

SENATE, No. 2973

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JUNE 8, 2015

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Revises electronic waste recycling laws.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning electronic waste recycling, amending and
 2 supplementing P.L.2007, c.347, and amending P.L.2008, c. 130.

3
 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 5 *of New Jersey:*

6
 7 1. Section 2 of P.L.2007, c.347 (C.13:1E-99.95) is amended to
 8 read as follows:

9 2. As used in sections 1 through 21 of P.L.2007,
 10 c.347 (C.13:1E-99.94 et seq.) **【and】** , section 3 of P.L.2008,
 11 c.130 (C.13:1E-99.96a) , and section 7 of P.L. _____,
 12 c. (C.) (pending before the Legislature as this bill):

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

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

25 "Business concern" means any corporation, association, firm,
 26 partnership, sole proprietorship, trust or other form of commercial
 27 organization. "Business concern" shall not include a small business
 28 enterprise.

29 "Cathode ray tube" means a vacuum tube or picture tube used to
 30 convert an electronic signal into a visual image.

31 "Computer" means an electronic, magnetic, optical,
 32 electrochemical, or other high-speed data processing device
 33 performing logical, arithmetic, or storage function, and may include
 34 both a computer central processing unit and a monitor, but the term
 35 shall not include an automated typewriter or typesetter, a portable
 36 handheld calculator, a portable digital assistant, or other similar
 37 device.

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

42 "Covered electronic device" means a desktop or personal
 43 computer, computer monitor, portable computer, printer, fax
 44 machine, or television sold to a consumer. A "covered electronic
 45 device" shall not include any of the following: (1) an electronic
 46 device that is a part of a motor vehicle or any component part of a

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 motor vehicle assembled by, or for, a vehicle manufacturer or
2 franchised dealer, including replacement parts for use in a motor
3 vehicle; (2) an electronic device that is functionally or physically a
4 part of a larger piece of equipment designed and intended for use in
5 an industrial, commercial, or medical setting, including diagnostic,
6 monitoring, or control equipment; (3) an electronic device that is
7 contained within a clothes washer, clothes dryer, refrigerator,
8 refrigerator and freezer, microwave oven, conventional oven or
9 range, dishwasher, room air conditioner, dehumidifier, or air
10 purifier; or (4) a telephone of any type unless it contains a video
11 display area greater than four inches measured diagonally.

12 "Department" means the Department of Environmental
13 Protection.

14 "Local government unit" means any county or municipality, or
15 any agency, instrumentality, authority or corporation of any county
16 or municipality, including, but not limited to, sewerage, utilities and
17 improvement authorities, or any other political subdivision of the
18 State.

19 "Manufacturer" means any person: (1) who manufactures or
20 manufactured covered electronic devices under a brand that it owns
21 or owned or is or was licensed to use, other than a license to
22 manufacture covered electronic devices for delivery exclusively to
23 or at the order of the licensor; (2) who sells or sold covered
24 electronic devices manufactured by others under a brand that the
25 seller owns or owned or is or was licensed to use, other than a
26 license to manufacture covered electronic devices for delivery
27 exclusively to or at the order of the licensor; (3) who manufactures
28 or manufactured covered electronic devices without affixing a
29 brand; (4) who manufactures or manufactured covered electronic
30 devices to which the person affixes or affixed a brand that the
31 person neither owns or owned nor is or was licensed to use; (5) for
32 whose account covered electronic devices manufactured outside the
33 United States are or were imported into the United States, provided
34 however, if, at the time such covered electronic devices are or were
35 imported into the United States, another person has registered as the
36 manufacturer of the brand of the covered electronic devices
37 pursuant to subsection b. of section 9 of P.L.2007, c.347 (C.13:1E-
38 99.102), then paragraph (5) of this definition shall not apply; or (6)
39 a person who assumes the obligations and responsibilities for any
40 manufacturer pursuant to paragraphs (1) through (5) of this
41 definition.

42 "Market share" means a television manufacturer's national sales
43 of televisions or a manufacturer's national sales of covered
44 electronic devices expressed as a percentage of the total **[weight]**
45 sales of all television manufacturers' national sales of televisions or
46 of all manufacturers' national sales of covered electronic devices, as
47 appropriate, based on the best available public data.

1 "Market share in weight" means the total weight of covered
2 electronic devices for which an individual manufacturer is
3 responsible to collect, transport, and recycle, as provided pursuant
4 to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-99.105).

