



# House of Representatives

## File No. 944

General Assembly

January Session, 2025

**(Reprint of File No. 139)**

Substitute House Bill No. 5019  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 22, 2025

### **AN ACT ESTABLISHING EXTENDED PRODUCER RESPONSIBILITY FOR CONSUMER BATTERIES.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2025*) (a) For purposes of this  
2 section:

3 (1) "Department" means the Department of Energy and  
4 Environmental Protection.

5 (2) "Battery-containing product" means a product sold, offered for  
6 sale or distributed in or into this state that contains or is packaged with  
7 rechargeable or primary batteries that are covered batteries. "Battery-  
8 containing product" does not include a covered electronic product  
9 subject to the requirements of sections 22a-629 to 22a-640, inclusive, of  
10 the general statutes.

11 (3) "Battery stewardship organization" means a producer that directly  
12 implements a battery stewardship plan required under this section or a

13 nonprofit organization designated by a producer or group of producers  
14 to implement a battery stewardship plan required under this section.

15 (4) "Collection rate" means a percentage, by weight, that a battery  
16 stewardship organization collects that is calculated by dividing the total  
17 weight of primary and rechargeable batteries collected by the battery  
18 stewardship organization during the previous calendar year by the  
19 average annual weight of primary and rechargeable batteries that were  
20 estimated to have been sold in the state during the previous three  
21 calendar years by all producers participating in an approved battery  
22 stewardship plan.

23 (5) "Collection site" means any (A) resident of the state, (B) political  
24 subdivision of the state; (C) transfer station, material recovery facility,  
25 drop off or event or disposal facility in the state; or (D) other entity that  
26 has been approved by the battery stewardship organization to  
27 participate in its approved collection plan.

28 (6) "Covered battery" means a portable or medium format battery.  
29 "Covered battery" does not include: (A) A battery contained within a  
30 medical device, as specified in 21 USC 321(h) as it existed as of the  
31 effective date of this section, that is not designed and marketed for sale  
32 or resale principally to consumers for personal use; (B) a battery that  
33 contains an electrolyte as a free liquid; (C) a lead acid battery weighing  
34 greater than eleven pounds; (D) a motor vehicle battery subject to the  
35 provisions of section 22a-256h of the general statutes or any battery that  
36 is a component of a motor vehicle or that is intended for use exclusively  
37 in motor vehicles; (E) a battery recalled by the producer for safety  
38 reasons; (F) a battery in a battery-containing product that is not intended  
39 or designed to be easily removable from the battery-containing product;  
40 or (G) a battery subject to the provisions of sections 22a-629 to 22a-640,  
41 inclusive, of the general statutes.

42 (7) "Easily removable" means designed by the manufacturer to be  
43 removable by the user of the product with not more than commonly  
44 used household tools.

45       (8) "Environmentally sound management practices" means practices  
46       that: (A) Comply with all applicable federal, state and local regulatory  
47       requirements to protect workers, public health and the environment; (B)  
48       provide for recordkeeping, tracking and documenting of the fate of  
49       materials within the state and outside of the state in accordance with the  
50       requirements of this section; and (C) include comprehensive liability  
51       coverage for the battery stewardship organization, including  
52       environmental liability coverage that is commercially practicable.

53       (9) "Medium format battery" means the following primary or  
54       rechargeable covered batteries:

55       (A) For rechargeable batteries, a battery weighing more than eleven  
56       pounds but not more than twenty-five pounds or that has a rating of  
57       more than three hundred watt hours but not more than two thousand  
58       watt hours, or both;

59       (B) For primary batteries, a battery weighing more than four pounds  
60       and six ounces but not more than twenty-five pounds.

61       (10) "Portable battery" means the following primary or rechargeable  
62       covered batteries:

63       (A) For rechargeable batteries, a battery weighing not more than  
64       eleven pounds and that has a rating of not more than three hundred  
65       watt hours;

66       (B) For primary batteries, a battery weighing not more than four  
67       pounds and six ounces.

68       (11) "Primary battery" means a nonrechargeable battery, including,  
69       but not limited to, alkaline, silver oxide, zinc air, carbon-zinc and  
70       lithium metal batteries.

71       (12) "Producer" means:

72       (A) For covered batteries sold, offered for sale or distributed in or into  
73       this state:

74 (i) If the battery is sold, offered for sale or distributed in or into this  
75 state under the brand of the battery manufacturer, the producer is the  
76 person that manufactures the battery;

77 (ii) If the battery is sold, offered for sale or distributed in or into this  
78 state under a retail brand or under a brand owned by a person other  
79 than the manufacturer, the producer is the brand owner;

80 (iii) If there is no person to which subparagraph (A)(i) or (A)(ii) of this  
81 subdivision applies, the producer is the person that is the licensee of a  
82 brand or trademark under which the battery is sold, offered for sale or  
83 distributed in or into this state, whether or not the trademark is  
84 registered in this state;

85 (iv) If there is no person described in subparagraphs (A)(i) to (A) (iii),  
86 inclusive, of this subdivision within the United States, the producer is  
87 the person who is the importer of record for the battery into the United  
88 States;

89 (v) If there is no person described in subparagraphs (A)(i) to (A)(iv),  
90 inclusive, of this subdivision with a commercial presence within the  
91 state, the producer is the person who first sells, offers for sale or  
92 distributes the battery in or into this state;

93 (B) For battery-containing products containing one or more covered  
94 batteries sold, offered for sale or distributed in or into this state:

95 (i) If the battery-containing product is sold, offered for sale or  
96 distributed in or into this state under the brand of the product  
97 manufacturer, the producer is the person that manufactures the  
98 product;

99 (ii) If the battery-containing product is sold, offered for sale or  
100 distributed in or into this state under a retail brand or under a brand  
101 owned by a person other than the manufacturer, the producer is the  
102 brand owner;

103 (iii) If there is no person to which subparagraph (B)(i) or (B)(ii) of this

104 subdivision applies, the producer is the person that is the licensee of a  
105 brand or trademark under which the product is used in a commercial  
106 enterprise, sold, offered for sale or distributed in or into this state,  
107 whether or not the trademark is registered in this state;

108 (iv) If there is no person described in subparagraphs (B)(i) to (B)(iii),  
109 inclusive, of this subdivision within the United States, the producer is  
110 the person who is the importer of record for the product into the United  
111 States;

112 (v) If there is no person described in subparagraphs (B)(i) to (B)(iv),  
113 inclusive, of this subdivision with a commercial presence within the  
114 state, the producer is the person who first sells, offers for sale or  
115 distributes the product in or into this state;

116 (C) A person is the producer of a covered battery or battery-  
117 containing product containing one or more covered batteries sold,  
118 offered for sale or distributed in or into this state, as defined in  
119 subparagraph (A) of this subdivision, except where another party has  
120 contractually accepted responsibility as a responsible producer and has  
121 joined a registered battery stewardship organization as the producer for  
122 that covered battery or battery-containing product containing one or  
123 more covered batteries under this section. Any such producer of a  
124 covered battery that is included in a battery-containing product shall  
125 provide written certification of membership in such a battery  
126 stewardship organization to both the producer of the battery-containing  
127 product that contains one or more covered batteries and the battery  
128 stewardship organization of which such battery producer is a member.

129 (13) "Program" means a program implemented by a battery  
130 stewardship organization consistent with an approved battery  
131 stewardship plan.

132 (14) "Rechargeable battery" means a battery that contains one or more  
133 voltaic or galvanic cells, electrically connected to produce electric  
134 energy, that is designed to be recharged.

135 (15) "Recycling" means recycling, reclamation or reuse as defined in  
136 section 22a-207 of the general statutes. For purposes of this section,  
137 recycling does not include: (A) Combustion; (B) incineration; (C) energy  
138 generation; (D) fuel production; or (E) beneficial reuse in the  
139 construction and operation of a solid waste landfill, including use as  
140 alternative daily cover.

