

## **Department of Resources Recycling and Recovery**

### **SB 1215 Covered 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, 18660.8, 18660.9, 18660.10, 18660.16, 18660.17, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.34, 18660.41, and 18660.49, and adopt sections 18660.26, 18660.41.1, and 18660.41.5, Chapter 8.2, Division 7, Title 14, of the California Code of Regulations (CCR) to clarify the statutory definition of “covered battery-embedded product” and establish requirements for battery-embedded covered electronic waste (CEW) recycling payment claims, including specifying an approved cancellation method for dismantling battery-embedded CEW, update procedures within the CEW Recycling Program, including net cost reporting requirements and establishing reinstatement procedures, reconsideration procedures, and payment claim review procedures, and describe reporting and notification requirements for manufacturers of covered battery-embedded products, among other necessary revisions for the state to successfully implement California’s CEW Recycling Program (Program).

CalRecycle also proposes repealing the regulations in Article 2.5 pertaining to manufacturer payments, which includes sections 18660.35, 18660.36, 18660.37, 18660.38, and 18660.39. The amendments in sections 18660.5, 18660.6, 18660.7, 18660.8, and 18660.9 correspond with these repealed regulations.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 people 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 to CalRecycle. 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:* [SB 1215 Covered Battery-Embedded Products Regulations Formal Comment Period](#)

OR

*Postal Mail:*

Donnet McFarlane  
Covered Battery-Embedded Products Emergency 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 1, 2025, when the emergency regulations are posted on OAL's website. The public comment period will close on December 8, 2025. **Written comments should be sent to OAL and CalRecycle and received before the close of the public comment period, no later than December 8, 2025.** 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 number, email address, etc.) become part of the public record and can be released to the public upon request.

Copies of the proposed regulation text, the Finding of Emergency, 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: [www.calrecycle.ca.gov/Laws/Rulemaking/](http://www.calrecycle.ca.gov/Laws/Rulemaking/).

The rulemaking file is also available for review during normal business hours at CalRecycle, 1001 I Street, 23rd 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) section 42475.2, which provides that:

- (a) CalRecycle and the Department of Toxic Substances Control (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 (“the Act”) of 2003 (Public Resources Code (PRC), section 42460, et seq.) by adding covered battery-embedded products to the definition of covered electronic devices that qualify for recovery and recycling payments pursuant to the Program. On April 1, 2026, CalRecycle may begin accepting payment claims for battery-embedded CEW recovered and recycled on and after January 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 amending the following sections in Title 14, CCR, Division 7, Chapter 8.2:**

Section 18660.5 will be amended to add definitions for “Battery Chemistry,” “Commonly used household tools” or “common household tools,” “Covered Battery-Embedded Product” or “CBEP,” “Designed to be easily removed from a product by the user of the

product, with no more than commonly used household tools,” “Motor vehicle,” “Non-CRT CEW” or “non-CRT containing CEW,” and “Weighmaster.” Section 18660.5 will be amended to revise the definitions of “California Source,” “Covered Electronic Waste” or “CEW,” and “Proof of Approval.” These amendments are necessary to implement the Program authorized by the Act. This section will also be amended to remove the definitions for “Manufacturer Payment,” “Manufacturer Take Back Payment,” “Manufacturer Payment Claim,” “Manufacturer Take Back,” and “Registered Manufacturer” because the regulations in Article 2.5 pertaining to manufacturer payments will be repealed.

Section 18660.6 will be amended to clarify that there are limitations on the types of CEW for which approved collectors, recyclers, and dual entities may claim recovery or recycling payments. This amendment is necessary to ensure that only CEW as specified in the Chapter and authorized by the Act, that were used in California by a California Source, may be claimed for payments. This section will also be amended to remove requirements pertaining to manufacturer payments because the regulations in Article 2.5 pertaining to manufacturer payments will be repealed.

Section 18660.7 will be amended to remove requirements pertaining to manufacturer payments because the regulations in Article 2.5 pertaining to manufacturer payments will be repealed.

Section 18660.8 will be amended to clarify that the recordkeeping requirements apply to approved dual entities, and to remove requirements pertaining to manufacturer payments because the regulations in Article 2.5 pertaining to manufacturer payments will be repealed.

