

Responsible Battery Recycling Act Informal Rulemaking Workshop

May 29, 2025

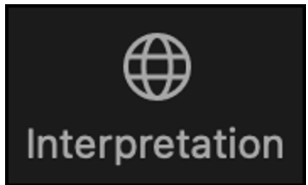
California Department of Resources
Recycling and Recovery



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Agenda

Part I. Statutory Overview of the Responsible Battery Recycling Act

Michelle Cevallos, Supervisor, Battery EPR Unit

Part II. Rulemaking Process in California

David Major, Attorney IV, Circular Economy and Regulations Development Section

Part III. Summary of the Proposed Regulations

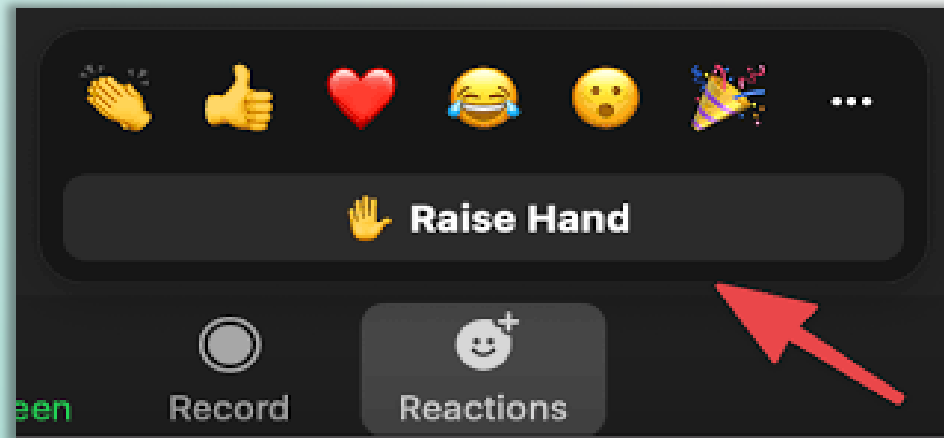
Allyson Williams, Program Manager, Product Stewardship Section 3

Jason Smyth, Program Manager, Battery Compliance Section

Moderated by Karen Kayfetz, Branch Chief, Product Stewardship Branch

Submitting Questions and Feedback

- To make a comment in-person, please line up at the microphone.
- To make a verbal comment via Zoom, please raise your hand and the host will unmute you.
- Submit written feedback after the workshop by **June 12, 2025**, via:
 - CalRecycle's public comment portal: [Battery Stewardship Informal Rulemaking Comment Period](#)
 - Email: regulations@calrecycle.ca.gov
Subject: "May 2025 Responsible Battery Recycling Act Workshop"



Part I. Statutory Overview

Department of Resources Recycling and Recovery

Michelle Cevallos
Supervisor, Battery EPR Unit

Responsible Battery Recycling Act

(AB 2440, Irwin, Chapter 351, Statutes of 2022)

Producers are responsible for:

- Developing and implementing a stewardship program for the collection and recycling of covered batteries.
- Complying individually or collectively through one or more stewardship organizations.



Battery Stewardship Program Overview

Producers design and operate the program by:



Fully funding the stewardship program costs



Providing free and convenient collection sites meeting convenience standards



Performing statewide education and outreach



Developing and implementing proper battery labeling



Achieving minimum recycling efficiency rates by Jan 1, 2027:

- 70% primary batteries
- 60% rechargeable batteries



Annually reporting to CalRecycle

Producer

(1) Manufacturer and brand owner

(2) If no person in the state is (1), then brand owner or exclusive licensee

(3) If no person in the state is (1) or (2), then retailer, importer, or distributor

(4) Covered battery sale is deemed to occur in the state if delivered to purchaser in the state

Reference PRC section 42420.1(j) for the full definition of “producer.”

Covered Battery

(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.

Reference PRC section 42420.1(d) for the full definition of “covered battery.”



