

117TH CONGRESS
1ST SESSION

S. 1918

To support the reuse and recycling of batteries and critical minerals, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. KING (for himself, Mr. BURR, and Ms. CORTEZ MASTO) introduced the
following bill; which was read twice and referred to the Committee on En-
ergy and Natural Resources

A BILL

To support the reuse and recycling of batteries and critical
minerals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Battery and Critical
5 Mineral Recycling Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

1 (2) BATTERY.—The term “battery” means a
2 device that—

3 (A) consists of 1 or more electrochemical
4 cells that are electrically connected; and

5 (B) is designed to store and deliver electric
6 energy.

7 (3) BATTERY PRODUCER.—The term “battery
8 producer” means, with respect to a covered battery
9 or covered battery-containing product that is sold,
10 offered for sale, or distributed for sale in the United
11 States, including through retail, wholesale, business-
12 to-business, and online sale, the following applicable
13 entity:

14 (A) A person who—

15 (i) manufactures the covered battery
16 or covered battery-containing product; and

17 (ii) sells or offers for sale the covered
18 battery or covered battery-containing prod-
19 uct under the brand of that person.

20 (B) If there is no person described in sub-
21 paragraph (A) with respect to the covered bat-
22 tery or covered battery-containing product, the
23 owner or licensee of the brand under which the
24 covered battery or covered battery-containing
25 product is sold, offered for sale, or distributed,

1 regardless of whether the trademark of the
2 brand is registered.

3 (C) If there is no person described in sub-
4 paragraph (A) or (B) with respect to the cov-
5 ered battery or covered battery-containing prod-
6 uct, a person that imports the covered battery
7 or covered battery-containing product into the
8 United States for sale or distribution.

9 (4) COVERED BATTERY.—The term “covered
10 battery” means a new or unused primary battery or
11 rechargeable battery.

12 (5) COVERED BATTERY-CONTAINING PROD-
13 UCT.—The term “covered battery-containing prod-
14 uct” means a new or unused product that contains
15 or is packaged with a primary battery or recharge-
16 able battery.

17 (6) PRIMARY BATTERY.—The term “primary
18 battery” means a nonrechargeable battery that
19 weighs not more than 4.4 pounds, including an alka-
20 line, carbon-zinc, and lithium metal battery.

21 (7) RECHARGEABLE BATTERY.—

22 (A) IN GENERAL.—The term “recharge-
23 able battery” means a battery that—

1 (i) contains 1 or more voltaic or gal-
 2 vanic cells that are electrically connected to
 3 produce electric energy;

4 (ii) is designed to be recharged;

5 (iii) weighs not more than 11 pounds;

6 and

7 (iv) has a watt-hour rating of not
 8 more than 300 watt-hours.

9 (B) EXCLUSIONS.—The term “recharge-
 10 able battery” does not include a battery that—

11 (i) contains electrolyte as a free liquid;

12 or

13 (ii) employs lead-acid technology, un-
 14 less that battery is sealed and does not
 15 contain electrolyte as a free liquid.

16 (8) RECYCLING.—The term “recycling” means
 17 the series of activities, including separation, collec-
 18 tion, and processing, through which materials are re-
 19 covered or otherwise diverted from the solid waste
 20 stream—

21 (A) unrelated to the manufacturing of bat-
 22 teries; and

23 (B) for use—

24 (i) as raw materials; or

1 (ii) in the manufacture of products
2 other than fuel.

3 (9) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 **SEC. 3. GRANTS.**

6 (a) BATTERY RECYCLING RESEARCH, DEVELOP-
7 MENT, AND DEMONSTRATION GRANTS.—

8 (1) IN GENERAL.—The Secretary shall award
9 multiyear grants to eligible entities for research, de-
10 velopment, and demonstration projects to create in-
11 novative and practical approaches to increase the
12 reuse and recycling of batteries, including by ad-
13 dressing—

14 (A) recycling activities;

15 (B) the development of methods to pro-
16 mote the design and production of batteries
17 that take into full account and facilitate the
18 dismantling, reuse, recovery, and recycling of
19 battery components and materials;

20 (C) strategies to increase consumer accept-
21 ance of, and participation in, the recycling of
22 batteries;

23 (D) the integration of increased quantities
24 of recycled critical minerals in batteries and

other products to develop markets for recycled battery materials and critical minerals;

(E) safe disposal of waste materials and components recovered during the recycling process;

(F) the protection of the health and safety of all persons involved in, or in proximity to, recycling and reprocessing activities;

(G) mitigation of environmental impacts that arise from recycling batteries, including disposal of toxic reagents and byproducts related to recycling processes;

(H) protection of data privacy associated with collected covered battery-containing products;

(I) the optimization of the value of material derived from recycling batteries; and

(J) the cost-effectiveness of the reuse and recycling of batteries.

