

**ENVIRONMENTAL PROTECTION
CLIMATE AND ENVIRONMENTAL MANAGEMENT
SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM
COMPLIANCE AND ENFORCEMENT
DIVISION OF COUNTY ENVIRONMENTAL AND WASTE ENFORCEMENT**

Notice of Opportunity to Provide Comment on Credit Accumulation and Use in Electronic Waste (E-Waste) Management Program

Take notice that the Department is seeking comment on the implementation of a provision of the Electronic Waste Management Act (the Act) (N.J.S.A. 13:1E-99.94 et seq.) relating to the accumulation of credits that may result when a manufacturer collects, transports and recycles covered electronic devices in excess of its collection obligations. Specifically, the Act states that a manufacturer “may sell credits to another registrant or apply that excess to the following year’s recycling program.”

The Department is concerned that this provision, without limit, may adversely affect the Department’s ability to assure that a “convenient and free” e-waste program is available to all consumers in the State, as required by the Act at N.J.S.A. 13:1E-99.105c and 13:1E-99.106d. For example, a manufacturer could accumulate enough credits to either discontinue its program during a program year, or not participate at all for an entire program year. This could limit the opportunity for consumers to recycle e-waste at a conveniently located drop-off point, contrary to the intent of the Act.

The Department has worked with the Legislature on this provision, and S1977 was passed by the New Jersey Senate during 2010. This bill contains, among other things, an amended credit accumulation/use allowance that allows for the accumulation and use of credits, but provides that their use in any program year would be limited to no more than 25 percent of a manufacturer’s collection obligation, and “no manufacturer or group of manufacturers, as the case may be, may cease implementing its plan ... during any program year by using credits.” The New Jersey Assembly has not considered this change to the law as of this date, but the Department supports the action of the Senate.

Accordingly, the Department is seeking comment on ways to establish a credit accumulation/use program that allows for flexibility for manufacturers, and yet preserves the Act’s intent that a convenient and free program be available to all consumers in the State.

The Department’s proposed rules for the remaining components of the Electronic Waste Management Program are published elsewhere in this Register.