

Battery Stewardship Informal Regulatory Concept Workshop

April 3, 2024

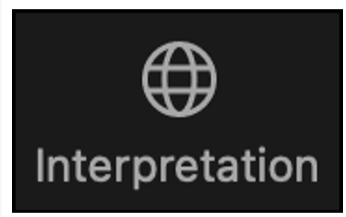
California Department of Resources
Recycling and Recovery



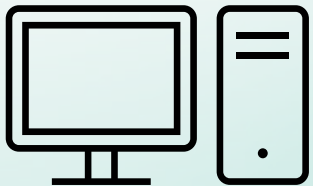
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Agenda

Opening Remarks

Karen Kayfetz, Branch Chief, Product Stewardship Branch

Part I: Definitions and Program Operator Requirements

Stephanie Liu, Environmental Scientist, Battery EPR Unit

Part II: Draft Regulatory Concepts

Submittals, Stewardship Plans, Annual Reports

Allyson Williams, Environmental Program Manager, Battery EPR Section

Questions

Moderated by Karen Kayfetz, Branch Chief, Product Stewardship Branch

Discussion Document

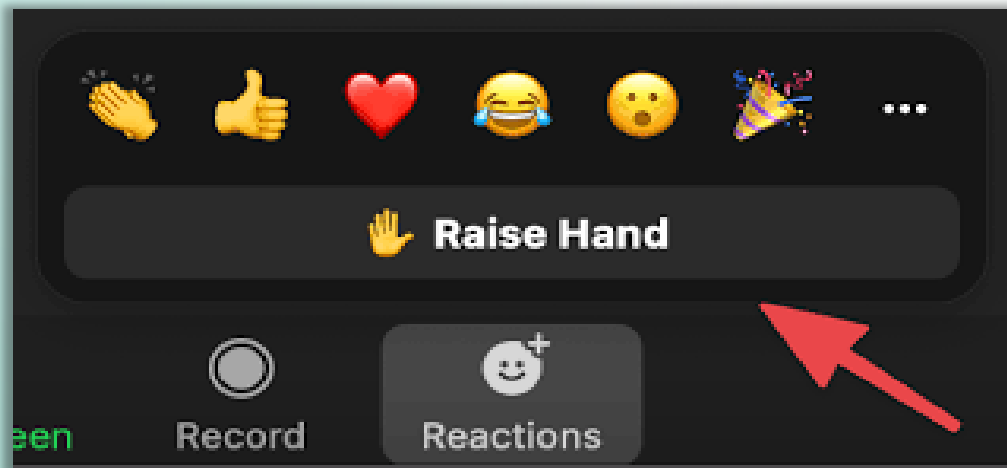
- **Part I:**
 - Key Statutory Provisions Relevant to Today's Workshop:
 - Definitions
 - Program Operator Responsibilities
- **Part II:**
 - Summary of Draft Regulatory Concepts
 - Topic 1: Submittals
 - Topic 2: Stewardship Plans
 - Topic 3: Annual Reports

Follow along in the
Discussion Document



Submitting Questions and Feedback

- To make a comment in-person, please line up at the microphone.
- To make an oral comment via Zoom, please raise your hand and the host will unmute you.
- Submit written feedback or questions after the workshop by **April 19, 2024**, via:
 - CalRecycle's public comment portal: [Battery Stewardship Informal Rulemaking Comment Period](#)
 - Email: regulations@calrecycle.ca.gov
 - Subject: "April 2024 Battery Stewardship Workshop"



Part I. Definitions and Program Operator Requirements

**Department of Resources Recycling and Recovery,
Battery EPR Unit**

Stephanie Liu
Environmental Scientist

Definitions

Select Terms Relevant to Workshop

- Brand – Public Resources Code (PRC) 42420.1(a)
- Covered Battery – PRC 42420.1(d)
- Collection Site – PRC 42420.1(b)
- Producer – PRC 42420.1(j)
- Program Operator – PRC 42420.1(k)
- Recycling – PRC 42420.1(n)
- Stewardship Organization – PRC 42420.1(q)
- Stewardship Plan – PRC 42420.1(r)
- Stewardship Program – PRC 42420.1(s)

Brand – PRC 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.



Covered Battery – PRC 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.

Covered Battery (continued)– PRC 42420.1(d)

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

(A) A primary battery weighing over two kilograms.

(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.

(E) A fuel cell electrical generating facility.

(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.

(F)(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.

Covered Battery (continued)– PRC 42420.1(d)

(2)(D)(ii) Notwithstanding any other law, **the exclusion in clause (i) concerning batteries contained on motor vehicles 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.



Collection Site – PRC 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.



Producer – PRC 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.

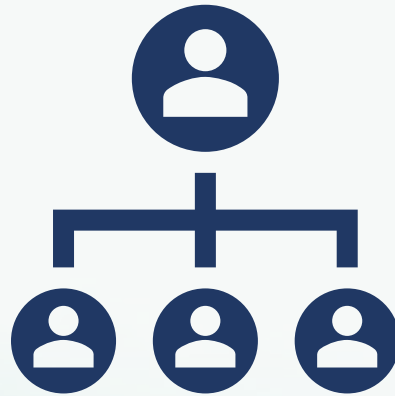
(3) If there is no person in the state who is the producer for purposes of paragraph (1) or (2), the producer of the covered battery is the person who sells, offers for sale, or is the importer or distributor of the covered battery in or into the state for sale in or into the state.

