

## OFFICE OF FISCAL ANALYSIS

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sHB-5019

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

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#### ***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
Judicial Department (Probation)	GF - Potential Cost	None	Minimal

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 (plans must be submitted by January 1, 2027). 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

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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 creates a new class A misdemeanor for making certain false statements to the Commissioner of DEEP (related to the bill's battery stewardship requirements). This results in a potential cost to the Judicial Department for probation and a potential revenue gain from fines. On average, the marginal cost for supervision in the community is less than \$600 each year for adults.<sup>1</sup>

The bill additionally allows the Attorney General to enforce battery stewardship requirements through fines. The bill creates a civil penalty of \$7,000 per violation (of any of the bill's provisions) and allows the Attorney General to initiate a civil action to enforce the provisions of the bill resulting in a potential revenue gain to the state depending on the number of violations.

### **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

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<sup>1</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

collection site would be reimbursed by the battery stewardship organization.

***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.