Extended Battery Producer Responsibility Framework Virtual Roundtable

February 10, 2026

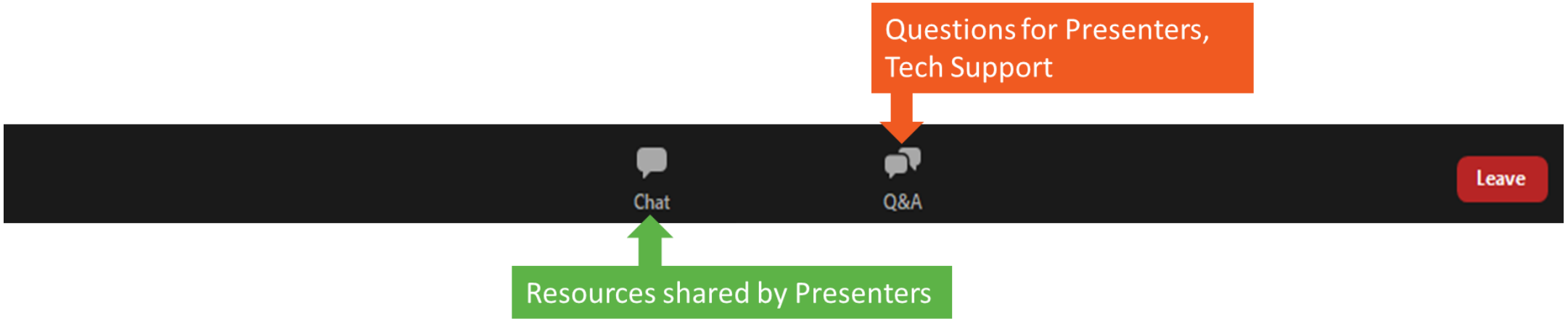
U.S. Environmental Protection Agency

Logistics and Agenda Review

Pat Tallarico, ERG Team

EPA

Webinar Logistics



- **To ask a question:** Type your questions for presenters in the Q&A box. We will answer questions at the end of each presentation. Please reserve this for questions only and send additional information to us at batteries@epa.gov
- **Technical difficulties:** If you are having technical difficulties, please send a message through the Q&A box or email Hannah.Rosenberg@erg.com

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#7904076

Agenda

- Opening Remarks, Logistics, and Purpose of Roundtable
- Background on the Framework Elements and Discussion Topics
- Facilitated Panel Discussion with States
- Next Steps

Welcome

Kim Cochran, U.S. EPA

Vision for an Extended Battery Producer Responsibility Framework

- Voluntary EPR framework to support design, implementation, and promote consistency where appropriate
- Aimed at achieving national goals in recovering critical minerals and supporting states in battery collection and recycling
- As specified by the IIJA, addresses:
  - Battery recycling goals
  - Reporting requirements
  - Cost structures for mandatory recycling
  - Product design
  - Collection models
  - Transportation of collected materials, including safely storing and handling

Roundtable Objectives

- Share an overview of common EPR elements for small and mid-format battery EPR
- Hear perspectives from Illinois, New York and California about key elements of their respective battery EPR programs
- Gather additional input on key concepts for an EPR framework for batteries and suggestions for encouraging use of the framework

Considerations

- The framework will be voluntary.
- The information presented today:
  - Reflects the input that EPA received during the feedback process focused on small and mid-format batteries.
  - Is subject to further consideration and refinement.
  - May be useful for future conversations on other products.

