

ASSEMBLY BILL

No. 546

Introduced by Assembly Member Brownley

February 21, 2007

An act to amend Section 25214.10.1 of the Health and Safety Code, and to amend Sections 42463, 42464, 42465.2, and 42476 of, and to add Sections 42457.6 and 44153 to, the Public Resources Code, relating to electronic waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 546, as introduced, Brownley. Electronic waste: computers.

(1) The Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer. Those fees are deposited in the Electronic Waste Recovery and Recycling Account, and the California Integrated Waste Management Board and the Department of Toxic Substances Control are continuously appropriated the money in the account to make electronic waste recovery payments and recycling payments and to make payments to manufacturers, to cover the costs of collecting, consolidating, transporting, receiving, processing, and recycling covered electronic waste in this state.

The term "covered electronic device" is defined, for purposes of that act, as a video display device that is identified in the regulations that the Department of Toxic Substances Control determines are presumed to be, when discarded, a hazardous waste pursuant to the hazardous waste control laws.

A violation of the electronic waste recycling act is a crime.

This bill would provide that a covered electronic device also includes a CPU tower, as defined, thereby imposing a state-mandated local

program by creating a new crime. The bill would require a retailer to collect of fee of \$10 from the consumer at the time of the retail sale of a CPU tower. The bill would make conforming changes to the act with regard to those electronic devices.

The bill would make an appropriation, as the fees imposed on the sales of personal computers would be deposited in the continuously appropriated account.

(2) The act requires each manufacturer of a covered electronic device to make information available to consumers, through the use of a toll-free telephone number, Internet Web site, information labeled on the device, information included in the packaging, or information accompanying the sale of covered electronic devices.

This bill would repeal the requirement specifying how this information is to be made available by manufacturers and would instead require the board to develop an information program to provide retailers with a list of authorized collectors operating in the county where the retailer is located. The bill would require a retailer to provide a customer who purchases an electronic device with the list of authorized collectors operating in the county where the retailer is located.

(3) Existing law requires solid waste facilities to comply with the state minimum standard adopted by the board for the operation of solid waste facilities.

The bill would require a solid waste facility that is operated by a city, county, or district and that accepts solid waste from the public to also accept covered electronic waste, thereby imposing a state-mandated local program.

(4) 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 specified reasons.

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. Section 25214.10.1 of the Health and Safety Code
- 2 is amended to read:
- 3 25214.10.1. (a) For purposes of this section, the following
- 4 definitions shall apply:

1 (1) ~~“Electronic device”~~(A) *Except as provided in subparagraph*
2 *(B), “electronic device” means a video display device, as defined*
3 *in subdivision (t) of Section 42463 of the Public Resources Code,*
4 *with a screen size of greater than four inches.*

5 *(B) “Electronic device” also includes a “CPU tower,” as*
6 *defined in subdivision (2) of Section 42463 of the Public Resources*
7 *Code.*

8 (2) “Covered electronic device,” “manufacturer,” and “retailer”
9 have the same meaning as those terms are defined in Section 42463
10 of the Public Resources Code.

11 (b) The department shall adopt regulations that identify
12 electronic devices that the department determines are presumed
13 to be, when discarded, a hazardous waste pursuant to this chapter.

14 (c) (1) Except as provided in subdivision (e), a manufacturer
15 of an electronic device that is identified in the regulations adopted
16 by the department shall send a notice in accordance with the
17 schedule specified in subparagraph (A) or (B), as applicable, of
18 paragraph (3), to any retailer that sells that electronic device
19 manufactured by the manufacturer. The notice shall identify the
20 electronic device, and shall inform the retailer that the electronic
21 device is a covered electronic device and is subject to a fee in
22 accordance with subdivision (d).

23 (2) A manufacturer subject to this subdivision shall also send
24 a copy of the notice to the State Board of Equalization.

25 (3) The notice required by this subdivision shall be sent in
26 accordance with the following schedule:

27 (A) On or before October 1, 2004, the manufacturer shall send
28 a notice covering any electronic device manufactured by that
29 manufacturer that is identified in the regulations adopted by the
30 department on or before July 1, 2004, that identify the electronic
31 devices that the department determines are presumed to be, when
32 discarded, a hazardous waste pursuant to this chapter.