141 (16) "Recycling efficiency rate" means the ratio of the weight of  
142 covered battery components and materials recycled by a program  
143 operator from covered batteries to the weight of covered batteries as  
144 collected by the program operator.

145 (17) "Retailer" means a person who sells covered batteries or battery-  
146 containing products containing one or more covered batteries in or into  
147 this state or offers, or otherwise makes available, covered batteries or  
148 battery-containing products containing one or more covered batteries to  
149 a customer, including other businesses, in this state.

150 (18) "Commissioner" means the Commissioner of Energy and  
151 Environmental Protection.

152 (b) On or before January 1, 2027, for portable batteries and medium  
153 format batteries:

154 (1) Each producer selling, offering for sale or distributing covered  
155 batteries or battery-containing products containing one or more covered  
156 batteries in or into the state shall participate in a battery stewardship  
157 organization, including the funding of such organization; and

158 (2) Any producer that does not participate in a battery stewardship  
159 organization shall not sell covered batteries or battery-containing  
160 products covered by this section in or into this state.

161 (c) (1) On and after July 1, 2028, no retailer shall sell, offer for sale,  
162 distribute or otherwise make available for sale a covered battery or  
163 battery-containing product containing one or more covered batteries  
164 unless the producer of the covered battery or battery-containing

165 product is identified as a participant in a battery stewardship  
166 organization whose plan has been approved by the commissioner.

167 (2) No retailer shall be in violation of the requirements of subdivision  
168 (1) of this subsection if the web site made available by the department  
169 pursuant to this section lists, as of the date a product is made available  
170 for retail sale, a producer or brand of covered battery or battery-  
171 containing product containing one or more covered batteries sold by the  
172 retailer as being a participant in an approved battery stewardship plan  
173 or the implementer of an approved battery stewardship plan.

174 (3) Retailers of covered batteries or battery-containing products  
175 containing one or more covered batteries shall not be required to make  
176 retail locations available to serve as collection sites for a battery  
177 stewardship program operated by a battery stewardship organization.  
178 Retailers that serve as a collection site shall participate in an approved  
179 stewardship plan and comply with the requirements for collection sites  
180 in accordance with the provisions of this section.

181 (4) No retailer shall sell, offer for sale, distribute or otherwise make  
182 available for sale covered batteries, unless such batteries are marked  
183 consistent with the requirements of this section. Each producer of a  
184 battery-containing product containing a covered battery shall verify to  
185 the retailers of such product that the battery contained in the battery-  
186 containing product is marked consistent with the requirements of this  
187 section. A retailer may rely on such verification for purposes of  
188 compliance with this section.

189 (5) Any retailer selling or offering covered batteries or battery-  
190 containing products containing one or more covered batteries for sale in  
191 this state shall provide information to consumers that is provided to the  
192 retailer by the battery stewardship organization regarding available  
193 end-of-life management options for covered batteries collected by the  
194 battery stewardship organization. Any such information that a battery  
195 stewardship organization makes available to retailers shall include, but  
196 not be limited to, in-store signage, written materials and other

197 promotional materials that retailers may use to inform customers of the  
198 available end-of-life management options for covered batteries collected  
199 by the battery stewardship organization.

200 (6) No retailer, producer or battery stewardship organization shall  
201 charge a specific point-of-sale fee to consumers to cover the  
202 administrative or operational costs of the battery stewardship  
203 organization or the battery stewardship program.

204 (d) (1) On or before January 1, 2027, each producer of covered  
205 portable batteries or such producer's designee, including, but not  
206 limited to, a battery stewardship organization, shall notify the  
207 Commissioner of Energy and Environmental Protection, on a form  
208 prescribed by the commissioner, whether the producer will act  
209 individually or jointly with other producers to submit a stewardship  
210 plan to the commissioner for the establishment of a state-wide battery  
211 stewardship program.

212 (2) Not later than July 1, 2026, each battery stewardship organization  
213 shall submit a plan for covered portable and medium format batteries  
214 to the commissioner for approval. A battery stewardship organization  
215 may submit a plan at any time to the commissioner for review and  
216 approval. The commissioner shall review and may approve a plan based  
217 on whether it contains each of the following components:

218 (A) Contact information for each producer, battery brand and  
219 battery-containing product brand covered in the plan;

220 (B) A performance goals proposal consistent with this section,  
221 including establishing performance goals for each of the next three  
222 calendar years of program implementation;

223 (C) A description of how the battery stewardship organization will  
224 make retailers aware of their obligation to sell only covered batteries  
225 and battery-containing products containing one or more covered  
226 batteries of producers participating in an approved battery stewardship  
227 plan;



228 (D) A description of the education and communications strategy  
229 being implemented to effectively promote participation in the approved  
230 covered battery stewardship program and provide the information  
231 necessary for effective participation of consumers, retailers and others;

232 (E) A description of how the battery stewardship organization will  
233 make available to collection sites, for voluntary use, signage, written  
234 materials and other promotional materials that collection sites may use  
235 to inform consumers of the available end-of-life management options  
236 for covered batteries collected by the battery stewardship organization;

237 (F) Promotional activities to be undertaken, and the identification of  
238 consumer awareness goals and strategies that the battery stewardship  
239 program will employ to achieve such goals after the program is  
240 implemented;

241 (G) Collection site safety training procedures related to covered  
242 battery collection activities at collection sites, including operating  
243 protocols to reduce risks of spills or fires and response protocols in the  
244 event of a spill or fire, and a protocol for safe management of damaged  
245 batteries that are returned to collection sites;

246 (H) A description of the method to establish and administer a means  
247 for fully funding the program in a manner that equitably distributes the  
248 program's costs among the producers that are part of the battery  
249 stewardship organization. For producers that elect to meet the  
250 requirements of this section individually, without joining a battery  
251 stewardship organization, the plan shall describe the proposed method  
252 to establish and administer a means for fully funding such battery  
253 stewardship program;

254 (I) A description of the financing methods used to implement the  
255 battery stewardship plan, consistent with the provisions of this section;

256 (J) A description of how the battery stewardship program will collect  
257 all covered battery brands on a free, continuous, convenient, visible and  
258 accessible basis, including a description of how the program will

259 provide for convenient collection for any municipality;

260 (K) A description of the criteria to be used in the battery stewardship  
261 program to determine whether an entity may serve as a collection site  
262 for discarded batteries under the program;

263 (L) Collection goals for each of the first three years of implementation  
264 of the battery stewardship program that are based on the estimated total  
265 weight of primary and rechargeable covered batteries that have been  
266 sold in the state in the previous three calendar years by the producers  
267 participating in the battery stewardship plan;

268 (M) Identification of proposed sorters, transporters, processors and  
269 facilities to be used by the battery stewardship program for the final  
270 disposition of batteries and how environmentally sound management  
271 practices will be applied throughout the management of collected  
272 batteries;

273 (N) Details of how the battery stewardship program will achieve a  
274 recycling efficiency rate, calculated consistent with this section of not  
275 less than sixty per cent for rechargeable batteries and not less than  
276 seventy per cent for primary batteries; and

277 (O) Goals for increasing public awareness of the program and  
278 descriptions of how the public education and outreach components of  
279 the battery stewardship program will be implemented.

280 (3) Each battery stewardship organization shall submit a new plan to  
281 the commissioner for approval upon request of the commissioner. The  
282 commissioner may identify the types of significant changes that require  
283 a new plan to be submitted to the commissioner for approval.

284 (4) Each battery stewardship organization shall provide plan  
285 amendments to the commissioner for approval whenever:

286 (A) Changes are proposed to the performance goals of the battery  
287 stewardship program based on performance of such program;

288 (B) There is a change to the method of financing the battery  
289 stewardship plan implementation, including changes to the fees or fee  
290 structure established in the battery stewardship plan; or

291 (C) There is an addition or removal of a sorter, processor or  
292 transporter under the stewardship plan.

