

**Department of Resources Recycling and Recovery**  
**SB 1215 Battery-Embedded Products Emergency Regulations**  
**NOTICE OF PROPOSED EMERGENCY ACTION**

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) is proposing emergency regulations to amend sections 18660.5, 18660.6, 18660.7, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.21, 18660.22, 18660.30, 18660.35, 18660.36, 18660.37, 18660.38, 18660.41, and 18660.49 of Title 14, Division 7, Chapter 8.2, California Code of Regulations (CCR) to establish a process for Covered Electronic Waste recyclers to submit payment claims for covered battery-embedded products, add application requirements for collectors, recyclers, and dual entities seeking to recover or cancel battery-embedded products, modernize the Covered Electronic Waste Recycling Program by requiring electronic submission of payment claims, notices, reports, and other documents beginning April 1, 2026, and make other conforming changes and updates to existing regulations.

CalRecycle has complied with the requirement to provide notice of the proposed emergency rulemaking pursuant to Government Code section 11346.1(a)(2) and Title 1, CCR, section 50(b)(3)(A).

In compliance with Title 1, CCR, section 48, the following statement is included in this document: Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency regulation to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The five-calendar day written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed emergency amendments. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed.

Comments on the proposed emergency regulations must be submitted directly to OAL within five calendar days of when OAL posts the proposed emergency regulations on the OAL website. Comments on proposed emergency regulations should be submitted to the OAL Reference Attorney by mail to 300 Capitol Mall, Suite 1250, Sacramento, California 95814, by fax to (916) 323-6826, or by e-mail to [staff@oal.ca.gov](mailto:staff@oal.ca.gov).

When submitting a comment to OAL, a copy of the comment must also be submitted to CalRecycle via:

Electronic Submittal: [Battery-Embedded Products Emergency Comment Period](#)

OR

*Postal Mail:*

Donnet McFarlane  
SB 1215 Implementing Regulations  
Department of Resources Recycling and Recovery, Regulations Unit  
1001 "I" Street, MS-24B  
Sacramento, CA 95814

OAL will confirm that CalRecycle has received the comment before considering it. The comment must state that it is about an emergency regulation currently under OAL review and include the topic of the emergency.

The public comment period will commence on **December 3, 2024**, when the emergency regulations are posted on OAL's website. The public comment period will close on **December 9, 2024**. **Written comments should be sent to OAL and CalRecycle and received before the close of the public comment period on December 9, 2024.** Additionally, CalRecycle requests that written comments reference a subsection or section of the proposed emergency action.

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Copies of the proposed regulation text and all of the information upon which this proposal is based are available upon request and on CalRecycle's website accessible at the following internet address: <https://calrecycle.ca.gov/Laws/Rulemaking/>.

The rulemaking file is also available for review during normal business hours at CalRecycle, 1001 I Street, 24<sup>th</sup> Floor, Sacramento, California. Please contact the agency contact person, Donnet McFarlane, at (916) 327-0092 or [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov), if you wish to review the rulemaking file in person. General or substantive questions regarding this file may also be directed to Donnet McFarlane.

## **FINDING OF EMERGENCY**

The adoption of these regulations is deemed to be an emergency pursuant to Public Resources Code (PRC) sections 42475.2(a) and 42475.2(b), which provide that:

- (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.

## **FINDING OF NECESSITY**

Senate Bill (SB) 1215 (Newman, Chapter 370, Statutes of 2022) amended and expanded the Electronic Waste Recycling Act of 2003 by adding covered battery-embedded products to the definition of covered electronic devices that qualify for recovery and recycling payments pursuant to California's Covered Electronic Waste Recycling Program. SB 1215 authorizes CalRecycle to establish a process, effective January 1, 2025, for covered electronic waste recyclers to submit payment claims for covered battery-embedded products, pursuant to PRC section 42478(b)(1). The SB 1215 statute authorizes CalRecycle to begin accepting payment claims for recovered and recycled battery-embedded products on April 1, 2026, pursuant to PRC section 42478(b)(2).

PRC section 42466.2 requires that, on or before July 1, 2025, a manufacturer of a covered battery-embedded product shall send a notice to any retailer in California that sells that device and notify the retailer that the device is subject to a covered battery-embedded waste recycling fee, as prescribed in PRC section 42464. The manufacturer must send a copy of this notice to CalRecycle (PRC section 42466.2(b)).

