State Lead-Acid Battery Recycling Act Enforcement: California Environmental Protection Agency Department of Toxic Substances Control Proposed Order Addressing National Home Improvement Chain



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The California Department of Toxic Substances Control ("DTSC") issued an October 7th Enforcement Order ("EO") to Home Depot U.S.A., Inc. ("Home Depot") alleging violations of the California Lead-Acid Battery Recycling Act of 2016 ("Act"). See Docket No. HWCA-FY26/27-001.

The EO alleges that DTSC identified Home Depot online sales that failed to:

- Charge a mandatory state fee and refundable deposit.
- Post a required consumer notice.
- Accept used batteries.

The Act is stated to require retailers selling replacement lead-acid batteries to California consumers to:

- Accept up to six used lead-acid batteries per customer per day at no charge.
- Charge a refundable deposit when a used battery is not returned at the time of purchase.
- Charge a non-refundable California battery fee.
- Clearly post notice of the refundable deposit and California battery fee requirements in the public sales area of the establishment or on the receipt.

The EO states that DTSC inspected Home Depot's website to determine whether it was/is complying with the Act's "dealer" requirements for its retail sales of lead-acid batteries for delivery to California purchasers. The most recent inspection for purposes of the EO is stated to have been September 28th.

Based upon the previously referenced alleged violations, the EO includes an "Order for Compliance." The Order specifies various measures that Home Depot is required to undertake immediately after its effective date along with subsequent reporting requirements.

The EO provides Home Depot the right to request a hearing.

A copy of the EO can be found here.