

P.L. 2007, CHAPTER 347, *approved January 13, 2008*
Assembly Committee Substitute for
Assembly, No. 3572

1 AN ACT concerning electronic waste management, and amending
2 P.L.1987, c.102, and supplementing Title 13 of the Revised
3 Statutes.

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

7
8 1. (New section) Sections 1 through 21 of P.L. ,
9 c. (C.) (pending before the Legislature as this bill) shall be
10 known and may be cited as the “Electronic Waste Management
11 Act.”

12
13 2. (New section) As used in sections 1 through 21 of P.L. ,
14 c. (C.) (pending before the Legislature as this bill):

15 “Brand” means symbols, words, or marks that identify a covered
16 electronic device, rather than any of its components.

17 “Cathode ray tube” means a vacuum tube or picture tube used to
18 convert an electronic signal into a visual image.

19 “Computer” means an electronic, magnetic, optical,
20 electrochemical, or other high-speed data processing device
21 performing logical, arithmetic, or storage function, and may include
22 both a computer central processing unit and a monitor, but the term
23 shall not include an automated typewriter or typesetter, a portable
24 handheld calculator, a portable digital assistant, or other similar
25 device.

26 “Consumer” means a person who purchases a covered electronic
27 device in a transaction that is a retail sale.

28 “Covered electronic device” means a desktop or personal
29 computer, computer monitor, portable computer, or television sold
30 to a consumer. A “covered electronic device” shall not include any
31 of the following: (1) an electronic device that is a part of a motor
32 vehicle or any component part of a motor vehicle assembled by, or
33 for, a vehicle manufacturer or franchised dealer, including
34 replacement parts for use in a motor vehicle; (2) an electronic
35 device that is functionally or physically a part of a larger piece of
36 equipment designed and intended for use in an industrial,
37 commercial, or medical setting, including diagnostic, monitoring, or
38 control equipment; (3) an electronic device that is contained within
39 a clothes washer, clothes dryer, refrigerator, refrigerator and
40 freezer, microwave oven, conventional oven or range, dishwasher,
41 room air conditioner, dehumidifier, or air purifier; or (4) a

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

Matter underlined thus is new matter.

1 telephone of any type unless it contains a video display area greater
2 than four inches measured diagonally.

3 “Department” means the Department of Environmental
4 Protection.

5 “Manufacturer” means any person: (1) who manufactures or
6 manufactured covered electronic devices under a brand that it owns
7 or owned or is or was licensed to use, other than a license to
8 manufacture covered electronic devices for delivery exclusively to
9 or at the order of the licensor; (2) who sells or sold covered
10 electronic devices manufactured by others under a brand that the
11 seller owns or owned or is or was licensed to use, other than a
12 license to manufacture covered electronic devices for delivery
13 exclusively to or at the order of the licensor; (3) who manufactures
14 or manufactured covered electronic devices without affixing a
15 brand; (4) who manufactures or manufactured covered electronic
16 devices to which the person affixes or affixed a brand that the
17 person neither owns or owned nor is or was licensed to use; or (5)
18 for whose account covered electronic devices manufactured outside
19 the United States are or were imported into the United States,
20 provided however, if, at the time such covered electronic devices
21 are or were imported into the United States, another person has
22 registered as the manufacturer of the brand of the covered electronic
23 devices pursuant to subsection b. of section 9 of this act, then
24 paragraph (5) of this definition shall not apply.

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

32 “Obligation” means the return share in weight, identified for an
33 individual manufacturer, as determined by the department pursuant
34 to subsection a. of section 12 of this act.

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

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

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

45 “Program year” means a full calendar year beginning on or after
46 January 1, 2010.

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

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

7 “Registrant” means a manufacturer of covered electronic devices
8 that is in full compliance with the requirements of this act.

9 “Retail sales” means the sale of covered electronic devices
10 through sales outlets, via the Internet, mail order, or other means,
11 whether or not the retailer has a physical presence in this State.

12 “Retailer” means a person who owns or operates a business that
13 sells new covered electronic devices in this State by any means to a
14 consumer.

15 “Return share” means the proportion of covered electronic
16 devices for which an individual manufacturer is responsible to
17 collect, transport, and recycle, as determined by the department
18 pursuant to subsection a. of section 12 of this act.

