

**SENATE . . . . . No. 556**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cynthia Stone Creem***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a lithium-ion battery stewardship program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>1/30/2025</i>
<i>Dylan A. Fernandes</i>	<i>Plymouth and Barnstable</i>	<i>1/31/2025</i>

**SENATE . . . . . No. 556**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 556) of Cynthia Stone Creem, Michael D. Brady and Dylan A. Fernandes for legislation to establish a lithium-ion battery stewardship program. Environment and Natural Resources.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act establishing a lithium-ion battery stewardship program.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           The General Laws are hereby amended by inserting after chapter 21O the following  
2 chapter:-

3           CHAPTER 21P.

4           LITHIUM-ION BATTERY STEWARDSHIP PROGRAM.

5           Section 1. Definitions. As used in this chapter, the following words shall have the  
6 following meanings unless the context clearly requires otherwise:

7           "Department", the Massachusetts department of environmental protection.

8           "Battery-containing product", a product sold, offered for sale, or distributed in or into this  
9 commonwealth that contains or is packaged with rechargeable or primary batteries that are  
10 covered batteries.

11 "Battery stewardship organization", a nonprofit organization designated by a producer or  
12 group of producers to implement a battery stewardship plan required under this chapter.

13 "Battery Stewardship Program", a program implemented by a battery stewardship  
14 organization consistent with an approved battery stewardship plan.

15 "Collection rate", a percentage, by weight, that a battery stewardship organization  
16 collects that is calculated by dividing the total weight of primary and rechargeable batteries  
17 collected by the battery stewardship organization during the previous calendar year by the  
18 average annual weight of primary and rechargeable batteries that were estimated by the battery  
19 stewardship organization to have been sold in the commonwealth during the previous 3 calendar  
20 years by all producers participating in an approved battery stewardship plan.

21 "Covered battery", a portable battery or a medium-format battery that is either intact,  
22 new, used, damaged or defective. "Covered battery" does not include: (1) a battery contained  
23 within a medical device, as specified in 21 U.S.C. 321(h) as it existed as of the effective date of  
24 this Act, that is not designed and marketed for sale or resale principally to consumers for  
25 personal use; (2) a battery that contains an electrolyte as a free liquid; (3) a lead-acid battery  
26 weighing greater than 11 pounds; (4) a battery in a battery-containing product that is not  
27 intended or designed to be easily removable from the battery-containing product; and (5) a  
28 battery that is a component of a motor vehicle or intended for use exclusively in motor vehicles;  
29 and (6) a battery or battery-containing product that is being recalled for safety reasons; (7) large-  
30 format batteries.

31 "Easily removable", designed by the manufacturer to be removable by the user of the  
32 product with no more than commonly used household tools.

33           “Large-format battery” are primary or rechargeable batteries that have a rating of more  
34 than 2,000 watt-hours and are more than 25 pounds.

35           "Medium-format battery", the following primary or rechargeable covered batteries: (1)  
36 for rechargeable batteries, a battery weighing more than 11 pounds or having a rating of more  
37 than 300 watt-hours, or both, and no more than 25 pounds and having a rating of no more than  
38 2,000 watt-hours; (2) for primary batteries, a battery weighing at least 4.4 pounds but not more  
39 than 25 pounds.

40           "Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles, as defined in  
41 section 1 of chapter 90 and motorboats as defined in section 1 of chapter 90B.

42           "Portable battery", the following primary or rechargeable covered batteries: (1) for  
43 rechargeable batteries, a battery weighing no more than 11 pounds and having a rating of no  
44 more than 300 watt-hours; (2) for primary batteries, a battery weighing no more than 4.4 pounds.

45           "Primary battery", a battery that is not capable of being recharged.

46           "Producer", the following:

47           (1) For covered batteries sold, offered for sale, or distributed in or into this  
48 commonwealth:

49           (A) If the battery is sold, offered for sale, or distributed in or into this commonwealth  
50 under the brand of the battery manufacturer, the producer is the person that manufactures the  
51 battery.

52 (B) If the battery is sold, offered for sale, or distributed in or into this commonwealth  
53 under a retail brand or under a brand owned by a person other than the manufacturer, the  
54 producer is the brand owner.

55 (C) If there is no person to whom subparagraph (A) or (B) of this paragraph (1) applies,  
56 the producer is the person that is the licensee of a brand or trademark under which the battery is  
57 sold, offered for sale, or distributed in or into this commonwealth, whether or not the trademark  
58 is registered in this commonwealth.

59 (D) If there is no person in the United States to whom subparagraph (A), (B), or (C) of  
60 this paragraph (1) applies, the producer is the person who is the importer of record for the battery  
61 into the United States.

62 (E) If there is no person with a commercial presence within the commonwealth to whom  
63 subparagraph (A), (B), (C), or (D) of this paragraph (1) applies, the producer is the person who  
64 first sells, offers for sale, or distributes the battery in or into this commonwealth.

