
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: SB 289
Author: Newman
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Urgency: No
Consultant: Genevieve M. Wong

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Fiscal: Yes

SUBJECT: Recycling: batteries and battery-embedded products

DIGEST: Enacts the Battery and Battery-Embedded Product Recycling and Fire Risk Reduction Act of 2021, which would require the producers of batteries and battery-embedded products to establish a stewardship program for those products, with full implementation on or before June 30, 2025.

ANALYSIS:

Existing law:

- 1) Establishes the Rechargeable Battery Recycling Act, which requires every retailer to have a system in place, on or before July 1, 2006, for the acceptance and collection of used rechargeable batteries for reuse, recycling, or proper disposal. (Public Resources Code (PRC) §§42451-42456)
- 2) Establishes the Electronic Waste Recycling Act to create a program for consumers to return, recycle, and ensure the safe and environmentally-sound disposal of “covered devices” (i.e., video display devices) that are hazardous wastes when discarded. (PRC §§42460 et seq.)
- 3) Establishes the Cell Phone Recycling Act, which requires all retailers of cellular phones to have a system in place for the collection, reuse, and recycling of cell phones and requires the Department of Toxic Substances Control (DTSC) to provide information on cell phone recycling. (PRC §§42490-42499)
- 4) Establishes the Hazardous Waste Control Law and requires DTSC to oversee the management of hazardous waste. (Health & Safety Code (HSC) §§25100 et seq.)
- 5) Establishes the Integrated Waste Management Act and requires CalRecycle to oversee the management of solid waste. (PRC §§40050 et seq.)

This bill:

- 1) Makes the Rechargeable Battery Recycling Act and the Cell Phone Recycle Act inoperative on June 30, 2025.
- 2) Enacts the Battery and Battery-Embedded Product Recycling and Fire Risk Reduction Act of 2021 (Act), which requires producers of batteries and battery-embedded products to establish one or more stewardship organizations to develop, implement, and administer a battery and battery-embedded product recycling program. Requires a producer to comply with the Act either individually or through a stewardship organization.
 - a) Excludes producers that annually sell, distribute, or import in or into the state batteries or battery-embedded products with a total annual retail value less than an undefined monetary amount or less than an undefined number of units.
 - b) Allows a person to request, through a form and manner determined by CalRecycle, an exemption if they wish to obtain a determination that they are not a producer under the Act.
 - c) Batteries does not include lead-acid batteries, batteries contained in a motor vehicle, or industrial batteries; battery-embedded products does not include certain medical devices, covered electronic devices, and energy storage systems.
- 3) Requires, by April 1, 2022, producers to provide a list of battery or battery-embedded products that it sells or offers for sale in the state to CalRecycle.
- 4) Requires, by June 30, 2024, a producer, or stewardship organization on behalf of a group of producers, to submit the following to CalRecycle for approval, disapproval, or conditional approval:
 - a) A stewardship plan for the collection, transportation, and recycling, and the safe and proper management, of batteries or battery-embedded products in the state. The plan would be required to be reviewed at least every five years and the producer or stewardship organization would be required to consult with interested stakeholders when preparing or updating the plan.
 - i) Requires, before the plan is submitted to CalRecycle, that the plan also be submitted to applicable state agencies with areas of authority relative to the plan. Requires the state agency to review the plan for

compliance with state and federal laws and regulations and to determine compliance or noncompliance with those laws and regulations within 90 days of receiving the plan.

- ii) Authorizes CalRecycle to consult with, and submit a stewardship plan for review to, another state agency it determines is necessary to determine the completeness of the plan or for making a determination on the approval of the plan.
 - iii) Requires the plan to be fully implemented by June 30, 2025.
- b) A proposed stewardship program budget for the following five calendar years, as specified. Requires the budget to be submitted annually.
 - c) An annual report that includes specified information. Requires CalRecycle, within 90 days of receiving the report, to notify the stewardship organization or producer of any deficiencies.
- 5) Requires the plan to contain, amongst other elements, the following:
- a) Names of producers, distributors, importers, brands, and batteries and battery-embedded products covered by the plan.
 - b) A consultation process with an advisory body, which would be created by the Act.
 - c) A free and convenient collection system for batteries or battery-embedded products that achieves a collection rate determined by CalRecycle. Requires the collection system to include all of the following:
 - i) A minimum distribution of collection sites, as specified.
 - ii) A reasonable geographic spread of collection sites.
 - iii) A requirement that retailers, where feasible, serve as an authorized collector as a part of the stewardship program in the county in which the retailer is located. Requires a retail chain to have at least one location or an unspecified percentage of its store locations in that county serve as authorized collectors.
 - d) Payment to collection sites in an amount determined by the collection site and producer or stewardship organization that is reasonable for accepting, handling, collecting, storing, and transporting batteries or battery-embedded products.
 - e) The establishment and administration of a means for fully funding the stewardship program in a manner that equitably distributes the stewardship program's costs.
 - f) A description of how batteries and battery-embedded products will not be landfilled and how those products will enter a recycling process.

