

## MEMORANDUM 2025-38

### **Recodification of Toxic Substances Statutes: Next Portion**

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The Commission<sup>1</sup> is preparing a nonsubstantive recodification of [Chapter 6.5 \(commencing with Section 25100\) of Division 20 of the Health and Safety Code](#), a chapter addressing multiple aspects of hazardous waste control and related provisions, to improve the organization and expression of the law, pursuant to [2024 Cal. Stat. res. ch. 138](#) (ACR 169, Kalra).<sup>2</sup>

As Chapter 6.5 contains an unusually large amount of statutory material,<sup>3</sup> the Commission at each of its meetings has been evaluating the proposed recodification of distinct portions for inclusion in an eventual tentative recommendation proposing recodification of the entire chapter.<sup>4</sup>

This memorandum presents a staff draft of the next portion of that proposed recodification. The draft again includes proposed Commission Comments corresponding to each recodified section, Staff Notes explaining the recodification process and identifying issues seeking public comment, and disposition and derivation tables corresponding to the recodified provisions.

If the Commission provisionally approves the content of the presented draft, it will be

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<sup>1</sup> Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

<sup>2</sup> Commission recommendations recodifying former Chapter 6.8 of Division 20 were submitted to and thereafter enacted by the Legislature. See [Hazardous Substance Account Recodification Act](#) (Preprint – Dec. 2021), [2022 Cal. Stat. ch. 257](#) (AB 2293, Committee on Environmental Safety and Toxic Materials); [Hazardous Substance Account Recodification Act: Conforming Revisions](#) (Preprint – Dec. 2021), [2022 Cal. Stat. ch. 258](#) (AB 2327, Committee on Environmental Safety and Toxic Materials).

<sup>3</sup> Chapter 6.5 contains approximately 850 code sections, many of which are quite lengthy, set out in 55 distinct statutory articles. An extrapolation based on the Commission's earlier recodification of former Chapter 6.8 (commencing with Section 25300) of Division 20) of the Health and Safety Code (see [2022 Cal. Stat. ch. 257](#) (AB 2293, Committee on Environmental Safety and Toxic Materials)), a chapter that contained roughly a fifth the amount of statutory text contained in Chapter 6.5, suggests that a printed final recommendation proposing recodification of Chapter 6.5 could require approximately 1,400 pages in what would likely be two Commission bound volumes.

<sup>4</sup> Due to the volume of material that will eventually appear in the tentative recommendation, the precise placement of the recodified provisions within the proposed recodification of Chapter 6.5 remains provisional until the tentative recommendation is fully assembled.

incorporated and presented to the Commission at a future Commission meeting in a recurring cumulative draft of a proposed recodification of Chapter 6.5.<sup>5</sup>

Unless otherwise indicated, statutory citations in this memorandum are to provisions of the existing Health and Safety Code, and citations to “proposed” provisions are to provisions in the proposed recodification.

**Comment on any aspect of the attached draft, including identifying any substantive issue raised by a proposed revision that might be a candidate for possible future study,<sup>6</sup> is welcome.<sup>7</sup>**

## GENERAL DRAFTING APPROACH

Consistent with prior draft legislation proposed in this study, the staff continues to take a conservative approach to drafting proposed recodified provisions.<sup>8</sup> Except as described below, existing statutory text is repeated verbatim in the proposed recodification of the provision.

In accordance with the Commission’s prior decisions in the study, certain minor changes to existing statutory text continue to be made as a matter of course.<sup>9</sup> However, other than those changes necessarily made to implement the recodification,<sup>10</sup> these minor changes are still shown in the draft in strikeout and underscore.

On occasion, the staff may determine that a provision could be nonsubstantively clarified in a manner that does not allow the improvement to be easily presented using only strikeout and underscore. In those instances, a “clean” revision of the provision is proposed in the draft without strikeout or underscore, but with the original text of the provision presented in a boxed Staff Note following the proposed provision, soliciting public comment on the proposed revision.<sup>11</sup>

Finally, if the staff identifies an interpretation issue or substantive question presented by the text of an existing section, the issue or question is also raised in a boxed Staff Note

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<sup>5</sup> See e.g., Memorandum [2025-37](#).

<sup>6</sup> The Commission’s assignment in this study also includes a directive that the Commission’s final report to the Legislature “include a list of substantive issues that the commission identifies in the course of its work, for possible future study.” See [2024 Cal. Stat. res. ch. 138](#) (ACR 169, Kalra), para. 13.

<sup>7</sup> Written comments should be sent to [scohen@clrc.ca.gov](mailto:scohen@clrc.ca.gov). Comments may also be made orally at the Commission meeting at which a draft of recodified provisions is scheduled to be presented to the Commission for provisional approval. The Commission’s meeting agendas can be viewed on its [website](#).

<sup>8</sup> See Memorandum [2020-13](#), p. 3.

<sup>9</sup> See Minutes ([May 2020](#)), p. 4; Memoranda [2020-13](#), p. 4; [2021-19](#), pp. 3-4.

<sup>10</sup> For example, renumbering and/or redesignating statutory parts, chapters, articles, sections, and components of sections, including cross-references within provisions.

<sup>11</sup> See e.g., Staff Note following proposed Section 85500 in the attached draft.

following the proposed provision, again soliciting public comment on the issue or question.

**Does the Commission provisionally approve the proposed recodification in the attached draft for inclusion in a future tentative recommendation?**

Respectfully submitted,

Steve Cohen  
Senior Staff Counsel



PROPOSED CHAPTER 4 AND CHAPTER 5  
OF PART 4 OF DIVISION 46  
OF THE HEALTH & SAFETY CODE

**Staff Note.** The content of this draft, proposing recodification of a portion of Chapter 6.5 of Division 20 of the Health & Safety Code in a new Division 46 of the Health & Safety Code, is a work in progress, and subject to change. For the current provisional outline of the entire proposed organization of new Division 46, see the draft attached as an exhibit to Memorandum 2025-37.

All proposed changes to existing statutory text in this draft other than technical changes are either shown in strikeout and underscore, or described in a Staff Note following the section in which the change is proposed.

**Comments.** A draft of an official Commission “Comment” follows each proposed code section in the recodification. Comments, which are included in a final Commission recommendation, are phrased as if the corresponding code section had been repealed and replaced with the proposed section. Thus, in Comments, existing code provisions are referred to as “former” provisions.

Comments indicate the source of each recodified code provision, and describe how the recodified provision compares with any predecessor provision. Courts have routinely held that Commission Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation.

**Staff Notes.** Some provisions in this draft are followed by one or more “Staff Notes.” Staff Notes are intended to be temporary, and normally will not be included in a Commission final recommendation. Unlike Comments, Staff Notes reflect the current state of the law. Thus, in Staff Notes, code provisions are referred to as “existing” and “proposed” provisions.

Staff Notes flag issues requiring special attention or treatment. When a Staff Note in a draft solicits public comment, it will typically be continued in the Commission’s tentative recommendation as a “Note” calling for that same comment. However, if a Staff Note asks for public comment on a proposed revision and the Commission thereafter decides not to propose the revision, the Staff Note will typically not appear in the tentative recommendation.

**Cross-references.** In many instances the provisions proposed for recodification in this draft cross-refer to other provisions contained in Chapter 6.5. Where that cross-referenced provision has not yet been included in a recodification draft, the section number in the cross-reference is left unchanged, but shown in bold text. Bracketed text designates cross-references that have been updated in form, but may still require further updating to reflect proposed recodification.

Each of these cross-references will be updated as the draft of the recodification progresses.

**Tables.** A “disposition table” at the end of this draft identifies in tabular form the disposition of every provision of existing Chapter 6.5 that is included in the draft. Following that table is a “derivation table” identifying the statutory derivation of every new provision in the draft.

**Substantive Issues for Possible Future Study.** Part of the Legislature’s assignment to the Commission in this study was to “include a list of substantive issues that the commission identifies in the course of its work, for possible future study.” To the extent a recodified provision in this draft raises such an issue, it will appear in a list following the disposition and derivation tables.

**Public comment.** The Commission welcomes public comment at any time, on any issue relating to the content of this draft or on any other aspect of this study. Comment is best directed to Steve Cohen ([scohen@clrc.ca.gov](mailto:scohen@clrc.ca.gov)).



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## DRAFT LEGISLATION

1 **Health & Safety Code §§ 83000-[XXXXX] (added). Toxics Reduction and Management**  
2 SEC. \_\_\_\_\_. Division 46 (commencing with **Section 83000**) is added to the Health  
3 and Safety Code, to read:

### 4 DIVISION 46. HAZARDOUS SUBSTANCES AND WASTE 5 MANAGEMENT

6 ...

### 7 PART 4. TOXICS REDUCTION

8 ...

### 9 CHAPTER 4. PERCHLORATE

### 10 Article 1. Management

#### 11 § 85450. Definitions

12 85450. For purposes of this article, the following definitions shall apply:

13 (a) Notwithstanding **Section 25117.2**, “management” means disposal, storage,  
14 packaging, processing, pumping, recovery, recycling, transportation, transfer,  
15 treatment, use, and reuse.

16 (b) “Perchlorate” means all perchlorate-containing compounds.

17 (c) “Perchlorate material” means perchlorate and all perchlorate-containing  
18 substances, including, but not limited to, waste perchlorate and perchlorate-  
19 containing waste.

20 **Comment.** Section 85450 continues former Section 25210.5 without substantive change.

21 See Sections 83175 (“disposal”), 83300 (“processing”), 83325 (“recycling”), 83355 (“storage”),  
22 83370 (“treatment”), 83395 (“waste”).

