

Department of Resources Recycling and Recovery

Covered Battery-Embedded Waste Recycling Fee 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 section 18660.40, Chapter 8.2, Division 7, Title 14, of the California Code of Regulations (CCR). Pursuant to Public Resources Code (PRC) section 42464(b)(3), on or before October 1, 2025, and on or before October 1 each year thereafter, CalRecycle is required to establish a covered electronic waste (CEW) recycling fee for covered battery-embedded products (CBEPs) based on the reasonable regulatory costs to administer CEW recycling. The CEW recycling fee for CBEPs is herein referred to as the “covered battery-embedded waste recycling fee.”

CalRecycle proposes maintaining the covered battery-embedded waste recycling fee at 1.5 percent of the retail sales price for each CBEP sold by a retailer for use in this state and proposes to lower the fee cap from \$15.00 to \$1.00. “Retail sales price” shall have the same meaning as “sales price” in section 6011 of the Revenue and Taxation Code.

The proposed covered battery-embedded waste recycling fee emergency regulations will take effect on January 1, 2027, pursuant to PRC section 42464(b)(3). Therefore, on and after January 1, 2027, the proposed covered battery-embedded waste recycling fee would be charged at the point of retail purchase of a new or refurbished CBEP, pursuant to PRC section 42464(b)(1).

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 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.

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

Electronic Submittal: [Covered Battery-Embedded Waste Recycling Fee 5-Day Comment Period](#)

OR

Postal Mail:

Melissa Dubina
Covered Battery-Embedded Waste Recycling Fee Emergency Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" Street, MS-24B
Sacramento, CA 95814

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 September 17, 2026, when the emergency regulations are posted on OAL's website. The public comment period will close on September 22, 2026. **Written comments received by OAL and CalRecycle after the close of the public comment period are considered untimely.** Additionally, CalRecycle requests that written comments reference a subsection or section of the proposed emergency action.

By submitting a written comment to CalRecycle in connection with this rulemaking action you shall be deemed to have expressly indicated a willingness to receive a notice by means of an electronic written communication via email unless you specifically request CalRecycle to deliver its notice(s) via non-electronic communication.

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 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/.

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, Melissa Dubina, at (916) 327-0089 or 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 Melissa Dubina.

FINDING OF EMERGENCY

CalRecycle finds that an emergency exists to adopt regulations to implement statutory mandates of PRC sections 42464, 42464.2, and 42464.4. Pursuant to PRC section 42464(b)(3), CalRecycle shall establish annually a covered battery-embedded waste recycling fee on or before October 1. The fee level is based on the reasonable regulatory costs to administer battery-embedded CEW recycling and shall be imposed upon the purchase of a new or refurbished CBEP at the point of retail sale beginning January 1 of each calendar year after the fee is adopted. (PRC sections 42464(b)(3) and 42464(b)(1)).

The adoption of these regulations is deemed to be an emergency pursuant to PRC section 42475.2:

“(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

The CEW Recycling Program (Program) was established to provide a funding mechanism for the proper end-of-life management of certain video display devices. A recycling fee paid by consumers of covered electronic devices (CEDs) at the time of retail purchase funds the Program. Senate Bill (SB) 1215 (Newman, Chapter 370, Statutes of 2022) amended the Electronic Waste Recycling Act of 2003 (PRC section 42460, et seq.) (“the Act”), by adding CBEPs to the Program.

CalRecycle proposes to amend Title 14, CCR, Division 7, Chapter 8.2, section 18660.40 to maintain the covered battery-embedded waste recycling fee of 1.5 percent

of the retail sales price for each CBEP sold for use in this state by a retailer and to lower the fee cap from \$15.00 to \$1.00. This amendment is necessary to ensure CalRecycle meets the statutory requirements in PRC sections 42464(b)(1) and (3), which mandate a covered battery-embedded waste recycling fee level, based on the reasonable regulatory costs to administer CEW recycling, be imposed upon the purchase of a new or refurbished CBEP beginning January 1, 2027.

CalRecycle held a hybrid public workshop on June 17, 2026, to solicit feedback from interested parties on the proposed battery-embedded waste recycling fee. CalRecycle provided two written comment periods from June 17, 2026, through June 25, 2026, and from July 17, 2026, through July 24, 2026.

CalRecycle determined that a fee cap of \$1 is necessary to ensure that the reasonable regulatory costs to administer CEW recycling are met while not imposing an excessive fee on high-priced products.

