



## Minnesota's New Electronics Recycling Law: Frequently Asked Questions

Provided by the  
Solid Waste Management Coordinating Board and the  
Minnesota Pollution Control Agency

Solid  
Waste  
Management  
Coordinating  
Board

*Please note that the responses provided below apply to the SWMCB six-county region (Anoka, Carver, Dakota, Hennepin, Ramsey and Washington counties). Information for out-state Minnesota may vary. For more information, visit [www.pca.state.mn.us/electronics](http://www.pca.state.mn.us/electronics).*

### A. GENERAL

#### 1. **What is the purpose of the new E-waste law?**

[Minnesota's Session Law 2007 Chapter 48 – H.F. No. 854](#) is more commonly referred to as Minnesota's new Electronics Recycling Act, which went into effect July 1, 2007. **It establishes manufacturer responsibility for recycling of E-waste from households.** Manufacturers that sell video display devices (televisions, computer monitors, and laptops) are required to register with the state and collect and recycle an amount relative to the weight of their products sold in the state during the previous year. Manufacturers that do not meet their recycling obligations will pay higher registration fees the following year. It is in the best interest of manufacturers to work with E-waste collectors and recyclers to ensure they meet their recycling obligations.

Retailers play a key role in this new law because manufacturers that do not register cannot sell, or offer for sale video display devices (VDD) in Minnesota.

#### 2. **What are the benefits of promoting the new law?**

Minnesota residents have been demanding more convenient and economical electronics recycling with implicit expectations of environmentally responsible recycling and processing of the equipment. While the law does not prevent or encourage consumer recycling fees, a goal of the law is to reduce or eliminate end-of-life fees to encourage household recycling.

### B. DEFINITIONS

#### 3. **What is a Video Display Device (VDD)?**

A **Video display device (VDD)** is defined as a television or computer monitor, including a laptop computer, that contains a cathode-ray tube or a flat panel screen with a screen size that is great than 9 inches measured diagonally and that is marketed by manufacturers for use by households.

VDDs do not include:

- i. A device that is part of a motor vehicle,
- ii. A touch screen display that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial, commercial, or otherwise non-household setting,
- iii. A device that is contained within a clothes washer, microwave, or any other appliance,

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- iv. A telephone of any type unless it contains a video display area greater than 9 inches measured diagonally.

**4. What are Covered Electronic Devices (CEDs)?**

**Covered electronic devices (CEDs)** are defined as computers, peripherals, facsimile machines, DVD players, videos cassette recorders, and VDDs, that are sold to a household by means of retail, wholesale, or electronic commerce. **Stereos, cell phones, and microwaves are not included and do not qualify as CEDs.**

A **Peripheral** is a keyboard, printer, or any other device sold exclusively for external use with the computer that provides input or output into or from a computer.

**5. What is the difference between VDDs and CEDs?**

The manufacturers' recycling obligation is based on the total weight of VDDs sold to households in Minnesota. CEDs include a wider range of electronics that qualify toward meeting the recycling goal. See above for the definition of each.

**6. What are Non-CEDs?**

Non-CEDs are electronic devices such as stereos, cell phones, microwaves, and other items not included in the CED definition. While not included in the law, they may still be collected for recycling, but should not be included when reporting.

**7. What qualifies towards the manufacturers' recycling obligation?**

CEDs from Minnesota households collected in Minnesota only. No business, institutional or out-of-state electronics.

**8. Does refurbishing computer equipment count toward the CED recycling goal?**

**No.** Refurbishing, reuse, or repair does not count toward the manufacturers' recycling obligation. Recycling also does not include destruction by incineration or other process, land disposal of recyclable materials, or reuse, repair or any other process through which VDDs or CEDs are returned to use for households in their original form.

**9. Who is the MPCA?**

The Minnesota Pollution Control Agency (MPCA) is the state agency that administers this new E-waste law. Go to [www.pca.state.mn.us/electronics](http://www.pca.state.mn.us/electronics) to learn more. Questions regarding the program should be directed to [Lisa Bujak](mailto:Lisa.Bujak@state.mn.us) at [Lisa.Bujak@state.mn.us](mailto:Lisa.Bujak@state.mn.us) or by phone at 651-297-1256.

**10. What is the difference between a Collector and a Recycler?**

A **Collector** is a public or private entity that receives CEDs from households and is responsible for all the activities up to the time the CEDs are delivered to a recycler.

