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SENATE, No. 2973

STATE OF NEW JERSEY

216th LEGISLATURE

ADOPTED OCTOBER 22, 2015

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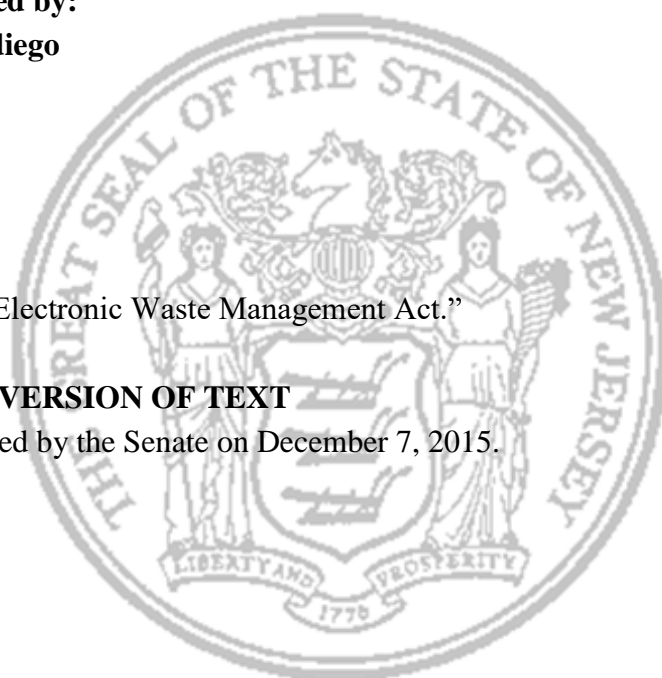
Senator Addiego

SYNOPSIS

Revises "Electronic Waste Management Act."

CURRENT VERSION OF TEXT

As amended by the Senate on December 7, 2015.



(Sponsorship Updated As Of: 12/18/2015)

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted December 7, 2015.

1 shall not include an automated typewriter or typesetter, a portable
2 handheld calculator, a portable digital assistant, or other similar
3 device.

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

8 "Covered electronic device" means a desktop or personal
9 computer, computer monitor, portable computer, desktop printer,
10 desktop fax machine, [or] 'or' television sold to a consumer '[, or
11 any other device the department determines is a covered electronic
12 device pursuant to the criteria and procedures established in section
13 8 of P.L. , c. (C.) (pending before the Legislature as this
14 bill)]' . A "covered electronic device" shall not include any of the
15 following: (1) an electronic device that is a part of a motor vehicle
16 or any component part of a motor vehicle assembled by, or for, a
17 vehicle manufacturer or franchised dealer, including replacement
18 parts for use in a motor vehicle; (2) an electronic device that is
19 functionally or physically a part of a larger piece of equipment
20 designed and intended for use in an industrial, commercial, or
21 medical setting, including diagnostic, monitoring, or control
22 equipment; (3) an electronic device that is contained within a
23 clothes washer, clothes dryer, refrigerator, refrigerator and freezer,
24 microwave oven, conventional oven or range, dishwasher, room air
25 conditioner, dehumidifier, or air purifier; or (4) ¹[a telephone of
26 any type unless it contains a video display area greater than four
27 inches measured diagonally] any handheld device used to access
28 commercial mobile data service or commercial mobile radio service
29 as such services are defined pursuant to 47 C.F.R. s.20.3¹

30 "Department" means the Department of Environmental
31 Protection.

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

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

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

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

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

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

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

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

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

44 "Person" means an individual, trust firm, joint stock company,
45 business concern, and corporation, including, but not limited to, a
46 government department, partnership, limited liability company, or
47 association.

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

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

6 "Purchase" means the taking, by sale, of title in exchange for
7 consideration.

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

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

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

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

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

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

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

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

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

45 "Television" means a stand-alone display system containing a
46 cathode ray tube or any other type of display primarily intended to
47 receive video programming via broadcast, having a viewable area

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

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

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

16
17 3. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended
18 to read as follows:

19 9. a. (1) (a) By January 30, **[2012]** 2016 , and by each
20 January 30 thereafter, the department shall **[**:

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

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

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

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

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

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

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

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

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

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

32

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

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

1 market share that is 10 percent or less shall fulfill its market share
2 in weight obligation by participating in the Statewide standard
3 program.

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

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

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

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

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

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

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

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

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

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

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

44 Recovered covered electronic devices shall not be sent to prisons
45 for recycling either directly or through intermediaries and nothing
46 in this section shall be construed to allow for the recycling of
47 covered electronic devices by prisoners. Any person committed to a

1 jail, prison, or other institution for the detention of persons charged
2 with or convicted of an offense shall be disqualified from engaging
3 in the manual or mechanical separation of covered electronic
4 devices to recover components and commodities contained therein
5 for the purpose of re-use or recycling.

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

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

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

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

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

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

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

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

43 m. The department may allow a group plan administrator to
44 fulfill a manufacturer's responsibilities on its behalf under this
45 section, including registration, payment of registration fees, and
46 submission of plans. If a group plan administrator collects,
47 transports, and recycles covered electronic devices in excess of the

1 total combined market share in weight obligation for the
2 manufacturers under contract with that group plan administrator, the
3 group plan administrator may sell credits, or apply credits to the
4 following year's obligation, as provided in subsection h. of this
5 section. The provisions of this subsection shall not relieve any
6 manufacturer of its obligations under P.L.2007, c.347 (C.13:1E-
7 99.94 et seq.). If a group plan administrator fails to fulfill a
8 manufacturer's responsibilities on its behalf, the department may
9 take enforcement action against the manufacturer.

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

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

14
15 5. Section 12 of P.L.2007, c.347 (C.13:1E-99.105) is amended
16 to read as follows:

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

32 (2) The department shall determine the **【return share in weight】**
33 estimated market share in weight obligation for each program year
34 for each manufacturer for whom a **【return share】** market share is
35 determined pursuant to paragraph (1) of this subsection by
36 multiplying the **【return share】** market share for each such
37 manufacturer by the total weight in pounds of covered electronic
38 devices, including orphan devices, collected from consumers the
39 previous program year and considering the amount expected to be
40 collected in the next program year to be determined by the
41 department based upon actual collection amounts of covered
42 electronic devices in the preceding program year. 【For the first
43 program year, the total weight in pounds of covered electronic
44 devices shall be based on the best available public weight data from
45 the United States, including data from other states, for covered
46 electronic devices from consumers. For the second and each
47 subsequent program year, the total weight in pounds of covered

1 electronic devices shall be based on the total weight of covered
2 electronic devices, including orphan devices, determined by the
3 department pursuant to subsection a. of section 9 of P.L.2007,
4 c.347 (C.13:1E-99.102).]

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

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

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

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

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

36 (2) The department shall organize and coordinate public
37 education and outreach.

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

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) The total weight of covered electronic devices collected in
7 the State the previous calendar year;

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

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

15 **【**(4) An evaluation of the effectiveness of the education and
16 outreach program; and

17 (5) An evaluation of the existing collection and processing
18 infrastructure**】** (3) A complete listing of all authorized recyclers
19 recycling covered electronic devices and the amount of material by
20 weight recycled annually.

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

22 h. **【**The provisions of this section shall not apply to any
23 manufacturer or retailer of televisions offered for sale for delivery
24 in this State.**】** (Deleted by amendment, P.L. , c.) (pending before
25 the Legislature as this bill)
26 (cf: P.L.2012, c.79, s.6)
27

28 6. (New section) a. The department may establish a Statewide
29 standard program for the collection, transportation, and recycling of
30 covered electronic devices from consumers. The department may
31 enter into contracts for the services required for the proper
32 collection, transportation, and recycling of covered electronic
33 devices. At a minimum, the Statewide standard program shall:

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

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

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

44 b. A manufacturer may meet its market share in weight
45 obligation by participating in the Statewide standard program
46 established pursuant to this section.

1 c. A manufacturer that participates in the Statewide standard
2 program pursuant to this section shall pay a per pound rate
3 established by the department for the collection, transportation,
4 recycling, public education, and administrative costs of the program
5 based upon the manufacturer's market share in weight obligation.
6 In the first year of operation of the Statewide standard program, the
7 department may bill each participating manufacturer by January 30,
8 and each manufacturer participating in the program shall pay 25
9 percent of their market share in weight obligation based upon the
10 per pound rate established. Subsequently, the department may bill
11 each participating manufacturer on a quarterly basis at the end of
12 each quarter of operation of the program, based upon the costs
13 incurred during that quarter.

14 d. The department, or the administrator for the Statewide
15 standard program designated by the department, shall reimburse a
16 local government unit that collects or transports covered electronic
17 devices and that is not otherwise identified as a collection location
18 in the Statewide standard program, at the per pound rate established
19 by the program for those services, for the costs incurred in the
20 collection and transportation of covered electronic devices to a
21 collection location designated under the Statewide standard
22 program under the following conditions:

23 (1) the local government unit stores and transports the covered
24 electronic devices in a manner consistent with State standard
25 program requirements; and

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

28

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

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

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

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

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

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

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

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

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

3 e. Whenever, on the basis of available information, the
4 commissioner finds that a person has violated any provision of
5 P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or any rule or regulation
6 adopted thereto, the commissioner may issue an administrative
7 enforcement order: (1) specifying the provision or provisions of
8 P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or the rule or regulation,
9 of which the person is in violation; (2) citing the action which
10 constituted the violation; (3) requiring compliance with the
11 provision or provisions violated; and (4) providing notice to the
12 person of the right to a hearing on the matters contained in the
13 administrative enforcement order. The ordered party shall have 35
14 days from receipt of the order within which to deliver to the
15 commissioner a written request for a hearing. An order shall be
16 effective upon receipt and any person to whom such order is
17 directed shall comply with the order immediately. A request for
18 hearing shall not automatically stay the effect of the order.

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

- 24 (1) a temporary or permanent injunction;
25 (2) recovery of reasonable costs of any investigation or
26 inspection which led to the discovery of the violation, and for the
27 reasonable costs of preparing and bringing a civil action
28 commenced under this subsection;
29 (3) recovery of reasonable costs incurred by the State in
30 removing, correcting, or terminating the adverse effects resulting
31 from any violation of the provisions of P.L.2007, c.347 (C.13:1E-
32 99.94 et seq.) , or any rule or regulation adopted pursuant thereto,
33 for which a civil action has been commenced and brought under this
34 subsection;
35 (4) recovery of compensatory damages caused by a violation of
36 the provisions of P.L.2007, c.347 (C.13:1E-99.94 et seq.) , or any
37 rule or regulation adopted, for which a civil action has been
38 commenced and brought under this subsection. Assessments under
39 this subsection shall be paid to the State Treasurer, or to the
40 certified local health agency, as the case may be, except that
41 compensatory damages may be paid by specific order of the court to
42 any persons who have been aggrieved by the violation. If a
43 proceeding is instituted by a certified local health agency, notice
44 thereof shall be served upon the commissioner in the same manner
45 as if the commissioner were a named party to the action or
46 proceeding. The department may intervene as a matter of right in
47 any proceeding brought by a certified local health agency.

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

7 (2) For any violation of section [3,] 7, 8, 10 or 11 of P.L.2007,
8 c.347 ([C.13:1E-99.96,] C.13:1E-99.100, C.13:1E-99.101,
9 C.13:1E-99.103, or C.13:1E-99.104) or subsection a. or b. of
10 section 6, subsection b. of section 9, or subsection a. of section 15
11 of P.L.2007, c.347 (C.13:1E-99.99, C.13:1E-99.102, C.13:1E-
12 99.108), the commissioner is authorized to assess a civil
13 administrative penalty not to exceed \$25,000 for each day during
14 which a violation continues. In assessing a civil administrative
15 penalty, the commissioner shall consider the severity of the
16 violation, the measures taken to prevent further violations, and
17 whether the penalty will maintain an appropriate deterrent.

