Assembly Bill 142
Lead-Acid Battery Recycling Act- fee collection fix
Assemblmembcr Cristina Garcia (D – 58)
Coauthors: Carrillo (D-51), Santiago (D-53)

BACKGROUND
AB 2153 (Chapter 666, Statutes of 2016) was signed in to law by Governor Brown this law reallocates a fee already imposed on all car batteries to fund the cleanup of contamination caused by lead acid batteries throughout the state. At the point of sale, $1 from the consumers’ deposit will go to the cleanup fund. Manufacturers will also pay a $1 fee on all batteries sold in the state. On April 1, 2022 the Consumer fee will go up to $2, and the Manufacture fee will sunset. This measure will help bring relief to these affected communities and ensure funding solutions to a major long-term problem.

PROBLEM
Since the bill was signed in to law the Board of Equalization (BOE) now California Department of Tax and Fee Administration (CDTFA) has been working on regulations to implement the fee collection and technical problems have been identified. Exide and the other communities with historic lead acid battery manufacturing plants, have a great need for ongoing funding, and to ensure that the Battery fee money can only be used for its intended purpose.

SOLUTION
AB 142 addresses three technical problems that were identified:
1. Will clarify that out of state Manufacturers can elect to register with the CDTFA to pay a $1($2 in 2022) fee on all batteries sold in the state;
2. This bill will also allow the CDTFA to post who is a registered manufacture on their webpage, this is similar to other fee programs that the CDTFA administers;
3. Required CDTFA to create exemption certificates, for batteries that are currently exempt from the California and manufacture battery fee;
4. It also clarifies that the consumer fee shall not apply to any person when a replacement lead-acid battery is included in any used vehicle sold or leased by a new motor vehicle dealer.

This bill also addresses four other key issues:
5. Remove the April 1, 2022 sunset from the manufacturer battery fee, and increase the manufacturer battery fee from $1 to $2 to match the consumer fee;
6. Only allowing the repayment of the 176.6 million dollar loan once the Clean-up of Exide and other areas of the state that may be contaminated by lead acid batteries have been completed;
7. Add oversight to DTSC before they can spend Lead Acid Battery Fund money on sight clean up;

STATUS
Assembly Environmental Safety Committee, Passed 5-2
Assembly Appropriations Committee, Passed 11-6
Assembly Floor, Passed 54-17
Senate Environmental Quality, Passed 5-0
Senate Governance and Finance, Passed 5-0
Senate Appropriations Committee, Suspense File

SUPPORT
Los Angeles County Board of Supervisors
Los Angeles County Solid Waste Committee
City of Los Angeles
California Communities Against Toxics
South Coast Air Quality District
California New Car Dealers Association
Mothers of East LA
Coalition for Clean Air
PROUNO
Desert Citizens Against Pollution
Consumer Attorneys of California
Environmental Working Group
East Yard Communities for Environmental Justice
Communities for a Better Environment
California Safe Schools
Californians Against Waste
Breast Cancer Prevention Partners
Sierra Club California
Stop Waste
California Product Stewardship Council
Clean Water Action
California New Car Dealers
Sacramento County Environmental Management Division
California Association of Environmental Health Administrators
Northern California Recycling Association

OPPOSITION
Howard Jarvis Tax Payers Association

CONTACT
Ashley Labar / Ashley.Labar@asm.ca.gov
916-319-2058 / Office of Assemblymember Garcia