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Department of Toxic Substances Control

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Gavin Newsom
Governor

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

To: Office of Land Use and Climate Innovation
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, California 95812-3044

From: Department of Toxic Substances Control
Permitting Division
P.O. Box 806, 1001 "I" Street, 11th Floor
Sacramento, California 95812-0806

Project Title: Adopt Emergency Regulations to Amend Title 22, California Code of Regulations, Division 4.5, Chapter 11, Appendix X, Subsection (c) and Chapter 10, Subsection 66260.201(e) – Covered Electronics Devices - Office of Administrative Law Emergency Number: R-2026-10E

Project Location: Statewide

County: All 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 Department of Toxic Substances Control (DTSC) proposes to approve an emergency rulemaking amendment to add to the existing list of Covered Electronic Devices (CED's) within the California Code of Regulations, Title 22, Division 4.5, Chapter 11, Appendix X, Subsection (c) and Chapter 10, Subsection 66260.201(e). This emergency rulemaking will amend the list of CED's to include the new devices and provide clarity to impacted entities. The amended regulations will safeguard California's environment against potential hazardous constituents found in discarded electronic devices and expand financial incentives for proper end-of-life management which will lead to an increase in the amount of CED's recycled and decrease the amount of hazardous electronic waste illegally disposed of in landfills.

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 incentivize collectors and recyclers to provide ample opportunities to California residents for recycling, thereby discouraging the illegal disposal of hazardous electronic waste in landfills and establish a funding system for the collection and recycling of certain electronic waste 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 CED's at the time of retail purchase. Retailers can also elect to pay the fee on behalf of consumers. The retailers remit the fees they collect to the California Department of Tax and Fee Administration (CDTFA). CDTFA deposits the fees into a designated account used to provide payments to approved collectors and recyclers for the recovery, processing, and recycling of CED's.

The Act tasks the California Department of Resources Recycling and Recovery (CalRecycle) with administering the payment system for collectors and recyclers. The Act also tasks DTSC with (a) developing regulations for the proper management of discarded CED's, (b) identifying in regulations any devices that exhibit, or are presumed to exhibit, the hazardous waste characteristic of toxicity as a CED, and (c) conducting inspections and compliance activities.

Under Health and Safety Code section 25214.10.1 subsection (c), DTSC has the authority to presume that devices are hazardous waste when discarded. Thus, based on DTSC's presumption authority and the analytical testing data of components commonly used in the manufacture of video display devices as described below, DTSC has identified that these devices are CED's and are hazardous waste when discarded.

In 2021, DTSC's Environmental Chemistry Lab conducted analytical testing on six different device categories that met the definition of a CED under Public Resources Code section 42463. Specifically, DTSC tested the printed circuit boards and screen materials from these devices. Analytical testing results concluded that these devices exhibit the hazardous waste characteristic of toxicity identified in Article 4 of chapter 11 and exceed the California hazardous waste total threshold concentrations described in section 66261.24(a)(2)(A) for copper, lead, and nickel. Therefore, these devices are deemed hazardous wastes when discarded and were added to the list of CED's in emergency regulations, OAL reference# R-021-09E (readopted in 2023 and 2025).

Project Activities: The proposed rulemaking will add five new device categories to the list of CED's found in Chapter 11, Appendix X, Subsection (c) and Chapter 10, Subsection 66260.201(e). The new device categories consist of the following:

- Portable gaming devices with an integrated screen;
- Home surveillance monitors with an integrated or dedicated screen;
- Smart mirrors and any other mirrors capable of displaying video;
- Digital picture frames capable of displaying video; and
- Smart remote controllers with an integrated screen capable of displaying video.

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: Emergency Project [PRC, Sec. 21080(b)(4); 14 CCR, Sec.15269(c)]

Reasons Why Project is Exempt: DTSC has determined that the approval of the emergency regulatory rulemaking amendments are actions to prevent or mitigate an emergency to ensure the 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.

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, 12th 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
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Approver's Signature:

Date:

Gabriella Nepomuceno

7/21/26

Approver's Name

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TO BE COMPLETED BY OFFICE OF LAND USE AND CLIMATE INNOVATION (LCI) ONLY

Date Received for Filing and Posting at LCI: