

SENATE, No. 981

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

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District 27 (Essex and Morris)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblywoman L. GRACE SPENCER

District 29 (Essex)

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Senator Addiego, Assemblymen Zwicker, Coughlin, Howarth,

Assemblywomen Rodriguez-Gregg, Pinkin, Assemblymen Ciattarelli,

Diegnan, Danielsen and Assemblywoman Muoio

SYNOPSIS

Revises "Electronic Waste Management Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/22/2016)

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 "Purchase" means the taking, by sale, of title in exchange for
2 consideration.

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

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

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

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

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

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

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

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

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

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

46 "Video display" means an output surface having a viewable area
47 greater than four inches when measured diagonally that displays
48 moving graphical images or a visual representation of image

1 sequences or pictures, showing a number of quickly changing
2 images on a screen in fast succession to create the illusion of
3 motion, including, if applicable, a device that is an integral part of
4 the display and cannot be easily removed from the display by the
5 consumer that produces the moving image on the screen. A "video
6 display" typically uses a cathode ray tube, liquid crystal display, gas
7 plasma, digital light processing, or other image projection
8 technology.

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

10

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

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

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

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

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

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

45 (b) the total weight of covered electronic devices, including
46 orphan devices, collected from consumers in this State by the
47 manufacturer or group of manufacturers during the previous
48 program year and documentation verifying collection and recycling

1 of such devices.】 (Deleted by amendment, P.L. _____,
2 c.) (pending before the Legislature as this bill)

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

14 【The provisions of this section shall not apply to any
15 manufacturer or retailer of televisions offered for sale for delivery
16 in this State.】

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

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

25

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

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

43 b. Each manufacturer to whom the department provides 【, by
44 February 15, 2012 or】 by February 15 of any year 【thereafter】, a
45 【return share in weight】 market share that is greater than 【zero】 .01
46 percent of the total shall, by 【March】 April 15 of that year, comply
47 with the requirements of subsection a. of this section.

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

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

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

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

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

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

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

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

27 **【(5)】** (6) The intention of the registrant to fulfill its obligation
28 through operation of its own plan, either individually, by contract
29 with for-profit or not-for-profit entities, a group plan administrator,
30 or local government units, or with other manufacturers.

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

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

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

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

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

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

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

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

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

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

30 l. **【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.】** (Deleted by amendment, P.L. _____, c. _____) (pending
33 before the Legislature as this bill)

34 m. The department may allow a group plan administrator to
35 fulfill a manufacturer's responsibilities on its behalf under this
36 section, including registration, payment of registration fees, and
37 submission of plans. If a group plan administrator collects,
38 transports, and recycles covered electronic devices in excess of the
39 total combined market share in weight obligation for the
40 manufacturers under contract with that group plan administrator, the
41 group plan administrator may sell credits, or apply credits to the
42 following year's obligation, as provided in subsection h. of this
43 section. The provisions of this subsection shall not relieve any
44 manufacturer of its obligations under P.L.2007, c.347 (C.13:1E-
45 99.94 et seq.). If a group plan administrator fails to fulfill a
46 manufacturer's responsibilities on its behalf, the department may
47 take enforcement action against the manufacturer.

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

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

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

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

23 (2) The department shall determine the **【return share in weight】**
24 estimated market share in weight obligation for each program year
25 for each manufacturer for whom a **【return share】** market share is
26 determined pursuant to paragraph (1) of this subsection by
27 multiplying the **【return share】** market share for each such
28 manufacturer by the total weight in pounds of covered electronic
29 devices, including orphan devices, collected from consumers the
30 previous program year and considering the amount expected to be
31 collected in the next program year to be determined by the
32 department based upon actual collection amounts of covered
33 electronic devices in the preceding program year. 【For the first
34 program year, the total weight in pounds of covered electronic
35 devices shall be based on the best available public weight data from
36 the United States, including data from other states, for covered
37 electronic devices from consumers. For the second and each
38 subsequent program year, the total weight in pounds of covered
39 electronic devices shall be based on the total weight of covered
40 electronic devices, including orphan devices, determined by the
41 department pursuant to subsection a. of section 9 of P.L.2007,
42 c.347 (C.13:1E-99.102).】

43 (3) **【By April 2, 2011, the】** The department shall provide each
44 manufacturer for whom a **【return】** market share is determined
45 pursuant to paragraph (1) of this subsection with its **【return】** market
46 share and 【its return】 an estimate of its market share in weight 【for
47 the first program year. Annually thereafter,】 by February 15 **【,**

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

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

14 c. (1) The department shall ensure that [at least one] sufficient
15 numbers and locations of electronics collection [opportunity is]
16 opportunities are available in each county throughout the State and
17 in such a manner as to be convenient, to the maximum extent
18 practicable and feasible, to all consumers in the county as
19 determined by the department.

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

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

27 (2) The department shall organize and coordinate public
28 education and outreach.

