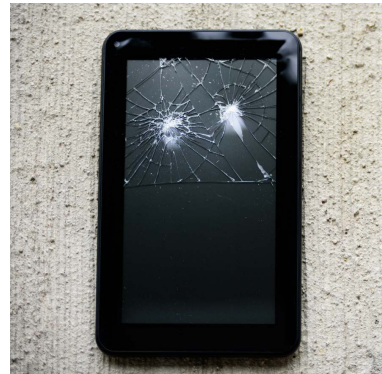


Guidance for Manufacturer Reporting for the Electronic Waste Recycling Act

Revised May 2020



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Introduction

The California Electronic Waste Recycling Act of 2003 (Act, SB 20, Chapter 526, Statutes of 2003, as amended by SB 50, Chapter 863, Statutes of 2004), established a system for the collection and recycling of certain electronic wastes. The California Department of Resources, Recycling and Recovery (CalRecycle) and the California Department of Toxic Substances Control (DTSC) are charged with implementing the act. The act specifically targets video display devices with screens greater than 4 inches measured diagonally determined by DTSC to be hazardous when discarded. Under the law, manufacturers of covered electronic devices (CED) are required to annually report specific information on their covered devices. Once the products are discarded, DTSC regulates these CEDs as hazardous wastes. CalRecycle and DTSC have worked with manufacturers to assist them in complying with the law and regulations.

The Electronic Waste Recycling Act and regulations are available on the [CalRecycle Regulations, Statutes, and Related Information page](https://www.calrecycle.ca.gov/Electronics/RegInfo/) (<https://www.calrecycle.ca.gov/Electronics/RegInfo/>).

Compliance with the Act:

This guidance for report submission covers part of the manufacturer's compliance requirements pursuant to the Electronic Waste Recycling Act of 2003. The report requirement can be found in the California Public Resources Code (PRC) section 42465.2 and the corresponding regulations in the California Code of Regulations (CCR) Title 14 section 18660.42. Penalties for non-compliance with the act include a "sales ban" in California (PRC 42465) and fines up to \$25,000 (PRC 42474(c)).

The DTSC implements hazardous waste management in California and identifies devices covered by the act. The list currently includes the following devices that have a viewable screen size greater than four inches:

- Cathode ray tube (CRT)-containing devices
- CRTs
- CRT-containing computer monitors
- Liquid crystal display (LCD)-containing laptop computers
- LCD-containing desktop monitors
- CRT-containing televisions
- Plasma televisions (excluding plasma projection televisions)
- LCD-containing televisions (excluding LCD projection televisions)
- Portable DVD Players with LCDs

The above listing of CEDs can be found in the DTSC e-waste regulations, which are posted on the [DTSC e-waste website](https://dtsc.ca.gov/electronic-hazardous-waste/) (<https://dtsc.ca.gov/electronic-hazardous-waste/>).

This guidance document is designed to help you complete the required manufacturer report, including a section-by-section discussion of the regulatory requirements. A template is provided for your use if you choose. Following each section are frequently asked questions and answers CalRecycle has received about the regulations. Please note that the frequently asked questions and answers in this guide are intended as

suggestions and guidance for the regulated community and are not legally binding requirements. Updates to this document and the template will be provided through our listserv and on our [Manufacturer Reporting Information page](https://www.calrecycle.ca.gov/Electronics/Manufacturer/Reporting/) (<https://www.calrecycle.ca.gov/Electronics/Manufacturer/Reporting/>).

A. Report Submission

Due Date: July 1 each year.

The manufacturer's report is due on or before July 1 of each year, covering the previous calendar year. The report must include the required information on all covered electronic devices sold by the manufacturer in the previous calendar year (January–December). The manufacturer is responsible for the preparation of the report covering their activities, even if a “collective report” is submitted on their behalf. (See collective report information on page 9).

