



Rulemaking Archives

Electronic Waste Recycling Fee

On September 22, 2016, the Office of Administrative Law (OAL) approved emergency regulations governing the covered electronic waste recycling fee that were approved by the director of the Department of Resources Recycling and Recovery (CalRecycle) on July 20, 2016. The regulations became effective immediately.

Visit the following page for [Rulemaking Archives 2016 Covered Electronic Waste Recovery and Recycling Payment Rates](#) information.

Description

Emergency regulations necessary to maintain CalRecycle's responsibilities under the Electronic Waste Recycling Act of 2003, as amended. This rulemaking affirms the electronic waste recycling fee assessed on consumers at the point of retail sale of new covered electronic devices.

Affected Regulatory Code Sections

California Code of Regulations, Title 14, Division 7, Chapter 8.2, Article 2.6, commencing with Section 18660.40.

Stakeholder Input

Stakeholders had the opportunity to provide input in response to past listserv notices as well as during the July 19, 2016 CalRecycle public monthly meeting.

Rulemaking Documents

Document which were relied upon by CalRecycle in developing the regulations.

- [Request for Approval](#). Revised and Signed
- [Attachment 1](#). Background and Summary of Program Costs and Revenue Need Considerations - Revised
- [Attachment 2](#). Historical CEW Recycling Claim Volumes - Revised
- [Attachment 3](#). Fee Model and Analysis - Revised
- [Attachment 4](#). Proposed Revised Regulatory Language to Maintain the Electronic Waste Recycling Fee - Revised
- [Consideration of Electronic Waste Recycling Consumer Fee Levels](#). Presentation
- [Office of Administrative Law \(OAL\) approval document](#)

More Information

- Visit CalRecycle's electronic waste recycling website for more details about the Electronic Waste Recycling Act.

Rulemaking History

- CalRecycle's director approved the proposed electronic waste recycling fee levels and associated emergency regulatory language on July 20, 2016 after a CalRecycle monthly public meeting. The rulemaking package was submitted to the Office of Administrative Law to finalize the emergency rulemaking, in September 2016.
- The Electronic Waste Recycling Act states, in part, "...no more frequently than annually, and no less frequently than biennially, (CalRecycle), in collaboration with the (Department of Toxic Substances Control), shall review, at a public hearing, the covered electronic waste recycling fee and shall make any adjustments to the fee to ensure that there are sufficient revenues in the account to fund the covered electronic waste recycling program established pursuant to this chapter. Adjustments to the fee that are made on or before August 1, shall apply to the calendar year beginning the following January 1..." (Public Resources Code section 42462(f)...)
- July 19, 2016: CalRecycle presented the proposed electronic waste recycling fee levels and associated emergency regulations

at the publicly noticed regular monthly business meeting.

California Department of Resources Recycling and Recovery (CalRecycle)

REQUEST FOR APPROVAL

(Revised from original RFA to reflect alternative proposed fee scale)

To: Scott Smithline
Director

From: Tom Estes
Deputy Director

Request Date: July 7, 2016

Decision Subject: Consideration of the Electronic Waste Recycling Fee

Action By: July 19, 2016

Summary of Request: The Electronic Waste Recycling Act of 2003 (Public Resources Code 42460, *et seq.*) establishes a financing mechanism intended to develop an infrastructure to provide convenient recycling opportunities and reduce the inappropriate disposal of certain electronic products discarded in California. This financing mechanism is funded by a covered electronic waste recycling fee that is assessed on consumers at the time of retail purchase of a new covered electronic device.

Pursuant to Public Resource Code 42464(f), no more frequently than annually, and no less frequently than biennially, CalRecycle has the responsibility to assess the adequacy of the covered electronic waste recycling fee to generate sufficient revenues to fund the operation and administration of the covered electronic waste (CEW) recycling program and all other provisions of the Act. CalRecycle must determine by the statutory date of August 1, 2016, whether any fee adjustments are necessary. Any adjustments made to the fee levels would take effect on January 1, 2017.

