

**ASSEMBLY BILL**

**No. 1447**

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**Introduced by Assembly Member Charles Calderon**

February 23, 2007

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An act to amend Section 25211.3 of, and to repeal and add Sections 25211.1 and 25211.2 of, the Health and Safety Code, and to amend Section 42167 of the Public Resources Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1447, as introduced, Charles Calderon. Hazardous waste: major appliances.

(1) Existing hazardous waste laws prohibit a person who is not a certified appliance recycler from removing materials that require special handling from major appliances, or transporting, delivering, or selling discarded major appliances to a scrap recycling facility, except as specified. A person who transports, delivers, or sells discarded major appliances to a scrap recycling facility is required to provide evidence that that person is a certified appliance recycler, but a person who is not a certified appliance recycler is allowed to transport, deliver, or sell a discarded major appliance to a scrap recycling facility under specified conditions. A violation of the hazardous waste control laws is a crime.

This bill would revise those requirements to instead allow an appliance service technician to remove refrigerant from a major appliance. The bill would delete the provisions prohibiting the transportation, delivery, or sale of discarded major appliances by a person who is not a certified appliance recycler to a scrap recycling facility, and would allow a person who is not a certified appliance recycler to transport, deliver, or sell a

discarded major appliance to a certified appliance recycler under revised conditions. The bill would also make conforming changes.

By imposing new hazardous waste management requirements, the violation of which would be a crime, the bill would impose a state-mandated local program.

(2) The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires materials that require special handling 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 defines the term “materials that require special handling” as including, among other things, used oil.

This bill would revise the definition of “materials that require special handling” to exclude oil or used oil encased in a major appliance.

(3) 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: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 25211.1 of the Health and Safety Code  
2 is repealed.

3 ~~25211.1. On and after January 1, 2006, no person other than a~~  
4 ~~certified appliance recycler shall do either of the following:~~

5 ~~(a) Remove materials that require special handling from major~~  
6 ~~appliances pursuant to subdivision (a) of Section 25212.~~

7 ~~(b) Transport, deliver, or sell discarded major appliances to a~~  
8 ~~scrap recycling facility, except as provided in subdivision (b) of~~  
9 ~~Section 25211.2.~~

10 SEC. 2. Section 25211.1 is added to the Health and Safety  
11 Code, to read:

12 25211.1. (a) Except as provided in subdivision (b), no person,  
13 other than a certified appliance recycler, shall remove materials  
14 that require special handling from a major appliance.

1 (b) An appliance service technician certified pursuant to Section  
2 82.161 of Title 40 of the Code of Federal Regulations may remove  
3 refrigerant from major appliances.

4 SEC. 3. Section 25211.2 of the Health and Safety Code is  
5 repealed.

6 ~~25211.2.—(a) On and after January 1, 2006, except as provided~~  
7 ~~in subdivision (b), a person who transports, delivers, or sells~~  
8 ~~discarded major appliances to a scrap recycling facility shall~~  
9 ~~provide evidence that he or she is a certified appliance recycler~~  
10 ~~and shall certify, on a form prepared by the department and~~  
11 ~~provided to the facility at the time of the transaction, that all~~  
12 ~~materials that require special handling have been removed from~~  
13 ~~the appliances pursuant to subdivision (a) of Section 25212.~~  
14 ~~Information on the form shall include, but not be limited to, the~~  
15 ~~appliance recycler certificate number, the appliance recycler's~~  
16 ~~hazardous waste generator identification number, the number and~~  
17 ~~types of appliances included in the shipment, and the facilities to~~  
18 ~~which the materials that require special handling that were removed~~  
19 ~~from the appliances were sent or are to be sent.~~

20 (b) A person who is not a certified appliance recycler may  
21 transport, deliver, or sell discarded major appliances to a scrap  
22 recycling facility only if the condition specified in paragraph (1)  
23 or (2) is met:

24 (1) (A) ~~The appliances have not been crushed, baled, shredded,~~  
25 ~~sawed or sheared apart, or otherwise processed in such a manner~~  
26 ~~that could result in the release, or prevent the removal, of materials~~  
27 ~~that require special handling.~~

28 (B) ~~The scrap recycling facility is a certified appliance recycler.~~

29 (2)(A) ~~The appliances have been crushed, baled, shredded, or~~  
30 ~~sawed or sheared apart.~~

31 (B) ~~The person provides the scrap recycling facility written~~  
32 ~~evidence from a certified appliance recycler, as required in~~  
33 ~~subdivision (a), that all materials that require special handling were~~  
34 ~~removed from the appliances in compliance with subdivision (a)~~  
35 ~~of Section 25212.~~

36 (c) ~~On and after January 1, 2006, except as provided in~~  
37 ~~subdivision (b), a scrap recycling facility shall not accept a~~  
38 ~~discarded major appliance from a person who is not a certified~~  
39 ~~appliance recycler.~~

1 SEC. 4. Section 25211.2 is added to the Health and Safety  
2 Code, to read:

3 25211.2. (a) Except as provided in subdivision (b), a person  
4 who transports, delivers, or sells discarded major appliances to a  
5 scrap recycling facility shall provide evidence that he or she is a  
6 certified appliance recycler and shall certify, on a form prepared  
7 by the department and provided to the facility at the time of the  
8 transaction, that all materials that require special handling have  
9 been removed from the appliances pursuant to subdivision (a) of  
10 Section 25212. Information on the form shall include, but not be  
11 limited to, the appliance recycler certificate number, the appliance  
12 recycler's hazardous waste generator identification number, the  
13 types of appliances included in the shipment, and the facilities to  
14 which the materials that require special handling and that were  
15 removed from the appliances were sent or are to be sent.

