



Department of Toxic Substances Control



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April 3, 2001



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MANAGEMENT OF USED CATHODE RAY TUBES (SUPERCEDES LETTER DATED MARCH 20, 2001)

Dear Ms. Davis:

Thank you for your letter to the Department of Toxic Substances Control (DTSC) dated December 20, 2000 posing questions regarding the proper management of discarded cathode ray tubes (CRTs). DTSC appreciates the Materials for the Future Foundation's interest in clarifying how CRTs are regulated in California. While every effort was made to provide clear and concise answers to your questions, some of the words contained in those questions have both a colloquial meaning and a specific regulatory definition. If upon receipt of this letter, you find that our responses need additional clarification, please do not hesitate to contact me.

I would like to emphasize that both the United States Environmental Protection Agency (U.S. EPA) and DTSC are currently considering a new regulatory structure for waste CRTs. At present, DTSC is working with industry, the California Integrated Waste Management Board (CIWMB), the California Environmental Protection Agency (Cal/EPA) and other interested parties in evaluating several options for alternate management schemes that will encourage the safe management and recycling of waste CRTs. While we pursue these efforts, DTSC will continue to focus its enforcement resources on complaint response and on violations of the hazardous waste regulations that present immediate and significant risks to public health or the environment (e.g., the improper disposal of cathode ray tubes to municipal solid waste landfills or other unauthorized locations).

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.

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The responses contained in this letter are based upon current federal and State law. California's Hazardous Waste Control Law is found in Division 20, Chapter 6.5 of the Health and Safety Code (HSC).

The corresponding regulations are found in Title 22 of the California Code of Regulations (22 CCR). DTSC is aware of the fact that conflicting interpretations of these laws, in regard to CRTs, have been issued by various regulatory agencies. DTSC is also aware that, based upon those interpretations, some entities are handling waste CRTs in a manner that is inconsistent with the existing hazardous waste management requirements. By responding to your questions, DTSC does not intend to disrupt the current, safe collection and recycling of CRTs. DTSC recognizes the value of an alternate regulatory scheme that achieves the goal of maintaining environmental protection while encouraging recycling by providing for the efficient collection and recycling of these wastes.

CRTs or "picture tubes," of the type used in televisions and computer monitors, typically contain concentrations of lead that cause them to exhibit the characteristic of toxicity under both federal and State law. In addition, many CRTs contain panel glass that contains high levels of barium and may exhibit the State characteristic of toxicity due to barium. Under both federal and State law, used CRTs are considered spent materials. Therefore, when discarded, CRTs are identified as a hazardous waste under both federal and State law and are required to be managed in accordance with all applicable requirements, including generator, transporter and facility requirements. Monitors or televisions that are not discarded (e.g., monitors or televisions that are donated for continued use as monitors or televisions) are not identified as hazardous waste under federal or State law. Any person managing used CRTs in California should consult DTSC.

While both federal and State law are similar, California's Hazardous Waste Control Law is broader in scope and more stringent than the federal program. For example, California law does not contain the household or conditionally exempt small quantity generator (CESQG) exemptions. Therefore, in California, persons that generate hazardous waste at their home, or who are small generators, must transport their hazardous waste to a household hazardous waste collection facility (HHWCF) for disposal. Since California does not exempt CRTs from these sources, the disposal of waste CRTs in municipal landfills has always been prohibited in California.

Both federal and State law contain provisions that exclude hazardous wastes from the hazardous waste requirements when they are managed in certain manners. The federal recycling exclusions may be found in Title 40 of the Code of Federal Regulations (40 CFR) part 261.2(e)(1). The analogous recycling exclusions in State law are located in HSC 25143.2(b). The recycling exclusions exclude materials from the definition of a waste and

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a solid waste when they are recycled, provided that the materials are not reclaimed. By definition, a material is reclaimed if it is processed to recover a useable product or if it is regenerated. The next two paragraphs briefly discuss the regulatory status of the most common methods of CRT recycling.