Recommendation: Staff recommends that the covered electronic waste recycling fee be adjusted to the following:

- **Five dollars (\$5)** for each covered electronic device with a screen size greater than 4 inches but less than 15 inches measured diagonally.
- **Six dollars (\$6)** for each covered electronic device with a screen size greater than or equal to 15 inches but less than 35 inches measured diagonally.
- **Seven dollars (\$7)** for each covered electronic device with a screen size greater than or equal to 35 inches measured diagonally.

Staff further recommends that Title 14 of the California Code of Regulations, section 18660.40 be revised to clarify and reflect the electronic waste recycling fee levels.

This recommendation is based on an analysis of the following:

- The CEW recovery and recycling trends to estimate possible payment obligations
- The covered electronic device sales trends to project revenue potential
- Program-related operational costs
- Available fund reserves

Upon approval of this recommendation, staff will work with the CalRecycle Legal Office to promulgate emergency regulations, as authorized by PRC 42475.2, so that the new fee levels are reflected in Title 14 of the California Code of Regulations, section 18660.40.

Director Action: On the basis of the information, analysis, and findings in this Request for Approval, I hereby approve the staff recommendation outlined above that the electronic waste recycling fee levels be adjusted to a \$5/\$6/\$7 fee scale and, in doing so, fulfill CalRecycle's obligations pursuant to PRC 42464(f) to review and adjust the fee as necessary to ensure operational solvency and maintain prudent reserves.

Dated:

Scott Smithline
Director

Date Signed

Attachments:

1. Background and Summary of Program Costs and Revenue Need Considerations
2. Historical CEW Recycling Claim Volumes
3. Fee Model and Analysis
4. Proposed Revised Regulatory Language to Maintain the Electronic Waste Recycling Fee

Covered Electronic Waste Recycling Program
Background and Summary of Program Costs and Revenue Need Considerations
(Revised from original RFA to reflect alternative proposed fee scale)

The Electronic Waste Recycling Act of 2003 (Act), as amended, established a comprehensive program to finance the end-of-life management of certain (covered) electronic devices. The program is financed through an Electronic Waste Recycling Fee (fee) paid by consumers at the point of retail sale of new covered electronic devices. Fees collected are used to administer the programs established by the Act, including the disbursement of recovery and recycling payments to approved collectors and recyclers of covered electronic waste (CEW).

CalRecycle has the responsibility to evaluate the program's revenue needs and adjust the fee levels as warranted to maintain fund solvency and ensure continued operation of the program. CalRecycle must make necessary determinations regarding the fee by the statutory date of August 1, 2016. Any changes would become effective on January 1, 2017.

The current fee assignments are as follows:

- **Three dollars (\$3)** for each covered electronic device with a screen size greater than 4 inches but less than 15 inches measured diagonally.
- **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.
- **Five dollars (\$5)** for each covered electronic device with a screen size greater than or equal to 35 inches measured diagonally.

Covered electronic devices are defined by statute as video display devices with a screen size greater than four inches that are identified by the Department of Toxic Substances Control (DTSC) after testing determines that they are hazardous when disposed. Currently, covered electronic devices include:

- Cathode ray tubes (CRT) and CRT-containing devices (including CRT televisions and computer monitors);
- Liquid Crystal Display (LCD) containing televisions and monitors;
- Laptop computers containing LCD screens;
- Gas plasma display televisions; and
- Personal DVD players.

Monies paid by consumers are remitted by retailers to the Board of Equalization (BOE) and deposited in the Electronic Waste and Recovery and Recycling Account (EWRRA). The EWRRA was established by the Act within the Integrated Waste Management Fund. While the EWRRA is used to pay for the specific program operations of CalRecycle, DTSC, BOE, and some State Controller's Office (SCO) payment services, the vast majority of expenditure demand comes from electronic waste recycling payment claims submitted by recyclers.

Pursuant to PRC 42464(f), no more frequently than annually, and no less frequently than biennially, CalRecycle has the responsibility to assess the adequacy of the covered electronic waste recycling fee to generate sufficient revenues to fund the operation and administration of the covered electronic waste (CEW) recycling program and all other provisions of the Act.

