

Senate Ways and Means Committee

Sonja Caldwell 271-2117

HB 1602-FN, creating a safe battery recycling stewardship program.

Hearing Date: April 15, 2026

Members of the Committee Present: Senators Lang, Murphy, Sullivan, Rosenwald and Fenton

Members of the Committee Absent : None

Bill Analysis: This bill establishes a statewide battery stewardship program that requires safe collection, recycling, and management of covered batteries and battery-containing products, administered through producer participation and oversight by the department of environmental services.

Sponsors:

Rep. Ebel
Rep. Thackston
Rep. Bixby
Sen. Rosenwald
Sen. Avard

Rep. Burroughs
Rep. J. Aron
Rep. Creighton
Sen. Ricciardi
Sen. Watters

Rep. Spier
Rep. Barbour
Rep. Maggiore
Sen. Pearl

Who supports the bill: 143 individuals signed in support.

Full sign in sheets available upon request to sonja.caldwell@gc.nh.gov

Who opposes the bill: 14 individuals were in opposition.

Who is neutral on the bill: 2 individuals were neutral.

Summary of testimony presented:

Rep. Karen Ebel

- This bill would create a recycling program for batteries.
- She brought this bill forward because of fire safety.
- Lithium batteries are a tremendous tool, but when they get into the waste stream they present a hazard.
- She is the Chair of the solid waste working group, and it is their job to find solutions to the state's solid waste issues.
- The group has been having discussions about what to do with lithium battery safety for two years.

- Their first step was to introduce a lithium battery disposal ban.
- There is no convenient, consistent method for the collection of lithium batteries now that the state banned them.
- They looked at product stewardship operations and at model bills and worked with battery manufacturers and other stakeholders to bring forth this bill.
- They sought to bring forward a bill that promotes fire safety, reduces property damage, protects the health and safety of solid waste workers and first responders, relieves property tax burdens, reduces toxic materials in our landfills, involves no taxes and no fees, costs the state nothing, and would not affect consumer costs.
- She provided the committee with a list of supporters of the bill.
- DES provided technical guidance on the bill.
- She disputed assertions that this bill involves a tax based on the commonly accepted definition of a tax. The fiscal note shows no money going to the state. Every cost incurred by DES is reimbursed.
- The producers fund the battery stewardship program. They support the bill. There are no consumers being taxed. The consumers benefit.
- The battery industry is viewed as a single business entity. All costs are consolidated and covered at a national level. If NH joins the program, the producer investment is rolled into the national program. NH's involvement in the program would be such a small amount of money that it will not affect battery prices.
- Three more states joined the program recently and 15 more are working on joining. All of their costs will get rolled into national pricing. NH consumers will pay recycling costs in the cost of batteries because all of these other states are involved regardless of whether we participate. We continue to pay property taxes if we don't participate. It will cost money not to participate.
- With regard to consumer costs, the price of batteries are consistent no matter where they are sold. The program does not affect pricing.
- These batteries have critical minerals in them and recycling them will allow us to keep these minerals.
- This bill covers loose and easily removable lithium, rechargeable, and alkaline batteries. It does not cover electronic waste which has embedded batteries. It does not include car batteries. E-waste is handled by 3 major recyclers in the state. She spoke to all of them and this bill does not affect their business other than they would be happy not to have to deal with loose batteries. They take them as a service to their e-waste customers, and it costs them money to get rid of them.
- With regard to fire safety, this would help cut back on toxic fire and smoke.

Sen. Sullivan said she did not understand the need for this program. She said there is a container at Home Depot for returning batteries and several other companies have these programs. She asked if this bill would hurt the current collection programs we have.

Rep. Ebel said she realized there were ways people could get rid of batteries and e-waste now for free. They do it as a service to their customers. They do work with folks like Call to Recycle, as well as the towns. She said it is a fractured system. People have to know where they can take their batteries. There are still fires. If you listen to waste management and first responders, it is not a broad enough system to accommodate all the batteries out there. The bill was introduced because they were responding to a concern that existed. They don't believe the current system is adequate from a fire safety standpoint.

Sen. Lang said unlike the paint stewardship bill, we have a plethora of free disposal options for batteries in NH and asked how providing more would make it better.

Rep. Ebel said she agreed but added that the system we have now isn't working because there are still fires and concern about the convenience of collecting batteries. The bill requires the collection of the batteries to be easy and free. A lot of people don't seek out the ways to dispose. Transfer stations are still the recipients of a lot of these batteries. This program focuses on loose batteries that are likely to get tossed in the trash and would be a way of collecting all of those batteries and to provide a clear, broad recycling program where we could recapture minerals in addition to the fire safety component. There are two ways that these product stewardship programs are funded; one is the way the paint program was done, which is to include a state-specific assessment on cans of paint, and the second is through a nationwide program where costs are internalized by the companies that manufacture the products. The majority of manufacturers use the latter model.

Sen. Lang said unlike the paint bill where nobody in NH was recycling paint, there are companies recycling batteries in NH. He called one of them and asked what it would mean for their company if we were to implement this program and create a more universal drop-off and they said they would go out of business. They recycle the batteries and resell the materials that come out of the batteries. He asked if she was concerned that this bill would hurt businesses who make money from recycling batteries.

Rep. Ebel said she called the three primary e-waste recyclers in the state. E-waste is products that have embedded batteries that can't be removed. E-waste is excluded from this bill. This program just applies to small lithium batteries, alkaline, and other rechargeable batteries. The e-waste recyclers she talked to take them as a courtesy but don't make money off them. She doesn't want to put anyone out of business but those she talked to said the little batteries were a pain for them. Producers wouldn't have to invest in creating a system like this to get loose batteries back if they were huge money makers. She added that a lot of things the legislature does affect businesses in one way or another. She cited the repeal of the auto inspection program as an example.

Sen. Rosenwald asked if she understood correctly that NH consumers are paying the price for these national programs even though we aren't participating.

Rep. Ebel said that was correct. NH is a small state. The cost for creating a program here is small compared to the battery industry as a whole. Recycling is a third of the overall cost of producing a battery. The small amount of money to get NH involved is not going to change the price for consumers the way other larger states might. In the meantime, we have still have all of these batteries not collected and if they take them to a transfer station, your property tax dollars are being used to pay for it.

Rep. Peter Bixby

- He said he wanted to discuss the connection between extended producer responsibility and free markets.
- One of the things about free markets is it is possible to game them. While our government has antitrust laws to prevent price collusion, another way people game the system is by externalizing costs. Cost externalization takes place in the end fate of products like paint, plastic containers, and batteries. After you've gotten use out of it, it costs you to dispose of it. The costs might be direct or indirect in that you take a dead battery to a transfer station, and they have to pay something to deal with it.
- The reason for this bill is that an industry group has acknowledged there are problems with the way they have been externalizing costs, and they want to improve things and internalize the costs now. This runs into antitrust issues. In order for the businesses in the industry to coordinate and internalize the cost of recycling the batteries, they need to incorporate it into their cost of doing business. The cost of doing business gets incorporated into the cost of their product. When they agree on what they will contribute to the stewardship program they run up against antitrust law.
- This bill creates a narrow exemption to the antitrust law, so they are allowed to do the right thing by internalizing costs.
- Rather than creating a new fee or tax, this program reduces costs to consumers and taxpayers in that they don't need to pay as much on property taxes for what their municipality has been taking care of in the past.

Sen. Lang asked if he agreed that there are places across the state where people can drop off batteries.

Rep. Bixby said yes, however those places don't take everything. There are signs on the Home Depot battery box that say "no alkaline batteries." He asked how you deal with the batteries that are excluded. He suggested that a busy parent who is unsure what batteries can be dropped off is more likely to just toss them in the trash. If there is an easy, obvious way to bring all your batteries to one place and let the stewardship organization sort it out, it will increase convenience for consumers and increase the number of batteries that get recycled.

Sen. Lang asked if he agreed there are businesses in NH that make a living off recycling batteries.

Rep. Bixby said he didn't know enough about that market but that he trusted the research Rep. Ebel did on that.

Sen. Fenton asked why we are still seeing battery fires if the system is working.

Rep. Bixby said the system isn't working. We are seeing battery fires. They have cost some municipalities tens of thousands of dollars in replacement of equipment and infrastructure.

Sen. Fenton asked why municipalities are still paying if the patchwork of battery drop-offs is working.

Rep. Bixby said because it's not working.

Sen. Lang asked if it was legal or illegal to throw a lithium battery in the garbage.

Rep. Bixby said it is illegal in NH but asked who is going to police that.

Rep. Liz Barbour

- Rep. Barber spoke about Hollis specifically.
- When she toured the transfer station, the DPW director shared her concerns about rising costs of trash transfer and recycling.
- Like other towns, Hollis works hard to recycle materials to help offset the rapidly growing expenses of trash transfer, but those savings are being eaten away by the increasing burden of battery disposal.
- Last year Hollis budgeted \$500 for battery disposal. This year they had to increase it to \$2,000, which was a 300% increase in just one year. This will be paid for by the residents of Hollis through their property taxes.
- Without the battery stewardship program, she expects Hollis residents will pay approximately \$10,000 over the next five years just for battery recycling. That is real money coming out of property taxes.
- Without this program, costs will keep climbing and put more pressure on local budgets. This could be avoided if manufacturers pay for the end cost of products they sell.
- Since the lithium-ion battery ban, NH towns pay to collect, store and ship these batteries safely.
- This bill offers a solution that constituents understand clearly. Consumers understand how manufacturers cover the costs of their products. NH families pay once at the store and again through property taxes to cover transfer station recycling costs.

- Shifting the cost from towns to the manufacturers who profit from selling the batteries is tax relief.

Chief Ben LaRoche – NH Fire Chiefs association

- They support the bill from a fire prevention standpoint. They believe this is a true fire prevention program that the state can put forward that will have a real effect.
- EV fires and electric scooter fires happen all the time. They know this bill doesn't address those, but they bring it up as a scalable event. These are high heat fires and fast spreading.
- They had an incident at a school in Bristol with a battery pack for a smart phone. Fortunately, it happened during the winter and was caught quickly. One of those power banks went into thermal runaway. The school was able to move it outside in the snow to cool off. After consulting the waste removal company, their only opportunity to get rid of it was to put it in the dumpster.
- The opportunity to put in a stewardship program like this will reduce the risk of fires at transfer facilities in NH where these batteries are most at risk for damage, poor ventilation, or change in environment.

Sen. Sullivan asked if the battery was in the trash in the incident he spoke about.

Chief LaRoche said it was being stored in a locker. The Chiefs Association looked at this bill and other opportunities around battery-related issues and there is a larger public education piece with this bill regarding proper storage and care of power banks. This is an opportunity to put an effective prevention plan in place.

Sen. Lang asked if NH has had transfer station fires caused by lithium-ion batteries.

Chief LaRoche said there are fires under suspicion for cause from lithium-ion batteries, but none confirmed that he knows of.

Heidi Trimarco – Conservation law Foundation

- They strongly support the bill and believe it provides broad benefits to the state. Some of the benefits include, preventing fires at landfills and in the waste streams, improving public safety, and protecting the environment against toxic substances.
- In addition to being a fire risk, batteries put a lot of heavy metals and chemicals into the waste stream; and that contaminates the landfill, the leachate, and the local soil, water, and air.
- Recycling batteries helps conserve resources and recover these valuable materials, reducing the need to mine for those. That process also reduces emissions. It produces fewer emissions to recycle these materials than to mine for new materials.

Matt Hughes - Waste Innovations

- Waste Innovations is a solid waste disposal transfer operation based in Portsmouth with 52 sites across the east coast. They operate a facility in Concord. They also have a hauling operation in NH.
- They are in support of the bill. They have seen issues in their facilities with batteries causing fires as well as with their competitors. Waste Management had a significant fire recently.
- These batteries are in the waste stream and can't be seen when they come into their facility in a large truck. They get damaged through the handling of the waste, and once the plastic seal is broken and they are exposed to oxygen, fires can start.

Carolyn Drury – NH Academy of Audiology

- Batteries are hard to dispose of and you have to have a good quantity for a lot of places to take them.
- With regard to the disposal options already in existence, they are not well advertised, and most people throw them in the trash.
- Some hearing aids have zinc batteries and others have silver ion batteries that are rechargeable. Hearing aids with lithium ion batteries have to go back to manufacturer to be replaced.
- She said that individuals cannot recycle batteries well because they do not have the volume.
- They would like to see a widespread program with good signage and marketing so that people know what to do and where to go.
- Land is one of our greatest assets in NH and we would do well to take this step to protect it.
- This bill is essentially revenue neutral.

