

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2241 Session of 2024

INTRODUCED BY SIEGEL, KHAN, HILL-EVANS, SANCHEZ, SHUSTERMAN, DALEY, CIRESI, DELLOSO, BOROWSKI, ISAACSON, FRIEL, OBERLANDER, MARSHALL, GREEN, GILLEN, FREEMAN AND SAMUELSON, APRIL 29, 2024

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 4, 2024

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for portable battery
3 stewardship and establishing requirements for Battery
4 Stewardship Plans; imposing duties on the Department of
5 Environmental Protection; and imposing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 27 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

CHAPTER 67

PORTABLE BATTERY STEWARDSHIP

12 Sec.

13 6701. Scope of chapter.

14 6702. Legislative findings.

15 6703. Definitions.

16 6704. Stewardship plans.

17 6705. Retailers.

18 6706. Stewardship plan requirements.

- 1 6707. Performance standards.
- 2 6708. Funding.
- 3 6709. Collection and management requirements.
- 4 6710. Education and outreach requirements.
- 5 6711. Reporting requirements.
- 6 6712. Fee and department role.
- 7 6713. Penalties and civil actions.
- 8 6714. Marking requirements for batteries.
- 9 6715. General battery disposal and collection requirements.
- 10 6716. Assessing battery-containing products.
- 11 6717. Antitrust.
- 12 6718. Other collection of batteries.

13 § 6701. Scope of chapter.

14 This chapter relates to portable battery stewardship.

15 § 6702. Legislative findings.

16 The General Assembly finds and declares as follows:

17 (1) It is in the public interest of the residents of
18 this Commonwealth to encourage the recovery and reuse of
19 materials, including metals, that replace the output of
20 mining and other extractive industries.

21 (2) Without a dedicated battery stewardship program,
22 battery user confusion regarding proper disposal options will
23 continue to persist.

24 (3) Ensuring the proper handling, recycling and end-of-
25 life management of used batteries prevents the release of
26 toxic materials into the environment and removes materials
27 from the waste stream that, if mishandled, may present safety
28 concerns to workers, including by igniting fires at solid-
29 waste-handling facilities. For this reason, batteries should
30 not be placed into commingled recycling containers or

1 disposed of via traditional garbage collection containers.

2 (4) Jurisdictions around the world have successfully
3 implemented battery stewardship laws that have helped address
4 the challenges posed by the end-of-life management of
5 batteries.

6 (5) It is difficult for customers to differentiate
7 between types and chemistries of batteries so it is the best
8 practice for battery stewardship programs to collect all
9 battery types and chemistries.

10 ~~(6) Furthermore, it is appropriate for larger batteries~~ <--
11 ~~used in emerging market sectors such as electric vehicles,~~
12 ~~solar power arrays and data centers, to be managed to ensure~~
13 ~~environmentally positive outcomes similar to those achieved~~
14 ~~by a battery stewardship program, both because of the~~
15 ~~potential economic value of large batteries used for these~~
16 ~~purposes and the anticipated profusion of these larger~~
17 ~~batteries as these market sectors mature.~~

18 § 6703. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Battery-containing product." A product that contains or is
23 packaged with rechargeable or primary batteries that are covered
24 batteries. The term does not include a covered device as defined
25 by section 102 of the Covered Device Recycling Act.

26 "Battery stewardship organization." A producer that directly
27 implements a battery stewardship plan required under this
28 chapter or a nonprofit organization designated by a producer or
29 group of producers to implement a battery stewardship plan
30 required under this chapter.

1 "Collection rate." A percentage, by weight, of covered
2 batteries that a battery stewardship organization collects that
3 is calculated by dividing the total weight of primary and
4 rechargeable batteries collected during the previous calendar
5 year by the average annual weight of primary and rechargeable
6 batteries that were estimated to have been sold in this
7 Commonwealth by all producers participating in that approved
8 battery stewardship plan during the previous three calendar
9 years.

10 "Covered battery." The term:

11 (1) Includes:

12 (i) A portable battery.

13 (ii) Beginning January 1, 2028, a medium format
14 battery.

15 (2) Does not include any of the following:

16 (i) A battery contained within a device as specified
17 in 21 U.S.C. § 321(h) (relating to definitions;
18 generally) as it existed as of the effective date of this
19 subparagraph and that is not designed and marketed for
20 sale or resale principally to consumers for personal use.

21 (ii) A battery that contains an electrolyte as a
22 free liquid.

23 (iii) A lead acid battery under section 1510 of the
24 Municipal Waste Planning, Recycling and Waste Reduction
25 Act.

26 (iv) A battery in a battery-containing product that
27 is not intended or designed to be easily removed from the
28 battery-containing product.

29 (V) A BATTERY THAT IS A COMPONENT OF A MOTOR VEHICLE <--
30 OR INTENDED FOR USE EXCLUSIVELY IN A MOTOR VEHICLE. AS

1 USED IN THIS SUBPARAGRAPH, A MOTOR VEHICLE:

2 (A) SHALL INCLUDE AUTOMOBILES, VANS, TRUCKS,
3 TRACTORS, MOTORCYCLES AND MOTORBOATS; AND

4 (B) SHALL NOT INCLUDE E-BIKES, SCOOTERS OR
5 SIMILAR MOBILITY DEVICES.

6 (VI) A BATTERY USED OR INTENDED TO BE USED FOR THE
7 STORAGE OF ELECTRICITY FROM SOLAR PHOTOVOLTAIC PANELS.

8 "Covered Device Recycling Act." The act of November 23, 2010
9 (P.L.1083, No.108), known as the Covered Device Recycling Act.

10 "Damaged and defective batteries." Batteries that have been
11 damaged or identified by the manufacturer as being defective for
12 safety reasons, that have the potential of producing a dangerous
13 evolution of heat, fire or short circuit, as referred to in 49
14 CFR 173.185(f) (relating to lithium cells and batteries) as of
15 January 1, 2023, or as may be established by the department by
16 rule to maintain consistency with Federal standards.

17 "Department." The Department of Environmental Protection of
18 the Commonwealth.