65 (2) For covered battery-containing products containing one or more covered batteries  
66 sold, offered for sale, or distributed in or into this commonwealth:

67 (A) If the battery-containing product is sold, offered for sale, or distributed in or into this  
68 commonwealth under the brand of the product manufacturer, the producer is the person that  
69 manufactures the product.

70 (B) If the battery-containing product is sold, offered for sale, or distributed in or into this  
71 commonwealth under a retail brand or under a brand owned by a person other than the  
72 manufacturer, the producer is the brand owner.

73 (C) If there is no person to whom subparagraph (A) or (B) of this paragraph (2) applies,  
74 the producer is the person that is the licensee of a brand or trademark under which the product is  
75 sold, offered for sale, or distributed in or into this commonwealth, whether or not the trademark  
76 is registered in this commonwealth.

77 (D) If there is no person described in subparagraph (A), (B), or (C) of this paragraph (2)  
78 within the United States, the producer is the person who is the importer of record for the product  
79 into the United States.

80 (E) If there is no person described in subparagraph (A), (B), (C), or (D) of this paragraph  
81 (2) with a commercial presence within the commonwealth, the producer is the person who first  
82 sells, offers for sale, or distributes the product in or into this commonwealth.

83 (F) A producer does not include any person who only manufactures, sells, offers for sale,  
84 distributes, or imports into the commonwealth a battery-containing product if the only batteries  
85 contained in or supplied with the battery-containing product are supplied by a producer that has  
86 joined a registered battery stewardship organization as the producer for that covered battery  
87 under this chapter. Such a producer of covered batteries that are included in a battery-containing  
88 product must provide written certification of that membership to both the producer of the battery-  
89 containing product containing one or more covered batteries and the battery stewardship  
90 organization of which the battery producer is a member.

91 (3) A person is the producer of a covered battery or battery-containing product containing  
92 one or more covered batteries sold, offered for sale, or distributed in or into this commonwealth,  
93 as defined in this section, except if another party has contractually accepted responsibility as a  
94 responsible producer and has joined a registered battery stewardship organization as the producer

95 for that covered battery or battery-containing product containing one or more covered batteries  
96 under this chapter.

97 "Rechargeable battery" means a battery that contains one or more voltaic or galvanic  
98 cells, electrically connected to produce electric energy, designed to be recharged. "Recycling",  
99 recycling, reclamation, or reuse as defined in 310 CMR 19.000. For purposes of this chapter,  
100 "recycling" does not include: (1) combustion; (2) incineration; (3) energy generation; (4) fuel  
101 production; or (5) beneficial reuse in the construction and operation of a solid waste landfill,  
102 including use of alternative daily cover.

103 "Recycling efficiency rate", the ratio of the weight of components and materials recycled  
104 by a program operator from covered batteries to the weight of covered batteries as collected by  
105 the program operator.

106 "Retailer", a person who sells covered batteries or battery-containing products containing  
107 one or more covered batteries in or into this commonwealth or offers or otherwise makes  
108 available covered batteries or battery- containing products containing one or more covered  
109 batteries to a customer, including other businesses, in this commonwealth.

110 Section 2. Requirement that producers implement a stewardship plan.

111 (a) Beginning January 1, 2028, a producer selling, making available for sale, or  
112 distributing covered batteries or battery-containing products containing one or more covered  
113 batteries in or into the commonwealth shall participate in an approved Massachusetts battery  
114 stewardship plan through participation in and funding of a battery stewardship organization.

115 (b) Beginning January 1, 2028, no person shall sell covered batteries or battery-  
116 containing products covered by this chapter in or into the commonwealth who does not  
117 participate in a battery stewardship organization and battery stewardship plan.

118 Section 3. Role of retailers.

119 (a) Beginning July 1, 2028, a retailer may not sell, offer for sale, distribute, or otherwise  
120 make available for sale a covered battery or battery-containing product containing one or more  
121 covered batteries unless the producer of the covered battery or battery-containing product is  
122 identified as a participant in a battery stewardship organization whose plan has been approved by  
123 the department.

124 (b) A retailer is not in violation of the requirements of subsection (a) of this section if the  
125 website made available by the department under section 10 lists, as of the date a product is made  
126 available for retail sale, the producer or brand of covered battery or battery-containing product  
127 containing one or more covered batteries sold by the retailer as a participant in an approved plan  
128 or the implementer of an approved plan.

129 (c) Retailers of covered batteries or battery-containing products containing one or more  
130 covered batteries are not required to make retail locations available to serve as collection sites for  
131 a stewardship program operated by a battery stewardship organization. Retailers that serve as a  
132 collection site must comply with the requirements for collection sites, consistent with section 7.

133 (d) A retailer may not sell, offer for sale, distribute, or otherwise make available for sale  
134 covered batteries, unless those batteries are marked consistently with the requirements of section  
135 12. A producer of a product containing a covered battery must certify to the retailers of its

136 product that the battery contained in the battery-containing product is marked consistently with  
137 the requirements of section 12.

