

ASSEMBLY, No. 4763

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED NOVEMBER 16, 2015

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

SYNOPSIS

Revises “Electronic Waste Management Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning electronic waste recycling, amending and
2 supplementing P.L.2007, c.347, and repealing various parts of
3 the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 1 of P.L.2007, c.347 (C.13:1E-99.94) is amended to
9 read as follows:

10 1. **【Sections 1 through 21 of】** P.L.2007, c.347 (C.13:1E-99.94
11 et seq.) **【and section 3 of P.L.2008, c.130 (C.13:1E-99.96a)】** shall
12 be known and may be cited as the "Electronic Waste Management
13 Act."
14 (cf: P.L.2008, c.130, s.21)

15
16 2. Section 2 of P.L.2007, c.347 (C.13:1E-99.95) is amended to
17 read as follows:

18 2. As used in **【sections 1 through 21 of】** P.L.2007,
19 c.347 (C.13:1E-99.94 et seq.) **【and section 3 of P.L.2008,**
20 **c.130 (C.13:1E-99.96a)】**:

21 "Authorized recycler" means a person who: (1) engages in the
22 manual or mechanical separation of covered electronic devices to
23 recover components and commodities contained therein for the
24 purpose of re-use or recycling; or (2) changes the physical or
25 chemical composition of a covered electronic device by
26 deconstructing, size reduction, crushing, cutting, sawing,
27 compacting, shredding, or refining for the purpose of segregating
28 components, and for the purpose of recovering or recycling those
29 components, and who arranges for the transport of those
30 components to an end user.

31 "Brand" means symbols, words, or marks that identify a covered
32 electronic device, rather than any of its components.

33 "Business concern" means any corporation, association, firm,
34 partnership, sole proprietorship, trust or other form of commercial
35 organization. "Business concern" shall not include a small business
36 enterprise.

37 "Cathode ray tube" means a vacuum tube or picture tube used to
38 convert an electronic signal into a visual image , and includes any
39 cathode ray tube that is broken, damaged, or separated from its host
40 television or other device .

41 "Computer" means an electronic, magnetic, optical,
42 electrochemical, or other high-speed data processing device
43 performing logical, arithmetic, or storage function, and may include
44 both a computer central processing unit and a monitor, but the term
45 shall not include an automated typewriter or typesetter, a portable

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 handheld calculator, a portable digital assistant, or other similar
2 device.

3 "Consumer" means a person, State entity, school district, or local
4 government unit who purchases a covered electronic device in a
5 transaction that is a retail sale. "Consumer" shall not include any
6 business concern purchasing covered electronic devices.

7 "Covered electronic device" means a desktop or personal
8 computer, computer monitor, portable computer, desktop printer,
9 desktop fax machine, [or] television sold to a consumer, or any
10 other device the department determines is a covered electronic
11 device pursuant to the criteria and procedures established in section
12 8 of P.L. , c. (C.) (pending before the Legislature as this bill).

13 A "covered electronic device" shall not include any of the
14 following: (1) an electronic device that is a part of a motor vehicle
15 or any component part of a motor vehicle assembled by, or for, a
16 vehicle manufacturer or franchised dealer, including replacement
17 parts for use in a motor vehicle; (2) an electronic device that is
18 functionally or physically a part of a larger piece of equipment
19 designed and intended for use in an industrial, commercial, or
20 medical setting, including diagnostic, monitoring, or control
21 equipment; (3) an electronic device that is contained within a
22 clothes washer, clothes dryer, refrigerator, refrigerator and freezer,
23 microwave oven, conventional oven or range, dishwasher, room air
24 conditioner, dehumidifier, or air purifier; or (4) a telephone of any
25 type unless it contains a video display area greater than four inches
26 measured diagonally.

27 "Department" means the Department of Environmental
28 Protection.

29 "Group plan administrator" means any person who enters into a
30 contract with two or more manufacturers to collect, transport, and
31 recycle the total of those manufacturers' market share in weight
32 obligations pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.).

33 "Local government unit" means any county or municipality, or
34 any agency, instrumentality, authority or corporation of any county
35 or municipality, including, but not limited to, sewerage, utilities and
36 improvement authorities, or any other political subdivision of the
37 State.

38 "Manufacturer" means any person: (1) who manufactures or
39 manufactured covered electronic devices under a brand that it owns
40 or owned or is or was licensed to use, other than a license to
41 manufacture covered electronic devices for delivery exclusively to
42 or at the order of the licensor; (2) who sells or sold covered
43 electronic devices manufactured by others under a brand that the
44 seller owns or owned or is or was licensed to use, other than a
45 license to manufacture covered electronic devices for delivery
46 exclusively to or at the order of the licensor; (3) who manufactures
47 or manufactured covered electronic devices without affixing a
48 brand; (4) who manufactures or manufactured covered electronic

1 devices to which the person affixes or affixed a brand that the
2 person neither owns or owned nor is or was licensed to use; (5) for
3 whose account covered electronic devices manufactured outside the
4 United States are or were imported into the United States, provided
5 however, if, at the time such covered electronic devices are or were
6 imported into the United States, another person has registered as the
7 manufacturer of the brand of the covered electronic devices
8 pursuant to subsection b. of section 9 of P.L.2007, c.347 (C.13:1E-
9 99.102), then paragraph (5) of this definition shall not apply; or (6)
10 a person who assumes the obligations and responsibilities for any
11 manufacturer pursuant to paragraphs (1) through (5) of this
12 definition.

13 "Market share" means a **television** manufacturer's national
14 sales of **televisions** covered electronic devices expressed as a
15 percentage of the total **weight** sales of all **television**
16 manufacturers' national sales of covered electronic devices, based
17 on the best available public data.

18 "Market share in weight" means the total weight of covered
19 electronic devices for which an individual manufacturer is
20 responsible to collect, transport, and recycle based on the
21 manufacturer's market share, as provided pursuant to subsection a.
22 of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

23 "Monitor" means a separate video display component of a
24 computer, whether sold separately or together with a computer
25 central processing unit and computer box, and includes a cathode
26 ray tube, liquid crystal display, gas plasma, digital light processing,
27 or other image projection technology, greater than four inches
28 measured diagonally, and its case, interior wires and circuitry, cable
29 to the central processing unit, and power cord.

30 "Obligation" means: **(1)** the **return** market share in weight,
31 identified for an individual manufacturer, as **determined by the**
32 **department** provided pursuant to subsection a. of section 12 of
33 P.L.2007, c.347 (C.13:1E-99.105) **;** or (2) the market share,
34 identified for an individual television manufacturer, as determined
35 by the department pursuant to subsection c. of section 3 of
36 P.L.2007, c.347 (C.13:1E-99.96)].