19 "Easily removed." Designed by the manufacturer to be removed
20 by the user of the product with no more than commonly used
21 household tools.

22 "Medium format battery." Any of the following primary or
23 rechargeable covered batteries:

24 (1) For rechargeable batteries, a battery weighing more
25 than 11 pounds or having a rating of more than 300 watt-
26 hours, or both, but weighing no more than 25 pounds and
27 having a rating of no more than 2,000 watt-hours.

28 (2) For primary batteries, a battery weighing more than
29 4.4 pounds but not more than 25 pounds.

30 "Municipal Waste Planning, Recycling and Waste Reduction

1 Act." The act of July 28, 1988 (P.L.556, No.101), known as the
2 Municipal Waste Planning, Recycling and Waste Reduction Act.

3 "Portable battery." The following primary or rechargeable
4 covered batteries:

5 (1) For rechargeable batteries, a battery weighing no
6 more than 11 pounds and having a rating of no more than 300
7 watt-hours.

8 (2) For primary batteries, a battery weighing no more
9 than 4.4 pounds.

10 "Primary battery." A battery that is not capable of being
11 recharged.

12 "Producer." The following person responsible for compliance
13 with requirements under this chapter for a covered battery or
14 battery-containing product sold, offered for sale or distributed
15 in or into this Commonwealth:

16 (1) For covered batteries:

17 (i) If the battery is sold under the brand of the
18 battery manufacturer, the producer is the person that
19 manufactures the battery.

20 (ii) If the battery is sold under a retail brand or
21 under a brand owned by a person other than the
22 manufacturer, the producer is the brand owner.

23 (iii) If there is no person to which subparagraph
24 (i) or (ii) of this definition applies, the producer is
25 the person that is the licensee of a brand or trademark
26 under which the battery is used in a commercial
27 enterprise, sold, offered for sale or distributed in or
28 into this Commonwealth, whether or not the trademark is
29 registered in this Commonwealth.

30 (iv) If there is no person described in subparagraph

1 (i), (ii) or (iii) within the United States, the producer
2 is the person who is the importer of record for the
3 battery into the United States for use in a commercial
4 enterprise that sells, offers for sale or distributes the
5 battery in this Commonwealth.

6 (v) If there is no person described in subparagraph
7 (i), (ii), (iii) or (iv) with a commercial presence
8 within this Commonwealth, the producer is the person who
9 first sells, offers for sale or distributes the battery
10 in or into this Commonwealth.

11 (2) For covered battery-containing products:

12 (i) If the battery-containing product is sold under
13 the brand of the product manufacturer, the producer is
14 the person that manufactures the product.

15 (ii) If the battery-containing product is sold under
16 a retail brand or under a brand owned by a person other
17 than the manufacturer, the producer is the brand owner.

18 (iii) If there is no person to which subparagraph
19 (i) or (ii) applies, the producer is the person that is
20 the licensee of a brand or trademark under which the
21 product is used in a commercial enterprise, sold, offered
22 for sale or distributed in or into this Commonwealth,
23 whether or not the trademark is registered in this
24 Commonwealth.

25 (iv) If there is no person described in subparagraph
26 (i), (ii) or (iii) within the United States, the producer
27 is the person who is the importer of record for the
28 product into the United States for use in a commercial
29 enterprise that sells, offers for sale or distributes the
30 product in this Commonwealth.

1 (v) If there is no person described in subparagraph
2 (i), (ii), (iii) or (iv) with a commercial presence
3 within this Commonwealth, the producer is the person who
4 first sells, offers for sale or distributes the product
5 in or into this Commonwealth.

6 (vi) A producer does not include any person who only
7 manufactures, sells, offers for sale, distributes or
8 imports into this Commonwealth a battery-containing
9 product if the only batteries used by the battery-
10 containing product are supplied by a producer that has
11 joined a registered battery stewardship organization as
12 the producer for that covered battery under this chapter.
13 Such a producer of covered batteries that are included in
14 a battery-containing product must provide written
15 certification of that membership to both the producer of
16 the covered battery-containing product and the battery
17 stewardship organization of which the battery producer is
18 a member.

19 "Program." A program implemented by a battery stewardship
20 organization consistent with an approved battery stewardship
21 plan.

22 "Rechargeable battery." A battery that contains one or more
23 voltaic or galvanic cells, electrically connected to produce
24 electric energy and designed to be recharged.

25 "Recycling." As defined in section 103 of the Municipal
26 Waste Planning, Recycling and Waste Reduction Act.

27 "Recycling efficiency rate." The ratio of the weight of
28 covered battery components and materials recycled by a program
29 operator from covered batteries to the weight of those covered
30 batteries collected by the program operator.

1 "Retailer." A person who sells covered batteries or battery-
2 containing products in or into this Commonwealth or offers or
3 otherwise makes available covered batteries or battery-
4 containing products to a customer, including other businesses,
5 in this Commonwealth.

6 § 6704. Stewardship plans.

7 Beginning January 1, 2026:

8 (1) Each producer selling, offering or making available
9 for sale or distributing covered batteries or battery-
10 containing products in or into this Commonwealth shall
11 participate in an approved State battery stewardship plan
12 through participation in and appropriate funding of a battery
13 stewardship organization.

14 (2) A producer that does not participate in a battery
15 stewardship organization and a battery stewardship plan may
16 not sell, offer or make available for sale, or distribute
17 covered batteries or battery-containing products covered by
18 this chapter, in or into this Commonwealth.

19 § 6705. Retailers.

20 The following apply:

21 (1) Beginning July 1, 2026, for portable batteries, and
22 July 1, 2028, for medium format batteries, a retailer may not
23 sell, offer or make available for sale or distribute a
24 covered battery or battery-containing product unless the
25 producer of the covered battery or battery-containing product
26 certifies to the retailer that the producer participates in a
27 battery stewardship organization whose plan has been approved
28 by the department.

29 (2) A retailer is not in violation of the requirements
30 of paragraph (1) and is not subject to penalties under

1 section 6712 (relating to fee and department role) as long as
2 the publicly accessible Internet website made available by
3 the department under section 6712(b) (3) lists, as of the date
4 a product is made available for retail sale, a producer or
5 brand of covered battery or battery-containing product sold
6 by the retailer as being a participant in an approved plan or
7 the implementer of an approved plan.

8 (3) Retailers of covered batteries or battery-containing
9 products are not required to make retail locations available
10 to serve as collection sites for a stewardship program
11 operated by a battery stewardship organization. Retailers
12 that serve as a collection site must comply with the
13 requirements for collection sites under section 6709
14 (relating to collection and management requirements).

15 (4) A retailer may not sell, offer or make available for
16 sale or distribute covered batteries or battery-containing
17 products, unless those batteries are marked consistent with
18 the requirements of section 6714 (relating to marking
19 requirements for batteries). A producer of a battery-
20 containing product must certify to the retailers of their
21 product that the battery contained in the battery-containing
22 product is marked consistent with the requirements of section
23 6714. A retailer may rely on this certification for purposes
24 of compliance under this subsection.

25 (5) A retailer selling or offering covered batteries or
26 battery-containing products for sale in this Commonwealth may
27 provide information, provided by the battery stewardship
28 organization, regarding available end-of-life management
29 options for covered batteries collected by the battery
30 stewardship organization. The information that a battery

1 stewardship organization must make available to retailers for
2 voluntary use by retailers must include in-store signage,
3 written materials and other promotional materials that
4 retailers may use to inform customers of the available end-
5 of-life management options for covered batteries collected by
6 the battery stewardship organization.

7 (6) Retailers, producers or battery stewardship
8 organizations must not charge a specific point-of-sale fee to
9 consumers to cover the administrative or operational costs of
10 the battery stewardship organization or the battery
11 stewardship program.

12 § 6706. Stewardship plan requirements.

13 (a) Approval.--By July 1, 2025, each battery stewardship
14 organization must submit a plan for covered portable batteries
15 to the department for approval. By July 1, 2027, each battery
16 stewardship organization must submit a plan for covered medium
17 format batteries to the department for approval. The department
18 must review and may approve a plan based on whether the plan
19 contains the following components:

20 (1) Lists and provides contact information for each
21 producer, battery brand and battery-containing product brand
22 covered in the plan.

23 (2) Proposes performance goals, consistent with section
24 6707 (relating to performance standards), including
25 establishing performance goals for each of the next three
26 upcoming calendar years of program implementation.

27 (3) Describes how the battery stewardship organization
28 will make retailers aware of the retailer's obligation to
29 sell only covered batteries and battery-containing products
30 of producers participating in an approved plan.

1 (4) Describes the education and communications strategy
2 being implemented to effectively promote participation in the
3 approved battery stewardship program and provide the
4 information necessary for effective participation of
5 consumers, retailers and others.

6 (5) Describes how the battery stewardship organization
7 will make available to collection sites, for voluntary use,
8 signage, written materials and other promotional materials
9 that collection sites may use to inform consumers of the
10 available end-of-life management options for covered
11 batteries collected by the battery stewardship organization.

12 (6) Lists promotional activities to be undertaken, and
13 the identification of consumer awareness goals and strategies
14 that the program will employ to achieve these goals after the
15 program is implemented.

16 (7) Includes collection site safety training procedures
17 related to covered battery collection activities at
18 collection sites, including appropriate protocols to reduce
19 risks of spills or fires and response protocols in the event
20 of a spill or fire, and a protocol for safe management of
21 damaged batteries that are returned to collection sites.

22 (8) Describes the method to establish and administer a
23 means for fully funding the program in a manner that
24 equitably distributes the program's costs among the producers
25 that are part of the battery stewardship organization. For
26 producers that elect to meet the requirements of this chapter
27 individually, without joining a battery stewardship
28 organization, the plan must describe the proposed method to
29 establish and administer a means for fully funding the
30 program.

1 (9) Describes the financing methods used to implement
2 the plan, consistent with section 6707.

3 (10) Describes how the program will collect all covered
4 battery chemistries and brands on a free, continuous,
5 convenient, visible and accessible basis, and consistent with
6 the requirements of section 6709 (relating to collection and
7 management requirements), including a description of how the
8 Statewide convenience standard will be met and a list of
9 collection sites, including the addresses of collection
10 sites.

11 (11) Describes the criteria to be used in the program to
12 determine whether an entity may serve as a collection site
13 for discarded batteries under the program.

14 (12) Establishes collection goals for each of the first
15 three years of implementation of the battery stewardship plan
16 that are based on the estimated total weight of primary and
17 rechargeable covered batteries that have been sold in this
18 Commonwealth in the previous three calendar years by the
19 producers participating in the battery stewardship plan.

20 (13) Identifies proposed sorters, transporters,
21 processors and facilities to be used by the program for the
22 final disposition of batteries and how collected batteries
23 will be managed in an environmentally sound manner at
24 facilities operating in compliance with human health and
25 environmental protection standards that are broadly
26 equivalent to or better than those required in the United
27 States.

28 (14) Details how the program will help this Commonwealth
29 achieve the target recycling efficiency rate, calculated
30 consistent with section 6711 (relating to reporting

1 requirements), of at least 60% for rechargeable batteries and
2 at least 70% for primary batteries.

3 (15) Describes how the public education and outreach
4 components of the program under section 6710 (relating to
5 education and outreach requirements) will be implemented.

6 (b) Review.--The department shall review the stewardship
7 plan for compliance with this chapter and shall approve,
8 disapprove or conditionally approve the plan within 120 days of
9 receipt of the plan. The following shall apply:

10 (1) If the department disapproves a stewardship plan
11 submitted by a battery stewardship organization, the
12 department shall explain how the stewardship plan does not
13 comply with this chapter and provide written notice to the
14 battery stewardship organization within 30 days of
15 disapproval.

16 (2) The battery stewardship organization may resubmit to
17 the department a revised stewardship plan within 60 days of
18 the date the written notice was issued and the department
19 shall review the revised stewardship plan within 90 days of
20 resubmittal.

21 (3) If a revised stewardship plan is disapproved by the
22 department, a producer operating under the stewardship plan
23 shall not be in compliance with this chapter until the
24 department approves a stewardship plan submitted by a battery
25 stewardship organization that covers the producer's products.

26 (c) New plan required.--A battery stewardship organization
27 must submit a new plan to the department for approval:

28 (1) If there are significant changes to the methods of
29 collection, transport or end-of-life management of covered
30 batteries under section 6709 that are not provided for in the

1 plan. The department shall identify the types of significant
2 changes that require a new plan to be submitted to the
3 department for approval. For purposes of this paragraph,
4 adding or removing a processor or transporter under the plan
5 is not considered a significant change that requires a plan
6 resubmittal.

7 (2) To address the novel inclusion of medium format
8 batteries as covered batteries under the plan.

9 (3) No less than every five years.

10 (d) Amendments.--A battery stewardship organization must
11 provide plan amendments to the department for approval:

12 (1) When proposing changes to the performance goals
13 under section 6707 based on the up-to-date experience of the
14 program.

15 (2) When there is a change to the method of financing
16 plan implementation under section 6708 (relating to funding).
17 This does not include changes to the fees or fee structure
18 established in the plan.

19 (3) When adding or removing a processor, as part of a
20 quarterly update submitted to the department.

21 (e) Quarterly notifications.--A battery stewardship
22 organization must notify the department on a quarterly basis if
23 a producer begins or ceases to participate in a battery
24 stewardship organization. This quarterly notice, if required,
25 must include a current list of the producers and brands
26 participating in the plan.

27 (f) Revised plan.--No earlier than five years after the
28 initial approval of a plan, the department may require a battery
29 stewardship organization to submit a revised plan, which may
30 include improvements to the collection site network or increased

1 expenditures dedicated to education and outreach, if the
2 approved plan has not met the performance goals under section
3 6707.

4 § 6707. Performance standards.

5 (a) Goals required.--Each battery stewardship plan must
6 include performance goals that measure, on an annual basis, the
7 achievements of the program, including:

8 (1) The collection rate for batteries in this
9 Commonwealth.

10 (2) The recycling efficiency rate of the program.

11 (3) Public convenience and accessibility of the program.

12 (b) Targets.--The performance goals established in each
13 battery stewardship plan must include:

14 (1) Target collection rates for primary batteries and
15 for rechargeable batteries.

16 (2) Target recycling efficiency rates of at least 60%
17 for rechargeable batteries and at least 70% for primary
18 batteries.

19 (3) Goals for convenience and accessibility that meet or
20 exceed the minimum requirements established in section 6709
21 (relating to collection and management requirements).

22 (4) A battery stewardship organization is not authorized
23 to reduce or cease collection, education and outreach or
24 other activities implemented under an approved plan based on
25 achievement of program performance goals.

26 § 6708. Funding.

27 (a) Availability.--Each battery stewardship organization
28 must ensure that adequate funding is available to fully
29 implement approved battery stewardship plans, including the
30 implementation of aspects of the plan addressing:

1 (1) Covered battery collection, transporting and
2 processing.

3 (2) Education and outreach.

4 (3) Program evaluation.

5 (4) Payment of the administrative fees to the department
6 under section 6712 (relating to fee and department role).

7 (b) Collection of funds.--A battery stewardship organization
8 implementing a battery stewardship plan on behalf of producers
9 must develop a system to collect charges from participating
10 producers to cover the costs of plan implementation. Each
11 battery stewardship organization:

12 (1) Is responsible for all costs of participating
13 covered battery collection, transportation, processing,
14 education, administration, department reimbursement,
15 recycling and end-of-life management in accordance with the
16 requirements of this chapter.

17 (2) Shall adopt environmentally sound management
18 practices which include the following:

19 (i) Comply with all applicable laws and rules in
20 place to protect workers, public health and the
21 environment.

22 (ii) Provide for adequate recordkeeping, tracking
23 and documenting of the fate of materials within this
24 Commonwealth and beyond.

25 (iii) Include comprehensive liability coverage for
26 the battery stewardship organization, including
27 environmental liability coverage that is commercially
28 practicable.

29 (3) Must reimburse local governments and solid waste or
30 recyclables handling facilities for demonstrable costs

1 incurred as a result of a local government facility or solid
2 waste or recyclables handling facility serving as a
3 collection site for its program, including associated labor
4 costs, storage and other costs associated with accessibility
5 and collection site standards.

6 (4) Shall, at a minimum, provide collection sites with
7 appropriate containers for covered batteries subject to its
8 program, training, signage, safety guidance and educational
9 materials, at no cost to the collection sites.

10 § 6709. Collection and management requirements.

11 (a) Collection.--Each battery stewardship organization
12 implementing a battery stewardship plan must provide for the
13 collection of all covered batteries, including all chemistries
14 and brands of covered batteries, on a free, continuous,
15 convenient, visible and accessible basis to any person,
16 business, government department or agency or nonprofit
17 organization. Except as provided in subsection (b) (2), each
18 battery stewardship plan must allow any person, business,
19 government department or agency or nonprofit organization to
20 deliver each chemistry and brand of covered battery at each
21 collection site that counts toward the satisfaction of the
22 collection site criteria in subsection (c).

23 (b) Requirements.--Each battery stewardship organization
24 implementing a battery stewardship plan must provide as follows:

25 (1) For each collection site utilized by the program,
26 suitable collection containers for covered batteries that are
27 segregated from other solid waste or make mutually agreeable
28 alternative arrangements for the collection of batteries at
29 the site. The location of collection containers at each
30 collection site used by the program must be within view of a

1 responsible person and must be accompanied by signage made
2 available to the collection site by the battery stewardship
3 organization that informs customers regarding the end-of-life
4 management options for batteries provided by the collection
5 site under this chapter. Each collection site must meet
6 applicable Federal, State and local regulatory requirements
7 while adhering to the operations manual and other safety
8 information provided to the collection site by the battery
9 stewardship organization.

10 (2) That medium format batteries may only be collected
11 at household hazardous waste collection sites or other
12 staffed collection sites that meet applicable Federal, State
13 and local regulatory requirements to manage medium format
14 batteries.

15 (3) For damaged and defective batteries:

16 (i) Collected only at collection sites staffed by
17 persons trained to handle and ship those batteries.

18 (ii) Each battery stewardship organization must
19 provide for collection in each county of this
20 Commonwealth, either through collection sites or
21 collection events, with qualified staff as specified in
22 subparagraph (i). Collection events should be provided
23 periodically throughout the year where practicable, but
24 must be provided at least once per year at a minimum, in
25 each county in which there are not permanent collection
26 sites providing for the collection of damaged and
27 defective batteries.

28 (c) Management.--Each battery stewardship organization
29 implementing a battery stewardship plan must provide as follows:

30 (1) A battery stewardship plan that ensures Statewide

1 collection opportunities for all covered batteries. The
2 following shall apply:

3 (i) Battery stewardship organizations shall
4 coordinate activities with other program operators,
5 including other covered battery collection and recycling
6 programs and electronic waste recyclers, with regard to
7 the proper management or recycling of collected covered
8 batteries, for purposes of providing the efficient
9 delivery of services and avoiding unnecessary duplication
10 of effort and expense.

11 (ii) Statewide collection opportunities must be
12 determined by geographic information that considers
13 permanent collection sites.

14 (iii) A program may rely, in part, on collection
15 events to supplement the permanent collection services
16 required in paragraphs (2) and (3).

17 (iv) Only permanent collection services specified in
18 paragraphs (2) and (3) qualify toward the satisfaction of
19 the requirements of this subsection.

20 (2) For portable batteries, each battery stewardship
21 organization must provide Statewide collection opportunities
22 that include:

23 (i) One permanent collection site in each county
24 that has a population density that is less than 250
25 individuals per square mile.

26 (ii) Two permanent collection sites in each county
27 that has a population density that is greater than or
28 equal to 250 individuals per square mile but less than
29 500 individuals per square mile.

30 (iii) Three permanent collection sites in each

1 county that has a population density that is greater than
2 or equal to 500 individuals per square mile but less than
3 750 individuals per square mile.

4 (iv) Four permanent collection sites in each county
5 that has a population density that is greater than or
6 equal to 750 individuals per square mile but less than
7 1,000 individuals per square mile.

8 (v) Five permanent collection sites in each county
9 that has a population density that is greater than or
10 equal to 1,000 individuals per square mile but less than
11 5,000 individuals per square mile.

12 (vi) Fifteen permanent collection sites in each
13 county that has a population density that is greater than
14 or equal to 5,000 individuals per square mile.

15 (vii) If a municipality has a population of more
16 than 1,000,000 residents, the program shall provide 10
17 additional permanent collection sites to be located
18 within that municipality, with the collection sites
19 required by paragraph (vi) to be located, to the extent
20 reasonably possible, outside the municipality.

21 (viii) Collection opportunities for portable
22 batteries at special locations where batteries are often
23 spent and replaced, including supervised locations at
24 parks with stores and campgrounds.

25 (3) For medium format batteries, a battery stewardship
26 organization must provide statewide collection opportunities
27 that include:

28 (i) At least 10 permanent collection sites in this
29 Commonwealth during the initial five-year plan period.

30 (ii) Reasonable geographic dispersion of permanent

1 collection sites throughout this Commonwealth.

2 (iii) After the initial five-year plan period, a
3 permanent collection site in each county of at least
4 200,000 persons, as determined by the most recent Federal
5 decennial census.

6 (iv) A battery stewardship organization must ensure
7 that there is a collection event at least once every
8 three years in each county of this Commonwealth which
9 does not have a permanent collection site. The collection
10 events must provide for the collection of all medium
11 format batteries, including damaged and defective
12 batteries.

13 (d) Services and facilities.--Each battery stewardship
14 organization implementing a battery stewardship plan must:

15 (1) Use existing public and private waste collection
16 services and facilities, including where cost effective,
17 mutually agreeable and otherwise practicable, battery
18 collection sites that are established through other battery
19 collection programs, services, transporters, consolidators,
20 processors and retailers.

21 (2) Use as a collection site for covered batteries any
22 retailer, wholesaler, municipality, solid waste management
23 facility, household hazardous waste facility or other entity
24 that meets the criteria for collection sites in the approved
25 plan up to the minimum number of sites required for
26 compliance with subsection (c), upon the submission of a
27 request by an entity to the battery stewardship organization
28 to serve as a collection site. Battery stewardship programs
29 may use additional collection sites in excess of the minimum
30 required in subsection (c) as may be agreed upon between the

1 battery stewardship organization and the collection site.

2 (3) Use as a site for a collection event for covered
3 batteries a retailer, wholesaler, municipality, solid waste
4 management facility, household hazardous waste facility or
5 other entity that meets the criteria for collection events in
6 the approved plan up to the minimum number of sites required
7 for compliance with subsection (c), upon the submission of a
8 request by an entity to the battery stewardship organization
9 to serve as a site for a collection event. Battery
10 stewardship programs may use additional sites for collection
11 events in excess of the minimum required in subsection (c) as
12 may be agreed upon between the battery stewardship
13 organization and the collection site.

14 (4) A battery stewardship organization may issue a
15 warning, suspend or terminate a collection site or service
16 that does not adhere to the collection site criteria in the
17 approved plan or that poses an immediate health and safety
18 concern.

19 (e) Programs.--Battery stewardship programs:

20 (1) Are required to provide for the collection of loose
21 covered batteries.

22 (2) Are not required to provide for the collection of
23 battery-containing products.

24 (3) Are not required to provide for the collection of
25 batteries that either:

26 (i) Are not easily removed from the product other
27 than by the manufacturer.

28 (ii) Remain contained in a battery-containing
29 product at the time of delivery to a collection site.

30 (4) Are not required to provide for the collection of

1 batteries still contained in a covered device as defined by
2 the Covered Device Recycling Act.

3 § 6710. Education and outreach requirements.

4 (a) Promotional activities.--Each battery stewardship
5 organization must carry out promotional activities in support of
6 plan implementation, including all of the following:

7 (1) Development and maintenance of a publicly accessible
8 Internet website.

9 (2) Development and distribution of periodic press
10 releases and articles.

11 (3) Development and placement of advertisements for use
12 on social media or other relevant media platforms.

13 (4) Development of promotional materials about the
14 program and the restriction on the disposal of covered
15 batteries in section 6715 (relating to general battery
16 disposal and collection requirements) to be used by
17 retailers, government agencies, waste and recycling
18 collectors, nonprofit organizations and other entities or
19 individuals.

20 (5) Development and distribution of collection site
21 safety training procedures that are in compliance with
22 Commonwealth law applicable to collection sites to help
23 ensure proper management of covered batteries at collection
24 sites.

25 (6) Development and implementation of outreach and
26 educational resources that are conceptually, linguistically
27 and culturally accurate for the communities served and reach
28 this Commonwealth's diverse ethnic populations, including
29 through meaningful consultation with communities that bear
30 disproportionately higher levels of adverse environmental and

1 social justice impacts.

2 (b) Information required.--Each battery stewardship
3 organization must provide:

4 (1) Consumer-focused educational promotional materials
5 to each collection site used by the program and accessible by
6 customers of retailers that sell covered batteries or
7 battery-containing products.

8 (2) Safety information related to covered battery
9 collection activities to the operator of each collection
10 site, including appropriate protocols to reduce risks of
11 spills or fires, response protocols in the event of a spill
12 or fire and response protocols in the event of detection of a
13 damaged or defective battery.

14 (3) Educational materials to the operator of each
15 collection site for the management of recalled batteries,
16 which are not intended to be part of collection as provided
17 under section 6709 (relating to collection and management
18 requirements), to help facilitate transportation and
19 processing of recalled batteries.

20 (c) Reimbursement.--A battery stewardship organization may
21 seek reimbursement from the producer of any recalled battery for
22 expenses incurred in the collection, transportation or
23 processing of those batteries.

24 (d) Duties.--Upon request by a retailer or other potential
25 collector, the battery stewardship organization must provide the
26 retailer or other potential collector educational materials
27 describing collection opportunities for batteries.

28 (e) Reporting.--If multiple battery stewardship
29 organizations are implementing plans approved by the department,
30 the battery stewardship organizations must coordinate in

1 carrying out the education and outreach responsibilities under
2 this section and must include in the annual reports to the
3 department under section 6711 (relating to reporting
4 requirements) a summary of the coordinated education and
5 outreach efforts.

6 § 6711. Reporting requirements.

7 (a) Annual reports.--By June 1, 2027, and each June 1
8 thereafter, each battery stewardship organization must submit an
9 annual report to the department covering the preceding calendar
10 year of battery stewardship plan implementation. The report must
11 include:

12 (1) A summary financial statement in accordance with the
13 following:

14 (i) The statement must:

15 (A) Document the financing of the battery
16 stewardship organization's program.

17 (B) Provide an analysis of program costs and
18 expenditures, including an analysis of the program's
19 expenses, including collection, transportation,
20 recycling, education and administrative overhead.

21 (C) Be sufficiently detailed to provide
22 transparency that funds collected from producers as a
23 result of their activities in this Commonwealth are
24 spent on program implementation in this Commonwealth.

25 (ii) Battery stewardship organizations implementing
26 similar battery stewardship programs in multiple states
27 may submit a financial statement including all covered
28 states, as long as the statement breaks out financial
29 information pertinent to this Commonwealth.

30 (2) The weight, by chemistry, of covered batteries

1 collected under the program.

2 (3) The weight of materials recycled from covered
3 batteries collected under the program, in total, and by
4 method of battery recycling.

5 (4) A calculation of the recycling efficiency rates, as
6 measured consistent with subsection (b).

7 (5) For each facility used for the final disposition of
8 batteries, a description of how the facility recycled or
9 otherwise disposed of batteries and battery components.

10 (6) The weight and chemistry of batteries sent to each
11 facility used for the final disposition of batteries. The
12 information in subsection (a)(5) may be approximated for
13 program operations in this Commonwealth based on
14 extrapolations of national or regional data for programs in
15 operation in multiple states.

16 (7) The collection rate achieved under the program,
17 including a description of how this collection rate was
18 calculated and how the collection rate compares to the
19 collection rate goals under section 6707 (relating to
20 performance standards).

21 (8) The estimated aggregate sales, by weight and
22 chemistry, of batteries and batteries contained in or with
23 battery-containing products sold in this Commonwealth by
24 participating producers for each of the previous three
25 calendar years.

26 (9) A description of the manner in which the collected
27 batteries were managed and recycled, including a discussion
28 of best available technologies and the recycling efficiency
29 rate.

30 (10) A description of education and outreach efforts

1 supporting plan implementation, including:

2 (i) A summary of education and outreach provided to
3 consumers, collection sites, manufacturers, distributors
4 and retailers by the program operator for the purpose of
5 promoting the collection and recycling of covered
6 batteries.

7 (ii) A description of how the education under
8 subparagraph (i) and outreach meet the requirements of
9 section 6710 (relating to education and outreach
10 requirements).

11 (iii) Samples of education and outreach materials.

12 (iv) A summary of coordinated education and outreach
13 efforts with any other battery stewardship organizations
14 implementing a plan approved by the department.

15 (v) A summary of any changes made during the
16 previous calendar year to education and outreach
17 activities.

18 (11) A list of all collection sites, an address for each
19 listed site and an up-to-date map indicating the location of
20 all collection sites used to implement the program, with
21 links to appropriate publicly accessible Internet websites if
22 there are existing publicly accessible Internet websites
23 associated with a site.

24 (12) A description of methods used to collect, transport
25 and recycle covered batteries by the battery stewardship
26 organization.

27 (13) A summary on progress made toward the program
28 performance goals established under section 6707 and an
29 explanation of why performance goals were not met, if
30 applicable.

1 (b) Count.--The weight of batteries or recovered resources
2 from those batteries must only be counted once and may not be
3 counted by more than one battery stewardship organization.

