

AMENDED IN ASSEMBLY JANUARY 5, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1699**

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**Introduced by Committee on Environmental Safety and Toxic  
Materials (Laird (Chair), Chu, Levine, Lieber, and Lowenthal)**

February 25, 2003

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An act to add Article ~~10.3~~ *10.4* (commencing with Section ~~25214.9~~  
*25214.30*) to Chapter 6.5 of Division 20 of the Health and Safety Code,  
relating to hazardous waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1699, as amended, Committee on Environmental Safety and  
Toxic Materials. Mercury: fluorescent lamps.

(1) Existing law prohibits the management of hazardous waste,  
except in accordance with the hazardous waste laws. Existing law  
requires any mercury-containing vehicle light switch, as defined, that  
is removed from a vehicle to be subject to the regulations adopted by  
the Department of Toxic Substances Control regarding the management  
of universal waste and other applicable regulations, and requires the  
department to take specified actions with regard to the safe removal and  
disposal of those switches. Under existing law, the funds in the  
Hazardous Waste Control Account in the General Fund may be  
appropriated to the department to administer and implement the  
hazardous waste control laws. A violation of the hazardous waste  
control laws is a crime.

This bill would enact the Mercury Recycling Enhancement Act of  
~~2003~~ *2004* and would prohibit any person, after January 1, ~~2004~~ *2005*,  
from disposing, or attempting to dispose of, a fluorescent lamp at a solid

waste facility, or as specified, but would authorize a fluorescent lamp to be disposed of or recycled at a hazardous waste facility that has been issued a hazardous waste facilities permit by the department or to be recycled in the same manner as required for universal waste, as provided in specified regulations adopted by the department.

The bill would require, commencing January 1, ~~2004~~ 2005, every retail purchaser who purchases a fluorescent lamp from a retail seller to pay a fluorescent lamp recycling fee of ~~5¢~~ *an unspecified amount* for each fluorescent lamp purchased in this state. The retail seller would be required to collect the fluorescent lamp recycling fee from the retail purchaser at the time of sale and to transmit the fee revenues to the department accompanied by any forms prescribed by the department. The bill would require the department to deposit the fees collected under the act into the Fluorescent Lamp Recycling Subaccount, which the bill would establish in the Hazardous Waste Control Account. The bill would continuously appropriate the funds in the subaccount for expenditure by the department, without regard to fiscal years, for the purpose of enforcing and implementing the act. The bill would authorize the department and the California Integrated Waste Management Board to expend the funds in the subaccount, to assist household hazardous waste facilities and collectors to facilitate fluorescent lamp recycling, to fund consumer education, to provide matching grant funds to local governments to assist in the collection and processing of fluorescent lamps as a universal waste, and to provide recycling incentive payments to fluorescent lamp recyclers.

The bill would require the department to enter into an agreement with the board regarding appropriate responsibilities of each agency in expending the funds.

The bill would authorize the department to adopt regulations to implement, *interpret, and enforce* the act.

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local 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. Fiscal committee: yes. State-mandated local program: yes.



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

1 SECTION 1. Article ~~10.3~~ 10.4 (commencing with Section  
2 ~~25214.9~~ 25214.30) is added to Chapter 6.5 of Division 20 of the  
3 Health and Safety Code, to read:

4  
5 Article ~~10.3.~~ 10.4. Mercury Recycling Enhancement Act of  
6 ~~2003~~ 2004

7  
8 ~~25214.9.~~

9 25214.30. The Legislature finds and declares all of the  
10 following:

11 (a) Mercury is a persistent and toxic substance that readily  
12 bio-accumulates in the environment.

13 (b) The department has classified mercury as a hazardous  
14 waste, and has adopted regulations encouraging waste fluorescent  
15 lamps to be recycled or requiring them to be disposed at an  
16 authorized facility.

17 (c) The collection infrastructure for recycling lamps already  
18 exists. With moderate further development of this infrastructure,  
19 the cost to businesses and households to comply with these  
20 recycling regulations will be much lower. It is therefore  
21 appropriate to impose a fee on the sale of new lamps for the  
22 purpose of expanding the recycling collection infrastructure to  
23 benefit the users of fluorescent lamps as well as human health and  
24 the environment.