19 “Return share in weight” means the total weight of covered
20 electronic devices for which an individual manufacturer is
21 responsible to collect, transport, and recycle, as determined by the
22 department pursuant to subsection a. of section 12 of this act.

23 “Sale” or “sell” means any transfer for consideration of title,
24 including, but not limited to, transactions conducted through sales
25 outlets, catalogs, or the Internet, or any other, similar electronic
26 means, and excluding leases.

27 “Television” means a stand-alone display system containing a
28 cathode ray tube or any other type of display primarily intended to
29 receive video programming via broadcast, having a viewable area
30 greater than four inches measured diagonally, able to adhere to
31 standard consumer video formats and having the capability of
32 selecting different broadcast channels and support sound capability.

33 “Video display” means an output surface having a viewable area
34 greater than four inches when measured diagonally that displays
35 moving graphical images or a visual representation of image
36 sequences or pictures, showing a number of quickly changing
37 images on a screen in fast succession to create the illusion of
38 motion, including, if applicable, a device that is an integral part of
39 the display and cannot be easily removed from the display by the
40 consumer that produces the moving image on the screen. A “video
41 display” typically uses a cathode ray tube, liquid crystal display,
42 gas plasma, digital light processing, or other image projection
43 technology.

1 3. (New section) a. Beginning on January 1, 2009, and each
2 January 1 thereafter, each manufacturer of televisions offered for
3 sale for delivery in this State shall register with the department and
4 pay a registration fee of \$5,000. Each television manufacturer's
5 registration and renewal shall include a list of all of the brands
6 under which its televisions are sold.

7 b. Each registered television manufacturer shall submit an
8 annual renewal of its registration to the department and pay to the
9 department a registration renewal fee of \$5,000 by January 1 of
10 each program year. Each television manufacturer's renewal shall
11 include an annual report.

12 c. In addition to reporting all brands under which its televisions
13 are sold, regardless of whether the brand is owned or licensed, the
14 manufacturer's annual report shall include the total weight of all
15 televisions sold in the State in the previous program year. In lieu of
16 providing this information, a registered television manufacturer
17 may request the department to calculate the total weight of new
18 televisions sold in the State by using prorated national sales data
19 based on State population.

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

23 e. By January 1, 2010, each registered television manufacturer
24 shall participate in a statewide used television recycling program to
25 implement and finance the collection, transportation, and recycling
26 of used televisions. The statewide recycling program shall accept
27 all types and all brands of used televisions.

28 f. A registered television manufacturer or group of registered
29 television manufacturers may conduct its own collection,
30 transportation, and used television recycling program. The recycling
31 program shall accept all types and all brands of used televisions.
32 The registered television manufacturer or group of manufacturers
33 shall submit a report to the department annually by January 30,
34 beginning the year after the program is initiated. The report shall
35 include the total weight of used televisions collected from
36 consumers in this State by the manufacturer or group of
37 manufacturers during the previous program year and documentation
38 verifying collection and recycling of these used televisions.

39
40 4. (New section) a. Beginning January 1, 2010, each
41 registered television manufacturer shall pay to the department its
42 portion of the reasonable costs incurred by an authorized recycler
43 for the collection, transportation and recycling of used televisions
44 based on the television manufacturer's market share multiplied by
45 the total, in pounds, of used televisions collected under the used
46 television recycling and management programs pursuant to
47 subsection b. of this section.

48 (1) The department may suspend the registration of any

1 registered television manufacturer in arrears for more than 90 days.

2 (2) A television manufacturer that has had its registration
3 suspended pursuant to this subsection shall demonstrate that all past
4 due payments and a penalty equivalent to 10% of the past due
5 payments has been paid to the department prior to seeking
6 reinstatement of its registration.

7 b. By July 1, 2009, the department shall establish criteria for
8 county or municipal used television recycling and management
9 programs. The county or municipality shall maintain records of the
10 volume of used televisions collected and recycled and to report to
11 the department the name and address of each authorized recycler
12 and the number of pounds of used televisions delivered to each
13 authorized recycler. The department shall make payments to the
14 county or municipality, as the case may be, based upon the costs
15 incurred by each county and municipality for its used television
16 recycling and management program.