- g) A description of how residual materials from batteries and battery-embedded products will be recycled.
 - h) A program performance measurement to collect data for the purpose of the annual report, as specified.
 - i) Coordination with specified programs and entities regarding the proper management or recycling of discarded batteries or battery-embedded products to provide efficient delivery service and avoid duplication of effort and expense.
 - j) Strategies, developed in consultation with the California Environmental Protection Agency's Environmental Justice Task Force and other relevant parties, for collecting batteries or battery-embedded products for recycling in areas and communities that face unique challenges associated with proper waste management.
 - k) Provision of outreach and education programs to consumers, manufacturers, distributors, and retailers to promote the collection and recycling of batteries or battery-embedded products and options for the free collection of batteries or battery-embedded products.
 - l) Goals for public awareness.
 - m) Developing strategies in coordination with other stewardship programs on proper labeling of batteries to ensure proper collection and recycling.
 - n) A contingency plan in the event the stewardship plan expires, is disapproved, or is revoked.
- 6) Requires a producer or stewardship organization, as a part of the plan, to allow a consumer to drop off, at no charge, batteries or battery-embedded products at collection sites; and requires any entity that offers to participate in the stewardship program as a collection site to be included in return for reasonable compensation, as specified.
- 7) Prohibits a producer or stewardship organization from expending revenue from the stewardship program for either administrative penalties or costs associated with litigation between the producer or organization and the state.
- 8) Prohibits a producer or stewardship organization operating a stewardship program from maintaining total program reserves that exceed 60% of its annual operating expenses.
- 9) Requires a producer or stewardship organization to keep minutes, books, and records that clearly reflect that activities and transactions of the stewardship organization or producer; and requires that the accounting books be audited by an independent certified public accountant at least once a year.

- 10) Requires CalRecycle and state agencies with jurisdiction relevant to the Act to notify each stewardship organization and each producer that is not part of a stewardship organization of their respective reasonable regulatory costs that are directly related to implementing and enforcing the Act.
 - a) On or before August 31, 2024, and quarterly thereafter, requires producers and stewardship organizations to reimburse CalRecycle and any other agency for incurred costs.
 - b) Requires moneys submitted for reimbursement costs be deposited into the Battery and Battery-Embedded Product Recycling Fund, which the Act will create. Makes moneys in the fund available, upon appropriation, for expenditure by CalRecycle and any other state agency with jurisdiction relevant to the Act to administer and enforce the Act and to reimburse any outstanding loans made from other funds to finance startup costs of CalRecycle and other state agencies pursuant to the Act.
- 11) Requires the annual report to include, among other things, costs and revenues, the quantity of batteries and battery-embedded products sold in the state by the member-producers and the discarded batteries and battery-embedded products collected for recycling, a list of collection sites, the total weight of each battery chemistry type collected, a list of each battery recycling facility used by the stewardship program, the recycling efficiency rate of each battery chemistry type recycled, the material recovery rate of each individual battery material, outreach efforts and education to consumers, and a description of methods used to collect, transport, and process batteries or battery-embedded products.
- 12) Requires CalRecycle, on or before July 1, 2025, and annually thereafter, to post on its website a list of producers that are in compliance with the Act, including the reported brands and names of batteries and battery-embedded products for each producer. Requires CalRecycle to remove a producer that CalRecycle determines is not in compliance with the list.
 - a) Prohibits a producer from selling, distributing, offering for sale, or importing a battery or battery-embedded product in or into the state unless the producer is in compliance with the Act.
 - b) Authorizes a producer that is not listed that demonstrates compliance with the Act before CalRecycle's next update to the list to request a certification letter from CalRecycle stating that the producer, brand, or battery or battery-embedded product is in compliance with the Act.

