

MEMORANDUM

To: E-waste ListServ **Date:** 09/03/2014

From: _____

E-Waste Program at CalRecycle – Department of Resources Recycling and Recovery

**Subject: NOTICE: PROPOSED EMERGENCY ACTION
E-WASTE FEE AMOUNTS 14 CCR 18660.40**

The Department of Resources Recycling and Recovery (CalRecycle) is proposing to submit emergency regulations to set the electronic recycling fee at the current rates and to clean-up existing language in California Code of Regulations, title 14, section 18660.40. A copy of this notice, the proposed rulemaking language, and finding of emergency may be reviewed on the Public Notices section of the CalRecycle website at:

<http://www.calrecycle.ca.gov/Laws/Rulemaking/>

This notice is in compliance with Government Code, section 11346.1(a)(2) and 1 CCR 48. [Government Code section 11346.1\(a\)\(2\)](#) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in [Government Code section 11349.6](#).

SPECIFIC LANGUAGE PROPOSED TO BE ADOPTED (Cal. Gov. Code § 11346.1(a)(2)(A).)

18660.40. Fee Amounts.

The covered electronic waste recycling fee paid by a consumer upon the purchase of a new or refurbished covered electronic device, pursuant to Public Resources Code, section 42464, shall be revised in the California Code of Regulations, title 14, section 18660.40 to the following amounts:

(a) On ~~or after January 1, 2011, six dollars (\$6), and on~~ or after January 1, 2013, three dollars (\$3), for each covered electronic device with a screen size of less than 15 inches measured diagonally.

(b) On ~~or after January 1, 2011, eight dollars (\$8), and on~~ or after January 1, 2013, four dollars (\$4), for each covered electronic device with a screen size greater than or equal to 15 inches but less than 35 inches measured diagonally.

(c) On ~~or after January 1, 2011, ten dollars (\$10), and on~~ or after January 1, 2013, five dollars (\$5), for each covered electronic device with a screen size greater than or equal to 35 inches measured diagonally.

Note:

Authority cited: Sections 40502 and 42475.2, Public Resources Code.

Reference: Sections 42464, 42464.2 and 42464.4, Public Resources Code.

FINDING OF STATUTORY EMERGENCY (Cal. Gov. Code § 11346.1(a)(2)(B).)

The attached regulations, duly adopted by the Department of Resources Recycling and Recovery (CalRecycle), are being submitted as emergency regulations pursuant to a statutory emergency. The Legislature gave blanket authority for CalRecycle to adopt emergency regulations for all aspects of the Electronic Waste Recycling Program and mandated that such regulations remain in effect for two years or until revised by CalRecycle, whichever occurs sooner. Please note that Senate Bill 63 (Strickland, 2009) transferred all statutory authority, duties, and responsibilities of the former California Integrated Waste Management Board to the newly-created CalRecycle as of January 1, 2010.

Public Resources Code Section 42475.2 states:

42475.2. Emergency Regulations

(a) The board and the department may each adopt regulations to implement and enforce this chapter as emergency regulations.

(b) The emergency regulations adopted pursuant to this chapter shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the

Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted by the board or the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department or the board, whichever occurs sooner.