37 "Orphan device" means a covered electronic device for which no
38 manufacturer can be identified, or for which the original
39 manufacturer no longer exists.

40 "Person" means an individual, trust firm, joint stock company,
41 business concern, and corporation, including, but not limited to, a
42 government department, partnership, limited liability company, or
43 association.

44 "Portable computer" means a computer and video display greater
45 than four inches in size that can be carried as one unit by an
46 individual, including a laptop computer.

1 "Program year" means a full calendar year beginning on or after
2 January 1, 2011.

3 "Purchase" means the taking, by sale, of title in exchange for
4 consideration.

5 "Recycling" means any process by which materials which would
6 otherwise become solid waste are collected, separated or processed
7 and returned to the economic mainstream in the form of raw
8 materials or products. "Recycling" shall not include energy
9 recovery or energy generation by means of incinerating electronic
10 waste whether apart or in combination with other wastes.

11 "Registrant" means a manufacturer of covered electronic devices
12 that is in full compliance with the requirements of **[this act]**
13 P.L.2007, c.347 (C.13:1E-99.94 et seq.).

14 "Retail sales" means the sale of covered electronic devices
15 through sales outlets, via the Internet, mail order, or other means,
16 whether or not the retailer has a physical presence in this State.

17 "Retailer" means a person who owns or operates a business that
18 sells new covered electronic devices in this State by any means to a
19 consumer.

20 **["Return share" means the proportion of covered electronic**
21 **devices for which an individual manufacturer is responsible to**
22 **collect, transport, and recycle, as determined by the department**
23 **pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-**
24 **99.105).**

25 "Return share in weight" means the total weight of covered
26 electronic devices for which an individual manufacturer is
27 responsible to collect, transport, and recycle, as determined by the
28 department pursuant to subsection a. of section 12 of P.L.2007,
29 c.347 (C.13:1E-99.105).**】**

30 "Sale" or "sell" means any transfer for consideration of title,
31 including, but not limited to, transactions conducted through sales
32 outlets, catalogs, or the Internet, or any other, similar electronic
33 means, and excluding leases.

34 "Small business enterprise" means any business which has its
35 principal place of business in this State, is independently owned and
36 operated, and employs the equivalent of fewer than 50 full-time
37 employees.

38 "Statewide standard program" means the program to collect,
39 transport, and recycle covered electronic devices established by the
40 State pursuant to section 6 of P.L. , c. (C.) (pending before
41 the Legislature as this bill).

42 "Television" means a stand-alone display system containing a
43 cathode ray tube or any other type of display primarily intended to
44 receive video programming via broadcast, having a viewable area
45 greater than four inches measured diagonally, able to adhere to
46 standard consumer video formats and having the capability of
47 selecting different broadcast channels and support sound capability.

1 "Video display" means an output surface having a viewable area
2 greater than four inches when measured diagonally that displays
3 moving graphical images or a visual representation of image
4 sequences or pictures, showing a number of quickly changing
5 images on a screen in fast succession to create the illusion of
6 motion, including, if applicable, a device that is an integral part of
7 the display and cannot be easily removed from the display by the
8 consumer that produces the moving image on the screen. A "video
9 display" typically uses a cathode ray tube, liquid crystal display, gas
10 plasma, digital light processing, or other image projection
11 technology.

12 (cf: P.L.2012, c.79, s.11)

13

14 3. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended
15 to read as follows:

16 9. a. (1) (a) By January 30, **[2012]** 2016 , and by each
17 January 30 thereafter, the department shall **[**:

18 (a) have completed an auditable, statistically valid sampling of
19 covered electronic devices collected from consumers in this State
20 during the previous program year. The sampling information
21 collected shall consist of a list of brands of covered electronic
22 devices and the weight of covered electronic devices that are
23 identified for each brand. The department's sampling shall be
24 conducted in accordance with a procedure established by the
25 department and may be conducted by a third-party organization
26 including an authorized recycler, to be determined by the
27 department. The department may, at its discretion, be present at the
28 sampling and may audit the methodology and the results of the
29 third-party organization. The costs associated with the sampling
30 shall be recovered from the fees paid by manufacturers to the
31 department] determine the market share for each manufacturer of
32 covered electronic devices]; and] .

33 (b) By April 1, 2016, and by each April 1 thereafter, the
34 department shall determine the total weight of covered electronic
35 devices, including orphan devices, collected from consumers in this
36 State during the previous program year.

37 (2) **[**If a manufacturer or group of manufacturers conducts its
38 own sampling of covered electronic devices, the manufacturer or
39 group of manufacturers shall submit a report to the department
40 annually by March 1, beginning the year after the program is
41 initiated. The report shall include:

42 (a) the results of an auditable, statistically valid sampling of
43 covered electronic devices collected from consumers in this State
44 by the manufacturer or group of manufacturers during the previous
45 program year. The sampling information reported shall consist of a
46 list of brands of covered electronic devices and the weight of
47 covered electronic devices that are identified for each brand; and

1 (b) the total weight of covered electronic devices, including
2 orphan devices, collected from consumers in this State by the
3 manufacturer or group of manufacturers during the previous
4 program year and documentation verifying collection and recycling
5 of such devices.】 (Deleted by amendment, P.L. , c.)
6 (pending before the Legislature as this bill)

7 b. By February 1, 2010, and each January 1 thereafter, each
8 manufacturer of covered electronic devices offered for sale for
9 delivery in this State shall register with the department and pay a
10 registration fee of \$5,000. Any manufacturer to whom the
11 department provides notification of a 【return share and return share
12 in weight】 market share pursuant to subsection a. of section 12 of
13 P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed
14 a registration shall file a registration with the department within 30
15 days of receiving such notification from the department. Each
16 manufacturer's registration and renewal shall include a list of all of
17 the manufacturer's brands of covered electronic devices.

18 【The provisions of this section shall not apply to any
19 manufacturer or retailer of televisions offered for sale for delivery
20 in this State.】

21 c. If 【less than 100 covered electronic devices are sold by a
22 manufacturer】 a manufacturer's market share is .01 percent or less
23 in the previous program year, the department shall not require a
24 manufacturer to pay the registration fee or registration renewal fee,
25 as appropriate, or otherwise comply with the requirements of
26 section 10 of P.L.2007, c.347 (C.13:1E-99.103) in the subsequent
27 year, pursuant to subsection b. of this section.

