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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007]** ( *Division 20 enacted by Stats. 1939, Ch. 60.* )

**CHAPTER 6.5. Hazardous Waste Control [25100 - 25259]** ( *Chapter 6.5 added by Stats. 1972, Ch. 1236.* )

**ARTICLE 10.8. Household Hazardous Waste and Small Quantity Generator Waste [25218 - 25218.14]** ( *Article 10.8 added by Stats. 1993, Ch. 913, Sec. 13.* )

**25218.** The Legislature hereby finds and declares all of the following:

- (a) Residential households that generate household hazardous waste and very small quantity generators that generate small amounts of hazardous waste in the state need an appropriate and economic means of disposing of the hazardous waste they generate.
- (b) (1) Counties and cities provide for the collection of household hazardous waste and very small quantity generator waste as a community service to ensure proper handling and disposal of the material and to prevent the potential contamination of solid waste landfills.  
  
(2) To the extent available, cities and counties should consider using public service television to provide public safety awareness and training on packaging and transporting household hazardous waste to collection centers.
- (c) To facilitate and increase the collection of household hazardous waste and very small quantity generator waste, it is the responsibility of the state to provide for an expedited and streamlined permitting and regulatory structure for household hazardous waste and very small quantity generator waste collection and handling. Overburdensome regulations defeat the objectives of providing convenient and accessible collection facilities and the protection of public health and safety.
- (d) Abandonment or illegal disposal of household hazardous waste and hazardous waste from small businesses and the continued disposal of those wastes into the solid waste stream is a threat to public health and safety and to the environment.
- (e) It is the shared responsibility of citizens, very small quantity generators, disposal facility operators, hazardous waste processors, manufacturers, sellers, solid waste handlers, and state and local agencies to ensure the proper recycling and disposal of household hazardous waste and very small quantity generator waste.

(Amended by Stats. 2021, Ch. 153, Sec. 8. (AB 698) Effective January 1, 2022.)

**25218.1.** For purposes of this article, the following terms have the following meanings:

- (a) "Curbside household hazardous waste collection program" means a collection service authorized by a public agency that is operated in accordance with Section 25163 and subdivision (d) of Section 25218.5 and that collects one or more of the following types of household hazardous waste:
  - (1) Latex paint.
  - (2) Used oil.
  - (3) Used oil filters.
  - (4) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.
- (b) "Door-to-door household hazardous waste collection program" or "household hazardous waste residential pickup service" means a household hazardous waste service that meets all of the following requirements:
  - (1) The program or service is operated by a public agency or its contractor.

(2) The program or service is operated in accordance with subdivision (e) of Section 25218.5.

(3) The program or service collects household hazardous waste from individual residences and transports that waste in an inspected and certified hazardous waste transport vehicle operated by a registered hazardous waste transporter, to either of the following:

(A) An authorized household hazardous waste collection facility.

(B) A hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

(c) "Household" means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures.

(d) "Household hazardous waste" means hazardous waste generated incidental to owning or maintaining a place of residence. Household hazardous waste does not include waste generated in the course of operating a business concern at a residence.

(e) "Household hazardous waste collection facility" means a facility operated by a public agency, or its contractor, for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste. The operation of a household hazardous waste collection facility may include accepting hazardous waste from very small quantity generators if that acceptance is authorized pursuant to Section 25218.3. Household hazardous waste collection facilities include permanent household hazardous waste collection facilities, temporary household hazardous waste collection facilities, recycle-only household hazardous waste collection facilities, curbside household hazardous waste collection programs, door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, and mobile household hazardous waste collection facilities.

(f) "Materials exchange program" means a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients.

(g) "Mobile household hazardous waste collection facility" means a portable structure within which a household hazardous waste collection facility is operated and that meets all of the following conditions:

(1) The facility is operated not more than four times in any one calendar year at the same location.

(2) The facility is operated not more than three consecutive weeks within a two-month period at the same location.

(3) Upon the termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.

(h) "Permanent household hazardous waste collection facility" means a permanent or semipermanent structure at a fixed location that meets both of the following conditions:

(1) The facility is operated at the same location on a continuous, regular schedule.

(2) The hazardous waste stored at the facility is removed within one year after collection.

(i) "Person authorized by the public agency" means an employee of a public agency or a person from whom services are contracted by the public agency.

