

P.L.2016, CHAPTER 87, *approved January 9, 2017*

Senate, No. 981

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

**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 cathode ray tube that is broken, damaged, or separated from its host  
2 television or other device .

3 "Computer" means an electronic, magnetic, optical,  
4 electrochemical, or other high-speed data processing device  
5 performing logical, arithmetic, or storage function, and may include  
6 both a computer central processing unit and a monitor, but the term  
7 shall not include an automated typewriter or typesetter, a portable  
8 handheld calculator, a portable digital assistant, or other similar  
9 device.

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

14 "Covered electronic device" means a desktop or personal  
15 computer, computer monitor, portable computer, desktop printer,  
16 desktop fax machine, or television sold to a consumer. A "covered  
17 electronic device" shall not include any of the following: (1) an  
18 electronic device that is a part of a motor vehicle or any component  
19 part of a motor vehicle assembled by, or for, a vehicle manufacturer  
20 or franchised dealer, including replacement parts for use in a motor  
21 vehicle; (2) an electronic device that is functionally or physically a  
22 part of a larger piece of equipment designed and intended for use in  
23 an industrial, commercial, or medical setting, including diagnostic,  
24 monitoring, or control equipment; (3) an electronic device that is  
25 contained within a clothes washer, clothes dryer, refrigerator,  
26 refrigerator and freezer, microwave oven, conventional oven or  
27 range, dishwasher, room air conditioner, dehumidifier, or air  
28 purifier; or (4) **【a telephone of any type unless it contains a video**  
29 **display area greater than four inches measured diagonally】** any  
30 handheld device used to access commercial mobile data service or  
31 commercial mobile radio service as such services are defined  
32 pursuant to 47 C.F.R. s.20.3.

33 "Department" means the Department of Environmental  
34 Protection.

35 “Group plan administrator” means any person who enters into a  
36 contract with two or more manufacturers to collect, transport, and  
37 recycle the total of those manufacturers’ market share in weight  
38 obligations pursuant to P.L.2007, c.347 (C.13:1E-99.94 et seq.).

39 "Local government unit" means any county or municipality, or  
40 any agency, instrumentality, authority or corporation of any county  
41 or municipality, including, but not limited to, sewerage, utilities and  
42 improvement authorities, or any other political subdivision of the  
43 State.

44 "Manufacturer" means any person: (1) who manufactures or  
45 manufactured covered electronic devices under a brand that it owns  
46 or owned or is or was licensed to use, other than a license to  
47 manufacture covered electronic devices for delivery exclusively to  
48 or at the order of the licensor; (2) who sells or sold covered

1 electronic devices manufactured by others under a brand that the  
2 seller owns or owned or is or was licensed to use, other than a  
3 license to manufacture covered electronic devices for delivery  
4 exclusively to or at the order of the licensor; (3) who manufactures  
5 or manufactured covered electronic devices without affixing a  
6 brand; (4) who manufactures or manufactured covered electronic  
7 devices to which the person affixes or affixed a brand that the  
8 person neither owns or owned nor is or was licensed to use; (5) for  
9 whose account covered electronic devices manufactured outside the  
10 United States are or were imported into the United States, provided  
11 however, if, at the time such covered electronic devices are or were  
12 imported into the United States, another person has registered as the  
13 manufacturer of the brand of the covered electronic devices  
14 pursuant to subsection b. of section 9 of P.L.2007, c.347 (C.13:1E-  
15 99.102), then paragraph (5) of this definition shall not apply; or (6)  
16 a person who assumes the obligations and responsibilities for any  
17 manufacturer pursuant to paragraphs (1) through (5) of this  
18 definition.

19 "Market share" means a **television** manufacturer's national  
20 sales of **televisions** covered electronic devices expressed as a  
21 percentage of the total **weight** sales of all **television**  
22 manufacturers' national sales of covered electronic devices, based  
23 on the best available public data.

