[First Reprint]

# ASSEMBLY, No. 3572

# STATE OF NEW JERSEY

## 212th LEGISLATURE

INTRODUCED OCTOBER 23, 2006

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**SYNOPSIS**

"Electronic Waste Recycling Act."

**CURRENT VERSION OF TEXT**

As reported by the Assembly Environment and Solid Waste Committee on January 22, 2007, with amendments.

**(Sponsorship Updated As Of: 12/7/2007)**

**AN ACT** concerning electronic waste recycling, and supplementing ¹**[**P.L.1987, c.102**]** Title 13 of the Revised Statutes¹.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. This act shall be known and may be cited as the "Electronic Waste Recycling Act."

2. As used in this act:

¹"Brand" means symbols, words, or marks that identify a covered electronic device, rather than any of its components.¹

"Cathode ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image ¹**[**;**]** .¹

"Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage function, and may include both a computer central processing unit and a monitor, but the term shall not include an automated typewriter or typesetter, a portable handheld calculator, a portable digital assistant, or other similar device ¹**[**;**]** .¹

"Consumer" means an individual who purchases a covered electronic device in a transaction that is a retail sale ¹**[**;**]** .¹

"Covered electronic device" means ¹a¹ desktop or personal ¹**[**computers**]** computer¹ , computer ¹**[**monitors**]** monitor¹, portable ¹**[**computers**]** computer¹, ¹**[**and televisions**]** or television¹ sold to ¹**[**consumers**]** a consumer¹ . A "covered electronic device" shall not include any of the following: (1) an electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle; (2) an electronic device that is functionally or physically a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment; (3) ¹**[**.**]**¹ an electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (4) a telephone of any type unless it contains a video display area greater than four inches measured diagonally ¹**[**;**]** .¹

"Department" means the Department of Environmental Protection ¹**[**;**]** .¹

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**
**Matter enclosed in superscript numerals has been adopted as follows:**
**[1]Assembly AEN committee amendments adopted January 22, 2007.**

"Manufacturer" means any person 1[that, irrespective of the selling technique used, including by means of remote sale: (1) manufactures covered electronic devices under its own brand for sale in this State; (2) manufactures covered electronic devices for sale in this State without affixing a brand, (3) resells in this State covered electronic devices produced by other suppliers under its own brand or label; (4) imports or exports covered electronic devices into the United States for sale in this State; provided, however, that if a company from whom an importer purchases the merchandise has a presence or assets within the United States, that company shall be deemed to be the manufacturer; or (5) manufactures covered electronic devices, supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale in this State of those covered electronic devices through that distribution network;]: (1) who manufactures or manufactured covered electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; (2) who sells or sold covered electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor; (3) who manufactures or manufactured covered electronic devices without affixing a brand; (4) who manufactures or manufactured covered electronic devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use; or (5) for whose account covered electronic devices manufactured outside the United States are or were imported into the United States, provided however, if, at the time such covered electronic devices are or were imported into the United States, another person has registered as the manufacturer of the brand of the covered electronic devices pursuant to subsection b. of section 5 of this act, then paragraph (5) of this definition shall not apply.1

1["Manufacturer's brands" means a manufacturer's name, brand name, or brand label, and all manufacturer's names, brand names, and brand labels for which the manufacturer has legal responsibility, including those names, brand names, and brand labels of companies that have been acquired by the manufacturer ;]1

"Monitor" means a separate video display component of a computer, whether sold separately or together with a computer central processing unit and computer box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than four inches measured diagonally, and its case, interior wires and circuitry, cable to the central processing unit, and power cord 1[;] .1

"Obligation" means the ¹[quantity of covered electronic devices, by] return share in¹ weight, identified for an individual manufacturer, as ¹[defined] determined¹ by the department pursuant to ¹subsection a. of¹ section 8 of this act ¹[;] .

Orphan device" means a covered electronic device for which no manufacturer can be identified.¹

"Person" means an individual, trust firm, joint stock company, business concern, and corporation, including, but not limited to, a government department, partnership, limited liability company, or association ¹[;] .¹

"Portable computer" means a computer and video display greater than four inches in size that can be carried as one unit by an individual, including a laptop computer ¹[;] .

"Program year" means a full calendar year beginning on or after January 1, 2009.¹

"Purchase" means the taking, by sale, of title in exchange for consideration ¹[;] .¹

"Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products. "Recycling" shall not include energy recovery or energy generation by means of incinerating electronic waste whether apart or in combination with other wastes ¹[;] .¹

"Registrant" means a manufacturer of covered electronic devices that is in full compliance with the requirements of this act ¹[;] .¹

"Retail sales" ¹[includes sales of products] means the sale of covered electronic devices¹ through sales outlets, via the Internet, mail order, or other means, whether or not the ¹[seller] retailer¹ has a physical presence in this State ¹[;] .¹

"Retailer" means a person who owns or operates a business that sells new covered electronic devices in this State by any means to a consumer ¹[;] .

"Return share" means the proportion of covered electronic devices for which an individual manufacturer is responsible to collect, transport, and recycle, as determined by the department pursuant to subsection a. of section 8 of this act.

"Return share in weight" means the total weight of covered electronic devices for which an individual manufacturer is responsible to collect, transport, and recycle, as determined by the department pursuant to subsection a. of section 8 of this act.¹

¹[("Sell")] "Sale"¹ or ¹[("sale")] "sell"¹ means any transfer for consideration of title, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other, similar electronic means, and excluding leases ¹[;] .¹

¹[("State recycling rate" means the ratio of the weight of total overall returns of covered electronic devices in the State to the

weight of total overall sales of covered electronic devices in the State during the previous calendar year;**]**'

"Television" means a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability '**[**;**]** .'

"Video display" means an output surface having a viewable area greater than four inches when measured diagonally that displays moving graphical images or a visual representation of image sequences or pictures, showing a number of quickly changing images on a screen in fast succession to create the illusion of motion, including, if applicable, a device that is an integral part of the display and cannot be easily removed from the display by the consumer that produces the moving image on the screen. '**[**Displays**]** A "video display"' typically '**[**use**]** uses' a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology '**[**;**]** .'

3. a. Any manufacturer that is not in compliance with all financial and other requirements of this act shall be prohibited from selling or offering '**[**a covered electronic device**]**' for sale in this State 'a covered electronic device' .

b. '**[**It**]** Beginning on January 1, 2009, it' shall be unlawful for any person to sell or offer for sale in this State a new covered electronic device from a manufacturer that is not in full compliance with the requirements of this act.

'c.' The department shall maintain a list of all manufacturers in compliance with the requirements of this act and shall post the list on the department's Internet website.

'd.' Sellers of products in or into the State shall consult the list 'established by the department pursuant to subsection c. of this section' prior to selling covered electronic devices in this State. A seller shall be considered to have complied with this responsibility if, on the date that the product was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the aforementioned website.

4. On and after the effective date of this act, a manufacturer or retailer may not sell or offer for sale a covered electronic '**[**product**]** device' in this State unless '**[**it**]** the covered electronic device' is labeled with the manufacturer's brand, and the label is permanently affixed and readily visible.

5. a. [1][Every manufacturer shall report to the department by January 30 of each year the total weight of covered electronic devices sold in this State the previous calendar year. In lieu of providing the total weight of covered electronic devices sold in this State the previous calendar year, a manufacturer may request that the department calculate the total weight of covered electronic devices sold in this State by using prorated national sales data based on State population.] (1) By January 30, 2010, and by each January 30 thereafter, the department shall:

(a) have completed an auditable, statistically significant sampling of covered electronic devices collected from consumers in this State by the department during the previous program year. The sampling information collected shall consist of a list of brands of covered electronic devices and the weight of covered electronic devices that are identified for each brand. The department's sampling shall be conducted in accordance with a procedure established by the department and may be conducted by a third-party organization including a recycler, to be determined by the department. The department may, at its discretion, be present at the sampling and may audit the methodology and the results of the third-party organization. The costs associated with the sampling shall be recovered from the fees paid by manufacturers to the department; and

(b) determine the total weight of covered electronic devices, including orphan devices, collected from consumers in this State by the department during the previous program year.