Too Heavy



Lead-Acid Battery



Covered Battery Does Not Include

- (A) A primary battery weighing over 2 kg
- (B) A rechargeable battery weighing over 5 kg and more than 300 Watt-hours
- (C) A lead-acid battery
- (D) A battery contained in a motor vehicle (except motorized scooters, skateboards, hoverboard boards)
- (E) A fuel cell electrical generating facility
- (F) Class I devices used in a health care facility or by a medical provider
- (G) A battery that has been recalled

Reference PRC section 42420.1(d) for the full definition of "covered battery"

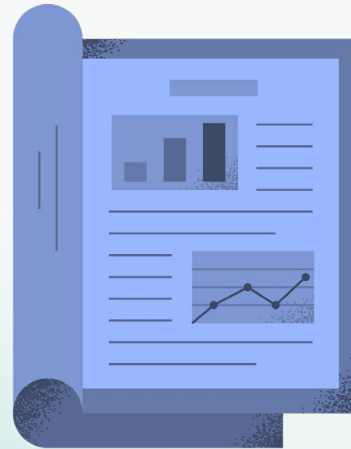
Stewardship Plans

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.

Annual Reports

PRC 42424.1 Program operators 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.



Compliant Producer Lists

PRC 42425 Within 24 months of the effective date of the regulations and on or before July 1 each year thereafter, CalRecycle shall post on the department's website a list of producers that are compliant with the Act and regulations and list, as appropriate, the reported brands of covered batteries for each producer.

Recordkeeping

PRC 42425.3 Entities (producers, program operators, stewardship organization, manufacturers, distributors, retailers, importers, recyclers, or collection sites) are required to keep and maintain records. Entities shall produce records upon request for review by CalRecycle and DTSC to determine compliance. Penalties will be imposed if records are not provided.

Roles and Responsibilities



Advisory Body

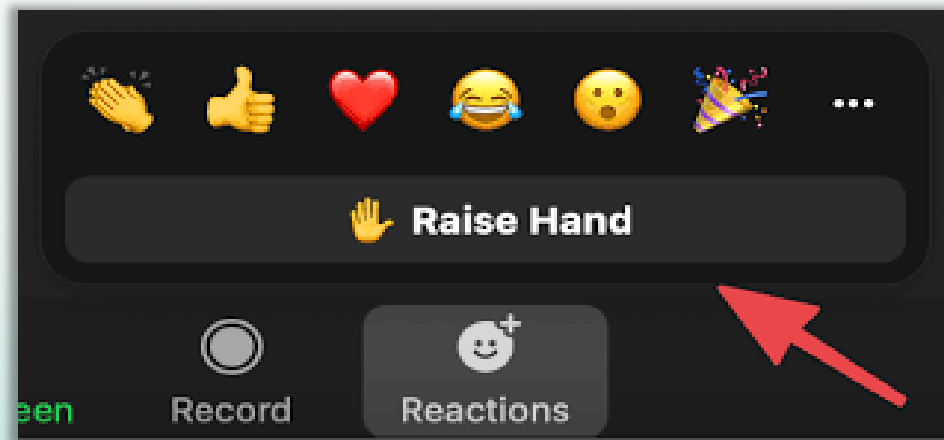


Stewardship Organization

-
- | | | | |
|--|---|--|--|
| <ul style="list-style-type: none">• Adopt regulations no earlier than April 1, 2025• Evaluate stewardship plans• Post list of compliant producers and brands• Evaluate annual reports• Enforcement | <ul style="list-style-type: none">• CalRecycle consults with DTSC during rulemaking• Review stewardship plans before submittal to CalRecycle• Review annual reports, if necessary | <ul style="list-style-type: none">• Appointed by CalRecycle• Provide recommendations during plan development and implementation | <ul style="list-style-type: none">• Producers comply individually or through stewardship organizations• Develop/implement stewardship plan• Fund program• Educate public• Consult with advisory body• Submit annual reports |
|--|---|--|--|

Questions and Comments

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Part II.

Rulemaking Process in California

Department of Resources Recycling and Recovery

David Major

Attorney IV, Circular Economy and Regulations Development Section

Rulemaking Process

From Broad Strokes to Detailed Rules



Regulations are rules, orders, and standards that implement, interpret, and make specific the law.

The rulemaking process is the process by which a governmental agency develops regulations. Generally, the rulemaking process must follow the requirements of the Administrative Procedures Act (Government code 11340-11361).

