

STATE OF NEW YORK

7339

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. GLICK -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to rechargeable battery recycling

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The article heading of article 27 of the environmental conservation law is amended to read as follows:

REDUCTION, COLLECTION, REUSE, RECYCLING,
TREATMENT AND DISPOSAL OF [~~REFUSE AND OTHER~~] SOLID WASTE AND
EXTENDED PRODUCER RESPONSIBILITY

§ 2. The title heading of title 18 of article 27 of the environmental conservation law, as added by chapter 562 of the laws of 2010, is amended to read as follows:

EXTENDED PRODUCER RESPONSIBILITY FOR
RECHARGEABLE [~~BATTERY RECYCLING~~] BATTERIES

§ 3. Section 27-1801 of the environmental conservation law, as added by chapter 562 of the laws of 2010, is amended to read as follows:

§ 27-1801. Short title.

This title shall be known as and may be cited as the "[~~New York State~~]
Extended Producer Responsibility Law for Rechargeable [~~Battery Law~~]
Batteries".

§ 4. Subdivision 4 of section 27-1803 of the environmental conservation law, as added by chapter 562 of the laws of 2010, is amended to read as follows:

4. "rechargeable battery" means any rechargeable nickel-cadmium, sealed lead, lithium ion, nickel metal hydride battery, or any other such dry cell battery capable of being recharged weighing less than twenty-five pounds, or battery packs containing such batteries, includ-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 ing rechargeable batteries embedded in consumer devices such as toys,
2 appliances and personal care devices; but shall not include a battery
3 used as the principal electric power source for a vehicle, such as, but
4 not limited to, an automobile, boat, truck, tractor, golf cart or wheel-
5 chair, except such term shall include a battery used as the principal
6 electric power source for an electric scooter or bicycle with electric
7 assist; for storage of electricity generated by an alternative power
8 source, such as solar or wind-driven generators; or for memory backup
9 that is an integral component of an electronic device;

10 § 5. Paragraphs a and d of subdivision 1 of section 27-1807 of the
11 environmental conservation law, as added by chapter 562 of the laws of
12 2010, are amended to read as follows:

13 a. Retailers having a place of business in the state shall accept from
14 consumers at any time during normal business hours rechargeable
15 batteries of a similar size and shape as the retailer offers for sale.
16 Retailers shall take up to ten such batteries per day from any person
17 regardless of whether such person purchases replacement batteries, and
18 retailers shall also accept as many such batteries as a consumer
19 purchases from the retailer. Retailers shall conspicuously post and
20 maintain, at or near the point of entry to the place of business, a
21 legible sign, not less than eight and one-half inches by eleven inches
22 in size, stating that used rechargeable batteries of the size and shape
23 sold or offered for sale by the retailer may not enter the solid waste
24 stream, and that the retail establishment is a collection site for recy-
25 cling such batteries. Such sign shall state the following in letters at
26 least one inch in height: "It is illegal to dispose of rechargeable
27 batteries in [~~the state of~~] New York State as solid waste, including
28 rechargeable batteries embedded in consumer devices such as toys, appli-
29 ances and personal care devices. We accept used rechargeable batteries
30 for return to the manufacturer."

31 d. Retailers must be in compliance with the provisions of this subdi-
32 vision no later than one hundred eighty days after the effective date of
33 this title or, with respect to a product that is added to the definition
34 of "rechargeable battery" in subdivision four of section 27-1803 of this
35 title, no later than one hundred eighty days after the effective date of
36 the chapter of the laws of two thousand twenty-three that amended such
37 subdivision.

38 § 6. Paragraphs a and b of subdivision 2 of section 27-1807 of the
39 environmental conservation law, as added by chapter 562 of the laws of
40 2010, are amended to read as follows:

41 a. Within ninety days of the effective date of this title or, with
42 respect to a product that is added to the definition of "rechargeable
43 battery" in subdivision four of section 27-1803 of this title, within
44 ninety days of the effective date of the chapter of the laws of two
45 thousand twenty-three that amended such subdivision, submittance to the
46 commissioner of a plan that identifies the methods by which battery
47 manufacturers will safely collect, transport, and recycle rechargeable
48 batteries collected by retailers at the expense of the battery manufac-
49 turer and provide retailers with information on the safe handling and
50 storage of rechargeable batteries.

51 b. Submittance to the department of annual reports, on a form
52 prescribed by the department, concerning the amount of rechargeable
53 batteries received within the state and recycled either by number or by
54 weight; the costs of such efforts; and any other relevant information as
55 required by the department. Such reports shall include the weight of

1 rechargeable batteries received within a city with a population of one
2 million or more.

3 § 7. Subdivision 2 of section 27-1807 of the environmental conserva-
4 tion law is amended by adding a new paragraph d to read as follows:

5 d. Providing for the safe collection and disposal of damaged, defec-
6 tive, or recalled batteries collected by retailers and by government
7 agencies.

8 § 8. Section 27-1809 of the environmental conservation law is amended
9 by adding a new subdivision 5 to read as follows:

10 5. In addition to any enforcement of this title by the commissioner
11 pursuant to subdivision four of this section, in a city with a popu-
12 lation of one million or more, the provisions of section 27-1805 and
13 subdivision one of section 27-1807 of this title may be enforced by an
14 agency or agencies designated by the mayor of such city. Any notice of
15 violation issued by an agency designated by the mayor of such city
16 charging a violation of section 27-1805 and subdivision one of section
17 27-1807 of this title shall be returnable to the office of administra-
18 tive trials and hearings of such city. Such office of administrative
19 trials and hearings shall have the power to impose the civil penalties
20 set forth in subdivisions one, two and three of this section. All civil
21 penalties collected for any violation of this title that have been
22 imposed by the office of administrative trials and hearings of such city
23 shall be paid into the general fund of such city.

24 § 9. Section 27-1811 of the environmental conservation law, as added
25 by chapter 562 of the laws of 2010, is amended to read as follows:

26 § 27-1811. State preemption.

27 Jurisdiction in all matters pertaining to rechargeable battery recycl-
28 ing is, by this title, vested exclusively in the state. Any provision of
29 any local law or ordinance, or any rule or regulation promulgated there-
30 to, governing rechargeable battery recycling shall, upon the effective
31 date of section 27-1805 of this title, be preempted; provided, however,
32 that nothing in this section shall preclude a person from coordinating,
33 for recycling or reuse, the collection of rechargeable batteries and
34 provided, further, however, that nothing in this section shall preclude
35 the enforcement of this title pursuant to subdivision five of section
36 27-1809 of this title.

37 § 10. This act shall take effect immediately; provided, however, that
38 the amendments to paragraph a of subdivision 1 of section 27-1807 of the
39 environmental conservation law made by section five of this act shall
40 take effect one hundred eighty days after it shall have become a law.