(2) ELIGIBLE ENTITIES.—The Secretary may award a grant under paragraph (1) to—

(A) an institution of higher education;

(B) a National Laboratory;

(C) a Federal research agency;

(D) a State research agency;

1 (E) a nonprofit organization;

2 (F) an industrial entity;

3 (G) a manufacturing entity;

4 (H) a private battery-collection entity;

5 (I) an entity operating 1 or more battery
6 recycling activities;

7 (J) a State or municipal government enti-
8 ty;

9 (K) a battery producer;

10 (L) a battery retailer; or

11 (M) a consortium of 2 or more entities de-
12 scribed in subparagraphs (A) through (L).

13 (3) APPLICATIONS.—

14 (A) IN GENERAL.—To be eligible to receive
15 a grant under paragraph (1), an eligible entity
16 described in paragraph (2) shall submit to the
17 Secretary an application at such time, in such
18 manner, and containing such information as the
19 Secretary may require.

20 (B) CONTENTS.—An application submitted
21 under subparagraph (A) shall describe how the
22 project will promote collaboration among—

23 (i) battery producers and manufactur-
24 ers;

- 1 (ii) battery material and equipment
2 manufacturers;
3 (iii) battery recyclers, collectors, and
4 refiners; and
5 (iv) retailers.

6 (b) STATE AND LOCAL PROGRAMS.—

7 (1) IN GENERAL.—The Secretary shall establish
8 a program under which the Secretary shall award
9 grants, on a competitive basis, to States and units
10 of local government to assist in the establishment or
11 enhancement of State battery collection, recycling,
12 and reprocessing programs.

13 (2) NON-FEDERAL COST SHARE.—The non-
14 Federal share of the cost of a project carried out
15 using a grant under this subsection shall be 50 per-
16 cent of the cost of the project.

17 (3) REPORT.—Not later than 2 years after the
18 date of enactment of this Act, and annually there-
19 after, the Secretary shall submit to Congress a re-
20 port that describes the number of battery collection
21 points established or enhanced, an estimate of jobs
22 created, and the quantity of material collected as a
23 result of the grants awarded under paragraph (1).

24 (c) RETAILERS AS COLLECTION POINTS.—

1 (1) IN GENERAL.—The Secretary shall award
 2 grants, on a competitive basis, to retailers that sell
 3 covered batteries or covered battery-containing prod-
 4 ucts to establish and implement a system for the ac-
 5 ceptance and collection of covered batteries and cov-
 6 ered battery-containing products, as applicable, for
 7 reuse, recycling, or proper disposal.

8 (2) COLLECTION SYSTEM.—A system described
 9 in paragraph (1) shall include take-back of covered
 10 batteries—

11 (A) at no cost to the consumer; and

12 (B) on a regular, convenient, and acces-
 13 sible basis.

14 **SEC. 4. LITHIUM-ION BATTERY RECYCLING PRIZE COM-**
 15 **PETITION.**

16 (a) IN GENERAL.—The Secretary shall continue to
 17 carry out the existing Lithium-Ion Battery Recycling
 18 Prize competition of the Department of Energy estab-
 19 lished under section 24 of the Stevenson-Wydler Tech-
 20 nology Innovation Act of 1980 (15 U.S.C. 3719).

21 (b) ADDITIONAL FUNDING FOR PILOT PROJECTS.—
 22 In addition to any other funds made available to the Sec-
 23 retary to carry out the competition described in subsection
 24 (a), there is authorized to be appropriated to the Secretary
 25 to carry out Phase III of that competition \$10,000,000

1 for fiscal year 2021, to remain available until expended,
2 which the Secretary may use—

3 (1) to increase the number of winners of Phase
4 III of that competition;

5 (2) to increase the amount awarded to the win-
6 ners of Phase III of that competition; or

7 (3) to carry out any other activity that is con-
8 sistent with the goals of Phase III of that competi-
9 tion, as determined by the Secretary.

