

BILL ANALYSIS

Senate Research Center
89R22059 DRS-D

C.S.S.B. 2050
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Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Rechargeable lithium-ion batteries pose a significant fire risk and are becoming increasingly common in waste and recycling streams due to their growing use in consumer goods. A January 2024 study conducted by the National Waste and Recycling Association, in collaboration with Resource Recycling Systems, highlighted an increasing connection between the prevalence of lithium-ion batteries at recycling and solid waste facilities and fires at these facilities. Texas law has established a procedure for the disposal of lead-acid batteries, such as those used typically in motor vehicles, but does not specify procedures for other types of batteries, also known as consumer energy storage modules. Lead-acid batteries are properly disposed of at recycling facilities or certain battery retailers and are prohibited from disposal at solid waste facilities. As such, it would benefit the state to also guide the disposal of batteries that are not lead-acid.

C.S.S.B. 2050 prohibits the improper disposal of consumer energy storage modules, including rechargeable lithium-ion batteries, which are commonly used to power consumer electronics. C.S.S.B. 2050 establishes parameters for liability for consumers and operators of waste and recycling facilities and grants the Texas Commission on Environmental Quality the ability to identify where batteries may be disposed.

C.S.S.B. 2050 amends current law relating to the recycling and disposal of consumer energy storage modules.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 361.476, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 361, Health and Safety Code, by adding Subchapter P, as follows:

SUBCHAPTER P. CONSUMER ENERGY STORAGE MODULES

Sec. 361.471. DEFINITIONS. Defines "consumer energy storage module" and "steward organization."

Sec. 361.472. APPLICABILITY. Provides that this subchapter does not apply to a lead-acid battery governed by Subchapter O (Lead-Acid Batteries).

Sec. 361.473. PLACEMENT IN CERTAIN SOLID WASTE DISPOSAL OR RECYCLING STREAMS PROHIBITED. (a) Prohibits a person, except as provided by Subsection (b), from placing a consumer energy storage module in 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.

(b) Provides that this section does not apply to the placement of a consumer energy storage module in a facility or receptacle described by Subsection (a) 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.

Sec. 361.474. **LIMITED LIABILITY FOR CERTAIN VIOLATIONS.** Provides that, notwithstanding any other law, an individual consumer is not subject to civil, administrative, or criminal liability under Chapter 7 (Enforcement), Water Code, for a violation of Section 361.473 that is inadvertent or incidental to noncommercial household use of a consumer energy storage module.

Sec. 361.475. **NO DUTY OF CERTAIN FACILITY OPERATORS.** Provides that, notwithstanding any other law, the owner or operator of a solid waste disposal facility, mixed metal recycling collection facility, or municipal mixed recyclable material collection facility:

(1) is not subject to civil, administrative, or criminal liability under Chapter 7, Water Code, 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

(2) 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

Sec. 361.476. **CONSUMER ENERGY STORAGE MODULE COLLECTION FOR RECYCLING OR DISPOSAL.** Requires the Texas Commission on Environmental Quality (TCEQ) by rule to identify businesses or facilities in this state where an individual consumer, steward organization, or other person is authorized to place or deliver a consumer energy storage module for recycling or disposal.

SECTION 2. Requires TCEQ, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 3. Effective date: September 1, 2025.