



## H.F. No. 2433 – Environment Omnibus (A-34)

**Author:** Senator Foung Hawj

**Prepared by:** Dan Mueller, Fiscal Analyst (daniel.mueller@mnsenate.gov)  
Ben Stanley, Senate Counsel (ben.stanley@mnsenate.gov)

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### ARTICLE 13 – ENVIRONMENT AND NATURAL RESOURCES

**Section 1 [St. Paul Cultural Art Installation Modification]** amends a previous appropriation from the Arts and Cultural Heritage Fund by changing the grantee to the city of St. Paul and extending the appropriation to June 30, 2028.

**Section 2 [DNR Electronic Licensing System Effective Date Change]** modifies the effective date for the new Department of Resources electronic licensing system to acknowledge that different components of the system will be ready for implementation at different times.

**Section 3 [Appropriations Extensions]** extends

**Subd. 1. [Parks and Trails Fund Appropriations Extensions]** Grants for the following projects are extended to June 30, 2027:

- Mesabi Trail
- Oxbow Park
- Zollman Zoo
- Kraemer Lake and Wildwood County Park
- Plum Creek Park
- Robinson Quarry Park
- Coordination Between Partners

**Subd. 2. [Department of Natural Resources Appropriations Extensions]** Extends to June 30, 2027, previous appropriations for an electronic licensing system, and an appropriation to expand Minnesota’s wild elk.

**Subd. 3. [Metropolitan Council Appropriations Extensions]** Extends to June 30, 2027, two previous appropriations for community tree planting and for planting trees in metropolitan parks.

**Section 4 [Zoo Appropriation]** appropriates \$3.8 million from the general fund to the Minnesota Zoological Board.

**Section 5 [Infectious and Pathological Waste Study; Appropriation]** appropriates \$75,000 from the environmental fund to the commissioner of the Pollution Control Agency to conduct a study of unlawful shipment of infectious and pathological waste.

## **ARTICLE 14 – BATTERY STEWARDSHIP**

**Section 1 [Definition of “Battery”]** adds a definition of “battery” to the waste management chapter of Minnesota Statutes.

**Section 2 [Definition of “Facilitate a Sale”]** adds a definition of “facilitate a sale” to the waste management chapter of Minnesota Statutes.

**Section 3 [Definitions]** defines terms used in the battery stewardship program statutes, including:

- **Covered Battery** – Subject to certain exceptions, a loose battery or a battery that is easily removable, regardless of brand, type, size, capacity, or chemistry.
- **Covered Battery Collector** – A person that collects covered batteries on behalf of and under agreement with a covered battery stewardship organization.
- **Covered Battery Producer** – The person who manufactures, owns or licenses the brand, imports, or sells, offers, or distributes a loose covered battery or one that is contained in, attached to, or packaged with a battery-containing product.
- **Covered Battery Stewardship Organization** – An organization that contracts with one or more covered battery producers to meet the producers’ obligations under this act.
- **Covered Battery Stewardship Plan** – A plan to implement the requirements of this act that is submitted to the Pollution Control Agency (PCA) by a covered battery stewardship organization.

### **Section 4 [Covered Battery Stewardship Plan and Budget]**

**Subd. 1. [Due Dates]** requires each covered battery producer to contract with a covered battery stewardship organization by July 1, 2027, to act on the producer’s behalf for purposes of complying with the requirements of the battery stewardship program. Requires each stewardship organization to submit a stewardship plan to the PCA by January 1, 2029.

**Subd. 2. [Plan Content; Budget]** requires a stewardship plan to include contact information for the stewardship organization and participants; sample contracts with participants; information about the location of covered battery collection sites; a list of participating brands; eligibility requirements for prospective covered battery collectors; an explanation of how the program will provide statewide collection and management of covered batteries, ensure compliance with program convenience standards and

requirements, and comply with reporting requirements; reimbursement rates and payment mechanisms; and an explanation of how costs will be allocated between participating producers.

**Subd. 3. [Convenience Standards]** requires a stewardship plan to provide for convenient, statewide collection for all covered batteries and to meet convenience standards that are based on each county's population.

**Subd. 4. [Review of Stewardship Plan; Implementation]** requires the commissioner to approve or reject a stewardship plan within 120 days of receipt and to allow public comment on the plan for at least 30 days. Requires a stewardship organization to implement approved plans.

**Subd. 5. [Amending or Terminating a Stewardship Plan]** allows a stewardship organization to make certain minor amendments to the plan as a matter of course without commissioner approval (e.g., contact information, the list of participating producers, etc.). Requires all other amendments to be approved by the commissioner before they can be implemented. Requires the stewardship organization to submit a new stewardship plan every five years or whenever the commissioner determines that a new plan is necessary. Allows a stewardship organization to terminate a stewardship plan with 90 days' notice; allows the commissioner to terminate a stewardship plan for good cause.

