SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2021 - 2022 Regular

Bill No:	AB 1		
Author:	Cristina Garcia and Santiago		
Version:	05/18/2022	**Hearing Date:**	6/1/2022
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Hazardous waste

DIGEST: This bill makes a technical correction to the Lead-Acid Battery Recycling Act related to a public notice provision for the California battery fee.

ANALYSIS:

Existing law:

1) The Lead-Acid Battery Recycling Act of 2016, as part of the hazardous waste control laws, prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, but authorizes a person to dispose of a lead-acid battery at certain locations. (Health & Safety Code (HSC) § 25215.5 et seq.)

    a) Imposes a California battery fee on a person for specified types of replacement lead-acid batteries purchased from a dealer in the amount of $2 commencing April 1, 2022.

    b) Requires a dealer to post a written notice or include on the purchaser's receipt for one of these lead-acid batteries specified language, including language stating that the dealer is required by law to charge a nonrefundable $1 California battery fee.

2) Specifies that a violation of the hazardous waste control laws is a crime.

This bill makes a technical correction to the notice requirement provision to reflect the new California battery fee rate that went into effect on April 1, 2022.

Background

1) *Lead-acid batteries*. Lead-acid batteries are rechargeable batteries made of lead plates situated in sulfuric acid within a plastic casing. They are used globally for a wide range of purposes, most commonly in vehicles like automobiles, boats, trucks, and industrial vehicles. The average battery contains 17.5 pounds of lead and 1.5 gallons of sulfuric acid. The demand for lead is high and as such lead is a highly valued commodity that makes recycling highly profitable.

2) *Lead-Acid Battery Recycling Act (Act).* The Lead-Acid Battery Recycling Act of 2016 (C. Garcia, Chapter 666, Statutes of 2016) established the Lead-Acid Battery Cleanup Fund (Fund) to finance, among other limited purposes, the investigation and cleanup at any area of the state that is reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility. AB 142 (C. Garcia, Stats. 2019, Ch. 860) made several changes to the Act. Among other things, the bill increased the Manufacturer Battery Fee from $1 to $2 commencing April 1, 2022, changed the definition of "lead-acid battery recycling facility" and instituted a different standard to appropriate moneys from the Fund for cleanup, remedial action, removal, monitoring, or other response actions. AB 2104 (C. Garcia, Stats. 2020, Ch.276) further amended the Act, including modifying the public notice requirements and public comment period associated with the initiation and completion of area investigations and the acceptable duration of an investigation.

3) *Lead-Acid Battery Recycling Facility Investigation and Cleanup (LABRIC) Program*. DTSC established the LABRIC Program to implement the Act. The LABRIC Program is responsible for identifying areas of the state that are eligible for expenditure of money from the Fund.

   Among other things, the LABRIC Program performs the following functions under the Act:
   a) Determines whether areas of the state are reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility;
   b) Performs or oversees investigation or site evaluation of areas of the state that are reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility;
   c) Designates areas of the state as having been determined with reasonable certainty to have been contaminated by releases from the operation of a lead-acid battery recycling facility;
   d) Conducts or oversees cleanup, remedial action, removal, monitoring, or other response actions to address contamination from a lead-acid battery recycling facility at areas of the state determined with reasonable certainty to

have been contaminated by releases from the operation of that lead-acid battery recycling facility; and

e) Inspects lead-acid battery dealers and manufacturers to check compliance with certain requirements of the Act.

4) This bill. Although the amount of the Battery Fee changed as of April 1, 2022, per AB 142, the statute regarding the posted written notice that dealers are required to display is outdated. AB 1 simply updates this notice provision to reflect the new fee rate. Until that statute is updated, dealers will continue to be responsible for collecting the correct fee amount of $2.00 and for ensuring that a written notice is posted in a clearly visible place in their public sales area and/or on their purchaser's receipts.

Comments

1) *Purpose of Bill.* According to the author, "In 2016 I authored AB 2153 which reallocated a small portion of a fee already imposed on all car batteries to fund the cleanup of contamination caused by lead-acid batteries throughout the state. In 2019 I carried AB 142 which starting on April 1 2022, simply raised the manufacture fee to $2 to match the consumer fee to keep the fund equitable. Unfortunately in AB 142 when the fee was raised to $2, the public notice in the bill, was inadvertently not updated to reflect the $2 fee. AB 1 is a technical cleanup bill that just changes the notice to $2 to match the fee that is already being collected.

"The Lead Acid Battery Clean Up fund has facilitated the clean-up efforts for Exide and up to 39 similar sites across the state from Oakland, Los Angles, West Sacramento, Inglewood, Fresno, and San Francisco so remediation won't be delayed based on an inability to get funding from the companies that created the situation in the first place, or relay on the general fund. This fund has been bringing relief to these affected communities and ensures solutions to a major long-term problem. Since starting in 2017 the fund has raised $84 million dollars.

Related/Prior Legislation

AB 2104 (C. Garcia, Stats. 2020, Ch. 276) revised the notice, public comment, and site designation requirements for DTSC as part of the LABRIC Program and provided additional time for DTSC to complete or renew investigations.

AB 142 (C. Garcia, Stats. 2019, Ch. 860) increased the Manufacturer Battery Fee and made other changes to the Lead-Acid Battery Recycling Act of 2016 (Act).

AB 1663 (C. Garcia, 2017) would have amended the Act to clarify provisions related to an out-of-state lead-acid battery manufacturer's financial responsibilities. Specifically, would have authorized a person who manufacturers a lead-acid battery and is not subject to the jurisdiction of the state and who agrees in writing with the importer of that lead-acid battery to pay the Manufacturer Battery Fee imposed on behalf of the importer. The bill was later amended with unrelated content.

AB 2153 (C. Garcia, Chapter 666, Statutes of 2016) enacted the Act.

SOURCE: Author

SUPPORT:

Auto Care Association
Battery Council International
California Latino Legislative Caucus
California Retailers Association
Cawa
Los Angeles County
Military Services in California

OPPOSITION:

None received

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