(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 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 42420.1(n)

“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.

*HSC section 25121.1(a) - “Recycling” means using, reusing, or reclaiming a recyclable material.

Stewardship Organization – PRC 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 42420.1(r)

“Stewardship plan” or “plan” means a plan developed by program operator pursuant to this chapter for the collection, transportation, and recycling, and the safe and proper management, of covered batteries.



Stewardship Program – PRC 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

Program Operator/Stewardship Organization

Program Operator is:

A producer, or stewardship organization on behalf of a group of producers, that is responsible for implementing a stewardship program

Stewardship Organizations:

- Producers may establish one or more stewardship organizations to develop and implement a stewardship program
- Must be a 501(c)(3) nonprofit organization

Overview of Program Operator Responsibilities

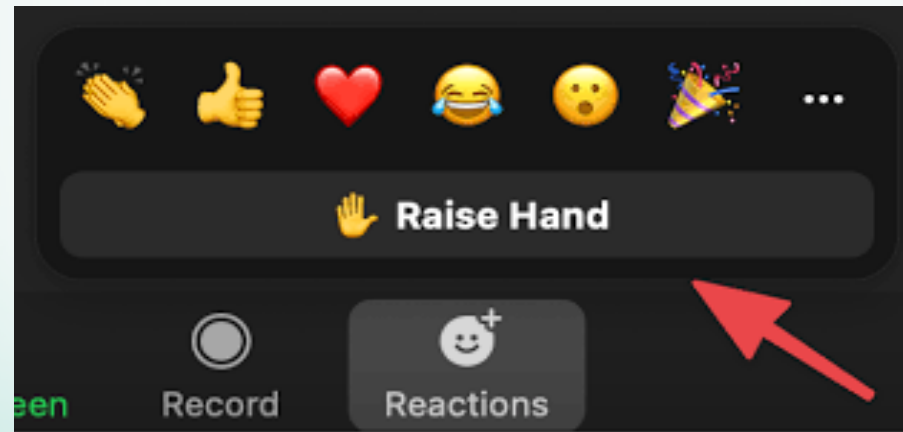
- Develop and implement a stewardship plan
- Fully fund stewardship program, including state oversight costs
- Provide free convenient collection system to meet convenience standards
- Collect, transport, and recycle covered batteries to meet recycling efficiency rates
- Implement a statewide education and outreach program
- Consult/coordinate with advisory body, program operators, battery collection programs, community-based organizations, CalEPA EJ Task Force

Overview of Program Operator Responsibilities (continued)

- Provide lists of covered batteries and brands of covered batteries
- Maintain records (e.g. financial transactions) for compliance determination
- Undergo annual independent audits, and periodic CalRecycle audits
- Prepare and submit annual reports to demonstrate compliance
- Review, revise, and resubmit stewardship plans to CalRecycle as needed

Questions and Comments

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



Part II. Draft Regulatory Concepts

**Department of Resources Recycling and Recovery,
Battery EPR Section**

Allyson Williams
Environmental Program Manager

Rulemaking Process

- The rulemaking process is for implementing, interpreting, or making specific statutes CalRecycle administers or enforces.
- Generally, the rulemaking process must follow the requirements of the Administrative Procedure Act, commencing with Government Code section 11340.
- CalRecycle is informally seeking feedback on potential regulatory concepts for consideration when drafting proposed regulations necessary to implement, interpret, or make specific provisions of The Responsible Battery Recycling Act.

Topics for Today's Discussion

Topic 1: Submittals

Topic 2: Stewardship Plans

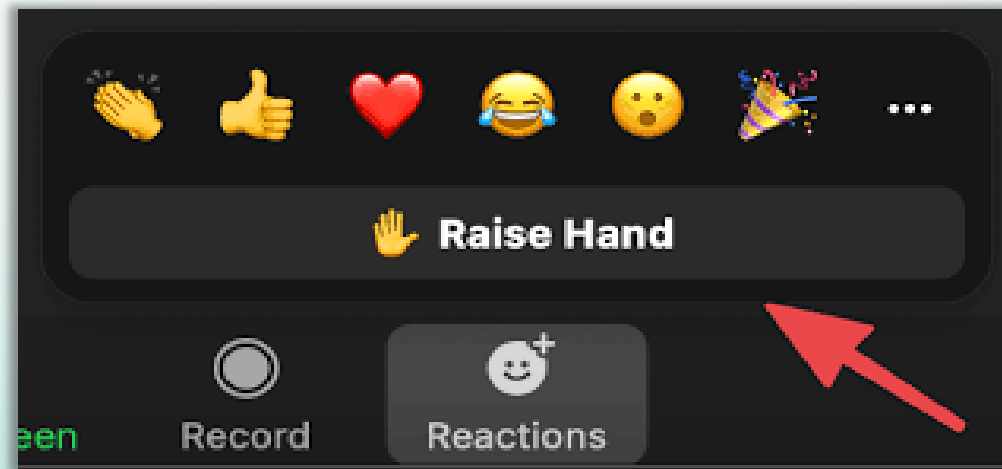
Topic 3: Annual Reports



Questions and Comments

Opportunities for public comment will be provided following each Topic.

