

ReMA

# State Update

Region & Chapter Policy Activities



Recycled Materials  
Association  
Sustainable. Resilient. Essential.

## July / August 2024

Please send policy activities happening in your states that you want included in the next update to [Justin Short](#). The update is shared with ReMA's Lobbyist Network; feel free to forward to your respective Chapter members.

You can view legislation and regulations impacting the recycled materials industry using [ReMA's State Resources and Tracking](#) page reports. Reports are available by commodity and issue targeted and can be sorted alphabetically or by last action using the toggle in the upper right.

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### ReMA Lobbyist Network Meeting: September 9

ReMA's Lobbyist Network will hold its next meeting on Monday, September 9 at 3 PM Eastern. If you did not receive an invitation to the meeting, please contact [Justin Short](#).

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### ReMA Battery Policy Work Group

Following discussions on consumer and propulsion battery EPR legislation during the ReMA Summer Board Meeting, ReMA's Government Relations Committee has formed a work group to develop positions, amendments, and draft recommendations for the Chapters and Regions to use in the 2025 state legislative sessions. The group includes electronics, battery, residential, and metal recyclers, and will be looking at all aspects of EOL management for batteries. A [Background Information on State Policy Actions](#) document was developed for the Work Group by ReMA staff.

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### ReMA at the NCSL Summit in Louisville, KY

ReMA members and staff participated in the annual [National Conference of State Legislatures](#) (NCSL) Legislative Summit in Louisville, KY from Aug. 5-7. On Aug. 5, ReMA staff moderated a panel titled "[Powering the Future: Finding Critical Minerals](#)". On Aug. 6, ReMA hosted its inaugural Legislative Reception, attracting over 120 attendees, including legislators, legislative staff, and various other stakeholders. The conference continued with ReMA hosting an educational session in the event's learning hub, titled, "Infrastructure Sustained by Recycled Materials". This session explored how the recycled materials industry provides the raw materials needed to build and modernize the nation's infrastructure while stabilizing supply chains, protecting natural resources, and reducing emissions.



## California

**West Coast Chapter Board and Legislative Committee Update:** ReMA's West Coast Chapter met on Thursday, August 29 to discuss pending legislation, priorities for the 2025 session, and local policy issues.

**Session Deadline: Saturday, August 31:** All legislation must be passed by both chambers and sent to the governor by midnight on Saturday, August 31.

**EV Battery EPR:** [SB 615](#) has undergone several amendments in July and August that would make the bill, if passed, potentially more positive for vehicle recyclers. As of August 27, the bill treats most vehicle recyclers as a "secondary handler" of vehicle traction batteries, and requires battery suppliers to ensure the responsible end-of-life management for batteries removed from a vehicle that is still in service or batteries are **offered or returned** to the supplier. A secondary handler who has a negative value battery may require the supplier to assume the cost for transport and management, though the supplier can request the battery be returned installed in the vehicle if the supplier and handler can agree on a fair market value for the vehicle. Secondary handlers who retain possession of a battery must ensure the responsible EOL management and report information on the battery to the DTSC. The bill was ordered to third reading in the Senate on August 27, and will require concurrence by the Senate if passed.

**Fenceline Monitoring:** [AB 2851](#), setting fence line air quality monitoring requirements at metal shredder facilities, was amended in July to meet many of the West Coast Chapter's requests, including establishing standards through local air districts based on universal scientific standards. However, on August 23 amendments were pushed through that would have imposed a hazardous waste generation handling fee on shredders. The Chapter worked with the sponsor's office and the DTSC to receive a rule waiver to allow the bill to remove the fee. The bill was ordered to third reading in the Senate on August 28, and will require concurrence by the Assembly if passed.

**Bag Ban:** Companion bills [AB 2236](#) / [SB 1053](#) would ban certified reusable plastic grocery bags beginning in 2026 and require that paper bags be made out of 50% postconsumer recycled materials beginning in 2028; an earlier version had required 100% recycled materials for paper bags. The bill passed the Senate with amendments on August 28 and will need to be concurred by the Assembly.

**Beverage Containers:** [AB 2511](#), extending market development payments for plastic purchased from reclaimers, passed the legislature on August 28.

**Metal Shredder Permitting:** [SB 1234](#), establishing a new regulatory program for metal shredders and that materials related to metal shredding are not hazardous waste, was left on the Assembly Appropriations suspense file. ReMA's West Coast Chapter will continue working with the DTSC and other stakeholders to bring the bill back for the 2025 session and address some remaining issues with AB 2851.

