

## HOUSE AMENDMENTS TO HOUSE BILL 2062

By COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT

April 15

On page 1 of the printed bill, delete lines 9 through 27 and delete page 2.

On page 3, delete lines 1 through 29 and insert:

**“SECTION 2. Definitions. As used in sections 2 to 17 of this 2025 Act:**

**“(1)(a) ‘Battery-containing product’ means a product that contains or is packaged with a covered battery.**

**“(b) ‘Battery-containing product’ does not include a covered electronic device as defined in ORS 459A.305.**

**“(2) ‘Battery producer responsibility organization’ means a nonprofit organization designated by a group of five or more covered producers to act as an agent of the covered producers to develop and implement a battery producer responsibility program on behalf of the covered producers.**

**“(3) ‘Battery producer responsibility program’ means a statewide program for the responsible management of covered batteries that is implemented by a battery producer responsibility organization pursuant to a plan approved by the Department of Environmental Quality under section 5 of this 2025 Act.**

**“(4) ‘Brand’ means any mark, word, name, symbol, design, device or graphical element, or a combination thereof, including a registered or unregistered trademark, that identifies a product and distinguishes the product from other products.**

**“(5)(a) ‘Covered battery’ means a portable battery or a medium format battery.**

**“(b) ‘Covered battery’ does not include:**

**“(A) A battery contained within a medical device that is not designed and marketed for sale or resale principally to consumers for personal use and that:**

**“(i) Is a device, as defined in 21 U.S.C. 321(h) as in effect on the effective date of this 2025 Act; or**

**“(ii) Satisfies other criteria established by the Environmental Quality Commission by rule to maintain consistency with federal laws concerning medical devices.**

**“(B) A battery that contains an electrolyte as a free liquid.**

**“(C) A lead acid battery weighing greater than 11 pounds.**

**“(D) A battery contained within a product, if the battery is not intended or designed to be easily removable from the product.**

**“(E) A battery designed to power a motor vehicle or a part of a motor vehicle, including a part of a motor vehicle assembled by, or for, a motor vehicle manufacturer or motor vehicle dealer or a replacement part for use in a motor vehicle.**

**“(F) Battery energy storage systems as defined in ORS 469.300.**

**“(G) A battery that is being recalled for safety reasons.**

1       “(6) ‘Covered entity’ means:

2       “(a) A resident of this state;

3       “(b) A business entity located in this state;

4       “(c) A public or private institution of learning in this state;

5       “(d) A local government, as defined in ORS 174.116; or

6       “(e) A nonprofit organization located in this state.

7       “(7)(a) ‘Covered producer’ means any person:

8       “(A) That manufactures covered products under a brand that the manufacturer owns or  
9 is licensed to use;

10       “(B) That sells, irrespective of the selling technique used, covered products manufactured  
11 by others under a brand that the seller owns;

12       “(C) That manufactures covered products without affixing a brand;

13       “(D) That manufactures covered products to which it affixes a brand that it does not  
14 own; or

15       “(E) On whose account covered products manufactured outside the United States are  
16 imported into the United States.

17       “(b) ‘Covered producer’ does not include a person described as the covered producer of  
18 a battery-containing product under paragraph (a) of this subsection if:

19       “(A) The covered batteries packaged with or contained within the battery-containing  
20 product are easily removable and supplied by a covered producer that has joined a battery  
21 producer responsibility organization as the producer for that covered battery under sections  
22 2 to 17 of this 2025 Act; and

23       “(B) The person provides a written statement to the department that:

24       “(i) Identifies the person that produces the battery-containing product and the covered  
25 producer of the covered batteries packaged with or contained within the battery-containing  
26 product;

27       “(ii) States that the covered producer is participating in the battery producer responsi-  
28 bility organization on behalf of the person that produces the battery-containing product;

29       “(iii) States that the person that produces the battery-containing product and the cov-  
30 ered producer will notify the department if the covered producer ceases to participate in the  
31 battery producer responsibility organization on behalf of the producer of the battery-  
32 containing product; and

33       “(iv) Is signed by an authorized representative of the covered producer and the person  
34 that produces the battery-containing product.

35       “(8) ‘Covered product’ means a covered battery or a battery-containing product.

36       “(9) ‘Damaged or defective battery’ means a battery that has been damaged or identified  
37 by the manufacturer as being defective for safety reasons and must be transported and  
38 packaged as required by rules adopted by the federal Pipeline and Hazardous Materials Safety  
39 Administration.

