

# 13:1E-99.96a

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2008                    **CHAPTER:** 130

**NJSA:** 13:1E-99.96a (Revises "Electronic Waste Recycling Act.")

**BILL NO:** A3343 (substituted for S2144)

**SPONSOR(S)** Gusciora and others

**DATE INTRODUCED:** October 23, 2008

**COMMITTEE:**            **ASSEMBLY:** Environment and Solid Waste

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** November 17, 2008

**SENATE:** November 24, 2008

**DATE OF APPROVAL:** January 12, 2009

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (First reprint enacted)

**A3343**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 23 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **[ASSEMBLY:](#)** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**[LEGISLATIVE FISCAL ESTIMATE:](#)** Yes

**S2144**

**[SPONSOR'S STATEMENT:](#)** (Begins on page 22 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**[SENATE:](#)** Yes

**FLOOR AMENDMENT NOTE:** No

**LEGISLATIVE FISCAL NOTE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>.

**REPORTS:** No

**HEARINGS:** Yes

**NEWSPAPER ARTICLES:** No

974.90 P777 2007a

Committee meeting of Senate Environment Committee the committee will take testimony from the public on how to structure an electronic waste management program in New Jersey: [February 8, 2007, Trenton, New Jersey]/meeting recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit. By New Jersey. Legislature. Senate. Environment Committee

LAW/RWH 3/24/09

P.L. 2008, CHAPTER 130, *approved January 12, 2009*  
Assembly, No. 3343 (*First Reprint*)

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

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

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

10 2. As used in sections 1 through 21 of P.L.2007, c.347  
11 (C.13:1E-99.94 et seq.) and section 3 of P.L. , c. (C. )(pending  
12 before the Legislature as this bill):

13 “Authorized recycler” means a person who: (1) engages in the  
14 manual or mechanical separation of covered electronic devices to  
15 recover components and commodities contained therein for the  
16 purpose of re-use or recycling; or (2) changes the physical or  
17 chemical composition of a covered electronic device by  
18 deconstructing, size reduction, crushing, cutting, sawing,  
19 compacting, shredding, or refining for the purpose of segregating  
20 components, and for the purpose of recovering or recycling those  
21 components, and who arranges for the transport of those  
22 components to an end user.

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

25 “Business concern” means any corporation, association, firm,  
26 partnership, sole proprietorship, trust or other form of commercial  
27 organization. “Business concern” shall not include a small business  
28 enterprise.

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

31 “Computer” means an electronic, magnetic, optical,  
32 electrochemical, or other high-speed data processing device  
33 performing logical, arithmetic, or storage function, and may include  
34 both a computer central processing unit and a monitor, but the term  
35 shall not include an automated typewriter or typesetter, a portable  
36 handheld calculator, a portable digital assistant, or other similar  
37 device.

**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:

<sup>1</sup>Assembly AEN committee amendments adopted November 13, 2008.

1 “Consumer” means a person who purchases a covered electronic  
2 device in a transaction that is a retail sale. “Consumer” shall not  
3 include any business concern purchasing covered electronic devices  
4 <sup>1</sup>whose recycling is contractually mandated in language included  
5 within the annual plan submitted to, and approved by, the  
6 department pursuant to section 10 of P.L.2007, c.347 (C.13:1E-  
7 99.103)]<sup>1</sup>.

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

24 “Department” means the Department of Environmental  
25 Protection.

26 <sup>1</sup>“Local government unit” means any county or municipality, or  
27 any agency, instrumentality, authority or corporation of any county  
28 or municipality, including, but not limited to, sewerage, utilities and  
29 improvement authorities, or any other political subdivision of the  
30 State.<sup>1</sup>

31 “Manufacturer” means any person: (1) who manufactures or  
32 manufactured covered electronic devices under a brand that it owns  
33 or owned or is or was licensed to use, other than a license to  
34 manufacture covered electronic devices for delivery exclusively to  
35 or at the order of the licensor; (2) who sells or sold covered  
36 electronic devices manufactured by others under a brand that the  
37 seller owns or owned or is or was licensed to use, other than a  
38 license to manufacture covered electronic devices for delivery  
39 exclusively to or at the order of the licensor; (3) who manufactures  
40 or manufactured covered electronic devices without affixing a  
41 brand; (4) who manufactures or manufactured covered electronic  
42 devices to which the person affixes or affixed a brand that the  
43 person neither owns or owned nor is or was licensed to use; **[or]** (5)  
44 for whose account covered electronic devices manufactured outside  
45 the United States are or were imported into the United States,  
46 provided however, if, at the time such covered electronic devices  
47 are or were imported into the United States, another person has

1 registered as the manufacturer of the brand of the covered electronic  
2 devices pursuant to subsection b. of section 9 of **[this act]**  
3 P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this  
4 definition shall not apply; or (6) a person who assumes the  
5 obligations and responsibilities for any manufacturer pursuant to  
6 paragraphs (1) through (5) of this definition.

7 “Market share” means a television manufacturer’s ‘national’  
8 sales of televisions ‘[within the State]’ expressed as a percentage  
9 of the total of all television manufacturers’ ‘[annual sales within  
10 the State] national sales’ based on ‘[sales data submitted to the  
11 television manufacturer by retailers pursuant to section 11 of  
12 P.L.2007, c.347 (C.13:1E-99.104).] the best available public data’ .

13 “Monitor” means a separate video display component of a  
14 computer, whether sold separately or together with a computer  
15 central processing unit and computer box, and includes a cathode  
16 ray tube, liquid crystal display, gas plasma, digital light processing,  
17 or other image projection technology, greater than four inches  
18 measured diagonally, and its case, interior wires and circuitry, cable  
19 to the central processing unit, and power cord.

20 “Obligation” means: (1) the return share in weight, identified for  
21 an individual manufacturer, as determined by the department  
22 pursuant to subsection a. of section 12 of **[this act]** P.L.2007, c.347  
23 (C.13:1E-99.105); or (2) the market share, identified for an  
24 individual television manufacturer, as determined by the department  
25 pursuant to subsection c. of section 3 of P.L.2007, c.347 (C.13:1E-  
26 99.96).

27 “Orphan device” means a covered electronic device for which no  
28 manufacturer can be identified, or for which the original  
29 manufacturer no longer exists.

30 “Person” means an individual, trust firm, joint stock company,  
31 business concern, and corporation, including, but not limited to, a  
32 government department, partnership, limited liability company, or  
33 association.

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

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

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

41 ‘[“Recognized academic institution” means any of the following  
42 educational or research institutions located in this State: a duly  
43 authorized institution of higher education licensed by the Board of  
44 Higher Education; a public school operated by a local school  
45 district; a private vocational school; or a nonpublic school  
46 satisfying the State's compulsory attendance requirements.]’

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]** P.L.2007, c.347  
19 (C.13:1E-99.105).

20       “Return share in weight” means the total weight of covered  
21 electronic devices for which an individual manufacturer is  
22 responsible to collect, transport, and recycle, as determined by the  
23 department pursuant to subsection a. of section 12 of **[this act]**  
24 P.L.2007, c.347 (C.13:1E-99.105).

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

29       “Small business enterprise” means any business which has its  
30 principal place of business in this State, is independently owned and  
31 operated, and employs the equivalent of fewer than 50 full-time  
32 employees.

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

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

1 gas plasma, digital light processing, or other image projection  
2 technology.

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

4

5 2. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) is amended to  
6 read as follows:

7 3. a. Beginning on January 1, ~~2009~~ 2010, and each January 1  
8 thereafter, each manufacturer of televisions offered for sale for  
9 delivery in this State shall register with the department and pay a  
10 registration fee of \$5,000. Each television manufacturer's  
11 registration and renewal shall include a list of all of the brands  
12 under which its televisions are sold.

13 b. Each registered television manufacturer shall submit an  
14 annual renewal of its registration to the department and pay to the  
15 department a registration renewal fee of \$5,000 by January 1 of  
16 each program year. Each registered television manufacturer's  
17 renewal shall include an annual report.

18 c. In addition to reporting all brands under which its televisions  
19 are sold, regardless of whether the brand is owned or licensed, the  
20 registered television manufacturer's annual report shall include the  
21 ~~total weight~~ <sup>1</sup>~~market share~~ total number<sup>1</sup> of all new televisions  
22 sold in the State in the previous program year. ~~In lieu of providing~~  
23 this information, a registered television manufacturer may request  
24 the department to calculate the total weight of new televisions sold  
25 in the State by using prorated national sales data based on State  
26 population] The department shall determine a registered television  
27 manufacturer's market share <sup>1</sup>by using sales data submitted to the  
28 registered television manufacturer by retailers pursuant to section  
29 11 of P.L.2007, c.347 (C.13:1E-99.104)]<sup>1</sup> .

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

33 e. By June 1, 2010, each registered television manufacturer or  
34 group of registered television manufacturers shall submit a plan to  
35 the department to collect, transport and recycle used televisions  
36 based on the television manufacturer's market share. Every plan  
37 shall be filed with a television manufacturer's annual registration,  
38 and shall include:

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

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

45 (3) Means that will be utilized to publicize the collection  
46 services, including specification of a website or toll-free telephone  
47 number that provides information about the registrant's recycling

1 program in sufficient detail to allow consumers to learn how to  
2 return their used televisions for recycling, including limitations  
3 placed by collection sites on the number of used televisions  
4 permitted for drop-off by consumers; and

5 (4) The intention of the registrant to fulfill its obligation through  
6 its own operations, either individually or with other registered  
7 television manufacturers, or by contract with for-profit or not-for-  
8 profit corporations, or '【units of government】 local government  
9 units'.

