

Battery Stewardship Informal Rulemaking Workshop

**AB 2440 Responsible Battery Recycling Act
Regulations**

June 16, 2026

Department of Resources Recycling and Recovery

**Product Stewardship Branch, Product Stewardship
Compliance Branch,**

Regulations & Public Records Unit, Legal Affairs Office

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OVERVIEW AND PURPOSE OF WORKSHOP

The Department of Resources Recycling and Recovery (CalRecycle) has scheduled a workshop on [June 16, 2026](#), from 1 PM to 5 PM, in the Byron Sher Auditorium, located on 2nd Floor, 1001 I Street, Sacramento, CA 95814. The purpose of the workshop is to consult with the public, the regulated community, and other interested persons to solicit feedback on a draft of the proposed regulations for the Responsible Battery Recycling Act of 2022 (the Act), Assembly Bill (AB) 2440 ([Irwin, Chapter 351, Statutes of 2022](#)).

CalRecycle proposed and circulated regulatory text to implement the Act in an informal comment period in May 2025. The purpose of this document is to provide the public with an outline of changes to the proposed regulatory text relative to the version of the text that was released in May 2025. This document focuses on the changed sections in the proposed regulations and does not contain all the modifications made to correct typographical or grammatical errors and changes in numbering or formatting, nor does it contain all the non-substantive revisions made to the proposed regulatory language. The descriptions below are not comprehensive of all changes to the regulatory text. Please review the proposed revised regulations for all additions, deletions, and other changes.

Workshop information can be found on the Battery Stewardship [webpage](#) under *Upcoming Events*.

ABBREVIATIONS AND ACRONYM LIST

- CalRecycle: California Department of Resources Recycling and Recovery
- Department: California Department of Resources Recycling and Recovery
- PRC: Public Resources Code (California Statute)
- CCR: California Code of Regulations (California Regulations)

SECTION 18976. DEFINITIONS

Section 18976(a)(3). “Battery”

CalRecycle added a definition of “battery” to identify common characteristics that distinguish batteries from other products and to make clear that portable and rechargeable batteries commonly referred to as power banks are covered batteries so long as they meet the other requirements for being a covered battery.

Section 18976(a)(4). “Brand”

CalRecycle added a definition of “brand” to address an ambiguity about how a trademark can identify a brand owner or licensee and to explain how a brand is determined for batteries sold with products and batteries currently lacking a trademark on the battery.

Section 18976(a)(13). “Household hazardous waste collection facility”

CalRecycle added a definition of “household hazardous waste collection facility” to adopt the existing definition in Health and Safety Code section 25218.1(e) rather than listing various types of facilities that may collect covered batteries.

Section 18976(a)(17). “Power bank”

CalRecycle added a definition of “power bank” to create a common understanding of the term and provide examples of specific products charged by power banks.

Section 18976(a)(19). “Service provider”

CalRecycle added a definition of “service provider” to specify an important element related to ensuring a program operator is established by producers and is not controlled by non-exempt service providers. To understand whether an entity is controlled by non-exempt service providers, the term “service provider” is necessary to define.

Section 18976(a)(21). “Widespread access and convenience”

CalRecycle added a definition of “widespread access and convenience” to hold program operators to a consistent and enforceable standard.

SECTION 18976.1. PROGRAM OPERATOR SUBMITTALS

No substantive changes.

SECTION 18976.2. CONVENIENT COLLECTION SYSTEM

No substantive changes.

SECTION 18976.3. STEWARDSHIP PLANS

Section 18976.3(a)(2). Stewardship Organization Composition and Control

CalRecycle clarified the meaning of statutory requirements for a stewardship organization established by producers by addressing service provider involvement in corporate governance. CalRecycle deleted the procedure requiring producers to register and deregister with a stewardship organization.

