

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1233 Session of
2025

INTRODUCED BY SIEGEL, OTTEN, STEELE, MADDEN, HILL-EVANS, VITALI,
FREEMAN, SANCHEZ, SAMUELSON, HADDOCK, RIVERA AND CIRESI,
APRIL 15, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, APRIL 15, 2025

AN ACT

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

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

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

10 CHAPTER 67

11 PORTABLE BATTERY STEWARDSHIP

12 Sec.

13 6701. Scope of chapter.

14 6702. Legislative findings.

15 6703. Definitions.

16 6704. Stewardship plans.

17 6705. Retailers.

18 6706. Stewardship plan requirements.

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

13 § 6701. Scope of chapter.

14 This chapter relates to portable battery stewardship.

15 § 6702. Legislative findings.

16 The General Assembly finds and declares as follows:

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

21 (2) Without a dedicated battery stewardship program,
22 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 § 6703. Definitions.

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

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

18 "Battery stewardship organization." A producer that directly
19 implements a battery stewardship plan required under this
20 chapter or a nonprofit organization designated by a producer or
21 group of producers to implement a battery stewardship plan
22 required under this chapter.

23 "Collection rate." A percentage, by weight, of covered
24 batteries that a battery stewardship organization collects that
25 is calculated by dividing the total weight of primary and
26 rechargeable batteries collected during the previous calendar
27 year by the average annual weight of primary and rechargeable
28 batteries that were estimated to have been sold in this
29 Commonwealth by all producers participating in that approved
30 battery stewardship plan during the previous three calendar

1 years.

2 "Covered battery." The term:

3 (1) Includes:

4 (i) A portable battery.

5 (ii) Beginning January 1, 2029, a medium format
6 battery.

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

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

13 (ii) A battery that contains an electrolyte as a
14 free liquid.

15 (iii) A lead acid battery under section 1510 of the
16 Municipal Waste Planning, Recycling and Waste Reduction
17 Act.

18 (iv) A battery in a battery-containing product that
19 is not intended or designed to be easily removed from the
20 battery-containing product.

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

24 (A) shall include automobiles, vans, trucks,
25 tractors, motorcycles and motorboats; and

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

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

30 "Covered Device Recycling Act." The act of November 23, 2010

1 (P.L.1083, No.108), known as the Covered Device Recycling Act.

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

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

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

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

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

20 (2) For primary batteries, a battery weighing more than
21 4.4 pounds but not more than 25 pounds.

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

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

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

30 (2) For primary batteries, a battery weighing no more

1 than 4.4 pounds.

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

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

8 (1) For covered batteries:

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

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

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

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

28 (v) If there is no person described in subparagraph
29 (i), (ii), (iii) or (iv) with a commercial presence
30 within this Commonwealth, the producer is the person who

1 first sells, offers for sale or distributes the battery
2 in or into this Commonwealth.

3 (2) For covered battery-containing products:

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

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

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

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

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

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

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

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

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

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

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

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

28 § 6704. Stewardship plans.

29 Beginning January 1, 2027:

30 (1) Each producer selling, offering or making available

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

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

11 § 6705. Retailers.

12 The following apply:

13 (1) Beginning July 1, 2027, for portable batteries, and
14 July 1, 2029, for medium format batteries, a retailer may not
15 sell, offer or make available for sale or distribute a
16 covered battery or battery-containing product unless the
17 producer of the covered battery or battery-containing product
18 certifies to the retailer that the producer participates in a
19 battery stewardship organization whose plan has been approved
20 by the department.

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

30 (3) Retailers of covered batteries or battery-containing

1 products are not required to make retail locations available
2 to serve as collection sites for a stewardship program
3 operated by a battery stewardship organization. Retailers
4 that serve as a collection site must comply with the
5 requirements for collection sites under section 6709
6 (relating to collection and management requirements).

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

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

29 (6) Retailers, producers or battery stewardship
30 organizations must not charge a specific point-of-sale fee to

consumers to cover the administrative or operational costs of the battery stewardship organization or the battery stewardship program.

§ 6706. Stewardship plan requirements.

(a) Approval.--By July 1, 2026, each battery stewardship organization must submit a plan for covered portable batteries to the department for approval. By July 1, 2028, each battery stewardship organization must submit a plan for covered medium format batteries to the department for approval. The department must review and may approve a plan based on whether the plan contains the following components:

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

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

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

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

(5) Describes how the battery stewardship organization will make available to collection sites, for voluntary use, signage, written materials and other promotional materials

1 that collection sites may use to inform consumers of the
2 available end-of-life management options for covered
3 batteries collected by the battery stewardship organization.

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

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

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

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

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

1 collection sites, including the addresses of collection
2 sites.

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

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

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

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

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

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

1 receipt of the plan. The following shall apply:

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

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

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

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

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

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

1 (3) No less than every five years.

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

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

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

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

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

19 (f) Revised plan.--No earlier than five years after the
20 initial approval of a plan, the department may require a battery
21 stewardship organization to submit a revised plan, which may
22 include improvements to the collection site network or increased
23 expenditures dedicated to education and outreach, if the
24 approved plan has not met the performance goals under section
25 6707.