293 (5) The commissioner shall review a battery stewardship plan or  
294 amendment for compliance with this section and shall approve,  
295 disapprove or conditionally approve such plan, in writing, not later than  
296 ninety days after receipt of such plan. If the commissioner disapproves  
297 a battery stewardship plan submitted by a battery stewardship  
298 organization, the commissioner shall explain how the stewardship plan  
299 does not comply with this section. The battery stewardship organization  
300 shall resubmit to the commissioner a revised battery stewardship plan  
301 not later than sixty days after the date the written notice was issued and  
302 the commissioner shall review the revised battery stewardship plan for  
303 compliance with this section and shall approve, disapprove or  
304 conditionally approve such revised plan not later than ninety days after  
305 resubmittal. In the event that the commissioner disapproves the plan  
306 because it does not meet the requirements of this section, the  
307 commissioner shall describe the reasons for the disapproval in a notice  
308 of determination that the commissioner shall provide to the producer,  
309 or the producer's designee. Such producer, or producer's designee, shall  
310 revise and resubmit the plan to the commissioner not later than forty-  
311 five days after receipt of the commissioner's notice of disapproval. Such  
312 producer, or producer's designee, may resubmit a revised plan to the  
313 commissioner for approval on not more than two occasions. The  
314 commissioner shall approve, disapprove or conditionally approve such  
315 revised plan not later than forty-five days after submission. If the  
316 producer, or the producer's designee, fails to submit a plan that is  
317 acceptable to the commissioner because it does not meet the  
318 requirements of this section, the commissioner shall modify a submitted  
319 plan to make it conform to the requirements of this section and approve  
320 it. Not later than one hundred eighty days after the approval of a plan  
321 pursuant to this section, the battery stewardship organization shall

322 implement the battery stewardship program.

323 (6) Whenever a battery stewardship plan or an amendment that  
324 makes substantive changes to an approved plan is submitted under this  
325 section, the commissioner shall make the proposed plan or amendment  
326 available for public review and comment for not less than thirty days.

327 (7) Each battery stewardship organization shall provide written  
328 notification to the commissioner not later than thirty days after a  
329 producer begins or ends participation in a battery stewardship  
330 organization.

331 (e) (1) Each battery stewardship plan shall include performance goals  
332 that measure, on an annual basis, the achievements of the battery  
333 stewardship program, including: (A) The collection rate for batteries in  
334 the state; (B) the recycling efficiency rate of the battery stewardship  
335 program; and (C) public awareness of the battery stewardship program.

336 (2) The performance goals established in each battery stewardship  
337 plan shall include, but need not be limited to:

338 (A) Target collection rates for primary batteries and for rechargeable  
339 batteries;

340 (B) Target recycling efficiency rates of not less than sixty per cent for  
341 rechargeable batteries and not less than seventy per cent for primary  
342 batteries; and

343 (C) Goals for public awareness, convenience and accessibility that  
344 meet or exceed the minimum requirements established in this section.

345 (f) (1) Each battery stewardship organization shall ensure adequate  
346 funding is available to fully implement an approved battery  
347 stewardship plan, including the implementation of aspects of the plan  
348 addressing: (A) Battery collection, transporting and processing; (B)  
349 education and outreach; (C) program evaluation; and (D) payment of  
350 the administrative fees to the department in accordance with the  
351 provisions of this section.

352       (2) Each battery stewardship organization that implements a battery  
353 stewardship plan on behalf of producers shall develop a system to  
354 collect charges from participating producers to cover the costs of the  
355 plan's implementation.

356       (3) (A) Each battery stewardship organization shall be responsible for  
357 all costs of participating covered battery collection, transportation,  
358 processing, education, administration, department reimbursement,  
359 recycling and end-of-life management in accordance with the  
360 requirements of this section.

361       (B) Each battery stewardship organization shall meet the collection  
362 goals established in the approved battery stewardship plan.

363       (C) No battery stewardship organization shall reduce or cease  
364 collection, education and outreach, or other activities implemented  
365 under an approved battery stewardship plan based on achievement of  
366 program performance goals.

367       (4) (A) Each battery stewardship organization shall reimburse local  
368 governments for demonstrable costs incurred as a result of a local  
369 government facility or solid waste handling facility serving as a  
370 collection site for a battery stewardship program, including, but not  
371 limited to, associated labor costs and other costs associated with  
372 accessibility and collection site standards such as storage.

373       (B) Each battery stewardship organization shall, at a minimum,  
374 provide collection sites with appropriate containers for covered  
375 batteries subject to its battery stewardship program, training, signage,  
376 safety guidance and educational materials, at no cost to the collection  
377 sites.

378       (g) (1) Each battery stewardship organization that implements a  
379 battery stewardship plan shall provide for the collection of all covered  
380 batteries, including all chemistries and brands of covered batteries, on a  
381 free, continuous, convenient, visible and accessible basis to any person,  
382 business, government department or nonprofit organization. Except as

383 otherwise provided in this subsection, each battery stewardship plan  
384 shall provide for the collection of each chemistry and brand of covered  
385 battery from any person, business, government department or nonprofit  
386 organization at each collection site that counts toward the satisfaction of  
387 the collection site criteria described in this section.

388 (2) (A) For each collection site utilized by a battery stewardship  
389 program, each battery stewardship organization shall provide suitable  
390 collection containers for covered batteries that are segregated from other  
391 solid waste or make mutually agreeable alternative arrangements for  
392 the collection of batteries at the site. The collection containers shall be  
393 accompanied by signage made available to the collection site by the  
394 battery stewardship organization that informs customers regarding the  
395 end-of-life management options for batteries provided by the collection  
396 site under this section. Each collection site shall meet applicable federal,  
397 state and local regulatory requirements and adhere to the operations  
398 manual and other safety information provided to the collection site by  
399 the battery stewardship organization.

400 (B) Medium format batteries may only be collected at household  
401 hazardous waste collection sites or other staffed collection sites that  
402 meet applicable federal, state and local regulatory requirements to  
403 manage medium format batteries.

404 (C) (i) Damaged and defective batteries shall be collected at collection  
405 sites, other than retail locations, that are staffed by persons trained to  
406 handle and ship such batteries.

407 (ii) Each battery stewardship organization shall provide for collection  
408 of damaged and defective batteries at each permanent household  
409 hazardous waste facility in the state, at each household hazardous waste  
410 collection event and at any participating permitted transfer stations that  
411 are staffed by persons trained to handle and ship such batteries.

412 (iii) As used in this subparagraph, "damaged and defective batteries"  
413 means batteries that have been damaged or identified by the  
414 manufacturer as being defective for safety reasons and that have the

415 potential of producing a dangerous evolution of heat, fire or short  
416 circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2025, or as  
417 updated by the department by regulations adopted in accordance with  
418 the provisions of chapter 54 of the general statutes to maintain  
419 consistency with federal standards.

420 (3) Each battery stewardship organization that implements a battery  
421 stewardship plan shall ensure state-wide collection opportunities for all  
422 covered batteries. Battery stewardship organizations shall coordinate  
423 activities with other program operators, including covered battery  
424 collection and recycle programs and electronic waste recyclers, with  
425 regard to the proper management or recycling of collected covered  
426 batteries, for purposes of providing the efficient delivery of services and  
427 avoiding unnecessary duplication of effort and expense. State-wide  
428 collection opportunities shall be determined by geographic information  
429 modeling that considers permanent collection sites. A battery  
430 stewardship program may rely, in part, on collection events to  
431 supplement the permanent collection services required in this  
432 subsection, provided only permanent collection services specified in  
433 this subsection shall qualify toward the satisfaction of the requirements  
434 of this subsection.

435 (4) (A) Each battery stewardship program shall use existing public  
436 and private waste collection services and facilities, including battery  
437 collection sites that are established through other battery collection  
438 services, transporters, consolidators, processors and retailers, where  
439 such use is cost effective, mutually agreeable and otherwise practicable.