**Catalytic Converters:** [SB 359](#), extending the Vehicle Dismantler Strike Team, was also held in suspense, and will hopefully be revisited next year.

**Emissions:** [AB 2083](#), requiring the California Energy Commission (CEC) to assess and develop a strategy to reduce industrial sector heat application and process emissions by 85% below 1990 levels by 2045, was held in the Senate Appropriations suspense file on August 15. The Chapter had joined an opposition coalition group led by the California Manufacturers and Technology Association against the bill.

**PFAS Restrictions:** [AB 2761](#) was amended on June 6 from a ban on plastic packaging that contains any PFAS or PVC to instead reference "intentionally added PFAS", but did not make it through its Senate policy committees.

**Solar Panel Stewardship:** Similarly, [AB 1238](#) was substitute amended on June 10 from a requirement that the Dept of Toxic Substances Control (DTSC) develop EOL management standards for solar panels to instead add solar panels to the definition of "covered electronic devices" under the state's Advanced Recovery Fee model program, but did not make it through its Senate policy committees.

### **Battery Embedded Products Rulemaking Workshop: Sept 18**

CalRecycle will hold a [virtual informal public meeting](#) on September 18 at 1:30 PM Pacific to cover the same content as the in-person workshop held on August 19. The workshop will introduce draft regulatory text to add battery-embedded products to the state's existing Advance Recovery Fee recycling program for TVs and monitors. The draft regulatory text, presentation, link to register via Zoom or watch via webcast, and other information are included on the public notice page.

**ReMA Response to BAAQMD White Paper on Metal Recycling / Shredding:** ReMA's West Coast Chapter submitted a response to the [Bay Area Air Quality Management District \(BAAQMD\) White Paper](#) on changes to regulations for metal recycling and shredding operations, along with several ReMA member companies. The Chapter's response held that, instead of mandating uniform Best Management Practices, the correct approach is to implement BMPs as identified in a BAAQMD-approved Emissions Minimization Plan so that the BMPs account for the unique aspects pertaining to each facility.

**Packaging EPR:** ReMA staff participated in the [California EPR Advisory Board](#) meeting on Aug. 16, during which the board met to discuss recommendations regarding barriers and solutions to a circular economy (recyclability/recyclable covered items, and costs covered by producers). The meeting agenda is available on the Board's website [here](#).

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## **Colorado**

**Packaging and Paper Products EPR:** ReMA staff took part in the [Colorado EPR Advisory Board](#) Technical Work Session on August 29, where the board focused on discussing the proposed strategies for reimbursements and producer dues.

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## **Delaware**

**Environmental Justice Permitting:** [HB 248](#), requiring pre-permit Community Outreach Plans for new or substantially modified environmental permits within 3 miles of an underserved community, was reported out of the House Natural Resources and Energy Committee with amendments in June, but did not pass the House before the session ended on June 30th.

[HB 422](#), introduced on May 16 as a NJ-like restriction on new, expanded, or renewed permits for listed facilities, including "scrap metal or recycle centers", did not move after it was introduced.

**Plastic Packaging:** [SB 263](#), banning the use of plastic, ring, or ring-like beverage connectors, also failed to move forward this year.

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## **Illinois**

**Battery EPR:** [SB 3686](#), creating the Portable Battery Stewardship Act, was signed on August 9 despite concerns raised by ReMA's Mid-America Chapter on the potential impacts for electronics and battery recyclers. The Chapter is currently working with the sponsor, Senate Assistant Majority Leader Koehler, to address concerns during the 2025 session.

**EV / Hybrid Batteries:** [SB 3481](#), requiring facilities at which 5,000 kg or more of used EV batteries are stored to register with the IL EPA and maintain weekly records of the weight or volume of batteries received, leaving, and stored at the site, was also signed on August 9.

**Catalytic Converters:** [HB 4589](#) requiring that recyclable metal transactions involving catalytic converters include the VIN of the vehicle the converter was removed from, any unique markings on the converter, and a copy of the title or an invoice showing the seller's ownership of the vehicle, was signed on July 19.

**Packaging EPR:** [SB 3165](#), extending deadlines for the recycling needs assessment requirements passed last year and providing protections for information provided as part of the assessment, was signed on July 1.

**Municipal Recycling:** [SB 2876](#), the Large Event Facilities Act, was signed on August 9, requiring facilities with at least a 3,500 person capacity to provide separate collection for recyclable materials and organics throughout their facility.

