

Battery Stewardship Informal Regulatory Concept Workshop

**AB 2440 Responsible Battery Recycling Act
Regulations**

April 3, 2024

Department of Resources Recycling and Recovery

Battery EPR Section

Regulations Unit, Legal Affairs Office

**Topics: Submittals, Stewardship
Plans, and Annual Reports**

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Overview and Purpose of Workshop

The Department of Resources Recycling and Recovery (CalRecycle) has scheduled a workshop on [April 3, 2024](#), from 10:00 AM to 2:00 PM, in the Byron Sher Auditorium, located on 2nd Floor, 1001 I Street, Sacramento, CA 95814, to consult with the public, the regulated community, and other interested persons to solicit feedback on some of the requirements outlined in the Responsible Battery Recycling Act of 2022 (the Act), Assembly Bill (AB) 2440 ([Irwin, Chapter 351, Statutes of 2022](#)).

The topics of this workshop are document submittals, stewardship plans, and annual reports. Other topics will be addressed in subsequent workshops.

This workshop is split into two parts:

- **Part 1** will be an informational session, providing an overview of the statutory definitions of key terms that will be used in the workshop, and summarizing program operator responsibilities as stated in this document.
- **Part 2** will be an interactive discussion, wherein CalRecycle will present several regulation concepts and solicit public feedback to help CalRecycle prepare draft regulatory text.

The purpose of this document is to provide interested parties, in advance of the workshop, with an outline of the information that will be presented at the workshop and provide guidance on the type of feedback CalRecycle plans to solicit. All specific requests for feedback are specified in gray textboxes.

Further information on this and future informal regulatory workshops will be posted on [CalRecycle's Battery Stewardship webpage](#).

Part I. Definitions and Program Operator Requirements

This section summarizes definitions of key terms that will be used during the workshop and the requirements of program operators and stewardship plans as set forth in the Act (AB 2440, Irwin, Chapter 351, Statutes of 2022).

Relevant Definitions

Listed below are the statutory definitions relevant to the April 3, 2024, informal rulemaking workshop. CalRecycle may further specify these definitions in regulations.

Brand – Public Resources Code (PRC) section 42420.1(a)

“Brand” means a trademark, including both a registered trademark and an unregistered trademark, a logo, a name, a symbol, a word, an identifier, or a traceable mark that identifies a covered battery and identifies the owner or licensee of the brand.

Collection Site – PRC section 42420.1(b)

“Collection site” means a permanent or temporary location at which covered batteries are collected and prepared for transport in accordance with the requirements of this chapter.

Covered Battery – PRC section 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.

(2) “Covered battery” does not include any of the following:

(A) A primary battery weighing over two kilograms. For purposes of this subparagraph, “primary battery” means a nonrechargeable battery, including, but not limited to, alkaline, carbon-zinc, and lithium metal batteries.

(B) A rechargeable battery weighing over five kilograms and having a Watt-hour rating of more than 300 Watt-hours.

(C) A lead-acid battery, as defined in subdivisions (a) and (b) of section 42440.

(D) (i) A battery contained in a motor vehicle. For purposes of this subparagraph, “motor vehicle” has the same meaning as set forth in section 415 of the Vehicle Code.

(ii) Notwithstanding any other law, the exclusion in clause (i) does not apply to a battery contained in any of the following:

(I) A motorized scooter.

(II) A motorized skateboard.

(III) A motorized hoverboard.

(IV) A device intended to propel or move upon a highway only one individual person or property.

(E) A fuel cell electrical generating facility. For purposes of this subparagraph, “fuel cell electrical generating facility” has the same meaning as “eligible fuel cell electrical generating facility,” as defined in Section 2827.10 of the Public Utilities Code.

(F) (i) A Class I device as defined in Section 360c of Title 21 of the United States Code, and either of the following applies:

(I) It is a device described in Section 414.202 of Title 42 of the Code of Federal Regulations.

(II) Either of the following applies:

(ia) The device is predominantly used in a health care setting by a provider.

(ib) The device is predominantly prescribed by a health care provider.

(ii) A Class II or Class III device as defined in 360c of Title 21 of the United States Code.

(G) A battery that has been recalled.

Producer – PRC section 42420.1(j)

(1) “Producer” means a person who manufactures a covered battery and who owns or is the licensee of the brand or trademark under which that covered battery is sold, offered for sale, or distributed for sale in or into the state.

