



AB 2440 The Responsible Battery Recycling Act

Informational Session

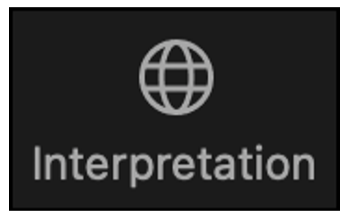
October 18, 2023



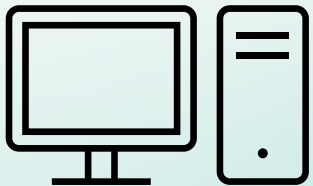
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Agenda

AB 2440 Statutory Overview

Erin Rodriguez, Deputy Director of Legislative Affairs

AB 2440 Program Overview

Amy Velasco, Senior Environmental Scientist, Product Stewardship Branch

Overview of the Rulemaking Process in California

Kris Chisholm, Attorney, Legal Office

Questions

Moderated by Karen Kayfetz, Branch Chief, Product Stewardship Branch

Protecting California's environment and climate for the health and prosperity of future generations through:

- Reduction, reuse, and recycling of California resources
 - Environmental education
 - Disaster recovery
 - Transition from a disposable to a fully circular economy



CalRecycle

AB 2440 Statutory Overview

**Department of Resources Recycling and Recovery,
Legislative Affairs**

Erin Rodriguez

Deputy Director of Legislative Affairs

Previous Battery Recycling Policy

Rechargeable Battery Recycling Act of 2006

Banned household batteries from solid waste landfill disposal and required retailers to take back rechargeable batteries for recycling at no cost to consumers.

- Costs passed to retailers and public
- No effective outreach/education
- Producers not accountable

AB 2440 repeals this 2006 Act



Safe Battery Collection and Recycling

2022 Legislation

AB 2440

(Irwin, Chapter 351, Statutes of 2022)
Stewardship Program for Covered Batteries

- Covered batteries: Single use and rechargeable batteries that are easy to remove from products (AAA, AA, C, D, others)
- CalRecycle required to adopt regulations effective no earlier than April 1, 2025.



SB 1215

(Newman, Chapter 370, Statutes of 2022)
Battery-Embedded Products

- Adds battery-embedded products to the Covered Electronic Waste Recycling Program.
- Products that are not designed to have the batteries easily removed from the product by the user with no more than commonly used household tools.

AB 2440

(Irwin, Chapter 351,
Statutes of 2022)

Establishes comprehensive battery recycling program, which holds producers responsible for management through the product's lifecycle.

The law requires:

- Fully funded stewardship program for covered batteries
- Free drop off and convenient collection system
- Statewide outreach and education program

Minimum recycling efficiency rate (By 1/1/2027)

- Primary batteries: 70%
- Rechargeable batteries: 60%





AB 2440 Battery Stewardship Program Responsibilities

Stewardship organizations and producers

Establish, fund, and operate a stewardship program for the collection and recycling of covered batteries.

Stewardship plan must include, but is not limited to:

- Free and convenient battery collection
- Education and outreach
- List of producers/brands
- How batteries are processed/recycled
- Methodology for recycling efficiency rate achievement
- Review plan at least every 5 years



Create Program



Register Producers



Public Education



Meet Recycling Efficiency Rates



Annually Report

Please refer to Public Resources Code (PRC) section 42420 - 42428 for a comprehensive description of requirements.



AB 2440 Battery Stewardship Program

Responsibilities

CalRecycle

Oversee the stewardship program for the collection and recycling of covered batteries

- Adopt regulations in consultation with the Department of Toxic Substances Control (DTSC) to implement the law no earlier than April 1, 2025
- Appoint advisory body
- Review/approve proposed stewardship plans
- Provide list of covered producers and brands of covered batteries on department website
- Review compliance of annual reports
- Enforcement

 **Rulemaking**

 **Create Advisory Body**

 **Review Compliance of Plans and Annual Reports**

 **Enforcement**

Please refer to PRC section 42420 - 42428 for a comprehensive description of requirements.

