
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2241 Session of
2024

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

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 29, 2024

AN ACT

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

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

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

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 battery user confusion regarding proper disposal options will
23 continue to persist.

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

1 disposed of via traditional garbage collection containers.

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

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

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

18 § 6703. Definitions.

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

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

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

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

10 "Covered battery." The term:

11 (1) Includes:

12 (i) A portable battery.

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

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

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

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

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

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

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

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

8 "Department." The Department of Environmental Protection of
9 the Commonwealth.

10 "Easily removed." Designed by the manufacturer to be removed
11 by the user of the product with no more than commonly used
12 household tools.

13 "Medium format battery." Any of the following primary or
14 rechargeable covered batteries:

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

19 (2) For primary batteries, a battery weighing more than
20 4.4 pounds but not more than 25 pounds.

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

24 "Portable battery." The following primary or rechargeable
25 covered batteries:

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

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

1 "Primary battery." A battery that is not capable of being
2 recharged.

3 "Producer." The following person responsible for compliance
4 with requirements under this chapter for a covered battery or
5 battery-containing product sold, offered for sale or distributed
6 in or into this Commonwealth:

7 (1) For covered batteries:

8 (i) If the battery is sold under the brand of the
9 battery manufacturer, the producer is the person that
10 manufactures the battery.

11 (ii) If the battery is sold under a retail brand or
12 under a brand owned by a person other than the
13 manufacturer, the producer is the brand owner.

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

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

27 (v) If there is no person described in subparagraph
28 (i), (ii), (iii) or (iv) with a commercial presence
29 within this Commonwealth, the producer is the person who
30 first sells, offers for sale or distributes the battery

1 in or into this Commonwealth.

2 (2) For covered battery-containing products:

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

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

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

27 (vi) A producer does not include any person who only
28 manufactures, sells, offers for sale, distributes or
29 imports into this Commonwealth a battery-containing
30 product if the only batteries used by the battery-

1 containing product are supplied by a producer that has
2 joined a registered battery stewardship organization as
3 the producer for that covered battery under this chapter.
4 Such a producer of covered batteries that are included in
5 a battery-containing product must provide written
6 certification of that membership to both the producer of
7 the covered battery-containing product and the battery
8 stewardship organization of which the battery producer is
9 a member.

10 "Program." A program implemented by a battery stewardship
11 organization consistent with an approved battery stewardship
12 plan.

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

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

18 "Recycling efficiency rate." The ratio of the weight of
19 covered battery components and materials recycled by a program
20 operator from covered batteries to the weight of those covered
21 batteries collected by the program operator.

22 "Retailer." A person who sells covered batteries or battery-
23 containing products in or into this Commonwealth or offers or
24 otherwise makes available covered batteries or battery-
25 containing products to a customer, including other businesses,
26 in this Commonwealth.

27 § 6704. Stewardship plans.

28 Beginning January 1, 2026:

29 (1) Each producer selling, offering or making available
30 for sale or distributing covered batteries or battery-

1 containing products in or into this Commonwealth shall
2 participate in an approved State battery stewardship plan
3 through participation in and appropriate funding of a battery
4 stewardship organization.

5 (2) A producer that does not participate in a battery
6 stewardship organization and a battery stewardship plan may
7 not sell, offer or make available for sale, or distribute
8 covered batteries or battery-containing products covered by
9 this chapter, in or into this Commonwealth.

10 § 6705. Retailers.

11 The following apply:

12 (1) Beginning July 1, 2026, for portable batteries, and
13 July 1, 2028, for medium format batteries, a retailer may not
14 sell, offer or make available for sale or distribute a
15 covered battery or battery-containing product unless the
16 producer of the covered battery or battery-containing product
17 certifies to the retailer that the producer participates in a
18 battery stewardship organization whose plan has been approved
19 by the department.

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

29 (3) Retailers of covered batteries or battery-containing
30 products are not required to make retail locations available

1 to serve as collection sites for a stewardship program
2 operated by a battery stewardship organization. Retailers
3 that serve as a collection site must comply with the
4 requirements for collection sites under section 6709
5 (relating to collection and management requirements).

6 (4) A retailer may not sell, offer or make available for
7 sale or distribute covered batteries or battery-containing
8 products, unless those batteries are marked consistent with
9 the requirements of section 6714 (relating to marking
10 requirements for batteries). A producer of a battery-
11 containing product must certify to the retailers of their
12 product that the battery contained in the battery-containing
13 product is marked consistent with the requirements of section
14 6714. A retailer may rely on this certification for purposes
15 of compliance under this subsection.