33 (B) ~~On or before April 1, 2005, and on or before every April 1~~
34 ~~of each year thereafter,~~ the manufacturer shall send a notice
35 covering any electronic device manufactured by that manufacturer
36 identified in the regulations adopted by the department pursuant
37 to subdivision (b) on or before December 31 of the prior year.

38 (4) If a retailer sells a refurbished covered electronic device,
39 the manufacturer is required to comply with the notice requirement

1 of this subdivision only if the manufacturer directly supplies the
2 refurbished covered electronic device to the retailer.

3 (d) (1) Except as provided in subdivision (e), a covered
4 electronic device that is identified in the regulations adopted, on
5 or before July 1, 2004, by the department, that identify electronic
6 devices that the department determines are presumed to be, when
7 discarded, a hazardous waste pursuant to this chapter shall, on and
8 after January 1, 2005, be subject to Chapter 8.5 (commencing with
9 Section 42460) of Part 3 of Division 30 of the Public Resources
10 Code, including the fee imposed pursuant to Section 42464 of the
11 Public Resources Code.

12 (2) Except as provided in subdivision (e), a covered electronic
13 device identified in the regulations adopted by the department,
14 pursuant to subdivision (b), shall, on and after July 1 of the year
15 subsequent to the year in which the covered electronic device is
16 first identified in the regulations, be subject to Chapter 8.5
17 (commencing with Section 42460) of Part 3 of Division 30 of the
18 Public Resources Code, including the fee imposed pursuant to
19 Section 42464 of the Public Resources Code.

20 (e) (1) If the manufacturer of an electronic device that is
21 identified in the regulations adopted by the department pursuant
22 to subdivision (b) obtains the concurrence of the department that
23 an electronic device, when discarded, would not be a hazardous
24 waste, in accordance with procedures set forth in Section
25 66260.200 of Title 22 of the California Code of Regulations, the
26 electronic device shall cease to be a covered electronic device and
27 shall cease to be subject to subdivisions (c) and (d) on the first day
28 of the quarter that begins not less than 30 days after the date that
29 the department provides the manufacturer with a written
30 nonhazardous concurrence for the electronic device pursuant to
31 this subdivision. A manufacturer shall notify each retailer, to which
32 that manufacturer has sold a covered electronic device, that the
33 device has been determined pursuant to this subdivision to be
34 nonhazardous and is no longer subject to a covered electronic
35 recycling fee.

36 (2) No later than 10 days after the date that the department issues
37 a written nonhazardous concurrence to the manufacturer, the
38 department shall do both of the following:

39 (A) Post on the department's Web site a copy of the
40 nonhazardous concurrence, including, but not limited to, an

1 identification and description of the electronic device to which the
2 concurrence applies.

3 (B) Send a copy of the nonhazardous concurrence, including,
4 but not limited to, an identification and description of the electronic
5 device to which the concurrence applies, to the California
6 Integrated Waste Management Board and the State Board of
7 Equalization.

8 (f) Notwithstanding Section 42474 of the Public Resources
9 Code, a fine or penalty shall not be assessed on a retailer who
10 unknowingly sells, or offers for sale, in this state a covered
11 electronic device for which the covered electronic waste recycling
12 fee has not been collected or paid, if the failure to collect the fee
13 was due to the failure of the State Board of Equalization to inform
14 the retailer that the electronic device was subject to the fee.

15 SEC. 2. Section 42463 of the Public Resources Code is
16 amended to read:

17 42463. For the purposes of this chapter, the following terms
18 have the following meanings, unless the context clearly requires
19 otherwise:

20 (a) “Account” means the Electronic Waste Recovery and
21 Recycling Account created in the Integrated Waste Management
22 Fund under Section 42476.

23 (b) “Authorized collector” means any of the following:

24 (1) A city, county, or district that collects covered electronic
25 devices.

26 (2) A person or entity that is required or authorized by a city,
27 county, or district to collect covered electronic devices pursuant
28 to the terms of a contract, license, permit, or other written
29 authorization.

30 (3) A nonprofit organization that collects or accepts covered
31 electronic devices.