(2) If there is no person in the state who is the producer for purposes of paragraph (1), the producer of the covered battery is the owner of a brand or trademark or, if the owner

is not in the state, the exclusive licensee of a brand or trademark under which the covered battery is sold, imported for sale, offered for sale, or distributed for sale in or into the state. For purposes of this subdivision, an exclusive licensee is a person holding the exclusive right to use a trademark or brand in the state in connection with the manufacture, sale, or distribution for sale in or into the state of the covered battery.

(3) If there is no person in the state who is the producer for purposes of paragraph (1) or (2), the producer of the covered battery is the person who sells, offers for sale, or is the importer or distributor of the covered battery in or into the state for sale in or into the state.

(4) For purposes of this chapter, the sale of a covered battery shall be deemed to occur in the state if the covered battery is delivered to the purchaser in the state.

(5) "Producer" does not include an admitted insurer possessing a certificate of authority from the Insurance Commissioner pursuant to section 700 of the Insurance Code, nor does it apply to a placement of insurance that was made in full compliance with section 1765.1 or 1765.2 of the Insurance Code.

Program Operator – PRC section 42420.1(k)

"Program operator" means a producer, or a stewardship organization on behalf of a group of producers, that is responsible for implementing a stewardship program in accordance with the requirements of this chapter.

Recycling – PRC section 42420.1

Recycling" has the same meaning as set forth in subdivision (a) of section 25121.1 of the Health and Safety Code. "Recycling" does not include any of the following:

- (1) Combustion.
- (2) Incineration.
- (3) Energy generation.
- (4) Fuel production.
- (5) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover.
- (6) Other forms of disposal, as defined in subdivision (b) of section 40192.

Stewardship Organization – PRC section 42420.1(q)

"Stewardship organization" means an organization exempt from taxation under section 501(c)(3) of the federal Internal Revenue Code of 1986 (26 U.S.C. sec. 501(c)(3)) that is established by a group of producers in accordance with this chapter to develop and implement a stewardship program.

Stewardship Plan – PRC section 42420.1(r)

"Stewardship organization" means an organization exempt from taxation under section 501(c)(3) of the federal Internal Revenue Code of 1986 (26 U.S.C. sec. 501(c)(3)) that is established by a group of producers in accordance with this chapter to develop and implement a stewardship program.

Stewardship Program – PRC section 42420.1(s)

"Stewardship program" means a program established by a program operator pursuant to this chapter for the free at drop off, convenient, and safe collection, transportation, recycling, and otherwise proper management of covered batteries.

Program Operator Overview

The program operator is a producer, or stewardship organization on behalf of a group of producers, that is responsible for implementing a stewardship program (PRC section 42420.1(k)).

Producers comply with the statute, and any regulations adopted by the department, either individually or through the creation of one or more stewardship organizations which will develop and implement a stewardship program. If producers comply collectively, the stewardship organization(s) must be 501(c)(3) non-profit(s).

Summary of Program Operator Duties Outlined in Statute

- Develop and implement a stewardship plan, upon review by the Department of Toxic Substances Control (DTSC) for compliance with state and federal laws and regulations within its jurisdiction, and approval by CalRecycle.
- Fully fund the stewardship program, including costs incurred by CalRecycle and DTSC to implement and enforce the law.
- Provide free drop-off and convenient collection systems for covered batteries in each county to meet convenience requirements.
- Collect, transport, and recycle covered batteries to meet recycling efficiency rates.
- Design and implement a statewide education and outreach program.
- Consult with the advisory body to receive advice on the development and implementation of a stewardship plan.
- Consult with the California Environmental Protection Agency's Environmental Justice Task Force regarding methods to collect covered batteries in areas that face unique challenges associated with proper waste management.
- Coordinate with other program operators, existing battery collection programs, including electronic waste recyclers and dismantlers, and community-based organizations that contact the program operator.
- Provide CalRecycle with lists of covered batteries and the brands of covered batteries that participating producers sell in or into the state.
- Maintain records (e.g., documentation regarding shipments from collection sites to recyclers, financial transactions, activities of the program operator, etc.) necessary for CalRecycle and DTSC to determine compliance with the Act.
- Undergo annual independent audits, and CalRecycle audits, as CalRecycle determines is necessary.
- Prepare and submit annual reports to CalRecycle to demonstrate compliance with approved stewardship plans.
- Review, revise, and resubmit stewardship plans to CalRecycle as needed.