Reagan Bissonette – NH Recycles

- They are a nonprofit organization. Their membership includes 90% of towns and cities in NH. They work closely with those municipalities to manage their recycling programs.
- They work with electronic recycling companies in NH. Last year they helped their members recycle over 1.2 million pounds of electronics, including batteries.
- They are increasingly seeing improper disposal of rechargeable batteries as a significant safety and cost concern.
- They have been holding online events focused on lithium-ion battery management. They have been training municipalities and firefighters on how to prevent lithium-ion battery fires and how to respond to them when they do happen at transfer stations.

- There are several examples of battery fires that have impacted municipalities. The Town of Lee had a lithium-ion battery fire that started in their trash. Pelham had a fire at their transfer station caused by an e-bike battery that was in its scrap metal. Waste Management had a battery fire that destroyed a building recently.
- There are also numerous examples of fires suspected to have been caused by batteries. Granite State Recycling in Weare had a fire that destroyed their entire building, and they suspect it was caused by a lithium-ion battery.
- There was a national organization that used to provide free battery recycling services for NH municipalities. A few years ago, they changed and started charging for services in NH because NH doesn't have an extended producer responsibility law.
- NH recycles does not take a position on any proposed legislation.
- Even though there are opportunities for battery recycling now, there are still a lot brought to transfer stations. Municipalities incur a cost to properly recycle the batteries.
- They are also increasingly seeing items with batteries showing up in scrap metal for recycling. This is causing a problem nationwide. One of the largest scrap metal recycling companies in the country, that also operates in NH, had a significant fire at one of their facilities in Massachusetts. As a result, they and other companies are seeing their insurance costs rise. They started charging municipalities fines for any batteries found in scrap metal for recycling. In the last two years, their organization saw \$16,000 in fines charged to NH municipalities from items improperly found in scrap metal, many of which were batteries.

Sen. Lang asked if there are any municipalities collecting batteries in NH that can dispose of them for free.

Ms. Bissonnette said no.

Jason Lyon – New London

- He was the Chief of the New London Fire Dept. and recently retired.
- He is a resident of Wilmot. They don't have readily available battery disposal sites.
- They have had lithium batteries start fires in the compactor.
- The issue is when the batteries get into machinery that compromises them.
- The batteries themselves are generally safe; the fire service concern is the issues with them afterwards if they become compromised.
- While it is illegal to improperly dispose of a battery, the reality is that if we don't have accessible disposal sites, people will throw them in the trash.

Sen. Rosenwald noted that in the cities where there are Home Depots or Staples stores, there are places to recycle batteries, but those opportunities don't exist in more rural areas of the state, and three of the four places mentioned that experienced fires were rural towns.

Chief Lyon said yes and noted that it took him 45 minutes to drive to Concord for the hearing. Those are the issues in rural communities. He also noted that they don't have full time fire departments. Delays in response contribute to potential damage to transfer stations or other locations that may be storing these batteries.

Brodie Deshaies – NH Municipal Association

- They support the bill and agree with everything that the state representatives and local officials have said.
- Access to big box stores that serve as battery collection sites are not easy for all granite staters to access.
- Lack of education and understanding leads to improper disposal.
- Lee and Pelham had fires from rechargeable batteries.
- Easier access to battery disposal sites would serve as a deterrent to illegal junkyards or dumps. Illegal junkyards cost the state money.
- Fires pose significant risk and cost to municipalities and drives up premiums for insurance which increases property taxes.
- The cost of recycling the batteries is already built into the cost of the battery. They are asking the state to participate in this program so NH residents can reap the benefits of those already built-in costs.

Sen. Lang said one of the provisions of the bill is that this creates a prohibition on retailers. They can't sell a battery if they aren't one of the guaranteed manufacturers in the program. Is that appropriate to prohibit the sale in our retailers because they don't belong to the program.

Mr. Deshaies said their association has no position on how the state regulates that type of commerce. He said he would defer to industry representatives.

Sen. Lang read from the bill the section prohibiting products from being sold if they don't participate in the stewardship program. He asked if that was an appropriate role for government.

Mr. Deshaies reiterated that they have no position on that specific provision of the bill. They see benefits to these types of stewardship programs in helping to increase recycling and decrease risks and costs to municipalities. His understanding was that all of the producers do participate in a program.

Rep. Dan McGuire

- Rep. McGuire opposed the bill.