138 (e) A retailer selling or offering covered batteries or battery-containing products  
139 containing one or more covered batteries for sale in the commonwealth shall provide  
140 information, provided to the retailer by the battery stewardship organization, regarding available  
141 end-of-life management options for covered batteries collected by the battery stewardship  
142 organization. The information that a battery stewardship organization must make available to  
143 retailers for use by retailers must include, but is not limited to, in-store signage, written  
144 materials, and other promotional materials that retailers shall use to inform consumers of the  
145 available end-of-life management options for covered batteries collected by the battery  
146 stewardship organization.

147 (f) Retailers, producers, or battery stewardship organizations shall not charge a  
148 specific point-of-sale fee to consumers to cover the administrative or operational costs of the  
149 battery stewardship organization or the battery stewardship program.

150 Section 4. Stewardship plan components.

151 (a) By December 31, 2027, each battery stewardship organization must submit to the  
152 department for approval a plan for covered batteries. There may be more than one battery  
153 stewardship organization provided that the department reviews each plan to ensure coordination,  
154 transparency and unified messaging. The department shall review and approve a plan based on  
155 whether it:

156 (1) lists and provides contact information for each producer, battery brand, and battery-  
157 containing product brand covered in the plan, including identifying producers who have

158 contractually accepted responsibility as a producer in accordance with paragraph (3) of the  
159 definition of producer in this chapter;

160 (2) proposes performance goals, consistent with section 5, including establishing  
161 performance goals for each of the next 3 upcoming calendar years of program implementation;

162 (3) describes how the battery stewardship organization will make retailers aware of their  
163 obligation to sell only covered batteries and battery-containing products containing one or more  
164 covered batteries of producers participating in an approved plan;

165 (4) describes the education and communications strategy being implemented to promote  
166 participation in the approved covered battery stewardship program and provide the information  
167 necessary for effective participation of consumers, retailers, and others;

168 (5) describes how the battery stewardship organization will make available to voluntary  
169 collection sites signage, written materials, and other promotional materials that collection sites  
170 shall use to inform consumers of the available end-of-life management options for covered  
171 batteries collected by the battery stewardship organization;

172 (6) lists promotional activities to be undertaken, and the identification of consumer  
173 awareness goals and strategies that the program will employ to achieve these goals after the  
174 program begins to be implemented;

175 (7) includes collection site safety training procedures related to covered battery collection  
176 activities at collection sites, including a description of operating protocols to reduce risks of  
177 spills or fires, response protocols in the event of a spill or fire, and protocols for safe  
178 management of damaged batteries that are returned to collection sites;

179 (8) describes the method to establish and administer a means for fully funding the  
180 program in a manner that equitably distributes the program's costs among the producers that are  
181 part of the battery stewardship organization. For producers that choose to meet the requirements  
182 of this chapter individually, without joining a battery stewardship organization, the plan must  
183 describe the proposed method to establish and administer a means for fully funding the program;

184 (9) describes the financing methods used to implement the plan, consistent with section 6;

185 (10) describes how the program will collect all covered battery chemistries and brands on  
186 a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements  
187 of section 7, including a description of how the statewide convenience standard will be met and a  
188 list of collection sites supported by the battery stewardship program, including the address of  
189 collection sites supported by the battery stewardship program;

190 (11) describes the criteria to be used in the program to determine whether an entity may  
191 serve as a collection site for covered batteries under the program;

192 (12) establishes collection rate goals for each of the first 3 years of implementation of the  
193 battery stewardship plan that are based on the estimated total weight of primary and rechargeable  
194 covered batteries that have been sold in the commonwealth in the previous 3 calendar years by  
195 the producers participating in the battery stewardship plan;

196 (13) identifies proposed service providers, such as sorters, transporters, and processors, to  
197 be used by the program for the final disposition of batteries and proposed provisions for  
198 recordkeeping, tracking, and documenting the fate of collected covered batteries;

199 (14) details how the program will achieve a recycling efficiency rate, calculated in  
200 accordance with section 9, of at least 60 percent for rechargeable batteries and at least 70 percent  
201 for primary batteries, which shall be reviewed and adjusted every five years by the department;  
202 and

203 (15) proposes goals for increasing public awareness of the program and describes how  
204 the public education and outreach components of the program under section 8 will be  
205 implemented.

206 (b) A battery stewardship organization must submit a new plan to the department for  
207 approval no less than every 5 years. If the performance goals under section 5 of this chapter and  
208 as approved in the plan have not been met, the new plan shall include corrective measures to be  
209 implemented by the battery stewardship organization to meet the performance goals, which may  
210 include improvements to the collection site network or increased expenditures dedicated to  
211 education and outreach.