Background on the Framework

Pat Tallarico, Facilitator, ERG Support Team

Increased Fires in the U.S. Waste Stream

- **Fires are increasing across waste industry (EPA report)**
- **State, Tribal and local governments (ASTSWMO Survey)**
  - High costs for safe handling
  - Hard to recycle: vapes, embedded batteries
- **Fires at U.S. material recovery facilities**
  - 5,000 fires annually across 300 MRFs (NWRA estimate)
  - More than 1% of MRFs experience a catastrophic loss every year
  - MRF property insurance rates increased 10-50x from 2017 – 2023

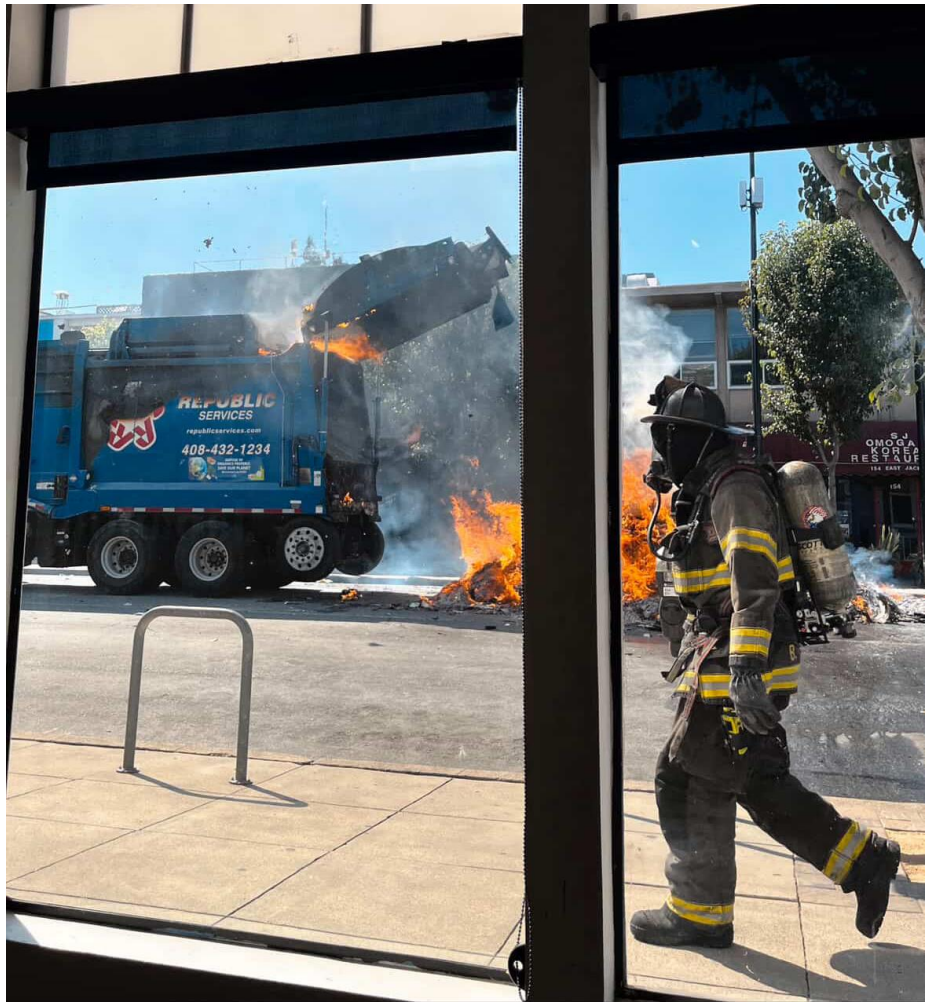
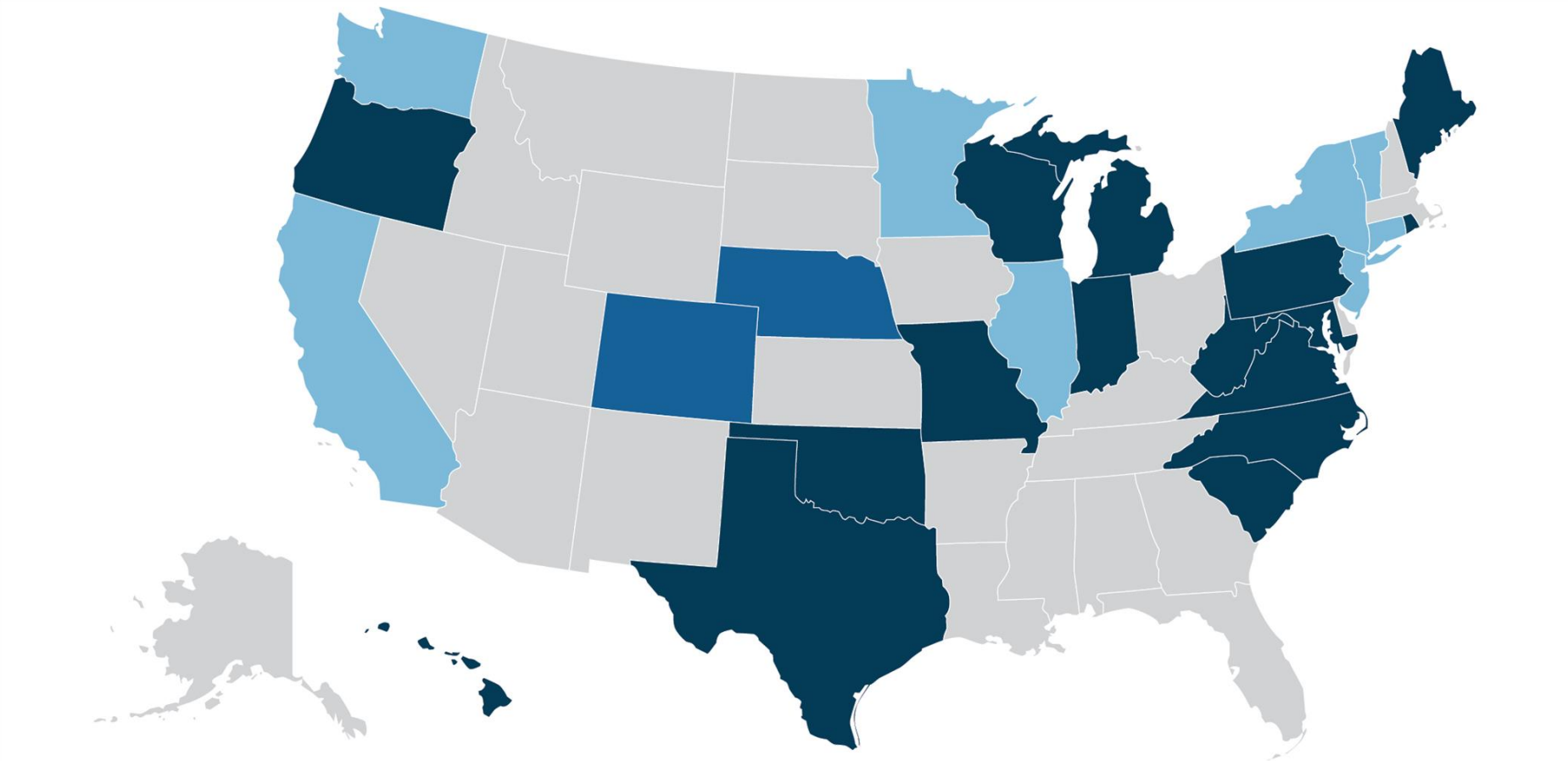


