

AMENDED IN ASSEMBLY AUGUST 15, 2002

AMENDED IN ASSEMBLY JULY 2, 2002

AMENDED IN SENATE MAY 28, 2002

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.

LEGISLATIVE COUNSEL'S DIGEST

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

~~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 set forth legislative findings and declarations relating to the recycling of hazardous electronic waste.~~

(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 impose, on and after January 1, 2004, a CRT recycling fee in an amount established by the board, as specified, upon every

purchase in the state of a CRT device from a CRT device retailer or manufacturer, as defined. The bill would require every manufacturer or retailer that sells CRT devices directly to consumers to collect the fee at the point of sale 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: ~~no~~ 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 SECTION 1. Chapter 11 (commencing with Section 42580) is
3 added to Part 3 of Division 30 of the Public Resources Code, to
4 read:

5
6 CHAPTER 11. CATHODE RAY TUBE RECYCLING

7
8 42580. The Legislature finds and declares all of the 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 schools
21 and nonprofit agencies.



1 42581. For the purposes of this chapter, the following terms
2 have the following meanings, unless the context clearly requires
3 otherwise:

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

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

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

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

14 (e) “Department” means the Department of Toxic Substances
15 Control.

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

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

20 (h) “Manufacturer” means a person who produces CRT
21 devices.

22 (i) “Purchase” means the taking, by sale, of title or of the right
23 to use, in exchange for consideration.

24 (j) “Retailer” means a person who owns or operates a business
25 that sells CRT devices.

26 (k) “Sell” or “sale” means any transfer for consideration of
27 title or of the right to use, by lease or sales contract, including, but
28 not limited to, transactions conducted through sales outlets,
29 catalogs, or the Internet, or any other, similar electronic means,
30 and excluding wholesale transactions with distributors or dealers.

31 42582. (a) (1) On and after January 1, 2004, a cathode ray
32 tube recycling fee in an amount established under Section 42582.5
33 is hereby imposed upon every purchase in the state of a CRT device
34 from a retailer or a manufacturer.

35 (2) Every retailer or manufacturer that sells CRT devices
36 directly to consumers shall collect at the point of sale the fee
37 imposed under paragraph (1) for each CRT device sold in the
38 state.

39 (b) Each retailer and manufacturer shall transmit all fees
40 collected under subdivision (a) to the board on or before the last



1 day of the month following each quarter, accompanied by any
2 forms prescribed by the board.

3 (d) Subdivision (a) shall become inoperative on the operative
4 date of any federal law or combination of federal laws that meets
5 all of the following criteria:

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

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

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

19 42582.5. The board shall do all of the following:

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

24 (b) Limit the amount of any fees to not more than thirty dollars
25 (\$30.00) per CRT device.

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

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

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

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

37 (g) To the extent necessary to implement this chapter, collect
38 information from the manufacturers of CRT devices on their sales
39 of CRT devices, including, but not limited to, any of the



1 *manufacturer's devices sold by retailers, and the fees paid on those*
2 *devices.*

3 *42582.7. Subdivisions (a) to (e), inclusive, of Section 42582.5*
4 *shall become inoperative on the operative date of any federal law*
5 *or combination of federal laws that meets all of the following*
6 *criteria:*

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

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

14 *(c) Requires CRT device manufacturers, retailers, handlers,*
15 *processors, and recyclers to dispose of those devices in a manner*
16 *that is in compliance with all applicable federal, state, and local*
17 *laws, regulations, and ordinances, and prohibits the devices from*
18 *being exported for disposal in a manner that poses a significant*
19 *risk to the public health or the environment.*

20 *42583. The board shall deposit all fees collected under*
21 *Section 42582 in the Cathode Ray Tube Recycling Account, which*
22 *is hereby established in the Integrated Waste Management Fund.*
23 *Funds in the account shall be made available to the board for*
24 *expenditure pursuant to this chapter, upon appropriation by the*
25 *Legislature.*