32 (4) A manufacturer or agent of the manufacturer that collects,
33 consolidates, and transports covered electronic devices for
34 recycling from consumers, businesses, institutions, and other
35 generators.

36 (5) An entity that collects, handles, consolidates, and transports
37 covered electronic devices and has filed applicable notifications
38 with the department pursuant to Chapter 23 (commencing with
39 Section 66273.1) of Division 4.5 of Title 22 of the California Code
40 of Regulations.

1 (c) “Board” means the California Integrated Waste Management
2 Board.

3 (d) “Consumer” means a person who purchases a new or
4 refurbished covered electronic device in a transaction that is a
5 retail sale or in a transaction to which a use tax applies pursuant
6 to Part 1 (commencing with Section 6001) of Division 2 of the
7 Revenue and Taxation Code.

8 (e) “Department” means the Department of Toxic Substances
9 Control.

10 (f) (1) Except as provided in ~~paragraph (2)~~ *paragraphs (2) and*
11 *(3)*, “covered electronic device” means a video display device
12 containing a screen greater than four inches, measured diagonally,
13 that is identified in the regulations adopted by the department
14 pursuant to subdivision (b) of Section 25214.10.1 of the Health
15 and Safety Code.

16 *(2) “Covered electronic device” also includes a CPU tower*
17 *that is identified in the regulations adopted by the department*
18 *pursuant to subdivision (b) of Section 25214.10.1 of the Health*
19 *and Safety Code.*

20 ~~(2) “Covered~~

21 (3) “Covered electronic device” does not include any of the
22 following:

23 (A) A video display device that is a part of a motor vehicle, as
24 defined in Section 415 of the Vehicle Code, or any component
25 part of a motor vehicle assembled by, or for, a vehicle manufacturer
26 or franchised dealer, including replacement parts for use in a motor
27 vehicle.

28 (B) A video display device that is contained within, or a part of
29 a piece of industrial, commercial, or medical equipment, including
30 monitoring or control equipment.

31 (C) A video display device that is contained within a clothes
32 washer, clothes dryer, refrigerator, refrigerator and freezer,
33 microwave oven, conventional oven or range, dishwasher, room
34 air-conditioner, dehumidifier, or air purifier.

35 (D) An electronic device, on and after the date that it ceases to
36 be a covered electronic device under subdivision (e) of Section
37 25214.10.1 of the Health and Safety Code.

38 (g) “Covered electronic waste” or “covered e-waste” means a
39 covered electronic device that is discarded.

1 (h) “Covered electronic waste recycling fee” or “covered e-waste
2 recycling fee” means the fee imposed pursuant to Article 3
3 (commencing with Section 42464).

4 (i) “Covered electronic waste recycler” or “covered e-waste
5 recycler” means any of the following:

6 (1) A person who engages in the manual or mechanical
7 separation of covered electronic devices to recover components
8 and commodities contained therein for the purpose of reuse or
9 recycling.

10 (2) A person who changes the physical or chemical composition
11 of a covered electronic device, in accordance with the requirements
12 of Chapter 6.5 (commencing with Section 25100) of Division 20
13 of the Health and Safety Code and the regulations adopted pursuant
14 to that chapter, by deconstructing, size reduction, crushing, cutting,
15 sawing, compacting, shredding, or refining for purposes of
16 segregating components, for purposes of recovering or recycling
17 those components, and who arranges for the transport of those
18 components to an end user.

19 (3) A manufacturer who meets any conditions established by
20 this chapter and Chapter 6.5 (commencing with Section 25100)
21 of Division 20 of the Health and Safety Code for the collection or
22 recycling of covered electronic waste.

23 (j) *“CPU tower” means a computer case, computer chassis,
24 box, housing, or other enclosure and the main components of the
25 computer contained therein, including, but not limited to, the
26 microprocessor or CPU, memory, mother board or logic board,
27 optical disc drives, floppy disk drive, video card or graphics
28 processor, sound card, modem, network interface card, and power
29 supply unit.*

30 ~~(j)~~

31 (k) “Discarded” has the same meaning as defined in subdivision
32 (b) of Section 25124 of the Health and Safety Code.

33 ~~(k)~~

34 (l) “Electronic waste recovery payment” means an amount
35 established and paid by the board pursuant to Section 42477.

