



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Electronic Waste Program

Manufacturers

www.idem.IN.gov

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Background:

- Effective July 1, 2009, the Indiana Legislature enacted the Indiana Electronic Waste (E-Waste) Law (IC 13-20.5). The law created an extended producer responsibility program that holds certain electronics manufacturers responsible for collecting and recycling a percentage of the products they sell in Indiana. The program will help reduce the amount of e-waste being sent to Indiana landfills and ensure that hazardous substances found in e-waste are being managed in an appropriate and environmentally responsible manner.
- Manufacturers of computer monitors (including laptops, netbooks, notebooks, tablet PCs, and e-readers) and televisions (collectively known as video display devices or VDDs) sold or offered for sale to Indiana households are required to register with the Indiana Department of Environmental Management (IDEM) and are responsible under the law for annually collecting and recycling or arranging for the collection and recycling of 60 percent, by weight, of the VDDs they manufacture and sell to Indiana households.
- Manufacturers that do not sell or offer for sale their VDDs to Indiana households are exempt from complying with the requirements of the Indiana E-Waste Law.
- Manufacturers are able to count the collection and recycling of a variety of electronics (referred to as covered electronic devices or CEDs) from Indiana households, public schools, and small businesses towards meeting their 60 percent recycling goal. Manufacturers are also able to count the collection and recycling of any brand of CEDs towards their recycling goal.
- Manufacturers can only coordinate with collectors and recyclers that are registered with the Indiana E-Waste Program to arrange for the collection and recycling of CEDs to meet their recycling goal.
- Manufacturer program years will run April 1 through March 31 of the following year beginning April 1, 2010.

Definitions:

- Manufacturer – a person that:
 - Manufactures VDDs to be sold under the person's own brand or a brand the person licenses as identified by the person's own brand label or the brand label the person licenses;
 - Sells VDDs manufactured by others under the person's own brand or a brand the person licenses as identified by the person's own brand label or the brand label the person licenses;
 - or,
 - Assumes the responsibilities and obligations of a manufacturer.
- Covered entity – an Indiana household, public school, or small business.
 - Household – occupants of a dwelling located in Indiana who use a VDD at the dwelling primarily for personal use or home office use.
 - Public school – a public school or charter school. A public school is a school maintained by a public school corporation established by Indiana law. A charter school is a public elementary school or secondary school that is nonsectarian and nonreligious and operates under a charter.
 - Small business – a business that satisfies all of the following:
 - The business is independently owned and operated.
 - The principal office of the business is located in Indiana.
 - The business satisfies either of the following:
 - The business has not more than 100 employees and not more than average annual gross receipts of \$10,000,000.



- If the business is a manufacturing business, the business does not have more than 100 employees.
- Video display device (VDD) – a television or computer monitor, including a laptop computer, netbook, notebook, tablet PC and e-reader, that contains a cathode ray tube or flat panel screen with a screen size that is greater than four inches measured diagonally and is marketed by a manufacturer for use by covered entities.
- Covered electronic device (CED) – Please note: VDDs are included in the definition of CEDs. IDEM has determined, based on various definitions applicable to the Indiana E-Waste Law, that the following items are included under the definition of CED:
 - VDDs
 - Computers (i.e., computer towers)
 - Fax machines
 - Peripherals including keyboards, external hard drives, printers, mice and any other device that is sold exclusively for external use with a computer and provides input or output into or from a computer.
 - A printer/copier/scanner all-in-one or a projector can be considered a peripheral provided that item is designed to be used exclusively with a computer.
 - DVD players including gaming systems that are able to play DVDs
 - Digital photo frames
 - Digital media players
 - iPods/MP3 players
 - Camcorders/Cameras
 - DVR/TiVo devices including cable boxes and satellite boxes but not satellite dishes
 - Portable GPS navigation systems

The term CED does not include cell phones, white goods, typewriters, calculators or stereo equipment. It also does not include any electronics accepted from entities other than Indiana covered entities.
- Collector – a public or private entity that receives CEDs or collects CEDs from covered entities and arranges for the delivery of the CEDs to a recycler.
- Recycler – an individual or public or private entity that accepts CEDs from covered entities and collectors for the purpose of recycling.
- Recycling – the process of collecting and preparing CEDs for use in manufacturing processes or for recovery of usable materials followed by delivery of the materials for use.
 - The term does not include destruction by incineration or another process; land disposal; or reuse, repair or any other process through which CEDs are returned to use for covered entities in their original form.

Registration requirements:

- Beginning April 1, 2010, and each April 1 thereafter, manufacturers of VDDs that sold or offered their products for sale to Indiana households must submit a registration form to IDEM.
 - Sale(s) include(s) lease or sales contract, including transactions through sales outlets (retail stores), catalogs, or the Internet or other electronic means.
- The annual registration includes a fee of \$5,000 for the initial program year in which the manufacturer registers and \$2,500 each year thereafter.
- Manufacturers that sold less than 100 VDDs to Indiana households during the 12 months that precede the date of registration (or the most recent 12 months for which data are available) are exempt from having to pay the registration fee. However, those manufacturers that sold less than 100 VDDs to Indiana households must still submit an annual registration form to IDEM.
- As part of the registration, all manufacturers must provide the following:
 - An annual plan for reaching the 60 percent recycling goal for the program year in which the registration is submitted. At a minimum, the name of the recycler that the manufacturer will utilize must be provided.
 - An estimate of the total weight in pounds of VDDs sold to Indiana households during the 12 months that precede the date of registration (or the most recent 12 months for which data are available).
 - A list of brand(s) of VDD(s) offered for sale in Indiana with an indication of the type of VDD(s) covered by the brand.



- A manufacturer may not sell, offer for sale or deliver to a retailer for subsequent sale VDDs in Indiana if they have not registered with IDEM. VDDs must be labeled with the manufacturer's brand in a permanently affixed and readily visible way.
- New manufacturers of VDDs wanting to sell to Indiana households must register within 20 days after beginning sales of VDDs in Indiana.

Collection and recycling efforts:

- Manufacturers must stipulate in their annual recycling plan their method(s) for collecting and recycling or arranging for the collection and recycling of CEDs from covered entities equal to 60 percent, by weight, of their sales of VDDs to Indiana households.
 - The 60 percent recycling goal is calculated by IDEM and based on 60 percent of the total weight of VDDs sold to Indiana households as reported by the manufacturer on that program year's registration form.
 - Manufacturers are able to count the collection and recycling of any brand of CEDs towards their recycling goal. Manufacturers may choose to collect and recycle only their own brand of obsolete electronics provided they are still able to meet their recycling goal for the program year.
 - CEDs that are reused, repaired resold, and/or donated are not eligible to count towards a manufacturer's recycling goal. Only the recycling of CEDs is eligible under a manufacturer's program.
 - Possible methods of collection and recycling can include contracting with local collectors and recyclers; partnering with other entities; or implementing a manufacturer mail-back program.
- Manufacturers must ensure that any collector and/or recycler utilized to meet their recycling goal is registered with IDEM as participants in the Indiana E-Waste Program.
 - Any CEDs collected and recycled from non-registered collectors and/or recyclers in conjunction with a manufacturer recycling program will not count towards the manufacturer's goal.
 - While the law does not encourage or prevent consumer or collector recycling fees, one goal is to reduce or eliminate recycling fees for the public as well as help alleviate some of the financial burden of e-waste collection on local programs.
- Manufacturers are encouraged through incentives to utilize Indiana recyclers as well as expand their collection into non-metropolitan Indiana counties. To calculate the incentives, manufacturers can use the following formulas:
 - Multiply the actual weight of CEDs collected and recycled by 1.1 for utilizing an Indiana recycler.
 - Multiply the actual weight of CEDs collected and recycled by 1.5 for CEDs collected in non-metropolitan Indiana counties.
 - If only part of the total CEDs collected were from non-metropolitan counties, apply the incentive to only those pounds collected in non-metropolitan counties.
 - Multiply the actual weight of CEDs collected and recycled by 1.6 for CEDs collected in non-metropolitan Indiana counties and recycled by an Indiana recycler.
- Manufacturers that collect and recycle above their required 60 percent recycling goal will receive credits in the amount of 25 percent of the overage collected and recycled.
 - Credits can be used up to three program years in the future.
 - Credits can also be sold to or purchased from other manufacturers and used to help meet a manufacturer's 60 percent recycling goal.
 - Credits can be accumulated, bought and sold any program year after program year 1 (ending March 31, 2011).