440 (B) (i) Any municipality, solid waste management facility or  
441 household hazardous waste facility that meets the criteria for collection  
442 sites in the approved stewardship plan shall be included in the program  
443 upon the submission of a request to the battery stewardship  
444 organization to serve as a collection site. Each battery stewardship  
445 program shall use as a collection site for covered batteries any retailer  
446 or wholesaler that meets the criteria for collection sites in the approved  
447 battery stewardship plan up to the minimum number of sites required

448 for compliance with the approved plan, upon the submission of a  
449 request by an entity to the battery stewardship organization to serve as  
450 a collection site. Each battery stewardship program may use additional  
451 collection sites in excess of the minimum required in this subsection, as  
452 may be agreed between the battery stewardship organization and the  
453 collection site.

454 (ii) Each battery stewardship program shall use as a site for a  
455 collection event for covered batteries any retailer, wholesaler,  
456 municipality, solid waste management facility, household hazardous  
457 waste facility or other entity that meets the criteria for collection events  
458 in the approved plan upon the submission of a request by the entity to  
459 the battery stewardship organization to serve as a site for a collection  
460 event. Each battery stewardship program may use additional sites as  
461 may be agreed between the battery stewardship organization and the  
462 collection site.

463 (C) Each battery stewardship organization may issue a warning to  
464 suspend or terminate a collection site or service that does not adhere to  
465 the collection site criteria in the approved battery stewardship plan or  
466 that poses an immediate health and safety concern.

467 (5) (A) No battery stewardship program shall be required to provide  
468 for the collection of battery-containing products.

469 (B) No battery stewardship program shall be required to provide for  
470 the collection of batteries that: (i) Are not easily removable from the  
471 product other than by the manufacturer; and (ii) remain contained in a  
472 battery-containing product at the time of delivery to a collection site.

473 (C) Each battery stewardship program shall provide for the collection  
474 of loose batteries.

475 (h) (1) Each battery stewardship organization shall carry out  
476 promotional activities in support of the battery stewardship plan  
477 implementation, including, but not limited to, the development and (A)  
478 maintenance of a web site; (B) distribution of periodic press releases and



479 articles; (C) placement of advertisements for use on social media or  
480 other relevant media platforms; (D) distribution of promotional  
481 materials about the battery stewardship program and the restriction on  
482 the disposal of covered batteries to be used by persons, including, but  
483 not limited to, retailers, government agencies, waste and recycling  
484 collectors and nonprofit organizations; (E) distribution of collection site  
485 safety training procedures that are in compliance with state law to  
486 collection sites to help ensure proper management of covered batteries  
487 at collection sites; and (F) implementation of outreach and educational  
488 resources that are conceptually, linguistically and culturally accurate for  
489 the communities served and that reach the state's diverse ethnic  
490 populations, including through meaningful consultation with  
491 communities that bear disproportionately higher levels of adverse  
492 environmental and social justice impacts.

493 (2) Each battery stewardship organization shall provide:

494 (A) Consumer-focused educational promotional materials to each  
495 collection site used by the battery stewardship program and that are  
496 accessible by customers of retailers that sell covered batteries or battery-  
497 containing products containing one or more covered batteries; and

498 (B) Safety information related to covered battery collection activities  
499 to the operator of each collection site, including appropriate protocols  
500 to reduce risks of spills or fires, response protocols in the event of a spill  
501 or fire and response protocols in the event of detection of a damaged or  
502 defective battery.

503 (3) (A) Each battery stewardship organization shall provide  
504 educational materials to the operator of each collection site for the  
505 management of recalled batteries, which are not intended to be part of  
506 collection, to help facilitate transportation and processing of recalled  
507 batteries.

508 (B) Each battery stewardship organization may seek reimbursement  
509 from the producer of the recalled battery for expenses incurred in the  
510 collection, transportation or processing of such batteries.

511       (4) Upon request by a retailer or other potential collector, the battery  
512       stewardship organization shall provide the retailer or other potential  
513       collector educational materials describing collection opportunities for  
514       batteries.

515       (5) If multiple battery stewardship organizations are implementing  
516       plans approved by the commissioner, the battery stewardship  
517       organizations shall coordinate in carrying out their education and  
518       outreach responsibilities under this section and shall include in their  
519       annual reports to the commissioner a summary of their coordinated  
520       education and outreach efforts.

521       (6) During the first year of a battery stewardship program's  
522       implementation and every five years thereafter, each battery  
523       stewardship organization shall carry out a survey of public awareness  
524       regarding the requirements of the battery stewardship program  
525       established under this section. Each battery stewardship organization  
526       shall share the results of such public awareness surveys with the  
527       commissioner.

528       (i) (1) Not later than June 1, 2029, and each June first thereafter, each  
529       battery stewardship organization shall submit an annual report to the  
530       commissioner covering the preceding calendar year of the battery  
531       stewardship program. Such report shall include:

532       (A) A copy of the most recent audit report prepared pursuant to this  
533       subparagraph. Five years after the implementation of the program, or  
534       upon the request of the Commissioner of Energy and Environmental  
535       Protection, but not more frequently than once every five years, the  
536       stewardship organization shall cause a full performance audit of the  
537       program to be conducted by an independent third party auditor  
538       approved by the commissioner. The commissioner shall provide notice  
539       to the battery stewardship organization not less than one hundred  
540       eighty days prior to any such request. The battery stewardship  
541       organization shall submit such full performance audit to the  
542       commissioner not later than one hundred eighty days after such audit

543 request by the commissioner. Additionally, the commissioner may  
544 request a targeted and limited performance audit of the program. The  
545 commissioner shall provide notice to the battery stewardship  
546 organization not less than fourteen days prior to any such request for a  
547 targeted and limited performance audit. The battery stewardship  
548 organization shall submit such targeted or limited audit to the  
549 commissioner not later than sixty days after such audit request by the  
550 commissioner. Any such audit conducted pursuant to this  
551 subparagraph shall review the accuracy of the battery stewardship  
552 organization's data concerning the program and provide any other  
553 information requested by the commissioner, provided such audit shall  
554 not require the disclosure of any proprietary information or trade or  
555 business secret. Any audit conducted pursuant to this subparagraph  
556 shall be paid for by the battery stewardship organization. The battery  
557 stewardship organization shall maintain all records relating to the  
558 program for a period of not less than three years;

559 (B) A summary financial statement that documents the financing of  
560 the battery stewardship organization's program and an analysis of  
561 program costs and expenditures, including an analysis of the program's  
562 expenses, such as collection costs, transportation costs, recycling costs,  
563 education costs and administrative overhead costs. Each summary  
564 financial statement shall be sufficiently detailed to provide transparency  
565 as to whether funds collected from producers as a result of their  
566 activities in the state are spent on program implementation in the state.  
567 Each battery stewardship organization that implements similar battery  
568 stewardship programs in multiple states may submit a financial  
569 statement including all covered states, provided the statement breaks  
570 out financial information pertinent to this state;

571 (C) The weight, by chemistry, of covered batteries collected under the  
572 battery stewardship program;

573 (D) The weight of materials recycled from covered batteries collected  
574 under the program, in total, and by method of battery recycling;

575 (E) A calculation of the recycling efficiency rates;

576 (F) A list of all facilities used in the processing or disposition of  
577 batteries, including identification of the facility's location and whether  
578 the facility is located domestically, in an organization for economic  
579 cooperation and development country or in a country that meets  
580 organization for economic cooperation and development operating  
581 standards. For domestic facilities, such report shall provide a summary  
582 of any violations of environmental laws and regulations over the  
583 previous three years at each such facility;

584 (G) For each facility used for the final disposition of batteries, a  
585 description of how the facility recycled or otherwise disposed of  
586 batteries and battery components;

587 (H) The weight and chemistry of batteries sent to each facility used  
588 for the final disposition of batteries. Such information may be  
589 approximated for program operations in the state based on  
590 extrapolations of national or regional data for programs in operation in  
591 multiple states;

