STATE OF CONNECTICUT

QUI TRANSTULIT SUSTINET

Substitute House Bill No. 5019

Public Act No. 25-34

AN ACT ESTABLISHING EXTENDED PRODUCER RESPONSIBILITY FOR CONSUMER BATTERIES.

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

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

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

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

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

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

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

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

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

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

(8) "Environmentally sound management practices" means practices that: (A) Comply with all applicable federal, state and local regulatory

requirements to protect workers, public health and the environment; (B) provide for recordkeeping, tracking and documenting of the fate of materials within the state and outside of the state in accordance with the requirements of this section; and (C) include comprehensive liability coverage for the battery stewardship organization, including environmental liability coverage that is commercially practicable.

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

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

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

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

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

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

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

(12) "Producer" means:

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

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

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

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

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

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

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

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

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

brand owner;

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

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

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

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

(13) "Program" means a program implemented by a battery stewardship organization consistent with an approved battery

stewardship plan.

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

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

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

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

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

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

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

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

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

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

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

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

compliance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The commissioner shall review a battery stewardship plan or amendment for compliance with this section and shall approve, disapprove or conditionally approve such plan, in writing, not later than ninety days after receipt of such plan. If the commissioner disapproves a battery stewardship plan submitted by a battery stewardship organization, the commissioner shall explain how the stewardship plan does not comply with this section. The battery stewardship organization shall resubmit to the commissioner a revised battery stewardship plan not later than sixty days after the date the written notice was issued and the commissioner shall review the revised battery stewardship plan for

compliance with this section and shall approve, disapprove or conditionally approve such revised plan not later than ninety days after resubmittal. In the event that the commissioner disapproves the plan because it does not meet the requirements of this section, the commissioner shall describe the reasons for the disapproval in a notice of determination that the commissioner shall provide to the producer, or the producer's designee. Such producer, or producer's designee, shall revise and resubmit the plan to the commissioner not later than forty-five days after receipt of the commissioner's notice of disapproval. Such producer, or producer's designee, may resubmit a revised plan to the commissioner for approval on not more than two occasions. The commissioner shall approve, disapprove or conditionally approve such revised plan not later than forty-five days after submission. If the producer, or the producer's designee, fails to submit a plan that is acceptable to the commissioner because it does not meet the requirements of this section, the commissioner shall modify a submitted plan to make it conform to the requirements of this section and approve it. Not later than one hundred eighty days after the approval of a plan pursuant to this section, the battery stewardship organization shall implement the battery stewardship program.

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

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

(e) (1) Each battery stewardship plan shall include performance goals that measure, on an annual basis, the achievements of the battery stewardship program, including: (A) The collection rate for batteries in

the state; (B) the recycling efficiency rate of the battery stewardship program; and (C) public awareness of the battery stewardship program.

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

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

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

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

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

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

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

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

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

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

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

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

(2) (A) For each collection site utilized by a battery stewardship program, each battery stewardship organization shall provide suitable

collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The collection containers shall be accompanied by signage made available to the collection site by the battery stewardship organization that informs customers regarding the end-of-life management options for batteries provided by the collection site under this section. Each collection site shall meet applicable federal, state and local regulatory requirements and adhere to the operations manual and other safety information provided to the collection site by the battery stewardship organization.

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

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

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

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

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

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

(B) (i) Any municipality, solid waste management facility or household hazardous waste facility that meets the criteria for collection sites in the approved stewardship plan shall be included in the program upon the submission of a request to the battery stewardship organization to serve as a collection site. Each battery stewardship program shall use as a collection site for covered batteries any retailer or wholesaler that meets the criteria for collection sites in the approved battery stewardship plan up to the minimum number of sites required for compliance with the approved plan, upon the submission of a request by an entity to the battery stewardship organization to serve as a collection site. Each battery stewardship program may use additional

collection sites in excess of the minimum required in this subsection, as may be agreed between the battery stewardship organization and the collection site.

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

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

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

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

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

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

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

(2) Each battery stewardship organization shall provide:

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

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

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

(B) Each battery stewardship organization may seek reimbursement

from the producer of the recalled battery for expenses incurred in the collection, transportation or processing of such batteries.

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

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

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

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

(A) A copy of the most recent audit report prepared pursuant to this subparagraph. Five years after the implementation of the program, or upon the request of the Commissioner of Energy and Environmental Protection, but not more frequently than once every five years, the stewardship organization shall cause a full performance audit of the program to be conducted by an independent third party auditor

approved by the commissioner. The commissioner shall provide notice to the battery stewardship organization not less than one hundred eighty days prior to any such request. The battery stewardship organization shall submit such full performance audit to the commissioner not later than one hundred eighty days after such audit request by the commissioner. Additionally, the commissioner may request a targeted and limited performance audit of the program. The commissioner shall provide notice to the battery stewardship organization not less than fourteen days prior to any such request for a targeted and limited performance audit. The battery stewardship organization shall submit such targeted or limited audit to the commissioner not later than sixty days after such audit request by the commissioner. Any such audit conducted pursuant to this subparagraph shall review the accuracy of the battery stewardship organization's data concerning the program and provide any other information requested by the commissioner, provided such audit shall not require the disclosure of any proprietary information or trade or business secret. Any audit conducted pursuant to this subparagraph shall be paid for by the battery stewardship organization. The battery stewardship organization shall maintain all records relating to the program for a period of not less than three years;

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

out financial information pertinent to this state;

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

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

(E) A calculation of the recycling efficiency rates;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) (1) On and after January 1, 2028, each producer or retailer may only sell, offer for sale or distribute in or into the state a covered battery or battery-containing product containing one or more covered batteries if the battery is marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface that exceeds one-half inch. On and after January 1, 2030, such battery shall be marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste unless the battery is less than one-half inch diameter or does not contain a surface that exceeds one-half inch.

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

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

(o) If another state implements a battery recycling program, the Department of Energy and Environmental Protection may collaborate with such other state to conserve efforts and resources used in carrying out the administration of any battery stewardship program, provided such collaboration is consistent with the requirements of this section.

Governor's Action:
Approved June 10, 2025