

SENATE THIRD READING
SB 501 (Allen)
As Amended August 17, 2026
Majority vote

SUMMARY

Expands the Responsible Battery Recycling Act of 2022 (Act) to include medium format batteries.

Major Provisions

- 1) *Categorize all covered batteries under the Act as either a small format battery or a medium format battery.*
- 2) *Require a program operator under the Act to annually demonstrate achievement of a minimum recycling efficiency rate of 60 percent for rechargeable batteries and 70 percent for non-rechargeable batteries.*
- 3) *Authorize the Department of Toxic Substances Control (DTSC) to enter and inspect any collection site where hazardous wastes are stored, handled, processed, disposed of, or being treated to recover resources.*

COMMENTS

Universal waste: Universal wastes are hazardous wastes that are widely produced by households and many different types of businesses. Universal wastes include televisions, computers, other electronic devices, batteries, fluorescent lamps, mercury thermostats, and other mercury containing equipment, among others.

The hazardous waste regulations (California Code of Regulations (CCR), Title 22, Division 4.5, Chapter 11, Section 66261.9) identify seven categories of hazardous wastes that can be managed as universal wastes. Any unwanted item that falls within one of these waste streams can be handled, transported, and recycled following the simple requirements set forth in the universal waste regulations (CCR, Title 22, Division 4.5, Chapter 23) versus the more stringent requirements for hazardous waste.

California's Universal Waste Rule allows individuals and businesses to transport, handle, and recycle certain common hazardous wastes, termed universal wastes, in a manner that differs from the requirements for most hazardous wastes. The more relaxed requirements for managing universal wastes were adopted to ensure that they are managed safely and are not disposed of in the trash. Universal waste requirements are also less complex and easier to comply with than the requirements in the state's Hazardous Waste Control Law (HWCL), thereby increasing compliance.

Regulation of batteries: The HWCL, prohibits the disposal of batteries in the trash or household recycling collection bins intended to receive other non-hazardous waste and/or recyclable materials. Many types of batteries, regardless of size, exhibit hazardous characteristics and are considered hazardous waste when they are discarded. These include single use alkaline and lithium batteries and rechargeable lithium metal, nickel cadmium, and nickel metal hydride

batteries of various sizes (AAA, AA, C, D, button cell, 9-Volt, and small sealed lead-acid batteries).

These batteries, sold individually, are "covered batteries" under the Act, which was established by AB 2440 (Irwin), Chapter 351, Statutes of 2022.

If batteries end up in the trash or a recycling bin, owners/operators of solid waste transfer stations, municipal landfills, and recycling centers who discover batteries in the waste or recyclable materials are required to remove and manage the batteries separately. The facility that removes the batteries from the municipal solid waste stream or recyclable materials becomes the generator of the hazardous waste batteries and must comply with hazardous waste management regulations. Facilities that do not properly manage hazardous waste may be subject to regulatory enforcement and may be liable for monetary penalties.

Depending on the type of battery and applicable management requirements, batteries must be sent to a facility permitted to accept hazardous waste batteries, universal wastes, or spent lead acid batteries. Only facilities that have a DTSC permit or other type of authorization to treat, store, or dispose of hazardous wastes may accept hazardous waste batteries. Persons that do not have a DTSC permit may accept and store universal waste batteries and spent lead acid batteries if they operate according to the regulations specifically tailored for those types of batteries.

Responsible Battery Recycling Act of 2022: The Act requires producers of covered batteries to establish a stewardship organization (also known as producer responsibility organization or PRO) that will set up and run a stewardship program that will provide for the free and convenient collection of covered batteries from consumers.

Implementation of the Responsible Battery Recycling Act of 2022: Since enactment of the Act, the Department of Resources, Recycling, and Recovery (CalRecycle) has had several workshops including:

- 1) October 18, 2023 – Informational session on the Act
- 2) April 3, 2024 – Informal Regulatory Concept Workshop
- 3) July 11, 2024 – Informal Regulatory Concept Workshop
- 4) May 29, 2025 – Informal Rulemaking Workshop

As of the writing of this analysis, CalRecycle has not initiated a formal rulemaking to implement the Act.

This bill: SB 501 expands the Act to include medium format batteries. Since regulations for the Act have not been officially started, the addition of the medium format batteries is well-timed to fit within CalRecycle's future regulation.

According to the Author

"SB 501 expands California's extended producer responsibility program for batteries to include medium-format batteries, such as those found in e-bikes, outdoor lawn equipment, and portable power systems. Batteries continue to be one of the most problematic sources of household hazardous waste due to their ability to cause fires or explosions when improperly managed, and

the high costs of proper disposal to local governments. However, the amount of batteries entering end-of-life each year is rapidly increasing. Enhanced Producer Responsibility (EPR) programs can help address problems with safe collection and shift the cost burden of managing these products from local cities and counties, and ultimately ratepayers, to the producers designing the products. SB 501 builds on California's extensive experience with EPR programs while taking advantage of the efficiencies of expanding existing programs."

Arguments in Support

According to the co-sponsors of the bill (the California Product Stewardship Council, Californians Against Waste, and Rethink Waste):

"The three signatories are the original co-sponsors and played an instrumental role in passing AB 2440 (Irwin), which created the Responsible Battery Recycling Act of 2022 and requires producers of covered batteries to establish a stewardship program for the collection and recycling of covered batteries.

We support the proposed language to expand the Responsible Battery Recycling Act of 2022 in a thoughtful manner. The addition of medium format batteries will improve the program to be more exhaustive of larger batteries on the market not currently included in the program that still pose a serious danger to the waste stream. We encourage safeguards and precautions for the collection infrastructure to ensure they are not burdened by size or volume from expanded collection. We also believe holding producers accountable for green design and reuse provisions will be key to driving circularity."

Arguments in Opposition

According to the Motorcycle Industry Council (MIC), the Specialty Vehicle Institute of America (SVIA), and the Recreational Off-Highway Vehicle Association (ROHVA),

"SB 501 was recently amended to expand the state's battery stewardship program to cover "medium format batteries," as defined in the bill. Under current law, the stewardship program applies only to batteries that are easily removable and excludes batteries used in "motor vehicles" as defined in Section 415 of the Vehicle Code, which applies only to vehicles operated on a highway.

As currently drafted, SB 501 could apply to certain electric youth OHVs whose batteries fall within the "medium format" size range. Some of these OHV batteries are designed to be swappable, which could lead to their classification as "easily removable" and therefore subject to the stewardship program. This creates uncertainty regarding whether and how the program would apply to OHVs.

To avoid any ambiguity, we request a specific exclusion for OHVs in the legislation, similar to the explicit exclusion of all-terrain vehicles in the comparable Illinois law."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, enactment of this bill could result in costs of \$285,000 in Fiscal Year 2027-2028 and ongoing annual costs thereafter of \$512,000 for CalRecycle, as well as cost pressures for DTSC to the extent the bill results in increased enforcement workload demands for DTSC.

VOTES**SENATE FLOOR: 30-10-0**

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 5-1-1

YES: Connolly, Bauer-Kahan, Lee, McKinnor, Papan

NO: Ellis

ABS, ABST OR NV: Castillo

ASM NATURAL RESOURCES: 10-2-2

YES: Bryan, Connolly, Garcia, Haney, Hoover, Kalra, Pellerin, Schultz, Wicks, Zbur

NO: Ellis, Macedo

ABS, ABST OR NV: Alanis, Muratsuchi

ASM APPROPRIATIONS: 12-3-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Ta, Tangipa

UPDATED

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