36 ~~(l)~~

37 (m) “Electronic waste recycling payment” means an amount
38 established and paid by the board pursuant to Section 42478.

39 ~~(m)~~

1 (n) “Hazardous material” has the same meaning as defined in
2 Section 25501 of the Health and Safety Code.

3 ~~(n)~~

4 (o) “Manufacturer” means any of the following:

5 (1) A person who manufactures a covered electronic device sold
6 in this state.

7 (2) A person who sells a covered electronic device in this state
8 under that person’s brand name.

9 ~~(o)~~

10 (p) “Person” means an individual, trust firm, joint stock
11 company, business concern, and corporation, including, but not
12 limited to, a government corporation, partnership, limited liability
13 company, and association. Notwithstanding Section 40170,
14 “person” also includes a city, county, city and county, district,
15 commission, the state or a department, agency, or political
16 subdivision thereof, an interstate body, and the United States and
17 its agencies and instrumentalities to the extent permitted by law.

18 ~~(p)~~

19 (q) “Recycling” has the same meaning as defined in subdivision
20 (a) of Section 25121.1 of the Health and Safety Code.

21 ~~(q)~~

22 (r) “Refurbished,” when used to describe a covered electronic
23 device, means a device that the manufacturer has tested and
24 returned to a condition that meets factory specifications for the
25 device, has repackaged, and has labeled as refurbished.

26 ~~(r)~~

27 (s) “Retailer” means a person who makes a retail sale of a new
28 or refurbished covered electronic device. “Retailer” includes a
29 manufacturer of a covered electronic device who sells that covered
30 electronic device directly to a consumer through any means,
31 including, but not limited to, a transaction conducted through a
32 sales outlet, catalog, or the Internet, or any other similar electronic
33 means.

34 ~~(s)~~

35 (t) (1) “Retail sale” has the same meaning as defined under
36 Section 6007 of the Revenue and Taxation Code.

37 ~~(t)~~

38 (u) “Retail sale” does not include the sale of a covered electronic
39 device that is temporarily stored or used in California for the sole
40 purpose of preparing the covered electronic device for use

1 thereafter solely outside the state, and that is subsequently
2 transported outside the state and thereafter used solely outside the
3 state.

4 ~~(t)~~

5 (v) “Vendor” means a person that makes a sale of a covered
6 electronic device for the purpose of resale to a retailer who is the
7 lessor of the covered electronic device to a consumer under a lease
8 that is a continuing sale and purchase pursuant to Part
9 1(commencing with Section 6001) of Division 2 of the Revenue
10 and Taxation Code.

11 ~~(u)~~

12 (w) “Video display device” means an electronic device with an
13 output surface that displays, or is capable of displaying, moving
14 graphical images or a visual representation of image sequences or
15 pictures, showing a number of quickly changing images on a screen
16 in fast succession to create the illusion of motion, including, if
17 applicable, a device that is an integral part of the display, in that
18 it cannot be easily removed from the display by the consumer, that
19 produces the moving image on the screen. A video display device
20 may use, but is not limited to, a cathode ray tube (CRT), liquid
21 crystal display (LCD), gas plasma, digital light processing, or other
22 image projection technology.

23 SEC. 3. Section 42464 of the Public Resources Code is
24 amended to read:

25 42464. (a) On and after January 1, 2005, or as otherwise
26 provided by Section 25214.10.1 of the Health and Safety Code, a
27 consumer shall pay a covered electronic waste recycling fee upon
28 the purchase of a new or refurbished covered electronic device, in
29 the following amounts:

30 (1) Six dollars (\$6) for each covered electronic device with a
31 screen size of less than 15 inches measured diagonally.

32 (2) Eight dollars (\$8) for each covered electronic device with
33 a screen size greater than or equal to 15 inches but less than 35
34 inches measured diagonally.

35 (3) Ten dollars (\$10) for each covered electronic device with a
36 screen size greater than or equal to 35 inches measured diagonally.

37 (4) *Ten dollars (\$10) for each covered electronic device that*
38 *meets the definition specified in paragraph (2) of subdivision (f)*
39 *of Section 42463.*

1 (b) Except as provided in subdivision (d), a retailer shall collect
2 from the consumer a covered electronic waste recycling fee at the
3 time of the retail sale of a covered electronic device.