### **CalRecycle proposes to amend the following sections of the California Code of Regulations, Title 14, Division 7, Chapter 8.2:**

Section 18660.5 will be amended to add definitions for "Authorized Signatory" or "Signatory Authority," and "Signature" or "signed;" section 18660.5 will also be amended to revise the definition of "Covered Electronic Device" or "CED" and "Covered Electronic Waste" or "CEW" to include "covered battery-embedded product," as defined in PRC section 42463(f). These amendments are necessary to implement the Covered Electronic Waste Recycling Program (Program) authorized by PRC sections 42460, et seq. The amendments also remove the language: "...through and including December 31, 2024..." to be consistent with the Electronic Waste Recycling Act of 2003 (Act) and all requirements effective on and before January 1, 2025.

Section 18660.6 will be amended to correct the numbered definition reference. These amendments are necessary to correct the paragraph numbering in the regulations to ensure technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations.

Section 18660.7 will be amended to clarify that document submittal requirements apply to dual entities. Further, the amendments clarify the requirements pertaining to documentation signed by any person with Signatory Authority or any Authorized Signatory. The proposed regulations specify the required electronic document submittal process for Program participants, local governments, and manufacturers to submit Program documentation. The amendments also make it clear to participants that the documentation submitted pursuant to this section may be deemed incomplete or insufficient and may be subject to penalties if that information contains one or more false

statements. Payment claims may also be denied or adjusted. These amendments are necessary to clarify documentation requirements and establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1), as well as to modernize the claim submission process.

Section 18660.10 will be amended to specify that Net Cost Reports must be signed by a person with Signatory Authority, as defined. This amendment is necessary to ensure that the person signing a Net Cost Report is the person who has authority to legally bind an entity to a contract.

Section 18660.11 will be amended to clarify general application requirements, as well as require the name and contact information of the Authorized Signatory, as defined, on an application to become an approved collector or recycler. Section 18660.11 will also be amended to clarify that prior to April 1, 2026, applications shall be sent to [ewasteapplications@calrecycle.ca.gov](mailto:ewasteapplications@calrecycle.ca.gov) and on and after April 1, 2026, applications shall be submitted to CalRecycle's electronic portal utilized for the purposes of implementing the Program. These amendments are necessary to clarify application information and application submittal requirements, establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1), as well as to ensure that the person signing the application is the person who has authority to legally bind an entity to a contract and is designated as the main contact to communicate with CalRecycle.

Section 18660.12 will be amended to specify that collector applications must be signed by a person with Signatory Authority, as defined. This amendment is necessary to ensure that the person signing the application is the person who has authority to legally bind an entity to a contract. This section will also be amended to require that applications to recover battery-embedded products shall be submitted to CalRecycle on and after September 1, 2025. Section 18660.12 will also be amended to specify how collector applications must be submitted. Prior to April 1, 2026, applications shall be sent to [ewasteapplications@calrecycle.ca.gov](mailto:ewasteapplications@calrecycle.ca.gov). On and after April 1, 2026, collector applications shall be sent to CalRecycle's electronic portal used to implement the Program. These amendments are necessary to clarify additional application requirements for collectors, establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1), as well as to ensure that the person signing the collector application is the person who has authority to legally bind an entity to a contract.

Section 18660.13 will be amended to require the recycler application to be signed by the Authorized Signatory, as defined. Section 18660.13 will also be amended to require that applications to cancel battery-embedded products shall be submitted to CalRecycle on and after November 1, 2025. Section 18660.13 will also be amended to specify how recycler applications must be submitted. Prior to April 1, 2026, applications shall be sent to [ewasteapplications@calrecycle.ca.gov](mailto:ewasteapplications@calrecycle.ca.gov). On and after April 1, 2026, recycler applications shall be sent to CalRecycle's electronic portal used to implement the

Program. These amendments are necessary to clarify additional recycler application information and application submittal requirements, establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1), as well as to ensure that the person signing the application is the person who has authority to legally bind an entity to a contract.

Section 18660.14 will be amended to specify November 1, 2025, as the date when dual entity applications to recover and cancel battery-embedded products, or to change information contained in an approved application to include the recovery and cancellation of battery-embedded products, shall be submitted to CalRecycle. Section 18660.14 will also be amended to specify how dual entity applications must be submitted. Prior to April 1, 2026, applications shall be sent to [ewasteapplications@calrecycle.ca.gov](mailto:ewasteapplications@calrecycle.ca.gov). On and after April 1, 2026, dual entity applications shall be sent to CalRecycle's electronic portal used to implement the Program. These amendments are necessary to clarify additional dual entity application requirements and application submittal requirements.

Section 18660.15 will be amended to add approved dual entities to the types of application approvals. This amendment is necessary to identify approved Program participants that meet the definition of both an approved collector and recycler.

