



General Assembly

**Amendment**

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Offered by:

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To: Subst. House Bill No. 5019

File No. 139

Cal. No. 113

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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

5 (1) "Department" means the Department of Energy and  
6 Environmental Protection.

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

13 (3) "Battery stewardship organization" means a producer that directly

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

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

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

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

44 (7) "Easily removable" means designed by the manufacturer to be  
45 removable by the user of the product with not more than commonly

46 used household tools.

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

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

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

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

63 (10) "Portable battery" means the following primary or rechargeable  
64 covered batteries:

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

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

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

73 (12) "Producer" means:

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

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

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

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

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

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

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

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

101 (ii) If the battery-containing product is sold, offered for sale or  
102 distributed in or into this state under a retail brand or under a brand

103 owned by a person other than the manufacturer, the producer is the  
104 brand owner;

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

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

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

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

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

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

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

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

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

152 (18) "Commissioner" means the Commissioner of Energy and  
153 Environmental Protection.

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

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

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

163 (c) (1) On and after July 1, 2028, no retailer shall sell, offer for sale,  
164 distribute or otherwise make available for sale a covered battery or  
165 battery-containing product containing one or more covered batteries  
166 unless the producer of the covered battery or battery-containing  
167 product is identified as a participant in a battery stewardship  
168 organization whose plan has been approved by the commissioner.

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

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

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

191 (5) Any retailer selling or offering covered batteries or battery-  
192 containing products containing one or more covered batteries for sale in  
193 this state shall provide information to consumers that is provided to the  
194 retailer by the battery stewardship organization regarding available

195 end-of-life management options for covered batteries collected by the  
196 battery stewardship organization. Any such information that a battery  
197 stewardship organization makes available to retailers shall include, but  
198 not be limited to, in-store signage, written materials and other  
199 promotional materials that retailers may use to inform customers of the  
200 available end-of-life management options for covered batteries collected  
201 by the battery stewardship organization.

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

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

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

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

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

225 (C) A description of how the battery stewardship organization will



226 make retailers aware of their obligation to sell only covered batteries  
227 and battery-containing products containing one or more covered  
228 batteries of producers participating in an approved battery stewardship  
229 plan;

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

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

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

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

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

256 (I) A description of the financing methods used to implement the

257 battery stewardship plan, consistent with the provisions of this section;

258 (J) A description of how the battery stewardship program will collect  
259 all covered battery brands on a free, continuous, convenient, visible and  
260 accessible basis, including a description of how the program will  
261 provide for convenient collection for any municipality;

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

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

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

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

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

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

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

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

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

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

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

318 producer, or the producer's designee, fails to submit a plan that is  
319 acceptable to the commissioner because it does not meet the  
320 requirements of this section, the commissioner shall modify a submitted  
321 plan to make it conform to the requirements of this section and approve  
322 it. Not later than one hundred eighty days after the approval of a plan  
323 pursuant to this section, the battery stewardship organization shall  
324 implement the battery stewardship program.

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

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

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

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

340 (A) Target collection rates for primary batteries and for rechargeable  
341 batteries;

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

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

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

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

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

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

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

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

375 (B) Each battery stewardship organization shall, at a minimum,  
376 provide collection sites with appropriate containers for covered  
377 batteries subject to its battery stewardship program, training, signage,

378 safety guidance and educational materials, at no cost to the collection  
379 sites.

380 (g) (1) Each battery stewardship organization that implements a  
381 battery stewardship plan shall provide for the collection of all covered  
382 batteries, including all chemistries and brands of covered batteries, on a  
383 free, continuous, convenient, visible and accessible basis to any person,  
384 business, government department or nonprofit organization. Except as  
385 otherwise provided in this subsection, each battery stewardship plan  
386 shall provide for the collection of each chemistry and brand of covered  
387 battery from any person, business, government department or nonprofit  
388 organization at each collection site that counts toward the satisfaction of  
389 the collection site criteria described in this section.

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

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

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

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

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

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

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

442 (B) (i) Any municipality, solid waste management facility or  
443 household hazardous waste facility that meets the criteria for collection  
444 sites in the approved stewardship plan shall be included in the program  
445 upon the submission of a request to the battery stewardship  
446 organization to serve as a collection site. Each battery stewardship  
447 program shall use as a collection site for covered batteries any retailer  
448 or wholesaler that meets the criteria for collection sites in the approved  
449 battery stewardship plan up to the minimum number of sites required  
450 for compliance with the approved plan, upon the submission of a  
451 request by an entity to the battery stewardship organization to serve as  
452 a collection site. Each battery stewardship program may use additional  
453 collection sites in excess of the minimum required in this subsection, as  
454 may be agreed between the battery stewardship organization and the  
455 collection site.

