



General Assembly

February Session, 2024

Raised Bill No. 5226

LCO No. 1333



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (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 section 22a-631 of the general statutes.

10 (3) "Battery stewardship organization" means a producer that directly
11 implements a battery stewardship plan required under this section or a
12 nonprofit organization designated by a producer or group of producers
13 to implement a battery stewardship plan required under this section.

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

22 (5) "Covered battery" means a portable battery, beginning January 1,
23 2026, or a portable or medium format battery, beginning January 1, 2028.
24 "Covered battery" does not include: (A) A battery contained within a
25 medical device, as specified in 21 USC 321(h) as it existed as of the
26 effective date of this section, that is not designed and marketed for sale
27 or resale principally to consumers for personal use; (B) a battery that
28 contains an electrolyte as a free liquid; (C) a lead acid battery weighing
29 greater than eleven pounds; (D) a battery subject to the provisions of
30 section 22a-631 of the general statutes; (E) a battery recalled by the
31 producer for safety reasons; or (F) a battery in a battery-containing
32 product that is not intended or designed to be easily removable from the
33 battery-containing product.

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

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

45 (8) "Medium format battery" means the following primary or

46 rechargeable covered batteries:

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

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

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

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

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

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

63 (11) "Producer" means:

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

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

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

72 (iii) If there is no person to which subparagraph (A)(i) or (A)(ii) of this
73 subdivision applies, the producer is the person that is the licensee of a

74 brand or trademark under which the battery is sold, offered for sale, or
75 distributed in or into this state, whether or not the trademark is
76 registered in this state;

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

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

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

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

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

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

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

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

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

116 (12) "Program" means a program implemented by a battery
117 stewardship organization consistent with an approved battery
118 stewardship plan.

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

122 (14) "Recycling" means recycling, reclamation or reuse as defined in
123 Section 3.380 of the Environmental Protection Act. For purposes of this
124 section, recycling does not include: (A) Combustion; (B) incineration; (C)
125 energy generation; (D) fuel production; or (E) beneficial reuse in the
126 construction and operation of a solid waste landfill, including use as
127 alternative daily cover.

128 (15) "Recycling efficiency rate" means the ratio of the weight of
129 covered battery components and materials recycled by a program
130 operator from covered batteries to the weight of covered batteries as
131 collected by the program operator.

132 (16) "Retailer" means a person who sells covered batteries or battery-
133 containing products containing one or more covered batteries in or into
134 this state or offers, or otherwise makes available, covered batteries or

135 battery-containing products containing one or more covered batteries to
136 a customer, including other businesses, in this state.

137 (b) On or before January 1, 2026, for portable batteries, and on or
138 before January 1, 2028, for medium format batteries:

139 (1) Each producer selling, offering for sale, or distributing covered
140 batteries or battery-containing products containing one or more covered
141 batteries in or into the state shall participate in an approved battery
142 stewardship plan through participation in and the funding of a battery
143 stewardship organization; and

144 (2) A producer that does not participate in a battery stewardship
145 organization and battery stewardship plan may not sell covered
146 batteries or battery-containing products covered by this section in or
147 into this state.

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

155 (2) No retailer shall be in violation of the requirements of subdivision
156 (1) of this subsection if the web site made available by the department
157 pursuant to this section lists, as of the date a product is made available
158 for retail sale, a producer or brand of covered battery or battery-
159 containing product containing one or more covered batteries sold by the
160 retailer as being a participant in an approved battery stewardship plan
161 or the implementer of an approved battery stewardship plan.

162 (3) Retailers of covered batteries or battery-containing products
163 containing one or more covered batteries shall not be required to make
164 retail locations available to serve as collection sites for a battery
165 stewardship program operated by a battery stewardship organization.

166 Retailers that serve as a collection site shall comply with the
167 requirements for collection sites in accordance with the provisions of
168 this section.

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

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

188 (6) No retailer, producer or battery stewardship organization shall
189 charge a specific point-of-sale fee to consumers to cover the
190 administrative or operational costs of the battery stewardship
191 organization or the battery stewardship program.