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

28 (6) Retailers, producers or battery stewardship
29 organizations must not charge a specific point-of-sale fee to
30 consumers to cover the administrative or operational costs of

1 the battery stewardship organization or the battery
2 stewardship program.

3 § 6706. Stewardship plan requirements.

4 (a) Approval.--By July 1, 2025, each battery stewardship
5 organization must submit a plan for covered portable batteries
6 to the department for approval. By July 1, 2027, each battery
7 stewardship organization must submit a plan for covered medium
8 format batteries to the department for approval. The department
9 must review and may approve a plan based on whether the plan
10 contains the following components:

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

14 (2) Proposes performance goals, consistent with section
15 6707 (relating to performance standards), including
16 establishing performance goals for each of the next three
17 upcoming calendar years of program implementation.

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

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

27 (5) Describes how the battery stewardship organization
28 will make available to collection sites, for voluntary use,
29 signage, written materials and other promotional materials
30 that collection sites may use to inform consumers of the

1 available end-of-life management options for covered
2 batteries collected by the battery stewardship organization.

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

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

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

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

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

1 sites.

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

5 (12) Establishes collection goals for each of the first
6 three years of implementation of the battery stewardship plan
7 that are based on the estimated total weight of primary and
8 rechargeable covered batteries that have been sold in this
9 Commonwealth in the previous three calendar years by the
10 producers participating in the battery stewardship plan.

11 (13) Identifies proposed sorters, transporters,
12 processors and facilities to be used by the program for the
13 final disposition of batteries and how collected batteries
14 will be managed in an environmentally sound manner at
15 facilities operating in compliance with human health and
16 environmental protection standards that are broadly
17 equivalent to or better than those required in the United
18 States.

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

24 (15) Describes how the public education and outreach
25 components of the program under section 6710 (relating to
26 education and outreach requirements) will be implemented.

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

1 (1) If the department disapproves a stewardship plan
2 submitted by a battery stewardship organization, the
3 department shall explain how the stewardship plan does not
4 comply with this chapter and provide written notice to the
5 battery stewardship organization within 30 days of
6 disapproval.

7 (2) The battery stewardship organization may resubmit to
8 the department a revised stewardship plan within 60 days of
9 the date the written notice was issued and the department
10 shall review the revised stewardship plan within 90 days of
11 resubmittal.

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

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

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

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

30 (3) No less than every five years.

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

3 (1) When proposing changes to the performance goals
4 under section 6707 based on the up-to-date experience of the
5 program.

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

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

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

18 (f) Revised plan.--No earlier than five years after the
19 initial approval of a plan, the department may require a battery
20 stewardship organization to submit a revised plan, which may
21 include improvements to the collection site network or increased
22 expenditures dedicated to education and outreach, if the
23 approved plan has not met the performance goals under section
24 6707.

25 § 6707. Performance standards.

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

29 (1) The collection rate for batteries in this
30 Commonwealth.

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

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

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

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

7 (2) Target recycling efficiency rates of at least 60%
8 for rechargeable batteries and at least 70% for primary
9 batteries.

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

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

17 § 6708. Funding.

18 (a) Availability.--Each battery stewardship organization
19 must ensure that adequate funding is available to fully
20 implement approved battery stewardship plans, including the
21 implementation of aspects of the plan addressing:

22 (1) Covered battery collection, transporting and
23 processing.

24 (2) Education and outreach.

25 (3) Program evaluation.

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

28 (b) Collection of funds.--A battery stewardship organization
29 implementing a battery stewardship plan on behalf of producers
30 must develop a system to collect charges from participating

1 producers to cover the costs of plan implementation. Each
2 battery stewardship organization:

3 (1) Is responsible for all costs of participating
4 covered battery collection, transportation, processing,
5 education, administration, department reimbursement,
6 recycling and end-of-life management in accordance with the
7 requirements of this chapter.

8 (2) Shall adopt environmentally sound management
9 practices which include the following:

10 (i) Comply with all applicable laws and rules in
11 place to protect workers, public health and the
12 environment.

13 (ii) Provide for adequate recordkeeping, tracking
14 and documenting of the fate of materials within this
15 Commonwealth and beyond.