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

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

36 "Obligation" means **[: (1)]** the **return** market share in weight,  
37 identified for an individual manufacturer, as **[determined by the**  
38 **department]** provided pursuant to subsection a. of section 12 of  
39 P.L.2007, c.347 (C.13:1E-99.105) **];** or (2) the market share,  
40 identified for an individual television manufacturer, as determined  
41 by the department pursuant to subsection c. of section 3 of  
42 P.L.2007, c.347 (C.13:1E-99.96) **]** .

43 "Orphan device" means a covered electronic device for which no  
44 manufacturer can be identified, or for which the original  
45 manufacturer no longer exists.

46 "Person" means an individual, trust firm, joint stock company,  
47 business concern, and corporation, including, but not limited to, a

1 government department, partnership, limited liability company, or  
2 association.

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

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

8 "Purchase" means the taking, by sale, of title in exchange for  
9 consideration.

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

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

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

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

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

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

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

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

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

47 "Television" means a stand-alone display system containing a  
48 cathode ray tube or any other type of display primarily intended to

1 receive video programming via broadcast, having a viewable area  
2 greater than four inches measured diagonally, able to adhere to  
3 standard consumer video formats and having the capability of  
4 selecting different broadcast channels and support sound capability.

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

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

17

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

20 9. a. (1) (a) By January 30, ~~2012~~ 2016 , and by each  
21 January 30 thereafter, the department shall **【**:

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

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

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

46 (a) the results of an auditable, statistically valid sampling of  
47 covered electronic devices collected from consumers in this State  
48 by the manufacturer or group of manufacturers during the previous

1 program year. The sampling information reported shall consist of a  
2 list of brands of covered electronic devices and the weight of  
3 covered electronic devices that are identified for each brand; and

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

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

21 【The provisions of this section shall not apply to any  
22 manufacturer or retailer of televisions offered for sale for delivery  
23 in this State.】

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

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

32

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

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

1 in weight obligation by participating in the Statewide standard  
2 program.

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

8 c. An individual manufacturer submitting a plan pursuant to  
9 subsection a. of this section shall collect, transport, and recycle its  
10 **【**return**】** market share in weight.

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

14 e. Every plan shall **【**be filed with a manufacturer's annual  
15 registration, and shall**】** include:

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

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

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

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

29 (5) 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 manufacturer's program  
32 in sufficient detail to allow consumers to learn how to return their  
33 covered electronic devices for recycling; and

34 **【**(5)**】** (6) The intention of the registrant to fulfill its obligation  
35 through operation of its own plan, either individually, by contract  
36 with for-profit or not-for-profit entities, a group plan administrator,  
37 or local government units, or with other manufacturers.

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

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

1 in the manual or mechanical separation of covered electronic  
2 devices to recover components and commodities contained therein  
3 for the purpose of re-use or recycling.

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

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

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

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

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

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

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

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

41 m. The department may allow a group plan administrator to  
42 fulfill a manufacturer's responsibilities on its behalf under this  
43 section, including registration, payment of registration fees, and  
44 submission of plans. If a group plan administrator collects,  
45 transports, and recycles covered electronic devices in excess of the  
46 total combined market share in weight obligation for the  
47 manufacturers under contract with that group plan administrator, the  
48 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  
47 department pursuant to subsection a. of section 9 of P.L.2007,  
48 c.347 (C.13:1E-99.102).】

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

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

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

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

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

32 (2) The department shall organize and coordinate public  
33 education and outreach.

