

AMENDED IN SENATE MAY 8, 2002

SENATE BILL

No. 1523

Introduced by Senator Sher

February 20, 2002

An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1523, as amended, Sher. Solid waste: cathode ray tubes and CRT devices: recycling and refurbishment.

Existing

(1) Existing law requires the California Integrated Waste Management Board (~~hereafter the board~~) to administer state programs to recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials.

This bill would establish a state program administered by the board to recycle cathode ray tubes (CRTs) and CRT devices, as defined.

The bill would require, on and after July 1, 2003, that every manufacturer or retailer that sells CRT devices directly to consumers collect a fee at the point of sale in ~~unspecified amounts to be established by the board~~ for each CRT device sold in the state. The bill would require a ~~the~~ manufacturer or retailer to transmit the fees to the State Board of Equalization (~~hereafter the state board~~) board on or before the last day of the month following each quarter, accompanied by any forms prescribed by the state board.

~~The bill, on and after January 1, 2005, would authorize the board to adjust the fee to more accurately reflect the revenues needed to develop~~



and maintain infrastructure for the recovery, recycling, and refurbishment of cathode ray tubes and CRT devices.

The bill would require the state board to deposit the fees in the Cathode Ray Tube Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The bill would continuously appropriate all funds in the account *would be available* to the board, upon appropriation, for the purposes of implementing the recycling and refurbishment program.

The bill would establish the Cathode Ray Tube Recycling Advisory Committee within the board to advise the board on certain matters relating to the recycling and refurbishment program. The committee would consist of 7 members appointed by the Governor for 2-year terms, as specified, to represent specified interested parties.

The bill would require the board to use funds in the account to (1) (a) provide matching grant funds to local governments to establish and maintain local programs that provide for the convenient and cost-effective collection and processing of cathode ray tubes and CRT devices; (2) (b) provide annual recycling incentive payments to CRT material handlers that collect and process cathode ray tubes and CRT devices, as specified; and (3) (c) provide grants to nonprofit agencies that refurbish cathode ray tubes and CRT devices for reuse; (d) provide grants to manufacturers of CRT devices to encourage consumers to return the devices for processing, recycling, or reuse and to assist manufacturers in collecting, processing, recycling, or reusing CRT devices; (e) establish a public information program to educate the public on the hazards of improper CRT device storage and disposal and on the opportunities to recycle CRT devices; and (f) provide funding to the Department of Toxic Substances Control to implement and enforce certain provisions relating to hazardous waste control, as those provisions relate to CRT devices, and any regulations adopted by the department pursuant thereto.

The bill would require the board to design and issue a label to persons, retailers, and manufacturers for the purpose of designating CRT devices for which the specified fees have been paid.

The bill would make it unlawful for a manufacturer or retailer to sell a CRT device directly to a consumer in the state unless the specified fee has been paid on the CRT device and the specified label issued by the board for the CRT device is attached to that device. The bill thereby would establish a state-mandated local program by creating a new crime.

The bill would authorize the board to adopt rules and regulations for the purpose of administering the program.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: no yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 42580)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 11. CATHODE RAY TUBE RECYCLING
6

7 42580. The Legislature finds and declares all of the
8 following:

9 (a) Many electronic waste products contain hazardous
10 materials that may pose risks to public health and the environment
11 if improperly handled or discarded.

12 (b) Most California communities lack the infrastructure
13 needed to provide for the convenient and affordable collection,
14 refurbishment, processing, and recycling of electronic wastes.

15 (c) It is the intent of the Legislature to ensure that funds are
16 available to assist cities, counties, and recyclers of electronic
17 wastes in developing programs to safely collect and recycle the
18 hazardous materials contained in electronic wastes.

19 (d) It is also the intent of the Legislature to promote the
20 refurbishment and reuse of electronic equipment for use by
21 schools and nonprofit agencies.

22 42581. For the purposes of this chapter, the following terms
23 have the following meanings, unless the context clearly requires
24 otherwise:

25 (a) “Account” means the Cathode Ray Tube Recycling
26 Account established under Section 42583.



1 (b) “Cathode ray tube” or “CRT” means a vacuum tube or
2 picture tube used to convert an electronic signal into a visual
3 image.

4 (c) “Committee” means the Cathode Ray Tube Recycling
5 Advisory Committee established under Section 42584.

6 (d) “CRT device” means any television, video monitor,
7 computer monitor, or other device that contains one or more
8 cathode ray tubes.

9 (e) “Department” means the Department of Toxic Substances
10 Control.

11 (f) “Fee” means the cathode ray tube recycling fee established
12 under Section 42582.

13 (g) “Hazardous waste” has the same meaning as defined in
14 Section 25117 of the Health and Safety Code.

15 (h) “Manufacturer” means a person who produces CRT
16 devices.

