

AMENDED IN SENATE MAY 28, 2002

AMENDED IN SENATE MAY 8, 2002

**SENATE BILL**

**No. 1523**

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**Introduced by Senator Sher**

February 20, 2002

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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.

LEGISLATIVE COUNSEL'S DIGEST

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

(1) Existing law requires the California Integrated Waste Management 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~~ *January 1, 2004*, that every manufacturer or retailer that sells CRT devices directly to consumers collect a fee at the point of sale in amounts to be established by the board for each CRT device sold in the state. The bill would require the manufacturer or retailer to transmit the fees to the board on or before the last day of the month following each quarter, accompanied by any forms prescribed by the board.

The bill would require the board to deposit the fees in the Cathode Ray Tube Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The 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 (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; (b) provide annual recycling incentive payments to CRT material handlers that collect and process cathode ray tubes and CRT devices, as specified; (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, *on and after January 1, 2004*, 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: no. Fiscal committee: yes. State-mandated local program: 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.

27 (b) "Cathode ray tube" or "CRT" means a vacuum tube or  
28 picture tube used to convert an electronic signal into a visual  
29 image.

30 (c) "Committee" means the Cathode Ray Tube Recycling  
31 Advisory Committee established under Section 42584.



- 1 (d) “CRT device” means any television, video monitor,  
2 computer monitor, or other device that contains one or more  
3 cathode ray tubes.
- 4 (e) “Department” means the Department of Toxic Substances  
5 Control.
- 6 (f) “Fee” means the cathode ray tube recycling fee established  
7 under Section 42582.
- 8 (g) “Hazardous waste” has the same meaning as defined in  
9 Section 25117 of the Health and Safety Code.
- 10 (h) “Manufacturer” means a person who produces CRT  
11 devices.
- 12 (i) “Retailer” means a person who owns or operates a business  
13 that sells CRT devices.
- 14 (j) “Sell” or “sale” means any transfer of title or of the right  
15 to use, by lease or sales contract, including, but not limited to,  
16 transactions conducted through sales outlets, catalogs, and the  
17 Internet or any other, similar electronic means, and excluding  
18 wholesale transactions with distributors or dealers.
- 19 42582. (a) On and after ~~July 1, 2003~~ *January 1, 2004*, every  
20 retailer that sells CRT devices directly to consumers shall collect  
21 at the point of sale a cathode ray tube recycling fee for each CRT  
22 device sold in the state, in an amount established under Section  
23 42582.5.
- 24 (b) On and after ~~July 1, 2003~~ *January 1, 2004*, to the extent  
25 authorized by the United States Constitution and the statutory and  
26 case law implementing and interpreting that Constitution, every  
27 manufacturer that sells CRT devices directly to consumers in the  
28 state shall collect a cathode ray tube recycling fee in an amount  
29 established under Section 42582.5, for each CRT device sold in the  
30 state.
- 31 (c) Each retailer and manufacturer that is subject to this section  
32 shall transmit all fees collected under this section to the board on  
33 or before the last day of the month following each quarter,  
34 accompanied by any forms prescribed by the board.
- 35 (d) Subdivisions (a) and (b) shall become inoperative on the  
36 operative date of any federal law or combination of federal laws  
37 that meets all of the following criteria:
- 38 (1) Establishes a program for the collection, recycling,  
39 refurbishment, and proper disposal of CRT devices that is  
40 applicable to all CRT devices sold in the United States.



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

5 (3) Requires CRT device manufacturers, retailers, handlers,  
6 processors, and recyclers to dispose of those devices in a manner  
7 that is in compliance with all applicable federal, state, and local  
8 laws, regulations, and ordinances, and prohibits the devices from  
9 being exported for disposal in a manner that poses a significant risk  
10 to the public health or the environment.

11 42582.5. The board shall do all of the following:

12 (a) Establish a schedule of fees to be collected pursuant to  
13 Section 42582 and, at the discretion of the board, adjust the fees  
14 in a duly noticed public hearing not more frequently than once a  
15 year.