Section 18660.9 will be amended to clarify that the audit requirements apply to approved dual entities, and to remove requirements pertaining to manufacturer payments because the regulations in Article 2.5 pertaining to manufacturer payments will be repealed.

Section 18660.10 will be amended to require CalRecycle, or a person authorized by CalRecycle, to annually conduct net cost report surveys of approved collectors, recyclers, and dual entities to determine the average net costs associated with recovering and recycling CEW, and to adjust the Standard Statewide Combined Recovery and Recycling Payment Rates. This amendment is necessary to more accurately and completely quantify the average net costs for participants in the Program to manage CEW so as to ensure the payment rates, which are paid from consumer fees remitted to the Electronic Waste Recovery and Recycling Account, are set appropriately.

Section 18660.16 will be amended to clarify that the application requirements, as specified, apply to dual entities as a type of eligible Program participant. The proposed amendments add an expiration date for renewal applications and identify a mailbox where Participants may withdraw their application. These amendments are necessary to implement the Program authorized by the Act.

Section 18660.17 will be amended to reference and provide additional clarity regarding CalRecycle's discretion to deny any application, or revoke, or suspend the approval of a participant for submitting fraudulent information or documentation regarding net cost requirements, or for failing to comply with California Department of Food and Agriculture (CDFA) and/or California Department of Toxic Substances Control (DTSC) requirements. Additional amendments include clearer and more specific language regarding applications that include the name of an individual who has a history of fraudulent conduct or a demonstrated pattern of operation in conflict with statute and regulations, and specifying circumstances that allow a suspended participant to be reinstated if the participant is eligible for reinstatement and certain requirements are met. These amendments are necessary to implement the Program authorized by the Act.

Section 18660.19 will be amended to include a new process that allows participants to request reconsideration of a denied application or application renewal, suspension, or revocation by submitting a written request for reconsideration electronically. These amendments are necessary to provide Program participants with an informal process that offers the opportunity to expeditiously resolve matters prior to requesting an appeal. Section 18660.20 will be amended to add battery-embedded CEW to the collection log required to be maintained by an approved collector. This amendment is necessary to clarify documentation requirements for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(2).

Section 18660.21 will be amended to specify that approved recyclers or dual entities shall follow the requirements in Chapter 7 (commencing with section 12700) of Division 5 of the Business and Professions Code and all applicable laws and regulations when weighing CEW and treatment residuals derived from the cancellation of CEW, and to clarify how to document those weights. Additionally, section 18660.21 will be amended to add weighmaster certificates as applicable records for shipments of treatment residuals. These amendments are necessary to clarify approved recycler and dual entity business requirements to be eligible to receive payments.

Section 18660.22 will be amended to specify requirements for shipping hazardous treatment residuals prior to submitting a recycling payment claim to CalRecycle. This amendment is necessary to correct the order of steps for submitting recycling payment claim information to CalRecycle to ensure technical accuracy and consistency, which promote clarity in the effect and understanding of the regulations.

Section 18660.24 will be amended to delete an example calculation for recycling payment claims to demonstrate cancellation of CRT-containing CEW. This calculation is redundant and, as a result, is unnecessary text. The proposed amendments also require weighmaster certificates documenting the weights of individual shipments of hazardous treatment residuals. These amendments are necessary to clarify recycling payment claim requirements.

Section 18660.25 will be amended to delete an example calculation for recycling payment claims to demonstrate cancellation of non-CRT-containing CEW. This

calculation is redundant and, as a result, is unnecessary text. The proposed amendments also require weighmaster certificates documenting the weights of individual shipments. These amendments are necessary to clarify recycling payment claim requirements.

Section 18660.30 will be amended to include a CalRecycle recycling payment claim completeness review process, as specified. This amendment is necessary to improve recycling payment claim accuracy and reduce CalRecycle staff review time.

Section 18660.31 will be amended to include a process to allow Program participants to request reconsideration of a denied or adjusted recycling payment claim by submitting a written request for reconsideration electronically. These amendments are necessary to provide Program participants with an informal process that offers the opportunity to expeditiously resolve matters prior to requesting an appeal.

