

HB 2062-1  
(LC 3674)  
4/1/25 (STN/ps)

Requested by HOUSE COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT (at the request of Representative John Lively)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2062**

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

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

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

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

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

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

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

20 **“(4) ‘Brand’ means any mark, word, name, symbol, design, device**  
21 **or graphical element, or a combination thereof, including a registered**

1 or unregistered trademark, that identifies a product and distinguishes  
2 the product from other products.

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

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

6 “(A) A battery contained within a medical device that is not de-  
7 signed and marketed for sale or resale principally to consumers for  
8 personal use and that:

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

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

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

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

16 “(D) A battery contained within a product, if the battery is not in-  
17 tended or designed to be easily removable from the product.

18 “(E) A battery designed to power a motor vehicle or a part of a  
19 motor vehicle, including a part of a motor vehicle assembled by, or  
20 for, a motor vehicle manufacturer or motor vehicle dealer or a re-  
21 placement part for use in a motor vehicle.

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

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

24 “(6) ‘Covered entity’ means:

25 “(a) A resident of this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23       “(ii) States that the covered producer is participating in the battery  
24 producer responsibility organization on behalf of the person that  
25 produces the battery-containing product;

26       “(iii) States that the person that produces the battery-containing  
27 product and the covered producer will notify the department if the  
28 covered producer ceases to participate in the battery producer re-  
29 sponsibility organization on behalf of the producer of the battery-  
30 containing product; and

1       “(iv) Is signed by an authorized representative of the covered pro-  
2       ducer and the person that produces the battery-containing product.

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

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

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

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

14       “(a) A rechargeable battery that:

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

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

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

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

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

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

25       “(13) ‘Portable battery’ means:

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

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

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

1       “(15) ‘Processor’ means a facility that processes covered batteries  
2 after collection and prepares covered batteries for recycling or man-  
3 agement through the final destination of the collected covered battery  
4 material.

5       “(16) ‘Rechargeable battery’ means a battery that contains one or  
6 more voltaic or galvanic cells, electrically connected to produce elec-  
7 tric energy, and that is designed to be recharged.

8       “(17) ‘Responsible end market’ means a materials market in which  
9 the recycling or recovery of materials or the disposal of contaminants  
10 is conducted in a way that benefits the environment and minimizes  
11 risks to public health and worker health and safety.

12       “(18) ‘Responsible management’ means the handling, tracking,  
13 processing, disposition and other management of covered batteries and  
14 materials from covered batteries, from the point of collection through  
15 the final destination of the collected material, in a way that complies  
16 with section 8 of this 2025 Act and all other applicable laws, and en-  
17 sures continuous improvement in environmental outcomes, reduction  
18 of environmental impacts and protection of health, safety and data  
19 privacy in the management of covered batteries for final  
20 disposition.”.

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

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

23       **“SECTION 4. Plans for battery producer responsibility programs. (1)**  
24 **In the form and manner prescribed by the Department of Environ-**  
25 **mental Quality, a battery producer responsibility organization shall**  
26 **submit to the department a plan for implementing a battery producer**  
27 **responsibility program as provided in this section.**

28       **“(2) A battery producer responsibility program plan must describe**  
29 **how the battery producer responsibility organization will implement a**  
30 **battery producer responsibility program that satisfies the require-**

ments of sections 2 to 17 of this 2025 Act. The plan must include:

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

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

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

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

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

4       “(F) Coordinate with other battery producer responsibility organ-  
5 izations, if applicable.

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

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

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

26       “(3) No later than 60 days after receiving a revised plan under sub-  
27 section (2) of this section, the department shall either approve, ap-  
28 prove with conditions or reject the revised plan. If the department  
29 rejects the revised plan, the department shall provide the reason or  
30 reasons for the rejection to the battery producer responsibility organ-

1    **ization in writing. A battery producer responsibility organization shall**  
2    **submit a second revised plan to the department no later than 45 days**  
3    **after the date of the rejection.**

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

8       **“(b) Notwithstanding paragraph (a) of this subsection, if, after re-**  
9    **ceiving a second revised plan, the department determines that the**  
10   **battery producer responsibility organization will be unable to success-**  
11   **fully implement a battery producer responsibility program in accord-**  
12   **ance with a proposed or modified plan, the department shall specify**  
13   **the date on which the battery producer responsibility organization**  
14   **must cease to operate a battery producer responsibility program in**  
15   **this state and the date on which all covered producers participating**  
16   **in the battery producer responsibility program must participate in**  
17   **another battery producer responsibility program. The department may**  
18   **consider the past performance of a battery producer responsibility or-**  
19   **ganization when making a determination under this paragraph.**

