

## **Annual Reporting Requirements for Manufacturers**

Each manufacturer as defined by Section 42463(m) of the Public Resources Code (PRC) shall submit an annual report to CalRecycle on or before July 1 for the period covering the previous calendar year. Each manufacturer shall report information by brand name for covered electronic devices sold in the state. The following reporting requirements come from Title 14 of the California Code of Regulations (CCR) Section 18660.41, with further information and requirements cited in the “Additional Laws and Regulations” section. For additional assistance, please see the [CalRecycle Guidance for Manufacturer Reporting for the Electronic Waste Recycling Act](#).

### **I. Manufacturer Information**

(a) The report shall include the following:

- (1) Name and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer.
- (2) The information elements, as described in Section 42465.2 of the Public Resources Code and specified in Sections 18660.41(b) through (f), below.

### **II. Sales Information**

(b) The sales reporting shall include:

- (1) Data on the number of covered electronic devices sold in the state by product category.
- (2) An explanation of the methodology used to estimate data.

### **III. Materials Reporting**

(c) The materials reporting shall include:

- (1) An estimated average amount in milligrams for mercury, cadmium, lead, hexavalent chromium, including their alloys and compounds, and PBBs used in covered electronic devices, and all their component parts by product category.
- (2) Estimates may be based on either physical testing or maximum tolerance levels of the material in product design specifications.
- (3) An explanation of the methodology used to estimate data.

### **IV. Recyclable Content Reporting**

(d) Recyclable content reporting shall include:

- (1) Estimates on the amount in tons of recyclable content materials (e.g., plastics, glass, and metals) contained in covered electronic devices;
- (2) The increase from the previous year in the use of recyclable content materials; and
- (3) An explanation of the methodology used to estimate recyclable content.

### **V. Design for Recycling Reporting**

(e) Design for recycling reporting shall include:

- (1) Information on current activities and future plans related to the design of covered electronic devices, including but not limited to, the following:
  - (A) Ease of disassembly of covered electronic devices;
  - (B) Identification of resin types; and
  - (C) Improved materials efficiency through reduction in hazardous materials use or other approaches.

## **VI. List of Retailers Reporting**

(f) List of retailers noticed pursuant to Section 42465.2(a)(1)(E) of the Public Resources Code shall include:

- (1) The contact information used by the manufacturer to perform the notice, such as the name, address, contact person, phone number and/or email address of the retailer to which the notice was made.
- (2) The list of covered products contained in the notice.

## **VII. Consumer Information Reporting**

(g) Manufacturers shall individually submit to CalRecycle samples of the consumer information and description of all methods used to comply with Section 18660.42 of this Chapter. Manufacturers shall submit this information at the same time they comply with Section 18660.41(a) through (e), above.

## **VIII. Report Retention Requirement**

(h) Each manufacturer shall maintain the report and all supporting documentation for three years after the report is submitted. If CalRecycle or DTSC requests a copy of the supporting documentation the manufacturer shall submit the supporting documentation within 10 days of the request.

## **IX. Certification**

(i) Each manufacturer shall provide a certification under penalty of perjury that the information is true and correct.

## **X. Collective reporting**

(j) Collective reporting--Compliance with the reporting required in Sections 18660.41(b) through (f), above, is the individual responsibility of each manufacturer. A manufacturer may comply with the reporting requirements in subsections (b) and (c), above, by submitting a collective report for the subsections containing sales and materials information, if the following conditions are met:

- (1) A collective report must contain all of the information required in Sections 18660.41(b) and (c), above, but may combine the information for those manufacturers submitting information for the collective report;
- (2) The collective report shall contain a list of all manufacturers whose reports are included in the collective report. This list shall include the name of the manufacturer and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer;
- (3) Each manufacturer shall provide a certification under penalty of perjury that the information provided for the collective report is true and correct; and
- (4) Notwithstanding Section 18660.41(j)(1) through (3), above, CalRecycle may request, on a case-by-case basis, a manufacturer to submit an individual report with the information required in Sections 18660.41(b) and (c), above, and all supporting documentation of the information contained in the report. In response to CalRecycle's request, the manufacturer shall submit an individual report and supporting documentation within ten days of receiving CalRecycle's request.

## **Additional Laws and Regulations Pertaining to Manufacturers**

### **14 CCR**

#### Section 18660.42

A manufacturer shall do the following:

- (a) Make the consumer information required by Section 42465.2(a)(2) of the Public Resources Code available in English and Spanish; and
- (b) If a manufacturer uses a centralized database or Internet site to meet the requirement in (a), the manufacturer must maintain the databases or Internet site for their accuracy.

#### Section 18660.7

(c) CalRecycle shall only accept manufacturer registrations, claims and reports containing all the required information and bearing an original signature of the primary registrant, or a person with signature authority as designated by the primary registrant pursuant to Section 18660.35 of this Chapter.

### **22 CCR**

#### Appendix X

(c) This subsection sets forth a list of electronic wastes that are presumed to be hazardous wastes and that are “covered electronic device[s]” pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in sec. 66260.201, subsec. (b)(3)(C)] greater than four inches, unless it is determined that the electronic waste is not a hazardous waste pursuant to the procedures set forth in section 66262.11. The hazardous characteristic that serves as a basis for listing the common names of electronic wastes is toxicity.

- (1) Cathode ray tube (CRT)-containing devices (CRT devices);
- (2) CRTs;
- (3) CRT-containing computer monitors;
- (4) Liquid crystal display (LCD)-containing laptop computers;
- (5) LCD-containing desktop monitors;
- (6) CRT-containing televisions;
- (7) LCD-containing televisions (excluding LCD projection televisions);
- (8) Plasma televisions (excluding plasma projection televisions);
- (9) Portable DVD players with LCDs.