#### 23 § 85455. Other persons authorized to enforce specific standards and regulations

24 85455. (a) On or before December 31, 2005, the department shall adopt  
25 regulations specifying the best management practices for a person managing  
26 perchlorate materials. ~~These~~

27 (b) Best management practices may include, but are not limited to, all of the  
28 following:

29 (1) Procedures for documenting the amount of perchlorate materials managed by  
30 the facility.

(2) Management practices necessary to prevent releases of perchlorate materials, including, but not limited to, containment standards, usage, processing and transferring practices, and spill response procedures.

~~(b)(1)~~ (c) Before adopting regulations pursuant to subdivision (a), the department shall consult with the State Air Resources Board, the Office of Environmental Health Hazard Assessment, the State Water Resources Control Board, the Office of Emergency Services, the State Fire Marshal, and the California certified unified program agencies forum ~~before adopting regulations pursuant to subdivision (a).~~

~~(2)~~ (d) Before adopting regulations pursuant to subdivision (a), the department shall also review existing federal, state, and local laws governing the management of perchlorate materials to determine the degree to which uniform and adequate requirements already exist, so as to avoid any unnecessary duplication of, or interference with the application of, those existing requirements.

~~(3)~~ (e) In adopting regulations pursuant to subdivision (a), the department shall ensure that those regulations are at least as stringent as, and to the extent practical consistent with, the existing requirements of Chapter 6.95 (commencing with Section 25500) and the California Fire Code governing the management of perchlorate materials.

~~(e)~~ (f) The regulations adopted by the department pursuant to this section shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(g) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, including subdivision (e) of Section 11346.1 of the Government Code, any emergency regulations adopted pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law, and shall remain in effect until revised by the department.

~~(d)~~ (h) The department may implement an outreach effort to educate persons who manage perchlorate materials concerning the regulations promulgated pursuant to subdivision (a).

**Comment.** Section 85455 continues former Section 25210.6 without substantive change. See Sections 83160 (“department”), 85450 (“management,” “perchlorate material”).

#### § 85460. Date of required compliance with regulations

85460. On and after the effective date of the regulations adopted by the department pursuant to **Section 85455**, a person may not manage perchlorate materials unless the management complies with the best management practices specified in the regulations adopted by the department.

**Comment.** Section 85460 continues former Section 25210.7 without substantive change.  
See Sections 83160 (“department”), 83295 (“person”), 85450 (“management,” “perchlorate material”).

## Article 2. Contamination

### § 85475. Definitions

85475. For the purposes of this article, the following definitions shall apply:

(a) “Management” means disposal, storage, packaging, processing, pumping, recovery, recycling, transportation, transfer, treatment, use, and reuse.

(b) “Perchlorate” means all perchlorate-containing compounds.

(c) “Perchlorate facility” means all contiguous land, and the structures, appurtenances and improvements on the land, consisting of one or more units, or combination of units, that is or has been used for the management of perchlorate material.

(d) “Perchlorate material” means perchlorate and all perchlorate-containing substances, including, but not limited to, waste perchlorate and perchlorate-containing waste.

(e) “Public drinking water well” has the same meaning as defined in paragraph (I) of subdivision (a) of Section 25299.97.

**Comment.** Section 85475 restates former Section 25249.1 without substantive change.  
See Sections 83175 (“disposal”), 83300 (“processing”), 83325 (“recycling”), 83355 (“storage”), 83370 (“treatment”), 83395 (“waste”).

**Staff Note.** Subdivision (c) of proposed Section 85475 would restate existing Section 25249.1(c), which currently reads as follows:

25249.1(c) “Perchlorate facility” means all contiguous land, and the structures, appurtenances and improvements on the land, that has been used for the management of perchlorate material. A perchlorate facility may consist of one or more units, or combination of units, that is or has been used for the management of perchlorate material.

**Absent comment, this proposed restatement of this provision will be presumed correct.**

### § 85480. Submission of contamination information to EPA

85480. (a) On or before July 1, 2004, the owner or operator of a perchlorate facility, located within a 5-mile radius of a public drinking water well that has been found by any state or local agency to be contaminated with perchlorate, shall submit to the Environmental Protection Agency a summary of any subsurface and any groundwater monitoring, investigation, or remediation work that has been performed at the facility.

(b) The owner or operator shall submit the information electronically, if it is available in electronic format.

**Comment.** Section 85480 continues former Section 25249.2 without substantive change.  
See Section 85475 (“perchlorate,” “perchlorate facility”).

**Staff Note.** Public comment is requested on whether existing Section 25249.2, which would be continued by proposed Section 85480, should be either revised or discontinued, based the specified deadline for required action.

## CHAPTER 5. RULES FOR SPECIFIC PRODUCTS

### Article 1. Chemical Toilets, Recreational Vehicles, Vessel Waste Facilities, and Prohibited Chemicals

#### § 85500. Prohibited acts relating to chemical toilets

85500. (a) It shall be unlawful, on or after January 1, 1979, to use a nonbiodegradable toxic chemical in a chemical toilet, recreational vehicle, or waste facility of a vessel, as the term vessel is defined in the Harbors and Navigation Code, ~~and it .~~

(b) It shall be unlawful, on or after January 1, 1979, to sell a nonbiodegradable toxic chemical in a container ~~which indicates~~ indicating that the chemical could be used in a chemical toilet, a waste facility of a recreational vehicle, or a waste facility of a vessel, as the term vessel is defined in the Harbors and Navigation Code.

(c) The department shall develop and adopt regulations to define nonbiodegradable toxic chemicals, and limitations on the sale thereof, by June 1, 1978.

**Comment.** Section 85500 continues former Section 25210 without substantive change. See Section 83160 (“department”).

**Staff Notes. (1)** Public comment is requested on whether the introductory text of the first two sentences of existing Section 25210 (sentences that would be continued by proposed Section 85500 (a) and (b)) should be revised to read as follows: “It ~~shall be~~ is unlawful, ~~on or after January 1, 1979,~~ to ....”.

**(2)** Public comment is requested on whether discontinuing the last sentence of existing Health and Safety Code Section 25210 — set forth above as subdivision (c) of proposed Section 85500 — would be problematic.

#### § 85505. Prohibited acts relating to sewage disposal systems

85505. (a) For purposes of this section, the following definitions shall apply:

(1) “Halocarbon chemicals” means chemical compounds which contain carbon, and one or more halogens, and which may include hydrogen, including, but not limited to, trichloroethane, tetrachloroethylene, methylene chloride, halogenated benzenes, and carbon tetrachloride.

(2) “Aromatic hydrocarbon chemicals” means chemical compounds containing carbon and hydrogen and at least one six-carbon ring containing double bonds, including, but not limited to, benzene, toluene, and naphthalene.

(3) “Sewage disposal system” means a septic tank, cesspool, sewage seepage pit, leachline, or other structure into which sewage is drained for purposes of disposal and which is not connected to a municipal treatment works.

(b) On and after July 1, 1988, no person shall use any product containing halocarbon chemicals or aromatic hydrocarbon chemicals for the purposes of cleaning or unclogging a sewage disposal system.

(c) On and after July 1, 1988, no person shall sell any product containing halocarbon chemicals or aromatic hydrocarbon chemicals in a container ~~which indicates~~ indicating that the product may be used for the purposes of cleaning or unclogging a sewage disposal system.

~~(d) The department may adopt regulations regarding the sales of these products for the purposes of this subdivision~~ sale of any product described in subdivision (c).

**Comment.** Section 85505 continues former Section 25210.1 without substantive change. See Sections 83160 (“department”), 83295 (“person”).

**Staff Note.** Public comment is requested on whether subdivisions (b) and (c) of existing Section 25210.1, which would be continued by proposed Section 85505(b) and (c), should be revised to delete the references to the date when the prohibitions in the provisions took effect.

#### **§ 85510. Prohibited acts relating to waste facilities of recreational vehicles or campgrounds**

85510. (a) It is unlawful to sell or distribute in commerce a product that contains bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene in a container ~~that indicates~~ indicating that the product is suitable for use in a holding tank or other portion of a waste facility of a recreational vehicle.

(b) It is unlawful to use a product that contains bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene in a holding tank or other portion of a waste facility of a recreational vehicle or of a campground chemical toilet that discharges to a septic system, onsite wastewater treatment system, or subsurface disposal system.

(c) To the extent that funding is made available, the State Water Resources Control Board shall investigate methods to detect and quantify concentrations of chemical toilet deodorants, including bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene, in a septic system, onsite wastewater treatment system, or subsurface disposal system that may inhibit biological treatment processes or result in degradation of groundwater quality.

(d)(1) An owner or operator of a recreational vehicle park or campground that utilizes a septic system, onsite wastewater treatment system, or subsurface disposal

system to dispose of recreational vehicle wastewater shall post in a conspicuous location a notice stating the following:

“The State of California prohibits the use of products in RV holding tanks, including deodorizers, that contain bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene. These chemicals can inhibit biological activity in onsite wastewater treatment systems and threaten groundwater and drinking water wells, and are strictly forbidden.

Please use bacteria- or enzyme-based products.”

(2) The State Water Resources Control Board or a regional water quality control board shall require an owner or operator described in paragraph (1) to certify compliance with paragraph (1) as part of any waste discharge requirement, or as a condition of a waiver of a waste discharge requirement, issued pursuant to Division 7 (commencing with Section 13000) of the Water Code.

