



Testimony in Support of H.695

Provided by Jennifer Holliday

On behalf of the Chittenden Solid Waste District and the

Vermont Product Stewardship Council

Submitted to the Vermont Senate Committee on Natural Resources and Energy

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Chairman Hartwell and Committee Members,

Thank you for providing this opportunity to discuss Extended Producer Responsibility for primary batteries. My name is Jennifer Holliday and I am the Product Stewardship and Compliance Manager for the Chittenden Solid Waste District. I have been with the District for 23 years. I am also a founding member and Chair of the Vermont Product Stewardship Council (VTPSC). The Council members include every solid waste district and alliance in the state which represents over 85% of the population. Both CSWD and the VTPSC strongly support H.695.

H.695 is an extended producer responsibility bill similar to the four other laws that have been passed since 2006. We have laws on mercury-containing automobile switches, mercury-containing thermostats, mercury-containing lamps, electronics and paint. Vermont is a leader in the Nation on EPR legislation being only second to Maine and California for the most producer responsibility laws in the country. We are also a leader with having some of the most successful producer responsibility programs in the country. Vermont has some of the highest per capita recovery rate for mercury thermostats, electronic waste and mercury-containing lamps. H.695, would be the first producer responsibility law for primary batteries in the country if it were to pass this year. California and Minnesota have tried to pass similar legislation on batteries last year and this year.

Voluntary Collection Program for Rechargeable Batteries

Dry cell batteries fall under one of two categories. The first is primary batteries which are made up of alkaline, zinc carbon, lithium primary silver oxide and zinc air (button cell). The other category is rechargeable batteries of which the majority are either nickel-cadmium, sealed lead acid, mercuric oxide, nickel metal hydride and lithium ion. Approximately 80% of batteries sold to consumers are primary batteries.

There are only a few types of batteries that are explicitly banned from landfill disposal in Vermont and they fall under the rechargeable category. Batteries banned from the landfill are any mercury-containing battery, nickel-cadmium (NiCad) batteries, small sealed lead acid batteries and non-consumer mercuric oxide batteries. Primary batteries are not banned from landfill disposal. Primary batteries contain steel zinc and manganese that can be recycled.

A voluntary product stewardship program for rechargeable batteries was started in 1997 by the rechargeable battery manufacturers. This program that is managed by Call2Recycle, is the only industry-funded program in North America for recycling rechargeable batteries, and is funded by over 175 manufacturers and marketers of rechargeable batteries. Call2Recycle has established over 30,000 active retail, municipal and other drop-off sites across the United States and Canada. The Call2Recycle program was originally formed to collect NiCad rechargeable batteries, but expanded in 2001 to include other rechargeable chemistries. Many Vermont retailers and Solid Waste Districts and Alliances participate in the Call2Recycle program by collecting rechargeable batteries in boxes that are supplied by the program. Once filled, the boxes are mailed to the recycling facility. Postage and recycling costs are paid for by the manufacturers.

In Vermont Call2Recycle collected approximately 37,000 pounds of rechargeable batteries from 116 collection sites in 2013. This recycling program that is offered by the manufacturers is voluntary and works because the majority of battery manufacturers are in agreement to provide this program. The primary battery companies wanted to also provide a national collection program on a voluntary basis. However, because not all the primary battery companies are in agreement to provide the service, legislation is necessary to get all of them to participate.

Why Collect Primary Batteries?

In 2011, a group consisting of the four largest battery companies (Energizer, Rayovac, Duracell and Panasonic) worked together to look at end of life management of their product. They commissioned a study with MIT on the full life cycle analysis of consumer batteries which indicated that, under the right circumstances, collection and recycling could be net environmentally positive. This is primarily because the extraction of raw resources is much more energy intensive than using resources that have been recycled. This new finding led to the formation of the Corporation for Battery Recyclers (CBR), the governing entity that has begun the process for a national battery recycling effort. From their website: The long-term vision for CBR is to lead and shape a voluntary national program that maximizes reuse of spent battery materials with a goal of zero waste over time. However, in 2012, Rayovac dropped out of the group and because of the “free rider issue” if the program were voluntary, the group is now looking to pass legislation like H.695. Legislation was proposed in California and Minnesota by CBR last year.

The Status for Primary Battery Recycling in Vermont

The recycling technology and options for primary batteries has been very limited. There are only three recyclers for all primary batteries in North America. Most solid waste managers have opted not to collect and recycle alkaline batteries due to cost and up to more recently the questionable benefits to the environment. Only five of the sixteen Solid Waste Districts and Alliances collect primary batteries and most of those do not advertise the collection program for those batteries. Approximately \$10,000 was spent in 2013 to collect about 12,000 pounds of primary batteries that were collected between these five solid waste districts.

According to information compiled by CBR, 5,400,000,000 batteries were sold in the United States in 2010. Using population data, this is equal to approximately 17 batteries per person or 10 million batteries sold in Vermont in 2010. If all these batteries are recovered, it is estimated to cost collectors over \$540,000 just to pay for the transportation and recycling.

Why Support H.695

1. The materials in primary batteries should be recycled. Offsetting the need for virgin materials is typically the best way to reduce a product's overall lifecycle impact by reducing the energy consumption needed to acquire virgin materials, as well as other environmental impacts from mining.
2. It is environmentally beneficial to collect and recycle primary batteries but without this legislation the industry cannot provide a collection system that is fair for all producers of batteries.
3. Some primary batteries may have mercury, especially older batteries still in storage.
4. The majority of Solid Waste Districts and Alliances will not pay for a recycling program for primary batteries.
5. Consumers want to recycle primary batteries and are confused when they are told to throw them away. The confusion and frustration most likely results in lower collection rates of the more hazardous rechargeable batteries. Consumers do not know the difference between battery chemistries, so sending a simple message that *all* batteries should be recycled could maximize the collection of rechargeable batteries.

Thank you

Resources:

[Life Cycle Impacts of Alkaline Batteries with a Focus on End-of-Life. Massachusetts Institute of Technology, February 2011.](#)

[The Battery Stewardship Briefing Document.](#) The Product Stewardship Institute, July 2010.

Corporation for Battery Recycling <http://recyclebattery.org/>