



General Assembly

Substitute Bill No. 5226

February Session, 2024



**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 sections 22a-629 to 22a-640, inclusive, of
10 the general statutes.

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

15 (4) "Collection rate" means a percentage, by weight, that a battery
16 stewardship organization collects that is calculated by dividing the total

17 weight of primary and rechargeable batteries collected by the battery
18 stewardship organization during the previous calendar year by the
19 average annual weight of primary and rechargeable batteries that were
20 estimated to have been sold in the state during the previous three
21 calendar years by all producers participating in an approved battery
22 stewardship plan.

23 (5) "Covered battery" means a portable battery, beginning January 1,
24 2026, or a portable or medium format battery, beginning January 1, 2028.
25 "Covered battery" does not include: (A) A battery contained within a
26 medical device, as specified in 21 USC 321(h) as it existed as of the
27 effective date of this section, that is not designed and marketed for sale
28 or resale principally to consumers for personal use; (B) a battery that
29 contains an electrolyte as a free liquid; (C) a lead acid battery weighing
30 greater than eleven pounds; (D) a motor vehicle battery subject to the
31 provisions of section 22a-256h of the general statutes; (E) a battery
32 recalled by the producer for safety reasons; (F) a battery in a battery-
33 containing product that is not intended or designed to be easily
34 removable from the battery-containing product; or (G) a battery subject
35 to the provisions of sections 22a-629 to 22a-640, inclusive, of the general
36 statutes.

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

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

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

49 rechargeable covered batteries:

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

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

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

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

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

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

66 (11) "Producer" means:

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

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

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

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

76 subdivision applies, the producer is the person that is the licensee of a
77 brand or trademark under which the battery is sold, offered for sale, or
78 distributed in or into this state, whether or not the trademark is
79 registered in this state;

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

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

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

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

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

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

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

106 States;

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

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

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

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

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

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

135 (16) "Retailer" means a person who sells covered batteries or battery-

136 containing products containing one or more covered batteries in or into
137 this state or offers, or otherwise makes available, covered batteries or
138 battery-containing products containing one or more covered batteries to
139 a customer, including other businesses, in this state.

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

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

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

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

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

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

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

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

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

193 (6) No retailer, producer or battery stewardship organization shall
194 charge a specific point-of-sale fee to consumers to cover the
195 administrative or operational costs of the battery stewardship
196 organization or the battery stewardship program.

197 (d) (1) On or before January 1, 2025, each producer of covered
198 portable batteries or such producer's designee, including, but not

199 limited to, a battery stewardship organization, shall notify the
200 Commissioner of Energy and Environmental Protection, in writing,
201 whether the producer will act individually or jointly with other
202 producers to submit a stewardship plan to the commissioner for the
203 establishment of a state-wide battery stewardship program. On or
204 before January 1, 2027, each producer of covered medium format
205 batteries, or such producer's designee, including, but not limited to, a
206 battery stewardship organization, shall notify the Commissioner of
207 Energy and Environmental Protection, in writing, whether the producer
208 will act individually or jointly with other producers to submit a
209 stewardship plan to the commissioner for the establishment of a state-
210 wide battery stewardship program.

211 (2) Not later than July 1, 2025, each battery stewardship organization
212 shall submit a plan for covered portable batteries to the commissioner
213 for approval. Not later than July 1, 2027, each battery stewardship
214 organization shall submit a plan for covered medium format batteries
215 to the commissioner for approval. A battery stewardship organization
216 may submit a plan at any time to the commissioner for review and
217 approval. The commissioner shall review and may approve a plan based
218 on whether it contains each of the following components:

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

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

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

229 (D) A description of the education and communications strategy

230 being implemented to effectively promote participation in the approved
231 covered battery stewardship program and provide the information
232 necessary for effective participation of consumers, retailers and others;

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

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

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

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

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

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

261 population of one hundred thousand or more people;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

374 (g) (1) Each battery stewardship organization that implements a
375 battery stewardship plan shall provide for the collection of all covered
376 batteries, including all chemistries and brands of covered batteries, on a
377 free, continuous, convenient, visible and accessible basis to any person,
378 business, government department or nonprofit organization. Except as
379 otherwise provided in this subsection, each battery stewardship plan
380 shall provide for the collection of each chemistry and brand of covered
381 battery from any person, business, government department or nonprofit
382 organization at each collection site that counts toward the satisfaction of

383 the collection site criteria described in this section.

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

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

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

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

410 (iii) As used in this subparagraph, "damaged and defective batteries"
411 means batteries that have been damaged or identified by the
412 manufacturer as being defective for safety reasons and that have the
413 potential of producing a dangerous evolution of heat, fire or short

414 circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2023, or as
415 updated by the department by regulations adopted in accordance with
416 the provisions of chapter 54 of the general statutes to maintain
417 consistency with federal standards.

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

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

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

447 request by an entity to the battery stewardship organization to serve as
448 a collection site. Each battery stewardship program may use additional
449 collection sites in excess of the minimum required in this subsection, as
450 may be agreed between the battery stewardship organization and the
451 collection site.

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

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

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

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

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

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

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

492 (2) Each battery stewardship organization shall provide:

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

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

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

507 (B) Each battery stewardship organization may seek reimbursement
508 from the producer of the recalled battery for expenses incurred in the

509 collection, transportation or processing of such batteries.

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

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

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

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

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

535 (B) A summary financial statement that documents the financing of
536 the battery stewardship organization's program and an analysis of
537 program costs and expenditures, including an analysis of the program's
538 expenses, such as collection costs, transportation costs, recycling costs,
539 education costs and administrative overhead costs. Each summary

540 financial statement shall be sufficiently detailed to provide transparency
541 as to whether funds collected from producers as a result of their
542 activities in the state are spent on program implementation in the state.
543 Each battery stewardship organization that implements similar battery
544 stewardship programs in multiple states may submit a financial
545 statement including all covered states, provided the statement breaks
546 out financial information pertinent to this state;

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

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

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

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

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

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

568 (I) The collection rate achieved under the program, including a
569 description of how the collection rate was calculated and how it

570 compares to the collection rate goals established in this section;

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

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

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

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

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

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

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

600 activities.

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

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

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

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

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

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

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

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

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

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

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

648 (m) (1) On and after January 1, 2027, each producer or retailer may
649 only sell, offer for sale or distribute in or into the state a covered battery
650 or battery-containing product containing one or more covered batteries
651 if the battery is marked with an identification of the producer of the
652 battery, unless the battery is less than one-half inch in diameter or does
653 not contain a surface that exceeds one-half inch. On and after January 1,
654 2029, such battery shall be marked with proper labeling to ensure proper
655 collection and recycling, by identifying the chemistry of the battery and
656 including an indication that the battery should not be disposed of as
657 household waste.

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

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

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

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

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

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

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

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

683 (o) Each producer and stewardship organization shall be immune
684 from liability for any claim of a violation of antitrust law or unfair trade
685 practice, if such conduct is a violation of antitrust law, to the extent such
686 producer or stewardship organization is exercising authority pursuant
687 to the provisions of this section.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2024</i> | New section |

ENV *Joint Favorable Subst.*