Photo credit: Hai Nguyen (Oakland, CA)

U.S. Battery EPR Laws are One Policy Approach to Address Battery Disposal Challenges



Process for Developing the Framework

- Reviewed U.S. state and international EPR laws
- Identified common EPR elements
- Reviewed considerations of EPR elements for small and mid-format batteries
- Held 3 webinars and an in-person event, engaging nearly 700 participants to develop draft recommendations for batteries

In September 2025, EPA hosted 70 battery industry experts to discuss framework considerations for small and mid-format batteries
Photo credit: EPA (Washington, DC)

Scope of Batteries for Framework

Category	Small format consumer electric and portable batteries		Mid-format batteries	Large format batteries
Type	Single-use (Primary)	Rechargeable (Secondary)	Rechargeable	Rechargeable
What's Included?	< 4.4 pounds or up to 300 Wh	< 11 pounds or up to 300 Wh	11-25 pounds or 300-2,000 Wh	> 25 pounds or >2,000 Wh
Use	Removable or embedded in electronics and electric devices, such as watches, hearing aids, cameras, key fobs, toys, portable radios, flashlights.	Removable or embedded in electronics and electric devices, such as phones, computers, appliances, small uninterruptable power supplies (UPS), power tools, power banks.	E-mobility including e-bikes, e-scooters. Outdoor power equipment. Portable power stations.	All scales of automotive starting and motive vehicle batteries. Materials handling equipment (forklift, crane, etc.) Recreational (golf carts, marine equipment, recreational vehicles, etc.)

State Battery EPR Programs Overview

Alex Naidoo
Environmental Program Specialist
New York State DEC

Michelle Cevallos
Supervisor, Battery EPR Unit
CalRecycle

Ethan Herrick
Environmental Protection Specialist
Illinois EPA

NYS Rechargeable Battery Law (2010)

- Went into effect in 2011
- Amended Dec. 2025 (SB73A)
- Illegal to throw rechargeable batteries in the trash

CA Responsible Battery Recycling Act (2022)

- Replaces the 2006 Rechargeable Battery Act and 2004 Cell Phone Recycling Act
- Regulations estimated to go into effect in 2027

IL Portable and Medium-Format Battery Stewardship Act (2024)

- EPR program took effect January 1, 2026

Elements for an EPR Framework

Policy Development

- Definitions
- Funding & cost structures
- Implementation timeline
- Labeling
- Roles & responsibilities
- Performance measures & goals
- Alignment with other policy instruments

Program Implementation

- Education & outreach
- Collection models & transportation
- Stewardship plan

Monitoring & Evaluation

- Data collection & annual reporting
- Enforcement
- Performance measures & goals

Element Overview: Definitions

Importance for Inclusion in EPR Programs

- Establish a common understanding of key terms and concepts that support consistency across EPR program design and implementation.
- Clarifies the scope of the requirements.
- Typically set in the state law.
- In some cases, state regulations may determine ancillary definitions.

Key Definitions

- Recycling
- Obligated producer
- Covered batteries & exclusions

Recycling Definitions

Illinois (2024)

- As defined in Section 3.380 of the Environmental Protection Act
- Excludes:
  1) Combustion
  2) Incineration
  3) Energy generation
  4) Fuel production
  5) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover

California (2022)

- As defined in in subdivision (a) of Section 25121.1 of the Health and Safety Code
- Excludes:
  1) Combustion
  2) Incineration
  3) Energy generation
  4) Fuel production
  5) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover

New York (2010)

- Not defined in the battery EPR law

Scope of Covered Batteries

New York (2010)

- As passed in 2010, small format rechargeable batteries up to 25 pounds
- Single-use not covered
- The 2025 amendment expands coverage to include mid-format batteries 25-50 pounds, including e-mobility
- Excludes embedded batteries from retail collection requirements

California (2022)

- Small format single-use and rechargeable batteries and battery-containing products
- Amendment introduced to add mid-format batteries
- Excludes embedded batteries, covered under the electronics EPR law
- Excludes certain medical devices and recalled batteries

Illinois (2024)

- Single-use and rechargeable small and mid-format batteries and battery-containing products
- Excludes embedded batteries and certain medical devices
- Excludes lead-acid greater than 11lbs.
- Excludes components of a motor vehicle

EPA

Obligated Producer Definitions

Illinois (2024)

i. Manufacturer
ii. Brand owner
iii. Licensee of brand
iv. Importer
v. First seller

California (2022)

i. Manufacturer (or licensee of brand)
ii. Brand owner (or licensee of brand)
iii. Importer/ Distributor/Seller

New York (2010)

i. Manufacturer
ii. Importer

Are there battery EPR terms that are confusing or need further clarification?

