

## MEMORANDUM

**To:** Office of Administrative Law

**Date:** April 24, 2024

**From:** Meagan Wilson, Staff Counsel  
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
(CalRecycle)

**Subject:** **STATEMENT OF EXEMPTION FROM CALIFORNIA  
ADMINISTRATIVE PROCEDURE ACT AS RATE SETTING**

The attached regulations, duly adopted by the Department of Resources Recycling and Recovery on April 16, 2024, are being submitted as a “file and print” rulemaking only. Pursuant to Government Code Section 11340.9(g), these regulations are exempt from the California Administrative Procedure Act (“APA”) since they establish and/or fix “rates,” specifically rates of payment for collectors and recyclers of electronic waste. These regulations establish rates that will be paid by the State in relation to the number of pounds of covered electronic waste that are collected or recycled by approved participants in the State’s electronic waste recycling payment system as required by Public Resources Code Sections 42477 and 42478. *See also, 20th Century Insurance Co. v. Garamendi, 8 Cal.4th 216, 32 Cal.Rptr.2d 807 (1994); Winzler & Kelly v. Dept. of Industrial Relations, 121 Cal.App.3d 120, 174 Cal.Rptr. 744 (1981).*