592 (I) The collection rate achieved under the program, including a  
593 description of how the collection rate was calculated and how it  
594 compares to the collection rate goals established in this section;

595 (J) The estimated aggregate sales, by weight and chemistry, of  
596 batteries and batteries contained in or with battery-containing products  
597 sold in the state by participating producers for each of the previous three  
598 calendar years;

599 (K) A description of the manner in which the collected batteries were  
600 managed and recycled, including a discussion of best available  
601 technologies and the recycling efficiency rate;

602 (L) A description of education and outreach efforts supporting plan  
603 implementation including, but not limited to, a summary of education  
604 and outreach provided to consumers, collection sites, manufacturers,

605 distributors and retailers by the battery stewardship program operator  
606 for the purpose of promoting the collection and recycling of covered  
607 batteries, a description of how that education and outreach met the  
608 requirements of this section, samples of education and outreach  
609 materials, a summary of coordinated education and outreach efforts  
610 with any other battery stewardship organizations implementing a  
611 battery stewardship plan approved by the commissioner and a  
612 summary of any changes made during the previous calendar year to  
613 education and outreach activities;

614 (M) A list of all collection sites and an address for each listed site  
615 including an up-to-date map indicating the location of all collection sites  
616 used to implement the program, with links to appropriate web sites if  
617 there are existing web sites associated with a site;

618 (N) A description of methods used to collect, transport and recycle  
619 covered batteries by the battery stewardship organization;

620 (O) A summary on progress made toward the program performance  
621 goals established under this section and an explanation of why  
622 performance goals were not met, if applicable; and

623 (P) An evaluation of the effectiveness of education and outreach  
624 activities.

625 (2) The weight of batteries or recovered resources from such batteries  
626 shall only be counted once and may not be counted by more than one  
627 battery stewardship organization.

628 (3) If a battery stewardship organization has disposed of covered  
629 batteries through energy recovery, incineration or landfilling during the  
630 preceding calendar year of program implementation, the annual report  
631 shall specify the steps that the battery stewardship organization will  
632 take to make the recycling of covered batteries cost effective, where  
633 possible, or to otherwise increase battery recycling rates achieved by the  
634 battery stewardship organization.

635       (4) Any proprietary information submitted to the commissioner  
636 under this section shall be exempt from disclosure under chapter 14 of  
637 the general statutes.

638       (j) The Commissioner of Energy and Environmental Protection may  
639 assess a reasonable annual fee to any battery stewardship organization  
640 that shall not exceed fifty thousand dollars annually for the  
641 administration and enforcement of this section.

642       (k) The department shall maintain an Internet web site that lists  
643 producers and their brands that are participating in an approved plan,  
644 and make available to the public each plan, plan amendment and annual  
645 report, described in subsection (i) of this section, received by the  
646 commissioner after the approval or receipt of notice from a battery  
647 stewardship organization of changes to the producers and brands  
648 participating under an approved battery stewardship plan.

649       (l) (1) The Commissioner of Energy and Environmental Protection  
650 may enforce the provisions of this section pursuant to chapter 439 of the  
651 general statutes.

652       (2) Upon request by the commissioner, the Attorney General may  
653 bring an action to enforce the provisions of this section.

654       (m) (1) On and after January 1, 2028, each producer or retailer may  
655 only sell, offer for sale or distribute in or into the state a covered battery  
656 or battery-containing product containing one or more covered batteries  
657 if the battery is marked with an identification of the producer of the  
658 battery, unless the battery is less than one-half inch in diameter or does  
659 not contain a surface that exceeds one-half inch. On and after January 1,  
660 2030, such battery shall be marked with proper labeling to ensure proper  
661 collection and recycling, by identifying the chemistry of the battery and  
662 including an indication that the battery should not be disposed of as  
663 household waste unless the battery is less than one-half inch diameter  
664 or does not contain a surface that exceeds one-half inch.

665       (2) Each producer shall verify to its customers, or to the retailer if the

666 retailer is not the customer, that the requirements of this subsection have  
667 been met.

668 (n) Each producer, retailer and the battery stewardship organization  
669 shall be immune from liability for any claim of a violation of antitrust  
670 law or unfair trade practice if such conduct is a violation of antitrust law,  
671 to the extent such producer, retailer or organization is exercising  
672 authority pursuant to the provisions of this section. Such immunity shall  
673 not apply to any intentional misrepresentation, fraud or wilful, wonton  
674 or reckless act.

675 (o) If another state implements a battery recycling program, the  
676 Department of Energy and Environmental Protection may collaborate  
677 with such other state to conserve efforts and resources used in carrying  
678 out the administration of any battery stewardship program, provided  
679 such collaboration is consistent with the requirements of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	New section

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

### **Municipal Impact:**

Municipalities	Effect	FY 26 \$	FY 27 \$
All Municipalities	Potential Savings	Minimal	None

## **Explanation**

The bill requires a plan for and implements a statewide battery stewardship program. The Department of Energy and Environmental Protection (DEEP) is responsible for reviewing and approving the plans submitted by battery producers. The bill results in the fiscal impacts described below.

### **Potential Revenue Gain to DEEP**

The bill may result in a revenue gain, beginning in FY 26, to DEEP as the department may assess a fee of up to \$50,000 annually on each stewardship organization to cover the costs of program administration. Total revenue is expected to be minimal annually, subject to the number of stewardship organizations and the fee set by DEEP.

There are no anticipated costs to DEEP for administration of the



statewide battery stewardship program, DEEP has the staff and expertise necessary to oversee the program.

### **Fines**

The bill additionally allows the Office of the Attorney General (OAG) to bring an action to enforce the provisions of the bill resulting in a potential revenue gain to the state to the extent violations occur, the OAG brings an action, and fines are collected.

### **Municipal Impact**

The bill results in a potential savings to municipalities, beginning in FY 27, as fewer batteries would be a part of municipal solid waste (MSW). Current average tipping fees for MSW are approximately \$110 per ton. Any savings to municipalities would be dependent on the volume of batteries being disposed of in the MSW stream. The bill also allows municipalities to serve as a collection site for the battery stewardship program. Any costs to municipalities for serving as a collection site would be reimbursed by the battery stewardship organization.

House "A" strikes the underlying bill and its associated fiscal impact and replaces it with the fiscal impact described above.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the fee set by DEEP, the number of battery stewardship organizations, and the number of violations. The bill's other fiscal impacts will grow in the out years as producers of larger batteries become subject to certain stewardship program requirements beginning in FY 28.

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**OLR Bill Analysis****sHB 5019 (as amended by House "A")\******AN ACT ESTABLISHING EXTENDED PRODUCER RESPONSIBILITY  
FOR CONSUMER BATTERIES.*****SUMMARY**

This bill establishes a framework for statewide stewardship programs to manage the collection and recycling of certain batteries. Beginning January 1, 2027, it prohibits battery and battery-containing product producers who fail to participate in a battery stewardship organization from selling the batteries or products in Connecticut.

Under the bill, producers must, either on their own or with other producers, be part of a stewardship organization that develops a plan for and implements a battery stewardship program. The Department of Energy and Environmental Protection (DEEP) is responsible for reviewing and deciding to approve a plan. These plans must be submitted by July 1, 2026, and producers of certain covered batteries must inform DEEP whether they will join a program jointly or individually by January 1, 2027. Starting July 1, 2028, the bill prohibits retailers from selling, offering for sale, distributing, or otherwise making available for sale the covered batteries or battery-containing products of non-participating producers.

Starting January 1, 2028, the bill generally prohibits producers and retailers from selling, offering for sale, or distributing in or into Connecticut covered batteries or battery-containing products without an identification mark of the battery's producer. Starting January 1, 2030, these batteries must be marked with specified labels to ensure they are properly collected and recycled.