CalRecycle must consider:

- How much expenditure demand can be expected in the near-future?
- How much revenue is necessary to ensure continued program solvency?
- What are covered electronic device sales projections?
- How should any changes in the fee be structured to best achieve adequate and stable revenue levels?

Revenue and Expenditures

California's covered electronic waste recovery and recycling payment system is financed through a fee that is assessed on the retail sale of covered electronic devices. The fee level was initially set via the Act at \$6, \$8, and \$10, depending on the screen size of the device. In early 2008, it was projected that payment claim demands would exceed revenue and exhaust the existing fund balance at some point in FY 2008/09. These projections were based on the historical pace of program growth, the original recovery and recycling payment rates, and the level of revenue anticipated from new device sales trends. In response, the California Integrated Waste Management Board (CIWMB) acted in June 2008 to adjust upward the consumer fee levels, pursuant to statutory provisions, to a new range of \$8, \$16, and \$25, aligned with the existing three-tiered screen size structure. This adjustment was determined to be appropriate at the time based on historical growth in claim volumes submitted by recyclers.

Until mid-2008, the program had been growing at the average rate of an additional four million pounds of CEW claimed each quarter. However, contrary to the continued growth that was factored into predicting revenue need for the 2008 fee adjustments, CEW claim volumes began fluctuating after peaking in first quarter 2009. Ultimately CEW volumes settled into a variable plateau, with even an occasional slight decrease. Please refer to Attachment 2 for a graphic depiction of historical quarter-to-quarter program volumes and a brief discussion of factors affecting CEW recovery and recycling volumes. As a result of revenues outpacing the expenditures of the program, CalRecycle restored the fee levels to the original \$6, \$8, \$10 fee structure which became effective January 1, 2011. The following year, CalRecycle completed the statutorily mandated assessment of the fund and found that reducing the original fee structure by 50% would allow CalRecycle to continue program operation while drawing down the excess fund balance. The \$3, \$4, and \$5 fee levels became effective January 1, 2013.

Since January 2005, CalRecycle has received more than 3,280 claims totaling approximately \$818 million. This represents the recovery and recycling of ~1.98 billion pounds of CEW. Effective July 1, 2016, CalRecycle increased the combined recovery and recycling payment rate by 5 cents per pound. CalRecycle projects more than 180 million pounds of CEW will be claimed annually during the next several years. In order to maintain sufficient fund balance in the EWRRA, CalRecycle recommends adjusting to a \$5, \$6, \$7 fee structure.

Historical and projected program revenues are as follows:

- FY 2004/05: ~\$ 31,000,000
- FY 2005/06: ~\$ 78,000,000
- FY 2006/07: ~\$ 80,000,000
- FY 2007/08: ~\$ 77,000,000
- FY 2008/09: ~\$ 108,000,000
- FY 2009/10: ~\$ 175,808,000
- FY 2010/11: ~\$ 156,278,000
- FY 2011/12: ~\$ 110,242,000
- FY 2012/13: ~\$ 86,884,000
- FY 2013/14: ~\$ 54,148,000
- FY 2014/15: ~\$ 59,367,000
- FY 2015/16: ~\$ 55,725,000 (Projected if no adjustments are made)
- FY 2016/17: ~\$ 70,914,000 (Projected with new fee structure)

Fee Levels: Maintaining Solvency

As CalRecycle administers the financial aspects of the CEW payment system, it is obligated to maintain a fund balance that allows it to make recovery and recycling payments, as well as to provide funding for its own program specific operations and certain operations of both DTSC and BOE. CalRecycle has the authority and responsibility to revisit and revise fee levels annually, as warranted, to maintain adequate funds in the EWRRA. The next opportunity to do so will be on or before August 1, 2017.

CalRecycle's specific authority is contained in Public Resources Code section 42464(f):

“On or before August 1, 2005, and, thereafter, no more frequently than annually, and no less frequently than biennially, the board (CalRecycle), in collaboration with the department (DTSC), shall review, at a public hearing, the covered electronic waste recycling fee and shall make any adjustments to the fee to ensure that there are sufficient revenues in the account to fund the covered electronic waste recycling program established pursuant to this chapter. Adjustments to the fee that are made on or before

August 1, shall apply to the calendar year beginning the following January 1. The board shall base an adjustment of the covered electronic waste recycling fee on both of the following factors:

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

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

As noted earlier in this document, the current level of CEW recycling payment claim demands compared to annual revenue suggests an adjustment to the fee structure is necessary in order to maintain sufficient resources for continued program operation.