28 (cf: P.L.2012, c.79, s.4)

29

30 4. Section 10 of P.L.2007, c.347 (C.13:1E-99.103) is amended
31 to read as follows:

32 10. a. 【By June 1, 2010, each】 Each manufacturer to whom the
33 department provides 【, by April 2, 2010, a return】 a market share
34 【in weight】 that is greater than 【zero】 .01 percent of the total shall
35 submit a plan to the department to collect, transport, and recycle
36 covered electronic devices. If the department establishes a
37 Statewide standard program pursuant to section 6 of P.L. , c. (C.)
38 (pending before the Legislature as this bill), each manufacturer or
39 group of manufacturers to whom the department provides a market
40 share that is greater than 10 percent of the total may (1) submit a
41 plan to the department to collect, transport, and recycle covered
42 electronic devices, or (2) participate in the Statewide standard
43 program; and each manufacturer to whom the department provides a
44 market share that is 10 percent or less shall fulfill its market share
45 in weight obligation by participating in the Statewide standard
46 program.

1 b. Each manufacturer to whom the department provides ~~]~~, by
2 February 15, 2012 or ~~]~~ by February 15 of any year ~~]~~ thereafter], a
3 ~~]~~ return share in weight market share that is greater than ~~]~~ zero] .01
4 percent of the total shall, by ~~]~~ March] April 15 of that year, comply
5 with the requirements of subsection a. of this section.

6 c. An individual manufacturer submitting a plan pursuant to
7 subsection a. of this section shall collect, transport, and recycle its
8 ~~]~~ return market share in weight.

9 d. A group of manufacturers jointly submitting a plan pursuant
10 to subsection a. of this section shall collect, transport, and recycle
11 the sum of the obligations of each participating manufacturer.

12 e. Every plan shall ~~]~~ be filed with a manufacturer's annual
13 registration, and shall ~~]~~ include:

14 (1) Methods that will be used to collect the covered electronic
15 devices including proposed collection services;

16 (2) The processes and methods that will be used to recycle
17 recovered covered electronic devices including a description of the
18 recycling processes that will be used, including the name and
19 location of all authorized recyclers to be directly utilized by the
20 plan;

21 (3) The processes and methods that will be used to recycle
22 recovered covered electronic devices which originated from
23 transactions between business concerns;

24 (4) The methods that will be used to provide convenient
25 collection of covered electronic devices, especially used televisions,
26 for residents in densely populated areas of the State;

27 (5) Means that will be utilized to publicize the collection
28 services, including specification of a website or toll-free telephone
29 number that provides information about the manufacturer's program
30 in sufficient detail to allow consumers to learn how to return their
31 covered electronic devices for recycling; and

32 ~~]~~ (6) The intention of the registrant to fulfill its obligation
33 through operation of its own plan, either individually, by contract
34 with for-profit or not-for-profit entities, a group plan administrator,
35 or local government units, or with other manufacturers.

36 The department shall hold confidential any information obtained
37 pursuant to this subsection when shown by a manufacturer that the
38 information, if made public, would divulge competitive business
39 information, methods or processes entitled to protection as trade
40 secrets of the manufacturer.

41 Recovered covered electronic devices shall not be sent to prisons
42 for recycling either directly or through intermediaries and nothing
43 in this section shall be construed to allow for the recycling of
44 covered electronic devices by prisoners. Any person committed to a
45 jail, prison, or other institution for the detention of persons charged
46 with or convicted of an offense shall be disqualified from engaging
47 in the manual or mechanical separation of covered electronic

1 devices to recover components and commodities contained therein
2 for the purpose of re-use or recycling.

3 By January 1, 2011, each manufacturer or group of
4 manufacturers required to submit a plan, pursuant to subsection a.
5 of this section, shall commence its covered electronic device
6 recycling program to implement and finance the collection,
7 transportation, and recycling of covered electronic devices **【other**
8 **than televisions】**. The covered electronic device recycling program
9 shall accept all types and all brands of used covered electronic
10 devices, including orphan devices.

11 f. Each manufacturer's plan or plan jointly submitted by a
12 group of manufacturers through a group plan administrator shall be
13 reviewed to determine its compliance with subsection e. of this
14 section and approved by the department. The department may
15 reject the plan, in whole or in part, and may impose additional
16 requirements as a condition of approval.

17 g. If a manufacturer fails to comply with all the conditions and
18 terms of an approved plan, the manufacturer shall be prohibited
19 from selling or offering for sale in this State a covered electronic
20 device.

21 h. Manufacturers that collect, transport, and recycle covered
22 electronic devices in excess of their obligation may sell credits to
23 another registrant or apply that excess to the following year's
24 recycling obligation; provided that no more than 25 percent of a
25 manufacturer's obligation for any program year may be met with
26 credits generated in a prior program year. No manufacturer or
27 group of manufacturers, as the case may be, may cease
28 implementing its plan required pursuant to subsection e. of this
29 section and approved by the department, during any program year
30 by using credits.

31 i. (Deleted by amendment, P.L.2008, c.130)

32 j. (Deleted by amendment, P.L.2008, c.130)

33 k. Nothing in **【this act】** P.L.2007, c.347 (C.13:1E-99.94 et
34 seq.) is intended to exempt any person from liability the person
35 would otherwise have under applicable law.

36 l. **【The provisions of this section shall not apply to any**
37 **manufacturer or retailer of televisions offered for sale for delivery**
38 **in this State.】** (Deleted by amendment, P.L. , c.) (pending
39 before the Legislature as this bill)

40 m. The department may allow a group plan administrator to
41 fulfill a manufacturer's responsibilities on its behalf under this
42 section, including registration, payment of registration fees, and
43 submission of plans. If a group plan administrator collects,
44 transports, and recycles covered electronic devices in excess of the
45 total combined market share in weight obligation for the
46 manufacturers under contract with that group plan administrator, the
47 group plan administrator may sell credits, or apply credits to the

1 following year's obligation, as provided in subsection h. of this
2 section. The provisions of this subsection shall not relieve any
3 manufacturer of its obligations under P.L.2007, c.347 (C.13:1E-
4 99.94 et seq.). If a group plan administrator fails to fulfill a
5 manufacturer's responsibilities on its behalf, the department may
6 take enforcement action against the manufacturer.

7 n. A registered manufacturer shall inform the department, in
8 writing, as soon as it becomes aware that it will cease selling
9 covered electronic devices in the State.

10 (cf: P.L.2012, c.79, s.5)

11
12 5. Section 12 of P.L.2007, c.347 (C.13:1E-99.105) is amended
13 to read as follows:

14 12. a. (1) The department shall determine the **【return share】**
15 market share for each program year for each manufacturer **【by**
16 dividing the weight of covered electronic devices identified for each
17 manufacturer by the total weight of covered electronic devices
18 identified for all manufacturers. For the first program year, the
19 return share of covered electronic devices identified for each
20 manufacturer shall be based on the best available public return
21 share data from the United States, including data from other states,
22 for covered electronic devices from consumers. For the second and
23 each subsequent program year, the return share of covered
24 electronic devices identified for each manufacturer shall be based
25 on the most recent samplings of covered electronic devices
26 conducted in this State pursuant to subsection a. of section 9 of
27 P.L.2007, c.347 (C.13:1E-99.102)】 based upon publicly available
28 data .