The bill authorizes DEEP to assess an annual fee of up to \$50,000 on

an organization for administration and enforcement of the bill's requirements. It requires the collection of loose batteries; it does not require collecting battery-containing products. The bill also sets requirements on retail battery sales, establishing collection sites, educational and promotional efforts, and annual reporting to DEEP.

The bill (1) authorizes the DEEP commissioner to enforce the bill's provisions under her general powers, and to ask the attorney general to bring an action to enforce the bill's provisions; (2) extends certain antitrust and unfair trade practice liability protections to retailers, producers, and battery stewardship organizations; and (3) authorizes DEEP to cooperate with other states' battery recycling programs.

\*House Amendment "A" makes numerous changes to the underlying bill. Among other things, it:

1. pushes up the date by which battery stewardship organizations must submit a plan for approval from January 1, 2027, to July 1, 2026;
2. delays the start of the retailer restrictions on portable batteries from July 1, 2027, to July 1, 2028 (the same date the underlying bill sets for the restrictions on medium format batteries);
3. requires retailers that serve as collection sites to participate in an approved stewardship plan;
4. requires the battery stewardship plan to describe how the program will provide convenient collection for all municipalities, rather than just those with populations of 100,000 or more;
5. changes the procedures and timeline for DEEP's approval of the stewardship plans;
6. removes the requirement that collection containers in collection sites be within the view of a reasonable person;
7. clarifies retailers' liability protections and adds the carve out for

intentional misrepresentation, fraud, and willful, wonton, or reckless acts; and

8. makes numerous minor and technical changes.

The amendment also eliminates provisions:

1. establishing criminal and civil penalties for violating specified provisions in the underlying bill;
2. giving battery stewardship organizations implementing an approved plan in compliance with the bill's provisions a private right of action for damages against producers;
3. prohibiting the disposal of lithium ion batteries in solid waste landfill facilities or incinerators; and
4. explicitly allowing for mail-back programs for end of life portable or medium format batteries outside of the battery stewardship organization.

And it adds provisions:

1. allowing the DEEP commissioner to enforce the bill's provisions and ask the attorney general to bring an action to do so,
2. allowing DEEP to collaborate with other states that implement a battery recycling program, and
3. requiring a full performance audit at least once every five years and authorizing DEEP to request a targeted and limited performance audit.

EFFECTIVE DATE: October 1, 2025

## **BATTERY STEWARDSHIP REQUIREMENTS**

### ***Producer Participation***

Beginning January 1, 2027, for portable and medium format batteries, the bill requires each producer selling, offering for sale, or distributing

covered batteries or battery-containing products in or into the state to participate in an approved battery stewardship organization, including the organization's funding. The bill prohibits nonparticipating producers from selling the batteries or products in or into the state.

***Batteries and Battery Products Involved***

The bill applies to the management of "covered batteries" and "battery-containing products." Covered batteries include portable batteries and medium format batteries, but not:

1. batteries used in medical devices;
2. batteries that contain an electrolyte as a free liquid;
3. lead acid batteries weighing more than 11 pounds;
4. motor vehicle batteries subject to the existing battery deposit law or any battery that is a component of a motor vehicle or intended for use exclusively in motor vehicles;
5. batteries recalled for safety reasons;
6. batteries in a battery-containing-device that are not easily, or not designed to be, removed; or
7. batteries subject to the state's electronic waste recycling law.

"Portable batteries" include (1) nonrechargeable batteries (e.g., alkaline, silver oxide, zinc air, carbon-zinc, and lithium metal) of up to four pounds, six ounces and (2) rechargeable batteries (e.g., with at least one voltaic or galvanic cell, electrically connected to produce electric energy) of up to 11 pounds and a maximum rating of 300 watt hours.

"Medium format batteries" are (1) nonrechargeable batteries weighing more than four pounds, six ounces, but no more than 25 pounds and (2) rechargeable batteries weighing more than 11 pounds, but no more than 25 pounds, or with a rating over 300 watt hours, but no more than 2,000 watt hours.

Products that are sold, offered for sale, or distributed that contain or are packaged with the above batteries are “battery-containing products,” unless they are already subject to the state’s electronic waste recycling law.

### **Producers**

The bill applies to “producers.” For batteries that are sold, offered for sale, or distributed in or into the state under the battery manufacturer’s brand, the producer is the battery manufacturer. But if they are under a retail brand or a brand owned by a person that is not the manufacturer, it is the brand owner. And if there is no person meeting the above criteria, then the following, in order, would be the producer:

1. the licensee of a brand or trademark under which the battery is sold, offered for sale, or distributed in or into Connecticut, regardless of whether the trademark is registered in this state;
2. the battery’s importer of record into the United States; or
3. the person who first sells, offers for sale, or distributes the battery in or into Connecticut, if no person has a commercial presence in the state.

The bill largely applies the same hierarchy to determine a producer for battery-containing products, though brand or trademark licensees may be deemed the producers if the product is used in a commercial enterprise, in addition to being sold, offered for sale, or distributed in the state as described above.

The bill allows another party to contractually accept the responsibility as a producer and join a stewardship organization as the producer. In addition, producers of covered batteries that are included in battery-containing products must provide written certification of their membership in a battery stewardship organization to the battery-containing product’s producer, and the battery stewardship organization of which the battery producer is a member.

## **RESTRICTIONS ON SALE, DISTRIBUTION, OFFERS, AND AVAILABILITY**

### ***Retailers***

Beginning July 1, 2028, the bill generally prohibits retailers from selling, offering for sale, distributing, or otherwise making available for sale (including to other businesses) the covered battery or battery-containing product of a producer that is not participating in a battery stewardship organization with an approved plan. This ban does not apply if, at the time the product is made available for sale, DEEP's website lists a producer or brand of covered battery or battery-containing product sold by the retailer as participating in or implementing an approved plan.

The bill requires retailers selling or offering covered batteries or battery-containing products for sale in the state to give consumers the information that the battery stewardship organization gave the retailer on end-of-life management options for covered batteries the organization collects.

The bill also prohibits retailers from selling, offering for sale, distributing, or otherwise making available for sale covered batteries unless they are properly marked (see *Identifying Markings* below). It requires battery-containing product producers to verify to retailers that the battery in the product is properly marked, which retailers may rely on for compliance reasons.

Lastly, the bill prohibits retailers, producers, and battery stewardship organizations from charging consumers a specific fee during a sale to cover the organizations' or their programs' administrative or operational costs.

### ***Identifying Markings***

Beginning January 1, 2028, the bill generally prohibits producers and retailers from selling, offering for sale, or distributing in or into Connecticut a covered battery or battery-containing product without an identification mark of the battery's producer. However, it exempts

batteries with diameters of less than one half-inch or surfaces that do not exceed one half-inch. Beginning January 1, 2030, these batteries must be marked with labels to ensure that they are properly collected and recycled by identifying their chemistry and indicating that they should not be disposed of as household waste.

The bill requires producers to verify to their customers and retailers that the above requirements were met.

### **PLAN DEVELOPMENT AND SUBMISSION**

By January 1, 2027, the bill requires each producer of covered portable batteries, or its designee (e.g., a battery stewardship organization), to notify the DEEP commissioner on a DEEP-prescribed form if it will individually or jointly submit a plan to establish a statewide battery stewardship program. (The bill does not similarly require producers of covered medium format batteries to notify DEEP in this way).

Under the bill, each battery stewardship organization must submit its plan for covered batteries by July 1, 2026, to DEEP for review and approval. A battery stewardship organization may then submit a plan to DEEP at any time for its review and approval.

### ***Required Plan Contents***

Under the bill, the plan must include the following information:

1. contact information for each producer, battery brand, and battery-containing product brand covered in the plan;
2. a performance goals proposal, including goals for each of the next three program years (see *Performance Goals* below);
3. promotional activities and consumer awareness goals and strategies to meet the program's goals;
4. collection site safety training procedures for battery collection, including protocols to reduce spill or fire risk, respond to a spill



or fire, and safely manage damaged batteries;

5. collection goals for each of the program's first three years that are based on the estimated total weight of nonrechargeable and rechargeable covered batteries sold in the state during the previous three years;
6. goals for increasing public awareness; and
7. proposed sorters, transporters, processors, and facilities that the program will use for final battery disposition and how environmentally sound management practices will be used when managing collected batteries.

