

Battery Interest Groups Release Model Legislation for Extended Producer Responsibility

Article By:

Elizabeth M. Richardson

Jessalee L. Landfried

On June 12, 2014, the **Corporation for Battery Recycling**, the **National Electric Manufacturers Association (NEMA)**, the **Rechargeable Battery Association (PRBA)** and **Call2Recycle, Inc.** released [model legislation](#) addressing the collection and recycling of both primary and small rechargeable consumer batteries. The model legislation arrives on the heels of the Vermont legislature's recent passage of H.695, the first law in the country mandating extended producer responsibility for the recycling of single-use primary batteries.

The **Model Consumer Battery Stewardship Act** requires that producers of primary and rechargeable batteries submit and comply with battery stewardship plans that mandate specified collection rates for covered batteries. The legislation is expected to be introduced in certain state legislatures in 2015.

The model legislation would impose requirements on producers, retailers, and wholesalers of primary batteries, small rechargeable batteries (e.g., lithium ion), and products containing such batteries (excluding Class II and III medical devices, and devices with non-removable batteries). The law would require producers of consumer batteries and products containing such batteries to submit and implement a stewardship plan outlining how they will set up and run a collection system for consumers. The producers' plans would be required to achieve a minimum ten percent collection rate two years after implementation, and twenty-percent five years after implementation. The law would eventually require retailers and wholesalers to exclusively sell compliant batteries and covered battery-containing products.

The legislation would also impose reporting and labeling requirements, allow participating producers to bring private action against non-participating producers, and preempt all state and local laws relating to battery stewardship. The battery groups hope the legislation will serve as a model for other states considering extended producer responsibility for batteries.

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