



General Assembly

January Session, 2025

Committee Bill No. 5019

LCO No. 3591



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***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) "Covered battery" means a portable or medium format battery,
24 beginning January 1, 2027. "Covered battery" does not include: (A) A
25 battery contained within a medical device, as specified in 21 USC 321(h)
26 as it existed as of the effective date of this section, that is not designed
27 and marketed for sale or resale principally to consumers for personal
28 use; (B) a battery that contains an electrolyte as a free liquid; (C) a lead
29 acid battery weighing greater than eleven pounds; (D) a motor vehicle
30 battery subject to the provisions of section 22a-256h of the general
31 statutes or any battery that is a component of a motor vehicle or that is
32 intended for use exclusively in motor vehicles; (E) a battery recalled by
33 the producer for safety reasons; (F) a battery in a battery-containing
34 product that is not intended or designed to be easily removable from the
35 battery-containing product; or (G) a battery subject to the provisions of
36 sections 22a-629 to 22a-640, inclusive, of the general statutes.

37 (6) "Easily removable" means designed by the manufacturer to be
38 removable by the user of the product with not more than commonly
39 used household tools.

40 (7) "Environmentally sound management practices" means practices
41 that: (A) Comply with all applicable federal, state and local regulatory
42 requirements to protect workers, public health and the environment; (B)
43 provide for recordkeeping, tracking and documenting of the fate of
44 materials within the state and outside of the state in accordance with the
45 requirements of this section; and (C) include comprehensive liability
46 coverage for the battery stewardship organization, including

47 environmental liability coverage that is commercially practicable.

48 (8) "Medium format battery" means the following primary or
49 rechargeable covered batteries:

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

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

56 (9) "Portable battery" means the following primary or rechargeable
57 covered batteries:

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

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

63 (10) "Primary battery" means a nonrechargeable battery, including,
64 but not limited to, alkaline, silver oxide, zinc air, carbon-zinc and
65 lithium metal batteries.

66 (11) "Producer" means:

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

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

72 (ii) If the battery is sold, offered for sale, or distributed in or into this
73 state under a retail brand or under a brand owned by a person other

74 than the manufacturer, the producer is the brand owner;

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

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

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

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

90 (i) If the battery-containing product is sold, offered for sale, or
91 distributed in or into this state under the brand of the product
92 manufacturer, the producer is the person that manufactures the
93 product;

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

98 (iii) If there is no person to which subparagraph (B)(i) or (B)(ii) of this
99 subdivision applies, the producer is the person that is the licensee of a
100 brand or trademark under which the product is used in a commercial
101 enterprise, sold, offered for sale, or distributed in or into this state,
102 whether or not the trademark is registered in this state;

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

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

111 (C) A person is the producer of a covered battery or battery-
112 containing product containing one or more covered batteries sold,
113 offered for sale, or distributed in or into this state, as defined in
114 subparagraph (A) of this subdivision, except where another party has
115 contractually accepted responsibility as a responsible producer and has
116 joined a registered battery stewardship organization as the producer for
117 that covered battery or battery-containing product containing one or
118 more covered batteries under this section.

119 (12) "Program" means a program implemented by a battery
120 stewardship organization consistent with an approved battery
121 stewardship plan.

122 (13) "Rechargeable battery" means a battery that contains one or more
123 voltaic or galvanic cells, electrically connected to produce electric
124 energy, that is designed to be recharged.

125 (14) "Recycling" means recycling, reclamation or reuse as defined in
126 section 22a-207 of the general statutes. For purposes of this section,
127 recycling does not include: (A) Combustion; (B) incineration; (C) energy
128 generation; (D) fuel production; or (E) beneficial reuse in the
129 construction and operation of a solid waste landfill, including use as
130 alternative daily cover.

131 (15) "Recycling efficiency rate" means the ratio of the weight of
132 covered battery components and materials recycled by a program

133 operator from covered batteries to the weight of covered batteries as
134 collected by the program operator.