- To make a comment in-person, please line up at the microphone.
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Topic 1: Submittals

Topic 1: Submittals

Regulation Concepts Overview

CalRecycle intends to promulgate regulations to further specify document submittal requirements related to:

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



Topic 1: Submittals- Covered Batteries and Brands

Statutory Overview

PRC 42421(a) Within 180 days of the effective date of the statute, individual producers shall provide to CalRecycle, in a form and manner established by CalRecycle, 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) Program operators shall provide an updated list, on or before January 15 of each year, or upon request of CalRecycle, with at least 60 days to respond.

Topic 1: Submittals- Covered batteries and brands

Regulation Concepts

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

- 1) Electronic submittal
- 2) Accessible for posting on CalRecycle's website
- 3) Required contents:
 - a) Names of participating producers and contact information
 - b) Covered batteries and brands of covered batteries
 - c) Covered battery chemistry
 - d) Primary or rechargeable battery ID
 - e) Battery type (e.g., nomenclature, size, weight, watt-hours)

Topic 1: Submittals- Stewardship Plans

Statutory Overview

- PRC 42422 requires program operators to develop and submit to CalRecycle, within 12 months of the effective date of regulations, a complete stewardship plan.
- PRC 42422.5 (a)(1) At least 150 days before submitting a stewardship plan to CalRecycle, program operators shall submit entire proposed stewardship plan to DTSC for review.



Topic 1: Submittals- Stewardship Plans

Regulation Concepts

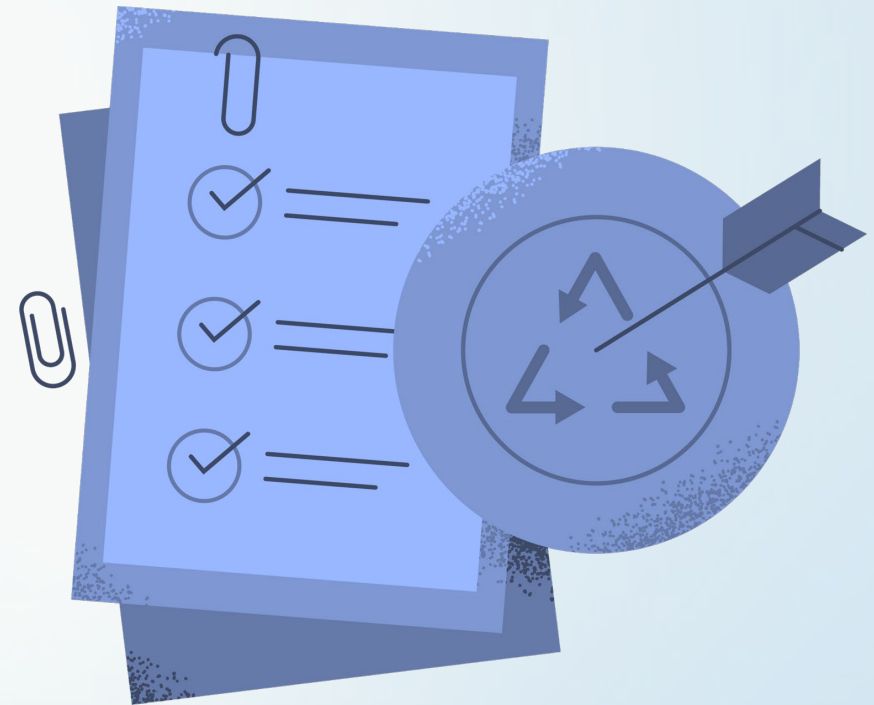
CalRecycle proposes promulgating regulations to identify the submittal requirements for stewardship plans, including:

- 1) Electronic submittal
 - a) Posted on program operator website
- 2) Allow submittal to CalRecycle in less than 150 days if DTSC completes its review earlier
- 3) Cover letter to identify and justify confidential, proprietary, or trade secret information
 - a) Provide redacted version, if applicable
- 4) Signed and provided under penalty of perjury

Topic 1 : Submittals- Full Plan Implementation

Statutory Overview

PRC 42422.6 (a) Within 12 months of the approval of the stewardship plan, a program operator shall fully implement its stewardship program.



Topic 1 : Submittals- Full Plan Implementation

Regulation Concepts

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

- 1) Electronic submittal
 - a) Posted on program operator website
- 2) Certify implementation status
 - a) Describe activities not fully implemented, if applicable
- 3) List participating producers, collection sites, service providers, website address
- 4) Signed and certified under penalty of perjury

Topic 1: Submittals- Annual Reports

Statutory Overview

Statutory Overview:

PRC 42424.1 requires program operators to submit to CalRecycle, in a form and manner, and by the date determined by CalRecycle, an annual report, which CalRecycle shall make publicly available that includes specified information for the preceding calendar year.



Topic 1: Submittals- Annual Reports

Regulation Concepts

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

- 1) Proposed Due Date: April 15
- 2) Electronic submittal
 - a) Posted on program operator's website
 - b) Accessible
- 3) Cover letter to identify and justify confidential information
 - a) Provide redacted version, if applicable

Topic 1: Submittals- Stewardship Plan Review

Statutory Overview

PRC 42422.3 (a) requires a program operator to 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 are necessary, the program operator shall submit to CalRecycle a revised plan within 90 days of the review deadline.

