

MEMORANDUM

To: Office of Administrative Law

Date: September 19, 2023

From: Irina Kaminer, Staff Counsel
**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
(CALRECYCLE)**

**Subject: FINDING OF STATUTORY EMERGENCY / EMERGENCY
REGULATIONS EFFECTIVE FOR TWO YEARS OR UNTIL REVISED
BY THE DEPARTMENT**

The attached regulations, approved by Director Rachel Machi Wagoner on June 15, 2023, are being submitted as emergency regulations pursuant to a statutory emergency. The Legislature gave authority for the Department to adopt emergency regulations for all aspects of the Covered Electronic Waste Recycling Program and mandated that such regulations remain in effect for two years or until revised by the Department, whichever occurs sooner.

Public Resources Code Section 42475.2 states:

(a) CalRecycle and DTSC may each adopt regulations to implement and enforce this chapter as emergency regulations.

(b) The emergency regulations adopted pursuant to this chapter shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted by CalRecycle or DTSC pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by DTSC or CalRecycle, whichever occurs sooner.