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

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

46 The annual report shall include the following:

- 1 (1) The total weight of covered electronic devices collected in  
2 the State the previous calendar year;
- 3 (2) **【**Progress toward achieving the overall annual total recovery  
4 and recycling goals described in the plan prepared pursuant to  
5 subsection e. of this section ;
- 6 **【**3**】** A complete listing of all collection sites for covered  
7 electronic devices operating in the State in the prior calendar year,  
8 the parties that operated them, and the amount of material by weight  
9 collected at each site; and
- 10 **【**(4) An evaluation of the effectiveness of the education and  
11 outreach program; and
- 12 (5) An evaluation of the existing collection and processing  
13 infrastructure**】** (3) A complete listing of all authorized recyclers  
14 recycling covered electronic devices and the amount of material by  
15 weight recycled annually.
- 16 g. (Deleted by amendment, P.L.2012, c.79).
- 17 h. **【**The provisions of this section shall not apply to any  
18 manufacturer or retailer of televisions offered for sale for delivery  
19 in this State.**】** (Deleted by amendment, P.L. , c. ) (pending  
20 before the Legislature as this bill)  
21 (cf: P.L.2012, c.79, s.6)
- 22
- 23 6. (New section) a. The department may establish a Statewide  
24 standard program for the collection, transportation, and recycling of  
25 covered electronic devices from consumers. The department may  
26 enter into contracts for the services required for the proper  
27 collection, transportation, and recycling of covered electronic  
28 devices. At a minimum, the Statewide standard program shall:
- 29 (1) designate collection locations throughout the State such that  
30 at least 90 percent of consumers are located within no more than 15  
31 miles of a collection location;
- 32 (2) provide that all designated collection locations accept all  
33 covered electronic devices free of charge; and
- 34 (3) require that all designated collection locations, transporters,  
35 and authorized recyclers comply with State standards for the  
36 management of Class D universal waste as provided in  
37 N.J.A.C.7:26A-7.1 et seq. or any subsequently adopted standards  
38 for the management of covered electronic devices.
- 39 b. A manufacturer may meet its market share in weight  
40 obligation by participating in the Statewide standard program  
41 established pursuant to this section.
- 42 c. A manufacturer that participates in the Statewide standard  
43 program pursuant to this section shall pay a per pound rate  
44 established by the department for the collection, transportation,  
45 recycling, public education, and administrative costs of the program  
46 based upon the manufacturer's market share in weight obligation.  
47 In the first year of operation of the Statewide standard program, the  
48 department may bill each participating manufacturer by January 30,

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

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

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

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

21

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

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

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

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

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

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

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

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

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

42 e. Whenever, on the basis of available information, the  
43 commissioner finds that a person has violated any provision of  
44 P.L.2007, c.347 (C.13:1E-99.94 et seq.), or any rule or regulation  
45 adopted thereto, the commissioner may issue an administrative  
46 enforcement order: (1) specifying the provision or provisions of  
47 P.L.2007, c.347 (C.13:1E-99.94 et seq.), or the rule or regulation,  
48 of which the person is in violation; (2) citing the action which

1 constituted the violation; (3) requiring compliance with the  
2 provision or provisions violated; and (4) providing notice to the  
3 person of the right to a hearing on the matters contained in the  
4 administrative enforcement order. The ordered party shall have 35  
5 days from receipt of the order within which to deliver to the  
6 commissioner a written request for a hearing. An order shall be  
7 effective upon receipt and any person to whom such order is  
8 directed shall comply with the order immediately. A request for  
9 hearing shall not automatically stay the effect of the order.

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

15 (1) a temporary or permanent injunction;

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

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

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

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

45 (2) For any violation of section **[3,]** 7, 8, 10 or 11 of P.L.2007,  
46 c.347 (**[C.13:1E-99.96,]** C.13:1E-99.100, C.13:1E-99.101,  
47 C.13:1E-99.103, or C.13:1E-99.104) or subsection a. or b. of  
48 section 6, subsection b. of section 9, or subsection a. of section 15

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

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

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

1 as the case may be, may assess against the violator the amount of  
2 economic benefit accruing to the violator from the violation.

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

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

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

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

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

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

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

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

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

27 k. All penalties collected by the department pursuant to  
28 P.L.2007, c.347 (C.13:1E-99.94 et seq.) shall be appropriated and  
29 allocated annually to the “Electronic Waste Management Fund”  
30 established pursuant to section 11 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill) for administration and  
32 enforcement of the “Electronic Waste Management Act.”

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

34

35 8. (New section) a. Except as provided in subsection d. of this  
36 section, by January 1, 2016 and each January 1 thereafter, each  
37 authorized recycler that accepts covered electronic devices from a  
38 consumer shall register with the department and pay a registration  
39 fee of \$15,000.