29 (2) The department shall determine the **【return share in weight】**
30 estimated market share in weight obligation for each program year
31 for each manufacturer for whom a **【return share】** market share is
32 determined pursuant to paragraph (1) of this subsection by
33 multiplying the **【return share】** market share for each such
34 manufacturer by the total weight in pounds of covered electronic
35 devices, including orphan devices, collected from consumers the
36 previous program year and considering the amount expected to be
37 collected in the next program year to be determined by the
38 department based upon actual collection amounts of covered
39 electronic devices in the preceding program year. 【For the first
40 program year, the total weight in pounds of covered electronic
41 devices shall be based on the best available public weight data from
42 the United States, including data from other states, for covered
43 electronic devices from consumers. For the second and each
44 subsequent program year, the total weight in pounds of covered
45 electronic devices shall be based on the total weight of covered
46 electronic devices, including orphan devices, determined by the

1 department pursuant to subsection a. of section 9 of P.L.2007,
2 c.347 (C.13:1E-99.102).】

3 (3) ~~【By April 2, 2011, the】~~ The department shall provide each
4 manufacturer for whom a ~~【return】~~ market share is determined
5 pursuant to paragraph (1) of this subsection with its ~~【return】~~ market
6 share and 【its return】 an estimate of its market share in weight 【for
7 the first program year. Annually thereafter,】 by February 15 ~~【,~~
8 beginning in 2013, the department shall provide each manufacturer
9 for whom a return share is determined pursuant to paragraph (1) of
10 this subsection with its return share and its return share_in weight
11 for the second and subsequent program years】 annually for the next
12 program year. A manufacturer shall be responsible for its market
13 share in weight for the program year. The department may adjust
14 each manufacturer's market share in weight obligation based upon
15 the total weight in pounds actually collected in any program year
16 and each manufacturer shall be responsible for its proportionate
17 share so that the manufacturer's obligation shall be its market share
18 in weight based upon the actual weight of covered electronic
19 devices collected in the prior program year .

20 b. (Deleted by amendment, P.L.2008, c.130)

21 c. (1) The department shall ensure that ~~【at least one】~~ sufficient
22 numbers and locations of electronics collection ~~【opportunity is】~~
23 opportunities are available in each county throughout the State and
24 in such a manner as to be convenient, to the maximum extent
25 practicable and feasible, to all consumers in the county as
26 determined by the department.

27 (2) The department shall ensure that collection sites do not place
28 unreasonable limits on the number of covered electronic devices
29 permitted for drop-off by consumers.

30 d. (1) Beginning on January 1, 2011, the department shall
31 maintain a list of registrants and the brands reported in each
32 manufacturer's registration, and post the list on the department's
33 Internet website that is updated at least once a month.

34 (2) The department shall organize and coordinate public
35 education and outreach.

36 e. ~~【The department shall prepare a plan every three years that:~~
37 (1) establishes per-capita collection and recycling goals; and (2)
38 identifies any necessary State actions to expand collection
39 opportunities to achieve the per-capita collection and recycling
40 goals. The plan shall be posted on the department's Internet website
41 and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
42 19.1), to the Legislature.】 (Deleted by amendment, P.L. , c.)
43 (pending before the Legislature as this bill)

44 f. The department shall prepare an annual report, which shall
45 be posted on the department's Internet website and submitted,
46 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
47 Legislature.

1 The annual report shall include the following:

2 (1) The total weight of covered electronic devices collected in
3 the State the previous calendar year;

4 (2) **【**Progress toward achieving the overall annual total recovery
5 and recycling goals described in the plan prepared pursuant to
6 subsection e. of this section ;

7 (3)**】** A complete listing of all collection sites for covered
8 electronic devices operating in the State in the prior calendar year,
9 the parties that operated them, and the amount of material by weight
10 collected at each site; and

11 **【**(4) An evaluation of the effectiveness of the education and
12 outreach program; and

13 (5) An evaluation of the existing collection and processing
14 infrastructure**】** (3) A complete listing of all authorized recyclers
15 recycling covered electronic devices and the amount of material by
16 weight recycled annually.

17 g. (Deleted by amendment, P.L.2012, c.79).

18 h. **【**The provisions of this section shall not apply to any
19 manufacturer or retailer of televisions offered for sale for delivery
20 in this State.**】** (Deleted by amendment, P.L. , c.) (pending before
21 the Legislature as this bill)

22 (cf: P.L.2012, c.79, s.6)

23

24 6. (New section) a. The department may establish a Statewide
25 standard program for the collection, transportation, and recycling of
26 covered electronic devices from consumers. The department may
27 enter into contracts for the services required for the proper
28 collection, transportation, and recycling of covered electronic
29 devices. At a minimum, the Statewide standard program shall:

30 (1) designate collection locations throughout the State such that
31 at least 90 percent of consumers are located within no more than 15
32 miles of a collection location;

33 (2) provide that all designated collection locations accept all
34 covered electronic devices free of charge; and

35 (3) require that all designated collection locations, transporters,
36 and authorized recyclers comply with State standards for the
37 management of Class D universal waste as provided in
38 N.J.A.C.7:26A-7.1 et seq. or any subsequently adopted standards
39 for the management of covered electronic devices.

40 b. A manufacturer may meet its market share in weight
41 obligation by participating in the Statewide standard program
42 established pursuant to this section.

43 c. A manufacturer that participates in the Statewide standard
44 program pursuant to this section shall pay a per pound rate
45 established by the department for the collection, transportation,
46 recycling, public education, and administrative costs of the program
47 based upon the manufacturer's market share in weight obligation.

1 In the first year of operation of the Statewide standard program, the
2 department may bill each participating manufacturer by January 30,
3 and each manufacturer participating in the program shall pay 25
4 percent of their market share in weight obligation based upon the
5 per pound rate established. Subsequently, the department may bill
6 each participating manufacturer on a quarterly basis at the end of
7 each quarter of operation of the program, based upon the costs
8 incurred during that quarter.

9 d. The department, or the administrator for the Statewide
10 standard program designated by the department, shall reimburse a
11 local government unit that collects or transports covered electronic
12 devices and that is not otherwise identified as a collection location
13 in the Statewide standard program, at the per pound rate established
14 by the program for those services, for the costs incurred in the
15 collection and transportation of covered electronic devices to a
16 collection location designated under the Statewide standard
17 program under the following conditions:

18 (1) the local government unit stores and transports the covered
19 electronic devices in a manner consistent with State standard
20 program requirements; and

21 (2) the local government unit complies with recordkeeping and
22 invoicing requirements established by the department.