5 "Monitor" means a separate video display component of a
6 computer, whether sold separately or together with a computer
7 central processing unit and computer box, and includes a cathode
8 ray tube, liquid crystal display, gas plasma, digital light processing,
9 or other image projection technology, greater than four inches
10 measured diagonally, and its case, interior wires and circuitry, cable
11 to the central processing unit, and power cord.

12 "Obligation" means: (1) the **【return】** market share in weight,
13 identified for an individual manufacturer, as **【determined by the**
14 **department】** provided pursuant to subsection a. of section 12 of
15 P.L.2007, c.347 (C.13:1E-99.105); or (2) the market share in
16 weight, identified for an individual television manufacturer, as
17 determined by the department pursuant to subsection c. of section 3
18 of P.L.2007, c.347 (C.13:1E-99.96).

19 "Orphan device" means a covered electronic device for which no
20 manufacturer can be identified, or for which the original
21 manufacturer no longer exists.

22 "Person" means an individual, trust firm, joint stock company,
23 business concern, and corporation, including, but not limited to, a
24 government department, partnership, limited liability company, or
25 association.

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

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

31 "Purchase" means the taking, by sale, of title in exchange for
32 consideration.

33 "Recycling" means any process by which materials which would
34 otherwise become solid waste are collected, separated or processed
35 and returned to the economic mainstream in the form of raw
36 materials or products. "Recycling" shall not include energy
37 recovery or energy generation by means of incinerating electronic
38 waste whether apart or in combination with other wastes.

39 "Registrant" means a manufacturer of covered electronic devices
40 that is in full compliance with the requirements of this act.

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

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

47 **【"Return share"** means the proportion of covered electronic
48 devices for which an individual manufacturer is responsible to

1 collect, transport, and recycle, as determined by the department
2 pursuant to subsection a. of section 12 of P.L.2007, c.347 (C.13:1E-
3 99.105).

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

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

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

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

23 "Video display" means an output surface having a viewable area
24 greater than four inches when measured diagonally that displays
25 moving graphical images or a visual representation of image
26 sequences or pictures, showing a number of quickly changing
27 images on a screen in fast succession to create the illusion of
28 motion, including, if applicable, a device that is an integral part of
29 the display and cannot be easily removed from the display by the
30 consumer that produces the moving image on the screen. A "video
31 display" typically uses a cathode ray tube, liquid crystal display, gas
32 plasma, digital light processing, or other image projection
33 technology.

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

35

36 2. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) is amended to
37 read as follows:

38 3. a. Beginning on January 1, 2010, and each January 1
39 thereafter, each manufacturer of televisions offered for sale for
40 delivery in this State shall register with the department and pay a
41 registration fee of \$5,000. Each television manufacturer's
42 registration and renewal shall include a list of all of the brands
43 under which its televisions are sold. All fees collected pursuant to
44 this subsection shall be allocated to the department to be used in the
45 administration of the "Electronic Waste Management Act,"
46 P.L.2007, c.347 (C.13:1E-99.94 et seq.).

47 b. Each registered television manufacturer shall submit an
48 annual renewal of its registration to the department and pay to the

1 department a registration renewal fee of \$5,000 by January 1 of
2 each program year. Each registered television manufacturer's
3 renewal shall include an annual report. All fees collected pursuant
4 to this subsection shall be allocated to the department to be used in
5 the administration of P.L.2007, c.347.

6 c. In addition to reporting all brands under which its televisions
7 are sold, regardless of whether the brand is owned or licensed, the
8 registered television manufacturer's annual report shall include the
9 total number and weight of all new televisions sold in the State in
10 the previous program year. The department shall determine a
11 registered television manufacturer's estimated market share **[by]** in
12 weight. A television manufacturer shall be responsible to collect,
13 transport, and recycle its market share in weight.

14 d. A registered television manufacturer shall inform the
15 department, in writing, as soon as it becomes aware that it will
16 cease selling televisions in the State.