(j) "Public agency" means a state or federal agency, county, city, or district.

(k) "Quality assurance plan" means a written protocol prepared by a public agency, or its contractor, that is designed to ensure that reusable household hazardous products or materials that are collected by a household hazardous waste collection facility are evaluated to verify that the products or materials can be made available through a materials exchange program operated by that household hazardous waste collection facility.

(l) "Recipient" means a person, as defined in Section 25118, including, but not limited to, a commercial entity, that accepts a reusable household hazardous product or material from a public agency, or its contractor, operating a materials exchange program pursuant to this article and that intends to use the product or material for its originally intended purpose or has a known market or disposition for the product or material.

(m) "Recyclable household hazardous waste material" means any of the following:

(1) Latex paint.

(2) Used oil.

(3) Used oil filters.

(4) Antifreeze.

(5) Spent lead-acid batteries.

(6) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department, except a universal waste for which the department determines, by regulation, that there is no readily available

authorized recycling facility capable of accepting and recycling that waste.

(n) "Recycle-only household hazardous waste collection facility" means a household hazardous waste collection facility that is operated in accordance with Section 25218.8 and accepts for recycling only recyclable household hazardous waste materials.

(o) "Reusable household hazardous product or material" means a container of household hazardous product, or a container of household hazardous material received at a household hazardous waste collection facility that is determined, in accordance with a quality assurance plan, to be suitable and acceptable for distribution in a materials exchange program at a household hazardous waste collection facility operating pursuant to this article.

(p) "Temporary household hazardous waste collection facility" means a household hazardous waste collection facility that meets both of the following conditions:

(1) The facility is operated not more than once for a period of not more than two days in any one month at the same location.

(2) Upon termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.

(q) "Very small quantity generator" or "VSQG" means a generator that meets the criteria specified in Section 262.13 of Title 40 of the Code of Federal Regulations.

*(Amended by Stats. 2021, Ch. 153, Sec. 9. (AB 698) Effective January 1, 2022.)*

**25218.2.** (a) Prior to commencing operations, a public agency, or its contractor, that intends to operate a household hazardous waste collection facility shall submit the following written information to the CUPA, or, in those jurisdictions where there is no CUPA, to the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404:

(1) A certification that the household hazardous waste collection facility will be operated in accordance with this article and with any other requirement that may be imposed by the department by regulation.

(2) All of the following information:

(A) The facility's name.

(B) The facility's location.

(C) The facility's generator identification number.

(D) The date that the facility will begin operation.

(E) The facility's operating schedule.

(b) In addition to the information required pursuant to paragraph (2) of subdivision (a), the public agency, or its contractor, shall also subsequently notify the CUPA, or, in those jurisdictions where there is no CUPA, the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404, of any significant change in the facility's operating schedule.

(c) The public agency, or its contractor, shall also submit the written information pursuant to subdivision (a), and notify the department pursuant to subdivision (b), until (1) regulations promulgated by the Secretary for Environmental Protection establishing a unified program information collection and reporting system and standards are effective, (2) the regulations require a statewide data base system that will enable the department and the public to obtain the required information from all CUPAs or the authorized officers or agencies, and (3) the statewide data base system is in place and fully operational.

*(Amended by Stats. 1997, Ch. 778, Sec. 3. Effective January 1, 1998.)*

**25218.3.** (a) The department may authorize a household hazardous waste collection facility to accept hazardous waste from a VSQG.

(b) (1) A household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG pursuant to subdivision (a) shall not accept more than 100 kilograms of hazardous waste, or 1 kilogram of extremely hazardous waste, from any one VSQG in a calendar month. Calculations of quantity under this subdivision shall not include universal wastes managed pursuant to the requirements of Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations.

(2) Notwithstanding paragraph (1), a household hazardous waste collection facility may accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts a total of no more than 1,200 kilograms of hazardous waste

from that VSQG in a calendar year.

(3) The limits specified in this subdivision do not apply to recyclable latex paint or oil-based paint accepted by a household hazardous waste collection facility that accepts recyclable paint pursuant to Section 25217.2 or oil-based paint pursuant to Section 25217.2.1.

(c) A public agency, or its contractor, that accepts hazardous waste from a VSQG pursuant to this section may charge the VSQG a fee for the cost incurred in handling their hazardous waste.