“CRT glass to CRT glass” refers to a recycling method in which CRTs are broken, crushed, and ground into small pieces. The CRT glass particles (referred to as cullet) are then physically separated from the other materials. Finally, the glass cullet is washed (to remove the phosphor coatings and any remaining dirt particles adhering to the glass) and used as feedstock to manufacture new CRT glass. As this type of recycling constitutes reclamation, (the CRT glass is reclaimed), CRTs that are recycled in this manner do not qualify for an exclusion.

Monitors and CRT glass are often sent to secondary smelters for recycling. If a secondary smelter utilizes the CRT glass as an effective substitute for a fluxing agent (silica, a commercial product) then the CRT glass could qualify for the exclusion found in 40 CFR 261.2(e)(1)(ii) and HSC 25143.2(b)(2). DTSC recognizes that a secondary smelter could also utilize the CRT glass as a source for lead. DTSC believes the recycling of CRT glass at a rate that greatly exceeds the normal utilization rate for silica fluxing agents could be indicative of sham recycling. Whole intact monitors can also be sent to primary smelters and used as an ingredient in an industrial process to make a product. CRTs recycled in this manner qualify for the exclusion from solid waste pursuant to 40 CFR 261.2(e)(1)¹ and HSC 25143.2(b)(1).

The attached responses to your questions will further illustrate the extent of the impact of the current federal and State hazardous waste regulations upon persons that generate CRTs and businesses that handle discarded CRTs. We have repeated each of your questions with the original numbering and followed each question with our response in the appendices that follow.

¹ See letter dated 10 April 1992 from Mr. Rich Vaille, United States Environmental Protection Agency, Region IX to Mr. Douglas Smith of Sony Engineering and Manufacturing of America.

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As mentioned, we are considering a new regulatory structure for waste CRTs. Please feel free to contact me at (916) 324-7663 regarding this effort or if you have any other questions.

Sincerely,

[original signed]
Peggy Harris, P.E., Chief
State Regulatory Programs Division
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Enclosure

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Appendix I (Definitions)

I. *“Please provide Cal/EPA definitions for the following activities and explain the circumstances in which Cal/EPA hazardous waste regulations apply to CRT handling.”*

In your letter you requested Cal/ EPA definitions of the following terms. Cal/EPA oversees various Boards and Departments including the Department of Toxic Substances Control (DTSC). DTSC develops and enforces regulations regarding the management of hazardous wastes in order to protect human health and the environment. The definitions provided below are found in HSC, Division 20, Chapter 6.5, or in Division 4.5 of 22 CCR. For future reference, those laws and regulations are available on the world wide web at <http://www.leginfo.ca.gov/calaw.html> or <http://ccr.oal.ca.gov/>. The section number for each cite has been included for your reference.

1. *“Refurbishment”*

Response: The term refurbishment is not defined in the hazardous waste regulations. For the purposes of this letter, DTSC has considered your questions regarding refurbishment to be questions concerning the repair of equipment that is not discarded (as defined below) by the owner of that equipment.

2. *“Reuse”*

Response: Reuse [22 CCR 66260.10] - “Used or reused” means that a material is either:

(a) employed as an ingredient, including use as an intermediate, in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(b) employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

Please note the distinction between the terms “continued use” and “reuse”. “Continued use” refers to monitors that are continuing to be used for their original intended purpose

(as monitors). For example, when a monitor is used by one person, then given or sold to another person for use as a monitor, this is “continued use”, not “reuse”.

3. “Recycling”

Response: Recycling [HSC 25121.1]

(a) Recycling means: using, reusing, or reclaiming a recyclable material.

(b) Notwithstanding subdivision (a), for purposes of the fees, taxes, and charges imposed pursuant to Article 7 (commencing with Section 25170), "recycling" means the collecting, transporting, storing, transferring, handling, segregating, processing, using or reusing, or reclaiming of recyclable material to produce recycled material.

4. “Disposal”

Response: Disposal [22 CCR 66260.10] - Disposal means:

(a) the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters;

(b) the abandonment of any waste.

5. “Discard”

Response: Discard [HSC 25124] - The concept of discard is incorporated in the definition of waste. Please see subsection (b) of the definition of “waste” below:

(a) Except as provided in subdivision (c), “waste” means any solid, liquid, semisolid, or contained gaseous discarded material that is not excluded by this chapter or by regulations adopted pursuant to this chapter.