(e) Enforcement of subdivisions (a), (b), and (d) is contingent upon an appropriation by the Legislature for purposes of enforcing those requirements.

(f) This section shall become operative on January 1, 2022.

**Comment.** Section 85510 continues former Section 25210.2 without substantive change.

## Article 2. Lighting

### § 85525. “General purpose lights”

85525. (a) For purposes of this article, “general purpose lights” means lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use.

(b) General purpose lights do not include any of the following specialty lighting:

~~appliance, black~~

(1) Appliance.

~~(2) Black light, bug, colored, infrared, left hand .~~

(3) Bug.

(4) Colored.

(5) Infrared.

~~(6) Left-hand thread, marine, marine .~~

(7) Marine.

~~(8) Marine signal service, mine .~~

(9) Mine service, plant .

~~(10) Plant light, reflector, rough .~~

(11) Reflector.

~~(12) Rough service, shatter .~~

(13) Shatter resistant, sign .

~~(14) Sign service, silver .~~

1 ~~(15) Silver bowl, showcase, three-way, traffic .~~

2 ~~(16) Showcase.~~

3 ~~(17) Three-way.~~

4 ~~(18) Traffic signal, and vibration .~~

5 ~~(19) Vibration service or vibration resistant.~~

6 (c) General purpose lights do not include lights needed to provide special-needs  
7 lighting for individuals with exceptional needs.

8 **Comment.** Section 85525 continues former Section 25210.10 without substantive change.

9 **§ 85530. Required compliances for general purpose lights**

10 85530. (a) Except as provided in subdivisions (e), (f), and (g), on and after January  
11 1, 2010, a person shall not manufacture general purpose lights for sale in this state  
12 that contain levels of hazardous substances that would result in the prohibition of  
13 those general purpose lights being sold or offered for sale in the European Union  
14 pursuant to the RoHS Directive.

15 (b) Except as provided in subdivisions (e), (f), and (g), on and after January 1,  
16 2010, a person shall not sell or offer for sale in this state a general purpose light  
17 under any of the following circumstances:

18 (1) The general purpose light being sold or offered for sale was manufactured on  
19 and after January 1, 2010, and contains levels of hazardous substances that would  
20 result in the prohibition of that general purpose light being sold or offered for sale  
21 in the European Union pursuant to the RoHS Directive.

22 (2) The manufacturer of the general purpose light sold or being offered for sale  
23 fails to provide the documentation to the department required by subdivision (h).

24 (3) The manufacturer of the general purpose light being sold or offered for sale  
25 does not provide the certification required in subdivision (i).

26 (c) For the purposes of this section, “RoHS Directive” means Directive  
27 2002/95/EC, adopted by the European Parliament and the Council of the European  
28 Union on January 27, 2003, on the restriction of certain hazardous substances in  
29 electrical and electronic equipment, as amended thereafter by the Commission of  
30 European Communities (13.2.2003 Official Journal of the European Union).

31 (d) The department shall determine the products covered by the RoHS Directive  
32 by reference to authoritative guidance published by the United Kingdom  
33 implementing the RoHS Directive in that country.

34 (e) (1) Except as provided in paragraph (2), subdivisions (a), (b), (h), and (i) do  
35 not apply to high output and very high output linear fluorescent lamps greater than  
36 32 millimeters in diameter and preheat linear fluorescent lamps.

37 (2) On or after January 1, 2014, the department shall determine, in consultation  
38 with companies that manufacture lamps specified in paragraph (1) in the United  
39 States, if those lamps should be subject to the requirements of subdivisions (a), (b),  
40 (h), and (i), taking into consideration changes in lamp design or manufacturing  
41 technology that will allow for the removal or reduction of mercury.

(f) On and after January 1, 2012, for high intensity discharge lamps and compact fluorescent lamps greater than nine inches in length, subdivisions (a), (b), (h), and (i) shall be applicable.

(g) On and after January 1, 2014, for state-regulated general service incandescent lamps and enhanced spectrum lamps as defined in subdivision (k) of Section 1602 of Title 20 of the California Code of Regulations, subdivisions (a), (b), (h), and (i) shall be applicable.

(h) A manufacturer of general purpose lights sold or being offered for sale in California shall prepare and, at the request of the department, submit within 28 days of the date of the request, technical documentation or other information showing that the manufacturer's general purpose lights sold or offered for sale in this state comply with the requirements of the RoHS Directive.

(i) A manufacturer of general purpose lights sold or being offered for sale in California shall comply with one of the following requirements:

(1) Provide, upon request, a certification to a person who sells or offers for sale that manufacturer's general purpose lights that shall attest that the general purpose lights do not contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in California.

(2) Display the certification required by this subdivision prominently on the shipping container or on the packaging of general purpose lights.

(j) The department may adopt regulations to implement and administer this article.

**Comment.** Section 85530 restates former Section 25210.9 without substantive change.

See Sections 83160 ("department"), 83295 ("person"), 85525 ("general purpose lights").

**Staff Notes.** (1) Subdivision (i) of proposed Section 85530 would restate existing Section 25210.9(i), which currently reads as follows:

25210.9(i) A manufacturer of general purpose lights sold or being offered for sale in California shall provide, upon request, a certification to a person who sells or offers for sale that manufacturer's general purpose lights. The certification shall attest that the general purpose lights do not contain levels of hazardous substances that would result in the prohibition of those general purpose lights being sold or offered for sale in California. Alternatively, the manufacturer may display the certification required by this subdivision prominently on the shipping container or on the packaging of general purpose lights.

**Absent comment, this proposed restatement of this provision will be presumed correct.**

(2) Public comment is requested on whether subdivisions (a) and (b) of existing Section 25210.9, which would be continued by proposed Section 85530 (a) and (b), should be revised to delete the references to the date when the prohibitions in the provisions took effect.

#### § 85535. Inapplicability of specified criminal penalties

85535. Notwithstanding **Article 8 (commencing with Section 25180)**, a person who violates this article shall not be subject to any criminal penalties imposed pursuant to **Article 8 (commencing with Section 25180)**.



**Comment.** Section 85535 continues former Section 25210.12 without substantive change.  
See Section 83295 (“person”).

### Article 3. Discarded Appliances

#### § 85550. Definitions

85550. For purposes of this article, the following terms have the following meaning:

(a) “Certified appliance recycler” means a person or entity engaged in the business of removing and properly managing materials that require special handling from discarded major appliances, ~~and~~ who is certified pursuant to **Section 25211.4** ~~and does not include~~ is not a person described in **subdivision (b) of Section 25211.2**.

(b) “CUPA” means a certified unified program agency, as defined in **subdivision (b) of Section 25123.7**.

(c) “Major appliance” has the same meaning as defined in Section 42166 of the Public Resources Code.

(d) “Materials that require special handling” has the same meaning as defined in Section 42167 of the Public Resources Code.

(e) “Scrap recycling facility” means a facility where machinery and equipment are used for processing and manufacturing scrap metal into prepared grades and whose principal product is scrap iron or nonferrous metallic scrap for sale for remelting purposes. ~~A scrap recycling facility includes~~ , including, but is not limited to, a feeder yard, a metal shredding facility, a metal crusher, and a metal baler.

**Comment.** Section 85550 continues former Section 25211 without substantive change.  
See Sections 83110 (“CUPA”), 83295 (“person”), 83300 (“processing”).

#### § 85555. Prohibited removal of materials

85555. (a) Except as provided in subdivision (b), ~~a person,~~ no person other than a certified appliance recycler, shall remove materials that require special handling from a major appliance.

(b) An appliance service technician certified pursuant to Section 82.161 of Title 40 of the Code of Federal Regulations may remove refrigerant from major appliances.

**Comment.** Section 85555 continues former Section 25211.1 without substantive change.  
See Sections 83295 (“person”), 85550 (“certified appliance recycler,” “major appliance,” “materials that require special handling”).

#### § 85560. Transfer of major appliances to scrap recycling facility

85560. (a) Except as provided in subdivision ~~(b)~~ (d), a person who transports, delivers, or sells discarded major appliances to a scrap recycling facility shall provide evidence that he or she is a certified appliance recycler and shall certify, on a form prepared by the department and provided to the facility at the time of the

1 transaction; that all materials that require special handling have been removed from  
2 the appliances pursuant to **subdivision (a) of Section 25212**.

3 (b) Information on the form specified in subdivision (a) shall include, but not be  
4 limited to, the appliance recycler certificate number, the appliance recycler's  
5 hazardous waste generator identification number, the number and types of  
6 appliances included in the shipment, and the facilities to which the materials that  
7 require special handling and that were removed from the appliances were sent or are  
8 to be sent.

9 (c) If the appliances have been crushed, baled, or shredded by the certified  
10 appliance recycler, the requirement to include the number and types of appliances  
11 included in the shipment on the form shall not apply.

12 (d) A person who is not a certified appliance recycler may transport, deliver,  
13 or sell discarded major appliances to a scrap recycling facility only if the scrap  
14 recycling facility is a certified appliance recycler and all of the conditions specified  
15 in either paragraph (1) or (2) are met:

16 (1) The appliances have not been crushed, baled, shredded, sawed or sheared  
17 apart, or otherwise processed in a manner that could result in the release, or prevent  
18 the removal, of materials that require special handling.

19 (2) The appliances have been crushed, baled, shredded, or sawed or sheared apart,  
20 or otherwise processed in a manner that could result in the release, or prevent the  
21 removal, of materials that require special handling, and the person presenting the  
22 appliances satisfies all the requirements specified in either subparagraph (A) or (B):

23 (A) Provides the scrap recycling facility with a written certification at the time of  
24 the transaction that identifies any materials requiring special handling that have been  
25 removed from the appliance, certifies that the materials were removed by a person  
26 authorized to do so pursuant to **Section 25211.1**, and includes the following  
27 information in the written certification:

28 (i) The certificate number of the person authorized by **Section 25211.1** to do the  
29 removal.

