

New Electronic Waste Management Law in Effect

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As of January 1, 2011, a disposal ban is in effect for certain consumer electronics.

The "Electronic Waste Management Act" P.L.2007, c.347 as amended by P.L.2008, c.130 (N.J.S.A. 13:1E-99.94 et.seq.) ("the Act") requires the New Jersey Department of Environmental Protection (NJDEP) to modify the recycling rules at N.J.A.C. 7:26A to include certain categories of "E-Waste." The newly regulated devices are designated as "Covered Electronic Devices" and are no longer permitted to be transported or disposed of as solid waste. NJDEP is currently drafting regulations to comply with the new law. These new rules could be effective by early Spring.

What are Covered Electronic Devices (CEDs)?

Under the Act, only the following types of consumer electronics (broadly defined in the Recycling Rule as: "any appliance used in the home or business that includes circuitry...") are classified as CEDs and are affected by the disposal ban:

- Televisions & Computer Monitors,
- Laptops & Desktop Computers, and
- Telephones with a video display over 4 inches, measured diagonally.

The definition of CEDs does not include automotive components, parts of larger industrial, commercial or medical equipment, components of household appliances, or telephones with screens smaller than four inches. In addition, TV and computer peripherals such as antennae, VCR/DVD players, printers, mice, keyboards and MP3 players are not included in the currently proposed Rule.

CED Collection & Recycling

Provisions in the Act require manufacturers that sell CEDs in New Jersey to register with the NJDEP and submit a plan for the collection, transportation and recycling of their CED market share in each County at their own expense. Many manufacturers have also agreed to accept consumer electronics and computer peripherals that are not CEDs at low or no cost to the consumer or taxpayer. This condition has resulted in declines in the cost of E-waste recycling programs as manufacturers move quickly to collect their market share. Penalties for manufacturers not reaching their calculated quota can include prohibitions on future sales in New Jersey.

Many counties and municipalities have partnered with haulers and electronics recycling companies to collect, manage and recycle these regulated materials as part of a manufacturer's plan. Collection strategies vary widely, but may include a consolidated drop-off point such as a municipal recycling depot, private electronics retailer, or the



recycling plant itself. Other programs have continued their series of special drop-off events, while a few municipalities engage in a curbside collection program or a combination of the above.

It should be noted that CEDs have been designated by the NJDEP as a required recyclable product, and therefore cannot be picked up or transported as part of a municipality's bulk solid waste collection program due to the prohibition of commingling mixed waste types.

Once CEDs (and all consumer electronics) are collected, they must be managed as Universal Waste which includes proper storage, labeling, and employee training. The management requirements for small quantity handlers (less than 11,000 pounds at any given time) are found at N.J.A.C. 7:26A-7.4 and the management requirements for large quantity handlers (11,000 pounds or greater at any given time) are found at N.J.A.C. 7:26A-7.5. More guidance about the NJDEP's Universal Waste requirements can be located at: www.nj.gov/dep/dshw/lrm/uwaste/uwelfact.htm.

NJDEP is developing an education program to assist haulers, retailers and the public. More information about CED recycling, including the draft Rule and a listing of CED collection points, is available at the NJDEP's "E-Cycling" website: www.nj.gov/dep/dshw/recycling/Electronic_Waste.

For additional information about CEDs or modifying and reducing the costs of your E-Waste recycling program, please contact:

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