(d) The department may adopt and revise regulations for household hazardous waste collection facilities, including those that are authorized to accept hazardous waste from a VSQG. The regulations shall provide for all of the following:

- (1) Promoting the reduction, reclamation, and recycling of hazardous waste over other hazardous waste management alternatives.
- (2) Ensuring the safe transport of household hazardous waste and hazardous waste to authorized collection programs.
- (3) Ensuring the compliance of participating VSQGs with the monthly quantity limitations specified in Section 262.13 of Title 40 of the Code of Federal Regulations.

(e) Notwithstanding any other law, a household hazardous waste collection facility may authorize a person delivering waste at the acceptance area of the facility to exit their vehicle only if the facility determines that the person is required to exit the vehicle in order to provide access to the household hazardous waste being delivered. After providing the required access, the facility shall ensure that the person immediately returns to their vehicle.

(f) Notwithstanding any other law, a household hazardous waste collection facility may accept hazardous waste from a VSQG in the same area and at the same time that the facility accepts residential household hazardous waste.

*(Amended by Stats. 2022, Ch. 499, Sec. 5. (AB 2481) Effective January 1, 2023.)*

**25218.4.** Except as provided in subdivision (f) of Section 25218.5, a person who transports household hazardous waste, and any VSQG that transports hazardous waste to an authorized household hazardous waste collection facility, who meets the conditions of Section 25218.5, is exempt from subdivision (a) of Section 25163 and from the requirement for possession of a manifest in paragraph (1) of subdivision (d) of Section 25160.

*(Amended by Stats. 2021, Ch. 153, Sec. 11. (AB 698) Effective January 1, 2022.)*

**25218.5.** (a) (1) Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:

(A) The individual or VSQG who generated the waste.

(i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons including, but not limited to, death, illness, or disability.

(ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.

(iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.

(B) A curbside household hazardous waste collection program.

(C) A mobile household hazardous waste collection facility, a temporary or permanent household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.

(D) A door-to-door household hazardous waste collection program.

(E) A household hazardous waste residential pickup service.

(F) A registered hazardous waste transporter carrying hazardous waste generated by a VSQG.

(G) A public agency, contractor of a public agency, or a registered hazardous waste transporter carrying hazardous waste from a solid waste facility or operation, including, but not limited to, a solid waste landfill loadcheck program or a transfer station loadcheck program, under agreement with the household hazardous waste collection facility.

(H) A public agency, contractor of a public agency, or a registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, provided no more than 55 gallons or 500 pounds are being transported, and the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.

(2) Spent batteries that are received and transported pursuant to Section 25216.1 may be transported to a household hazardous waste collection facility from a collection location or an intermediate collection location.

(3) Notwithstanding Section 25218.4, a registered hazardous waste transporter or mobile household hazardous waste collection facility transporting hazardous waste to a household hazardous waste collection facility shall comply with subdivision (f) of Section 25163.

(b) An individual transporting household hazardous waste generated by that individual and a VSQG transporting hazardous waste generated by the VSQG to a household hazardous waste collection facility shall meet all of the following conditions:

(1) (A) Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a VSQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.

(B) Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(C) A VSQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:

(i) The hazardous waste being transported was generated by that VSQG.

(ii) The VSQG contacts the household hazardous waste collection facility before each delivery to confirm that the facility will accept the hazardous waste.

(iii) The household hazardous waste collection facility provides oral, written, or electronic instructions to the VSQG before each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.

(iv) The VSQG or employees of the VSQG transport the hazardous waste in a vehicle owned or leased and operated by the VSQG.

(D) The limits in this subdivision do not apply to recyclable latex paints or oil-based paints transported to a household hazardous waste collection facility.

(2) The household hazardous waste and VSQG hazardous waste that is transported shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(3) Different household hazardous wastes or different VSQG hazardous wastes shall not be mixed within a container before or during transport.

(4) If the hazardous waste is an extremely hazardous waste or an acutely hazardous waste, the total amount transported by a VSQG shall not exceed 2.2 pounds.

(c) (1) Except as provided in paragraph (2), the total combined volume or weight of used oil filters and antifreeze transported to a recycle-only household hazardous waste collection facility by any one individual shall not exceed a total liquid volume of 10 gallons or a total dry weight of 100 pounds. Up to two spent lead-acid batteries may be transported at the same time and not more than 20 gallons of used oil may be transported in the same vehicle if the volume of each individual container does not exceed five gallons.

