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WELCOME TO THE NJDEP STAKEHOLDER MEETING FOR GROUP PLAN ADMINISTRATORS

14 February 2022

INTRODUCTIONS

- **Assistant Commissioner's Office, Site Remediation & Waste Management**
 - Judith Andrejko, Esq., *Regulatory Officer*
- **Bureau of Recycling & Hazardous Waste Management**
 - Daniel Clark, Ph.D. *Environmental Specialist & Rule Manager*
 - Janis Hottinger, *Supervisor & Facilitator*
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 - Nick Baier, *Environmental Specialist*

INTRODUCTIONS - STAKEHOLDERS

- Before commenting, please state your name and affiliation.
- To ensure accurate notes, please speak slowly and clearly.
- Please mute your microphone.
- There are two options for interacting: one is to raise your hand, and the other is to write your comment in the meeting chat.
- If you raise your hand to make a comment, please consider turning on your camera.
- If you have multiple questions for each topic, please allow others time to speak and direct your remaining questions to the panel.



FUNCTION OF A GROUP PLAN ADMINISTRATOR (GPA)

- Under the Electronic Waste Management Act (EWMA), the DEP "may allow a group plan administrator to fulfill a manufacturer's responsibilities on its behalf under [section 10 of the EWMA], including registration, payment of registration fees, and submission of plans." N.J.S.A. 13:1E-99.103m.
- Under section 10 of the EWMA, "each manufacturer to whom the department provides a market share that is greater than .01 percent of the total is required to submit a plan to the department for the collection, transportation and recycling of covered electronic devices." N.J.S.A. 13:1E-99.103a.
- "A group of manufacturers jointly submitting a plan pursuant to [section 10.a. of the EWMA] shall collect, transport, and recycle the sum of the obligations of each participating manufacturer." N.J.S.A. 13:1E-99.103d.
- "If a [GPA] fails to fulfill a manufacturer's responsibilities on its behalf, the department may take enforcement action against the manufacturer." N.J.S.A. 13:1E-99.103m.

GPA_s - DEP CONCERNS

- Weight becomes difficult to track when it moves through multiple entities, particularly when it is bought and sold in the marketplace by an authorized recycler acting as a GPA.
- Weight that cannot be accurately verified or tracked cannot be credited towards a manufacturer's collection obligation, which the department is terming a manufacturer's "actual-market-share-in-weight."
- A manufacturer that fails to collect its actual-market-share-in-weight may be subject to penalties and a non-compliance fee.
- The DEP's difficulty in accurately verifying and tracking weight also frustrates the goal of the EWMA, which is the efficient collection, transportation and recycling of covered electronic devices by manufacturers.
- The provisions outlined in the next slide will enable DEP to better track weight bought and sold by a GPA, including those that are also authorized recyclers, which would benefit the DEP, manufacturers and GPA_s, but the DEP is open to alternatives that would enable the DEP to track and verify weight to the benefit of all involved.

GPA RESPONSIBILITIES

- A GPA will be required to comply with the requirements of the rules for each manufacturer.
- A GPA will be required to collect weight solely for the benefit of its group members.
- A GPA will be required to collect each of its participating manufacturer's estimated market-share-in-weight for a program year before selling any weight.
- After it has collected each of its participating manufacturer's estimated-market-share-in-weight, a GPA may then sell weight to other manufacturers, GPAs and authorized recyclers.

CREDIT TRADING

- A GPA may transfer or apply credits if:
 - GPA's contract with its members authorizes it to do so, and
 - GPA collects, transports, and recycles CEDs in excess of the combined actual market-shares-in-weight of its members.
- If a GPA meets the above criteria, the GPA may:
 - Transfer credits to one or more of its members with a shortfall;
 - Apply credits to satisfy up to 25% of a member's estimated-market-share-in-weight for the following program year; or
 - both, if sufficient credits are available.

CLOSING REMARKS

- A. Summaries of the topics covered at the meeting and relevant information will be made available following the meetings at <https://www.nj.gov/dep/workgroups/index.html>
- B. Following proposals of the rule changes, formal comments on the rules can be made by anyone during the announced comment period.
- C. The Department will publish the proposed electronic waste rule in the New Jersey Register and accept public comment on the rule for a period of 60 days. During that time, all interested parties may submit comments to the Department. All comments on the rule proposal should be submitted as directed in the proposal.
- D. If you would like to provide additional comments about this meeting, please send them to: ecycle@dep.nj.gov .

OPEN DISCUSSION

What are your ideas/solutions?