

BILL ANALYSIS

S.B. 2050
By: Birdwell
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that consumer energy storage modules pose a fire risk and are becoming increasingly common in waste and recycling streams due to their growing use in consumer goods. The bill sponsor has also informed the committee that while state law addresses the disposal and recycling of lead-acid batteries, such as those used typically in motor vehicles, state law does not specifically address consumer energy storage modules and that it would benefit the state to also guide the disposal of batteries that are not lead-acid. S.B. 2050 seeks to address this issue by setting out provisions relating to the recycling and disposal of consumer energy storage modules.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

S.B. 2050 amends the Health and Safety Code to prohibit a person from placing a consumer energy storage module, defined by the bill as a battery or other electrochemical device that stores chemical energy and transforms it into electrical energy to power a consumer product or electronic device, in the following:

- a mixed municipal solid waste facility or curbside collection receptacle;
- a mixed metal recycling collection facility or curbside collection receptacle; or
- a municipal mixed recyclable material collection facility or curbside collection receptacle.

The bill exempts from this prohibition the placement of a consumer energy storage module in an aforementioned facility or receptacle in accordance with a local program that provides for the collection for recycling of a consumer energy storage module at a facility or by curbside collection. The bill establishes that an individual consumer is not subject to civil, administrative, or criminal liability under Water Code water administration enforcement provisions for a violation of the prohibition that is inadvertent or incidental to noncommercial household use of a consumer energy storage module. The bill establishes that the owner or operator of a solid waste disposal facility, mixed metal recycling collection facility, or municipal mixed recyclable material collection facility:

- is not subject to civil, administrative, or criminal liability under such Water Code provisions if:
 - a person places a consumer energy storage module in the owner's or operator's facility; or

- a consumer energy storage module otherwise arrives at the owner's or operator's facility through the collection of solid waste or recyclable material for disposal or recycling at the facility; and
- has no duty to locate or remove a consumer energy storage module placed in or otherwise collected by the owner's or operator's facility.

The bill exempts the following from its provisions:

- a lead-acid battery governed by provisions of the Solid Waste Disposal Act relating to lead-acid batteries;
- an alkaline battery; and
- a battery that the Texas Commission on Environmental Quality (TCEQ) by rule determines is safe for disposal.

S.B. 2050 requires the TCEQ by rule to identify the following:

- businesses or facilities in Texas where an individual consumer, steward organization, or other person may place or deliver a consumer energy storage module for recycling or disposal; and
- types of batteries that the TCEQ determines are safe for disposal for purposes of the exemption from the bill's provisions for such batteries.

The bill defines "steward organization" as a group consisting of consumer energy storage module manufacturers, product manufacturers, or other members organized to promote the recycling of consumer energy storage modules.

S.B. 2050 requires the TCEQ, as soon as practicable after the bill's effective date, to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2025.