

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 2462 (Pellerin) – As Introduced February 20, 2026

SUBJECT: Unsafe products: disposal: penalties

SUMMARY: Amends the Product Recall Safety Act (Act), to require manufacturers of recalled products to provide for the safe return of the recalled product to the manufacturer at no cost to a recycling, permitted solid waste facility, municipal facility, household hazardous waste (HHW) collection facility, and a thrift retail store, in addition to a retailer and an end consumer. Authorizes the Department of Resources, Recycling, and Recovery (CalRecycle) to levy administrative penalties for violations of the Act. Specifically, **this bill**:

- 1) Requires the manufacturer of a recalled product to provide for the safe return of the product to the manufacturer or the appropriate disposal of the product at no cost to any of the following:
 - a) The end consumer;
 - b) A recycling center;
 - c) A municipal facility that accepts the product for recycling or disposal;
 - d) A retailer that sells the product;
 - e) A permitted solid waste facility;
 - f) A household hazardous waste collection facility, and,
 - g) A thrift retail store.
- 2) Defines "manufacturer" as any person who manufactures a product and who owns or is the licensee of the brand or trademark under which that product is sold, offered for sale, or distributed for sale in, or into, the state.
- 3) Authorizes CalRecycle to impose an administrative penalty for any person who is in violation of any provision of this bill in the amounts of two thousand five hundred dollars (\$2,500) per day or five thousand dollars (\$5,000) per day if the violation is intentional or knowing.
- 4) Requires CalRecycle to establish through regulations a process that includes an informal hearing process by which the penalties will be assessed.
- 5) Authorizes CalRecycle to refer enforcement, of the provisions of the bill, to the Department of Toxic Substances Control (DTSC) for products identified as hazardous waste.

EXISTING LAW:

- 1) Creates the Hazardous Waste Control Law (HWCL), which DTSC to regulate the management of hazardous wastes in California. (Health and Safety Code (HSC) § 25100, et seq.)
- 2) Defines "waste" as any solid, liquid, semisolid, or contained gaseous discarded material. (HSC § 25124)
- 3) Defines "hazardous waste" as waste, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics:
 - a) Causes, or significantly contributes to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or,
 - b) Poses a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (HSC § 25141(b))
- 4) Defines "household hazardous waste" as hazardous waste generated incidental to owning or maintaining a place of residence, but does not include waste generated in the course of operating a business at a residence. (HSC § 25218.1(e))
- 5) Establishes that counties and cities will provide services for the collection of HHW and that the state will provide an expedited and streamlined regulatory structure to facilitate the collection of HHW. (HSC § 25218)
- 6) Enacts the Product Recall Safety and Protection Act, which requires immediate removal from the market and notice to consumers for products subject to recall or warnings, as specified. (HSC § 108040)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "When products are recalled, especially when they violate the law or present a safety hazard, the responsibility should remain with the companies that made and sold them—not with taxpayers or local agencies. This is already required by federal and state laws that have been in place for decades; however, there is ambiguity in current law that allows manufacturers to shift the cost and responsibility of handling recalled products onto local governments, public waste facilities, and reuse businesses, if not properly removed from the market. AB 2462 clarifies that manufacturers and responsible parties must take back recalled products at no cost to consumers, retailers, charity thrifts, and local governments, and strengthens enforcement to ensure compliance. By restoring accountability, AB 2462 protects public resources while ensuring recalled products are managed safely and responsibly."

California Hazardous Waste Control Law (HWCL): The HWCL is the state's program that implements and enforces federal hazardous waste law in California and directs DTSC to oversee and implement the state's HWCL. Any person who stores, treats, or disposes of hazardous waste must obtain a permit from DTSC. The HWCL covers the entire management of hazardous

waste, from the point the hazardous waste is generated, to management, transportation, and ultimately disposal into a state or federal authorized facility. DTSC's hazardous waste regulatory program is supported by fees on those that generate and manage hazardous waste in California.

Retail Waste Working Group: SB 423 (Bates, Chapter 771, Statutes of 2016) required DTSC to convene a Retail Waste Workgroup (Workgroup) tasked with identifying regulatory and policy directives that need clarification for managing consumer products. The Workgroup was comprised of representatives of large retailers, small retailers, district attorneys, certified unified program agencies, non-government organizations, local governments, other relevant state agencies as determined by DTSC (such as the California Department of Public Health and CalRecycle), manufacturers, reverse distributors, and other interested stakeholders.

The Workgroup was required to adopt consensus recommendations for waste reduction opportunities and completed its work in the summer of 2017. The primary topics discussed were: salvage and donation of surplus products; management of products that are recalled; assignment of credit/financial reconciliation for surplus products by product manufacturers; and, appropriate requirements to regulate surplus pharmaceuticals and products with drug facts.