Additional Factors in Reserve and Fee Considerations

The Governor’s Budget for FY 2016/17 indicates a starting reserve balance in the EWRRA of approximately \$98 million and an ending reserve balance of approximately \$47 million, assuming current revenue and expenditure rates. As a part of the FY 2010/11 Governor’s Budget, \$80 million dollars was loaned from the EWRRA reserve to the General Fund. An additional \$27 million was loaned that same fiscal year through Chapter 13/2011. These outstanding loans have been repaid in full in 2015/16 Fiscal Year, and have been factored into the fund balance in the Governor’s Budget, and for the purposes of the evaluation of the Consumer Fee.

The Mechanics of Adjusting Fee Levels

CalRecycle has the authority to adjust, pursuant to timeframes and considerations contained in statute, the fee assessed on consumers. Adjustments to the fee would be considered regulations under the Administrative Procedures Act (APA). CalRecycle has authority to make such adjustments pursuant to an emergency rulemaking. Public Resources Code Section 42475.2 grants CalRecycle the authority to promulgate all regulations under the Act as emergency regulations that remain in effect for two years. This timeframe will allow any fee changes to remain in effect until the next time CalRecycle is authorized to revisit and revise them.

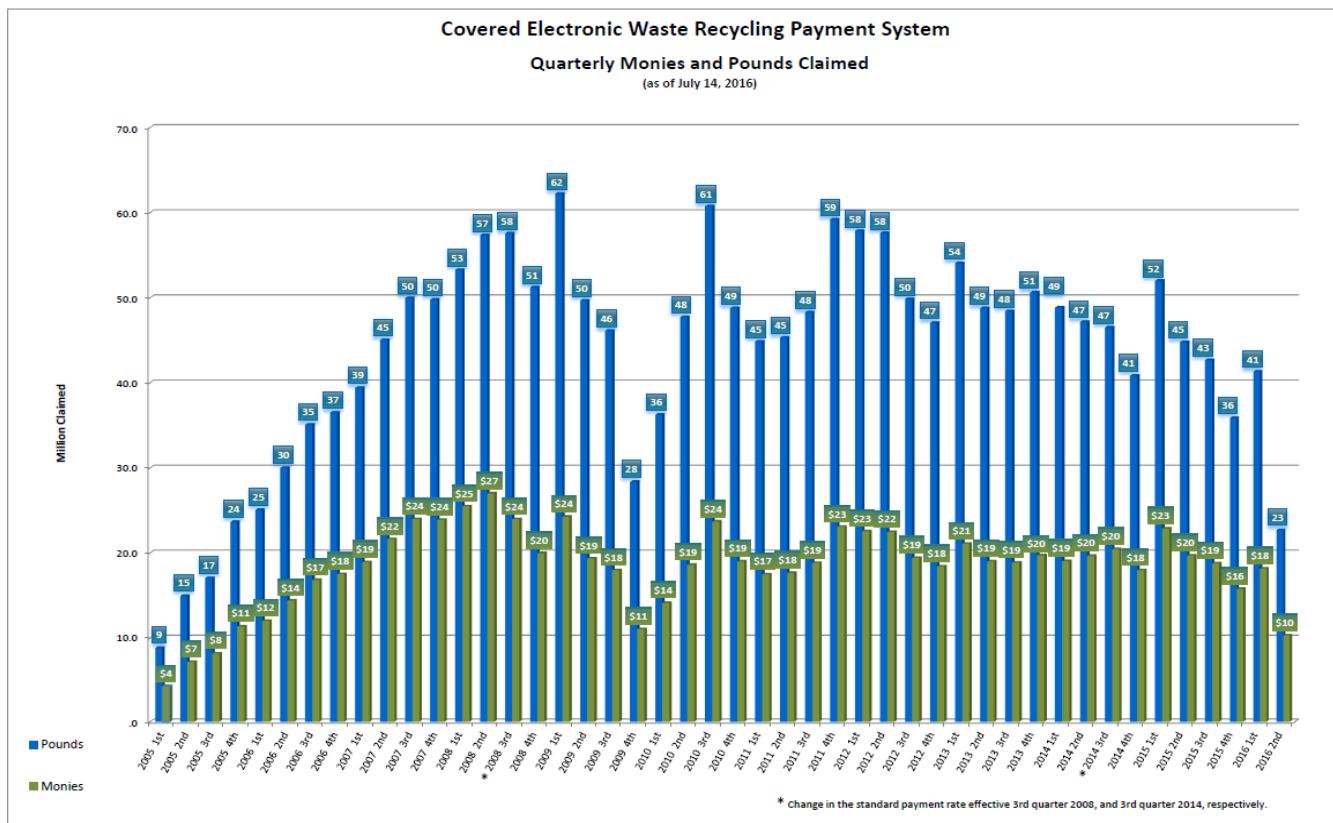
Upon CalRecycle’s approval of any adjusted fee levels, program staff would work with the Legal Office to prepare emergency regulations and submit the package to the Office of Administrative Law (OAL).

