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E-Waste Frequently Asked Questions

August 1, 2017

1. **Question:** What is a “covered electronic device” (CED) as defined by the amended Electronic Waste Management Act (E-Waste Law)?

Answer: *The amended E-Waste Law defines a covered electronic device (CEDs) as, “a desktop or personal computer, computer monitor, portable computer, desktop printer, desktop fax machine, or television sold to a consumer”.*

2. **Question:** What is a “Consumer” as defined by the amended Electronic Waste Management Act (E-Waste Law)?

Answer: *The amended E-Waste Law defines consumer as, “a person, State entity, school district, or local government unit who purchases a covered electronic device in a transaction that is a retail sale”. ‘Consumer’ shall not include any business concern purchasing covered electronic devices.*

3. **Question:** Are the new definitions of covered electronic devices (CEDs) and Consumers effective immediately?

Answer: *Because of how the Act is structured the new definitions will be incorporated and implemented for calendar year 2018.*

4. **Questions:** Are tablets still considered CEDs?

Answer: *Yes, a tablet is considered a portable computer, and therefore is a covered electronic device.*

5. **Question:** How can DEP legally delay a landfill ban for desktop printers and desktop fax machines?

Answer: *The current ban on disposal of CEDs came into effect in 2011, after enactment of the original Electronic Waste Management Act in 2007, giving time for the new recycling program to be implemented. The recently revised Act*

similarly will not be fully implemented until 2018, and so DEP will not be enforcing the landfill ban for desktop printers and desktop fax machines until 2018.

6. **Question:** Does the amended statute require recycling of non-CEDs?

Answer: *Non-CEDs are not mandated for recycling under the new law, however DEP encourages reuse and recycling whenever possible.*

7. **Question:** Does the E-Waste Law apply to desktop printers sold to all businesses?

Answer: *Desktop printers sold only to “small business enterprises” are considered CEDs under the revised law. Desktop printers sold to other business concerns are not considered CEDs under the revised law.*

8. **Question:** Will DEP undertake rulemaking in order to implement the new legislation?

Answer: *DEP does not anticipate adopting new rules to implement the amendments as sufficient detail is included in the revised legislation to allow for implementation. In instances where the existing rules contradict the amended Statute, the Statute will prevail.*

9. **Question:** Does DEP anticipate operating the Statewide Standard Plan or will DEP contract out to a third party?

Answer: *A Statewide Standard Plan will be implemented only if the manufacturer system fails. DEP will be prepared to implement a Statewide Standard Plan if and when necessary.*

10. **Question:** When does DEP anticipate requiring new manufacturers (including desktop printer and desktop fax machine manufacturers) to register with the DEP? Will desktop printer and desktop fax machine manufacturers be provided market share obligations for the program year 2017?

Answer: *New manufacturers (including desktop printer and desktop fax machine manufacturers) were required to register for program year 2017 by July 13, 2017 per the June 13th letter issued by DEP that notified manufacturers of their 2018 market share. This registration requirement will facilitate communication with new manufacturers for program year 2018. Desktop printer and desktop fax machine manufacturers will not be provided a market share obligation for program year 2017.*

11. **Question:** What is the source of data DEP uses to estimate market share?

***Answer:** DEP purchases market share data from the International Data Corporation through the Electronic Recycling Coordination Clearinghouse.*

12. **Question:** Does DEP anticipate adjusting manufacturer's 2017 collection obligations? How will 2018 collection obligation be determined?

***Answer:** Market share and return share obligations issued for 2017 are final obligations. DEP will base the 2018 estimated obligations on best available data purchased from the International Data Corporation through the Electronics Recycling Coordination Clearinghouse. (The 2018 market share in weight obligation will be adjusted April 1, 2019 based on the actual amount collected in 2018).*

13. **Question:** If I manufacture more than one type of CED, will I receive an estimated market share percentage and market share in weight obligation for each CED type?

***Answer:** Yes, DEP apportions market share percentage and market share in weight obligation by CED type.*

14. **Question:** When will reporting requirements for regulated entities begin?

***Answer:** Reporting requirements will begin August 2017, and semiannually thereafter for the following entities:*

- *The operator of every collection location identified in a manufacturer's plan*
 - *Any local government unit that collects covered electronic devices*
 - *Any authorized recycler*
 - *Manufacturers of CEDs*
- Required information shall be submitted on forms that DEP will provide electronically via email.*

15. **Question:** If a collection site does not report, can the weight still count toward a manufacturer's collection obligation?

***Answer:** Because of the reporting requirements by different entities, the weight may still be counted toward a manufacturer's obligation. However, all collection sites must report. Failure to report is a violation of the E-Waste Law and DEP may take enforcement actions against those who fail to report.*

16. **Question:** Which manufacturers will be required to report in August 2017 and February 2018?

***Answer:** Only manufacturers that received an obligation for 2017 will be required to submit these semiannual reports.*

17. **Question:** Are recyclers working on behalf of manufacturers required to register in 2017 to be considered an authorized recycler? Will all registered recyclers be considered as authorized recyclers?

***Answer:** All recyclers accepting CEDs from NJ consumers in 2017 must register as an Authorized Recycler by August 10, 2017. Renewal is required annually thereafter by January 1. Only registered recyclers who meet R2 certification requirements and are in compliance with all local, state, and federal laws will be considered as authorized recyclers.*

18. **Question:** Are recyclers outside of NJ required to be registered?

***Answer:** Yes, authorized recyclers located outside of NJ are required to register in order to recycle CEDs from NJ consumers.*

19. **Question:** Can a broker for E-waste be an authorized recycler?