4 (c) (1) A retailer may retain 3 percent of the covered electronic
5 waste recycling fee as reimbursement for all costs associated with
6 the collection of the fee and shall transmit the remainder of the fee
7 to the state pursuant to Section 42464.4.

8 (2) If a retailer makes an election pursuant to paragraph (2) of
9 subdivision (d), and the conditions of subparagraphs (A), (B), and
10 (C) of paragraph (2) of subdivision (d) are met, the vendor, in lieu
11 of the retailer, may retain 3 percent of the covered electronic waste
12 recycling fee as reimbursement for all costs associated with the
13 collection of the fee and the vendor shall transmit the remainder
14 of the fee to the state pursuant to Section 42464.4.

15 (d) (1) If a retailer elects to pay the covered electronic waste
16 recycling fee on behalf of the consumer, the retailer shall provide
17 an express statement to that effect on the receipt given to the
18 consumer at the time of sale. If a retailer elects to pay the covered
19 electronic waste recycling fee on behalf of the consumer, the fee
20 is a debt owed by the retailer to the state, and the consumer is not
21 liable for the fee.

22 (2) A retailer may elect to pay the covered electronic waste
23 recycling fee on behalf of the consumer by paying the covered
24 electronic waste recycling fee to the retailer's vendor, but only if
25 all of the following conditions are met:

26 (A) The vendor is registered with the State Board of Equalization
27 to collect and remit the covered electronic waste recycling fee
28 pursuant to this chapter.

29 (B) The vendor holds a valid seller's permit pursuant to Article
30 2 (commencing with Section 6066) of Chapter 2 of Part 1 of
31 Division 2 of the Revenue and Taxation Code.

32 (C) The retailer pays the covered electronic waste recycling fee
33 to the vendor that is separately stated on the vendor's invoice to
34 the retailer.

35 (D) The retailer provides an express statement on the invoice,
36 contract, or other record documenting the sale that is given to the
37 consumer, that the covered electronic waste recycling fee has been
38 paid on behalf of the consumer.

39 (3) For the purpose of making the election in paragraph (2), if
40 the conditions set forth in subparagraphs (A), (B), (C), and (D) of

1 paragraph (2), are met, the covered electronic waste recycling fee
2 is a debt owed by the vendor to the state, and the retailer is not
3 liable for the fee.

4 (e) The retailer shall separately state the covered electronic
5 waste recycling fee on the receipt given to the consumer at the
6 time of sale.

7 (f) On or before August 1, 2005, and, thereafter, no more
8 frequently than annually, and no less frequently than biennially,
9 the board, in collaboration with the department, shall review, at a
10 public hearing, the covered electronic waste recycling fee and shall
11 make any adjustments to the fee to ensure that there are sufficient
12 revenues in the account to fund the covered electronic waste
13 recycling program established pursuant to this chapter. Adjustments
14 to the fee that are made on or before August 1, shall apply to the
15 calendar year beginning the following January 1. The board shall
16 base an adjustment of the covered electronic waste recycling fee
17 on both of the following factors:

18 (1) The sufficiency, and any surplus, of revenues in the account
19 to fund the collection, consolidation, and recycling of covered
20 electronic waste that is projected to be recycled in the state.

21 (2) The sufficiency of revenues in the account for the board and
22 the department to administer, enforce, and promote the program
23 established pursuant to this chapter, plus a prudent reserve not to
24 exceed 5 percent of the amount in the account.

25 SEC. 4. Section 42457.6 is added to the Public Resources Code,
26 to read:

27 42457.6. (a) The board shall develop an information program
28 to provide retailers with a list of authorized collectors operating
29 in the county where the retailer is located.

30 (b) A retailer shall provide a customer who purchases an
31 electronic device with the list of authorized collectors operating
32 in the county where the retailer is located.

33 SEC. 5. Section 42465.2 of the Public Resources Code is
34 amended to read:

35 42465.2. (a) On or before July 1, 2005, or as specified
36 otherwise in Section 25214.10.1 of the Health and Safety Code,
37 and at least once annually thereafter as determined by the board,
38 each manufacturer of a covered electronic device sold in this state
39 shall do all of the following:

1 (1) Submit to the board a report that includes all of the following
2 information:

3 (A) An estimate of the number of covered electronic devices
4 sold by the manufacturer in the state during the previous year.

