

AMENDED IN ASSEMBLY JANUARY 15, 2004

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)~~  
*Assembly Member Laird*

February 25, 2003

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An act to add Article 10.4 (commencing with Section 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~~ *Laird*. 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 2004 and would prohibit any person, after January 1, 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~~ *July* 1, 2005, every retail purchaser who purchases a fluorescent lamp from a retail seller to pay a fluorescent lamp recycling fee ~~of in an unspecified amount determined by the department~~ 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~~ *Moneys* in the subaccount *would be available, upon appropriation,* for expenditure by the department, ~~without regard to fiscal years,~~ for the purpose of enforcing and implementing the act. ~~The bill would authorize, and for expenditure by 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~~ no. Fiscal committee: yes. State-mandated local program: yes.

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

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

4  
5 Article 10.4. Mercury Recycling Enhancement Act of 2004

6  
7 25214.30. The Legislature finds and declares all of the  
8 following:

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

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

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

23 25214.32. This article shall be known, and may be cited, as the  
24 Mercury Recycling Enhancement Act of 2004.

25 25214.34. For purposes of this article, the following  
26 definitions apply:

27 (a) "Board" means the California Integrated Waste  
28 Management Board.

29 (b) "Retailer seller" means a person who sells, or offers for  
30 sale, fluorescent lamps in a retail sale, as defined in Section 6007  
31 of the Revenue and Taxation Code.



1 (c) “Subaccount” means the Fluorescent Lamp Recycling  
2 Subaccount created pursuant to subdivision (d) of Section  
3 ~~25214.38~~ 25214.40.

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

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

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

16 25214.38. *On or before July 1, 2005, the department shall, by*  
17 *regulation, establish the amount of the fluorescent lamp recycling*  
18 *fee in an amount sufficient to ensure that the purposes of this*  
19 *article are fully funded. The amount of the fee may not be more than*  
20 *necessary to fulfill the purposes of this article.*

21 25214.40. (a) On and after ~~January~~ July 1, 2005, every retail  
22 purchaser who purchases a fluorescent lamp shall pay a  
23 fluorescent lamp recycling fee ~~of ———~~ *in the amount determined*  
24 *by the department pursuant to Section 25214.38* to the retail seller  
25 for each fluorescent lamp purchased in the state.

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

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

35 (d) The department shall deposit all fee revenues collected  
36 pursuant to this section into the Fluorescent Lamp Recycling  
37 Subaccount, which is hereby established in the Hazardous Waste  
38 Control Account. ~~Notwithstanding Section 13340 of the~~  
39 ~~Government Code and subdivision (b) of Section 25174, the funds~~  
40 ~~in the subaccount are hereby continuously appropriated for~~



1 ~~expenditure by the department, without regard to fiscal years, for~~  
2 ~~Notwithstanding subdivision (b) of Section 25174, moneys in the~~  
3 ~~subaccount may be appropriated only to the department for the~~  
4 ~~purposes of enforcing this article and to the department and the~~  
5 ~~board to implement Section ~~25214.40~~ 25214.42.~~

6 ~~25214.40.~~

7 25214.42. (a) The department and the board may expend the  
8 funds in the subaccount for the following purposes:

9 (1) To provide assistance, regulatory development, permitting  
10 resources, and compliance guidance to household hazardous waste  
11 facilities and household hazardous waste collectors to facilitate  
12 fluorescent lamp recycling.

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

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

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

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

24 ~~25214.42.~~

25 25214.44. The department may, as necessary, adopt  
26 regulations to implement, interpret, and enforce this article.

27 SEC. 2. No reimbursement is required by this act pursuant to  
28 Section 6 of Article XIII B of the California Constitution because  
29 the only costs that may be incurred by a local agency or school  
30 district will be incurred because this act creates a new crime or  
31 infraction, eliminates a crime or infraction, or changes the penalty  
32 for a crime or infraction, within the meaning of Section 17556 of  
33 the Government Code, or changes the definition of a crime within  
34 the meaning of Section 6 of Article XIII B of the California  
35 Constitution.