Variable recycling fee:

- A manufacturer registered with IDEM that fails to meet the 60 percent recycling goal beginning with program year 3 (ending March 31, 2013) and each year thereafter will be subject to a variable recycling fee of:
 - \$0.40 per pound of shortfall if they recycle less than 50 percent of their required recycling obligation;
 - \$0.30 per pound of shortfall if they recycle at least 50 percent but less than 90 percent of their recycling obligation; or
 - \$0.20 per pound of shortfall if they recycle at least 90 percent of their recycling obligation.
- Manufacturers that sold less than 100 VDDs to Indiana households as reported on their registration form for that program year will not be subject to the variable recycling fee.



- Manufacturers failing to meet the 60 percent recycling goal may petition the Recycling Market Development Board for relief from the variable recycling fee. IDEM will assist in the coordination of the petition.

Reporting requirements:

- Beginning June 1, 2011, and each June 1 thereafter, a manufacturer must report on forms provided by IDEM the following information for the immediately preceding program year:
 - An estimate of the total weight in pounds of VDDs sold to households during the program year. Estimates should be based on national sales data adjusted for Indiana's population but can also be based on actual sales data if the manufacturer tracks actual sales.
 - The total weight in pounds of CEDs the manufacturer collected and recycled, or arranged to have collected and recycled. The total weight should be broken down between pounds of CEDs collected in metropolitan counties versus non-metropolitan counties in Indiana.
 - The number of recycling credits purchased and sold during the program year, if any, as well as the number of recycling credits to be counted towards that program year's total.
- The manufacturer must also provide the names of the collectors and/or recyclers with whom they coordinated along with the total pounds of CEDs collected and/or recycled by each. At a minimum, the manufacturer must provide the name(s) of the recycler(s) and the coordinating pounds of CEDs.

IDEM's Role:

- IDEM is responsible for protecting human health and the environment while providing for safe industrial, agricultural, commercial and governmental operations vital to a prosperous economy.
- IDEM's Office of Pollution Prevention and Technical Assistance (OPPTA) is responsible for administering the Indiana E-Waste Program. OPPTA is responsible for overseeing manufacturer registration and gathering annual reports. OPPTA will calculate manufacturer recycling rates and determine whether manufacturers are subject to the variable recycling fee.

More Information:

- For registration and reporting forms; a list of metropolitan counties; and a list of all compliant and registered collectors and recyclers, please visit IDEM's website at <http://www.recycle.IN.gov/6439.htm>.
- For more information on the Indiana E-Waste Program, visit IDEM's website at <http://www.recycle.IN.gov/6411.htm>.
- For more information on the Recycling Market Development Board, visit IDEM's website at <http://www.recycle.IN.gov/6233.htm>.
- For questions and concerns, contact IDEM's Office of Pollution Prevention and Technical Assistance at (800) 988-7901.
- For more information on the Indiana Electronic Waste (E-Waste) Law, please visit <http://www.IN.gov/legislative/ic/code/title13/ar20.5/>.
- For more information on Indiana's electronic waste management rules, please visit <http://www.IN.gov/legislative/iac/T03290/A00160.PDF>.