17 In those instances where a county or municipal used television
18 recycling and management program has not been adopted, the
19 department shall establish a used television recycling and
20 management program. The department shall identify, and enter into
21 agreements with, authorized recyclers who shall be authorized to
22 accept used televisions from county and municipal collection sites
23 as designated pursuant to sections 3 and 6 of P.L.1987, c.102
24 (C.13:1E-99.13 and 13:1E-99.16). The department shall require the
25 county or municipality to maintain records of the volume of used
26 televisions collected by each authorized recycler. The department
27 may make payments for the collection and recycling of used
28 televisions to an authorized recycler upon receipt of a completed
29 and verified invoice submitted to the department by the authorized
30 recycler in the form and manner determined by the department. The
31 department may determine a per unit payment for the recycling and
32 proper disposal of a used television pursuant to the program.

33 For the purposes of this subsection, "authorized recycler" means
34 a person who: (1) engages in the manual or mechanical separation
35 of covered electronic devices to recover components and
36 commodities contained therein for the purpose of re-use or
37 recycling; or (2) changes the physical or chemical composition of a
38 covered electronic device by deconstructing, size reduction,
39 crushing, cutting, sawing, compacting, shredding, or refining for the
40 purpose of segregating components, and for the purpose of
41 recovering or recycling those components, and who arranges for the
42 transport of those components to an end user.

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

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

3

4 5. (New section) a. The Used Television Recycling and
5 Management Program Fund is established as a nonlapsing,
6 revolving fund in the Department of the Treasury. The fund shall be
7 administered by the Department of Environmental Protection and
8 credited with all registration and renewal fees paid pursuant to
9 section 3 of this act and all market share payments made pursuant to
10 section 4 of this act. Interest received on moneys in the fund shall
11 be credited to the fund.

12 b. All available moneys in the Used Television Recycling and
13 Management Program Fund shall be appropriated annually solely
14 for the following purposes and no others:

15 (1) To make payments to counties or municipalities based upon
16 the costs incurred by each county and municipality for its used
17 television recycling and management program;

18 (2) To provide funding for a State used television recycling and
19 management program, including the administrative expenses
20 thereof; and

21 (3) To make payments to authorized recyclers for the recycling
22 of used televisions.

23

24 6. (New section) a. Any manufacturer that is not in compliance
25 with all financial and other requirements of this act shall be
26 prohibited from selling or offering for sale in this State a covered
27 electronic device.

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

32 c. The department shall maintain a list of all manufacturers in
33 compliance with the requirements of this act and shall post the list
34 on the department's Internet website.

35 d. Sellers of products in or into the State shall consult the list
36 established by the department pursuant to subsection c. of this
37 section prior to selling covered electronic devices in this State. A
38 seller shall be considered to have complied with this responsibility
39 if, on the date that the product was ordered from the manufacturer
40 or its agent, the manufacturer was listed as being in compliance on
41 the aforementioned website.

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

45

46 7. (New section) Beginning on January 1, 2009, a manufacturer
47 or retailer may not sell or offer for sale a covered electronic device
48 in this State unless the covered electronic device is labeled with the

1 manufacturer's brand, and the label is permanently affixed and
2 readily visible.

3 The provisions of this section shall not apply to any
4 manufacturer or retailer of televisions offered for sale for delivery
5 in this State.

6
7 8. (New section) Beginning on January 1, 2010, it shall be
8 unlawful for any person to sell or offer for sale in this State any
9 new covered electronic devices, including televisions, unless those
10 products comply with the applicable provisions of Directive
11 2002/95/EC of the European Union, adopted by the European
12 Parliament and the Council of the European Union on January 27,
13 2003, as implemented and interpreted through the decisions of the
14 Technical Adaptation Committee established by Directive
15 2002/95/EC.

16
17 9. (New section) a. (1) By January 30, 2011, and by each
18 January 30 thereafter, the department shall:

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

33 (b) determine the total weight of covered electronic devices,
34 including orphan devices, collected from consumers in this State by
35 the department during the previous program year.

36 (2) If a manufacturer or group of manufacturers conducts its
37 own collection, transportation, and recycling program for covered
38 electronic devices, the manufacturer or group of manufacturers shall
39 submit a report to the department annually by January 30, beginning
40 the year after the program is initiated. The report shall include:

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

47 (b) the total weight of covered electronic devices, including
48 orphan devices, collected from consumers in this State by the

1 manufacturer or group of manufacturers during the previous
2 program year and documentation verifying collection and recycling
3 of such devices.

