

CONCURRENCE IN SENATE AMENDMENTS

AB 732 (Quirk)

As Amended August 10, 2022

Majority vote

SUMMARY

Makes technical cleanup changes to the Mercury Thermostat Collection Act of 2021 (2021 Act).

Senate Amendments

- 1) Delete the technical changes related to registered hazardous waste transporters.
- 2) Delete the requirement that the Department of Toxic Substances Control (DTSC) determines whether a manufacturer, or group of manufacturers, has made a good faith effort to comply with the 2021 Act.
- 3) Require each manufacturer, or group of manufacturers, to provide collection bins for out-of-service mercury-added thermostats to a thermostat wholesaler in the state by eliminating the requirement that the wholesaler request a collection bin.

COMMENTS

Mercury Thermostat Collection Act of 2008 (2008 Act): In 2008, the Legislature enacted the 2008 Act (AB 2347 (Ruskin), Chapter 572, Statutes of 2008) to require manufacturers to establish a collection and recycling program for out-of-service mercury-added thermostats. Manufacturers can operate these programs individually or collaboratively. Current law requires manufacturers to meet certain requirements, including, but not limited to, undertaking education and outreach efforts; developing educational and outreach materials; and, providing adequate incentives and education to contractors, service technicians, and homeowners to encourage the return of out-of-service mercury-added thermostats to established collection locations.

Under performance: Since the inception of the 2008 Act, collection of thermostats has been lackluster; outreach by the thermostat industry has failed to properly inform appropriate entities that collection is available, and many consumers and retailers alike are unaware of the program. In addition, there has never been any dedicated funding for DTSC's oversight and enforcement of the 2008 Act, which has led to lax oversight of the thermostat industry's performance.

Room for improvement: In 2021, the Legislature enacted AB 707 (Quirk, Chapter 703, Statutes of 2021), which established the 2021 Act to revise and recast the program for mercury thermostat collection by making the following changes:

- 1) Requires thermostat manufacturers to fully fund DTSC's regulatory costs of the program;
- 2) Requires thermostat manufacturers to fully fund all program costs to collect, transport, and recycle mercury thermostats;
- 3) Requires thermostat manufacturers to provide no less than \$9.1 million over the seven-year program for a robust education and outreach campaign;

- 4) Require thermostat manufacturers to contract with a qualified third party that meets specified criteria to implement the program statewide;
- 5) Require DTSC to review and approve the plan for the program;
- 6) Require the provision of \$30 incentives to consumers to turn in mercury thermostats for recycling;
- 7) Require collection locations to be convenient and accessible statewide, including in rural, disadvantaged, and low-income communities; and,
- 8) Require DTSC to report to the legislature on the efficacy of the program before it sunsets in 2029.

This bill: This bill makes technical cleanup changes to the Mercury Thermostat Collection Act of 2021 that were discovered after AB 707 was enacted.

According to the Author

"After the passage of AB 707 (Quirk, Chapter 703, Statutes of 2021) Mercury Thermostat Collection Act of 2021, stakeholders discovered several technical issues that needed to be addressed. AB 732 makes technical changes, collectively requested by stakeholders, to the Act to address these technical issues."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, enactment of this bill would not have significant costs as it met the requirements under Senate Rule 28.8.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 6-0-3

YES: Quirk, Smith, Arambula, Bauer-Kahan, Cristina Garcia, Muratsuchi

ABS, ABST OR NV: Megan Dahle, Holden, Voepel

ASSEMBLY FLOOR: 66-0-10

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Burke, Calderon, Cervantes, Cooley, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Gabriel, Gallagher, Cristina Garcia, Gipson, Gray, Grayson, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Carrillo, Chen, Choi, Cooper, Friedman, Eduardo Garcia, Holden, Mayes, Reyes, Voepel

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

UPDATED

VERSION: August 10, 2022

CONSULTANT: Josh Tooker / E.S. & T.M. / (916) 319-3802

FN: 0003933