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

41 h. A person who violates any provision of P.L.2007, c.347
42 (C.13:1E-99.94 et seq.) , or any rule or regulation adopted pursuant
43 thereto, or an administrative order issued pursuant to subsection e.
44 of this section, or a court order issued pursuant to subsection f. of
45 this section, or who fails to pay a civil administrative penalty in full
46 pursuant to subsection g. of this section, or who knowingly makes
47 any false or misleading statement on any application, record, report,

1 or other document required to be submitted to the department, shall
2 be subject, upon order of a court, to a civil penalty not to exceed
3 \$25,000 per day of the violation, and each day during which the
4 violation continues shall constitute an additional, separate, and
5 distinct offense. Any civil penalty imposed pursuant to this
6 subsection may be collected with costs in a summary proceeding
7 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
8 c.274 (C.2A:58-10 et seq.), or may be collected in a civil action
9 commenced by a certified local health agency, or the commissioner,
10 as the case may be. In addition to any penalties, costs or interest
11 charges, the Superior Court, or the municipal court as the case may
12 be, may assess against the violator the amount of economic benefit
13 accruing to the violator from the violation.

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

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

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

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

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

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

30 (5) failure to register **the act**, pursuant to subsection a. of section 3 of
31 P.L.2007, c.347 (C.13:1E-99.96) or **this act** pursuant to subsection b. of
32 section 9 of P.L.2007, c.347 (C.13:1E-99.102);

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

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

38 k. All penalties collected by the department pursuant to
39 P.L.2007, c.347 (C.13:1E-99.94 et seq.) shall be appropriated and
40 allocated annually to the "Electronic Waste Management Fund"
41 established pursuant to section '12' 11' of P.L. , c. (C.)
42 (pending before the Legislature as this bill) for administration and
43 enforcement of the "Electronic Waste Management Act."
44 (cf: P.L.2012, c.79, s.9)

1 ¹**8.** (New section) a. The department may designate additional
2 covered electronic devices pursuant to the procedures established in
3 this section. In order to designate an additional covered electronic
4 device, the department shall determine that:

5 (1) the proposed covered electronic device is used in
6 conjunction with a covered electronic device;

7 (2) the proposed covered electronic device contains materials
8 that may harm the environment or the public health if disposed of as
9 solid waste; or

10 (3) the proposed covered electronic device or its constituent
11 components may have economic value or its collection and
12 recycling may have a positive impact on the economics of
13 electronics recycling.

14 b. At least 90 days before designating additional covered
15 electronic devices pursuant to this section, the department shall
16 publish in the New Jersey Register:

17 (1) a list of proposed covered electronic devices;

18 (2) the economic and environmental rationale and conclusions
19 of the department concerning the criteria established in subsection
20 a. of this section for each proposed covered electronic device;

21 (3) notice of a public hearing to occur at least 30 days after
22 publication of the notice; and

23 (4) notice that comments may be submitted on the proposal for
24 30 days after the public hearing.

25 c. The department shall conduct at least one public hearing at
26 least 30 days after publication of the notice required in subsection
27 b. of this section. The department shall allow at least 30 days after
28 the hearing for the submission of public comments. After the
29 public comment period closes, the department shall review and
30 consider all of the comments submitted, and shall publish a notice
31 in the New Jersey Register summarizing the public comments with
32 the department's response to the comments, together with a final
33 determination listing the newly designated covered electronic
34 devices.

35 d. A determination by the department to add a covered
36 electronic device pursuant to this section shall take effect in the
37 next program year after the determination is made. ¹

38
39 ¹**9.] 8.¹** (New section) a. Except as provided in subsection d.
40 of this section, by January 1, 2016 and each January 1 thereafter,
41 each authorized recycler that accepts covered electronic devices
42 from a consumer shall register with the department and pay a
43 registration fee of \$15,000.

44 b. The department shall use the fee to cover the costs of the
45 development, implementation, and review of recordkeeping and
46 data systems required of authorized recyclers, technical advice
47 provided by the department to authorized recyclers, the review and

1 analysis of reports required to be submitted by authorized recyclers,
2 monitoring the disposition of recyclable materials recovered during
3 the recycling of covered electronic devices, and any other technical
4 analysis performed by the department pursuant to P.L.2007, c.347
5 (C.13:1E-99.94 et seq.).

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

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

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

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

33 (2) the date, time, and volume of covered electronic devices
34 transported from the collection location, and the name and
35 identifying information of the authorized recycler transporting the
36 covered electronic devices.

