

**State of California
Office of Administrative Law**

In re:
Department of Resources Recycling and
Recovery

Regulatory Action:

Title 14, California Code of Regulations

**Amend sections: 18660.5, 18660.6, 18660.9,
18660.24, 18660.25,
18660.34, 18660.41**

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL Matter Number: 2023-0306-02

OAL Matter Type: Nonsubstantive (N)

This action without regulatory effect by the Department of Resources Recycling and Recovery (CalRecycle), in part, amends regulations promulgated pursuant to the Electronic Waste Recycling Act of 2003, Chapter 8.5 (commencing with Section 42460) of Part 3 of Division 30 of the Public Resources Code, by making regulatory provisions therein consistent with changed statutes amended by Senate Bill 1215 (Stats. 2022, ch. 370), filed September 16, 2022. This action without regulatory effect also revises cross-references and corrects other typographical errors.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: April 17, 2023



**Stephen P. Mehlert
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Rachel Machi Wagoner, Director
Copy: Kris Chisholm**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

NONSUBSTANTIVE

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0306-02N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

APR 17 2023

2:03 PM

OFFICE OF ADMIN. LAW
2023 MAR 6 PM 4:31

AGENCY WITH RULEMAKING AUTHORITY Department of Resources Recycling and Recovery (CalRecycle)	AGENCY FILE NUMBER (If any)
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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	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) SB 1215 Section 100 Changes	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)						
<table border="1"> <tr> <td>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</td> <td>ADOPT</td> </tr> <tr> <td></td> <td>AMEND 18660.5, 18660.6, 18660.9, 18660.24, 18660.25, 18660.34 and 18660.41</td> </tr> <tr> <td>TITLE(S) 14</td> <td>REPEAL</td> </tr> </table>	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		AMEND 18660.5, 18660.6, 18660.9, 18660.24, 18660.25, 18660.34 and 18660.41	TITLE(S) 14	REPEAL
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT					
	AMEND 18660.5, 18660.6, 18660.9, 18660.24, 18660.25, 18660.34 and 18660.41					
TITLE(S) 14	REPEAL					

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 type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" 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	<input type="checkbox"/> Print Only
<input 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(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

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 Kris Chisholm	TELEPHONE NUMBER 916-322-2404	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) kris.chisholm@calrecycle.ca.gov
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8. 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 Anastasia Baskerville Digitally signed by Anastasia Baskerville Date: 2023.02.28 15:48:52 -08'00'	DATE
TYPED NAME AND TITLE OF SIGNATORY Anastasia Baskerville, Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 17 2023

Office of Administrative Law

Title 14 Natural Resources
Division 7 California Department of Resources Recycling and Recovery
Chapter 8.2 Electronic Waste Recovery and Recycling

Section 18660.5. Definitions.

(a) For the purposes of this Chapter, the following shall apply:

(1) "Act" or "the Act" means the Electronic Waste Recycling Act of 2003 (Senate Bill 20, Chapter 526, Statutes of 2003), as amended.

(2) "Approved Collector" means an authorized collector as defined in Section 42463(b) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recovery payments from approved recyclers.

(3) "Approved Dual Entity" means an entity that is both an "approved collector" and an "approved recycler" as defined in this Section.

(4) "Approved Recycler" means a "covered electronic waste recycler" as defined in Section 42463(j)(h) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recycling payments from CalRecycle.

(5) "Bare CRT" means a Cathode Ray Tube with the vacuum relieved and the yoke removed that has been separated from the device housing and has had all circuit boards, wiring and other components detached from the tube.

(6) "Bare Panel" means an LCD, plasma, or other non-CRT video display panel that has been separated from the device housing and has had all circuit boards, lamps, wiring and other components detached from the panel. Lamps may remain affixed to an otherwise bare panel only if they cannot be removed without breaking.

(7) "Cancellation" means a processing or treatment method that qualifies CEWs for recycling payments, removes the CEWs from the payment system eliminating the possibility of double payments, dismantles or destroys the original CEW, and results in treatment residuals as specified in Section 18660.32 of this Chapter.

(8) "Claim Activity Period" means the span of time during which an approved recycler received CEWs from approved collectors, processed and cancelled CEWs, and shipped treatment residuals, as required, that results in a recycling payment claim being submitted to CalRecycle.

(9) "CRT" means a Cathode Ray Tube with the yoke still attached that has been separated from a CRT device.

(10) "CRT device" means a whole covered electronic device containing a Cathode Ray Tube.

(11) "California Source" means persons, as defined in Section 42463(r)(h) of the Public Resources Code, located in California who generate CEWs after their own use

of a CED. Persons who receive, accumulate, consolidate, store, or otherwise handle discarded, donated or collected CEWs are not the California sources of those CEWs.

(12) "CalRecycle" means the Department of Resources Recycling and Recovery.

(13) "Collection log" means a record maintained by an approved collector that records CEW collection activities as specified in Section 18660.20(j) of this Chapter.

(14) "Collective Report" means a report submitted to CalRecycle through a trade association, a group of associations, or other organization that represents more than one manufacturer.

(15) "Commingled" means mixed together and impossible to economically or practically separate.

(16) "Covered Electronic Device" or "CED", through and including December 31, 2024, has the same meaning, for the purposes of this Chapter, as a covered electronic device specified in Section 42463(e)(g)(1)(A) of the Public Resources Code.

(17) "Covered Electronic Waste" or "CEW", through and including December 31, 2024, means a discarded device that DTSC has determined to be a covered electronic device, as specified by Section 42463(e)(g)(1)(A) of the Public Resources Code.

(18) "Designated Approved Collector" means an approved collector, as defined in subsection (a)(2) of this section, that has been designated by a California Local Government to provide CEW collection services for or on behalf of the Local Government in accordance with Article 7 of this Chapter.

(19) "DTSC" means the Department of Toxic Substances Control.

(20) "Further treat" means, for the purposes of this Chapter, activities such as crushing, size reduction, washing, cleaning, smelting, or similar steps taken to process the treatment residual and alter its physical form or characteristics. "Further treat" does not mean, for the purposes of this Chapter, receiving, storing, accumulating, consolidating, brokering, shipping, disposing or other similar activities that do not alter the physical form or characteristics of the treatment residual.

(21) "Handler", for the purposes of this Chapter, has the same meaning as a universal waste handler or CRT material handler, as applicable, as defined in Section 66273.9 of Title 22 of the California Code of Regulations.

(22) "Illegal Disposal" means, for the purposes of this Chapter, the disposal or placement of CEWs on a property without the permission of the owner(s) of, or responsible party(ies) for, the property.

(23) "Initial Destination" means, for the purposes of this Chapter, the location(s) to which treatment residuals are initially shipped by an approved recycler.

(24) "Load" means a single transfer (a pick up or delivery) of CEWs, such as from a California source to a collector or from a collector to a recycler.

(25) "Load Check Activities" means, for the purposes of this Chapter, the efforts made to identify, retrieve and divert from the disposed solid waste stream those CEWs that have been illegally discarded by generators. "Load Check Activities" do not include the

rejection or acceptance of CEWs due to the lack of source documentation.

(26) "Manufacturer Payment" or "Manufacturer Take Back Payment" means a payment made by CalRecycle to a registered manufacturer that takes back covered electronic wastes (CEWs) from a California source for the purposes of recycling the CEW pursuant to Section 42476~~(g)~~(h) of the Public Resources Code.

(27) "Manufacturer Payment Claim" means a registered manufacturer's request submitted to CalRecycle with all required documentation for a manufacturer payment.

(28) "Manufacturer Take Back" means a program administered by a registered manufacturer that accepts CEWs from California sources for the purposes of recycling.

(29) "PBBs" mean Polybrominated Biphenyls.

(30) "Processing log" means a record maintained by an approved recycler that records CEW activities associated with CEW cancellation, such as but not limited to weighing and dismantling, as specified in Section 18660.21(b) of this Chapter.

(31) "Product Category", through and including December 31, 2024, means the types of covered electronic devices as defined in Section 42463~~(e)~~(g)(1)(A) of the Public Resources Code. These categories include, but are not limited to, the following:

(A) Cathode Ray Tubes (CRTs) devices used in televisions,

(B) CRTs devices used in monitors,

(C) Liquid Crystal Display (LCD) monitors,

(D) Laptop computers containing LCD screens,

(E) LCD televisions,

(F) Plasma display televisions, and

(G) Other video display devices as specified by the DTSC pursuant to Section 25214.10.1(b) of the Health and Safety Code.

