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STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



HEIDI GRETHUR
Director

TO: Part 173 Registered 3D Printer Manufacturers

FROM: Steve Noble, Electronics Program Coordinator
Solid Waste Section
Waste Management and Radiological Protection Division

DATE: August 29, 2017

SUBJECT: Applicability of Part 173 to Commercial 3D printers

The Michigan Department of Environmental Quality (MDEQ), conducted an applicability review of Part 173 (Electronics) of Act 451 as amended (NREPA) (the program) to the printing technology commonly known as 3D printing. The purpose of this review was to determine if 3D printers should be considered a "printer" as defined in Section 17301 and thus a covered electronic device.

Our findings are that there are instances where this device may not be considered to be a covered electronic device as defined in the statute.

The following is the basis for our opinion. The statute identifies that:

- A covered electronic device is a covered computer or covered video display device.
- A covered computer is defined as a computer that was or will be used primarily for personal or small business in this state.
- In Section 17301 a "computer" is defined as a desktop personal computer or laptop computer or beginning April 1, 2011 a printer.
- A "small business" is defined as a business with 10 or fewer employees.

The definition of a printer is as follows:

(l) "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.

In our review of the applicability of the electronics recycling statute to the technology commonly known as 3D printers we found that there may be instances where the manufacturer or its authorized representative would not be required to register the 3D printer with the program because the device does not meet the definition of a covered electronic device due to its functionality or the device is not intended for the consumer market sector.

To avoid any regulatory compliance issues related to simply not registering for the program, manufacturers can request an exemption from registration as a manufacturer of a covered electronic device. To qualify for the exemption, the manufacturer would need to provide written documentation outlining any of the following factors that support an exemption request:

- Instances where the 3D printer does not meet the provisions in the definition of a printer;
- The method or methods that the manufacturer or distributor uses to promote the product to its customers such as indications that the printer is not intended for consumer use; or
- Documentation that the number of devices sold in the state in the previous year is less than what is defined in Section 17301 (k).

The Department considers products that are readily available for purchase through online or brick and mortar retailers and are marketed for use by consumers will be considered to be covered electronic devices. As such, the manufacturer or its representative would need to register the printing device with the program to be eligible to sell that covered device to consumers in Michigan.

Should you have any questions about this memo, please contact me at 517-449-6153; nobles4@michigan.gov; or MDEQ, Waste Management and Radiological Protection Division, P.O. Box 30241, Lansing, Michigan, 48909-7741.

cc: Registered Electronics Recyclers