

1       **AN ACT** *to create* 93.95, 287.01 (2s), 287.03 (1) (g) and 287.07 (6) of the statutes;  
2       **relating to:** collection and recycling of large volume agricultural and horticultural  
3       plastic films.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council's Special Committee on Single-Use Plastics. It corresponds to Options II. A. 1. and II. B. 1. and 2. in Memo No. 1 to the committee.

The draft prohibits landfilling of large volume agricultural and horticultural films. The draft also requires producers, defined as importers and in-state manufacturers, to do all of the following:

- Register with the Department of Agriculture, Trade, and Consumer Protection (DATCP).
- Label the producer's large volume plastic film with its registration number.
- Provide information to distributors, retailers, and users of its large volume plastic film about how to arrange to have the film collected after use.
- Provide information, as provided by the Department of Natural Resources, to distributors, retailers, and users of its large volume plastic film about the large volume plastic film landfill ban and open burning prohibitions and improper landfilling restrictions under state law.
- Provide information to distributors, retailers, and users of its large volume plastic film about best practices for handling the film.
- If requested by the user, collect and recycle the producer's large volume plastic film, or dispose of the film by an alternative approved method, if the film is handled by the user in a manner consistent with best practices established by DATCP.
- Report to DATCP.
- Maintain records and allow for DATCP inspection.

The draft requires DATCP to administer this program, including by posting information about registered producers on its Internet site, approving exemptions to the producer requirements or alternative disposal methods under certain circumstances, establishing best practices for users to handle film, reporting to the legislature annually, and performing outreach and communication functions.

1       **SECTION 1.** 93.95 of the statutes is created to read:

2       **93.95 Large volume plastic film. (1) DEFINITIONS.** In this section:

3       (a) “Import” means to transport or cause to be transported into this state for delivery  
4 to a distributor, retailer, or user.

5       (b) “Large volume plastic film” means plastic film [at least XX mils in thickness] [and  
6 measures at least XX feet in at least one dimension] used for agricultural or horticultural  
7 purposes including for animal feed bunker covers, silage bags, bale wrap, hoophouse or  
8 greenhouse exterior film, and mulch film.

9       (c) “Manufacture” means to manufacture in this state for sale in this state.

10       (d) “Producer” means a person who manufactures or imports large volume plastic film.

11       (e) “Recycling” means preparing large volume plastic film for use in manufacturing  
12 processes or for recovery of useable materials and delivering the materials for use.  
13 “Recycling” does not include destruction by incineration or other processes or land disposal  
14 of recyclable materials.

15       **(2) PRODUCER RESPONSIBILITIES; PROHIBITION ON SALE OR IMPORT.** Beginning on [date],  
16 a producer may not sell or import large volume plastic film in this state unless the producer  
17 does all of the following:

18       (a) *Registration.* Periodically, as required by rule by the department, submits to the  
19 department a registration that includes all of the following:

1           1. A list of the large volume plastic film manufactured or imported by the producer,  
2 including a description of the different types of films and film products manufactured or  
3 imported by the producer.

4           2. The name, address, and contact information of an individual responsible for ensuring  
5 compliance with this section.

6           3. A certification that the producer has complied, and will continue to comply, with the  
7 requirements of this section.

8           (b) *Product labeling.* Affixes a label to the large volume plastic film that it  
9 manufactures or imports that is readily visible and that shows the producer's registration  
10 number.

11           (c) *Information.* Provides all of the following information to each distributor, retailer,  
12 or user to whom the producer transfers the producer's large volume plastic film, in a manner  
13 likely to be readily accessible to the user of the film:

14           1. Information describing how to arrange for the collection of the large volume plastic  
15 film under par. (d).

16           2. Information made available to producers by the department of natural resources  
17 under s. 287.03 (1) (g) relating to the prohibitions in s. 287.07 (6) (a) and the prohibitions in  
18 state law against open burning and improper landfilling of solid waste.

19           3. Information about best practices for handling of large volume plastic film as  
20 established by the department under sub. (3) (d).

21           (d) *Collection.* Collects all large volume plastic film that it manufactured or imported  
22 for which the user of the plastic film requests collection and for which the user has used best  
23 management practices for handling the film, as established by the department under sub. (3)  
24 (d).

1 (e) *Recycling; alternative disposal.* Recycles or disposes of using an alternative  
2 method approved under sub. (3) (c) 2., all large volume plastic film that it collects under par.  
3 (d).

4 (f) *Reporting.* With each registration that it submits under par. (a), reports all of the  
5 following as required by the department by rule:

6 1. The weight of each type of large volume plastic film manufactured or imported into  
7 this state by the producer during the time period established by the department.

8 2. The weight of each type of large volume plastic film manufactured or imported by  
9 the producer that the producer collected and recycled during the time period established by  
10 the department.