(b) For purposes of subdivision (a), a discarded material is any material that is any of the following:

(1) Relinquished by being any of the following:

(A) Disposed of.

- (B) Burned or incinerated.
 - (C) Accumulated, stored, or treated, but not recycled, before, or in lieu of, being relinquished by being disposed of, burned, or incinerated.
- (2) Recycled, or accumulated, stored, or treated before recycling, except as provided in Section 25143.2.
- (3) Poses a threat to public health or the environment and meets either, or both, of the following conditions:
- (A) It is mislabeled or not adequately labeled, unless the material is correctly labeled or adequately labeled within 10 days after the material is discovered to be mislabeled or inadequately labeled.
 - (B) It is packaged in deteriorated or damaged containers, unless the material is contained in sound or undamaged containers within 96 hours after the containers are discovered to be deteriorated or damaged.
- (4) Considered inherently waste-like, as specified in regulations adopted by the department.
- (c) Notwithstanding subdivision (a), a material is not a discarded material if it is either of the following:
- (1) An intermediate manufacturing process stream.
 - (2)(A) Except as specified in subparagraph (B) and to the extent consistent with the federal act, a coolant, lubricant, or cutting fluid necessary to the operation of manufacturing equipment, that is processed to extend the life of the material for continued use, and is processed in the same manufacturing equipment in which the material is used or in connected equipment that returns the material to the originating manufacturing equipment for continued use.
 - (B) Subparagraph (A) does not apply to any of the following material:
 - (l) Material that is processed in connected equipment that is not directly and permanently connected to the originating manufacturing equipment or that is constructed or operated in a manner that may allow the release of any material or constituent of the material into the environment.

- (ii) Material that is a hazardous waste prior to being introduced into the manufacturing equipment or connected equipment.
- (iii) Material that is removed from the manufacturing equipment or connected equipment for storage, treatment, disposal, or burning for energy recovery outside that equipment.
- (iv) Material that remains in the manufacturing equipment or connected equipment more than 90 days after that equipment ceases to be operated.
- (v) Material that is processed using methods other than physical procedures.

Appendix II

The responses to these questions reflect the current requirements contained in federal and State law. As a result of discussions between DTSC, CIWMB, Cal/EPA, industry and other interested parties, a new regulatory structure that encourages the collection and recycling of CRTs will most likely be established in the near future.

6. *“Please use the following examples to further explain when and how the Cal/EPA hazardous waste regulations apply to the above definitions:*
- a. *The CRT is collected from a small quantity generator and exported overseas for recycling?*
 - b. *The CRT is collected from a small quantity generator and exported overseas for disposal?*
 - c. *The CRT is collected from a small quantity generator and exported overseas for reuse and/or refurbishment?*
 - d. *The CRT is collected from a residential household and exported overseas for disposal?*
 - e. *The CRT is collected from a residential household and exported overseas for recycling?*
 - f. *The CRT is collected from a residential household and exported overseas for reuse and/or refurbishment?*
 - g. *The CRT is collected from a large scale generator and exported overseas for recycling?*
 - h. *The CRT is collected from a large scale generator and exported overseas for reuse?*
 - i. *The CRT is collected from a large scale generator and exported overseas for disposal?”*

Response: Monitors or televisions (CRTs) from residential households, small quantity generators and large quantity generators that are discarded are identified and regulated as hazardous wastes. As can be seen in the definitions above, recycling is included in the definition of discard. Recycling includes using or reusing, or reclaiming. Therefore, the CRTs referred to in scenarios a, b, d, e, g, and i are regulated as hazardous waste. The CRTs in c and f that are sent for refurbishing (repair) and continued use as CRTs are not discarded, and therefore are not identified or regulated as hazardous waste. The CRTs in c, f, and h that are sent for reuse (as defined above) are discarded and would be identified

and regulated as hazardous waste (because reuse is a type of recycling, and recycling is included in the definition of discard).

