



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Solid and Hazardous Waste
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BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

Via e-mail

February 2, 2017

Re: Electronic Waste Management Act N.J.S.A. 13:1E-99.94 et. seq. (Act or e-waste law)
Clarification of charges and requirements that may be imposed on e-waste
collection facilities

Dear Covered Electronic Device Manufacturer, Authorized Recycler, County Official:

It has once again come to the attention of the New Jersey Department of Environmental Protection (DEP or Department) that some Authorized Recyclers working on behalf of one or more manufacturers have been assessing fees and/or imposing requirements, or intending to assess fees or impose requirements, in connection with collecting covered electronic devices (CEDs) pursuant to a manufacturer's e-waste collection plan. Such fees and requirements include but are not limited to handling fees requiring the purchase of packaging materials and/or requiring the collection sites to provide services at the collection site beyond what is required by state or federal law.

Be advised that imposition of any fees/costs or requirements on e-waste collection sites beyond those specified in the Electronic Waste Management Act and its implementing regulations, or beyond those specified in state and federal standards for Universal Waste management, is prohibited and may not be included in contracts or agreements between manufacturers and/or their Authorized Recyclers and collection facilities.

The Electronic Waste Management Act requires all manufacturers of covered electronic devices, including televisions, to "implement and finance the collection, transportation and recycling of used televisions and other covered electronic devices. (N.J.S.A. 13:1E-99.96(e)(4); N.J.S.A. 13:1E-99.103(e)(5)). In accordance with this requirement, Department regulations provide that each manufacturer or group of manufacturers must implement, at its own expense, a plan for the collection, transportation, and recycling of covered electronic devices for which it has a collection obligation. N.J.A.C. 7:26A-13.4(f).

Pursuant to Electronic Waste Management Act regulations, the only requirement applicable to collection sites that collect CEDs is that they comply with the Department's requirements for Universal Waste handlers at N.J.A.C. 7:26A-7.4 and 7.5, which with limited exceptions

incorporate federal regulations on Universal Waste. (N.J.A.C. 7:26A-13.11 (b)). N.J.A.C. 7:26A-7.4(b) and 7.5(b) state in relevant part that handlers of universal waste shall "manage consumer electronics in a way that prevents releases of any universal waste or component of a universal waste to the environment," by containing any consumer electronic that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Accordingly, compliance with N.J.A.C. 7:26A-7.4 and 7.5 is the only facet of a collection site operation that is the responsibility of the collection site: therefore, all other activities that may be associated with collecting CEDs including, but not limited to, handling, unloading, sorting, loading, palletizing, shrink wrapping, transporting or weighing, are the responsibility of the manufacturer and those entities providing recycling and/or transporting services on behalf of the manufacturer.¹

Manufacturers and Authorized Recyclers acting on behalf of manufacturers therefore are prohibited from imposing any other recycling-related requirements (and/or associated costs) on collection sites that collect CEDs from consumers, and any imposition of such requirements/costs will result in material collected at that site not being counted towards a manufacturer's collection obligation. However, in the interest of transportation efficiency and to the extent consistent with applicable law and requirements, the Department does not object to Authorized Recyclers working with collection sites to pick-up CEDs only once a container is full, or there is a full trailer-load quantity of material to pick up.

A complete version of the New Jersey Recycling Regulations can be downloaded from the Internet at www.state.nj.us/dep/dshw. Federal standards for universal waste management (40 CFR Part 273) are available at <https://www.epa.gov/hw/universal-waste>.

Should you have any questions, please contact either myself or Dana Lawson at 609-984-3438, or by email at Frank.Piliere@dep.nj.gov or Dana.Lawson@dep.nj.gov.

Sincerely,



Frank Piliere, P.E., Supervisor
Bureau of Recycling and Hazardous Waste Management

¹With the exception of "premium services" for consumers, as set forth in a manufacturer's recycling plan approved by the Department.