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**SB-568 Electronic waste: export.** (2023-2024)

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**Senate Bill No. 568**

**CHAPTER 308**

An act to amend Section 42476.5 of the Public Resources Code, relating to recycling.

[ Approved by Governor October 04, 2023. Filed with Secretary of State October 04, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 568, Newman. Electronic waste: export.

Existing law, the Electronic Waste Recycling Act of 2003, enacts a comprehensive system for the reuse, recycling, and proper and legal disposal of covered electronic devices, as provided. The act requires a person who exports covered electronic waste, or covered electronic devices, except as specified, intended for recycling or disposal, to a foreign country, or to another state for ultimate export to a foreign country, to notify the Department of Toxic Substances Control of certain matters concerning the waste or device to be exported. Existing law requires the exporter to include with those notifications specified demonstrations, including a demonstration that exportation of the waste or device will be managed within the country of destination only at facilities whose operations meet or exceed specified recommendations and guidelines of the Organization for Economic Cooperation and Development. The act defines a "covered electronic waste recycler" as a person or manufacturer that engages in certain activities for purposes of the reuse or recycling of covered electronic devices. The act becomes inoperative if certain conditions are met. A violation of the act is a crime.

This bill would add to the requirements for export of covered electronic waste or a covered electronic device a requirement for the person to demonstrate that they attempted to locate an in-state covered electronic waste recycler and that the waste or device could not be managed by an in-state covered electronic waste recycler. The bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 42476.5 of the Public Resources Code is amended to read:

**42476.5.** A person who exports covered electronic waste, or a covered electronic device intended for recycling or disposal, to a foreign country, or to another state for ultimate export to a foreign country, shall do all of the following at least 60 days prior to export:

(a) Notify DTSC of the destination, disposition, contents, and volume of the waste or device intended for recycling or disposal to be exported, and include with the notification the demonstrations required pursuant to subdivisions (b) to (f), inclusive.

(b) Demonstrate that the waste or device is being exported for purposes of recycling or disposal.

(c) Demonstrate that the importation of the waste or device is not prohibited by an applicable law in the state or country of destination and that any import will be conducted in accordance with all applicable laws. As part of this demonstration, required import and operating licenses, permits, or other appropriate authorization documents shall be forwarded to DTSC.

(d) Demonstrate that the exportation of the waste or device is conducted in accordance with applicable United States or applicable international law.

(e) (1) Demonstrate that the waste or device will be managed within the country of destination only at facilities whose operations meet or exceed the binding decisions and implementing guidelines of the Organization for Economic Cooperation and Development for the environmentally sound management of the waste or device being exported.

(2) The demonstration required by this subdivision applies to any country of destination, notwithstanding that the country is not a member of the Organization for Economic Cooperation and Development.

(f) Demonstrate that the person attempted to locate an in-state covered electronic waste recycler and that the waste or device could not be managed by an in-state covered electronic waste recycler.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.