SB 1619, as introduced, Romero. Solid waste: hazardous electronic scrap.

Existing law requires the California Integrated Waste Management Board to administer state programs to recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials.

This bill would establish a program administered by the board to recover, reuse, and recycle hazardous electronic scrap, as defined. The bill would require that on and after January 1, 2004, all hazardous electronic devices, as defined, and packaging containing those devices, include a clear and conspicuous label of a size and format approved by the Department of Toxic Substances Control, containing certain information regarding the proper disposal of hazardous electronic scrap.

The bill would require, on and after January 1, 2004, that every manufacturer of hazardous electronic devices be able to demonstrate that it has labeled, as specified above, all hazardous electronic devices produced by it and has been certified by the board as having a recovery and reuse or recycling system for hazardous electronic scrap that meets specified recovery and recycling goals.

The bill would authorize the board to grant a waiver from the specified requirement if a manufacturer of hazardous electronic devices pays to the board a hazardous electronics device recovery fee, as specified, on all of the manufacturer's hazardous electronic devices that are sold in this state. The fee would be equal to or less than an amount computed by subtracting the average scrap value (including negative scrap value) of the hazardous electronic scrap or the hazardous waste disposal cost of that scrap from the actual average cost of collecting, processing, and recycling the hazardous electronic scrap, as determined by the board.

The bill would require the board, if it determines, on or after January 1, 2004, that specified recovery or recycling goals are not being met, to develop and implement a deposit system in conjunction with the sale of hazardous electronic devices in order to promote increased recovery and recycling of hazardous electronic scrap.

The bill would authorize the board to prepare, publish, or issue any materials that the board determines to be necessary for the dissemination of information concerning the activities of the board under these provisions.

The bill would require the board to deposit fees received under these provisions into the Hazardous Electronic Scrap Recovery, Reuse, and Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The bill would continuously
appropriate the money in the account to the board solely for expenditure by the board to assist in the establishment and operation of recovery and reuse or recycling systems for hazardous electronic scrap and to defray any costs incurred for the dissemination of information specified above. The bill would prohibit the board from expending any money in the account for the administration of these provisions, except as specified, unless that money is appropriated for that purpose by the Legislature in the annual Budget Act.


THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 8.2 (commencing with Section 42460) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 8.2. HAZARDOUS ELECTRONIC SCRAP RECOVERY, REUSE, AND RECYCLING


42460. This act shall be known, and may be cited, as the Hazardous Electronic Scrap Recovery, Reuse, and Recycling Act of 2002.

42461. The Legislature hereby finds and declares all of the following:

(a) Electronic scrap represents one of the fastest growing and most problematic components of California's waste stream.

(b) According to the United States Environmental Protection Agency, more than 4.3 million tons of appliances and consumer electronics were discarded in 1999.

(c) Due to the presence of toxic lead, mercury, and other hazardous and potentially hazardous materials in electronic waste, these products pose a particular threat to public health and the environment when improperly discarded.

(d) Electronic products containing hazardous substances, such as the cathode ray tubes in most discarded computer monitors and television sets, must be managed and disposed of as hazardous waste, presenting a costly problem for local governments and nonprofit organizations such as Goodwill Industries and the Salvation Army.

(e) A study by the National Safety Council suggests that three-quarters of all computers ever purchased in the United States remain stockpiled in storerooms, attics, garages, and basements.

(f) A study conducted by the California Integrated Waste Management Board estimates that California households currently have more than 6 million obsolete computer monitors and television sets "stockpiled" in their homes.

(g) It is further estimated that more than 6,000 computers become obsolete in California every day.

(h) The Legislature recognizes that there may be a cost associated with the proper and legal management of hazardous electronic scrap, and that this cost is the appropriate responsibility of the producers and consumers of hazardous electronics, and not local government, state government, or taxpayers.

