

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3723

STATE OF NEW JERSEY

DATED: JUNE 15, 2023

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 3723 (1R).

This bill would establish a framework for the proper end-of-life management of propulsion batteries, and would be known as the “Electric and Hybrid Vehicle Battery Act.” The bill defines “propulsion battery” to mean an electrical energy storage device, consisting of one or more individual battery modules or battery cells, which are used to supply power to propel an electric or hybrid road vehicle. The term includes, but is not limited to, lithium-ion batteries and nickel-metal hydride batteries. “Propulsion battery” does not include a starter battery or a battery used for, or embedded in, products for industrial applications.

The bill would require any propulsion battery sold in the State to contain a permanent label that provides information about the battery. Under current law, P.L.2003 c.266 (C.26:2C-8.15 et seq.), New Jersey participates in California's Low Emission Vehicle Program, and the Department of Environmental Protection (DEP) adopts rules regarding low emissions vehicles that are functionally equivalent to California's. California recently adopted rules regarding vehicle battery labeling, at section 1962.6 of Title 13 of the California Code of Regulations. This bill would clarify that the same requirements regarding propulsion battery labeling would apply in New Jersey.

The bill would explicitly prohibit persons from disposing of propulsion batteries, and their subcomponents, as solid waste. The bill would also authorize solid waste collectors to refuse to collect a solid waste container containing a propulsion battery or component, and it would authorize solid waste disposal facilities to refuse to accept propulsion batteries or truckloads and roll-off containers containing a propulsion battery or component.

No later than 180 days after the effective date of the bill, each producer of propulsion batteries would be required to develop and submit a battery management plan to the DEP for review and approval. Under the bill, “producer” is defined to mean a propulsion battery manufacturer, remanufacturer, or importer, a person who repurposes propulsion batteries, or a propulsion manufacturer, brand or trademark

licensee, or importer, who manufactures, sells, offers for sale, or imports a propulsion battery in or into New Jersey. Subsection b. of section 5 of the bill would establish provisions regarding which producer is to assume responsibility for a given propulsion battery. Subsection d. of section 5 of the bill would establish certain minimum requirements for the contents of a battery management plan, including the methods that will be used to collect and store the used propulsion batteries that are returned to the producer. The bill would also establish provisions regarding the DEP's process for reviewing and approving battery management plans.

Under the bill, a consumer in possession of an unwanted propulsion battery would be authorized to return the battery (or the vehicle containing the battery) to a location designated by the producer of the battery, as specified in the producer's battery management plan, or to any Class D recycling center that is authorized by the DEP to recycle electric batteries. The bill would require the producer to accept the battery and to provide for its proper reuse, remanufacturing, repurposing, or recycling.

The bill would require the propulsion battery producers to provide consumers with educational materials related to the producer's approved battery management plan and the collection services that are available, including information identifying the end-of-life management options that are available for propulsion batteries through the battery management plan, and a notice that, in New Jersey, the costs of the services will be covered by the producer. The bill would also require the DEP to establish a means of addressing consumer complaints and a public education program to assure the widespread dissemination of information concerning the bill's provisions.

The bill would give the DEP authority to enter, at any time during normal business hours and upon presentation of appropriate credentials, a recycling center, vehicle recycler, or propulsion battery producer in order to determine compliance with the bill's provisions. Finally, the bill would provide that a violation of the bill's provisions would be considered a violation of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.). A person who violates the "Solid Waste Management Act" may be assessed a civil administrative penalty of up to \$50,000 for each violation.

As reported by the committee, this bill is identical to Assembly Bill No. 5365, as amended and also reported by the committee.