**Subd. 6. [Compliance]** requires the stewardship organization to comply with approved stewardship plans, including with the reimbursement rates approved by the commissioner, and to ensure that all costs of the program are fully paid by producers.

## **Section 5 [Covered Battery Stewardship Organization; Duties and Structure]**

**Subd. 1. [Duties to Covered Battery Collectors]** requires a stewardship organization to provide reimbursement to collectors at the approved rate, pickup and transport of collected covered batteries, containers for collected materials, signage, and training and educational materials.

**Subd. 2. [Accessibility]** requires a stewardship organization to provide convenient, equitable, and accessible service to all Minnesotans.

**Subd. 3. [Oversight]** requires a stewardship organization to ensure that covered batteries and residual materials are managed according to program performance standards.

**Subd. 4. [Program Effectiveness]** requires a stewardship organization to provide outreach and education to various parties and to take steps to reduce the number of covered batteries in solid waste generated in this state.

**Subd. 5. [Stakeholder Consultation]** requires stewardship organizations to regularly consult with covered battery stakeholders.

**Subd. 6. [Reporting]** requires a stewardship organization to annually report on the stewardship organization's activities during the preceding calendar year.

**Subd. 7. [Organization of Stewardship Organization]** authorizes a stewardship organization to use contractual agreements to implement an approved stewardship plan.

## **Section 6 [Fees]**

**Subd. 1. [Administrative Fees]** requires the stewardship organization to pay administrative fees to the agency that are sufficient to cover the agency's cost of administering the stewardship program.

**Subd. 2. [Disposition of Fees]** requires fees to be credited to a product stewardship account in the special revenue fund. Statutorily appropriates fees to the PCA to implement the battery stewardship program.

## **Section 7 [Collector Duties]**

**Subd. 1. [Accepting Covered Batteries]** requires collectors to accept a certain number of covered batteries per person per day. Requires covered battery collection sites to be open at least 12 hours per week, 50 weeks per year.

**Subd. 2. [Storing Accepted Covered Batteries]** requires collectors to manage and store all accepted covered batteries in a safe manner that complies with applicable law.

**Subd. 3. [Training]** requires collectors to ensure and document that training is provided for collection site employees.

**Subd. 5 [Recordkeeping]** requires collectors to maintain certain records for at least three years and to make those records available for inspection by the PCA upon request.

## **Section 8 [Other Authorities and Duties]**

**Subd. 1. [Private Right of Action]** authorizes a stewardship organization to file a civil action to recover a portion of the stewardship organization's costs and provides for a punitive award of up to three times this amount against a producer who did not participate in the stewardship program.

**Subd. 2. [Conduct Authorized]** exempts producers and stewardship organizations from otherwise applicable antitrust, restraint of trade, unfair trade practices, and related provisions of law.

**Subd. 3. [Duty to Provide Information]** requires furnishing of information to the PCA upon request where necessary to implement this act.

**Subd. 4. [Contracts]** requires voiding of state contracts for the purchase of covered batteries for noncompliance with this act in certain situations. Makes contractors subject to suspension and disbarment in certain situations.

**Subd. 5. [Multistate Implementation]** authorizes the PCA to participate in establishing a regional multistate organization or compact to assist in carrying out the requirements of this act.

**Subd. 6. [Rules]** Authorizes rulemaking to implement this act and exempts those rules from the otherwise applicable requirement to adopt those rules within 18 months.

**Subd. 7. [Batteries Subject to Recall for Safety Reasons]** provides that covered battery stewardship organizations may recover costs associated with the storage, transport, recycling, and disposal of a battery that is subject to recall for safety reasons from the person who would otherwise be a covered battery producer of the battery.

## **Section 9 [Disposal Prohibitions; Battery Labeling; Sales Restriction]**

**Subd. 1. [Disposal Prohibition]** prohibits disposing of covered batteries in solid waste or by placing a covered battery into a recycling container that a collector has not clearly marked for use for collecting covered batteries.

**Subd. 2. [Labeling and Sale; Requirements]** requires covered batteries to be labeled in a manner that identifies manufacturer and the chemistry employed to store energy in the battery. This subdivision also includes limited exemptions.

**Section 10 [Conforming Change]** makes a conforming change to reflect the repeal of statutory language that is superseded by this act.

**Sections 11 & 12 [Conforming Changes]** makes a conforming change to reflect statutory changes made by this act.

**Section 13 [Prohibiting Sale of Batteries Containing Mercury]** prohibits the sale, distribution, or offering for sale of alkaline manganese batteries that contain mercury and that are not button cell nonrechargeable batteries; nonrechargeable button cell batteries that contain more than 25 milligrams of mercury; or dry cell batteries containing mercuric oxide electrodes.

**Sections 14 and 15 [Conforming Changes]** makes conforming changes to reflect statutory changes made by this act.

**Section 16 [Repealer]** repeals various statutes that are superseded by this act.



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95 University Ave. W., STE 3300, Saint Paul, MN, 55155