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

1 c. Any authorized recycler that fails to register and pay the fee  
2 required pursuant to this section, or otherwise comply with the  
3 provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), may not  
4 participate in the Statewide standard program established pursuant  
5 to section 6 of P.L. , c. (C. ) (pending before the Legislature as  
6 this bill), or any manufacturer's plan for the collection,  
7 transportation, and recycling of covered electronic devices  
8 approved by the department pursuant to section 10 of P.L.2007,  
9 c.347 (C.13:1E-99.103).

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

16

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

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

29 (2) the date, time, and volume of covered electronic devices  
30 transported from the collection location, and the name and  
31 identifying information of the authorized recycler transporting the  
32 covered electronic devices.

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

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

44 (1) the address of each collection location that provides covered  
45 electronic devices to the authorized recycler and the total weight of  
46 covered electronic devices delivered or collected from each  
47 collection location;



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

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

5 (4) the disposition of the covered electronic devices or their  
6 components, including the market for all materials recycled or  
7 recovered from covered electronic devices, and the weight and  
8 disposition of all materials that are not recycled and are disposed of  
9 as residue from all covered electronic devices.

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

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

19

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

30

31 11. (New section) a. There is created in the Department of  
32 Environmental Protection, a special non-lapsing fund to be known  
33 as the "Electronic Waste Management Fund." The monies in the  
34 fund are dedicated and shall be used only to carry out the purposes  
35 enumerated in subsection b. of this section. The fund shall be  
36 credited with all revenues collected and deposited in the fund  
37 pursuant to sections 17 of P.L.2007, c.347 (C.13:1E-99.110), and  
38 sections 6, 8, and 10 of P.L. , c. (C. ) (pending before the  
39 Legislature as this bill), all interest and other income received from  
40 the investment of monies in the fund, and any monies which, from  
41 time to time, may otherwise become available for the purposes of  
42 the fund. Pending the use thereof pursuant to the provisions of  
43 subsection b. of this section, the monies deposited in the fund shall  
44 be held in interest-bearing accounts in public depositories, as  
45 defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and  
46 may be invested or reinvested in such securities as are approved by  
47 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,  
6 c.347 (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  
9 P.L. 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 12. 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,  
23 c.347 (C.13:1E-99.101), that prohibit a new covered electronic  
24 device from being sold or offered for sale in this State if the  
25 covered electronic device is prohibited from being sold or offered  
26 for sale in the European Union on and after its date of manufacture,  
27 to the 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 13. 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 14. 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 15. 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  
48 waste management system implemented pursuant to the provisions

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

8 (cf: P.L.2008, c.130, s.18)

9  
10 16. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) and section 3  
11 of P.L.2008, c.130 (C.13:1E-99.96a) are repealed.

12  
13 17. This act shall take effect immediately.

#### 14 15 16 STATEMENT

17  
18 This bill would make various changes to the State's electronic  
19 waste recycling laws. The bill would require each manufacturer of  
20 "covered electronic devices" to provide for the collection,  
21 transportation, and recycling of its market share in weight of all  
22 covered electronic devices collected in a program year. This  
23 requirement replaces the current law's mandate that each  
24 manufacturer provide for the collection, transportation, and  
25 recycling of its "return share in weight" as estimated by the  
26 Department of Environmental Protection (DEP). The data required  
27 to perform the return share calculation is not widely available.  
28 Moreover, the DEP determinations of the manufacturers' obligations  
29 under the law have underestimated the actual amount collected.

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

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

1 provide that any handheld device used to access commercial mobile  
2 data service or commercial mobile radio service as such services are  
3 defined pursuant to federal regulation is excluded from coverage.

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

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

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

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

1 required to report semiannually its progress towards achieving its  
2 market share in weight obligation.

3 The bill would allow the DEP to assess a per pound fee of \$0.50  
4 multiplied by a manufacturer's market share in weight obligation  
5 for a manufacturer that fails to collect, transport, and recycle  
6 covered electronic devices under the law. The bill would also  
7 establish the "Electronic Waste Management Fund." All program  
8 revenues and penalties would be deposited in the fund for  
9 administration and enforcement and other costs of the program.

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Revises "Electronic Waste Management Act."