

**Department of Environmental Quality  
Waste and Hazardous Materials Division  
Part 173, Electronics, of 1994 PA 451, as Amended (Act 451)  
Frequently Asked Questions**

**Questions and Answers for:**

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- How do I know the products I buy are green or environmentally friendly products?
- How can I make sure the data on my computer is destroyed?
- How does a manufacturer have to provide information about its takeback program?
- How many computers or televisions can I recycle through a specific takeback program in one day?

### [Retailer Questions and Answers](#)

- How is “retailer” defined in Michigan’s electronics takeback law?
- What does a retailer need to do to comply with this legislation?
- Does a retailer have to have a takeback program for its customers?

## **Part 173. General Frequently Asked Questions**

Q: What is a “covered computer,” a “covered electronic device,” a “covered video display device,” a “computer”, and a “printer”?

A: Section 17301 defines these terms as follows:

“Covered computer” means a computer that was or will be used primarily for personal or small business purposes in this state. Covered computer does not include a device that is functionally or physically a part of, or connected to, or integrated within a larger piece of equipment or system designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, or control products, medical products approved under the federal food, drug, and cosmetic act, 21 USC 301 to 399, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.

“Covered electronic device” means a covered computer or covered video display device.

“Covered video display device” means a video display device that was or will be used primarily for personal or small business purposes in this state. Covered video display device does not include a device that is functionally or physically a part of, or connected to, or integrated within a larger piece of equipment or system designed and intended for transportation or use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, or control products, medical products approved under the federal food, drug, and cosmetic act, 21 USC 301 to 399, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.

"Computer" means a desktop personal computer or laptop computer, a computer monitor, or beginning April 1, 2011, a printer. Computer does not include any of the following:

- (i) A personal digital assistant device or mobile telephone.
- (ii) A computer peripheral device, including a mouse or other similar pointing device, or a detachable or wireless keyboard.

"Printer" means a printer or a multifunction or "all-in-one" device that in addition to printing performs 1 or more other operations such as copying, scanning, or faxing, that is designed to be placed on a desk or other work surface, and that may use any of various print technologies, such as laser and LED (electrographic), ink jet, dot matrix, thermal, or digital sublimation. Printer does not include a floor-standing printer, a printer with an optional floor stand, a point of sale (POS) receipt printer, a household

printer such as a calculator with printing capabilities or a label maker, or a non-stand-alone printer that is embedded into a product other than a covered computer.

Q: What electronics are covered by this law?

A: "[Covered electronic devices](#)" used by individuals and small businesses (businesses with 10 or fewer employees) are the only electronics addressed in this law.

Q: Does this law apply only to computers and televisions sold after the effective date of April 1, 2010?

A: No. The law requires manufacturers selling new computers and televisions in Michigan to provide consumers with free and convenient recycling opportunities for computers and televisions by April 1, 2010, and printers by April 1, 2011. The takeback program is not limited to products sold after April 1, 2010.

Q: How are registration fees used?

A: The fees are deposited in the E-waste Recycling Fund and used by the Department of Environmental Quality (DEQ) to pay for the administration of the Part 173 program.

Q: What are the penalties if someone violates this law?

A: A first offense can result in a civil fine of up to \$500. A fine of up to \$2,500 can be levied for each violation thereafter. If a person knowingly fails to comply or knowingly submits false information under Part 173, a person can get charged with a misdemeanor and may have to pay a criminal fine of up to \$5,000 for each violation. Each day a violation occurs represents a separate violation for which a penalty could be charged.

### **[Part 173. Collector Specific Frequently Asked Questions](#)**

Q: How is "collector" defined in Michigan's electronics takeback law?

A: A collector is a person who receives computers and television devices from consumers and small businesses and arranges for them to be delivered to a recycler. In many cases, collectors are community and nonprofit programs set up to provide recycling options for residents.

Q: How does this law impact collection programs?

A: Manufacturers are required to provide free and convenient takeback programs to consumers for [covered electronic devices](#). Part of this responsibility can include partnering with collection programs. Collection programs that are not recyclers can operate without any additional requirement under the electronics takeback law. Collectors are not required to register under this law.