- v. Collectors are required to register annually with the MPCA; there is no charge to register.
- vi. Collectors do not need a permanent site to register.
- vii. Collectors do not need a license from their County or the State to operate – as long as they are registered with the MPCA.

A **Recycler** is a public or private entity that receives CEDs from households or registered collectors and dismantles the devices for further processing or processes the devices into raw materials for use in new products. Recycling does not include reuse and or repair.

- i. Recyclers are required to register annually with the MPCA; there is no charge to register.
- ii. Recyclers are required to have a permanent site for recycling operations.
- iii. Recyclers are required to obtain a license to operate, which requires fees as assessed by the hazardous waste compliance licensing authority. See Section D for more detail.

### **11. What is the difference between a Manufacturer and a Retailer?**

A business is considered a **Manufacturer** of video display devices (VDDs) if it makes products for sale under its own brand, or has others make products under its brand. A business that makes components is not regulated under this program.

- i. The law requires manufacturers to meet recycling obligations based on their sales of VDDs sold to households in MN during each program year.
- ii. Manufacturers are required to register with the MPCA annually and pay annual registration fees to the Minnesota Department of Revenue.

A **Retailer** is a business that sells, rents, or leases, through sales outlets, catalogs, or the Internet, VDDs to households in MN. This does not include third parties selling VDDs for resale.

- i. Retailers play a key role in this new law because manufacturers that do not register cannot sell video display devices (VDDs) in Minnesota.
- ii. Retailers are **not required** to register or remit registration fees to the state.

### **12. What are the retailers' responsibilities?**

Retailers essentially have four responsibilities under the new law:

- i. **Sales of VDDs:** Retailers can only sell consumer VDDs to Minnesota households from manufacturers that are registered with the Minnesota Pollution Control Agency (MPCA). Retailers will have 6 months to sell any stock of consumer VDDs from manufacturers that are not registered. After February 1, 2008 retailers will no longer be able to sell VDDs from manufacturers that are not registered with the MPCA.
- ii. **Product Labels:** Retailers must ensure that each VDD is labeled with the manufacturer's brand name.
- iii. **Public Education:** Retailers are required to provide information to households describing where and how they may recycle VDDs and advise them of opportunities and locations for the convenient collection of VDDs for the purpose of recycling.
- iv. **Reporting:** Retailers must report to manufacturers the number of VDDs, by VDD model, sold to Minnesota households during the previous program year by July 1 of each year, beginning in 2008. Program years are from July 1 to June 30.

### **13. Does the law apply to internet sales of VDDs?**

**Yes.** Retailers selling VDDs to households in Minnesota through catalogs or the Internet are expected to comply with all components of

the law or will be subject to enforcement. To comply with the public education component, retailers selling through catalogs or the Internet should include the information or links in a prominent location on their website.

**14. What are the E-waste volume expectations, or goals for collection and recycling?**

The new law sets recycling targets for manufacturers based on their sales of VDDs in Minnesota. According to the law, manufacturers must recycle:

- i. 60% of the total weight of their VDD sales from July 1, 2007 – June 30, 2008
- ii. 80% of the total weight of their VDD sales in subsequent years.

Although it is the responsibility of the manufacturers to collect and recycle VDDs, it is in everyone's best interest to help meet the goals to ensure that the full product stewardship intent of the law prevails.

**15. How do manufacturers calculate their VDD sales?**

For the 2007-2008 program year, manufacturers will calculate sales data using one of two methods:

- i. Actual weight of VDDs sold to households in Minnesota during the program year, or
- ii. Estimated total weight of VDDs sold to households in MN during the program year based on national market data. MN represents approximately 1.73% of the United States' population.

Beginning July 1, 2008, retailers of VDDs are required to report annually to manufacturers the number and type of VDDs sold to households in Minnesota during the program year (July 1 - June 30).

**16. What are recycling "credits"?**

Per the law, recycling "credits" do not exist until a manufacturer files its annual report with the Minnesota Department of Revenue. If a manufacturer recycles more than their sales of VDDs for that year, they may earn credits. Manufacturers may carry over those credits for up to three years to apply towards their recycling obligation. They can also sell their credits to another manufacturer.

