

ASSEMBLY, No. 3343

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED OCTOBER 23, 2008

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

SYNOPSIS

Revises “Electronic Waste Recycling Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2008)

1 AN ACT concerning electronic waste management, and amending,
2 supplementing and repealing various sections of P.L.1987, c.102
3 and P.L.2007, c.347.

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

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

10 2. As used in sections 1 through 21 of P.L.2007, c.347
11 (C.13:1E-99.94 et seq.) and section 3 of P.L. , c. (C.)(pending
12 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 who purchases a covered electronic
39 device in a transaction that is a retail sale. "Consumer" shall not
40 include any business concern purchasing covered electronic devices
41 whose recycling is contractually mandated in language included
42 within the annual plan submitted to, and approved by, the
43 department pursuant to section 10 of P.L.2007, c.347 (C.13:1E-
44 99.103).

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 “Covered electronic device” means a desktop or personal
2 computer, computer monitor, portable computer, or television sold
3 to a consumer. A “covered electronic device” shall not include any
4 of the following: (1) an electronic device that is a part of a motor
5 vehicle or any component part of a motor vehicle assembled by, or
6 for, a vehicle manufacturer or franchised dealer, including
7 replacement parts for use in a motor vehicle; (2) an electronic
8 device that is functionally or physically a part of a larger piece of
9 equipment designed and intended for use in an industrial,
10 commercial, or medical setting, including diagnostic, monitoring, or
11 control equipment; (3) an electronic device that is contained within
12 a clothes washer, clothes dryer, refrigerator, refrigerator and
13 freezer, microwave oven, conventional oven or range, dishwasher,
14 room air conditioner, dehumidifier, or air purifier; or (4) a
15 telephone of any type unless it contains a video display area greater
16 than four inches measured diagonally.

17 “Department” means the Department of Environmental
18 Protection.

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; [or] (5)
32 for whose account covered electronic devices manufactured outside
33 the United States are or were imported into the United States,
34 provided however, if, at the time such covered electronic devices
35 are or were imported into the United States, another person has
36 registered as the manufacturer of the brand of the covered electronic
37 devices pursuant to subsection b. of section 9 of [this act]
38 P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this
39 definition shall not apply; or (6) a person who assumes the
40 obligations and responsibilities for any manufacturer pursuant to
41 paragraphs (1) through (5) of this definition.

42 “Market share” means a television manufacturer’s sales of
43 televisions within the State expressed as a percentage of the total of
44 all television manufacturers’ annual sales within the State based on
45 sales data submitted to the television manufacturer by retailers
46 pursuant to section 11 of P.L.2007, c.347 (C.13:1E-99.104).

47 “Monitor” means a separate video display component of a
48 computer, whether sold separately or together with a computer

1 central processing unit and computer box, and includes a cathode
2 ray tube, liquid crystal display, gas plasma, digital light processing,
3 or other image projection technology, greater than four inches
4 measured diagonally, and its case, interior wires and circuitry, cable
5 to the central processing unit, and power cord.

6 “Obligation” means: (1) the return share in weight, identified for
7 an individual manufacturer, as determined by the department
8 pursuant to subsection a. of section 12 of [this act] P.L.2007, c.347
9 (C.13:1E-99.105); or (2) the market share, identified for an
10 individual television manufacturer, as determined by the department
11 pursuant to subsection c. of section 3 of P.L.2007, c.347 (C.13:1E-
12 99.96).

13 “Orphan device” means a covered electronic device for which no
14 manufacturer can be identified, or for which the original
15 manufacturer no longer exists.

16 “Person” means an individual, trust firm, joint stock company,
17 business concern, and corporation, including, but not limited to, a
18 government department, partnership, limited liability company, or
19 association.

20 “Portable computer” means a computer and video display greater
21 than four inches in size that can be carried as one unit by an
22 individual, including a laptop computer.

23 “Program year” means a full calendar year beginning on or after
24 January 1, [2010] 2011.

25 “Purchase” means the taking, by sale, of title in exchange for
26 consideration.

27 “Recognized academic institution” means any of the following
28 educational or research institutions located in this State: a duly
29 authorized institution of higher education licensed by the Board of
30 Higher Education; a public school operated by a local school
31 district; a private vocational school; or a nonpublic school
32 satisfying the State's compulsory attendance requirements.

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 **[this act]** P.L.2007, c.347
3 (C.13:1E-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 **[this act]**
8 P.L.2007, 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,
32 gas plasma, digital light processing, or other image projection
33 technology.

34 (cf: P.L.2007, c.347, s.2)

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, **[2009]** 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.

44 b. Each registered television manufacturer shall submit an
45 annual renewal of its registration to the department and pay to the
46 department a registration renewal fee of \$5,000 by January 1 of
47 each program year. Each registered television manufacturer’s
48 renewal shall include an annual report.

1 c. In addition to reporting all brands under which its televisions
2 are sold, regardless of whether the brand is owned or licensed, the
3 registered television manufacturer's annual report shall include the
4 【total weight】 market share of all new televisions sold in the State
5 in the previous program year. 【In lieu of providing this information,
6 a registered television manufacturer may request the department to
7 calculate the total weight of new televisions sold in the State by
8 using prorated national sales data based on State population】 The
9 department shall determine a registered television manufacturer's
10 market share by using sales data submitted to the registered
11 television manufacturer by retailers pursuant to section 11 of
12 P.L.2007, c.347 (C.13:1E-99.104).

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

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

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

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

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

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

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

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

1 convicted of an offense shall be disqualified from being an
2 authorized recycler.