(32) "Proof of Approval" means the status of an approved collector or approved recycler, as portrayed on the CalRecycle website. The Proof of Approval is associated with a unique identification number issued by CalRecycle to identify a collector or recycler as being approved pursuant to this Chapter.

(33) "Proof of Designation" means a document issued by a California Local Government to a Designated Approved Collector in accordance with Article 7 of this Chapter.

(34) "Receiving log" means a record maintained by an approved recycler that documents CEW transfers from approved collectors to the approved recycler.

(35) "Recovery payment" means the payment made by an approved recycler to an approved collector in exchange for the transfer of CEWs pursuant to Section 42477 of the Public Resources Code.

(36) "Recovery payment request" means an approved collector's request for recovery payment made to an approved recycler accompanying the transfer of CEWs.

(37) "Recycling payment" means the payment made by CalRecycle to an approved recycler that includes a recovery component related to recycler payments to collectors.

pursuant to Section 42477 of the Public Resources Code and a recycling component for CEW cancellation pursuant to Section 42478 of the Public Resources Code.

(38) "Recycling payment claim" means an approved recycler's claim that includes all required documentation submitted to CalRecycle for recycling payments for cancelled CEWs.

(39) "Registered Manufacturer" means a manufacturer as defined in Section 42463~~(m)~~ (g) of the Public Resources Code who registers with CalRecycle pursuant to this Chapter and therefore may be eligible for manufacturer payments from CalRecycle.

(40) "Source-anonymous CEWs" means CEWs whose originating California source cannot be identified in collection log information required pursuant to Section 18660.20(j)(1)(B) of this Chapter.

(41) "Source documentation" means collection logs and other information developed, maintained and transferred pursuant to Section 18660.20(h) of this Chapter that demonstrates the eligibility, originating generator or intermediate handlers of collected CEWs as applicable.

(42) "Standard Statewide Recovery Payment Rate" means the amount paid to an approved collector per pound of CEWs transferred to an approved recycler to cover the cost of collection, consolidation and transportation of CEWs as established pursuant to Section 42477 of the Public Resources Code.

(43) "Standard Statewide Combined Recycling and Recovery Payment Rates" means the amount paid to an approved recycler per pound of CEWs cancelled and claimed to cover the cost of receiving, processing and recycling CEWs as established pursuant to Section 42478 of the Public Resources Code, and making recovery payments to approved collectors.

(44) "Transfer" or "Transferred" means physically changing possession of CEWs, such as a transfer from a California source to a collector or from a collector to a recycler.

(45) "Transfer documentation" means, for the purposes of this Chapter, records or receipts that record the transfer of CEWs from an approved collector to an approved recycler, which include the weight, number, and source of the transferred CEWs, and the date(s) of transfer.

(46) "Treatment Residuals" means any material resulting from the dismantling or treatment of a CEW. Treatment residuals are not considered CEWs and are not eligible for recovery or recycling payment, however the costs or revenues associated with managing treatment residuals shall be factored into the net cost of recycling CEW. Treatment residuals may be used to demonstrate the processing of CEWs, and documentation demonstrating the subsequent movement or ultimate disposition of the treatment residuals may be required as part of the claim for payment submitted by an approved recycler.

(47) "Ultimate disposition" means, for the purposes of this Chapter, the consumption of a treatment residual into a manufacturing process or the disposal of a treatment residual at a permitted disposal facility. Storage of a treatment residual at a site of generation or at an intermediate facility, or accumulation of a treatment residual at a location prior to consuming or disposing, is not ultimate disposition.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42463, 42465.2, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.6. Applicability and Limitations.

(a) Limitations on the types of CEWs eligible for payments:

- (1) An approved collector may request recovery payment only for the types of CEWs specified by DTSC that are transferred to an approved recycler by the collector.
- (2) An approved recycler may claim recycling payment only for the types of CEWs specified by DTSC that are received from an approved collector and are cancelled by the recycler.
- (3) A registered manufacturer may claim manufacturer payment only for the types of CEWs specified by DTSC that the manufacturer takes back for recycling.