Part II. Draft Regulatory Concepts

Rulemaking Process

The rulemaking process is for implementing, interpreting, or making specific statutes that CalRecycle administers or enforces. Generally, the rulemaking process must follow the requirements of the Administrative Procedures Act, commencing with Government

Code section 11340. Currently, CalRecycle is informally seeking feedback on potential regulatory concepts for consideration when drafting proposed regulations to implement, interpret, or make specific provisions of the Act (AB 2440, Irwin, Chapter 351, Statutes of 2022) necessary for CalRecycle's implementation of its provisions.

Regulation Concepts

CalRecycle will be specifying through regulations the requirements of document submittals, stewardship plans, and annual reports, and is soliciting initial feedback. The requirements for these items are extensive, so this document and workshop are not comprehensive, and future workshops will address additional concepts. The regulation concepts to be discussed in this workshop include:

- **Topic 1 – Submittals**
 - 1) Lists of Covered Batteries and Brands
 - 2) Stewardship Plans
 - 3) Notice of Full Plan Implementation
 - 4) Annual Reports
 - 5) Stewardship Plan Review

- **Topic 2 – Stewardship Plans**
 - 1) Contact Information
 - 2) Advisory Body Consultation
 - 3) Budget
 - 4) Convenient Collection System
 - a) Damaged, Defective, and Recalled Batteries
 - 5) Battery Management
 - 6) Battery Labeling
 - 7) Contingency Plan
 - 8) Limit on Battery Deposits

- **Topic 3 – Annual Reports**
 - 1) Contact Information
 - 2) Executive Summary
 - 3) Costs and Revenue
 - 4) Convenient Collection System
 - 5) Battery Management

The purpose of this and future workshops is to provide necessary information on regulation development to the public, and to obtain input and feedback from interested parties throughout the regulation development process. CalRecycle welcomes written feedback and suggestions on all plan requirements specified in PRC section 42422.1, annual report requirements specified in PRC section 42424.1, and all other provisions in these sections that are not directly addressed in the workshop. Guidance for providing written feedback is specified on page 19.

Topic 1: Submittals

Statute Sections: PRC section 42421, PRC section 42422, PRC section 42422.5(a)(1), PRC section 42422.6 (a), PRC section 42424.1, and PRC section 42422.3

List of Covered Batteries and Brands

PRC section 42421

(a) No later than 180 days after the effective date of this chapter, individual producers shall provide to the department, in a form and manner established by the department, a list of covered batteries and brands of covered batteries that the producer sells, distributes for sale, imports for sale, or offers for sale in or into the state.

(b) A program operator shall update the list described in subdivision (a) and provide the updated list to the department on or before January 15 of each year or upon request of the department, with at least 60 days to respond after a request from the department.

Regulation Concepts:

CalRecycle proposes promulgating regulations to identify the submittal requirements for lists of covered batteries and brands of covered batteries, including:

- 1) Submitting to CalRecycle electronically.
- 2) Ensuring accessibility of the lists to allow for posting to CalRecycle's website.
- 3) Providing the following required contents:
 - a) Participating producers and contact information.
 - b) Covered batteries and brands of covered batteries.
 - c) Covered battery chemistry.
 - d) Primary or rechargeable battery identification.
 - e) Battery type (e.g., nomenclature, size, weight, watt-hours).

Stewardship Plans

PRC section 42422

Within 12 months of the effective date of the regulations adopted by the department pursuant to Section 42420.2, a program operator shall develop and submit to the department a complete stewardship plan, in accordance with the requirements of this chapter, for the collection, transportation, and recycling, and the safe and proper management, of covered batteries in the state in an economically efficient and practical manner. No stewardship program serving more than one producer may limit its collection, transportation, and recycling of covered batteries to covered batteries of the producers participating in that stewardship program.

PRC section 42422.5(a)(1)

At least 150 days before submitting a stewardship plan to the department, a program operator shall submit its entire proposed stewardship plan to the Department of Toxic Substances Control for review.

Regulation Concepts:

CalRecycle proposes promulgating regulations to identify the submittal requirements for stewardship plans, including:

- 1) Submitting stewardship plans to CalRecycle electronically.
 - a) Posting on program operator website.
- 2) Allowing submittal of a stewardship plan to CalRecycle in less than 150 days, if DTSC completes its review early.

- 3) Providing a cover letter to identify and justify any confidential, proprietary, or trade secret information contained in the stewardship plan.
 - a) Simultaneously providing a redacted version of the stewardship plan, if applicable.
- 4) Signing the stewardship plan and providing it to CalRecycle under penalty of perjury.