(2) Paragraph (1) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(d) A curbside household hazardous waste collection program shall meet all of the following conditions:

(1) Not more than a total combined weight of 10 pounds of used oil filters shall be collected from a single residence at one time.

(2) Not more than five gallons of used oil shall be collected from a single residence at one time, and the volume of each individual container collected shall not exceed five gallons.

(3) The volume of each individual container of architectural paint collected shall not exceed five gallons.

(4) Hazardous waste containing mercury shall not be collected by a curbside household hazardous waste collection program unless the waste is contained in secure packaging that prevents breakage and spillage.

(5) Fluorescent light tubes that are four feet or greater in length shall not be collected by a curbside household hazardous waste collection program.

(6) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(7) Different household hazardous wastes shall not be mixed within a container before or during transport.

(e) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall meet all of the following conditions:

(1) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.

(2) Different household hazardous wastes shall not be mixed within a container before or during transport.

(3) (A) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service is exempt from the requirements of Section 25160 regarding the use of a manifest when transporting household hazardous waste collected from individual residences to an authorized hazardous waste collection facility. In lieu of a manifest, a receipt shall be issued for the household hazardous waste collected from an individual residence, and a copy of the receipt shall be retained by the public agency for a period of at least three years.

(B) If household hazardous waste is transported to a hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, the consolidated manifesting procedures specified in Section 25160.8 shall be used by the public agency or its contractor.

(f) Notwithstanding Section 25218.4, a permanent household hazardous waste collection facility, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, a recycle-only household hazardous waste collection facility, or a solid waste load checking program operating under an agreement with a household hazardous waste collection facility that transports household hazardous waste from the collection facility to a household hazardous waste collection facility pursuant to subdivision (a) shall comply with subdivision (f) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.

(g) (1) Except as provided in paragraph (2), a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall not be deemed to be a household hazardous waste collection facility for purposes of this chapter if it is operated in conjunction with an authorized household hazardous waste collection facility.

(2) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, under which household hazardous waste is collected from households in one jurisdiction and transported to an authorized household hazardous waste collection facility in another jurisdiction, shall be deemed a household hazardous waste collection facility for purposes of this chapter and shall submit the notification required in Section 25218.2 to each Certified Unified Program Agency in whose jurisdiction the household hazardous waste is collected.

*(Amended by Stats. 2022, Ch. 499, Sec. 6. (AB 2481) Effective January 1, 2023.)*

**25218.5.1.** Notwithstanding Section 25218.5, a public agency may increase the maximum liquid volume and dry weight authorized to be transported pursuant to paragraph (1) of subdivision (b) of, and subdivision (c) of, Section 25218.5, to a total liquid volume of 15 gallons or a total dry weight of 125 pounds, if the public agency, as the case may be, finds that the local household hazardous waste collection program operated by that public agency, or its contractor, has adequate public education programs to inform the public on proper techniques for packaging and transporting the household hazardous waste to the program's household hazardous waste collection facilities.

*(Amended by Stats. 2019, Ch. 485, Sec. 4. (SB 726) Effective January 1, 2020.)*

**25218.7.** The corrective action provisions of Section 25200.10 do not apply to a permit issued for the operation of a temporary household hazardous waste collection facility.

*(Added by Stats. 1993, Ch. 913, Sec. 13. Effective January 1, 1994.)*

**25218.8.** (a) Except as provided in subdivision (b), a hazardous waste facilities permit shall be obtained for the operation of a household hazardous waste collection facility.

(b) A hazardous waste facilities permit is not required for the operation of a recycle-only household hazardous waste collection facility if all of the following conditions are met:

(1) The facility accepts only the following recyclable household hazardous waste materials for subsequent transport to an authorized recycling facility:

(A) Latex paint.

(B) Used oil.

(C) Used oil filters.

(D) Antifreeze.

(E) Spent lead-acid batteries.

(F) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.

(G) Oil-based paint accepted pursuant to the requirements in Section 25217.2.1.

(2) No hazardous wastes or other materials are handled at the facility other than the materials specified in paragraph (1).

(3) The materials are transported to the collection facility by either of the following:

(A) The person who generated the material.

(i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons including, but not limited to, death, illness, or disability.

(ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.

(iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.

(B) The authorized curbside household hazardous waste collection program or other household hazardous waste programs and sources, including load checking sources.