(c) If a program operator determines that no revisions are necessary, the program operator shall send a letter to CalRecycle no later than 30 days after the review deadline, explaining that the program operator has reviewed the plan and determined that no revisions are needed.

(d) A program operator may, but is not required to, submit its revised plan to DTSC prior to submission to CalRecycle.

Topic 1: Submittals- Stewardship Plan Review

Regulation Concepts

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

1) Revised Plans:

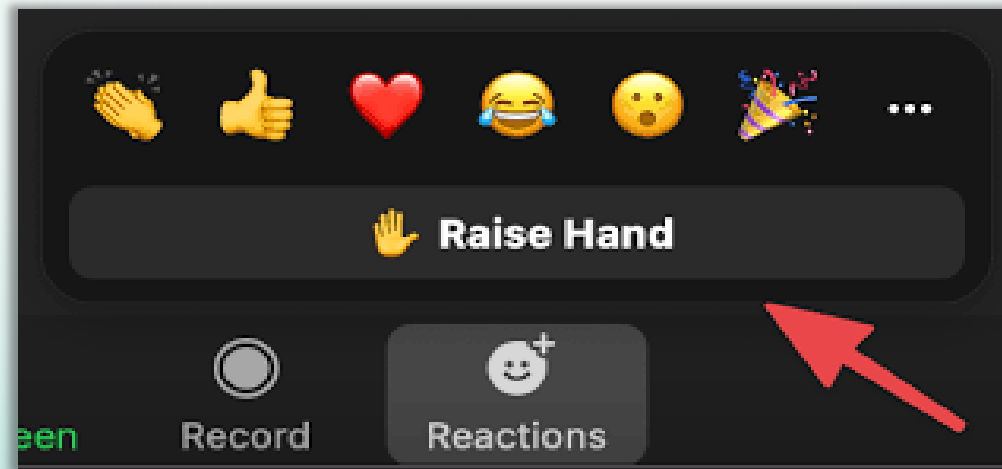
- a) Electronic submittal
- b) Posted on program operator's website
- c) Cover letter to identify and justify confidential information
 - i) Provide redacted version, if applicable
- d) Signed and certified under penalty of perjury
- e) Notice of full implementation
- f) Cover letter describing revisions

2) Letter: Basis for determination that revisions are not necessary

- a) CalRecycle consultation with DTSC, not counted toward 30-day review time
- b) Posted on program operator's website

Questions and Comments

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Topic 1: Submittals

Request for 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

Topic 2: Stewardship Plans

Statutory Overview

PRC 42422 Within 12 months of the effective date of the regulations adopted by CalRecycle pursuant to section 42420.2, a program operator shall develop and submit to CalRecycle a complete stewardship plan 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.

Topic 2: Stewardship Plans

Statutory Overview (continued)

PRC 42422.1 describes stewardship plan requirements, including:

42422.1(a)	Names of producers and brands of covered batteries
42422.1(b)	Description of advisory body consultation process
42422.1(c)	Methodologies for measuring, and meeting minimum recycling efficiency rates
42422.1(d)	Description of how convenience standards will be achieved
42422.1(e)	Description of collection site authorization and management
42422.1(f)	Free consumer drop-off of covered batteries at collection sites
42422.1(g)	Description of process to provide free collection containers to collection sites
42422.1(h)	Compliance with all applicable state and federal laws and regulations
42422.1(i)	Retailers with ≥ 5 locations in CA to serve as permanent collection sites

Topic 2: Stewardship Plans

Statutory Overview (continued)

PRC 42422.1 describes stewardship plan requirements, including:

42422.1(j)	Information for sites on managing damaged, defective, & recalled batteries
42422.1(k)	Method to establish means to fully fund the stewardship program, including a budget
42422.1(l)	Description of how batteries will be processed and recycled following collection
42422.1(m)	Description of coordination with other program operators, existing battery collection and recycling programs, and community-based organizations
42422.1(n)	Consultation with CalEPA Environmental Justice Task Force
42422.1(o)	Comprehensive statewide education and outreach program
42422.1(p)	Development and implementation of proper labeling of covered batteries
42422.1(q)	A contingency plan

Topic 2: Stewardship Plans

Overview of Program Operator Role

Program operators:

- Consult with advisory body to receive advice on plan development and implementation
- Develop plan describing how they will comply with requirements of the law and meet performance standards
- Submit plan to DTSC and CalRecycle for review
- Fully implement plan within twelve months of approval
- Review plans at least every five years



Topic 2: Stewardship Plans

Overview of State Role

Department of Toxic Substances Control (DTSC):

- Review plans for compliance with laws and regulations within its jurisdiction
 - Provide determination of noncompliance within 90 days of receipt of the plan if necessary
- Provide consultation to CalRecycle if necessary



CalRecycle:

- Review plans within 120 days of receipt for compliance with the chapter, and approve, disapprove or conditionally approve
- May consult with or submit plan for review to DTSC, if necessary
 - Consultation time not counted toward 120-day time limit
- Oversee ongoing implementation of stewardship programs



Topic 2: Stewardship Plans

Regulation Concepts Overview

CalRecycle will promulgate regulations to further specify stewardship plan requirements. Topics for today's discussion include:

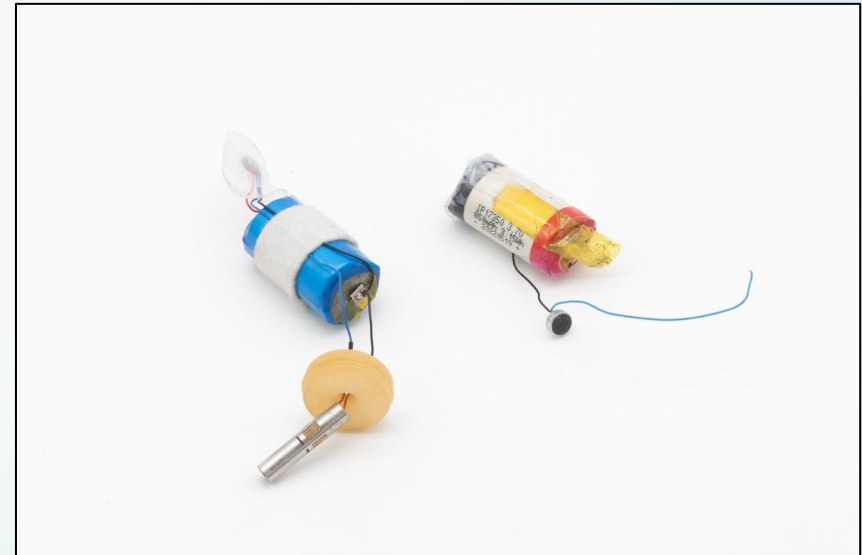
- 1) Contact Information
- 2) Advisory Body Consultation
- 3) Budget
- 4) Convenient Collection System
 - a) Damaged, Defective, Recalled Batteries
- 5) Battery Management
- 6) Battery Labeling
- 7) Contingency Plan
- 8) Limit on Battery Deposits



Topic 2: Stewardship Plan- Contact Information

Statutory Overview

PRC 42422.1 A stewardship plan for covered batteries shall include the names of producers, as defined in subdivision (j) of Section 42420.1, and brands of covered batteries covered under the stewardship plan.



Topic 2: Stewardship Plan- Contact Information

Regulation Concepts

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

- 1) Contact information for program operator and participating producers
 - a) Name of the program operator/participating producer
 - b) Contact name and title
 - c) Mailing and physical addresses
 - d) Email address
 - e) Phone number
 - f) Internet website address
- 2) Lists of covered batteries and brands
- 3) Verification of stewardship organization's 501(c)(3) status

Topic 2: Stewardship Plan- Advisory Body Consultation

Statutory Overview

- **PRC 42422.4(a)** Requires program operators to engage in a consultative process with the advisory body created by CalRecycle. The program operator shall consider any written recommendations from the advisory body during the plan development process.
 - (c) If the program operator decides not to incorporate the advisory body's recommendations, it shall provide a brief written explanation to CalRecycle and the advisory body that explains the basis for the decision and indicate whether the program operator plans to incorporate the recommendations into a subsequent stewardship plan, subsequent amendments to the plan, or a subsequent annual report.
- **PRC 42422.1(b)** requires stewardship plans to include a description of the process by which the program operator consulted with the advisory body to receive advice on the development and implementation of the stewardship plan.

Topic 2: Stewardship Plan- Advisory Body Consultation

Regulation Concepts

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

- 1) Dates of consultation meetings
- 2) Written recommendations, including:
 - a) How recommendations were considered during plan development
 - b) Intentions to incorporate in subsequent plan, amendment or annual report, and timing to incorporate
- 3) How program operator proposes to consult advisory body regarding plan implementation and revisions

Topic 2: Stewardship Plan- Budget

Statutory Overview

- **PRC 42422.1(k)(1)** Requires stewardship plans to include a description of the method to establish and administer a means for fully funding the stewardship program, and if applicable, in a manner that equitably distributes costs among the producers that are part of the stewardship organization.
- (2) 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, administrative costs, operational costs, and capital costs, to operate the stewardship program in prudent and responsible manner.
- **PRC 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, except specified costs.

Topic 2: Stewardship Plan- Budget Regulation Concepts

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

- 1) Funding Mechanism shall not include point-of-sale fee
- 2) Activities covered by each cost category, including:
 - Education and outreach
 - Grants, loans, sponsorships, etc.
- 3) Financial reserve policy
- 4) Proposed costs to be shared with other program operators, subject to approval from CalRecycle



Topic 2: Stewardship Plan- Convenient Collection System

Statutory Overview

PRC 42420.4(a)(1) Program operators shall include as a collection site any entity that offers in writing to participate, complies with applicable laws and regulations, complies with program operator requirements consistent with approved stewardship plan, and is judged by the program operator to have sufficient staff and resources to reliably comply.

PRC 42422.1(d) Stewardship plans shall include a description of how program operators will provide a free at drop off and convenient collection system in each county that meets the following requirements:

- (1) Minimum of 10 collection sites per county or one collection site per 15,000 people, whichever is greater, except:
 - (A) County with population of 18,000 and under, shall have 3+ collection locations.
 - (B) County with population 18,001-50,000, shall have 4+ collection locations.
 - (C) County with a population 50,001-100,000, shall have 8+ collection locations.
- (3) The collection sites in each county shall be spread throughout the county to facilitate widespread access and convenience.

