



**Monday, February 26, 2024**

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

You can view legislation and regulations impacting the recycled materials industry using [ISRI'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.

### **Alabama**

- **Chemical Recycling:** Members are watching for new language for the chemical "advanced" recycling definitions introduced in 2023 as [HB 460](#). The bill was reported favorably by the House Commerce and Small Business Committee in May 2023, but was indefinitely postponed later that month. While the American Chemistry Council had agreed to rename its definitions to "molecular recycling" in 2023, a draft is not yet available for 2024.

### **Arizona**

- **Batteries:** [HB 2367](#) requires the Department of Environmental Quality create a register and fee for recyclers that accept lead-acid batteries. The bill also establishes fees for solid waste facilities, fees for handlers of used oil, a landfill disposal fee, and makes various cleanup amendments to tire and vehicle statutes. The bill passed the House on February 22 and has not yet been assigned to a committee in the Senate.

### **California**

- **Environmental Justice Permitting:** Two placeholder bills have been introduced that the West Coast Chapter is engaging. [AB 2851](#) states the intent to establish a fence-line monitoring standard for all metal shredding facilities, while [AB 2900](#) is less clear on potential impacts; it states the intent to address toxic air contaminant emissions in California's central valley.
- **PFAS Bans:** [AB 2761](#) would ban plastic packaging containing PFAS or PVC as of 2026, with no limitation to "intentionally added" PFAS such as the state's existing ban on PFAS in food packaging includes. [SB 903](#) would ban the sale of any product with intentionally

added PFAS as of 2030 unless the Dept. of Toxic Substances Control determines the use of PFAS is currently unavoidable; it also exempts the sale of used products.

- **Bottle Deposit:** [SB 1113](#) extends the current recycling pilot projects to improve redemption opportunities to 2034, while [SB 1302](#) would certify operators of recycling machines as a processor and as a recycling center.
- **Paper and Plastic Bags:** [AB 2336](#) / [SB 1053](#) would amend the state's existing bag ban to ban the currently certified reusable plastic grocery bags beginning in 2026, and would require any paper bag contain 100% postconsumer recycled content rather than the current 40%.
- **Plastic Bans:** [AB 2648](#) would prohibit state agencies from entering into or renewing contracts to purchase single-use plastic bottles, while [SB 1167](#) would prohibit chain restaurants from serving or offering for sale a beverage in a single-use vessel to a customer dining or consuming the beverage on the premises.
- **Plastic Market Development:** [AB 2511](#) extends the current market development payments to reclaimers that process empty plastic beverage containers to Jan 1, 2026, and authorizes payments to manufacturers that purchase recycled plastic from reclaimers and use it to manufacture a plastic product in California.
- **Recyclability / Labeling:** [SB 1231](#) reopens the recyclability / labeling requirements passed in 2020 to extend the date for manufacturers to comply, while [AB 2244](#) and [SB 1461](#) are likely placeholders for future amendments to those same requirements. ISRI opposed the recyclability criteria when passed due to concerns that it could force recyclable materials to be deemed non-recyclable due to low collection rates in residential systems, and the packaging EPR law passed in 2022 further complicates the recyclability / labeling requirements since it covers many of the same products.

## Colorado

- **PFAS Ban:** [SB 81](#) would create a ban on any non-exempted product with intentionally added PFAS. Chapter Lobbyist Sarah Cassidy has met with the sponsors, who stated that recycled materials are not intended to be caught up in the ban and is open to an amendment clarifying this point.

## Florida

- **FRA Meeting:** The Florida Recyclers Association meeting on February 23 in Lakeland, FL, included a discussion of past and planned meetings with legislators and issues that have arisen in the 2024 session, including catalytic converters, electronics regulations, bottle deposit legislation, flow control, the state's "recovered materials" definition, and PFAS stormwater monitoring legislation.