(b) Limitations on the timeframes eligible for payments:

- (1) An approved collector, an approved recycler, or a registered manufacturer shall not receive payment for any CEWs transferred from a California source before January 1, 2005.
- (2) An approved collector shall not request recovery payments from recyclers for transfers that occur prior to the approval of the collector's application by CalRecycle.
- (3) An approved recycler shall not claim recycling payments from CalRecycle for CEWs cancelled prior to the approval of the recycler's application by CalRecycle.
- (4) A registered manufacturer shall not claim manufacturer payments from CalRecycle for recycling that occurs prior to the manufacturer's registration with CalRecycle.

(c) Limitations on the Sources of CEWs and CEWs eligible for payments:

- (1) Only CEWs resulting from a California source are eligible for recovery, recycling, or manufacturer payments.
- (2) CEWs owned by a person in California, but used entirely outside of California are not eligible for payments.
- (3) Source-anonymous CEWs, documented pursuant to Section 18660.20(j)(1)(E) of this Chapter, are eligible for recovery and recycling payments if:
 - (A) The source-anonymous CEWs result from load check activities as defined in Section 18660.5(a)(25) conducted at permitted solid waste facilities whose operator is an approved collector or, if not an approved collector, the source-anonymous CEWs are directly transferred from the permitted solid waste facility to an approved collector; or
 - (B) The source-anonymous CEWs result from illegal disposal clean-up activities conducted by a Local Government, as defined in Section 18660.47, or its Designated Approved Collector; or
 - (C) The source-anonymous CEWs result from illegal disposal on property owned

or managed by an approved collector.

(4) CEWs that are transferred to a Designated Approved Collector are not eligible for payments unless the CEWs are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.

(d) Limitations on the ability of collectors and recyclers to charge a fee:

(1) If the recovery payment from a recycler does not fully cover the net cost of CEW recovery, and the collector establishes a cost-free opportunity for a California source to transfer CEWs to the collector, then an approved collector may charge a fee for CEW recovery.

(2) If the recovery payment from a recycler fully covers the net cost of CEW recovery, an approved collector shall provide CEW recovery at no charge to California sources or CalRecycle may revoke approval and direct recyclers to deny recovery payments to the collector.

(3) If the recycling payment from CalRecycle does not fully cover the net cost of CEW recycling, an approved recycler may charge a fee for CEW recycling.

(4) If the recycling payment from CalRecycle fully covers the net cost of CEW recycling, an approved recycler shall provide CEW recycling at no charge to approved collectors or CalRecycle may revoke approval and deny recycling payments to the recycler.

(e) Limitations on recovery payments:

(1) An approved recycler shall make recovery payments at the rate specified in Section 18660.33 of this Chapter to approved collectors for all CEWs transferred to the recycler and that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.

(2) CalRecycle shall revoke a recycler's approval and deny recycling payments to a recycler that fails to make recovery payments to approved collectors as specified in this Chapter.

(3) An approved recycler shall not make the recovery payments as specified in this Chapter to collectors who are not approved pursuant to this Chapter.

(4) An approved recycler may make other types of payments, not provided for under this Chapter, to a collector regardless of the collector's approval status.

(5) An approved recycler shall not provide recovery payments to a collector other than the approved collector that transfers the CEWs to the recycler, but nothing limits the

collectors involved in prior transfers from negotiating payments among themselves unrelated to the recovery payment provisions of this Chapter.

(6) An approved collector is eligible for recovery payments only if the collector establishes a cost-free opportunity for a California source to transfer CEWs to the collector.

(7) An approved collector is entitled for recovery payments only for CEWs transferred to the recycler that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.

(8) The approved collector shall repay the approved recycler the amount of recovery payment that was paid if an approved collector has received recovery payment from an approved recycler for which the approved collector was not entitled.

(f) Limitations on recycling payments:

(1) CalRecycle shall make recycling payments only to approved recyclers who:

(A) Cancel CEWs using cancellation methods as specified in Section 18660.32 of this Chapter.

(B) Document cancellation and meet the other requirements of this Chapter.

