

New Jersey Bans Disposal of Electronic Waste

A new measure signed into law by Gov. Corzine on January 15th will prohibit the disposal of computers and other electronic products in the state beginning on January 1, 2009. Even as he signed the measure into law, Gov. Corzine expressed concerns about the new law's impact on manufacturers inside and outside New Jersey, and directed the New Jersey Department of Environmental Protection ("NJDEP") to work closely with the Legislature in implementing its requirements so as to minimize the costs of compliance.

The Electronic Waste Recycling Act (A-3572/SCS) bans the disposal of applicable electronic devices and component parts as solid waste and directs the NJDEP to develop a recycling program capable of handling the massive amounts of so-called e-waste covered by the ban. The law targets a wide array of electronic products like television sets, computers, copiers and other information-age devices that contain hazardous constituents like lead, mercury, cadmium, lithium, phosphorous coatings, and PVC plastics.

With passage of the law, New Jersey becomes the fifth state, after California, Connecticut, Washington, Maryland, Maine, Minnesota and Oregon, to require recycling of e-waste. The law requires retailers to clearly post and provide information on covered electronic products describing how to recycle them. The NJDEP is required to provide additional information about the recycling program on its website, including a toll-free telephone number to call with questions about compliance. Manufacturers also must include information in product packaging and/or point-of-sale information.

The law directs the NJDEP to publish a plan establishing per-capita collection and recycling

goals, and maintain lists of all manufacturers in compliance with the act's requirements, names of collectors, transporters, and recyclers, who are required to meet specific performance standards.

Manufacturers are also required under the law either to conduct their own collection, transportation, and recycling programs or pay their "fair share" in additional fees to the operation of state-run recycling program. Those who elect to conduct their own program must perform sampling on products to determine their hazardous chemical content and submit annual reports to the NJDEP containing the information. Accurate records also will be required on the aggregate weight of electronic waste recycled, as well as documentation verifying collection and recycling.

Manufacturers that collect, transport, and recycle covered electronic devices in excess of their obligation may sell their excess credits to another registrant or apply the excess credits to the following year's recycling obligation. Manufacturers who fail to comply with the terms of its approved plan will be required to submit payment to the DEP to cover the cost of collecting, transporting and recycling the unmet portion of its obligation, plus a penalty fee equal to the cost of collecting, transporting and recycling 10 percent of the manufacturer's total obligation. The law also requires \$5,000-a-year state registration fees from electronics producers.

FOR MORE INFORMATION

If you have any questions concerning the Electronic Waste Recycling Act, please do not hesitate to contact Steven Humphreys, Esq., at 973.503.5936.