Discussion Questions

- Are there terms in the law or the regulations that program participants have found confusing or needing further clarification?
- How did you determine which batteries you would cover in your rules? Are your states planning on covering other types of batteries or battery containing-products in the future (e.g., products with embedded batteries)?

Element Overview: Roles and Responsibilities

Importance for Inclusion in EPR Programs

- Clearly defines obligations for key parties
- Ensures fairness and accountability to fulfill obligations and goals of the program
- Roles and responsibilities may vary based on the specific product EPR program being implemented

Key Roles

- Producer/PRO
- State Agency
- Advisory Council
- Retailers
- Independent Collector

Roles and Responsibilities Across States

New York (2010)

- Multiple PROs allowed
- The Battery Network (formerly Call2Recycle) and Harbor Freight and Interstate Batteries operate
- All retailers of covered batteries must serve as collection sites

California (2022)

- Multiple PROs allowed
- Battery retailers with five or more locations within the state must participate as a permanent collection location
- Advisory body engages in a consultative process with PRO

Illinois (2024)

- Multiple PROs allowed
- Retailers are not required to serve as collection site.
- Agency role includes:
  - Plan review
  - Annual report review
  - Maintain website
  - Provide technical assistance to producers and retailers

Discussion Questions

- How do those you consider "independent collectors" report collection information?
- Are there any other entities that play an important role in your program implementation? In particular, how are local governments included?

Which roles and responsibilities are confusing in battery EPR programs?

Enforcement

Importance for Inclusion in EPR Programs

- Promotes fair treatment among key parties
- Reduces "free-rider" problem with producers operating without meeting obligations
- Defines state agency enforcement responsibilities to ensure participation and compliance from obligated producers/PROs.
- Includes a clear set of penalties and violations.

Key Enforcement Considerations

- Enforcement approaches include:
  - 'Do not sell' provisions
  - Fines and other punitive damages
  - Private right of action
- Ensure that the law dedicates funding mechanisms for enforcement

Enforcement Across States

New York (2010)

- Enforcement agency: NYS DEC
- Civil penalties ranging from $50 to $200 for consumers, $200 to $500 for retailers, and $2,000 to $5,000 for producers
- On-site inspections of retailers

California (2022)

- Enforcement agency: CalRecycle
- Administrative civil penalties on a producer, program operator, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site that is in violation (amount cannot exceed $10,000 per day).

Illinois (2024)

- Enforcement agency: Illinois EPA
- Civil penalties of $7,000, and any failure to pay a fee required carries a civil penalty equal to double the fee

What mechanisms should EPR programs use to ensure that producers and sellers are contributing to the recycling of batteries?

Discussion Questions

- Beyond the enforcement mechanisms you mentioned are there other ways you are trying to ensure that all covered producers and sellers contribute to the program?
- What role does the PRO play in the enforcement process?

Performance Measures & Reporting

Importance for Inclusion in EPR Programs

- Measurable goals track performance and progress toward economic and environmental policy objectives
- Provides opportunities to convey accomplishments and demonstrate benefits of program
- Must be linked to available, accurate data and methodologies
- Producers and PROs are typically responsible for providing updates on their activities through annual reports.

Key Concepts

- Accessibility and convenience standards
- Total collection and recycling efficiency rates
- Public awareness
- Safety measures

Performance Measures & Reporting Across States

New York (2010)

PROs submit data on the:

- Amount of rechargeable batteries received and recycled
- Costs of collection efforts

California (2022)

Law specifies:

- Minimum recycling efficiency rate of 60 percent for rechargeable batteries and 70 percent for single-use batteries
- Accessibility goals

Stewardship plans include:

- Public awareness goals

Annual report to include findings from evaluation of statewide education and outreach program

Illinois (2024)

Law specifies:

- Target recycling efficiency rates of at least 60 percent for rechargeable batteries and at least 70 percent for single-use batteries