- 13) Requires a retailer or distributor to monitor CalRecycle's website to determine if a producer, brand, or battery or battery-embedded product is in compliance with the Act; and prohibits a retailer or distributor from selling, distributing, offering for sale, or importing a battery or battery-embedded product in or into the state unless the producer of the battery or battery-embedded product is listed as in compliance.
 - a) Permits a retailer or distributor to sell or distribute existing inventory in stock before the initial list is posted.
 - b) Permits a retailer or distributor to sell or distribute a battery or battery-embedded product if, on the date the retailer or distributor ordered or purchased the battery or battery-embedded product, or within 120 calendar days before or after that date, the producer, brand, or battery or battery-embedded product was listed as compliant.
- 14) Authorizes CalRecycle to impose an administrative civil penalty on a producer, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site that is in violation of the Act, not to exceed \$10,000 per day. If the violation is intentional, knowing, or reckless, authorizes CalRecycle to impose an administrative civil penalty of not more than \$50,000 per day.
 - a) Requires CalRecycle to deposit all penalties in the Battery and Battery-Embedded Product Recycling Penalty Account, which would be created by the bill.
- 15) Authorizes CalRecycle to revoke a stewardship plan approval or require that a plan be resubmitted, remove the producer from CalRecycle's list of compliant producers, or impose additional reporting requirements relating to compliance if CalRecycle makes a written finding that an entity has not met a material requirement of the Act.
 - a) If a stewardship plan is revoked or terminated, authorizes a producer no longer subject to that plan to sell or offer for sale batteries or battery-embedded products in the state for up to one year after the plan was terminated or revoked if the producer continues to operate under the most recent approved plan.
- 16) Requires a producer, stewardship organization, manufacturer, distributor, retailer, importer, recycler, or collection site to provide CalRecycle with the following upon request:

- a) Reasonable and timely access to its facilities and operations as necessary to determine compliance with the Act.
 - b) Relevant records to determine compliance with the Act.
- 17) Excludes from the Act a person that sells batteries or battery-embedded products with a total annual retail value that is less than an undefined monetary amount or an undefined number of units.
- 18) Requires CalRecycle to adopt regulations to implement the Act by January 1, 2023.

Background

- 1) *Universal Wastes and its management.* Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. To be considered a hazardous waste, it must appear on one of the four RCRA hazardous waste lists or exhibit one of the four characteristics of a hazardous waste – ignitability, corrosivity, reactivity, or toxicity. Under current law, it is illegal to dispose of hazardous waste in the garbage, down storm drains, or onto the ground.

Universal wastes, which are regulated by DTSC, are hazardous wastes that are widely produced by households and many different types of businesses. It comes primarily from consumer products containing mercury, lead, cadmium and other substances that are hazardous to human health and the environment.

- 2) *Battery regulation.* Most batteries, regardless of size, are considered universal waste or hazardous waste when they are discarded and cannot be disposed of in the trash or household recycling collection bins (blue bins). These include single use alkaline and lithium batteries and rechargeable lithium metal, nickel cadmium, and nickel metal hydride batteries of various sizes. They contain a corrosive chemical that can cause burns as well as toxic heavy metals like cadmium. These metals also make batteries a potentially valuable source of recyclable materials. Products that contain batteries have become common in every aspect of our lives; batteries can be found in phones, wearable technology such as smart watches, airpods, greeting cards, e-cigarette pens, and children's toys just to name a few.

If batteries end up in the trash or a recycling bin, owners/operators of solid waste transfer stations, municipal landfills, and recycling centers who discover batteries in the waste or recyclable materials are required to remove and manage the batteries separately. The facility that removes the batteries from the

municipal solid waste stream or recyclable materials legally becomes the generator of the hazardous waste batteries and must comply with the state's hazardous waste management regulations. Facilities that do not properly manage hazardous waste may be subject to regulatory enforcement and may be liable for monetary penalties.

Depending on the type of battery and applicable management requirements, batteries must be sent to a facility permitted to accept hazardous waste batteries, universal wastes, or spent lead acid batteries. Only facilities that have a DTSC permit or other type of authorization to treat, store, or dispose of hazardous wastes may accept hazardous waste. Facilities that do not have a DTSC permit may accept and store universal waste batteries and spent lead acid batteries if they operate according to the regulations specifically tailored for those types of batteries.