16 (iii) Include comprehensive liability coverage for
17 the battery stewardship organization, including
18 environmental liability coverage that is commercially
19 practicable.

20 (3) Must reimburse local governments and solid waste or
21 recyclables handling facilities for demonstrable costs
22 incurred as a result of a local government facility or solid
23 waste or recyclables handling facility serving as a
24 collection site for its program, including associated labor
25 costs, storage and other costs associated with accessibility
26 and collection site standards.

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

1 § 6709. Collection and management requirements.

2 (a) Collection.--Each battery stewardship organization
3 implementing a battery stewardship plan must provide for the
4 collection of all covered batteries, including all chemistries
5 and brands of covered batteries, on a free, continuous,
6 convenient, visible and accessible basis to any person,
7 business, government department or agency or nonprofit
8 organization. Except as provided in subsection (b) (2), each
9 battery stewardship plan must allow any person, business,
10 government department or agency or nonprofit organization to
11 deliver each chemistry and brand of covered battery at each
12 collection site that counts toward the satisfaction of the
13 collection site criteria in subsection (c).

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

16 (1) For each collection site utilized by the program,
17 suitable collection containers for covered batteries that are
18 segregated from other solid waste or make mutually agreeable
19 alternative arrangements for the collection of batteries at
20 the site. The location of collection containers at each
21 collection site used by the program must be within view of a
22 responsible person and must be accompanied by signage made
23 available to the collection site by the battery stewardship
24 organization that informs customers regarding the end-of-life
25 management options for batteries provided by the collection
26 site under this chapter. Each collection site must meet
27 applicable Federal, State and local regulatory requirements
28 while adhering to the operations manual and other safety
29 information provided to the collection site by the battery
30 stewardship organization.

1 (2) That medium format batteries may only be collected
2 at household hazardous waste collection sites or other
3 staffed collection sites that meet applicable Federal, State
4 and local regulatory requirements to manage medium format
5 batteries.

6 (3) For damaged and defective batteries:

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

9 (ii) Each battery stewardship organization must
10 provide for collection in each county of this
11 Commonwealth, either through collection sites or
12 collection events, with qualified staff as specified in
13 subparagraph (i). Collection events should be provided
14 periodically throughout the year where practicable, but
15 must be provided at least once per year at a minimum, in
16 each county in which there are not permanent collection
17 sites providing for the collection of damaged and
18 defective batteries.

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

21 (1) A battery stewardship plan that ensures Statewide
22 collection opportunities for all covered batteries. The
23 following shall apply:

24 (i) Battery stewardship organizations shall
25 coordinate activities with other program operators,
26 including other covered battery collection and recycling
27 programs and electronic waste recyclers, with regard to
28 the proper management or recycling of collected covered
29 batteries, for purposes of providing the efficient
30 delivery of services and avoiding unnecessary duplication

1 of effort and expense.

2 (ii) Statewide collection opportunities must be
3 determined by geographic information that considers
4 permanent collection sites.

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

8 (iv) Only permanent collection services specified in
9 paragraphs (2) and (3) qualify toward the satisfaction of
10 the requirements of this subsection.

11 (2) For portable batteries, each battery stewardship
12 organization must provide Statewide collection opportunities
13 that include:

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

17 (ii) Two permanent collection sites in each county
18 that has a population density that is greater than or
19 equal to 250 individuals per square mile but less than
20 500 individuals per square mile.

21 (iii) Three permanent collection sites in each
22 county that has a population density that is greater than
23 or equal to 500 individuals per square mile but less than
24 750 individuals per square mile.

25 (iv) Four permanent collection sites in each county
26 that has a population density that is greater than or
27 equal to 750 individuals per square mile but less than
28 1,000 individuals per square mile.

29 (v) Five permanent collection sites in each county
30 that has a population density that is greater than or

1 equal to 1,000 individuals per square mile but less than
2 5,000 individuals per square mile.

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

6 (vii) If a municipality has a population of more
7 than 1,000,000 residents, the program shall provide 10
8 additional permanent collection sites to be located
9 within that municipality, with the collection sites
10 required by paragraph (vi) to be located, to the extent
11 reasonably possible, outside the municipality.

12 (viii) Collection opportunities for portable
13 batteries at special locations where batteries are often
14 spent and replaced, including supervised locations at
15 parks with stores and campgrounds.

16 (3) For medium format batteries, a battery stewardship
17 organization must provide statewide collection opportunities
18 that include:

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

21 (ii) Reasonable geographic dispersion of permanent
22 collection sites throughout this Commonwealth.