212 (c) A battery stewardship organization must provide plan amendments to the department  
213 for approval when proposing changes to the performance goals under section 5 based on the up-  
214 to-date experience of the program or when there is a change to the method of financing plan  
215 implementation under section

216 (d) The department shall review stewardship plans and stewardship plan amendments for  
217 compliance with this chapter and shall approve, disapprove, or conditionally approve the plans or  
218 plan amendments in writing within 120 days of their receipt. If the department disapproves a  
219 stewardship plan or plan amendment submitted by a battery stewardship organization, the  
220 department shall explain how the stewardship plan or plan amendment does not comply with this

221 chapter. The battery stewardship organization shall resubmit to the department a revised  
222 stewardship plan or plan amendment or notice of plan withdrawal within 60 days of the date the  
223 written notice of disapproval is issued, and the department shall review the revised stewardship  
224 plan or plan amendment within 30 days of resubmittal. If a revised stewardship plan is  
225 disapproved by the department, a producer operating under the stewardship plan shall not be in  
226 compliance with this chapter until the department approves a stewardship plan submitted by a  
227 battery stewardship organization that covers the producer's products.

228 (e) When a stewardship plan or an amendment to an approved plan is submitted under  
229 this section, the department shall make the proposed plan or amendment available for public  
230 review and comment for at least 30 days.

231 (f) A battery stewardship organization must provide written notification to the department  
232 within 30 days of a producer beginning or ceasing to participate in a battery stewardship  
233 organization or of adding or removing a processor or transporter.

234 Section 5. Performance goals.

235 (a) Each battery stewardship plan must include performance goals that measure, on an  
236 annual basis, the achievements of the program, including but not limited to: (1) the collection  
237 rate for batteries in Massachusetts; (2) the recycling efficiency rate of the program; and (3)  
238 public awareness of the program.

239 (b) The performance goals established in each battery stewardship plan must include, but  
240 are not limited to: (1) target collection rates for primary batteries and for rechargeable batteries;  
241 (2) target recycling efficiency rates of at least 60% for rechargeable batteries and at least 70% for

242 primary batteries; and (3) goals for public awareness, convenience, and accessibility that meet or  
243 exceed the minimum requirements established in section 7.

244 Section 6. Funding.

245 (a) A battery stewardship organization implementing a battery stewardship plan on behalf  
246 of producers must develop and administer a system to collect charges from participating  
247 producers to cover the costs of plan implementation, including: (1) battery collection,  
248 transporting, and processing; (2) education and outreach; (3) program evaluation; and (4)  
249 payment of the administrative fees to the department under section 10.

250 (b) Each battery stewardship organization is responsible for all costs of participating  
251 covered battery collection, transportation, processing, education, administration, department  
252 oversight, recycling, and end-of-life management in accordance with the requirements of this  
253 chapter.

254 (c) Each battery stewardship organization must meet the collection goals established in  
255 the approved stewardship plan as specified in section 4.

256 (d) A battery stewardship organization shall not reduce or cease collection, education and  
257 outreach, or other activities implemented under an approved plan based on achievement of  
258 program performance goals.

259 (e) A battery stewardship organization must reimburse local governments for  
260 demonstrable costs incurred as a result of a local government facility or solid waste handling  
261 facility serving as a collection site for a program including, but not limited to, associated labor  
262 costs and other costs associated with accessibility and collection site standards such as storage.

263 (f) A battery stewardship organization shall at a minimum provide collection sites with  
264 appropriate containers for covered batteries subject to its program, training, signage, safety  
265 guidance, and educational materials, at no cost to the collection sites.

266 Section 7. Collection and management requirements.

267 (a) Battery stewardship organizations implementing a battery stewardship plan must  
268 provide for the collection of all covered batteries, including all chemistries and brands of covered  
269 batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business,  
270 governmental agency, institutions or nonprofit organization. Except as provided in paragraphs  
271 (2) and (3) of subsection (b) of this section, each battery stewardship plan must arrange for the  
272 collection of each chemistry and brand of covered battery from any person, business,  
273 governmental agency, or nonprofit organization at each collection site that counts toward  
274 satisfaction of the collection site criteria in subsection (c) of this section.

275 (b)(1) For each collection site used by the program, each battery stewardship organization  
276 must provide suitable collection containers for covered batteries that are segregated from other  
277 solid waste or make mutually agreeable alternative arrangements for the collection of batteries at  
278 the site. The location of collection containers at each collection site used by the program must be  
279 within view of a responsible person and must be accompanied by signage that is made available  
280 to the collection site by the battery stewardship organization and informs consumers regarding  
281 the end-of-life management options for batteries provided by the collection site under this  
282 chapter. Each collection site must meet applicable federal, state, and local regulatory  
283 requirements.

284 (2) Medium-format batteries may be collected only at household hazardous waste  
285 collection sites or other staffed collection sites that meet applicable federal, state, and local  
286 regulatory requirements to manage medium-format batteries.

287 (3) Damaged and defective batteries are intended to be collected at collection sites staffed  
288 by persons trained to handle and ship those batteries. Each battery stewardship organization must  
289 provide for the collection, with qualified staff, of damaged and defective batteries at each  
290 permanent household hazardous waste facility. As used in this subsection, "damaged and  
291 defective batteries" shall mean batteries that have been damaged or identified by the  
292 manufacturer as being defective for safety reasons and that have the potential of producing a  
293 dangerous evolution of heat, fire, or short circuit.