17 (i) “Retailer” means a person who owns or operates a business
18 that sells CRT devices.

19 (j) “Sell” or “sale” means any transfer of title or of the right
20 to use, by lease or sales contract, including, but not limited to
21 transactions conducted through sales outlets, catalogs, and the
22 Internet or any other, similar electronic means, and excluding
23 wholesale transactions with distributors or dealers.

24 42582. (a) On and after July 1, 2003, every retailer that sells
25 CRT devices directly to consumers shall collect at the point of sale
26 a cathode ray tube recycling fee for each CRT device sold in the
27 state, in an amount established under Section 42582.5.

28 (b) ~~The retailer shall charge the fee as follows:~~

29 (1) ~~In the amount of _____ dollars (\$_____) for each CRT device~~
30 ~~with a screen size less than 15 inches.~~

31 (2) ~~In the amount of _____ dollars (\$_____) for each CRT device~~
32 ~~with a screen size of more than 15 inches but less than 31 inches.~~

33 (3) ~~In the amount of _____ dollars (\$_____) for each CRT device~~
34 ~~with a screen size of 31 inches or larger.~~

35 (b) *On and after July 1, 2003, to the extent authorized by the
36 United States Constitution and the statutory and case law
37 implementing and interpreting that Constitution, every
38 manufacturer that sells CRT devices directly to consumers in the
39 state shall collect a cathode ray tube recycling fee in an amount*

1 *established under Section 42582.5, for each CRT device sold in the*
2 *state.*

3 (c) ~~The retailer~~ *Each retailer and manufacturer that is subject*
4 *to this section shall transmit all fees collected under this section to*
5 *the state board on or before the last day of the month following*
6 *each quarter, accompanied by any forms prescribed by that the*
7 *board.*

8 (d) ~~On and after January 1, 2005, the board may adjust the fee~~
9 ~~to more accurately reflect the revenues needed to develop and~~
10 ~~maintain infrastructure for the recovery, recycling, and~~
11 ~~refurbishment of cathode ray tubes and CRT devices.~~

12 (d) *Subdivisions (a) and (b) shall become inoperative on the*
13 *operative date of any federal law or combination of federal laws*
14 *that meets all of the following criteria:*

15 (1) *Establishes a program for the collection, recycling,*
16 *refurbishment, and proper disposal of CRT devices that is*
17 *applicable to all CRT devices sold in the United States.*

18 (2) *Provides revenues to the state to support the collection,*
19 *recycling, refurbishment, and proper disposal of CRT devices, in*
20 *amounts that are equal to or greater than the revenues that would*
21 *be generated by the fees imposed under Section 42582.5.*

22 (3) *Requires CRT device manufacturers, retailers, handlers,*
23 *processors, and recyclers to dispose of those devices in a manner*
24 *that is in compliance with all applicable federal, state, and local*
25 *laws, regulations, and ordinances, and prohibits the devices from*
26 *being exported for disposal in a manner that poses a significant*
27 *risk to the public health or the environment.*

28 42582.5. *The board shall do all of the following:*

29 (a) *Establish a schedule of fees to be collected pursuant to*
30 *Section 42582 and, at the discretion of the board, adjust the fees*
31 *in a duly noticed public hearing not more frequently than once a*
32 *year.*

33 (b) *Limit the amount of any fees to not more than thirty dollars*
34 *(\$30.00) per CRT device.*

35 (c) *Set the fee in a manner that takes into account the types and*
36 *quantities of hazardous wastes in CRT devices.*

37 (d) *Set the fee at the lowest feasible level in order to ensure the*
38 *effective handling, processing, recycling, and refurbishment of*
39 *CRT devices.*

1 (e) Establish procedures for the imposition and collection of
2 the fee on CRT devices sold by retailers or manufacturers directly
3 to consumers.

4 (f) Design and issue a label to persons, retailers, and
5 manufacturers for the purpose of designating CRT devices for
6 which fees have been paid.

7 (g) To the extent necessary to implement this chapter, collect
8 information from the manufacturers of CRT devices on their sales
9 of CRT devices, including, but not limited to, any of the
10 manufacturer's devices sold by retailers, and the fees paid on those
11 devices.

12 42582.7. Subdivisions (a) to (e), inclusive, of Section 42582.5
13 shall become inoperative on the operative date of any federal law
14 or combination of federal laws that meets all of the following
15 criteria:

16 (a) Establishes a program for the collection, recycling,
17 refurbishment, and proper disposal of CRT devices that is
18 applicable to all CRT devices sold in the United States.

19 (b) Provides revenues to the state to support the collection,
20 recycling, refurbishment, and proper disposal of CRT devices, in
21 amounts that are equal to or greater than the revenues that would
22 be generated by the fees imposed under Section 42582.5.

