

ORDINANCE NO. NS-517.79

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA ADDING CHAPTER XVIII TO
DIVISION B11 OF THE COUNTY OF SANTA CLARA ORDINANCE
CODE ESTABLISHING MINIMUM STANDARDS
FOR ELECTRONIC DEVICE RECYCLING**

SUMMARY

This ordinance establishes new electronic device recycling requirements applicable to electronic devices collected within unincorporated County territory.

WHEREAS, the recycling of electronic devices is a valuable service and benefits the community by improving the health and safety of the community and environment;

WHEREAS, electronic devices contain materials that may pose a serious risk to the health and safety of residents, the environment, and recycling workers if not recycled by environmentally-responsible means;

WHEREAS, some electronic device recycling methods utilize inadequate environmental standards that pose a risk to the health and safety of residents, the environment, and recycling workers - such as disposal in landfills, the export of electronic devices to developing countries with inadequate environmental standards, and the use of prison, child or elderly labor;

WHEREAS, it is the intent of the Board of Supervisors to utilize its police powers to require the use of certain electronic device recycling standards for recycling of electronic devices collected in the unincorporated territory of the County of Santa Clara to protect the health and safety of residents, the environment, and recycling workers to the greatest extent possible;

WHEREAS, the recycling standards required for a recycler to qualify as a pledged or certified e-Steward recycler by the Basel Action Network are designed to protect the health and safety of residents, the environment, and recycling workers to the greatest extent possible; and

WHEREAS, this ordinance will protect the health and safety of residents, the environment, and recycling workers by establishing minimum electronic device recycling standards for electronic devices collected for recycling within the unincorporated territory of the County of Santa Clara.

**THEREFORE, THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:**

Division B11 of Title B of the Ordinance Code of the County of Santa Clara is amended by adding a new Chapter to be numbered and titled and to read as follows:

CHAPTER XVIII. ELECTRONIC WASTE RECYCLING

Sec. B11-520. Purpose and Intent

In enacting this division, the Board of Supervisors recognizes that the collection of electronic devices for recycling is a service of great value to the health and safety of the public and the environment. The Board of Supervisors further recognizes that unless properly regulated, the recycling of electronic devices collected in the unincorporated territory of the County can be performed in a manner that is harmful to the health and safety of the public and environment and poses a threat to the quality of life in the community. Therefore, it is the purpose and intent of this chapter to regulate the recycling of electronic devices collected at recycling events in the unincorporated territory of the County of Santa Clara.

Sec. B11-521. Definitions

The definitions in this section apply to this chapter, unless apparent from the context that a different meaning is indicated.

- (a) *Electronic device*: Any device powered by electricity or a battery that has a printed circuit board or video display attached. Examples include: televisions, computers, computer peripherals and components, hard drives, CD/DVD drives, printers, facsimile machines, copiers, telephone equipment, stereo equipment, cellular phones, and wireless devices.
- (b) *Electronic device recycling event*: Any event organized by one or more individuals or entities with the intended purpose of collecting or gathering items that include electronic devices for delivery to a recycler. Examples include: curb-side pickups, door-to-door pickups, or parking lot drop-offs.
- (c) *Electronic device recycler*: An entity that includes as part of its operations the recycling of electronic devices.

- (d) *e-Steward recycler*: An electronic device recycler that: (1) until August 31, 2011, is an electronic device recycler qualified by the Basel Action Network as a participant in the e-Steward Pledge program or is certified by the Basel Action Network as an e-Steward Recycler, or (2) after August 31, 2011, is an electronic device recycler that is certified by the Basel Action Network as an e-Steward Recycler.

Sec. B11-522. E-Steward Enterprise Pledge or Certification Required

- (a) No person, partnership, corporation or other entity shall collect any electronic device from any electronic device recycling event in the unincorporated territory of the County unless the electronic device is delivered for recycling to an e-Steward recycler, regardless of that recycler's location.
- (b) No electronic device recycler within the unincorporated territory of the County shall accept an electronic device collected from an electronic device recycling event conducted within the unincorporated territory of the County unless that electronic device recycler is an e-Steward recycler.

Sec. B11-523. Exclusions

- (a) To the extent the application of this chapter is preempted by an express provision of federal or state law, this chapter does not apply; and

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(b) To the extent applicable laws and regulations governing a governmental entity prohibit the application of this chapter to electronic device recycling events organized in whole or in part by a governmental entity, this chapter does not apply.

Sec. B11-524. Effective Date.

This chapter shall become operable on January 1, 2012.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

DAVE CORTESE, President
Board of Supervisors

ATTEST:

MARIA MARINOS
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

 6.10.2011

MARK BERNAL
Deputy County Counsel