

BILL ANALYSIS

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| SENATE RULES COMMITTEE | AB 1125 |
| Office of Senate Floor Analyses |
| 1020 N Street, Suite 524 |
| (916) 445-6614 Fax: (916) |
| 327-4478 |
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THIRD READING

Bill No: AB 1125
 Author: Pavley (D), et al
 Amended: 9/2/05 in Senate
 Vote: 21

SENATE ENV. QUALITY COMMITTEE : 5-2, 6/27/05
 AYES: Lowenthal, Chesbro, Figueroa, Kuehl, Simitian
 NOES: Runner, Cox
 NO VOTE RECORDED: Campbell, Escutia

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8

ASSEMBLY FLOOR : 48-29, 6/2/05 - See last page for vote

SUBJECT : Rechargeable Battery Recycling Act
SOURCE : Californians Against Waste

DIGEST : This bill 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.

Senate Floor Amendments of 9/2/05 clarify (1) the different types of rechargeable batteries, (2) that if a retailer is participating in an expanded recycling program that encompasses rechargeable batteries, as well as non-rechargeable batteries, that nothing in this chapter prohibits the retailer from continuing to do so, and (3)
 CONTINUED

AB 1125
 Page

2

that the Department of Toxics Substance Control shall survey and post only rechargeable battery data which is consistent with this chapter.

ANALYSIS : Existing law, under the California Integrated Waste Management Act of 1989, contains requirements for recycling certain types of materials, including metallic discards, papers, plastic trash bags, plastic packaging containers, cell phones, paving materials, and waste tires.

Under the Dry Cell Management Act prohibits 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.

This bill enacts the Rechargeable Battery Recycling Act of 2006. The provisions are as follows:

- 1.Requires every retailer 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 certain elements (e.g., a no cost take-back, providing information to consumers about recycling opportunities).
- 2.Provides that it is unlawful to sell a rechargeable batter to a consumer in this state unless the retailer of that battery complies with the Act.
- 3.Requires 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 state

recycling rate for hazardous rechargeable batteries.
 4.Provides definitions and related legislative intent.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
 Local: No

AB 1125
 Page

3

SUPPORT : (Verified 9/2/05)

Californians Against Waste (source)
 American Federation of State, County and Municipal
 Employees
 Azusa California Alliance for Consumer Protection
 California League of Conservation Voters,
 Cities of Concord, Maywood, Pico Rivera, San Fernando, San
 Francisco, San Pablo, and Sebastopol
 Central Contra Costa Solid Waste Authority
 Clean Water Action
 Environment California
 Planning and Conservation League
 Santa Cruz County Board of Supervisors
 Sierra Club
 ToxCo

ARGUMENTS IN SUPPORT : Supporters generally note that a
 battery take-back and recycling system is needed to reduce
 the illegal disposal of hazardous waste in landfills, and
 believe that this bill provides a "convenient, no-cost
 method for consumers to ensure the safe and environmentally
 sound disposal of [batteries]."

ARGUMENTS IN OPPOSITION : The Portable Rechargeable
 Battery Association (PTBA) is concerned with the DTSC
 requirement to estimate an annual recycling rate for
 rechargeable batteries. PRBA asserts that "there is no
 accurate, or even estimated, methodology, to generate a
 denominator for a recycling rate calculation" and
 recommends a "weight-based calculation." _

ASSEMBLY FLOOR :

AYES: Arambula, Baca, Bass, Berg, Bermudez, Calderon,
 Canciamilla, Chan, Chavez, Chu, Cohn, Coto, De La Torre,
 Dymally, Evans, Frommer, Goldberg, Hancock, Harman,
 Jerome Horton, Jones, Karnette, Klehs, Koretz, Laird,
 Leno, Levine, Lieber, Liu, Matthews, Montanez, Mullin,
 Nation, Nava, Negrete McLeod, Oropeza, Parra, Pavley,
 Ridley-Thomas, Ruskin, Saldana, Salinas, Torrico, Umberg,
 Vargas, Wolk, Yee, Nunez
 NOES: Aghazarian, Benoit, Blakeslee, Bogh, Cogdill,
 Daucher, DeVore, Emmerson, Garcia, Haynes, Shirley

AB 1125
 Page

4

Horton, Houston, Huff, Keene, La Malfa, La Suer, Leslie,
 Maze, McCarthy, Mountjoy, Nakanishi, Niello, Plescia,
 Sharon Runner, Spitzer, Strickland, Tran, Walters, Wyland
 NO VOTE RECORDED: Gordon, Richman, Villines

CTW:cm 9/2/05 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****

