

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 2549 (Zbur) – As Amended March 19, 2026

**SUBJECT:** Electronic Waste Recycling Act of 2003: manufacturer notices

**SUMMARY:** Makes changes to various requirements for manufacturers and retailers for covered battery embedded products (CBEPs) under the Electronic Waste Recycling Act of 2003 (E-Waste Act). Specifically, **this bill:**

- 1) States the intent of the legislature to enact legislation that would exempt thrift retail stores from the scope of the E-Waste Act.
- 2) States the intent of the Legislature to enact legislation that would delay or suspend the implementation of certain provisions of the E-waste Act as applied to discount stores.
- 3) Defines "discount store" as a retail establishment that is primarily engaged in the sale of general merchandise, household goods, apparel, seasonal goods, and other consumer products at everyday low prices, and that operates on a self-service, high-volume, low-margin retail model. Provides that a discount store does not include a general merchandise supercenter, hypermarket, warehouse club, membership club, or other big box retail format with a gross floor area exceeding 100,000 square feet or that devotes more than 10 percent of its sales floor area to grocery, food, or other consumable goods.
- 4) Defines "thrift retail store" as a retail store and related donation facilities engaged primarily in the sale of secondhand clothing, shoes, apparel, toys, and standard household goods, including furniture, fixtures, and small household appliances, and the collection of those goods for resale. Provides that thrift retail store does not include the sale of large household appliances such as refrigerators or stoves and does not include the sale of cars or anything automotive-related.
- 5) Defines "universal product code (UPC)" as an all-numeric code that represents a consumer package of a particular brand, size, type, and manufacturer by using a series of alternating bars and spaces for electronic scanning.
- 6) Requires a manufacturer of a CBEP to send a notice, that identifies the CBEP by brand, model number and UPC, to the Department of Resources, Recycling and Recovery (CalRecycle), and inform CalRecycle that the CBEP is regulated under the E-waste Act and is subject to a recycling fee under the E-waste Act.
- 7) Requires the manufacturer of a CBEP to send each notice to CalRecycle according to a specified schedule, and no later than March 1 of each year.
- 8) Requires a manufacturer to send the required notice to CalRecycle according to the following schedule:
  - a) Within 60 days from the date of first sale to a retailer or purchaser in this state for any CBEP manufactured by that manufacturer that is subject to the E-waste Act.

- b) Within 60 days from the date of first sale to a retailer or purchaser in this state for a CBEP manufactured by that manufacturer is exempt from the E-waste Act.
- 9) Provides that a retailer shall have not less than 60 days from the earlier of the date of receipt of the notice directly from a manufacturer or the date the notice is first published in the online database maintained by CalRecycle to begin collecting the fee required by this chapter regarding the product identified in the notice.
- 10) Requires, on or before January 1, 2027, CalRecycle, to develop a standardized online form for a manufacturer to send electronic notices to CalRecycle pursuant to this bill.
- 11) Requires on or before January 1, 2027, CalRecycle, to create and maintain a searchable online database for the notices sent by a manufacturer pursuant to this bill and to post that information on its internet website within 60 days from the date of receipt of the notice required by this bill.
- 12) Requires CalRecycle to consult with manufacturers and retailers to develop a standardized online upload process for the notices required pursuant to this bill.
- 13) Provides that a retailer is in compliance with the E-waste Act and exempt from civil and criminal penalties when relying in good faith on the list of CBEPs and the applicable battery-embedded waste recycling fee listed on the internet website made available by CalRecycle pursuant to this bill.
- 14) Requires, in the event of an audit or determination by the California Department of Tax and Fee Administration (CDTFA) that a fee was improperly collected or remitted due to inaccurate information in the database maintained by CalRecycle, CalRecycle or CDTFA to coordinate with the manufacturer to correct the data. Provides that retailers are exempt from penalties or interest for errors attributable to those inaccuracies.
- 15) Provides that a retailer shall not be deemed to have actual knowledge of any covered electronic device or CBEP waste fee until 60 business days after a retailer receives the notice from the manufacturer or distributor. Further provides that the notice shall provide sufficient specificity for the retailer to readily identify the product or products subject to the notice by brand, model, and UPC.