- 3) *Batteries in the trash.* According to CalRecycle's 2018 Waste Characterization Study, published May 2020, batteries, which include car, flashlight, small appliance, watch, and hearing aid batteries, represented 8,892 tons (0.0002%) of California's overall disposed waste stream. This figure does not distinguish between single-use and reusable batteries. As noted above, no batteries should be entering the state's landfills.

According to Call2Recycle, a national organization that runs a battery stewardship and recycling program, California consumes 64 million Lithium-ion batteries every year. Of this 64 million, it is estimated that between 75 – 92% of these batteries are improperly disposed of. With the number the number of Lithium-ion batteries and products expected to double in the next seven years due to advancements in technology, the quantity of Lithium-ion batteries and products entering the waste stream will only increase.

- 4) *Battery dangers.* Lithium-ion batteries are widely used in electronics such as laptops, smart phones, digital cameras, children's toys, and vape pens. These batteries can explode and ignite whatever is nearby when bent or crushed. The batteries pose a risk throughout their life.

While some products enable consumers to remove the battery prior to disposal, many make them extremely difficult to remove. Additionally, safer product design may not be compatible with the sleek, thin shape that consumers have come to expect and prefer in electronic devices. The shielding required to make the batteries safer adds bulk.

Lithium-ion batteries are quite powerful and spark thermal events, or fires, when they are damaged. The batteries damage easily under pressure, such as squeezing or puncturing, or with friction. The frequent jostling, crushing and shredding in waste and recycling streams can cause battery smoking or combustion of adjacent materials in a collection truck, at MRFs, in scrapyards or at transfer stations.

“They're the toughest batteries for MRFs and haulers because they're high energy density, small and difficult to identify,” said Carl Smith, CEO and president of nonprofit Call2Recycle. “The big thing we worry about is the puncture and shredding that takes place in waste. That can cause ignition.”

5) *Current efforts to manage batteries.*

California Rechargeable Battery Recycling Act. Most portable electronic devices use rechargeable batteries and millions of rechargeable batteries are sold in California each year. As of 2005, to help promote proper disposal of rechargeable batteries by the public, the Act requires retailers, excluding large chain supermarkets and persons who have less than one million dollars annually in gross sales, to have a mechanism to accept all rechargeable batteries from consumers for recycling. Sales of rechargeable batteries that are contained in, or packaged with, a battery-operated device are not subject to the Act; however, a retailer selling replacement batteries for such devices must comply.

Additionally, the Act requires DTSC to survey battery handling and recycling facilities and post on its website, by July 1 of each year, the estimated amount of each type of rechargeable batteries returned for recycling. DTSC relies on data voluntarily submitted by the major California battery recyclers to estimate how many rechargeable batteries, by type (e.g., nickel-cadmium, nickel metal hydride, etc.), are collected in each calendar year.

According to DTSC's website, the following are approximate quantities of rechargeable batteries collected for recycling in California in 2019:

- 390,703 pounds of nickel cadmium batteries (down from 400,000 in 2017);
- 436,135 pounds of lithium ion batteries; (500,000 in 2017)
- 1.1 million pounds of nickel metal hydride batteries (about the same in 2017); and,
- 3.3 million pounds of small lead acid batteries (2.3 million in 2017).

According to DTSC, accurately estimating the amount of rechargeable batteries collected for recycling in California can be difficult for the following reasons:

- Some battery handlers and recyclers do not track the state from which batteries are collected;
- Batteries contained in electronic devices that are recycled (such as cell phones and laptop computers) are not counted separately but may represent a significant portion of the total quantity;
- There may be duplicate data as some battery handlers collect batteries from other collection points; and
- California law does not require battery handlers or recyclers to report the number or weight of batteries collected for recycling.

The Cell Phone Recycling Act of 2004. Since 2006, the Cell Phone Recycling Act has required retailers to have in place, and promote, a system for accepting and collecting used cellular phones for reuse, recycling, or proper disposal, at no cost to the consumer. Consumers usually replace their cellular phones about every 18 months. Used cellular phones contain hazardous substances and should not be disposed of with regular household waste. Circuit boards in cellular phones contain arsenic, antimony, beryllium, cadmium, copper, lead, mercury, nickel, and zinc. The rechargeable batteries used with cellular phones contain cobalt, zinc, and copper.