10 The department shall hold confidential any information obtained  
11 pursuant to this subsection when shown by a registered television  
12 manufacturer that the information, if made public, would divulge  
13 competitive business information, methods or processes entitled to  
14 protection as trade secrets of the registered television manufacturer.

15 Recovered used televisions shall not be sent to prisons for  
16 recycling either directly or through intermediaries and nothing in  
17 this section shall be construed to allow for the recycling of used  
18 televisions by prisoners. Any person committed to a jail, prison, or  
19 other institution for the detention of persons charged with or  
20 convicted of an offense shall be disqualified from being an  
21 authorized recycler.

22 By January 1, 【2010】 2011, each registered television  
23 manufacturer or group of registered television manufacturers shall  
24 【participate in a statewide】 commence its used television recycling  
25 program to implement and finance the collection, transportation,  
26 and recycling of used televisions. The 【statewide】 used television  
27 recycling program shall accept all types and all brands of used  
28 televisions, including orphan devices.

29 f. 【A registered television manufacturer or group of registered  
30 television manufacturers may conduct its own collection,  
31 transportation, and used television recycling program. The recycling  
32 program shall accept all types and all brands of used televisions.  
33 The registered television manufacturer or group of manufacturers  
34 shall submit a report to the department annually by January 30,  
35 beginning the year after the program is initiated. The report shall  
36 include the total weight of used televisions collected from  
37 consumers in this State by the manufacturer or group of  
38 manufacturers during the previous program year and documentation  
39 verifying collection and recycling of these used televisions.】 Each  
40 registrant's plan or plan jointly submitted by a group of registrants  
41 shall be reviewed to determine its compliance with subsection e. of  
42 this section and approved by the department. The department may  
43 reject the plan, in whole or in part, and may impose additional  
44 requirements as a condition of approval.

45 g. If a registered television manufacturer fails to comply with all  
46 the conditions and terms of an approved plan, the registered



1 television manufacturer shall be prohibited from selling or offering  
2 for sale televisions in this State.

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

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

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

10

11 3. (New section) a. The department shall prepare a plan every  
12 three years that: (1) establishes used television per-capita collection  
13 and recycling goals; and (2) identifies any necessary State actions to  
14 expand collection opportunities to achieve the used television per-  
15 capita collection and recycling goals. The plan shall be posted on  
16 the department's Internet website and submitted, pursuant to section  
17 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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

21 The annual report shall include the following:

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

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

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

33

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

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

39 b. Beginning on January 1, **[2010]** 2011, it shall be unlawful for  
40 any person to sell or offer for sale in this State a new covered  
41 electronic device from a manufacturer that is not in full compliance  
42 with the requirements of this act.

43 c. **[The]** Beginning on January 1, 2011, the department shall  
44 maintain a list of all manufacturers in compliance with the  
45 requirements of this act and shall post the list on the department's  
46 Internet website.

47 d. Sellers of **[products]** covered electronic devices in or into the  
48 State shall consult the list established by the department pursuant to

1 subsection c. of this section prior to selling covered electronic  
2 devices in this State. A seller shall be considered to have complied  
3 with this responsibility if, on the date that the **[product]** covered  
4 electronic device was ordered from the manufacturer or its agent,  
5 the manufacturer was listed as being in compliance on the  
6 aforementioned website.

7 **[The provisions of this section shall not apply to any**  
8 **manufacturer or retailer of televisions offered for sale for delivery**  
9 **in this State.]**

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

11  
12 5. Section 7 of P.L.2007, c.347 (C.13:1E-99.100) is amended to  
13 read as follows:

14 7. Beginning on January 1, **[2009]** 2010, a manufacturer or  
15 retailer may not sell or offer for sale a covered electronic device in  
16 this State unless the covered electronic device is labeled with the  
17 manufacturer's brand, and the label is permanently affixed and  
18 readily visible.

19 **[The provisions of this section shall not apply to any**  
20 **manufacturer or retailer of televisions offered for sale for delivery**  
21 **in this State.]**

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

23  
24 6. Section 8 of P.L.2007, c.347 (C.13:1E-99.101) is amended to  
25 read as follows:

26 8. Beginning on January 1, **[2010]** 2011,**[it shall be unlawful**  
27 **for any]** no person **[to]** shall sell or offer for sale in this State  
28 **[any]** a new covered electronic **[devices, including televisions,**  
29 **unless those products comply with the applicable provisions of**  
30 **Directive 2002/95/EC of the European Union, adopted by the**  
31 **European Parliament and the Council of the European Union on**  
32 **January 27, 2003, as implemented and interpreted through the**  
33 **decisions of the Technical Adaptation Committee established by**  
34 **Directive 2002/95/EC]** device, including a television, if the covered  
35 electronic device is prohibited from being sold or offered for sale in  
36 the European Union on or after its date of manufacture due to the  
37 concentration of one or more heavy metals in the covered electronic  
38 device exceeding its maximum concentration value, as specified in  
39 the Commission of European Communities' Decision of August 18,  
40 2005, amending Directive 2002/95/EC (European Union document  
41 2005/618/EC), or as specified in a subsequent amendment to the  
42 Directive.

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

44  
45 7. Section 9 of P.L.2007, c.347 (C.13:1E-99.102) is amended to  
46 read as follows:

- 1       9. a. (1) By January 30, **[2011]** 2012, and by each January 30  
2 thereafter, the department shall:
- 3       (a) have completed an auditable, statistically significant  
4 sampling of covered electronic devices collected from consumers in  
5 this State **[by the department]** during the previous program year.  
6 The sampling information collected shall consist of a list of brands  
7 of covered electronic devices and the weight of covered electronic  
8 devices that are identified for each brand. The department's  
9 sampling shall be conducted in accordance with a procedure  
10 established by the department and may be conducted by a third-  
11 party organization including **[a]** an authorized recycler, to be  
12 determined by the department. The department may, at its  
13 discretion, be present at the sampling and may audit the  
14 methodology and the results of the third-party organization. The  
15 costs associated with the sampling shall be recovered from the fees  
16 paid by manufacturers to the department; and
- 17       (b) determine the total weight of covered electronic devices,  
18 including orphan devices, collected from consumers in this State  
19 **[by the department]** during the previous program year.
- 20       (2) If a manufacturer or group of manufacturers conducts its  
21 own **[collection, transportation, and recycling program for]**  
22 sampling of covered electronic devices, the manufacturer or group  
23 of manufacturers shall submit a report to the department annually  
24 by **[January 30]** March 1, beginning the year after the program is  
25 initiated. The report shall include:
- 26       (a) the results of an auditable, statistically significant sampling  
27 of covered electronic devices collected from consumers in this State  
28 by the manufacturer or group of manufacturers during the previous  
29 program year. The sampling information reported shall consist of a  
30 list of brands of covered electronic devices and the weight of  
31 covered electronic devices that are identified for each brand; and
- 32       (b) the total weight of covered electronic devices, including  
33 orphan devices, collected from consumers in this State by the  
34 manufacturer or group of manufacturers during the previous  
35 program year and documentation verifying collection and recycling  
36 of such devices.
- 37       b. By February 1, **[2009]** 2010, and each January 1 thereafter,  
38 each manufacturer of covered electronic devices offered for sale for  
39 delivery in this State shall register with the department and pay a  
40 registration fee of \$5,000. Any manufacturer to whom the  
41 department provides notification of a return share and return share  
42 in weight pursuant to subsection a. of section 12 of **[this act]**  
43 P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed  
44 a registration shall file a registration with the department within 30  
45 days of receiving such notification from the department. Each  
46 manufacturer's registration and renewal shall include a list of all of  
47 the manufacturer's brands of covered electronic devices.

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

4 (cf: P.L.2007, c.347, s.9)

5

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

8 10. a. By June 1, ~~2009~~ 2010, each manufacturer to whom the  
9 department provides, by April 2, ~~2009~~ 2010, a return share in  
10 weight that is greater than zero shall:

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

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

18 b. Each manufacturer to whom the department provides, by  
19 February 15, ~~2011~~ 2012 or by February 15 of any year thereafter,  
20 a return share in weight that is greater than zero shall, by March 15  
21 of that year, comply with the requirements of ~~paragraphs (1) or (2)~~  
22 ~~of~~ subsection a. of this section.

23 c. An individual manufacturer submitting a plan ~~in lieu of~~  
24 ~~payment of the fee set forth in~~ pursuant to subsection a. of this  
25 section shall collect, transport, and recycle its return share in  
26 weight.

27 d. A group of manufacturers jointly submitting a plan ~~in lieu~~  
28 ~~of payment of the fee set forth in~~ pursuant to subsection a. of this  
29 section shall collect, transport, and recycle the sum of the  
30 obligations of each participating manufacturer.

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

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

35 (2) The processes and methods that will be used to recycle  
36 recovered covered electronic devices including a description of the  
37 recycling processes that will be used, including the name and  
38 location of all authorized recyclers to be directly utilized by the  
39 plan;

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

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

1        ~~[(4)]~~ (5) The intention of the registrant to fulfill its obligation  
2 through operation of its own plan, either individually or with other  
3 manufacturers.

4        The department shall hold confidential any information obtained  
5 pursuant to this subsection when shown by a manufacturer that the  
6 information, if made public, would divulge competitive business  
7 information, methods or processes entitled to protection as trade  
8 secrets of the manufacturer.

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~~ Each manufacturer's plan or plan  
20 jointly submitted by a group of manufacturers shall be reviewed to  
21 determine its compliance with subsection e. of this section and  
22 approved by the department. ~~Upon approval of the plan by the~~  
23 ~~department, the payment of the annual fee set forth in subsection a.~~  
24 ~~of this section shall be waived.]~~ The department may reject the  
25 plan, in whole or in part, and may impose additional requirements  
26 as a condition of approval.