10 **SEC. 5. BEST PRACTICES FOR COLLECTION OF BATTERIES**
11 **TO BE RECYCLED.**

12 (a) IN GENERAL.—The Administrator shall develop
13 voluntary best practices that may be implemented by State
14 and local governments with respect to the collection of bat-
15 teries to be recycled in a manner that—

16 (1) to the maximum extent practicable, is tech-
17 nically and economically feasible for State and local
18 governments;

19 (2) is environmentally sound and safe for waste
20 management workers; and

21 (3) optimizes the value and use of material de-
22 rived from recycling of batteries.

23 (b) CONSULTATION.—The Administrator shall de-
24 velop the voluntary best practices described in subsection

1 (a) in coordination with State and local leaders and enti-
 2 ties in relevant private sectors.

3 (c) REPORT.—Not later than 2 years after the date
 4 of enactment of this Act, the Administrator shall submit
 5 to Congress a report describing the voluntary best prac-
 6 tices developed under subsection (a).

7 **SEC. 6. VOLUNTARY LABELING GUIDELINES.**

8 (a) IN GENERAL.—There is established within the
 9 Department of Energy and the Environmental Protection
 10 Agency a voluntary program (referred to in this section
 11 as the “program”) to promote battery recycling through
 12 the development of—

13 (1) voluntary labeling guidelines for batteries;
 14 and

15 (2) other forms of voluntary communication
 16 about the reuse and recycling of critical materials
 17 from batteries.

18 (b) PURPOSES.—The purposes of the program are to
 19 improve battery collection and reduce battery waste, in-
 20 cluding by—

21 (1) identifying battery collection locations and
 22 increasing accessibility to those locations;

23 (2) promoting consumer education about bat-
 24 tery collection and recycling; and

1 (3) reducing safety concerns relating to the im-
2 proper disposal of batteries.

3 (c) DIVISION OF RESPONSIBILITIES.—Implementa-
4 tion responsibilities under the program shall be divided be-
5 tween the Secretary and the Administrator in accordance
6 with the terms of 1 or more applicable agreements between
7 the Secretary and the Administrator.

8 (d) OTHER STANDARDS AND LAW.—The Secretary
9 and the Administrator shall make every reasonable effort
10 to ensure that voluntary labeling guidelines and other
11 forms of communication developed under the program are
12 consistent with—

13 (1) international battery labeling standards;
14 and

15 (2) the Mercury-Containing and Rechargeable
16 Battery Management Act (42 U.S.C. 14301 et seq.).

17 **SEC. 7. TASK FORCE ON PRODUCER REQUIREMENTS.**

18 (a) IN GENERAL.—The Secretary shall convene a
19 task force to develop an extended battery producer respon-
20 sibility framework that—

21 (1) addresses battery recycling goals, cost struc-
22 tures for mandatory recycling, reporting require-
23 ments, product design, collection models, and trans-
24 portation of collected materials;

1 (2) provides sufficient flexibility to allow battery
2 producers to determine cost-effective strategies for
3 compliance with the framework; and

4 (3) outlines regulatory pathways for effective
5 recycling.

6 (b) TASK FORCE MEMBERS.—Members of the task
7 force convened under subsection (a) shall include—

8 (1) battery producers, manufacturers, retailers,
9 recyclers, collectors, and refiners;

10 (2) States and municipalities; and

11 (3) other relevant stakeholders, such as envi-
12 ronmental, clean energy, or consumer advocates, as
13 determined by the Secretary.

14 (c) REPORT.—Not later than 1 year after the date
15 on which the Secretary convenes the task force under sub-
16 section (a), the Secretary shall submit to Congress a re-
17 port that—

18 (1) describes the extended producer responsi-
19 bility framework developed by the task force;

20 (2) includes the recommendations of the task
21 force on how best to implement a mandatory pay-in
22 or other enforcement mechanism to ensure that bat-
23 tery producers and sellers are contributing to the re-
24 cycling of batteries; and

1 (3) suggests regulatory pathways for effective
2 recycling.

3 **SEC. 8. EFFECT ON MERCURY-CONTAINING AND RE-**
4 **CHARGEABLE BATTERY MANAGEMENT ACT.**

5 Nothing in this Act, or any regulation, guideline,
6 framework, or policy adopted or promulgated pursuant to
7 this Act, shall modify or otherwise affect the provisions
8 of the Mercury-Containing and Rechargeable Battery
9 Management Act (42 U.S.C. 14301 et seq.).

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 this Act \$30,000,000 for each of fiscal years 2021 through
13 2025.

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