Call2Recycle. Call2Recycle, a non-profit organization, is a voluntary, industry-run program that collects and recycles rechargeable and single-use batteries through collection sites located throughout the country. The types of batteries that are accepted vary between collection sites.

Household hazardous waste facilities. Batteries can also be taken to household hazardous waste facilities. DTSC provides a list of household hazardous waste facilities by city on its website. These facilities are typically run either directly by a local jurisdiction, or by an entity as a contractual agreement with a local jurisdiction, as a part of the jurisdiction's household hazardous waste management program. Access to a household hazardous waste facility differs throughout the state.

- 6) *Product Stewardship.* Product stewardship, also known as Extended Producer Responsibility (EPR), is the concept of sharing responsibility for end-of-life product management between all entities involved in the product's life, from production to disposal (or recycling), instead of the public and local governments. Product stewardship encourages product design changes to minimize a negative impact on human health and the environment at every stage of the product's lifecycle. This allows the costs of treatment and disposal

to be incorporated into the total cost of a product. It places primary responsibility on the producer, or brand owner, since they make design and marketing decisions. It also encourages the market to truly reflect the environmental costs of a product.

By shifting costs and responsibilities of product disposal to producers and others who directly benefit, EPR provides an incentive to eliminate waste and pollution through product design changes.

Comments

- 1) *Purpose of Bill.* According to the author, “Because of the hazardous metals and corrosive materials that batteries contain, California classifies batteries as hazardous waste and bans them from solid waste landfills. When improperly discarded, lithium-ion (Li-ion) batteries in particular pose serious fire, health and safety hazards.

“Unfortunately, because of a combination of increased consumption and a lack of convenient disposal options, higher levels of toxic batteries are entering the waste stream. Among other negative consequences, this has resulted in an alarming number of material recovery facilities, waste collection trucks, and landfills experiencing fires caused by improperly disposed of Li-ion batteries. These fires endanger the lives of workers and pollute the atmosphere and surrounding areas, while causing expensive damage to city and county waste collection vehicles, equipment and facilities.

“SB 289 would require free collection bins for most loose and product-embedded batteries at convenient retail locations across the state, to provide an easily accessed channel for consumers to safely place batteries into the bins for proper disposal rather than simply discarding them into the garbage, as is commonplace. SB 289 would also encourage manufacturers to be more responsible for the life cycle of their products by creating a producer-run program. Lastly, the bill would create a consumer outreach and education campaign to encourage the proper disposal of all batteries.”

- 2) *Consumer education may not be enough.* Despite the increase of batteries in consumer products, the number of batteries that are collected for recycling decreased between 2017 and 2019. This implies that, despite consumer education efforts, batteries continue to be improperly disposed of in the waste stream.

- 3) *Piecemeal efforts have led to uneven consumer convenience.* Current state programs do not collect single-use batteries and lithium-ion battery embedded products that are not cell phones. Call2Recycle's program, which collects rechargeable batteries, cell phones, and single-use batteries, allows consumers to drop off their used batteries at collection sites at no cost. However, the program is voluntary, making the availability of collection sites dependent on the willingness of an entity to operate a collection site. For instance, according to Call2Recycle's website, the closest collection site for single-use batteries to the California State Capitol is in Roseville, and the second closest location is in Stockton. In Los Angeles and Chico, there are not any collection sites for single-use batteries within 50 miles of those cities; in comparison to San Francisco which has an abundance of collection sites for single-use batteries. If a consumer does not have access to a Call2Recycle collection site, a consumer may purchase collection kits from Call2Recycle, which start at \$45 for a small "battery and cell phone recycling box."

As noted above, DTSC's website provides a list, by city, of household hazardous waste collection facilities which would accept batteries and battery embedded products along with other household hazardous waste products. However, it is unclear if there is at least one collection facility in each county, if there are enough household hazardous waste collection facilities to adequately serve the population of any given jurisdiction, or if they are conveniently located for consumer access. For example, there are 2 facilities located in the City of Sacramento, 1 in San Francisco, 3 in Los Angeles, and none in Fresno/Clovis.