In August 2017, the Workgroup submitted its report to the Legislature (Report), *Surplus Household Consumer Products and Wastes*. Below are excerpts from the report discussing recalls and the retail and reverse logistics supply chain:

"Recalls: Every year, thousands of consumer products are "recalled" because someone determines that such products should not be sold in California. In some cases, a governmental agency, such as the FDA or the Consumer Product Safety Commission (CPSC), orders the recall. More commonly, private parties, such as manufacturers, distributors, or retailers, will initiate a "voluntary" recall. As used in this document, "recall" refers to both the recalls ordered by a government agency, as well as voluntary recalls initiated to recover unsafe, defective, mislabeled, or non-compliant products even though there is no government-ordered recall. The Product Recall Safety and Protection Act (HSC sections 108040 et. seq.) (PRSPA) is helpful in considering the issue of recalls of products that may become hazardous waste. Pursuant to PRSPA, manufacturers are required to provide and pay for the safe return of recalled products back to the manufacturer (HSC section 108046), and retailers must accept a return of a recalled product from customers "for the purpose of returning it to the manufacturer." Safe and effective recalls require the segregation, quarantining, tracking, securing, evaluation, and, in some cases, witnessed secure destruction, of recalled products. In addition, parties such as retailers may receive credit for recalled items and need to provide evidence of the number of items actually recalled. For these reasons, parties undertaking recalls often rely on third parties to collect recalled products in centralized locations where they can be counted, tracked, and safely held until a determination has been made as to an appropriate and secure disposition.

The Retail and reverse retail supply chain: Consumer products typically are sent directly to a retailer (or via a distributor) at a number of different locations to offer for sale. A consumer usually has access to the product directly at a retail store. While manufacturers, distributors, and retailers make every effort to sell their products to consumers, a household consumer product may become unsellable or surplus through the forward supply chain for a variety of reasons, including because the product is seasonal or expired, because consumer demand has declined, or because the product's packaging is slightly worn. Products also may be

unsellable when they are recalled because they are deemed unsafe, defective, mislabeled, or non-compliant. Very often, due to economies of scale, the most economical method for managing these surplus products through the "reverse supply chain" is to consolidate them at reverse logistics centers (RLC). Some retailers use their own RLCs, while other retailers use third party reverse logistics providers that either they or their suppliers select. RLCs have been operating throughout the United States for many decades and perform important business functions, including; product consolidation for donation/liquidation and disposition; product condition assessment (i.e., to determine if packaging needs to be changed to reduce future unsellables); evaluation for manufacturer credit; accounting (including tax); and, recall management."

Product Recall Safety and Protection Act (PRSPA): AB 1860 (Huffman, Chapter 569, Statutes of 2008) enacted the Product Recall Safety and Protection Act, which requires immediate removal from the market and notice to consumers for products subject to recall or warnings, as specified. According to the ESTM analysis of AB 1860, the reason the author introduced AB 1860 is as follows: "The author has introduced this bill in order to protect California from products that are known to be unsafe. According to the author, "beginning with the recall of 1.5 million 'Thomas the Tank Engine' toys in June [2007], 46 toy products have been recalled for excessive levels of lead – totaling approximately 6 million toys this year. Many recalled products stay in circulation long after recalls have been announced, either because sellers don't know about the problems, or choose to profit from them. If recalled products are taken out of circulation, it is unclear what happens to them." The author is concerned that toxic materials may thus end up in landfills, endangering the public and possibly contaminating groundwater. This bill creates a comprehensive system to protect consumers for the life of the product --from manufacture to past the point of sale."

The number of recalled products may be on the rise: According to a report, *Safe At Home 2026?* by the United States Public Interest Research Group (PIRG) Education Fund, there have been nearly 900 injuries linked to unsafe consumer products in 2025 as recalls hit an 18-year high. Some of the reports highlights (relevant to this bill):

- 1) The CPSC's 420 recall announcements in 2025 covered more than 40 million items. That is a huge jump from the 305 announcements in 2024 and the largest annual total since 2007;
- 2) More than one-fourth of the recalls involved children's products: toys, infant sleep products, clothing and various other items for children; and,
- 3) Besides pools and pressure cookers, some of the other biggest recalls of the year involved dumbbells, burst-proof hoses, attic fan motors, countertop ovens and power banks [note: power banks would be considered hazardous waste].

If this report is accurate and the number of recalled products is rising, then the original reasons for the introduction of the PRSPA remain; recalled products remain in circulation long after the recall and end up with local governments or recycling centers instead of with the manufacturer.

This bill: AB 2462 seeks to address the problem raised above by ensuring that local governments, including solid waste facilities, recycling centers, HHW collection facilities, and thrift retail stores have the ability to send recalled products back to the manufacturer at no cost.