30 (ii) The hazardous waste generator identification number of the person authorized  
31 by **Section 25211.1** to do the removal.

32 (iii) The number and types of appliances included in the shipment.

33 (iv) The facilities to which materials removed from the appliances that require  
34 special handling were sent or are to be sent.

35 (B) Provides the scrap recycling facility with all of the following:

36 (i) A government issued identification of the person presenting the appliances.

37 (ii) A declaration under penalty of perjury specifying the name, address, and  
38 telephone number of the person presenting the appliances.

39 (iii) Written certification under penalty of perjury that the person presenting the  
40 appliances obtained each presented appliance in its current condition, and did not  
41 process the appliance, arrange to have it processed, or knowingly accept the  
42 appliance from any other person who processed it or arranged to have it processed.

(iv) The name and address of the person from whom each appliance was obtained, or a statement in the written certification provided pursuant to subparagraph (iii) explaining why some or all of that information is unavailable.

~~(e)~~ (e) Appliances delivered to a scrap recycling facility by a local government representative that were generated as part of the local government's waste management activities are exempt from subdivision ~~(b)~~ (d).

~~(d)~~ (f) A scrap recycling facility that accepts appliances pursuant to subparagraph (B) of paragraph (2) of subdivision ~~(b)~~ (d) shall provide a monthly report to the department and the local CUPA that includes both of the following:

(1) For each appliance received by the scrap facility, the name and address of the person who transported, delivered, or sold the appliance to the scrap recycling facility.

(2) The total number of appliances received pursuant to the conditions provided in subparagraph (B) of paragraph (2) of subdivision (b).

**Comment.** Section 85560 restates former Section 25211.2 without substantive change.

See Sections 83110 ("CUPA"), 83160 ("department"), 83295 ("person"), 85550 ("certified appliance recycler," "major appliance," "materials that require special handling," "scrap recycling facility").

**Staff Note.** Subdivision (d) of proposed Section 85560 would restate existing Section 25211.2(b), which currently reads as follows:

25211.2(b) A person who is not a certified appliance recycler may transport, deliver, or sell discarded major appliances to a scrap recycling facility only if the scrap recycling facility is a certified appliance recycler and only if either of the following conditions specified is met:

(1) The appliances have not been crushed, baled, shredded, sawed or sheared apart, or otherwise processed in such a manner that could result in the release, or prevent the removal, of materials that require special handling.

(2) The appliances have been crushed, baled, shredded, or sawed or sheared apart, or otherwise processed in such a manner that could result in the release, or prevent the removal, of materials that require special handling, and that person does one of the following:

(A) Provides the scrap recycling facility with a written certification, at the time of the transaction, that identifies any materials that require special handling that have been removed from the appliance and certifies that all of these materials were removed by a person authorized under Section 25211.1. The certification shall include the appliance recycler or appliance service technician certificate number, the appliance recycler or appliance service technician's hazardous waste generator identification number, the number and types of appliances included in the shipment, and the facilities to which the materials that require special handling that were removed from the appliances were sent or are to be sent.

(B) Presents a form of government issued identification and, under penalty of perjury, provides the scrap recycling facility his or her name, address, telephone number, and written certification that he or she obtained the appliance in its current condition and did not process the appliance or arrange to have it processed or knowingly accept the appliance from any other person who processed it or arranged to have it processed. That person shall also provide the name and address of the person from whom the appliance was obtained, or include in the written certification the reason that the information is unavailable.

The staff welcomes comment on whether this restatement of existing Section 25211.2(b) improves its clarity without substantively changing its meaning.

**§ 85565. Retention of records demonstrating compliance**

85565. (a) A certified appliance recycler, and any person who is not a certified appliance recycler who is subject to **subdivision (b) of Section 25211.2**, shall retain onsite records demonstrating compliance with applicable requirements of this article and Section 42175 of the Public Resources Code.

(b) The records shall be retained for three years and shall be made available for inspection, upon the request of a representative of the department or a CUPA.

(c) The records shall be retained, after that three-year period, during the course of an unresolved enforcement action, or as requested by the department or CUPA.

(d) The records shall include, but not be limited to, all of the following information:

(1) The amount, by volume or weight or both, of each material that required special handling.

(2) The method used by the appliance recycler to recycle, dispose of, or otherwise manage each material that required special handling, including the .

(3) The name and address of the facility to which each material was sent.

(4) The number and types of appliances from which materials that require special handling are removed each year.

(5) The reports required pursuant to **subdivision (c) of Section 25211.2**.

**Comment.** Section 85565 continues former Section 25211.3 without substantive change.

See Sections 83110 (“CUPA”), 83160 (“department”), 85550 (“certified appliance recycler,” “materials that require special handling”).

**§ 85570. Obtaining required certification**

85570. (a) On and after January 1, 2008, a person wishing to operate as a certified appliance recycler, ~~except other than a person having with~~ a certification issued before January 1, 2008, ~~until that certification expires through the expiration of that certification,~~ shall submit an initial or a renewal application to operate as a certified appliance recycler to the department, and obtain or renew certification from the department, pursuant to this section.

(b) The department shall make available on its Internet Web site an application for certification as a certified appliance recycler that requires all of the following information:

(1) The business name under which the appliance recycler operates, the telephone number, the physical address, and mailing address of the business, and if different, ~~and~~ the business owner’s name, address, and telephone number.

(2) A hazardous waste generator identification number issued by the department pursuant to **this chapter**.

(3) A statement indicating that the applicant has either filed an application for a stormwater permit or is not required to obtain a stormwater permit.

1 (4) A statement indicating that the applicant has either filed a hazardous materials  
2 business plan or is not required to file the plan.

3 (5) The tax identification number assigned by the Franchise Tax Board.

4 (6) A copy of a business license and any conditional use permits issued by the  
5 appropriate city or county.

6 (7) A description of the ability of the applicant to properly remove and manage  
7 all materials that require special handling, including, but not limited to, a technical  
8 description of how each material requiring special handling will be removed and a  
9 description of how each material requiring special handling will be managed by the  
10 applicant consistent with applicable laws.

11 (8) Any other information that the department may determine to be necessary to  
12 carry out this article.

13 ~~(b)~~ (c) A person wishing to operate as a certified appliance recycler shall submit  
14 to the department, under penalty of perjury, the information required pursuant to  
15 subdivision (a).

16 (d) The department shall review the application for completeness and, upon  
17 determining that the application is complete and meets the requirements of this  
18 section, shall issue a numbered certificate to the applicant.

19 (e) The department shall notify an applicant whose application fails to meet the  
20 requirements for certification of the reason why the department denied the  
21 certification.

22 (f) The department may revoke or suspend a certification issued pursuant to this  
23 section, in accordance with the procedures specified in **Sections 25186.1 and**  
24 **25186.2**, for any of the grounds specified in **Section 25186**.

25 ~~(e)~~ (g) The certificate issued by the department shall include the issuance date and  
26 the expiration date, which shall be three years after the issuance date.

27 (h) A person whose certification has expired, and who has not applied for and  
28 obtained a new current certification, is no longer a certified appliance recycler and  
29 may no longer operate as a certified appliance recycler.

30 ~~(d)~~ (i) Upon issuance of a certificate, the department shall transmit the application  
31 and certification of the certified appliance recycler to the certified uniform program  
32 agency in whose jurisdiction the person is located, which shall, as soon as is  
33 practicable, inspect the certified appliance recycling facility to determine whether  
34 the recycler is capable of properly removing and managing materials that require  
35 special handling from major appliances.

36 (j) In making the determination required by subdivision (i), the certified uniform  
37 program agency shall consider various factors, including, but not limited to, the  
38 working condition of equipment used to remove the materials, the technical ability  
39 of employees of the business to operate the equipment proficiently, and the facility's  
40 compliance with existing applicable laws.

41 **Comment.** Section 85570 continues former Section 25211.4 without substantive change.

42 See Sections 83110 ("certified uniform program agency"), 83160 ("department"), 83295  
43 ("person"), 85550 ("certified appliance recycler").

**Staff Note.** The second sentence of existing Section 25211.4, which is proposed to be continued by proposed Section 85570(b) specifies information that must be submitted on an application for a recycler certification pursuant to this section, including the identification of a “telephone number, mailing address, and physical address.” However, the section does not make clear whether that specified information is intended to correspond to the applicant or to the business under which the recycler operates.

**Public comment is requested on this issue.**

#### § 85575. Treatment of materials requiring special handling

85575. (a) Materials ~~that require~~ requiring special handling that are contained in major appliances shall not be disposed of at a solid waste facility and shall be removed from major appliances in which they are contained prior to the appliance being crushed, baled, shredded, sawed or sheared apart, disposed of, or otherwise processed in a manner that could result in the release or prevent the removal of materials that require special handling.

(b) A person who, pursuant to subdivision (a), removes from a major appliance any material that requires special handling, ~~that and~~ and is a hazardous waste under this chapter, is a hazardous waste generator, and shall comply with all provisions of **this chapter** applicable to generators of hazardous waste.

(c) All materials ~~that require~~ requiring special handling that have been removed from a major appliance pursuant to subdivision (a), and ~~that~~ are hazardous wastes, shall be managed in accordance with **this chapter**.