192 (d) (1) Not later than July 1, 2025, each battery stewardship
193 organization shall submit a plan for covered portable batteries to the
194 department for approval. Not later than July 1, 2027, each battery
195 stewardship organization shall submit a plan for covered medium
196 format batteries to the department for approval. A battery stewardship
197 organization may submit a plan at any time to the department for

198 review and approval. The department shall review and may approve a
199 plan based on whether it contains each of the following components:

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

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

205 (C) A description of how the battery stewardship organization will
206 make retailers aware of their obligation to sell only covered batteries
207 and battery-containing products containing one or more covered
208 batteries of producers participating in an approved battery stewardship
209 plan;

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

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

219 (F) Promotional activities to be undertaken, and the identification of
220 consumer awareness goals and strategies that the battery stewardship
221 program will employ to achieve such goals after the program is
222 implemented;

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

228 (H) A description of the method to establish and administer a means
229 for fully funding the program in a manner that equitably distributes the
230 program's costs among the producers that are part of the battery
231 stewardship organization. For producers that elect to meet the
232 requirements of this section individually, without joining a battery
233 stewardship organization, the plan shall describe the proposed method
234 to establish and administer a means for fully funding such battery
235 stewardship program;

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

238 (J) A description of how the battery stewardship program will collect
239 all covered battery brands on a free, continuous, convenient, visible and
240 accessible basis that is consistent with the requirements of this section,
241 including a description of how the state-wide convenience standard will
242 be met and a list of collection sites, including the address of collection
243 sites;

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

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

252 (M) Identification of proposed sorters, transporters, processors and
253 facilities to be used by the battery stewardship program for the final
254 disposition of batteries and how environmentally sound management
255 practices will be applied throughout the management of collected
256 batteries;

257 (N) Details of how the battery stewardship program will achieve a
258 recycling efficiency rate, calculated consistent with this section of not

259 less than sixty per cent for rechargeable batteries and not less than
260 seventy per cent for primary batteries; and

261 (O) Goals for increasing public awareness of the program and
262 descriptions of how the public education and outreach components of
263 the battery stewardship program will be implemented.

264 (2) If required by the department, a battery stewardship organization
265 shall submit a new plan to the department for approval whenever there
266 are significant changes to the methods of collection, transport or end-of-
267 life management of covered batteries that are not otherwise provided
268 for in the battery stewardship plan. The department may identify the
269 types of significant changes that require a new plan to be submitted to
270 the department for approval. For purposes of this subdivision, adding
271 or removing a processor or transporter under the battery stewardship
272 plan shall not be considered a significant change that requires a plan
273 resubmittal.

274 (3) Each battery stewardship organization shall provide plan
275 amendments to the department for approval whenever:

276 (A) Changes are proposed to the performance goals of the battery
277 stewardship program based on performance of such program; or

278 (B) There is a change to the method of financing the battery
279 stewardship plan implementation, except for changes to the fees or fee
280 structure established in the battery stewardship plan.

281 (4) The department shall review a battery stewardship plan or
282 amendment for compliance with this section and shall approve,
283 disapprove or conditionally approve such plan, in writing, not later than
284 one hundred twenty days after receipt of such plan. If the department
285 disapproves a battery stewardship plan submitted by a battery
286 stewardship organization, the department shall explain how the
287 stewardship plan does not comply with this section. The battery
288 stewardship organization shall resubmit to the department a revised
289 stewardship plan not later than sixty days after the date the written

290 notice was issued and the department shall review the revised
291 stewardship plan not later than ninety days after resubmittal. If a
292 revised stewardship plan is disapproved by the department, a producer
293 operating under the battery stewardship plan shall not be in compliance
294 with this section until the department approves a stewardship plan
295 submitted by a battery stewardship organization that covers the
296 producer's products.

297 (5) Whenever a battery stewardship plan or an amendment to an
298 approved plan is submitted under this section, the department shall
299 make the proposed plan or amendment available for public review and
300 comment for not less than thirty days.

301 (6) Each battery stewardship organization shall provide written
302 notification to the department not later than thirty days after a producer
303 begins or ends participation in a battery stewardship organization or a
304 processor or transporter is added or removed from the battery
305 stewardship program.