3 By January 1, ~~2010~~ 2011, each registered television
4 manufacturer or group of registered television manufacturers shall
5 ~~participate in a statewide~~ commence its used television recycling
6 program to implement and finance the collection, transportation,
7 and recycling of used televisions. The ~~statewide~~ used television
8 recycling program shall accept all types and all brands of used
9 televisions, including orphan devices.

10 f. ~~A registered television manufacturer or group of registered~~
11 ~~television manufacturers may conduct its own collection,~~
12 ~~transportation, and used television recycling program. The recycling~~
13 ~~program shall accept all types and all brands of used televisions.~~
14 ~~The registered television manufacturer or group of manufacturers~~
15 ~~shall submit a report to the department annually by January 30,~~
16 ~~beginning the year after the program is initiated. The report shall~~
17 ~~include the total weight of used televisions collected from~~
18 ~~consumers in this State by the manufacturer or group of~~
19 ~~manufacturers during the previous program year and documentation~~
20 ~~verifying collection and recycling of these used televisions.]~~ Each
21 registrant's plan or plan jointly submitted by a group of registrants
22 shall be reviewed to determine its compliance with subsection e. of
23 this section and approved by the department. The department may
24 reject the plan, in whole or in part, and may impose additional
25 requirements as a condition of approval.

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

30 h. Registered television manufacturers that collect, transport, and
31 recycle used televisions in excess of their market share may sell
32 credits to another registrant or apply that excess to the following
33 year's recycling program.

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

36 (cf: P.L.2007, c.347, c.3)

37

38 3. (New section) a. The department shall prepare a plan every
39 three years that: (1) establishes used television per-capita collection
40 and recycling goals; and (2) identifies any necessary State actions to
41 expand collection opportunities to achieve the used television per-
42 capita collection and recycling goals. The plan shall be posted on
43 the department's Internet website and submitted, pursuant to section
44 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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

1 The annual report shall include the following:

2 (1) Progress toward achieving the overall annual total recovery
3 and recycling goals described in the plan prepared pursuant to
4 subsection a. of this section; and

5 (2) An evaluation of the effectiveness of existing used television
6 collection and processing infrastructure.

7 c. The used television recovery and recycling program
8 implemented to effectuate the provisions of P.L.2007, c.347
9 (C.13:1E-99.94 et seq.) and its associated regulations shall be fully
10 audited by an independent, certified public accountant at the end of
11 each calendar year and the audit report shall be submitted, pursuant
12 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

13

14 4. Section 6 of P.L.2007, c.347 (C.13:1E-99.99) is amended to
15 read as follows:

16 6. a. Any manufacturer that is not in compliance with all
17 financial and other requirements of this act shall be prohibited from
18 selling or offering for sale in this State a covered electronic device.

19 b. Beginning on January 1, ~~2010~~ 2011, it shall be unlawful for
20 any person to sell or offer for sale in this State a new covered
21 electronic device from a manufacturer that is not in full compliance
22 with the requirements of this act.

23 c. ~~The~~ Beginning on January 1, 2011, the department shall
24 maintain a list of all manufacturers in compliance with the
25 requirements of this act and shall post the list on the department's
26 Internet website.

27 d. Sellers of ~~products~~ covered electronic devices in or into the
28 State shall consult the list established by the department pursuant to
29 subsection c. of this section prior to selling covered electronic
30 devices in this State. A seller shall be considered to have complied
31 with this responsibility if, on the date that the ~~product~~ covered
32 electronic device was ordered from the manufacturer or its agent,
33 the manufacturer was listed as being in compliance on the
34 aforementioned website.

35 ~~The provisions of this section shall not apply to any~~
36 ~~manufacturer or retailer of televisions offered for sale for delivery~~
37 ~~in this State.]~~

38 (cf: P.L.2007, c.347, s.6)

39

40 5. Section 7 of P.L.2007, c.347 (C.13:1E-99.100) is amended to
41 read as follows:

42 7. Beginning on January 1, ~~2009~~ 2010, a manufacturer or
43 retailer may not sell or offer for sale a covered electronic device in
44 this State unless the covered electronic device is labeled with the
45 manufacturer's brand, and the label is permanently affixed and
46 readily visible.

1 【The provisions of this section shall not apply to any
2 manufacturer or retailer of televisions offered for sale for delivery
3 in this State.】

4 (cf: P.L.2007, c.347, s.7)

5
6 6. Section 8 of P.L.2007, c.347 (C.13:1E-99.101) is amended to
7 read as follows:

8 8. Beginning on January 1, ~~【2010】~~ 2011,【it shall be unlawful
9 for any】 no person ~~【to】~~ shall sell or offer for sale in this State
10 ~~【any】~~ a new covered electronic ~~【devices, including televisions,~~
11 unless those products comply with the applicable provisions of
12 Directive 2002/95/EC of the European Union, adopted by the
13 European Parliament and the Council of the European Union on
14 January 27, 2003, as implemented and interpreted through the
15 decisions of the Technical Adaptation Committee established by
16 Directive 2002/95/EC】 device, including a television, if the covered
17 electronic device is prohibited from being sold or offered for sale in
18 the European Union on or after its date of manufacture due to the
19 concentration of one or more heavy metals in the covered electronic
20 device exceeding its maximum concentration value, as specified in
21 the Commission of European Communities' Decision of August 18,
22 2005, amending Directive 2002/95/EC (European Union document
23 2005/618/EC), or as specified in a subsequent amendment to the
24 Directive.