**EXISTING LAW:**

- 1) Establishes the E-waste Act, which enacts a comprehensive system for the reuse, recycling, and proper and legal disposal of covered electronic devices, as provided. (Public Resources Code (PRC) § 42460-42486)
- 2) Requires CalRecycle to administer and enforce the E-waste Act in consultation with DTSC. (PRC § 42475)
- 3) Creates the Hazardous Waste Control Law (HWCL) and provides DTSC with responsibility for overseeing the management of hazardous waste in California. (Health and Safety Code (HSC) § 25100 et seq.)
- 4) Defines "covered electronic device" to mean either of the following:

- a) A video display device containing a screen greater than four inches, measured diagonally, that is identified in regulations adopted by DTSC; or,
- b) Any covered battery-embedded product. (Public Resources Code (PRC) § 42463(g)(1))

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author, "Reporting requirements are critical to tracking progress and ensuring compliance with our state's environmental standards and laws. AB 2549 provides necessary improvements to California's Covered Battery-Embedded Product (CBEP) Program, which was established to help with the management and recycling of battery-embedded products. In order to advance California's environmental goals, this bill is essential for ensuring compliance with the CBEP program by streamlining the regulatory notification process to CalRecycle, while also achieving critical cost-savings to consumers, businesses and the state."

*What is e-waste?* According to DTSC, "e-waste" refers to any unwanted electronic device or cathode ray tube (CRT). E-waste frequently contains hazardous materials, predominantly lead and mercury, and is produced by households, businesses, governments, and industries. Typical e-waste devices include televisions, computers, printers, VCRs, portable DVD players, cell phones, and radios.

Although e-waste is hazardous waste, DTSC has adopted regulations designating e-waste as a type of universal waste, which can be handled and transported under more relaxed rules because they pose lower immediate risk to people and the environment when managed properly. The more relaxed requirements were adopted to increase compliance and ensure that universal wastes are managed safely and not disposed of in the trash.

*The E-waste Act and the regulation of e-waste:* Due to ongoing technological advancement, many electronic products become obsolete within a very short time period, creating a large surplus of e-waste. Disposing of e-waste in landfills has the potential to cause severe risk to human and environmental health. To meet the challenge of managing e-waste, California enacted the E-waste Act through SB 20 (Sher, Chapter 526, Statutes of 2003) to establish a program for consumers to return, recycle, and ensure the safe and environmentally sound disposal of video display devices (or "covered electronic devices"), such as televisions and computer monitors, that are deemed hazardous waste when discarded. The primary aims of the E-waste Act are to limit the amount of toxic substances (such as lead, mercury, cadmium, and hexavalent chromium) in certain electronic products sold in the state, and to establish a funding system for the collection and recycling of discarded covered electronic devices. In 2022, California expanded the E-waste Act through SB 1215 (Newman, Chapter 370, Statutes of 2022) to include CBEPs.

*Recent addition to E-waste Act:* SB 1215 expanded the E-waste Act to include CBEPs. That bill did the following:

- 1) Defined CBEPs as a new or refurbished product containing a battery that is not intended to be removed from the product by the consumer.

- 2) Provides that CBEP does not include a medical device (as defined), a covered electronic device, an energy storage system, or an electronic nicotine delivery system.
- 3) Requires, on and after January 1, 2026, a consumer to pay a covered electronic waste recycling fee upon the purchase of a new or refurbished CBEP.
- 4) Requires CalRecycle, on or before October 1, 2025, and annually thereafter, to establish a covered electronic waste recycling fee for CBEPs based on the reasonable regulatory costs of administering the covered electronic waste recycling program.
- 5) Requires a retailer to collect the covered electronic waste recycling fee from the consumer and remit it to CDTFA.
- 6) Prohibits, on and after January 1, 2026, a person from selling or offering for sale in California a new or refurbished CBEP unless the product is labeled with the name of the manufacturer or the manufacturer's brand label.
- 7) Requires a manufacturer of a CBEP to provide a notice to any retailer that sells the CBEP and CalRecycle. The notice shall identify CBEP by brand and model number and inform the retailer that the CBEP is subject to the electronic waste recycling fee.

