

Requested by Representative LEVY E

**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 the Federal Food, Drug, and Cosmetic  
10 Act, 21 U.S.C. 301 et seq., as in effect on the effective date of this 2025  
11 Act; or

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

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

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

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

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

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

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

25 “(6) ‘Covered entity’ means:

26 “(a) A resident of this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 containing product; and

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

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

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

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

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

15 “(a) A rechargeable battery that:

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

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

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

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

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

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

26 “(13) ‘Portable battery’ means:

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

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

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

1 recharged.

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

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

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

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

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

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

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

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

1 battery producer responsibility program that satisfies the require-  
2 ments of sections 2 to 17 of this 2025 Act. The plan must include:

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

7 “(b) A description of how the battery producer responsibility or-  
8 ganization will:

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

12 “(B) Provide for convenient and equitable service as required by  
13 section 7 of this 2025 Act, including a list of all service providers in-  
14 volved in the management of collected batteries, including all col-  
15 lection sites, transporters and processors the battery producer  
16 responsibility organization will contract with or use to provide services  
17 required by sections 2 to 17 of this 2025 Act.

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

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

24 “(E) Ensure continuous improvement of the battery producer re-  
25 sponsibility program by establishing and working to achieve measur-  
26 able performance goals for the program. Performance goals must  
27 include the date by which the goal will be met. Beginning with the  
28 fourth program year and thereafter, performance goals must include  
29 annual goals for:

30 “(i) Collection rates;

1       “(ii) Recycling efficiency; and

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

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

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

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

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

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

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

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

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

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

28 “(b) The department’s rejection of a plan does not relieve a battery  
29 producer responsibility organization from continuing to implement a  
30 battery producer responsibility program in compliance with a previ-



1 ously approved plan pending a final action by the department on the  
2 updated plan.

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

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

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

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

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

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

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

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

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

29 “(2) The department shall approve or reject a request submitted  
30 pursuant to subsection (1) of this section within 60 days of receiving

1 the request. If the department does not approve or reject the request,  
2 and provide written notice to the battery producer responsibility or-  
3 ganization of the department's decision within 60 days of the date on  
4 which the department received the request, the proposed change shall  
5 be considered approved.

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

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

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

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

30 “(b) Which covered producers are participating in the battery pro-

1 **ducer responsibility organization;**

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

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

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

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

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

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

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

21 **“(d) In each city with a population of 200,000 or greater, at least 10**  
22 **collection sites, plus one additional collection site for every additional**  
23 **50,000 residents of the city over 200,000.**

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

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

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

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

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

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

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

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

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

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

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

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

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

29       “(b) Enter into agreements with all willing transfer stations, land-  
30 fills and material recovery facilities that are covered under a solid

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

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

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

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

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

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

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

29 “(a) Adequate record keeping;

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

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

11       “(2) A battery producer responsibility organization shall ensure that

12 all collection sites and processors that manage covered batteries or

13 covered battery materials collected through the battery producer re-

14 sponsibility program use responsible management with respect to

15 covered batteries and covered battery materials.

16       “SECTION 9. Public education and awareness. (1) A battery pro-

17 ducer responsibility organization must develop educational resources

18 and conduct public awareness activities across multiple types of media

19 to advertise and promote, on a regular basis, recycling of covered

20 batteries and collection opportunities statewide. In addition, a battery

21 producer responsibility organization must:

22       “(a) Establish a toll-free telephone number and a website address

23 that a covered entity may use to contact the battery producer re-

24 sponsibility organization to provide feedback about the battery pro-

25 ducer responsibility program and to obtain information about the

26 program, including:

27       “(A) The location of collection sites;

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

29       “(C) Other collection services.

30       “(b)(A) Develop educational materials, including educational web-

1 based content, press releases, advertisements and promotional mate-  
2 rials.

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

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

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

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

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

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

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

1 producer and the date the covered producer began participating in the  
2 organization.

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

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

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

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

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

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

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

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

29 “(B) If the battery producer responsibility organization did not meet  
30 performance goals, a description of actions the battery producer re-



1 **sponsibility organization will take to meet those goals.**

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

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

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

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

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

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

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

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

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

29 Delete lines 42 through 45.

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

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

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

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

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

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

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

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

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

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

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

1 **program.”.**

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