17 e. By June 1, 2010, each registered television manufacturer or
18 group of registered television manufacturers shall submit a plan to
19 the department to collect, transport, and recycle used televisions
20 based on the television manufacturer's market share. Every plan
21 shall be filed with a television manufacturer's annual registration,
22 and shall include:

23 (1) Methods that will be used to collect the used televisions
24 including proposed collection services;

25 (2) The processes and methods that will be used to recycle
26 recovered used televisions including a description of the recycling
27 processes that will be used, including the name and location of all
28 authorized recyclers to be directly utilized by the plan;

29 (3) Means that will be utilized to publicize the collection
30 services, including specification of a website or toll-free telephone
31 number that provides information about the registrant's recycling
32 program in sufficient detail to allow consumers to learn how to
33 return their used televisions for recycling, including limitations
34 placed by collection sites on the number of used televisions
35 permitted for drop-off by consumers; and

36 (4) The intention of the registrant to fulfill its obligation through
37 its own operations, either individually or with other registered
38 television manufacturers, or by contract with for-profit or not-for-
39 profit corporations, or local government units.

40 The department shall hold confidential any information obtained
41 pursuant to this subsection when shown by a registered television
42 manufacturer that the information, if made public, would divulge
43 competitive business information, methods or processes entitled to
44 protection as trade secrets of the registered television manufacturer.

45 Recovered used televisions shall not be sent to prisons for
46 recycling either directly or through intermediaries and nothing in
47 this section shall be construed to allow for the recycling of used
48 televisions by prisoners. Any person committed to a jail, prison, or

1 other institution for the detention of persons charged with or
2 convicted of an offense shall be disqualified from being an
3 authorized recycler.

4 By January 1, 2011, each registered television manufacturer or
5 group of registered television manufacturers shall commence its
6 used television recycling program to implement and finance the
7 collection, transportation, and recycling of used televisions. The
8 used television recycling program shall accept all types and all
9 brands of used televisions, including orphan devices.

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

15 g. If a registered television manufacturer fails to comply with
16 all the conditions and terms of an approved plan, the registered
17 television manufacturer shall be prohibited from selling or offering
18 for sale televisions in this State.

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

29 i. Nothing in this act is intended to exempt any person from
30 liability the person would otherwise have under applicable law.

31 j. If less than 100 televisions are sold by a manufacturer in the
32 previous program year, the department shall not require a
33 manufacturer to pay the registration fee or registration renewal fee,
34 as appropriate, in the subsequent year, pursuant to subsection a. or
35 b. of this section.

36 k. The department shall require each registered television
37 manufacturer to provide curbside collection of used televisions in
38 cities of the first class, and cities of the second class having a
39 population of more than 70,000.

40 (cf: P.L.2012, c.79, s.1)

41

42 3. Section 3 of P.L.2008, c.130 (C.13:1E-99.96a) is amended to
43 read as follows:

44 3. a. **【**The department shall prepare a plan every three years
45 that: (1) establishes used television per-capita collection and
46 recycling goals; and (2) identifies any necessary State actions to
47 expand collection opportunities to achieve the used television per-
48 capita collection and recycling goals. The plan shall be posted on

1 the department's Internet website and submitted, pursuant to section
2 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.】 (Deleted
3 by amendment, P.L. , c. (pending before the Legislature as this
4 bill)

5 b. The department shall prepare an annual report, which shall
6 be posted on the department's Internet website and submitted,
7 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
8 Legislature.

9 The annual report shall include the following:

10 (1) 【Progress toward achieving the overall annual total recovery
11 and recycling goals described in the plan prepared pursuant to
12 subsection a. of this section】 A complete listing of all collection
13 sites for televisions operating in the State in the prior calendar year,
14 the parties that operated them, and the amount of televisions by
15 weight collected at each site during that prior calendar year; and

16 (2) 【An evaluation of the effectiveness of existing used
17 television collection and processing infrastructure】 A complete
18 listing of all authorized recyclers recycling televisions pursuant to
19 section 3 of P.L.2007, c.347 (C.13:1E-99.96) and the amount of
20 televisions by weight recycled annually.

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

22 (cf: P.L.2012, c.79, s.2)

23
24 4. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended
25 to read as follows:

26 9. a. (1) By January 30, 【2012】, 2016 and by each January 30
27 thereafter, the department shall:

28 (a) 【have completed an auditable, statistically valid sampling of
29 covered electronic devices collected from consumers in this State
30 during the previous program year. The sampling information
31 collected shall consist of a list of brands of covered electronic
32 devices and the weight of covered electronic devices that are
33 identified for each brand. The department's sampling shall be
34 conducted in accordance with a procedure established by the
35 department and may be conducted by a third-party organization
36 including an authorized recycler, to be determined by the
37 department. The department may, at its discretion, be present at the
38 sampling and may audit the methodology and the results of the
39 third-party organization. The costs associated with the sampling
40 shall be recovered from the fees paid by manufacturers to the
41 department】 determine the market share for each manufacturer of
42 covered electronic devices; and

43 (b) determine the total weight of covered electronic devices,
44 including orphan devices, collected from consumers in this State
45 during the previous program year.