(d) A person who fails to comply with subdivision (a) is in violation of **this chapter**.

(e) ~~(1)~~ The department or a local health officer or other public officer authorized pursuant to **Article 8 (commencing with Section 25180)**, including, when applicable, a certified unified program agency (CUPA) or a unified program agency within the jurisdiction of a CUPA, shall incorporate both of the following into ~~the~~ their existing inspection and enforcement activities ~~of the department~~:

~~(A)~~ (1) The regulation of materials ~~that require~~ requiring special handling that, when removed from a major appliance, ~~is are~~ are hazardous ~~waste wastes~~.

~~(B)~~ (2) The enforcement of subdivision (a).

~~(2)~~ (f) The department, local health officers, or other public officers shall coordinate their activities as needed to identify and regulate materials ~~that require~~ requiring special handling that, when removed from major appliances, are hazardous wastes that are transported from one jurisdiction to another.

**Comment.** Section 85575 continues former Section 25212 without substantive change.

See Sections 83110 (“CUPA”), 83160 (“department”), 83210 (“hazardous waste”), 83240 (“local health officer”), 83295 (“person”), 83375 (“unified program agency”), 85550 (“certified appliance recycler,” “major appliance,” “materials that require special handling”).

**Staff Notes.** (1) Paragraph (1) of subdivision (e) of existing Section 25212, which is proposed to be continued by proposed Section 85575(e), indicates that it applies to “[t]he department or a local health officer or other public officer authorized pursuant to Article 8 (commencing with Section 25180).”

**Public comment is requested on whether the inclusion of any commas in this text would be appropriate to clarify its intended meaning.**

(2) Public comment is requested on whether the restatement of paragraph (1) of subdivision (e) of existing Section 25212 as set forth in proposed Section 85575(e) would substantively change the intended meaning of the existing paragraph.

**§ 85580. Department facilitation of removal of materials requiring special handling**

85580. (a) To implement **subdivision (c) of Section 25212**, the department shall, based on reasonably available information, develop a statewide list of appliance recyclers, used appliance dealers, solid waste facilities, metal scrapyards, and others who may remove from major appliances, or do business with those who remove, from major appliances, materials that require special handling. ~~The department shall~~, and notify persons on the list of the requirements of **this chapter** and the steps that will be required to be taken to comply with **this chapter**.

(b) The department shall transmit a copy of the Appliance Recycling Guide, published by the California Integrated Waste Management Board, and any other materials determined to be necessary by the department to ensure compliance with this chapter, to the following persons and agencies:

(1) Persons who apply for a generator identification number indicating that they are involved with any activities regulated pursuant to this article.

(2) The local officers and agencies authorized to enforce **this chapter** pursuant to **subdivision (a) of Section 25180**.

(c) The department shall transmit the generator identification number of any person identified pursuant to paragraph (1) of subdivision (b) and the statewide list developed pursuant to subdivision (a) to the appropriate local officers and agencies authorized to enforce **this chapter** pursuant to **subdivision (a) of Section 25180**.

**Comment.** Section 85580 continues former Section 25213 without substantive change.

See Sections 83160 (“department”), 83295 (“person”), 85550 (“major appliance,” “materials that require special handling”).

**§ 85585. Furnishing of implementation information by department**

85585. The department shall make information available upon request regarding the implementation of this article, including, but not limited to, the list of persons notified pursuant to **subdivision (a) of Section 25213**, the list of persons identified pursuant to **paragraph (1) of subdivision (b) of Section 25213**, information on inspection and enforcement, and other information pertaining to the record of compliance with this article, subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

**Comment.** Section 85585 continues former Section 25214 without substantive change.

See Sections 83160 (“department”), 83295 (“person”).

**§ 85590. Adoption of regulations**

85590. The department may adopt any regulations determined necessary to implement and enforce this article.

1     **Comment.** Section 85590 continues former Section 25211.5 without substantive change.  
2     See Section 83160 (“department”).

## 3                                 Article 4. Metal-Containing Jewelry

### 4     **§ 85650. Definitions**

5         85650. For purposes of this article, the following definitions shall apply:

6         (a) “Body piercing jewelry” means any part of jewelry that is manufactured or  
7         sold for placement in a new piercing or a mucous membrane, but does not include  
8         any part of that jewelry that is not placed within a new piercing or a mucous  
9         membrane.

10        (b) “Children” means persons under 15 years of age.

11        (c) “Children’s jewelry” means jewelry that is made for, marketed for use by, or  
12        marketed to, children. For purposes of this article, children’s jewelry includes, but  
13        is not limited to, jewelry that meets any of the following conditions:

14        (1) Represented in its packaging, display, or advertising, as appropriate for use by  
15        children.

16        (2) Sold in conjunction with, attached to, or packaged together with other products  
17        that are packaged, displayed, or advertised as appropriate for use by children.

18        (3) Sized for children and not intended for use by adults.

19        (4) Sold in any of the following:

20        (A) A vending machine.

21        (B) Retail store, catalog, or online internet website, in which a person exclusively  
22        offers for sale products that are packaged, displayed, or advertised as appropriate  
23        for use by children.

24        (C) A discrete portion of a retail store, catalog, or online internet website, in which  
25        a person offers for sale products that are packaged, displayed, or advertised as  
26        appropriate for use by children.

27        (d) “Component” means any part of jewelry.

28        (e) “Inaccessible” means not physically exposed by reason of a sealed covering  
29        or casing and does not become physically exposed through reasonably foreseeable  
30        use and abuse of the product, including swallowing, mouthing, breaking, or other  
31        children’s activities, and the aging of the product. For purposes of this article, paint,  
32        coatings, or electroplating do not render substrate material inaccessible to a child.

33        (f) “Jewelry” means any of the following:

34        (1) Any of the following ornaments worn by a person:

35        (A) An anklet.

36        (B) Arm cuff.

37        (C) Bracelet.

38        (D) Brooch.

39        (E) Chain.

40        (F) Crown.

41        (G) Cuff link.



(H) Hair accessory.

(I) Earring.

(J) Necklace.

(K) Pin.

(L) Ring.

(M) Tie clip.

(N) Body piercing jewelry.

(O) Jewelry placed in the mouth for display or ornament.

(2) Any bead, chain, link, pendant, or other component of an ornament specified in paragraph (1).

(3) A charm, bead, chain, link, pendant, or other attachment to shoes or clothing that can be removed and may be used as a component of an ornament specified in paragraph (1).

(4) A watch in which a timepiece is a component of an ornament specified in paragraph (1), excluding the timepiece itself if the timepiece can be removed from the ornament.

(g) (1) “Surface coating” means a fluid, semifluid, or other material, with or without a suspension of finely divided coloring matter, that changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface.

(2) “Surface coating” does not include a printing ink or a material that actually becomes a part of the substrate, including, but not limited to, pigment in a plastic article, or a material that is actually bonded to the substrate, such as by electroplating or ceramic glazing.

**Comment.** Section 85650 continues former Section 25214.1 without substantive change.

#### § 85655. Nonapplication of article

85655. (a) This article does not do any of the following:

(1) Affect a duty or other requirement otherwise imposed under federal or state law.

(2) Alter or diminish a legal obligation otherwise required in common law, by statute, or by regulation.

(3) Create or enlarge a defense to an action to enforce a legal obligation otherwise required in common law, by statute, or by regulation.

(b) The Legislature finds and declares that the addition of this section during the 2007–08 Regular Session of the Legislature is declaratory of existing law.

**Comment.** Section 85655 continues former Section 25214.1.5 without substantive change.

#### § 85660. Required material for specified jewelry

85660. (a) ~~For jewelry that is not children’s jewelry, a~~ A person shall not manufacture, ship, sell, offer for sale, or offer for promotional purposes ~~such jewelry that is not children’s jewelry~~ for retail sale or promotional purposes in the state,

1 unless the jewelry is made entirely from one or more than one of the following  
2 materials:

- 3 (1) Stainless or surgical steel.
- 4 (2) Karat gold.
- 5 (3) Sterling silver.
- 6 (4) Platinum, palladium, iridium, ruthenium, rhodium, or osmium.
- 7 (5) Natural or cultured pearls.
- 8 (6) Glass, ceramic, or crystal decorative components, including cat's eye, cubic  
9 zirconia, including cubic zirconium or CZ, rhinestones, and cloisonné.
- 10 (7) A gemstone that is cut and polished for ornamental purposes, excluding  
11 aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite,  
12 phosgenite, samarskite, vanadinite, and wulfenite.
- 13 (8) Elastic, fabric, ribbon, rope, or string that does not contain intentionally added  
14 lead.
- 15 (9) All natural decorative material, including amber, bone, coral, feathers, fur,  
16 horn, leather, shell, or wood, that is in its natural state and is not treated in a way  
17 that adds lead.
- 18 (10) Adhesive.
- 19 (11) Electroplated metal containing less than 0.05 percent (500 parts per million)  
20 lead by weight.
- 21 (12) Unplated metal not otherwise listed containing less than 0.05 percent (500  
22 parts per million) lead by weight.
- 23 (13) Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and  
24 polyvinyl chloride (PVC) containing less than 0.02 percent (200 parts per million)  
25 lead by weight.
- 26 (14) A dye or surface coating containing less than 0.05 percent (500 parts per  
27 million) lead by weight.
- 28 (15) Any other material that contains less than 0.05 percent (500 parts per million)  
29 lead by weight.

