

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1233 Session of
2025

INTRODUCED BY SIEGEL, OTTEN, STEELE, MADDEN, HILL-EVANS, VITALI,
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SALISBURY, KHAN AND BRENNAN, APRIL 15, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 17, 2025

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:

10 CHAPTER 67

11 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 PROGRAMS, battery user confusion regarding proper disposal <--
23 options will 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 RECYCLING AND WASTE STREAMS that, if <--
28 mishandled, may present HEALTH AND safety concerns RISKS to <--
29 workers AND THE COMMUNITY, including by POSING THE RISK OF <--
30 igniting fires at RECYCLING AND solid-waste-handling <--

1 facilities AND MATERIAL RECOVERY AND METAL RECYCLING <--
2 FACILITIES. For this reason, batteries should not be placed
3 into commingled recycling containers or, disposed of via <--
4 traditional garbage collection containers OR SENT TO MATERIAL <--
5 RECOVERY AND METAL RECYCLERS.

6 ~~(4) Jurisdictions around the world have successfully~~ <--
7 ~~implemented battery stewardship laws that have helped address~~
8 ~~the challenges posed by the end of life management of~~
9 ~~batteries.~~

10 ~~(5)~~ (4) It is difficult for customers to differentiate <--
11 between types and chemistries of batteries so it is the best
12 practice for battery stewardship programs to collect all
13 battery types and chemistries.

14 § 6703. Definitions.

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

18 "ADVANCED BATTERY RECYCLER." AS FOLLOWS: <--

19 (1) AN ENTITY OR FACILITY THAT IS AUTHORIZED BY THE
20 DEPARTMENT OR AN EQUIVALENT AGENCY IN ANOTHER STATE, OR AN
21 APPLICABLE FEDERAL REGULATORY BODY, AND PERFORMS ONE OR BOTH
22 OF THE FOLLOWING:

23 (I) REFINES COVERED BATTERIES OR COVERED BATTERY
24 MATERIALS BACK TO USEABLE BATTERY MATERIALS.

25 (II) EXTRACTS AND SEPARATES MATERIALS FROM COVERED
26 BATTERIES, INCLUDING METAL COMPOUNDS OR INTERMEDIATE
27 FRACTIONS, AND SENDS THOSE MATERIALS FOR FURTHER
28 PROCESSING OR REFINING TO ANOTHER ADVANCED BATTERY
29 RECYCLER.

30 (2) THE TERM DOES NOT INCLUDE AN ENTITY OR FACILITY THAT

1 IS ONLY ENGAGED IN THE COLLECTION OR LOGISTICS OF MOVING
2 MATERIALS FOR RECYCLING.

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

7 "Battery stewardship organization." A producer that directly
8 implements a battery stewardship plan required under this
9 chapter or a ~~nonprofit~~ THIRD-PARTY organization designated by a <--
10 producer or group of producers to implement a battery
11 stewardship plan required under this chapter.

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

21 "Covered battery." The term:

22 (1) Includes:

23 (i) A portable battery.

24 (ii) ~~Beginning January 1, 2029, a~~ A medium format <--
25 battery.

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

27 (i) A battery contained within a device as specified
28 in 21 U.S.C. § 321(h) (relating to definitions;
29 generally) as it existed as of the effective date of this
30 subparagraph and that is not designed and marketed for

1 sale or resale principally to consumers for personal use.

2 (ii) A battery that contains an electrolyte as a
3 free liquid.

4 (iii) A lead acid battery under section 1510 of the
5 Municipal Waste Planning, Recycling and Waste Reduction
6 Act.

7 (iv) A battery in a battery-containing product that
8 is not intended or designed to be easily removed from the
9 battery-containing product.

10 (v) A battery that is a component of a motor vehicle
11 or intended for use exclusively in a motor vehicle. As
12 used in this subparagraph, a motor vehicle:

13 (A) shall include automobiles, vans, trucks,
14 tractors, motorcycles and motorboats; and

15 (B) shall not include e-bikes, scooters or
16 similar mobility devices.

17 (vi) A battery used or intended to be used for the
18 storage of electricity from solar photovoltaic panels.

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

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

28 "Department." The Department of Environmental Protection of
29 the Commonwealth.

30 "Easily removed." Designed by the manufacturer to be removed

1 by the user of the product with no more than commonly used
2 household tools.

3 "MATERIALS RECOVERY FACILITY" OR "MRF." A FACILITY FOR <--
4 RECEIVING AND PROCESSING SOURCE SEPARATED RECYCLABLE MATERIALS.

5 "Medium format battery." Any of the following primary or
6 rechargeable covered batteries:

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

11 (2) For primary batteries, a battery weighing more than
12 4.4 pounds but not more than 25 pounds.

13 "METAL RECYCLER." A SCRAP PROCESSOR AS DEFINED IN SECTION 2 <--
14 OF THE ACT OF OCTOBER 9, 2008 (P.L.1408, NO.113), KNOWN AS THE
15 SCRAP MATERIAL THEFT PREVENTION ACT.

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

19 "Portable battery." The following primary or rechargeable
20 covered batteries:

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

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

26 "Primary battery." A battery that is not capable of being
27 recharged.

28 "Producer." The following person responsible for compliance
29 with requirements under this chapter for a covered battery or
30 battery-containing product sold, offered for sale or distributed

1 in or into this Commonwealth:

2 (1) For covered batteries:

3 (i) If the battery is sold under the brand of the
4 battery manufacturer, the producer is the person that
5 manufactures the battery.

6 (ii) If the battery is sold under a retail brand or
7 under a brand owned by a person other than the
8 manufacturer, the producer is the brand owner.

9 (iii) If there is no person to which subparagraph
10 (i) or (ii) of this definition applies, the producer is
11 the person that is the licensee of a brand or trademark
12 under which the battery is used in a commercial
13 enterprise, sold, offered for sale or distributed in or
14 into this Commonwealth, whether or not the trademark is
15 registered in this Commonwealth.

16 (iv) If there is no person described in subparagraph
17 (i), (ii) or (iii) within the United States, the producer
18 is the person who is the importer of record for the
19 battery into the United States for use in a commercial
20 enterprise that sells, offers for sale or distributes the
21 battery in this Commonwealth.

22 (v) If there is no person described in subparagraph
23 (i), (ii), (iii) or (iv) with a commercial presence
24 within this Commonwealth, the producer is the person who
25 first sells, offers for sale or distributes the battery
26 in or into this Commonwealth.

27 (2) For covered battery-containing products:

28 (i) If the battery-containing product is sold under
29 the brand of the product manufacturer, the producer is
30 the person that manufactures the product.

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

4 (iii) If there is no person to which subparagraph
5 (i) or (ii) applies, the producer is the person that is
6 the licensee of a brand or trademark under which the
7 product is used in a commercial enterprise, sold, offered
8 for sale or distributed in or into this Commonwealth,
9 whether or not the trademark is registered in this
10 Commonwealth.

11 (iv) If there is no person described in subparagraph
12 (i), (ii) or (iii) within the United States, the producer
13 is the person who is the importer of record for the
14 product into the United States for use in a commercial
15 enterprise that sells, offers for sale or distributes the
16 product in this Commonwealth.

17 (v) If there is no person described in subparagraph
18 (i), (ii), (iii) or (iv) with a commercial presence
19 within this Commonwealth, the producer is the person who
20 first sells, offers for sale or distributes the product
21 in or into this Commonwealth.

22 (vi) A producer does not include any person who only
23 manufactures, sells, offers for sale, distributes or
24 imports into this Commonwealth a battery-containing
25 product if the only batteries used by the battery-
26 containing product are supplied by a producer that has
27 joined a registered battery stewardship organization as
28 the producer for that covered battery under this chapter.
29 Such a producer of covered batteries that are included in
30 a battery-containing product must provide written

1 certification of that membership to both the producer of
2 the covered battery-containing product and the battery
3 stewardship organization of which the battery producer is
4 a member.

5 "Program." A program implemented by a battery stewardship
6 organization consistent with an approved battery stewardship
7 plan.

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

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

13 "Recycling efficiency rate." The ratio of the weight of
14 covered battery components and materials recycled by a program
15 operator from covered batteries to the weight of those covered
16 batteries collected by the program operator.

17 "Retailer." A person who sells covered batteries or battery-
18 containing products in or into this Commonwealth or offers or
19 otherwise makes available covered batteries or battery-
20 containing products to a customer, including other businesses,
21 in this Commonwealth.

22 § 6704. Stewardship plans.

23 Beginning January 1, 2027:

24 (1) Each producer selling, offering or making available
25 for sale or distributing covered batteries or battery-
26 containing products in or into this Commonwealth shall
27 participate in an approved State battery stewardship plan
28 through participation in and appropriate funding of a battery
29 stewardship organization.

30 (2) A producer that does not participate in a battery

1 stewardship organization and a battery stewardship plan may
2 not sell, offer or make available for sale, or distribute
3 covered batteries or battery-containing products covered by
4 this chapter, in or into this Commonwealth.

5 § 6705. Retailers.

6 The following apply:

7 (1) Beginning July 1, 2027, ~~for portable batteries, and~~ <--
8 July 1, 2029, ~~for medium format batteries,~~ a retailer may not
9 sell, offer or make available for sale or distribute a
10 covered battery or battery-containing product unless the
11 producer of the covered battery or battery-containing product
12 certifies to the retailer that the producer participates in a
13 battery stewardship organization whose plan has been approved
14 by the department.

15 (2) A retailer is not in violation of the requirements
16 of paragraph (1) and is not subject to penalties under
17 section 6712 (relating to fee and department role) as long as
18 the publicly accessible Internet website made available by
19 the department under section 6712(b)(3) lists, as of the date
20 a product is made available for retail sale, a producer or
21 brand of covered battery or battery-containing product sold
22 by the retailer as being a participant in an approved plan or
23 the implementer of an approved plan.

24 (3) Retailers of covered batteries or battery-containing
25 products are not required to make retail locations available
26 to serve as collection sites for a stewardship program
27 operated by a battery stewardship organization. Retailers
28 that serve as a collection site must comply with the
29 requirements for collection sites under section 6709
30 (relating to collection and management requirements).

1 (4) A retailer may not sell, offer or make available for
2 sale or distribute covered batteries or battery-containing
3 products, unless those batteries are marked consistent with
4 the requirements of section 6714 (relating to marking
5 requirements for batteries). A producer of a battery-
6 containing product must certify to the retailers of their
7 product that the battery contained in the battery-containing
8 product is marked consistent with the requirements of section
9 6714. A retailer may rely on this certification for purposes
10 of compliance under this subsection.

11 (5) A retailer selling or offering covered batteries or
12 battery-containing products for sale in this Commonwealth may
13 provide information, provided by the battery stewardship
14 organization, regarding available end-of-life management
15 options for covered batteries collected by the battery
16 stewardship organization. The information that a battery
17 stewardship organization must make available to retailers for
18 voluntary use by retailers must include in-store signage,
19 written materials and other promotional materials that
20 retailers may use to inform customers of the available end-
21 of-life management options for covered batteries collected by
22 the battery stewardship organization.

23 (6) Retailers, producers or battery stewardship
24 organizations must not charge a specific point-of-sale fee to
25 consumers to cover the administrative or operational costs of
26 the battery stewardship organization or the battery
27 stewardship program.

28 § 6706. Stewardship plan requirements.

29 (a) Approval.--By July 1, 2026, each battery stewardship
30 organization must submit a plan for covered ~~portable batteries~~ <--

~~to the department for approval. By July 1, 2028, each battery stewardship organization must submit a plan for covered medium-format batteries to the department for approval. The department must review and may approve a plan based on whether the plan contains the following components:~~

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

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

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

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

~~(5) Describes 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.~~

~~(6) Lists promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the~~

1 program is implemented.

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

8 (8) Describes the method to establish and administer a
9 means for fully funding the program in a manner that
10 equitably distributes the program's costs among the producers
11 that are part of the battery stewardship organization. For
12 producers that elect to meet the requirements of this chapter
13 individually, without joining a battery stewardship
14 organization, the plan must describe the proposed method to
15 establish and administer a means for fully funding the
16 program.

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

19 (10) Describes how the program will collect all covered
20 battery chemistries and brands on a free, continuous,
21 convenient, visible and accessible basis, and consistent with
22 the requirements of section 6709 (relating to collection and
23 management requirements), including a description of how the
24 Statewide convenience standard will be met and a list of
25 collection sites, including the addresses of collection
26 sites.

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

30 (12) Establishes collection goals for each of the first

1 three years of implementation of the battery stewardship plan
2 that are based on the estimated total weight of primary and
3 rechargeable covered batteries that have been sold in this
4 Commonwealth in the previous three calendar years by the
5 producers participating in the battery stewardship plan.