20       **“(5)(a) A plan approved by the department under this section is**  
21   **valid for three program years. No less than 180 days before a plan ap-**  
22   **proved under this section expires, a battery producer responsibility**  
23   **organization shall submit an updated plan to be approved as provided**  
24   **in this section for an additional three program years. An updated plan**  
25   **must satisfy the requirements of section 4 of this 2025 Act and describe**  
26   **any substantive changes from the previously approved plan.**

27       **“(b) The department’s rejection of a plan does not relieve a battery**  
28   **producer responsibility organization from continuing to implement a**  
29   **battery producer responsibility program in compliance with a previ-**  
30   **ously approved plan pending a final action by the department on the**



1 updated plan.

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

5 “(7) Beginning no later than 90 days after a plan is approved under  
6 this section, a battery producer responsibility organization shall im-  
7 plement a battery producer responsibility program as described in the  
8 approved plan.

9 **“SECTION 6. Changes to battery producer responsibility programs.**

10 (1) In a form and manner prescribed by the Department of Environ-  
11 mental Quality, a battery producer responsibility organization shall  
12 request preapproval from the department for any change to a battery  
13 producer responsibility program plan that substantively alters the  
14 program. Except as provided in subsection (3) of this section, a battery  
15 producer responsibility organization shall make a request under this  
16 subsection not later than 60 days before the change is to occur. For  
17 purposes of this subsection, changes that substantively alter a battery  
18 producer responsibility program include, but are not limited to:

19 “(a) Changes involving the methods used to collect covered bat-  
20 teries;

21 “(b) Changes involving methods used to dispose of covered bat-  
22 teries;

23 “(c) Changes to the policies and procedures for handling and dis-  
24 posing of covered batteries;

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

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

28 “(2) The department shall approve or reject a request submitted  
29 pursuant to subsection (1) of this section within 60 days of receiving  
30 the request. If the department does not approve or reject the request,

1 and provide written notice to the battery producer responsibility or-  
2 ganization of the department's decision within 60 days of the date on  
3 which the department received the request, the proposed change shall  
4 be considered approved.

5 “(3) If a battery producer responsibility organization intends to  
6 make a proposed change to a battery producer responsibility program  
7 but, for good cause as determined by the department, is unable to  
8 make a request 60 days before the proposed change is to occur as re-  
9 quired under subsection (1) of this section, the battery producer re-  
10 sponsibility organization shall notify the department of the proposed  
11 change as far in advance of the proposed change as practicable. Upon  
12 receipt of notice described in this subsection, the department shall  
13 consult with the battery producer responsibility organization regarding  
14 the proposed change. Not later than seven business days after receiv-  
15 ing the notice, the department may temporarily approve the proposed  
16 change.

17 “(4) The department may require a battery producer responsibility  
18 organization to modify a battery producer responsibility program plan  
19 and submit to the department changes for approval as described in  
20 subsections (1) to (3) of this section if the department determines that  
21 the battery producer responsibility organization is not meeting pro-  
22 gram goals described in an approved battery producer responsibility  
23 program plan.

24 “(5) In a form and manner prescribed by the department, a battery  
25 producer responsibility organization shall notify the department  
26 within 90 days after any change to:

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

29 “(b) Which covered producers are participating in the battery pro-  
30 ducer responsibility organization;

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

3       “(d) The ownership of a covered producer participating in the bat-  
4 tery producer responsibility organization.

5       “SECTION 7. Convenient and equitable service. (1) A battery pro-  
6 ducer responsibility organization shall provide convenient and equita-  
7 ble service throughout this state as provided in this section, including  
8 to rural areas and lower-income and other historically underserved  
9 populations.

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

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

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

17       “(c) In each city with a population of at least 10,000 but less than  
18 200,000, at least one collection site, plus one additional collection site  
19 for every additional 20,000 residents of the city over 10,000; and

20       “(d) In each city with a population of 200,000 or greater, at least 10  
21 collection sites, plus one additional collection site for every additional  
22 50,000 residents of the city over 200,000.