23

24 7. Section 17 of P.L.2007, c.347 (C.13:1E-99.110) is amended
25 to read as follows:

26 17. a. (Deleted by amendment, P.L.2012, c.79)

27 b. (Deleted by amendment, P.L.2012, c.79)

28 c. (Deleted by amendment, P.L.2012, c.79)

29 d. The "Electronic Waste Management Act," P.L.2007, c.347
30 (C.13:1E-99.94 et seq.), and any rule or regulation adopted pursuant
31 thereto, shall be enforced by the department and may be enforced
32 by every certified local health agency, as the case may be.
33 Whenever the commissioner finds that a person has violated any
34 provision of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or
35 regulation adopted pursuant thereto, the commissioner may:

36 (1) issue an order, in accordance with subsection e. of this
37 section, requiring the person found to be in violation to comply;

38 (2) bring a civil action in accordance with subsection f. of this
39 section;

40 (3) levy a civil administrative penalty in accordance with
41 subsection g. of this section; or

42 (4) bring an action for a civil penalty in accordance with
43 subsection h. of this section.

44 e. Whenever, on the basis of available information, the
45 commissioner finds that a person has violated any provision of
46 P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation
47 adopted thereto, the commissioner may issue an administrative
48 enforcement order: (1) specifying the provision or provisions of

1 P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or the rule or regulation,
2 of which the person is in violation; (2) citing the action which
3 constituted the violation; (3) requiring compliance with the
4 provision or provisions violated; and (4) providing notice to the
5 person of the right to a hearing on the matters contained in the
6 administrative enforcement order. The ordered party shall have 35
7 days from receipt of the order within which to deliver to the
8 commissioner a written request for a hearing. An order shall be
9 effective upon receipt and any person to whom such order is
10 directed shall comply with the order immediately. A request for
11 hearing shall not automatically stay the effect of the order.

12 f. The commissioner is authorized to, and a certified local
13 health agency may, institute a civil action in Superior Court for
14 appropriate relief from any violation of the provisions of P.L.2007,
15 c.347 (C.13:1E-99.94 et seq.), or any rule or regulation adopted
16 thereof. Such relief may include, singly or in combination:

17 (1) a temporary or permanent injunction;

18 (2) recovery of reasonable costs of any investigation or
19 inspection which led to the discovery of the violation, and for the
20 reasonable costs of preparing and bringing a civil action
21 commenced under this subsection;

22 (3) recovery of reasonable costs incurred by the State in
23 removing, correcting, or terminating the adverse effects resulting
24 from any violation of the provisions of P.L.2007, c.347 (C.13:1E-
25 99.94 et seq.), or any rule or regulation adopted pursuant thereto,
26 for which a civil action has been commenced and brought under this
27 subsection;

28 (4) recovery of compensatory damages caused by a violation of
29 the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any
30 rule or regulation adopted, for which a civil action has been
31 commenced and brought under this subsection. Assessments under
32 this subsection shall be paid to the State Treasurer, or to the
33 certified local health agency, as the case may be, except that
34 compensatory damages may be paid by specific order of the court to
35 any persons who have been aggrieved by the violation. If a
36 proceeding is instituted by a certified local health agency, notice
37 thereof shall be served upon the commissioner in the same manner
38 as if the commissioner were a named party to the action or
39 proceeding. The department may intervene as a matter of right in
40 any proceeding brought by a certified local health agency.

41 g. (1) Except as authorized otherwise in paragraph (2) of this
42 subsection, the commissioner is authorized to assess a civil
43 administrative penalty of not less than \$500 nor more than \$1,000
44 for each violation, provided that each day during which the
45 violation continues shall constitute an additional, separate and
46 distinct offense.

47 (2) For any violation of section **[3,]** 7, 8, 10 or 11 of P.L.2007,
48 c.347 (**[C.13:1E-99.96,]** C.13:1E-99.100, C.13:1E-99.101,

1 C.13:1E-99.103, or C.13:1E-99.104) or subsection a. or b. of
2 section 6, subsection b. of section 9, or subsection a. of section 15
3 of P.L.2007, c.347 (C.13:1E-99.99, C.13:1E-99.102, C.13:1E-
4 99.108), the commissioner is authorized to assess a civil
5 administrative penalty not to exceed \$25,000 for each day during
6 which a violation continues. In assessing a civil administrative
7 penalty, the commissioner shall consider the severity of the
8 violation, the measures taken to prevent further violations, and
9 whether the penalty will maintain an appropriate deterrent.

10 Prior to assessment of a civil administrative penalty, the person
11 committing the violation shall be notified by certified mail or
12 personal service that the penalty is being assessed. The notice shall
13 identify the section of the statute, rule, regulation, or order violated;
14 recite the facts alleged to constitute a violation; state the basis for
15 the amount of the civil administrative penalties to be assessed; and
16 affirm the rights of the alleged violator to a hearing. The ordered
17 party shall have 35 days from receipt of the notice within which to
18 deliver to the commissioner a written request for a hearing. After
19 the hearing and upon finding that a violation has occurred, the
20 commissioner may issue a final order after assessing the amount of
21 the fine specified in the notice. If no hearing is requested, the
22 notice shall become a final order after the expiration of the 35-day
23 period. Payment of the assessment is due when a final order is
24 issued or the notice becomes a final order. The authority to levy an
25 administrative order is in addition to all other enforcement
26 provisions in P.L.2007, c.347 (C.13:1E-99.94 et seq.), and the
27 payment of any assessment shall not be deemed to affect the
28 availability of any other enforcement provisions in connection with
29 the violation for which the assessment is levied. The department
30 may compromise any civil administrative penalty assessed under
31 this section in an amount and with conditions the department
32 determines appropriate.

33 h. A person who violates any provision of P.L.2007, c.347
34 (C.13:1E-99.94 et seq.), or any rule or regulation adopted pursuant
35 thereto, or an administrative order issued pursuant to subsection e.
36 of this section, or a court order issued pursuant to subsection f. of
37 this section, or who fails to pay a civil administrative penalty in full
38 pursuant to subsection g. of this section, or who knowingly makes
39 any false or misleading statement on any application, record, report,
40 or other document required to be submitted to the department, shall
41 be subject, upon order of a court, to a civil penalty not to exceed
42 \$25,000 per day of the violation, and each day during which the
43 violation continues shall constitute an additional, separate, and
44 distinct offense. Any civil penalty imposed pursuant to this
45 subsection may be collected with costs in a summary proceeding
46 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
47 c.274 (C.2A:58-10 et seq.), or may be collected in a civil action
48 commenced by a certified local health agency, or the commissioner,

1 as the case may be. In addition to any penalties, costs or interest
2 charges, the Superior Court, or the municipal court as the case may
3 be, may assess against the violator the amount of economic benefit
4 accruing to the violator from the violation.

