

# *Guide to Incorporating Extended Producer Responsibility (EPR) Principles into Purchasing and Procurement Documents*

## **BATTERIES**

### **Overview**

#### **Why are Batteries a Disposal Issue?**

All household generated batteries, including rechargeable nickel-cadmium batteries, silver button batteries and alkaline batteries were banned from disposal in California in February 2006. Some of the batteries contain heavy metals and toxins considered to be hazardous to the environment and human health and alkaline batteries are corrosive. Battery disposal is costly to cities and counties, and costly to the taxpayers. In the Los Angeles region, jurisdictions spend \$1,000 per ton to properly manage household batteries.

#### **How do I Control Battery Waste?**

Follow the mantra “Reduce, Reuse, Recycle”. First, reduce the amount of batteries you generate through smart procurement by buying rechargeables if possible, and use alkaline only when necessary to extend the life of the batteries. Establish Environmentally Preferable Procurement policies that include Extended Producer Responsibility (EPR), or “take back” language for batteries. This will save your jurisdiction money by reducing disposal costs and will improve the health of your employees, citizens and environment. Rechargeable batteries and cell phones do have a voluntary EPR program through the Call2Recycle or Rechargeable Battery Recycling Corporation <http://www.call2recycle.org/>. This provides a free EPR program where pre-paid shipping boxes are provided to anyone who requests them and can be placed in many jurisdiction locations.

#### **How do I Create Smart Procurement Policies?**

- **Review procurement specifications** to remove any provisions that may exclude the procurement of products from vendors who support battery Extended Producer Responsibility.
- **Amend your specifications** by adding Extended Producer Responsibility language into your procurement policies requiring take-back and management services for batteries.

### **Sample Policy Language**

Alkaline battery producers must propose a program in which they agree to provide take-back and management services for end-of-life batteries at no additional cost to (INSERT JURISDICTION), as this cost should already be incorporated into the original product proposal. This can be accomplished through a variety of contractual provisions whereby the Producer agrees to be responsible for taking back the batteries and providing for appropriate reuse or recycling when Procurement no longer needs the batteries. Such take-back methods and parameters may include, but are not limited to:

- One-for-one exchange of end-of-life products offered by, or previously purchased from the Producer, upon purchase of new products from said Producer.
- Collection of any end-of-life products by Vendor (or subcontractor) for reuse or recycling, preferably to also include provisions that ensure Vendor will continue the program should a subcontractor no longer be able to perform such activities.

- Requirement that vendor must manage all end-of-life collection of their products at a collection facility provided or funded by Vendor.
- Coupon system for pre-paid take-back at permanent regional collection centers (at no additional cost to Procurement).
- Requirement that vendor must provide information to the agency on available take-back and end-of-life product management options.
- Requirement that product packaging and containers must clearly display information on the Vendor's environmentally preferable end-of-life recycling and disposal options for the product and its packaging, as applicable.
- Requirement that vendor must post the aforementioned consumer information on at least one clearly visible sign at the point-of-purchase for the end user of the product.

### **Sample Proposal Language**

**Note:** Purchase rechargeable batteries to reduce the amount of batteries needed and discarded.

**End of Life Management 1 [Mandatory]:** Vendors must propose a program in which they agree to provide take-back and management services for end-of-life batteries (standard batteries and rechargeable batteries) at no cost to the Jurisdiction. This can be accomplished through a contractual provision whereby the seller agrees to be responsible for taking back the products and providing for appropriate re-use or recycling when the buyer no longer needs the products. Such take-back methods may include but are not limited to:

1. One-for-one exchange of equipment offered by, or previously purchased from the Vendor, upon purchase of new equipment from said Vendor, with a written guarantee that batteries will be disposed of in an environmentally responsible manner.
2. Collection of used batteries by Vendor or sub-contractor for reuse or recycling, preferably including provisions to continue recycling operations should a sub-contractor no longer be able to perform such activities.
3. Partnership with an organization such as Call2Recycle's battery take-back program. <http://www.call2recycle.org/home.php?c=1&w=1&r=Y/>

This program must comply with The Department of Toxic Substances Control (DTSC)'s hazardous waste regulations. These regulations are located in the official version of the California Code of Regulations (CCR) at Title 22 Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste. <http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

Provide disclosure and documentation to the Jurisdiction, upon request, that demonstrates compliance with the extended producer responsibility requirements or take-back clause.

If take-back provisions are proposed, agencies must follow applicable laws, procedures and guidelines relating to disposing of equipment prior to invoking disposal procedures. The proposed programs shall continue for the life of the product; e.g., beyond the product contract period.

Vendor should also highlight if they are willing to take-back products other than their own.



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