135 (16) "Retailer" means a person who sells covered batteries or battery-
136 containing products containing one or more covered batteries in or into
137 this state or offers, or otherwise makes available, covered batteries or
138 battery-containing products containing one or more covered batteries to
139 a customer, including other businesses, in this state.

140 (17) "Commissioner" means the Commissioner of Energy and
141 Environmental Protection.

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

144 (1) Each producer selling, offering for sale, or distributing covered
145 batteries or battery-containing products containing one or more covered
146 batteries in or into the state shall participate in an approved battery
147 stewardship plan through participation in and the funding of a battery
148 stewardship organization; and

149 (2) A producer that does not participate in a battery stewardship
150 organization and battery stewardship plan may not sell covered
151 batteries or battery-containing products covered by this section in or
152 into this state.

153 (c) (1) On and after July 1, 2026, for portable batteries, and on and
154 after July 1, 2028, for medium format batteries, no retailer shall sell, offer
155 for sale, distribute, or otherwise make available for sale a covered
156 battery or battery-containing product containing one or more covered
157 batteries unless the producer of the covered battery or battery-
158 containing product is identified as a participant in a battery stewardship
159 organization whose plan has been approved by the commissioner.

160 (2) No retailer shall be in violation of the requirements of subdivision
161 (1) of this subsection if the web site made available by the department
162 pursuant to this section lists, as of the date a product is made available

163 for retail sale, a producer or brand of covered battery or battery-
164 containing product containing one or more covered batteries sold by the
165 retailer as being a participant in an approved battery stewardship plan
166 or the implementer of an approved battery stewardship plan.

167 (3) Retailers of covered batteries or battery-containing products
168 containing one or more covered batteries shall not be required to make
169 retail locations available to serve as collection sites for a battery
170 stewardship program operated by a battery stewardship organization.
171 Retailers that serve as a collection site shall comply with the
172 requirements for collection sites in accordance with the provisions of
173 this section.

174 (4) No retailer shall sell, offer for sale, distribute, or otherwise make
175 available for sale covered batteries, unless such batteries are marked
176 consistent with the requirements of this section. Each producer of a
177 battery-containing product containing a covered battery shall verify to
178 the retailers of such product that the battery contained in the battery-
179 containing product is marked consistent with the requirements of this
180 section. A retailer may rely on such verification for purposes of
181 compliance with this section.

182 (5) Any retailer selling or offering covered batteries or battery-
183 containing products containing one or more covered batteries for sale in
184 this state may provide information to consumers that is provided to the
185 retailer by the battery stewardship organization regarding available
186 end-of-life management options for covered batteries collected by the
187 battery stewardship organization. Any such information that a battery
188 stewardship organization makes available to retailers shall include, but
189 not be limited to, in-store signage, written materials and other
190 promotional materials that retailers may use to inform customers of the
191 available end-of-life management options for covered batteries collected
192 by the battery stewardship organization.

193 (6) No retailer, producer or battery stewardship organization shall
194 charge a specific point-of-sale fee to consumers to cover the

195 administrative or operational costs of the battery stewardship
196 organization or the battery stewardship program.

197 (d) (1) On or before January 1, 2026, each producer of covered
198 portable batteries or such producer's designee, including, but not
199 limited to, a battery stewardship organization, shall notify the
200 Commissioner of Energy and Environmental Protection, in writing,
201 whether the producer will act individually or jointly with other
202 producers to submit a stewardship plan to the commissioner for the
203 establishment of a state-wide battery stewardship program. On or
204 before January 1, 2028, each producer of covered medium format
205 batteries, or such producer's designee, including, but not limited to, a
206 battery stewardship organization, shall notify the Commissioner of
207 Energy and Environmental Protection, in writing, whether the producer
208 will act individually or jointly with other producers to submit a
209 stewardship plan to the commissioner for the establishment of a state-
210 wide battery stewardship program.

