

Date of Hearing: April 20, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 2549 (Zbur) – As Amended April 8, 2026

SUBJECT: Electronic Waste Recycling Act of 2003: manufacturer notices

SUMMARY: Revises various requirements for manufacturers and retailers of covered battery embedded products (CBEPs) under the Electronic Waste Recycling Act of 2003 (Act). States the intent of the Legislature to exempt thrift retail stores (thrift stores) and to delay or suspend the implementation of the Act for discount stores, as defined.

EXISTING LAW:

- 1) Establishes the 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 the Department of Resources Recycling and Recovery (CalRecycle) to administer and enforce the Act in consultation with the Department of Toxic Substances Control. (PRC 42475)
- 3) 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; or,
 - b) A covered battery-embedded product. (PRC 42463)

THIS BILL:

- 1) States the intent of the Legislature to exempt thrift stores from the Act, and to delay or suspend the implementation of the Act for discount stores.
- 2) Requires a manufacturer of a CBEP to send a notice, that identifies the CBEP by brand, model number and universal product code (UPC), to the Department of Resources, Recycling and Recovery (CalRecycle), and inform CalRecycle that the CBEP is regulated under the Act and is subject to a recycling fee.
- 3) Requires the manufacturer of a CBEP to send each notice to CalRecycle according to a specified schedule, no later than March 1 of each year.
- 4) 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 Act; and,
 - 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 Act.

- 5) Provides that a retailer shall have not less than 60 days from the 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, whichever is earlier, to begin collecting the fee required by the Act regarding the product identified in the notice.
- 6) Requires, on or before January 1, 2027:
 - a) CalRecycle to develop a standardized online form to allow manufacturers to send electronic notices to CalRecycle.
 - b) CalRecycle to create and maintain a searchable database for the notices sent by manufacturers, and that the notices be posted within 60 days from the date of receipt. Specifies that the database identify covered electronic devices by brand, model number, and UPC, and the applicable recycling fee for each device.
- 7) Requires CalRecycle to consult with manufacturers and retailers to develop a standardized online upload process.
- 8) Specifies that a retailer is in compliance with the Act and is not subject to civil and criminal penalties for a violation of the Act when relying in good faith on the list of covered electronic devices and the applicable CBEW recycling fee listed on the website, or in the electronic notices from manufacturers as of the date a product is made available for retail sale.
- 9) Specifies that, 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 coordinate with the manufacturer to correct the data. Specifies that retailers are not subject to penalties or interest for errors attributable to those inaccuracies.
- 10) Repeals the July 1, 2027, date by which manufacturers of CBEP are required to comply with the Act, and replaces it with an unspecified date.
- 11) Repeal the requirement that manufacturers of CBEP are required to provide a list of retailers, including, but not limited to, internet and catalog retailers, as specified.
- 12) Specifies 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, as specified.
- 13) 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. Specifies that “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% of its sales floor area to grocery, food, or other consumable goods.
- 14) 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. “Thrift 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.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Electronic Waste.** Electronic waste (e-waste) refers to unwanted or waste consumer and business electronic equipment, including computers, printers, monitors, etc. As defined in California law, e-waste refers to any device with a screen that is more than 4-inches and any product with an embedded battery. Most e-waste includes components that render them hazardous under California’s hazardous waste law.

Rapid advancements in technology have resulted in many electronic products becoming obsolete within a very short time period, creating a huge surplus of e-waste. Disposing of e-waste in landfills poses a risk to human and environmental health. To meet the challenge of managing e-waste, California enacted the Act [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, which are considered hazardous waste when discarded. The primary goals of the 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 Enacted SB 1215 (Newman), Chapter 370, Statutes of 2022, to include CBEPs, which include consumer products with embedded batteries that are not intended to be removed by the consumer. Like other forms of e-waste, batteries are considered hazardous and are not safe to dispose of in the municipal waste stream. Some batteries, particularly lithium ion, are extremely flammable and can combust or explode if they are damaged. When these batteries enter the waste stream, they are likely to be damaged during normal solid waste handling activities. When that happens, the batteries can ignite, causing fires in solid waste vehicles and facilities and posing a risk to the health and safety of solid waste workers and the public. In spite of their hazardous nature, a multitude of products contain embedded batteries, from children’s toys to power tools. Under SB 1215, CBEPs are subject to the Act beginning January 1, 2026.

- 2) **This bill.** This bill revises and extends the notice requirements for manufacturers of CBEPs that are subject to the Act. Additionally, AB 2549 provides relief from certain penalty provisions of the Act. Specifically, this bill states that a retailer is in compliance with the Act when relying “in good faith” on the list of covered electronic device recycling fee listed on CalRecycle’s website. The term “good faith” is used in the Integrated Waste Management Act when determining whether a local government implemented its planning and program requirements, but is not appropriate as used in this bill and is likely to make enforcement challenging.

This bill further states legislative intent to exempt thrift stores from “the scope of” the Act and states legislative intent to “delay or suspend the implementation of certain provisions of”

the Act for discount stores. Exempting thrift stores from the Act may make sense, as the products they sell have been previously sold and a recycling fee has likely already been collected for them. They also don't sell the volumes of CBEPs as many other stores. Discount stores, on the other hand, sell large volumes of CBEPs, many of which are lower quality, less expensive options that are likely to have shorter useful lifespans and generate substantial quantities of e-waste. Exempting them from the Act would leave a significant percentage of CBEPs uncovered by the program. Not only would this result in less funding for the Act, it shifts the cost of safe management to the product manufacturers that remain in the program and consumers and increases the likelihood of improper disposal of these products, and the risks that improper disposal pose.

3) **Author's statement:**

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.

4) **Suggested amendments.** The *committee may wish to amend the bill* to:

- Revise the intent language to strike "or suspend" from the provision relating to discount stores.
- Extend the dates by which CalRecycle has to develop the standardized online form and create and maintain the searchable database from January 1, 2027, to March 1, 2027, and May 1, 2027, respectively.
- Specify that manufacturers of covered devices must submit an annual report to CalRecycle by March 1 of each year.
- Make technical and clarifying changes.

5) **Double referral.** This bill passed the Assembly Environmental Safety and Toxic Materials Committee on April 14th 7-0.

REGISTERED SUPPORT / OPPOSITION:

Support

California Retailers Association

Opposition

None on file

Analysis Prepared by: Elizabeth MacMillan / NAT. RES. /