Section 18660.32 will be amended to specify the cancellation method that approved recyclers must use to dismantle battery-embedded CEW to be eligible to receive the standard statewide combined recovery and recycling payment for battery-embedded CEW and clarify that motor vehicles may not be cancelled. This amendment is necessary to clarify documentation requirements for submission of information regarding covered battery-embedded products, pursuant to PRC section 42478(b)(2).

Section 18660.34 will be amended to add the Standard Statewide Combined Recovery and Recycling Payment Rate for battery-embedded CEW. This amendment is necessary to clarify the payment rate for collecting and recycling battery-embedded CEW, pursuant to PRC sections 42478(b)(2) and (c)(2).

Section 18660.41 will be amended to specify reporting requirements of manufacturers of covered video display devices, as well as to clarify how those manufacturers should identify information they consider and want to be treated as confidential, trade secret, or proprietary. These amendments are also necessary to distinguish the reporting requirements for video display devices and manufacturers from the reporting requirements for covered battery-embedded products and manufacturers, pursuant to PRC section 42465.2.

Section 18660.49 will be amended to delete the definition reference for Proof of Designation. This reference is unnecessary since the reference is to a defined term and deleting it will help to promote clarity and ensure it remains accurate.

**CalRecycle proposes adding the following sections to Title 14, CCR, Division 7, Chapter 8.2:**

Section 18660.26 will be added to specify additional requirements for recycling payment claims to demonstrate cancellation of battery-embedded CEW. This adoption is necessary to clarify documentation requirements for submission of information regarding battery-embedded CEW, pursuant to PRC section 42478(b)(2).

Section 18660.41.1 will be added to specify the reporting requirements for manufacturers of covered battery-embedded products. This amendment is necessary to

clarify documentation requirements for submission of information regarding covered battery-embedded products, pursuant to PRC section 42467.

Section 18660.41.5 will be added to specify requirements related to the notice that manufacturers of covered battery-embedded products must send to retailers, pursuant to PRC section 42466.2(b). This adoption clarifies the submission process regarding the copy of those notices that manufacturers must provide to CalRecycle, and specifies the date of August 1 as the annual deadline by which copies of the notices must be provided to CalRecycle.

**CalRecycle proposes repealing Article 2.5 in Title 14, CCR, Division 7, Chapter 8.2:**

Article 2.5 pertaining to manufacturer payments, which includes sections 18660.35, 18660.36, 18660.37, 18660.38, and 18660.39 will be repealed. PRC section 42476(i)(1) states: *“CalRecycle may make a payment to a manufacturer that takes back a covered electronic device from a consumer in this state for purposes of recycling the device at a processing facility. The amount of the payment made by CalRecycle shall equal the value of the covered electronic waste recycling fee or the covered battery-embedded waste recycling fee, as applicable, paid for that device...”*

Although CalRecycle has historically allowed manufacturers of video display devices to register and submit manufacturer payment claims, no video display device manufacturer has ever taken advantage of this allowance. Since the Act requires that the amount of the payment made by CalRecycle to manufacturers must equal the value of the covered electronic waste recycling fee paid for the device, any Program implementation of this provision would be problematic because no funding is allocated to CalRecycle to perform the work associated with registering manufacturers to participate, reviewing manufacturer payment claims, or making payments to manufacturers. For these reasons, CalRecycle proposes repealing the regulations in Article 2.5 pertaining to manufacturer payments, which includes sections 18660.35, 18660.36, 18660.37, 18660.38, 18660.39. In addition, CalRecycle proposes amending the regulations pertaining to manufacturer payments in sections 18660.5, 18660.6, 18660.7, 18660.8, 18660.9 to remove any existing regulation text associated with payments to manufacturers.

**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: 2023-2024 Budget Change Proposal Cover Letter 3970-020-BCP-2023-GB
- Attachment 4: State of California – Civil Service Pay Scale, accessed (June 2, 2025

## **OTHER MATERIAL IN RULEMAKING FILE**

- Attachment 5: Evidence of collaboration with the Department of Toxic Substances Control – Email dated August 13, 2025.

## **AUTHORITY**

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

## **REFERENCE**

PRC sections 42463, 42464, 42465.2, 42466.2, 42467, 42472, 42474, 42475, 42476, 42477, 42478, and 42479; Business and Professions Code section 12700; Government Code sections 11400.20 and 11415.10.

