



E-Cycle Wisconsin

Guidance for Limitation on Use of Prison Labor for Collection and Recycling

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Purpose

This guidance provides direction to help manufacturers, recyclers and collectors of eligible electronic devices (EEDs) operating as part of the E-Cycle Wisconsin program under s. 287.17, Wis. Stats., comply with the limitation on the use of prison labor for collection [s. 287.17 (7) (c), Wis. Stats.] or recycling [s. 287.17 (8) ((c) 2., Wis. Stats.)] of electronics on behalf of a manufacturer.

Background

A person wishing to operate as an electronics recycler or collector under E-Cycle Wisconsin must register annually with the Department of Natural Resources. The law prohibits recyclers and collectors from using prison labor to recycle or collect EEDs if the weights of those devices count toward a manufacturer's recycling obligation. This limitation is intended to address concern over unfair labor competition for facilities using prison labor as part of their workforce, and to avoid risk to data security of devices collected under this program.

Definition of Prison Labor

The term "prison labor" is not defined in ch. 287, Wis. Stats., the authorizing statute for this program. In the absence of a definition specific to this law, the DNR has referred to ch. 303, Wis. Stats., related to prisons and prison labor, and to the original intent of the prohibition in developing this guidance.

The DNR interprets the limitation on the use of prison labor to mean the following:

- No collection or recycling of EEDs under E-Cycle Wisconsin can occur at a prison facility or a facility staffed primarily by inmates, including current inmates from a county or other local government jail.
- Use of prison labor for activities not related to electronics collection or recycling under E-Cycle Wisconsin is not prohibited. This includes electronics collection and recycling that is not part of E-Cycle Wisconsin, or using prison labor to clean the facility, do general maintenance or repair work, as long as these activities were not directly related to collecting or recycling EEDs under E-Cycle Wisconsin.
- Use of Huber work release inmates or of persons fulfilling a community or volunteer service as part of a correctional program is not a prohibited use of prison labor.

E-Cycle Wisconsin Definitions

Eligible electronic devices (EEDs) include covered electronic devices (CEDs), computer peripherals, fax machines, DVD players and VCRs. CEDs include consumer computers; consumer printers; and video display devices with displays at least 7" in the longest diagonal direction.

A **collector** accepts EEDs from Wisconsin households and K-12 schools and delivers or arranges for the delivery of the EED to a recycler.

A **recycler** accepts EEDs from Wisconsin households, covered schools or collectors for the purpose of recycling. **Recycling** means preparing EEDs for use in manufacturing processes or for recovery of useable materials and delivering the materials for use.

For complete definitions, see s. 287.17(1), Wis. Stats.

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Disclaimer: This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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