Since the law requires manufacturers to meet recycling obligations, it is in their interest to pay collectors and/or recyclers for helping them meet their goals and avoid higher registration fees. Recyclers and/or collectors may sell "pounds" of CEDs to manufacturers, but not credits. Only manufacturers that have earned "credits" can buy, sell or use such credits.

**17. When is a CED considered "recycled"?**

A CED is considered "recycled" when it arrives at a registered recycler's facility.

**18. What is the difference between the 11-county, the 7-county and the 6-county metropolitan areas?**

**The 11-county metropolitan area** includes: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright counties. This is the metropolitan area referred to in the E-

waste law. Counties outside of this 11-county metropolitan area are considered the underserved parts of Minnesota eligible for E-waste incentives.

**The 7-county metropolitan area** includes: Anoka, Carver, Dakota, Hennepin, Ramsey, Washington and Scott counties. These are the metropolitan counties that have the authority to have a Hazardous Waste Compliance Program. Outside of this 7-county metropolitan area, Hazardous Waste Compliance is managed by the Minnesota Pollution Control Agency (MPCA).

**The 6-county metropolitan area** includes: Anoka, Carver, Dakota, Hennepin, Ramsey and Washington counties. These counties are all members of the Solid Waste Management Coordinating Board (SWMCB), a joint powers board comprised of the six member counties and the Minnesota Pollution Control Agency (MPCA). The SWMCB sponsors [www.greenguardian.com](http://www.greenguardian.com).

## C. REGISTERING

### **19. Who has to register, how and when?**

E-waste **Collectors, Recyclers, and Manufacturers** are required to register **annually** with the Minnesota Pollution Control Agency.

**Retailers** are not required to register, however they are required to review the registration lists and sell only VDDs from manufacturers that are registered.

Go to [www.pca.state.mn.us/electronics](http://www.pca.state.mn.us/electronics) to register online. The site also provides a list of registered collectors and recyclers, as well as a list of registered manufacturers and brands of VDDs.

Contact [Lisa Bujak](mailto:Lisa.Bujak@state.mn.us) at [Lisa.Bujak@state.mn.us](mailto:Lisa.Bujak@state.mn.us) or by phone at 651-297-1256 with questions.

Collectors and Recyclers must register by **July 1 of each year**.

Manufacturers must register by **September 1 of each year**. Manufacturers that do not register cannot sell, or offer for sale, VDDs to households in Minnesota.

Retailers have until **February 1, 2008** to stop selling unregistered VDDs in Minnesota.

### **20. Are there registration fees?**

Registration fees apply only to manufacturers; there are no fees for collectors and recyclers to register.

There are fees to obtain a license to operate as a recycler. See Section D below.

### **21. What happens if a retailer sells VDDs from a manufacturer that is not registered?**

The state may take enforcement action in the manner provided by Minnesota Statute, sections [115.071, subdivisions 1, 3, 4, 5, and 6; and 116](#).

**22. Is a permanent collection site required to be registered as a collector?**

**No.** Collectors are not required to have a permanent location; they must provide a mailing address for their administrative contact persons.

**23. What happens if a manufacturer exceeds or does not meet the recycling obligations?**

If a manufacturer **exceeds** their recycling obligations, it can:

- i. "Bank" the excess and use it to meet its obligation for up to three consecutive program years; or
- ii. Sell the credit to manufacturer(s) that have not yet fulfilled their obligations.

If a Manufacturer **does not meet** their recycling obligations, they will pay a premium on the next program year's registration fee at a rate of:

- i. 90 percent or more of their obligation -- \$0.30 per pound of shortfall
- ii. 50 to 89 percent of their obligation -- \$0.40 per pound of shortfall
- iii. Less than 50 percent of their obligation -- \$0.50 per pound of shortfall

**24. What are the Manufacturers' registration fees?**

Manufacturers are required to pay an initial registration fee for the first program year:

- i. \$1,250 for companies manufacturing and offering for sale fewer than 100 units per year in Minnesota.
- ii. \$5,000 for companies manufacturing and offering for sale greater than 100 units per year in Minnesota.

Registration fees for subsequent years will be based on the following, PLUS a variable recycling fee:

- i. \$1,250 for companies manufacturing and offering for sale fewer than 100 units per year in Minnesota.
- ii. \$2,500 for companies manufacturing and offering for sale greater than 100 units per year in Minnesota.

By registering, manufacturers certify that all products sold or offered for sale in Minnesota bear a manufacturers' label that is permanently affixed and prominent.

