

STATE OF NEW YORK

7339--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD02434-08-3

1 twenty-five pounds, or battery packs containing such batteries; but
2 shall not include a battery used as the principal electric power source
3 for a vehicle, such as, but not limited to, an automobile, boat, truck,
4 tractor, golf cart or wheelchair, except such term shall include a
5 battery used as the principal electric power source for an electric
6 scooter or bicycle with electric assist; for storage of electricity
7 generated by an alternative power source, such as solar or wind-driven
8 generators; or for memory backup that is an integral component of an
9 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. We accept
28 used rechargeable batteries for return to the manufacturer."

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

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

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

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

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

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

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

8 5. Notwithstanding subdivision four of this section, in a city with a
9 population of one million or more, the provisions of section 27-1805 and
10 subdivision one of section 27-1807 of this title shall only be enforced
11 by an agency or agencies designated by the mayor of such city. Any
12 notice of violation issued by an agency designated by the mayor of such
13 city charging a violation of section 27-1805 and subdivision one of
14 section 27-1807 of this title shall be returnable to the office of
15 administrative trials and hearings of such city. Such office of adminis-
16 trative trials and hearings shall have the power to impose the civil
17 penalties set forth in subdivisions one, two and three of this section.
18 All civil penalties collected for any violation of this title that have
19 been imposed by the office of administrative trials and hearings of such
20 city shall be paid into the general fund of such city.

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

23 § 27-1811. State preemption.

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

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