11 3. The weight of each type of large volume plastic film manufactured or imported by  
12 the producer that the producer disposed of by an alternative means approved under sub. (3)  
13 (c) 2. during the time period established by the department.

14 (f) *Record-keeping.* Maintains records documenting compliance with this subsection  
15 and reports required under this section for at least 3 years.

16 (3) POWERS AND DUTIES OF THE DEPARTMENT. (a) *Registration review; registration*  
17 *number.* Within 20 business days after the receipt of an initial registration under sub. (2) (a),  
18 the department shall review the registration submitted and notify the producer if the  
19 registration is not complete. If the registration is complete and the producer's registration is  
20 not suspended or revoked under par. (h), the department shall register the producer and issue  
21 a registration number to the producer.

22 (b) *Internet site.* The department shall maintain an Internet site on which the department  
23 lists the names of producers who are registered under par. (a) and sub. (2) (a), their registration  
24 numbers, and their contact information.

1           (c) *Exemption; alternative disposal.* For types of large volume plastic film for which  
2 the department determines that there is no cost-effective means of recycling the film, the  
3 department shall do one or both of the following by rule, after consulting with the department  
4 of natural resources:

5           1. Exempt the large volume plastic film from s. 287.07 (6) and exempt producers of the  
6 film from sub. (2) (e).

7           2. Approve an alternative means of disposal of the type of large volume plastic film,  
8 such as use of the large volume plastic film in a waste-to-energy facility.

9           (d) *Film handling practices.* The department shall promulgate rules that do all of the  
10 following:

11           1. Establish best practices for users to handle large volume plastic film to minimize the  
12 cost of collection and handling of used films by producers, maximize recyclability, and  
13 otherwise protect the value of the film.

14           2. Authorize producers to refuse to collect film that is not handled by the user in  
15 accordance with the best practices established under subd. 1.

16           (e) *Annual report.* Before December 1 of each year, beginning in [year], the department  
17 shall provide a report on the program under this section to the legislature under s. 13.172 (2)  
18 and to the Governor. The department shall include all of the following in the report:

19           1. The total weight of large volume plastic film recycled.

20           2. A summary of the information provided by producers under sub. (2) (f).

21           3. Information concerning the recycling programs used by producers to recycle large  
22 volume plastic film.

23           4. Information about any alternative disposal methods approved under par. (c) 2.

1           5. Information about any disposal of large volume plastic film in landfills and any  
2 burning of large volume plastic film in solid waste treatment facilities in this state.

3           6. A description of any actions taken to enforce the requirements of this section.

4           7. Any recommendations to apply the requirements under sub. (2) to producers of  
5 additional types of products.

6           (f) *Outreach and communication.* 1. The department shall promote user participation  
7 in the collection and recycling of large volume plastic film by producers through education  
8 and outreach activities. The department shall facilitate communications between local  
9 governments, persons operating solid waste collection and recycling centers, producers,  
10 retailers, and users.

11           (g) *Records inspection.* The department may inspect records required under sub. (2)  
12 (f).

13           (h) *Suspension and revocation.* The department may revoke the registration of a  
14 producer who violates this section.

15           **SECTION 2.** 287.01 (2s) of the statutes is created to read:

16           287.01 (2s) “Large volume plastic film” has the meaning given in s. 93.95 (1) (b).

17           **SECTION 3.** 287.03 (1) (g) of the statutes is created to read:

18           287.03 (1) (g) Provide producers of large volume plastic film under s. 93.95 with a  
19 description of the prohibitions in s. 287.07 (6) (a) and a description of the prohibitions in state  
20 law against open burning and improper landfilling of solid waste.

21           **SECTION 4.** 287.07 (6) of the statutes is created to read:

22           287.07 (6) LARGE VOLUME PLASTIC FILMS. (a) Except as provided in par. (b), beginning  
23 on [date], no person may dispose of large volume plastic film in a solid waste disposal facility,  
24 burn large volume plastic film in a solid waste treatment facility, or place large volume plastic

1 film in a container the contents of which will be disposed of in a solid waste disposal facility  
2 or burned in a solid waste treatment facility, unless the large volume plastic film is exempted  
3 by a rule promulgated under s. 93.95 (3) (c) 1.

4 (b) The operator of a solid waste disposal facility or a solid waste treatment facility shall  
5 make a reasonable effort to manually separate, and arrange to have recycled, large volume  
6 plastic film that is readily observable in solid waste that is delivered to the facility for disposal  
7 or burning unless the operator determines that one of the following applies:

8 1. Separating the film is not practical or would require the operator to implement  
9 measures to protect human health or safety in addition to any measures taken in the ordinary  
10 course of business.

11 2. The film is contaminated in such a way that recycling is not feasible or practical.

12 (END)