37 On February 1 and August 1 of each year for the period ending
38 on January 1 and July 1, as appropriate, the information shall be
39 submitted to the department on forms and in a manner prescribed by
40 the department.

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

1 (1) the address of each collection location that provides covered
2 electronic devices to the authorized recycler and the total weight of
3 covered electronic devices delivered or collected from each
4 collection location;

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

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

9 (4) the disposition of the covered electronic devices or their
10 components, including the market for all materials recycled or
11 recovered from covered electronic devices, and the weight and
12 disposition of all materials that are not recycled and are disposed of
13 as residue from all covered electronic devices.

14 On February 1 and August 1 of each year for the period ending
15 on January 1 and July 1, as appropriate, the information shall be
16 submitted to the department on forms and in a manner prescribed by
17 the department.

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

23
24 ¹**[11.] 10.**¹ (New section) ¹**[a.]**¹ A manufacturer that fails to
25 collect, transport, or recycle its required market share in weight
26 obligation shall be assessed a fee equivalent to \$0.50 per pound
27 times its market share in weight obligation. A fee assessed pursuant
28 to this section shall be appropriated and allocated annually to the
29 "Electronic Waste Management Fund" established pursuant to
30 section ¹**[12.] 11.**¹ of P.L. , c. (C.) (pending before the
31 Legislature as this bill). The assessment of the fee pursuant to this
32 section shall be in addition to any other enforcement action that
33 may be taken by the department for a violation of P.L.2007, c.347
34 (C.13:1E-99.94 et seq.).

35 ¹**[b.** In addition to any other remedies available to the
36 department, the department may recover the costs for the proper
37 removal and disposition of any covered electronic device collected
38 pursuant to the provisions of P.L.2007, c.347 (C.13:1E-99.94 et
39 seq.) that is improperly abandoned, discarded, or otherwise
40 disposed of on the lands or waters of the State, by the assessment of
41 those costs to the manufacturers subject to the provisions of
42 P.L.2007, c.347 (C.13:1E-99.94 et seq.), in proportion to the market
43 share in weight obligation of each manufacturer.¹

44
45 ¹**[12.] 11.**¹ (New section) a. There is created in the
46 Department of Environmental Protection, a special non-lapsing fund
47 to be known as the "Electronic Waste Management Fund." The

1 monies in the fund are dedicated and shall be used only to carry out
 2 the purposes enumerated in subsection b. of this section. The fund
 3 shall be credited with all revenues collected and deposited in the
 4 fund pursuant to sections 17 of P.L.2007, c.347 (C.13:1E-99.110),
 5 and sections 6, '9] 8', and '11] 10' of P.L. , c. (C.)
 6 (pending before the Legislature as this bill), all interest and other
 7 income received from the investment of monies in the fund, and any
 8 monies which, from time to time, may otherwise become available
 9 for the purposes of the fund. Pending the use thereof pursuant to
 10 the provisions of subsection b. of this section, the monies deposited
 11 in the fund shall be held in interest-bearing accounts in public
 12 depositories, as defined pursuant to section 1 of P.L.1970, c.236
 13 (C.17:9-41), and may be invested or reinvested in such securities as
 14 are approved by the State Treasurer. Interest or other income
 15 earned on monies deposited into the fund shall be credited to the
 16 fund for use as set forth in subsection b. of this section for other
 17 monies in the fund.

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

- 20 (1) the administration and enforcement of P.L.2007, c.347
 21 (C.13:1E-99.94 et seq.); and
- 22 (2) any costs associated with the collection, transportation, and
 23 recycling of covered electronic devices pursuant to section 6 of
 24 P.L. c. (C.) (pending before the Legislature as this bill); and
- 25 (3) the proper removal and disposition of covered electronic
 26 devices that have been improperly abandoned, discarded, or
 27 otherwise disposed of on the lands or waters of the State.