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

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

35        (2) A penalty in the form of a payment equal to the cost of  
36 collecting, transporting, and recycling 10% of the manufacturer's  
37 total obligation] prohibited from selling or offering for sale in this  
38 State a covered electronic device.

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

43        i. ~~Whenever more than one person is within the definition of~~  
44 ~~manufacturer of a brand of a covered electronic device pursuant to~~  
45 ~~section 2 of this act, any one or more such persons may assume~~  
46 ~~responsibility for and satisfy the obligations of a manufacturer~~  
47 ~~under this act with respect to covered electronic devices bearing~~

1 that brand. In the event that no person assumes responsibility for  
2 and satisfies the obligations of a manufacturer under this act with  
3 respect to covered electronic devices bearing that brand, the  
4 department may consider any one or more persons within such  
5 definition to be the manufacturer of that brand.】 (Deleted by  
6 amendment, P.L. , c. )

7 j. 【The obligations under this act for a manufacturer who  
8 manufactures or manufactured covered electronic devices, or who  
9 sells or sold covered electronic devices manufactured by others,  
10 under a brand that was previously used by a different person in the  
11 manufacture of covered electronic devices shall extend to all  
12 covered electronic devices bearing that brand.】 (Deleted by  
13 amendment, P.L. , c. )

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

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

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

20  
21 9. Section 11 of P.L.2007, c.347 (C.13:1E-99.104) is amended  
22 to read as follows:

23 11. a. A retailer shall provide information provided by the  
24 department that describes where and how to recycle the covered  
25 electronic device and opportunities and locations for the collection  
26 or return of the device, including limitations placed by collection  
27 sites on the number of covered electronic devices permitted for  
28 drop-off by consumers, through the use of a toll-free telephone  
29 number and website, information included in the packaging, or  
30 information provided accompanying the sale of the covered  
31 electronic device. This information shall be provided in clear  
32 written form in English and any other languages deemed to be  
33 primary languages by the State Department of Education.

34 b. Beginning January 1, ~~【2010】~~ 2011, a retailer shall only sell  
35 ~~【products】~~ covered electronic devices from registrants. Retailers  
36 shall consult the list posted on the department's Internet website  
37 pursuant to section 6 of ~~【this act】~~ P.L.2007, c.347 (C.13:1E-99.99)  
38 prior to selling covered electronic devices in this State. A retailer  
39 shall be considered to have complied with this responsibility if on  
40 the date that the ~~【product】~~ covered electronic device was ordered  
41 from the manufacturer or its agent, the manufacturer was listed as  
42 being in compliance on the aforementioned website.

43 <sup>1</sup>【c. Beginning on March 1, 2010, and each March 1 thereafter,  
44 retailers of new televisions shall submit a report to every registered  
45 television manufacturer from whom a new television was ordered  
46 indicating the number of televisions sold within the State from the  
47 registered television manufacturer for the previous year.】<sup>1</sup>

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

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

5

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

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

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

37       (3) By April 2, 【2010】 2011, the department shall provide each  
38 manufacturer for whom a return share is determined pursuant to  
39 paragraph (1) of this subsection with its return share and its return  
40 share in weight for the first program year. Annually thereafter, by  
41 February 15, beginning in 【2012】 2013, the department shall  
42 provide each manufacturer for whom a return share is determined  
43 pursuant to paragraph (1) of this subsection with its return share and  
44 its return share in weight for the second and subsequent program  
45 years.

- 1       b. **[The department shall receive fees from manufacturers as**  
2 **provided in section 10 of this act.]** (Deleted by amendment, P.L. \_\_,   
3 c. )
- 4       c. (1) The department shall **[organize, administer, and]** ensure  
5 that at least one electronics collection opportunity is available in  
6 each county throughout the State and in such a manner as to be  
7 convenient, to the maximum extent practicable and feasible, to all  
8 consumers in the county.
- 9       (2) The department shall ensure that collection sites do not place  
10 unreasonable limits on the number of covered electronic devices  
11 permitted for drop-off by consumers.
- 12       d. (1) Beginning on **[April]** January 1, **[2010]** 2011, the  
13 department shall maintain a list of registrants and the brands  
14 reported in each manufacturer's registration, and post the list on the  
15 department's Internet website that is updated at least once a month.
- 16       (2) The department shall organize and coordinate public  
17 education and outreach.
- 18       e. The department shall prepare a plan every three years that:  
19 (1) establishes per-capita collection and recycling goals; and (2)  
20 identifies any necessary State actions to expand collection  
21 opportunities to achieve the per-capita collection and recycling  
22 goals. The plan shall be posted on the department's Internet  
23 website and submitted, pursuant to section 2 of P.L.1991, c.164  
24 (C.52:14-19.1), to the Legislature.
- 25       f. The department shall prepare an annual report, which shall  
26 be posted on the department's Internet website and submitted,  
27 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
28 Legislature.
- 29       The annual report shall include the following:
- 30       (1) **[A list of all parties that the department has designated as**  
31 **approved to receive payments for collection, transportation, or**  
32 **recycling, the amount of payments it has made to those parties, and**  
33 **the purpose of those payments;**
- 34       **(2)]** The total weight of covered electronic devices collected in  
35 the State the previous calendar year;
- 36       **[(3)]** (2) Progress toward achieving the overall annual total  
37 recovery and recycling goals described in the plan prepared  
38 pursuant to subsection e. of this section;
- 39       **[(4)]** (3) A complete listing of all collection sites operating in  
40 the State in the prior calendar year, the parties that operated them,  
41 and the amount of material by weight collected at each site;
- 42       **[(5)]** (4) An evaluation of the effectiveness of the education and  
43 outreach program; and
- 44       **[(6)]** (5) An evaluation of the existing collection and processing  
45 infrastructure.
- 46       g. The program implemented to effectuate the provisions of  
47 this act and its associated regulations shall be fully audited by an



1 independent, certified public accountant at the end of each calendar  
2 year and the audit report shall be submitted, pursuant to section 2 of  
3 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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

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

8

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

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

15 b. ~~【The department shall not be held financially liable or~~  
16 ~~responsible for any violation of federal, State, or local law by any~~  
17 ~~person to whom the department makes payment pursuant to section~~  
18 ~~14 of this act.】~~ (Deleted by amendment, P.L. , c. ) (pending in  
19 the Legislature as this bill)

20 c. No more frequently than annually and no less frequently than  
21 biennially, the department shall review, at a public hearing, the  
22 covered electronic device recycling ~~【rate】~~ goals and registration  
23 fees. Recommended changes to the covered electronic device  
24 recycling ~~【rate】~~ goals and registration fees shall be included in the  
25 annual ~~【report】~~ reports required pursuant to section 3 of P.L. , c.  
26 (pending in the Legislature as this bill) and subsection f. of section  
27 12 of ~~【this act】~~ P.L.2007, c.347 (C.13:1E-99.105).

28 d. No fees or costs may be charged to consumers for the  
29 collection, transportation, or recycling of covered electronic  
30 devices. Any ~~【manufacturer or】~~<sup>1</sup> authorized recycler may charge  
31 fees to ~~【recognized academic institutions or units of government】~~  
32 schools or local government units<sup>1</sup> for the reasonable costs incurred  
33 by the ~~【manufacturer or】~~<sup>1</sup> authorized recycler for the collection,  
34 transportation, or recycling of covered electronic devices.

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

36

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

39 15. a. Covered electronic devices collected through any  
40 program in this State ~~【,~~ <sup>1</sup>whether by manufacturers, retailers, for-  
41 profit or not-for profit corporations, or units of government, or  
42 organized by the department,】<sup>1</sup> shall be recycled in a manner that is  
43 in compliance with all applicable federal, State, and local laws,  
44 regulations, and ordinances, and shall not be exported for disposal  
45 in a manner that poses a significant risk to the public health or the  
46 environment.

1 The provisions of this subsection shall apply to the collection  
2 and recycling of used televisions.

3 b. The department shall establish performance requirements [in  
4 order] for collectors, transporters, and authorized recyclers [to be  
5 eligible to receive funds from the department]. Every collector,  
6 transporter, and authorized recycler shall, at a minimum,  
7 demonstrate compliance with the United States Environmental  
8 Protection Agency's Plug-In to eCycling Guidelines for Materials  
9 Management as issued and available on the United States  
10 Environmental Protection Agency's Internet website in addition to  
11 any other requirements mandated by federal or State law. The  
12 department shall maintain an Internet website that shall include a  
13 list of collectors, transporters, and authorized recyclers that it has  
14 determined have met these performance requirements.

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

16

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

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

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

23

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

26 17. a. The State, including the Attorney General and the  
27 department, shall be authorized to initiate independent action to  
28 enforce any provision of this act, including failure by a  
29 manufacturer to remit the registration fee required pursuant to  
30 section 3 of P.L.2007, c.347 (C.13:1E-99.96) or section 9 of [this  
31 act] P.L.2007, c.347 (C.13:1E-99.102), [the fee required pursuant  
32 to section 10 of this act,] or any fee required pursuant to subsection  
33 b. of section 18 of [this act] P.L.2007, c.347 (C.13:1E-99.111) to  
34 the department. Any funds awarded by the court shall be used first  
35 to offset enforcement expenses. Money in excess of the  
36 enforcement expenses shall be deposited into a separate account,  
37 and shall be dedicated for use by the department solely for the  
38 purposes of administering and enforcing the provisions of this act  
39 and any rules or regulations adopted pursuant thereto.