23       “(3)(a) A collection site for a county may be the same as a col-  
24 lection site for a city in the county.

25       “(b) For purposes of calculating the population of a city within a  
26 metropolitan service district established under ORS chapter 268, the  
27 population of any adjacent unincorporated area of a county that is  
28 within the metropolitan service district shall be included in the popu-  
29 lation of the city.

30       “(c) Collection sites shall be staffed and open to the public at a

1 frequency adequate to meet the needs of the area being served.

2 “(d) A battery producer responsibility organization may provide  
3 collection service jointly with another battery producer responsibility  
4 organization.

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

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

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

14 “(b) Use appropriate containers provided by the battery producer  
15 responsibility organization for the collection of covered batteries;

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

17 “(d) Display signs or other visual aids provided by the battery pro-  
18 ducer responsibility organization to inform covered entities and staff  
19 on how to properly and safely collect and handle discarded covered  
20 batteries; and

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

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

25 “(a) Provide fair financial compensation to collection sites calcu-  
26 lated to cover the costs of collecting, storing, managing and trans-  
27 porting covered batteries; and

28 “(b) Enter into agreements with all willing transfer stations, land-  
29 fills and material recovery facilities that are covered under a solid  
30 waste disposal permit issued by the Department of Environmental

1 **Quality to collect covered batteries. Covered batteries collected pur-**  
2 **suant to an agreement described in this paragraph must be collected**  
3 **in accordance with all applicable laws, the approved battery producer**  
4 **responsibility program plan and battery safety training provided to**  
5 **collection workers.**

6 **“(7)(a) A battery producer responsibility organization shall provide**  
7 **for collection of medium format and damaged or defective batteries**  
8 **by providing at no charge to covered entities, in each county of this**  
9 **state:**

10 **“(A) Collection by trained individuals at one or more household**  
11 **hazardous waste collection sites; or**

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

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

18 **“(8) A battery producer responsibility organization shall accept for**  
19 **processing and further management, at no cost to the collection ser-**  
20 **vice providers, covered batteries collected through on-route battery**  
21 **collection service administered by a local government.**

22 **“SECTION 8. Responsible management. (1) A battery producer re-**  
23 **sponsibility organization shall, in compliance with all applicable laws,**  
24 **ensure that the organization’s battery producer responsibility program**  
25 **uses responsible management in collecting, transporting, processing,**  
26 **recycling or otherwise managing covered batteries and materials from**  
27 **covered batteries. Responsible management includes:**

28 **“(a) Adequate record keeping;**

29 **“(b) Tracking the fate of covered batteries;**

30 **“(c) Conducting performance audits and inspections;**

1       “(d) Identifying and, when available, utilizing opportunities for re-  
2 use and refurbishment;

3       “(e) Complying with worker health and safety requirements;

4       “(f) Ensuring that materials from covered batteries are delivered  
5 to responsible end markets;

6       “(g) Maintaining liability insurance and other financial assurances;  
7 and

8       “(h) Carrying out other practices as may be adopted by rule by the  
9 Environmental Quality Commission.

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

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

21       “(a) Establish a toll-free telephone number and a website address  
22 that a covered entity may use to contact the battery producer re-  
23 sponsibility organization to provide feedback about the battery pro-  
24 ducer responsibility program and to obtain information about the  
25 program, including:

26       “(A) The location of collection sites;

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

28       “(C) Other collection services.

29       “(b)(A) Develop educational materials, including educational web-  
30 based content, press releases, advertisements and promotional mate-

1   **rials.**

2       **“(B) Educational materials must:**

3       **“(i) Be provided at sites that primarily sell covered products, col-**  
4   **lection sites and sites that accept damaged or defective batteries; and**

5       **“(ii) Include materials that address the needs of rural, lower-income**  
6   **and other historically underserved communities.**

7       **“(c) Conduct a biennial survey to measure public awareness, using**  
8   **questions and methodology that have been approved by the Depart-**  
9   **ment of Environmental Quality.**

10      **“(2) A battery producer responsibility organization shall coordinate**  
11   **with other battery producer responsibility organizations under this**  
12   **section to ensure that program users can easily identify, understand**  
13   **and access the services provided by all battery producer responsibility**  
14   **programs that are operational in this state. At a minimum, all of the**  
15   **battery producer responsibility programs that are operational in this**  
16   **state must provide a single toll-free telephone number and a single**  
17   **website address that a covered entity may use to contact battery pro-**  
18   **ducer responsibility organizations and to acquire information about**  
19   **battery producer responsibility programs.**