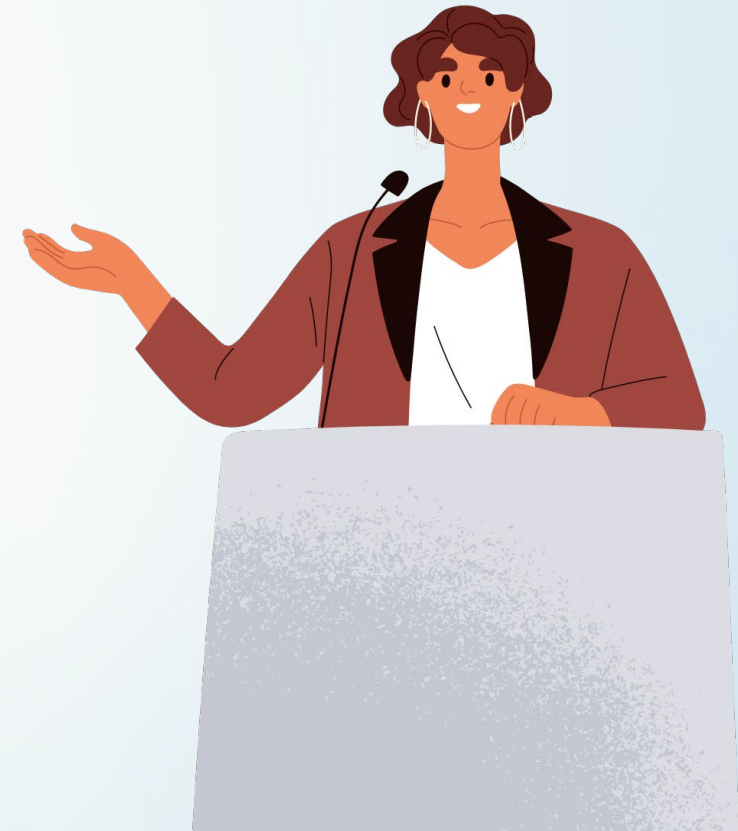
CalRecycle Welcomes Input

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 continues in the next slide ➡

Rulemaking Process at CalRecycle

(continued)

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

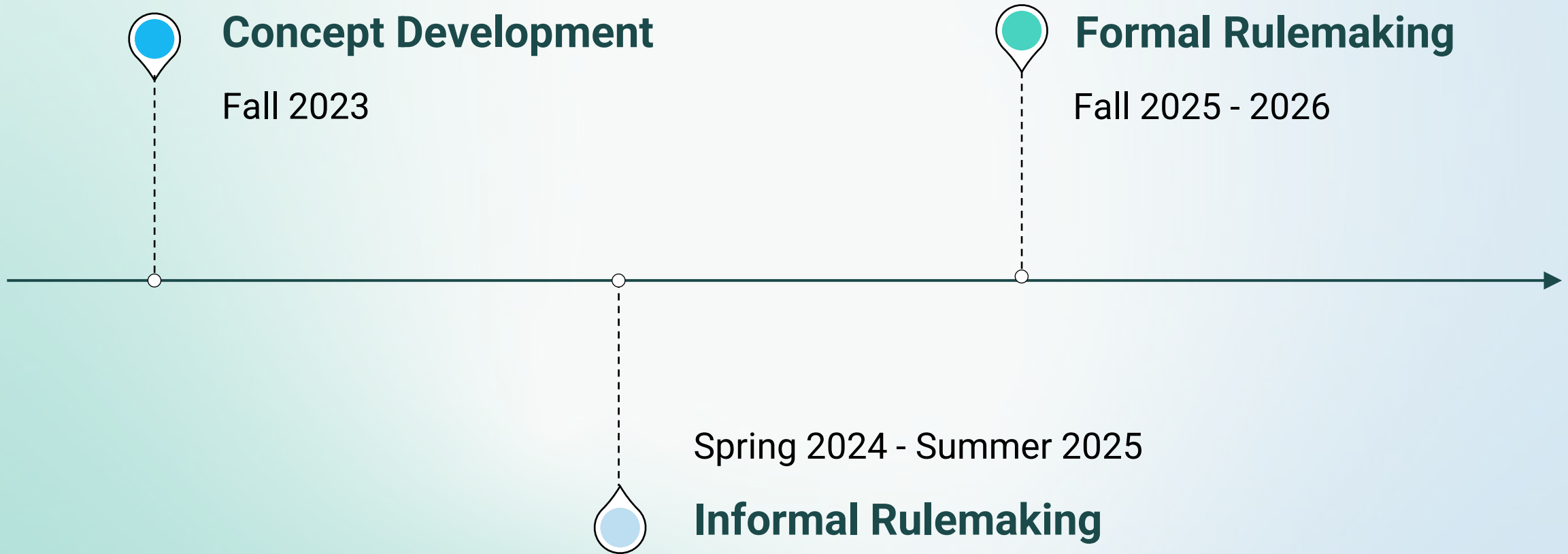
Submit Final Rulemaking Package to Office of Administrative Law (OAL)