AB 2440 Overview

**Department of Resources Recycling and Recovery,
Product Stewardship Branch**

Amy Velasco
Senior Environmental Scientist



Improper Disposal Dangers

7,294 tons of batteries illegally landfilled in 2021

- Fires threaten employees, the public, and environment
- Illegal disposal contaminates soil, water, and air
- Increases costs for business and residents



Product Stewardship Program

(Extended Producer Responsibility)

Industry responsible for end-of-life management of products, by:



Collecting Material



Recovering Critical Materials



Educating Public

Outcomes of a product stewardship program:



Reduce Public Health and Environmental Hazards



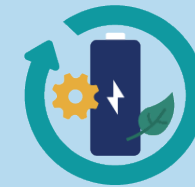
Make Recycling Convenient



Reduce Recycling Costs for Local Government

Typical Structure

State Agency

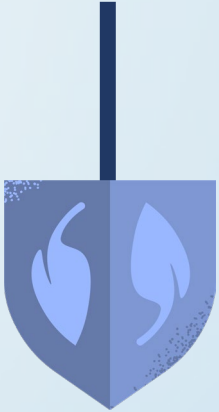
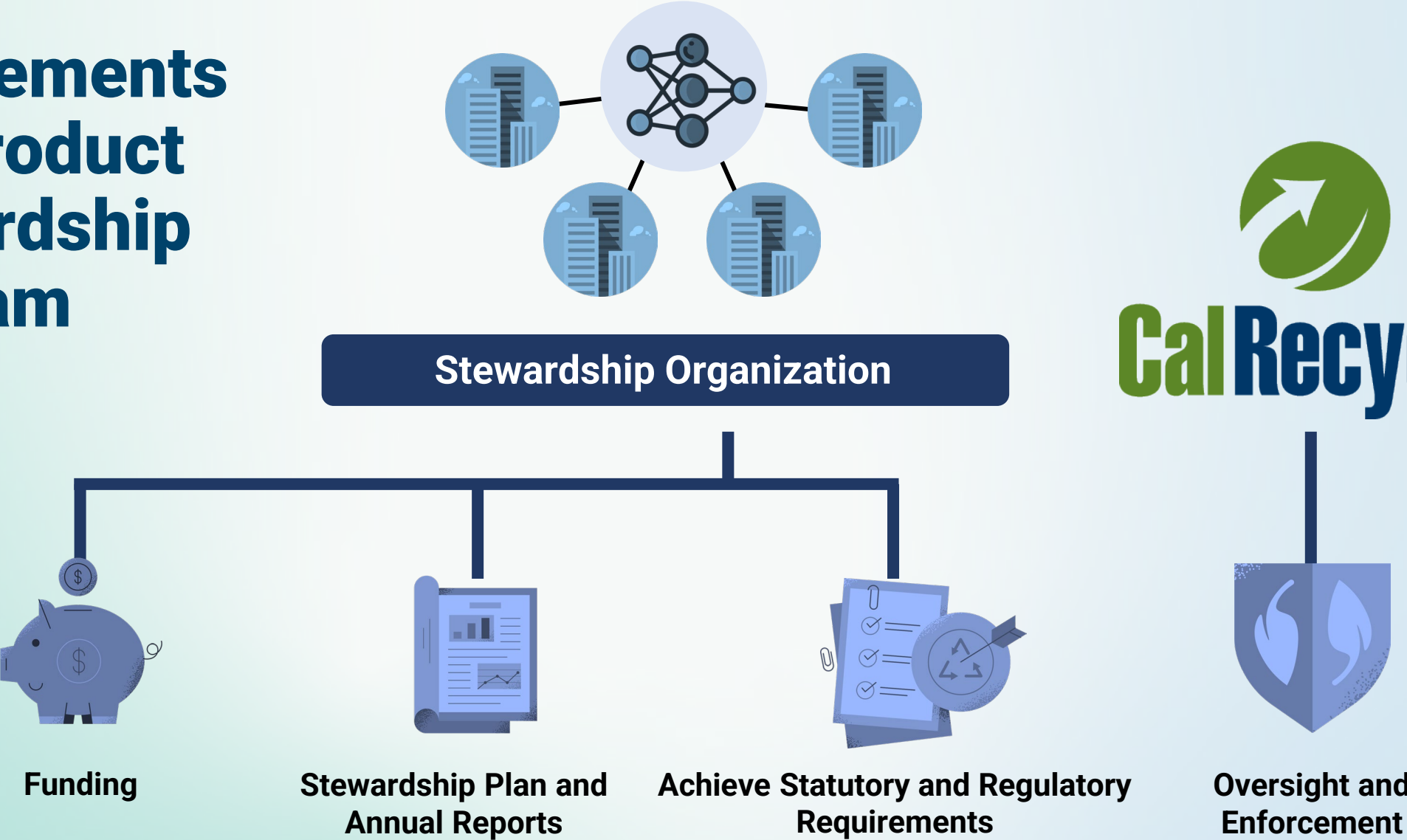