211 (2) Not later than January 1, 2027, each battery stewardship
212 organization shall submit a plan for covered portable and medium
213 format batteries to the commissioner for approval. A battery
214 stewardship organization may submit a plan at any time to the
215 commissioner for review and approval. The commissioner shall review
216 and may approve a plan based on whether it contains each of the
217 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 with a
260 population of one hundred thousand or more people;

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

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

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

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

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

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

285 (4) Each battery stewardship organization shall provide plan

286 amendments to the commissioner for approval whenever:

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

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

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

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

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

322 (7) Each battery stewardship organization shall provide written
323 notification to the commissioner not later than thirty days after a
324 producer begins or ends participation in a battery stewardship
325 organization.

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

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

333 (A) Target collection rates for primary batteries and for rechargeable
334 batteries;

335 (B) Target recycling efficiency rates of not less than sixty per cent for
336 rechargeable batteries and not less than seventy per cent for primary
337 batteries; and

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

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

347 (2) Each battery stewardship organization that implements a battery
348 stewardship plan on behalf of producers shall develop a system to
349 collect charges from participating producers to cover the costs of the
350 plan's implementation.

351 (3) (A) Each battery stewardship organization shall be responsible for
352 all costs of participating covered battery collection, transportation,
353 processing, education, administration, department reimbursement,
354 recycling and end-of-life management in accordance with the
355 requirements of this section.

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

358 (C) No battery stewardship organization shall reduce or cease
359 collection, education and outreach, or other activities implemented
360 under an approved battery stewardship plan based on achievement of
361 program performance goals.

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

368 (B) Each battery stewardship organization shall, at a minimum,
369 provide collection sites with appropriate containers for covered
370 batteries subject to its battery stewardship program, training, signage,
371 safety guidance and educational materials, at no cost to the collection
372 sites.

373 (g) (1) Each battery stewardship organization that implements a
374 battery stewardship plan shall provide for the collection of all covered
375 batteries, including all chemistries and brands of covered batteries, on a
376 free, continuous, convenient, visible and accessible basis to any person,

377 business, government department or nonprofit organization. Except as
378 otherwise provided in this subsection, each battery stewardship plan
379 shall provide for the collection of each chemistry and brand of covered
380 battery from any person, business, government department or nonprofit
381 organization at each collection site that counts toward the satisfaction of
382 the collection site criteria described in this section.

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

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

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

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

409 (iii) As used in this subparagraph, "damaged and defective batteries"
410 means batteries that have been damaged or identified by the
411 manufacturer as being defective for safety reasons and that have the
412 potential of producing a dangerous evolution of heat, fire or short
413 circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2025, or as
414 updated by the department by regulations adopted in accordance with
415 the provisions of chapter 54 of the general statutes to maintain
416 consistency with federal standards.

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

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

437 (B) (i) Any municipality, solid waste management facility or
438 household hazardous waste facility that meets the criteria for collection
439 sites in the approved stewardship plan shall be included in the program
440 upon the submission of a request to the battery stewardship

441 organization to serve as a collection site. Each battery stewardship
442 program shall use as a collection site for covered batteries any retailer
443 or wholesaler that meets the criteria for collection sites in the approved
444 battery stewardship plan up to the minimum number of sites required
445 for compliance with the approved plan, upon the submission of a
446 request by an entity to the battery stewardship organization to serve as
447 a collection site. Each battery stewardship program may use additional
448 collection sites in excess of the minimum required in this subsection, as
449 may be agreed between the battery stewardship organization and the
450 collection site.

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

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

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

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

471 (C) Each battery stewardship program shall provide for the collection

472 of loose batteries.

473 (h) (1) Each battery stewardship organization shall carry out
474 promotional activities in support of the battery stewardship plan
475 implementation, including, but not limited to, the development and (A)
476 maintenance of a web site; (B) distribution of periodic press releases and
477 articles; (C) placement of advertisements for use on social media or
478 other relevant media platforms; (D) distribution of promotional
479 materials about the battery stewardship program and the restriction on
480 the disposal of covered batteries to be used by persons, including, but
481 not limited to, retailers, government agencies, waste and recycling
482 collectors and nonprofit organizations; (E) distribution of collection site
483 safety training procedures that are in compliance with state law to
484 collection sites to help ensure proper management of covered batteries
485 at collection sites; and (F) implementation of outreach and educational
486 resources that are conceptually, linguistically and culturally accurate for
487 the communities served and that reach the state's diverse ethnic
488 populations, including through meaningful consultation with
489 communities that bear disproportionately higher levels of adverse
490 environmental and social justice impacts.