25 (cf: P.L.2007, c.347, s.8)

26
27 7. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended to
28 read as follows:

29 9. a. (1) By January 30, ~~【2011】~~ 2012, and by each January 30
30 thereafter, the department shall:

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

45 (b) determine the total weight of covered electronic devices,
46 including orphan devices, collected from consumers in this State
47 ~~【by the department】~~ during the previous program year.

1 (2) If a manufacturer or group of manufacturers conducts its
2 own [collection, transportation, and recycling program for]
3 sampling of covered electronic devices, the manufacturer or group
4 of manufacturers shall submit a report to the department annually
5 by [January 30] March 1, beginning the year after the program is
6 initiated. The report shall include:

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

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

18 b. By February 1, [2009] 2010, and each January 1 thereafter,
19 each manufacturer of covered electronic devices offered for sale for
20 delivery in this State shall register with the department and pay a
21 registration fee of \$5,000. Any manufacturer to whom the
22 department provides notification of a return share and return share
23 in weight pursuant to subsection a. of section 12 of [this act]
24 P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed
25 a registration shall file a registration with the department within 30
26 days of receiving such notification from the department. Each
27 manufacturer's registration and renewal shall include a list of all of
28 the manufacturer's brands of covered electronic devices.

29 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.2007, c.347, s.9)

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

36 10. a. By June 1, [2009] 2010, each manufacturer to whom the
37 department provides, by April 2, [2009] 2010, a return share in
38 weight that is greater than zero shall[:

39 (1) submit an additional fee to the department based on its
40 return share in weight of covered electronic devices. The fee shall
41 be calculated using the following formula: the manufacturer's
42 return share in weight multiplied by no more than \$0.50 per pound;
43 or

44 (2)] submit a plan to the department to collect, transport and
45 recycle covered electronic devices.

46 b. Each manufacturer to whom the department provides, by
47 February 15, [2011] 2012 or by February 15 of any year thereafter,

1 a return share in weight that is greater than zero shall, by March 15
2 of that year, comply with the requirements of [paragraphs (1) or (2)
3 of] subsection a. of this section.

4 c. An individual manufacturer submitting a plan [in lieu of
5 payment of the fee set forth in] pursuant to subsection a. of this
6 section shall collect, transport, and recycle its return share in
7 weight.

8 d. A group of manufacturers jointly submitting a plan [in lieu
9 of payment of the fee set forth in] pursuant to subsection a. of this
10 section shall collect, transport, and recycle the sum of the
11 obligations of each participating manufacturer.

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

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

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

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

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

29 ~~[(4)]~~ (5) The intention of the registrant to fulfill its obligation
30 through operation of its own plan, either individually or with other
31 manufacturers.

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

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

46 f. ~~Before the fee set forth in subsection a. of this section may~~
47 ~~be waived by the department, the~~ Each manufacturer's plan or plan

1 jointly submitted by a group of manufacturers shall be reviewed to
2 determine its compliance with subsection e. of this section and
3 approved by the department. **【Upon approval of the plan by the**
4 **department, the payment of the annual fee set forth in subsection a.**
5 **of this section shall be waived.】** The department may reject the
6 plan, in whole or in part, and may impose additional requirements
7 as a condition of approval.

8 g. If a manufacturer fails to comply with all the conditions and
9 terms of an approved plan, the manufacturer shall be **【required to**
10 **submit the following:**

11 (1) A payment to the department to cover the cost of collecting,
12 transporting, and recycling the unmet portion of its obligation. The
13 payment shall be equal to the following formula: the quantity of the
14 outstanding portion, in pounds, multiplied by no more than \$0.50;
15 and

16 (2) A penalty in the form of a payment equal to the cost of
17 collecting, transporting, and recycling 10% of the manufacturer's
18 total obligation **】** prohibited from selling or offering for sale in this
19 State a covered electronic device.

20 h. Manufacturers that collect, transport, and recycle covered
21 electronic devices in excess of their obligation may sell credits to
22 another registrant or apply that excess to the following year's
23 recycling obligation.

24 i. **【Whenever more than one person is within the definition of**
25 **manufacturer of a brand of a covered electronic device pursuant to**
26 **section 2 of this act, any one or more such persons may assume**
27 **responsibility for and satisfy the obligations of a manufacturer**
28 **under this act with respect to covered electronic devices bearing**
29 **that brand. In the event that no person assumes responsibility for**
30 **and satisfies the obligations of a manufacturer under this act with**
31 **respect to covered electronic devices bearing that brand, the**
32 **department may consider any one or more persons within such**
33 **definition to be the manufacturer of that brand.】** (Deleted by
34 amendment, P.L. , c.)

35 j. **【The obligations under this act for a manufacturer who**
36 **manufactures or manufactured covered electronic devices, or who**
37 **sells or sold covered electronic devices manufactured by others,**
38 **under a brand that was previously used by a different person in the**
39 **manufacture of covered electronic devices shall extend to all**
40 **covered electronic devices bearing that brand.】** (Deleted by
41 amendment, P.L. , c.)

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

44 l. The provisions of this section shall not apply to any
45 manufacturer or retailer of televisions offered for sale for delivery
46 in this State.

47 (cf: P.L.2007, c.347, s.10)

1 9. Section 11 of P.L.2007, c.347 (C.13:1E-99.104) is amended
2 to read as follows:

3 11. a. A retailer shall provide information provided by the
4 department that describes where and how to recycle the covered
5 electronic device and opportunities and locations for the collection
6 or return of the device, including limitations placed by collection
7 sites on the number of covered electronic devices permitted for
8 drop-off by consumers, through the use of a toll-free telephone
9 number and website, information included in the packaging, or
10 information provided accompanying the sale of the covered
11 electronic device. This information shall be provided in clear
12 written form in English and any other languages deemed to be
13 primary languages by the State Department of Education.