23 (iii) After the initial five-year plan period, a
24 permanent collection site in each county of at least
25 200,000 persons, as determined by the most recent Federal
26 decennial census.

27 (iv) A battery stewardship organization must ensure
28 that there is a collection event at least once every
29 three years in each county of this Commonwealth which
30 does not have a permanent collection site. The collection

1 events must provide for the collection of all medium
2 format batteries, including damaged and defective
3 batteries.

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

6 (1) Use existing public and private waste collection
7 services and facilities, including where cost effective,
8 mutually agreeable and otherwise practicable, battery
9 collection sites that are established through other battery
10 collection programs, services, transporters, consolidators,
11 processors and retailers.

12 (2) Use as a collection site for covered batteries any
13 retailer, wholesaler, municipality, solid waste management
14 facility, household hazardous waste facility or other entity
15 that meets the criteria for collection sites in the approved
16 plan up to the minimum number of sites required for
17 compliance with subsection (c), upon the submission of a
18 request by an entity to the battery stewardship organization
19 to serve as a collection site. Battery stewardship programs
20 may use additional collection sites in excess of the minimum
21 required in subsection (c) as may be agreed upon between the
22 battery stewardship organization and the collection site.

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

1 stewardship programs may use additional sites for collection
2 events in excess of the minimum required in subsection (c) as
3 may be agreed upon between the battery stewardship
4 organization and the collection site.

5 (4) A battery stewardship organization may issue a
6 warning, suspend or terminate a collection site or service
7 that does not adhere to the collection site criteria in the
8 approved plan or that poses an immediate health and safety
9 concern.

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

11 (1) Are required to provide for the collection of loose
12 covered batteries.

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

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

17 (i) Are not easily removed from the product other
18 than by the manufacturer.

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

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

24 § 6710. Education and outreach requirements.

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

28 (1) Development and maintenance of a publicly accessible
29 Internet website.

30 (2) Development and distribution of periodic press

1 releases and articles.

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

4 (4) Development of promotional materials about the
5 program and the restriction on the disposal of covered
6 batteries in section 6715 (relating to general battery
7 disposal and collection requirements) to be used by
8 retailers, government agencies, waste and recycling
9 collectors, nonprofit organizations and other entities or
10 individuals.

11 (5) Development and distribution of collection site
12 safety training procedures that are in compliance with
13 Commonwealth law applicable to collection sites to help
14 ensure proper management of covered batteries at collection
15 sites.

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

23 (b) Information required.--Each battery stewardship
24 organization must provide:

25 (1) Consumer-focused educational promotional materials
26 to each collection site used by the program and accessible by
27 customers of retailers that sell covered batteries or
28 battery-containing products.

29 (2) Safety information related to covered battery
30 collection activities to the operator of each collection

1 site, including appropriate protocols to reduce risks of
2 spills or fires, response protocols in the event of a spill
3 or fire and response protocols in the event of detection of a
4 damaged or defective battery.

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

11 (c) Reimbursement.--A battery stewardship organization may
12 seek reimbursement from the producer of any recalled battery for
13 expenses incurred in the collection, transportation or
14 processing of those batteries.

15 (d) Duties.--Upon request by a retailer or other potential
16 collector, the battery stewardship organization must provide the
17 retailer or other potential collector educational materials
18 describing collection opportunities for batteries.

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

27 § 6711. Reporting requirements.

28 (a) Annual reports.--By June 1, 2027, and each June 1
29 thereafter, each battery stewardship organization must submit an
30 annual report to the department covering the preceding calendar

1 year of battery stewardship plan implementation. The report must
2 include:

3 (1) A summary financial statement in accordance with the
4 following:

5 (i) The statement must:

6 (A) Document the financing of the battery
7 stewardship organization's program.

8 (B) Provide an analysis of program costs and
9 expenditures, including an analysis of the program's
10 expenses, including collection, transportation,
11 recycling, education and administrative overhead.

12 (C) Be sufficiently detailed to provide
13 transparency that funds collected from producers as a
14 result of their activities in this Commonwealth are
15 spent on program implementation in this Commonwealth.

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

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

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

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

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

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

7 (7) The collection rate achieved under the program,
8 including a description of how this collection rate was
9 calculated and how the collection rate compares to the
10 collection rate goals under section 6707 (relating to
11 performance standards).