Stewardship plan must include, but is not limited to:

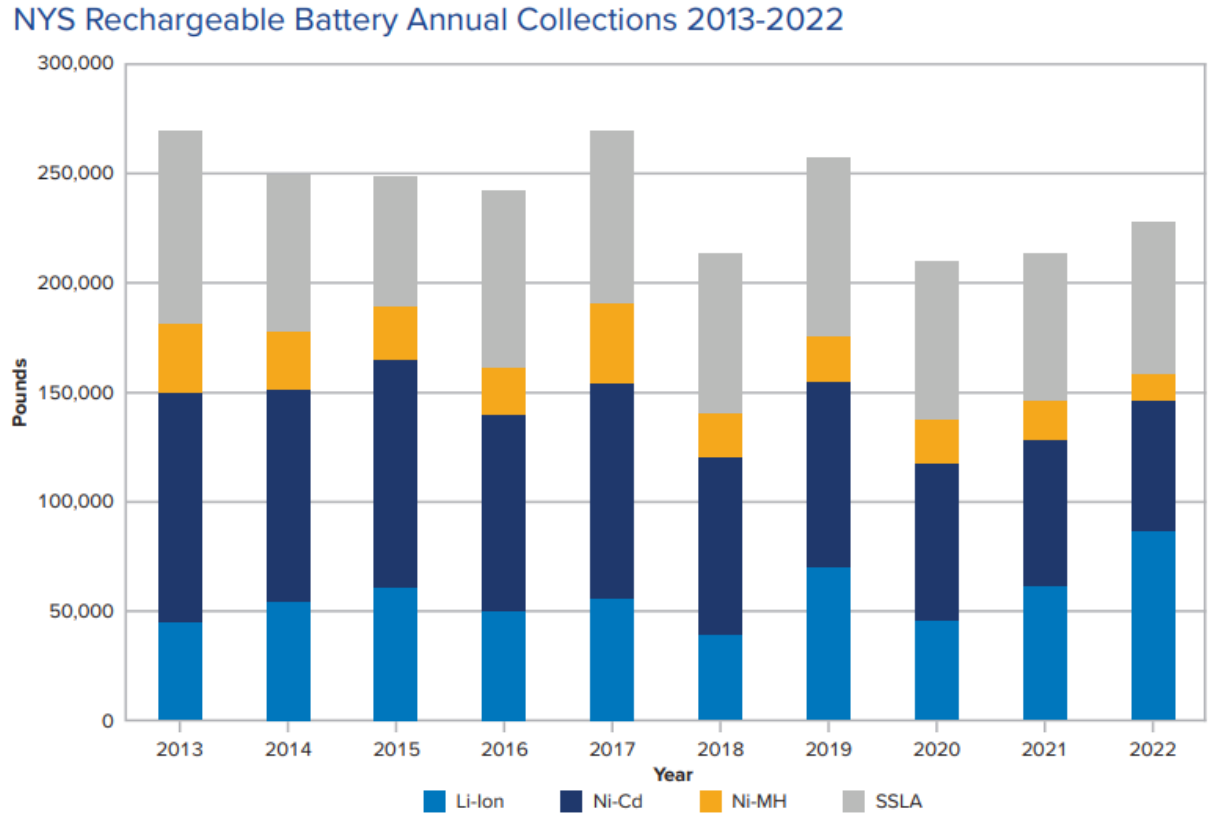
- Target collection rates for single-use and rechargeable batteries
- Goals for public awareness, convenience and accessibility

Discussion Questions

- What challenges have you experienced in trying to calculate recycling efficiency?
- Are there any other regulatory approaches you would recommend to help promote more battery recycling?