Q: What is the difference between a collector and recycler?

A: A “collector” means a person who receives [covered electronic devices](#) from consumers and arranges for the delivery of the [covered electronic devices](#) to a recycler. A “recycler” means a person who, as a principal component of business operations, acquires [covered electronic devices](#) and sorts and processes the devices to facilitate recycling or resource recovery. “Recycler” does not include a collector, hauler, or electronics shop, unless the shops are also recycling.

Q: How many computers or televisions can I collect through a manufacturer takeback program in one day?

A: A manufacturer takeback program must accept up to 7 products from a single consumer in a single day. This law does not limit how many devices a collector can accept. Additionally, if the collection program is not associated with a manufacturer takeback program, there are no restrictions or requirements for accepting any specific number of electronic devices or from whom. However, a collection program still must comply with [solid and hazardous waste regulations](#) (depending on what, how much, and from whom the program is collecting.)

### **[Part 173. Recycler Specific Frequently Asked Questions](#)**

Q: How is “recycler” defined in Michigan’s electronic waste law?

A: A recycler is defined as a person who, as a principal component of business operations, acquires [covered electronic devices](#) and sorts and processes them to facilitate recycling or resource recovery. This does not include collectors, transporters, and electronic repair shops remanufacturing electronic equipment for resale. A recycler’s principal business is the recovery of the raw materials from collected covered electronic equipment for reuse as a raw material in manufacturing new products. A recycler is also a facility that sorts covered electronic equipment and processes it by changing the physical character of the [covered electronic devices](#) or a component of them to a usable raw material for use in the manufacture of new products. *Note: Processing under [Part 111, Hazardous Waste Management](#), and [Part 115, Solid Waste Management](#), of Act 451, is defined differently than it is defined in [Part 173](#).*

Q: What does a recycler need to do to comply with this law?

A: The recycler must do all of the following:

1. [Register](#) with the DEQ by October 30<sup>th</sup> of each year, beginning on October 30, 2009. Registration includes submitting a complete and accurate registration form along with a fee of \$2,000.
2. A recycler must comply with all applicable federal and state rules and regulations.
3. A recycler must employ industry-accepted procedures substantially equivalent to those specified by the U.S. Department of Defense to destroy data on hard drives and other data storage devices.
4. A recycler cannot use prison labor.

5. A recycler must maintain records showing where materials from their facility are sent.
6. A recycler must maintain a documented environmental, health, and safety management system that may be audited and is compliant with or equivalent to ISO 14001.

Q: Is a recycler who only manages e-waste other than “covered electronic devices” required to register?

A: If a Michigan recycler does not handle any covered electronic devices and the recycler is not part of a Part 173 takeback program, the recycler is not required to register under Part 173.

Q: Are all e-waste recyclers required to comply with the law?

A: No. Only recyclers that recycle [covered electronic devices](#) are subject to this law. A recycler whose principal business is the recovery of the raw materials from collected covered electronic equipment for use as a raw material in manufacturing new products and the recycler sorts and processes the electronic equipment in a way that changes the physical character of the materials to a usable raw material for manufacture is required to register and comply with the requirements of Part 173.

Q: How are haulers or transporters impacted by this law?

A: Haulers or transporters are only mentioned to clarify that they are not recyclers. Part 173 does not add any additional responsibilities to haulers or transporters.

Q: What do I need to do to become an electronics recycler in Michigan?

A: Recyclers of [covered electronic devices](#) must register with the DEQ and satisfy the other requirements under Part 173. Many businesses are involved in recycling, including collectors, haulers, sorters, processors, and manufacturers. Depending on your operations, your regulatory requirements will vary. A good first step is to use the permit checklist found on the [DEQ Environmental Permits, Licenses, and Certifications Web page](#) and then discuss your plans with [DEQ District staff](#) responsible for the county in which you plan to site your facility. Do not forget the [Michigan Business One Stop](#) for establishing or growing your business.

### **[Part 173. Manufacturer Specific Frequently Asked Questions](#)**

Q: How is “manufacturer” defined in Michigan’s electronics takeback law?

