

Assembly Bill No. 1419

CHAPTER 445

An act to add Section 25143.2.5 to the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 22, 2016. Filed with Secretary of State September 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1419, Eggman. Hazardous waste: cathode ray tube glass.

Existing law prohibits the management of hazardous waste, except in accordance with the hazardous waste laws. Existing law requires the Department of Toxic Substances Control to regulate the management and disposal of hazardous waste. Under existing regulations, the department classifies a waste as hazardous waste if the waste exceeds certain total threshold limitation concentrations, which are established by the department for various substances, including barium. A violation of the hazardous waste laws is a crime.

This bill, except as specified, would provide that used, broken cathode ray tube (CRT) panel glass and processed CRT panel glass that exceeds the total threshold limit concentration only for barium is not a waste and is not subject to regulation by the department if that panel glass meets certain requirements. The bill would provide that used, broken CRT panel glass and processed CRT panel glass that is recycled is not subject to the department's regulations on the export of materials. The bill would prohibit the use of that CRT panel glass except in specified end uses. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

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.

The people of the State of California do enact as follows:

SECTION 1. Section 25143.2.5 is added to the Health and Safety Code, to read:

25143.2.5. (a) For purposes of this section, the following definitions apply:

(1) "Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

(2) “CRT device” means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers, and oscilloscopes.

(3) “CRT funnel glass” means any glass separated from CRT panel glass that is derived from the treatment of a CRT and that consists of the neck and funnel section of a CRT, including the frit.

(4) “CRT panel glass” means glass separated from CRT funnel glass that is derived from the treatment of a CRT and that consists only of the face plate of a CRT containing a phosphor viewing surface. CRT panel glass does not include the frit.

(5) “CRT panel glass without phosphor” means CRT panel glass that has undergone treatment by an authorized universal waste handler to remove the phosphor.

(b) Used, broken CRT panel glass that exceeds the total threshold limit concentration (TTLC) only for barium is not a waste and is not subject to regulation by the department pursuant to this chapter, including the prohibition on the use of that glass in a manner constituting disposal, if it is recycled and meets the requirements of Section 261.39 of Title 40 of the Code of Federal Regulations.

(c) CRT panel glass without phosphor that exceeds the TTLC only for barium is not a waste and is not subject to regulation by the department pursuant to this chapter, including the prohibition on the use of that glass in a manner constituting disposal, if that glass meets the requirements of Section 66273.81 of Title 22 of the California Code of Regulations and is managed in accordance with the requirements of Section 261.39 of Title 40 of the Code of Federal Regulations.

(d) CRT panel glass meeting the requirements of subdivision (b) or (c) that is recycled may be used only for the following end uses:

- (1) Tiles, including floor or wall tiles.
- (2) Fiberglass.
- (3) Radiation shielding glass.
- (4) Decorative glass.
- (5) Bricks.
- (6) Cast concrete.
- (7) Blasting media.
- (8) Construction block.

(9) Any other end uses identified by the department, in consultation with the Department of Resources Recycling and Recovery, that pose no risk to the public health and safety.

(e) The department may prohibit any previously authorized end use if the department determines that the end use potentially poses environmental or public health harm. The department shall notify the recyclers of the prohibition not less than 60 days prior to the effective date of the prohibition.

(f) Used, broken CRT panel glass and processed CRT panel glass that exceeds the TTLC only for barium and that is recycled is not subject to any requirement implementing this chapter regarding export of materials.

(g) Except regarding the barium threshold, this section does not affect, in any manner, the regulations adopted pursuant to this chapter regulating the processing of CRT panel glass for disposal.

(h) This section does not affect the identification or classification of a waste that is derived from the end use products listed in or identified pursuant to subdivision (d).

(i) This section does not affect, in any manner, the authority of the Department of Resources Recovery and Recycling under Section 41821.5 of, or Chapter 8.5 (commencing with Section 42460) of Part 3 of Division 30 of, the Public Resources Code.

(j) This section does not apply to any CRT panel glass that is used to manufacture any product or packaging intended to be used for food or food products, including pet food and livestock feeds, any medicines or drugs, any medical devices, any baby bottles, any other food service items, including wine glasses, plates, bowls, or drinking glasses, or any other manufactured articles or products for which the department declares that that use may have a potential adverse impact upon human health. Such a declaration by the department need not be risk-based and need not meet the peer review requirements that may otherwise be required by law.

(k) This section does not affect, in any manner, the Toxics in Packaging Prevention Act (Article 10.4 (commencing with Section 25214.11)) or the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5)).

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.