Topic 2: Stewardship Plan- Convenient Collection System Regulation Concepts

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

- 1) Collection sites by county, including addresses and contact info
- 2) Potential collection sites notified
- 3) How collection sites will be spread throughout counties
- 4) Rules and conditions imposed on collection sites
- 5) Sites are not required to collect battery-embedded products
- 6) Alternative collection systems, if applicable

Topic 2: Stewardship Plan- Damaged, Defective, Recalled Statutory Overview

PRC 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 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.

Topic 2: Stewardship Plan- Damaged, Defective, Recalled Regulation Concepts

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

- 1) Training to educate sites on how to identify damaged, defective, and recalled batteries
- 2) Information provided to sites for consumers on how and where to manage damaged and defective batteries
- 3) Instructions provided to sites for persons seeking to manage recalled batteries

Topic 2: Stewardship Plan- Battery Management

Statutory Overview

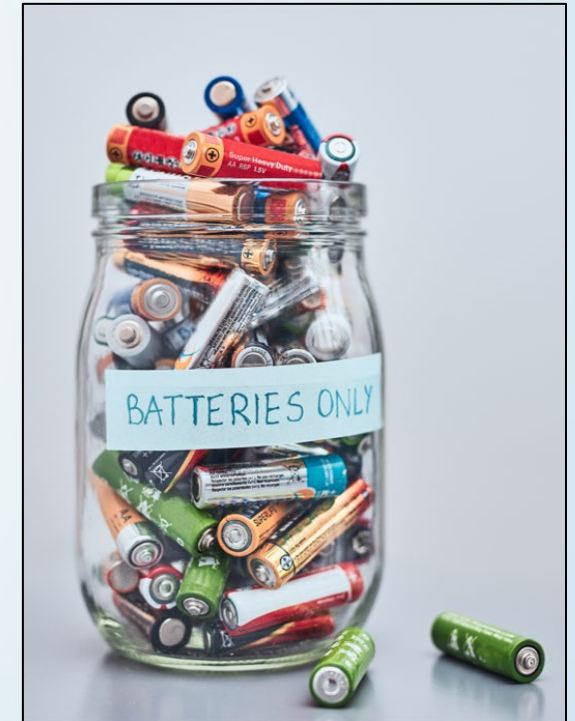
PRC 42422.1(I) Stewardship plans shall include a description of the process by which covered batteries will be processed and recycled following collection at collection sites.

PRC 42424.1(g) Annually report 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.

Topic 2: Stewardship Plan- Battery Management Regulation Concepts

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

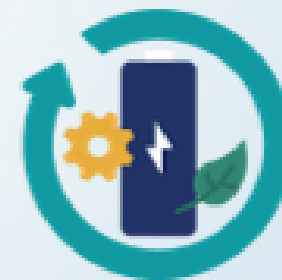
- 1) Products that use recycled battery content
- 2) Recycled batteries cannot be counted by multiple program operators
- 3) Methodology to determine weight and number of batteries sold attributed to participating producer, that are collected & recycled by program operator



Topic 2: Stewardship Plan- Battery Labeling

Statutory Overview

PRC 42422.1(p) Stewardship plans shall include 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



Topic 2: Stewardship Plan- Battery Labeling Regulation Concepts

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

- 1) Brand name on label
- 2) Implementation deadline
- 3) Activities program operator requires of producers to implement proper labeling
- 4) Address producer failure to implement proper labeling

Topic 2: Stewardship Plan- Contingency Plan

Statutory Overview

PRC 42422.1(q) Stewardship plans shall 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.



Topic 2: Stewardship Plan- Contingency Plan Regulation Concepts

CalRecycle proposes promulgating regulations to specify contingency plan requirements, including:

- 1) Mechanism for ongoing funding of plan objectives
- 2) Proposed entity to implement, subject to CalRecycle approval
- 3) Contracts are assignable and assumable

Topic 2: Stewardship Plan- Limit on Battery Deposits

Statutory Overview

PRC 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.



Topic 2: Stewardship Plan- Limit on Battery Deposits

Regulation Concepts

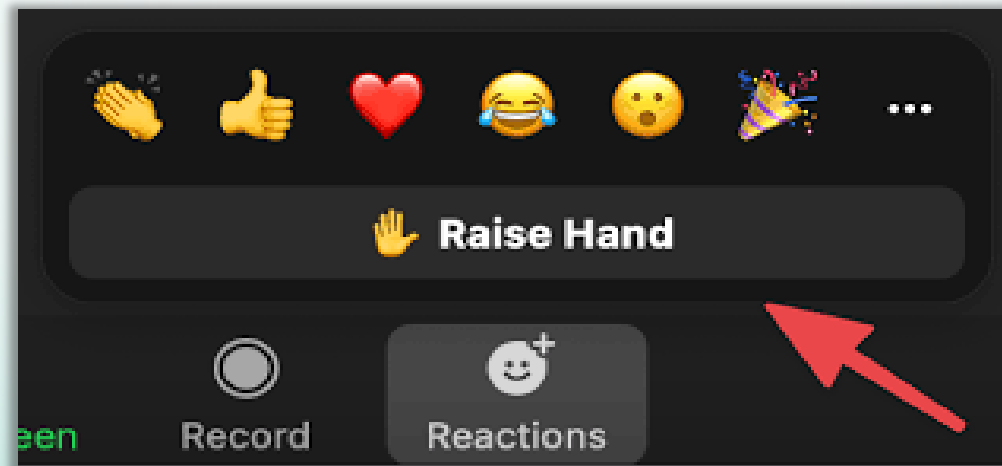
CalRecycle is required to establish, through regulations, a limit on the number of covered batteries to be deposited at a single collection site by a consumer per day.