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

1 provisions of the "Penalty Enforcement Law of 1999" in connection  
2 with this act.

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

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

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

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

11 (2) **【**the application for compensation for the collection,  
12 transportation, and recycling of covered electronic devices not  
13 collected within the State, or region as provided in section 19 of this  
14 act;

15 (3) **】** the use of a qualified collection program to recycle covered  
16 electronic devices not discarded within the State, or region as  
17 provided in section 19 of **【**this act**】** P.L.2007, c.347 (C.13:1E-  
18 99.112);

19 **【**(4)**】** (3) the knowing failure to report or accurately report any  
20 data required to be reported to the department pursuant to this act;  
21 and

22 **【**(5)**】** (4) the non-payment of any fee required pursuant to this  
23 act.

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

25

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

28 18. a. (1) The department shall adopt, pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.), rules and regulations as are necessary to effectuate the  
31 purposes of **【**this act**】** P.L.2007, c.347 (C.13:1E-99.94 et seq.) and  
32 section 3 of P.L. , c. (C. )(pending before the Legislature  
33 as this bill).

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

45 (a) The department shall exclude from the rules and regulations  
46 the sale of a new covered electronic device that contains a substance  
47 that is used to comply with the consumer, health, or safety

1 requirements that are required by the Underwriters Laboratories or  
2 federal or State law.

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

13 b. The department may, in accordance with a fee schedule  
14 adopted as a rule or regulation pursuant to the provisions of the  
15 "Administrative Procedure Act," establish and charge reasonable  
16 fees for any of the services to be performed in connection with this  
17 act, which shall cover the full costs incurred by the department for  
18 the review of plans and for other costs incurred by the department  
19 for implementation of this act.

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

21

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

24 19. The department is authorized to participate in the  
25 establishment and implementation of a regional, multi-state  
26 organization or compact that is consistent with the requirements of  
27 **[this act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) and section 3 of  
28 P.L. , c. (C. )(pending before the Legislature as this bill).

29 (cf: P.L.2007, c.347, s.19)

30

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

33 20. **[This act is]** The provisions of P.L.2007, c.347 (C.13:1E-  
34 99.94 et seq.) and section 3 of P.L. , c. (C. )(pending  
35 before the Legislature as this bill) are intended to govern all aspects  
36 of the collection and recycling of covered electronic devices as  
37 those terms are defined in [this act] section 2 of P.L.2007, c.347  
38 (C.13:1E-99.95). Upon a determination by the Department of  
39 Environmental Protection of an equivalent national program to  
40 collect or recycle covered electronic devices, the Commissioner of  
41 Environmental Protection shall notify, in writing, the Governor, the  
42 President of the Senate and the Speaker of the General Assembly,  
43 and the members of the Senate Environment Committee and the  
44 Assembly Environment and Solid Waste Committee, or their  
45 successors, of this determination.

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

1 The department shall provide notice in the New Jersey Register  
2 of any determination made pursuant to this section, and shall take  
3 any administrative action necessary in order to implement the  
4 national program.

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

6  
7 18. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended  
8 to read as follows:

9 21. By January 1, ~~2013~~ 2014, the department shall prepare a  
10 report, which shall be posted on the department's Internet website  
11 and submitted, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
12 19.1), to the Legislature, assessing the success or failure of the  
13 electronic waste management system implemented pursuant to the  
14 provisions of ~~["this act"] P.L.2007, c.347 (C.13:1E-99.94 et seq.) and~~  
15 ~~section 3 of P.L. , c. (C. )~~(pending before the Legislature  
16 as this bill) relative to the statutory management of covered  
17 electronic devices in other states, including jurisdictions that have  
18 adopted a producer responsibility model versus those that have  
19 adopted an advance recovery fee approach, or both, with respect to  
20 the recycling of used televisions and other covered electronic  
21 devices.

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

23  
24 19. Section 3 of P.L.1987, c.102 (C.13:1E-99.13) is amended to  
25 read as follows:

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

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

37 (1) Designation of a district recycling coordinator;

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

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

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

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

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

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

8 (5) Designation of countywide recovery targets to achieve the  
9 maximum feasible recovery of recyclable materials from the total  
10 solid waste stream which shall include, at a minimum, the recycling  
11 of at least 60% of the total solid waste stream by December 31,  
12 1995.

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

17 For the purposes of this subsection, "district certified recycling  
18 coordinator" means a person who shall have completed the  
19 requirements of a course of instruction in various aspects of  
20 recycling program management, as determined and administered by  
21 the department; "total municipal solid waste stream" means the sum  
22 of the municipal solid waste stream disposed of as solid waste, as  
23 measured in tons, plus the total number of tons of recyclable  
24 materials recycled; and "total solid waste stream" means the  
25 aggregate amount of solid waste generated within the boundaries of  
26 any county from all sources of generation, including the municipal  
27 solid waste stream.

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

36 d. A district recycling plan may be modified to require that each  
37 municipality within the county revise the ordinance adopted  
38 pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-  
39 99.16) to provide for the source separation and collection of used  
40 dry cell batteries as a designated recyclable material.

41 e. [Within 12 months of the effective date of P.L.2007, c.347  
42 (C.13:1E-99.94 et al.), each district recycling plan shall be modified  
43 to include the designation of collection sites for the delivery of used  
44 televisions, and may be modified to include the designation of  
45 collection sites for the delivery of other covered electronic devices.

46 For the purposes of this subsection, "television" and "covered  
47 electronic device," respectively, mean the same as those terms are

1 defined in section 2 of P.L.2007, c.347 (C.13:1E-99.95).] (Deleted  
2 by amendment, P.L. , c. )(pending in the Legislature as this bill)  
3 (cf: P.L.2007, c.347, s.22)

4

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

7 6. Each municipality in this State shall, within 24 months of  
8 the effective date of P.L.2007, c.311 (C.13:1E-96.2 et al.),  
9 designate one or more persons as the municipal certified recycling  
10 coordinator. For the purposes of this section, "municipal certified  
11 recycling coordinator" means a person who shall have completed  
12 the requirements of a course of instruction in various aspects of  
13 recycling program management, as determined and administered by  
14 the department. Each municipality shall establish and implement a  
15 municipal recycling program in accordance with the following  
16 requirements:

17 a. **[(1)]** Each municipality shall provide for a collection system  
18 for the recycling of the recyclable materials designated in the  
19 district recycling plan as may be necessary to achieve the  
20 designated recovery targets set forth in the plan in those instances  
21 where a recycling collection system is not otherwise provided for  
22 by the generator or by the county, interlocal service agreement or  
23 joint service program, or other private or public recycling program  
24 operator.

25 **[(2)]**Each municipality shall provide for collection sites for the  
26 delivery of used televisions by consumers, and the delivery of other  
27 covered electronic devices if designated in the district recycling  
28 plan.

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

32 b. The governing body of each municipality shall adopt an  
33 ordinance which requires persons generating municipal solid waste  
34 within its municipal boundaries to source separate from the  
35 municipal solid waste stream, in addition to leaves, the specified  
36 recyclable materials for which markets have been secured and,  
37 unless recycling is otherwise provided for by the generator, place  
38 these specified recyclable materials for collection in the manner  
39 provided by the ordinance.

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

47 The revised master plan shall include provisions for the  
48 collection, disposition and recycling of recyclable materials

1 designated in the municipal recycling ordinance adopted pursuant to  
2 subsection b. of this section, and for the collection, disposition and  
3 recycling of designated recyclable materials within any  
4 development proposal for the construction of 50 or more units of  
5 single-family residential housing or 25 or more units of multi-  
6 family residential housing and any commercial or industrial  
7 development proposal for the utilization of 1,000 square feet or  
8 more of land.

9 d. The governing body of a municipality may exempt persons  
10 occupying commercial and institutional premises within its  
11 municipal boundaries from the source separation requirements of  
12 the ordinance adopted pursuant to subsection b. of this section if  
13 those persons have otherwise provided for the recycling of the  
14 recyclable materials designated in the district recycling plan from  
15 solid waste generated at those premises. To be eligible for an  
16 exemption pursuant to this subsection, a commercial or institutional  
17 solid waste generator annually shall provide written documentation  
18 to the municipality of the total number of tons recycled.

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

23 f. The governing body of each municipality shall, at least once  
24 every six months, notify all persons occupying residential,  
25 commercial, and institutional premises within its municipal  
26 boundaries of local recycling opportunities, and the source  
27 separation requirements of the ordinance. In order to fulfill the  
28 notification requirements of this subsection, the governing body of  
29 a municipality may, in its discretion, place an advertisement in a  
30 newspaper circulating in the municipality, post a notice in public  
31 places where public notices are customarily posted, include a notice  
32 with other official notifications periodically mailed to residential  
33 taxpayers, or any combination thereof, as the municipality deems  
34 necessary and appropriate.

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

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

41

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

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



**A3343 [1R]**

23

1 22. The following are repealed:  
2 Sections 4 and 5 of P.L.2007, c.347 (C.13:1E-99.97 and 13:1E-  
3 99.98);  
4 Section 14 of P.L.2007, c.347 (C.13:1E-99.107).

5  
6 23. This act shall take effect immediately.

7  
8  
9 \_\_\_\_\_  
10  
11 Revises "Electronic Waste Recycling Act."

# ASSEMBLY, No. 3343

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED OCTOBER 23, 2008

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**SYNOPSIS**

Revises “Electronic Waste Recycling Act.”

**CURRENT VERSION OF TEXT**

As introduced.