7. *“How do Cal/EPA hazardous waste regulations apply to a pallet of mixed material? For example, a generator will frequently combine operating and non-operating computers and CRTs on a single shipment pallet. The recycling facility or any subsequent handler can potentially designate a CRT for reuse, recycling or disposal. At what point in the collection stream are the Cal/EPA hazardous waste regulations applied?”*

Response: The hazardous waste regulations are applicable from the point of generation onward. Typically, this would be the point in time when the decision is made to discard any of the CRT(s), including sending them for recycling, reuse and disposal, as those terms are defined in Appendix I.

Again, operational monitors that are sent for continued use (as monitors) are not discarded and therefore, are not classified as a waste. However, if a pallet contains a mixture of CRTs that are being sent for continued use and CRTs that are discarded, then the whole pallet would be required to be shipped on a hazardous waste manifest by a registered hauler.

A permitted facility that receives hazardous waste under manifest can properly reclassify, recycle or sell that material. For example, suppose a generator transported, via a registered hauler, a pallet containing one working monitor, and two non-operating monitors. The generator would be required to manifest the whole pallet as hazardous waste. The recycling facility could accept the shipment, sign the manifest, and then segregate the materials. The facility could designate the operational monitor (that was discarded by the original generator) for continued use as a monitor (not *reuse*, see definitions) and that monitor would not be identified as a hazardous waste. The facility could also repair the non-operational monitors (that were discarded by the original generator) and sell or donate them. In this event, the monitors that were placed back in service would not be identified as a hazardous waste. If the original owner or the recycling facility designated any of the monitors for disposal or recycling, those monitors would be discarded, and the facility would be (at a minimum) a generator of hazardous waste.

8. *“Does the Cal/EPA have a tracking program that verifies whether a CRT is actually recycled, reused or disposed of in a landfill?”*

Response: Cal/EPA, through the DTSC, has the ability to track the disposal, or recycling of hazardous wastes that are transported on a hazardous waste manifest. However, since

there is not currently a specific CA waste code for CRTs, DTSC does not have the ability to accurately determine how many CRTs are recycled or disposed.

9. *“Please explain how Cal/EPA hazardous waste regulations are applied differently to a CRT that has been removed from its housing (a “bare” CRT), compared to an [sic] whole intact monitor or television.”*

Response: The hazardous waste regulations do not apply differently to a bare CRT, a whole intact monitor or a television. Based on data from a major manufacturer of CRTs, monitors and televisions, each of the three (a bare CRT or a whole intact monitor or a television) would exhibit the characteristic of toxicity due to lead when subjected to the Toxicity Characteristic Leaching Procedure or Waste Extraction Test. Previous statements that claimed whole intact monitors would not be identified as a hazardous waste were incorrect. DTSC believes that all of the above would be identified as a hazardous waste when discarded.

10. *“Please explain how Cal/EPA hazardous waste regulations are applied to recycling whole intact monitors or televisions that have suffered damage to the housing or smashed glass.”*

Response: In most cases, a monitor or television with smashed glass would be a hazardous waste if it were discarded (i.e., relinquished, disposed of, or recycled...). A recycling facility that conducts recycling that involves reclamation (e.g., separates, salvages, breaks glass, scraps out, or swaps parts) is required to obtain a hazardous waste permit from DTSC.

As an alternative option to recycling, a consumer may be able to have a monitor or television with a damaged housing repaired. If a monitor or television is repaired (refurbished) and returned to service, it would not be hazardous waste. If a monitor or television with smashed glass is repaired (the broken CRT is replaced with a new CRT), the broken CRT would be a hazardous waste and the case or cabinet and the repaired monitor or television would not. A television or computer repair facility conducting this type of activity would be a generator of hazardous waste.

11. *“Please explain how Cal/EPA hazardous waste regulations are applied to recycling a shipping pallet or “load” of mixed electronic materials which contains some monitors or televisions that have damaged housing or smashed CRT glass.”*

Response: In regard to monitors or CRTs, please see the answers to questions 7 and 10 above. With regard to the “mixed electronic materials,” your question does not provide

enough information for DTSC to determine whether these electronic materials contain concentrations of constituents sufficient to cause them to exhibit a characteristic of a hazardous waste. Therefore, this letter only addresses the monitors, CRTs and televisions referred to in that question.