20      **“SECTION 10. Annual report. (1) A battery producer responsibility**  
21   **organization shall submit to the Department of Environmental Qual-**  
22   **ity, in a form and manner prescribed by the department, an annual**  
23   **report on the development, implementation and operation of the bat-**  
24   **tery producer responsibility program that contains information re-**  
25   **quired by the department to evaluate whether the program complied**  
26   **with the requirements of sections 2 to 17 of this 2025 Act. The annual**  
27   **report must include:**

28      **“(a) A list of covered producers participating in the battery pro-**  
29   **ducer responsibility program, the brands associated with each covered**  
30   **producer and the date the covered producer began participating in the**

1 **organization.**

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

4 **“(c) The amount, by weight and chemistry, of covered batteries**  
5 **collected at each collection site.**

6 **“(d) An assessment of whether the battery producer responsibility**  
7 **organization implemented the program in accordance with the plan**  
8 **approved under section 5 of this 2025 Act.**

9 **“(e) A description of whether the program provided responsible**  
10 **management of covered batteries from collection to final disposition**  
11 **and an affirmation that all covered batteries were responsibly man-**  
12 **aged and delivered to responsible end markets.**

13 **“(f) A list of collection sites, processors, transporters or other ser-**  
14 **vice providers involved in battery management and used by the pro-**  
15 **gram during the preceding program year, and the responsible end**  
16 **markets used by the program during the preceding program year.**

17 **“(g) A summary of public awareness and education activities per-**  
18 **formed by the battery producer responsibility organization, alone or**  
19 **in coordination with one or more battery producer responsibility or-**  
20 **ganizations, 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**  
23 **section 9 of this 2025 Act.**

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

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



1       “(j) A summary of annual expenditures, including amounts aggre-  
2       gated by categories specified by the department, and a report by an  
3       independent certified public accountant, retained by the battery pro-  
4       ducer responsibility organization at the battery producer responsibility  
5       organization’s expense, on the accountant’s audit of the battery pro-  
6       ducer responsibility organization’s financial statements.

7       “(k) An analysis of program costs and expenditures incurred in this  
8       state, including an analysis of the program’s expenses, such as col-  
9       lection, transportation, recycling, education and administrative over-  
10      head.

11      “(2) The department shall review and approve a report submitted  
12      under this section within 90 days of receiving the report, provided that  
13      the department determines that the report satisfies the requirements  
14      of this section. If the department does not approve the report, the  
15      department shall provide the battery producer responsibility organ-  
16      ization with written notice of the reasons for the rejection. A battery  
17      producer responsibility organization shall submit a revised report as  
18      required by the department.

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

21      “(4) Upon the request of the department, a battery producer re-  
22      sponsibility organization shall provide to the department:

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

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

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

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

28      Delete lines 42 through 45.

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

30      “**SECTION 13. Fees.** (1) The Environmental Quality Commission

1 shall establish by rule the following fees for the purpose of paying the  
2 costs of administering, implementing and enforcing sections 2 to 17  
3 of this 2025 Act:

4 “(a) A plan review fee for reviewing a battery producer responsi-  
5 bility program plan submitted under section 4 of this 2025 Act.

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

8 “(2) Each battery producer responsibility organization that operates  
9 a battery producer responsibility program in this state is responsible  
10 for paying the fees established by this section. If more than one bat-  
11 tery producer responsibility organization operates a battery producer  
12 responsibility program in this state, the fee established under sub-  
13 section (1)(b) of this section shall be paid in equal parts by each bat-  
14 tery producer responsibility organization operating in this state.

15 “(3) Fees established under subsection (1) of this section must be  
16 reasonably calculated and adequate to cover the costs of administer-  
17 ing, implementing and enforcing sections 2 to 17 of this 2025 Act.

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

21 “(5) The department may not charge a plan review or annual fee  
22 that exceeds the fees established by the Environmental Quality Com-  
23 mission under this section.”.

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

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

27 **“(2) The owner or operator of a disposal site is not in violation of  
28 this section if the disposal site has posted in a conspicuous location a  
29 sign directing the public to a battery producer responsibility  
30 program.”.**