23 (c) Requires CRT device manufacturers, retailers, handlers,
24 processors, and recyclers to dispose of those devices in a manner
25 that is in compliance with all applicable federal, state, and local
26 laws, regulations, and ordinances, and prohibits the devices from
27 being exported for disposal in a manner that poses a significant
28 risk to the public health or the environment.

29 42583. The state board shall deposit all fees collected under
30 Section 42582 in the Cathode Ray Tube Recycling Account, which
31 is hereby established in the Integrated Waste Management Fund.
32 ~~Notwithstanding Section 13340 of the Government Code, all~~
33 ~~funds in the account are hereby continuously appropriated to the~~
34 ~~board, without regard to fiscal years, for the purposes of~~
35 ~~implementing this chapter. Funds in the account shall be made~~
36 ~~available to the board for expenditure pursuant to this chapter,~~
37 ~~upon appropriation by the Legislature.~~

38 42584. (a) The Cathode Ray Tube Recycling Advisory
39 Committee is hereby established within the board to advise the
40 board on matters relating to, but not limited to, all of the following:

1 (1) Periodic adjustment of the fee.
2 (2) Annual priorities for the disbursement of funds as provided
3 in Section 42585.
4 (3) Removing impediments to the recovery, refurbishment, and
5 recycling of cathode ray tubes and CRT devices.
6 (b) The committee shall consist of seven members appointed
7 by the Governor to represent all of the following:
8 (1) Manufacturers, retailers, refurbishers, and recyclers of
9 cathode ray tubes and CRT devices.
10 (2) Public interest environmental organizations.
11 (3) Local government.
12 (4) Solid waste collection companies.
13 (c) Committee members shall be appointed for two-year terms,
14 except that for the initial term, three members shall be appointed
15 to one-year terms and four members shall be appointed to two-year
16 terms. The Governor shall appoint a replacement if any vacancy
17 occurs.

18 42585. The board shall use funds in the account to do all of the
19 following:

20 (a) Provide matching grant funds to local governments to
21 establish and maintain local programs that provide for the
22 convenient and cost-effective collection and processing of cathode
23 ray tubes and CRT devices.

24 (b) Provide annual recycling incentive payments to CRT
25 material handlers that collect and process cathode ray tubes and
26 CRT devices, if those facilities comply with all of the applicable
27 provisions of Sections 66273.80 to 66273.90, inclusive, of Title 22
28 of the California Code of Regulations. ~~In awarding annual~~
~~recycling incentive payments under this section, the board shall~~
~~place highest priority on supporting CRT material handling~~
~~facilities that have obtained registration pursuant to Standard No.~~
~~14001 of the International Standards Organization (ISO 14001).~~

33 (c) Provide grants to nonprofit agencies that refurbish cathode
34 ray tubes and CRT devices for reuse. *Grants to nonprofit*
organizations made under this subdivision may be made available
for the purposes of refurbishing and reselling CRT devices and for
the training of persons in the repair, refurbishing, and recycling of
those devices.

39 (d) *Provide grants to manufacturers of CRT devices to*
40 *encourage consumers to return the devices for processing,*

1 recycling, or reuse and to assist manufacturers in collecting,
2 processing, recycling, or reusing CRT devices.

3 (e) Establish a public information program to educate the
4 public on the hazards of improper CRT device storage and disposal
5 and on the opportunities to recycle CRT devices. Not more than
6 one percent of funds in the account may be used for the purposes
7 of implementing this subdivision.

8 (f) Provide funding to the department to implement and enforce
9 Chapter 6.5 (commencing with Section 25000) of the Health and
10 Safety Code, as that chapter relates to CRT devices, and any
11 regulations adopted by the department pursuant thereto.

12 42586. No grant or incentive payment may be made by the
13 board under subdivisions (a) to (d), inclusive, of Section 42585
14 unless the applicant for the grant or payment demonstrates both
15 of the following:

16 (a) That the CRT devices collected by the applicant will be
17 recycled, refurbished, or disposed in a manner that is in
18 compliance with all applicable federal, state, and local laws,
19 regulations, and ordinances, and that the devices will not be
20 exported from the state for disposal in a manner that poses a
21 significant risk to the public health or the environment.

22 (b) That the applicant will accept for recycling or
23 refurbishment any CRT device for which fees have been paid and
24 a label has been issued without charging for that recycling or
25 refurbishment.

26 42587. On and after July 1, 2003, it is unlawful for a
27 manufacturer or retailer to sell a CRT device directly to a
28 consumer in the state unless the fee established under Section
29 42582.5 has been paid on the CRT device and a label issued by the
30 board pursuant to subdivision (f) of Section 42582.5 for the CRT
31 device is attached to that device.

32 42588. The board may adopt rules and regulations for the
33 purpose of administering this chapter.