Notice of Full Plan Implementation

PRC section 42422.6 (a)

Within 12 months of the approval of the stewardship plan, by the department pursuant to Section 42422.5, a program operator shall fully implement its stewardship program.

Regulation Concepts:

CalRecycle proposes promulgating regulations to identify the submittal requirements related to demonstrating stewardship plans are fully implemented, including:

- 1) Submitting notices to CalRecycle electronically.
 - a) Posting on the program operator's website.
- 2) Providing a certification of the implementation status of the stewardship plan.
 - a) Describing activities in the plan that are not fully implemented, if applicable.
- 3) Listing participating producers, collection sites, service providers, and program operator website address.
- 4) Signing the notice and providing it to CalRecycle under penalty of perjury.

Annual Reports

PRC section 42424.1

A program operator shall annually submit to the department, in the form and manner, and by the date, determined by the department, an annual report, which the department shall make publicly available that includes all of the following information for the preceding calendar year (see section 42424.1 for comprehensive list of requirements).

Regulation Concepts:

CalRecycle proposes promulgating regulations to identify the submittal requirements for annual reports, including:

- 1) Requiring annual reports to be submitted by the proposed due date of April 15 each year.
- 2) Submitting annual reports to CalRecycle electronically.
 - a) Posting annual reports on the program operator's website.
 - b) Ensuring accessibility of annual reports to allow CalRecycle to make publicly available.
- 3) Providing a cover letter to identify and justify any confidential, proprietary, or trade secret information contained in the annual report.
 - a) Simultaneously providing a redacted version of the annual report, if applicable.

Stewardship Plan Reviews

PRC section 42422.3

(a) A program operator shall review its stewardship plan at least every five years after the stewardship plan approval, and determine whether revisions to the plan are necessary.

(b) If a program operator determines that revisions to the plan are necessary, the program operator shall submit to the department a revised plan for review and approval employing the procedures set forth in Section 42422.5. The stewardship organization shall submit the revised plan pursuant to this subdivision within 90 days of the review deadline outlined pursuant to subdivision (a).

(c) If a program operator determines that no revisions to the plan are necessary, the program operator shall send a letter to the department no later than 30 days after the review deadline outlined in subdivision (a), explaining that the program operator has reviewed the plan and determined that no revisions are needed. The department may disapprove the program operator's determination within 30 days of receipt of that determination if the department concludes that the program operator cannot implement the objectives of this chapter without revising the stewardship plan. In the event the department disapproves the program operator's determination, the program operator shall submit to the department a revised stewardship plan for review and approval in accordance with Section 42422.5. The program operator shall submit the revised plan pursuant to this subdivision within 90 days of receipt of the department's disapproval.

(d) Notwithstanding the requirement in subdivision (a) of Section 42422.5, a program operator may, but is not required to, submit its plan to the Department of Toxic Substances Control prior to submission to the department pursuant to this section.

Regulation Concepts:

CalRecycle proposes promulgating regulations to identify submittal requirements associated with stewardship plan reviews, including:

- 1) Revised Plans
 - a) Submitting revised plans to CalRecycle electronically.
 - b) Posting revised plans on the program operator's website.
 - c) Providing a cover letter to identify and justify confidential, proprietary, or trade secret information contained in revised plans.
 - i. Simultaneously provide a redacted version of revised plans, if applicable.
 - d) Signing the revised plan and providing it to CalRecycle under penalty of perjury.
 - e) Providing a notice of full implementation of the revised plan within 12 months of CalRecycle approval.
 - f) Providing a cover letter to describe revisions made to the revised plan compared to the initial plan.
- 2) If the program operator determines revisions to its stewardship plan are not necessary, the program operator will submit a letter to CalRecycle that provides a basis for its determination that revisions are not necessary.

- a) If CalRecycle determines consultation with DTSC is necessary, the time it takes to consult with DTSC is not counted towards CalRecycle's 30-day review time.
- b) Posting the letter on the program operator's website.

Request for Public Feedback

CalRecycle is requesting feedback regarding promulgating regulations to identify submittal requirements for the following items:

- 1) Lists of Covered Batteries and Brands of Covered Batteries
- 2) Stewardship Plans
- 3) Notice of Full Plan Implementation
- 4) Annual Reports
- 5) Stewardship Plan Review

Topic 2: Stewardship Plans

Statute Sections: PRC section 42422.1, PRC section 42422.4, PRC section 42420.4, PRC section 42424.1(g), PRC section 42420.3(b)

Contact Information

PRC section 42422.1

A stewardship plan for covered batteries shall include all of the following:

(a) The names of producers, as defined in subdivision (j) of Section 42420.1, and brands of covered batteries covered under the stewardship plan.