6 (13) Identifies proposed sorters, transporters,
7 processors and, ADVANCED BATTERY RECYCLERS AND OTHER <--
8 facilities to be used by the program for the final
9 disposition of batteries and how collected batteries will be
10 managed in an environmentally sound manner at ALL THE <--
11 facilities operating in compliance with human health and
12 environmental protection standards that are broadly
13 equivalent to or better than those required in the United
14 States.

15 (14) Details how the program will help this Commonwealth
16 achieve the target recycling efficiency rate, calculated
17 consistent with section 6711 (relating to reporting
18 requirements), of at least 60% for rechargeable batteries and
19 at least 70% for primary batteries.

20 (15) Describes how the public education and outreach
21 components of the program under section 6710 (relating to
22 education and outreach requirements) will be implemented.

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

27 (1) If the department disapproves a stewardship plan
28 submitted by a battery stewardship organization, the
29 department shall explain how the stewardship plan does not
30 comply with this chapter and provide written notice to the

1 battery stewardship organization within 30 days of
2 disapproval.

3 (2) The battery stewardship organization may resubmit to
4 the department a revised stewardship plan within 60 days of
5 the date the written notice was issued and the department
6 shall review the revised stewardship plan within 90 days of
7 resubmittal.

8 (3) If a revised stewardship plan is disapproved by the
9 department, a producer operating under the stewardship plan
10 shall not be in compliance with this chapter until the
11 department approves a stewardship plan submitted by a battery
12 stewardship organization that covers the producer's products.

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

15 (1) If there are significant changes to the methods of
16 collection, transport or end-of-life management of covered
17 batteries under section 6709 that are not provided for in the
18 plan. The department shall identify the types of significant
19 changes that require a new plan to be submitted to the
20 department for approval. For purposes of this paragraph,
21 adding or removing a processor or transporter under the plan
22 is not considered a significant change that requires a plan
23 resubmittal.

24 ~~(2) To address the novel inclusion of medium format~~ <--
25 ~~batteries as covered batteries under the plan.~~

26 ~~(3) (2) No less than every five years.~~ <--

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

29 (1) When proposing changes to the performance goals
30 under section 6707 based on the up-to-date experience of the

1 program.

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

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

8 (e) Quarterly notifications.--A battery stewardship
9 organization must notify the department on a quarterly basis if
10 a producer begins or ceases to participate in a battery
11 stewardship organization. This quarterly notice, if required,
12 must include a current list of the producers and brands
13 participating in the plan.

14 (f) Revised plan.--No earlier than five years after the
15 initial approval of a plan, the department may require a battery
16 stewardship organization to submit a revised plan, which may
17 include improvements to the collection site network or increased
18 expenditures dedicated to education and outreach, if the
19 approved plan has not met the performance goals under section
20 6707.

21 § 6707. Performance standards.

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

25 (1) The collection rate for batteries in this
26 Commonwealth.

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

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

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

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

3 (2) Target recycling efficiency rates of at least 60%
4 for rechargeable batteries and at least 70% for primary
5 batteries.

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

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

13 § 6708. Funding.

14 (a) Availability.--Each battery stewardship organization
15 must ensure that adequate funding is available to fully
16 implement approved battery stewardship plans, including the
17 implementation of aspects of the plan addressing:

18 (1) Covered battery collection, transporting and
19 processing.

20 (2) Education and outreach.

21 (3) Program evaluation.

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

24 (b) Collection of funds.--A battery stewardship organization
25 implementing a battery stewardship plan on behalf of producers
26 must develop a system to collect charges from participating
27 producers to cover the costs of plan implementation. Each
28 battery stewardship organization:

29 (1) Is responsible for all costs of participating
30 covered battery collection, transportation, processing,

1 education, administration, department reimbursement,
2 recycling and end-of-life management in accordance with the
3 requirements of this chapter.

4 (2) Shall adopt environmentally sound management
5 practices which include the following:

6 (i) Comply with all applicable laws and rules in
7 place to protect workers, public health and the
8 environment.

9 (ii) Provide for adequate recordkeeping, tracking
10 and documenting of the fate of materials within this
11 Commonwealth and beyond.

12 (iii) Include comprehensive liability coverage for
13 the battery stewardship organization, including
14 environmental liability coverage that is commercially
15 practicable.

16 (3) Must reimburse local governments ~~and solid waste or,~~ <--
17 SOLID WASTE, METAL RECYCLERS, MRFS OR OTHER recyclables
18 handling facilities for demonstrable costs incurred as a
19 result of a local government facility or solid waste ~~or,~~ <--
20 METAL RECYCLER, MRF OR OTHER recyclables handling facility
21 serving as a collection site for its program, including
22 associated labor costs, storage and other costs associated
23 with accessibility and collection site standards. THE <--
24 FOLLOWING APPLY REGARDING REIMBURSEMENT FOR INVOLUNTARILY
25 RECEIVED OR ACCUMULATED COVERED BATTERIES:

26 (I) A METAL RECYCLER OR MRF THAT, IN THE ORDINARY
27 COURSE OF ITS BUSINESS AND WITHOUT ACTIVELY SOLICITING OR
28 INTENTIONALLY COLLECTING BATTERIES FROM THE PUBLIC,
29 INVOLUNTARILY RECEIVES OR ACCUMULATES COVERED BATTERIES
30 OUTSIDE A BATTERY STEWARDSHIP PROGRAM MAY TRANSFER THOSE

1 BATTERIES TO A BATTERY STEWARDSHIP ORGANIZATION AND SEEK
2 REIMBURSEMENT UNDER THIS SECTION, NOTWITHSTANDING THE
3 RESTRICTIONS UNDER SECTION 6709 (RELATING TO COLLECTION
4 AND MANAGEMENT REQUIREMENTS) AND EXCEPT AS PROVIDED IN
5 SECTION 6718(B) (RELATING TO OTHER COLLECTION OF
6 BATTERIES). NOTHING IN THIS SECTION OR IN SECTION 6709
7 SHALL PRECLUDE A METAL RECYCLER OR MRF FROM RECEIVING
8 REIMBURSEMENT FOR TRANSFERRING DAMAGED OR DEFECTIVE
9 BATTERIES THAT HAVE BEEN UNINTENTIONALLY COLLECTED AT ITS
10 FACILITY.

11 (II) TO QUALIFY FOR REIMBURSEMENT, THE FACILITY
12 SHALL:

13 (A) ENTER INTO A WRITTEN REIMBURSEMENT AGREEMENT
14 WITH THE BATTERY STEWARDSHIP ORGANIZATION, WHICH DOES
15 NOT IMPOSE ANY COSTS ON THE METAL RECYCLER OR MRF AND
16 IS OTHERWISE FAIR AND REASONABLE TO THE METAL
17 RECYCLER OR MRF IN SCOPE;

18 (B) STORE AND HANDLE THE BATTERIES IN COMPLIANCE
19 WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS,
20 INCLUDING UNITED STATES DEPARTMENT OF TRANSPORTATION
21 REGULATIONS; AND

22 (C) PROVIDE THE CUMULATIVE BATTERY WEIGHT DATA
23 REQUIRED UNDER SECTION 6718 TO THE BATTERY
24 STEWARDSHIP ORGANIZATION.

25 (III) UPON COMPLIANCE WITH SUBPARAGRAPH (II), THE
26 BATTERY STEWARDSHIP ORGANIZATION SHALL REIMBURSE THE
27 FACILITY FOR ITS REASONABLE, DEMONSTRABLE INCREMENTAL
28 COSTS RELATED TO SAFE STORAGE, PACKAGING, TRANSPORTATION
29 AND DISPOSITION OF THE BATTERIES.

30 (IV) AT THE REQUEST OF THE METAL RECYCLER OR MRF,

1 THE BATTERY STEWARDSHIP ORGANIZATION SHALL SUPPLY
2 APPROPRIATE PACKAGING MATERIALS AND SHALL ARRANGE FOR
3 PICKUP AND TRANSPORTATION OF THE COVERED BATTERIES TO THE
4 BATTERY STEWARDSHIP ORGANIZATION'S DESIGNATED RECEIVING
5 LOCATION AT NO COST TO THE METAL RECYCLER OR MRF,
6 NOTWITHSTANDING THE RESTRICTIONS UNDER SECTION 6709. THE
7 WRITTEN REIMBURSEMENT AGREEMENT FOR ANY METAL RECYCLER OR
8 MRF OR ANY PARTICULAR FACILITY OF THE METAL RECYCLER OR
9 MRF EXECUTED IN ACCORDANCE WITH THIS SECTION SHALL
10 INCLUDE INFORMATION RELATING TO THE FREQUENCY OF THE
11 PICKUP AND TRANSPORTATION OF COVERED BATTERIES BEING
12 TRANSFERRED TO A BATTERY STEWARDSHIP ORGANIZATION, WHICH
13 SHALL BE OFFERED AT A REASONABLE FREQUENCY, AT LEAST
14 MONTHLY.

15 (V) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
16 OBLIGATE OR PREVENT A METAL RECYCLER OR MRF TO ACCEPT
17 BATTERIES FROM THE PUBLIC OR SERVE AS A DESIGNATED
18 COLLECTION SITE UNDER THIS PARAGRAPH.

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

23 § 6709. Collection and management requirements.

24 (a) Collection.--Each battery stewardship organization
25 implementing a battery stewardship plan must provide for the
26 collection of all covered batteries, including all chemistries
27 and brands of covered batteries, on a free, continuous,
28 convenient, visible and accessible basis to any person,
29 business, government department or agency or nonprofit
30 organization. Except as provided in subsection (b) (2), each

battery stewardship plan must allow any person, business, government department or agency or nonprofit organization to deliver each chemistry and brand of covered battery at each collection site that counts toward the satisfaction of the collection site criteria in subsection (c).

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

(1) For each collection site utilized by the program, 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 location of collection containers at each collection site used by the program must be within view of a responsible person and must 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 chapter. Each collection site must meet applicable Federal, State and local regulatory requirements while adhering to the operations manual and other safety information provided to the collection site by the battery stewardship organization.

(2) That 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.

(3) For damaged and defective batteries:

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

1 (ii) Each battery stewardship organization must
2 provide for collection in each county of this
3 Commonwealth, either through collection sites or
4 collection events, with qualified staff as specified in
5 subparagraph (i). Collection events should be provided
6 periodically throughout the year where practicable, but
7 must be provided at least once per year at a minimum, in
8 each county in which there are not permanent collection
9 sites providing for the collection of damaged and
10 defective batteries.

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

13 (1) A battery stewardship plan that ensures Statewide
14 collection opportunities for all covered batteries. The
15 following shall apply:

16 (i) Battery stewardship organizations shall
17 coordinate activities with other program operators,
18 including other covered battery collection and recycling
19 programs and, electronic waste recyclers AND ADVANCED <--
20 BATTERY RECYCLERS, with regard to the proper management
21 or recycling of collected covered batteries, for purposes
22 of providing the efficient delivery of services and
23 avoiding unnecessary duplication of effort and expense.

24 (ii) Statewide collection opportunities must be
25 determined by geographic information that considers
26 permanent collection sites.

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

30 (iv) Only permanent collection services specified in

1 paragraphs (2) and (3) qualify toward the satisfaction of
2 the requirements of this subsection.

3 (2) For portable batteries, ~~each~~ battery stewardship <--
4 ~~organization~~ ORGANIZATIONS must, IN COORDINATION WITH OTHER <--
5 APPROVED BATTERY STEWARDSHIP ORGANIZATIONS, COLLECTIVELY
6 provide Statewide collection opportunities that include:

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

10 (ii) Two permanent collection sites in each county
11 that has a population density that is greater than or
12 equal to 250 individuals per square mile but less than
13 500 individuals per square mile.

14 (iii) Three permanent collection sites in each
15 county that has a population density that is greater than
16 or equal to 500 individuals per square mile but less than
17 750 individuals per square mile.

18 (iv) Four permanent collection sites in each county
19 that has a population density that is greater than or
20 equal to 750 individuals per square mile but less than
21 1,000 individuals per square mile.

22 (v) Five permanent collection sites in each county
23 that has a population density that is greater than or
24 equal to 1,000 individuals per square mile but less than
25 5,000 individuals per square mile.

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

29 (vii) If a municipality has a population of more
30 than 1,000,000 residents, the program shall provide 10

1 additional permanent collection sites to be located
2 within that municipality, with the collection sites
3 required by paragraph (vi) to be located, to the extent
4 reasonably possible, outside the municipality.

5 (viii) Collection opportunities for portable
6 batteries at special locations where batteries are often
7 spent and replaced, including supervised locations at
8 parks with stores and campgrounds.