A: A manufacturer is defined as the brand owner of a computer or television. If the company is not a U.S. manufacturer, the manufacturer is whoever is responsible for importing the computer or television for sale in Michigan. Manufacturers are required to register and meet the takeback requirements if the manufacturer manufactured, sold, or imported more than 50 covered computers in calendar year 2000 or any subsequent calendar year or more than 50 covered video display devices in the previous calendar year.

Q: What is considered “new” [covered electronic devices](#)?

A: Part 173 does not define “new,” however, as a general rule, “new” covered electronic devices are computers (including printers after April 1, 2011) or televisions made from 50 percent or more, by weight, new components. If the device is made from at least 50 percent new components, the device is a newly manufactured covered electronic device and the manufacturer selling the device or offering the device for sale is subject to this law and required to register.

Q: What is a brand?

A: The brand is the name labeled on the outer shell of the computer or video display. Examples of some common brands of computers include Acer, Apple, Commodore, Compaq, Dell, Epson, Gateway, HP, Hewlett Packard, Sony, and Xerox. Examples of common brands of televisions include AKAI, BRAVIA, JVC, InFocus, Magnavox, Mitsubishi, Mustang, PIVA, Phillips, Panasonic, Sharp, Samsung, Sony, Toshiba, Zenith, and 3M.

Q: What does a manufacturer, selling its products in Michigan, need to do to comply with the Michigan electronics takeback law?

A: The manufacturer must do all of the following:

1. [Register](#) with the DEQ by October 30<sup>th</sup> of each year, beginning October 30, 2009, or within 10 business days after the manufacturer begins to sell or offer for sale in Michigan new [covered electronic devices](#). Registration includes submitting a complete and accurate registration form along with a fee of \$3,000.
2. Establish a takeback program that is convenient and free for consumers and small businesses and make information on the takeback program available on the Internet for Michigan consumers. The DEQ will maintain a [Web site](#) containing a list of registered manufacturers with links to Web pages containing takeback program information for each manufacturer.
3. Label all of its products with its brand.
4. Recycle the electronic equipment collected through the takeback program.
5. Accept up to 7 [covered electronic devices](#) from a single consumer in a single day.

Q: Does a manufacturer have to register separately for every brand it sells?

A: No. When a manufacturer registers, the manufacturer registration must include the names of all the brands under which it sells computers and televisions in Michigan.

Q: Does a manufacturer that sold [covered electronic devices](#) for only a portion of the fiscal year need to reregister in October (e.g., register by August 10<sup>th</sup> after beginning to sell covered electronic products in Michigan on August 1<sup>st</sup>)?

A: Yes. The initial registration filed on August 10<sup>th</sup> would be followed by a subsequent registration due by no later than October 30<sup>th</sup>. The registration would include information on the total weight of the covered electronic devices received by the takeback program from consumers for the period of the prior fiscal year (in this case, August 1<sup>st</sup> through September 30<sup>th</sup>) in which the manufacturer operated the takeback program.

Q: How is the total weight of [covered electronic devices](#) measured?

A: The weight of the entire unit such as the entire computer (central processing unit and monitor, attached or separate), television, printer, etc., should be measured using a large scale. Multiple devices weighed at the same time and the total weight of all devices should be reported at the time of registration.

Q: How are the funds used that are collected from manufacturers?

A: The money is deposited into an E-waste Recycling Fund that is used by the DEQ to pay for the administration of the Part 173 e-waste program.

Q: Does a manufacturer have to take back computers or televisions in any special way?

A: No. A manufacturer can use a variety of ways to take back products. Some examples that have been used around the country are mail-in programs, drop-off sites, collection events, and retail store takeback programs. The programs must be convenient and free to consumers.

Q: Are takeback requirements different for computer and television manufacturers?

A: Yes. Computer manufacturers are required to take back their own brand(s). Television manufacturers are required to take back any brand of television with a voluntary goal of collecting, by weight, at least 60 percent of the weight of the televisions sold in the previous fiscal year.