**25. The manufacturers' registration fees seem inexpensive compared to the cost of recycling E-waste. Are there penalties for their lack of participation in the program?**

**Yes.** Manufacturers that do not pay their registration fee will be penalized by paying a higher registration fee the following year. The registration fee includes the variable recycling fee, which is based on the recycling obligation of the number of VDDs sold the previous year. The amount recycled counts towards the manufacturer's goal and the fee varies based on how close to their goal they were.

For example, in comparing two major manufacturers; one meets their

recycling obligation whereas the other does not. They both manufacture and sell 250,000 pounds of VDDs in the first year of the program and 150,000 pounds in the second year.

- i. The manufacturer that meets their recycling obligations of 150,000 pounds (60% of the VDD sales) for the first year and 120,000 (80%) for the second year pay only the base registration fees of \$5,000 the first program year and \$2,500 for the second year.
- ii. The manufacturer that meets less than 50% of their recycling obligation each year will be required to pay \$55,000 for the first program year and \$35,000 for the second.

The manufacturer that meets their recycling obligation will pay a total of \$7,500 in registration fees over 2 years compared to \$90,000 in registration fees for the manufacturer that obtains less than 50% of their obligation. Given this, it is in the manufacturer's best interest to participate.

## D. LICENSING

### **26. Are registered collectors required to obtain a license?**

- No.** Collectors do not need a license to collect CEDs, as long as:
- i. Collected CEDs are transported to a State registered recycler
  - ii. Collectors are not storing more than 40,000 pounds for more than 10 days
  - iii. CEDs are not being dismantled, whereby handling or generating hazardous waste occurs.

Once the storage quantity is exceeded or dismantling or processing occurs, a license is required to be obtained as an E-waste Recycler.

### **27. Are registered recyclers required to obtain a license?**

**Yes,** because E-waste recyclers will be handling and managing hazardous waste as a result of dismantling and processing covered electronic devices (CEDs). Recyclers must obtain a license and pay the applicable fees to operate based on where the recycling operations take place through the governing Hazardous Waste Compliance Office.

Hazardous waste compliance is managed at the county level for the following counties. Call for further details.

<a href="#">Anoka County</a>	(763) 422-7093
<a href="#">Carver County</a>	(952) 361-1800
<a href="#">Dakota County</a>	(952) 891-7557
<a href="#">Hennepin County</a>	(612) 348-3777
<a href="#">Ramsey County</a>	(651) 266-1199
<a href="#">Washington County</a>	(651) 430-6655
<a href="#">Scott County</a>	(952) 496-8477

Outside of the 7-county metropolitan area, Hazardous Waste Compliance is managed by the MPCA. Call 1-800-657-3864 or go to [www.pca.state.mn.us](http://www.pca.state.mn.us) for details.

Each hazardous waste compliance governing authority may have differing requirements. However, at a minimum each will expect:

- iv. Documentation of what is being received, processed, recycled, and the disposition of all materials, commodities and by-products.

- v. Reporting requirements are met with the MPCA and local Hazardous Waste Compliance Officer as required. See question 5 for info on MPCA reporting requirements.
- vi. Business owner and responsible party(s) contact information.
- vii. Health and Safety / Emergency Plan with emergency contact info.
- viii. Storage requirements will be case by case to prevent or avoid releases to the environment.
- ix. Insurance and financial assurance will be set based on operations and capacity.
- x. Employee training in compliance with applicable rules and regulations.

## E. REPORTING

### **28. How are the reporting requirements different for collectors versus recyclers?**

In addition to the reporting requirements detailed below, collectors must report which recycler collected CEDs were sent to. Recyclers must report which collectors they received CEDs from.

**Collectors and Recyclers** must file an annual report each year with the Minnesota Pollution Control Agency by **August 1** for the collection period of July 1 – June 30.

The report must include the following:

- i. Pounds of covered electronic devices (CEDs) received from households in Minnesota during the program year.
- ii. The weight of CEDs collected from households in the 11-county metropolitan area, which includes: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright counties.
- iii. The weight of CEDs collected from households outside of the 11-county metropolitan area.
- iv. The recycler(s) that accepted the CEDs collected and/or the name(s) of the collector(s) from which CEDs were received.