Covered Electronic Waste Recycling Program - Historical CEW Recycling Claim Volumes
(Revised from original RFA to reflect CEW volume information)

CalRecycle tracks the volume of covered electronic waste (CEW) recovered and recycled within the program through data submitted along with recycling payment claims. The depiction of claim volumes in the chart below reflects the general growth trends of the program since its inception in January 2005 on a quarterly basis. Factors affecting the fluctuating volumes have potentially included the lowered payment rate (effective July 2008), economic uncertainty, the digital television broadcast transition in first half of 2009, and the fundamental availability of recycling opportunities over the past ten years that has recovered much of the legacy stockpile.

Most notably, in October 2009, cathode ray tube (CRT) glass market disruptions involving Mexican processors significantly impacted the volume of claims submitted in and immediately after 4th quarter 2009. (A condition of submitting a payment claim is that all CRT glass derived from recycling CEW is shipped to an authorized destination.) However, participating collectors and recyclers continued overall CEW recovery and recycling activities and the volume of processed and claimed CEW rebounded.

Changes in the make-up of CEW entering the recovery and recycling program due to evolving video technologies may affect the future weight claimed, as heavy CRT devices give way to lighter flat panels, but the net cost of processing such varied devices have yet to be clearly determined. It is anticipated that per pound net costs will likely be higher due to increased material handling labor and lowered recovered material value.



Note: Recyclers are required by regulation to submit claims within 45 days of the end of a claim reporting month, which leads to a delay in the tracking of program volumes. For instance, May 2016 claims are not technically due until approximately July 15, 2016.

Covered Electronic Waste Recycling Program – Fee Model and Analysis *(Revised from original RFA to reflect alternative proposed fee scale)*

The Electronic Waste Recycling Act of 2003 (Act) requires CalRecycle to review and to adjust, as necessary, the Covered Electronic Waste Recycling Fee (fee) that funds the covered electronic waste (CEW) recycling program provided for by the Act. The fee is paid by consumers at the time of retail purchase of a new covered electronic device (CED), and is remitted to the State via the Board of Equalization. CalRecycle must annually assure that sufficient revenue is realized from the fee to make CEW recovery and recycling payments to approved CEW collectors and recyclers, as well as fund specific functions at State agencies (CalRecycle, Department of Toxic Substances Control, Board of Equalization, and State Controller's Office) that administer the Act.

Due to recent trends in the volume of CEW recovered, recycled, and claimed within the program, the Electronic Waste Recovery and Recycling Account (EWRRA) is facing a markedly different solvency challenge than it did in FY 2011/12. Today the threat of exhaustion is real, and the EWRRA must increase the reserves through increasing the fee levels. Decisions on the adjustment of the consumer fee must be made before August 1, 2016 to meet statutory deadlines, with potential changes to the fee levels taking effect on January 1, 2017.