Stewardship Organization



Individual Producers

Key Elements of a Product Stewardship Program



AB 2440 Covered Batteries

42420.1(d)(1) “Covered battery” means a device consisting of one or more electrically connected electrochemical cells designed to receive, store, and deliver electric energy. A covered battery includes a battery that is any of the following:

(A) A loose battery that is either sold separately from a product or that is designed to be easily removed from a product by the user of the product, with no more than common household tools.

(B) A battery that is packed with, but not installed in, the product that the battery is intended to power, when the product is offered for sale by the producer.



AB 2440 Covered Batteries

Examples of Common Sizes:

- AAA
- AA
- C
- D
- 9 Volt
- Battery packs
- Button/coin
- Rectangular
- Lantern (larger rectangular battery)

*This is not an all-inclusive list.
See PRC section 42420.1(d) for full definition.*



AB 2440 Covered Batteries

Examples of items that may contain covered batteries:

- Cameras
- Camcorder
- Radios
- Remote controls
- Laptops
- Toys
- Games
- Clocks
- Watches
- Timers
- Calculators
- Remote Control cars
- Phones
- Kitchen appliances/tools
- Lights
- Holiday decorations

Electronic devices that have batteries that are easily removed with common household tools.

*This is not an all-inclusive list.
See PRC section 42420.1(d) for full definition.*



AB 2440 Covered Battery DOES Include

**Some types of small personal vehicle
batteries are included:**

- Motorized scooter battery
- Motorized skateboard battery
- Motorized hoverboard battery
- Battery within a device intended to move upon a highway only one individual person or property

If not otherwise excluded (e.g., due to weight)

See PRC section 42420.1(d) for full definition.



Too Heavy



Lead Acid Battery



AB 2440 Covered Battery does NOT include:

- Primary battery weighing over 2 kg (4.4 lbs)
- Rechargeable battery weighing over 5 kg (11 lbs) and 300 Watt-hour rating or higher
- Lead-acid battery
- Motor vehicle battery*
- Fuel cell electrical generating facility
- Battery that has been recalled
- Some medical devices and equipment

** Except ones specifically excluded from the exclusion.*

Please see the following for full definitions:

PRC section 42420.1(d), PRC section 42440 (a) and (b), Vehicle Code Section 415

AB 2440 Basic Overview



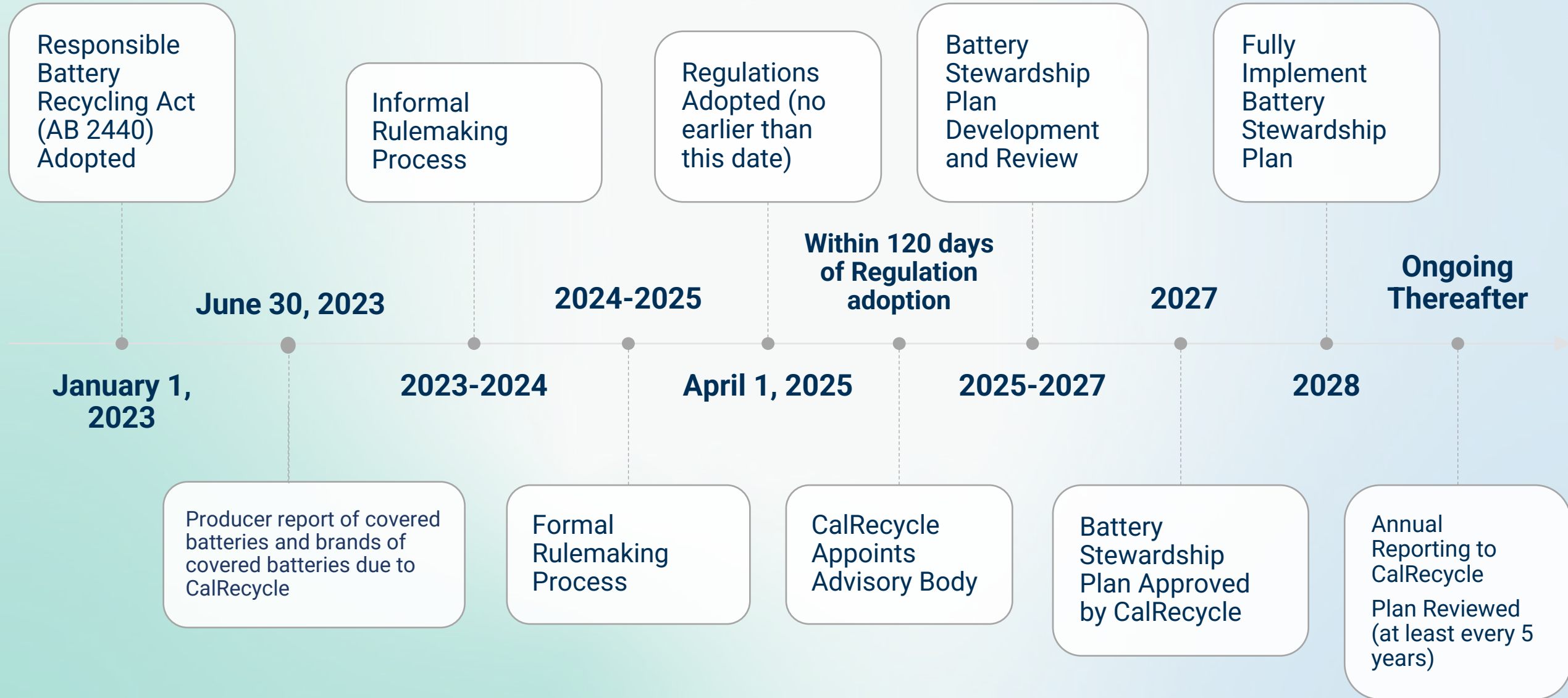
- Adopt regulations no earlier than April 1, 2025
- Evaluate stewardship plans
- Post list of compliant producers and brands
- Evaluate annual reports
- Enforcement

- Producers comply individually or through stewardship organizations
- Develop/implement stewardship plan
- Fund program
- Educate public
- Consult with advisory body
- Submit annual reports

- Appointed by CalRecycle
- Provide recommendations during plan development and implementation

- CalRecycle consults with DTSC during rulemaking
- Review stewardship plans before submittal to CalRecycle
- Review annual reports if necessary

AB 2440 Timeline for Implementation:



Rulemaking Overview

**Department of Resources Recycling
and Recovery, Regulations Unit**

Kris Chisholm

Attorney

Executive Offices, Legal

Rulemaking Process

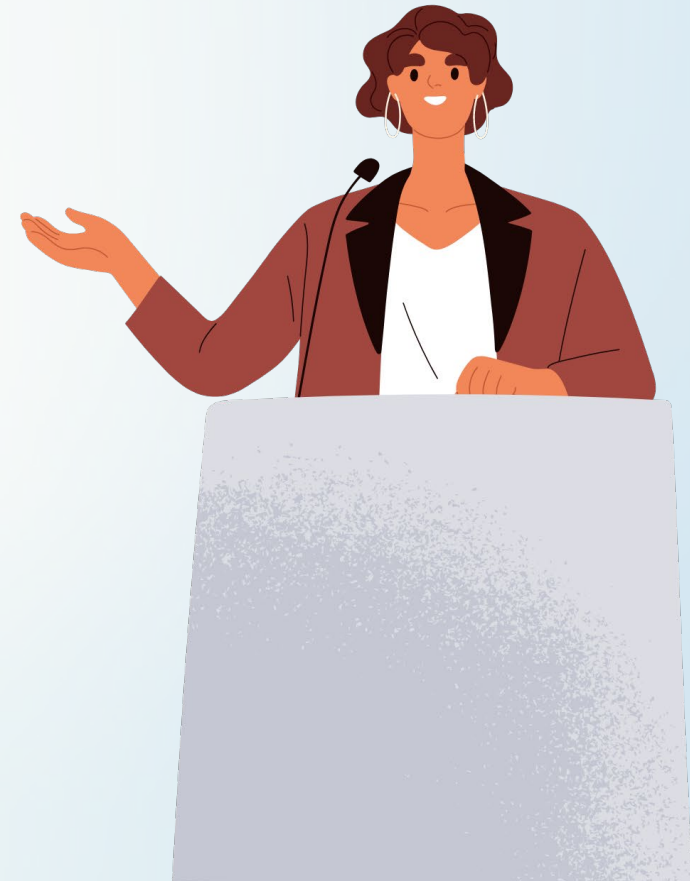
From Broad Strokes to Detailed Rules



Regulations are rules, orders, and standards that implement, interpret, and clarify a law.

CalRecycle Welcomes Input on AB 2440 Regulations

- CalRecycle welcomes questions and feedback
- CalRecycle staff reads every comment
- CalRecycle wants to hear how potential regulations impact interested parties
- Public comments influence regulations



Rulemaking Process at CalRecycle

1

Concept Development

- Develop regulatory concepts
- Hold informal workshops
- Public outreach

2

Informal Rulemaking

- Develop rulemaking documents
- Hold informal workshops
- Public outreach
- Initial Economic Impact analysis
- Department and Agency approval

3

Formal Rulemaking

- Publication in the Notice Register
- Send notice package to interested parties
- Post on Department webpage
- Begin 45-Day Public Comment period

4

45-Day Public Comment Period

- Opportunity to provide written comments
- Public hearing
- Review public comments and revise regulations

Process continue to the next slide 

Rulemaking Process at CalRecycle

5

Additional Comment Period(s)

- Propose changes to regulatory language
- Review public comments and revise regulations

6

Final Approvals and Adoption

- Department of Finance approval of Fiscal and Economic Impact Assessments
- Department adoption of regulation text

7

Submit Final Rulemaking Package to Office of Administrative Law (OAL)

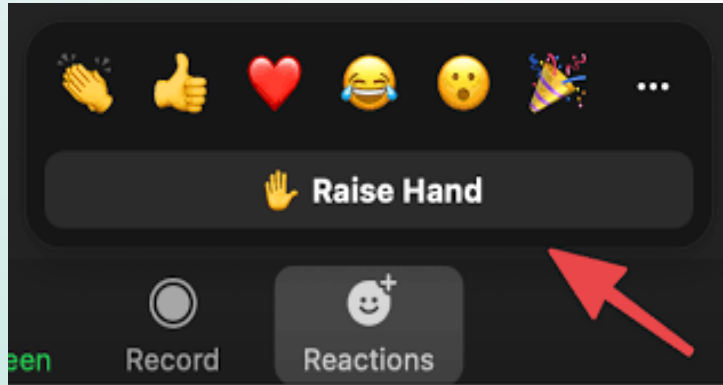
- Must be within one year of the Notice publication date
- OAL 30 working day Review Period

8

Regulations Become Effective

Submitting Questions and Feedback

- To make a comment in-person, please line up at the podium.
- To make an oral comment via Zoom, please raise your hand and the host will unmute you.



- To make a written comment via Zoom, please use the chat box.

Outreach

For more information regarding the rulemaking process, please contact the Regulations Unit.



Regulations Unit Email:
Regulations@CalRecycle.ca.gov

For program questions or comments, please contact the Battery Stewardship Team.



Battery Stewardship Program Email:
Batteries@CalRecycle.ca.gov



To stay informed:

Sign up for our listserv: [Battery Stewardship Listserv](#)

Check the Battery Stewardship Webpage: [Battery Stewardship - CalRecycle Home Page](#)