Key Takeaways from New York

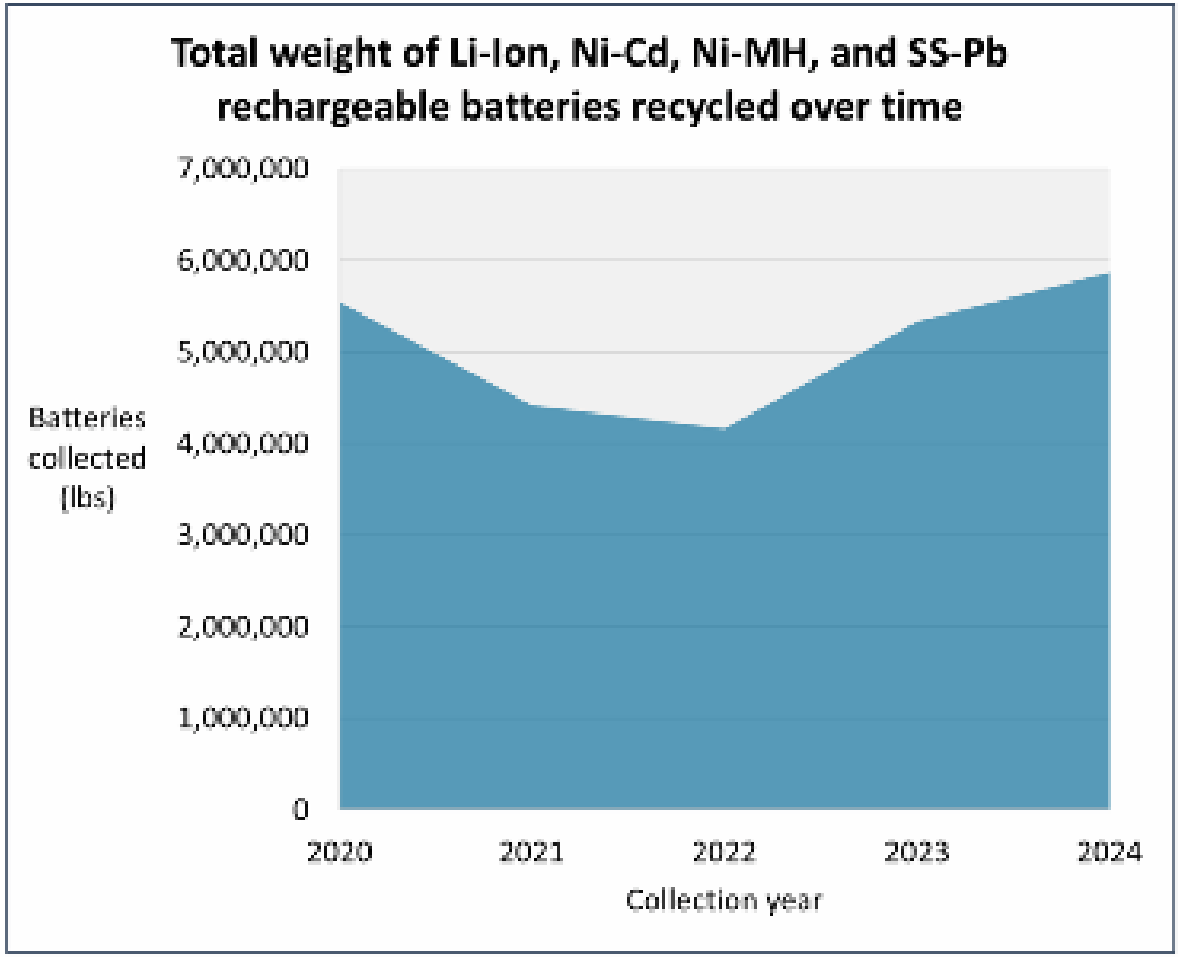
- The scope of covered batteries has remained effective and relevant over time
- One PRO can make program implementation and messaging more consistent and effective.
- Reliable retail partners provide a robust collection network across the state and require additional management and oversight from the state agency.
- Funding from producers for enforcement and oversight would strengthen the DEC's capacity as the program's regulatory authority.