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

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

41 The annual report shall include the following:

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

44 (2) [Progress toward achieving the overall annual total recovery
45 and recycling goals described in the plan prepared pursuant to
46 subsection e. of this section ;

47 (3)] A complete listing of all collection sites for covered
48 electronic devices operating in the State in the prior calendar year,

1 the parties that operated them, and the amount of material by weight
2 collected at each site; and

3 ~~[(4) An evaluation of the effectiveness of the education and
4 outreach program; and~~

5 (5) An evaluation of the existing collection and processing
6 infrastructure] (3) A complete listing of all authorized recyclers
7 recycling covered electronic devices and the amount of material by
8 weight recycled annually.

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

10 h. ~~【The provisions of this section shall not apply to any
11 manufacturer or retailer of televisions offered for sale for delivery
12 in this State.】 (Deleted by amendment, P.L. , c.) (pending
13 before the Legislature as this bill)~~

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

15

16 6. (New section) a. The department may establish a Statewide
17 standard program for the collection, transportation, and recycling of
18 covered electronic devices from consumers. The department may
19 enter into contracts for the services required for the proper
20 collection, transportation, and recycling of covered electronic
21 devices. At a minimum, the Statewide standard program shall:

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

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

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

32 b. A manufacturer may meet its market share in weight
33 obligation by participating in the Statewide standard program
34 established pursuant to this section.

35 c. A manufacturer that participates in the Statewide standard
36 program pursuant to this section shall pay a per pound rate
37 established by the department for the collection, transportation,
38 recycling, public education, and administrative costs of the program
39 based upon the manufacturer's market share in weight obligation.
40 In the first year of operation of the Statewide standard program, the
41 department may bill each participating manufacturer by January 30,
42 and each manufacturer participating in the program shall pay 25
43 percent of their market share in weight obligation based upon the
44 per pound rate established. Subsequently, the department may bill
45 each participating manufacturer on a quarterly basis at the end of
46 each quarter of operation of the program, based upon the costs
47 incurred during that quarter.

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

10 (1) the local government unit stores and transports the covered
11 electronic devices in a manner consistent with State standard
12 program requirements; and

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

15

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

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

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

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

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

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

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

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

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

36 e. Whenever, on the basis of available information, the
37 commissioner finds that a person has violated any provision of
38 P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or any rule or regulation
39 adopted thereto, the commissioner may issue an administrative
40 enforcement order: (1) specifying the provision or provisions of
41 P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or the rule or regulation,
42 of which the person is in violation; (2) citing the action which
43 constituted the violation; (3) requiring compliance with the
44 provision or provisions violated; and (4) providing notice to the
45 person of the right to a hearing on the matters contained in the
46 administrative enforcement order. The ordered party shall have 35
47 days from receipt of the order within which to deliver to the
48 commissioner a written request for a hearing. An order shall be

1 effective upon receipt and any person to whom such order is
2 directed shall comply with the order immediately. A request for
3 hearing shall not automatically stay the effect of the order.

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

9 (1) a temporary or permanent injunction;

10 (2) recovery of reasonable costs of any investigation or
11 inspection which led to the discovery of the violation, and for the
12 reasonable costs of preparing and bringing a civil action
13 commenced under this subsection;

14 (3) recovery of reasonable costs incurred by the State in
15 removing, correcting, or terminating the adverse effects resulting
16 from any violation of the provisions of P.L.2007, c.347 (C.13:1E-
17 99.94 et seq.) , or any rule or regulation adopted pursuant thereto,
18 for which a civil action has been commenced and brought under this
19 subsection;

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

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

39 (2) For any violation of section **[3,]** 7, 8, 10 or 11 of P.L.2007,
40 c.347 (**[C.13:1E-99.96,]** C.13:1E-99.100, C.13:1E-99.101,
41 C.13:1E-99.103, or C.13:1E-99.104) or subsection a. or b. of
42 section 6, subsection b. of section 9, or subsection a. of section 15
43 of P.L.2007, c.347 (C.13:1E-99.99, C.13:1E-99.102, C.13:1E-
44 99.108), the commissioner is authorized to assess a civil
45 administrative penalty not to exceed \$25,000 for each day during
46 which a violation continues. In assessing a civil administrative
47 penalty, the commissioner shall consider the severity of the

1 violation, the measures taken to prevent further violations, and
2 whether the penalty will maintain an appropriate deterrent.

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

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

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

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

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

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

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

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

14 (5) failure to register **,** pursuant to subsection a. of section 3 of
15 P.L.2007, c.347 (C.13:1E-99.96) or **]** pursuant to subsection b. of
16 section 9 of P.L.2007, c.347 (C.13:1E-99.102);

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

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

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

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

29

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

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

44 c. Any authorized recycler that fails to register and pay the fee
45 required pursuant to this section, or otherwise comply with the
46 provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.), may not
47 participate in the Statewide standard program established pursuant
48 to section 6 of P.L. , c. (C.) (pending before the Legislature as

1 this bill), or any manufacturer's plan for the collection,
2 transportation, and recycling of covered electronic devices
3 approved by the department pursuant to section 10 of P.L.2007,
4 c.347 (C.13:1E-99.103).