(2) CalRecycle shall not make recycling payments to a recycler other than the approved recycler that cancels the CEWs, but nothing limits the recyclers involved in subsequent transfers from negotiating payments among themselves unrelated to the recycling payment provisions of this Chapter.

(3) CalRecycle shall not make recycling payments for reuse of either a whole CEW or of a partially disassembled CEW, such as a CRT with an attached yoke.

(g) Limitations in relation to current business practices:

(1) CalRecycle shall not limit the ability of approved collectors and approved recyclers to transfer or not transfer CEWs to or from any party.

(2) CalRecycle shall not limit the ability of approved collectors and approved recyclers from entering into contracts with each other or other parties.

(3) CalRecycle shall not limit the ability of collectors to recover CEWs or recyclers to recycle CEWs without participating in the system described in this Chapter.

(4) If collectors wish to receive recovery payments or recyclers wish to receive recycling payments, then they must meet the requirements in this Chapter.

(h) Limitations on the disposition of treatment residuals:

(1) Approved recyclers are not eligible for CEW recycling payments if treatment residuals are managed in a manner noncompliant or nonconforming with applicable law.

(2) Treatment residuals shall be managed for recycling to the extent economically feasible.

(A) Economic feasibility shall be determined by an approved recycler based on current market conditions for legal management options.

(B) CalRecycle may demand demonstration of economic infeasibility in accordance with Public Resources Code section 42479.

(3) Approved recyclers that ship treatment residual CRTs or CRT glass shall be capable of demonstrating to CalRecycle or its designee upon demand that the CRT or CRT glass has reached an ultimate disposition within one year of the initial shipment, unless the approved recycler is exempt from such demonstration pursuant to Article 7 of Chapter 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(4) If treatment residuals are disposed, an approved recycler shall ensure and be able to demonstrate that the disposal complies with all applicable laws and conforms to any

conditions of authorization or approval under which the approved recycler managed the CEW from which the treatment residuals were derived.

(5) CalRecycle may require approved recyclers to produce documentation maintained pursuant to this Chapter to demonstrate compliance or conformance with all laws associated with treatment residual shipment, initial destination, or ultimate disposition.

(i) Limitations on the manufacturer payment system:

(1) CalRecycle shall not register any entity other than a manufacturer as defined in Section 42463(m)(g) of the Public Resources Code to be a registered manufacturer.

(2) CalRecycle shall not make manufacturer payments to any entity other than a registered manufacturer.

(3) A registered manufacturer shall only claim payment for, and CalRecycle shall only make manufacturer payments for, CEWs received from California sources that are processed for recycling in a manner that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result.

(4) A registered manufacturer shall not claim payment for, and CalRecycle shall not make manufacturer payments for, CEWs that are reused, repaired, refurbished or otherwise returned to use.

(j) Limitations on recycling payments on exported CEWs:

(1) CalRecycle shall not approve recyclers located outside the State of California.

(2) CEWs sent to and cancelled by unapproved recyclers are not eligible for recycling payments pursuant to this Chapter regardless of the location of the unapproved recycler.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42472(b), 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.9. Audits.

(a) CalRecycle, or persons authorized by CalRecycle, may conduct audits of approved collectors, approved recyclers, and registered manufacturers to determine compliance with the requirements of this Chapter.

(b) As part of an audit, CalRecycle may do any one or all of the following in relation to CEW recovery or recycling:

(1) Review, examine or investigate any books, records, accounts, or documentation.

(2) Observe, review, examine or investigate any on-site activities, operations, processes, CEWs, treatment residuals or other materials.

(3) Observe and inspect transactions.

(4) Verify measurements, counts, weights, and calculations.

(5) Examine and verify revenue, cost and net cost information and calculations.

(6) Use other examination procedures to investigate recovery payments, recycling payments, manufacturer payments, transfers of CEWs or treatment residuals, costs, revenue, net costs, or other activities related to determining compliance with this Chapter.

(c) An approved collector, an approved recycler, or a registered manufacturer shall provide CalRecycle staff, or persons authorized by CalRecycle, access to location(s) and records for the purpose of audits related to the requirements of this Chapter, and for any or all of the following purposes in relation to CEW recovery or recycling:

(1) To determine compliance with CalRecycle's regulations and with the provisions of the Act.