Regulation Concepts:

CalRecycle proposes promulgating regulations to require contact information in stewardship plans, including:

- 1) Providing contact information for the program operator and participating producers, including:
 - a) Contact name and title,
 - b) Name of the program operator/participating producers,
 - c) Mailing and physical addresses,
 - d) Email address,
 - e) Phone number, and
 - f) Internet website address.
- 2) Listing covered batteries and brands of covered batteries, including the information proposed under Topic 1: Submittals - Lists of Covered Batteries and Brands.
- 3) Providing verification of the stewardship organization's exemption from taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)).

Advisory Body Consultation

PRC section 42422.4

(a) In preparing a stewardship plan pursuant to Section 42422.1, and any updates to the plan pursuant to Section 42422.3, a program operator shall engage in a consultative process with the advisory body created by the department pursuant to subdivision (b). The program operator shall consider any written recommendations from the advisory body during the plan development process.

(c) A program operator shall consider the advisory body's recommendations. If the producer or stewardship organization decides not to incorporate the advisory body's recommendations, the program operator shall provide a brief written explanation to the department and the advisory body that explains the basis for the decision and also indicates whether the program operator plans to incorporate the recommendations into a subsequent stewardship plan, subsequent amendments to the plan, or a subsequent annual report.

Regulation Concepts:

CalRecycle proposes promulgating regulations to specify stewardship plan requirements related to advisory body consultation, including:

- 1) Identifying the dates of consultation meetings between the program operator and advisory body.
- 2) Providing the advisory body's written recommendations, including:
 - a) How recommendations were considered during plan development, and
 - b) The program operator's intentions to incorporate the recommendations in subsequent plan, plan amendment, or annual report, and timing to incorporate the recommendations.
- 3) Describing how the program operator proposes to continuously consult the advisory body regarding stewardship plan implementation and plan revisions.

Budget

PRC section 42422.1(k)

(1) A description of the method to establish and administer a means for fully funding the stewardship program in a manner that equitably distributes the stewardship program's costs among the producers that are part of the stewardship organization. For producers that elect to meet the requirements of this chapter individually, without joining a stewardship organization, a description of the proposed method to establish and administer a means for fully funding the stewardship program.

(2) The stewardship plan shall include a stewardship program budget, for the next three calendar years, that includes a funding level and anticipated revenues and costs sufficient to cover the budgeted costs, including, but not limited to, administrative costs, operational costs, and capital costs, to operate the stewardship program in a prudent and responsible manner. Administrative costs shall include the department's and the Department of Toxic Substances Control's anticipated actual, reasonable, and direct regulatory costs to implement and enforce this chapter as the criteria for all the costs are defined in the regulations adopted pursuant to Section 42420.2. For purposes of this paragraph, stewardship program implementation begins once the department approves a program operator's stewardship plan, except the department's and the Department of Toxic Substances Control's costs shall include actual, reasonable, and direct regulatory

development costs and other startup regulatory costs incurred prior to stewardship plan submittal and approval.

PRC section 42422.1(o)(10)(B)

The department may approve multiple program operators sharing, on an equitable basis, the costs of implementing elements of the program that benefit all approved plans serving more than one producer and the program operators sponsoring them, except those costs specified in paragraphs (2) and (9).

Regulation Concepts

CalRecycle proposes promulgating regulations to specify stewardship plan budget requirements, including:

- 1) Specifying that the funding mechanism shall not include a point-of-sale fee.
- 2) Describing activities covered by each cost category, including administrative costs, operational costs, capital costs, and the following additional cost categories:
 - a) Education and outreach, and
 - b) Grants, loans, sponsorships, etc.
- 3) Identifying a financial reserve policy.
- 4) Requesting approval from CalRecycle to share proposed costs for implementing program elements benefiting all approved plans serving multiple producers and their sponsoring program operators.

Convenient Collection System

PRC section 42420.4(a)(1)

Program operators shall include as collection site any entity that offers in writing to participate, complies with applicable laws and regulations, complies with any program operator requirements that are consistent with that program operator's approved stewardship plan, and is judged by the program operator to have sufficient staff and resources to reliably comply, even if the minimum thresholds described in subdivision (d) of Section 42422.1, as applicable, have been achieved.