26 § 6707. Performance standards.

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

30 (1) The collection rate for batteries in this

1 Commonwealth.

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

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

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

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

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

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

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

18 § 6708. Funding.

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

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

25 (2) Education and outreach.

26 (3) Program evaluation.

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

29 (b) Collection of funds.--A battery stewardship organization
30 implementing a battery stewardship plan on behalf of producers

1 must develop a system to collect charges from participating
2 producers to cover the costs of plan implementation. Each
3 battery stewardship organization:

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

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

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

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

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

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

28 (4) Shall, at a minimum, provide collection sites with
29 appropriate containers for covered batteries subject to its
30 program, training, signage, safety guidance and educational

1 materials, at no cost to the collection sites.

2 § 6709. Collection and management requirements.

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

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

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

1 stewardship organization.

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

7 (3) For damaged and defective batteries:

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

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

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

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

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

1 delivery of services and avoiding unnecessary duplication
2 of effort and expense.

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

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

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

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

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

18 (ii) Two permanent collection sites in each county
19 that has a population density that is greater than or
20 equal to 250 individuals per square mile but less than
21 500 individuals per square mile.

22 (iii) Three permanent collection sites in each
23 county that has a population density that is greater than
24 or equal to 500 individuals per square mile but less than
25 750 individuals per square mile.

26 (iv) Four permanent collection sites in each county
27 that has a population density that is greater than or
28 equal to 750 individuals per square mile but less than
29 1,000 individuals per square mile.

30 (v) Five permanent collection sites in each county

1 that has a population density that is greater than or
2 equal to 1,000 individuals per square mile but less than
3 5,000 individuals per square mile.

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

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

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

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

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

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

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

28 (iv) A battery stewardship organization must ensure
29 that there is a collection event at least once every
30 three years in each county of this Commonwealth which

1 does not have a permanent collection site. The collection
2 events must provide for the collection of all medium
3 format batteries, including damaged and defective
4 batteries.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 § 6710. Education and outreach requirements.

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

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

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

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

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

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

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

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

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

30 (2) Safety information related to covered battery

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

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

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

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

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

28 § 6711. Reporting requirements.

29 (a) Annual reports.--By June 1, 2028, and each June 1
30 thereafter, each battery stewardship organization must submit an

annual report to the department covering the preceding calendar
year of battery stewardship plan implementation. The report must
include:

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

(i) The statement must:

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

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

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

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

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

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

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

(5) For each facility used for the final disposition of
batteries, a description of how the facility recycled or

1 otherwise disposed of batteries and battery components.

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

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

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

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

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

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

29 (ii) A description of how the education under
30 subparagraph (i) and outreach meet the requirements of

section 6710 (relating to education and outreach requirements).

(iii) Samples of education and outreach materials.

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

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

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

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

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

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

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

1 (1) Whether the facility is located domestically, in an
2 organization for economic cooperation and development country
3 or in a country that meets organization for economic
4 cooperation and development operating standards.

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

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

17 (e) Confidentiality.--

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

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

1 § 6712. Fee and department role.

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

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

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

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

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

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

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

1 outreach requirements).

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

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

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

14 (3) Ensuring public awareness by:

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

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

29 (4) Providing technical assistance to producers and
30 retailers related to the requirements of this chapter and

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

5 § 6713. Penalties and civil actions.

6 (a) Civil penalty.--

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

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

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

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

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

30 (e) Falsification.--A person who knowingly makes a false,

fictitious or fraudulent material statement, orally or in writing, to the department, related to or required by this chapter or any rule adopted under this chapter, commits a misdemeanor of the third degree, under 18 Pa.C.S. § 4904(b) (relating to unsworn falsification to authorities).

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

§ 6714. Marking requirements for batteries.

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

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

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

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

1 (c) Amendments to requirements.--The department may amend,
2 by rule, the requirements of subsection (a) to maintain
3 consistency with the labeling requirements or voluntary
4 standards for batteries established by Federal law.

5 § 6715. General battery disposal and collection requirements.

6 Effective January 1, 2027, for portable batteries and January
7 1, 2029, for medium format batteries, the following shall apply:

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

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

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

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

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

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

27 (5) A person may not place covered batteries in or on a
28 container for mixed recyclables unless there is a separate
29 location or compartment made available and designated for the
30 covered battery that complies with local government

1 collection standards or guidelines.

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

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

11 § 6716. Assessing battery-containing products.

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

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

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

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

30 (2) The current methods by which unwanted battery-

1 containing products are managed in this Commonwealth and
2 nearby states.

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

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

12 (d) Report.--By October 1, 2028, the department must submit
13 a report to the General Assembly containing the findings of the
14 assessments required in this section.

15 § 6717. Antitrust.

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

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

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

30 (3) The types or quantities of batteries being recycled

1 or otherwise managed under this chapter.

2 § 6718. Other collection of batteries.

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

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

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

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

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

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