

AMENDMENTS TO ASSEMBLY BILL NO. 1509

Amendment 1

In the title, in line 1, strike out “amend Section 15013 of” and insert:

add Section 42450.6 to

Amendment 2

On page 2, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) Lithium-ion batteries are commonly found in everyday electronics, including cell phones, tablets, laptops, power tools, and toys. According to Call2Recycle, California consumes approximately 64 million lithium-ion batteries a year.

(b) These batteries store high levels of energy. If improperly disposed of, they pose a serious fire and safety hazard to waste collecting and processing infrastructure and workers.

(c) According to Fire Rover, more than 1,700 fires occurred in the United States and Canada in 2017 as a result of lithium-ion batteries. Resource Recycling Systems estimates that between 75 percent and 92 percent of lithium-ion batteries are disposed of improperly.

(d) In 2016, a lithium-ion battery started a fire at the Shoreway Recycling Center in the County of San Mateo, which threatened the safety of workers at the center, caused millions of dollars in damage, and shut the center down for 90 days.

(e) Each new lithium-ion battery deposited into the waste stream could cause another catastrophic fire.

(f) Given the increased consumption of lithium-ion batteries, the state must ensure the proper disposal of those batteries to protect California’s communities and workers from these hazards.

SEC. 2. It is the intent of the Legislature to enact legislation to amend the Electronic Waste Recycling Act of 2003 to allow for the recovery and recycling of lithium-ion batteries and products containing lithium-ion batteries under the existing program established by the act.

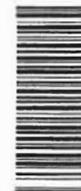
SEC. 3. Section 42450.6 is added to the Public Resources Code, to read:

42450.6. (a) For purposes of this section, the following definitions apply:

(1) “Covered battery” means a lithium-ion battery or battery pack that is sold separately or is sold with an electronic product and is removable from the electronic product.

(2) “Covered battery-embedded product” means a product containing a lithium-ion battery or battery pack that is not designed to be removed from the electronic product by the consumer. “Covered battery-embedded product” does not include either of the following:

(A) A Class III medical device, as specified in Section 360c of Title 21 of the United States Code.



(B) A Class II medical device, as specified in Section 360c of Title 21 of the United States Code, that is not exempt from Section 360(k) of Title 21 of the United States Code.

(3) "Mail-back program" has the same meaning specified in subdivision (m) of Section 42030 of the Public Resources Code.

(4) "Manufacturer" means any of the following:

(A) The person or company that manufactures covered batteries and that sells, offers for sale, or distributes the covered batteries in the state.

(B) If there is no person or company that meets the description in subparagraph (A), the manufacturer of the covered batteries is the person or company that imports the covered batteries into the state for sale or distribution.

(C) If there is no person or company that meets either description in subparagraph (A) or (B), the manufacturer is the person or company that sells the covered batteries in the state.

(5) "Retailer" means a person or company who sells, offers for sale, imports, or distributes a covered battery-embedded product in the state.

(6) "Program" means the Lithium-Ion Battery Recycling Program.

(7) "Stewardship program" means a program established by manufacturers pursuant to paragraph (4) of subdivision (b) for the free and convenient collection, transportation, and disposal of covered batteries.

(b) (1) The Lithium-Ion Battery Recycling Program is hereby established in the department.

(2) By March 1, 2021, and by March 1 of each year thereafter, the department shall track the total number of covered batteries and the total number of covered battery-embedded products disposed of in the state in the previous year.

(3) Manufacturers and retailers shall achieve the following recycling rates for covered batteries and covered battery-embedded products, respectively, based on the total number of covered batteries and covered battery-embedded products disposed of in the previous year, as determined pursuant to paragraph (2):

(A) Twenty-five percent by December 31, 2025.

(B) Fifty percent by December 31, 2028.

(C) Seventy-five percent by December 31, 2031.

(D) Ninety percent by December 31, 2034.

(4) (A) A manufacturer shall establish and implement a stewardship program for covered batteries independently or as part of a group of manufacturers through membership in a stewardship organization.

(B) By January 1, 2022, the department shall adopt regulations requiring manufacturers to establish or join a stewardship program for covered batteries.

(5) A retailer may achieve the recycling rates specified in paragraph (3) through any of the following mechanisms:

(A) The retailer may establish a take-back program for covered battery-embedded products in which the retailer offers consumers covered battery-embedded product take-back services through collection receptacles or a mail-back program.

(B) The retailer may establish a deposit system in which the retailer charges a refundable deposit sufficient to encourage recovery of a covered battery-embedded product sold by the retailer and refunds the deposit if the consumer returns the covered battery-embedded product to the retailer.

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Substantive

(C) If a retailer is participating in an existing battery recycling program that includes covered batteries, in addition to any other type of batteries, the retailer may include covered battery-embedded products in that program if the department determines that the inclusion of covered battery-embedded products in that battery recycling program would accomplish the intent of the program.

Amendment 3

On page 2, strike out lines 1 to 33, inclusive, and strike out pages 3 and 4

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