Section 18660.16 will be amended to specify April 1, 2026, as the date when application renewals shall be submitted to CalRecycle's electronic portal; prior to that date application renewals shall be sent to [ewasteapplications@calrecycle.ca.gov](mailto:ewasteapplications@calrecycle.ca.gov). These amendments are necessary to clarify application renewal information and application renewal submittal requirements.

Section 18660.17 will be amended to specify that CalRecycle may deny an application or revoke or suspend the approval of a Program participant for failure to submit required information, failure to notify CalRecycle of changes to information contained in an approved application, or making a false statement or representation in any claim, report, or document used for compliance with the Program. This amendment is necessary to protect the solvency of the Electronic Waste Recovery and Recycling Account and to ensure CalRecycle's successful enforcement of the Act.

Section 18660.18 will be amended to specify the submittal dates and information required for Program participants to modify information contained in an approved application for the recovery and cancellation of battery-embedded products. These amendments are necessary to clarify documentation requirements and establish an efficient process for approved collectors, recyclers, and dual entities to be approved by CalRecycle to recover and cancel battery-embedded products.

Section 18660.19 will be amended to clarify that Program participants may appeal a suspension or revocation. This amendment is necessary to clarify a Program participant's right to file a timely administrative appeal for denial, suspension, or revocation of approval to participate in the Program.

Section 18660.21 will be amended to specify that approved recyclers shall maintain records on the net costs associated with the management of all battery-embedded product CEW. This amendment is necessary to clarify documentation requirements and establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1).

Section 18660.22 will be amended to require recycling payment claims to be signed by an Authorized Signatory, as defined, specify April 1, 2026, as the date when all recycling payment claims shall be submitted electronically, and clarify that the recycling payment claim receipt date is the day the claim was electronically or physically received by CalRecycle, if submitted prior to April 1, 2026. These amendments are necessary to clarify documentation requirements and establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1).

Section 18660.30 will be amended to refer to the definition of Signature Authority. This amendment is necessary to refer to the definitions section in the regulations to ensure technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations.

Section 18660.35 will be amended to specify that manufacturer registrations must be signed by an Authorized Signatory, as defined. This amendment is necessary to ensure that the person signing the registration is the person who has authority to legally bind an entity to a contract.

Section 18660.36 will be amended to correct the numbered definition reference. This amendment is necessary to correct the paragraph numbering in the regulations to ensure technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations.

Section 18660.37 will be amended to correct the numbered definition reference and clarify that the manufacturer payment claim receipt date is the day the claim was electronically or physically received by CalRecycle, if submitted prior to April 1, 2026. These amendments are necessary to correct the paragraph numbering in the regulations to ensure technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations, as well as to clarify documentation requirements and establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1).

Section 18660.38 will be amended to specify that manufacturer payment claims may be denied if CalRecycle determines that, among other things, the signature on the claim is not that of a Signatory Authority, as defined. This amendment is necessary to ensure that the person signing the payment claim is the person who has authority to legally bind an entity to a contract.

Section 18660.41 will be amended to refer to the definition of Product Category. This amendment is necessary to refer to the definitions section in the regulations to ensure

technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations.

Section 18660.41 will also be amended to specify April 1, 2026, as the date the notice required by PRC section 42466.2(b), reports specified in the section, and the report specified in PRC section 42467 shall be submitted to CalRecycle's electronic portal; prior to that date, notices and reports shall be sent to [CEDmanufacturers@calrecycle.ca.gov](mailto:CEDmanufacturers@calrecycle.ca.gov). These amendments are necessary to clarify notice and report submittal requirements and establish a process for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(1).

Section 18660.49 will be amended to correct the numbered definition reference. This amendment is necessary to correct the paragraph numbering in the regulations to ensure technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT OR DOCUMENTS RELIED UPON**

CalRecycle utilized the following sources in the development of the proposed regulations:

- Attachment 1: Economic and Fiscal Impact Statement (STD 399)
- Attachment 2: STD 399 Supplemental Information
- Attachment 3: CalRecycle Request for Approval – signed by Director Heller
- Attachment 4: 2023-2024 Budget Change Proposal Cover Letter 3970-020-BCP-2023-GB

## **OTHER MATERIAL IN RULEMAKING FILE**

- Attachment 5: Evidence of collaboration with the Department of Toxic Substances Control- Email dated October 11, 2024.

## **AUTHORITY**

These regulations are submitted pursuant to CalRecycle's authority under PRC sections 40502, 42466.2, 42467, 42474, 42475, 42475.2, and 42478.

## **REFERENCE**

PRC sections 42463, 42464, 42464.3, 42465.2, 42466.2, 42467, 42474, 42475, 42476, 42476.5, 42477, 42478, and 42479.; Government Code sections 11400.20 and 11415.10.