26 *42584. (a) The Cathode Ray Tube Recycling Advisory*
27 *Committee is hereby established within the board to advise the*
28 *board on matters relating to, but not limited to, all of the following:*

29 *(1) Periodic adjustment of the fee.*

30 *(2) Annual priorities for the disbursement of funds as provided*
31 *in Section 42585.*

32 *(3) Removing impediments to the recovery, refurbishment, and*
33 *recycling of cathode ray tubes and CRT devices.*

34 *(b) The committee shall consist of seven members appointed by*
35 *the Governor to represent all of the following:*

36 *(1) Manufacturers, retailers, refurbishers, and recyclers of*
37 *cathode ray tubes and CRT devices.*

38 *(2) Public interest environmental organizations.*

39 *(3) Local government.*

40 *(4) Solid waste collection companies.*



1 (c) Committee members shall be appointed for two-year terms,
2 except that for the initial term, three members shall be appointed
3 to one-year terms and four members shall be appointed to
4 two-year terms. The Governor shall appoint a replacement if any
5 vacancy occurs.

6 42585. The board shall use funds in the account to do all of
7 the following:

8 (a) Provide matching grant funds to local governments to
9 establish and maintain local programs that provide for the
10 convenient and cost-effective collection and processing of cathode
11 ray tubes and CRT devices.

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

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

23 (d) Provide grants to manufacturers of CRT devices to
24 encourage consumers to return the devices for processing,
25 recycling, or reuse and to assist manufacturers in collecting,
26 processing, recycling, or reusing CRT devices.

27 (e) Establish a public information program to educate the
28 public on the hazards of improper CRT device storage and disposal
29 and on the opportunities to recycle CRT devices. Not more than
30 one percent of funds in the account may be used for the purpose of
31 implementing this subdivision.

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

36 42586. No grant or incentive payment may be made by the
37 board under subdivisions (a) to (d), inclusive, of Section 42585
38 unless the applicant for the grant or payment demonstrates both
39 of the following:



1 (a) That the CRT devices collected by the applicant will be
2 recycled, refurbished, or disposed in a manner that is in
3 compliance with all applicable federal, state, and local laws,
4 regulations, and ordinances, and that the devices will not be
5 exported from the state for disposal in a manner that poses a
6 significant risk to the public health or the environment.

7 (b) That the applicant will accept for recycling or
8 refurbishment any CRT device for which fees have been paid and
9 a label has been issued without charging for that recycling or
10 refurbishment.

11 42587. On and after January 1, 2004, it is unlawful for a
12 manufacturer or retailer to sell a CRT device directly to a
13 consumer in the state unless the fee established under Section
14 42582.5 has been paid on the CRT device and a label issued by the
15 board pursuant to subdivision (f) of Section 42582.5 for the CRT
16 device is attached to that device.

17 42588. The board may adopt rules and regulations for the
18 purpose of administering this chapter.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

28 is added to Part 3 of Division 30 of the Public Resources Code, to
29 read:

30

31 CHAPTER 11. ~~RECYCLING OF ELECTRONIC WASTE~~

32

33 ~~42580. The Legislature finds and declares all of the~~
34 ~~following:~~

35 ~~(a) Many electronic waste products contain hazardous~~
36 ~~materials that may pose risks to public health and the environment~~
37 ~~if improperly handled or discarded.~~

38 ~~(b) Most California communities lack the infrastructure~~
39 ~~needed to provide for the convenient and affordable collection,~~
40 ~~refurbishment, processing, and recycling of electronic wastes.~~



1 ~~(c) It is the intent of the Legislature to ensure that funds are~~
2 ~~available to assist cities, counties, and recyclers of electronic~~
3 ~~wastes in developing programs to safely collect and recycle the~~
4 ~~hazardous materials contained in electronic wastes.~~

5 ~~(d) It is also the intent of the Legislature to promote the~~
6 ~~refurbishment and reuse of electronic equipment for use by~~
7 ~~schools and nonprofit agencies.~~

8 ~~(e) It is the intent of the Legislature to avoid putting California~~
9 ~~businesses at a competitive disadvantage.~~