28
 29 '13.] 12.' Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is
 30 amended to read as follows:

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

36 (2) The department shall adopt rules and regulations, in
 37 accordance with the provisions of section 8 of P.L.2007, c.347
 38 (C.13:1E-99.101), that prohibit a new covered electronic device
 39 from being sold or offered for sale in this State if the covered
 40 electronic device is prohibited from being sold or offered for sale in
 41 the European Union on and after its date of manufacture, to the
 42 extent that Directive 2002/95/EC, adopted by the European
 43 Parliament and the Council of the European Union on January 27,
 44 2003, and as amended thereafter by the Commission of European
 45 Communities, prohibits that sale due to the presence of certain
 46 heavy metals.

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

6 (b) In adopting rules and regulations pursuant to this subsection,
7 the department may not require the manufacture or sale of a new
8 covered electronic device that is different than, or otherwise not
9 prohibited by, the European Union under Directive 2002/95/EC,
10 adopted by the European Parliament and the Council of the
11 European Union on January 27, 2003. The department shall use, in
12 addition to any other information deemed relevant by the
13 department, the published decisions of the Technical Adaptation
14 Committee and European Union member states that interpret the
15 requirements of Directive 2002/95/EC.

16 b. The department may, in accordance with a fee schedule
17 adopted as a rule or regulation pursuant to the provisions of the
18 "Administrative Procedure Act," establish and charge reasonable
19 fees for any of the services to be performed in connection with **[this**
20 **act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.), which shall cover the
21 full costs incurred by the department for the review of plans and for
22 other costs incurred by the department for implementation of **[this**
23 **act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) .

24 (cf: P.L.2008, c.130, s.15)

25
26 ¹**[14.] 13.**¹ Section 19 of P.L.2007, c.347 C.13:1E-99.112) is
27 amended to read as follows:

28 19. The department is authorized to participate in the
29 establishment and implementation of a regional, multi-state
30 organization or compact that is consistent with the requirements of
31 P.L.2007, c.347 (C.13:1E-99.94 et **[al.] seq.**) **[and section 3 of**
32 **P.L.2008, c.130 (C.13:1E-99.96a)]**.

33 (cf: P.L.2008, c.130, s.16)

34
35 ¹**[15.] 14.**¹ Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is
36 amended to read as follows:

37 20. The provisions of P.L.2007, c.347 (C.13:1E-99.94 et **[al.]**
38 **seq.) [and section 3 of P.L.2008, c.130 (C.13:1E-99.96a)]** are
39 intended to govern all aspects of the collection and recycling of
40 covered electronic devices as those terms are defined in section 2 of
41 P.L.2007, c.347 (C.13:1E-99.95). Upon a determination by the
42 Department of Environmental Protection of an equivalent national
43 program to collect or recycle covered electronic devices, the
44 Commissioner of Environmental Protection shall notify, in writing,
45 the Governor, the President of the Senate and the Speaker of the
46 General Assembly, and the members of the Senate Environment

1 Committee and the Assembly Environment and Solid Waste
2 Committee, or their successors, of this determination.

3 The provisions of **【this act】** P.L.2007, c.347 (C.13:1E-99.94 et
4 seq.) shall expire 60 days after the date of the notification required
5 pursuant to this section or within the timeframe provided by federal
6 law, as appropriate.

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

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

12

13 ¹**【16.】** 15.¹ Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is
14 amended to read as follows:

15 21. By January 1, 2014, the department shall prepare a report,
16 which shall be posted on the department's Internet website and
17 submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
18 to the Legislature, assessing the success or failure of the electronic
19 waste management system implemented pursuant to the provisions
20 of P.L.2007, c.347 (C.13:1E-99.94 et **【al.】** seq.) **【and section 3 of**
21 **P.L.2008, c.130 (C.13:1E-99.96a)】** relative to the statutory
22 management of covered electronic devices in other states, including
23 jurisdictions that have adopted a producer responsibility model
24 versus those that have adopted an advance recovery fee approach,
25 or both, with respect to the recycling of used televisions and other
26 covered electronic devices.

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

28

29 ¹**【17.】** 16.¹ Section 3 of P.L.2007, c.347 (C.13:1E-99.96) and
30 section 3 of P.L.2008, c.130 (C.13:1E-99.96a) are repealed.

31

32 ¹**【18.】** 17.¹ This act shall take effect immediately.