46 (2) If a manufacturer or group of manufacturers conducts its
47 own sampling of covered electronic devices, the manufacturer or

1 group of manufacturers shall submit a report to the department
2 annually by March 1, beginning the year after the program is
3 initiated. The report shall include:

4 (a) the results of an auditable, statistically valid sampling of
5 covered electronic devices collected from consumers in this State
6 by the manufacturer or group of manufacturers during the previous
7 program year. The sampling information reported shall consist of a
8 list of brands of covered electronic devices and the weight of
9 covered electronic devices that are identified for each brand; and

10 (b) the total weight of covered electronic devices, including
11 orphan devices, collected from consumers in this State by the
12 manufacturer or group of manufacturers during the previous
13 program year and documentation verifying collection and recycling
14 of such devices.

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

26 The provisions of this section shall not apply to any
27 manufacturer or retailer of televisions offered for sale for delivery
28 in this State.

29 c. If less than 100 covered electronic devices are sold by a
30 manufacturer in the previous program year, the department shall not
31 require a manufacturer to pay the registration fee or registration
32 renewal fee, as appropriate, in the subsequent year, pursuant to
33 subsection b. of this section.

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

35

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

38 10. a. **By June 1, 2010, each** Each manufacturer to whom the
39 department provides **by April 2, 2010, a return** a market share
40 **in weight** that is greater than zero shall submit a plan to the
41 department to collect, transport, and recycle covered electronic
42 devices.

43 b. Each manufacturer to whom the department provides **by**
44 **February 15, 2012 or** by February 15 of any year **thereafter**, a
45 **return share in weight** market share that is greater than zero shall,
46 by March 15 of that year, comply with the requirements of
47 subsection a. of this section.

1 c. An individual manufacturer submitting a plan pursuant to
2 subsection a. of this section shall collect, transport, and recycle its
3 **[return]** market share in weight.

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

7 e. Every plan shall be filed with a manufacturer's annual
8 registration, and shall include:

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

11 (2) The processes and methods that will be used to recycle
12 recovered covered electronic devices including a description of the
13 recycling processes that will be used, including the name and
14 location of all authorized recyclers to be directly utilized by the
15 plan;

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

19 (4) Means that will be utilized to publicize the collection
20 services, including specification of a website or toll-free telephone
21 number that provides information about the manufacturer's program
22 in sufficient detail to allow consumers to learn how to return their
23 covered electronic devices for recycling; and

24 (5) The intention of the registrant to fulfill its obligation through
25 operation of its own plan, either individually or with other
26 manufacturers.

27 The department shall require each registrant to provide curbside
28 collection of covered electronic devices in cities of the first class,
29 and cities of the second class having a population of more than
30 70,000.

31 The department shall hold confidential any information obtained
32 pursuant to this subsection when shown by a manufacturer that the
33 information, if made public, would divulge competitive business
34 information, methods or processes entitled to protection as trade
35 secrets of the manufacturer.

36 Recovered covered electronic devices shall not be sent to prisons
37 for recycling either directly or through intermediaries and nothing
38 in this section shall be construed to allow for the recycling of
39 covered electronic devices by prisoners. Any person committed to a
40 jail, prison, or other institution for the detention of persons charged
41 with or convicted of an offense shall be disqualified from engaging
42 in the manual or mechanical separation of covered electronic
43 devices to recover components and commodities contained therein
44 for the purpose of re-use or recycling.

45 By January 1, 2011, each manufacturer or group of
46 manufacturers required to submit a plan, pursuant to subsection a.
47 of this section, shall commence its covered electronic device
48 recycling program to implement and finance the collection,

1 transportation, and recycling of covered electronic devices other
2 than televisions. The covered electronic device recycling program
3 shall accept all types and all brands of used covered electronic
4 devices, including orphan devices.

5 f. Each manufacturer's plan or plan jointly submitted by a
6 group of manufacturers shall be reviewed to determine its
7 compliance with subsection e. of this section and approved by the
8 department. The department may reject the plan, in whole or in
9 part, and may impose additional requirements as a condition of
10 approval.