### **29. How are the reporting requirements different for manufacturers and retailers?**

**Manufacturers** must file an annual report by **September 1** with the Minnesota Department of Revenue.

The report must include the following:

- i. Total weight of all VDDs sold to Minnesota households in the previous program year (July 1 – June 30).
- ii. Total weight of covered electronic devices (CEDs) recycled from households in the 11-county metropolitan area, which includes: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright counties.
- iii. Total weight of CEDs collected from households outside of the 11-county metropolitan area.
- iv. Recycling credits retained, sold or obtained from another manufacturer to meet recycling obligations.
- v. Recycler(s) used and total weight from each.

- vi. Manufacturers are expected to exhibit due diligence with any contractor they hire to ensure their obligations, including three year record retention and contracting with registered recyclers.
- vii. The report must also certify that the recycler met the following requirements:
  1. Complied with all applicable health, environmental, safety and financial responsibility regulations;
  2. Licensed by all applicable governmental authorities;
  3. Prison labor was not used in the recycling of VDDs;
  4. Liability insurance is at least one million dollars to cover environmental releases, accidents and other emergencies.

Beginning **July 1, 2008**, **retailers** of VDDs are required to report annually to manufacturers the number and type of VDDs they have sold to households in Minnesota during the program year (July 1 - June 30).

As an incentive to increase collection in traditionally underserved parts of Minnesota, the actual weight collected from outside of the 11-county metropolitan area is worth 1.5 times to the manufacturers. This is why separate reporting by areas are required, referring to ii) and iii) above.

**30. Are there specific brand names that need to be tracked and reported during collection or recycling?**

**No.** It is not required by the law to keep track of the brands or categories collected. Manufacturers may request that type of information as part of a contract agreement.

**31. How are pounds collected in one year but recycled in the next reported?**

The law requires manufacturers to report the pounds **recycled**. Recycled means the date the CEDs arrived at a licensed recycling facility. Products that are collected during one program year (2007) but are recycled during the next program year (2008) would be counted toward the manufacturer's recycling obligation during the program year they are recycled (2008), not collected.

**32. Are there enforcement actions for those who don't report?**

The state may take enforcement action in the manner provided by Minnesota Statute, sections [115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072](#).

**33. Who do you contact for reporting questions?**

Contact [Lisa Bujak](#) at [Lisa.Bujak@state.mn.us](mailto:Lisa.Bujak@state.mn.us) or by phone at 651-297-1256 with questions

**34. Where can I learn more about recycling electronics and other waste?**

For information on electronics recycling in the Twin Cities metro-area, visit [www.greenguardian.com](http://www.greenguardian.com). GreenGuardian.com is your go-to-guide for waste recycling in the Twin Cities.

Go to [www.pca.state.mn.us/electronics](http://www.pca.state.mn.us/electronics) for information on electronics recycling and other wastes statewide.

## F. OPERATING COSTS AND STANDARDS

### **35. Are there guidelines or best management practices available for electronics recycling?**

**Yes.** The Environmental Protection Agency (EPA) is developing a voluntary certification program for electronics recyclers. The EPA will be pilot testing the program in 2008. It is proposed to conduct this pilot program in Minnesota. The MPCA and the Solid Waste Management Coordinating Board have created Principles for Responsible Recycling of Covered Electronic Devices, available online at [http://www.swmcb.org/current\\_campaigns\\_electronics\\_recycling](http://www.swmcb.org/current_campaigns_electronics_recycling).

### **36. Are there revenues or other credits available for collecting E-waste?**

Per the law, recycling "credits" do not actually exist until a manufacturer files its annual report with the Minnesota Department of Revenue. If a manufacturer recycles more than their sales of VDDs for that year, they can earn credits. Manufacturers can carry over those credits for up to three years to apply towards their obligation. They can also sell their credits to another manufacturer.

The law requires manufacturers to meet recycling obligations; therefore, it is in their interest to pay collectors and/or recyclers for helping them meet their goals and avoid higher registration fees.

It will be up to the collectors and recyclers to negotiate with the manufacturers for any such recycling revenues.

### **37. Is there a price structure for collecting or recycling?**

**No,** there is no price structure for collecting. In a market-driven system the businesses set the fees. While the law does not prevent or encourage consumer recycling fees, the goal is to reduce or eliminate end-of-life fees to encourage household recycling.

### **38. Do the Minnesota Solid Waste Management Tax and other county-specific waste management service charges, such as the County Environmental Charge, apply?**

**No,** because the collected CEDs are going for recycling.