(4) The materials transported to the facility are transported in accordance with Section 25218.5.

(5) The materials collected are not stored at the facility for more than 180 days, except that less than one ton of spent lead-acid batteries may be stored at the facility for up to one year. More than one ton of spent lead-acid batteries shall not be stored at the facility for more than 180 days.

(6) The materials collected are managed in accordance with the hazardous waste labeling, containerization, emergency response, and personnel training requirements of this chapter.

(7) The facility is in compliance with Section 25218.2.

**25218.9.** On or before October 1 of each year, a public agency, or its contractor, operating a household hazardous waste collection facility shall submit to the CUPA, or, in those jurisdictions where there is no CUPA, to the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404, a copy of the completed California Integrated Waste Management Board Form 303, which is required to be submitted to that board for the prior fiscal year pursuant to regulations adopted by that board. The completed California Integrated Waste Management Board Form 303 shall also be submitted to the department until (1) regulations promulgated by the Secretary for Environmental Protection establishing a unified program information collection and reporting system and standards are effective, (2) the regulations require a statewide data base system that will enable the department and the public to obtain the required information from all CUPAs or the authorized officers or agencies, and (3) the statewide data base system is in place and fully operational.

*(Amended by Stats. 1997, Ch. 778, Sec. 4. Effective January 1, 1998.)*

**25218.10.** The department and the California Integrated Waste Management Board shall jointly develop and maintain a data base of all household hazardous waste collection events, facilities, and programs within the state. The department and the California Integrated Waste Management Board shall both maintain that information, as a cooperative effort, and shall make information from the data base available to the public upon request. However, the department and the California Integrated Waste Management Board shall implement this section only to the extent that funds are appropriated therefor by the Legislature.

*(Added by Stats. 1993, Ch. 913, Sec. 13. Effective January 1, 1994.)*

**25218.11.** (a) On or before March 31, 1996, the department shall develop a separate and distinct regulatory structure for the permitting of permanent household hazardous waste facilities that conduct the activities specified in subdivision (b). The regulations shall simplify the permitting of facilities and encourage the collection of material and shall be not more burdensome than is necessary to protect the public health and safety. The regulations adopted to implement this section shall balance public safety considerations of household hazardous waste collection with the safety and environmental considerations of illegal disposal.

(b) The regulations adopted pursuant to subdivision (a) shall apply only to household hazardous waste collection activities that are operated by a public agency, or its contractor, and that accept only household hazardous waste or hazardous waste collected from very small quantity generators. The regulations shall require that, before the commencement of the activities specified in this subdivision, the activities shall be authorized by the department.

*(Amended by Stats. 2021, Ch. 153, Sec. 13. (AB 698) Effective January 1, 2022.)*

**25218.11.5.** A quality assurance plan prepared and implemented by a public agency, or its contractor, shall meet the following conditions:

(a) The public agency, or its contractor, shall design the quality assurance plan to ensure, using its best efforts with the resources generally available to the public agency, or its contractor, that a reusable household hazardous product or material selected for distribution is appropriately labeled, has labels that are intact and legible, is not contaminated, is not broken or leaking, and appears to be as it originated from the product or material manufacturer. The product or material selected for distribution may be in a container that has minor damage, such as dents or scratches, provided that the container maintains its integrity, any valves, caps, or lids appear functional, and the contents of the container do not appear compromised or impaired.

(b) The quality assurance plan shall identify specific procedures for evaluating each container placed in a materials exchange program.

(c) The quality assurance plan shall identify reusable household hazardous products and materials that shall not be accepted for distribution in a materials exchange program. Unacceptable products and materials may include, but are not limited to, any product or material that is not legal to use or sell in California.

(d) The quality assurance plan shall be implemented at each household hazardous waste collection facility operated by the public agency, or its contractor, at which a materials exchange program is operated.

(e) The quality assurance plan shall identify when a reusable household hazardous product or material no longer meets the conditions in the protocol in the materials exchange program and becomes a waste. For products and materials that are no longer reusable and that remain in inventory at the household hazardous waste collection facility, the product or material becomes a waste when discarded and shall be managed in accordance with the applicable hazardous waste requirements of this chapter.