14 b. Beginning January 1, ~~2010~~ 2011, a retailer shall only sell
15 ~~products~~ covered electronic devices from registrants. Retailers
16 shall consult the list posted on the department's Internet website
17 pursuant to section 6 of ~~this act~~ P.L.2007, c.347 (C.13:1E-99.99)
18 prior to selling covered electronic devices in this State. A retailer
19 shall be considered to have complied with this responsibility if on
20 the date that the ~~product~~ covered electronic device was ordered
21 from the manufacturer or its agent, the manufacturer was listed as
22 being in compliance on the aforementioned website.

23 c. Beginning on March 1, 2010, and each March 1 thereafter,
24 retailers of new televisions shall submit a report to every registered
25 television manufacturer from whom a new television was ordered
26 indicating the number of televisions sold within the State from the
27 registered television manufacturer for the previous year.

28 **【The provisions of this section shall not apply to any**
29 **manufacturer or retailer of televisions offered for sale for delivery**
30 **in this State.】**

31 (cf: P.L.2007, c.347, s.11)

32

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

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

1 pursuant to subsection a. of section 9 of **[this act]** P.L.2007, c.347
2 (C.13:1E-99.102).

3 (2) The department shall determine the return share in weight
4 for each program year for each manufacturer for whom a return
5 share is determined pursuant to paragraph (1) of this subsection by
6 multiplying the return share for each such manufacturer by the total
7 weight in pounds of covered electronic devices, including orphan
8 devices, collected from consumers the previous program year. For
9 the first program year, the total weight in pounds of covered
10 electronic devices shall be based on the best available public weight
11 data from the United States, including data from other states, for
12 covered electronic devices from consumers. For the second and
13 each subsequent program year, the total weight in pounds of
14 covered electronic devices shall be based on the total weight of
15 covered electronic devices, including orphan devices, determined
16 by the department pursuant to subsection a. of section 9 of **[this**
17 **act]** P.L.2007, c.347 (C.13:1E-99.102).

18 (3) By April 2, **[2010]** 2011, the department shall provide each
19 manufacturer for whom a return share is determined pursuant to
20 paragraph (1) of this subsection with its return share and its return
21 share in weight for the first program year. Annually thereafter, by
22 February 15, beginning in **[2012]** 2013, the department shall
23 provide each manufacturer for whom a return share is determined
24 pursuant to paragraph (1) of this subsection with its return share and
25 its return share in weight for the second and subsequent program
26 years.

27 b. **[The department shall receive fees from manufacturers as**
28 **provided in section 10 of this act.]** (Deleted by amendment, P.L. __,
29 c. __)

30 c. (1) The department shall **[organize, administer, and]** ensure
31 that at least one electronics collection opportunity is available in
32 each county throughout the State and in such a manner as to be
33 convenient, to the maximum extent practicable and feasible, to all
34 consumers in the county.

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

38 d. (1) Beginning on **[April]** January 1, **[2010]** 2011, the
39 department shall maintain a list of registrants and the brands
40 reported in each manufacturer's registration, and post the list on the
41 department's Internet website that is updated at least once a month.

42 (2) The department shall organize and coordinate public
43 education and outreach.

44 e. The department shall prepare a plan every three years that:
45 (1) establishes per-capita collection and recycling goals; and (2)
46 identifies any necessary State actions to expand collection
47 opportunities to achieve the per-capita collection and recycling

1 goals. The plan shall be posted on the department's Internet
2 website and submitted, pursuant to section 2 of P.L.1991, c.164
3 (C.52:14-19.1), to the Legislature.

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

8 The annual report shall include the following:

9 (1) **【**A list of all parties that the department has designated as
10 approved to receive payments for collection, transportation, or
11 recycling, the amount of payments it has made to those parties, and
12 the purpose of those payments;

13 (2) **】** The total weight of covered electronic devices collected in
14 the State the previous calendar year;

15 **【(3)】** (2) Progress toward achieving the overall annual total
16 recovery and recycling goals described in the plan prepared
17 pursuant to subsection e. of this section;

18 **【(4)】** (3) A complete listing of all collection sites operating in
19 the State in the prior calendar year, the parties that operated them,
20 and the amount of material by weight collected at each site;

21 **【(5)】** (4) An evaluation of the effectiveness of the education and
22 outreach program; and

23 **【(6)】** (5) An evaluation of the existing collection and processing
24 infrastructure.

25 g. The program implemented to effectuate the provisions of
26 this act and its associated regulations shall be fully audited by an
27 independent, certified public accountant at the end of each calendar
28 year and the audit report shall be submitted, pursuant to section 2 of
29 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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

33 (cf: P.L.2007, c.347, s.12)

34

35 11. Section 13 of P.L.2007, c.347 (C.13:1E-99.106) is amended
36 to read as follows:

37 13. a. The department shall maintain an Internet website and
38 toll-free number complete with up-to-date listings of where
39 consumers can bring covered electronic devices for recycling under
40 the provisions of this act.

41 b. **【**The department shall not be held financially liable or
42 responsible for any violation of federal, State, or local law by any
43 person to whom the department makes payment pursuant to section
44 14 of this act.**】** (Deleted by amendment, P.L. , c.)

45 c. No more frequently than annually and no less frequently than
46 biennially, the department shall review, at a public hearing, the
47 covered electronic device recycling **【rate】** goals and registration

1 fees. Recommended changes to the covered electronic device
2 recycling **[rate]** goals and registration fees shall be included in the
3 annual **[report]** reports required pursuant to section 3 of P.L. , c.
4 (pending in the Legislature as this bill) and subsection f. of section
5 12 of **[this act]** P.L.2007, c.347 (C.13:1E-99.105).