294 (c)(1) Each battery stewardship organization implementing a battery stewardship plan  
295 shall ensure statewide collection opportunities for all covered batteries. Battery stewardship  
296 organizations shall coordinate activities with other program operators, including covered battery  
297 collection and recycling programs and electronic waste recyclers, with regard to the proper  
298 management or recycling of collected covered batteries, for purposes of providing the efficient  
299 delivery of services and avoiding unnecessary duplication of effort and expense. Statewide  
300 collection opportunities must be determined by geographic information modeling that considers  
301 permanent collection sites. A program may rely, in part, on collection events to supplement the  
302 permanent collection services required in paragraphs (2) and (3) of this subsection. However,  
303 only permanent collection services specified in paragraphs (2) and (3) of this subsection qualify  
304 toward the satisfaction of the requirements of this subsection.

305 (2) For portable batteries, each battery stewardship organization must provide statewide  
306 collection opportunities that include: (A) at least one permanent collection site for portable  
307 batteries within a 15-mile radius for at least 95% of commonwealth residents; and (B) at least  
308 one permanent collection site, collection service, or collection event for portable batteries in  
309 addition to those required in subparagraph (A) for every 30,000 residents of a county.

310 (3) For medium-format batteries, a battery stewardship organization must provide  
311 statewide collection opportunities that include: (A) at least one permanent collection site in each  
312 of the department's regions and central office area; (B) a permanent collection site in each  
313 county (C) service to areas without a permanent collection site. A battery stewardship  
314 organization must ensure that there is a collection event at least once each calendar year in each  
315 county of the commonwealth which does not have a permanent collection site. Such collection  
316 events must provide for the collection of all medium-format batteries, including damaged and  
317 defective batteries. (D) A battery stewardship organization shall ensure the minimum number of  
318 collection sites specified in subsection (c) of this section are established by no later than  
319 December 31, 2028.

320 (d)(1) Battery stewardship programs must use existing public and private waste collection  
321 services and facilities, including battery collection sites that are established through other battery  
322 collection services, transporters, consolidators, processors, and retailers, if cost-effective,  
323 mutually agreeable, and otherwise practicable.

324 (2) Battery stewardship programs must use as a collection site for covered batteries any  
325 retailer, wholesaler, municipality, solid waste management facility, household hazardous waste  
326 facility, or other entity that meets the criteria for collection sites in the approved plan up to the

327 minimum number of sites required for compliance with subsection (c) of this section, upon the  
328 submission of a request by the entity to the battery stewardship organization to serve as a  
329 collection site. Battery stewardship programs may use additional collection sites in excess of the  
330 minimum required in subsection (c) of this section as may be agreed between the battery  
331 stewardship organization and the collection site.

332 (3) Battery stewardship programs must use as a site for a collection event for covered  
333 batteries any retailer, wholesaler, municipality, solid waste management facility, household  
334 hazardous waste facility, or other entity that meets the criteria for collection events in the  
335 approved plan up to the minimum number of sites required for compliance with subsection (c) of  
336 this section, upon the submission of a request by the entity to the battery stewardship  
337 organization to serve as a site for a collection event. Battery stewardship programs may use  
338 additional sites for collection events in excess of the minimum required in subsection (c) of this  
339 section as may be agreed between the battery stewardship organization and the collection site.

340 (4) A battery stewardship organization may issue a warning, suspend, or terminate a  
341 collection site or service that does not adhere to the collection site criteria in the approved plan or  
342 that poses an immediate health and safety concern.

343 (e)(1) Stewardship programs are not required to provide for the collection of battery-  
344 containing products.

345 (2) Stewardship programs are not required to provide for the collection of batteries that:  
346 (i) are not easily removable from the product other than by the manufacturer; and (ii) remain  
347 contained in a battery-containing product at the time of delivery to a collection site.

348 (3) Stewardship programs are required to provide for the collection of loose batteries.

349 Section 8. Education and outreach requirements.

350 (a) Each battery stewardship organization must carry out promotional activities in support  
351 of plan implementation including, but not limited to: (1) the development and maintenance of a  
352 website; (2) the development and distribution of press releases and articles annually; (3) the  
353 development and placement of advertisements for use on social media or other relevant media  
354 platforms; (4) the development of promotional materials about the program and the restriction on  
355 the disposal of covered batteries in section 13 to be used by persons, including, but not limited  
356 to, retailers, government agencies, waste and recycling collectors, and nonprofit organizations;  
357 (5) the development and distribution of collection site safety training procedures that are in  
358 compliance with commonwealth law to collection sites to help ensure proper management of  
359 covered batteries at collection sites; and (6) the development and implementation of outreach and  
360 educational resources that are conceptually, linguistically, and culturally accurate for the  
361 communities served and reach the commonwealth's diverse ethnic populations, including through  
362 meaningful consultation with communities that bear disproportionately higher levels of adverse  
363 environmental and social justice impacts.

