

ASSEMBLY BILL

No. 488

Introduced by Assembly Member Williams

February 19, 2013

An act to add Article 3 (commencing with Section 42450.1) to Chapter 8 of Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 488, as introduced, Williams. Recycling: household batteries.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, requires retailers of rechargeable batteries to have in place a system for the acceptance and collection of rechargeable batteries.

The bill would require a producer of single-use primary household batteries or a single-use primary household battery stewardship organization created by one or more producers to submit a single-use primary household battery stewardship plan to the department.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In early 2006, all household batteries were classified by the
- 4 state as universal waste and prohibited from being disposed of in
- 5 solid waste landfills.

1 (b) Effective July 1, 2006, state law prohibits most retailers
2 from selling rechargeable batteries in the state unless they have a
3 system in place for collecting used rechargeable batteries from
4 consumers.

5 (c) Rechargeable battery producers are subject to a mandatory
6 take-back system pursuant to Section 42453 of the Public
7 Resources Code, and the Department of Resources Recycling and
8 Recovery is required to annually report on the estimated amount
9 of rechargeable batteries recycled in the state the previous calendar
10 year.

11 (d) Approximately 80 percent of batteries sold in this state are
12 alkaline batteries and are not covered under the retail take-back
13 requirements specified in subdivision (c).

14 (e) Local governments throughout the state are responsible for
15 the collection and management of household batteries, and to
16 manage this hazardous waste, these local governments and
17 taxpayers pay a range of between eight hundred dollars (\$800) per
18 ton to two thousand seven hundred dollars (\$2,700) per ton, or
19 tens of millions of dollars each year.

20 (f) Because other types of recycling programs have proven to
21 have limited success, state and regional governments in Europe
22 and Canada have adopted producer responsibility programs to
23 redirect the responsibility for the end-of-life management of
24 discarded hazardous and hard-to-manage products from local
25 governments and retailers primarily to producers.

26 (g) After many public hearings and discussions, the former
27 California Integrated Waste Management Board adopted an overall
28 Framework for an Extended Producer Responsibility (EPR)
29 guidance document as a policy priority in January 2008.

30 (h) The program established by Article 3 (commencing with
31 Section 42450.1) of Chapter 8 of Part 3 of Division 30 of the Public
32 Resources Code, by Section 2 of this act, is intended to reduce
33 costs to local government, to harmonize the state's producer
34 responsibility obligations with other national and international
35 programs, and to enhance the protection of public health and
36 environment through safer product design, use, reuse, and
37 end-of-life management.

38 SEC. 2. Article 3 (commencing with Section 42450.1) is added
39 to Chapter 8 of Part 3 of Division 30 of the Public Resources Code,
40 to read:

1 Article 3. Product Stewardship for Single-Use Household
2 Batteries
3

4 42450.1. For purposes of this article, and unless the context
5 otherwise requires, the definitions in this section govern the
6 construction of this article.

7 (a) “Single-use primary household battery” means a household
8 battery, as defined in subdivision (c) of Section 42450, that is a
9 primary battery.

10 (b) “Primary battery” means an electric cell that generates an
11 electromotive force by the direct and usually irreversible
12 conversion of chemical energy into electrical energy and that
13 cannot be recharged efficiently by an electric current.

14 (c) “Single-use primary household battery stewardship
15 organization” means a nonprofit organization created by the one
16 or more producers to implement the single-use primary household
17 battery stewardship program.

18 42450.2. On or before January 1, 2015, a producer of single-use
19 primary household batteries or a single-use primary household
20 battery stewardship organization shall submit a household battery
21 stewardship plan to the department.