6 d. No fees or costs may be charged to consumers for the
7 collection, transportation, or recycling of covered electronic
8 devices. Any manufacturer or authorized recycler may charge fees
9 to recognized academic institutions or units of government for the
10 reasonable costs incurred by the manufacturer or authorized
11 recycler for the collection, transportation, or recycling of covered
12 electronic devices.

13 (cf: P.L.2007, c.347, s.13)

14

15 12. Section 15 of P.L.2007, c.347 (C.13:1E-99.108) is amended
16 to read as follows:

17 15. a. Covered electronic devices collected through any
18 program in this State, whether by manufacturers, retailers, for-profit
19 or not-for profit corporations, or units of government, or organized
20 by the department, shall be recycled in a manner that is in
21 compliance with all applicable federal, State, and local laws,
22 regulations, and ordinances, and shall not be exported for disposal
23 in a manner that poses a significant risk to the public health or the
24 environment.

25 The provisions of this subsection shall apply to the collection
26 and recycling of used televisions.

27 b. The department shall establish performance requirements **[in**
28 **order]** for collectors, transporters, and authorized recyclers **[to be**
29 **eligible to receive funds from the department]**. Every collector,
30 transporter, and authorized recycler shall, at a minimum,
31 demonstrate compliance with the United States Environmental
32 Protection Agency's Plug-In to eCycling Guidelines for Materials
33 Management as issued and available on the United States
34 Environmental Protection Agency's Internet website in addition to
35 any other requirements mandated by federal or State law. The
36 department shall maintain an Internet website that shall include a
37 list of collectors, transporters, and authorized recyclers that it has
38 determined have met these performance requirements.

39 (cf: P.L.2007, c.347, s.15)

40

41 13. Section 16 of P.L.2007, c.347 (C.13:1E-99.109) is amended
42 to read as follows:

43 16. On and after January 1, **[2010]** 2011, no person shall
44 knowingly dispose of a used covered electronic device, or any of
45 the components or subassemblies thereof, as solid waste.

46 (cf: P.L.2007, c.347, s.16)

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

3 17. a. The State, including the Attorney General and the
4 department, shall be authorized to initiate independent action to
5 enforce any provision of this act, including failure by a
6 manufacturer to remit the registration fee required pursuant to
7 section 3 of P.L.2007, c.347 (C.13:1E-99.96) or section 9 of [this
8 act] P.L.2007, c.347 (C.13:1E-99.102), [the fee required pursuant
9 to section 10 of this act,] or any fee required pursuant to subsection
10 b. of section 18 of [this act] P.L.2007, c.347 (C.13:1E-99.111) to
11 the department. Any funds awarded by the court shall be used first
12 to offset enforcement expenses. Money in excess of the
13 enforcement expenses shall be deposited into a separate account,
14 and shall be dedicated for use by the department solely for the
15 purposes of administering and enforcing the provisions of this act
16 and any rules or regulations adopted pursuant thereto.

17 b. Any person who violates the provisions of this act shall be
18 subject to a penalty of not less than \$500 nor more than \$1,000 for
19 each offense, to be collected in a civil action by a summary
20 proceeding under the "Penalty Enforcement Law of 1999,"
21 P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court
22 of competent jurisdiction wherein injunctive relief has been
23 requested. The Superior Court shall have jurisdiction to enforce the
24 provisions of the "Penalty Enforcement Law of 1999" in connection
25 with this act.

26 If the violation is of a continuing nature, each day during which
27 it continues constitutes an additional, separate, and distinct offense.

28 The department may institute a civil action for injunctive relief
29 to enforce this act and to prohibit and prevent a violation of this act,
30 and the court may proceed in the action in a summary manner.

31 c. Violations of the act include, but are not limited to:

32 (1) the sale of a new covered electronic device by any person
33 that is not in full compliance with the provisions of this act;

34 (2) [the application for compensation for the collection,
35 transportation, and recycling of covered electronic devices not
36 collected within the State, or region as provided in section 19 of this
37 act;

38 (3)] the use of a qualified collection program to recycle covered
39 electronic devices not discarded within the State, or region as
40 provided in section 19 of [this act] P.L.2007, c.347 (C.13:1E-
41 99.112);

42 [(4)] (3) the knowing failure to report or accurately report any
43 data required to be reported to the department pursuant to this act;
44 and

45 [(5)] (4) the non-payment of any fee required pursuant to this
46 act.

47 (cf: P.L.2007, c.347, s.17)

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

3 18. a. (1) The department shall adopt, pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), rules and regulations as are necessary to effectuate the
6 purposes of [this act] P.L.2007, c.347 (C.13:1E-99.94 et seq.) and
7 section 3 of P.L. , c. (C.) (pending before the Legislature
8 as this bill).

9 (2) The department shall adopt rules and regulations, in
10 accordance with the provisions of section 8 of P.L.2007, c.347
11 (C.13:1E-99.101), that prohibit a new covered electronic device
12 from being sold or offered for sale in this State if the covered
13 electronic device is prohibited from being sold or offered for sale in
14 the European Union on and after its date of manufacture, to the
15 extent that Directive 2002/95/EC, adopted by the European
16 Parliament and the Council of the European Union on January 27,
17 2003, and as amended thereafter by the Commission of European
18 Communities, prohibits that sale due to the presence of certain
19 heavy metals.