Policy choice: Should manufacturers be responsible for all of their products that are recalled or should thrift stores and local governments (funded by taxpayers) be responsible for some of these recalled products.

This bill: AB 2462 requires manufacturers to be responsible for the safe return of a recalled product. Currently within the logistics and supply chain industries there exist RLC that manage recalls on behalf of manufacturers. Additionally, according to reports there is an increasing number of products being recalled, which for products not returned to the manufacturer, could leave potentially dangerous and harmful products in use and or end up in a recycling or similar facility where it could pose harm and be costly to manage for that local government.

Technical consideration: As the bill moves through the process, the author and stakeholders may wish to consider clarify the enforcement roles and responsibilities of CalRecycle and DTSC.

Arguments in support: According to a coalition of organizations including California Product Stewardship Council, California State Association of Counties, Californians Against Waste, League of California Cities, and the Rural County Representatives of California,

"The Product Recall Safety and Protection Act protects consumers and creates clear standards for manufacturers to follow for recalled and defective products. Unfortunately, due to a lack of enforcement and transparency, recalled items end up in reuse, recycling, or other solid waste programs, putting consumers, businesses, and local government at risk.

As required by AB 1860 (Huffman, 2008), when the Federal Consumer Product Safety Commission issues a product recall, the manufacturer of that product is responsible for providing consumers and retailers with a means to return the recalled product at no additional cost. However, the law didn't account for consumers and retailers who instead send the products to recycling or waste collection sites or secondhand retailers, in many instances at the direction of the manufacturer. Current law also does not account for the cost to local governments, public entities, and secondhand retailers of receiving recalled products and properly managing them. Seventeen years after the passage of AB 1860, recalled products continue to end up at public collection sites and resale donation sites, becoming a financial and logistical burden for those program operators.

In 2025 alone, there were a total of 422 individual product recalls wherein the Federal Consumer Product Safety Commission deemed these covered products unsafe for consumers. This represented over 34 million recalled units. Of these recalled units, just under 25 million required a refund and/or replacement by the manufacturer. The remaining 9 million were offered a repair part, if the consumer chose to request one.

This bill would add local governments and secondhand retailers to the list of entities able to return a recalled product to the manufacturer at no cost to that entity. The bill would also increase the civil penalties for violations and provide the Department of Resources Recycling and Recovery with clear enforcement authority."

Arguments in opposition: According to the California Manufacturers and Technology Association,

"Manufacturers share the goal of ensuring unsafe products are promptly removed from the marketplace and properly managed when recalls occur. However, AB 2462 would significantly expand manufacturer obligations under the Product Recall Safety and Protection Act in ways that create substantial logistical, operational, and financial burdens without clearly improving recall effectiveness.

AB 2462 would require manufacturers to accept the return or disposal of recalled products not only from consumers and retailers but also from recycling centers, municipal waste facilities, permitted solid waste facilities, household hazardous waste programs, and thrift stores. While well-intentioned, this expansion would effectively require manufacturers to manage returns from a wide range of waste management and secondary market actors that are not part of traditional recall systems.

The bill authorizes CalRecycle to impose administrative penalties of up to \$2,500 per day, or \$5,000 per day for knowing or intentional violations. Daily penalties of this magnitude raise concerns about disproportionate enforcement for compliance challenges that may arise from factors outside a manufacturer's control.

Including thrift stores and resale organizations in the bill expands recall obligations into the secondhand market, which is growing rapidly. Tracking recalled products in these secondary markets would be extremely difficult and costly for manufacturers."

Related legislation:

- 1) AB 2660 (Quirk, 2018). Would have allowed a retailer, without having to make a waste determination, to ship a surplus household consumer product, as defined, to a reverse distributor, who would have then either re-sold or donated the product, and then been responsible for making a waste determination for that surplus consumer product if it becomes a waste. This bill was held in the Senate Environmental Quality Committee.
- 2) SB 423 (Bates, Chapter 771, Statutes of 2016). Required DTSC to convene a Retail Waste Working Group to identify regulatory and policy directives that need clarification for managing consumer products, and adopt consensus recommendations for waste reduction opportunities.
- 3) AB 1860 (Huffman, Chapter 569, Statutes of 2008). Enacts the Product Recall Safety and Protection Act, which requires immediate removal from the market and notice to consumers for products subject to recall or warnings, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Product Stewardship Council
California State Association of Counties
Californians Against Waste
Cleanearth4kids.org
Eco-Catalyst
EkoLinq

Landbell USA
League of California Cities
National Stewardship Action Council
Recology
Reuse Alliance
Rural County Representatives of California
Sustainable Works

Opposition

California Manufacturers and Technology Association
Consumer Brand Association

Analysis Prepared by: Josh Tooker / E.S. & T.M. / (916) 319-3965