364 (b) Each battery stewardship organization must provide: (1) consumer-focused  
365 educational promotional materials to each collection site used by the program and accessible by  
366 consumers of retailers that sell covered batteries or battery-containing products containing one or  
367 more covered batteries; and (2) safety information related to covered battery collection activities  
368 to the operator of each collection site, including appropriate protocols to reduce risks of spills or  
369 fires, response protocols in the event of a spill or fire, and response protocols in the event of  
370 detection of a damaged or defective battery.

371 (c)(1) Each battery stewardship organization must provide educational materials to the  
372 operator of each collection site for the management of recalled batteries, which are not intended  
373 to be a part of collection as provided under this Act, to help facilitate transportation and  
374 processing of Recalled batteries. (2) A battery stewardship organization may seek reimbursement  
375 from the producer of the recalled battery for expenses incurred in the collection, transportation,  
376 or processing of those batteries.

377 (d) Upon request by a retailer or other potential collector, the battery stewardship  
378 organization must provide the retailer or other potential collector educational materials  
379 describing collection opportunities for batteries.

380 (e) If multiple battery stewardship organizations are implementing plans approved by the  
381 department, the battery stewardship organizations must coordinate in carrying out their education  
382 and outreach responsibilities under this section and must include in their annual reports to the  
383 department under section 9 a summary of their coordinated education and outreach efforts.

384 (f) During the first year of program implementation and every 5 years thereafter, each  
385 battery stewardship organization must carry out a survey of public awareness regarding the  
386 requirements of the program established under this Act, including the provisions of section 13.  
387 Each battery stewardship organization must share the results of the public awareness surveys  
388 with the department.

389 Section 9. Reporting requirements.

390 (a) By June 1, 2028, and each June 1st thereafter, each battery stewardship organization  
391 must submit an annual report to the department covering the preceding calendar year of battery  
392 stewardship plan implementation. The report must include the following:

393 (1) The report must include an independent financial assessment of a program  
394 implemented by the battery stewardship organization, including a breakdown of the program's  
395 expenses, such as collection expenses, recycling expenses, education expenses, and overhead  
396 expenses.

397 (2) The report must include a summary financial statement documenting the financing of  
398 battery stewardship organization's program and an analysis of program costs and expenditures,  
399 including an analysis of the program's expenses, such as collection, transportation, recycling,  
400 education, and administrative overhead. The summary financial statement must be sufficiently  
401 detailed to provide transparency that funds collected from producers as a result of their activities  
402 in Massachusetts are spent on program implementation in Massachusetts. Battery stewardship  
403 organizations implementing similar battery stewardship programs in multiple states may submit  
404 a financial statement including all covered states, as long as the statement breaks out financial  
405 information pertinent to Massachusetts.

406 (3) The report must include the weight, by chemistry, of covered batteries collected under  
407 the program.

408 (4) The report must include the weight of materials recycled from covered batteries  
409 collected under the program, in total, and by method of battery recycling.

410 (5) The report must include a calculation of the recycling efficiency rates, as measured  
411 consistent with subsection (b) of this section.

412 (6) The report must include a list of all facilities used in the processing or disposition of  
413 batteries, including identification of the facilities' location and whether the facility is located  
414 domestically, in an organization for economic cooperation and development country, or in a

415 country that meets organization for economic cooperation and development operating standards,  
416 and for domestic facilities provide a summary of any violations of environmental laws and  
417 regulations over the previous 3 years at each facility.

418 (7) The report must include, for each facility used for the final disposition of batteries, a  
419 description of how the facility recycled or otherwise managed batteries and battery components.

420 (8) The report must include the weight and chemistry of batteries sent to each facility  
421 used for the final disposition of batteries. The information in this subdivision (a)(8) may be  
422 approximated for program operations in Massachusetts based on extrapolations of national or  
423 regional data for programs in operation in multiple states.

424 (9) The report must include the collection rate achieved under the program, including a  
425 description of how this collection rate was calculated and how it compares to the collection rate  
426 goals under section 5.

427 (10) The report must include the estimated aggregate sales, by weight and chemistry, of  
428 batteries and batteries contained in or with battery-containing products sold in Massachusetts by  
429 participating producers for each of the previous 3 calendar years.

430 (11) The report must include a description of the manner in which the collected batteries  
431 were managed and recycled, including a discussion of best available technologies and the  
432 recycling efficiency rate.

433 (12) The report must include a description of education and outreach efforts supporting  
434 plan implementation including, but not limited to, a summary of education and outreach  
435 provided to consumers, collection sites, manufacturers, distributors, and retailers by the program

436 operator for the purpose of promoting the collection and recycling of covered batteries, a  
437 description of how that education and outreach met the requirements of section 8, samples of  
438 education and outreach materials, a summary of coordinated education and outreach efforts with  
439 any other battery stewardship organizations implementing a plan approved by the department,  
440 and a summary of any changes made during the previous calendar year to education and outreach  
441 activities.