9 (3) For medium format batteries, a battery stewardship <--
10 ~~organization~~ ORGANIZATIONS must, IN COORDINATION WITH OTHER <--
11 APPROVED BATTERY STEWARDSHIP ORGANIZATIONS, COLLECTIVELY
12 provide statewide collection opportunities that include:

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

15 (ii) Reasonable geographic dispersion of permanent
16 collection sites throughout this Commonwealth.

17 (iii) After the initial five-year plan period, a
18 permanent collection site in each county of at least
19 200,000 persons, as determined by the most recent Federal
20 decennial census.

21 (iv) A battery stewardship organization must ensure
22 that there is a collection event at least once every
23 three years in each county of this Commonwealth which
24 does not have a permanent collection site. The collection
25 events must provide for the collection of all medium
26 format batteries, including damaged and defective
27 batteries.

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

30 (1) Use ~~existing~~ PERMITTED public and private waste <--

1 collection services and facilities, including where cost
2 effective, mutually agreeable and otherwise practicable,
3 battery collection sites that are established through other
4 battery collection programs, services, transporters,
5 consolidators, processors and retailers.

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

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

30 (4) A battery stewardship organization may issue a

1 warning, suspend or terminate a collection site or service
2 that does not adhere to the collection site criteria in the
3 approved plan or that poses an immediate health and safety
4 concern.

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

6 (1) Are required to provide for the collection of loose
7 covered batteries.

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

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

12 (i) Are not easily removed from the product other
13 than by the manufacturer.

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

16 (4) Are not required to provide for the collection of
17 batteries still contained in a covered device as defined by
18 the Covered Device Recycling Act.

19 § 6710. Education and outreach requirements.

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

23 (1) Development and maintenance of a publicly accessible
24 Internet website.

25 (2) Development and distribution of periodic press
26 releases and articles.

27 (3) Development and placement of advertisements for use
28 on social media, TELEVISION, CABLE or other relevant media <--
29 platforms.

30 (4) Development of promotional materials about the

1 program, FIRE RISKS and the restriction on the disposal of <--
2 covered batteries in section 6715 (relating to general
3 battery disposal and collection requirements) to be used by
4 retailers, government agencies, waste and recycling
5 collectors, nonprofit organizations and other entities or
6 individuals.

7 (5) Development and distribution of collection site
8 safety training procedures that are in compliance with
9 Commonwealth law applicable to collection sites to help
10 ensure proper management of covered batteries at collection
11 sites.

12 (6) Development and implementation of outreach and
13 educational resources that are conceptually, linguistically
14 and culturally accurate for the communities served and reach
15 this Commonwealth's diverse ethnic populations, including
16 through meaningful consultation with communities that bear
17 disproportionately higher levels of adverse environmental and
18 social justice impacts.

19 (b) Information required.--Each battery stewardship
20 organization must provide:

21 (1) Consumer-focused educational promotional materials
22 to each collection site used by the program and accessible by
23 customers of retailers that sell covered batteries or
24 battery-containing products.

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

1 (3) Educational materials to the operator of each
2 collection site for the management of recalled batteries,
3 which are not intended to be part of collection as provided
4 under section 6709 (relating to collection and management
5 requirements), to help facilitate transportation and
6 processing of recalled batteries.

7 (c) Reimbursement.--A battery stewardship organization may
8 seek reimbursement from the producer of any recalled battery for
9 expenses incurred in the collection, transportation or
10 processing of those batteries.

11 (d) Duties.--Upon request by a retailer or other potential
12 collector, the battery stewardship organization must provide the
13 retailer or other potential collector educational materials
14 describing collection opportunities for batteries.

15 (e) Reporting.--If multiple battery stewardship
16 organizations are implementing plans approved by the department,
17 the battery stewardship organizations must coordinate in
18 carrying out the education and outreach responsibilities under
19 this section and must include in the annual reports to the
20 department under section 6711 (relating to reporting
21 requirements) a summary of the coordinated education and
22 outreach efforts.

23 § 6711. Reporting requirements.

24 (a) Annual reports.--By June 1, 2028 2027, and each June 1 <--
25 thereafter, each battery stewardship organization must submit an
26 annual report to the department covering the preceding calendar
27 year of battery stewardship plan implementation. The report must
28 include:

29 (1) A summary financial statement in accordance with the
30 following:

1 (i) The statement must:

2 (A) Document the financing of the battery
3 stewardship organization's program.

4 (B) Provide an analysis of program costs and
5 expenditures, including an analysis of the program's
6 expenses, including collection, transportation,
7 recycling, education and administrative overhead.

8 (C) Be sufficiently detailed to provide
9 transparency that funds collected from producers as a
10 result of their activities in this Commonwealth are
11 spent on program implementation in this Commonwealth.

12 (ii) Battery stewardship organizations implementing
13 similar battery stewardship programs in multiple states
14 may submit a financial statement including all covered
15 states, as long as the statement breaks out financial
16 information pertinent to this Commonwealth.

17 (2) The weight, by chemistry, of covered batteries
18 collected under the program.

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

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

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

27 (6) The weight and chemistry of batteries sent to each
28 facility used for the final disposition of batteries. The
29 information in subsection (a)(5) may be approximated for
30 program operations in this Commonwealth based on

1 extrapolations of national or regional data for programs in
2 operation in multiple states.

3 (7) The collection rate achieved under the program,
4 including a description of how this collection rate was
5 calculated and how the collection rate compares to the
6 collection rate goals under section 6707 (relating to
7 performance standards).

8 (8) The estimated aggregate sales, by weight and
9 chemistry, of batteries and batteries contained in or with
10 battery-containing products sold in this Commonwealth by
11 participating producers for each of the previous three
12 calendar years.

13 (9) A description of the manner in which the collected
14 batteries were managed and recycled, including a discussion
15 of best available technologies and the recycling efficiency
16 rate.

17 (10) A description of education and outreach efforts
18 supporting plan implementation, including:

19 (i) A summary of education and outreach provided to
20 consumers, collection sites, manufacturers, distributors
21 and retailers by the program operator for the purpose of
22 promoting the collection and recycling of covered
23 batteries.

24 (ii) A description of how the education under
25 subparagraph (i) and outreach meet the requirements of
26 section 6710 (relating to education and outreach
27 requirements).

28 (iii) Samples of education and outreach materials.

