

Battery Stewardship in the United States

Battery Stakeholder Perspectives

NY State Federation

Tuesday, May 5, 2015

Current Legislative Activity

- 2014 - Primary-only legislation passed in VT
 - CBR's view: too many exemptions, not a level playing field
- 2015 – Legislation proposed, but not likely to pass in:
 - CT (all-battery)
 - CA (all-battery)
 - TX (all-battery)
 - NY (primary-only)

CBR's Tenets For Battery Recycling

1. Positive impact on the environment
2. Industry led and managed
3. Shared responsibility and financial sustainability
4. A level playing field
5. Nationally harmonized
6. Safe and responsible

1. Positive Impact on the Environment

- Past life cycle analysis have shown negative impact
- The goal is to be environmentally positive compared to current landfill disposal
- Recent works shows potential positive impact
 - ISO Compliant LCA analysis

2. Industry Led and Managed

- Primary and rechargeable industry have been committed to recycling
 - Summit in TX in April 2011
 - Summit in CT in June 2014
 - Legislative activity in multiple states each year
 - Collaboration between PRBA, NEMA, CBR

3. Shared Responsibility and Financial Sustainability

- Overall responsibility needs to be shared between manufacturers, producers, consumers/users, retailers and government
- Each producer, brand owner, or importer of batteries and products containing batteries pays for the end of life management of the product
- Maximum cost efficiency is vital

4. A Level Playing Field

- Battery sorts continue to show that there are producers who are not participating in EPR efforts
- Legislation is the only way to prevent free riders
- Exemptions and carve-outs allow some producers to avoid participating in recycling



5. Nationally Harmonized

- States can adopt recognized and effective programs from other states
- Hastens the adoption of policy across the entire country
- Creates a model that works, is reproducible, and available to every battery user

6. Safe and Responsible

- All collection programs and recycling processes must protect the safety of consumers and workers

Critical Elements of Legislation

- In order to ensure that the CBR's tenets are achieved, CBR members aim to have these ideas included in potential legislation:
 - Clear definitions of battery and producer
 - Prevents carve-outs and free riders
 - Limited anti-trust protection
 - Competitors are working together to run programs, so industry is asking for protection related to program only
 - Right of private action
 - If States are unable/unwilling to enforce legislation, an approved program can act
 - Preemption
 - Need consistent rules within a state to develop efficient programs
 - Fair reimbursement
 - Multiple approved SOs should be able to reimburse

Lessons Learned

- Coalition and legislative language needs to be finalized early in session, if not before it begins
- Difficult to manage more than a few states
- Avoid carve-outs
- Legislative hearings are important to attend, but difficult to schedule around
- 11th hour changes

Questions?

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