40       “(10) ‘Easily removable’ means designed by a manufacturer to be removable without the  
41 use of tools or removable with the use of only common household tools.

42       “(11) ‘Medium format battery’ means:

43       “(a) A rechargeable battery that:

44       “(A)(i) Weighs more than 11 pounds; or

45       “(ii) Has a rating of more than 300 watt-hours; and

1       “(B)(i) Weighs no more than 25 pounds; or

2       “(ii) Has a rating of no more than 2,000 watt-hours.

3       “(b) A primary battery that weighs more than 4.4 pounds but less than or equal to 25  
4 pounds.

5       “(12) ‘Nonprofit organization’ means an organization or group of organizations described  
6 in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under  
7 section 501(a) of the Internal Revenue Code.

8       “(13) ‘Portable battery’ means:

9       “(a) A rechargeable battery that weighs 11 pounds or less and has a rating of 300 watt-  
10 hours or less; or

11       “(b) A primary battery that weighs 4.4 pounds or less.

12       “(14) ‘Primary battery’ means a battery that is not capable of being recharged.

13       “(15) ‘Processor’ means a facility that processes covered batteries after collection and  
14 prepares covered batteries for recycling or management through the final destination of the  
15 collected covered battery material.

16       “(16) ‘Rechargeable battery’ means a battery that contains one or more voltaic or  
17 galvanic cells, electrically connected to produce electric energy, and that is designed to be  
18 recharged.

19       “(17) ‘Responsible end market’ means a materials market in which the recycling or re-  
20 covery of materials or the disposal of contaminants is conducted in a way that benefits the  
21 environment and minimizes risks to public health and worker health and safety.

22       “(18) ‘Responsible management’ means the handling, tracking, processing, disposition and  
23 other management of covered batteries and materials from covered batteries, from the point  
24 of collection through the final destination of the collected material, in a way that complies  
25 with section 8 of this 2025 Act and all other applicable laws, and ensures continuous im-  
26 provement in environmental outcomes, reduction of environmental impacts and protection  
27 of health, safety and data privacy in the management of covered batteries for final disposi-  
28 tion.”.

29       Delete lines 39 through 45 and delete pages 4 through 8.

30       On page 9, delete lines 1 through 43 and insert:

31       “SECTION 4. Plans for battery producer responsibility programs. (1) In the form and  
32 manner prescribed by the Department of Environmental Quality, a battery producer re-  
33 sponsibility organization shall submit to the department a plan for implementing a battery  
34 producer responsibility program as provided in this section.

35       “(2) A battery producer responsibility program plan must describe how the battery pro-  
36 ducer responsibility organization will implement a battery producer responsibility program  
37 that satisfies the requirements of sections 2 to 17 of this 2025 Act. The plan must include:

38       “(a) A list of all covered producers participating in the battery producer responsibility  
39 organization and a list of each brand of covered product sold, offered for sale or distributed  
40 in or into this state by each participating covered producer.

41       “(b) A description of how the battery producer responsibility organization will:

42       “(A) Provide for the responsible management of covered batteries consistent with section  
43 8 of this 2025 Act and the policies set forth in ORS 459.015 (2).

44       “(B) Provide for convenient and equitable service as required by section 7 of this 2025  
45 Act, including a list of all service providers involved in the management of collected bat-

teries, including all collection sites, transporters and processors the battery producer responsibility organization will contract with or use to provide services required by sections 2 to 17 of this 2025 Act.

“(C) Provide for education and public awareness as required by section 9 of this 2025 Act, including a description of the biennial survey to measure public awareness required by section 9 of this 2025 Act.

“(D) Establish a schedule of membership fees sufficient to meet the financial obligations of the battery producer responsibility organization as described in section 11 of this 2025 Act.

“(E) Ensure continuous improvement of the battery producer responsibility program by establishing and working to achieve measurable performance goals for the program. Performance goals must include the date by which the goal will be met. Beginning with the fourth program year and thereafter, performance goals must include annual goals for:

“(i) Collection rates;

“(ii) Recycling efficiency; and

“(iii) Achieving, maintaining and improving high public awareness of the program, including awareness in low-income, rural and other historically underserved communities.

“(F) Coordinate with other battery producer responsibility organizations, if applicable.