(2) If a manufacturer or group of manufacturers conducts its own collection, transportation, and recycling program for covered electronic devices, the manufacturer or group of manufacturers shall submit a report to the department annually by January 30, beginning the year after the program is initiated. The report shall include:

(a) the results of an auditable, statistically significant sampling of covered electronic devices collected from consumers in this State by the manufacturer or group of manufacturers during the previous program year. The sampling information reported shall consist of a list of brands of covered electronic devices and the weight of covered electronic devices that are identified for each brand; and

(b) the total weight of covered electronic devices, including orphan devices, collected from consumers in this State by the manufacturer or group of manufacturers during the previous program year and documentation verifying collection and recycling of such devices.[1]

b. [1][Every manufacturer] By January 1, 2008, and each January 1 thereafter, each manufacturer of covered electronic devices offered for sale for delivery in this State[1] shall register with the department [1][by January 30 of each year][1] and pay a registration fee of $5,000. [1]Any manufacturer to whom the department

provides notification of a return share and return share in weight pursuant to subsection a. of section 8 of this act and who has not previously filed a registration shall file a registration with the department within 30 days of receiving such notification from the department. Each manufacturer's registration and renewal shall include a list of all of the manufacturer's brands of covered electronic devices.'

6. a. '[Every manufacturer shall submit an additional fee based on sales in this State to the department. The fee shall be calculated using the following formula: the State recycling rate multiplied by the weight of sales of the manufacturer's covered electronic devices sold in this State during the previous calendar year, multiplied by no more than $0.50 per pound.

b. In lieu of payment of the fee set forth in subsection a. of this section, a manufacturer or a group of manufacturers may submit a plan to collect, transport, and recycle covered electronic devices.] By June 1, 2008, each manufacturer to whom the department provides, by April 2, 2008, a return share in weight that is greater than zero shall:

(1) submit an additional fee to the department based on its return share in weight of covered electronic devices. The fee shall be calculated using the following formula: the manufacturer's return share in weight multiplied by no more than $0.50 per pound; or

(2) submit a plan to the department to collect, transport and recycle covered electronic devices.

b. Each manufacturer to whom the department provides, by February 15, 2010 or by February 15 of any year thereafter, a return share in weight that is greater than zero shall, by March 15 of that year, comply with the requirements of paragraphs (1) or (2) of subsection a. of this section.'

c. An individual manufacturer submitting a plan in lieu of payment of the fee set forth in subsection a. of this section shall collect, transport, and recycle '[a quantity of covered electronic devices equal to the weight of sales of the manufacturer's covered electronic devices in this State during the previous calendar year multiplied by the State recycling rate] its return share in weight' .

d. A group of manufacturers jointly submitting a plan in lieu of payment of the fee set forth in subsection a. of this section shall collect, transport, and recycle the sum of the obligations of each participating manufacturer.

e. Every plan shall be filed with a manufacturer's annual registration, and shall include '[at a minimum]' :

(1) Methods that will be used to collect the covered electronic devices including the name and '[locations] location' of '[all collection and consolidation points] proposed collection services' ;

(2) [An estimate of the amount of covered electronic devices that will be collected annually;

(3)] The processes and methods that will be used to recycle recovered covered electronic devices including a description of the [disassembly, physical recovery operation, including crushing, shredding, grinding, glass-to-glass recycling, and for other operations] recycling processes that will be used, including the name and location of all [facilities] recyclers to be directly utilized by the plan ;

[(4) Documentation of audits of each processor used in the plan and compliance with processing standards established under section 11 of this act;

(5) A description of the accounting and reporting systems that will be employed to track progress toward fulfilling the plan's obligations;

(6)] (3) Means that will be utilized to publicize the collection [opportunities;

(7)] services, including specification of a website or toll-free telephone number that provides information about the manufacturer's program in sufficient detail to allow consumers to learn how to return their covered electronic devices for recycling; and

(4) The intention of the registrant to fulfill its [obligations] obligation through operation of its own [program] plan , either individually or [in partnership] with other manufacturers [; and

(8) The total weight of covered electronic devices collected, transported [,] and recycled the previous year] .

f. Before the fee set forth in subsection a. of this section may be waived by the department , the plan shall be reviewed to determine its compliance with subsection e. of this section and approved by the department. Upon approval of the plan by the department, the payment of the annual [fees based upon sales by the manufacturer] fee set forth in subsection a. of this section shall be waived. The department may reject the plan, in whole or in part, and may impose additional requirements as a condition of approval.

g. If a manufacturer fails to comply with all the conditions and terms of an approved plan, the manufacturer shall be required to submit the following:

(1) A payment to the department to cover the cost of collecting, transporting, and recycling the unmet portion of its obligation. The payment shall be equal to the following formula: the quantity of the outstanding portion, in pounds, multiplied by no more than $0.50 [, and;] ; and

(2) A penalty in the form of a payment equal to the cost of collecting, transporting [,] and recycling 10% of the manufacturer's total obligation.

h. Manufacturers that collect, transport, and recycle covered electronic devices in excess of their obligation may sell credits to another registrant or apply that excess to the following year's recycling obligation.

