

BILL ANALYSIS

AB 1125

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CONCURRENCE IN SENATE AMENDMENTS
 AB 1125 (Pavley)
 As Amended September 2, 2005
 Majority vote

ASSEMBLY:	48-29	(June 2, 2005)	SENATE:	26-14	(September 7, 2005)
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Original Committee Reference: E. S. & T. M.

SUMMARY : Enacts the Rechargeable Battery Recycling Act of 2006, and requires retailers of rechargeable batteries, by July 1, 2006, to establish a system for accepting rechargeable batteries for reuse, recycling, or proper disposal.

The Senate amendments:

- 1) Change the name of the Act from the Household Battery Recycling Act of 2006 to the Rechargeable Battery Recycling Act of 2006.
- 2) Require retailers of rechargeable batteries sold in the state, on and after July 1, 2006, to have a system for accepting and collecting used rechargeable batteries for reuse, recycling, or proper disposal. A retailer is not subject to this requirement if the rechargeable batteries are contained in, or packaged with, a battery operated device. The system must include a no cost take-back and distribution of information to consumers about recycling opportunities.
- 3) Specify that, if a retailer is participating in an existing battery recycling system, which includes rechargeable batteries in addition to any other types of batteries, and that system otherwise complies with the requirements of this article, then the retailer may continue to participate in the existing system and is not required to implement or participate in a system that only includes recycled batteries.
- 4) Provide that it is unlawful to sell a rechargeable battery to a consumer in this state unless the retailer of that battery complies with the Act.

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5) Require the Department of Toxic Substances Control (DTSC), on or before July 1, 2007, and each July 1 thereafter, to post on its Web site an estimated amount, by weight, of each type of rechargeable battery returned for recycling in California during the previous year. DTSC shall get that data by surveying a representative sample of battery handling and battery recycling facilities.

6) Provide definitions and related legislative intent.

EXISTING LAW :

- 1) Contains, under the California Integrated Waste Management Act of 1989, requirements for recycling certain types of materials, including metallic discards, papers, plastic trash bags, plastic packaging containers, cell phones, paving materials, and waste tires.
- 2) Prohibits, under the Dry Cell Management Act (Public Resources Code Section 15000 et seq.) the sale of any rechargeable consumer product in the state unless the battery is easily removable from the product, and the product and battery meet certain labeling requirements. The Act also sets limitations on the amount of mercury in batteries.
- 3) Prohibits, under DTSC's Universal Waste Rule, disposal of household batteries in solid waste landfills but provides a temporary exemption, which expires February 8, 2006, for non-rechargeable household batteries. After the exemption expires, all household batteries in California must be recycled or properly discarded.

AS PASSED BY THE ASSEMBLY , this bill was significantly broader and required every retailer of household batteries to take back used household batteries for reuse, recycling, or proper disposal, at no cost to the customer. Specifically, this bill :

- 1) Defined "household battery" for purposes of the Household Battery Recycling Act of 2006 (Act) to include all batteries used in homes with limited exemptions.
- 2) Exempted certain retailers.
- 3) Required DTSC to post an estimated household battery recycling

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rate on its Web site annually beginning July 1, 2007.

- 4) Required state agencies that purchase household batteries to require bidders to certify that it and its subsidiaries, joint ventures, and subcontractors have complied with the Act as a requirement for bid eligibility. Provided that if state a contractor violates the Act the contract shall be voided and the contractor ineligible to bid on state contracts for three years.

FISCAL EFFECT : According to the Senate Committee on Appropriations, pursuant to Senate Rule 28.8, minor or absorbable costs.

COMMENTS :

- 1) Though the Senate amendments narrowed the scope of the bill by limiting it to rechargeable batteries, they are consistent with the policy of the Assembly version. Specifically, this bill will make recycling rechargeable batteries more convenient and will reduce the toxicity of the seepage from California's landfills.
- 2) Current law prohibits disposal of rechargeable batteries in landfills. However, despite current law the author asserts that less than 5% of rechargeable batteries are being recycled each year. The goal of this bill is to build on existing voluntary free retailer based recycling programs already in place at several thousand retail locations throughout California. Even with the thousands of locations to recycle rechargeable batteries, most people do not utilize them, presumably because they forget or because it is not convenient.
- 3) According to DTSC, rechargeable Ni-Cd batteries account for 75% of the toxic cadmium found in landfills. In addition to being a known carcinogen, cadmium exposure can cause lung and kidney damage and may cause immunosuppression and hypertension.

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