



**Battery Stewardship in the United States
Collaboration for Advancing Legislation and Programs**

MEETING SUMMARY

June 11 & 12, 2014—Hartford, CT

Attendees

More than 130 local, state, and federal government officials, recyclers, retailers, and other key stakeholders attended the meeting, with about half attending in person and the other half participating via live web streaming (see [attendee list](#)). Government officials participating represented 23 states.

Meeting Materials

Meeting materials are available on [PSI's website](#). We encourage you to consult the PowerPoint presentations when reviewing this summary.

Welcoming Remarks

Connecticut Department of Energy and Environmental Protection (CT DEEP) Policy Director **Jessie Stratton** welcomed attendees to the meeting. She spoke about the legislative history of batteries in Connecticut and highlighted batteries as one of three priority product categories identified to help meet waste diversion goals in CT. In addition, she emphasized the significant value of a collaborative approach between government and industry stakeholders in making programs work. Connecticut Housatonic Resources Recovery Authority Director **Cheryl Reedy** also spoke about what can be accomplished with partnerships between local and state government working with national organizations and stakeholders.

Meeting Overview

Scott Cassel (Product Stewardship Institute, PSI) thanked meeting sponsors, explained [definitions for product stewardship and EPR](#), and provided an overview of the growth of EPR laws in the U.S. He also discussed the history of battery legislation in the U.S. Scott outlined key sections of the *Battery Stewardship Briefing Document*, including reasons why batteries are a product stewardship priority, project goals, and expected meeting outcomes. Scott also noted that he believed this to be the first such meeting to discuss primary and rechargeable batteries together. He then outlined PSI's role in facilitating the meeting, how PSI has developed collaborative stakeholder agreements with other industry sectors, and how different industries respond in different ways to governments' offers to engage in collaborative problem-solving. He emphasized that the first day of the meeting would involve a comprehensive discussion of potential solutions while the second day would focus on EPR. The meeting was divided into three parts: (1) discussion of all issues and potential solutions; (2) detailed discussion of three priority issues/solutions; and (3) discussion of elements of a model EPR bill.

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Background/Stakeholder Perspectives

Government Perspectives

Jennifer Holliday (Chittenden County Solid Waste District, VT) provided a summary of product stewardship for primary batteries in VT and discussed lessons learned from the passage in 2014 of H.695, VT's primary battery law (Act No. 139). In particular, she emphasized the challenges of the issue of battery-containing products.

Garth Hickle (Minnesota Pollution Control Agency, MN PCA) provided an overview of product stewardship for batteries in MN including a rechargeable battery EPR law in 1994 from which he highlighted a 90 percent collection performance goal requirement. He also spoke about the introduction of a primary battery bill (SF 639) in 2013 and 2014 where concerns were voiced from both retailers and medical device manufacturers. Differences in the 2014 bill from that of 2013 include the addition of obligations for producers of battery-containing products, convenience metrics, and preemption.

Burke Lucy (CalRecycle) provided an update on primary battery legislation in CA (AB 2284). He indicated that collection rates for batteries are similar to those for household hazardous waste (less than ten percent) but that a local law in San Luis Obispo, where retailers are required to act as collection sites, increased collections significantly. He also noted that CA encourages putting goals in statutes or requiring government agencies to establish goals by a given date.

Jeffrey Smedberg (Santa Cruz CA) also spoke about primary battery legislation in CA, and indicated that the issue of battery-containing products was a very complex issue but an important one in maintaining a level playing field for producers. On this issue, he indicated that the toy industry and the technology industries had voiced concerns. He also highlighted the issue of preemption and stated that accurate sales data are needed to establish recycling rates.

Margaret Shield (King County Local Hazardous Waste Management Program, WA) summarized rechargeable battery stewardship bills introduced in 2012 and 2013 in Oregon (HB 2938) and Washington (ESHB 1364). She emphasized that state enforcement is critical to fairness and a level playing field but that government has concerns over cost recovery for oversight. In addition, she indicated that one of the most significant challenges is that of batteries sold in products and how retailers can verify compliance.