PRC section 42422.1(d)

A description of how the program operator will provide for a free at drop off and convenient collection system for covered batteries in each county of the state that meets all of the following requirements:

- (1) A minimum of 10 collection sites per county or one collection site per 15,000 people, whichever is greater, except as identified below:
 - (A) A county with a population of 18,000 and under, as reported annually by the Department of Finance, shall have a minimum of three collection locations.
 - (B) A county with a population of between 18,001 and 50,000, as reported annually by the Department of Finance, shall have a minimum of four collection locations.
 - (C) A county with a population between 50,001 and 100,000, as reported annually by the Department of Finance, shall have a minimum of eight collection locations.
- (3) The collection sites in each county shall be spread throughout the county to facilitate widespread access and convenience. This paragraph does not authorize the

department to require more than the minimum number of collection sites required pursuant to paragraph (1) or the regulations adopted by the department pursuant to Section 42420.2.

Regulation Concepts

CalRecycle proposes promulgating regulations to specify stewardship plan requirements related to the convenient collection system, including:

- 1) Listing collection sites by county that have agreed to participate in the program operator's stewardship program, including addresses and contact information.
- 2) Listing potential collection sites that the program operator notified of the opportunity to participate.
- 3) Explaining how collection sites will be spread throughout counties to facilitate widespread access and convenience.
- 4) Describing the rules and conditions imposed by the program operator on collection sites.
- 5) Specifying that collection sites are not required to collect battery-embedded products or products that contain batteries.
- 6) Describing any proposed alternative collection systems the program operator intends to utilize, if applicable, such as curbside or door-to-door collection, collection events, or large volume collection programs.

Damaged, Defective, and Recalled Batteries

PRC section 42422.1(d)(2)

The collection sites required by this subdivision shall not be required to collect covered batteries that are damaged, defective, or recalled.

PRC section 42422.1(j)

No program operator shall be required, as a condition of approval of its plan or program or otherwise, to accept damaged, defective, or recalled batteries at sites served by the program operator. Program operators shall provide to sites participating in their programs, information for persons seeking to recycle damaged or defective batteries informing those persons of the requirements for doing so and of the closest location at which damaged or defective batteries may be accepted. Program operators shall provide to sites participating in their programs information for persons seeking to recycle recalled batteries informing those persons of instructions to contact any entity recalling batteries to determine the appropriate handling of those batteries.

Regulation Concepts

CalRecycle proposes promulgating regulations to specify stewardship plan requirements related to damaged, defective, and recalled batteries, including:

- 1) Training that the program operator will provide to educate collection site staff on how to identify damaged, defective, and recalled batteries.
- 2) Information the program operator will provide to collection sites for consumers on how and where to manage damaged and defective batteries.
- 3) Instructions the program operator will provide to collection sites for persons seeking to recycle recalled batteries.

Battery Management

PRC section 42422.1(l)

A description of the process by which covered batteries will be processed and recycled following collection at collection sites, including all of the following:

- (1) A description of how covered batteries will be handled and recycled, including how covered batteries will not be disposed of by the program operator and a description of how the recycling of all covered batteries will be maximized.
- (2) A description of how discarded covered battery residual materials will, to the extent economically and technically feasible, be recycled and a description of how contracts with service providers will require that this be done and how the contractor will accomplish this.
- (3) A description of how the program operator will prioritize the use of recycling facilities located closer to the point of generation to minimize transportation emissions and increase accountability.

PRC section 42422.1(g)

A description of how the program operator will provide collection sites at no cost to the collection sites with appropriate containers for covered batteries subject to its program, training, signage, safety guidance, and educational materials.

Regulation Concepts

CalRecycle proposes promulgating regulations to specify stewardship plan requirements related to battery management, including:

- 1) Identifying products that will use postconsumer materials from recycled covered batteries.
- 2) Specifying that collected and recycled batteries cannot be counted in the reported collection, recycling, and recycling efficiency rate metrics of multiple program operators.
- 3) Describing the methodology that the program operator proposes to determine the weight and number of covered batteries sold in or into the state attributed to a producer, who is a registered participant of the program operator's plan, that are collected in the state and recycled by the program operator for reporting in annual reports.

Battery Labeling

PRC section 42422.1(p)

Developing strategies in coordination with other program operators to develop and implement proper labeling of covered batteries to ensure proper collection and recycling, by identifying the chemistry of the covered battery and including an indication that the covered battery should not be disposed of as household waste.