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

11

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

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

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

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

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

39 (1) the address of each collection location that provides covered
40 electronic devices to the authorized recycler and the total weight of
41 covered electronic devices delivered or collected from each
42 collection location;

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

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

47 (4) the disposition of the covered electronic devices or their
48 components, including the market for all materials recycled or

1 recovered from covered electronic devices, and the weight and
2 disposition of all materials that are not recycled and are disposed of
3 as residue from all covered electronic devices.

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

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

13

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

24

25 11. (New section) a. There is created in the Department of
26 Environmental Protection, a special non-lapsing fund to be known
27 as the "Electronic Waste Management Fund." The monies in the
28 fund are dedicated and shall be used only to carry out the purposes
29 enumerated in subsection b. of this section. The fund shall be
30 credited with all revenues collected and deposited in the fund
31 pursuant to sections 17 of P.L.2007, c.347 (C.13:1E-99.110), and
32 sections 6, 8, and 10 of P.L. , c. (C.) (pending before the
33 Legislature as this bill), all interest and other income received from
34 the investment of monies in the fund, and any monies which, from
35 time to time, may otherwise become available for the purposes of
36 the fund. Pending the use thereof pursuant to the provisions of
37 subsection b. of this section, the monies deposited in the fund shall
38 be held in interest-bearing accounts in public depositories, as
39 defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and
40 may be invested or reinvested in such securities as are approved by
41 the State Treasurer. Interest or other income earned on monies
42 deposited into the fund shall be credited to the fund for use as set
43 forth in subsection b. of this section for other monies in the fund.

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

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

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

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

7
8 12. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended
9 to read as follows:

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

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

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

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

41 b. The department may, in accordance with a fee schedule
42 adopted as a rule or regulation pursuant to the provisions of the
43 "Administrative Procedure Act," establish and charge reasonable
44 fees for any of the services to be performed in connection with **this**
45 **act** P.L.2007, c.347 (C.13:1E-99.94 et seq.), which shall cover the
46 full costs incurred by the department for the review of plans and for
47 other costs incurred by the department for implementation of **this**

1 act] P.L.2007, c.347 (C.13:1E-99.94 et seq.) .
2 (cf: P.L.2008, c.130, s.15)

3
4 13. Section 19 of P.L.2007, c.347 C.13:1E-99.112) is amended
5 to read as follows:

6 19. The department is authorized to participate in the
7 establishment and implementation of a regional, multi-state
8 organization or compact that is consistent with the requirements of
9 P.L.2007, c.347 (C.13:1E-99.94 et [al.] seq.) [and section 3 of
10 P.L.2008, c.130 (C.13:1E-99.96a)].
11 (cf: P.L.2008, c.130, s.16)

12
13 14. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended
14 to read as follows:

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

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

31 The department shall provide notice in the New Jersey Register
32 of any determination made pursuant to this section, and shall take
33 any administrative action necessary in order to implement the
34 national program.

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

36
37 15. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended
38 to read as follows:

39 21. By January 1, 2014, the department shall prepare a report,
40 which shall be posted on the department's Internet website and
41 submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
42 to the Legislature, assessing the success or failure of the electronic
43 waste management system implemented pursuant to the provisions
44 of P.L.2007, c.347 (C.13:1E-99.94 et [al.] seq.) [and section 3 of
45 P.L.2008, c.130 (C.13:1E-99.96a)] relative to the statutory
46 management of covered electronic devices in other states, including
47 jurisdictions that have adopted a producer responsibility model
48 versus those that have adopted an advance recovery fee approach,

1 or both, with respect to the recycling of used televisions and other
2 covered electronic devices.

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

4

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

7

8 17. This act shall take effect immediately.

9

10

11

STATEMENT

12

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

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

33 The changes to the law made by the bill would assure that
34 manufacturers provide a free and convenient electronic waste
35 recycling program that provides for all of the covered electronic
36 devices that are collected. The bill allows the DEP to adjust the
37 market share in weight obligation based upon the total weight in
38 pounds actually collected in each program year. The bill would
39 change the definition of "consumer" to include State entities, school
40 districts, and local government units, and would include fax
41 machines and printers in the definition of "covered electronic
42 device." Further, the bill amends the language excluding certain
43 telephones from the definition of "covered electronic device" to
44 provide that any handheld device used to access commercial mobile
45 data service or commercial mobile radio service as such services are
46 defined pursuant to federal regulation is excluded from coverage.

47 Further, the bill would allow the DEP to establish a Statewide
48 standard program to collect, transport, and recycle covered

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

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

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

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

45 The bill would allow the DEP to assess a per pound fee of \$0.50
46 multiplied by a manufacturer's market share in weight obligation
47 for a manufacturer that fails to collect, transport, and recycle
48 covered electronic devices under the law. The bill would also

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23

- 1 establish the "Electronic Waste Management Fund." All program
- 2 revenues and penalties would be deposited in the fund for
- 3 administration and enforcement and other costs of the program.