5 i. As used in this section, "certified local health agency" shall
6 have the same meaning as set forth in section 3 of P.L.1977, c.443
7 (C.26:3A2-23).

8 j. Violations of **the act** P.L.2007, c.347 (C.13:1E-99.94 et
9 seq.) include, but are not limited to:

10 (1) the sale of a new covered electronic device by any person
11 that is not in full compliance with the provisions of **this act**
12 P.L.2007, c.347 (C.13:1E-99.94 et seq.);

13 (2) the use of a qualified collection program to recycle covered
14 electronic devices not discarded within the State, or region as
15 provided in section 19 of P.L.2007, c.347 (C.13:1E-99.112);

16 (3) the knowing failure to report or accurately report any data
17 required to be reported to the department pursuant to **this act**
18 P.L.2007, c.347 (C.13:1E-99.94 et seq.);

19 (4) the non-payment of any fee required pursuant to **this act**
20 P.L.2007, c.347 (C.13:1E-99.94 et seq.) ;

21 (5) failure to register **the act**, pursuant to subsection a. of section 3 of
22 P.L.2007, c.347 (C.13:1E-99.96) or **the act** pursuant to subsection b. of
23 section 9 of P.L.2007, c.347 (C.13:1E-99.102);

24 (6) failure to submit or implement a plan pursuant to section **3**
25 **or** 10 of P.L.2007, c.347 (**C.13:1E-99.96 or** C.13:1E-99.103);
26 and

27 (7) failure to comply with any provision of section 16 of
28 P.L.2007, c.347 (C.13:1E-99.109).

29 k. All penalties collected by the department pursuant to
30 P.L.2007, c.347 (C.13:1E-99.94 et seq.) shall be appropriated and
31 allocated annually to the "Electronic Waste Management Fund"
32 established pursuant to section 12 of P.L. , c. (C.) (pending
33 before the Legislature as this bill) for administration and
34 enforcement of the "Electronic Waste Management Act."

35 (cf: P.L.2012, c.79, s.9)

36

37 8. (New section) a. The department may designate additional
38 covered electronic devices pursuant to the procedures established in
39 this section. In order to designate an additional covered electronic
40 device, the department shall determine that:

41 (1) the proposed covered electronic device is used in
42 conjunction with a covered electronic device;

43 (2) the proposed covered electronic device contains materials
44 that may harm the environment or the public health if disposed of as
45 solid waste; or

46 (3) the proposed covered electronic device or its constituent
47 components may have economic value or its collection and

1 recycling may have a positive impact on the economics of
2 electronics recycling.

3 b. At least 90 days before designating additional covered
4 electronic devices pursuant to this section, the department shall
5 publish in the New Jersey Register:

6 (1) a list of proposed covered electronic devices;

7 (2) the economic and environmental rationale and conclusions
8 of the department concerning the criteria established in subsection
9 a. of this section for each proposed covered electronic device;

10 (3) notice of a public hearing to occur at least 30 days after
11 publication of the notice; and

12 (4) notice that comments may be submitted on the proposal for
13 30 days after the public hearing.

14 c. The department shall conduct at least one public hearing at
15 least 30 days after publication of the notice required in subsection
16 b. of this section. The department shall allow at least 30 days after
17 the hearing for the submission of public comments. After the
18 public comment period closes, the department shall review and
19 consider all of the comments submitted, and shall publish a notice
20 in the New Jersey Register summarizing the public comments with
21 the department's response to the comments, together with a final
22 determination listing the newly designated covered electronic
23 devices.

24 d. A determination by the department to add a covered
25 electronic device pursuant to this section shall take effect in the
26 next program year after the determination is made.

27
28 9. (New section) a. Except as provided in subsection d. of this
29 section, by January 1, 2016 and each January 1 thereafter, each
30 authorized recycler that accepts covered electronic devices from a
31 consumer shall register with the department and pay a registration
32 fee of \$15,000.

33 b. The department shall use the fee to cover the costs of the
34 development, implementation, and review of recordkeeping and
35 data systems required of authorized recyclers, technical advice
36 provided by the department to authorized recyclers, the review and
37 analysis of reports required to be submitted by authorized recyclers,
38 monitoring the disposition of recyclable materials recovered during
39 the recycling of covered electronic devices, and any other technical
40 analysis performed by the department pursuant to P.L.2007, c.347
41 (C.13:1E-99.94 et seq.).

42 c. Any authorized recycler that fails to register and pay the fee
43 required pursuant to this section, or otherwise comply with the
44 provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), may not
45 participate in the Statewide standard program established pursuant
46 to section 6 of P.L. , c. (C.) (pending before the Legislature as
47 this bill), or any manufacturer's plan for the collection,
48 transportation, and recycling of covered electronic devices

1 approved by the department pursuant to section 10 of P.L.2007,
2 c.347 (C.13:1E-99.103).

3 d. An authorized recycler that has been granted a general
4 approval as a Class D recycling center by the department pursuant
5 to the provisions of N.J.A.C.7:26A-3.1 et seq. and is in compliance
6 with that approval, including the payment of the required fees, shall
7 not be required to register and pay the fee imposed pursuant to
8 subsection a. of this section.

9
10 10. (New section) a. By February 1, 2016, and semiannually
11 thereafter, the operator of every collection location identified in
12 each manufacturer's plan submitted pursuant to section 10 of
13 P.L.2007, c.347 (C.13:1E-99.103), any local government unit that
14 collects covered electronic devices, and any collection location that
15 collects covered electronic devices as a part of the Statewide
16 standard program established pursuant to section 6 of P.L. , c. (C.)
17 (pending before the Legislature as this bill), shall identify:

18 (1) the total weight or volume of covered electronic devices
19 collected in the prior six month period at each collection location;
20 and

21 (2) the date, time, and volume of covered electronic devices
22 transported from the collection location, and the name and
23 identifying information of the authorized recycler transporting the
24 covered electronic devices.

25 On February 1 and August 1 of each year for the period ending
26 on January 1 and July 1, as appropriate, the information shall be
27 submitted to the department on forms and in a manner prescribed by
28 the department.