¹i. Whenever more than one person is within the definition of manufacturer of a brand of a covered electronic device pursuant to section 2 of this act, any one or more such persons may assume responsibility for and satisfy the obligations of a manufacturer under this act with respect to covered electronic devices bearing that brand. In the event that no person assumes responsibility for and satisfies the obligations of a manufacturer under this act with respect to covered electronic devices bearing that brand, the department may consider any one or more persons within such definition to be the manufacturer of that brand.

j. The obligations under this act for a manufacturer who manufactures or manufactured covered electronic devices, or who sells or sold covered electronic devices manufactured by others, under a brand that was previously used by a different person in the manufacture of covered electronic devices shall extend to all covered electronic devices bearing that brand.

k. Nothing in this act is intended to exempt any person from liability the person would otherwise have under applicable law.¹

7. a. A retailer shall clearly post and provide information provided by the department that describes where and how to recycle the covered electronic device and opportunities and locations for the collection or return of the device, through the use of a toll-free telephone number and website, information included in the packaging, or information provided accompanying the sale of the covered electronic device. This information shall be provided in clear written form in English and any other languages deemed to be primary languages by the State Department of Education.

b. ¹[A] Beginning January 1, 2009, a¹ retailer shall only sell products from registrants. Retailers shall consult the list posted on the department's Internet website pursuant to section 3 of this act prior to selling covered electronic devices in this State. A retailer shall be considered to have complied with this responsibility if on the date that the product was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the aforementioned website.

8. a. (1) ¹[By February 15 of each year, the department shall establish the State recycling rate, by calculating the ratio of the weight of total overall returns of covered electronic devices in the State to the weight of total overall sales of covered electronic devices in the State during the previous calendar year.

(2) By March 1 of each year, the department shall provide each registrant with its responsibility for fees from sales or for

collection, recycling, and transportation in pounds for that year.] The department shall determine the return share for each program year for each manufacturer by dividing the weight of covered electronic devices identified for each manufacturer by the total weight of covered electronic devices identified for all manufacturers. For the first program year, the return share of covered electronic devices identified for each manufacturer shall be based on the best available public return share data from the United States, including data from other states, for covered electronic devices from consumers. For the second and each subsequent program year, the return share of covered electronic devices identified for each manufacturer shall be based on the most recent samplings of covered electronic devices conducted in this State pursuant to subsection a. of section 5 of this act.

(2) The department shall determine the return share in weight for each program year for each manufacturer for whom a return share is determined pursuant to paragraph (1) of this subsection by multiplying the return share for each such manufacturer by the total weight in pounds of covered electronic devices, including orphan devices, collected from consumers the previous program year. For the first program year, the total weight in pounds of covered electronic devices shall be based on the best available public weight data from the United States, including data from other states, for covered electronic devices from consumers. For the second and each subsequent program year, the total weight in pounds of covered electronic devices shall be based on the total weight of covered electronic devices, including orphan devices, determined by the department pursuant to subsection a. of section 5 of this act.

(3) By April 2, 2008, the department shall provide each manufacturer for whom a return share is determined pursuant to paragraph (1) of this subsection with its return share and its return share in weight for the first program year. Annually thereafter, by February 15, beginning in 2010, the department shall provide each manufacturer for whom a return share is determined pursuant to paragraph (1) of this subsection with its return share and its return share in weight for the second and subsequent program years.'

b. The department shall receive fees 'from manufacturers' as provided in section 6 of this act '[from manufacturers for the sale of covered electronic devices]' .

c. (1) The department shall organize, administer, and ensure that at least one electronics collection opportunity is available at least '[5] five' days a week in each county throughout the State and in such a manner as to be convenient, to the maximum extent practicable and feasible, to all consumers in the county.

(2) The department shall ensure that collection sites do not place limits on the number of covered electronic devices permitted for drop-off by consumers.