Regulation Concepts

CalRecycle proposes promulgating regulations to specify stewardship plan requirements related to battery labeling, including:

- 1) Requiring the brand name to be included on the battery label.
- 2) Establishing a required deadline for the program operator to implement proper labeling of covered batteries.
- 3) Identifying in the stewardship plan the activities the program operator will require of participating producers to meet labeling requirements.
- 4) Committing to remove producers that are noncompliant with labeling requirements from participating in the stewardship program.

Contingency Plan

PRC section 42422.1(q)

Stewardship plans must include a contingency plan in the event the stewardship plan expires, is disapproved, or is revoked. The contingency plan shall describe how the stewardship plan objectives can be carried out in the absence of a plan, either by the program operator or through an entity such as an escrow company.

Regulation Concepts

CalRecycle proposes promulgating regulatory concepts to specify contingency plan requirements, including:

- 1) Identifying a mechanism to ensure ongoing funding of plan objectives.
- 2) Identifying the proposed entity to implement the contingency plan such as a trustee, subject to approval by CalRecycle.
- 3) Ensuring contracts with service providers are assignable and assumable to and by the proposed entity to implement the contingency plan.

Limit on Battery Deposits

PRC section 42420.3(b)

The department shall establish, through regulations adopted by the department pursuant to Section 42420.2, a limit on the number of covered batteries to be deposited at a single collection site, pursuant to subdivision (d) of Section 42422.1, as applicable, by a single consumer in a single day.

Regulation Concepts

CalRecycle is required to establish, through regulations, a limit on the number of covered batteries to be deposited at a single collection site by a single consumer in a single day. CalRecycle is considering a variety of different options and requests feedback on the following options, as well as any other concepts or information CalRecycle should consider in establishing a limit:

- 1) A single fixed numeric limit on the number of covered batteries that can be deposited.
- 2) A numeric limit based on other considerations, such as average weight or volume.
- 3) Using different limits for different site types, such as household hazardous waste collection facilities or retailer collection sites.
- 4) Using different limits for different covered battery types, such as alkaline batteries or lithium-ion batteries.

Request for Public Feedback

CalRecycle is requesting feedback on establishing a limit on the number of covered batteries to be deposited at a single collection site by a single consumer in a single day.

Request for Public Feedback

CalRecycle is requesting feedback regarding promulgating regulations to identify stewardship plan requirements related to the following items:

- 1) Contact Information
- 2) Advisory Body Consultation
- 3) Budget
- 4) Convenient Collection System
 - a) Damaged, Defective, and Recalled Batteries
- 5) Battery Management
- 6) Battery Labeling
- 7) Contingency Plan
- 8) Limit on Battery Deposits

Topic 3: Annual Reporting

Statute Sections: PRC section 42424.1

Contact Information

PRC section 42424.1(f)

An updated list of the names and corporate mailing addresses of producers, as defined in subdivision (j) of Section 42420.1 and brands of covered batteries covered under the stewardship plan.

Regulation Concepts

CalRecycle proposes promulgating regulations to further specify annual report requirements related to contact information, including:

- 1) Contact information for program operators and participating producers, including the following information:
 - a) Name of the program operator and participating producers,
 - b) Contact name and title,
 - c) Mailing address and physical address,
 - d) Email address,
 - e) Phone number, and
 - f) Internet website address.
- 2) An updated list of covered batteries and brands, consist with the information described under Topic 1: Submittals - Lists of Covered Batteries and Brands, with details including the battery chemistry, battery type, an indication of whether the battery is primary or rechargeable, and the type of battery.

Executive Summary

PRC section 42424.1

A program operator shall annually submit to the department, in the form and manner, and by the date, determined by the department, an annual report, which the department shall make publicly available that includes specified information for the preceding calendar year.

Regulation Concepts

PRC section 42424.1 requires extensive and detailed information to be included in annual reports. Recognizing the difficulty for interested parties to navigate through lengthy documents to find crucial details, CalRecycle proposes promulgating regulations to specify that annual reports include an executive summary, including:

- 1) Highlights of the reporting year,
- 2) Weight of rechargeable and primary batteries collected,
- 3) Weight of rechargeable and primary batteries recycled,
- 4) Rechargeable and primary battery recycling efficiency rates achieved, and
- 5) Comparison of convenience standard to the required standard in each county.