4 b. By February 1, 2009, and each January 1 thereafter, each
5 manufacturer of covered electronic devices offered for sale for
6 delivery in this State shall register with the department and pay a
7 registration fee of \$5,000. Any manufacturer to whom the
8 department provides notification of a return share and return share
9 in weight pursuant to subsection a. of section 12 of this act and who
10 has not previously filed a registration shall file a registration with
11 the department within 30 days of receiving such notification from
12 the department. Each manufacturer's registration and renewal shall
13 include a list of all of the manufacturer's brands of covered
14 electronic devices.

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

18

19 10. (New section) a. By June 1, 2009, each manufacturer to
20 whom the department provides, by April 2, 2009, a return share in
21 weight that is greater than zero shall:

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

27 (2) submit a plan to the department to collect, transport and
28 recycle covered electronic devices.

29 b. Each manufacturer to whom the department provides, by
30 February 15, 2011 or by February 15 of any year thereafter, a return
31 share in weight that is greater than zero shall, by March 15 of that
32 year, comply with the requirements of paragraphs (1) or (2) of
33 subsection a. of this section.

34 c. An individual manufacturer submitting a plan in lieu of
35 payment of the fee set forth in subsection a. of this section shall
36 collect, transport, and recycle its return share in weight.

37 d. A group of manufacturers jointly submitting a plan in lieu of
38 payment of the fee set forth in subsection a. of this section shall
39 collect, transport, and recycle the sum of the obligations of each
40 participating manufacturer.

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

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

45 (2) The processes and methods that will be used to recycle
46 recovered covered electronic devices including a description of the
47 recycling processes that will be used, including the name and
48 location of all recyclers to be directly utilized by the plan;

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

6 (4) The intention of the registrant to fulfill its obligation through
7 operation of its own plan, either individually or with other
8 manufacturers.

9 Recovered covered electronic devices shall not be sent to prisons
10 for recycling either directly or through intermediaries and nothing
11 in this section shall be construed to allow for the recycling of
12 covered electronic devices by prisoners. Any person committed to a
13 jail, prison, or other institution for the detention of persons charged
14 with or convicted of an offense shall be disqualified from engaging
15 in the manual or mechanical separation of covered electronic
16 devices to recover components and commodities contained therein
17 for the purpose of re-use or recycling.

18 f. Before the fee set forth in subsection a. of this section may
19 be waived by the department, the plan shall be reviewed to
20 determine its compliance with subsection e. of this section and
21 approved by the department. Upon approval of the plan by the
22 department, the payment of the annual fee set forth in subsection a.
23 of this section shall be waived. The department may reject the plan,
24 in whole or in part, and may impose additional requirements as a
25 condition of approval.

26 g. If a manufacturer fails to comply with all the conditions and
27 terms of an approved plan, the manufacturer shall be required to
28 submit the following:

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

34 (2) A penalty in the form of a payment equal to the cost of
35 collecting, transporting, and recycling 10% of the manufacturer's
36 total obligation.

37 h. Manufacturers that collect, transport, and recycle covered
38 electronic devices in excess of their obligation may sell credits to
39 another registrant or apply that excess to the following year's
40 recycling obligation.

41 i. Whenever more than one person is within the definition of
42 manufacturer of a brand of a covered electronic device pursuant to
43 section 2 of this act, any one or more such persons may assume
44 responsibility for and satisfy the obligations of a manufacturer
45 under this act with respect to covered electronic devices bearing
46 that brand. In the event that no person assumes responsibility for
47 and satisfies the obligations of a manufacturer under this act with
48 respect to covered electronic devices bearing that brand, the

1 department may consider any one or more persons within such
2 definition to be the manufacturer of that brand.

3 j. The obligations under this act for a manufacturer who
4 manufactures or manufactured covered electronic devices, or who
5 sells or sold covered electronic devices manufactured by others,
6 under a brand that was previously used by a different person in the
7 manufacture of covered electronic devices shall extend to all
8 covered electronic devices bearing that brand.

