



State of New Jersey

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Environmental Management
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BOB MARTIN
Commissioner

December 22, 2014

By e-mail

RE: Electronic Waste Management Act
N.J.S.A. 13:1E-99.94 et seq.

To: Local Officials involved with "E-Waste" collection/recycling

I am writing to bring you up to date on some recent developments in electronic waste recycling, and to clarify for you that neither consumers nor local governments that collect certain e-waste from consumers in their towns are obligated to pay any portion of the cost to collect, transport and recycle such electronics.

Since the E-Waste Law was implemented four years ago, the volume of e-waste that is collected in New Jersey has climbed from around 10 million pounds in 2010, to over 48 million pounds in 2012. At the beginning of this program, e-waste that is covered by the E-Waste Law (known in the law as "covered electronic devices", or CEDs) had sufficient value in the recycling markets that the recycling industry in New Jersey responded by expanding opportunities for local collection. New Jersey enjoyed over 550 local, convenient and free collection centers.

Beginning mid-2013, the market for older TVs (those with cathode ray tube, CRTs) changed abruptly when the last remaining CRT manufacturing plant in North America closed. CRT-based glass went from a positive, to a negative value. Since old TVs and monitors with CRT glass are still a large part of the total volume of CEDs, the drop in CRT-based glass caused disruptions in e-waste recycling systems throughout the United States, including New Jersey. The Department has been working with e-waste recyclers, representatives of county and municipal governments, and consumer electronic manufacturers to ensure that New Jersey consumers continue to receive free and convenient recycling of their CEDs notwithstanding the change in the market for CRT glass.

It has come to the attention of the Department that some authorized recyclers and local recyclers working on behalf of one or more manufacturers are, or will soon be, charging local governments for the cost of collection and transportation of CED's associated with a manufacturer's recycling obligation. **Such fees are prohibited by the E-Waste-Law.** With some limited exceptions, manufacturers must cover all costs associated with the collection, transportation and recycling of CED's. The Department has recently informed the manufacturers

that all costs for collection, transportation and recycling of those electronics covered by the “E-Waste Law” are the responsibility of the manufacturers, and that they are prohibited from assessing any costs or fees to local governments that are providing collection sites for their residents, so long as those sites are included in any manufacturer’s approved collection plan. See attached letter.

Please bear in mind that the E-Waste Law only covers certain consumer electronics- TVs, and the various forms of computers. Printers, etc., are not covered by the E-Waste Law. Thus, if your town or county provides recycling to your residents for consumer electronics that are not covered by the E-Waste Law (i.e., they are not CEDs), then the E-Waste Law does not require manufacturers to fund the costs of collection, transportation or recycling of those types of electronics.

Finally, the E-Waste Law does not require municipalities or counties to host CED collection sites. Again, the E-Waste Law requires that manufacturers provide a free and convenient system for consumers in your communities.

The Department welcomes your comments on the E-Waste Law, and this communication. If you have any questions, please do not hesitate to contact either Frank Piliere or Dana Lawson at 609-984-3438, or by email at Frank.Piliere@dep.nj.gov or Dana.Lawson@dep.nj.gov. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Herndon for".

Jane Herndon, Assistant Commissioner
Environmental Management



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BOB MARTIN
Commissioner

December 19, 2014

By U.S. Mail and e-mail

RE: Electronic Waste Management Act
N.J.S.A. 13:1E-99.94 et seq.

Dear Manufacturer:

I am writing to clarify your company's obligation under New Jersey's Electronic Waste Management Act ("E-Waste Law") to provide recycling of "Covered electronic devices" (CED's) at no cost to New Jersey consumers, and to advise that starting in 2015 the Department will require new language in your company's annual certification to ensure that such obligation is being met.

Under New Jersey's "E-Waste Law", all manufacturers (as defined at N.J.S.A. 13:1E-99.95) are obligated to "implement and finance the collection, transportation and recycling of covered electronic devices". See N.J.S.A. 13:1E-99.103(e). A manufacturer and any recycler, plan administrator or other entity engaged by the manufacturer to provide recycling services as part of the manufacturer's obligations under the "E-Waste Law", are thus prohibited from charging any fee or cost for the collection, transportation or recycling of CED's. See id. The prohibition against fees does not apply to the collection, transportation or recycling of electronic waste that is outside the definition of "covered electronic devices" (e.g., printers, fax machines, other peripherals) which may be collected at the same collection sites utilized for the collection of CED's.

It has come to the attention of the Department that some authorized recyclers and local recyclers working on behalf of one or more manufacturers are, or will soon be, charging local governments for the cost of collection and transportation of CED's associated with a manufacturer's recycling obligation. **Such fees are prohibited by the E-Waste Law.** With the exception of "premium services", as set forth in your plan approved by the Department, manufacturers must cover all costs associated with the collection, transportation and recycling of CED's.

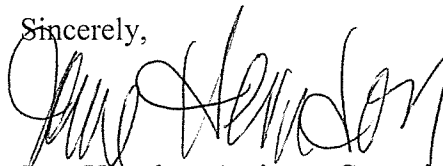
To improve implementation of the E-Waste Law, and pursuant to the Department's authority under N.J.S.A. 13:1E-99.103(e) and 7:26A-13.10(c), the Department will not approve a manufacturer's plan unless the manufacturer certifies that any agreement between or among the

undersigned company, a collector, transporter, authorized recycler, group plan administrator, or any other third party or subcontractor to the parties named above, who is participating in an approved collection plan involving covered electronic devices with the undersigned company expressly prohibits such entity from charging to consumers and municipalities or counties who collect covered electronic devices from consumers, any fee or cost for the collection, transportation or recycling of covered electronic devices pursuant to the collection plan. A form of certification is attached hereto.

Be advised that the Department is notifying all counties and municipalities that manufacturers subject to the E-Waste Law are obligated to fully fund the cost of collecting, transporting and recycling CED's that are covered under a Department-approved plan, and that such services must be provided at no cost to the municipalities and counties.

If you have any questions relative to the above, please contact either Frank Piliere or Dana Lawson, of the Bureau of Recycling and Hazardous Waste Management at 609-984-3438 or by email at Frank.Piliere@dep.nj.gov or Dana.Lawson@dep.nj.gov.

Sincerely,



Jane Herndon, Assistant Commissioner
Environmental Management

Attachment

Cc MaryJo Aiello, Director, NJDEP Division of Solid & Hazardous Waste
Guy Watson, Chief, Bureau of Recycling and Hazardous Waste Management
Frank Piliere, Bureau of Recycling and Hazardous Waste Management
Dana Lawson, Bureau of Recycling and Hazardous Waste Management