*This bill:* AB 2549 is only changing the notice requirements of the manufacturer of CBEPs that were added to the E-waste Act by SB 1215.

*Technical issues:* As the bill moves through the legislative process, the author and stakeholders may wish to consider addressing a few technical issues with the bill:

- 1) In several instances the bill provides retailers with relief from fines or penalties for a specified period of time or allows "good faith" compliance – however as drafted this is confusing. Another approach would be to state that once a notice from a manufacturer has been uploaded by CalRecycle, the retailer has 60 days to comply with the requirements of the E-waste Act.
- 2) The bill takes effect on January 1, 2027, and also requires CalRecycle to have developed and implemented a database and standardized form also on January 1, 2027. It could be helpful to give CalRecycle additional time.

*This bill:* Makes changes to various requirements for manufacturers and retailers for CBEPs under the E-waste Act. Additionally, the bill states legislative intent to exempt thrift stores from the E-waste Act and states legislative intent to delay implementation for discount stores for certain provisions of the E-waste Act, as those stores may be facing technical challenges with implementation.

*Arguments in support:* According to the California Retailers Association (CRA),

"CRA is sponsoring this measure to provide critical fixes to California's Battery Embedded Product (CBEP) Program, which expanded the Electronic Waste Recycling Act of 2003 to include products with batteries that cannot be easily removed with common household tools. CBEP, created by the passage of SB 1215 (Newman-2022), began implementation January 1,

2026. Leading up to that program start date and throughout the rulemaking process, CRA worked with CalRecycle and our retail members to identify several areas needed for statutory improvement to ensure the product stewardship program works for California in achieving the state's environmental sustainability goals while also keeping products affordable.

AB 2549 makes important, practical improvements to California's CBEP program by streamlining the notification and reporting process for manufacturers, retailers, and CalRecycle. Current implementation of the program has created unnecessary compliance burdens and liability exposure for retailers, while increasing costs for products that fall within the program's scope. AB 2549 addresses these issues by requiring Universal Product Codes in manufacturer notices, standardizing notice templates and file formats, and clarifying CalRecycle's role as the single source of truth for product scope.

These changes will help ensure the program functions as intended while reducing confusion in the marketplace and avoiding unintended costs for consumers and businesses."

*Arguments in opposition:* None on file.

*Double referral:* Should the Assembly Environmental Safety and Toxic Materials Committee approve this bill, it will be re-referred to the Assembly Natural Resources Committee.

*Related legislation:*

- 1) SB 568 (Newman, Chapter 308, Statutes of 2023). Requires a person exporting covered electronic waste (e-waste) or a covered electronic device intended for recycling or disposal to include, in a report submitted to DTSC, a demonstration that before export, they attempted to locate an in-state covered e-waste recycler, and that the waste or device could not be managed by an in-state covered e-waste recycler.
- 2) SB 1215 (Newman, Chapter 370, Statutes of 2022). Expands the E-waste Act to include CBEPs.
- 3) AB 2440 (Irwin, Chapter 351, Statutes of 2022). Establishes the Responsible Battery Recycling Act of 2022, which establishes a stewardship program for the collection and recycling of certain batteries, as defined.
- 4) SB 20 (Sher, Chapter 526, Statutes of 2003). Enacts the E-waste Act of 2003 to provide for the convenient recycling of covered electronic devices in California.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Retailers Association (sponsor)

### **Opposition**

None on file.

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