5 (B) A baseline or set of baselines that show the total estimated
6 amounts of mercury, cadmium, lead, hexavalent chromium, and
7 PBB's used in covered electronic devices manufactured by the
8 manufacturer in that year and the reduction in the use of those
9 hazardous materials from the previous year.

10 (C) A baseline or set of baselines that show the total estimated
11 amount of recyclable materials contained in covered electronic
12 devices sold by the manufacturer in that year and the increase in
13 the use of those recyclable materials from the previous year.

14 (D) A baseline or a set of baselines that describe any efforts to
15 design covered electronic devices for recycling and goals and plans
16 for further increasing design for recycling.

17 (E) A list of those retailers, including, but not limited to, Internet
18 and catalog retailers, to which the manufacturer provided a notice
19 in the prior 12 months pursuant to Section 42465.3 and subdivision
20 (c) of Section 25214.10.1 of the Health and Safety Code.

21 (2) Make information available to consumers, that describes
22 where and how to return, recycle, and dispose of the covered
23 electronic device and opportunities and locations for the collection
24 or return of the device, ~~through the use of a toll-free telephone~~
25 ~~number, Internet Web site, information labeled on the device,~~
26 ~~information included in the packaging, or information~~
27 ~~accompanying the sale of covered electronic device.~~

28 (b) (1) For the purposes of complying with paragraph (1) of
29 subdivision (a), a manufacturer may submit a report to the board
30 that includes only those covered electronic devices that include
31 applications of the compounds listed in subparagraph (B) of
32 paragraph (1) of subdivision (a) that are exempt from the Directive
33 2002/95/EC adopted by the European Parliament and the Council
34 of the European Union on January 27, 2003, and any amendments
35 made to that directive, if both of the following conditions are met,
36 as modified by Section 24214.10 of the Health and Safety Code:

37 (A) The manufacturer submits written verification to the
38 department that demonstrates, to the satisfaction of the department,
39 that the manufacturer is in compliance with Directive 2002/95/EC,
40 and any amendments to that directive, for those covered electronic

1 devices for which it is not submitting a report to the board pursuant
2 to this subdivision.

3 (B) The department certifies that the manufacturer is in
4 compliance with Directive 2002/95/EC, and any amendments to
5 that directive, for those covered electronic devices for which the
6 manufacturer is not submitting a report to the board pursuant to
7 this subdivision.

8 (2) When reporting pursuant to this subdivision, a manufacturer
9 is required only to report on specific applications of compounds
10 used in covered electronic devices that are exempt from Directive
11 2002/95/EC.

12 (c) Any information submitted to the board pursuant to
13 subdivision (a) that is proprietary in nature or a trade secret shall
14 be subject to protection under state laws and regulations governing
15 that information.

16 SEC. 6. Section 42476 of the Public Resources Code is
17 amended to read:

18 42476. (a) The Electronic Waste and Recovery and Recycling
19 Account is hereby established in the Integrated Waste Management
20 Fund. All fees collected pursuant to this chapter shall be deposited
21 in the account. Notwithstanding Section 13340 of the Government
22 Code, the funds in the account are hereby continuously
23 appropriated, without regard to fiscal year, for the following
24 purposes:

25 (1) To pay refunds of the covered electronic waste recycling
26 fee imposed under Section 42464.

27 (2) To make electronic waste recovery payments to an
28 authorized collector of covered electronic waste pursuant to Section
29 42479.

30 (3) To make electronic waste recycling payments to covered
31 electronic waste recyclers pursuant to Section 42479.

32 (4) To make payments to manufacturers pursuant to subdivision
33 (g).

34 (b) (1) The money in the account may be expended for the
35 following purposes only upon appropriation by the Legislature in
36 the annual Budget Act:

37 (A) For the administration of this chapter by the board and the
38 department.

39 (B) To reimburse the State Board of Equalization for its
40 administrative costs of registering, collecting, making refunds, and

1 auditing retailers and consumers in connection with the covered
2 electronic waste recycling fee imposed under Section 42464.