Submit completed reports and supplemental documentation to:

California Department of Resources Recycling and Recovery
Attention: Electronic Waste Recycling Program—MS 9
1001 I Street, P.O. Box 4025
Sacramento, CA 95812-4025

For further information regarding this report:

Phone: (916) 341-6456

E-mail: ewaste@calepa.ca.gov

[Manufacturer Reporting Information page:](https://www.calrecycle.ca.gov/Electronics/Manufacturer/Reporting/)

(<https://www.calrecycle.ca.gov/Electronics/Manufacturer/Reporting/>)

Acceptable formats for submitting reports (in order of preference):

- E-mail to ewaste@calrecycle.ca.gov. Please ask for verification of receipt. Due to file size limits, large files may not transmit via e-mail.
- CD with MS Word or PDF documents (preferred in order to save paper) mailed to above address; return receipt is suggested.
- Hard copy mailed to above address; return receipt is suggested.

1. General Information

Reporting Requirements

Regulations: Title 14 CCR, Section 18660.41 Reporting Requirements

Each manufacturer, as defined by section 42463(n) of the Public Resources Code, shall submit an annual report to CalRecycle on or before July 1 annually, for the period of the previous calendar year. Each manufacturer shall report information by brand name of covered electronic devices sold in the state.

(a) The report shall include the following:

- (1) Name and address of the manufacturer

(2) Name, address, phone number, and email address for a contact person of the manufacturer

PRC section 42463 defines a manufacturer as follows:

(m) “Manufacturer” means any of the following:

- (1) A person who manufactures a covered electronic device sold in this state.
- (2) A person who sells a covered electronic device in this state under that person’s brand name.

Q. Who is required to report?

A. A person who meets the definition of a manufacturer.

Therefore, CalRecycle suggests that:

1. The person whose brand name is on the unit should report the required information for those units.
2. Resellers that put their brand name on a unit are required to file a report.
3. If a manufacturer, a company, or a person as defined in the act owns the rights to a brand name, they are responsible to file a report.
4. If a manufacturer makes units sold under another brand name, then the manufacturer does not count that information in its sales for the report.
5. Please provide a backup contact person in case of changes.

Records Retention and Certification

Regulations: Title 14 CCR, Section 18660.41

(h) Each manufacturer shall maintain the report and all supporting documentation for three years after the report is submitted. If the CalRecycle or DTSC requests a copy of the supporting documentation the manufacturer shall submit the supporting documentation within 10 days of the request.

(i) Each manufacturer shall provide a certification under penalty of perjury that the information is true and correct.

Q. Who should sign the certification?

A. CalRecycle suggests that an authorized officer of the manufacturer sign the certification.

2. Sales Data

Regulations: Title 14 CCR, section 18660.41

(b) The sales reporting shall include:

- (1) Data on the number of covered electronic devices sold in the state by product category
- (2) An explanation of the methodology used to estimate sales data

This section asks for an estimate of the products that you sold in California during the previous calendar year. Show your sales by product category. These regulations were updated on 11/27/06.

Example: Units Sold in California in 2006 Manufactured by ABCD Corp.

Product Category	Number of Units Sold in California
Portable DVD Players	0
CRT—TV	0
CRT—Monitors	0
LCD—TV	37,000
LCD—Monitor	24,000
Plasma TV	0
Laptop with an LCD	0

Explanation of Methodology—Describe How Your Sales Data Was Estimated

- Is your estimate based on total U.S. sales and estimated by population? Did you use current census data?
- Are your sales consistent across different regions of California?
- Do warranty registrations or extended service plans provide any insight into sales trends?
- We need quality information to substantiate an estimate. Please provide a degree of confidence in your reporting number; that is, + / - X%.
- CalRecycle is aware that there are challenges in obtaining sales information that flows through various distribution networks and value-added resellers, but the unit count required by the act can be obtained from the distributors without jeopardizing their sales networks. This information is still required.
- What brand names are these products sold under?

Q. Should the report include retail sales made on a military base (such as at the Army and Airforce Exchange Service)?

A. Yes, these sales are of covered devices in California, as required in Title 14 CCR, section 18660.41(b).

Q. If a company had no sales in a given year, is a report required?

A. Yes, in order to stay in compliance with the Electronic Waste Recycling Act, a nil report is required. A company with no sales should submit a report with zero sales and no recycling information.

3. Materials Reporting

Regulations: Title 14 CCR, section 18660.41

(c) The materials reporting shall include:

(1) An estimated average amount in milligrams for mercury, cadmium, lead, hexavalent chromium (including their alloys and compounds), and polybrominated biphenyls (PBB) used in covered electronic devices, and all their component parts by product category.