29 (iv) A summary of coordinated education and outreach
30 efforts with any other battery stewardship organizations

1 implementing a plan approved by the department.

2 (v) A summary of any changes made during the
3 previous calendar year to education and outreach
4 activities.

5 (11) A list of all collection sites, an address for each
6 listed site and an up-to-date map indicating the location of
7 all collection sites used to implement the program, with
8 links to appropriate publicly accessible Internet websites if
9 there are existing publicly accessible Internet websites
10 associated with a site.

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

14 (13) A summary on progress made toward the program
15 performance goals established under section 6707 and an
16 explanation of why performance goals were not met, if
17 applicable.

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

21 (c) Other reporting requirements.--In addition to the
22 requirements of subsection (a), with respect to each facility
23 used in the processing or disposition of batteries collected
24 under the program, each battery stewardship organization must
25 report:

26 (1) Whether the facility is located domestically, in an
27 organization for economic cooperation and development country
28 or in a country that meets organization for economic
29 cooperation and development operating standards.

30 (2) What facilities processed the batteries and for

1 domestic facilities a summary of any violations of
2 environmental laws and regulations over the previous three
3 years at each facility.

4 (d) Covered batteries.--If a battery stewardship
5 organization has disposed of covered batteries through energy
6 recovery, incineration or landfiling during the preceding
7 calendar year of program implementation, the annual report must
8 specify the steps that the battery stewardship organization will
9 take to make the recycling of covered batteries cost effective,
10 where possible, or to otherwise increase battery recycling rates
11 achieved by the battery stewardship organization.

12 (e) Confidentiality.--

13 (1) A producer or battery stewardship organization that
14 submits information or records to the department under this
15 chapter may request that the information or records be made
16 available only for the confidential use of the department,
17 the secretary of the department or the appropriate division
18 of the department.

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

26 § 6712. Fee and department role.

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

30 (1) The fee shall be sufficient to cover the

1 department's full costs of implementing, administering and
2 enforcing this chapter.

3 (2) Prior to June 1, 2026, and every other June 1
4 thereafter, the department shall identify the costs incurred
5 under this section and set a fee schedule for plan
6 submissions that is adequate to reimburse the department's
7 full costs of administering this chapter.

8 (3) The total amount of the annual fees collected under
9 this section shall not exceed the amount necessary to
10 reimburse costs incurred by the department to administer this
11 section.

12 (b) Departmental duties.--The responsibilities of the
13 department in implementing, administering and enforcing this
14 chapter include:

15 (1) Reviewing submitted stewardship plans and plan
16 amendments and making determinations on the plan or plan
17 amendment. The following shall apply:

18 (i) The department must provide a letter of approval
19 or conditional approval for the plan or plan amendment if
20 the plan provides for the establishment of a stewardship
21 program that meets the requirements of sections 6706
22 (relating to stewardship plan requirements), 6707
23 (relating to performance standards), 6708 (relating to
24 funding), 6709 (relating to collection and management
25 requirements) and 6710 (relating to education and
26 outreach requirements).

27 (ii) If a plan or plan amendment is rejected, the
28 department must provide the reasons for rejecting the
29 plan to the battery stewardship organization. The battery
30 stewardship organization must submit a new plan within 60

1 days after receipt of the letter of disapproval.

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

6 (2) Reviewing annual reports submitted under section
7 6711 (relating to reporting requirements) within 90 days of
8 submission to ensure compliance with that section.

9 (3) Ensuring public awareness by:

10 (i) Maintaining a publicly accessible Internet
11 website that lists producers and the brands that are
12 participating in an approved battery stewardship plan,
13 and that makes available to the public each plan, plan
14 amendment and annual report received by the department
15 under this chapter.

16 (ii) Upon the date the first plan is approved or
17 conditionally approved, posting on the department's
18 publicly accessible Internet website a list of producers
19 and the brands for which the department has approved a
20 plan. The department must update the list of producers
21 and brands participating under an approved program plan
22 based on information provided to the department from
23 battery stewardship organizations.

24 (4) Providing technical assistance to producers and
25 retailers related to the requirements of this chapter and
26 issuing orders or imposing civil penalties authorized under
27 section 6713 (relating to penalties and civil actions) where
28 the technical assistance efforts do not lead to compliance by
29 a producer or retailer.

30 § 6713. Penalties and civil actions.

1 (a) Civil penalty.--

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

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

8 (b) Civil actions.--The penalties under this section may be
9 recovered in a civil action brought by the department. Any
10 penalties collected under this section in an action in which the
11 department has prevailed shall be deposited into the
12 Commonwealth of Pennsylvania, Recycling Fund, to be used in
13 accordance with the provision of the Municipal Waste Planning,
14 Recycling and Waste Reduction Act.

15 (c) Other civil remedies.--The department may institute a
16 civil action for an injunction, prohibitory or mandatory, to
17 restrain violations of this chapter or to require actions as may
18 be necessary to address violations of this chapter.

19 (d) Other remedies.--The penalties and injunctions provided
20 in this chapter are in addition to any penalties, injunctions or
21 other relief under any other State law. Nothing in this chapter
22 bars a cause of action by the Commonwealth for any other
23 penalty, injunction or other relief provided by any other
24 applicable law.

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

1 (f) Limitation.--No penalty may be assessed on an individual
2 or resident for the improper disposal of covered batteries under
3 section 6715 (relating to general battery disposal and
4 collection requirements) in a noncommercial or residential
5 setting.

6 § 6714. Marking requirements for batteries.

7 (a) Marking.--Beginning January 1, 2028 2027, a producer or <--
8 retailer may only sell, distribute or offer for sale in or into
9 this Commonwealth a medium format battery, covered battery or
10 battery-containing product that contains a battery that is
11 designed or intended to be easily removed from the product, if
12 the battery is:

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

17 (2) Beginning January 1, 2030, marked with proper
18 labeling to ensure proper collection and recycling, by
19 identifying the chemistry of the battery, including an
20 indication that the battery should not be disposed of as
21 household waste.

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

26 (c) Amendments to requirements.--The department may amend,
27 by rule, the requirements of subsection (a) to maintain
28 consistency with the labeling requirements or voluntary
29 standards for batteries established by Federal law.

30 § 6715. General battery disposal and collection requirements.