4 (c) Other reporting requirements.--In addition to the
5 requirements of subsection (a), with respect to each facility
6 used in the processing or disposition of batteries collected
7 under the program, each battery stewardship organization must
8 report:

9 (1) Whether the facility is located domestically, in an
10 organization for economic cooperation and development country
11 or in a country that meets organization for economic
12 cooperation and development operating standards.

13 (2) What facilities processed the batteries and for
14 domestic facilities a summary of any violations of
15 environmental laws and regulations over the previous three
16 years at each facility.

17 (d) Covered batteries.--If a battery stewardship
18 organization has disposed of covered batteries through energy
19 recovery, incineration or landfilling during the preceding
20 calendar year of program implementation, the annual report must
21 specify the steps that the battery stewardship organization will
22 take to make the recycling of covered batteries cost effective,
23 where possible, or to otherwise increase battery recycling rates
24 achieved by the battery stewardship organization.

25 (e) Confidentiality.--

26 (1) A producer or battery stewardship organization that
27 submits information or records to the department under this
28 chapter may request that the information or records be made
29 available only for the confidential use of the department,
30 the secretary of the department or the appropriate division

1 of the department.

2 (2) The Secretary of Environmental Protection must
3 consider the request and if this action is not detrimental to
4 the public interest and can otherwise be restricted in
5 accordance with the policies and purposes of the act of
6 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
7 Law, the Secretary of Environmental Protection must grant the
8 request for the information to remain confidential.

9 § 6712. Fee and department role.

10 (a) Fees.--Each battery stewardship organization submitting
11 a battery stewardship plan, revision or amendment, shall pay a
12 fee to the department as follows:

13 (1) The fee shall be sufficient to cover the
14 department's full costs of implementing, administering and
15 enforcing this chapter.

16 (2) Prior to June 1, 2025, and every other June 1
17 thereafter, the department shall identify the costs incurred
18 under this section and set a fee schedule for plan
19 submissions that is adequate to reimburse the department's
20 full costs of administering this chapter.

21 (3) The total amount of the annual fees collected under
22 this section shall not exceed the amount necessary to
23 reimburse costs incurred by the department to administer this
24 section.

25 (b) Departmental duties.--The responsibilities of the
26 department in implementing, administering and enforcing this
27 chapter include:

28 (1) Reviewing submitted stewardship plans and plan
29 amendments and making determinations on the plan or plan
30 amendment. The following shall apply:

1 (i) The department must provide a letter of approval
2 or conditional approval for the plan or plan amendment if
3 the plan provides for the establishment of a stewardship
4 program that meets the requirements of sections 6706
5 (relating to stewardship plan requirements), 6707
6 (relating to performance standards), 6708 (relating to
7 funding), 6709 (relating to collection and management
8 requirements) and 6710 (relating to education and
9 outreach requirements).

10 (ii) If a plan or plan amendment is rejected, the
11 department must provide the reasons for rejecting the
12 plan to the battery stewardship organization. The battery
13 stewardship organization must submit a new plan within 60
14 days after receipt of the letter of disapproval.

15 (iii) If a plan or an amendment to an approved plan
16 is submitted under this section, the department shall
17 make the proposed plan or amendment available for public
18 review and comment for at least 30 days.

19 (2) Reviewing annual reports submitted under section
20 6711 (relating to reporting requirements) within 90 days of
21 submission to ensure compliance with that section.

22 (3) Ensuring public awareness by:

23 (i) Maintaining a publicly accessible Internet
24 website that lists producers and the brands that are
25 participating in an approved battery stewardship plan,
26 and that makes available to the public each plan, plan
27 amendment and annual report received by the department
28 under this chapter.

29 (ii) Upon the date the first plan is approved or
30 conditionally approved, posting on the department's

1 publicly accessible Internet website a list of producers
2 and the brands for which the department has approved a
3 plan. The department must update the list of producers
4 and brands participating under an approved program plan
5 based on information provided to the department from
6 battery stewardship organizations.

7 (4) Providing technical assistance to producers and
8 retailers related to the requirements of this chapter and
9 issuing orders or imposing civil penalties authorized under
10 section 6713 (relating to penalties and civil actions) where
11 the technical assistance efforts do not lead to compliance by
12 a producer or retailer.

13 § 6713. Penalties and civil actions.

14 (a) Civil penalty.--

15 (1) Except as provided in paragraph (2), a person who
16 violates any provision of this chapter is liable for a civil
17 penalty of \$2,500 per violation.

18 (2) For the failure to pay a fee under this chapter, a
19 person who fails to pay the fee is liable for a civil penalty
20 that is double the applicable fee.

21 (b) Civil actions.--The penalties under this section may be
22 recovered in a civil action brought by the department. Any
23 penalties collected under this section in an action in which the
24 department has prevailed shall be deposited into the
25 Commonwealth of Pennsylvania, Recycling Fund, to be used in
26 accordance with the provision of the Municipal Waste Planning,
27 Recycling and Waste Reduction Act.

28 (c) Other civil remedies.--The department may institute a
29 civil action for an injunction, prohibitory or mandatory, to
30 restrain violations of this chapter or to require actions as may

1 be necessary to address violations of this chapter.

2 (d) Other remedies.--The penalties and injunctions provided
3 in this chapter are in addition to any penalties, injunctions or
4 other relief under any other State law. Nothing in this chapter
5 bars a cause of action by the Commonwealth for any other
6 penalty, injunction or other relief provided by any other
7 applicable law.

8 (e) Falsification.--A person who knowingly makes a false,
9 fictitious or fraudulent material statement, orally or in
10 writing, to the department, related to or required by this
11 chapter or any rule adopted under this chapter, commits a
12 misdemeanor of the third degree, under 18 Pa.C.S. § 4904(b)
13 (relating to unsworn falsification to authorities).

14 (f) Limitation.--No penalty may be assessed on an individual
15 or resident for the improper disposal of covered batteries under
16 section 6715 (relating to general battery disposal and
17 collection requirements) in a noncommercial or residential
18 setting.