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

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

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

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

10 2. As used in sections 1 through 21 of P.L.2007, c.347  
11 (C.13:1E-99.94 et seq.) and section 3 of P.L. , c. (C. )(pending  
12 before the Legislature as this bill):

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

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

25 "Business concern" means any corporation, association, firm,  
26 partnership, sole proprietorship, trust or other form of commercial  
27 organization. "Business concern" shall not include a small business  
28 enterprise.

29 "Cathode ray tube" means a vacuum tube or picture tube used to  
30 convert an electronic signal into a visual image.

31 "Computer" means an electronic, magnetic, optical,  
32 electrochemical, or other high-speed data processing device  
33 performing logical, arithmetic, or storage function, and may include  
34 both a computer central processing unit and a monitor, but the term  
35 shall not include an automated typewriter or typesetter, a portable  
36 handheld calculator, a portable digital assistant, or other similar  
37 device.

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

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

Matter underlined thus is new matter.

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

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

19 “Manufacturer” means any person: (1) who manufactures or  
20 manufactured covered electronic devices under a brand that it owns  
21 or owned or is or was licensed to use, other than a license to  
22 manufacture covered electronic devices for delivery exclusively to  
23 or at the order of the licensor; (2) who sells or sold covered  
24 electronic devices manufactured by others under a brand that the  
25 seller owns or owned or is or was licensed to use, other than a  
26 license to manufacture covered electronic devices for delivery  
27 exclusively to or at the order of the licensor; (3) who manufactures  
28 or manufactured covered electronic devices without affixing a  
29 brand; (4) who manufactures or manufactured covered electronic  
30 devices to which the person affixes or affixed a brand that the  
31 person neither owns or owned nor is or was licensed to use; [or] (5)  
32 for whose account covered electronic devices manufactured outside  
33 the United States are or were imported into the United States,  
34 provided however, if, at the time such covered electronic devices  
35 are or were imported into the United States, another person has  
36 registered as the manufacturer of the brand of the covered electronic  
37 devices pursuant to subsection b. of section 9 of [this act]  
38 P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this  
39 definition shall not apply; or (6) a person who assumes the  
40 obligations and responsibilities for any manufacturer pursuant to  
41 paragraphs (1) through (5) of this definition.

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

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

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

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

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

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

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

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

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

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

33 “Recycling” means any process by which materials which would  
34 otherwise become solid waste are collected, separated or processed  
35 and returned to the economic mainstream in the form of raw  
36 materials or products. “Recycling” shall not include energy  
37 recovery or energy generation by means of incinerating electronic  
38 waste whether apart or in combination with other wastes.

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

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

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

47 “Return share” means the proportion of covered electronic  
48 devices for which an individual manufacturer is responsible to

1 collect, transport, and recycle, as determined by the department  
2 pursuant to subsection a. of section 12 of **[this act]** P.L.2007, c.347  
3 (C.13:1E-99.105).

4 “Return share in weight” means the total weight of covered  
5 electronic devices for which an individual manufacturer is  
6 responsible to collect, transport, and recycle, as determined by the  
7 department pursuant to subsection a. of section 12 of **[this act]**  
8 P.L.2007, c.347 (C.13:1E-99.105).

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

13 “Small business enterprise” means any business which has its  
14 principal place of business in this State, is independently owned and  
15 operated, and employs the equivalent of fewer than 50 full-time  
16 employees.

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

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

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

35

36 2. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) is amended to  
37 read as follows:

38 3. a. Beginning on January 1, **[2009]** 2010, and each January 1  
39 thereafter, each manufacturer of televisions offered for sale for  
40 delivery in this State shall register with the department and pay a  
41 registration fee of \$5,000. Each television manufacturer’s  
42 registration and renewal shall include a list of all of the brands  
43 under which its televisions are sold.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37

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

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



1 The annual report shall include the following:

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

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

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

13

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

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

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

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

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

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

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

39

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (cf: P.L.2007, c.347, s.9)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32

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

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

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

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

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

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

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

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

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

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

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

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

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

8 The annual report shall include the following:

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

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

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

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

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

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

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

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

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

34

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

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

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

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



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

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

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

14

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

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

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

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

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

40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12       (1) Designation of a district recycling coordinator;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22  
23 22. The following are repealed:

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

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

27  
28 23. This act shall take effect immediately.

29  
30  
31 STATEMENT

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

3 Every plan must include:

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3343**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 13, 2008

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No.3343.

As amended by the committee, Assembly Bill No.3343 revises the "Electronic Waste Recycling Act," P.L.2007, c.347, to fully integrate the management of used televisions with other covered electronic devices. In addition, the bill extends all of the deadlines in the current law by one year.

Specifically, beginning on January 1, 2010, and each January 1 thereafter, each television manufacturer must register with the Department of Environmental Protection (DEP) and pay a registration fee of \$5,000. Each television manufacturer's renewal must include an annual report. The annual report must include the total number of all new televisions sold in the State in the previous program year. A registered television manufacturer's market share would be determined by the DEP using the best available public national sales data.

By June 1, 2010, each registered television manufacturer or group of registered television manufacturers must submit a plan to the DEP to collect, transport and recycle used televisions based on the television manufacturer's market share. Every plan must include:

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

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

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

(4) The intention of the registrant to fulfill its obligation through its own operations, either individually or with other registered

television manufacturers, or by contract with for-profit or not-for-profit corporations, or local government units.

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

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

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

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

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

Every plan must include:

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

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

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

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

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

Each manufacturer's plan or plan jointly submitted by a group of manufacturers must be reviewed and approved by the DEP. The DEP

may reject the plan, in whole or in part, and may impose additional requirements as a condition of approval.

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

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

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

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

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

#### COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) amend the definition of "consumer" to exclude from the definition any reference to the contractually mandated recycling of covered electronic devices, and clarify that a "consumer" would not include any business concern purchasing covered electronic devices;

2) add a definition for "local government unit" as used in the bill to mean any county or municipality, or any agency, instrumentality, authority or corporation of any county or municipality, including, but not limited to, sewerage, utilities and improvement authorities, or any other political subdivision of the State, and delete references in the bill to the undefined term "units of government";

3) revise the calculation of market share from sales within the State to estimates based on national sales data, and eliminate the

requirement that retailers provide registered television manufacturers with in-State sales data; and

4) clarify, in section 11 of the bill, that any authorized recycler may charge fees to schools or local government units for the reasonable costs incurred by the authorized recycler for the collection, transportation, or recycling of covered electronic devices, and make a corresponding change to the definition section to delete the term “recognized academic institution.”

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 3343

### STATE OF NEW JERSEY 213th LEGISLATURE

DATED: NOVEMBER 20, 2008

#### SUMMARY

- Synopsis:** Revises “Electronic Waste Recycling Act.”
- Type of Impact:** The General Fund will receive revenues from fees imposed under the bill and incur program cost expenditures.
- Agencies Affected:** Department of Environmental Protection

#### Office of Legislative Services Estimate

| <b>Fiscal Impact</b> | <b><u>Year 1</u></b>               | <b><u>Year 2</u></b> | <b><u>Year 3</u></b> |
|----------------------|------------------------------------|----------------------|----------------------|
| <b>State Cost</b>    | Indeterminate - See comments below |                      |                      |
| <b>State Revenue</b> | Indeterminate - See comments below |                      |                      |

- The bill revises the “Electronic Waste Recycling Act,” P.L.2007, c.347, to fully integrate the management of used televisions with other covered electronic devices. The bill also extends all of the deadlines in the current law by one year.
- The bill amends the act by revising the calculation of market share from sales within the State to estimates based on national sales data.
- The “Electronic Waste Recycling Act,” enacted in January 2008, directed the Department of Environmental Protection (DEP) to establish a collection and recycling system for end-of-life desktop or personal computers and monitors, portable computers, and televisions. This system has not yet been implemented.
- The Office of Legislative Services cannot, at this time, provide estimates of program costs or revenues from fees imposed under the bill due to the difficulty in obtaining pertinent data within the limited timeframe available for this task.

#### BILL DESCRIPTION

Assembly Bill No. 3343 (1R) of 2008 revises the “Electronic Waste Recycling Act,” P.L.2007, c.347, to fully integrate the management of used televisions with other covered



electronic devices. The bill also extends all of the deadlines in the current law, most of which are indicated below, by one year.

For background purposes, the “Electronic Waste Recycling Act” established a recycling system for the safe and environmentally-sound management of electronic devices and components, primarily desktop or personal computers, computer monitors, portable computers, and televisions. Beginning on January 1, 2009, the act made it unlawful for any person to sell in the State a new electronic device (i.e., a computer or TV) that was not in full compliance with the requirements of the act. In addition, on the aforementioned date, a ban on the disposal of those used electronic devices, or any of their components or subassemblies, in the solid waste stream would be imposed.

The act further required the DEP, by January 30, 2010 and annually thereafter, to complete an auditable, statistically significant sampling of covered electronic devices collected from consumers in the State during the previous program year. By January 1, 2008 and each January 1 thereafter, every manufacturer of covered electronic devices offered for sale in the State would be required to register with the DEP and pay a registration fee of \$5,000.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services cannot, at this time, estimate the impact of the bill’s revisions on the act relative to program costs or fee revenues due to the difficulty in obtaining pertinent data (reflecting the bill’s amendments to the act) within the limited timeframe available for this task.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Richard M. Handelman  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

**SENATE, No. 2144**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 6, 2008

**Sponsored by:**  
**Senator BOB SMITH**  
**District 17 (Middlesex and Somerset)**

**SYNOPSIS**

Revises “Electronic Waste Recycling Act.”

**CURRENT VERSION OF TEXT**

As introduced.