## **INFORMATIVE DIGEST**

### **Summary of Existing Laws and Effect of the Proposed Action**

The Act established the 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. DTSC also administers the Program by ensuring Program participants comply with hazardous waste laws and regulations and Program requirements. Additionally, CalRecycle works with CDFA 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 covered battery-embedded products to the Program. The goal of SB 1215 is to add covered battery-embedded products, as defined in PRC section 42463(f), to the Program. The proposed regulations clarify the definition of "covered battery-embedded product," specify the approved cancellation method for dismantling battery-embedded CEW, establish the requirements for battery-embedded CEW recycling payment claims, clarify covered battery-embedded product manufacturer reporting requirements, update and clarify existing Program procedures, and make other conforming changes and updates to existing regulations.



SB 1215 requires that, on April 1, 2026, CalRecycle shall begin accepting payment claims for CEW, resulting from discarded battery-embedded CEW. (PRC section 42478(b)(2)). Existing regulations establish a process to provide payment to approved collectors, recyclers, and dual entities for the collection and processing, or cancellation, of CRT and non-CRT CEW. The proposed regulations enable approved collectors, recyclers, and dual entities to claim battery-embedded CEW for payment.

In order for an approved recycler to claim payment for processing CEW, regulations must establish an approved cancellation method. Currently, there are approved cancellation methods for CRT and non-CRT CEW. The proposed regulations add a cancellation method for battery-embedded CEW that will enable the safe processing of this material while maximizing resource recovery.

SB 1215 also requires that, beginning on July 1, 2027, manufacturers of covered battery-embedded products submit an annual report to CalRecycle that includes information about the products, such as embedded-battery chemistry and recycled materials contained within the device (PRC section 42467). Current regulations outline the requirements for reporting on covered video display devices. The proposed regulations add requirements for reporting on battery-embedded products.

SB 1215 requires that on or before July 1, 2025, and every year thereafter, covered battery-embedded product manufacturers must send a notice to retailers selling their products, informing them to charge a covered battery-embedded waste recycling fee at the time of retail purchase (PRC section 42466.2(a)). Manufacturers must send a copy of the notice to CalRecycle (PRC section 42466.2(b)). The proposed regulations inform manufacturers how and where to send the notice copy, and when the copy is due.

The proposed regulations amend existing requirements for reporting costs and revenues to collect and process CEW. Existing regulations require approved collectors and recyclers to report costs and revenues on or before March 1, annually. The proposed regulations eliminate the annual requirement for Program participants to submit Net Cost Reports to CalRecycle and instead CalRecycle, or a person authorized by CalRecycle, will conduct annual net cost surveys to which participants must respond. Participants will be required to provide cost and revenue information to CalRecycle, or to CalRecycle's authorized representative, and provide records to substantiate the cost and revenue information that is provided.

The proposed regulations amend existing administrative procedures related to participation in the Program and review of payment claims. Proposed reinstatement procedures identify certain circumstances in which a suspended participant shall be eligible for reinstatement if certain requirements are met. The proposed regulations include a new process that allows participants to request reconsideration of a denied application or application renewal, suspension, or revocation by submitting a written request for reconsideration electronically. For proposed claim review procedures, the regulations include a process by which incomplete claims will be returned to the participant if CalRecycle determines that required information is missing.

## **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 so that battery-embedded CEW is 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 the CEW discarded in the state,
- Attempt to end the illegal disposal and/or improper management of CEW,
- Increase transparency in business and government, and
- Promote increased recycling of CEW.

## **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.

### **INCORPORATION BY REFERENCE**

No documents or forms are incorporated by reference in the 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.

### **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 and collaborated 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 the Government Code section 17500 et seq.

**Cost or Savings to Any State Agency**

The total cost to CalRecycle is estimated at \$8,012,721. DTSC provided information to CalRecycle specifying that the total cost to DTSC is \$1,809,000 in fiscal years 2025/2026 through 2027/2028. Therefore, the total cost to the state to implement the proposed regulations is estimated at \$9,821,721, which will be incurred by CalRecycle and DTSC as described in Attachments 3 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.