(2) To determine the accuracy of the information provided in the application for approval or registration.

(3) To determine the accuracy of the information, calculations, weights, counts, and other data upon which claims for payments or payments are based.

(4) For the investigation of complaints related to recovery payments to collectors.

(5) For the investigation of complaints related to the geographic origin of CEWs.

(6) To obtain cost data, revenue data and net cost calculations required for CalRecycle to set and adjust the Standard Statewide Recovery Payment Rate, recycler payment rate and consumer fees.

(7) To obtain sample data to calculate component weight to device weight conversion factors.

(8) To inspect any records required by this Chapter or the Act.

(d) If an approved collector, an approved recycler, or a registered manufacturer fails to provide reasonable access for audits pursuant to this Section, CalRecycle shall do one or more of the following:

(1) Deny approval or registration if a renewal is pending.

(2) Revoke an existing approval or registration.

(3) Recoup monies previously paid by CalRecycle, which were the subject of the audit, accumulated interest, and any associated penalties.

(4) Deny current and future claims for payments.

(e) An approved collector, an approved recycler or a registered manufacturer that must repay monies to CalRecycle based on the results of a CalRecycle audit shall pay the entire amount, including the original amount, accumulated interest, and any associated penalties.

(f) An approved collector, an approved recycler or a registered manufacturer shall make any payments, repayments or recoupments in U.S. dollars by check, draft, money order or cashier's check payable to the State of California, Department of Resources Recycling and Recovery, or to a designee selected by CalRecycle.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.24. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs Through Dismantling to a Bare CRT After Relieving the Vacuum.

(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling CRT containing CEWs through dismantling to a bare CRT after relieving the vacuum as specified in Section 18660.32 of this Chapter.

(b) An approved recycler shall base recycling payment claims on the weight of CRT-containing CEWs cancelled.

(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a reporting month.

(d) The reporting month for a recycling payment claim pursuant to this Section is the calendar month in which the approved recycler first makes shipment(s) to an initial destination of bare CRTs or CRT glass cullet derived from the claimed CEWs.

(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through dismantling to a bare CRT as follows:

(1) The total weight of CRT-containing CEWs cancelled from which all treatment residuals specified pursuant to Section 18660.22(c)(1) of this Chapter have been shipped off-site to an initial destination authorized to receive and further treat or legally dispose of those treatment residuals.

(2) The total payment claimed, calculated by multiplying the weight of CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (1) of this Section includes CEWs from outside California, CEWs without source documentation, or previously cancelled materials, then

the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(f) An example calculation for canceling CRT containing CEWs through dismantling to a bare CRT after relieving the vacuum is included for illustration purposes as follows:

The weight of CRT-containing CEWs cancelled:	1000 pounds
Times the per pound Standard Statewide Combined Recovery and Recycling Payment Rate:	X \$0.85
Equals the payment claim for the reporting period:	= \$850.00 Total Claim

(g) An approved recycler shall attach the following documentation for all shipments of bare CRTs or CRT glass cullet made during the claim activity period:

(1) Shipping reports to initial destinations, including the names of the shipping recycler and the receiving initial destination.

- (2) The date of the shipment and the weight of the bare CRTs or CRT glass cullet.
- (3) Certified weights of individual shipments of bare CRTs or CRT glass cullet.
- (4) Verification of post cancellation disposition, including:
 - (A) For shipments by sea, the proof of transfer to an initial destination shall be the on-board bill of lading and an executed contract or other documentation from the intended recipient of the shipment.
 - (B) For other shipments, the proof of transfer to an initial destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading or manifest.
 - (C) For all shipments of bare CRTs or CRT glass cullet, information pertaining to the initial destination or the ultimate disposition of the material shipped:
 - 1. All documentation necessary to demonstrate compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22 and 23 of Division 4.5 of Title 22 of the California Code of Regulations shall be included in the claim.
 - 2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and quantification of the disposition of other treatment residuals derived from cancellation of the CRT-containing CEWs, including but not limited to metals, plastics, fibers and wood.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.25. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of Non-CRT-Containing CEWs.