“(c) A program budget that describes how the battery producer responsibility organization will finance the battery producer responsibility program, with all costs to carry out a program that satisfies the requirements of sections 2 to 17 of this 2025 Act apportioned among each covered producer participating in the battery producer responsibility organization, as required by section 11 of this 2025 Act.

**“SECTION 5. Approval of battery producer responsibility program plans.** (1) The Department of Environmental Quality shall approve a battery producer responsibility program plan submitted to the department under section 4 of this 2025 Act if the department determines that the plan meets the requirements of section 4 of this 2025 Act and that the battery producer responsibility organization will successfully implement the program in accordance with the plan.

“(2) Not later than 90 days after receiving a plan under section 4 of this 2025 Act, the department shall either approve, approve with conditions or reject the plan. If the department rejects the plan the department shall provide the reason or reasons for the rejection to the battery producer responsibility organization in writing. A battery producer responsibility organization shall submit a revised plan to the department no later than 60 days after the date of the rejection.

“(3) No later than 60 days after receiving a revised plan under subsection (2) of this section, the department shall either approve, approve with conditions or reject the revised plan. If the department rejects the revised plan, the department shall provide the reason or reasons for the rejection to the battery producer responsibility organization in writing. A battery producer responsibility organization shall submit a second revised plan to the department no later than 45 days after the date of the rejection.

“(4)(a) No later than 45 days after receiving a second revised plan under subsection (3) of this section, the department shall either approve the second revised plan or make such modifications to the plan as necessary for approval.

“(b) Notwithstanding paragraph (a) of this subsection, if, after receiving a second revised plan, the department determines that the battery producer responsibility organization will

1 be unable to successfully implement a battery producer responsibility program in accordance  
2 with a proposed or modified plan, the department shall specify the date on which the battery  
3 producer responsibility organization must cease to operate a battery producer responsibility  
4 program in this state and the date on which all covered producers participating in the bat-  
5 tery producer responsibility program must participate in another battery producer respon-  
6 sibility program. The department may consider the past performance of a battery producer  
7 responsibility organization when making a determination under this paragraph.

8 “(5)(a) A plan approved by the department under this section is valid for three program  
9 years. No less than 180 days before a plan approved under this section expires, a battery  
10 producer responsibility organization shall submit an updated plan to be approved as provided  
11 in this section for an additional three program years. An updated plan must satisfy the re-  
12 quirements of section 4 of this 2025 Act and describe any substantive changes from the pre-  
13 viously approved plan.

14 “(b) The department’s rejection of a plan does not relieve a battery producer responsi-  
15 bility organization from continuing to implement a battery producer responsibility program  
16 in compliance with a previously approved plan pending a final action by the department on  
17 the updated plan.

18 “(6) Subject to section 16 of this 2025 Act, the department may make available to the  
19 public battery producer responsibility program plans, and any revisions thereto.

20 “(7) Beginning no later than 90 days after a plan is approved under this section, a battery  
21 producer responsibility organization shall implement a battery producer responsibility pro-  
22 gram as described in the approved plan.

23 “SECTION 6. Changes to battery producer responsibility programs. (1) In a form and  
24 manner prescribed by the Department of Environmental Quality, a battery producer re-  
25 sponsibility organization shall request preapproval from the department for any change to a  
26 battery producer responsibility program plan that substantively alters the program. Except  
27 as provided in subsection (3) of this section, a battery producer responsibility organization  
28 shall make a request under this subsection not later than 60 days before the change is to  
29 occur. For purposes of this subsection, changes that substantively alter a battery producer  
30 responsibility program include, but are not limited to:

31 “(a) Changes involving the methods used to collect covered batteries;

32 “(b) Changes involving methods used to dispose of covered batteries;

33 “(c) Changes to the policies and procedures for handling and disposing of covered bat-  
34 teries;

35 “(d) Changes involving methods used to foster public awareness of the battery producer  
36 responsibility program; and

37 “(e) Changes to the location of a collection site.

38 “(2) The department shall approve or reject a request submitted pursuant to subsection  
39 (1) of this section within 60 days of receiving the request. If the department does not approve  
40 or reject the request, and provide written notice to the battery producer responsibility or-  
41 ganization of the department’s decision within 60 days of the date on which the department  
42 received the request, the proposed change shall be considered approved.