19 § 6714. Marking requirements for batteries.

20 (a) Marking.--Beginning January 1, 2027, a producer or
21 retailer may only sell, distribute or offer for sale in or into
22 this Commonwealth a medium format battery, covered battery or
23 battery-containing product that contains a battery that is
24 designed or intended to be easily removed from the product, if
25 the battery is:

26 (1) Marked with an identification of the producer of the
27 battery, unless the battery is less than one-half inch in
28 diameter or does not contain a surface whose length exceeds
29 one-half inch.

30 (2) Beginning January 1, 2029, marked with proper

1 labeling to ensure proper collection and recycling, by
2 identifying the chemistry of the battery, including an
3 indication that the battery should not be disposed of as
4 household waste.

5 (b) Certification.--A producer shall certify to the
6 producer's customers, or to the retailer if the retailer is not
7 the customer, that the requirements of this section have been
8 met, under section 6705 (relating to retailers).

9 (c) Amendments to requirements.--The department may amend,
10 by rule, the requirements of subsection (a) to maintain
11 consistency with the labeling requirements or voluntary
12 standards for batteries established by Federal law.

13 § 6715. General battery disposal and collection requirements.

14 Effective January 1, 2026, for portable batteries and January
15 1, 2028, for medium format batteries, the following shall apply:

16 (1) Each person must handle unwanted covered batteries
17 through one of the following options:

18 (i) Delivery to the collection sites established by
19 or included in the programs created by this chapter.

20 (ii) For covered batteries generated by persons that
21 are regulated generators of batteries covered under
22 Federal or State hazardous or solid waste laws,
23 management in a manner consistent with the requirements
24 of those laws.

25 (2) A fee may not be charged at the time unwanted
26 covered batteries are delivered or collected for management.

27 (3) All covered batteries may only be collected,
28 transported and processed in a manner that meets the
29 standards established for a battery stewardship organization
30 in a plan approved by the department, unless the batteries

1 are being managed as described in paragraph (1)(ii).

2 (4) A person may not place covered batteries in waste
3 containers for disposal at incinerators, waste-to-energy
4 facilities or landfills.

5 (5) A person may not place covered batteries in or on a
6 container for mixed recyclables unless there is a separate
7 location or compartment made available and designated for the
8 covered battery that complies with local government
9 collection standards or guidelines.

10 (6) An owner or operator of a solid waste facility may
11 not be found in violation of this section if the facility has
12 posted in a conspicuous location a sign stating that covered
13 batteries must be managed through collection sites
14 established by a battery stewardship organization and are not
15 accepted for disposal.

16 (7) A solid waste collector may not be found in
17 violation of this section for a covered battery placed in a
18 disposal container by the generator of the covered battery.

19 § 6716. Assessing battery-containing products.

20 (a) Assessment required.--By July 1, 2027, each battery
21 stewardship organization must complete an assessment of the
22 opportunities and challenges associated with the end-of-life
23 management of batteries not intended or designed to be easily
24 removed by a customer that are contained in battery-containing
25 products, including medical devices, and in electronic products
26 that are not covered devices as defined by the Covered Device
27 Recycling Act.

28 (b) Consultations.--Each battery stewardship organization
29 must consult with the department, other battery stewardship
30 organizations and interested stakeholders in completing the

1 assessment. The assessment must identify any adjustments to the
2 stewardship program requirements established in this chapter
3 that would enhance public health, safety and environmental
4 benefits.

5 (c) Topics.--The assessment must consider:

6 (1) The different categories and uses of battery-
7 containing products.

8 (2) The current methods by which unwanted battery-
9 containing products are managed in this Commonwealth and
10 nearby states.

11 (3) Challenges posed by the potential collection,
12 management and transport of battery-containing products,
13 including challenges associated with removing batteries that
14 were not intended or designed to be easily removed from
15 products, other than by the manufacturer.

16 (4) Which criteria of this chapter may apply to battery-
17 containing products in a manner that is identical or
18 analogous to the requirements applicable to covered
19 batteries.

20 (d) Report.--By October 1, 2027, the department must submit
21 a report to the General Assembly containing the findings of the
22 assessments required in this section.

23 § 6717. Antitrust.

24 Producers and battery stewardship organizations acting on
25 behalf of producers that prepare, submit and implement a battery
26 stewardship program plan pursuant to this chapter and who are
27 thereby subject to regulation by the department, are granted
28 immunity from Commonwealth laws relating to antitrust, restraint
29 of trade, unfair trade practices and other regulation of trade
30 and commerce, for the limited purpose of planning, reporting and

1 operating their battery stewardship program, including:

2 (1) The creation, implementation or management of a
3 battery stewardship organization and any battery stewardship
4 plan regardless of whether the plan is submitted, denied or
5 approved.

6 (2) The determination of the cost and structure of a
7 battery stewardship plan.

8 (3) The types or quantities of batteries being recycled
9 or otherwise managed under this chapter.

10 § 6718. Other collection of batteries.

11 Nothing in this chapter shall prevent or prohibit an
12 individual or entity from offering or performing a fee-based
13 household collection or a mail-back program for end-of-life
14 portable batteries or medium format batteries independently of a
15 battery stewardship program if the individual or entity meets
16 the following requirements:

17 (1) The services must be performed, and the facilities
18 must be operated, in compliance with all applicable Federal,
19 State and local laws and requirements, including all
20 applicable United States Department of Transportation
21 regulations and all applicable provisions of State law.

22 (2) The individual or entity must make available all
23 batteries collected from customers within this Commonwealth
24 to the battery stewardship organization.

25 (3) After consolidation of portable or medium format
26 batteries at the facilities, the costs for transporting the
27 batteries to the battery stewardship organization's
28 designated sorters or processors shall be at the battery
29 stewardship organization's expense.

30 Section 2. The provisions of this act are severable. If any

1 provision of this act or its application to any person or
2 circumstance is held invalid, the invalidity shall not affect
3 other provisions or applications of this act which can be given
4 effect without the invalid provision or application.

5 Section 3. This act shall take effect in 60 days.