



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

Fact Sheet, June 2006

New Law for Recycling Cellular Phones

AB 2901: California's Cell Phone Recycling Act of 2004

Introduction

The Cell Phone Recycling Act of 2004, a new law regarding cellular phone recycling, will take effect on July 1, 2006. The new law makes it easier for consumers to recycle used cellular phones. This fact sheet summarizes the new law and its requirements. It covers who is affected and what they must do. You can find the new law at Public Resources Code Sections 42490-42499 and online at http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2901-2950/ab_2901_bill_20040929_chaptered.pdf.

Background

Consumers usually replace their cellular phones about every 18 months. Only a very small percentage of used cellular phones are being recycled or reused. Used cellular phones contain hazardous substances and should not be disposed of with regular household wastes. Circuit boards in cellular phones contain arsenic, antimony, beryllium, cadmium, copper, lead, mercury, nickel and zinc. The rechargeable batteries used with cellular phones contain cobalt, zinc and copper.

Who is affected by the New Law?

The new law affects cellular phone retailers and consumers (Pub. Resources Code §42493). It requires cellular phone retailers to develop and implement a system for the acceptance and collection of used cellular phones for reuse, recycling or proper disposal (Pub. Resources Code §42494). As of July 1, 2006, it is unlawful for a retailer to sell a cellular phone to a consumer in California unless the retailer is in compliance with the new law.

A retailer is any person or business who sells a cellular phone in the state to a consumer. Retailers include manufacturers of cellular phones who sell directly to consumers. Persons or businesses that sell cellular phones through outlets, catalogs or the Internet are also retailers. If you are a cellular phone retailer, it is your responsibility to make consumers aware of, and provide them with convenient and cost-free opportunities for returning their used cellular phones for proper reuse, recycling or disposal.

A consumer is a purchaser or owner of a cellular phone. Individuals, businesses, corporations, limited partnerships, nonprofit organizations and government entities are all considered to be consumers under the new law, except when they purchase cellular phones in a wholesale transaction with a distributor or retailer.

The new law also affects state agencies and the persons from whom they buy or lease new cellular phones. Any state agency procuring new cellular phones must require persons bidding to supply the phones to certify they and their associated entities are in compliance with the Cell Phone Recycling Act of 2004 (Pub. Resources Code §42498).



What are the new requirements for cellular phone retailers?

Beginning July 1, 2006, retailers must have in place, and promote, a system for accepting and collecting used cellular phones for reuse, recycling or proper disposal. At no cost to the consumer, retailers must:

- Take back from the consumer a used cellular phone that the consumer obtained from the retailer.
- Take back from the consumer a used cellular phone that the consumer obtained anywhere when the consumer obtains a new cellular phone from the retailer.
- A retailer who delivers a cellular phone directly to a consumer (e.g., by mail) must provide with it a “mechanism” (e.g., postage-paid mailer) for the reuse, recycling or disposal of the consumer’s old cellular phone.
- Publicize information about the cellular phone recycling opportunities that the retailer provides. This may include, for example, signage, brochures or advertising materials given to consumers, and direct communications with consumers.

Tracking Our Progress

Beginning July 1, 2007, and annually thereafter, DTSC will post on its Web site the estimated California recycling rate for cellular phones (Pub. Resources Code §42496.4). Check <http://www.dtsc.ca.gov/> for a link to the recycling rate.

How will the new law affect state agencies and companies that sell or lease cellular phones to them?

State agencies that purchase or lease cellular phones will only do so from prospective bidders who have certified that they are in compliance with the requirements of the new law. Prospective bidders who cannot show their certification of compliance will not be eligible to bid on state contracts to buy or lease cellular phones. Successful bidders must cooperate in providing access to their records showing their compliance with the new law. If a successful bidder is later found to be in violation the new law, the contract will be voided, and the bidder will be ineligible to bid on any state contract for three years and a court may order the bidder to return any compensation received (Pub. Resources Code §42498).

Additional Resources

For more information, contact the regional Regulatory Assistance Officers at (800) 72-TOXIC (800-728-6942). From outside California, call (916) 255-3545.

You can also refer to the following DTSC Web pages:

<http://www.dtsc.ca.gov/HazardousWaste/EWaste/index.cfm>

<http://www.dtsc.ca.gov/HazardousWaste/UniversalWaste/index.cfm>