Under the bill, "environmentally sound management practices" comply with applicable federal, state, and local regulatory requirements to protect workers, public health, and the environment. They also (1) provide for recording, tracking, and documenting materials' final disposition in the state and outside of it and (2) include comprehensive liability coverage for the stewardship organization with commercially practicable environmental liability coverage.

The plan must also describe the following:

1. how the organization will inform retailers about their obligation to only sell batteries and battery-containing products covered by an approved battery stewardship plan;
2. the education and communications strategy that will be used to effectively promote program participation, including the information needed for consumers, retailers, and others;
3. how the program's public education and outreach aspects will be implemented;
4. how the organization will provide collection sites with signs, written materials, and other promotional materials to inform consumers about end-of-life management options for covered

- batteries;
5. a method for establishing and administering a way to fully fund the program so that it equitably distributes program costs among participating producers;
  6. financing methods to implement the plan;
  7. how the program will collect all covered battery brands on a free, continuous, convenient, visible, and acceptable basis, including providing for convenient collection in towns;
  8. criteria for determining if an entity may serve as a collection site; and
  9. how the program will reach recycling efficiency rates of at least 70% for nonrechargeable batteries and at least 60% for rechargeable batteries.

Under the bill, a “recycling efficiency rate” is a ratio of the weight of battery components and materials recycled by a program operator to the weight of batteries the operator collected. In calculating the rate, materials are not considered recycled if they are combusted, incinerated, or used in energy generation, fuel production, or for beneficial use in a solid waste landfill.

### ***Performance Goals***

The bill requires each plan to have performance goals that annually measure the program’s achievements on battery collection in the state, the recycling efficiency rate, and public awareness. Specifically, the goals must at least include the following:

1. target collection rates for nonrechargeable batteries and rechargeable batteries;
2. target recycling efficiency rates of at least 70% for nonrechargeable batteries and at least 60% for rechargeable batteries; and

3. goals for public awareness, convenience, and accessibility that at least meet the bill's minimum requirements.

The bill prohibits a battery stewardship organization from reducing or stopping collection, education and outreach, or other activities due to meeting program performance goals.

The "collection rate" is a percentage, by weight, that is calculated by dividing the total weight of batteries collected by the organization during the prior year by the average annual weight of batteries estimated to have been sold in the state during the previous three years by all producers participating in an approved plan.

### ***Review and Approval Process***

The bill requires the DEEP commissioner to (1) review submitted plans and (2) base her approval on whether the plan has the above information. The commissioner may approve, disapprove, or conditionally approve a plan, but must do so in writing within 90 days after receiving it. A disapproval must explain how the plan is noncompliant.

If a plan is disapproved, the battery stewardship organization must submit a revised plan within 60 days after DEEP's disapproval notice and DEEP then has 90 days to review it for compliance with the bill, and must approve, disapprove, or conditionally approve the revised plan. If the commissioner disapproves it again, she must again explain why in a notice of determination to the producer or stewardship organization. The bill then requires revision and resubmission of the plan within 45 days after receipt of the last notice, but it limits resubmitting a revised plan for approval to two times. Once a plan is resubmitted, the commissioner has 45 days to approve, disapprove, or conditionally approve it.

Under the bill, if there is no acceptable plan submitted, the DEEP commissioner must modify a submitted plan to make it compliant and approve it. Once a plan is approved, the battery stewardship

organization must implement the program within 180 days.

### ***Changes to a Plan***

The bill sets out circumstances that require plan amendments or a new plan to be submitted for DEEP's approval. Specifically, it requires plan amendments for (1) changes to performance goals due to program performance; (2) changes to the program financing method, including to the plan's fees or fee structure; and (3) an addition or removal of a sorter, processor, or transporter. It authorizes DEEP to identify other types of significant changes that would require submitting a new plan for approval and requires the submission of one if DEEP requests it.

The bill also requires a stewardship organization to inform DEEP, in writing, within 30 days after a producer starts or ends participation in the organization.

### ***Public Comment***

Under the bill, DEEP must make any plan or amendment submitted for DEEP approval available for public review and comment for at least 30 days.

## **PROGRAM FUNDING**

Under the bill, a battery stewardship organization must ensure that there is adequate funding to fully implement its approved plan, including program evaluation. The bill makes it responsible for all the costs of covered battery collection, transportation, processing, education, administration, department reimbursement, recycling, and end-of-life management according to the bill's requirements. For an organization that implements a plan on behalf of producers, the bill requires it to develop a system to collect charges from the producers to cover the plan's implementation costs.

The bill separately authorizes a stewardship organization to seek reimbursement from producers of recalled batteries for its expenses to collect, transport, or process them.

## **BATTERY COLLECTION**

***General Provisions***

The bill requires each battery stewardship organization to meet the battery collection goals set out in its plan. It must have all covered batteries collected on a free, continuous, convenient, visible, and acceptable basis for individuals, businesses, government agencies, and nonprofits at each collection site it uses, with certain exceptions (see below).

Under the bill, a stewardship organization must have statewide collection opportunities. It must coordinate with other program operators, like battery collection and recycle programs and electronic waste recyclers, to efficiently deliver services and avoid unnecessary duplication of work and costs. Geographic information modeling must be used to consider permanent collection sites and determine statewide collection opportunities. The bill allows programs to rely on collection events to supplement permanent collection services, but only permanent services qualify to meet the bill's collection location requirements.

Under the bill, a battery stewardship program must use existing waste collection services and facilities, including battery collection sites, transporters, consolidators, processors, and retailers, when doing so is cost effective, mutually agreeable, and otherwise practicable. While the bill does not require retailers to make their locations available as collection sites, those that do must participate in an approved stewardship plan and comply with all collection site requirements (see below).

The bill limits the collection of medium format batteries to household hazardous waste collection sites or other staffed locations that meet applicable federal, state, and local regulatory requirements for managing these batteries. It also specifies that programs do not have to collect (1) battery-containing products or (2) batteries that are not easily removable from a product except by the manufacturer and that stay in a battery-containing product when it is brought to a collection site.

***Collection Sites***

Under the bill, a “collection site” includes any (1) state resident; (2) political subdivision of the state; (3) transfer station, material recovery facility, drop off or event or disposal facility in Connecticut; or (4) other entity that the battery stewardship organization approved to participate in its approved collection plan.

The bill requires a battery stewardship program to include municipalities, solid waste management facilities, and household hazardous waste facilities as collection sites if they meet the associated plan’s collection site criteria and they ask to be one. It similarly requires a program to use any retailer or wholesaler meeting the collection site criteria as a collection site if it asks to be one and having it as a site will help meet the plan’s minimum number of required sites.

The bill also requires a program to use retailers, wholesalers, municipalities, solid waste management facilities, household hazardous waste facilities, or other entities meeting a plan’s collection event criteria to serve as a collection event location if they ask to serve as one. And it allows a program to use additional sites agreed to by the battery stewardship organization and the collection site.

Under the bill, for each collection site it uses, a battery stewardship organization must (1) provide suitable collection containers that are separated from other solid waste or (2) make mutually agreeable alternative arrangements to collect the batteries at a site. The organization must also provide the site with free training, signs, safety guidance, and educational materials.

Collection sites must follow (1) applicable federal, state, and local regulatory requirements and (2) the operations manual and other safety information the stewardship organization gives them.

***Collection Container Location***

The bill requires the collection containers to have the signs the stewardship organization gave the site to educate customers about the

site's end-of-life management options for batteries.