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

25 (b) In adopting rules and regulations pursuant to this subsection,
26 the department may not require the manufacture or sale of a new
27 covered electronic device that is different than, or otherwise not
28 prohibited by, the European Union under Directive 2002/95/EC,
29 adopted by the European Parliament and the Council of the
30 European Union on January 27, 2003. The department shall use, in
31 addition to any other information deemed relevant by the
32 department, the published decisions of the Technical Adaptation
33 Committee and European Union member states that interpret the
34 requirements of Directive 2002/95/EC.

35 b. The department may, in accordance with a fee schedule
36 adopted as a rule or regulation pursuant to the provisions of the
37 "Administrative Procedure Act," establish and charge reasonable
38 fees for any of the services to be performed in connection with this
39 act, which shall cover the full costs incurred by the department for
40 the review of plans and for other costs incurred by the department
41 for implementation of this act.

42 (cf: P.L.2007, c.347, s.18)

43
44 16. Section 19 of P.L.2007, c.347 (C.13:1E-99.112) is amended
45 to read as follows:

46 19. The department is authorized to participate in the
47 establishment and implementation of a regional, multi-state
48 organization or compact that is consistent with the requirements of

1 **[this act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) and section 3 of
2 P.L. , c. (C.)(pending before the Legislature as this bill).
3 (cf: P.L.2007, c.347, s.19)
4

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

7 20. **[This act is]** The provisions of P.L.2007, c.347 (C.13:1E-
8 99.94 et seq.) and section 3 of P.L. , c. (C.)(pending
9 before the Legislature as this bill) are intended to govern all aspects
10 of the collection and recycling of covered electronic devices as
11 those terms are defined in **[this act]** section 2 of P.L.2007, c.347
12 (C.13:1E-99.95). Upon a determination by the Department of
13 Environmental Protection of an equivalent national program to
14 collect or recycle covered electronic devices, the Commissioner of
15 Environmental Protection shall notify, in writing, the Governor, the
16 President of the Senate and the Speaker of the General Assembly,
17 and the members of the Senate Environment Committee and the
18 Assembly Environment and Solid Waste Committee, or their
19 successors, of this determination.

20 The provisions of this act shall expire 60 days after the date of
21 the notification required pursuant to this section or within the
22 timeframe provided by federal law, as appropriate.

23 The department shall provide notice in the New Jersey Register
24 of any determination made pursuant to this section, and shall take
25 any administrative action necessary in order to implement the
26 national program.

27 (cf: P.L.2007, c.347, s.20)
28

29 18. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended
30 to read as follows:

31 21. By January 1, **[2013]** 2014, the department shall prepare a
32 report, which shall be posted on the department's Internet website
33 and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
34 19.1), to the Legislature, assessing the success or failure of the
35 electronic waste management system implemented pursuant to the
36 provisions of **[this act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) and
37 section 3 of P.L. , c. (C.)(pending before the Legislature
38 as this bill) relative to the statutory management of covered
39 electronic devices in other states, including jurisdictions that have
40 adopted a producer responsibility model versus those that have
41 adopted an advance recovery fee approach, or both, with respect to
42 the recycling of used televisions and other covered electronic
43 devices.

44 (cf: P.L.2007, c.347, s.21)
45

46 19. Section 3 of P.L.1987, c.102 (C.13:1E-99.13) is amended to
47 read as follows:

1 3. a. Each county shall prepare and adopt a district recycling
2 plan to implement the State Recycling Plan goals. Each district
3 recycling plan shall be adopted as an amendment to the district
4 solid waste management plan required pursuant to the provisions of
5 the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et
6 seq.) and subject to the approval of the department. Each district
7 recycling plan may be modified after adoption pursuant to a
8 procedure set forth in the adopted plan as approved by the
9 department.

10 b. Each district recycling plan required pursuant to this section
11 shall include, but need not be limited to:

12 (1) Designation of a district recycling coordinator;

13 (2) Designation of the recyclable materials to be source
14 separated in each municipality which shall include, in addition to
15 leaves, at least three other recyclable materials separated from the
16 municipal solid waste stream;

17 (3) Designation of the strategy for the collection, marketing and
18 disposition of designated source separated recyclable materials in
19 each municipality;

20 (4) Designation of recovery targets in each municipality to
21 achieve the maximum feasible recovery of recyclable materials
22 from the municipal solid waste stream which shall include, at a
23 minimum, the following schedule:

24 (a) The recycling of at least 15% of the total municipal solid
25 waste stream by December 31, 1989;

26 (b) The recycling of at least 25% of the total municipal solid
27 waste stream by December 31, 1990; and

28 (c) The recycling of at least 50% of the total municipal solid
29 waste stream, including yard waste and vegetative waste, by
30 December 31, 1995; and

31 (5) Designation of countywide recovery targets to achieve the
32 maximum feasible recovery of recyclable materials from the total
33 solid waste stream which shall include, at a minimum, the recycling
34 of at least 60% of the total solid waste stream by December 31,
35 1995.

36 Within 24 months of the effective date of P.L.2007, c.311
37 (C.13:1E-96.2 et al.), each district recycling plan shall be modified
38 to include the designation of a district certified recycling
39 coordinator.

40 For the purposes of this subsection, "district certified recycling
41 coordinator" means a person who shall have completed the
42 requirements of a course of instruction in various aspects of
43 recycling program management, as determined and administered by
44 the department; "total municipal solid waste stream" means the sum
45 of the municipal solid waste stream disposed of as solid waste, as
46 measured in tons, plus the total number of tons of recyclable
47 materials recycled; and "total solid waste stream" means the
48 aggregate amount of solid waste generated within the boundaries of

1 any county from all sources of generation, including the municipal
2 solid waste stream.