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

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

313 (A) Target collection rates for primary batteries and for rechargeable
314 batteries;

315 (B) Target recycling efficiency rates of not less than sixty per cent for
316 rechargeable batteries and not less than seventy per cent for primary
317 batteries; and

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

320 (f) (1) Each battery stewardship organization shall ensure adequate
321 funding is available to fully implement an approved battery
322 stewardship plan, including the implementation of aspects of the plan
323 addressing: (A) Battery collection, transporting and processing; (B)
324 education and outreach; (C) program evaluation; and (D) payment of
325 the administrative fees to the department in accordance with the
326 provisions of this section.

327 (2) Each battery stewardship organization that implements a battery
328 stewardship plan on behalf of producers shall develop a system to
329 collect charges from participating producers to cover the costs of the
330 plan's implementation.

331 (3) (A) Each battery stewardship organization shall be responsible for
332 all costs of participating covered battery collection, transportation,
333 processing, education, administration, department reimbursement,
334 recycling and end-of-life management in accordance with the
335 requirements of this section.

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

338 (C) No battery stewardship organization shall reduce or cease
339 collection, education and outreach, or other activities implemented
340 under an approved battery stewardship plan based on achievement of
341 program performance goals.

342 (4) (A) Each battery stewardship organization shall reimburse local
343 governments for demonstrable costs incurred as a result of a local
344 government facility or solid waste handling facility serving as a
345 collection site for a battery stewardship program, including, but not
346 limited to, associated labor costs and other costs associated with
347 accessibility and collection site standards such as storage.

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

351 safety guidance and educational materials, at no cost to the collection
352 sites.

353 (g) (1) Each battery stewardship organization that implements a
354 battery stewardship plan shall provide for the collection of all covered
355 batteries, including all chemistries and brands of covered batteries, on a
356 free, continuous, convenient, visible and accessible basis to any person,
357 business, government department or nonprofit organization. Except as
358 otherwise provided in this subsection, each battery stewardship plan
359 shall provide for the collection of each chemistry and brand of covered
360 battery from any person, business, government department or nonprofit
361 organization at each collection site that counts toward the satisfaction of
362 the collection site criteria described in this section.

363 (2) (A) For each collection site utilized by a battery stewardship
364 program, each battery stewardship organization shall provide suitable
365 collection containers for covered batteries that are segregated from other
366 solid waste or make mutually agreeable alternative arrangements for
367 the collection of batteries at the site. The location of collection containers
368 at each collection site used by the battery stewardship program shall be
369 within view of a responsible person and shall be accompanied by
370 signage made available to the collection site by the battery stewardship
371 organization that informs customers regarding the end-of-life
372 management options for batteries provided by the collection site under
373 this section. Each collection site shall meet applicable federal, state and
374 local regulatory requirements and adhere to the operations manual and
375 other safety information provided to the collection site by the battery
376 stewardship organization.

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

381 (C) (i) Damaged and defective batteries shall be collected at collection
382 sites, other than retail locations, that are staffed by persons trained to

383 handle and ship such batteries.

384 (ii) Each battery stewardship organization shall provide for collection
385 of damaged and defective batteries at each permanent household
386 hazardous waste facility in the state and at each household hazardous
387 waste collection event.

388 (iii) As used in this subparagraph, "damaged and defective batteries"
389 means batteries that have been damaged or identified by the
390 manufacturer as being defective for safety reasons and that have the
391 potential of producing a dangerous evolution of heat, fire or short
392 circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2023, or as
393 updated by the department by rule to maintain consistency with federal
394 standards.

395 (3) (A) Each battery stewardship organization that implements a
396 battery stewardship plan shall ensure state-wide collection
397 opportunities for all covered batteries. Battery stewardship
398 organizations shall coordinate activities with other program operators,
399 including covered battery collection and recycle programs and
400 electronic waste recyclers, with regard to the proper management or
401 recycling of collected covered batteries, for purposes of providing the
402 efficient delivery of services and avoiding unnecessary duplication of
403 effort and expense. State-wide collection opportunities shall be
404 determined by geographic information modeling that considers
405 permanent collection sites. A battery stewardship program may rely, in
406 part, on collection events to supplement the permanent collection
407 services required in this subsection, provided only permanent collection
408 services specified in this subsection shall qualify toward the satisfaction
409 of the requirements of this subsection.