Section 18976.3(a)(4). Budget

CalRecycle clarified financial elements of a program and plan as they relate to the funding obligations of producers and the program operator's obligation to operate in a responsible and prudent manner, including: requirements for program operators to identify any loans and repayment protocols, maintaining separate books and detailing accounting procedures to ensure that the California program can be properly evaluated, and possess a reserve of 50% to 125% of annual expenses. Additionally, CalRecycle explained how a ratio of producer fees to program expenses relates to the program's operation in a prudent and responsible manner, which includes obtaining producer-generated revenue equal to the program's costs over consecutive three-year periods.

Section 18976.3(a)(5). Convenient Collection System

CalRecycle added requirements for program operators to provide collection sites with information on the proper collection and handling of batteries, including damaged, defective, and recalled batteries, and to identify characteristics of batteries that require special handling by collection sites. CalRecycle also deleted requirements for program operators to describe collection containers, list entities notified of the opportunity to serve as a collection site, and identify reasons for excluding potential sites that requested to participate.

Section 18976.3(a)(6). Management of Covered Batteries

CalRecycle consolidated requirements related to providing contact information for service providers and deleted requirements for descriptions of materials recovered from recycled covered batteries and management of residual materials.

Section 18976.3(a)(8). Labeling

CalRecycle deleted the requirement for program operators to describe how they will coordinate with other program operators to develop strategies to implement proper labeling of covered batteries, which is already required by statute. CalRecycle added the requirement for producers to include the brand name on labels on covered batteries and its packaging.

SECTION 18976.4. CONTINGENCY PLANS

CalRecycle substantially revised this section. Specifically, CalRecycle broadened options for financial assurances and the performance of contingency plan obligations, including the addition of new methods in addition to a trust for giving a financial assurance, appropriate requirements for the broadened financial assurances, and alternatives to the assignment of contracts. CalRecycle also specified records that program operators must provide to CalRecycle monthly after submitting a notice to terminate their plan or receiving a notice of intended plan revocation. Additionally, CalRecycle deleted requirements for a trustee to have requisite industry knowledge.

SECTION 18976.5. STEWARDSHIP PLAN TERMINATION

CalRecycle substantially revised this section. Under the revised approach, terminating program operators can continue to administer their programs rather than trigger the contingency plan. The contingency plan would activate if the program operator defaults

on its obligations. This led to the revision of the termination deadline. CalRecycle also deleted requirements for submitting financial data, a partial annual report, an independent audit, and a letter from the trustee on the plan expiration date from this section. CalRecycle deleted the requirement for program operators to meet with CalRecycle monthly after notifying CalRecycle of impending termination.

SECTION 18976.6. STEWARDSHIP PLAN REVOCATION AND CESSATION OF PROGRAM OPERATOR STATUS

Section 18976.6(a).

CalRecycle added language listing circumstances specifically included as grounds for revocation of a program operator's stewardship plan.

Section 18976.6(c).

CalRecycle deleted requirements for submitting financial data, a partial annual report, an independent audit, and a letter from the trustee upon revocation of a stewardship plan from this section, because section 18976.4 now requires program operators to provide CalRecycle with specified records monthly and other records at upon self-execution of the contingency plan. Additionally, the timeline for a program operator to provide written electronic notice that it has completed its obligations and request cessation of program operator status was revised from 10 days to within 14 calendar days after the stewardship plan's revocation date.

Section 18976.6(e)(3).

CalRecycle clarified that former program operators remain liable for violations and civil penalties arising from their failure to fulfill their financial assurances obligations.

SECTION 18976.7. ANNUAL REPORTS

Section 18976.7(a)(2).

CalRecycle revised this section to obtain updated information to ensure that stewardships continue to adhere to the corporate governance elements of their plan.

Section 18976.7(a)(4). Financing Mechanism

CalRecycle revised this section to obtain updated information and ensure that the plan requirements from producer funding and responsible and prudent information are being achieved. CalRecycle deleted the requirement for a description of changes to its methodology for equitable distribution of program costs. CalRecycle added a requirement for program operators to report and explain changes to the upcoming year's budget allocations.