1 Effective January 1, 2027, for portable batteries and January <--
2 1, 2029, for medium format batteries, the following shall apply:
3 (1) Each person must handle unwanted covered batteries
4 through one of the following options:
5 (i) Delivery to the collection sites established by
6 or included in the programs created by this chapter.
7 (ii) For covered batteries generated by persons that
8 are regulated generators of batteries covered under
9 Federal or State hazardous or solid waste laws,
10 management in a manner consistent with the requirements
11 of those laws.
12 (III) THROUGH A COLLECTION PROGRAM COMPLIANT WITH <--
13 SECTION 6718 (RELATING TO OTHER COLLECTION OF BATTERIES).
14 (2) A EXCEPT AS PROVIDED IN SECTION 6718, A fee may not <--
15 be charged at the time unwanted covered batteries are <--
16 delivered or collected for management.
17 (3) All covered batteries may only be collected,
18 transported and processed in a manner that meets the
19 standards established for a battery stewardship organization
20 in a plan approved by the department, unless the batteries
21 are being managed as described in paragraph (1)(ii) OR (III). <--
22 (4) A person may not place covered batteries in waste OR <--
23 RECYCLING containers for disposal OR PROCESSING at <--
24 incinerators, waste-to-energy facilities or landfills, <--
25 LANDFILLS, MRFS OR METAL RECYCLING FACILITIES.
26 (5) A person may not place covered batteries in or on a
27 container for mixed recyclables unless there is a separate
28 location or compartment made available and designated for the
29 covered battery that complies with local government
30 collection standards or guidelines AND THE PLACEMENT WAS <--

1 AUTHORIZED BY THE RECEIVING FACILITY.

2 (6) An owner or operator of a solid waste OR RECYCLABLE <--
3 MATERIALS facility may not be found in violation of this
4 section if the facility has posted in a conspicuous location
5 a sign stating that covered batteries must be managed through
6 collection sites established by a battery stewardship
7 organization and are not accepted for disposal OR RECYCLING <--
8 AT THE FACILITY.

9 (7) A solid waste OR RECYCLABLE MATERIALS collector may <--
10 not be found in violation of this section for a covered
11 battery placed in a disposal OR RECYCLING container by the <--
12 generator of the covered battery.

13 § 6716. Assessing battery-containing products.

14 (a) Assessment required.--By July 1, 2028 2027, each battery <--
15 stewardship organization must complete an assessment of the
16 opportunities and challenges associated with the end-of-life
17 management of batteries not intended or designed to be easily
18 removed by a customer that are contained in battery-containing
19 products, including medical devices, and in electronic products
20 that are not covered devices as defined by the Covered Device
21 Recycling Act.

22 (b) Consultations.--Each battery stewardship organization
23 must consult with the department, other battery stewardship
24 organizations and interested stakeholders in completing the
25 assessment. The assessment must identify any adjustments to the
26 stewardship program requirements established in this chapter
27 that would enhance public health, safety and environmental
28 benefits.

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

30 (1) The different categories and uses of battery-

1 containing products.

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

5 (3) Challenges posed by the potential collection,
6 management and transport of battery-containing products,
7 including challenges associated with removing batteries that
8 were not intended or designed to be easily removed from
9 products, other than by the manufacturer.

10 (4) Which criteria of this chapter may apply to battery-
11 containing products in a manner that is identical or
12 analogous to the requirements applicable to covered
13 batteries.

14 (d) Report.--By October 1, 2028 2027, the department must <--
15 submit a report to the General Assembly containing the findings
16 of the assessments required in this section.
17 § 6717. Antitrust.

18 Producers and battery stewardship organizations acting on
19 behalf of producers that prepare, submit and implement a battery
20 stewardship program plan pursuant to this chapter and who are
21 thereby subject to regulation by the department, are granted
22 immunity from Commonwealth laws relating to antitrust, restraint
23 of trade, unfair trade practices and other regulation of trade
24 and commerce, for the limited purpose of planning, reporting and
25 operating their battery stewardship program, including:

26 (1) The creation, implementation or management of a
27 battery stewardship organization and any battery stewardship
28 plan regardless of whether the plan is submitted, denied or
29 approved.

30 (2) The determination of the cost and structure of a

battery stewardship plan.

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

§ 6718. Other collection of batteries.

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

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

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

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

(A) HOUSEHOLD COLLECTION OR MAIL-BACK SERVICE.--NOTHING IN THIS CHAPTER SHALL PREVENT OR PROHIBIT A PERSON OR RECYCLER, INCLUDING AN ADVANCED BATTERY RECYCLER, METAL RECYCLER OR MRF, FROM OFFERING OR PERFORMING A COLLECTION SERVICE, INCLUDING A FEE-BASED HOUSEHOLD COLLECTION SERVICE, MAIL-BACK PROGRAM OR COMMUNITY DROP-OFF SITE FOR COVERED BATTERIES INDEPENDENTLY OF A BATTERY STEWARDSHIP ORGANIZATION IF ALL OF THE FOLLOWING APPLY: <--

1 (1) THE PERSON OR RECYCLER HAS REGISTERED WITH THE
2 DEPARTMENT AND PROVIDED TO THE DEPARTMENT A DETAILED
3 EXPLANATION OF THE SERVICES OFFERED AND THE MEASURES THAT
4 WILL BE FOLLOWED TO ENSURE THE SAFE AND ENVIRONMENTALLY
5 PROTECTIVE COLLECTION, MANAGEMENT AND TRANSPORTATION OF
6 BATTERIES COLLECTED.

7 (2) THE SERVICES ARE PERFORMED AND FACILITIES ARE
8 OPERATED IN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND
9 LOCAL LAWS AND REQUIREMENTS.

10 (3) EXCEPT AS PROVIDED IN SUBSECTION (B), ALL BATTERIES
11 COLLECTED BY THE PERSON OR METAL RECYCLER FROM CUSTOMERS IN
12 THIS COMMONWEALTH ARE PROVIDED TO AND IN COMPLIANCE WITH THE
13 STANDARDS ESTABLISHED BY A BATTERY STEWARDSHIP ORGANIZATION
14 IMPLEMENTING A BATTERY STEWARDSHIP PLAN APPROVED UNDER
15 SECTION 6712 (RELATING TO FEE AND DEPARTMENT ROLE). THE
16 FOLLOWING APPLY:

17 (I) AFTER PROVIDING COLLECTED BATTERIES TO THE
18 APPROVED BATTERY STEWARDSHIP ORGANIZATION, ANY TRANSPORT
19 AND PROCESSING OF THE BATTERIES BY THE BATTERY
20 STEWARDSHIP ORGANIZATION SHALL BE DONE AT THE BATTERY
21 STEWARDSHIP ORGANIZATION'S EXPENSE.