### ***Damaged or Defective Batteries***

The bill requires the stewardship organizations to collect damaged or defective batteries at collection sites, other than retailers, with staff trained to handle and ship the batteries. The batteries must also be collected at all permanent household hazardous waste facilities, household hazardous waste collection events, and participating permitted transfer stations. Under the bill, these batteries are those that (1) are damaged or manufacturer identified as defective for safety reasons and (2) may produce dangerous heat, fire, or short circuit. The bill allows DEEP to update this definition in regulations to stay consistent with federal definitions of damaged or defective batteries (49 C.F.R. § 173.185(f)).

### ***Suspending or Ending a Collection Site***

The bill allows a stewardship organization to issue a warning to suspend or end a collection site or service that does not follow the plan's collection site criteria or poses an immediate health and safety concern.

### ***Local Reimbursement***

The bill requires a stewardship organization to reimburse local governments for the demonstrable costs they incur from serving as a program collection site (e.g., like at a solid waste handling facility). The costs include things like labor or storage costs.

## **ADMINISTRATIVE FEE**

The bill allows DEEP to assess a reasonable annual fee, capped at \$50,000, to each battery stewardship organization to administer and enforce the bill's requirements.

## **PROMOTIONAL EFFORTS, EDUCATION, AND OUTREACH**

### ***Stewardship Organization***

The bill requires a battery stewardship organization to develop and take part in promotion, education, and outreach activities to support its approved plan's implementation. If multiple battery stewardship

organizations are implementing DEEP-approved plans, they must coordinate education and outreach efforts.

Under the bill, the promotion, education, and outreach activities must at least include the following:

1. maintaining a website;
2. distributing periodic press releases and articles;
3. advertising on social media or other relevant media platforms;
4. distributing promotional materials about the program and its restrictions on disposing of batteries for use by individuals, retailers, government agencies, waste and recycling collectors, and nonprofits;
5. distributing safety training procedures that comply with state law to collection sites to help properly manage batteries; and
6. implementing educational and outreach resources that are conceptually, linguistically, and culturally accurate for the communities the program serves and reach the state's diverse ethnic populations, such as through meaningful consultation with communities that are disproportionately affected by increased adverse environmental and social justice impacts.

For collection sites, the bill requires a stewardship organization to provide (1) consumer-focused educational promotional materials; (2) safety information for the sites' operators related to battery collection, including appropriate methods to reduce spill or fire risks and response protocols for when a spill or fire happens or there is a damaged or defective battery; and (3) educational materials for the operators to manage recalled batteries, including transportation and processing.

For retailers and other potential collectors that ask for them, the bill requires a stewardship organization to provide educational materials describing collection opportunities.



Additionally, during a program's first year and then every five years, a stewardship organization must conduct a public awareness survey about the program's requirements. It must share the survey's results with DEEP.

### **DEEP**

The bill requires DEEP to maintain a website that lists participating producers and their brands. The department must also make publicly available each plan, plan amendment, and annual report it receives.

### **ANNUAL REPORT**

Beginning by June 1, 2029, the bill requires each stewardship organization to report certain information in an annual report to DEEP that covers the previous calendar year. This information generally includes collected battery statistics, how batteries were managed, collection or recycling rates, educational and outreach efforts used, and certain financial information, as listed in the table below.

**Table: Annual Report's Required Components**

<b>General Report Topic</b>	<b>Required Information</b>
Collected Materials	<ul style="list-style-type: none"> <li>• Weight of (1) collected batteries, by chemistry, and (2) materials recycled from collected batteries, in total and by recycling method (specifies that battery and recovered resources weights must only be counted once and only by one stewardship organization)</li> <li>• Weight and chemistry of batteries sent to each disposal facility, which may be approximated based on extrapolations of national or regional data</li> <li>• Program collection rate, including how it was calculated and compared to the bill's other collection rate goals</li> </ul>
Battery Management	<ul style="list-style-type: none"> <li>• Description of battery collection, transport, and recycling methods used</li> <li>• List of and addresses for all collection sites, including a current map showing their locations with links to the sites' websites, if any</li> <li>• Description of how collected batteries were managed and recycled, including best available technologies and the recycling efficiency rate</li> <li>• List of all facilities used to process or dispose of batteries, including their location, and whether the location is in (1) the</li> </ul>

<b>General Report Topic</b>	<b>Required Information</b>
	<p>United States, (2) an organization for economic cooperation and development (OECD) country, or (3) a country that meets OECD's operating standards</p> <ul style="list-style-type: none"> <li>• For domestically located processing or disposal facilities, a summary of any violations of environmental laws and regulations for the prior three years</li> <li>• For each disposal facility, how it recycled or otherwise disposed of batteries and battery components</li> <li>• Calculation of recycling efficiency rates</li> <li>• Summary on progress to meet performance goals and if they were not met, an explanation as to why</li> <li>• If batteries are disposed of through energy recovery, incineration, or landfilling, steps that will be taken to make recycling cost effective, if possible, or to otherwise increase recycling rates</li> </ul>
Education and Outreach	<ul style="list-style-type: none"> <li>• Description of (1) education and outreach efforts to consumers, collection sites, manufacturers, distributors, and retailers by the program operator to promote collection and recycling and (2) how the efforts met the bill's requirements</li> <li>• Sample materials</li> <li>• Summary of (1) coordinated efforts with other battery stewardship organizations with DEEP-approved plans and (2) changes to education and outreach activities</li> <li>• Effectiveness evaluation of education and outreach activities</li> </ul>
Financial	<ul style="list-style-type: none"> <li>• For each of the three prior years, estimated total sales, by weight and chemistry, of (1) batteries and (2) batteries contained in or with battery-containing products sold in Connecticut by participating producers</li> <li>• Copy of the most recent audit report prepared according to the bill's requirements, as described below</li> <li>• Summary financial statement showing the program's financing and an analysis of program costs and expenses (e.g., collection, transportation, recycling, education, and overhead costs) (must be detailed enough to be transparent in determining if funds from producers with activity in Connecticut were spent on programs in the state, but may be submitted as a document covering programs in all states in which the organization operates if it breaks out Connecticut-specific information)</li> </ul>

## AUDIT AND RECORD RETENTION REQUIREMENTS

The bill requires the battery stewardship organization to have a full performance audit of the program done five years after the program's

implementation or at the DEEP commissioner's request (but no more than once every five years). The audit must be done by an independent third-party auditor approved by the DEEP commissioner. The commissioner must give the organization at least 180 days' notice before requesting a full performance audit and the organization must submit the audit to the commissioner within 180 days after the request.

The bill also allows the commissioner to request a targeted and limited performance audit. In this case, she must give the organization notice at least 14 days before the request and the organization must submit the audit to her within 60 days after the request.

In either case, the audit must review the accuracy of the organization's program data and include any other information the commissioner requested. But the bill specifies that the audit does not require disclosing any proprietary information or trade or business secret. The organization must pay for these audits and keep all program records for at least three years.

### **ENFORCEMENT**

The bill authorizes the DEEP commissioner to (1) enforce the bill's provisions under her general powers and (2) ask the attorney general to bring an action to enforce the provisions.

### **LIABILITY PROTECTION**

Under the bill, to the extent a producer, retailer, or stewardship organization is exercising authority under the bill's provisions, it is immune from liability for any antitrust or unfair trade practice claim based on a violation of antitrust law, except for intentional misrepresentation, fraud, or willful, wonton, or reckless acts.

### **PROPRIETARY INFORMATION**

Under the bill, any proprietary information submitted to DEEP as part of meeting the bill's requirements is exempt from disclosure under state freedom of information laws.

### **INTER-STATE COOPERATION**

The bill allows DEEP to collaborate with any other state that implements a battery recycling program to more efficiently administer battery stewardship programs, as long as this collaboration is consistent with the bill's requirements.

**COMMITTEE ACTION**

## Environment Committee

Joint Favorable Substitute

Yea 35 Nay 0 (02/28/2025)

## Judiciary Committee

Joint Favorable

Yea 37 Nay 0 (04/25/2025)