29 b. By February 1, 2016, and semiannually thereafter, every
30 authorized recycler identified in each manufacturer's plan submitted
31 pursuant to section 10 of P.L.2007, c.347 (C.13:1E-99.103), and
32 any authorized recycler that operates as a part of the Statewide
33 standard program established pursuant to section 6 of P.L. , c. (C.)
34 (pending before the Legislature as this bill), shall identify:

35 (1) the address of each collection location that provides covered
36 electronic devices to the authorized recycler and the total weight of
37 covered electronic devices delivered or collected from each
38 collection location;

39 (2) the weight of each type of covered electronic device
40 delivered or collected from each collection location;

41 (3) the address of any facility where covered electronic devices
42 are handled; and

43 (4) the disposition of the covered electronic devices or their
44 components, including the market for all materials recycled or
45 recovered from covered electronic devices, and the weight and
46 disposition of all materials that are not recycled and are disposed of
47 as residue from all covered electronic devices.

1 On February 1 and August 1 of each year for the period ending
2 on January 1 and July 1, as appropriate, the information shall be
3 submitted to the department on forms and in a manner prescribed by
4 the department.

5 c. By February 1, 2016, and semiannually thereafter, each
6 manufacturer or group plan administrator on behalf of a
7 manufacturer, shall report to the department its progress towards
8 achieving the manufacturer's market share in weight obligation on
9 forms and in a manner prescribed by the department.

10
11 11. (New section) a. A manufacturer that fails to collect,
12 transport, or recycle its required market share in weight obligation
13 shall be assessed a fee equivalent to \$0.50 per pound times its
14 market share in weight obligation. A fee assessed pursuant to this
15 section shall be appropriated and allocated annually to the
16 "Electronic Waste Management Fund" established pursuant to
17 section 12 of P.L. , c. (C.) (pending before the Legislature as
18 this bill). The assessment of the fee pursuant to this section shall be
19 in addition to any other enforcement action that may be taken by the
20 department for a violation of P.L.2007, c.347 (C.13:1E-99.94 et
21 seq.).

22 b. In addition to any other remedies available to the
23 department, the department may recover the costs for the proper
24 removal and disposition of any covered electronic device collected
25 pursuant to the provisions of P.L.2007, c.347 (C.13:1E-99.94 et
26 seq.) that is improperly abandoned, discarded, or otherwise
27 disposed of on the lands or waters of the State, by the assessment of
28 those costs to the manufacturers subject to the provisions of
29 P.L.2007, c.347 (C.13:1E-99.94 et seq.), in proportion to the market
30 share in weight obligation of each manufacturer.

31
32 12. (New section) a. There is created in the Department of
33 Environmental Protection, a special non-lapsing fund to be known
34 as the "Electronic Waste Management Fund." The monies in the
35 fund are dedicated and shall be used only to carry out the purposes
36 enumerated in subsection b. of this section. The fund shall be
37 credited with all revenues collected and deposited in the fund
38 pursuant to sections 17 of P.L.2007, c.347 (C.13:1E-99.110), and
39 sections 6, 9, and 11 of P.L. , c. (C.) (pending before the
40 Legislature as this bill), all interest and other income received from
41 the investment of monies in the fund, and any monies which, from
42 time to time, may otherwise become available for the purposes of
43 the fund. Pending the use thereof pursuant to the provisions of
44 subsection b. of this section, the monies deposited in the fund shall
45 be held in interest-bearing accounts in public depositories, as
46 defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and
47 may be invested or reinvested in such securities as are approved by
48 the State Treasurer. Interest or other income earned on monies

1 deposited into the fund shall be credited to the fund for use as set
2 forth in subsection b. of this section for other monies in the fund.

3 b. Monies deposited in the "Electronic Waste Management
4 Fund" shall be used only for:

5 (1) the administration and enforcement of P.L.2007, c.347
6 (C.13:1E-99.94 et seq.); and

7 (2) any costs associated with the collection, transportation, and
8 recycling of covered electronic devices pursuant to section 6 of P.L.,
9 c. (C.) (pending before the Legislature as this bill); and

10 (3) the proper removal and disposition of covered electronic
11 devices that have been improperly abandoned, discarded, or
12 otherwise disposed of on the lands or waters of the State.

13

14 13. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended
15 to read as follows:

16 18. a. (1) The department shall adopt, pursuant to the
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
18 seq.), rules and regulations as are necessary to effectuate the
19 purposes of P.L.2007, c.347 (C.13:1E-99.94 et **[al.]** seq.) **[and**
20 **section 3 of P.L.2008, c.130 (C.13:1E-99.96a)].**

21 (2) The department shall adopt rules and regulations, in
22 accordance with the provisions of section 8 of P.L.2007, c.347
23 (C.13:1E-99.101), that prohibit a new covered electronic device
24 from being sold or offered for sale in this State if the covered
25 electronic device is prohibited from being sold or offered for sale in
26 the European Union on and after its date of manufacture, to the
27 extent that Directive 2002/95/EC, adopted by the European
28 Parliament and the Council of the European Union on January 27,
29 2003, and as amended thereafter by the Commission of European
30 Communities, prohibits that sale due to the presence of certain
31 heavy metals.

32 (a) The department shall exclude from the rules and regulations
33 the sale of a new covered electronic device that contains a substance
34 that is used to comply with the consumer, health, or safety
35 requirements that are required by the Underwriters Laboratories or
36 federal or State law.

37 (b) In adopting rules and regulations pursuant to this subsection,
38 the department may not require the manufacture or sale of a new
39 covered electronic device that is different than, or otherwise not
40 prohibited by, the European Union under Directive 2002/95/EC,
41 adopted by the European Parliament and the Council of the
42 European Union on January 27, 2003. The department shall use, in
43 addition to any other information deemed relevant by the
44 department, the published decisions of the Technical Adaptation
45 Committee and European Union member states that interpret the
46 requirements of Directive 2002/95/EC.

47 b. The department may, in accordance with a fee schedule
48 adopted as a rule or regulation pursuant to the provisions of the

1 "Administrative Procedure Act," establish and charge reasonable
2 fees for any of the services to be performed in connection with **[this**
3 **act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.), which shall cover the
4 full costs incurred by the department for the review of plans and for
5 other costs incurred by the department for implementation of **[this**
6 **act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) .

7 (cf: P.L.2008, c.130, s.15)

8
9 14. Section 19 of P.L.2007, c.347 C.13:1E-99.112) is amended
10 to read as follows:

11 19. The department is authorized to participate in the
12 establishment and implementation of a regional, multi-state
13 organization or compact that is consistent with the requirements of
14 P.L.2007, c.347 (C.13:1E-99.94 et **[al.]** seq.) **[and section 3 of**
15 **P.L.2008, c.130 (C.13:1E-99.96a)]**.