491 (2) Each battery stewardship organization shall provide:

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

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

501 (3) (A) Each battery stewardship organization shall provide
502 educational materials to the operator of each collection site for the

503 management of recalled batteries, which are not intended to be part of
504 collection, to help facilitate transportation and processing of recalled
505 batteries.

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

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

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

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

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

530 (A) An independent financial audit of the battery stewardship
531 program implemented by the battery stewardship organization,
532 including a breakdown of the program's expenses, such as collection

533 costs, recycling costs, education costs and overhead;

534 (B) A summary financial statement that documents the financing of
535 the battery stewardship organization's program and an analysis of
536 program costs and expenditures, including an analysis of the program's
537 expenses, such as collection costs, transportation costs, recycling costs,
538 education costs and administrative overhead costs. Each summary
539 financial statement shall be sufficiently detailed to provide transparency
540 as to whether funds collected from producers as a result of their
541 activities in the state are spent on program implementation in the state.
542 Each battery stewardship organization that implements similar battery
543 stewardship programs in multiple states may submit a financial
544 statement including all covered states, provided the statement breaks
545 out financial information pertinent to this state;

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

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

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

551 (F) A list of all facilities used in the processing or disposition of
552 batteries, including identification of the facility's location and whether
553 the facility is located domestically, in an organization for economic
554 cooperation and development country, or in a country that meets
555 organization for economic cooperation and development operating
556 standards. For domestic facilities, such report shall provide a summary
557 of any violations of environmental laws and regulations over the
558 previous three years at each such facility;

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

562 (H) The weight and chemistry of batteries sent to each facility used

563 for the final disposition of batteries. Such information may be
564 approximated for program operations in the state based on
565 extrapolations of national or regional data for programs in operation in
566 multiple states;

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

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

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

577 (L) A description of education and outreach efforts supporting plan
578 implementation including, but not limited to, a summary of education
579 and outreach provided to consumers, collection sites, manufacturers,
580 distributors and retailers by the battery stewardship program operator
581 for the purpose of promoting the collection and recycling of covered
582 batteries, a description of how that education and outreach met the
583 requirements of this section, samples of education and outreach
584 materials, a summary of coordinated education and outreach efforts
585 with any other battery stewardship organizations implementing a
586 battery stewardship plan approved by the commissioner, and a
587 summary of any changes made during the previous calendar year to
588 education and outreach activities;

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

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

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

598 (P) An evaluation of the effectiveness of education and outreach
599 activities.

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

603 (3) If a battery stewardship organization has disposed of covered
604 batteries through energy recovery, incineration or landfilling during the
605 preceding calendar year of program implementation, the annual report
606 shall specify the steps that the battery stewardship organization will
607 take to make the recycling of covered batteries cost effective, where
608 possible, or to otherwise increase battery recycling rates achieved by the
609 battery stewardship organization.

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

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

617 (k) The department shall maintain an Internet web site that lists
618 producers and their brands that are participating in an approved plan,
619 and make available to the public each plan, plan amendment and annual
620 report received by the commissioner after the approval or receipt of
621 notice from a battery stewardship organization of changes to the
622 producers and brands participating under an approved battery

623 stewardship plan.

624 (l) (1) Any person who violates any provision of this section shall be
625 liable for a civil penalty of seven thousand dollars per violation, except
626 that the failure to pay a fee under the provisions of this section shall
627 cause the person who fails to pay such fee to be liable for a civil penalty
628 that is double the applicable fee.

629 (2) The penalties provided for in this subsection may be recovered in
630 a civil action brought by the Attorney General.

631 (3) The Attorney General may institute a civil action for the
632 enforcement of any provision of this section.