The Battery Network collected a total of 2,517,876 pounds of batteries for recycling during program years 2013–2022

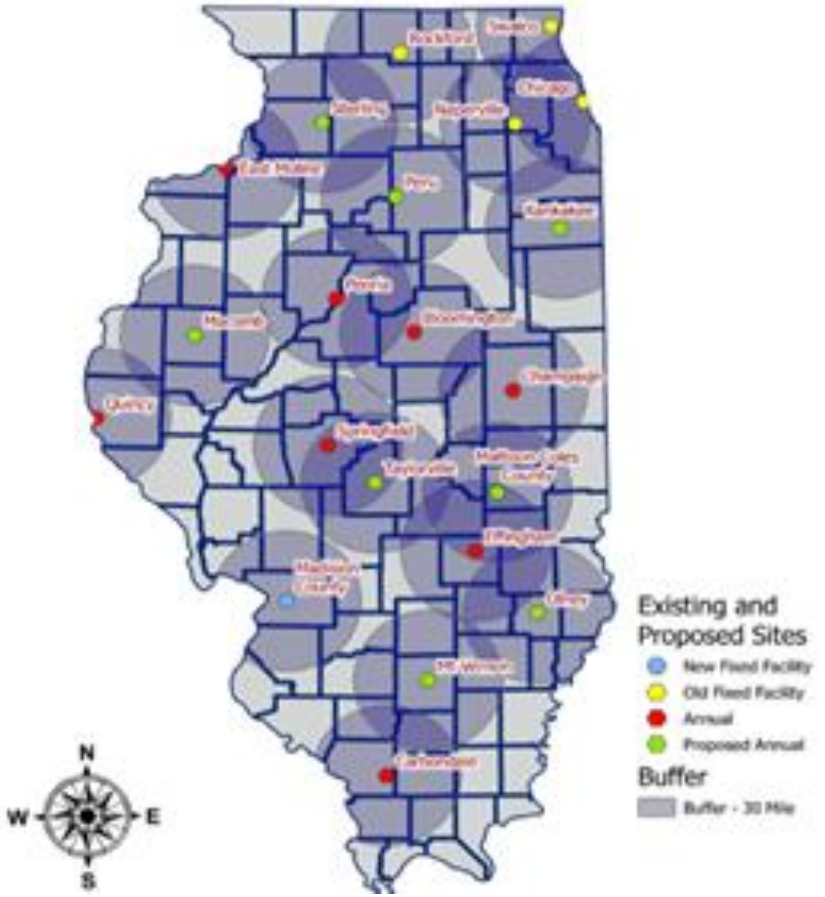
Key Takeaways from California

- The legislature is contemplating expanding the scope of covered batteries to address growing concerns about improper disposal of batteries into the waste stream.
- Clear definitions and regulations to provide structure to help the battery EPR program operate successfully.
- Open communication is crucial when designing and implementing programs in coordination with other agencies. CalRecycle and the Department of Toxic Substances Control continue to work collaboratively as they exchange feedback and implement the law.



Key Takeaways from Illinois

- Early coordination with potential participants allows for sustainable scaling of the program.
- Education and outreach is crucial when designing and implementing programs for statewide communities.
- The use of existing statewide collection networks and facilities is vital to the efficient creation of an extended producer responsibility program.



Questions? Contact:

- **Ethan Herrick, Illinois EPA:** ethan.herrick@illinois.gov
- **CalRecycle:** Batteries@CalRecycle.ca.gov
- **Alex Naidoo, NYS Department of Environmental Conservation:** alexander.naidoo@dec.ny.gov

Panel Discussion

What EPR elements are most important to define or deliver consistently across states?

What types of resources or additional engagement would be most helpful to encourage the use of the framework?

Next Steps

Kim Cochran, U.S. EPA

What's Next? – Rollout Timeline

Scan to access the Toolkit!

Spring 2026: Additional web-based resources in Battery Collection Toolkit

Summer 2026: EPR Framework

- High-level framework outlining key EPR elements