30 ~~(b) For body piercing jewelry that is not children's jewelry, a~~ A person shall not  
31 manufacture, ship, sell, offer for sale, or offer for promotional purposes ~~such jewelry~~  
32 body piercing jewelry that is not children's jewelry for retail sale or promotional  
33 purposes in the state, unless the jewelry is made of one or more of the following  
34 materials:

- 35 (1) Surgical implant stainless steel.
- 36 (2) Surgical implant grade of titanium.
- 37 (3) Niobium (Nb).
- 38 (4) Solid 14 karat or higher white or yellow nickel-free gold.
- 39 (5) Solid platinum.
- 40 (6) A dense low-porosity plastic, including, but not limited to, Tygon or  
41 polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

42 ~~(c) (1) For children's jewelry, a~~ A person shall not manufacture, ship, sell, offer  
43 for sale, or offer for promotional purposes ~~such~~ children's jewelry for retail sale or

promotional purposes in the state, unless the jewelry meets all of the following requirements:

(A) (1) Every component of the jewelry contains no more than 0.01 percent (100 parts per million) lead by weight, excluding inaccessible component parts.

(B) (2) The jewelry has a surface coating that contains no more than 0.009 percent (90 parts per million) lead by weight.

(2) (d) The department may establish guidance on what component parts in children's jewelry shall be considered to be inaccessible for purposes of paragraph (1) of subdivision (c).

(e) In the absence of the establishment of that guidance from the department pursuant to subdivision (d), a determination of whether a component part of children's jewelry is inaccessible shall be made in accordance with Section 1500.87 of Title 16 of the Code of Federal Regulations, as it may be amended from time to time.

~~(d) (1) For children's jewelry, a~~ (f) A person shall not manufacture, ship, sell, offer for sale, or offer for promotional purposes such children's jewelry that meets either of the following descriptions:

(A) The jewelry contains a component or is made of a material that is more than 0.03 percent (300 parts per million) cadmium by weight.

(B) The jewelry has a surface coating that contains more than 0.0075 percent (75 parts per million) soluble cadmium by weight.

~~(2) This subdivision~~ (g) Subdivision (f) shall not apply to any toy regulated for cadmium exposure under the federal Consumer Product Safety Improvement Act of 2008 (Public Law 110-314).

~~(e) (h)~~ The department may establish a standard for children's jewelry or for a component of children's jewelry that is more protective of public health, of sensitive subpopulations, or of the environment than the standards established pursuant to subdivisions (c) ~~and (d) , (f), and (g).~~

~~(f) (i)~~ This section shall become operative on June 1, 2020.

**Comment.** Section 85660 continues former Section 25214.2 without substantive change. See Sections 83160 ("department"), 83295 ("person"), 85650 ("body piercing jewelry," "children's jewelry," "component," "inaccessible," "jewelry," "surface coating").

### § 85665. Administrative and civil enforcement of article

85665. (a) Except as provided in **Sections 25214.3.3 and 25214.3.4**, a person who violates this article shall not be subject to criminal penalties imposed pursuant to **this chapter** and shall only be subject to the administrative or civil penalty specified in subdivision (b).

(b) ~~(1)~~ A person who violates this article shall be liable for an administrative or a civil penalty not to exceed two thousand five hundred dollars (\$2,500) per day for each violation. ~~That~~

~~(c) That~~ An administrative or civil penalty for a violation of this article may be assessed and recovered in an administrative action filed with the Office of

Administrative Hearings or in a civil action brought in any court of competent jurisdiction.

~~(2)~~ (d) In assessing the amount of an administrative or a civil penalty for a violation of this article, the presiding officer or the court, as applicable, shall consider all of the following:

~~(A)~~ (1) The nature and extent of the violation.

~~(B)~~ (2) The number of, and severity of, the violations.

~~(C)~~ (3) The economic effect of the penalty on the violator.

~~(D)~~ (4) Whether the violator took good faith measures to comply with this article and the time these measures were taken.

~~(E)~~ (5) The willfulness of the violator's misconduct.

~~(F)~~ (6) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

~~(G)~~ (7) Any other factor that justice may require.

~~(e)~~ (e) Administrative and civil penalties collected pursuant to this article shall be deposited in the Toxic Substances Control Account, for expenditure by the department, upon appropriation by the Legislature, to implement and enforce this article, except as provided in **Section 25192**.

~~(d)(1)~~ (f) For the purpose of administering and enforcing this article, an authorized representative of the department, upon obtaining consent or after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, may, upon presenting appropriate credentials and at a reasonable time, do any of the following:

~~(A)~~ (1) Enter a factory, warehouse, or establishment where jewelry is manufactured, packed, held, or sold; ~~enter~~.

(2) Enter a vehicle that is being used to transport, hold, or sell jewelry; ~~or enter~~.

(3) Enter a place where jewelry is being held or sold.

~~(B)~~ (4) Inspect a factory, warehouse, establishment, vehicle, or place described in ~~subparagraph (A)~~ paragraph (1), and all pertinent equipment, raw material, finished and unfinished materials, containers, and labeling in the factory, warehouse, establishment, vehicle, or place. ~~In the case of~~

(5) Inspect in a factory, warehouse, or establishment where jewelry is manufactured, packed, held, or sold; ~~this inspection shall include~~ any record, file, paper, process, control, and facility that has a bearing on whether the jewelry is being manufactured, packed, held, transported, sold, or offered for sale or for promotional purposes in violation of this article.

~~(2) (A) (6) An authorized representative of the department may secure~~ Secure a sample of jewelry when taking an action authorized pursuant to this subdivision. ~~If the representative obtains~~, but if taking possession of a sample prior to leaving the premises, ~~he or she~~ the representative shall leave a receipt describing the sample obtained.

(B) (g) The department shall return, upon request, a sample that is not destroyed during testing when the department no longer has any purpose for retaining the sample.

(C) (h) A sample that is secured in compliance with this section and found to be in compliance with this article that is destroyed during testing shall be subject to a claim for reimbursement.

(3) (i) An authorized representative of the department shall have access to all records of a carrier in commerce relating to the movement in commerce of jewelry, or the holding of that jewelry during or after the movement, and the quantity, shipper, and consignee of the jewelry.

(j) A carrier shall not be subject to the other provisions of this article by reason of its receipt, carriage, holding, or delivery of jewelry in the usual course of business as a carrier.

(4) (k) An authorized representative of the department shall be deemed to have received implied consent to enter a retail establishment, for purposes of this section, if the authorized representative enters the location of that retail establishment where the public is generally granted access.

**Comment.** Section 85665 continues former Section 25214.3 without substantive change. See Sections 83160 (“department”), 83295 (“person”), 85650 (jewelry”).

**Staff Notes. (1)** Public comment is requested on whether the phrase “has a bearing on” in paragraph (1) of subdivision (e) of existing Section 25212 (which would be continued by proposed Section 85575(e)) would substantively change the intended meaning of the existing paragraph.

(2) Public comment is requested on whether the restatement of subparagraph (A) of paragraph (2) of subdivision (d) of existing Section 25214.3, as set forth in proposed Section 25214.3(f)(6), would substantively change the intended meaning of the existing provision.

## § 85670. Compliance documentation

85670. (a) A manufacturer or supplier of jewelry that is sold, offered for sale, or offered for promotional purposes shall prepare and, at the request of the department, submit to the department no more than 28 days after the date of the request, technical documentation or other information showing that the jewelry is in compliance with the requirements of this article.

(b) A manufacturer or supplier of jewelry that is sold, offered for sale, or offered for promotional purposes shall prepare a certification. ~~This certification shall attest that the jewelry does not contain a level of lead or cadmium that prohibits the jewelry from being sold or offered for sale pursuant to this article and that~~ shall do all of the following:

(1) Attest that the jewelry does not contain a level of lead or cadmium that prohibits the jewelry from being sold or offered for sale pursuant to this article.

(4) (2) Identify the jewelry covered by the certificate, including a description of the jewelry that is sufficiently detailed to match the certificate to each product covered by the certificate and that could not be used to describe any jewelry that is not covered by the certificate.

1     ~~(2)~~ (3) Cite to each separate rule or standard for which the jewelry is being  
2     certified.

3     ~~(3)~~ (4) Identify the manufacturer or supplier certifying compliance of the jewelry,  
4     including the name, full mailing address, and telephone number of the manufacturer  
5     or supplier.

6     ~~(4)~~ (5) Include the contact information for the person maintaining records of the  
7     test results of jewelry tested for purposes of this article, including the name, full  
8     mailing address, email address, and telephone number of that person.

9     ~~(5)~~ (6) Include the date on which the jewelry was manufactured, including at least  
10    the month and year.

11    ~~(6)~~ (7) Include the location where the jewelry was manufactured, including at least  
12    the city or administrative region, state, if applicable, and country where the product  
13    was manufactured or finally assembled. ~~If , and if the same manufacturer operates~~  
14    more than one location in the same city, the street address of the factory ~~shall be~~  
15    included.

16    ~~(7)~~ (8) Include the date or dates on which, and the location or locations where, the  
17    jewelry was tested for purposes of certification.

18    ~~(8)~~ (9) Identify any third-party laboratory that performed the testing for purposes  
19    of certification, including the name, full mailing address, and telephone number of  
20    the laboratory.

21    (c) A manufacturer or supplier of jewelry sold or offered for promotional purposes  
22    in this state shall do either of the following:

23    (1) Provide the certification required by subdivision (b) to a person who sells or  
24    offers for sale that manufacturer's or supplier's jewelry.

25    (2) Display the certification required by subdivision (b) prominently on the  
26    shipping container or on the packaging of jewelry.