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

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

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

471 (B) No battery stewardship program shall be required to provide for  
472 the collection of batteries that: (i) Are not easily removable from the  
473 product other than by the manufacturer; and (ii) remain contained in a



474 battery-containing product at the time of delivery to a collection site.

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

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

495 (2) Each battery stewardship organization shall provide:

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

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

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

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

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

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

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

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

534 (A) A copy of the most recent audit report prepared pursuant to this  
535 subparagraph. Five years after the implementation of the program, or

536 upon the request of the Commissioner of Energy and Environmental  
537 Protection, but not more frequently than once every five years, the  
538 stewardship organization shall cause a full performance audit of the  
539 program to be conducted by an independent third party auditor  
540 approved by the commissioner. The commissioner shall provide notice  
541 to the battery stewardship organization not less than one hundred  
542 eighty days prior to any such request. The battery stewardship  
543 organization shall submit such full performance audit to the  
544 commissioner not later than one hundred eighty days after such audit  
545 request by the commissioner. Additionally, the commissioner may  
546 request a targeted and limited performance audit of the program. The  
547 commissioner shall provide notice to the battery stewardship  
548 organization not less than fourteen days prior to any such request for a  
549 targeted and limited performance audit. The battery stewardship  
550 organization shall submit such targeted or limited audit to the  
551 commissioner not later than sixty days after such audit request by the  
552 commissioner. Any such audit conducted pursuant to this  
553 subparagraph shall review the accuracy of the battery stewardship  
554 organization's data concerning the program and provide any other  
555 information requested by the commissioner, provided such audit shall  
556 not require the disclosure of any proprietary information or trade or  
557 business secret. Any audit conducted pursuant to this subparagraph  
558 shall be paid for by the battery stewardship organization. The battery  
559 stewardship organization shall maintain all records relating to the  
560 program for a period of not less than three years;

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

570 stewardship programs in multiple states may submit a financial  
571 statement including all covered states, provided the statement breaks  
572 out financial information pertinent to this state;

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

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

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

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

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

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

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

597 (J) The estimated aggregate sales, by weight and chemistry, of  
598 batteries and batteries contained in or with battery-containing products

599 sold in the state by participating producers for each of the previous three  
600 calendar years;

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

604 (L) A description of education and outreach efforts supporting plan  
605 implementation including, but not limited to, a summary of education  
606 and outreach provided to consumers, collection sites, manufacturers,  
607 distributors and retailers by the battery stewardship program operator  
608 for the purpose of promoting the collection and recycling of covered  
609 batteries, a description of how that education and outreach met the  
610 requirements of this section, samples of education and outreach  
611 materials, a summary of coordinated education and outreach efforts  
612 with any other battery stewardship organizations implementing a  
613 battery stewardship plan approved by the commissioner and a  
614 summary of any changes made during the previous calendar year to  
615 education and outreach activities;

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

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

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

625 (P) An evaluation of the effectiveness of education and outreach  
626 activities.

627 (2) The weight of batteries or recovered resources from such batteries  
628 shall only be counted once and may not be counted by more than one

629 battery stewardship organization.

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

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

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

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

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

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

656 (m) (1) On and after January 1, 2028, each producer or retailer may  
657 only sell, offer for sale or distribute in or into the state a covered battery  
658 or battery-containing product containing one or more covered batteries

659 if the battery is marked with an identification of the producer of the  
660 battery, unless the battery is less than one-half inch in diameter or does  
661 not contain a surface that exceeds one-half inch. On and after January 1,  
662 2030, such battery shall be marked with proper labeling to ensure proper  
663 collection and recycling, by identifying the chemistry of the battery and  
664 including an indication that the battery should not be disposed of as  
665 household waste unless the battery is less than one-half inch diameter  
666 or does not contain a surface that exceeds one-half inch.

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

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

677 (o) If another state implements a battery recycling program, the  
678 Department of Energy and Environmental Protection may collaborate  
679 with such other state to conserve efforts and resources used in carrying  
680 out the administration of any battery stewardship program, provided  
681 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