12. *“Please explain how Cal/EPA hazardous waste regulations are applied when a whole intact monitor is collected to be recycled by making new CRT glass.”*

Response: For the purposes of answering this question, DTSC has taken “collected” to mean the storage of one or more monitors for the purposes of consolidation, prior to sending the monitors to the CRT glass to CRT glass recycler. Under both federal and State law, persons that store hazardous waste prior to recycling are required to obtain a permit or other grant of authorization.

When a monitor is collected for eventual CRT glass to CRT glass recycling, the monitor is discarded and is identified as hazardous waste. (CRT glass to CRT glass recycling involves reclamation and monitors that are recycled in this manner do not qualify for an exclusion.) The proper storage and management of monitors destined for this type of recycling (by a permitted facility) would include the following regulated steps:

- A. - Generator obtains a generator ID number (EPA ID number).
- B. - Generator arranges for transportation of the monitor by a registered transporter, with a hazardous waste manifest, to an authorized collection (storage) facility.
- C. - Storage facility receives the monitor, signs the manifest and consolidates the monitor with other monitors.
- D. - Storage facility ships the monitors to the recycler via a registered hauler on a hazardous waste manifest.

13. *“Please explain how Cal/EPA hazardous waste regulations apply to intact monitors collected to be recycled by being sent to a smelter to recover the lead and act as a fluxing agent.”*

Response: If the whole, intact monitor was sent to a secondary smelter and used solely as a legitimate substitute for a fluxing agent, then the monitor could qualify for a recycling exclusion. Provided the requirements of the recycling exclusion were met, the monitor would be excluded from the definition of waste and therefore excluded from the definition of a hazardous waste. In this case, the transport, storage and recycling of the monitor would not be regulated. The issue of sham recycling arises when secondary smelters recycle monitors by using them simultaneously as a source for lead and silica at

consumption rates for the monitors that greatly exceed the normal rate of consumption for fluxing agent. If an activity constitutes sham recycling, it would not qualify for the exclusion.

14. *“Please explain how Cal/EPA hazardous waste regulations apply to a shipment of CRT glass that has been crushed or shredded to be recycled by making new CRT glass.”*

Response: Crushed or shredded CRT glass would still exhibit the characteristic of toxicity due to lead content. If the recycling processes that generated the crushed glass or any of the subsequent recycling processes used to make the new CRT glass from the crushed glass constitutes reclamation, the glass would have to be shipped by a registered transporter with a hazardous waste manifest.

15. *“Please explain how Cal/EPA hazardous waste regulations apply to shipments of CRT glass that has been crushed or shredded to be sent to a smelter to recover the lead and act as a fluxing agent.”*

Response: If the CRT glass is reclaimed then the response to question 14 would apply. If the CRT glass is not reclaimed then the response to question 13 would be applicable.

Part II

Cathode Ray Tubes

1. *“According to the US Environmental Protection Agency (U.S. EPA) Region IX, Sr. Reg Compliance Officer, 40 Code of Federal Regulations Section 261.4(b)1 exempts cathode ray tubes generated from residential households from RCRA hazardous waste regulations. Please explain whether the same household hazardous waste (HHW) exemption applies to CRTs generated in California residential households.”*

Response: California does not have a household hazardous waste exemption.

2. a. *“Most California landfills accept CRTs that are collected from residential bulky waste pick-up programs and/or from transfer station drop-off programs. CRT’s [sic] are not treated as RCRA hazardous waste and are not currently part of the household hazardous waste collection programs. Are these counties and landfill operators violating California law?”*

Response: As California does not have a household hazardous waste exemption, if the events described in your question are occurring, these counties and landfill operators would be in violation of several sections of the Health and Safety Code.

2. b. *“If landfill operators and counties are violating California waste regulations, what is the penalty for the violation?”*

Response: The civil penalty for the improper disposal of a hazardous waste, as specified in HSC 25189(c), is not less than \$1,000 or more than \$25,000 for each violation. Criminal sanctions, including additional monetary fines and incarceration for up to one year in a county jail or state prison may also be imposed.

