

Background Document: Establishing an Extended Producer Responsibility Approach For All Batteries not currently Covered by an Existing Battery Stewardship Law

The Department will hold stakeholder meetings on the topic of expanding Maine's Battery Stewardship Law on August 12, 2025 and September 4, 2025 from 1:00 pm to 4:00 pm EDT. As a reminder, both meetings provide an opportunity to share comments and allow for discussion of those comments. Stakeholder meetings will be held at 28 Tyson Drive Augusta, conference room 25/27, and will also be available virtually. The Department views this stakeholder process as an opportunity for open discussion and to solicit comments from residents, businesses, municipalities, manufacturers, and other stakeholders to update and support improvements to Maine's battery management program. Discussions will focus on strategies and actions for the Department to take to increase statewide battery recycling opportunities, reduce fires and other dangerous conditions, reduce environmental impacts stemming from improper battery end-of-life management, move towards achieving waste reduction goals, and harmonize with other states' efforts in battery management.

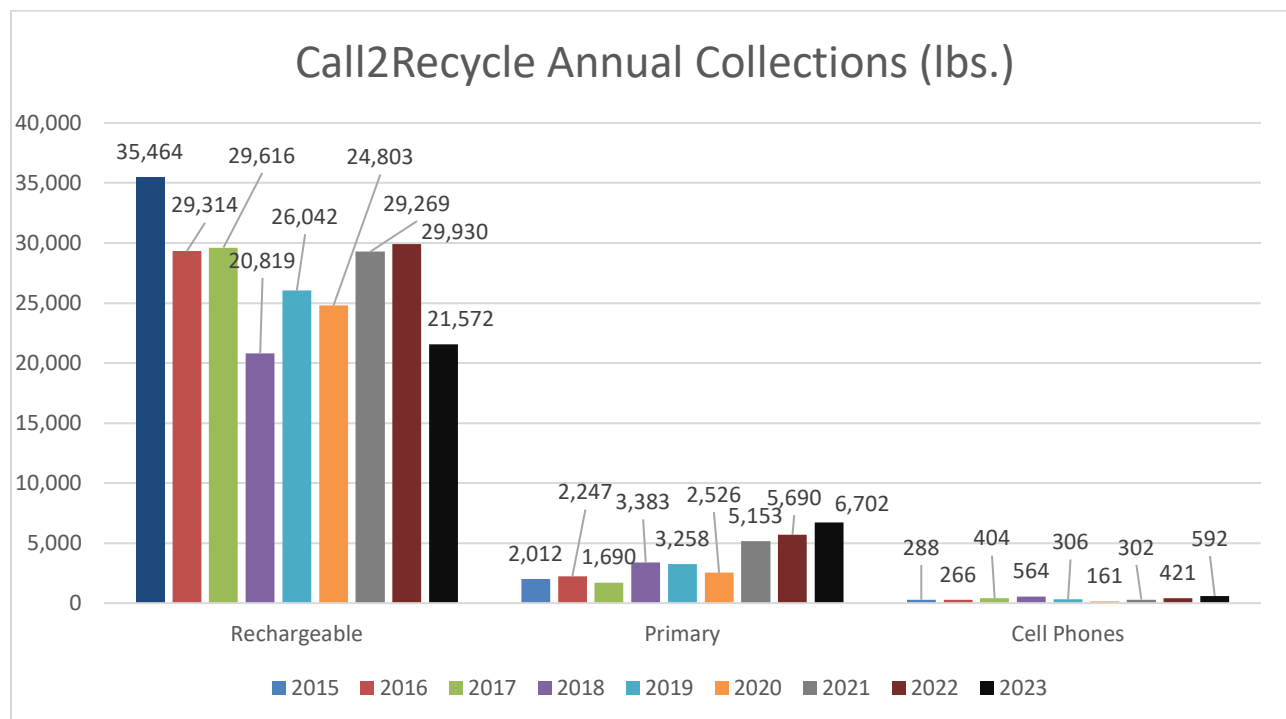
Current Maine Battery Program

Regulation of certain dry-cell batteries, [38 M.R.S. § 2165](#) was enacted in 1991, and requires manufacturers of nickel cadmium and small sealed lead-acid batteries to provide a system for the recycling of their batteries. The program is implemented in Maine by [Call2Recycle](#) on behalf of the manufacturers. Until mid-2017, Call2Recycle offered a free rechargeable battery recycling program to any business, government entity, or retail location interested in acting as a collection location. However, due to increases in "free riders" (i.e., batteries that are not part of the program and therefore whose manufacturers do not provide financial support) in collection boxes, Call2Recycle now limits participation in its free rechargeable battery recycling program to municipal collection sites and certain national retail chains to limit the number of uncovered batteries being placed into their system.

While the law only requires that two specific rechargeable battery chemistries be covered by the manufacturer-sponsored program, Call2Recycle currently accepts all chemistries of dry-cell rechargeable batteries up to 11 pounds. In 2023, Call2Recycle collected a total of 21,572 pounds of rechargeable batteries (see Figure 1). Call2Recycle also collected 6,702 pounds of "free riding" primary (single use) batteries, following a recent trend of marked increase from prior years in their collection boxes. Batteries collected through the program are sorted by chemistry and sent to appropriate processing facilities for extraction of

materials to use in new products. Call2Recycle absorbs the cost of non-covered batteries, which unfairly adds to the cost burden for manufacturers who pay into the rechargeable battery program.

