

## Annual Reporting Requirements for Manufacturers

Each manufacturer, as defined by Section 42463(q) 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 video display 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.

### 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. Recycled Content Reporting

(d) Recyclable content reporting shall include:

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

NOTE: Even though section 18660.41(d) uses the term “recyclable”, the statutory requirement in PRC section 42465.2 controls. Reports must include information about “recycled” content – not “recyclable” content. The regulatory language will be updated at a later date.

### 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.
- (10) Organic light-emitting diode (OLED)-containing televisions;
- (11) OLED-containing laptop computers;
- (12) OLED-containing tablets;
- (13) OLED-containing desktop monitors;
- (14) LCD-containing tablets; and
- (15) LCD-containing smart displays.

## Health and Safety Code

### Section 25214.10.1

(c) 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

(g)

(1) "Covered Electronic Device" means...:

(A) ...a video display device containing a screen greater than four inches, measured diagonally, that is identified in the regulations adopted by DTSC pursuant to subdivision (c) 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 pursuant to subdivision (f) of Section 25214.10.1 of the Health and Safety Code.

(q)

(1)

(A) "Manufacturer" means a person who manufactures a covered electronic device and who owns or is the exclusive licensee of the brand or trademark under which the covered electronic device is sold, offered for sale, or distributed in the state.

(B) If there is no person in the state who is the manufacturer for purposes of subparagraph (A), the manufacturer of the covered electronic device is the owner or licensee of a brand or trademark under which a covered electronic device is sold, offered for sale, or distributed in the state.

(C) If there is no person in the state who is the manufacturer for purposes of subparagraph (A) or (B), the manufacturer of the covered electronic device is the person who sells, offers for sale, or distributes the covered electronic device into the state for sale, offer for sale, or distribution in the state.

(r) "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.

(u) “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.

(v)

(1) “Retail sale” has the same meaning as set forth 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 the state 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.

(w) “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.

(x) “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 CalRecycle, each manufacturer of a covered electronic device, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463, sold in this state shall do all of the following:

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

(A) An estimate of the number of covered electronic devices, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463, 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 polybrominated biphenyls (PBB’s) used in covered electronic devices, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463, 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 recycled materials contained in covered electronic devices, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463, sold by the manufacturer in that year and the increase in the use of those recycled materials from the previous year.

(D) A baseline or a set of baselines that describe any efforts to design covered electronic devices, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463, 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 (d) 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 waste resulting from discarded electronic devices, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463, and opportunities and locations for the collection or return of the device, through the use of a toll-free telephone number, internet website, information labeled on the device, information included in the packaging, or information accompanying the sale of covered electronic device, as defined in subparagraph (A) of paragraph (1) of subdivision (g) of Section 42463.