## Hawaii

- **EPR legislation:** [HB 1688](#) and [SB 2368](#), similar bills requiring statewide needs assessments of the state's collection and recycling system and infrastructure in preparation for future packaging and paper products EPR legislation, have passed their respective environmental committees and appear on track for one or both to make the state's deadline for bills to pass their first chamber by March 7. [HB 2740](#), an alternative residential EPR proposal, is dead for the session, as are several proposed bans on single use packaging.
- **EV Propulsion Battery EPR:** [HB 1972](#) was introduced with propulsion battery EPR requirements similar to those passed in New Jersey last session, but has been amended to a working group to examine how to maximize recycling and reuse and recommend best practices for managing end-of-life EV batteries.

## Illinois

- **Packaging and Paper EPR:** [SB 3795](#) would create a packaging, paper, and food service container EPR Program with elements from Oregon's EPR law, despite [SB 1555](#) passed just last year already requiring that the state conduct a needs assessment and report by December 2026 to gather information needed to craft EPR legislation. Because of this, SB 3795 is not expected to gain traction this session.
- **Lithium-Ion Batteries:** Competing lithium-ion battery EPR proposals have been introduced for the 2024 session. [HB 5348](#) / [SB 3686](#) target portable batteries, medium-format batteries, and battery containing products with requirements similar to those passed recently in California and Washington, while [SB 3206](#) would task the Illinois EPA with adopting EV and lithium ion battery EPR programs through rulemaking. None of the bills have been scheduled for hearings, though Illinois's April 19 crossover deadline for bills to pass their first chamber leaves several weeks for the bills to begin moving.

## Kentucky

- **Session Deadlines:** With deadlines for new legislation hitting this week and only 23 days remaining in the session, Kentucky members are likely to avoid onerous legislation such as the violation notices proposed in [HB 197](#) earlier this year. The bill was introduced on behalf of an outgoing legislator, but is not expected to move forward.

## Louisiana

- **Materials Theft:** While Louisiana's 2024 session doesn't begin until March 11, members are watching for legislation that could further restrict copper and telecom materials.

## Maine

- **Chemical Recycling:** [LD 1660](#), a 2023 carryover that specifies chemical plastic processing as solid waste (as all recycling is under the state's Waste Management statutes) has passed the Legislature.

## Maryland

- **Environmental Justice Permitting:** Two bills introduced without companion legislation (rare for Maryland) are scheduled for Environmental Committee hearings on February 27. [SB 1086](#) sets criteria for designating an EJ district and requires MDE hold an in-person hearing for air or stormwater permits or permits to operate certain waste facilities that may result in or increase pollution in an EJ district. [SB 1088](#) would require those same permits include an EJ Score from the MDE on their permit applications.
- **Lithium Ion Batteries:** [HB 468](#) / [SB 532](#), companion bills creating a Commission to Advance Lithium-Ion Battery Safety to study and make recommendations on best practices to suppress battery fires in consumer applications and at recycling facilities and study the viability of EPR for li-ion batteries, have been scheduled for hearings in their respective committees.
- **Catalytic Converters:** [HB 871](#) has been scheduled for a hearing by the House Economic Matters Committee on February 28. The bill does not take into account that Maryland already bans individual sellers of catalytic converters, and proposes that records include the VIN and other vehicle information used in individual record requirements. It would also alter the partial exemption for dismantlers to require records for purchases of whole vehicles with attached converters. Because of the ban on individual sellers of catalytic converters, this could also ban individuals from selling whole vehicles for dismantling.

## Massachusetts

- **EV / Propulsion Batteries:** [SB 449](#), a 2023 carryover creating an Electric Vehicle Battery Recycling Commission to review and advise the Legislature on the recovery and recycling of electric vehicle batteries, has been resurrected by the Joint Environment and Natural Resources Committee and passed to Senate Ways and Means.

## Michigan

- **Tipping Fees:** The Dept. of Environment, Great Lakes and Energy's proposed budget presentation included a tipping fee increase from \$0.36 per ton to \$5 per ton. ISRI's Michigan Chapter is opposing the increase due to the huge detrimental impact it could have on the recycling industry.