- (a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling non-CRT-containing CEWs through dismantling to a bare panel as specified in Section 18660.32 of this Chapter.
- (b) An approved recycler shall base recycling payment claims on the weight of the cancelled non-CRT-containing CEWs.
- (c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a reporting month.
- (d) The reporting month for a recycling payment claim pursuant to this Section is the calendar month in which the approved recycler first cancels any of the non-CRT CEW being claimed.
- (e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling non-CRT-containing CEWs through dismantling to a bare panel as follows:

(1) The total weight of cancelled non-CRT-containing CEWs for the reporting month for which records specified in Section 18660.22(c)(2) of this Chapter have been established and maintained pursuant to Section 18660.8 of this Chapter. Note that non-CRT-containing CEWs commingled with other material are ineligible for recycling payment.

(2) The total payment claimed, calculated by multiplying the weight of non-CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (1) of this Section includes CEWs from outside California or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(4) For each claimed non-CRT-containing CEWs, the recycler shall record and report the manufacturer name, model number, and the weight of each device prior to cancellation.

(f) An example calculation for canceling non-CRT-containing CEWs through dismantling to a bare panel is included for illustration purposes as follows:

The weight of non-CRT-containing CEWs cancelled:	1000 pounds
Times the per pound Standard Statewide Combined Recovery and Recycling Payment Rate:	X \$1.03
Equals the payment claim for the reporting period:	= \$1,030.00 Total Claim

(g) An approved recycler shall attach the following documentation for all bare plasma panels and lamps derived from non-CRT-containing CEWs during the claim activity period:

(1) Shipping reports to initial destinations, including the names of the shipping recycler and the receiving initial destination.

(2) The accumulation start date(s) of the bare plasma panels or lamps shipped or stored.

(3) Certified weights ticket of individual shipments.

(4) Verification of post cancellation disposition, including:

(A) For shipments by sea, the proof of transfer to an initial destination shall be the on-board bill of lading or manifest, as applicable.

(B) For other shipments, the proof of transfer to an initial destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading or manifest.

(C) For all shipments of bare plasma panels and lamps derived from non-CRT-containing CEWs, a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is compliant with applicable law and conforms with the approved recycler's conditions of authorization.

1. All documentation necessary to demonstrate compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of

Regulations shall be included in the claim.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine compliance with material handling and shipment requirements set forth in Chapters 12, 14, 15, 16, 18, 20, 22, and 23 of Division 4.5 of Title 22 of the California Code of Regulations.

(5) The quantities of treatment residuals recorded pursuant to section 18660.22(c)(2)(A) and (B) shall be included in the claim.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and quantification of the disposition of other treatment residuals derived from cancellation of the non-CRT-containing CEWs, including but not limited to circuit boards, other video display panels, metals, plastics, and fibers.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.34. Standard Statewide Combined Recovery and Recycling Payment Rates.

(a) CalRecycle shall pay an approved recycler the Standard Statewide Combined Recovery and Recycling Payment Rates for the weight of CRT and non-CRT CEW cancelled and claimed pursuant to the requirements of this Chapter, which includes a component for recovery costs and a component for recycling costs.

(b) Beginning July 1, 2022, the Standard Statewide Combined Recovery and Recycling Payment Rates are:

- (1) \$0.85 per pound for CRT CEW.
- (2) \$1.03 per pound for non-CRT CEW.

(c) CalRecycle shall review the Standard Statewide Combined Recovery and Recycling Payment Rates at a public meeting and establish the rates pursuant to Sections 42477 and 42478 of the Public Resources Code.

Note: Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Section 18660.41. Reporting Requirements.

Each manufacturer as defined by Section 42463~~(m)~~(g) of the Public Resources Code shall submit an annual report to CalRecycle on or before July 1, 2005, and annually thereafter, for the period of the previous calendar year. Each manufacturer shall report information by brand name of covered electronic devices sold in the state.

(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.

(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.

(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.

(d) Recyclable content reporting shall include:

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

(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.

(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 email address of the retailer to which the notice was made.
- (2) The list of covered products contained in the notice.

(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.

(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.

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

(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.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code. Reference: Section 42465.2, Public Resources Code.