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

11 l. The provisions of this section shall not apply to any
12 manufacturer or retailer of televisions offered for sale for delivery
13 in this State.

14

15 11. (New section) a. A retailer shall provide information
16 provided by the department that describes where and how to recycle
17 the covered electronic device and opportunities and locations for
18 the collection or return of the device, through the use of a toll-free
19 telephone number and website, information included in the
20 packaging, or information provided accompanying the sale of the
21 covered electronic device. This information shall be provided in
22 clear written form in English and any other languages deemed to be
23 primary languages by the State Department of Education.

24 b. Beginning January 1, 2010, a retailer shall only sell products
25 from registrants. Retailers shall consult the list posted on the
26 department's Internet website pursuant to section 6 of this act prior
27 to selling covered electronic devices in this State. A retailer shall
28 be considered to have complied with this responsibility if on the
29 date that the product was ordered from the manufacturer or its
30 agent, the manufacturer was listed as being in compliance on the
31 aforementioned website.

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

35

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

1 conducted in this State pursuant to subsection a. of section 9 of this
2 act.

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 act.

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

25 b. The department shall receive fees from manufacturers as
26 provided in section 10 of this act.

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

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

35 d. (1) Beginning on April 1, 2010, the department shall
36 maintain a list of registrants and the brands reported in each
37 manufacturer's registration, and post the list on the department's
38 Internet website that is updated at least once a month.

39 (2) The department shall organize and coordinate public
40 education and outreach.

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

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

5 The annual report shall include the following:

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

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

12 (3) Progress toward achieving the overall annual total recovery
13 and recycling goals described in the plan prepared pursuant to
14 subsection e. of this section;

15 (4) A complete listing of all collection sites operating in the
16 State in the prior calendar year, the parties that operated them, and
17 the amount of material by weight collected at each site;

18 (5) An evaluation of the effectiveness of the education and
19 outreach program; and

20 (6) An evaluation of the existing collection and processing
21 infrastructure.

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

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

30
31 13. (New section) a. The department shall maintain an Internet
32 website and toll-free number complete with up-to-date listings of
33 where consumers can bring covered electronic devices for recycling
34 under the provisions of this act.

35 b. The department shall not be held financially liable or
36 responsible for any violation of federal, State, or local law by any
37 person to whom the department makes payment pursuant to section
38 14 of this act.

39 c. No more frequently than annually and no less frequently
40 than biennially, the department shall review, at a public hearing, the
41 covered electronic device recycling rate and registration fees.
42 Recommended changes to the covered electronic device recycling
43 rate and registration fees shall be included in the annual report
44 required pursuant to subsection f. of section 12 of this act.

45 d. No fees or costs may be charged to consumers for the
46 collection, transportation, or recycling of covered electronic
47 devices.

1 14. (New section) The department shall engage in competitive
2 bidding for the collection, transportation, and recycling of covered
3 electronic devices in accordance with the procedures concerning the
4 awarding of public contracts provided in P.L.1954, c.48 (C.52:34-6
5 et seq.).

6 a. The department shall make payments for the collection,
7 transportation, and recycling of covered electronic devices to an
8 authorized or approved person, pursuant to this section, upon
9 receipt of a completed and verified invoice submitted to the
10 department in the form and manner determined by the department.

11 b. In order to receive payment, proof will be required that:

12 (1) the covered electronic device was collected from a consumer
13 who is a resident of the State or is otherwise located in the State, or
14 who provides evidence that the device was purchased in this State
15 after the effective date of this act;

16 (2) the collection, transportation, and recycling of the covered
17 electronic devices was conducted in accordance with all federal,
18 State, and local laws, including the requirements established under
19 this act, and any rules or regulations adopted pursuant thereto; and

20 (3) no fees or costs were charged to the consumer.
21

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

30 The provisions of this subsection shall apply to the collection
31 and recycling of used televisions.

32 b. The department shall establish performance requirements in
33 order for collectors, transporters, and recyclers to be eligible to
34 receive funds from the department. Every collector, transporter,
35 and recycler shall, at a minimum, demonstrate compliance with the
36 United States Environmental Protection Agency's Plug-In to
37 eCycling Guidelines for Materials Management as issued and
38 available on the United States Environmental Protection Agency's
39 Internet website in addition to any other requirements mandated by
40 federal or State law. The department shall maintain an Internet
41 website that shall include a list of collectors, transporters, and
42 recyclers that it has determined have met these performance
43 requirements.
44

45 16. (New section) On and after January 1, 2010, no person shall
46 knowingly dispose of a used covered electronic device, or any of
47 the components or subassemblies thereof, as solid waste.