22 (II) A BATTERY STEWARDSHIP ORGANIZATION MAY REFUSE
23 TO ACCEPT BATTERIES FROM THE PERSON OR RECYCLER IF THE
24 DEPARTMENT IS NOTIFIED OF THE REASON FOR THE REFUSAL.

25 (B) EDUCATIONAL MATERIALS AND DATA.--

26 (1) A PERSON OR RECYCLER DESCRIBED IN SUBSECTION (A) MAY
27 KEEP THE COVERED BATTERIES COLLECTED FROM CUSTOMERS IN THIS
28 COMMONWEALTH FOR THE PURPOSE OF RECYCLING IF THE PERSON OR
29 RECYCLER PROVIDES EDUCATIONAL MATERIALS TO ALL CUSTOMERS ON
30 THE PROPER MANAGEMENT OF COVERED BATTERIES AND ANNUALLY

1 PROVIDES COLLECTION AND RECYCLING DATA TO THE DEPARTMENT BY
2 MARCH 31 COVERING THE PRIOR CALENDAR YEAR. THE DATA SHALL
3 INCLUDE THE FOLLOWING FOR ALL COVERED BATTERIES KEPT FOR
4 RECYCLING:

5 (I) THE WEIGHT, BY CHEMISTRY, OF ALL THE COVERED
6 BATTERIES COLLECTED.

7 (II) THE WEIGHT OF MATERIALS RECYCLED FROM THE
8 COVERED BATTERIES, IN TOTAL AND BY METHOD OF BATTERY
9 RECYCLING.

10 (III) A CALCULATION OF THE PERSON'S OR RECYCLER'S
11 RECYCLING EFFICIENCY RATE FOR THE COVERED BATTERIES.

12 (IV) A LIST OF ALL FACILITIES USED IN THE PROCESSING
13 OR DISPOSITION OF THE COVERED BATTERIES AND A SUMMARY OF
14 ANY VIOLATIONS OF ENVIRONMENTAL LAWS AND REGULATIONS
15 DURING THE PREVIOUS THREE YEARS AT EACH FACILITY.

16 (V) A DESCRIPTION OF HOW EACH FACILITY USED FOR THE
17 FINAL DISPOSITION OF THE COVERED BATTERIES RECYCLED OR
18 OTHERWISE MANAGED BATTERIES AND BATTERY COMPONENTS.

19 (VI) THE WEIGHT AND CHEMISTRY OF THE COVERED
20 BATTERIES SENT TO EACH FACILITY THAT IS USED FOR THE
21 FINAL DISPOSITION OF THE BATTERIES.

22 (2) A PERSON OR RECYCLER MAY NOT RECEIVE COMPENSATION
23 FROM A BATTERY STEWARDSHIP ORGANIZATION FOR ANY COVERED
24 BATTERIES COLLECTED, TRANSPORTED OR RECYCLED UNDER THIS
25 SUBSECTION.

26 (C) BATTERY COLLECTION EVENTS.--A PERSON OR RECYCLER MAY
27 SPONSOR BATTERY COLLECTION EVENTS INDEPENDENTLY OF A BATTERY
28 STEWARDSHIP PROGRAM, IF THE EVENTS ARE REGISTERED WITH THE
29 DEPARTMENT AT LEAST 30 DAYS IN ADVANCE AND THE PERSON OR
30 RECYCLER COMPLIES WITH THE FOLLOWING REQUIREMENTS:

1 (1) THE SERVICES MUST BE PERFORMED, AND THE FACILITIES
2 MUST BE OPERATED, IN COMPLIANCE WITH ALL APPLICABLE FEDERAL,
3 STATE AND LOCAL LAWS AND REQUIREMENTS, INCLUDING ALL
4 APPLICABLE UNITED STATES DEPARTMENT OF TRANSPORTATION
5 REGULATIONS AND ALL APPLICABLE PROVISIONS OF STATE LAW.

6 (2) THE COLLECTION EVENT MUST BE OPERATED BY INDIVIDUALS
7 PROPERLY TRAINED IN SAFE BATTERY COLLECTION, MANAGEMENT AND
8 TRANSPORTATION.

9 (3) THE COLLECTION EVENT MUST PROVIDE FOR THE COLLECTION
10 OF ALL COVERED BATTERIES, INCLUDING ALL CHEMISTRIES AND
11 BRANDS OF COVERED BATTERIES AND ALLOW ANY PERSON, BUSINESS,
12 GOVERNMENT DEPARTMENT OR AGENCY OR NONPROFIT ORGANIZATION TO
13 DELIVER ANY AMOUNT, CHEMISTRY AND BRAND OF COVERED BATTERY AT
14 NO CHARGE.

15 (4) THE PERSON OR RECYCLER MUST MAINTAIN AN INVENTORY OF
16 ALL COVERED BATTERIES RECEIVED OR PLACED UNDER ITS CONTROL.

17 (5) AT THE END OF THE COLLECTION EVENT, THE PERSON OR
18 RECYCLER MUST RETURN THE COLLECTION SITE TO ITS ORIGINAL
19 CONDITION, ENSURE THE SAFE AND ENVIRONMENTALLY SOUND
20 TRANSPORT AND DELIVERY OF ALL COLLECTED BATTERIES FOR PROPER
21 RECYCLING OR PROCESSING AND PROVIDE WRITTEN NOTIFICATION TO
22 THE DEPARTMENT THAT CLEANUP HAS BEEN COMPLETED.

23 (6) THE PERSON OR RECYCLER MUST ANNUALLY PROVIDE THE
24 COLLECTION AND RECYCLING DATA TO THE DEPARTMENT BY MARCH 31
25 COVERING THE PRIOR CALENDAR YEAR. THE COLLECTION AND
26 RECYCLING DATA SHALL INCLUDE THE INFORMATION CATEGORIES
27 SPECIFIED FOR ALL BATTERIES COLLECTED BY THE PERSON OR
28 RECYCLER IN ACCORDANCE WITH SUBSECTION (B).

29 (7) THE PERSON OR RECYCLER MAY NOT RECEIVE COMPENSATION
30 FROM A BATTERY STEWARDSHIP ORGANIZATION FOR ANY BATTERIES

1 COLLECTED, TRANSPORTED OR RECYCLED UNDER THIS SUBSECTION.

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

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