442 (13) The report must include a list of all collection sites and a current address for each  
443 listed site, and an up-to-date map indicating the location of all collection sites used to implement  
444 the program, with links to appropriate websites where there are existing websites associated with  
445 a site.

446 (14) The report must include a description of methods used to collect, transport, and  
447 recycle covered batteries by the battery stewardship organization.

448 (15) The report must include a summary of progress made toward the program  
449 performance goals established under section 5, and an explanation of why performance goals  
450 were not met, if applicable.

451 (16) The report must include an evaluation of the effectiveness of education and outreach  
452 activities.

453 (b) The weight of batteries or recovered resources from those batteries must only be  
454 counted once may not be counted by more than one battery stewardship organization.

455 (c) If a battery stewardship organization has disposed of covered batteries through energy  
456 recovery, incineration, or landfilling during the preceding calendar year of program

457 implementation, the annual report must specify the steps that the battery stewardship  
458 organization will take to make the recycling of covered batteries cost-effective, where possible,  
459 or to otherwise increase battery recycling rates achieved by the battery stewardship organization.  
460 (d) Proprietary information submitted to the department under this chapter is exempted from  
461 disclosure as provided under provision (g) of clause 26 of section 7 of chapter 4.

462 Section 10. Fee and department role.

463 (a) By July 1, 2028, each battery stewardship organization shall provide \$100,000 to the  
464 department as a one-time payment. By July 1 of each year thereafter, each battery stewardship  
465 organization shall pay to the department an annual fee which shall cover the department's full  
466 costs of implementing, administering, and enforcing this chapter. The annual fee shall be  
467 deposited into an account identified by the department to be used for costs associated with the  
468 administration of this chapter.

469 (b) The responsibilities of the department in implementing, administering, and enforcing  
470 this chapter include: (1) reviewing submitted stewardship plans and plan amendments and  
471 making determinations as to whether to approve the plan or plan amendment; (2) reviewing  
472 annual reports submitted under section 9 within 90 days after submission to ensure compliance  
473 with that section; (3) maintaining a website that lists producers and their brands that are  
474 participating in an approved plan, and that makes available to the public each plan, plan  
475 amendment, and annual report received by the department under this Act; and (4) providing  
476 technical assistance to producers and retailers related to the requirements of this chapter.

477 Section 11. Penalties and civil actions.

478 (a) Any person who violates any provision of this chapter is liable for a civil penalty per  
479 violation that is consistent with department enforcement policies, except that the failure to pay a  
480 fee under this chapter shall cause the person who fails to pay the fee to be liable for a civil  
481 penalty that is double the applicable fee.

482 (b) The penalties provided for in this section may be recovered in a civil action by the  
483 attorney general. Any penalties collected under this section in an action in which the attorney  
484 general has prevailed shall be deposited into with existing practice.

485 (c) The attorney general may institute a civil action for an injunction, prohibitory or  
486 mandatory, to restrain violations of this chapter or to require such actions as may be necessary to  
487 address violations of this chapter.

488 (d) The penalties and injunctions provided in this chapter are in addition to any penalties,  
489 injunctions, or other relief provided under any other law. Nothing in this chapter bars a cause of  
490 action by the commonwealth for any other penalty, injunction, or other relief provided by any  
491 other law.

492 (e) Any person who knowingly makes a false, fictitious, or fraudulent material statement,  
493 orally or in writing, to the department, related to or required by this chapter or any rule adopted  
494 under this chapter commits a Class D felony, and each such statement or writing shall be  
495 considered a separate Class D felony. A person who, after being convicted under this subsection,  
496 violates this subsection a second subsequent time commits a Class C felony.

497 (f) No penalty may be assessed under this chapter on an individual or resident for the  
498 improper disposal of covered batteries as described in section 13 in a noncommercial or  
499 residential setting.

500 Section 12. Marking requirements for batteries.

501 (a) A producer or retailer may sell, offer for sale, or distribute in or into Massachusetts a  
502 covered battery or battery-containing product containing one or more covered batteries only if  
503 the battery is: (1) beginning January 1, 2028, marked with an identification of the producer of the  
504 battery, unless the battery is less than one-half inch in diameter or does not contain a surface  
505 whose length exceeds one-half inch; and (2) beginning January 1, 2029, marked with proper  
506 labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and  
507 including an indication that the battery should not be disposed of as household waste.

508 (b) The department may adopt rules establishing marking requirements for batteries as  
509 needed to maintain consistency with the labeling requirements or voluntary standards for  
510 batteries established in federal law.

511 Section 13. General battery disposal and collection requirements.

512 (a) On and after January 1, 2028, all persons must manage unwanted covered batteries  
513 through one of the following options: (1) delivery to a collection site, event, or program  
514 established by or included in the programs created by this Act; or (2) for covered batteries that  
515 are hazardous waste as defined under federal or state hazardous or solid waste laws, management  
516 in a manner consistent with the requirements of those laws.