*(Added by Stats. 2019, Ch. 485, Sec. 5. (SB 726) Effective January 1, 2020.)*

**25218.12.** (a) A public agency, or its contractor, may conduct a materials exchange program as a part of its household hazardous waste collection program if the public agency, or its contractor, does all of the following:

- (1) Determines which reusable household hazardous products or materials are suitable and acceptable for distribution to a recipient in accordance with a quality assurance plan prepared by the public agency, or its contractor.



(2) Instructs a recipient to use the product or material in a manner consistent with the instructions on the label.

(b) If a recipient that is a commercial entity intends to distribute a reusable household hazardous product or material to another recipient or end user, the public agency, or its contractor, shall do all of the following:

(1) Require the commercial entity to provide the following information, with a signed statement certifying the accuracy of the information under penalty of perjury:

(A) The commercial entity's legal name, address, and telephone number.

(B) Documentation supporting that the commercial entity has a known market or markets, or disposition, for any products or materials received, and a detailed description of that known market or markets, or disposition.

(C) A declaration that the commercial entity intends to distribute the reusable household hazardous product or material for its originally intended purpose.

(D) An explanation of how the commercial entity intends to dispose of any household hazardous products or materials it receives that remain unused.

(2) Require the commercial entity to provide the public agency with an annual report, by September 1 of each year, for the period between July 1 of the prior year and June 30 of the current year, that provides a detailed accounting for the products or materials it received. The detailed accounting shall include a list of recipients or end users to whom the commercial entity distributed a product or material, the amount and type of product or material distributed to the recipient or end user, the amount and type of product or material that is awaiting distribution, and the amount, type, and disposition of any product or material that the commercial entity was unable to sell or donate.

(3) Immediately discontinue providing reusable household hazardous products or materials to the commercial entity if the commercial entity cannot verify its compliance with paragraph (1) or (2).

(c) If the recipient of a reusable household hazardous product or material is a business or employer, the recipient shall be responsible for obtaining any written information necessary for compliance with the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code).

(d) A recipient of a reusable household hazardous product or material shall do all of the following:

(1) Use the reusable household hazardous product or material in conformance with its label, and use appropriate personal protection.

(2) Manage unused reusable household hazardous products or materials as hazardous waste, as required by applicable California law, or as required by any applicable law in the state in which the product or material is discarded.

(e) Transportation of a reusable household hazardous product or material by a public agency, or its contractor, or by a recipient, shall be in compliance with all applicable shipping requirements of the United States Department of Transportation.

*(Amended by Stats. 2019, Ch. 485, Sec. 6. (SB 726) Effective January 1, 2020.)*

**25218.13.** (a) A household hazardous waste collection facility that has a permit issued under Section 25218.8 may operate as a "home-generated sharps consolidation point," as defined in subdivision (b) of Section 117904, if the facility is approved by the enforcement agency as a point of consolidation pursuant to Section 117904 and the facility complies with the provisions of that section.

(b) For the purposes of this section, "sharps waste" has the meaning defined in Section 40190.5 of the Public Resources Code.

*(Added by Stats. 2004, Ch. 157, Sec. 2. Effective January 1, 2005.)*

**25218.14.** (a) The department shall convene a Retail Waste Working Group comprised of representatives of large retailers, small retailers, district attorneys, certified unified program agencies, nongovernment organizations, local governments, other relevant state agencies as determined by the department, manufacturers, reverse distributors, and other stakeholders to consider and make findings and recommendations on the following:

(1) Regulatory and statutory requirements that may be considered confusing or may need clarification or specification when applied to the overall management by manufacturer, distributor, supplier, vendor, retail, and reverse logistics facilities of surplus household consumer products, including products that can be considered hazardous waste or pharmaceutical waste once a waste determination is made.

(2) Statutory or regulatory recommendations to facilitate and increase the donation, liquidation, and sale of surplus household consumer products, and waste reduction opportunities for those products, and to clarify waste management requirements to

encourage the management of surplus household consumer products by manufacturer, distributor, supplier, vendor, retail, and reverse logistics facilities in a manner that is protective of public health and the environment.

(b) For purposes of this section, "surplus household consumer product" means a household consumer product that cannot or will not be sold to a consumer through that product's primary market.

(c) By June 1, 2017, the Retail Waste Working Group shall report the findings and recommendations made pursuant to subdivision (a) to the Legislature.

*(Added by Stats. 2016, Ch. 771, Sec. 1. (SB 423) Effective January 1, 2017.)*