***Answer:** A broker is considered an authorized recycler if the broker meets the definition of an authorized recycler in accordance with C13:1E-99.95. All subcontractors that recycle and are used by the broker must be registered as authorized recyclers.*

20. **Question:** Can an authorized recycler or manufacturer assess fees or impose requirements on collection sites in connection with collecting CEDs pursuant to a manufacturer's collection plan?

***Answer:** The Electronic Waste Management Act requires manufacturers to finance and implement the electronic waste recycling system in New Jersey. Manufacturers and Authorized Recyclers are prohibited from imposing any other recycling related requirements or costs on collection sites that collect CEDs from consumers. Operators of collection sites should not otherwise be incurring charges or providing services at collection sites beyond the requirements for universal waste handlers. (See link below).*

<http://www.nj.gov/dep/dshw/lrm/uwaste/uwelectr.htm>

21. **Question:** Are all collection sites in a manufacturer's plan required to accept all types of CEDs?

***Answer:** During review of manufacturer collection plans, if DEP determines that the plans collectively provide sufficient, convenient, and adequate collection locations for all CED types in each county, DEP may allow supplemental sites that do not accept all types of CEDs.*

22. **Question:** Does every collection site have to accept from all consumers including schools, small business, government entities, as well as residents?

***Answer:** Each consumer will have access to a collection site in their County. Manufacturers must submit plans to the Department that collectively provide sufficient, convenient, and adequate collection for all types of consumers. The Department will determine the adequacy, convenience, and sufficiency of sites.*

23. **Question:** If a manufacturer collects/recycles 80% of their obligation, are they really assessed a \$.50 shortfall fee on 100% of their obligation?

***Answer:** Yes, in addition to the shortfall fee, enforcement actions, penalties and fees may be assessed.*

24. **Question:** I am a collection site in NJ, how can I be reimbursed? Does the DEP intend to develop a reimbursement system for weight recycled outside of Manufacturer approved collection plans?

***Answer:** Under the manufacturer program to collect, transport, and recycle CEDs, the manufacturers are responsible to bear all costs incurred by a collection site for collection, storage, and handling of CEDs. The Department is not responsible to reimburse any costs incurred by collection sites. Therefore, to recover their costs, collection sites must ensure that they are included in a manufacturer's plan. However, collection sites that collect CEDs outside of a manufacturer's plan may be able to recover their costs, in full or in part, by selling their weight to manufacturers that fail to collect their total obligation.*

25. **Question:** I am a local government unit listed in a manufacturer's plan. Why am I being charged for collecting CEDs by my authorized recycler?

***Answer:** As stated in answer to question 20, Manufacturers and Authorized Recyclers are prohibited from imposing any costs on collection sites that are listed in approved manufacturer plans and that collect CEDs from consumers. Local government units should contact the DEP's E-waste section to report any such charges that are imposed by authorized recyclers.*

26. **Question:** I am a local government unit NOT covered by a manufacturer's plan; what do I do?

***Answer:** If you are a local government unit and not covered by a manufacturer's plan, please contact the DEP's E-waste section to find out your options. E-waste staff will work with you to identify manufacturers operating collection sites in your area and will provide you with necessary manufacturers' contact information for possible inclusion as a collection site in those manufacturers' plans.*

27. **Question:** I am a consumer. Are collection sites allowed to charge me for recycling my CEDs?

***Answer:** Collections sites operating under an approved manufacturer's plan are not allowed to charge consumers for recycling CEDs. For a list of collection sites in your area, please visit <http://www.nj.gov/dep/dshw/ewaste/collectionsites.pdf>*

28. **Question:** What is DEP's "True-Up" process?

***Answer:** "True-Up" is not defined in the statute, but commonly used to mean adjusting the manufacturers' estimated market share in weight obligation based on actual weight of CEDs collected during a program year. The amended legislation at N.J.S.A. 13:1E-99.105a (3) states that DEP may adjust each manufacturer's estimated market share in weight obligation based upon the total weight in pounds actually collected in a program year, as reported semi-annually by various entities on August 1 and February 1. These reports will be used to determine total weight of CEDs collected during the program year. The actual weight collected will not be known until semi-annual reports are filed in February of the next program year. For example, DEP will not be able to determine the actual market share in weight obligation for program year 2018 until April 2019.*

Upon determination of total weight of CEDs actually collected during the program year, DEP may revise the market share in weight obligation for each manufacturer, if necessary, by multiplying their respective market share percentages with the total weight actually collected. The difference between the estimated market share in weight obligation and the actual market share in weight obligation, will result in a manufacturer either having credits or a shortfall. See answer to question 30 for the management of E-waste credit system.

29. **Question:** If a manufacturer rejects CEDs at a collection site because it originated from outside NJ, will that weight be excluded from DEP's "True-Up" process?

***Answer:** Yes, collection sites should have controls in place to ensure that CEDs collected at their sites originate from NJ consumers only.*

30. **Question:** How does DEP manage the E-waste Credit system?

***Answer:** Once DEP assigns a manufacturer its estimated market share in weight obligation for a program year, the manufacturer must implement its approved collection plan for that entire program year. At the end of the year, based on the actual amount of CEDs collected and recycled in NJ, each manufacturer's estimated market share in weight obligation/s issued earlier will be revised based on their respective market share percentages (which is also known as "true-up"). Over collection will be credited to the manufacturers (1 credit for 1 pound of CED over collected) and under collection will result in shortfall. Credits for "over-collecting" in any program year can be applied only to the **next** program year's obligation (as reviewed and approved by DEP), up to 25% of that year's obligation. For "under collection," the affected manufacturers can either purchase credits from other manufacturers that over collected, buy weight from entities that collected outside the manufacturer's collection system, or pay a shortfall fee as provided by the Statute.*

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