16 (b) Limit the amount of any fees to not more than thirty dollars  
17 (\$30.00) per CRT device.

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

20 (d) Set the fee at the lowest feasible level in order to ensure the  
21 effective handling, processing, recycling, and refurbishment of  
22 CRT devices.

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

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

29 (g) To the extent necessary to implement this chapter, collect  
30 information from the manufacturers of CRT devices on their sales  
31 of CRT devices, including, but not limited to, any of the  
32 manufacturer's devices sold by retailers, and the fees paid on those  
33 devices.

34 42582.7. Subdivisions (a) to (e), inclusive, of Section  
35 42582.5 shall become inoperative on the operative date of any  
36 federal law or combination of federal laws that meets all of the  
37 following criteria:

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



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

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

11 42583. The board shall deposit all fees collected under  
12 Section 42582 in the Cathode Ray Tube Recycling Account, which  
13 is hereby established in the Integrated Waste Management Fund.  
14 Funds in the account shall be made available to the board for  
15 expenditure pursuant to this chapter, upon appropriation by the  
16 Legislature.

17 42584. (a) The Cathode Ray Tube Recycling Advisory  
18 Committee is hereby established within the board to advise the  
19 board on matters relating to, but not limited to, all of the following:

- 20 (1) Periodic adjustment of the fee.
- 21 (2) Annual priorities for the disbursement of funds as provided  
22 in Section 42585.
- 23 (3) Removing impediments to the recovery, refurbishment, and  
24 recycling of cathode ray tubes and CRT devices.

25 (b) The committee shall consist of seven members appointed  
26 by the Governor to represent all of the following:

- 27 (1) Manufacturers, retailers, refurbishers, and recyclers of  
28 cathode ray tubes and CRT devices.
- 29 (2) Public interest environmental organizations.
- 30 (3) Local government.
- 31 (4) Solid waste collection companies.

32 (c) Committee members shall be appointed for two-year terms,  
33 except that for the initial term, three members shall be appointed  
34 to one-year terms and four members shall be appointed to two-year  
35 terms. The Governor shall appoint a replacement if any vacancy  
36 occurs.

37 42585. The board shall use funds in the account to do all of the  
38 following:

39 (a) Provide matching grant funds to local governments to  
40 establish and maintain local programs that provide for the



1 convenient and cost-effective collection and processing of cathode  
2 ray tubes and CRT devices.

3 (b) Provide annual recycling incentive payments to CRT  
4 material handlers that collect and process cathode ray tubes and  
5 CRT devices, if those facilities comply with all of the applicable  
6 provisions of Sections 66273.80 to 66273.90, inclusive, of Title 22  
7 of the California Code of Regulations.

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

14 (d) Provide grants to manufacturers of CRT devices to  
15 encourage consumers to return the devices for processing,  
16 recycling, or reuse and to assist manufacturers in collecting,  
17 processing, recycling, or reusing CRT devices.

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

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

27 42586. No grant or incentive payment may be made by the  
28 board under subdivisions (a) to (d), inclusive, of Section 42585  
29 unless the applicant for the grant or payment demonstrates both of  
30 the following:

31 (a) That the CRT devices collected by the applicant will be  
32 recycled, refurbished, or disposed in a manner that is in  
33 compliance with all applicable federal, state, and local laws,  
34 regulations, and ordinances, and that the devices will not be  
35 exported from the state for disposal in a manner that poses a  
36 significant risk to the public health or the environment.

37 (b) That the applicant will accept for recycling or  
38 refurbishment any CRT device for which fees have been paid and  
39 a label has been issued without charging for that recycling or  
40 refurbishment.



1 42587. On and after ~~July 1, 2003~~ *January 1, 2004*, it is  
2 unlawful for a manufacturer or retailer to sell a CRT device  
3 directly to a consumer in the state unless the fee established under  
4 Section 42582.5 has been paid on the CRT device and a label  
5 issued by the board pursuant to subdivision (f) of Section 42582.5  
6 for the CRT device is attached to that device.

7 42588. The board may adopt rules and regulations for the  
8 purpose of administering this chapter.