It can be said that the lack of free and convenient access to recycling for all batteries and battery-embedded products is what leads to their improper disposal.

SB 289 repeals the Rechargeable Battery Recycling Act and the Cell Phone Recycling Act and instead replaces those programs with an EPR program that would cover all batteries and battery-embedded products, significantly increasing consumer access to collection sites for all battery types. Unlike Call2Recycle's voluntary program, SB 289 would ensure consumer access to collection sites by requiring that the stewardship plan include a minimum distribution of collection sites throughout the state based on county population, with a minimum number of sites per county. It would also require retail chains serve as a collection site in a county where these minimum collection site thresholds are not met. It places responsibility on those that profit from the sale of these products to also play a key role in its management.

- 4) *Many variables.* SB 289 covers most consumer batteries and battery-embedded products, requiring the producers of each of those covered products to form a stewardship organization either individually or collectively. This could lead to one or many stewardship organizations. Additionally, each stewardship organization would have its own stewardship plan, each of which CalRecycle would be responsible for the approval and oversight. Also, different products likely have different management needs. For example, a motorized skateboard or hoverboard in comparison to a cell phone or greeting card would more than likely have significantly differing end of life management. Thus, while comprehensive, SB 289 also presents a lot of variables and factors that must be taken into consideration when implementing the bill.
- 5) *Mixed results for California EPR programs.* To date, the Legislature has enacted 4 EPR programs of which CalRecycle has enforcement authority – paint, carpet, mattresses, and pharmaceutical and sharps waste – showing varying degrees of success. While CalRecycle does not appear to have oversight issues with the paint stewardship program, CalRecycle was subject to an audit for its oversight of the mattress recycling program. The carpet recycling program has encountered the most challenges of the EPR programs with the enforcement history of the carpet stewardship organization being extensive and complicated. Only enacted in 2018, the pharmaceutical and sharps waste program is still in development.
- 6) *Stakeholder concerns.* General stakeholder concerns include the following:
 - a) Broadness of the bill – large scope of “battery-embedded products,” no distinction between battery chemistries, and no size limitations;
 - b) Broad authority of CalRecycle;
 - c) Requiring producers to compensate retailers for the collection of batteries and battery-embedded products; in contrast to existing law which requires retailers to provide collection points with no compensation from producers; and
 - d) Requiring producers to reimburse state agencies “with jurisdiction relevant” to the programs for regulatory costs.
- 7) *Things to consider.* As the bill progresses through the legislative process and the author continues to work with stakeholders, the following should be considered:
 - a) More parameters of what should be considered an “industrial battery.” As written, CalRecycle would have wide discretion in defining industrial batteries.

- b) Parameters for CalRecycle to follow in establishing the collection rate; and, given the possibility of multiple stewardship organizations, whether organizations will be required to achieve the collection rate collectively or individually.
 - c) To what extent, if any, Call2Recycle collection sites and collection sites under stewardship plans may overlap, or to what extent Call2Recycle collection sites can be utilized by producers in their stewardship plan.
 - d) The role of online retailers.
 - e) Incorporating flexibility to the program that would allow for the inclusion of evolving technology.
- 8) *Committee amendments.* The committee may wish to amend the bill in the following ways:
- a) Require producers to register with CalRecycle by April 1, 2022.
 - b) Given the vast number of producers that would be required to be part of a stewardship organization, give CalRecycle until January 1, 2024 to adopt regulations and make conforming changes to other timelines mandated by the bill.
 - c) Require CalRecycle, in adopting the regulations, to do so in consultation with DTSC.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Judiciary Committee.

Related/Prior Legislation

SB 244 (Archuleta) requires CalRecycle, in consultation with DTSC, to develop guidance for the proper handling and disposal of lithium-ion batteries and requires the Department of Forestry and Fire Protection to develop protocols and training for the detection, safe-handling, and suppression of fires started from discarded lithium-ion batteries in the waste-handling system to be adopted by solid waste enterprises. SB 244 was heard in this Committee on March 15, 2021, and was passed on consent. SB 244 has been referred to the Senate Appropriations Committee.

AB 735 (Smith) authorizes DTSC, for purposes of the Rechargeable Battery Recycling Act of 2006, to post on its internet website the estimated amount, by weight, of each type of rechargeable batteries returned for recycling in prior years, in addition to the existing requirement that the information be posted for the

previous calendar year. AB 735 has been referred to the Assembly Environmental Safety and Toxic Materials Committee.

