

**Proposed Substitute  
Bill No. 5226**

LCO No. 3018

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

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) For purposes of this  
2 section:

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

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

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

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

22 stewardship plan.

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

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

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

48 (8) "Medium format battery" means the following primary or  
49 rechargeable covered batteries:

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

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

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

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

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

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

66 (11) "Producer" means:

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

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

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

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

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

83 States;

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

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

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

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

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

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

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

111 (C) A person is the producer of a covered battery or battery-  
112 containing product containing one or more covered batteries sold,

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

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

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

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

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

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

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

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

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

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

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

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

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

174 (4) No retailer shall sell, offer for sale, distribute, or otherwise make  
175 available for sale covered batteries, unless such batteries are marked

176 consistent with the requirements of this section. Each producer of a  
177 battery-containing product containing a covered battery shall verify to  
178 the retailers of such product that the battery contained in the battery-  
179 containing product is marked consistent with the requirements of this  
180 section. A retailer may rely on such verification for purposes of  
181 compliance with this section.

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

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

197 (d) (1) On or before January 1, 2025, each producer of covered  
198 portable batteries or such producer's designee, including, but not  
199 limited to, a battery stewardship organization, shall notify the  
200 Commissioner of Energy and Environmental Protection, in writing,  
201 whether the producer will act individually or jointly with other  
202 producers to submit a stewardship plan to the commissioner for the  
203 establishment of a state-wide battery stewardship program. On or  
204 before January 1, 2027, each producer of covered medium format  
205 batteries, or such producer's designee, including, but not limited to, a  
206 battery stewardship organization, shall notify the Commissioner of  
207 Energy and Environmental Protection, in writing, whether the producer  
208 will act individually or jointly with other producers to submit a

209 stewardship plan to the commissioner for the establishment of a state-  
210 wide battery stewardship program.

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

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

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

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

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

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

238 (F) Promotional activities to be undertaken, and the identification of  
239 consumer awareness goals and strategies that the battery stewardship



240 program will employ to achieve such goals after the program is  
241 implemented;

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

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

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

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

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

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

270 (M) Identification of proposed sorters, transporters, processors and

271 facilities to be used by the battery stewardship program for the final  
272 disposition of batteries and how environmentally sound management  
273 practices will be applied throughout the management of collected  
274 batteries;

275 (N) Details of how the battery stewardship program will achieve a  
276 recycling efficiency rate, calculated consistent with this section of not  
277 less than sixty per cent for rechargeable batteries and not less than  
278 seventy per cent for primary batteries; and

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

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

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

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

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

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

295 (4) The commissioner shall review a battery stewardship plan or  
296 amendment for compliance with this section and shall approve,  
297 disapprove or conditionally approve such plan, in writing, not later than  
298 one hundred twenty days after receipt of such plan. If the commissioner  
299 disapproves a battery stewardship plan submitted by a battery  
300 stewardship organization, the commissioner shall explain how the

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

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

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

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

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

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

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

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

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

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

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

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

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

363 (4) (A) Each battery stewardship organization shall reimburse local

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

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

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

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

397 stewardship organization.

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

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

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

410 (iii) As used in this subparagraph, "damaged and defective batteries"  
411 means batteries that have been damaged or identified by the  
412 manufacturer as being defective for safety reasons and that have the  
413 potential of producing a dangerous evolution of heat, fire or short  
414 circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2023, or as  
415 updated by the department by regulations adopted in accordance with  
416 the provisions of chapter 54 of the general statutes to maintain  
417 consistency with federal standards.

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

429 supplement the permanent collection services required in this  
430 subsection, provided only permanent collection services specified in  
431 this subsection shall qualify toward the satisfaction of the requirements  
432 of this subsection.

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

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

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

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

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

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

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

474 (h) (1) Each battery stewardship organization shall carry out  
475 promotional activities in support of the battery stewardship plan  
476 implementation, including, but not limited to, the development and (A)  
477 maintenance of a web site; (B) distribution of periodic press releases and  
478 articles; (C) placement of advertisements for use on social media or  
479 other relevant media platforms; (D) distribution of promotional  
480 materials about the battery stewardship program and the restriction on  
481 the disposal of covered batteries to be used by persons, including, but  
482 not limited to, retailers, government agencies, waste and recycling  
483 collectors and nonprofit organizations; (E) distribution of collection site  
484 safety training procedures that are in compliance with state law to  
485 collection sites to help ensure proper management of covered batteries  
486 at collection sites; and (F) implementation of outreach and educational  
487 resources that are conceptually, linguistically and culturally accurate for  
488 the communities served and that reach the state's diverse ethnic  
489 populations, including through meaningful consultation with  
490 communities that bear disproportionately higher levels of adverse  
491 environmental and social justice impacts.

492 (2) Each battery stewardship organization shall provide:



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

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

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

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

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

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

520 (6) During the first year of a battery stewardship program's  
521 implementation and every five years thereafter, each battery  
522 stewardship organization shall carry out a survey of public awareness  
523 regarding the requirements of the battery stewardship program

524 established under this section. Each battery stewardship organization  
525 shall share the results of such public awareness surveys with the  
526 commissioner.

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

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

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

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

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

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

552 (F) A list of all facilities used in the processing or disposition of  
553 batteries, including identification of the facility's location and whether  
554 the facility is located domestically, in an organization for economic

555 cooperation and development country, or in a country that meets  
556 organization for economic cooperation and development operating  
557 standards. For domestic facilities, such report shall provide a summary  
558 of any violations of environmental laws and regulations over the  
559 previous three years at each such facility;

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

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

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

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

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

578 (L) A description of education and outreach efforts supporting plan  
579 implementation including, but not limited to, a summary of education  
580 and outreach provided to consumers, collection sites, manufacturers,  
581 distributors and retailers by the battery stewardship program operator  
582 for the purpose of promoting the collection and recycling of covered  
583 batteries, a description of how that education and outreach met the  
584 requirements of this section, samples of education and outreach  
585 materials, a summary of coordinated education and outreach efforts

586 with any other battery stewardship organizations implementing a  
587 battery stewardship plan approved by the commissioner, and a  
588 summary of any changes made during the previous calendar year to  
589 education and outreach activities;

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

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

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

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

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

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

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

614 (j) The Commissioner of Energy and Environmental Protection may  
615 assess a reasonable annual fee to any battery stewardship organization

616 that shall not exceed fifty thousand dollars annually for the  
617 administration and enforcement of this section.

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

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

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

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

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

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

645 (6) Notwithstanding the provisions of this subsection, no penalty  
646 may be assessed against an individual for the improper disposal of

647 covered batteries in a noncommercial or residential setting.

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

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

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

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

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

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

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

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

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

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

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