(i) In order to reduce the likelihood of illegal disposal of these hazardous materials, it is the intent of the Legislature that any costs associated with the proper management of electronic scrap be internalized by the producers and consumers of hazardous electronics at or before the point of purchase, and not at the point of discard.
(j) It is the intent of the Legislature that the manufacturers of hazardous electronics, in working to meet the goals and objectives of this chapter, work cooperatively with each other in order to develop and promote a safe and effective electronics scrap recovery, reuse, and recycling system for California.

(k) It is further the intent of the Legislature that the producers of electronic products, components, and devices reduce and ultimately phase out the use of hazardous materials in those products, to the extent feasible.

(l) It is further the intent of the Legislature that electronic products, components, and devices be designed for extended life, repair, and reuse, to the greatest extent feasible.

Article 2. Definitions

42462. For the purposes of this chapter the following terms have the following meanings, unless the context clearly requires otherwise:

(a) "Account" means the Hazardous Electronic Scrap Recovery, Reuse, and Recycling Account established in the Integrated Waste Management Fund under Section 42467.

(b) "Fee" means the hazardous electronics device recovery fee imposed under Section 42465.4.

(c) "Hazardous electronic device" means any consumer product, component, or device that requires an alternating current or direct current electrical charge for operation, and contains lead, mercury, or any other persistent bioaccumulative toxin, as determined by the Department of Toxic Substances Control, including, but not limited to, televisions, video monitors, computer monitors, and any other device that has one or more cathode ray tubes containing lead.

"Hazardous electronic device" includes any part of that device that contains lead, mercury, or any other persistent bioaccumulative toxin, as determined by the Department of Toxic Substances Control.

(d) "Hazardous electronic scrap" means a hazardous electronic device that has been discarded.

Article 3. Hazardous Electronic Scrap Recovery, Reuse, and Recycling Goals

42463. (a) The Legislature finds and declares that existing law prohibits the disposal of hazardous electronic scrap in landfill facilities and requires that hazardous electronic scrap be disposed of in accordance with provisions of law relating to disposal of hazardous waste.

(b) Accordingly, the Legislature further finds and declares that the following shall be the goals of the state regarding the diversion, reuse, and recycling of hazardous electronic scrap:

(1) On and after January 1, 2004, not less than 80 percent of hazardous electronic scrap shall be diverted from disposal in landfill facilities.

(2) On and after January 1, 2006, not less than 95 percent of hazardous electronic scrap shall be diverted from disposal in landfill facilities.

(3) On and after January 1, 2004, not less than 25 percent of hazardous electronic scrap shall be diverted from hazardous waste disposal and recovered for reuse or recycling.

(4) On and after January 1, 2007, not less than 50 percent of hazardous electronic scrap shall be diverted from hazardous waste disposal and recovered for reuse or recycling.
(5) On and after January 1, 2010, not less than 75 percent of hazardous electronic scrap shall be diverted from hazardous waste disposal and recovered for reuse or recycling.

(c) This section is intended to provide goals to facilitate and encourage compliance with existing laws relating to the disposal of hazardous waste. Nothing in this section is intended to supercede any other provision of law relating to the disposal of hazardous waste.

Article 4. Labeling Requirements

42464. On and after January 1, 2004, all hazardous electronic devices and packaging containing those devices shall include a clear and conspicuous label of a size and format approved by the Department of Toxic Substances Control, containing all of the following:

(a) A warning statement approved by the Department of Toxic Substances Control specifying that the electronic device contains one or more hazardous materials, the disposal of which may pose a threat to public health and the environment.

(b) A listing of the hazardous materials contained in the electronic device.

(c) Information on opportunities for and the appropriate means of discarding the electronic device, including a toll-free telephone number or Internet address where consumers can get specific information on convenient, no-cost opportunities for discarding hazardous electronic scrap for reuse, recycling, or proper waste management.

Article 5. Manufacturer Responsibility

42465. (a) Except as authorized under Section 42465.2, on and after January 1, 2004, every manufacturer of hazardous electronic devices shall be able to demonstrate that both of the following conditions have been met for each hazardous electronic device sold or offered for sale by that manufacturer in this state:

(1) The manufacturer has labeled all hazardous electronic devices produced by it as required under Section 42464.