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

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

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

10 2. As used in sections 1 through 21 of P.L.2007, c.347  
11 (C.13:1E-99.94 et seq.) and section 3 of P.L. , c. (C. )(pending  
12 before the Legislature as this bill):

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

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

25 "Business concern" means any corporation, association, firm,  
26 partnership, sole proprietorship, trust or other form of commercial  
27 organization. "Business concern" shall not include a small business  
28 enterprise.

29 "Cathode ray tube" means a vacuum tube or picture tube used to  
30 convert an electronic signal into a visual image.

31 "Computer" means an electronic, magnetic, optical,  
32 electrochemical, or other high-speed data processing device  
33 performing logical, arithmetic, or storage function, and may include  
34 both a computer central processing unit and a monitor, but the term  
35 shall not include an automated typewriter or typesetter, a portable  
36 handheld calculator, a portable digital assistant, or other similar  
37 device.

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

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

Matter underlined thus is new matter.

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

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

19 “Manufacturer” means any person: (1) who manufactures or  
20 manufactured covered electronic devices under a brand that it owns  
21 or owned or is or was licensed to use, other than a license to  
22 manufacture covered electronic devices for delivery exclusively to  
23 or at the order of the licensor; (2) who sells or sold covered  
24 electronic devices manufactured by others under a brand that the  
25 seller owns or owned or is or was licensed to use, other than a  
26 license to manufacture covered electronic devices for delivery  
27 exclusively to or at the order of the licensor; (3) who manufactures  
28 or manufactured covered electronic devices without affixing a  
29 brand; (4) who manufactures or manufactured covered electronic  
30 devices to which the person affixes or affixed a brand that the  
31 person neither owns or owned nor is or was licensed to use; [or] (5)  
32 for whose account covered electronic devices manufactured outside  
33 the United States are or were imported into the United States,  
34 provided however, if, at the time such covered electronic devices  
35 are or were imported into the United States, another person has  
36 registered as the manufacturer of the brand of the covered electronic  
37 devices pursuant to subsection b. of section 9 of [this act]  
38 P.L.2007, c.347 (C.13:1E-99.102), then paragraph (5) of this  
39 definition shall not apply; or (6) a person who assumes the  
40 obligations and responsibilities for any manufacturer pursuant to  
41 paragraphs (1) through (5) of this definition.

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

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

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

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

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

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

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

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

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

27 “Recycling” means any process by which materials which would  
28 otherwise become solid waste are collected, separated or processed  
29 and returned to the economic mainstream in the form of raw  
30 materials or products. “Recycling” shall not include energy  
31 recovery or energy generation by means of incinerating electronic  
32 waste whether apart or in combination with other wastes.

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

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

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

41 “Return share” means the proportion of covered electronic  
42 devices for which an individual manufacturer is responsible to  
43 collect, transport, and recycle, as determined by the department  
44 pursuant to subsection a. of section 12 of [this act] P.L.2007, c.347  
45 (C.13:1E-99.105).

46 “Return share in weight” means the total weight of covered  
47 electronic devices for which an individual manufacturer is  
48 responsible to collect, transport, and recycle, as determined by the

1 department pursuant to subsection a. of section 12 of **[this act]**  
2 P.L.2007, c.347 (C.13:1E-99.105).

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

7 “Small business enterprise” means any business which has its  
8 principal place of business in this State, is independently owned and  
9 operated, and employs the equivalent of fewer than 50 full-time  
10 employees.

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

17 “Video display” means an output surface having a viewable area  
18 greater than four inches when measured diagonally that displays  
19 moving graphical images or a visual representation of image  
20 sequences or pictures, showing a number of quickly changing  
21 images on a screen in fast succession to create the illusion of  
22 motion, including, if applicable, a device that is an integral part of  
23 the display and cannot be easily removed from the display by the  
24 consumer that produces the moving image on the screen. A “video  
25 display” typically uses a cathode ray tube, liquid crystal display,  
26 gas plasma, digital light processing, or other image projection  
27 technology.

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

29

30 2. Section 3 of P.L.2007, c.347 (C.13:1E-99.96) is amended to  
31 read as follows:

32 3. a. Beginning on January 1, **[2009]** 2010, and each January 1  
33 thereafter, each manufacturer of televisions offered for sale for  
34 delivery in this State shall register with the department and pay a  
35 registration fee of \$5,000. Each television manufacturer’s  
36 registration and renewal shall include a list of all of the brands  
37 under which its televisions are sold.

38 b. Each registered television manufacturer shall submit an  
39 annual renewal of its registration to the department and pay to the  
40 department a registration renewal fee of \$5,000 by January 1 of  
41 each program year. Each registered television manufacturer’s  
42 renewal shall include an annual report.

43 c. In addition to reporting all brands under which its televisions  
44 are sold, regardless of whether the brand is owned or licensed, the  
45 registered television manufacturer’s annual report shall include the  
46 **[total weight]** market share of all new televisions sold in the State  
47 in the previous program year. **[In lieu of providing this information,**  
48 a registered television manufacturer may request the department to

1 calculate the total weight of new televisions sold in the State by  
2 using prorated national sales data based on State population] The  
3 department shall determine a registered television manufacturer's  
4 market share by using sales data submitted to the registered  
5 television manufacturer by retailers pursuant to section 11 of  
6 P.L.2007, c.347 (C.13:1E-99.104).

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

10 e. By June 1, 2010, each registered television manufacturer or  
11 group of registered television manufacturers shall submit a plan to  
12 the department to collect, transport and recycle used televisions  
13 based on the television manufacturer's market share. Every plan  
14 shall be filed with a television manufacturer's annual registration,  
15 and shall include:

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

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

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

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

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

38 Recovered used televisions shall not be sent to prisons for  
39 recycling either directly or through intermediaries and nothing in  
40 this section shall be construed to allow for the recycling of used  
41 televisions by prisoners. Any person committed to a jail, prison, or  
42 other institution for the detention of persons charged with or  
43 convicted of an offense shall be disqualified from being an  
44 authorized recycler.

45 By January 1, [2010] 2011, each registered television  
46 manufacturer or group of registered television manufacturers shall  
47 [participate in a statewide] commence its used television recycling  
48 program to implement and finance the collection, transportation,

1 and recycling of used televisions. The **[statewide]** used television  
2 recycling program shall accept all types and all brands of used  
3 televisions, including orphan devices.

4 f. **[A registered television manufacturer or group of registered**  
5 **television manufacturers may conduct its own collection,**  
6 **transportation, and used television recycling program. The recycling**  
7 **program shall accept all types and all brands of used televisions.**  
8 **The registered television manufacturer or group of manufacturers**  
9 **shall submit a report to the department annually by January 30,**  
10 **beginning the year after the program is initiated. The report shall**  
11 **include the total weight of used televisions collected from**  
12 **consumers in this State by the manufacturer or group of**  
13 **manufacturers during the previous program year and documentation**  
14 **verifying collection and recycling of these used televisions.]** Each  
15 registrant's plan or plan jointly submitted by a group of registrants  
16 shall be reviewed to determine its compliance with subsection e. of  
17 this 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 registered television manufacturer fails to comply with all  
21 the conditions and terms of an approved plan, the registered  
22 television manufacturer shall be prohibited from selling or offering  
23 for sale televisions in this State.

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

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

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

31

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

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

42 The annual report shall include the following:

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

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



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

7  
8 4. Section 6 of P.L.2007, c.347 (C.13:1E-99.99) is amended to  
9 read as follows:

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

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

17 c. ~~【The】~~ Beginning on January 1, 2011, the department shall  
18 maintain a list of all manufacturers in compliance with the  
19 requirements of this act and shall post the list on the department's  
20 Internet website.

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

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

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

33  
34 5. Section 7 of P.L.2007, c.347 (C.13:1E-99.100) is amended to  
35 read as follows:

36 7. Beginning on January 1, ~~【2009】~~ 2010, a manufacturer or  
37 retailer may not sell or offer for sale a covered electronic device in  
38 this State unless the covered electronic device is labeled with the  
39 manufacturer's brand, and the label is permanently affixed and  
40 readily visible.

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

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

45  
46 6. Section 8 of P.L.2007, c.347 (C.13:1E-99.101) is amended to  
47 read as follows:

1       8. Beginning on January 1, **[2010]** 2011, it shall be unlawful for  
2 any person to sell or offer for sale in this State any new covered  
3 electronic devices, including televisions, unless those **[products]**  
4 covered electronic devices comply with the applicable provisions of  
5 Directive 2002/95/EC of the European Union, adopted by the  
6 European Parliament and the Council of the European Union on  
7 January 27, 2003, as implemented and interpreted through the  
8 decisions of the Technical Adaptation Committee established by  
9 Directive 2002/95/EC.

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

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

14       9. a. (1) By January 30, **[2011]** 2012, and by each January 30  
15 thereafter, the department shall:

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

30       (b) determine the total weight of covered electronic devices,  
31 including orphan devices, collected from consumers in this State  
32 **[by the department]** during the previous program year.

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

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

45       (b) the total weight of covered electronic devices, including  
46 orphan devices, collected from consumers in this State by the  
47 manufacturer or group of manufacturers during the previous

1 program year and documentation verifying collection and recycling  
2 of such devices.

3 b. By February 1, ~~2009~~ 2010, and each January 1 thereafter,  
4 each manufacturer of covered electronic devices offered for sale for  
5 delivery in this State shall register with the department and pay a  
6 registration fee of \$5,000. Any manufacturer to whom the  
7 department provides notification of a return share and return share  
8 in weight pursuant to subsection a. of section 12 of ~~this act~~  
9 P.L.2007, c.347 (C.13:1E-99.105) and who has not previously filed  
10 a registration shall file a registration with the department within 30  
11 days of receiving such notification from the department. Each  
12 manufacturer's registration and renewal shall include a list of all of  
13 the manufacturer's brands of covered electronic devices.