3 c. Each district recycling plan, in designating a strategy for the
4 collection, marketing and disposition of designated recyclable
5 materials in each municipality, shall authorize municipalities that
6 adopt a recycling ordinance pursuant to subsection b. of section 6 of
7 P.L.1987, c.102 (C.13:1E-99.16) to limit the collection of
8 designated recyclable materials to specified operating hours in order
9 to preserve the peace and quiet in neighborhoods during the hours
10 when most residents are asleep.

11 d. A district recycling plan may be modified to require that each
12 municipality within the county revise the ordinance adopted
13 pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-
14 99.16) to provide for the source separation and collection of used
15 dry cell batteries as a designated recyclable material.

16 e. **【**Within 12 months of the effective date of P.L.2007, c.347
17 (C.13:1E-99.94 et al.), each district recycling plan shall be modified
18 to include the designation of collection sites for the delivery of used
19 televisions, and may be modified to include the designation of
20 collection sites for the delivery of other covered electronic devices.

21 For the purposes of this subsection, "television" and "covered
22 electronic device," respectively, mean the same as those terms are
23 defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95). **】** (Deleted
24 by amendment, P.L. , c.)(pending in the Legislature as this bill)
25 (cf: P.L.2007, c.347, s.22)

26

27 20. Section 6 of P.L.1987, c.102 (C.13:1E-99.16) is amended to
28 read as follows:

29 6. Each municipality in this State shall, within 24 months of
30 the effective date of P.L.2007, c.311 (C.13:1E-96.2 et al.),
31 designate one or more persons as the municipal certified recycling
32 coordinator. For the purposes of this section, "municipal certified
33 recycling coordinator" means a person who shall have completed
34 the requirements of a course of instruction in various aspects of
35 recycling program management, as determined and administered by
36 the department. Each municipality shall establish and implement a
37 municipal recycling program in accordance with the following
38 requirements:

39 a. **【(1)】** Each municipality shall provide for a collection system
40 for the recycling of the recyclable materials designated in the
41 district recycling plan as may be necessary to achieve the
42 designated recovery targets set forth in the plan in those instances
43 where a recycling collection system is not otherwise provided for
44 by the generator or by the county, interlocal service agreement or
45 joint service program, or other private or public recycling program
46 operator.

47 **【(2)】** Each municipality shall provide for collection sites for the
48 delivery of used televisions by consumers, and the delivery of other

1 covered electronic devices if designated in the district recycling
2 plan.

3 For the purposes of this paragraph, "television" and "covered
4 electronic device," respectively, mean the same as those terms are
5 defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95).】

6 b. The governing body of each municipality shall adopt an
7 ordinance which requires persons generating municipal solid waste
8 within its municipal boundaries to source separate from the
9 municipal solid waste stream, in addition to leaves, the specified
10 recyclable materials for which markets have been secured and,
11 unless recycling is otherwise provided for by the generator, place
12 these specified recyclable materials for collection in the manner
13 provided by the ordinance.

14 c. The governing body of each municipality shall, at least once
15 every 36 months, conduct a review and make necessary revisions to
16 the master plan and development regulations adopted pursuant to
17 P.L.1975, c.291 (C.40:55D-1 et seq.), which revisions shall reflect
18 changes in federal, State, county and municipal laws, policies and
19 objectives concerning the collection, disposition and recycling of
20 designated recyclable materials.

21 The revised master plan shall include provisions for the
22 collection, disposition and recycling of recyclable materials
23 designated in the municipal recycling ordinance adopted pursuant to
24 subsection b. of this section, and for the collection, disposition and
25 recycling of designated recyclable materials within any
26 development proposal for the construction of 50 or more units of
27 single-family residential housing or 25 or more units of multi-
28 family residential housing and any commercial or industrial
29 development proposal for the utilization of 1,000 square feet or
30 more of land.

31 d. The governing body of a municipality may exempt persons
32 occupying commercial and institutional premises within its
33 municipal boundaries from the source separation requirements of
34 the ordinance adopted pursuant to subsection b. of this section if
35 those persons have otherwise provided for the recycling of the
36 recyclable materials designated in the district recycling plan from
37 solid waste generated at those premises. To be eligible for an
38 exemption pursuant to this subsection, a commercial or institutional
39 solid waste generator annually shall provide written documentation
40 to the municipality of the total number of tons recycled.

41 e. The governing body of each municipality shall, on or before
42 July 1 of each year, submit a recycling tonnage report to the New
43 Jersey Office of Recycling in accordance with rules and regulations
44 adopted by the department therefor.

45 f. The governing body of each municipality shall, at least once
46 every six months, notify all persons occupying residential,
47 commercial, and institutional premises within its municipal
48 boundaries of local recycling opportunities, and the source

1 separation requirements of the ordinance. In order to fulfill the
2 notification requirements of this subsection, the governing body of
3 a municipality may, in its discretion, place an advertisement in a
4 newspaper circulating in the municipality, post a notice in public
5 places where public notices are customarily posted, include a notice
6 with other official notifications periodically mailed to residential
7 taxpayers, or any combination thereof, as the municipality deems
8 necessary and appropriate.

9 The governing body of a municipality that adopts a recycling
10 ordinance pursuant to subsection b. of this section may limit the
11 collection of designated recyclable materials to specified operating
12 hours in order to preserve the peace and quiet in neighborhoods
13 during the hours when most residents are asleep.

14 (cf: P.L.2007, c.347, s.23)

15
16 21. Section 1 of P.L.2007, c.347 (C.13:1E-99.94) is amended to
17 read as follows:

18 1. Sections 1 through 21 of P.L.2007, c.347 (C.13:1E-99.94 et
19 seq.) and section 3 of P.L. , c. (C.)(pending before the
20 Legislature as this bill) shall be known and may be cited as the
21 "Electronic Waste Management Act."