Figure 1 – Annual Rechargeable Battery Collection (2015-2023)



As stated earlier, primary batteries are not required to be recycled by Maine’s current law, nor are they purposely accepted for free in the Call2Recycle program as the manufacturers of primary batteries do not contribute funds to the program. However, municipal collection sites that are participating in the rechargeable battery collection program can opt into Call2Recycle’s GreenVantage¹ program. This allows them to incorporate primary batteries into their collection for a modest per-pound fee.² Municipal collection sites that participate in the GreenVantage program may pass these fees onto residents individually as they utilize the service or may choose to incorporate the cost into their overall municipal budget. Most municipal collection sites do not currently incorporate primary batteries, most likely due to the extra cost to do so. In addition, there are many municipalities across

¹ Information on GreenVantage may be requested through [Call2Recycle](https://www.call2recycle.org/)

² The current per-pound fees are \$0.70 for alkaline batteries and \$4.05 for smaller single-use lithium primary batteries (for example, lithium camera batteries and button cell and coin cell batteries).

the state that could participate in the free Call2Recycle program to accept batteries but have not signed up to participate in the program. Retail sites that participate in the rechargeable battery collection program are not eligible to participate in the GreenVantage program and would need to purchase separate primary battery collection boxes to accept them from the public. These additional collection boxes would come at a cost of between \$55-\$160³ per box on top of any staff labor needed to manage the program. Due to this added expense and effort for collection sites, access to primary battery recycling is very limited statewide.

Incorporating primary batteries into the existing stewardship program would greatly expand access and reduce the barriers to battery recycling, while mitigating fire risks from improperly managed batteries. Without a requirement, and with minimal options in the state for collection, many of the material resources contained in primary batteries are lost at disposal, while threatening the operational viability (including rising insurance costs from fires) to existing facilities and transportation. Additionally, products from which rechargeable batteries cannot be removed are also not required to be recycled by Maine's current rechargeable battery law,⁴ nor are they collected through the free rechargeable battery recycling program. Therefore, the material resources present in these embedded batteries are lost since they are disposed of as trash and potentially pose fire and safety issues during transportation, processing, and disposal.

Questions For Discussion

Coverage and Categories:

- What would you like to see explicitly defined in the legislation?
- What are the products you want covered?
- Should embedded batteries be included with an updated battery stewardship program, or should Maine's [e-waste program](#) be amended to include products with embedded batteries? Should products with embedded batteries have their own separate stewardship program from the battery and e-waste program? Are there specific products with embedded batteries that should have their own individual program?

³ See "all battery" collection box pricing on [Call2Recycle's online store](#)

⁴ While not required to be recycled under 38 M.R.S. § 2165, the sale of products with nickel cadmium or small-sealed lead acid batteries that cannot be easily removed by the consumer in products used primarily for personal, family, or household purposes is prohibited pursuant to 38 M.R.S. § 2166 "Rechargeable Consumer Products." It also requires that the battery, the product, and product packaging be labeled with the battery's electrode type and a message about the need for proper disposal.

- Should manufacturers of defective batteries be excluded from the program and how? If excluded, what would end-of-life management look like, and how might the State enforce that management?
- Should participants in the stewardship program be able to bring legal actions against other manufacturers who are not in compliance with the program?
- Are there any battery products that should be excluded? Why? If so, what would end-of-life management look like for these products if not included?

Collection and Convenience:

- Where would be the best place to collect (e.g. transfer stations, retailers)?
 - If retailers are collection sites, should the legislation include disposal requirements for the batteries, or should the retailers be allowed to determine their procedures for collection?
 - Since transfer stations only service residents, how should the convenience standard take that into account?
- How should large format batteries be addressed? Should electric vehicle batteries be a specific program through dealers? If so, how should home mechanics/non-dealer service centers be considered?
- Should there be a minimum geographic requirement for collection sites?
- How important is a deposit or bounty?

Outreach:

- How many people do you believe are aware of battery recycling in your area?
- Would teaming with a public sports venue or other public venue be helpful? If so, which venues would have the greatest impact?
- What kind of outreach for the public would be most helpful?
- What type of reporting requirements should be required of producers and made available to the public?

Harmonization with Other Jurisdictions

- Are there any state (or other jurisdictions – municipalities, Canada, EU) programs that have particularly successful programs that Maine should consider harmonizing with? Or programs that have specific concepts that Maine should consider?
- Any programs with concepts that Maine should not consider?

Transfer Station Opportunities for Involvement:

- Why are municipalities not taking advantage of the currently existing programs?

- If you are a municipality, do you participate in the Call2Recycle Program?
 - If not, why not?
 - What works/doesn't work?
- What additional assistance do transfer stations need in order to participate?
 - E.g.: training, storage space, additional staff, etc.
- How might safety concerns or insurance costs for collection requirements affect participation? How could those concerns be mitigated?

Any other issues not mentioned that should be considered?

The Department thanks you for your participation!