

ASSEMBLY ENVIRONMENT, NATURAL RESOURCES, AND
SOLID WASTE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3876

STATE OF NEW JERSEY

DATED: MARCH 4, 2024

The Assembly Environment, Natural Resources, and Solid Waste Committee reports favorably Assembly Bill No. 3876.

This bill would revise the provisions of the "Dry Cell Battery Management Act," P.L.1991, c.521 (C.13:1E-99.59 et seq.) to expand the types of batteries and consumer products that are covered under this law.

The bill would amend most of the provisions of the "Dry Cell Battery Management Act" to provide that the law would apply to "covered batteries," rather than to mercuric oxide batteries, nickel-cadmium rechargeable batteries, and sealed lead rechargeable batteries, as is provided by current law. The bill would define a "covered battery," with certain exceptions specified in the bill, as a rechargeable or non-rechargeable battery that weighs up to 25 pounds or a rechargeable battery that stores up to 2000 watt-hours of energy, whether embedded in a product or sold separately. This would mean, among other things, that persons would be prohibited from selling a covered battery or battery-embedded product unless the manufacturer of the battery or product, as applicable, has developed a battery management plan that has been approved by the Department of Environmental Protection (DEP). The bill would require each manufacturer of a covered battery to submit a battery management plan to the DEP no later than nine months after the bill's enactment. The bill would also modify the provisions of the "Dry Cell Battery Management Act" to prohibit the use of curbside recycling for the collection of covered batteries, and to require additional items be included in a battery management plan, including a requirement that each manufacturer provide for at least one permanent collection site for used, portable, covered batteries within a 15-mile radius of no less than 95 percent of the residents of the State, and within a 25-mile radius of each resident of the State.

The bill would delete a provision of current law that requires retailers to accept used nickel-cadmium and sealed lead rechargeable batteries from customers. The bill would also delete a provision in current law that requires retailers to post certain signage regarding nickel-cadmium and sealed lead rechargeable batteries in their retail

establishments. In addition, the bill would repeal section 6 of P.L.1991, c.521 (C.13:1E-99.64), which prohibits persons from selling certain rechargeable consumer products, unless certain conditions are met, including the condition that the rechargeable battery is readily removable from the product.