Section 18976.7(a)(5). Convenient Collection System

CalRecycle deleted a requirement for program operators to report details of collection site training. CalRecycle also added requirements for program operators to identify any county where it did not meet the convenience requirements and to identify the number of consumer complaints regarding collection sites that accept covered batteries.

Section 18976.7(a)(6). Management of Covered Batteries

CalRecycle clarified reporting requirements for the disposition of covered battery materials and added a requirement for program operators to report violations, penalties, and other disciplinary actions related to the program operator or its service providers.

Section 18976.7(a)(8). Labeling

CalRecycle specified reporting requirements pertaining to program operator and producer responsibilities to ensure proper labeling of covered batteries, including identifying the required actions prior to and after the January 1, 2031, labeling deadline.

Section 18976.7(a)(10). Audits

CalRecycle specified that independent audits must include an attestation that the program operator maintain separate books for the California program and allocated costs to the California program in the manner specified in the approved plan.

SECTION 18976.8. RECORD KEEPING

Section 18976.8(a).

CalRecycle clarified that records must be maintained for three years, provided to CalRecycle and DTSC upon request, and that the requests can be made via writing, electronically, or verbally. All record requests of a regulated entity require a written response to be made.

Section 18976.8(b).

CalRecycle specified the timing that records must be made available to DTSC upon request, and that the requests can be made via writing, electronically, or verbally.

Section 18976.8(e)(5).

CalRecycle clarified that the program operator must maintain records of complaints, penalties, or violations against specific.

Section 18976.8(e)(6).

CalRecycle clarified that the program operator must maintain records of how complaints on the collection of covered batteries were addressed.

Section 18976.8(f)(1).

CalRecycle deleted a requirement for retailers to maintain records that identify the producer of the covered batteries or self-identify as the producer, if applicable. CalRecycle added a requirement for retailers to maintain documentation to identify the entity from which the retailer purchased the batteries and the date(s) on which the purchase occurred.

Section 18976.8(j)(2).

CalRecycle specified that recyclers must maintain documents that demonstrate compliance of regulated entities if obtained in the normal course of business.

Section 18976.8(j)(5).

CalRecycle specified that recyclers must maintain documents identifying the chemistry of covered batteries received.

SECTION 18976.9. COMPLIANCE EVALUATION AND DETERMINATION

Section 18976.9(a).

CalRecycle specified that investigations require entities to produce records requested by DTSC.

Section 18976.9(c).

CalRecycle deleted all previous language in this subsection, which specified how violations are counted.

Section 18976.9(d).

CalRecycle specified that program operators have a non-delegable duty to ensure that all handling, transporting, and processing of covered batteries under the stewardship program comply with all applicable laws and regulations. If entities operating under the program operator's plan are in violation of those laws or regulations, the program operator is also in violation.

Sections 18976.9(e) through (e)(2).

CalRecycle revised how penalties and violations accrue in the absence or failure to provide records.

SECTION 18976.10. COMPLIANT PRODUCER LIST AND CERTIFICATION LETTERS

No substantive changes.

SECTION 18976.11. ADMINISTRATIVE CIVIL PENALTIES

Section 18976.11(d)(2).

CalRecycle clarified how the number and severity of violations factor into a penalty determination.

SECTION 18976.12. NOTICES

No substantive changes.

SECTION 18976.13. PROCEDURE FOR A HEARING

No substantive changes.

SECTION 18976.14. DISCIPLINARY ACTIONS

Section 18976.14(b)(2).

CalRecycle added language to clarify that if a terminating program operator has defaulted on its obligations, their continued service shall be revoked.

SECTION 18976.15. INFORMATION PARTIALLY OR WHOLLY EXEMPT FROM DISCLOSURE

No substantive changes.

SECTION 18976.16. STATE AGENCY COORDINATION AND FEES

No substantive changes.