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

8

Regulations Become Effective

Timeline for Implementation



Part III.

Overview of the Proposed Regulations

Department of Resources Recycling and Recovery

Allyson Williams

Environmental Program Manager, Product Stewardship Section 3

Jason Smyth

Environmental Program Manager, Battery Compliance Section

Proposed Regulatory Text

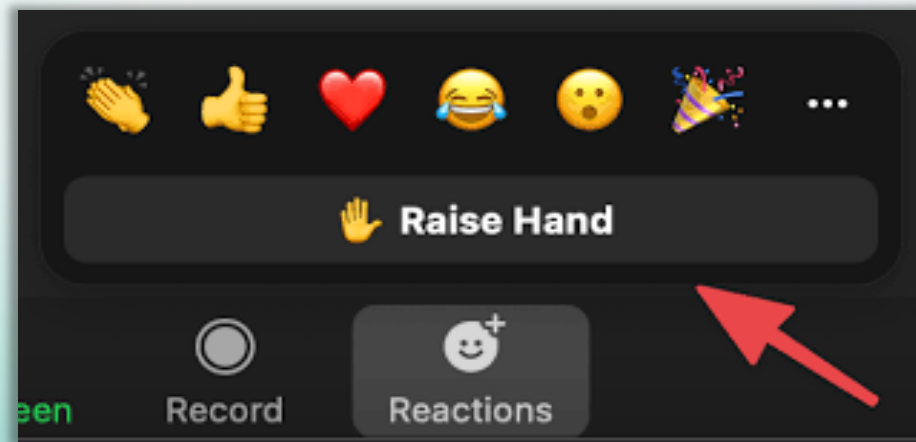


**Title 14, Division 7
Chapter 11, Article 5**

A full draft of the proposed regulatory text is available on CalRecycle's website.

Questions and Comments

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Outline of Proposed Regulations

18976 – Definitions

18976.1 – Program Operator Submittals

18976.2 – Convenient Collection System

18976.3 – Stewardship Plans

18976.4 – Contingency Plans

18976.5 – Stewardship Plan Termination

18976.6 – Stewardship Plan Revocation and Cessation of Program Operator Status

18976.7 – Annual Reports

Outline of Proposed Regulations

(Continued)

18976.8 – Record Keeping

18976.9 – Compliance Evaluation and Determination

18976.10 – Compliant Producer List and Certification Letters

18976.11 – Administrative Civil Penalties

18976.12 – Notices

18976.13 – Procedure for a Hearing

18976.14 – Disciplinary Actions

18976.15 – Information Partially or Wholly Exempt from Disclosure

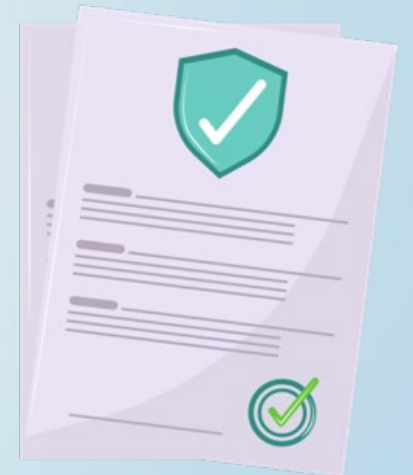
18976.16 – State Agency Coordination and Fees