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

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

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

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

27 k. Nothing in this act is intended to exempt any person from
28 liability the person would otherwise have under applicable law.

29 l. The provisions of this section shall not apply to any
30 manufacturer or retailer of televisions offered for sale for delivery
31 in this State.

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

33

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

36 12. a. (1) The department shall determine the **return share**
37 market share for each program year for each manufacturer **by**
38 dividing the weight of covered electronic devices identified for each
39 manufacturer by the total weight of covered electronic devices
40 identified for all manufacturers. For the first program year, the
41 return share of covered electronic devices identified for each
42 manufacturer shall be based on the best available public return
43 share data from the United States, including data from other states,
44 for covered electronic devices from consumers. For the second and
45 each subsequent program year, the return share of covered
46 electronic devices identified for each manufacturer shall be based
47 on the most recent samplings of covered electronic devices
48 conducted in this State pursuant to subsection a. of section 9 of

1 P.L.2007, c.347 (C.13:1E-99.102)】 based upon publicly available
2 data .

3 (2) The department shall determine the 【return share in weight】
4 estimated market share in weight for each program year for each
5 manufacturer for whom a 【return share】 market share is determined
6 pursuant to paragraph (1) of this subsection by multiplying the
7 【return share】 market share for each such manufacturer by the total
8 weight in pounds of covered electronic devices, including orphan
9 devices, collected from consumers the previous program year plus
10 an additional amount expected to be collected in the next program
11 year to be determined by the department based upon retail sales of
12 covered electronic devices in the preceding program year. 【For the
13 first program year, the total weight in pounds of covered electronic
14 devices shall be based on the best available public weight data from
15 the United States, including data from other states, for covered
16 electronic devices from consumers. For the second and each
17 subsequent program year, the total weight in pounds of covered
18 electronic devices shall be based on the total weight of covered
19 electronic devices, including orphan devices, determined by the
20 department pursuant to subsection a. of section 9 of P.L.2007,
21 c.347 (C.13:1E-99.102)】.

22 (3) 【By April 2, 2011, the】 The department shall provide each
23 manufacturer for whom a 【return】 market share is determined
24 pursuant to paragraph (1) of this subsection with its 【return】 market
25 share and 【its return】 an estimate of its market share in weight 【for
26 the first program year. Annually thereafter,】 by February 15 【,
27 beginning in 2013, the department shall provide each manufacturer
28 for whom a return share is determined pursuant to paragraph (1) of
29 this subsection with its return share and its return share_in weight
30 for the second and subsequent program years】 annually for the
31 program year. A manufacturer shall be responsible for its market
32 share in weight for the program year. Should the total weight in
33 pounds collected in any program year exceed the estimated
34 collection amount, each manufacturer shall be responsible for its
35 proportionate share so that the manufacturer's obligation shall be its
36 market share in weight based upon the actual weight of covered
37 electronic devices collected in the program year .

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

39 c. (1) The department shall ensure that 【at least one】 sufficient
40 numbers and locations of electronics collection 【opportunity is】
41 opportunities are available in each county throughout the State and
42 in such a manner as to be convenient, to the maximum extent
43 practicable and feasible, to all consumers in the county.

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

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

5 (2) The department shall organize and coordinate public
6 education and outreach.

7 e. **【**The department shall prepare a plan every three years that:
8 (1) establishes per-capita collection and recycling goals; and (2)
9 identifies any necessary State actions to expand collection
10 opportunities to achieve the per-capita collection and recycling
11 goals. The plan shall be posted on the department's Internet website
12 and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
13 19.1), to the Legislature.**】** (Deleted by amendment,
14 P.L. ,c. (pending before the Legislature as this bill)

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

19 The annual report shall include the following:

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

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

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

29 **【**(4) An evaluation of the effectiveness of the education and
30 outreach program; and

31 (5) An evaluation of the existing collection and processing
32 infrastructure**】** (3) A complete listing of all authorized recyclers
33 recycling covered electronic devices pursuant to this section and the
34 amount of material by weight recycled annually.

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

36 h. 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.

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

40
41 7. (New section) a. By February 1, 2016, and annually
42 thereafter, the operator of every collection location identified in
43 each manufacturer's plan submitted pursuant to section 3 of
44 P.L.2007, c.347 (C.13:1E-99.96) or section 10 of P.L.2007,
45 c.347 (C.13:1E-99.103) shall identify the total weight of covered
46 electronic devices collected in the prior calendar year at each
47 collection location.