(2) The manufacturer has been certified by the board as having a recovery and reuse or recycling system for hazardous electronic scrap that meets the recovery and recycling goals set forth in Article 3 (commencing with Section 42463).

(b) Recovery and reuse and recycling systems for hazardous electronic scrap may include, but need not be limited to:

(1) No-cost consumer take-back of hazardous electronic scrap to the site of purchase.

(2) No-cost consumer mail-back of hazardous electronic scrap to a designated recovery center.

(3) No-cost pick-up of hazardous electronic scrap from consumers.

(4) No-cost consumer drop-off of hazardous electronic scrap to conveniently located designated recovery centers.

(5) Creation and maintenance of a toll-free telephone number or Internet Web site, or both, where consumers can obtain information on the no-cost opportunities for returning hazardous electronic scrap for reuse or recycling.

(6) Creation and maintenance of a public education program to promote the recovery and reuse and recycling of hazardous electronic scrap.

(c) It is the intent of the Legislature that systems and procedures for the recovery of hazardous electronic scrap be at least
as convenient to consumers as the system and procedure for the sale and distribution of hazardous electronic devices to consumers.

(d) It is the intent of the Legislature that manufacturers of hazardous electronic devices, in implementing recovery and reuse and recycling systems, utilize existing, willing, nonprofit reuse centers.

(e) It is the intent of the Legislature that manufacturers of hazardous electronics, in order to maintain the most convenient, cost effective, and consumer friendly recovery, reuse, and recycling system, be strongly encouraged to work in partnership with others in the hazardous electronic device industry to create and maintain a uniform and cooperative recovery system.

42465.2. (a) The board may grant a waiver from the requirements of Section 42465 if a manufacturer of hazardous electronic devices pays to the board the hazardous electronics device recovery fee authorized under this section on all of the manufacturer's hazardous electronic devices that are sold in this state.

(b) The fee shall be equal to or less than an amount computed by subtracting the average scrap value (including negative scrap value) of the hazardous electronic scrap or the hazardous waste disposal cost of that scrap from the actual average cost of collecting, processing, and recycling the hazardous electronic scrap, as determined by the board.

(c) The fee shall be paid in a form and manner determined by the board.

(d) The board shall deposit all revenue derived from collection of the fee into the account.

42465.4. If the board determines, on or after January 1, 2004, that the recovery or recycling goals set forth in Article 3 (commencing with Section 42463) are not being met, the board shall develop and implement a deposit system in conjunction with the sale of hazardous electronic devices in order to promote increased recovery and recycling of hazardous electronic scrap.

Article 6. Administration

42466. (a) The board shall administer this chapter, except for those provisions that require administration by the Department of Toxic Substances Control. For organizational purposes, the board may establish a new division, office, or unit to administer this chapter.

(b) The board may adopt any regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code that the board determines may be necessary or useful to carry out this chapter or any of the board's duties or responsibilities imposed under this chapter.

(c) The board may prepare, publish, or issue any materials that the board determines to be necessary for the dissemination of information concerning the activities of the board under this chapter.

(d) In carrying out this chapter, the board may solicit and use any and all expertise available in other state agencies, including, but not limited to, the Department of Toxic Substances Control, the Department of Conservation, and the State Board of Equalization. If an existing state agency performs functions of a similar nature to the board's functions under this chapter, the board may contract with or cooperate with that agency in carrying out this chapter.

42467. (a) The board shall deposit all fees received under this chapter into the Hazardous Electronic Scrap Recovery, Reuse, and Recycling Account, which is hereby established in the Integrated Waste Management Fund. Except as required under subdivision (b), and notwithstanding Section 13340 of the Government Code, the money in the account is hereby continuously appropriated to the board, without regard to fiscal years, solely for the following purposes:

1. For expenditure by the board to assist in the establishment and operation of recovery and reuse or recycling systems for hazardous electronic scrap.

2. To defray any costs incurred under subdivision (c) of Section 42466.

(b) Except as authorized under subdivision (a), the board may not expend any money in the account for the administration of this chapter unless that money is appropriated for that purpose by the Legislature in the annual Budget Act.