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May 13, 2021

Senator Josh Newman
California State Senate
State Capitol, Room 4066
Sacramento, CA 95814

RE: Senate Bill 289 Recycling: batteries and battery-embedded product

Dear Senator Newman:

The National Waste & Recycling Association (NWRA) is pleased to provide comments on California's Senate Bill 289 Recycling: batteries and battery-embedded product. NWRA is a trade association that represents private-sector waste and recycling companies in the United States, and manufacturers and service providers who do business with those companies. NWRA's members operate in all fifty states and the District of Columbia. NWRA provides leadership, education, research, advocacy, and safety expertise to promote North American waste and recycling industries, serve as their voice, and create a climate where members prosper and provide safe, economically sustainable, and environmentally sound services.

NWRA members own waste and recycling collection, processing, and disposal facilities within the State of California. Facilities include landfills, recycling, and composting/organics management facilities. Our members have experienced fires caused by lithium batteries. As such, NWRA member are interested in this bill. We would like to offer the following comments that are specific to our sector's operations.

- While the bill establishes requirements to educate consumers, we do not think it should be limited to consumers. We suggest expanding the education component to include all stakeholders on the safety issues surrounding batteries and battery collection. The education should be targeted based on the stakeholder.
- While we understand that California has long supported curbside management of batteries, we believe this is outdated for the following reasons:
 - Curbside battery collection was initiated when alkaline batteries were the norm. Now, with lithium batteries ascendent, it is too difficult to manage

- batteries at the curb. There are too many look-alikes for consumers to be expected to distinguish alkaline from lithium.
- Curbside battery collection began before automated collection vehicles were common. Automated waste/recycling collection is a safety issue allowing workers to remain in their vehicles. Waste/recycling collection is now 6th in fatalities (down from 5th) and we believe that automated collection can be partially credited to improvements. Nonetheless, we still have a long way to go.
- Automated drivers might not see a bag of batteries on a cart and just dump it in the truck causing potential fires. Residents should not place a bag of batteries with their recycling carts for collection.
- We suggest adding language requiring a separate collection for batteries either as a drop-off location or a state specific program for hard to handle materials
- The definition of “recycler” has caused some concern. While MRFs/scrap yards might receive batteries and therefore engage in “manual or mechanical separation...for the purpose of recycling...,” they do not want those batteries. Nonetheless, based on the definition, they could be labeled “recyclers.” Can we add a sentence under the definition of “recycler” to make it clear that residential/commercial MRFs and traditional scrap yards are not “recyclers” under this bill?
- Concerns were raised about whether by requiring products to go back to manufacturers, would it be illegal for recyclers to accept the material? Can it be clear that residential/commercial MRFs and traditional scrap yards are not subject to this bill?

NWRA appreciates the opportunity to comment on SB 289 and we look forward to continuing to work with your office on this matter. Should you have any questions, please call Anne Germain at 202-364-3724 or e-mail at agermain@wasterecycling.org.

Very truly yours,



Darrell K. Smith, PhD
President & CEO

c: Honorable Marc Berman
Honorable Kevin Mullin