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

17 (9) A description of the manner in which the collected
18 batteries were managed and recycled, including a discussion
19 of best available technologies and the recycling efficiency
20 rate.

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

23 (i) A summary of education and outreach provided to
24 consumers, collection sites, manufacturers, distributors
25 and retailers by the program operator for the purpose of
26 promoting the collection and recycling of covered
27 batteries.

28 (ii) A description of how the education under
29 subparagraph (i) and outreach meet the requirements of
30 section 6710 (relating to education and outreach

1 requirements).

2 (iii) Samples of education and outreach materials.

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

6 (v) A summary of any changes made during the
7 previous calendar year to education and outreach
8 activities.

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

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

18 (13) A summary on progress made toward the program
19 performance goals established under section 6707 and an
20 explanation of why performance goals were not met, if
21 applicable.

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

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

30 (1) Whether the facility is located domestically, in an

1 organization for economic cooperation and development country
2 or in a country that meets organization for economic
3 cooperation and development operating standards.

4 (2) What facilities processed the batteries and for
5 domestic facilities a summary of any violations of
6 environmental laws and regulations over the previous three
7 years at each facility.

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

16 (e) Confidentiality.--

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

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

30 § 6712. Fee and department role.

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

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

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

12 (3) The total amount of the annual fees collected under
13 this section shall not exceed the amount necessary to
14 reimburse costs incurred by the department to administer this
15 section.

16 (b) Departmental duties.--The responsibilities of the
17 department in implementing, administering and enforcing this
18 chapter include:

19 (1) Reviewing submitted stewardship plans and plan
20 amendments and making determinations on the plan or plan
21 amendment. The following shall apply:

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

1 (ii) If a plan or plan amendment is rejected, the
2 department must provide the reasons for rejecting the
3 plan to the battery stewardship organization. The battery
4 stewardship organization must submit a new plan within 60
5 days after receipt of the letter of disapproval.

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

10 (2) Reviewing annual reports submitted under section
11 6711 (relating to reporting requirements) within 90 days of
12 submission to ensure compliance with that section.

13 (3) Ensuring public awareness by:

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

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

28 (4) Providing technical assistance to producers and
29 retailers related to the requirements of this chapter and
30 issuing orders or imposing civil penalties authorized under

1 section 6713 (relating to penalties and civil actions) where
2 the technical assistance efforts do not lead to compliance by
3 a producer or retailer.

4 § 6713. Penalties and civil actions.

5 (a) Civil penalty.--

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

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

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

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

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

29 (e) Falsification.--A person who knowingly makes a false,
30 fictitious or fraudulent material statement, orally or in

1 writing, to the department, related to or required by this
2 chapter or any rule adopted under this chapter, commits a
3 misdemeanor of the third degree, under 18 Pa.C.S. § 4904(b)
4 (relating to unsworn falsification to authorities).

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

10 § 6714. Marking requirements for batteries.

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

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

21 (2) Beginning January 1, 2029, marked with proper
22 labeling to ensure proper collection and recycling, by
23 identifying the chemistry of the battery, including an
24 indication that the battery should not be disposed of as
25 household waste.

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

30 (c) Amendments to requirements.--The department may amend,

1 by rule, the requirements of subsection (a) to maintain
2 consistency with the labeling requirements or voluntary
3 standards for batteries established by Federal law.

4 § 6715. General battery disposal and collection requirements.

5 Effective January 1, 2026, for portable batteries and January
6 1, 2028, for medium format batteries, the following shall apply:

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

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

11 (ii) For covered batteries generated by persons that
12 are regulated generators of batteries covered under
13 Federal or State hazardous or solid waste laws,
14 management in a manner consistent with the requirements
15 of those laws.

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

18 (3) All covered batteries may only be collected,
19 transported and processed in a manner that meets the
20 standards established for a battery stewardship organization
21 in a plan approved by the department, unless the batteries
22 are being managed as described in paragraph (1)(ii).

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

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.

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

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

10 § 6716. Assessing battery-containing products.

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

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

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

27 (1) The different categories and uses of battery-
28 containing products.

29 (2) The current methods by which unwanted battery-
30 containing products are managed in this Commonwealth and

1 nearby states.

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

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

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

14 § 6717. Antitrust.

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

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

27 (2) The determination of the cost and structure of a
28 battery stewardship plan.

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

1 § 6718. Other collection of batteries.

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

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

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

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

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

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