

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2277

Introduced by Assembly Member Dymally

February 19, 2004

An act to add *and repeal* Section 42176 ~~to~~ of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2277, as amended, Dymally. ~~Metallic Discards Appliance Recycling Working Group.~~

Under existing law, the California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, materials that require special handling, as defined, are required to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. Existing law requires any hazardous material that becomes a hazardous waste when released or removed from a major appliance and any mercury-containing motor vehicle light switch that becomes a hazardous waste when removed from any vehicle to be managed pursuant to specified hazardous waste control requirements.

This bill would require the Secretary for Environmental Protection to establish, by February 1, 2005, ~~a metallic discards an appliance recycling~~ working group, comprised of representatives of the California Integrated Waste Management Board, the Department of Toxic Substances Control, and the State Water Resources Control Board, *and interested stakeholders*, to ~~encourage ongoing collaboration and~~

~~cooperation among the agencies to achieve the most effective implementation of the provisions relating to the removal of hazardous materials from major appliances and vehicles undertake specified analysis, and make specified determinations and recommendations, regarding the removal of materials that require special handling from major appliances. The bill would require the Secretary for Environmental Protection, by December 1, 2005, to report to the Legislature on the findings and recommendations of the working group. The bill would make findings and declarations relating to the removal of materials that require special handling from major appliances. The bill would provide that its provisions would remain in effect only until January 1, 2006, and as of that date would be repealed.~~

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

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

1 ~~SECTION 1.—Section 42176 is added to the Public Resources~~
 2 *SECTION 1. The Legislature finds and declares all of the*
 3 *following:*
 4 *(a) Chapter 3.5 (commencing with Section 42160) of Part 3 of*
 5 *Division 30 of the Public Resources Code prohibits major*
 6 *appliances from being crushed for transport or baled or shredded*
 7 *for recycling, until specified hazardous materials, including*
 8 *mercury, are removed.*
 9 *(b) Based on appliance industry estimates, more than*
 10 *4,000,000 major appliances were discarded in California in 2002.*
 11 *These appliances contained an estimated 70,000 pounds of*
 12 *mercury-containing devices, 1,600,000 pounds of CFC or HCFC*
 13 *refrigerants, 226,000 gallons of used oil, and 270,000 pounds of*
 14 *PCB-containing devices. Unless they are properly removed from*
 15 *appliances before the appliances are crushed, baled, or shredded,*
 16 *these hazardous materials are being illegally released into the*
 17 *environment.*
 18 *(c) Current law does not provide a readily available means for*
 19 *the state to determine whether these hazardous materials are being*
 20 *properly removed and managed for safe recycling or disposal. It*
 21 *is in the people of the State of California's interest to determine*
 22 *whether hazardous materials that, if illegally released into the*



1 *environment, can pollute soil, air, and water, are being managed*
2 *in accordance with state law.*

3 *SEC. 2. Section 42176 is added to the Public Resources Code,*
4 *to read:*

5 *42176. (a) On or before February 1, 2005, the Secretary for*
6 *Environmental Protection shall establish an appliance recycling*
7 *working group, comprised of representatives of the board, the*
8 *Department of Toxic Substances Control, and the State Water*
9 *Resources Control Board, and interested stakeholders. The*
10 *working group shall do all of the following:*

11 *(1) Analyze existing practices of state and local agencies to*
12 *implement Section 42175 and Chapter 23 (commencing with*
13 *Section 66273.1) of Division 4.5 of Title 22 of the California Code*
14 *of Regulations as it pertains to the removal of mercury,*
15 *mercury-containing products, and other materials that require*
16 *special handling, from major appliances.*

17 *(2) Determine the amount of materials that require special*
18 *handling that are being removed from major appliances and*
19 *properly managed after removal as required by law.*

20 *(3) Determine which state and local agencies are responsible*
21 *for inspecting facilities and operators involved in processing*
22 *discarded appliances and whether adequate inspection of those*
23 *facilities and operators is occurring.*

24 *(4) Determine the extent to which enforcement actions have*
25 *been taken for violations of Section 42175.*

26 *(5) Identify any gaps or weaknesses in the current regulatory,*
27 *structure that impede successful inspection and enforcement*
28 *pursuant to this chapter.*

29 *(6) Recommend changes to statute, regulation, and practice, to*
30 *ensure that materials that require special handling are properly*
31 *removed from major appliances, before the appliances are*
32 *crushed, baled, or shredded, and those materials are managed as*
33 *hazardous waste.*

34 *(b) On or before December 1, 2005, the Secretary for*
35 *Environmental Protection shall report to the Legislature on the*
36 *findings and recommendations of the Appliance Recycling*
37 *Working Group.*

38 *(c) This section shall remain in effect only until January 1,*
39 *2006, and as of that date is repealed, unless a later enacted statute,*
40 *that is enacted before January 1, 2006, deletes or extends that date.*



1 Code, to read:
2 42176. — On or before February 1, 2005, the Secretary for
3 Environmental Protection shall establish a Metallic Discards
4 Working Group comprised of representatives of the board, the
5 Department of Toxic Substances Control, and the State Water
6 Resources Control Board. The working group shall serve to
7 encourage ongoing collaboration and cooperation among the three
8 agencies to achieve the most effective implementation of this
9 chapter and Chapter 23 (commencing with Section 66273.1) of
10 Division 4.5 of Title 22 of the California Code of Regulations as
11 it pertains to the removal of mercury and mercury-containing
12 products from major appliances and vehicles.