633 (4) The penalties and injunctions provided in this subsection are in
634 addition to any penalties, injunctions or other relief provided under any
635 other provision of the general statutes. Nothing in this subsection shall
636 be construed to prohibit a cause of action by the state for any other
637 penalty, injunction or other relief provided by any other provision of
638 law.

639 (5) Any person who knowingly makes a false, fictitious or fraudulent
640 material written statement, under oath, related to or required by this
641 section or any rule adopted under this section, shall be guilty of a Class
642 A misdemeanor.

643 (6) Notwithstanding the provisions of this subsection, no penalty
644 may be assessed against an individual for the improper disposal of
645 covered batteries in a noncommercial or residential setting.

646 (m) (1) On and after January 1, 2028, each producer or retailer may
647 only sell, offer for sale or distribute in or into the state a covered battery
648 or battery-containing product containing one or more covered batteries
649 if the battery is marked with an identification of the producer of the
650 battery, unless the battery is less than one-half inch in diameter or does
651 not contain a surface that exceeds one-half inch. On and after January 1,
652 2030, such battery shall be marked with proper labeling to ensure proper

653 collection and recycling, by identifying the chemistry of the battery and
654 including an indication that the battery should not be disposed of as
655 household waste unless the battery is less than one-half inch diameter
656 or does not contain a surface that exceeds one-half inch.

657 (2) Each producer shall verify to its customers, or to the retailer if the
658 retailer is not the customer, that the requirements of this subsection have
659 been met.

660 (n) (1) Any battery stewardship organization that implements an
661 approved battery stewardship plan in compliance with the
662 requirements of this section may bring a civil action against a producer
663 for damages when:

664 (A) Such organization incurs more than one thousand dollars in
665 actual costs from collecting, handling, recycling and properly disposing
666 of the defendant producer's batteries sold or offered for sale in the state;
667 and

668 (B) The defendant producer is not in compliance with the
669 requirements of this section.

670 (2) For the purposes of this subsection, "damages" includes:

671 (A) The actual costs a plaintiff battery stewardship organization
672 incurs in collecting, handling, recycling or properly disposing of
673 batteries reasonably identified as having originated from another
674 battery producer or battery stewardship organization; and

675 (B) Reasonable attorneys' fees and costs associated with bringing
676 such civil action.

677 (o) (1) No person shall dispose of any lithium-ion battery in any solid
678 waste landfill facility or incinerator.

679 (2) No owner or operator of a solid waste landfill or incinerator shall
680 be found to have knowingly disposed of any lithium-ion battery if such

owner or operator has implemented mechanisms to avoid such disposal at such facility or incinerator. Such mechanisms shall include, at a minimum: (A) Posting informational signs at the facility or incinerator that provide notice of the disposal prohibition contained in this subsection; or (B) providing written notification to, or entering into agreements with, such facility's or incinerator's customers regarding the disposal prohibition described in this subsection.

(3) Each municipality, solid waste district and owner or operator of a solid waste landfill facility or incinerator shall make available educational materials on safe handling and recycling of lithium-ion batteries and provide recycling opportunities for such batteries and devices.

(p) Nothing in this section shall prevent or prohibit any person from offering or performing a fee-based household collection, or a mail-back program for end-of-life portable batteries or medium format batteries independent of a battery stewardship program, provided such person meets the following requirements: (1) Such person's services shall be performed, and such person's facilities shall be operated, in compliance with all applicable federal, state and local laws and requirements, including, but not limited to, all applicable United States Department of Transportation regulations, and all applicable provisions of the Environmental Protection Act; (2) such person shall make available to a battery stewardship organization all batteries collected by such person from such person's Illinois customers; and (3) after consolidation of portable or medium format batteries at such person's facilities, the transport to and processing of such batteries by the battery stewardship organization's designated sorters or processors shall be at the expense of the battery stewardship organization.

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

Statement of Purpose:

To establish an extended producer responsibility program for consumer batteries sold and distributed in the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. GRESKO, 121st Dist.; REP. REYES, 75th Dist.
REP. ARZENO, 151st Dist.

H.B. 5019