

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

### NOTICE OF EXEMPTION

To: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
Hazardous Waste Management Program  
P.O. Box 806, 1001 "I" Street, 11<sup>th</sup> Floor  
Sacramento, CA 95812-0806

**Project Title:** Adopt Emergency Regulations to Amend Title 22, California Code of Regulations, division 4.5, chapter 11, appendix X, subsection (c) – Covered Electronics Devices - Office of Administrative Law Emergency Number: XX-XXXX-XXX

**Project Location:** Statewide

**County:** Rulemaking affects all 58 California Counties

**Project Applicant:** Department of Toxic Substances Control

**Approval Action Under Consideration by DTSC:** Regulations

**Statutory Authority:** California Health and Safety Code, Chapter 6.5

**Project Description:**

The Project involves the approval of an emergency rulemaking amendment to add to the existing list of Covered Electronic Devices (CED) within the California Code of Regulations, title 22, division 4.5, chapter 10, section 66260.201 and chapter 11, appendix X.

The Department of Toxic Substances Control (DTSC's) Environmental Chemistry Lab conducted testing on six new device categories and determined the device categories exhibit California's hazardous waste characteristic of toxicity by exceeding the state hazardous waste total threshold concentrations for copper, lead, and nickel. Because all six device categories have been determined to be hazardous when discarded, they will be added to the list of CEDs in the emergency regulations.

The amended regulations will expand financial incentives to recycle certain electronic devices to safeguard California's environment against potential hazardous constituents found in discarded electronic devices. By subsidizing the costs associated with proper collection and management of these new CEDs, the State incentivizes handlers and recyclers to provide opportunities to California residents for recycling, therefore encouraging the proper management of hazardous electronic waste.

**Background:** California enacted the Electronic Waste Recycling Act (Act) of 2003 through Senate Bill 20, which was amended through Senate Bill 50 in 2005 to establish a funding system for the collection and recycling of certain electronic wastes identified as the Covered Electronic Waste Recycling Program (Program). A CED is a video display device containing a screen greater than four inches, measured diagonally, that is found to exhibit the hazardous waste characteristic of toxicity when discarded. The Program requires consumers to pay a fee on all CEDs at the time of retail purchase. The retailers then remit the fees they collect to the California Department of Tax and Fee Administration where the fees are put into a designated account. This account fund provides payments to approved collectors and recyclers for the recovery, processing, and recycling of electronic devices. The California Department of Resources Recycling and

Recovery (CalRecycle) is tasked with administering the payment system for the collectors and recyclers. The Act also tasked DTSC with developing regulations for the proper management of discarded CEDs, testing new electronic devices, listing any devices that exhibit the hazardous waste characteristic of toxicity as a CED in regulations, and conducting inspections and compliance activities with recyclers and handlers.

**Project Activities:** The Rulemaking Project will add six new device categories to the list of Covered Electronic Devices found in chapter 11, appendix X, subsection (C) and chapter 10, section 66260.201.

The device categories consist of the following:

- Organic light-emitting diode (OLED) containing laptop computers;
- OLED-containing tablets;
- OLED-containing desktop monitors;
- OLED-containing televisions;
- Liquid Crystal Display (LCD) containing tablets; and
- LCD-containing smart displays

By listing these device categories as CEDs in regulation, they will be eligible for the payment program allowing the State to collect revenue to disperse to recyclers and collectors for managing the discarded CEDs. Not only will this ensure that a wider range of CEDs are being properly managed and not disposed of illegally or in landfills, but DTSC will also be fulfilling its mandate to ensure protection of human health and the environment.

DTSC subsequently will submit a regular rulemaking package which will make the emergency regulations permanent.

**Name of Public Agency Approving Project:** Department of Toxic Substances Control

**Name of Person or Agency Carrying Out Project:** Department of Toxic Substances Control

**Exempt Status:** Categorical Exemption: Title 14, California Code of Regulations, Class 8 Section 15308 - Actions by Regulatory Agencies for Protection of the Environment

**Reasons Why Project is Exempt:** The California Environmental Quality Act (CEQA) Guidelines Section 15300, et seq. (California Code of Regulations, Title 14) provide a list of categorical exemption classes of projects that are exempt from CEQA. One specific Class applies to this emergency rulemaking.

CEQA Guidelines Class 8, Section 15308 provides an exemption from environmental review for "Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption" DTSC has determined that the approval of the emergency regulatory amendments are actions to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

The rulemaking expands opportunities to recycle new electronic devices to safeguard California's environment against potential hazardous constituents found in the identified discarded electronic devices. In addition, none of the exceptions to the use of this class of categorical exemptions apply to the project.

The administrative record for this project is available to the public by appointment at the following location:

Department of Toxic Substances Control  
Hazardous Waste Management Program  
P.O. Box 806, 1001 "I" Street, 11<sup>th</sup> Floor  
Sacramento, CA 95812-0806

Additional project information is available on DTSC's rulemaking website: <https://dtsc.ca.gov/regs/>

Contact Person	Contact Title	Phone Number
Ricardo Rivera	Environmental Scientist	(916) 327-4061
Uyen Nguyen	Associate Governmental Program Analyst	(916) 324-2431

Approver's Signature:

Date:

*Diana Peebler*

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October 13, 2021

Approver's Name	Approver's Title	Approver's Phone Number
Diana Peebler	Branch Chief	(510) 540-3866

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TO BE COMPLETED BY OPR ONLY

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Date Received for Filing and Posting at OPR: