

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 981

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2016

The Senate Environment and Energy Committee favorably reports Senate Bill No. 981.

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

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

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

The bill would also allow the DEP to establish a Statewide standard program to collect, transport, and recycle covered electronic devices. If a Statewide standard program is established, the bill would require any manufacturer with a market share of 10 percent or less to fulfill its obligation by participating in the Statewide standard program. A manufacturer, or group of manufacturers, to whom the DEP provides a market share of greater than 10 percent may participate in the Statewide standard program, if one is established, or may submit its own plan for approval.

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

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

The bill would require the operators of collection locations to report semiannually. The reports would include the total weight or volume of covered electronic devices collected, the date, time, and volume of covered electronic devices transported from the collection location, and the name and identifying information of the authorized recycler transporting the covered electronic devices. Every authorized recycler would be required to identify the address of each collection location that provides covered electronic devices to the authorized recycler, and the total weight of covered electronic devices delivered or collected from each collection location, the weight of each type of covered electronic device collected from each collection location, the address of any facility where covered electronic devices are handled, and the disposition of all components of covered electronic devices. Each manufacturer is required to report semiannually its progress towards achieving its market share in weight obligation.

The bill would allow the DEP to assess a per pound fee of \$0.50 multiplied by a manufacturer's market share in weight obligation for a manufacturer that fails to collect, transport, and recycle covered electronic devices under the law. The bill would also establish the "Electronic Waste Management Fund." All program revenues and penalties would be deposited in the fund for administration and enforcement and other costs of the program.