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

17 (cf: P.L.2007, c.347, s.9)

18

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

21 10. a. By June 1, ~~2009~~ 2010, each manufacturer to whom the  
22 department provides, by April 2, ~~2009~~ 2010, a return share in  
23 weight that is greater than zero shall:

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

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

31 b. Each manufacturer to whom the department provides, by  
32 February 15, ~~2011~~ 2012 or by February 15 of any year thereafter,  
33 a return share in weight that is greater than zero shall, by March 15  
34 of that year, comply with the requirements of ~~paragraphs (1) or (2)~~  
35 ~~of~~ subsection a. of this section.

36 c. An individual manufacturer submitting a plan ~~in lieu of~~  
37 ~~payment of the fee set forth in~~ pursuant to subsection a. of this  
38 section shall collect, transport, and recycle its return share in  
39 weight.

40 d. A group of manufacturers jointly submitting a plan ~~in lieu~~  
41 ~~of payment of the fee set forth in~~ pursuant to subsection a. of this  
42 section shall collect, transport, and recycle the sum of the  
43 obligations of each participating manufacturer.

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

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

1 (2) The processes and methods that will be used to recycle  
2 recovered covered electronic devices including a description of the  
3 recycling processes that will be used, including the name and  
4 location of all authorized recyclers to be directly utilized by the  
5 plan;

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

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

14 ~~[(4)]~~ (5) The intention of the registrant to fulfill its obligation  
15 through operation of its own plan, either individually or with other  
16 manufacturers.

17 The department shall hold confidential any information obtained  
18 pursuant to this subsection when shown by a manufacturer that the  
19 information, if made public, would divulge competitive business  
20 information, methods or processes entitled to protection as trade  
21 secrets of the manufacturer.

22 Recovered covered electronic devices shall not be sent to prisons  
23 for recycling either directly or through intermediaries and nothing  
24 in this section shall be construed to allow for the recycling of  
25 covered electronic devices by prisoners. Any person committed to a  
26 jail, prison, or other institution for the detention of persons charged  
27 with or convicted of an offense shall be disqualified from engaging  
28 in the manual or mechanical separation of covered electronic  
29 devices to recover components and commodities contained therein  
30 for the purpose of re-use or recycling.

31 f. ~~Before the fee set forth in subsection a. of this section may~~  
32 ~~be waived by the department, the~~ Each manufacturer's plan or plan  
33 jointly submitted by a group of manufacturers shall be reviewed to  
34 determine its compliance with subsection e. of this section and  
35 approved by the department. ~~Upon approval of the plan by the~~  
36 ~~department, the payment of the annual fee set forth in subsection a.~~  
37 ~~of this section shall be waived.]~~ The department may reject the  
38 plan, in whole or in part, and may impose additional requirements  
39 as a condition of approval.

40 g. If a manufacturer fails to comply with all the conditions and  
41 terms of an approved plan, the manufacturer shall be ~~required to~~  
42 submit the following:

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

1 (2) A penalty in the form of a payment equal to the cost of  
2 collecting, transporting, and recycling 10% of the manufacturer's  
3 total obligation] prohibited from selling or offering for sale in this  
4 State a covered electronic device.

5 h. Manufacturers that collect, transport, and recycle covered  
6 electronic devices in excess of their obligation may sell credits to  
7 another registrant or apply that excess to the following year's  
8 recycling obligation.

9 i. **【Whenever more than one person is within the definition of**  
10 **manufacturer of a brand of a covered electronic device pursuant to**  
11 **section 2 of this act, any one or more such persons may assume**  
12 **responsibility for and satisfy the obligations of a manufacturer**  
13 **under this act with respect to covered electronic devices bearing**  
14 **that brand. In the event that no person assumes responsibility for**  
15 **and satisfies the obligations of a manufacturer under this act with**  
16 **respect to covered electronic devices bearing that brand, the**  
17 **department may consider any one or more persons within such**  
18 **definition to be the manufacturer of that brand.】** (Deleted by  
19 amendment, P.L. , c. )

20 j. **【The obligations under this act for a manufacturer who**  
21 **manufactures or manufactured covered electronic devices, or who**  
22 **sells or sold covered electronic devices manufactured by others,**  
23 **under a brand that was previously used by a different person in the**  
24 **manufacture of covered electronic devices shall extend to all**  
25 **covered electronic devices bearing that brand.】** (Deleted by  
26 amendment, P.L. , c. )

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

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

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

33  
34 9. Section 11 of P.L.2007, c.347 (C.13:1E-99.104) is amended  
35 to read as follows:

36 11. a. A retailer shall provide information provided by the  
37 department that describes where and how to recycle the covered  
38 electronic device and opportunities and locations for the collection  
39 or return of the device, including limitations placed by collection  
40 sites on the number of covered electronic devices permitted for  
41 drop-off by consumers, through the use of a toll-free telephone  
42 number and website, information included in the packaging, or  
43 information provided accompanying the sale of the covered  
44 electronic device. This information shall be provided in clear  
45 written form in English and any other languages deemed to be  
46 primary languages by the State Department of Education.

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

10       c. Beginning on March 1, 2010, and each March 1 thereafter,  
11 retailers of new televisions shall submit a report to every registered  
12 television manufacturer from whom a new television was ordered  
13 indicating the number of televisions sold within the State from the  
14 registered television manufacturer for the previous year.

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

19

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

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

36       (2) The department shall determine the return share in weight  
37 for each program year for each manufacturer for whom a return  
38 share is determined pursuant to paragraph (1) of this subsection by  
39 multiplying the return share for each such manufacturer by the total  
40 weight in pounds of covered electronic devices, including orphan  
41 devices, collected from consumers the previous program year. For  
42 the first program year, the total weight in pounds of covered  
43 electronic devices shall be based on the best available public weight  
44 data from the United States, including data from other states, for  
45 covered electronic devices from consumers. For the second and  
46 each subsequent program year, the total weight in pounds of  
47 covered electronic devices shall be based on the total weight of

1 covered electronic devices, including orphan devices, determined  
2 by the department pursuant to subsection a. of section 9 of **[this**  
3 **act]** P.L.2007, c.347 (C.13:1E-99.102).

4 (3) By April 2, **[2010]** 2011, the department shall provide each  
5 manufacturer for whom a return share is determined pursuant to  
6 paragraph (1) of this subsection with its return share and its return  
7 share in weight for the first program year. Annually thereafter, by  
8 February 15, beginning in **[2012]** 2013, the department shall  
9 provide each manufacturer for whom a return share is determined  
10 pursuant to paragraph (1) of this subsection with its return share and  
11 its return share in weight for the second and subsequent program  
12 years.

13 b. **[The department shall receive fees from manufacturers as**  
14 **provided in section 10 of this act.]** (Deleted by amendment, P.L. \_\_,   
15 c. \_\_)

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

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

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

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

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

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

41 The annual report shall include the following:

42 (1) **[A list of all parties that the department has designated as**  
43 **approved to receive payments for collection, transportation, or**  
44 **recycling, the amount of payments it has made to those parties, and**  
45 **the purpose of those payments;**

46 (2) **[The total weight of covered electronic devices collected in**  
47 **the State the previous calendar year;**

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

4       **[(4)]** (3) A complete listing of all collection sites operating in  
5 the State in the prior calendar year, the parties that operated them,  
6 and the amount of material by weight collected at each site;

7       **[(5)]** (4) An evaluation of the effectiveness of the education and  
8 outreach program; and

9       **[(6)]** (5) An evaluation of the existing collection and processing  
10 infrastructure.

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

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

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

20

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

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

27       b. **[The department shall not be held financially liable or**  
28 **responsible for any violation of federal, State, or local law by any**  
29 **person to whom the department makes payment pursuant to section**  
30 **14 of this act.]** (Deleted by amendment, P.L. \_\_, c. \_\_)

31       c. No more frequently than annually and no less frequently than  
32 biennially, the department shall review, at a public hearing, the  
33 covered electronic device recycling **[rate]** goals and registration  
34 fees. Recommended changes to the covered electronic device  
35 recycling **[rate]** goals and registration fees shall be included in the  
36 annual **[report]** reports required pursuant to section 3 of P.L. \_\_, c.  
37 (pending in the Legislature as this bill) and subsection f. of section  
38 12 of **[this act]** P.L.2007, c.347 (C.13:1E-99.105).

39       d. No fees or costs may be charged to consumers for the  
40 collection, transportation, or recycling of covered electronic  
41 devices.

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

43

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

46       15. a. Covered electronic devices collected through any  
47 program in this State, whether by manufacturers, retailers, for-profit



1 or not-for profit corporations, or units of government, or organized  
2 by the department, shall be recycled in a manner that is in  
3 compliance with all applicable federal, State, and local laws,  
4 regulations, and ordinances, and shall not be exported for disposal  
5 in a manner that poses a significant risk to the public health or the  
6 environment.

7 The provisions of this subsection shall apply to the collection  
8 and recycling of used televisions.

9 b. The department shall establish performance requirements [in  
10 order] for collectors, transporters, and authorized recyclers [to be  
11 eligible to receive funds from the department]. Every collector,  
12 transporter, and authorized recycler shall, at a minimum,  
13 demonstrate compliance with the United States Environmental  
14 Protection Agency's Plug-In to eCycling Guidelines for Materials  
15 Management as issued and available on the United States  
16 Environmental Protection Agency's Internet website in addition to  
17 any other requirements mandated by federal or State law. The  
18 department shall maintain an Internet website that shall include a  
19 list of collectors, transporters, and authorized recyclers that it has  
20 determined have met these performance requirements.