AB 1509 (Mullin, Berman, 2019) would have established a Lithium-Ion Battery Recycling Program within CalRecycle that required manufacturers of lithium-ion batteries to provide convenient collection, transportation, and disposal of lithium-ion batteries. AB 1509 was held in the Senate Environmental Quality Committee.

AB 2832 (Dahle, Chapter 822, Statutes of 2018) requires the Secretary for CalEPA to convene a research group to review and advise the Legislature on policies pertaining to the recovery and recycling of lithium-ion vehicle batteries sold with motor vehicles in the state.

AB 2284 (Williams, 2014) would have required producers of non-rechargeable household batteries to develop and submit a plan to collect and manage batteries sold in the state. AB 2284 was held in the Senate Environmental Quality Committee.

SB 515 (Corbett, 2011) would have required a producer of batteries sold in California to develop and implement a household battery stewardship plan describing how it would achieve collection of household batteries and the maximum feasible recovery of materials from the collected batteries. SB 515 was held in the Senate Appropriations Committee.

SOURCE: Californians Against Waste, California Product Stewardship Council, and RethinkWaste (co-sponsors)

SUPPORT:

Alameda County Supervisor Nate Miley
California Chapters of The Solid Waste Association of North America's Legislative Task Force
California Resource Recovery Association
California State Association of Counties (CSAC)
City of Roseville
Clean Water Action
County of Los Angeles Board of Supervisors
County of Marin
Del Norte Solid Waste Management Authority
Ecology Action
Friends Committee on Legislation of California
Greeneducation.us
League of California Cities

Los Angeles County Sanitation Districts
National Stewardship Action Council
Product Stewardship Institute
Recology
Recyclesmart
Refill Madness
Republic Services INC.
Resource Recovery Coalition of California
Rural County Representatives of California (RCRC)
Save Our Shores
South Bay Waste Management Authority (sbwma) DbA Rethinkwaste
Upper Valley Waste Management Agency
Zero Waste Company
Zero Waste Sonoma

OPPOSITION:

American Property Casualty Insurance Association
Association of Home Appliance Manufacturers
California Chamber of Commerce
California Manufacturers & Technology Association
Consumer Technology Association
National Association of Mutual Insurance Companies
National Electrical Manufacturers Association (NEMA)
Outdoor Power Equipment Institute (OPEI)
Personal Insurance Federation of California
Power Tool Institute
Prba - the Rechargeable Battery Association
Security Industry Association

ARGUMENTS IN SUPPORT: According to a coalition letter submitted by California State Association of Counties, League of California Cities, and Rural County Representatives of California, “If lithium-ion batteries enter the waste stream either individually or as a component of another product, they can be difficult to detect and remove, and have the potential to cause disastrous fires. In September 2016, an improperly disposed lithium-ion battery caused a catastrophic fire at a San Mateo County solid waste transfer station and recycling center. The fire caused \$8.5 million in damages and forced the closure of a major regional center for three months. The risks posted by lithium-ion batteries are also making it more difficult and expensive for

facility operators to obtain insurance.

“While the solid waste industry works to avoid the risks posed by lithium-ion batteries, the problem requires a broader solution. Given that local governments are already strained with implementing other aspects of solid waste recycling and disposal programs, we believe that the product manufacturers are best suited to perform the surveys, accounting, and collection responsibilities envisioned in SB 289. SB 289 appropriately requires manufacturers and retailers to take more responsibility for avoiding the inherent risks associated with the improper disposal of the products they create.”

ARGUMENTS IN OPPOSITION: According to a coalition letter which includes groups such as California Chamber of Commerce, California Manufacturers and Technology Association, and National Association of Mutual Insurance Companies, “... SB 289 would impose a complex, ill-conceived system that would substantially increase the cost of vital products to California consumers, impose huge burdens on California regulatory agencies, and subject the makers of batteries and an ill-defined category of “battery-embedded products” to exceedingly complex rules, very substantial fees and potentially draconian fines.

“All of the signatories to this letter are sensitive to the fire risks associated with lithium ion batteries put into recycling and waste streams. But a targeted, thoughtful legislative solution to those concerns would make far more sense than SB 289’s flawed, complex, and fundamentally unworkable approach.”

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