410 (B) For portable batteries, each battery stewardship organization shall
411 provide state-wide collection opportunities that include: (i) At least one
412 permanent collection site for portable batteries within a fifteen-mile
413 radius for not less than ninety-five per cent of residents in the state; and
414 (ii) not less than one permanent collection site, collection service or

415 collection event for portable batteries in addition to those required in
416 this subsection for every thirty thousand residents of a county.

417 (C) For medium format batteries, each battery stewardship
418 organization shall provide state-wide collection opportunities that
419 include, but are not limited to, the provision of: (i) Not less than ten
420 permanent collection sites in the state during the initial five-year plan
421 period; (ii) reasonable geographic dispersion of collection sites
422 throughout the state; (iii) a permanent collection site in each county of
423 not less than two hundred thousand persons, as determined by the most
424 recent United States census; and (iv) service to areas without a
425 permanent collection site. Each battery stewardship organization shall
426 ensure that there is a collection event not less than once every three years
427 in each county of the state that does not have a permanent collection
428 site. Such collection events shall provide for the collection of all medium
429 format batteries, including damaged and defective batteries.

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

435 (B) (i) Each battery stewardship program shall use as a collection site
436 for covered batteries any retailer, wholesaler, municipality, solid waste
437 management facility, household hazardous waste facility, or other
438 entity that meets the criteria for collection sites in the approved battery
439 stewardship plan up to the minimum number of sites required for
440 compliance with this subsection, upon the submission of a request by an
441 entity to the battery stewardship organization to serve as a collection
442 site. Each battery stewardship program may use additional collection
443 sites in excess of the minimum required in this subsection, as may be
444 agreed between the battery stewardship organization and the collection
445 site.

446 (ii) Each battery stewardship program shall use as a site for a

447 collection event for covered batteries any retailer, wholesaler,
448 municipality, solid waste management facility, household hazardous
449 waste facility, or other entity that meets the criteria for collection events
450 in the approved plan up to the minimum number of sites required for
451 compliance with this subsection, upon the submission of a request by
452 the entity to the battery stewardship organization to serve as a site for a
453 collection event. Each battery stewardship program may use additional
454 sites for collection events in excess of the minimum required in this
455 subsection, as may be agreed between the battery stewardship
456 organization and the collection site.

457 (C) Each battery stewardship organization may issue a warning to,
458 suspend, or terminate a collection site or service that does not adhere to
459 the collection site criteria in the approved battery stewardship plan or
460 that poses an immediate health and safety concern.

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

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

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

469 (D) Each battery stewardship program shall provide for the collection
470 of batteries still contained in covered electronic products under the
471 Consumer Electronics Recycling Act.

472 (h) (1) Each battery stewardship organization shall carry out
473 promotional activities in support of the battery stewardship plan
474 implementation, including, but not limited to, the development and (A)
475 maintenance of a web site; (B) distribution of periodic press releases and
476 articles; (C) placement of advertisements for use on social media or
477 other relevant media platforms; (D) distribution of promotional

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

490 (2) Each battery stewardship organization shall provide:

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

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

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

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

508 (4) Upon request by a retailer or other potential collector, the battery

509 stewardship organization shall provide the retailer or other potential
510 collector educational materials describing collection opportunities for
511 batteries.

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

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

525 (i) (1) Not later than June 1, 2027, and each June first thereafter, each
526 battery stewardship organization shall submit an annual report to the
527 department covering the preceding calendar year of the battery
528 stewardship program. Such report shall include:

529 (A) An independent financial assessment of the battery stewardship
530 program implemented by the battery stewardship organization,
531 including a breakdown of the program's expenses, such as collection
532 costs, recycling costs, education costs and overhead;

533 (B) A summary financial statement that documents the financing of
534 the battery stewardship organization's program and an analysis of
535 program costs and expenditures, including an analysis of the program's
536 expenses, such as collection costs, transportation costs, recycling costs,
537 education costs and administrative overhead costs. Each summary
538 financial statement shall be sufficiently detailed to provide transparency
539 as to whether funds collected from producers as a result of their
540 activities in the state are spent on program implementation in the state.

