

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Toxic Substances Control**

**Regulatory Action:**

**Title 22, California Code of Regulations**

**Amend sections: 66260.10, 66260.201,  
Appendix X of div. 4.5, ch.  
11, art. 5**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2023-1208-03**

**OAL Matter Type: Emergency Readopt (EE)**

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This is a readoption of emergency action no. 2021-1209-03E, which added the following to the list of Covered Electronic Devices (CED), bringing them within the scope of the Covered Electronic Waste Recycling Program pursuant to Health and Safety Code, Division 20, Chapter 6.5, Article 10.3: (1) Organic light-emitting diode (OLED)-containing laptop computers; (2) OLED-containing tablets; (3) OLED-containing desktop monitors; (4) OLED-containing televisions; (5) Liquid crystal display (LCD)-containing tablets; and (6) LCD-containing smart displays.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 12/18/2023 and will expire on 12/19/2025 pursuant to Health and Safety Code section 25214.10.2. The Certificate of Compliance for this action is due no later than 12/18/2025.

Date: December 18, 2023



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Eric Hartington  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Meredith Williams, Director  
Copy: Gabby Nepomuceno

# EMERGENCY

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2023-1208-03</b>	EMERGENCY NUMBER <b>EE</b>
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For use by Office of Administrative Law (OAL) only

**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

**DEC 18 2023**

*1:37 PM*

OFFICE OF ADMIN. LAW  
 2023 DEC 8 PM 1:55

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY  
 Department Of Toxic Substances Control

AGENCY FILE NUMBER (if any)  
 R-2021-09E

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE			NOTICE REGISTER NUMBER	PUBLICATION DATE
	<input type="checkbox"/> Approved as Submitted	<input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn		

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) ADDITION TO THE LIST OF COVERED ELECTRONIC DEVICES	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2021-1209-03 E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
TITLE(S)	AMEND
22	66260.10, 66260.201, and Appendix X of div. 4.5, ch. 11, art. 5
	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100 )

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))

Effective on filing with Secretary of State

\$100 Changes Without Regulatory Effect

Effective other (Specify) \_\_\_\_\_

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)

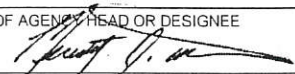
Fair Political Practices Commission

State Fire Marshal

Other (Specify) \_\_\_\_\_

7. CONTACT PERSON Gabriella Nepomuceno	TELEPHONE NUMBER (916) 251-8328	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Nepomuceno, Gabriella@DTSC
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE November 28, 2023
TYPED NAME AND TITLE OF SIGNATORY Meredith Williams, Director, Department of Toxic Substances Control	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**DEC 18 2023**

**Office of Administrative Law**

## Text of Regulations

### ADDITION TO THE LIST OF COVERED ELECTRONIC DEVICES IN CHAPTER 11, APPENDIX X, SUBSECTION (C)

Department Reference Number: R-2021-09E

**Amend Title 22, division 4.5, chapter 10, article 2, section 66260.10 to read:**

§ 66260.10. Definitions.

When used in this division, the following terms have the meanings given below:

“Aboveground tank” means a device meeting the definition of “tank” in section 66260.10 and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

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“Smart display” means a device, intended for stationary use, with a built-in speaker and a video display screen measuring at least 4 inches when measured diagonally, that offers voice activated, integrated virtual assistance to the user and interactive connections with other devices.

“Soil” means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in section 66268.3 of this division.

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Note: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25214.9, 25214.10.2, 25218.3(d), 25200.21, 25245, 25259, 25316, 25355.5, 25356.9, 25358.9, 58004 and 58012, Health and Safety Code; Governor's Reorganizational Plan #1 of 1991; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.1, 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25200.21, 25229, 25245, 25259, 25316, 25354(b), 25355.5, 25355.6, 25356.9, 25358.1, 25358.9, 25359.8, 25361, 25501, 25529 and 58012, Health and Safety Code; Section 42493(a), Public Resources Code; and 40 CFR Sections 260.10, 261.1, 262.21, 264.551, 264.1031, 268.2, 270.2 and 273.6.

**Amend Title 22, division 4.5, chapter 10, article 3, section 66260.201 to read:**

§ 66260.201. Classification of an Electronic Device as a Covered Electronic Device.

(a) \*\*\*

(e) The following electronic devices are covered electronic devices pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in subsec. (b)(3)(C) of this section] greater than four inches:

- (1) CRT-containing devices (CRT devices);
- (2) CRTs;
- (3) CRT-containing computer monitors;
- (4) LCD-containing laptop computers;
- (5) LCD-containing desktop monitors;
- (6) CRT-containing televisions;
- (7) LCD-containing televisions (excluding LCD projection televisions);
- (8) Plasma televisions (excluding plasma projection televisions);
- (9) Portable DVD players with LCDs;
- (10) Organic light-emitting diode (OLED)-containing televisions;
- (11) OLED-containing laptop computers;
- (12) OLED-containing tablets;
- (13) OLED-containing desktop monitors;
- (14) LCD-containing tablets; and
- (15) LCD-containing smart displays.

Note: Authority cited: Sections 25140, 25141, 25214.9, 25214.10.1 and 25214.10.2, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25140, 25141, 25214.9, 25214.10.1 and 25214.10.2, Health and Safety Code; and Section 42463, Public Resources Code.

**Amend Title 22, division 4.5, chapter 11, article 5, appendix X to read:**

Appendix X.

List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials

(a) \*\*\*

(c) This subsection sets forth a list of electronic wastes that are presumed to be hazardous wastes and that are “covered electronic device[s]” pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in sec. 66260.201, subsec. (b)(3)(C)] greater than four inches, unless it is determined that the electronic waste is not a hazardous waste pursuant to the procedures set forth in section 66262.11. The hazardous characteristic that serves as a basis for listing the common names of electronic wastes is toxicity.

- (1) Cathode ray tube (CRT)-containing devices (CRT devices);
- (2) CRTs;
- (3) CRT-containing computer monitors;
- (4) Liquid crystal display (LCD)-containing laptop computers;
- (5) LCD-containing desktop monitors;
- (6) CRT-containing televisions;
- (7) LCD-containing televisions (excluding LCD projection televisions);
- (8) Plasma televisions (excluding plasma projection televisions);
- (9) Portable DVD players with LCDs;
- (10) Organic light-emitting diode (OLED)-containing televisions;
- (11) OLED-containing laptop computers;
- (12) OLED-containing tablets;
- (13) OLED-containing desktop monitors;
- (14) LCD-containing tablets; and
- (15) LCD-containing smart displays.

Note: Authority cited: Sections 25140, 25141, 25214.9, 25214.10.1 and 25214.10.2, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25117, 25140, 25141, 25214.9, 25214.10, 25214.10.1 and 25214.10.2, Health and Safety Code; and Section 42463, Public Resources Code.