Q: Are all the e-waste collectors and recyclers participating in a takeback program handling a waste subject to any regulations in addition to Part 173?

A: [Part 111](#), Hazardous Waste Management, and [Part 115](#), Solid Waste Management, statutes and rules specify how any waste, including e-waste, is to be handled. Whether an e-waste is regulated as a hazardous waste or solid waste depends on the following:

1. Who generated the waste;
2. The type of waste being managed; and
3. How the waste is handled.

For an overview of the regulations that apply to e-waste, please see the DEQ guidance for [electronic equipment](#) or [universal waste](#).

### **[Part 173](#). Consumer Specific Frequently Asked Questions**

Q: How is “consumer” defined in Michigan’s electronics takeback law?

A: A consumer is a person who used a computer or television primarily for personal or small business purposes in Michigan.

Q: How is “small business” defined in Michigan’s electronic takeback law?

A: A small business is a business with 10 or fewer employees.

Q: Where can I recycle my electronic equipment?

A: A consumer can get information on recycling electronic equipment in several ways:

1. Manufacturers selling new computers and televisions in Michigan are required to provide consumers with information on how and where to return them for recycling. This must include information on the manufacturer's collection, recycling, and reuse program and the manufacturer's Web site. The manufacturer may also include this information in the packaging or in other materials that accompany the equipment when it is sold or the manufacturer may provide that information through a toll-free telephone number.
2. The DEQ maintains a manufacturer takeback program [Web site](#) that contains a list of registered manufacturers and links to each manufacturer Web page providing details on where covered electronic equipment can be recycled.
3. Households and small businesses with electronic equipment not covered by a manufacturer takeback program may be able to recycle electronic equipment at a [community electronics collection program](#) or by other profit or nonprofit [groups promoting electronics recycling](#).

Q: If I purchase a new computer or television from a manufacturer with a takeback program and my old computer or television is a different brand, does the manufacturer have to take back my old computer or television even though it is manufactured under a different brand name?

A: Computer manufacturers are only required to take back computers they manufactured; whereas television manufacturers are required to take back all television brands, regardless of the manufacturer.

Q: I have computers from my business; do the manufacturers have to take them back?

A: If your business has 10 or fewer employees, you can contact the manufacturer or check their Web site and participate in the takeback program. Note: Manufacturer takeback programs do not preempt existing contracts for managing electronic equipment at the end of their useful lives, and all businesses are still required to meet other disposal regulations that apply to managing their electronic waste.

Q: How do I know the products I buy are green or environmentally friendly products?

A: Many electronics manufacturers are producing greener equipment using less hazardous and more recyclable materials. Many electronics are being designed to use less energy. Check out the manufacturer's Web site for information about the product or look at the Green Electronics Council [Electronic Product Environmental Assessment Tool](#).

Q: How can I make sure the data on my computer is destroyed?

A: A registered recycler is required to wipe data from equipment they recycle. However, there are many data-wiping programs available. To see some options, go to the U.S. Environmental Protection Agency fact sheet, "[Do the PC Thing](#)."

Q: How does a manufacturer have to provide information about its takeback program?

A: The law requires manufacturers to maintain this information on their company Web site. However, other means of providing consumers takeback information are suggested such as maintaining a toll-free telephone number and providing it in product packaging.

Q: How many computers or televisions can I recycle through a specific takeback program in one day?

A: A manufacturer takeback program is required to accept up to 7 products from a single consumer in a single day.

### **Part 173. Retailer Specific Frequently Asked Questions**

Q: How is “retailer” defined in Michigan’s electronics takeback law?

A: A retailer is someone who sells a computer or television to a consumer. This includes, but is not limited to, stores, catalogs, mail orders, and the Internet.

Q: What does a retailer need to do to comply with this law?

A: After April 1, 2010, a retailer cannot sell a new computer or television in Michigan unless the brand manufacturer is registered with the DEQ.

Q: Does a retailer have to have a takeback program for its customers?

A: No. There is no obligation for a retailer to provide a takeback program for its customers. However, a manufacturer may partner with a retailer to take back computers and televisions for recycling.