

REQUEST FOR APPROVAL

To: Zoe Heller
Director

From: Cara Morgan
Deputy Director, Materials Management and Local Assistance
Division (MMLA)

Request Date: September 16, 2025

Subject: Covered Battery-Embedded Waste Recycling Fee

Action By: September 30, 2025

Summary of Request

This request is seeking approval to establish the covered electronic waste (CEW) recycling fee for covered battery-embedded products (CBEPs) pursuant to the Electronic Waste Recycling Act of 2003 (Act) (Public Resources Code (PRC) Section 42460, et seq.).

In 2022, Senate Bill (SB) 1215 (Newman, Chapter 370, Statutes of 2022) amended and expanded the scope of the Act by adding CBEPs to the types of covered electronic devices (CEDs) eligible for recovery and recycling payments in California's Covered Electronic Waste Recycling Program. SB 1215 requires that, on and after January 1, 2026, the covered battery-embedded waste recycling fee must be charged at the point of retail purchase of a new or refurbished CBEP. (PRC Section 42464(b)(1)). Pursuant to 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 CEW recycling fee for CBEPs based on the reasonable regulatory costs to administer CEW recycling. The CEW recycling fee for CBEPs is referred to as the "covered battery-embedded waste recycling fee." Beginning August 1, 2028, CalRecycle, in collaboration with the Department of Toxic Substances Control (DTSC), may establish more than one covered battery-embedded waste recycling fee based on categories of CBEPs. (PRC Section 42464(b)(2)).

Recommendation

Staff recommend the following covered battery-embedded waste recycling fee:

On or after January 1, 2026, 1.5 percent of the retail sales price for each covered battery-embedded product sold for use in this state by a retailer. The covered battery-embedded waste recycling fee shall not exceed \$15.00. "Retail sales price" shall have the same meaning as "sales price" set forth in Section 6011 of the Revenue and Taxation Code.

If approved, staff will initiate an emergency rulemaking to revise section 18660.40 of Title 14 of the California Code of Regulations to add the covered battery-embedded waste recycling fee.

Staff recommend the director approve the proposed covered battery-embedded waste recycling fee.

Director Action

Based on the information in this Request for Approval I hereby approve and establish the proposed covered battery-embedded waste recycling fee, and in doing so, fulfill CalRecycle's obligations pursuant to PRC Section 42464(b)(3).

Signed by:

Zoe Heller
Director

Dated: September 16, 2025