16 (cf: P.L.2008, c.130, s.16)

17
18 15. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended
19 to read as follows:

20 20. The provisions of P.L.2007, c.347 (C.13:1E-99.94 et **[al.]**
21 seq.) **[and section 3 of P.L.2008, c.130 (C.13:1E-99.96a)]** are
22 intended to govern all aspects of the collection and recycling of
23 covered electronic devices as those terms are defined in section 2 of
24 P.L.2007, c.347 (C.13:1E-99.95). Upon a determination by the
25 Department of Environmental Protection of an equivalent national
26 program to collect or recycle covered electronic devices, the
27 Commissioner of Environmental Protection shall notify, in writing,
28 the Governor, the President of the Senate and the Speaker of the
29 General Assembly, and the members of the Senate Environment
30 Committee and the Assembly Environment and Solid Waste
31 Committee, or their successors, of this determination.

32 The provisions of **[this act]** P.L.2007, c.347 (C.13:1E-99.94 et
33 seq.) shall expire 60 days after the date of the notification required
34 pursuant to this section or within the timeframe provided by federal
35 law, as appropriate.

36 The department shall provide notice in the New Jersey Register
37 of any determination made pursuant to this section, and shall take
38 any administrative action necessary in order to implement the
39 national program.

40 (cf: P.L.2008, c.130, s.17)

41
42 16. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended
43 to read as follows:

44 21. By January 1, 2014, the department shall prepare a report,
45 which shall be posted on the department's Internet website and
46 submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
47 to the Legislature, assessing the success or failure of the electronic

1 waste management system implemented pursuant to the provisions
2 of P.L.2007, c.347 (C.13:1E-99.94 et **al.** seq.) **and section 3 of**
3 **P.L.2008, c.130 (C.13:1E-99.96a)** relative to the statutory
4 management of covered electronic devices in other states, including
5 jurisdictions that have adopted a producer responsibility model
6 versus those that have adopted an advance recovery fee approach,
7 or both, with respect to the recycling of used televisions and other
8 covered electronic devices.
9 (cf: P.L.2008, c.130, s.18)

10
11 17. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) and section 3
12 of P.L.2008, c.130 (C.13:1E-99.96a) are repealed.

13
14 18. This act shall take effect immediately.

15
16
17 STATEMENT

18
19 This bill would make various changes to the State's electronic
20 waste recycling laws. The bill would require each manufacturer of
21 "covered electronic devices" to provide for the collection,
22 transportation, and recycling of its market share in weight of all
23 covered electronic devices collected in a program year. This
24 requirement replaces the current law's mandate that each
25 manufacturer provide for the collection, transportation, and
26 recycling of its "return share in weight" as estimated by the
27 Department of Environmental Protection (DEP). The data required
28 to perform the return share calculation is not widely available.
29 Moreover, the DEP determinations of the manufacturers' obligations
30 under the law have underestimated the actual amount collected.

31 Under the bill, the calculation of a manufacturer's obligation
32 would be performed in the same way for both television
33 manufacturers and the manufacturers of other covered electronic
34 devices. Thus, because the obligation would be the same for both
35 television manufacturers and the manufacturers of other covered
36 electronic devices to collect, transport, and recycle their respective
37 market shares in weight, the bill would repeal the sections of
38 current law applicable only to television manufacturers.

39 The changes to the law made by the bill would assure that
40 manufacturers provide a free and convenient electronic waste
41 recycling program that provides for all of the covered electronic
42 devices that are collected. The bill allows the DEP to adjust the
43 market share in weight obligation based upon the total weight in
44 pounds actually collected in each program year. The bill would
45 change the definition of "consumer" to include State entities, school
46 districts, and local government units, and would include fax
47 machines and printers in the definition of "covered electronic
48 device." The bill would also establish a procedure that allows the

1 DEP to add devices to the definition of “covered electronic
2 devices.”

3 Further, the bill would allow the DEP to establish a Statewide
4 standard program to collect, transport, and recycle covered
5 electronic devices. If a Statewide standard program is established,
6 the bill would require any manufacturer with a market share 10
7 percent or less to fulfill its obligation by participating in the
8 Statewide standard program. A manufacturer, or group of
9 manufacturers, to whom the DEP provides a market share of greater
10 than 10 percent may participate in the Statewide standard program,
11 if one is established, or may submit its own plan for approval.

12 The bill requires every “authorized recycler” that does not hold a
13 permit from the DEP as a class D recycling center to register with
14 the DEP and pay an annual \$15,000 registration fee. The fee would
15 be used by the department to cover the costs of the development,
16 implementation, and review of recordkeeping and data systems
17 required of authorized recyclers, technical advice provided by the
18 department to authorized recyclers, the review and analysis of
19 reports required to be submitted by authorized recyclers, monitoring
20 the disposition of recyclable materials recovered during the
21 recycling of covered electronic devices, and any other technical
22 analysis performed by the department pursuant to the “Electronic
23 Waste Management Act.”

24 The bill would also require each manufacturer to provide, in its
25 plan submitted to the department, for the convenient collection of
26 covered electronic devices, especially used televisions, in densely
27 populated areas. The bill would streamline the DEP's planning and
28 reporting requirements by requiring an annual report with a
29 complete listing of all collection locations for covered electronic
30 devices including televisions, the parties that operate them, the
31 amount of material by weight collected at each site, and a complete
32 listing of all recyclers that recycle covered electronic devices,
33 together with the amount of material by weight recycled annually.

34 The bill would require collection locations to report
35 semiannually. The reports would include the total weight or
36 volume of covered electronic devices collected, the date, time, and
37 volume of covered electronic devices transported from the
38 collection location, and the name and identifying information of the
39 authorized recycler transporting the covered electronic devices.
40 Every authorized recycler would be required to identify the address
41 of each collection location, and the total weight of covered
42 electronic devices delivered or collected from each collection
43 location, the weight of each type of covered electronic device
44 collected from each collection location, the address of any facility
45 where covered electronic devices are handled, and the disposition of
46 all components of covered electronic devices. Each manufacturer is
47 required to report semiannually its progress towards achieving its
48 market share in weight obligation.

1 The bill would allow the DEP to assess a per pound fee of \$0.50
2 multiplied by a manufacturer's market share in weight obligation
3 for a manufacturer that fails to collect, transport, and recycle
4 covered electronic devices under the law. In addition, the bill
5 allows the DEP to recover costs associated with covered electronic
6 devices improperly abandoned, discarded, or otherwise disposed of
7 on the land or waters of the State. The bill would also establish the
8 "Electronic Waste Management Fund." All program revenues and
9 penalties would be deposited in the fund for administration and
10 enforcement and other costs of the program.