541 Each battery stewardship organization that implements similar battery
542 stewardship programs in multiple states may submit a financial
543 statement including all covered states, provided the statement breaks
544 out financial information pertinent to this state;

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

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

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

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

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

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

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

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

571 sold in the state by participating producers for each of the previous three
572 calendar years;

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

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

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

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

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

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

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

601 battery stewardship organization.

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

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

612 (j) (1) Not later than January 1, 2026, and by January first of each year
613 thereafter, each battery stewardship organization shall pay to the
614 department an annual fee of fifty thousand dollars. Such fee shall cover
615 the department's full costs of implementing, administering and
616 enforcing this section.

617 (2) The responsibilities of the department in implementing,
618 administering and enforcing this section include:

619 (A) Reviewing submitted stewardship plans and plan amendments
620 and making determinations as to whether to approve the plan or plan
621 amendment;

622 (B) Reviewing annual reports submitted not later than ninety days
623 after submission of such report to ensure compliance with this section;

624 (C) Maintaining a web site that lists producers and their brands that
625 are participating in an approved plan, and that makes available to the
626 public each plan, plan amendment and annual report received by the
627 department not later than five business days after the approval or
628 receipt of notice from a battery stewardship organization of changes to
629 the producers and brands participating under an approved battery
630 stewardship plan; and

631 (D) Providing technical assistance to producers and retailers related
632 to the requirements of this section.

633 (k) (1) Any person who violates any provision of this section shall be
634 liable for a civil penalty of seven thousand dollars per violation, except
635 that the failure to pay a fee under the provisions of this section shall
636 cause the person who fails to pay such fee to be liable for a civil penalty
637 that is double the applicable fee.

638 (2) The penalties provided for in this subsection may be recovered in
639 a civil action brought in the name of the people of the state by the State's
640 Attorney of the county in which the violation occurred or by the
641 Attorney General.

642 (3) The Attorney General or the state's attorney of a county in which
643 a violation occurs may institute a civil action for an injunction,
644 prohibitory or mandatory, to restrain violations of this section or to
645 require such actions as may be necessary to address violations of this
646 section.

647 (4) The penalties and injunctions provided in this subsection are in
648 addition to any penalties, injunctions or other relief provided under any
649 other provision of the general statutes. Nothing in this subsection shall
650 be construed to prohibit a cause of action by the state for any other
651 penalty, injunction or other relief provided by any other provision of
652 law.

653 (5) Any person who knowingly makes a false, fictitious or fraudulent
654 material statement, orally or in writing, to the department, related to or
655 required by this section or any rule adopted under this section, shall be
656 guilty of a Class 4 felony and each such statement or writing shall be
657 considered a separate Class 4 felony. Any person who, after being
658 convicted under this subsection, violates this subsection a second or
659 subsequent time shall have committed a Class 3 felony.

660 (6) No penalty may be assessed on an individual for the improper
661 disposal of covered batteries in a noncommercial or residential setting.

662 (l) (1) On and after January 1, 2027, each producer or retailer may only
663 sell, offer for sale or distribute in or into the state a covered battery or
664 battery-containing product containing one or more covered batteries if
665 the battery is marked with an identification of the producer of the
666 battery, unless the battery is less than one-half inch in diameter or does
667 not contain a surface that exceeds one-half inch. On and after January 1,
668 2029, such battery shall be marked with proper labeling to ensure proper
669 collection and recycling, by identifying the chemistry of the battery and
670 including an indication that the battery should not be disposed of as
671 household waste.

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

675 (3) The department may amend, by order, the requirements of
676 subdivision (1) of this subsection to maintain consistency with the
677 labeling requirements or voluntary standards for batteries established
678 in federal law.

