

**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: 18660.40

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

Government Code Sections 11346.1 and  
11349.6

OAL Matter Number: 2023-0919-01

OAL Matter Type: Emergency (E)

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This emergency action from the Department of Resources Recycling and Recovery is a biennial adjustment of consumer electronic waste recycling fees applicable to covered electronic devices pursuant to Public Resources Code section 42464. The emergency is deemed pursuant to Public Resources Code section 42475.2(b).

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 1/1/2024. Pursuant to Public Resources Code section 42475.2(b) this is a statutorily deemed emergency and the emergency language remains in effect until 1/1/2026 unless a Certificate of Compliance is transmitted to and approved by OAL or the emergency language is revised by the Department prior to that date, whichever occurs sooner. As to a certificate of compliance, since OAL must receive, review, and approve a certificate of compliance to prevent expiration, the last day to submit a certificate of compliance to OAL is 11/17/2025. The last day to submit a new emergency action or an emergency readoption to prevent expiration is 12/22/2025.

Date: September 27, 2023



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Stephen P. Mehlert  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Rachel Machi Wagoner,  
Director

Copy: Kris Chisholm

# EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2023-0919-01E</b>	EMERGENCY NUMBER
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**SEP 27 2023**

*3:20 PM*

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW  
2023 SEP 19 PM 12:28

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY  
Department of Resources Recycling and Recovery

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)
<b>OAL USE ONLY</b>	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) Covered Electronic Waste Recycling Fee	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)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	18660.40
TITLE(S)	REPEAL
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 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	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input checked="" type="checkbox"/> Other (Specify) <u>Public Resources Code Section 42475.2</u>		

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 type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>January 1, 2024</u>

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 checked="" type="checkbox"/> Other (Specify) <u>Department of Toxic Substances Control</u>		

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 <small>Digitally signed by Anastasia Baskerville Date: 2023.07.31 11:54:55 -07'00'</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Anastasia Baskerville, Chief Counsel	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**SEP 27 2023**

**Office of Administrative Law**

**Proposed Revised Regulatory Language to Maintain the  
Covered Electronic Waste Recycling Fee**

**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, ~~2022~~2024, four dollars (\$4), for each covered electronic device with a screen size of less than 15 inches measured diagonally.
- (b) On or after January 1, ~~2022~~2024, five dollars (\$5), 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, ~~2022~~2024, six dollars (\$6), for each covered electronic device with a screen size greater than or equal to 35 inches measured diagonally.

Authority cited: Sections 40502 and 42475.2, Public Resources Code.

Reference: Sections 42464, 42464.2 and 42464.4, Public Resources Code.