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## Maine

**Packaging EPR:** On July 9, the Maine DEP released a "[reposting draft rule](#)" that contains substantive changes made to the original draft of the rules that were circulated for comment. Written Comments were due August 26. For more information on the implementation of Maine's packaging EPR law, visit the [DEP EPR Program for Packaging](#) webpage.

**PFAS Restrictions:** The Maine DEP released [concept draft language](#) to implement the recently amended PFAS in Products Program. Official rulemaking will begin this fall; members interested in the rulemaking can [sign up for email notices](#) from the DEP.

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## Maryland

**Packaging EPR Needs Assessment:** The Maryland Department of the Environment had its second Advisory Council Meeting for its packaging EPR needs assessment on July 25. Meeting minutes for the July meeting can be found [here](#). The next meeting will be held September 26; future meeting dates, links to join the meeting, agendas, and other updates are available on the [MD Dept of Environment EPR Program](#) page.

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## Michigan

**Packaging EPR:** [HB 5902](#) as introduced on July 31 would create a packaging reduction and recycling EPR program aimed at significantly reducing packaging waste in the state. ReMA's Michigan Chapter is engaged on the bill in the event that it moves forward before the end of the 2024 session.

**Environmental Justice Permitting:** [HB 5901](#), a New Jersey-like environmental justice permitting bill that names recyclers as an environmental stressor, was also introduced on July 31. Similar legislation that was introduced in prior sessions did not move forward after the Chapter met with sponsors and committee members to explain the problems such a bill would create with maintaining and improving the state's recycling infrastructure.

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## New Hampshire

**Materials Theft:** [HB 1321](#) was introduced to repeal penalties for the sale of kegs without a receipt, but also creates a definition for kegs under the scrap metal dealer law. The bill was signed by Governor Sununu on July 12.

**Battery Disposal Ban:** [HB 1386](#), banning the disposal of any wet-cell batteries, lithium-ion batteries, or electronic devices in any landfills or incinerators and requiring municipalities, solid waste districts, and landfill and incinerator operators to make educational materials available and provide recycling opportunities for batteries, was signed on August 23.

**EV Battery Safety:** [SB 430](#), signed on June 14, creates a council to study the impacts of electric vehicles, e-mobility devices, and the associated lithium-ion batteries on first responder response, the environment, building and fire codes, life safety, and property protection, with a final report due to the legislature by November 1, 2025.

**PFAS Liability:** [HB 1415](#), making any "PFAS Facility" where PFAS is or has been used, treated, stored, generated, disposed of, or otherwise come to be located liable for groundwater quality standard violations resulting in a groundwater or surface water concentration of 100 PPT or greater of PFAS compounds, was vetoed by Governor Sununu on August 2. Sununu cited concerns that this would encompass a wide range of municipal facilities in his veto message.

**PFAS Restrictions:** Gov Sununu signed [HB 1649](#), banning the sale or distribution of listed products with intentionally added PFAS, including food packaging and containers, juvenile products, cosmetics, feminine hygiene products, carpets or rugs, upholstered furniture, textile treatments, and textile furnishings.

**Municipal Recycling:** [HB 1371](#) allowing municipalities' master plans to include a waste reduction section outlining a solid waste reduction plan, including ways to reduce solid waste disposal, such as increasing reuse, recycling, composting, hazardous and electronic waste management, was signed on July 26.

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## New Jersey

**EV Battery EPR:** Although the New Jersey DEP was required to begin a needs assessment for the [Electric and Hybrid Vehicle Battery Management Act](#) within 6 months of the January 8, 2024 effective date, the DEP has not yet posted any notice of its actions.

**Solar Panels:** [S3399](#) as passed by the Senate on June 28 would require owners of solar energy generation facilities or structures to remove and recycle the facility or structure at EOL, and task the NJ DEP with creating rules to require recyclers to securely store any toxic components of solar panels that cannot be safely recycled until a viable and safe method of recycling the components is approved.

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## Pennsylvania

ReMA staff are working with the Pittsburg and Mid-Atlantic Chapter leadership to develop an advocacy strategy on [Pennsylvania HB 2241](#), a consumer and medium-format battery EPR bill that passed the House in July. The Chapters will work with the Senate Environmental Resources and Energy Committee to ensure that the rights of existing electronics and battery recyclers to collect and process materials are not impacted if the bill moves forward when the Senate session resumes in late September / early October.

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## Visit ReMA's State Resources and Tracking Site

If you have any questions regarding the updates or the Lobbyist Network, please reach out. ReMA's Lobbyist Network and Government Relations Committee meetings are open to all members, and you can always view bills and regulations impacting the industry on [ReMA's State Resources and Tracking](#) pages.

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