43 “(3) If a battery producer responsibility organization intends to make a proposed change  
44 to a battery producer responsibility program but, for good cause as determined by the de-  
45 partment, is unable to make a request 60 days before the proposed change is to occur as

1 required under subsection (1) of this section, the battery producer responsibility organization  
2 shall notify the department of the proposed change as far in advance of the proposed change  
3 as practicable. Upon receipt of notice described in this subsection, the department shall  
4 consult with the battery producer responsibility organization regarding the proposed change.  
5 Not later than seven business days after receiving the notice, the department may tempo-  
6 rarily approve the proposed change.

7 “(4) The department may require a battery producer responsibility organization to modify  
8 a battery producer responsibility program plan and submit to the department changes for  
9 approval as described in subsections (1) to (3) of this section if the department determines  
10 that the battery producer responsibility organization is not meeting program goals described  
11 in an approved battery producer responsibility program plan.

12 “(5) In a form and manner prescribed by the department, a battery producer responsi-  
13 bility organization shall notify the department within 90 days after any change to:

14 “(a) The contact information for the battery producer responsibility organization;

15 “(b) Which covered producers are participating in the battery producer responsibility  
16 organization;

17 “(c) The contact information for a covered producer participating in the battery producer  
18 responsibility organization; or

19 “(d) The ownership of a covered producer participating in the battery producer respon-  
20 sibility organization.

21 “SECTION 7. Convenient and equitable service. (1) A battery producer responsibility or-  
22 ganization shall provide convenient and equitable service throughout this state as provided  
23 in this section, including to rural areas and lower-income and other historically underserved  
24 populations.

25 “(2) For portable batteries, convenient and equitable service must include a network of  
26 collection sites distributed to ensure that 95 percent of the residents of this state are within  
27 15 miles of a collection site, and must also include:

28 “(a) At least one collection site in each county;

29 “(b) At least one collection site in each city with a population of at least 4,000 but less  
30 than 10,000;

31 “(c) In each city with a population of at least 10,000 but less than 200,000, at least one  
32 collection site, plus one additional collection site for every additional 20,000 residents of the  
33 city over 10,000; and

34 “(d) In each city with a population of 200,000 or greater, at least 10 collection sites, plus  
35 one additional collection site for every additional 50,000 residents of the city over 200,000.

36 “(3)(a) A collection site for a county may be the same as a collection site for a city in  
37 the county.

38 “(b) For purposes of calculating the population of a city within a metropolitan service  
39 district established under ORS chapter 268, the population of any adjacent unincorporated  
40 area of a county that is within the metropolitan service district shall be included in the  
41 population of the city.

42 “(c) Collection sites shall be staffed and open to the public at a frequency adequate to  
43 meet the needs of the area being served.

44 “(d) A battery producer responsibility organization may provide collection service jointly  
45 with another battery producer responsibility organization.

1       “(4) The department may waive the requirements of subsections (2) and (3) of this section  
2 with respect to a county or city if a proposed battery producer responsibility program plan  
3 demonstrates to the department’s satisfaction that alternative collection methods would  
4 provide substantially equivalent collection convenience.

5       “(5) A collection site described in subsections (2) and (3) of this section shall:

6       “(a) Accept each brand and type of covered battery, other than medium format batteries,  
7 at no cost to covered entities;

8       “(b) Use appropriate containers provided by the battery producer responsibility organ-  
9 ization for the collection of covered batteries;

10       “(c) Be staffed by adequately trained employees;

11       “(d) Display signs or other visual aids provided by the battery producer responsibility  
12 organization to inform covered entities and staff on how to properly and safely collect and  
13 handle discarded covered batteries; and

14       “(e) Provide covered entities with educational materials provided by a battery producer  
15 responsibility organization for the purpose of promoting safe and secure handling of covered  
16 batteries.

17       “(6) A battery producer responsibility organization shall:

18       “(a) Provide fair financial compensation to collection sites calculated to cover the costs  
19 of collecting, storing, managing and transporting covered batteries; and

20       “(b) Enter into agreements with all willing transfer stations, landfills and material re-  
21 covery facilities that are covered under a solid waste disposal permit issued by the Depart-  
22 ment of Environmental Quality to collect covered batteries. Covered batteries collected  
23 pursuant to an agreement described in this paragraph must be collected in accordance with  
24 all applicable laws, the approved battery producer responsibility program plan and battery  
25 safety training provided to collection workers.