## Minnesota

- **Environmental Justice Permitting:** [HF 3579](#) requires any facility operating under an air quality permit issued by MPCA conduct performance tests for all applicable pollutants emitted by a facility. Similar legislation introduced by the sponsors in 2023 did not move past its first committee.
- **Bottle Deposit:** An [amendment to HF 3200](#), beverage container deposit legislation carried over from 2023, was adopted last week in the House environment committee, with a similar amendment adopted for companion bill [SF 3260](#).
- **Packaging and Paper Products EPR:** [HF 3577](#) / [SF 3561](#) received initial hearings last week and were passed from their respective environmental committees with amendments. The bills have been referred to commerce committees for further consideration.

## Mississippi

- **Vehicle Detitling:** [HB 1589](#) would require scrap metal processors conduct an electronic lien check before purchasing or receiving a vehicle for dismantling, and ban purchase or receipt if a lien exists. The Mississippi Recycling Association met with the Dept. of Revenue on the bill, who suggested they also wished to amend the state's title exemption clause from 10 years old or older to 20 years. The bill as introduced does not impact the clause; Region Lobbyists Lindsey and Steve Simmons will continue to monitor the bill for any potential changes.

## Missouri

- **Catalytic Converters:** Following the condensing of several House catalytic converters into [HB 1948](#), a new bill, [SB 1439](#) was introduced last Thursday with similar requirements. Chapter Lobbyist Trent Ford will be reaching out to the sponsor and Senate leadership this week to determine why the additional bill was introduced.

## Nebraska

- **Vehicle Detitling:** [LB1105](#) creating a branded certificate of title for vehicles that are structurally totaled to distinguish them from salvage vehicles will be heard by the Transportation and Telecommunications Committee on February 27.
- **Catalytic Converters:** While [LB347](#), creating additional requirements for catalytic converter transactions, was carried over from the 2023 session, there are no indications that it will be moved from the Judiciary Committee this year.
- **Chemical Recycling:** [LB599](#)'s chemical "advanced" recycling definitions, however, are expected to be taken up again by the legislature this year. The bill creates "advanced recycling" definitions and exemptions from state solid waste definitions and state and local governmental oversight that are not extended to mechanical recyclers.

## New Hampshire

- **Packaging EPR / Bottle Deposit:** Bills creating a packaging EPR program ([HB 1630](#)) and beverage container deposit program [HB 1636](#) have both been held for the session, with the EPR bill ruled inexpedient to legislate and the bottle bill referred for an interim study before the 2025 session.
- **EV / Propulsion Batteries:** [SB 430](#) creating a Council to study the impacts of vehicle lithium-ion batteries and battery fires on first responders, environment, safety, and other factors passed the Senate Transportation Committee this month.
- **PFAS Liability:** Of the three bills introduced this session targeting liability for any "PFAS facility" - which was so broadly defined as to impact any facility that had ever had contact with materials containing PFAS - only [HB 1415](#) setting liability for 100 PPT contamination of groundwater is still active, but the bill has not yet passed its initial committee.

## New Jersey

- **Packaging EPR / Recyclability:** Senate Environment and Energy Committee Chair Bob Smith has reintroduced his 2022-2023 packaging EPR proposal as [S208](#), as well as a bill copying the recyclability and labeling requirements from California in [S224](#). No movement is likely on the bills until after the budget is passed, but Senator Smith remains a powerful sponsor, having just won passage of his first in the nation EV propulsion battery EPR program in [S3723](#) last session.

## New Mexico

- **Catalytic Converters:** Two catalytic converter bills failed to pass before the 2024 session ended on February 15. [HB 43](#) sought to create a marking program for in-service converters through the purchase of engraving tools by the Dept of Public Safety, while [SB 141](#) proposed numerous changes to the existing requirements for catalytic converter purchases.

## New York

- **Packaging and Paper EPR:** [A5322](#) and [S4246](#) are expected to continue as the primary legislative vehicles for residential EPR this session, as the Governor's budget proposal did not include EPR. S4246 will be heard by the Senate Environmental Conservation Committee on February 27. ISRI continues to participate in coalition meetings concerning the legislation.
- **Catalytic Converters:** Members are working with potential sponsors to introduce legislation to fix some issues with the catalytic converter purchase requirements passed in 2022.