517 (b) On and after January 1, 2028: (1) A fee may not be charged at the time covered  
518 batteries are delivered or collected for management.

519 (2) All covered batteries may be collected, transported, and processed only in accordance  
520 with this Act, unless the batteries are regulated as hazardous waste as described in paragraph (2)  
521 of subsection (a) of this section.

522 (3) No person may knowingly cause or allow the mixing of a covered battery with  
523 recyclable materials that are intended for processing and sorting at a material recovery facility.

524 (4) No person may knowingly cause or allow the mixing of a covered battery with  
525 municipal waste that is intended for disposal at a sanitary landfill.

526 (5) No person may knowingly cause or allow the disposal of a covered battery in a  
527 sanitary landfill.

528 (6) No person may knowingly cause or allow the mixing of a covered battery with waste  
529 that is intended for burning or incineration.

530 (7) No person may knowingly cause or allow the burning or incineration of a covered  
531 battery.

532 (8) An owner or operator of a solid waste facility may not be found in violation of this  
533 section if the facility has posted in a conspicuous location a sign stating that covered batteries  
534 must be managed through collection sites established by a battery stewardship organization and  
535 are not accepted for disposal, unless the owner or operator of the facility knew it was in violation  
536 of this section and did not take reasonable steps to avoid the violation.

537 (9) A solid waste collector may not be found in violation of this section for a covered  
538 battery placed in a disposal container by a third party, unless the collector knew the covered

539 battery was placed in the disposal container and did not take reasonable steps to avoid the  
540 violation.

541 Section 14. Assessment of battery-containing products and their batteries.

542 (a) By December 31, 2028, the battery stewardship organization must complete an  
543 assessment of the opportunities and challenges associated with the end-of-life management of  
544 portable and medium-format batteries that are not intended or designed to be easily removed by a  
545 customer and that are contained either in battery-containing products, including medical devices,  
546 and electric vehicle batteries, large format batteries including all lithium batteries, and new  
547 chemistries.

548 (b) A battery stewardship organization must review and may utilize existing assessments  
549 done in other states, including Illinois, Vermont and Washington, with the department and  
550 interested stakeholders in completing the assessment. The assessment must identify any  
551 adjustments to the stewardship program requirements established in this Act that would  
552 maximize public health, safety, and environmental benefits. Additionally, any assessment shall  
553 identify issues and concerns unique to Massachusetts.

554 (c) The assessment must consider: (1) the different categories and uses of battery-  
555 containing products; (2) the current methods by which unwanted battery-containing products are  
556 managed in Massachusetts and nearby states; (3) challenges posed by the potential collection,  
557 management, and transport of battery-containing products, including challenges associated with  
558 removing batteries that were not intended or designed to be easily removable from products,  
559 other than by the manufacturer; and (4) which criteria of this chapter may apply to battery-

560 containing products in a manner that is identical or analogous to the requirements applicable to  
561 covered batteries.

562 (d) By April 1, 2031, the department must submit the assessment required in this section  
563 to the general court.

564 Section 15. Antitrust.

565 Producers or battery stewardship organizations acting on behalf of producers that prepare,  
566 submit, and implement a battery stewardship program plan under this chapter and who are  
567 thereby subject to regulation by the department are granted immunity from state laws relating to  
568 antitrust, restraint of trade, unfair trade practices, and other regulation of trade and commerce, for  
569 the limited purpose of planning, reporting, and operating a battery stewardship program,  
570 including: (1) the creation, implementation, or management of a battery stewardship organization  
571 and any battery stewardship plan regardless of whether it is submitted, denied, or approved; (2)  
572 the determination of the cost and structure of a battery stewardship plan; and (3) the types or  
573 quantities of batteries being recycled or otherwise managed under this chapter.

574 Section 16. Collection of batteries independent of a battery stewardship program.

575 Nothing in this chapter shall prevent or prohibit a person from offering or performing a  
576 fee-based, household collection, or a mail back program for end-of-life portable batteries or  
577 medium-format batteries independently of a battery stewardship program, provided that such  
578 person meets the following requirements: (1) such person's services must be performed, and such  
579 person's facilities must be operated in compliance with all applicable federal, state, and local  
580 laws and requirements, including, but not limited to, all applicable U.S. Department of  
581 Transportation regulations, and all applicable provisions of the Environmental Protection Act;

582 (2) such person must make available all batteries collected by such person from its  
583 Massachusetts consumers to a battery stewardship organization; and (3) after consolidation of  
584 portable or medium-format batteries at the person's facilities, the transport to and processing of  
585 such batteries by the battery stewardship organization's designated sorters or processors shall be  
586 at the battery stewardship organization's expense.

587 Section 17. Severability.

588 If any provision of this chapter or its application to any person or circumstance is held  
589 invalid, the remainder of the chapter or the application of the provision to other persons or  
590 circumstances is not affected.