679 (m) On and after January 1, 2026, for portable batteries and, on and
680 after January 1, 2028, for medium format batteries, or the first date on
681 which an approved battery stewardship plan begins implementation
682 pursuant to this section by a battery stewardship organization,
683 whichever comes first:

684 (1) All persons shall dispose of unwanted covered batteries through
685 one of the following disposal options:

686 (A) Disposal using the collection sites established by or included in
687 the battery stewardship programs established pursuant to this section;
688 or

689 (B) For covered batteries generated by persons that are regulated
690 generators of covered batteries under federal or state hazardous or solid
691 waste laws, disposal in a manner consistent with the requirements of
692 those laws.

693 (2) (A) No fee shall be charged at the time covered batteries are
694 delivered or collected for management.

695 (B) All covered batteries may only be collected, transported and
696 processed in accordance with this section, unless such batteries are
697 regulated as hazardous waste.

698 (3) No person shall place covered batteries in waste containers for
699 disposal at incinerators, waste to energy facilities or landfills.

700 (4) No person shall place covered batteries in or on a container for
701 mixed recyclables unless there is a separate location or compartment for
702 the covered battery that complies with local government collection
703 standards or guidelines.

704 (5) No owner or operator of a solid waste facility shall be found in
705 violation of this subsection if the facility has posted, in a conspicuous
706 location, a sign stating that covered batteries shall be managed through
707 collection sites established by a battery stewardship organization and
708 are not accepted for disposal.

709 (6) No solid waste collector may be found in violation of this section
710 for a covered battery placed in a disposal container by the generator of
711 the covered battery.

712 (n) (1) Not later than January 1, 2028, the department shall submit a
713 report, in accordance with the provisions of section 11-4a of the general
714 statutes, to the joint standing committee of the General Assembly
715 having cognizance of matters relating to the environment on
716 preliminary policy recommendations for the collection and
717 management of hybrid and electric vehicle batteries. Not later than
718 January 1, 2030, the department shall submit final policy
719 recommendations for the collection and management of such batteries
720 to such committee.

721 (2) In developing the recommendations under subdivision (1) of this
722 subsection, the department shall:

723 (A) Solicit input from representatives of automotive wrecking and
724 salvage yards, solid waste collection and processing companies, local
725 governments, environmental organizations, electric vehicle and battery
726 manufacturers and representative industry associations, and any other
727 interested parties; and

728 (B) Examine best practices, laws and legislation in other states and
729 jurisdictions.

730 (o) (1) Any battery stewardship organization that implements an
731 approved battery stewardship plan in compliance with the
732 requirements of this section may bring a civil action against a producer
733 for damages when:

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

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

740 (2) The department shall not be a necessary party to or be required to
741 provide assistance or otherwise participate in any civil action
742 authorized under this subsection solely due to its regulatory
743 requirements under this section, unless subject to subpoena before the
744 Superior Court.

745 (3) For the purposes of this subsection, "damages" includes:

746 (A) The actual costs a plaintiff battery stewardship organization
747 incurs in collecting, handling, recycling or properly disposing of
748 batteries reasonably identified as having originated from another
749 battery producer or battery stewardship organization, and

750 (B) The attorneys' fees and costs associated with bringing such civil
751 action.

752 (p) Any producer or battery stewardship organization acting on
753 behalf of producers that prepares, submits and implements a battery
754 stewardship program plan pursuant to this section and who is thereby
755 subject to regulation by the department is granted immunity from state
756 laws relating to antitrust, restraint of trade, unfair trade practices and
757 other regulation of trade and commerce, for the limited purpose of
758 planning, reporting and operating a battery stewardship program,
759 including:

760 (1) The creation, implementation or management of a battery
761 stewardship organization and any battery stewardship plan regardless
762 of whether it is submitted, denied or approved;

763 (2) The determination of the cost and structure of a battery
764 stewardship plan; and

765 (3) The types or quantities of batteries being recycled or otherwise
766 managed pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
-------------------------------------------------------------------------------	--	--

Section 1	<i>October 1, 2024</i>	New section
-----------	------------------------	-------------

Statement of Purpose:

To establish an extended producer responsibility program for certain consumer batteries.

[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.]