1 17. (New section) a. The State, including the Attorney General
2 and the department, shall be authorized to initiate independent
3 action to enforce any provision of this act, including failure by a
4 manufacturer to remit the registration fee required pursuant to
5 section 9 of this act, the fee required pursuant to section 10 of this
6 act, or any fee required pursuant to subsection b. of section 18 of
7 this act to the department. Any funds awarded by the court shall be
8 used first to offset enforcement expenses. Money in excess of the
9 enforcement expenses shall be deposited into a separate account,
10 and shall be dedicated for use by the department solely for the
11 purposes of administering and enforcing the provisions of this act
12 and any rules or regulations adopted pursuant thereto.

13 b. Violations of the act include, but are not limited to:

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

16 (2) the application for compensation for the collection,
17 transportation, and recycling of covered electronic devices not
18 collected within the State, or region as provided in section 19 of this
19 act;

20 (3) the use of a qualified collection program to recycle covered
21 electronic devices not discarded within the State, or region as
22 provided in section 19 of this act;

23 (4) the knowing failure to report or accurately report any data
24 required to be reported to the department pursuant to this act; and

25 (5) the non-payment of any fee required pursuant to this act.
26

27 18. (New section) a. The department shall adopt, pursuant to
28 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
29 seq.), rules and regulations as are necessary to effectuate the
30 purposes of this act.

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

39 19. (New section) The department is authorized to participate
40 in the establishment and implementation of a regional, multi-state
41 organization or compact that is consistent with the requirements
42 of this act.
43

44 20. (New section) This act is intended to govern all aspects of
45 the collection and recycling of covered electronic devices as those
46 terms are defined in this act. Upon a determination by the
47 Department of Environmental Protection of an equivalent national
48 program to collect or recycle covered electronic devices, the
49 Commissioner of Environmental Protection shall notify, in writing,

1 the Governor, the President of the Senate and the Speaker of the
2 General Assembly, and the members of the Senate Environment
3 Committee and the Assembly Environment and Solid Waste
4 Committee, or their successors, of this determination.

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

8 The department shall provide notice in the New Jersey Register
9 of any determination made pursuant to this section, and shall take
10 any administrative action necessary in order to implement the
11 national program.

12

13 21. (New section) By January 1, 2013, the department shall
14 prepare a report, which shall be posted on the department's Internet
15 website and submitted, pursuant to section 2 of P.L.1991, c.164
16 (C.52:14-19.1), to the Legislature, assessing the success or failure
17 of the electronic waste management system implemented pursuant
18 to the provisions of this act relative to the statutory management of
19 covered electronic devices in other states, including jurisdictions
20 that have adopted a producer responsibility model versus those that
21 have adopted an advance recovery fee approach, or both, with
22 respect to the recycling of used televisions and other covered
23 electronic devices.

24

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

27 3. a. Each county shall prepare and adopt a district recycling
28 plan to implement the State Recycling Plan goals. Each district
29 recycling plan shall be adopted as an amendment to the district
30 solid waste management plan required pursuant to the provisions of
31 the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et
32 seq.) and subject to the approval of the department.

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

35 (1) Designation of a district recycling coordinator;

36 (2) Designation of the recyclable materials to be source
37 separated in each municipality which shall include, in addition to
38 leaves, at least three other recyclable materials separated from the
39 municipal solid waste stream;

40 (3) Designation of the strategy for the collection, marketing and
41 disposition of designated source separated recyclable materials in
42 each municipality;

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

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

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

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

6 (5) Designation of countywide recovery targets to achieve the
7 maximum feasible recovery of recyclable materials from the total
8 solid waste stream which shall include, at a minimum, the recycling
9 of at least 60% of the total solid waste stream by December 31,
10 1995.