(2) Estimates may be based on either physical testing or maximum tolerance levels of the material in product design specifications.

(3) An explanation of the methodology used to estimate data.

Statute: PRC, section 42465.2(a)(1)

(B) A baseline or set of baselines that show the total estimated amounts of mercury, cadmium, lead, hexavalent chromium, and PBB's used in covered electronic devices manufactured by the manufacturer in that year and the reduction in the use of those hazardous materials from the previous year.

The statute requires an estimate of the amount of certain materials contained in the products that your company manufactures. The regulations also requires an estimate of the reduction in the use of these materials from the previous year. In preparing the information, please include:

- How much of each listed material is in your products?
- How much have you reduced the use of the materials from the previous year?

The listed materials are:

- Mercury
- Cadmium
- Lead
- Hexavalent chromium
- Polybrominated biphenyls (PBB)

According to the regulations, the first four materials should include amounts in any compound or alloy in the product. All materials are to be measured in milligrams (mg) per unit in a product category. The regulations require reporting an average for each product category over all screen sizes.

Q. What does the product or covered electronic device include?

A. The CED includes all power cords and cables that make the video display device function.

- For laptops, this includes power adapters or power supply packaged with the unit used to power the unit or to charge the battery.
- Detached speaker systems are not included.

You can obtain an estimate of materials contained in covered electronic products by physically testing a unit. You can also provide a summary of maximum tolerance levels for the listed materials contained in products or components provided by another manufacturer. If you are using certain methods to meet the European Union Restriction of Hazardous Substances (RoHS) Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003, those methods

could be used to establish an estimated baseline. Please describe that process in the explanation of the methodology.

Q. Does RoHS compliance exempt the manufacturer from reporting?

A. No. The act provides the possibility for an exemption upon certification by DTSC in PRC 42465.2(b)(1), but you would still need to report on any components exempted by the European Union Directive 2002/95/EC and its amendments.

Q. For materials reporting, do we report a “range of values”?

A. The previous version of the regulations asked for a range, but that requirement was deleted. Please report one value that is an average of all the estimated values supplied.

4. Recyclable Content

Regulations: Title 14 CCR, section 18660.41

(d) Recyclable content reporting shall include:

- (1) Estimates on the amount in tons of recyclable content materials (e.g., plastics, glass, and metals) contained in covered electronic devices.
- (2) The increase from the previous year in the use of recyclable content materials.
- (3) An explanation of the methodology used to estimate recyclable content.

This section of the report can be written as a general narrative and you can use any statistics or feature of your products that apply. When preparing this section, CalRecycle asks that you consider the following:

- Whether you can recycle the following materials in your products:
 - Plastics
 - Glass
 - Wood
 - Printed circuit boards
 - Wiring
 - Other metals, ferrous or non-ferrous
 - Other materials
- Did you use more recyclable materials than you did in the previous year? Please explain and show the comparison.

5. Design for Recycling

Regulations: Title 14 CCR, section 18660.41

Design for recycling reporting shall include:

(e)(1) Information on current activities and plans related to the design of covered electronic devices, including but not limited to, the following:

- (A) Ease of disassembly of covered electronic devices;
- (B) Identification of resin types; and

(C) Improved materials efficiency through reduction in hazardous materials use or other approaches.

CalRecycle suggests that this section can be written as a general narrative. Some information may duplicate the previous section describing recyclable materials. Please consider the following in preparing this section:

- Are you reusing or buying reclaimed materials to manufacture the products?
- Are you designing products to extend the product's life by allowing component upgrades?
- Are the plastics marked with the recycling symbol and number to assist with sorting and recycling?
- Are products designed for ease of disassembly?

6. List of Retailers Notified

Regulations: Title 14 CCR, section 18660.41

(f) List of retailers noticed pursuant to Section 42465.2 (a)(1)(E) of the Public Resources Code shall include:

(1) The contact information used by the manufacturer to perform the notice, such as the name, address, contact person, phone number, and email address of the retailer to which the notice was made.

(2) The list of covered products contained in the notice.

California Health and Safety Code (HSC) Section 25214.10.1 (c) contains the requirements for notification. Manufacturers are required to provide **a complete list of the retailers** that sell their covered electronic devices. The list is comprised of the names and contact information of the retailers, **whether they are located in California or not**. If an out-of-state retailer or reseller sells a covered electronic device to a California consumer through the internet or mail order, include them on the list.