25 ~~25214.10.~~

26 25214.32. This article shall be known, and may be cited, as the  
27 Mercury Recycling Enhancement Act of ~~2003~~ 2004.

28 ~~25214.11.~~

29 25214.34. For purposes of this article, the following  
30 definitions apply:

31 (a) “Board” means the California Integrated Waste  
32 Management Board.

33 (b) “Retailer seller” means a person who sells, or offers for  
34 sale, fluorescent lamps in a retail sale, as defined in Section 6007  
35 of the Revenue and Taxation Code.

36 (c) “Subaccount” means the Fluorescent Lamp Recycling  
37 Subaccount created pursuant to subdivision (d) of Section  
38 ~~25214.13~~ 25214.38.



1 ~~25214.12.~~

2 25214.36. On and after January 1, ~~2004~~ 2005, no person shall  
3 may dispose, or attempt to dispose, of a fluorescent lamp at a solid  
4 waste facility, or on or in any land, surface water, water course, or  
5 marine waters, except as follows:

6 (a) The fluorescent lamp may be disposed of or recycled at a  
7 hazardous waste facility issued a hazardous waste facilities permit  
8 by the department pursuant to Section 25200.

9 (b) The fluorescent lamp may be recycled in the same manner  
10 as required for universal waste, as provided in Chapter 23  
11 (commencing with Section 66273.1) of Division 4.5 of Title 22 of  
12 the California Code of Regulations, and as those regulations may  
13 be amended by the department.

14 ~~25214.13.~~

15 25214.38. (a) On ~~or~~ and after January 1, ~~2004~~ 2005, every  
16 retail purchaser who purchases a fluorescent lamp shall pay a  
17 fluorescent lamp recycling fee of ~~five cents (\$0.05)~~ \_\_\_\_ to the  
18 retail seller for each fluorescent lamp purchased in the state.

19 (b) The retail seller shall charge the retail purchaser the amount  
20 of the fluorescent lamp recycling fee as a charge that is separate  
21 from, and not included in, any other fee, charge, or other amount  
22 paid by the retail purchaser.

23 (c) The retail seller shall collect the fluorescent lamp recycling  
24 fee from the retail purchaser at the time of sale and shall transmit  
25 the fee revenues to the department on or before the last day of the  
26 month following each quarter, accompanied by any forms  
27 prescribed by the department.

28 (d) The department shall deposit all fee revenues collected  
29 pursuant to this section into the Fluorescent Lamp Recycling  
30 Subaccount, which is hereby established in the Hazardous Waste  
31 Control Account. Notwithstanding Section 13340 of the  
32 Government Code and subdivision (b) of Section 25174, the funds  
33 in the subaccount are hereby continuously appropriated for  
34 expenditure by the department, without regard to fiscal years, for  
35 the purposes of enforcing this article and to the department and the  
36 board to implement Section ~~25214.14~~ 25214.40.

37 ~~25214.14.~~

38 25214.40. (a) The department and the board may expend the  
39 funds in the subaccount for the following purposes:



1 (1) To provide assistance, regulatory development, permitting  
2 resources, and compliance guidance to household hazardous waste  
3 facilities and household hazardous waste collectors to facilitate  
4 fluorescent lamp recycling.

5 (2) To provide funds for the purpose of consumer education  
6 regarding fluorescent lamp recycling.

7 (3) To provide matching grant funds to local governments to  
8 assist in the convenient and cost-effective collection and  
9 processing of fluorescent lamps as a universal waste.

10 (4) To provide recycling incentive payments to fluorescent  
11 lamp recyclers that collect and process fluorescent lamps in  
12 compliance with the regulations of the department.

13 (b) The department shall enter into an agreement with the board  
14 regarding appropriate responsibilities of each agency in expending  
15 the funds for the purpose set forth in this section.

16 ~~25215.15.~~

17 25214.42. The department may, as necessary, adopt  
18 regulations to implement, interpret, and enforce this article.

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.