(3) The department shall encourage the use of existing collection and consolidation infrastructures for handling covered electronic devices to the extent that this infrastructure is accessible on a regular and ongoing basis to at least 85% of the population of the State, is cost effective, and meets the environmentally sound management requirements of section 11 of this act.

d. (1) ¹[The] Beginning April 1, 2008, the¹ department shall maintain a list of registrants ¹and the brands reported in each manufacturer's registration,¹ and post the list on the department's Internet website that is updated at least once a month.

(2) The department shall organize and coordinate public education and outreach.

e. The department shall use the revenues received from registrants for the sole purpose of fulfilling its responsibilities under this act. In the event that expenses from administration, education, collection, transportation, and recycling activities exceed receipts, the department may borrow ¹from outside sources¹ up to 10% of the projected annual State revenues from fees submitted under this act ¹[from outside sources]¹ . Borrowed funds shall be repaid within two years.

f. The department shall prepare a plan every three years that: (1) establishes per-capita collection and recycling goals; and (2) identifies any necessary State actions to expand collection opportunities to achieve the per-capita collection and recycling goals. The plan shall be posted on the department's Internet website and submitted¹, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),¹ to the Legislature.

g. The department shall prepare an annual report, which shall be posted on the department's Internet website and submitted¹, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),¹ to the Legislature.

The annual report shall include the following:

(1) A list of all parties that the department has designated as approved to receive payments for collection, transportation, or recycling, the amount of payments it has made to those parties, and the purpose of those payments;

(2) The total weight of covered electronic devices collected in the State the previous calendar year;

(3) ¹[The total weight of covered electronic devices sold in the State the previous calendar year;

(4)]¹ Progress toward achieving the overall annual total recovery and recycling goals described in the plan prepared pursuant to subsection f. of this section;

¹[(5)] (4)¹ A complete listing of all collection sites operating in the State in the prior calendar year, the parties that operated them, and the amount of material by weight collected at each site;

'[(6)] (5)' An evaluation of the effectiveness of the education and outreach program; 'and'

'[(7)] (6)' An evaluation of the existing collection and processing infrastructure.

h. The program implemented to effectuate the provisions of this act and its associated regulations shall be fully audited by an independent, certified public accountant at the end of each calendar year and the audit report shall be submitted', pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),' to the Legislature.

9. a. The department shall maintain a website and toll-free number complete with up-to-date listings of where consumers can bring covered '[electronics products] electronic devices' for recycling under the provisions of this act.

b. The department shall not be held financially liable or responsible for any violation of '[Federal, state] federal, State' , or local law by any person to whom the department makes payment pursuant to section 10 of this act.

c. No more frequently than annually and no less frequently than biennially, the department shall review, at a public hearing, the covered electronic device recycling 'rate' and registration fees. Recommended changes to the covered electronic device recycling rate and registration fees shall be included in the annual report required pursuant to subsection g. of section 8 of this act.

d. No fees or costs may be charged to consumers for the collection, transportation, or recycling of covered electronic '[products] devices' .

10. The department shall engage in competitive bidding for the collection, transportation, and recycling of covered electronic devices in accordance with the procedures concerning the awarding of public contracts provided in P.L.1954, c.48 (C.52:34-6 et seq.).

a. The department shall make '[covered electronic device]' payments for the collection, transportation, and recycling of covered electronic devices to an authorized or approved person ', pursuant to this section,' upon receipt of a completed and verified invoice submitted to the department in the form and manner determined by the department.

b. In order to receive payment, proof will be required that:

(1) the covered electronic device was collected from a consumer who is a resident of the State or is otherwise located in the State, or who provides evidence that the device was purchased in this State after the effective date of this act;

(2) the collection, transportation, and recycling of the covered electronic devices was conducted in accordance with all 'federal, State, and' local '[, state, and Federal]' laws, including the

requirements established under this act, and any rules or regulations adopted pursuant thereto; and

(3) no fees or costs were charged to the consumer.