- This bill regulates all batteries under 25 pounds except those that are embedded.
- Alkaline batteries do not cause fire.
- Fires are caused by lithium ion batteries and most of them are exempted by this bill. Car batteries and laptop batteries are exempted in this bill and are already illegal in the trash stream.
- There is a promised public information campaign. If that is all that it took, transfer stations could put up signs saying no rechargeable batteries in the trash.
- If we have programs at our transfer stations those costs are known.
- This bill creates a monopoly. It exempts these organizations from antitrust law in NH. Normally when we do something like that, we, by regulation, control costs. He cited the PUC as an example. This bill has no controls on costs. None of the parts of the application of the stewardship organization include what they will charge.
- There is an annual report from the organization, but it can be kept confidential if the department agrees.
- With this bill, we are signing up for something where we are trading off known costs for unknown costs and opening the door for manufacturers to form a monopolistic organization.

Rep. Kelly Potenza

- Rep. Potenza referenced a letter of support from the City of Rochester.
- Regarding the exclusivity of batteries that can be sold, she said if you dig into the program, the amount is over 600 brands. No retailer has ever complained. The only entity it might exclude would be a foreign entity.
- The point of the recycling program is to keep these critical minerals here in the country.
- This is very different from the paint bill. This is a national program and many states are coming on board.
- This is a nonpartisan bill.
- They had no negative testimony in their hearing except for one who wanted exclusive access to the battery recycling market in NH. She noted that anyone can participate in this program if they want to.
- She said Americans for Prosperity expressed opposition after the hearing. She said that since 2021 Koch backed operations invested \$1.9 billion into lithium extraction and battery technology infrastructure.
- The only people opposed are the ones looking to make money on this.
- This is a huge win for the state.

- No one knows about the ban on lithium batteries in the waste stream.
- This bill will help consumers.
- Rochester has the largest landfill in NH. The cost of the fire in Rochester in 2023 increased their insurance rates drastically. That gets passed onto the property taxpayer.

Sen. Lang said there are businesses in NH that already make a living on battery recycling and asked if she thought this bill would impact them.

Rep. Potenza did not think that. She said she talked to one person that had a small operation and this would not affect them at all.

Sen. Lang asked if passage of this bill would stop the risk that exists from someone throwing batteries in garbage.

Rep. Potenza said no, but it would help a lot. Communication is key. No one knows about the ban.

Home Depot doesn't take all batteries. This program will take all loose batteries. People don't understand what is recyclable and what isn't.

Sen. Lang asked if the cost of this program is already built into every battery, and why the manufacturers don't just offer to pick them up for free. He asked why they need this bill.

Rep. Potenza said it was because there are bad actors in every industry. If everyone doesn't participate, someone will undercut someone else. She said this will keep people honest.

Mike Wimsatt and Mike Nork - DES

Sen. Rosenwald asked them to comment on the use of programs like product stewardship as a tool for the department's efforts to implement the solid waste management plan.

Mr. Wimsatt said product stewardship and extended producer responsibility (EPR) is found throughout their solid waste management plan as a concept and structure we should explore for a number of different waste types in order to keep them out of the waste stream. They have one EPR program now for mercury thermostats and it has been very successful in keeping mercury out of landfills.

Sen. Rosenwald said there was conflicting testimony about the fire hazard of lithium ion batteries and asked him to talk about the department's views on that.

The department did support the bill to ban disposal of lithium ion batteries in the waste stream because of the fire hazard risk that they pose. Most batteries can be safely contained but the problem is when they get into a compactor or are handled by heavy machinery at a waste facility. Once it is punctured it can take off. He witnessed a laptop battery that was pierced with a nail shoot a flame into the air. Other batteries, to the extent they still have power, can create fire as well.

Rep. Ebel stated that she contacted the retail association for NH and they had no objection to the bill. The rationale behind the restriction is that if retailers can sell any battery, even brands that are not part of the program, it undermines the whole program. Producers invest in the battery stewardship organization, and they are held together with the statutory framework. The VT plan has 264 producers, and they cover over 600 brands.

Regarding the question on monopolies, Rep. Ebel said she asked the AG's office to comment on the structure of this EPR, and their answer was that it doesn't violate state laws. There is no price setting under this program. They are not concerned about monopolistic behavior under programs with EPR.

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