The department shall reinstate a manufacturer's registration under s. 287.17 (3), Stats., once the manufacturer has met all requirements under par. (a).

(c) The department shall notify a manufacturer in writing of its reinstatement.

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