26       “(7)(a) A battery producer responsibility organization shall provide for collection of me-  
27 dium format and damaged or defective batteries by providing at no charge to covered enti-  
28 ties, in each county of this state:

29       “(A) Collection by trained individuals at one or more household hazardous waste col-  
30 lection sites; or

31       “(B) Collection by trained individuals at one or more collection events held in the county  
32 each year.

33       “(b) A battery producer responsibility organization is responsible for all costs associated  
34 with the collection of medium format and damaged or defective batteries, including the costs  
35 of providing containers at collection sites.

36       “(8) A battery producer responsibility organization shall accept for processing and fur-  
37 ther management, at no cost to the collection service providers, covered batteries collected  
38 through on-route battery collection service administered by a local government.

39       “SECTION 8. Responsible management. (1) A battery producer responsibility organization  
40 shall, in compliance with all applicable laws, ensure that the organization’s battery producer  
41 responsibility program uses responsible management in collecting, transporting, processing,  
42 recycling or otherwise managing covered batteries and materials from covered batteries.  
43 Responsible management includes:

44       “(a) Adequate record keeping;

45       “(b) Tracking the fate of covered batteries;

- 1       “(c) Conducting performance audits and inspections;  
2       “(d) Identifying and, when available, utilizing opportunities for reuse and refurbishment;  
3       “(e) Complying with worker health and safety requirements;  
4       “(f) Ensuring that materials from covered batteries are delivered to responsible end  
5       markets;  
6       “(g) Maintaining liability insurance and other financial assurances; and  
7       “(h) Carrying out other practices as may be adopted by rule by the Environmental  
8       Quality Commission.

9       “(2) A battery producer responsibility organization shall ensure that all collection sites  
10      and processors that manage covered batteries or covered battery materials collected through  
11      the battery producer responsibility program use responsible management with respect to  
12      covered batteries and covered battery materials.

13      “SECTION 9. Public education and awareness. (1) A battery producer responsibility or-  
14      ganization must develop educational resources and conduct public awareness activities  
15      across multiple types of media to advertise and promote, on a regular basis, recycling of  
16      covered batteries and collection opportunities statewide. In addition, a battery producer re-  
17      sponsibility organization must:

18      “(a) Establish a toll-free telephone number and a website address that a covered entity  
19      may use to contact the battery producer responsibility organization to provide feedback  
20      about the battery producer responsibility program and to obtain information about the pro-  
21      gram, including:

22          “(A) The location of collection sites;

23          “(B) The time and location of collection events; and

24          “(C) Other collection services.

25      “(b)(A) Develop educational materials, including educational web-based content, press  
26      releases, advertisements and promotional materials.

27      “(B) Educational materials must:

28          “(i) Be provided at sites that primarily sell covered products, collection sites and sites  
29          that accept damaged or defective batteries; and

30          “(ii) Include materials that address the needs of rural, lower-income and other histor-  
31          ically underserved communities.

32      “(c) Conduct a biennial survey to measure public awareness, using questions and meth-  
33      odology that have been approved by the Department of Environmental Quality.

34      “(2) A battery producer responsibility organization shall coordinate with other battery  
35      producer responsibility organizations under this section to ensure that program users can  
36      easily identify, understand and access the services provided by all battery producer respon-  
37      sibility programs that are operational in this state. At a minimum, all of the battery pro-  
38      ducer responsibility programs that are operational in this state must provide a single  
39      toll-free telephone number and a single website address that a covered entity may use to  
40      contact battery producer responsibility organizations and to acquire information about bat-  
41      tery producer responsibility programs.

42      “SECTION 10. Annual report. (1) A battery producer responsibility organization shall  
43      submit to the Department of Environmental Quality, in a form and manner prescribed by the  
44      department, an annual report on the development, implementation and operation of the  
45      battery producer responsibility program that contains information required by the depart-



1 ment to evaluate whether the program complied with the requirements of sections 2 to 17  
2 of this 2025 Act. The annual report must include:

3 “(a) A list of covered producers participating in the battery producer responsibility pro-  
4 gram, the brands associated with each covered producer and the date the covered producer  
5 began participating in the organization.

6 “(b) The amount, by weight, chemistry and method of collection, of covered batteries  
7 collected under the program.

8 “(c) The amount, by weight and chemistry, of covered batteries collected at each col-  
9 lection site.