## Oregon

- **Vehicles:** While the bill did not move forward this year, members will be meeting with the sponsor of [HB 4039](#), creating an income tax credit for individuals who surrender a motor home or RV to a licensed dismantler, to ensure that the legislation is properly crafted and reflects the difficulties involved in recycling these items.
- **Packaging EPR:** [HB 4013](#) would amend the state's packaging EPR law to exempt glass wine bottles while wine bottle producers determine whether they would prefer to be included in the state's bottle deposit law or EPR law. The bill quickly passed the House and has been scheduled for a public hearing and work session in the Senate Energy and Environment Committee on February 27.

## Rhode Island

- **Environmental Justice Permitting:** [S 2292](#), the Green Justice Zone Act, is unlikely to gain traction this year, and similar environmental justice permitting legislation from past sessions has not been reintroduced for 2024. The Green Justice Zone Act essentially seeks to push named industrial facilities, including scrap metal processors and other recycling facilities, out of any location designated as a Green Justice Zone, and bans "polluting facilities", including metal recyclers, from overburdened communities.

## Texas

- **Materials Theft:** Gulf Coast Region members are currently engaged with the Texas Dept. of Public Safety concerning the use of cash cards in the law for purchases by metal recycling entities. Also, as members in other states have also reported, Mel Wright of Wright's Scrap Metals participated in a stakeholder meeting in Houston where telecommunications companies raised concerns over copper and telecom thefts.

## Utah

- **Reporting Recycling Activity:** [HB 107](#) has passed the Legislature; if signed, it will require recycling facilities that accept recyclable materials collected and paid for through a political subdivision's billing process to submit an annual report to the Division of Waste Management and Radiation Control. It also amends the current reporting requirements for recyclable material haulers.

## Virginia

- **PFAS / Stormwater:** Of several bills addressing PFAS in water sources, [HB 1085](#) is the primary remaining legislative vehicle. The bill requires the DEQ identify "significant sources of PFAS" and options for addressing each source, as well as requiring certain industries perform PFAS testing. The bill passed the House and could move forward in the Senate in time for the March 9 end of session.

- **Tires / Recycling Market Development:** [HB 496](#) creating licensing for haulers and tire processors and increasing the fee on the sale of new tires, and [HB 316](#), creating the Virginia Recycling Development Center, also passed the House for consideration in the Senate.

### Washington

- **Catalytic Converters:** Chapter-supported [HB 2153](#) was transferred to the Senate Transportation Committee after the Law & Justice Committee failed to take action on it. Members testified in support of the legislation again during its hearing on February 22. The bill is scheduled for a decision by Senate Transportation today.

### West Virginia

- **Electric Vehicles:** [HB 5672](#) requires the DMV and State Fire Marshall develop safety requirement, guidelines, and standards for the transportation, towing, repairing, dismantling, disposal, and storage of damaged electric vehicles, including a requirement to store damaged EVs by either separating the vehicle from combustibles and structures by 50 feet on all sides or creating a barrier of earth, steel, concrete, or solid masonry around the vehicle.

### Wisconsin

- **Session Deadline:** Wisconsin's Assembly closed its 2024 session on February 22, with all bills that failed to pass the chamber now dead for the session. The Senate will adjourn on March 14.
- **Catalytic Converters:** [AB 637](#) making it a Class I felony to remove a catalytic converter from a vehicle without the owner's consent has passed the Legislature.
- **Electronics EPR:** [SB 866](#) passed the Assembly on the 22nd with amendments to the state's existing electronics EPR law. The bill modifies manufacture reporting requirements and target recycling weights, specifying that the total weight of electronic devices used in the calculation is the weight that was “collected and received by recyclers for recycling,” rather than the weight “collected by” recyclers
- **PFAS Testing:** [SB 312](#) also passed the Assembly on the 22nd. The bill focuses on grants for testing water systems and for property owners who wish to test, and includes a clause preventing the Dept. of Natural Resources from collecting samples from lands not owned by the state without the owner's consent.