2. c. *“If the CRTs generated from residential households are not included in the RCRA HHW exemption, what are the Cal EPA guidelines for individuals transporting CRTs from their households to the landfill or transfer station for disposal?”*

Response: As noted above, California does not have a HHW exemption, therefore, households generating hazardous waste (including monitors and televisions) at their residence can not legally transport that hazardous waste to a landfill or transfer station for disposal unless the following is applicable.

Pursuant to 22 CCR 66262.10 (I), generators handling only hazardous waste produced incidental to maintaining their residence are not required to obtain a generator identification number. HSC 25163 section (c) conditionally exempts, from manifesting requirements, persons transporting up to 50 pounds of hazardous waste to a permitted hazardous waste facility for transfer, treatment, recycling, or disposal from manifesting requirements. Local agencies may elect to increase this limit to 125 pounds in some cases. Additionally, subsection (f) exempts any person transporting household hazardous waste or conditionally exempt small quantity generators transporting hazardous waste to an authorized household hazardous waste collection facility from the manifest and registered hauler requirements.

2. d. *“What are the regulations for individuals transporting the CRT from their household to a recycling facility?”*

Response: Please, see the response to 2.c. above.

2. e. *“Typically when an individual or commercial generator transports and drops off a CRT(s) at a recycling facility, they do not know whether the CRT will be recycled, refurbished, reused, exported or disposed of in a California landfill. At what point would Cal EPA hazardous waste regulations apply to the handling of the CRT?”*

Response: As previously stated, the hazardous waste regulations apply from the point of generation onward (see question 7). Persons can “drop off” monitors for donation if there is a reasonable expectation that the monitors will be sent for continued use. If the monitor is obviously damaged and there is no reasonable expectation of continued use, then the monitor must be managed as hazardous waste.

Some persons may not be able to ascertain whether a monitor still has value as a commodity or if it should be sent for resource recovery. Consolidation and redirection centers that only accept monitors for the purpose of returning monitors to continued use or supplying monitors for donation may be capable of determining whether the monitor can be used for these purposes. A consolidation and redirection center that collects monitors and subsequently transfers all of the monitors for continued use or to another facility and does not discard any monitors, would not be a hazardous waste generator. A consolidation and redirection center that discards one or more monitors would be at a minimum, a generator of hazardous waste.

Persons participating in donation programs with established criteria to screen out monitors that are unsuitable for continued use would not be deemed generators of

hazardous waste. If a donation program accepted a monitor for donation and then discarded it, the program would be a generator.

Additionally, repair facilities that repair monitors and televisions and return them to their customers are not engaged in waste management activities. These facilities may be a generator of hazardous waste (see question 10).

A facility that recycles and refurbishes discarded CRTs through salvaging, and/or distributes CRTs for reuse (as that term is defined in Appendix I), and/or exports, and/or disposes of CRTs is conducting waste management activities. CRT recycling that involves reclamation would constitute treatment and facilities that conduct this type of recycling are required to obtain permits or other authorization under State law. A facility that stores hazardous waste prior to recycling is required to obtain a permit or other authorization for that activity, as well.

2. f. *“What are the regulations for individuals transporting the CRT from their household to a refurbishing facility?”*

Response: Generally, CRTs that are not discarded, but are transported for the purpose of being repaired are not identified as a waste or a hazardous waste and are not regulated as such.

2. g. *“What are the regulations for commercial waste haulers transporting CRTs from residential household to a recycling facility?”*

Response: Discarded CRTs or CRT containing products are identified as hazardous waste and when transported by someone other than the generator of that waste, are required to be transported by a registered hauler with a hazardous waste manifest. Commercial waste haulers transporting CRTs from residential households would be subject to the regulations concerning the transportation of hazardous wastes. These regulations may be found in Chapter Thirteen of Division 4.5 of Title 22 of the California Code of Regulations.

2. h. *“What are the regulations for commercial waste haulers transporting CRTs from a small quantity generator to a recycling facility?”*

Response: Please see the response to 2.g.

2. i. *“What are the regulations for commercial waste haulers transporting CRTs from a small quantity generator to a recycling facility?”*

Response: Please see the response to 2.g. (duplicate question)

2. j. *“What are the regulations for commercial waste haulers transporting CRTs from a small quantity generator to a disposal site?”*

Response: Please see the response to 2.g.