Costs and Revenues

PRC section 42424.1(a)

The program operator's costs and revenues.

PRC section 42422.1(o)(10)(B)

The department may approve multiple program operators sharing, on an equitable basis, the costs of implementing elements of the program that benefit all approved plans serving more than one producer and the program operators sponsoring them, except those costs specified in paragraphs (2) and (9).

Regulation Concepts

CalRecycle proposes promulgating regulations to further specify annual report requirements related to costs and revenues, including:

- 1) Amounts and activities for cost categories in the plan, including education and outreach, grants, loans, and sponsorships.
- 2) Any changes to the equitable distribution of funding among producers, if applicable.
- 3) Any costs shared with other program operators, if applicable.

Convenient Collection System

PRC section 42424.1(c)

A list of the stewardship program's collection sites, by name, location, and type.

Regulation Concepts

CalRecycle proposes promulgating regulations to specify annual reports related to the convenient collection system, including:

- 1) Listing collection sites per county and per population increment identified in statute, with contact information.
- 2) Reporting if the convenience requirements were achieved in each county.
 - a) Describing the program operator's efforts to comply with the requirements if the convenience requirements in every county were not achieved.
- 3) Demonstrating that collection sites are spread throughout counties to facilitate widespread access and convenience.

Battery Management

PRC section 42424.1(e)

The total weight and number of covered batteries sold in or into the state attributed to a producer, who is a registered participant of the program operator's plan, that are collected in the state and recycled by the program operator during the preceding calendar year, including a description of the methodology and information used to determine and calculate these values.

PRC section 42424.1(h)

The recycling efficiency rate of rechargeable and primary batteries that were recycled.

PRC section 42424.1(j)

A description of methods used to collect, transport, and recycle covered batteries by the program operator.

Regulation Concepts

CalRecycle proposes promulgating regulations to specify annual reporting requirements related to battery management, including:

- 1) Providing the names and addresses of all service providers, including transporters, sorting facilities, and recyclers.
- 2) Identifying the battery chemistries accepted by each recycler.
- 3) Describing the battery recycling processes for each recycler.
- 4) Identifying the products that used postconsumer battery content from batteries managed through the program.
- 5) Reporting the weight of primary and rechargeable batteries recycled, and materials (e.g., non-recyclable residual materials) managed via other disposition methods by battery chemistry.

Request for Public Feedback

CalRecycle is requesting feedback regarding promulgating regulations to identify annual report requirements related to the following items:

- 1) Contact Information
- 2) Executive Summary
- 3) Revenue and Expenses
- 4) Convenient Collection System
- 5) Battery Management

Process for Submitting Written Feedback

CalRecycle has developed a process for requesting written feedback or questions from interested stakeholders. While this process is not a specific requirement, CalRecycle requests all written feedback and questions to be submitted using the specified format below, for the purposes of maintaining consistency in the way in which the information is received, and to aid with expedited review and processing. All written feedback may be submitted after the workshop to regulations@CalRecycle.ca.gov with the subject line: April 2024 Battery Stewardship Workshop and CalRecycle's public comment portal: [Battery Stewardship Informal Rulemaking Comment Period](#). CalRecycle requests all feedback specific to the April 3, 2024, workshop is submitted **no later than April 19, 2024**. Preferred formats include e-mail, .docx and PDF.

Requested Feedback on Specific Regulation Concepts:

When providing feedback or asking questions on a specific regulation concept, please include (1) the Topic Number [i.e., Topic 1, Topic 2, or Topic 3], including the specific title, (2) feedback or questions related to that regulation concept. For example, when providing feedback on Topic 1: Submittals - Stewardship Plans, the preferred format would be:

Topic 1: Submittals - Stewardship Plans:
Specific feedback related to this item...

This process can be repeated for each regulation concept a person wants to address. All feedback and questions can be included in the same email or document.

Questions or Feedback for Specific Public Resources Code Sections:

When providing feedback or asking questions on a specific section in the statute, please include (1) the full section number, including any subsections associated with it, (2) feedback or questions related to that section. For example:

PRC section 42422.3(c)
Specific feedback or question related to this section...

This process can be repeated for each section a person wants to address. All feedback and questions can be included in the same email or document.

General Questions or Comments:

When asking general questions or providing general comments on topics related to this workshop that do not focus on a specific regulation concept or specific statutory section, please list each question and comment in numerical order:

Question 1: General question on this discussion document
Question 2: General question on this discussion document
Comment 1: General comment on this discussion document