§ 18976. Definitions

- (1) Act
- (2) All administrative and operational costs
- (3) Brand registration date
- (4) Chemistry of the covered battery
- (5) Common household tools
- (6) Confidential proprietary information
- (7) Damaged or defective battery
- (8) Designed to be easily removed from a product, with no more than common household tools
- (9) DTSC
- (10) Electronic waste recycler
- (11) Participant deregistration date
- (12) Participant registration date
- (13) Permanent collection site
- (14) Recalled battery
- (15) Temporary collection site

§ 18976.1. Program Operator Submittals

- (a) List of Covered Batteries and Brands
- (b) Stewardship Plans
- (c) Notice of Stewardship Program Implementation Status
- (d) Annual Reports
- (e) Five-Year Stewardship Plan Review
- (f) Penalty of Perjury



§ 18976.2. Convenient Collection System

- (a) 2-gallon daily limit on covered battery deposits per consumer at retailer sites
- (b) 15-gallon daily limit on covered battery deposits per consumer at HHW facilities
- (c) Collection sites are not required to collect non-covered batteries
- (d) 90% of sites in each county must be permanent
- (e) Collection sites can participate in multiple stewardship programs
- (f) Program operators cannot share collection containers

§ 18976.3. Stewardship Plan

- (a) Contact information for program operator and participating producers
- (b) Stewardship organization structure and 501(c)(3) verification
- (c) Board of directors' information
- (d) Producer registration and deregistration process
- (e) Audit schedule and process for participating producers
- (f) Advisory body and CalEPA Environmental Justice Task Force consultation
- (g) Program budget and related information for the next 3 calendar years
- (h) Convenient collection system information

§ 18976.3. Stewardship Plan

(continued)

- (i) Management of covered batteries
- (j) Education and outreach
- (k) Battery labeling requirements
- (l) Department of Toxic Substances Control determinations
- (m) Contingency plan
- (n) Stewardship plan objectives
- (o) Authorization for trustee or entity to develop and implement adaptive management strategies

§ 18976.4. Contingency Plan



- (a) Contents of contingency plan
- (b) Program operator responsibilities
- (c) Trustee or entity responsibilities
- (d) CalRecycle's role

§ 18976.5. Stewardship Plan Termination

- (a) Plan expires when terminated by the program operator
- (b) Program operator proposes date of stewardship plan expiration
- (c) Program operator proposes to terminate stewardship plan 180 days before proposed expiration date
- (d) Business date CalRecycle receives notice starts review timeline
- (e) 45-day CalRecycle review period
- (f) Program operator must notify CalRecycle 30-days before actions to dissolve

§ 18976.5. Stewardship Plan Termination

(continued)

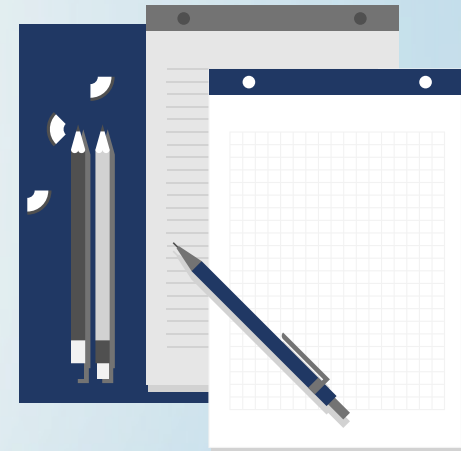
- (g) Immediate notification to CalRecycle upon vote to dissolve
- (h) Monthly meeting with CalRecycle to provide updates on dissolution actions
- (i) Stewardship plan terminates on expiration date unless voided
- (j) Program operator notifies CalRecycle that contingency plan obligations are complete on expiration date
- (k) 30-day CalRecycle review period to accept/deny cessation
- (l) Former program operator responsible for penalties and state agency costs

§ 18976.6. Stewardship Plan Revocation & Cessation of Program Operator Status

- (a)** Program operator continues responsibilities until cessation
- (b)** Within 10 days after plan revocation, program operator notifies CalRecycle that contingency plan obligations were met and requests cessation
- (c)** 30-day CalRecycle review period to accept/deny cessation
- (d)** Former program operator responsible for penalties and state agency costs