- Please provide a list of the retailers and appropriate contact information.
- What covered devices were in the manufacturer's notification to the retailers?

Q. We sell many of our products indirectly or through third-party networks, such as distributors or value-added resellers, who also sell to resellers or leasing groups and agents. We do not know to whom or when they are sold. How do we notify the retailers that we do not have access to?

A. The law requires you, the manufacturer, to notify any retailer that sells a covered device that you manufacture. Your intermediate clients should assist you in complying with this requirement.

Q. We sell to internet-based resellers and/or catalog resellers and we don't know if they sell in California or not.

A. When in doubt, notify and list them. You can also ask them directly. Retailers may want to protect their client sources, but they should still provide data on total sales in California. In that case, retailers may supply the data without disclosing proprietary business information.

Q. When notifying retailers of the covered products, are specific model numbers required?

A. The HSC Section 25214.10.1 does not currently require model numbers. However, you must specify the covered products as listed in the notice to retailers.

Q. Am I required to send a copy of the notice to retailers? Do I send a copy of the notice to the state?

A. Yes, the HSC Section 25214.10.1 requires that the notice to all your retailers is due to them by April 1 each year. A copy of the notice is also required to be sent to the California Department of Tax and Fee Administration.

Email address (preferred method): BTfD-PCD.eWasteNotification@cdfa.ca.gov

Mailing address:

California Department of Tax and Fee Administration
Special Taxes and Fees
Registration and Licensing Section MIC: 88
Attn: Administrator
P.O. Box 942879
Sacramento, CA 94279-0088

7. Consumer Information

Regulations: Chapter 14 CCR, section 18660.41

(g) Manufacturers shall individually submit to CalRecycle samples of the consumer information and description of all methods used to comply with section 18660.42 of this chapter. Manufacturers shall submit this information at the same time they comply with section 18660.41(a) through (e), above.

Chapter 14 CCR, section 18660.42

A manufacturer shall do the following:

(a) Make the consumer information required by section 42465.2 (a)(2) of the Public Resources Code available in English and Spanish.

(b) If a manufacturer uses a centralized database or Internet site to meet the requirement in (a), the manufacturer must maintain the databases or Internet site for their accuracy.

PRC section 42465.2(a)

(2) Make information available to consumers, that describes where and how to return, recycle, and dispose of the covered electronic device and opportunities and locations for the collection or return of the device, through the use of a toll-free telephone number, Internet Web site, information labeled on the device, information included in the packaging, or information accompanying the sale of [the] covered electronic device.

Please provide a sample(s) of the required consumer information and describe the method(s) of distribution (can be any or all of examples below).

- Information labeled on the device
- Information accompanying the sale of the device
- Packaging
- [CalRecycle Electronic Waste webpage](#)
- Toll-free telephone number

B. Collective Reporting

Regulations: Chapter 14 CCR, section 18660.41

(j) Collective reporting—Compliance with the reporting required in sections 18660.41(b) through (f), above, is the individual responsibility of each manufacturer. A manufacturer may comply with the reporting requirements in subsections (b) and (c), above, by submitting a collective report for the subsections containing sales and materials information, if the following conditions are met:

- (1) A collective report must contain all of the information required in sections 18660.41(b) and (c), above, but may combine the information for those manufacturers submitting information for the collective report;
- (2) The collective report shall contain a list of all manufacturers whose reports are included in the collective report. This list shall include the name of the manufacturer and address of the manufacturer; and name, address, phone number, and email address for a contact person of the manufacturer;
- (3) Each manufacturer shall provide a certification under penalty of perjury that the information provided for the collective report is true and correct; and
- (4) Notwithstanding section 18660.41(j)(1) through (3), above, CalRecycle may request, on a case-by-case basis, a manufacturer to submit an individual report with the information required in sections 18660.41(b) and (c), above, and all supporting documentation of the information contained in the report. In response to CalRecycle’s request, the manufacturer shall submit an individual report and supporting documentation within ten days of receiving CalRecycle’s request.

