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Electronic Waste Take Back Program

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The Program

In 2008, the Michigan Legislature added Part 173 (Electronics) to the Natural Resources and Environmental Protection Act to establish an electronics waste recycling program for covered electronic devices. A covered electronic device means a covered computer (i.e., a computer that was or will be used primarily for personal or small business purposes) or a covered video display device (i.e., an electronic device with a viewable screen of four inches or larger that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming that was or will be used primarily for personal or small business purposes).

Manufacturers. Part 173 requires a manufacturer that sells or offers for sale to a person in Michigan a new covered electronic device to register with the Department of Environment, Great Lakes, and Energy (EGLE) within 30 days after the end of each State fiscal year. That registration expires 30 days after the end of the fiscal year in which the registration must be filed. Also, a manufacturer that begins to sell or offer for sale new covered electronic devices in Michigan must register within 10 business days after it begins to sell or offer those devices for sale. Until October 1, 2027, a manufacturer's registration must be accompanied by an annual fee of \$3,000; the revenue from these fees is deposited into the Electronic Waste Recycling Fund, also established under Part 173. However, if the balance of the Fund on December 31 of each year exceeds \$600,000, EGLE may not collect manufacturers' registration fees for the following fiscal year.

A manufacturer may not sell or offer for sale a new covered electronic device to a person in Michigan unless the manufacturer has a computer takeback program or a video display device takeback program (as applicable to the device).

Computer and Video Device Takeback Programs. A manufacturer of covered electronic devices must implement a computer takeback program or a video display device takeback program, depending on the covered device manufactured. A takeback program must meet the criteria specified in Part 173:

- The manufacturer or its designee accepts the device from the consumer.
- A consumer may not be required to pay a fee when he or she returns the device.
- The collection of devices is reasonably convenient and is designed to meet the needs of Michigan consumers (e.g., through mail or common carrier, deposit at a staffed local physical collection site, deposit during periodic local collection events, or deposit with a retailer).
- The manufacturer provides a consumer with information on how and where to return the covered devices.
- The manufacturer recycles or arranges for the recycle of covered devices collected.

A manufacturer may conduct a takeback program alone or with other manufacturers and may arrange for another person to collect and recycle devices to fulfill its obligations under Part 173. A manufacturer is not required to accept more than seven covered devices from a single consumer on a single day.

Recyclers. Part 173 also requires a person who engages in the business of recycling covered electronic devices in Michigan to register with EGLE within 30 days after the end of each State fiscal year. That registration, too, expires 30 days after the end of the fiscal year in which the registration must be filed. Also, a recycler that begins to recycle covered electronic devices in Michigan must register within 10

business days after it begins to recycle devices. Until October 1, 2027, a recycler’s registration must be accompanied by an annual fee of \$2,000. The revenue from these fees is deposited into the Fund.

A recycler must comply with all of the following:

- Employ industry-accepted procedures equivalent to those specified by the United States Department of Defense for the destruction/sanitization of hard drive or data storage device data.
- Maintain a documented environmental, health, and safety management system that may be audited and is compliant with or equivalent to ISO 14001 (criteria for environmental management systems).
- Maintain records identifying all entities to whom the recycler provided electronic devices or materials derived from electronic devices for the purpose of conducting additional recycling and the weight and volume of those materials.
- Not use State or Federal prison labor to process covered electronic devices or transact with a third party that uses or subcontracts for the use of prison labor.

Electronic Waste Recycling Fund Revenue and Expenses

Revenue for the Program is received from annual registrations paid by covered electronics manufacturers and certain electronics recyclers. As noted above, manufacturers must pay \$3,000 per year, and electronics recyclers must pay \$2,000 per year. Money from the Fund must be spent, upon appropriation, for EGLE’s administrative expenses to implement Part 173. The annual revenue received by the Fund meets the projections outlined during the inception of Part 173 and its funding mechanism. According to EGLE, the Fund is not taking in more revenue than anticipated; therefore, it will not exceed \$600,000 on December 31 of any year. Tables 1 and 2 highlight beginning and year-end fund balances for the Fund, as well as the number of manufacturer and recycler registrants per fiscal year for the last two fiscal years, respectively.

Table 1

Electronic Waste Recycling Fund Summary		
	FY 2021-22	FY 2022-23
Beginning Fund Balance	\$337,204	\$296,206
Fund Revenue	\$228,292	\$253,633*
Year-End Fund Balance on September 30	\$296,206	\$207,271*

*These amounts are projected amounts.

Table 2

Electronic Waste Recycling Program Registrations			
	FY 2021-22	FY 2022-23	Annual Fee
Manufacturer Registrations	62	59	\$3,000
Recycler Registrations	21	20	\$2,000