## **Health and Safety Code**

#### Section 25214.10.1

(b) The department [California Department of Toxic Substances Control] shall adopt regulations that identify electronic devices that the department determines are presumed to be, when discarded, a hazardous waste pursuant to this chapter.

## **PRC, Chapter 8.5**

### Section 42463

“Covered Electronic Device” means a video display device containing a screen greater than four inches, measured diagonally, that is identified in the regulations adopted by the department pursuant to subdivision (b) of Section 25214.10.1 of the Health and Safety Code.

(2) “Covered electronic device” does not include any of the following:

(A) A video display device that is a part of a motor vehicle, as defined in Section 415 of the Vehicle Code, or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle.

(B) A video display device that is contained within, or a part of a piece of industrial, commercial, or medical equipment, including monitoring or control equipment.

(C) A video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air-conditioner, dehumidifier, or air purifier.

(D) An electronic device, on and after the date that it ceases to be a covered electronic device under subdivision (e) of Section 25214.10.1 of the Health and Safety Code.

“Manufacturer” means either of the following:

(1) A person who manufactures a covered electronic device sold in this state.

(2) A person who sells a covered electronic device in this state under that person’s brand name.

“Person” means an individual, trust firm, joint stock company, business concern, and corporation, including, but not limited to, a government corporation, partnership, limited liability company, and association. Notwithstanding Section 40170, “person” also includes a city, county, city and county, district, commission, the state or a department, agency, or political subdivision thereof, an interstate body, and the United States and its agencies and instrumentalities to the extent permitted by law.

“Retailer” means a person who makes a retail sale of a new or refurbished covered electronic device.

“Retailer” includes a manufacturer of a covered electronic device who sells that covered electronic device directly to a consumer through any means, including, but not limited to, a transaction conducted through a sales outlet, catalog, or the Internet, or any other similar electronic means.

(1) “Retail sale” has the same meaning as defined under Section 6007 of the Revenue and Taxation Code.

(2) “Retail sale” does not include the sale of a covered electronic device that is temporarily stored or used in California for the sole purpose of preparing the covered electronic device for use thereafter solely outside the state, and that is subsequently transported outside the state and thereafter used solely outside the state.

“Vendor” means a person that makes a sale of a covered electronic device for the purpose of resale to a retailer who is the lessor of the covered electronic device to a consumer under a lease that is a continuing sale and purchase pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

“Video display device” means an electronic device with an output surface that displays, or is capable of displaying, moving graphical images or a visual representation of image sequences or pictures, showing a number of quickly changing images on a screen in fast succession to create the illusion of

motion, including, if applicable, a device that is an integral part of the display, in that it cannot be easily removed from the display by the consumer, that produces the moving image on the screen. A video display device may use, but is not limited to, a cathode ray tube (CRT), liquid crystal display (LCD), gas plasma, digital light processing, or other image projection technology.

Section 42465.2

(a) On or before July 1, 2005, or as specified otherwise in Section 25214.10.1 of the Health and Safety Code, and at least once annually thereafter as determined by the board, each manufacturer of a covered electronic device sold in this state shall do all of the following:

(1) Submit to the board a report that includes all of the following information:

(A) An estimate of the number of covered electronic devices sold by the manufacturer in the state during the previous year.

(B) A baseline or set of baselines that show the total estimated amounts of mercury, cadmium, lead, hexavalent chromium, and PBB's used in covered electronic devices manufactured by the manufacturer in that year and the reduction in the use of those hazardous materials from the previous year.

(C) A baseline or set of baselines that show the total estimated amount of recyclable materials contained in covered electronic devices sold by the manufacturer in that year and the increase in the use of those recyclable materials from the previous year.

(D) A baseline or a set of baselines that describe any efforts to design covered electronic devices for recycling and goals and plans for further increasing design for recycling.

(E) A list of those retailers, including, but not limited to, Internet and catalog retailers, to which the manufacturer provided a notice in the prior 12 months pursuant to Section 42465.3 and subdivision (c) of Section 25214.10.1 of the Health and Safety Code.

(2) Make information available to consumers, that describes where and how to return, recycle, and dispose of the covered electronic device and opportunities and locations for the collection or return of the device, through the use of a toll-free telephone number, Internet Web site, information labeled on the device, information included in the packaging, or information accompanying the sale of covered electronic device.

(b)

(1) For the purposes of complying with paragraph (1) of subdivision (a), a manufacturer may submit a report to the board that includes only those covered electronic devices that include applications of the compounds listed in subparagraph (B) of paragraph (1) of subdivision (a) that are exempt from the Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003, and any amendments made to that directive, if both of the following conditions are met, as modified by Section 24214.10 of the Health and Safety Code:

(A) The manufacturer submits written verification to the department that demonstrates, to the satisfaction of the department, that the manufacturer is in compliance with Directive 2002/95/EC, and any amendments to that directive, for those covered electronic devices for which it is not submitting a report to the board pursuant to this subdivision.

(B) The department certifies that the manufacturer is in compliance with Directive 2002/95/EC, and any amendments to that directive, for those covered electronic devices for which the manufacturer is not submitting a report to the board pursuant to this subdivision.

(2) When reporting pursuant to this subdivision, a manufacturer is required only to report on specific applications of compounds used in covered electronic devices that are exempt from Directive 2002/95/EC.

(c) Any information submitted to the board pursuant to subdivision (a) that is proprietary in nature or a trade secret shall be subject to protection under state laws and regulations governing that information.