11 For the purposes of this subsection, "total municipal solid waste
12 stream" means the sum of the municipal solid waste stream
13 disposed of as solid waste, as measured in tons, plus the total
14 number of tons of recyclable materials recycled; and "total solid
15 waste stream" means the aggregate amount of solid waste generated
16 within the boundaries of any county from all sources of generation,
17 including the municipal solid waste stream.

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

26 Each district recycling plan may be modified after adoption
27 pursuant to a procedure set forth in the adopted plan as approved by
28 the department.

29 d. A district recycling plan may be modified to require that
30 each municipality within the county revise the ordinance adopted
31 pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-
32 99.16) to provide for the source separation and collection of used
33 dry cell batteries as a designated recyclable material.

34 e. Within 12 months of the effective date of P.L. _____,
35 c. (C. _____) (pending before the Legislature as this bill), each
36 district recycling plan shall be modified to include the designation
37 of collection sites for the delivery of used televisions, and may be
38 modified to include the designation of collection sites for the
39 delivery of other covered electronic devices.

40 For the purposes of this subsection, "television" and "covered
41 electronic device," respectively, mean the same as those terms are
42 defined in section 2 of P.L. _____, c. (C. _____) (pending before the
43 Legislature as this bill).

44 (cf: P.L.2001, c.92, s.7)

45

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

1 6. Each municipality in this State shall designate one or more
2 persons as the municipal recycling coordinator. Each municipality
3 shall establish and implement a municipal recycling program in
4 accordance with the following requirements:

5 a. (1) Each municipality shall provide for a collection system
6 for the recycling of the recyclable materials designated in the
7 district recycling plan as may be necessary to achieve the
8 designated recovery targets set forth in the plan in those instances
9 where a recycling collection system is not otherwise provided for
10 by the generator or by the county, interlocal service agreement or
11 joint service program, or other private or public recycling program
12 operator.

13 (2) Each municipality shall provide for collection sites for the
14 delivery of used televisions by consumers, and the delivery of other
15 covered electronic devices if designated in the district recycling
16 plan.

17 For the purposes of this paragraph, "television" and "covered
18 electronic device," respectively, mean the same as those terms are
19 defined in section 2 of P.L. , c. (C.)(pending before the
20 Legislature as this bill).

21 b. The governing body of each municipality shall adopt an
22 ordinance which requires persons generating municipal solid waste
23 within its municipal boundaries to source separate from the
24 municipal solid waste stream, in addition to leaves, the specified
25 recyclable materials for which markets have been secured and,
26 unless recycling is otherwise provided for by the generator, place
27 these specified recyclable materials for collection in the manner
28 provided by the ordinance.

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

36 The revised master plan shall include provisions for the
37 collection, disposition and recycling of recyclable materials
38 designated in the municipal recycling ordinance adopted pursuant to
39 subsection b. of this section, and for the collection, disposition and
40 recycling of designated recyclable materials within any
41 development proposal for the construction of 50 or more units of
42 single-family residential housing or 25 or more units of multi-
43 family residential housing and any commercial or industrial
44 development proposal for the utilization of 1,000 square feet or
45 more of land.

46 d. The governing body of a municipality may exempt persons
47 occupying commercial and institutional premises within its
48 municipal boundaries from the source separation requirements of

1 the ordinance adopted pursuant to subsection b. of this section if
2 those persons have otherwise provided for the recycling of the
3 recyclable materials designated in the district recycling plan from
4 solid waste generated at those premises. To be eligible for an
5 exemption pursuant to this subsection, a commercial or institutional
6 solid waste generator annually shall provide written documentation
7 to the municipality of the total number of tons recycled.

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

12 f. The governing body of each municipality shall, at least once
13 every six months, notify all persons occupying residential,
14 commercial, and institutional premises within its municipal
15 boundaries of local recycling opportunities, and the source
16 separation requirements of the ordinance. In order to fulfill the
17 notification requirements of this subsection, the governing body of
18 a municipality may, in its discretion, place an advertisement in a
19 newspaper circulating in the municipality, post a notice in public
20 places where public notices are customarily posted, include a notice
21 with other official notifications periodically mailed to residential
22 taxpayers, or any combination thereof, as the municipality deems
23 necessary and appropriate.

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

29 (cf: P.L.2001, c.92, s.8)

30

31 24. This act shall take effect immediately.

32

33

34

35 _____
“Electronic Waste Recycling Act.”