The table presented on the following page models the fiscal effects of adjusting to a \$5, \$6, and \$7 fee structure. The model assumes certain variables, most of which remain generally constant over time for the purpose of analysis. It is acknowledged that, while CalRecycle has some degree of control over certain of the assumed variables, such as the recovery and recycling payment rate that can be reset biennially, other variables can only be speculated.

Variables assumed to remain constant include the projected volume of CED sales (approximately 16.3 million units annually – based on data reported along with most recent fee remittals from retailers) and the mix of screen-sizes that will be sold. Another potential variable in the model is the projected volume of CEW managed through the program (approximately 180 million pounds annually).

The model incorporates the CEW combined recovery and recycling payment rate of \$0.49 per pound as readopted by CalRecycle in June 2016. The model also presumes the goal of continued fund solvency assurance through FY 2016/17, while working toward maintaining a 5% prudent reserve provided for by statute (PRC 42464(f) (2)).

The model presumes a targeted average per CED unit revenue level that results in the described impacts on the condition of the EWRRA through FY 2018/19. (The average per CED unit revenue level has been approximately \$3.55 under the current \$3, \$4, and \$5 fee level and historical CED sales volume.)

The model presented in Table 1 shows that a \$5, \$6, and \$7 fee structure will keep the EWRRA fund reserve to an adequate level, while allowing for contingencies in the event of unexpected fiscal developments. The ability of CalRecycle to adjust the fee annually, as necessary, provides significant flexibility in fulfilling statutory obligations and ensuring program solvency by selecting fiscally prudent options in the near-term.

Proposed Adjustments to the Fee Structure
(Revised to reflect alternative proposed fee scale)

The following table presents the fiscal effect of a proposed fee structure of \$5, \$6, and \$7. This model is intended to illustrate fund condition evolution under assumed program administration costs, General Fund loan repayments, CEW recovery and recycling volumes, new recycling payment rates, and CED sales. Initial fund conditions are aligned with fiscal data contained in the Governor’s Budget for FY 2016/17. The model assumes adherence to the existing three-tiered fee levels within established CED screen sizes categories (4” to <15”, 15” to <35”, and 35” or greater).

Fiscal Year	Devices Sold	Avg Fee Revenue per Device	Revenues	Recycling Payments	All Other Expenditures	General Fund Loan Repayments	Fund Balance at Year End
FY 2015/16	15,786	\$ 3.55	\$ 55,725	\$ (73,920)	\$ (24,300)	\$ 107,000	\$ 101,006
FY 2016/17	16,305	\$ 4.51	\$ 70,914	\$ (88,200)	\$ (25,680)	\$ -	\$ 58,335
FY 2017/18	16,305	\$ 5.47	\$ 89,188	\$ (88,200)	\$ (25,680)	\$ -	\$ 33,795
FY 2018/19	16,305	\$ 5.47	\$ 89,188	\$ (88,200)	\$ (25,680)	\$ -	\$ 9,255

Note: Within the above table, all figures are presented in terms of thousands, except for amount of average revenue per device sold.

Assumptions:

No Growth in Pounds of CEW Recovered / Recycled:
Number of Devices Sold to Remain Stable:
Targeted Average Revenue per Device:
Combined Recovery and Recycling Payment:

Volumes stay flat at approximately 180 million pounds per year
Approximately 16,305,000 per year (sales reported with recent fee remittals)
\$ 5.47 (based on projected percentages sold per CED size category, less 3% retailer withhold)
\$ 0.49 per pound

Proposed Revised Regulatory Language to Maintain the Electronic Waste Recycling Fee
(Revised from original RFA to reflect alternative proposed fee scale)

California Code of Regulations - Title 14 Natural Resources
Division 7 Department of Resources Recycling and Recovery (CalRecycle)
Chapter 8.2 Electronic Waste Recovery and Recycling

Article 2.6. Covered Electronic Waste Recycling Fee

§ 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 Section 42464 of the Public Resources Code shall be the following amounts:

- (a) On or after January 1, ~~2013~~2017, ~~three~~ five dollars (\$~~3~~5), for each covered electronic device with a screen size of less than 15 inches measured diagonally.
- (b) On or after January 1, ~~2013~~2017, ~~four~~ six dollars (\$~~4~~6), 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, ~~2013~~2017, ~~five~~ seven dollars (\$~~5~~7), 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.