3 (C) To provide funding to the department to implement and
4 enforce Chapter 6.5 (commencing with Section 25100) of Division
5 20 of the Health and Safety Code, as that chapter relates to covered
6 electronic devices, and any regulations adopted by the department
7 pursuant to that chapter.

8 (D) To establish the public information program specified in
9 subdivision (d).

10 (2) Any fines or penalties collected pursuant to this chapter shall
11 be deposited in the Electronic Waste Penalty Subaccount, which
12 is hereby established in the account. The funds in the Electronic
13 Waste Penalty Subaccount may be expended by the board or
14 department only upon appropriation by the Legislature.

15 (c) Notwithstanding Section 16475 of the Government Code,
16 any interest earned upon funds in the Electronic Waste Recovery
17 and Recycling Account shall be deposited in that account for
18 expenditure pursuant to this chapter.

19 (d) Not more than 1 percent of the funds annually deposited in
20 the Electronic Waste Recovery and Recycling Account shall be
21 expended for the purposes of establishing the public information
22 program to educate the public in the hazards of improper covered
23 electronic device storage and disposal and on the opportunities to
24 recycle covered electronic devices, *including the development of*
25 *the information required to be provided to retailers pursuant to*
26 *subdivision (a) of Section 42457.6.*

27 (e) The board shall adopt regulations specifying cancellation
28 methods for the recovery, processing, or recycling of covered
29 electronic waste.

30 (f) The board may pay an electronic waste recycling payment
31 or electronic waste recovery payment for covered electronic waste
32 only if all of the following conditions are met:

33 (1) The covered electronic waste, including any residuals from
34 the processing of the waste, is handled in compliance with all
35 applicable statutes and regulations.

36 (2) The manufacturer or the authorized collector or recycler of
37 the electronic waste provide a cost free and convenient opportunity
38 to recycle electronic waste, in accordance with the legislative intent
39 specified in subdivision (b) of Section 42461.

1 (3) If the covered electronic waste is processed, the covered
2 electronic waste is processed in this state according to the
3 cancellation method authorized by the board.

4 (4) The board declares that the state is a market participant in
5 the business of the recycling of covered electronic waste for all of
6 the following reasons:

7 (A) The fee is collected from the state’s consumers for covered
8 electronic devices sold for use in the state.

9 (B) The purpose of the fee and subsequent payments is to
10 prevent damage to the public health and the environment from
11 waste generated in the state.

12 (C) The recycling system funded by the fee ensures that
13 economically viable and sustainable markets are developed and
14 supported for recovered materials and components in order to
15 conserve resources and maximize business and employment
16 opportunities within the state.

17 (g) (1) The board may make a payment to a manufacturer that
18 takes back a covered electronic device from a consumer in this
19 state for purposes of recycling the device at a processing facility.
20 The amount of the payment made by the board shall equal the
21 value of the covered electronic waste recycling fee paid for that
22 device. To qualify for a payment pursuant to this subdivision, the
23 manufacturer shall demonstrate both of the following to the board:

24 (A) The covered electronic device for which payment is claimed
25 was used in this state.

26 (B) The covered electronic waste for which a payment is
27 claimed, including any residuals from the processing of the waste,
28 has been, and will be, handled in compliance with all applicable
29 statutes and regulations.

30 (2) A covered electronic device for which a payment is made
31 under this subdivision is not eligible for an electronic waste
32 recovery payment or an electronic waste recycling payment under
33 Section 42479.

34 SEC. 7. Section 44153 is added to the Public Resources Code,
35 to read:

36 44153. A solid waste facility that is operated by a city, county
37 or district, and that accepts solid waste from the public shall also
38 accept covered electronic waste, as defined in Section 42463.

39 SEC. 8. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 a local agency or school district has the authority to levy service
2 charges, fees, or assessments sufficient to pay for the program or
3 level of service mandated by this act or because costs that may be
4 incurred by a local agency or school district will be incurred
5 because this act creates a new crime or infraction, eliminates a
6 crime or infraction, or changes the penalty for a crime or infraction,
7 within the meaning of Section 17556 of the Government Code, or
8 changes the definition of a crime within the meaning of Section 6
9 of Article XIII B of the California Constitution.

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