

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 the person affixes or affixed a brand that the person neither owns or owned nor is or was licensed to use;

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 of importation, another person has registered as the manufacturer of the brand of the covered electronic devices pursuant to N.J.S.A. 13:1E-99.102, then part 5 of this definition shall not apply; or

6. Who assumes the obligations and responsibilities for a manufacturer pursuant to paragraphs 1 through 5 of this definition.

“Market share” means a television manufacturer’s national sales of televisions, expressed as a percentage of the total of all television manufacturers’ national sales, based on the best available public data.

“Monitor” means a separate video display component of a computer containing a cathode ray tube or any other type of display, including, but not limited to, a liquid crystal display, gas plasma, digital light processing, or other image projection technology, that:

1. Is sold separately or sold together with a computer central processing unit and computer box; and
2. Includes its case, the interior wires and circuitry, the cable to the central processing unit and the power cord.

“Orphan device” means a covered electronic device for which no manufacturer can be identified, or for which the original manufacturer no longer exists.

“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.

“Portable computer” means a computer and a video display greater than four inches in size, including a laptop computer, that can be carried as one unit by an individual.

“Premium service” means a collection service provided under an approved collection plan that exceeds the requirements

in the Electronic Waste Management Act, N.J.S.A. 13:1E-99.94 et seq., for a convenient collection system, including, but not limited to, the collection of a covered electronic device from a consumer’s residence.

“Program year” means a full calendar year, running from January 1 through December 31.

“Purchase” means the taking, by sale, of title in exchange for consideration.

“Recycling” means any process by which materials that 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 does not include energy recovery or energy generation by means of incinerating electronic waste, whether apart from or in combination with other wastes.

“Retail sale” means the sale of a covered electronic device through sales outlets, via the Internet, mail order, or other means, whether or not the retailer has a physical presence in this State.

“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.

“Return share” means the proportion of covered electronic devices, other than televisions, that an individual manufacturer of covered electronic devices other than televisions is responsible to collect, transport, and recycle, as determined by the Department pursuant to N.J.A.C. 7:26A-13.9.

“Return share in weight” means the total weight of an individual manufacturer’s return share.

“Sale” or “sell” 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.

“Small business enterprise” means any business that has its principal place of business in this State, is independently owned and operated, and employs the equivalent of fewer than 50 full-time employees.

“Television” means a stand-alone display system containing a cathode ray tube or any other type of display that:

1. Is primarily intended to receive video programming via broadcast;
2. Has a viewable area greater than four inches measured diagonally; and
3. Can display standard consumer video formats, receive and display different broadcast channels and support sound capability.

“Television collection share” means the proportion of televisions that an individual manufacturer is responsible to

collect, transport, and recycle, as determined by the Department pursuant to N.J.A.C. 7:26A-13.9.

“Television collection share in weight” means the total weight of an individual television manufacturer’s television collection share.

“Television manufacturer” means a manufacturer of televisions offered for sale for delivery in New Jersey.

“Transporter” means a person engaged in the transportation of covered electronic devices off the collection site, by any means, including by air, rail, highway, or water.

“Vendor-to-business purchaser recycling arrangement” means an arrangement between a business concern that purchases or leases a covered electronic device and the manufacturer of the device, whereby the manufacturer, for an additional fee or otherwise, commits to accept for recycling the purchased or leased covered electronic device when the business concern determines that it no longer has use for the device.

“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 and that produces the moving image on the screen. A video display typically uses a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology.

### 7:26A-13.3 Registration requirements for manufacturers of covered electronic devices

(a) This section applies to television manufacturers and manufacturers of all other covered electronic devices who sell covered electronic devices for delivery in New Jersey.

(b) On or before January 1 of each calendar year, each manufacturer of covered electronic devices sold for delivery in New Jersey on and after December 1 of the previous year shall register with the Department by submitting a registration package in accordance with (e) below and pay a registration fee of \$5,000.

(c) Any manufacturer of covered electronic devices other than televisions to whom the registration requirements of (b) above did not apply on January 1 of any year shall register with the Department by submitting a registration package in accordance with (e) below within 30 days of receiving from the Department a notification of a return share and a return share in weight pursuant to N.J.A.C. 7:26A-13.9.

(d) Each registered manufacturer shall renew its registration by January 1 of the calendar year immediately subsequent to the calendar year of its initial registration, and by January 1 of each calendar year thereafter, by submitting a registration package in accordance with (e) below.

(e) To register or renew its registration, a manufacturer shall submit, in accordance with the procedures on N.J.A.C. 7:26A-13.5, a registration package that includes:

1. A completed registration form, available on the Department website at <http://www.nj.gov/dep/dshw/recycling/EWaste/manufacturers.html>;
2. A registration or registration renewal fee of \$5,000, as provided by the Act at N.J.S.A. 13:1E-99.9696a and 99.96b for television manufacturers and at N.J.S.A. 13:1E-99.102b for manufacturers of covered electronic devices other than televisions, and as has been implemented since January 1, 2010, and February 1, 2010, respectively, in accordance with these provisions of the Act;
3. A current brand list; and
4. The following written certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I certify further that no covered electronic device manufactured under the above-listed brands that are offered for sale in New Jersey are prohibited from being sold or offered for sale in the European Union on or after its date of manufacture due to the concentration of one or more heavy metals in the covered electronic device exceeding its maximum concentration value, as specified in the Commission of European Communities’ Decision of August 18, 2005, amending Directive 2002-95-EC (European Union document 2005/618/EC), or as specified in a subsequent amendment to the Directive, except as otherwise provided at N.J.A.C. 7:26A-13.7(d).”

i. The certification shall be signed as follows:

- (1) For a corporation, by a principal executive officer of at least the level of vice president; or
- (2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

(f) A registered television manufacturer who determines to cease selling televisions in New Jersey shall, at least 30 days before it does so, inform the Department, in writing, of the date on which it will cease selling televisions in New Jersey.

### 7:26A-13.4 Collection plan and annual report submission requirements

(a) Each manufacturer for whom the Department has identified a collection obligation shall submit a collection plan to the Department, either individually or as part of a