For additional information regarding how and why CalRecycle established a fee of 1.5 percent of the retail sales price for each CBEP sold for use in this state by a retailer and a \$1.00 fee cap, please see Attachment 4: Covered Battery-Embedded Waste Recycling Fee Methodology.

CalRecycle's director established the proposed covered battery-embedded waste recycling fee on September 1, 2026. Please see Attachment 3: Request for Approval (RFA) for more information.

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: Request for Approval (RFA)
- Attachment 4: Covered Battery-Embedded Waste Recycling Fee Methodology
- Attachment 5: Department of Toxic Substances Control Collaboration Email
- Attachment 6: Department of Tax and Fee Administration Collaboration Email
- Attachment 7: Federation of the Swiss Watch Industry, Covered Battery-Embedded Waste Recycling Fee Comment Period, submitted June 23, 2026
- Attachment 8: Consumer Technology Association, Covered Battery-Embedded Waste Recycling Fee Comment Period, submitted June 24, 2026
- Attachment 9: Information Technology Industry Council, Covered Battery-Embedded Waste Recycling Fee Comment Period, submitted June 29, 2026
- Attachment 10: Alexis Morris, Covered Battery-Embedded Waste Recycling Fee Informal Rulemaking Comment Period, submitted July 23, 2026
- Attachment 11: Consumer Technology Association, Covered Battery-Embedded Waste Recycling Fee Informal Rulemaking Comment Period, submitted July 24, 2026

- Attachment 12: [California: 2020 Census, United States Census Bureau](#), accessed February 28, 2025
- Attachment 13 State of California Budget Change Proposal (BCP) 3970-020-BCP-2023-GB, Battery Embedded Waste: Implementation (SB 1215), Fiscal Year 2023-24
- Attachment 14: 2025-26 Governor's Budget – EP 18, Electronic Waste Recovery and Recycling Account (3065), Integrated Waste Management Fund
- Attachment 15: [State of California - Civil Service Pay Scale](#), accessed (June 2, 2025)
- Attachment 16: Covered Battery-Embedded Waste Recycling Fee – 2027 Fee Update Workshop Presentation (presented June 17, 2026)

AUTHORITY

CalRecycle adopts these emergency regulations to remain in effect for two years under the authority granted by PRC sections 40502 and 42475.2.

REFERENCE

CalRecycle makes reference to specific statutory provisions in PRC Sections 42464, 42464.2, and 42464.4.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

SB 1215 amended the Act by adding CBEPs to the Program. Pursuant to PRC section 42463(f)(1), CBEP “means a product containing a battery from which the battery is not designed to be easily removed from the product by the user of the product with no more than commonly used household tools.” The law includes several exclusions, which are detailed in the statute. (See PRC section 42463(f)(2)).

PRC sections 42464(b)(1) and 42464(b)(3) mandate a covered battery-embedded waste recycling fee level based on the reasonable regulatory costs to administer battery-embedded CEW recycling. The covered battery-embedded waste recycling fee must be imposed upon the purchase of a new or refurbished CBEP at the point of retail purchase beginning January 1 of each calendar year after it is established by CalRecycle. Fees collected will be deposited in the Covered Battery-Embedded Waste Recycling Fee Subaccount (Fund). (PRC section 42476(b)(1)).

Policy Statement Overview/Anticipated Benefits of Proposal

Pursuant to PRC section 42464(b)(3), CalRecycle must establish a covered battery-embedded waste recycling fee by October 1 annually. CalRecycle proposes maintaining the covered battery-embedded waste recycling fee at 1.5 percent of the retail sales price for each CBEP sold for use in this state by a retailer. CalRecycle is lowering the fee cap to \$1.00 based on project Fund revenues and expenditures, as well as in response to feedback from interested parties.

The proposed amendment will provide several benefits. Establishing the covered battery-embedded waste recycling fee will ensure that approved collectors and recyclers in the Program are able to continue to provide consumers with convenient and free opportunities for collection and recycling of battery-embedded CEW.

This benefits the environment and public health and safety by reducing the amount of electronic waste discarded in landfills and the amount of electronic waste that is improperly managed. A \$1.00 fee cap ensures that the reasonable regulatory costs to administer the CEW recycling program are covered while minimizing an excessive burden on high priced items.

No benefits are anticipated related to the protection of worker safety, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and 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 promulgate 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.

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 estimated cost to the state for implementing the proposed regulations is \$9,667,560, which includes fiscal impacts to both CalRecycle (\$6,922,560) and the Department of Toxic Substances Control (DTSC) (\$2,745,000).

Non–Discretionary Cost or Savings Imposed Upon Local Agencies

CalRecycle has determined that there are not 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.