22
23 22. The following are repealed:

24 Sections 4 and 5 of P.L.2007, c.347 (C.13:1E-99.97 and 13:1E-
25 99.98);

26 Section 14 of P.L.2007, c.347 (C.13:1E-99.107).

27
28 23. This act shall take effect immediately.
29
30

31 STATEMENT

32
33 This bill revises the "Electronic Waste Recycling Act,"
34 P.L.2007, c.347 to fully integrate the management of used
35 televisions with other covered electronic devices. In addition, the
36 bill extends all of the deadlines in the current law by one year.

37 Specifically, beginning on January 1, 2010, and each January 1
38 thereafter, each television manufacturer shall register with the
39 Department of Environmental Protection (DEP) and pay a
40 registration fee of \$5,000. Each television manufacturer's renewal
41 must include an annual report. The annual report must include the
42 market share of all televisions sold in the State in the previous
43 program year. A registered television manufacturer's market share
44 would be determined by using sales data submitted to the
45 manufacturer by retailers on an annual basis.

46 By June 1, 2010, each registered television manufacturer or
47 group of registered television manufacturers must submit a plan to
48 the DEP to collect, transport and recycle used televisions based on

1 the television manufacturer's market share. Every plan must
2 include:

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

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

9 (3) Means that will be utilized to publicize the collection
10 services, including specification of a website or toll-free telephone
11 number that provides information about the registrant's recycling
12 program in sufficient detail to allow consumers to learn how to
13 return their used televisions for recycling; and

14 (4) The intention of the registrant to fulfill its obligation through
15 its own operations, either individually or with other registered
16 television manufacturers, or by contract with for-profit or not-for-
17 profit corporations, or units of government.

18 By January 1, 2011, each registered television manufacturer or
19 group of manufacturers must commence its used television
20 recycling program to implement and finance the collection,
21 transportation, and recycling of used televisions. The program must
22 accept all types and all brands of used televisions, including orphan
23 devices.

24 Each registrant's plan or plan jointly submitted by a group of
25 registrants must be reviewed and approved by the DEP. The DEP
26 may reject the plan, in whole or in part, and may impose additional
27 requirements as a condition of approval.

28 If a registered television manufacturer fails to comply with all
29 the conditions and terms of an approved plan, the manufacturer
30 would be prohibited from selling or offering for sale televisions in
31 this State.

32 Registered television manufacturers that collect, transport, and
33 recycle used televisions in excess of their market share may sell
34 credits to another registrant or apply that excess to the following
35 year's recycling program.

36 In order to determine a registered television manufacturer's
37 market share, beginning on March 1, 2010, and each March 1
38 thereafter, retailers of new televisions must submit a report to every
39 manufacturer from whom a new television was ordered indicating
40 the number of televisions sold within the State from the registered
41 television manufacturer for the previous year.

42 By February 1, 2010, and each January 1 thereafter, each
43 manufacturer of covered electronic devices offered for sale for
44 delivery in this State must register with the DEP and pay a
45 registration fee of \$5,000. By June 1, 2010, each manufacturer
46 must submit a plan to the DEP to collect, transport and recycle
47 covered electronic devices based on its return share in weight. A
48 group of manufacturers jointly submitting a plan must collect,

1 transport, and recycle the sum of the obligations of each
2 participating manufacturer.

3 Every plan must include:

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

6 (2) The processes and methods that will be used to recycle
7 recovered covered electronic devices including a description of the
8 recycling processes that will be used, including the name and
9 location of all authorized recyclers to be directly utilized by the
10 plan;

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

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

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

22 Each manufacturer's plan or plan jointly submitted by a group of
23 manufacturers must be reviewed and approved by the DEP. The
24 DEP may reject the plan, in whole or in part, and may impose
25 additional requirements as a condition of approval.

26 If a manufacturer fails to comply with all the conditions and
27 terms of an approved plan, the manufacturer shall be prohibited
28 from selling or offering for sale in this State a covered electronic
29 device.

30 Manufacturers that collect, transport, and recycle covered
31 electronic devices in excess of their obligation may sell credits to
32 another registrant or apply that excess to the following year's
33 recycling obligation.

34 The DEP must adopt rules and regulations in accordance with the
35 provisions of section 8 of P.L.2007, c.347 (C.13:1E-99.101), that
36 prohibit a new covered electronic device from being sold or offered
37 for sale in this State if the covered electronic device is prohibited
38 from being sold or offered for sale in the European Union on and
39 after its date of manufacture, to the extent that Directive
40 2002/95/EC, adopted by the European Parliament and the Council
41 of the European Union on January 27, 2003, and as amended
42 thereafter by the Commission of European Communities, prohibits
43 that sale due to the presence of certain heavy metals.

44 The DEP shall exclude from the rules and regulations the sale of
45 a new covered electronic device that contains a substance that is
46 used to comply with the consumer, health, or safety requirements
47 that are required by the Underwriters Laboratories or federal or
48 State law.

1 In adopting rules and regulations, the DEP may not require the
2 manufacture or sale of a new covered electronic device that is
3 different than, or otherwise not prohibited by, the European Union
4 under Directive 2002/95/EC, adopted by the European Parliament
5 and the Council of the European Union on January 27, 2003. The
6 DEP shall use, in addition to any other information deemed relevant
7 by the department, the published decisions of the Technical
8 Adaptation Committee and European Union member states that
9 interpret the requirements of Directive 2002/95/EC.