§ 18976.7. Annual Reports

- (a) Executive summary
- (b) Contact information and business organization
- (c) Advisory body consultation summary
- (d) Revenue and costs
- (e) Convenient collection system activities
- (f) Covered battery management activities



§ 18976.7. Annual Reports

(continued)

- (g) Education and outreach activities
- (h) Battery labeling activities
- (i) Reports or studies
- (j) Independent audits and compliance audits
- (k) Proposed stewardship plan modifications or revisions
- (l) Contingency plan updates

§ 18976.8. Record Keeping

- (a) Record maintenance and access for regulatory compliance
- (b) Authority for department to enter premises and access records as part of inspections and audits, including required submission of records by certified mail or electronic means when specified
- (c) Enforcement actions for failure to maintain or provide records

§ 18976.8. Record Keeping

(continued)

- (d) Required documentation for program operator
- (e) Required documentation for covered battery retailers
- (f) Required documentation for covered battery importers
- (g) Required documentation for covered battery distributors
- (h) Required documentation for covered battery producers
- (i) Required documentation for covered battery recyclers

§ 18976.9. Compliance Evaluation and Determination

- (a) Department authority for compliance investigation and onsite inspections
- (b) Additional records request by the department
- (c) Determination and daily accumulation of violations for compliance failures, including failure to implement the approved plan
- (d) Penalties for failure to maintain or provide records
- (e) Counting distinct violations
- (f) Circumstances for which an entity is subject to jurisdiction of California courts

§ 18976.10. Compliant Producer List and Certification Letters

- (a) Publication of new list of compliant producers
- (b) Certification letters demonstrating compliance
- (c) Confirming compliance status on CalRecycle website



§ 18976.11. Administrative Civil Penalties

- (a) Issuance of notice of violation
- (b) Penalties for entities in noncompliance
- (c) Service of penalty order
- (d) Penalty determination criteria and process

§ 18976.12. Notices

- (a)** Delivery of notices and disciplinary actions
- (b)** Delivery of notices when no business address is on file
- (c)** Authorized methods for serving accusations in administrative proceedings
- (d)** Issuance date of notices of violation

§ 18976.13. Procedure for Hearing

- (a) Procedures for conducting administrative hearings
- (b) Process and deadline for requesting a hearing
- (c) 15-day notification of hearing procedures
- (d) Department authority to impose disciplinary or remedial actions

§ 18976.14. Disciplinary Actions

- (a) Requirement for notice and hearing before enforcement actions
- (b) Department actions for program operator noncompliance



§ 18976.15. Information Partially or Wholly Exempt from Disclosure

- (a) Records subject to disclosure under the Public Records Act
- (b) Non-disclosure of trade secrets by CalRecycle
- (c) Non-disclosure of confidential proprietary information from audits
- (d) CalRecycle will not post reports submitted with unredacted trade secret, proprietary, or confidential information
- (e) Program operator must identify any information that should not be disclosed and provide legal basis

§ 18976.15. Information Partially or Wholly Exempt from Disclosure

(continued)

(f) Program operator must submit redacted version of each document containing withheld information

(g) Certify that it identified personal information

(h) Information not designated as exempt from disclosure is subject to disclosure under the Public Records Act

(i) CalRecycle will follow PRC section 40062 procedures for determining if information was properly identified as trade secret

(j) Appropriately identified trade secret information remains subject to PRC section 40062 regardless of form it is maintained by the department

§ 18976.16. State Agency Coordination and Fees

- (a) Potential program operators notify CalRecycle of the date they intend to submit an initial stewardship plan
- (b) State agency cost criteria, payment schedule, and cost estimates



Opportunity for Written Feedback

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

- CalRecycle's public comment portal: [Responsible Battery Recycling Act Informal Rulemaking Comment Period](#)
- Email regulations@CalRecycle.ca.gov with subject line "May 2025 Responsible Battery Recycling Act Workshop"

Please submit written comments by Thursday, **June 12, 2025.**



Ways to Stay Informed



Sign-up for Email Updates:
[Battery Stewardship GovDelivery](#)



**Questions about
battery stewardship:**
Batteries@CalRecycle.ca.gov



**Questions about rulemaking
process:**
Regulations@CalRecycle.ca.gov



**Proposed Regulations Email
Updates:**
[Proposed Regulations GovDelivery](#)