27    **Comment.** Section 85670 continues former Section 25214.3.1 without substantive change.

28    See Sections 83160 ("department"), 83295 ("person"), 85650 (jewelry").

29    **§ 85675. Exemption from penalty**

30    85675. (a) Except as provided in subdivision (b), a person who sells jewelry at  
31    retail or offers jewelry for retail sale shall not be subject to an administrative or civil  
32    penalty for a violation of this article if the person proves, by a preponderance of  
33    evidence, all of the following:

34    (1) The person received a certificate of compliance for the jewelry from the  
35    manufacturer or supplier.

36    (2) The certificate of compliance received pursuant to paragraph (1) stated that  
37    the jewelry is in compliance with the requirements of this article.

38    (3) The person relied on the certificate of compliance and did not know, and had  
39    no reason to know, that the jewelry was in violation of this article.

40    (4) Upon receiving a notice of violation from the department, the person took  
41    corrective action by immediately removing the jewelry from commerce.

(b) The affirmative defense specified in subdivision (a) does not apply to, and may not be raised by, a person who has been found in violation of this article on at least two prior occasions in the preceding three years from the filing date of the current action.

**Comment.** Section 85675 continues former Section 25214.3.2 without substantive change. See Sections 83160 (“department”), 83295 (“person”), 85650 (jewelry”).

**§ 85680. Criminal liability relating to jewelry containing lead or cadmium**

85680. A manufacturer or supplier of jewelry who knowingly and intentionally manufactures, ships, sells, offers for sale, or offers for promotional purposes jewelry containing lead or cadmium in violation of this article is guilty of a misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000) nor more than one hundred thousand dollars (\$100,000), by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

**Comment.** Section 85680 continues former Section 25214.3.3 without substantive change. See Section 85650 (jewelry”).

**§ 85685. Criminal liability relating to falsifying document**

85685. A manufacturer or supplier of jewelry who knowingly and with intent to deceive, falsifies any document or certificate required to be kept or produced pursuant to this article is subject to a fine of not more than fifty thousand dollars (\$50,000), by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.

**Comment.** Section 85685 continues former Section 25214.3.4 without substantive change. See Section 85650 (jewelry”).

**§ 85690. Conflict with independent department authority**

85690. (a) This article does not limit, supersede, duplicate, or otherwise conflict with the authority of the department to fully implement **Article 14 (commencing with Section 25251)**, including the authority of the department to include products in its product registry.

(b) Notwithstanding **subdivision (c) of Section 25257.1**, cadmium-containing jewelry shall not be considered as a product category already regulated or subject to pending regulation for purposes of **Article 14 (commencing with Section 25251)**.

**Comment.** Section 85690 continues former Section 25214.3.5 without substantive change. See Sections 83160 (“department”), 85650 (jewelry”).

**§ 85695. Test methods and procedures for determining compliance**

85695. (a) The test methods for determining compliance with this article shall be conducted using the EPA reference methods 3050B, 3051A, or 3052, as specified in EPA Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846 (Third Edition, or subsequent update, as applicable) for lead and cadmium in the material being tested, except as otherwise provided in subdivision (b) and

Sections 24214.4.1 and 25214.4.2, and shall be conducted in accordance with all of the following procedures:

(1) When preparing a sample, the laboratory shall make every effort to ensure that the sample removed from a jewelry piece is representative of the component to be tested, and is free of contamination from extraneous dirt and material not related to the jewelry component to be tested.

(2) All jewelry component samples shall be washed prior to testing using standard laboratory detergent, rinsed with laboratory reagent grade deionized water, and dried in a clean ambient environment.

(3) If a component is required to be cut or scraped to obtain a sample, the metal snips, scissors, or other cutting tools used for the cutting or scraping shall be made of stainless steel and washed and rinsed before each use and between samples.

(4) A sample shall be digested in a container that is known to be free of lead and cadmium and with the use of an acid that is not contaminated by lead or cadmium, including analytical reagent grade digestion acids and reagent grade deionized water.

(5) Method blanks, consisting of all reagents used in sample preparation handled, digested, and made to volume in the same exact manner and in the same container type as samples, shall be tested with each group of 20 or fewer samples tested.

(6) The results for the method blanks shall be reported with each group of sample results, and shall be below the stated reporting limit for sample results to be considered valid.

(7) Test methods selected shall be those that best demonstrate they can achieve total digestion of the sample material being analyzed.

(8) Test methods shall not be used if they are inconsistent with the specified application of the test method or do not demonstrate the best performance or proficiency for achieving total digestion of the sample material.

(b) Notwithstanding **subdivision (a) and Section 25214.4.1**, test methods for determining compliance with the limits for lead in children's jewelry in **subdivision (c) of Section 25214.2** include those permissible to demonstrate compliance with the federal Consumer Product Safety Improvement Act of 2008 (Public Law 110-314).

(c) The test method for determining compliance with **subparagraph (B) of paragraph (1) of subdivision (d) of Section 25214.2** shall be the same test method used to demonstrate compliance with Section 2056b of Title 15 of the United States Code.

~~(e) (d)~~ Digested samples shall be analyzed according to the specification of an approved and validated methodology using inductively coupled plasma optical emission spectroscopy. ~~Other analytical~~

(e) Analytical methods not identified in subdivision (d), such as inductively coupled plasma mass spectrometry, flame atomic absorption spectroscopy, graphite furnace atomic absorption spectroscopy, or other technology, may be used under appropriate conditions, using applicable, recognized analytical techniques for the



alternative method to achieve a reported quantitation limit no greater than 0.001 percent (10 parts per million) for samples.

~~(d)~~ (f) All testing for determining compliance with this article shall be performed by a laboratory that conforms to the requirements in **Article 8.5 (commencing with Section 25198)**.

**Comment.** Section 85695 continues former Section 25214.4 without substantive change. See Sections 85650 (“children’s jewelry,” “component”).

#### § 85700. Additional procedures for specified materials

85700. In addition to the requirements of **Section 25214.4**, the following procedures shall be used for testing the following materials:

(a) For testing a metal plated with suitable undercoats and finish coats, the following protocols shall be observed:

(1) Digestion shall be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide.

(2) The sample size shall be 0.050 gram to one gram.

(3) The digested sample may require dilution prior to analysis.

(4) All necessary dilutions shall be made to ensure that measurements are made within the calibrated range of the analytical instrument.

(b) For testing unplated metal and metal substrates that are not a material listed in **paragraphs (1) to (10), inclusive, of subdivision (a) of Section 25214.2**, the following protocols shall be observed:

(1) Digestion shall be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide.

(2) The sample size shall be 0.050 gram to one gram.

(3) The digested sample may require dilution prior to analysis.

(4) All necessary dilutions shall be made to ensure that measurements are made within the calibrated range of the analytical instrument.

(c) For testing polyvinyl chloride (PVC), the following protocols shall be observed:

(1) The digestion shall be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide.

(2) The sample size shall be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and shall be chopped or comminuted prior to digestion.

(3) Digested samples may require dilution prior to analysis.

(4) All necessary dilutions shall be made to ensure that measurements are made within the calibrated range of the analytical instrument.

(d) For testing plastic or rubber that is not polyvinyl chloride (PVC), including acrylic, polystyrene, plastic beads, or plastic stones, the following protocols shall be observed:

(1) The digestion shall be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide.

1 (2) The sample size shall be a minimum of 0.05 gram if using microwave  
2 digestion or 0.5 gram if using hotplate digestion, and shall be chopped or  
3 comminuted prior to digestion.

4 (3) Plastic beads or stones shall be crushed prior to digestion.

5 (4) Digested samples may require dilution prior to analysis.

6 (5) All necessary dilutions shall be made to ensure that measurements are made  
7 within the calibrated range of the analytical instrument.

8 (e) For testing coatings on glass and plastic pearls, the following protocols shall  
9 be observed:

10 (1) The coating of glass or plastic beads shall be scraped onto a surface free of  
11 dust, including a clean weighing paper or pan, using a clean stainless steel razor  
12 blade or other clean sharp instrument that will not contaminate the sample with lead  
13 or cadmium. The substrate pearl material shall not be included in the scrapings.

14 (2) The razor blade or sharp instrument shall be rinsed with deionized water,  
15 wiped to remove particulate matter, rinsed again, and dried between samples.

16 (3) The scrapings shall be weighed and not less than 50 micrograms of scraped  
17 coating shall be used for analysis.

18 (4) If less than 50 micrograms of scraped coating is obtained from an individual  
19 pearl, multiple pearls from that sample shall be scraped and composited to obtain a  
20 sufficient sample amount.

21 (4) (5) The number of pearls used to make the composite shall be noted.

22 (5) (6) The scrapings shall be digested according to EPA reference method 3050B  
23 or 3051 or an equivalent procedure for hot acid digestion in preparation for trace  
24 lead or cadmium analysis.

25 (6) (7) The digestate shall be diluted in the minimum volume practical for  
26 analysis.

27 (7) (8) The sample result shall be reported within the calibrated range of the  
28 instrument.

29 (9) If the initial test of the sample is above the highest calibration standard, the  
30 sample shall be diluted and reanalyzed within the calibrated range of the instrument.

31 (f) For testing dyes, paints, coatings, varnish, printing inks, or ceramic glazes, the  
32 following testing protocols shall be observed:

33 (1) The digestion shall use hot concentrated nitric acid with the option of using  
34 hydrochloric acid or hydrogen peroxide.

35 (2) The sample size shall be not less than 0.050 gram, and shall be chopped or  
36 comminuted prior to digestion.