16 (b) A person who is not a certified appliance recycler may  
17 transport, deliver, or sell discarded major appliances to a scrap  
18 recycling facility only if the scrap recycling facility is a certified  
19 appliance recycler and both of the following conditions specified  
20 are met:

21 (1) The appliances have not been crushed, baled, shredded,  
22 sawed or sheared apart, or otherwise processed in such a manner  
23 that could result in the release, or prevent the removal, of materials  
24 that require special handling.

25 (2) The appliances have been crushed, baled, shredded, or sawed  
26 or sheared apart or otherwise processed in such a manner that could  
27 result in the release, or prevent the removal, of materials that  
28 require special handling, and that person does one of the following:

29 (A) Provides the scrap recycling facility with a written  
30 certification, at the time of the transaction, that identifies any  
31 materials that require special handling that have been removed  
32 from the appliance and certifies that all of these materials were  
33 removed by a person authorized under Section 25211.1. The  
34 certification shall include the appliance recycler or appliance  
35 service technician certificate number, the appliance recycler or  
36 appliance service technician's hazardous waste generator  
37 identification number, the number and types of appliances included  
38 in the shipment, and the facilities to which the materials that require  
39 special handling that were removed from the appliances were sent  
40 or are to be sent.

1 (B) Provides the scrap recycling facility his or her name, address,  
2 and written certification that he or she obtained the appliance in  
3 its current condition and did not process the appliance or arrange  
4 to have it processed or knowingly accept the appliance from any  
5 other person who processed it or arranged to have it processed.  
6 That person shall also provide the name and address of the person  
7 from whom the appliance was obtained, or include in the written  
8 certification the reason that the information is unavailable.

9 (c) A scrap recycling facility that accepts appliances pursuant  
10 to subparagraph (B) of paragraph (2) of subdivision (b) shall  
11 provide an annual report to the department and the local CUPA  
12 that includes both of the following:

13 (1) Identifies the names of the persons who transported,  
14 delivered, or sold the appliances to the scrap recycling facility.

15 (2) Specifies the total number of appliances received pursuant  
16 to the conditions provided in subparagraph (B) of paragraph (2)  
17 of subdivision (b).

18 SEC. 5. Section 25211.3 of the Health and Safety Code is  
19 amended to read:

20 25211.3. A certified appliance recycler, and any person who  
21 is not a certified appliance recycler who is subject to subdivision  
22 (b) ~~or (e)~~ of Section 25211.2, shall retain onsite records  
23 demonstrating compliance with applicable requirements of this  
24 article and Section 42175 of the Public Resources Code. The  
25 records shall be retained for three years and shall be made available  
26 for inspection, upon the request of a representative of the  
27 department or a CUPA. The records shall be retained, after that  
28 three-year period, during the course of an unresolved enforcement  
29 action or as requested by the department or CUPA. The records  
30 shall include, but not be limited to, all of the following information:

31 (a) The amount, by volume or weight or both, ~~as determined by~~  
32 ~~the department~~, of each material that required special handling.

33 (b) The method used by the appliance recycler to recycle,  
34 dispose of, or otherwise manage each material that required special  
35 handling, including the name and address of the facility to which  
36 each material was sent.

37 (c) *The number and types of appliances from which materials*  
38 *that require special handling are removed each year.*

39 SEC. 6. Section 42167 of the Public Resources Code is  
40 amended to read:

1 42167. “Materials that require special handling” means all of  
2 the following:

3 (a) Sodium azide canisters in unspent airbags that are determined  
4 to be hazardous by federal and state law or regulation.

5 (b) Encapsulated polychlorinated biphenyls (PCBs); *and* Di  
6 (2-Ethylhexylphthalate) (DEHP), and metal encased capacitors,  
7 in major appliances.

8 (c) Chlorofluorocarbons (CFCs), hydrochlorofluorocarbons  
9 (HCFCs), and other non-CFC replacement refrigerants, injected  
10 in air-conditioning/refrigeration units.

11 ~~(d) Used oil, as defined in subparagraph (A) of paragraph (1)~~  
12 ~~of subdivision (a) of Section 25250.1 of the Health and Safety~~  
13 ~~Code, in major appliances. Materials described in subparagraph~~  
14 ~~(B) of paragraph (1) of subdivision (a) of Section 25250.1 of the~~  
15 ~~Health and Safety Code are not excluded from the definition of~~  
16 ~~used oil for the purposes of this section.~~

17 ~~(e) Mercury~~

18 (d) *Mercury* found in switches and temperature control devices  
19 in major appliances.

20 ~~(f) Any~~

21 (e) (1) *Except as provided in paragraph (2), any other material*  
22 *that, when removed from a major appliance, is a hazardous waste*  
23 *regulated pursuant to Chapter 6.5 (commencing with Section*  
24 *25100) of Division 20 of the Health and Safety Code.*

25 (2) *Paragraph (1) does not include oil or used oil encased in a*  
26 *major appliance.*

27 SEC. 7. 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.