Consideration of Electronic Waste Recycling Consumer Fee Levels



The Electronic Waste Recycling Act of 2003

- ❑ To finance the end-of-life management of certain CEDs
- ❑ Is financed by Electronic Waste Recycling Fee
- ❑ CalRecycle has the responsibility to evaluate the fund solvency and adjust the fee levels
- ❑ Adjustments must be determined by August 1, 2016 and will become effective on January 1, 2017.



Assessment of the Electronic Waste Fund

- ❑ Expected expenditure demand
- ❑ Revenue needs to ensure continued program solvency
- ❑ CED sales projections
- ❑ The fee structure for an adequate and stable revenue levels

Assessment Result

- ❑ Not sufficient funds to retain the current fee structure
- ❑ Increasing fee levels to a \$5, \$6, and \$7 structure to continue program operation

Fee scale	\$3 , \$4 , \$5	\$5 , \$6 , \$7
Average Fee	\$3.55	\$5.47
Revenue	\$57,5 M	\$89.2 M
Expenditure	\$113.8 M	\$113,8 M
Fund Balance 2017/18	(\$11,2 M)	\$33.7 M
Fund Balance 2018/19	(\$67,3 M)	\$9.2 M

**State of California
Office of Administrative Law**

In re:
**Department of Resources Recycling and
Recovery**

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 18660.40

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-0913-01


OAL Matter Type: Emergency Readopt (EE)

This emergency filing by the Department of Resources Recycling and Recovery ("CalRecycle") amends 14 CCR § 18660.40, which lists the Electronic Waste Recycling Fees for certain electronic devices. Specifically, this emergency rulemaking action is a biennial adjustment of the recycling and recovery fees paid by consumers on purchases of electronic devices containing video screens. CalRecycle reviews and adjusts the amounts of these fees for the purpose of maintaining the appropriate revenue levels in the Electronic Waste Recovery and Recycling Account to fund the statewide Electronic Waste Recycling Program. This rulemaking action increases the current fees established during CalRecycle's 2014 emergency rulemaking effort and effective January 1, 2017.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 9/23/2016 and will expire on 9/24/2018. The Certificate of Compliance for this action is due no later than 9/23/2018.

Date: September 22, 2016


Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Scott Smithline
Copy: Meagan Wilson

EMERGENCY REGULATIONS SUBMISSION

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
Z-			2016-0913-01EE

For use by Office of Administrative Law (OAL) only

EMERGENCY FILED
In the office of the Secretary of State
of the State of California

SEP 22 2016
1:59 PM

2016 SEP 13 A 9:49
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Resources Recycling and Recovery (CalRecycle)

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Electronic Waste Recycling Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0912-02E per agency request
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND Section 18660.40 REPEAL
TITLE(S) 14	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print per agency request	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(e))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) September 23, 2016
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Meagan Wilson	TELEPHONE NUMBER 916-341-6077	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) meagan.wilson@calrecycle.ca.gov
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I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Elliot Block</i>	DATE 9/12/16
TYPED NAME AND TITLE OF SIGNATORY Elliot Block, Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 22 2016

Office of Administrative Law

California Code of Regulations - Title 14 Natural Resources
Division 7 Department of Resources Recycling and Recovery (CalRecycle)
Chapter 8.2 Electronic Waste Recovery and Recycling

Article 2.6. Covered Electronic Waste Recycling Fee

§ 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 Section 42464 of the Public Resources Code shall be the following amounts:

- (a) On or after January 1, ~~2013~~2017, ~~three~~ five dollars (\$~~3~~5), for each covered electronic device with a screen size of less than 15 inches measured diagonally.
- (b) On or after January 1, ~~2013~~2017, ~~four~~ six dollars (\$~~4~~6), 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, ~~2013~~2017, ~~five~~ seven dollars (\$~~5~~7), 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.