Recycler, Manufacturer, and Stewardship Organization Perspectives

James Ewles (Raw Materials Company) spoke on behalf of the Battery Recycling Association of North America (BRANA). He highlighted the need for a level playing field for stewards and recyclers, the need for enforcement of targets as incentive to collect and recycle, the need for non-financial audits, and how incentives can encourage collection and recycling innovation.

Marc Boolish (Energizer) spoke on behalf of the Corporation for Battery Recycling (CBR) and summarized principles of importance to CBR in EPR battery legislation, including that it be environmentally beneficial, establish a level playing field, provide limited anti-trust protection, right of private action, preemption, and fair reimbursement. He also spoke of lessons learned from the primary battery legislative process in VT, in particular, including the need to be actively involved.

Mark Kohorst (National Electrical Manufacturers Association, NEMA) indicated that NEMA supports all battery legislation if it is environmentally beneficial and economically sustainable. NEMA also supports a broad, rational approach to performance standards.

Carl Smith (Call2Recycle) provided a rechargeable battery stewardship organization perspective and included an overview of experiences in Canada. He emphasized a results-oriented approach and voiced concerns about lack of enforcement and non-financial audits.

David Weinberg (PRBA - The Rechargeable Battery Association) provided a perspective on key requirements for an all consumer battery bill. These included preventing the disruption of existing rechargeable battery stewardship programs such as Call2Recycle which he described as an efficient, cost-effective program. PRBA also supports responsibility for all who supply removable batteries, minimizing the need for government oversight and enforcement, and the need to ensure no discriminatory assignment of costs between primary and rechargeable batteries. An all battery model bill, the "Model Consumer Battery Stewardship Act," was then introduced and offered for consideration by NEMA, PRBA - The Rechargeable Battery Association, CBR, and Call2Recycle.

CT DEEP **Commissioner Robert Klee** applauded the battery industry for coming together to produce an all battery model bill and expressed his appreciation for having it introduced in CT. He spoke of CT having a history of leadership in EPR and his commitment to making a battery EPR bill as part of a keystone package to be introduced to the legislature in 2015. He emphasized the potential for EPR in his state to contribute to waste diversion and economic development, and thanked all meeting participants for their hard work yesterday, today, and going forward.

Follow-up Discussions and Elements of an EPR Bill for Batteries

A facilitated question and answer session followed the presentations. The content of these and other discussions associated with review of the Elements of a Battery EPR Bill have been incorporated into development of the attached chart outlining an Emerging Proposed Model, which indicates areas of agreement for an all battery EPR bill, items for further discussion, and proposed solutions, questions, and issues.

In the interest of taking advantage of the opportunity for all participants to discuss and ask questions related to the "Model Consumer Battery Stewardship Act" offered, the meeting diverged slightly from the original agenda. Rather than discuss Key Issues, the meeting moved directly from the Stakeholder Presentations to consideration of the Elements of a Battery EPR Bill. These elements served as a framework to develop a proposed model about which there could be general agreement and to examine the "Model Consumer Battery Stewardship Act" in this context. In addition, items for further discussion were identified, as well as potential solutions, questions, and issues. The goal of the session, which continued into Day 2 of the meeting, was to develop a set of model bill elements for statewide battery EPR that is both streamlined and flexible enough to meet the unique and changing regulatory, political, and economic needs of multiple states. These model elements will help harmonize battery EPR legislation in the U.S., preventing a confusing patchwork of different programs across multiple states.

Next Steps

While much was accomplished at the meeting, there is still work to be done. The following is a list of next steps:

- PSI will continue the process of building a Proposed Model that reflects common ground, general agreement, and a consideration of the "Model Consumer Battery Stewardship Act" offered at the meeting. PSI will send this emerging model for comment to stakeholders.
- The comment period has ended for the Battery Stewardship Briefing Document, and we are currently in the process of finalizing this report.
- PSI will identify states that are interested in introducing legislation in 2015.