## **INFORMATIVE DIGEST**

### **Summary Of Existing Laws and Effect of The Proposed Action**

The Electronic Waste Recycling Act of 2003 (Public Resources Code (PRC) section 42460, et seq.) (“the Act”) established the Covered Electronic Waste (CEW) Recycling Program (Program) to promote the efficient, cost-effective, and compliant collection and processing of certain video display devices to ensure that when discarded and processed, these types of electronic waste would not pose a threat to public health and the environment. The Act requires California consumers to pay a CEW Recycling Fee at the point of retail sale for any covered video display device. Retailers then remit the fee to the California Department of Tax and Fee Administration, and the funds are placed in the Electronic Waste Recovery and Recycling Account (Account).

CalRecycle administers funds in the Account to provide payments to approved collectors and recyclers to offset the average net cost of compliantly collecting and processing CEW. The Department of Toxic Substances Control also administers the Program by ensuring Program participants comply with hazardous waste control laws and regulations and Program requirements. Additionally, CalRecycle works with the California Department of Food and Agriculture to ensure Program participants comply with California weights and measures requirements.

In 2022, SB 1215 was signed into law, which amended and expanded the Act by adding battery-embedded products to the Program. PRC section 42478(b)(1) requires CalRecycle to adopt regulations, effective January 1, 2025, to establish a process for approved recyclers to submit payment claims for battery-embedded products. PRC section 42466.2(a) requires manufacturers of covered battery-embedded products to notify retailers whether the product is subject to a covered battery-embedded waste recycling fee. PRC section 42467 requires manufacturers, on or before July 1, 2027, to submit a report, as specified, to CalRecycle.

The goal of SB 1215 is to add covered battery-embedded products, as defined in PRC section 42463(f), to the Program. The proposed amendments in these regulations will establish a process for CEW recyclers to submit payment claims for covered battery-embedded products, add application requirements related to covered battery-embedded products, modernize the claim submission process, and make other conforming changes and updates to existing regulations.

### **Policy Statement Overview/Anticipated Benefits of Proposal**

The goal of SB 1215 is to add covered battery-embedded products, as defined in PRC section 42463(f), to the Program which will result in more covered battery-embedded waste being recovered in California and safely managed. The proposed amendments will provide the following anticipated benefits:



- Provide sufficient funding for the safe, cost-free, and convenient collection and recycling of 100 percent of the covered electronic waste initially discarded in the state,
- Attempt to end the illegal disposal of covered electronic devices, and
- Increase transparency in business and government.

### **Consistency and Compatibility with State Regulations**

Pursuant to Government Code Section 11346.5(a)(3)(D), CalRecycle conducted an evaluation of existing state regulations. CalRecycle determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations and that CalRecycle is the only agency that can implement this proposed regulation.

### **EXISTING COMPARABLE FEDERAL REGULATION OR STATUTE**

CalRecycle has determined that the proposed regulations do not significantly differ from federal law because there are no existing comparable federal statutes or regulations in this subject area.

### **INCORPORATION BY REFERENCE**

No documents or forms are incorporated by reference in the proposed regulation.

### **OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTIONS 11346.1(b) AND 11346.5(a)(4))**

CalRecycle has determined that no other matters, as prescribed by statute, need to be addressed. CalRecycle complied with PRC section 42475, which requires CalRecycle to consult with DTSC to administer and enforce the Act. CalRecycle consulted with DTSC via meetings and email communications (Attachment 5).

### **MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

CalRecycle has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

### **FISCAL IMPACT**

#### **Local Agencies or School Districts Subject to Reimbursement**

CalRecycle has determined that the proposed regulations do not result in costs to any local agency or school district that must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 of Division 4 of Government Code Section 17500 et seq.

#### **Cost or Savings to Any State Agency**

The total cost to CalRecycle is estimated at \$5,861,554. DTSC provided information to CalRecycle specifying that the total cost to DTSC is \$152,498 in fiscal year 2024/2025. DTSC did not provide additional information to specify any fiscal impacts associated with this position in additional fiscal years. Therefore, the total cost to the state to implement the proposed regulations is estimated at \$6,014,052, which will be incurred by CalRecycle and DTSC as described in Attachments 1, 2, and 4.

### **Non–Discretionary Cost or Savings Imposed Upon Local Agencies**

CalRecycle has determined that there are no non–discretionary costs or savings imposed upon any local agencies.

### **Cost or Savings in Federal Funding to the State**

CalRecycle has determined that adoption of these regulations will not have an impact on costs or savings in federal funding to the State.