11. a. Covered electronic devices collected through any program in this State, whether by manufacturers, retailers, for-profit or not-for profit corporations, ¹or¹ units of government, or organized by the department, shall be recycled in a manner that is in compliance with all applicable ¹[Federal, state] federal, State¹, and local laws, regulations, and ordinances, and shall not be exported for disposal in a manner that poses a significant risk to the public health or the environment.

b. The department shall establish performance requirements in order for collectors, transporters, and recyclers to be eligible to receive funds from the department. Every collector, transporter ¹,¹ and recycler shall, at a minimum, demonstrate compliance with the United States Environmental Protection ¹[Department's] Agency's¹ Plug-In to eCycling Guidelines for Materials Management as issued and available on the ¹[EPA's] United States Environmental Protection Agency's¹ Internet website in addition to any other requirements mandated by ¹[state or Federal] federal or State¹ law. The department shall maintain an Internet website that shall include a list of collectors, transporters, and recyclers that it has determined have met these performance ¹[standards] requirements¹ .

12. On and after January 1, 2009, no person shall knowingly dispose of a used covered electronic device, or any of the components or subassemblies thereof, as solid waste.

13. a. The State, including the Attorney General and the department, shall be authorized to initiate independent action to enforce any provision of this ¹[law] act¹, including failure by ¹[the] a¹ manufacturer to remit the ¹registration¹ fee ¹required pursuant to section 5 of this act, the fee required pursuant to section 6 of this act, or any fee required pursuant to subsection b. of section 14 of this act¹ to the department. Any funds awarded by the court shall be used first to offset enforcement expenses. Money in excess of the enforcement expenses shall be deposited ¹[with the department] into a separate account, and shall be dedicated for use by the department solely for the purposes of administering and enforcing the provisions of this act and any rules or regulations adopted pursuant thereto¹ .

b. ¹[An offense shall be considered] Violations of the act include, but are not limited to¹ :

(1) the sale of a new covered electronic device by any person that is not in full compliance with the provisions of this act;

(2) [the] application for compensation for the collection, transportation [,] and recycling of covered electronic [products] devices[] not collected within the State, or region as provided in section [16] 15[] of this act;

(3) [the] use of a qualified collection program to recycle covered electronic [products] devices[] not discarded within the State, or region as provided in section 15 of this act;

(4) the knowing failure to report or accurately report any data required to be reported to the department pursuant to this act; [and]

(5) [the] non-payment of [fees] any fee required pursuant to this act[] .

14. a. The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as are necessary to effectuate the purposes of this act.

b. The department may, in accordance with a fee schedule adopted as a rule or regulation pursuant to the provisions of the "Administrative Procedure Act," establish and charge reasonable fees for any of the services to be performed in connection with this act, which shall cover the full costs incurred by the department for the review of plans and for other costs incurred by the department for implementation of this act.

15. The department is authorized to participate in the establishment and implementation of a regional, multi-state organization or compact to assist in carrying out the requirements of this act.

16. This act is intended to govern all aspects of the collection and recycling of covered electronic devices as those terms are defined herein. Upon [the implementation of] a determination by the Department of Environmental Protection of[] an acceptable national program to collect or recycle covered electronic devices, the [Commissioner of Environmental Protection shall notify, in writing, the Governor, the President of the Senate and the Speaker of the General Assembly, and the members of the Senate Environment Committee and the Assembly Environment and Solid Waste Committee, or their successors, of this determination.

The[] provisions of this act shall expire [60 days after the date of the notification required pursuant to this section or] within the timeframe [determined] provided[] by [Federal] federal[] law [,] as appropriate.

The department shall provide notice in the New Jersey Register of any determination made pursuant to this section, and shall take any administrative action necessary in order to implement the national program[] .

[17. a. It is the intent of the Legislature that, except as otherwise specifically provided in this act, in the event of any conflict or inconsistency in the provisions of this act and any other acts pertaining to matters herein established or provided for or in any rules and regulations adopted under this act and under any other acts, to the extent of such conflict or inconsistency, the provisions of this act and the rules and regulations adopted hereunder shall be enforced and the provisions of such other acts and rules and regulations adopted pursuant thereto shall be of no effect.

b. The provisions of this act shall be severable, and if any section, part, phrase, or provision of this act or the application thereof to any person be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which the judgment shall have been rendered and it shall not affect or impair the validity of the remainder of this act or the application thereof to other persons.

c. The object, design and purpose of this act being the protection of the environment and public health through the proper and environmentally-sound management of electronic waste in this State, and the maintenance of a proper balance, as provided herein, between competing public and private interests, this act shall be liberally construed to give effect to the purposes thereof.]

[18.] 17. This act shall take effect on January 1, [2007] 2008.