10 “(d) An assessment of whether the battery producer responsibility organization imple-  
11 mented the program in accordance with the plan approved under section 5 of this 2025 Act.

12 “(e) A description of whether the program provided responsible management of covered  
13 batteries from collection to final disposition and an affirmation that all covered batteries  
14 were responsibly managed and delivered to responsible end markets.

15 “(f) A list of collection sites, processors, transporters or other service providers involved  
16 in battery management and used by the program during the preceding program year, and the  
17 responsible end markets used by the program during the preceding program year.

18 “(g) A summary of public awareness and education activities performed by the battery  
19 producer responsibility organization, alone or in coordination with one or more battery pro-  
20 ducer responsibility organizations, sufficient to demonstrate to the department that the or-  
21 ganization has satisfied the requirements of section 9 of this 2025 Act.

22 “(h) The results of the most recent biennial survey conducted under section 9 of this 2025  
23 Act.

24 “(i)(A) An analysis of whether the battery producer responsibility organization met per-  
25 formance goals proposed by the battery producer responsibility program plan or adopted by  
26 the Environmental Quality Commission; and

27 “(B) If the battery producer responsibility organization did not meet performance goals,  
28 a description of actions the battery producer responsibility organization will take to meet  
29 those goals.

30 “(j) A summary of annual expenditures, including amounts aggregated by categories  
31 specified by the department, and a report by an independent certified public accountant, re-  
32 tained by the battery producer responsibility organization at the battery producer responsi-  
33 bility organization’s expense, on the accountant’s audit of the battery producer responsibility  
34 organization’s financial statements.

35 “(k) An analysis of program costs and expenditures incurred in this state, including an  
36 analysis of the program’s expenses, such as collection, transportation, recycling, education  
37 and administrative overhead.

38 “(2) The department shall review and approve a report submitted under this section  
39 within 90 days of receiving the report, provided that the department determines that the  
40 report satisfies the requirements of this section. If the department does not approve the  
41 report, the department shall provide the battery producer responsibility organization with  
42 written notice of the reasons for the rejection. A battery producer responsibility organization  
43 shall submit a revised report as required by the department.

44 “(3) Subject to section 16 of this 2025 Act, the department may make reports submitted  
45 under this section available to the public.

1       “(4) Upon the request of the department, a battery producer responsibility organization  
2 shall provide to the department:

3       “(a) A description of each type of material sent to each processor;

4       “(b) The method of processing used by each processor; and

5       “(c) The responsible end market for each material managed under the program.”.

6       On page 10, line 9, delete “must” and insert “may”.

7       Delete lines 42 through 45.

8       On page 11, delete lines 1 through 13 and insert:

9       “**SECTION 13. Fees.** (1) The Environmental Quality Commission shall establish by rule  
10 the following fees for the purpose of paying the costs of administering, implementing and  
11 enforcing sections 2 to 17 of this 2025 Act:

12       “(a) A plan review fee for reviewing a battery producer responsibility program plan sub-  
13 mitted under section 4 of this 2025 Act.

14       “(b) An annual fee for expenses associated with the ongoing costs of administering  
15 sections 2 to 17 this 2025 Act.

16       “(2) Each battery producer responsibility organization that operates a battery producer  
17 responsibility program in this state is responsible for paying the fees established by this  
18 section. If more than one battery producer responsibility organization operates a battery  
19 producer responsibility program in this state, the fee established under subsection (1)(b) of  
20 this section shall be paid in equal parts by each battery producer responsibility organization  
21 operating in this state.

22       “(3) Fees established under subsection (1) of this section must be reasonably calculated  
23 and adequate to cover the costs of administering, implementing and enforcing sections 2 to  
24 17 of this 2025 Act.

25       “(4) The department shall deposit fee moneys collected pursuant to this section into the  
26 Battery Producer Responsibility Fund established under section 14 of this 2025 Act.

27       “(5) The department may not charge a plan review or annual fee that exceeds the fees  
28 established by the Environmental Quality Commission under this section.”.

29       On page 13, delete lines 12 through 20 and insert:

30       “**SECTION 20.** (1) A person may not knowingly dispose of a covered battery in mixed  
31 municipal solid waste.

32       “(2) The owner or operator of a disposal site is not in violation of this section if the dis-  
33 posal site has posted in a conspicuous location a sign directing the public to a battery pro-  
34 ducer responsibility program.”.