37 (3) The digested sample may require dilution prior to analysis.

38 (4) All necessary dilutions shall be made to ensure that measurements are made  
39 within the calibrated range of the analytical instrument.

40 (g) For testing glass and crystal, the following protocols shall be used:

41 ~~(1) For determining weight:~~

42 ~~(A) A component shall be free of any extraneous material, including adhesive,~~  
43 ~~before it is weighed.~~

~~(B) The scale used to weigh a component shall be calibrated annually by a qualified vendor using reference mass standards that are traceable to the National Institute of Standards and Technology (NIST) of the Department of Commerce or the International System of Units (SI) and shall be verified daily before weighing the component.~~

~~(C) The calibration of the scale shall be accurate to within 0.0001 gram.~~

~~(2) Both of the following testing protocols shall be observed:~~

~~(A) (1) The glass and crystal component shall be crushed or grounded to powder form before digestion and shall be digested according to the United States Environmental Protection Agency Test Method 3052 using hydrofluoric acid in a microwave or an equivalent method to yield complete digestion.~~

~~(B) (2) The digestate shall be diluted in the minimum volume practical for analysis.~~

(h) For determining the weight of glass and crystal, the following protocols shall be used:

(1) A component shall be free of any extraneous material, including adhesive, before it is weighed.

(2) The scale used to weigh a component shall be calibrated annually by a qualified vendor using reference mass standards that are traceable to the National Institute of Standards and Technology (NIST) of the Department of Commerce or the International System of Units (SI) and shall be verified daily before weighing the component.

(3) The calibration of the scale shall be accurate to within 0.0001 gram.

**Comment.** Section 85700 restates former Section 25214.4.1 without substantive change.

**Note.** Proposed Section 85700(g) would restate existing Section 25214.4.1(g) for clarity. The existing section reads as follows:

“(g) For testing glass and crystal, the following protocols shall be used:

(1) For determining weight:

(A) A component shall be free of any extraneous material, including adhesive, before it is weighed.

(B) The scale used to weigh a component shall be calibrated annually by a qualified vendor using reference mass standards that are traceable to the National Institute of Standards and Technology (NIST) of the Department of Commerce or the International System of Units (SI) and shall be verified daily before weighing the component.

(C) The calibration of the scale shall be accurate to within 0.0001 gram.

(2) Both of the following testing protocols shall be observed:

(A) The glass and crystal component shall be crushed or grounded to powder form before digestion and shall be digested according to the United States Environmental Protection Agency Test Method 3052 using hydrofluoric acid in a microwave or an equivalent method to yield complete digestion.

(B) The digestate shall be diluted in the minimum volume practical for analysis.”

**Absent comment, this proposed restatement of this provision will be presumed correct.**

1   **§ 85705. Adoption of regulations**

2       85705. The department may adopt regulations to implement this article, including,  
3 but not limited to, adopting regulations that modify the testing protocols specified  
4 in **Sections 25214.4 and 25214.4.1**, as it deems necessary to further the purposes of  
5 this article.

6       **Comment.** Section 85705 continues former Section 25214.4.2 without substantive change.  
7       See Section 83160 (“department”).

8                                   Article 5. Lead Plumbing

9   **§ 85750. Monitoring and compliance**

10       85750. (a) Lead plumbing monitoring and compliance testing shall be undertaken  
11 by the department, as a part of the department’s ongoing program for reducing toxic  
12 substances from the environment.

13       (b) For purposes of implementing this article, the department shall, based on its  
14 available resources and staffing, annually select not more than 75 drinking water  
15 faucets or other drinking water plumbing fittings and fixtures for testing and  
16 evaluation, including the locations from which to select the faucets, fittings, and  
17 fixtures, to determine compliance with Section 116875.

18       (c) In implementing this article, the department shall use test methods, protocols,  
19 and sample preparation procedures that are adequate to determine total lead  
20 concentration in a drinking water plumbing fitting or fixture to determine  
21 compliance with the standards for the maximum allowable total lead content set  
22 forth in Section 116875.

23       (d) ~~(1)~~ In selecting drinking water faucets and other drinking water plumbing  
24 fittings and fixtures to test and evaluate pursuant to this article, the department shall  
25 exercise its judgment regarding the specific drinking water plumbing fittings or  
26 fixtures to test.

27       ~~(2)~~ (e) This article does not require the department’s selection to be either random  
28 or representative of all available plumbing fittings or fixtures.

29       ~~(3)~~ (f) The department shall acquire its samples of fittings and fixtures from  
30 locations that are readily accessible to the public at either retail or wholesale sources.

31       ~~(3)~~ (g) The department shall annually post the results of the testing and evaluation  
32 conducted pursuant to this article on its Internet Web site and shall transmit these  
33 results in an annual report to the State Department of Public Health.

34       **Comment.** Section 85750 continues former Section 25214.4.3 without substantive change.  
35       See Section 83160 (“department”).

Article 6. Motor Vehicle Switches

**§ 85575. “Mercury-containing motor vehicle light switch”**

85575. For purposes of this article, “mercury-containing motor vehicle light switch” means any motor vehicle light switch found in the hood or trunk of a motor vehicle that contains mercury.

**Comment.** Section 85575 continues former Section 25214.5 without substantive change.

**§ 85580. Applicable laws and regulations**

85580. Any mercury-containing motor vehicle light switch removed from a motor vehicle is subject to Chapter 23 (commencing with Section 66273.1) of Division 4.5 of Title 22 of the California Code of Regulations, and any other applicable regulation adopted by the department pursuant to **this chapter**, including, but not limited to, standards for the handling of hazardous waste, standards for destination facilities, requirements for the tracking of universal waste shipments, import requirements, and the regulations governing different products.

**Comment.** Section 85580 continues former Section 25214.6 without substantive change.

See Section 83160 (“department”).

**§ 85585. Department responsibilities**

85585. The department shall do all of the following with regard to this article:

(a) Coordinate with local agencies to provide technical assistance to businesses engaged in the dismantling or crushing of motor vehicles concerning the safe removal and proper disposal of mercury-containing light switches from motor vehicles, including information about vehicle makes and models that contain mercury light switches and entities that provide mercury recycling services.

(b) Coordinate and encourage entities, such as associations representing motor vehicle repair shops, to offer to the public the replacement and recycling of mercury-containing motor vehicle light switches.

(c) Make available to the public information concerning services to replace and recycle mercury-containing motor vehicle light switches.

**Comment.** Section 85585 continues former Section 25214.7 without substantive change.

See Section 83160 (“department”).

**§ 85590. Reports to Legislature**

85590. On or before January 1, 2004, the department shall report to the appropriate policy and fiscal committees of the Legislature on both of the following:

(a) The success of efforts to remove mercury-containing vehicle light switches from vehicles pursuant to **Section 25214.6**.

(b) Compliance with the requirement to remove mercury-containing appliance switches pursuant to Section 42175 of the Public Resources Code.

**Comment.** Section 85590 continues former Section 25214.8 without substantive change.

See Section 83160 (“department”).



## DISPOSITION OF EXISTING LAW

**Note.** This table shows the proposed disposition, as reflected in this staff draft, of provisions in Chapter 6.5 of Division 20 of the Health and Safety Code (§§ 25100-25259), as the law existed on January 1, 2025. Unless otherwise indicated, all statutory references are to the Health and Safety Code.

Existing Provision	Proposed New Provision
25210 .....	85500
25210.1.....	85505
25210.10.....	85525
25210.12.....	85535
25210.2.....	85510
25210.5.....	85450
25210.6.....	85455
25210.7.....	85460
25210.9.....	85530
25211.....	85550
25211.1.....	85555
25211.2.....	85560
25211.3.....	85565
25211.4.....	85570
25211.5.....	85590
25212.....	85575
25213.....	85580
25214.....	85585
25214.1.....	85650
25214.1.5.....	85655
25214.2.....	85660
25214.3.....	85665
25214.3.1.....	85670
25214.3.2.....	85675
25214.3.3.....	85680
25214.3.4.....	85685
25214.3.5.....	85690
25214.4.....	85695
25214.4.1.....	85700
25214.4.2.....	85705
25214.4.3.....	85750
25214.5.....	85775
25214.6.....	85780
25214.7.....	85785
25214.8.....	85790
25249.1.....	85475
25249.2.....	85480





## DERIVATION OF NEW LAW

**Note.** This table shows the derivation of each provision in proposed Division 46 reflected in this staff draft. Unless otherwise indicated, all statutory references are to the Health and Safety Code.

Proposed New Provision	Existing Provision
85500 .....	25210
85505 .....	25210.1
85525 .....	25210.10
85535 .....	25210.12
85510 .....	25210.2
85450 .....	25210.5
85455 .....	25210.6
85460 .....	25210.7
85530 .....	25210.9
85550 .....	25211
85555 .....	25211.1
85560 .....	25211.2
85565 .....	25211.3
85570 .....	25211.4
85590 .....	25211.5
85575 .....	25212
85580 .....	25213
85585 .....	25214
85650 .....	25214.1
85660 .....	25214.2
85665 .....	25214.3
85670 .....	25214.3.1
85695 .....	25214.4
85675 .....	25214.3.2
85700 .....	25214.4.1
85775 .....	25214.5
85655 .....	25214.1.5
85680 .....	25214.3.3
85705 .....	25214.4.2
85780 .....	25214.6
85685 .....	25214.3.4
85750 .....	25214.4.3
85785 .....	25214.7
85690 .....	25214.3.5
85790 .....	25214.8
85475 .....	25249.1
85480 .....	25249.2