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

22

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

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

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

29

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

32 17. a. The State, including the Attorney General and the  
33 department, shall be authorized to initiate independent action to  
34 enforce any provision of this act, including failure by a  
35 manufacturer to remit the registration fee required pursuant to  
36 section 3 of P.L.2007, c.347 (C.13:1E-99.96) or section 9 of [this  
37 act] P.L.2007, c.347 (C.13:1E-99.102), [the fee required pursuant  
38 to section 10 of this act,] or any fee required pursuant to subsection  
39 b. of section 18 of [this act] P.L.2007, c.347 (C.13:1E-99.111) to  
40 the department. Any funds awarded by the court shall be used first  
41 to offset enforcement expenses. Money in excess of the  
42 enforcement expenses shall be deposited into a separate account,  
43 and shall be dedicated for use by the department solely for the  
44 purposes of administering and enforcing the provisions of this act  
45 and any rules or regulations adopted pursuant thereto.

46 b. Any person who violates the provisions of this act shall be  
47 subject to a penalty of not less than \$500 nor more than \$1,000 for

1 each offense, to be collected in a civil action by a summary  
2 proceeding under the "Penalty Enforcement Law of 1999,"  
3 P.L.1999, c.274 (C.2A:58-10 et seq.), or in any case before a court  
4 of competent jurisdiction wherein injunctive relief has been  
5 requested. The Superior Court shall have jurisdiction to enforce the  
6 provisions of the "Penalty Enforcement Law of 1999" in connection  
7 with this act.

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

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

13 c. 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~~ P.L.2007, c.347 (C.13:1E-  
23 99.112);

24 ~~(4)~~ (3) the knowing failure to report or accurately report any  
25 data required to be reported to the department pursuant to this act;  
26 and

27 ~~(5)~~ (4) the non-payment of any fee required pursuant to this  
28 act.

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

30  
31 15. Section 18 of P.L.2007, c.347 (C.13:1E-99.111) is amended  
32 to read as follows:

33 18. a. The department shall adopt, pursuant to the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.), rules and regulations as are necessary to effectuate the  
36 purposes of ~~this act~~ P.L.2007, c.347 (C.13:1E-99.94 et seq.) and  
37 section 3 of P.L. , c. (C. )(pending before the Legislature  
38 as this bill).

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

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

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

3       19. The department is authorized to participate in the  
4 establishment and implementation of a regional, multi-state  
5 organization or compact that is consistent with the requirements of  
6 **[this act]** P.L.2007, c.347 (C.13:1E-99.94 et seq.) and section 3 of  
7 P.L. , c. (C. )(pending before the Legislature as this bill).  
8 (cf: P.L.2007, c.347, s.19)

9  
10       17. Section 20 of P.L.2007, c.347 (C.13:1E-99.113) is amended  
11 to read as follows:

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

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

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

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

33  
34       18. Section 21 of P.L.2007, c.347 (C.13:1E-99.114) is amended  
35 to read as follows:

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

1 the recycling of used televisions and other covered electronic  
2 devices.

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

4

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

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

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

17 (1) Designation of a district recycling coordinator;

18 (2) Designation of the recyclable materials to be source  
19 separated in each municipality which shall include, in addition to  
20 leaves, at least three other recyclable materials separated from the  
21 municipal solid waste stream;

22 (3) Designation of the strategy for the collection, marketing and  
23 disposition of designated source separated recyclable materials in  
24 each municipality;

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

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

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

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

36 (5) Designation of countywide recovery targets to achieve the  
37 maximum feasible recovery of recyclable materials from the total  
38 solid waste stream which shall include, at a minimum, the recycling  
39 of at least 60% of the total solid waste stream by December 31,  
40 1995.

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

45 For the purposes of this subsection, "district certified recycling  
46 coordinator" means a person who shall have completed the  
47 requirements of a course of instruction in various aspects of  
48 recycling program management, as determined and administered by

1 the department; "total municipal solid waste stream" means the sum  
2 of the municipal solid waste stream disposed of as solid waste, as  
3 measured in tons, plus the total number of tons of recyclable  
4 materials recycled; and "total solid waste stream" means the  
5 aggregate amount of solid waste generated within the boundaries of  
6 any county from all sources of generation, including the municipal  
7 solid waste stream.

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

16 d. A district recycling plan may be modified to require that each  
17 municipality within the county revise the ordinance adopted  
18 pursuant to subsection b. of section 6 of P.L.1987, c.102 (C.13:1E-  
19 99.16) to provide for the source separation and collection of used  
20 dry cell batteries as a designated recyclable material.

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

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

31

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

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

44 a. **【(1)】** Each municipality shall provide for a collection system  
45 for the recycling of the recyclable materials designated in the  
46 district recycling plan as may be necessary to achieve the  
47 designated recovery targets set forth in the plan in those instances  
48 where a recycling collection system is not otherwise provided for

1 by the generator or by the county, interlocal service agreement or  
2 joint service program, or other private or public recycling program  
3 operator.

4 [(2)Each municipality shall provide for collection sites for the  
5 delivery of used televisions by consumers, and the delivery of other  
6 covered electronic devices if designated in the district recycling  
7 plan.

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

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

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

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

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

46 e. The governing body of each municipality shall, on or before  
47 July 1 of each year, submit a recycling tonnage report to the New

1 Jersey Office of Recycling in accordance with rules and regulations  
2 adopted by the department therefor.

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

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

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

21

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

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

28

29 22. The following are repealed:

30 Sections 4 and 5 of P.L.2007, c.347 (C.13:1E-99.97 and 13:1E-  
31 99.98);

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

33

34 23. This act shall take effect immediately.

35

36

37

#### STATEMENT

38

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

43 Specifically, beginning on January 1, 2010, and each January 1  
44 thereafter, each television manufacturer shall register with the  
45 Department of Environmental Protection (DEP) and pay a  
46 registration fee of \$5,000. Each television manufacturer's renewal  
47 must include an annual report. The annual report must include the  
48 market share of all televisions sold in the State in the previous

1 program year. A registered television manufacturer's market share  
2 would be determined by using sales data submitted to the  
3 manufacturer by retailers on an annual basis.

4 By June 1, 2010, each registered television manufacturer or  
5 group of registered television manufacturers must submit a plan to  
6 the DEP to collect, transport and recycle used televisions based on  
7 the television manufacturer's market share. Every plan must  
8 include:

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

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

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

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

24 By January 1, 2011, each registered television manufacturer or  
25 group of manufacturers must commence its used television  
26 recycling program to implement and finance the collection,  
27 transportation, and recycling of used televisions. The program must  
28 accept all types and all brands of used televisions, including orphan  
29 devices.

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

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

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

42 In order to determine a registered television manufacturer's  
43 market share, beginning on March 1, 2010, and each March 1  
44 thereafter, retailers of new televisions must submit a report to every  
45 manufacturer from whom a new television was ordered indicating  
46 the number of televisions sold within the State from the registered  
47 television manufacturer for the previous year.



1 By February 1, 2010, and each January 1 thereafter, each  
2 manufacturer of covered electronic devices offered for sale for  
3 delivery in this State must register with the DEP and pay a  
4 registration fee of \$5,000. By June 1, 2010, each manufacturer  
5 must submit a plan to the DEP to collect, transport and recycle  
6 covered electronic devices based on its return share in weight. A  
7 group of manufacturers jointly submitting a plan must collect,  
8 transport, and recycle the sum of the obligations of each  
9 participating manufacturer.

10 Every plan must include:

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

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

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

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

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

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

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

37 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.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 2144**

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 20, 2008

The Senate Environment Committee reports favorably Senate Bill No. 2144 with committee amendments.

As amended, Senate Bill No. 2144 revises the “Electronic Waste Recycling Act,” P.L.2007, c.347 to fully integrate the management of used televisions with other covered electronic devices. In addition, the bill extends all of the deadlines in the current law by one year.

Specifically, beginning on January 1, 2010, and each January 1 thereafter, each television manufacturer shall register with the Department of Environmental Protection (DEP) and pay a registration fee of \$5,000. Each television manufacturer’s renewal must include an annual report. The annual report must include the total number of all new televisions sold in the State in the previous program year. A registered television manufacturer’s market share would be determined by the DEP using the best available public national sales data.

By June 1, 2010, each registered television manufacturer or group of registered television manufacturers must submit a plan to the DEP to collect, transport and recycle used televisions based on the television manufacturer's market share. Every plan must include:

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

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

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

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

By January 1, 2011, each registered television manufacturer or group of manufacturers must commence its used television recycling

program to implement and finance the collection, transportation, and recycling of used televisions. The program must accept all types and all brands of used televisions, including orphan devices.

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

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

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

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

Every plan must include:

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

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

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

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

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

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

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

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

The committee amendments:

Exclude from the definition of "consumer" any reference to the contractually mandated recycling of covered electronic devices, and clarify that a "consumer" would not include any business concern purchasing covered electronic devices.

Revise the calculation of market share from sales within the State to estimates based on national sales data, and eliminate the requirement that retailers provide registered television manufacturers with in-State sales data.

Define "local government units" as any county or municipality, or any agency, instrumentality, authority or corporation of any county or municipality, including, but not limited to, sewerage, utilities and improvement authorities, or any other political subdivision of the State, and delete references in the bill to (undefined) "units of government."

Clarify that any authorized recycler may charge fees to schools or local government units for the reasonable costs incurred by the authorized recycler for the collection, transportation, or recycling of covered electronic devices.

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

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

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