Staff are considering different options and request feedback on the following options, and any other concepts or information CalRecycle should consider:

- 1) Single fixed number
- 2) Number based on other considerations, such as average weight or volume
- 3) Different limits for different site types (e.g., HHWCF vs. retail)
- 4) Different limits for different covered battery types (e.g., alkaline vs. lithium)

Questions and Comments

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



Topic 2: Stewardship Plans

Request for 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, Recalled Batteries
- 5) Battery Management
- 6) Battery Labeling
- 7) Contingency Plan
- 8) Limit on Battery Deposits

Topic 3: Annual Reporting

Topic 3: Annual Reports

Statutory Overview

PRC 42424.1 requires program operators to annually submit to CalRecycle, in the form and manner, and by the date, determined by CalRecycle, an annual report, which CalRecycle shall make publicly available that includes the following for the preceding calendar year:

42424.1(a)	Costs and revenues
42424.1(b)	Estimate of the quantity of cover batteries sold in or into CA
42424.1(c)	List of collection sites
42424.1(d)	Total weight of primary and rechargeable batteries that were collected
42424.1(e)	List of battery recycling facilities used by the stewardship program
42424.1(f)	Updated list of producers and brands of covered batteries
42424.1(g)	Total weight and number of covered batteries sold in or into CA attributed to a participant producer, that are collected and recycled by the program, including methodology
42424.1(h)	Recycling efficiency rate of primary and rechargeable batteries that were recycled

Topic 3: Annual Reports

Statutory Overview (cont.)

42424.1(i)	Achieve minimum recycling efficiency rate of 60% for primary and 70% for rechargeable batteries, beginning January 1, 2027
42424.1(j)	Methods used to collect, transport, and recycle covered batteries
42424.1(k)	Description of education and outreach efforts to consumers, collection sites, manufacturers, distributors, and retailers
42424.1(l)	Report on coordination activities between other program operators and other entities, including efforts undertaken to implement the required labeling pursuant to section 42422.1
42424.1(m)	Findings from evaluation of the education and outreach strategies
42424.1(n)	Description of consultation with CalEPA Environmental Justice Taskforce
42424.1(o)	Demonstrate actions taken to comply with the stewardship plan requirements
42424.1(p)	Description of activities undertaken to meet, make progress on, or make progress on planned efforts to implement the stewardship plan

Topic 3: Annual Reports

Statutory Overview (cont.)

42424.1(q)	Activities to prioritize use of recycling facilities located closer to the point of generation
42424.1(r)	Identify problems with current activities, make modifications, and report on other activities undertaken and progress made, in the following year's annual report
42424.1(s)	An electronic copy of any annual report, including explanation of how the activities may benefit the stewardship program
42424.1(t)	Progress toward attaining goals included in the stewardship plan
42424.1(u)	Proposed modifications or revisions to the stewardship plan
42424.1(v)	Other information deemed relevant by the program operator for the department to determine compliance with the approved stewardship plan

Topic 3: Annual Reports

Regulation Concepts Overview

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

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



Topic 3: Annual Reports- Contact Information

Statutory Overview



PRC 42424.1(f) Annual reports shall include 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.

Topic 3: Annual Reports- Contact Information Regulation Concepts

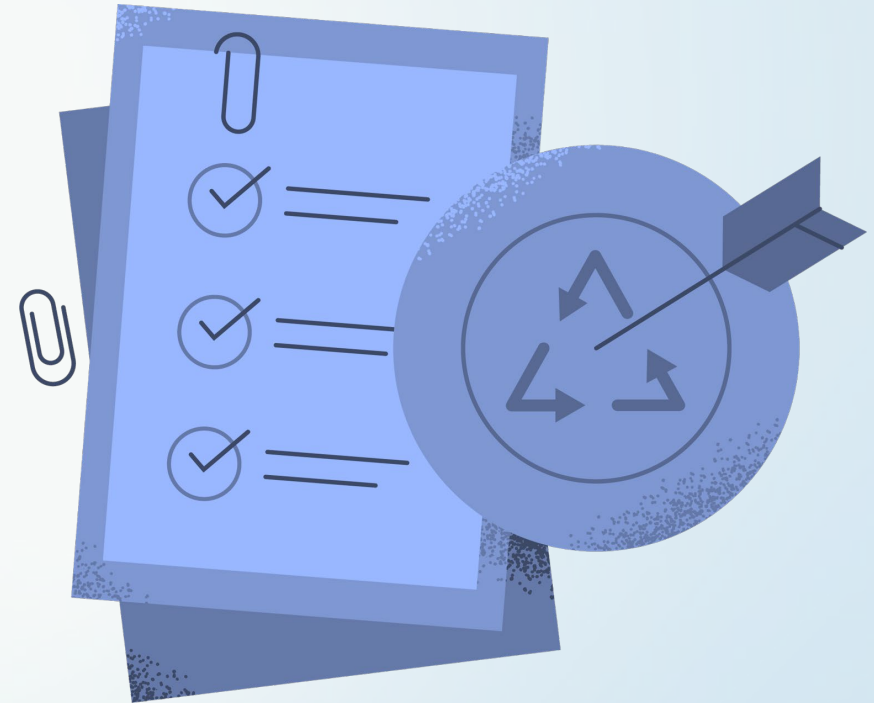
CalRecycle proposes promulgating regulations to further specify annual report requirements related to contact information, including:

- 1) Contact information for program operator and participating producers
 - a) Name of the program operator/participating producers
 - b) Contact name and title
 - c) Mailing and physical addresses
 - d) Email address
 - e) Phone number
 - f) Internet website address
- 2) Updated list of covered batteries and brands, consistent with Topic 1: Submittals

Topic 3: Annual Reports- Executive Summary

Statutory Overview

PRC 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.



Topic 3: Annual Reports- Executive Summary

Regulation Concepts

CalRecycle proposes promulgating regulations to specify annual reports include an executive summary, including:

- 1) Highlights of the 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
- 5) Convenience compared to required convenience level per county

Topic 3: Annual Reports- Costs and Revenues

Statutory Overview

- **PRC 42424.1(a)** Annual reports shall include the program operator's costs and revenues.
- **PRC 42422.1(o)(10)(B)** Stewardship plans shall include a comprehensive statewide education and outreach program, and 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 specified costs.

Topic 3: Annual Reports- Costs and Revenues

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 plan, including education and outreach, and grants, loans, and sponsorships
- 2) Changes to equitable distribution of funding among producers, if applicable
- 3) Costs shared with other program operators, if applicable

Topic 3: Annual Reports- Convenient Collection Statutory Overview



PRC 42424.1(c) Annual reports shall include a list of the stewardship program's collection sites, by name, location, and type.

Topic 3: Annual Reports- Convenient Collection Regulation Concepts

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

- 1) Collection sites per county and per population increment, with contact information
- 2) Convenience standard achieved
 - a) If not met, efforts to comply
- 3) Demonstrate sites are spread throughout counties to facilitate access and convenience

Topic 3: Annual Reports- Battery Management

Statutory Overview

PRC 42424.1(e) Annual reports shall include a list of each battery recycling facility used by the stewardship program, by name and location.

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

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



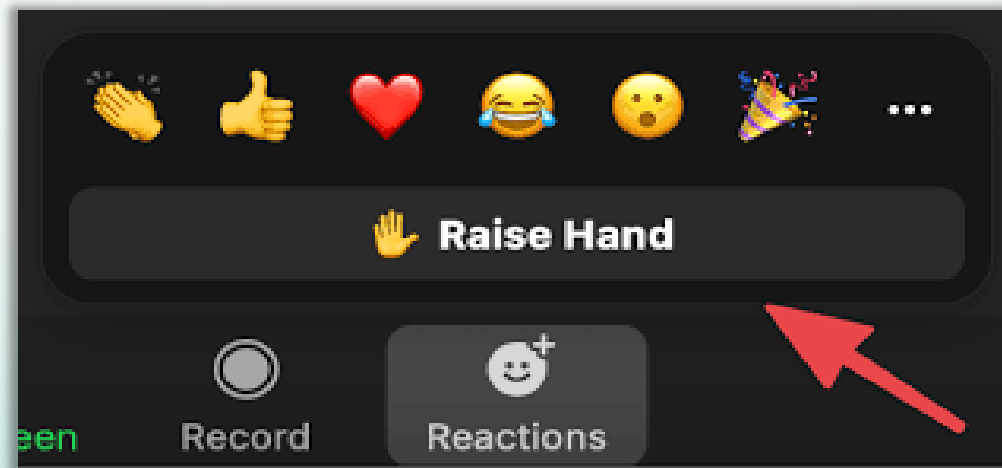
Topic 3: Annual Reports- Battery Management Regulation Concepts

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

- 1) Names and addresses of service providers, including transporters, sorting facilities, recyclers
- 2) Battery chemistries accepted by each recycler
- 3) Battery recycling process for each recycler
- 4) Products that used postconsumer battery content
- 5) Weight of primary and rechargeable batteries recycled, and other disposition methods by chemistry

Questions and Comments

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- To make an oral comment via Zoom, please raise your hand and the host will unmute you.



Topic 3: Annual Reports

Request for 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

Opportunity for Written Feedback

Written feedback and questions may be submitted after the workshop, in one of the following ways:

- Email regulations@CalRecycle.ca.gov with subject line “April 2024 Battery Stewardship Workshop”
- CalRecycle’s public comment portal: [Battery Stewardship Informal Rulemaking Comment Period](#)

We request all written feedback by **Friday, April 19, 2024.**



Ways to Stay Informed



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



Regulations Unit Email for information about the rulemaking process:
Regulations@CalRecycle.ca.gov



Battery Stewardship Team Email for program questions or comments:
Batteries@CalRecycle.ca.gov