Manufacturers have an option to submit a collective report for some of the required information. **Only sales data and materials reporting** as required in PRC sections 18660.41 (b) and (c) may be submitted collectively. Please see section B2 and B3 of this publication for further details. Each manufacturer must complete an individual report for recyclable content, design for recycling, list of retailers notified, and consumer information and attach it to the “Collective Report.”

Contact information should include any third party that prepared or submitted a report on behalf of the attached list of manufacturers.

Q. If different manufacturers use different methods to provide estimates on sales and materials, how do we report the information?

A. It would be best if all manufacturers use the same standard but if that is not feasible, please describe each method and the number of manufacturers using each method. For example, on sales data:

“Five of 10 manufacturers used national sales divided by population in California.” You need not identify which manufacturers used which method; just provide a thorough description of the methods used.

Q. For materials reporting, do we report a “range of values?”

A. A previous version of the regulations asked for a range, but that requirement was deleted. Please report one value that is an average of all the estimated values supplied.

Q. Do the collective industry reporting requirements apply to consumer products only? If a company manufactures devices with LCD panels used in industrial applications, would they need to report?

A. It depends on what is meant by industrial applications. “Consumer product” is not defined in the Electronic Waste Recycling Act. “Covered Electronic Devices” is defined in PRC section 42463(e)(1). According to PRC section 42463 (e)(2)(B), a “covered electronic device” does not include a video display device that is contained or within a part of a piece of industrial, commercial, or medical equipment, including monitoring or control equipment.

Q. Do manufacturers need to report on electronic devices sold in California that are not CEDs?

A. Only data on covered electronic devices sold in California is required pursuant to title 14 CCR 18660.41. If a manufacturer sells only excluded devices in California, a report is not required.

Q. Who do we contact for questions regarding CED determinations or exclusions from the CED?

A. Questions regarding CED determinations or exclusions should be directed to DTSC at electronicwaste@dtsc.ca.gov

Q. Who do we contact for questions regarding annual reporting requirements?

A. Questions regarding reporting requirements should be directed to CalRecycle at EWaste@calrecycle.ca.gov

Q. Am I in compliance with these report requirements if I participate in a “Collective Report”?

A. If the report is on time, and you have submitted the individual information required in sections A - 4 through 7, then yes, you are in compliance.

C. RoHS Exemption from Reporting

The law provides for an exemption from reporting on products that are certified by DTSC as compliant with the European Union RoHS Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003. Reporting is still required on the materials exempted by the RoHS directive. Currently there are no regulations on the certification process by DTSC; therefore, all compounds listed in PRC section 42465.2 (a)(1)(B) should be included in reports at this time.

Following is the exemption provision contained in the act in PRC section 42465.2:

(b) (1) For the purposes of complying with paragraph (1) of subdivision (a), a manufacturer may submit a report to the board that includes only those covered electronic devices that include applications of the compounds listed in subparagraph (B) of paragraph (1) of subdivision (a) that are exempt from the Directive 2002/95/EC adopted by the European Parliament and the Council of the European Union on January 27, 2003, and any amendments made to that directive, if both of the following conditions are met, as modified by section 24214.10 of the Health and Safety Code:

(A) The manufacturer submits written verification to the department that demonstrates, to the satisfaction of the department, that the manufacturer is in compliance with Directive 2002/95/EC, and any amendments to that directive, for those covered electronic devices for which it is not submitting a report to the board pursuant to this subdivision.

(B) The department certifies that the manufacturer is in compliance with Directive 2002/95/EC, and any amendments to that directive, for those covered electronic devices for which the manufacturer is not submitting a report to the board pursuant to this subdivision.

(2) When reporting pursuant to this subdivision, a manufacturer is required only to report on specific applications of compounds used in covered electronic devices that are exempt from [Directive 2002/95/EC](https://ec.europa.eu/environment/waste/rohs_eee/legis_en.htm) (https://ec.europa.eu/environment/waste/rohs_eee/legis_en.htm).

DTSC's [California RoHS regulations](https://dtsc.ca.gov/restrictions-on-the-use-of-certain-hazardous-substances-rohs-in-electronic-devices/) (<https://dtsc.ca.gov/restrictions-on-the-use-of-certain-hazardous-substances-rohs-in-electronic-devices/>) took effect January 1, 2007.