



SENATOR JOSH NEWMAN (SD-29)

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SB 1215 (Newman): Responsible Battery Recycling

[As Amended June 20, 2022]

Co-Sponsors: RethinkWaste
California Product Stewardship Council
Californians Against Waste

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SUMMARY

Because of the hazardous metals and corrosive materials contained in batteries, California classifies batteries as a subcategory of hazardous waste called universal waste, and on that basis bans them from solid waste landfills. When improperly discarded, lithium-ion (Li-ion) batteries, in particular, pose serious fire, health, and safety hazards. Unfortunately, as the result of a combination of increased consumption coupled with a lack of convenient disposal options for end users, ever-higher numbers of toxic batteries are entering the waste stream. Among other negative consequences, this has resulted in an alarming number of fires in material recovery facilities, waste collection trucks, and landfills caused by improperly disposed of Li-ion batteries. Such fires not only pollute the atmosphere and surrounding areas while causing extensive damage to city and county waste collection vehicles, equipment, and facilities, they also endanger the lives of workers involved with the handling of consumer waste.

SB 1215 will replace the current, labyrinthine and unsafe process for disposal of battery-embedded products with a safe, convenient, and accessible system for consumers to safely dispose of products containing depleted batteries.

ISSUE

Li-ion batteries are rechargeable batteries that deliver high levels of energy in relation to their size. Their combination of high energy density and light weight allows them to efficiently power portable electronics such as phones, laptops, toys, and power tools.

While Li-ion battery reactivity allows for the storage of high energy in small units, that otherwise valuable attribute also makes them dangerous when mishandled. When a Li-ion battery is crushed or punctured, it can overheat, catch fire, and even explode.

Resource Recycling Systems estimates that 75% to 92% of expended Li-ion batteries are discarded improperly. Moreover, as the result of innovations in manufacturing and packaging, embedded Li-ion batteries are harder for the average consumer to detect in products and segregate them from other trash going into the waste stream. In a 2014 Waste Characterization Study conducted by CalRecycle indicated that 0.9 percent (273,878 tons) of the waste stream in non-hazardous municipal solid waste landfills is electronics. According to a 2018 California Product Stewardship Council, 20 of 26 materials recovery facilities (MRF) surveyed experienced at least one fire during the previous two years, 65% of which were attributed to discarded batteries, with 40% of those batteries identified as Li-ion.

(Updated 6/22/22)

Such fires can be catastrophic. In 2016, a Li-ion battery ignited a fire inside RethinkWaste’s MRF in San Carlos. The resulting blaze caused nearly \$8.5 million in damages and forced the facility to close for 90 days. Since that fire, RethinkWaste has been forced to secure full insurance coverage through a combination of separate policies with seven different companies, resulting in a roughly 700% increase in premium costs. If another fire occurs, RethinkWaste may be unable to secure third party insurance coverage moving forward, and the prohibitive costs of self-insuring may force the facility to close permanently.

According to a recently published article by [Waste360 on June 23, 2022](#), Ryan Fogelman of FireRover reported that the US and Canada have experienced the highest number of facility fires recorded in a single month, 49 fires in the month of May 2022, since he started tracking reported facility fires back in 2016. The number of reported facility fires continues to increase, just further exacerbating the impacts on an already volatile fire insurance industry. More and more insurance companies are choosing not to offer fire insurance to solid waste facilities.

Without dramatically reducing the number of Li-ion batteries entering California’s waste stream, waste handlers throughout the state will undoubtedly suffer additional fires that will jeopardize MRF operations and which have, and continue to, result in severe injuries or loss of life.

A more efficient, end-to-end system for battery disposal in California that facilitates proper collection and sorting of Li-ion and other batteries that are embedded in products offers an opportunity for the safe recycling and reuse of the valuable and finite minerals inside the batteries, while simultaneously reducing toxic environmental impact and supporting economic growth.

SOLUTION

Under the existing Electronic Waste Recycling Act of 2003, the term "covered electronic device" is defined as a video display device – with a screen size measuring at least 4 inches diagonally and is, presumed to be a hazardous waste, also further defined as a universal waste, when discarded.

SB 1215 will expand the definition of a “covered electronic device” to include covered battery-embedded products in the California electronic waste (e-waste) program run by California’s Department of Resources Recycling and Recovery (CalRecycle). CalRecycle will add new battery-embedded products into the program through a regulatory process that includes public and stakeholder engagement. Consistent with the existing program, the department will determine a fee to be applied to the covered products at the time of purchase. The fee paid to the Department of Tax and Fee Administration will be distributed to CalRecycle and the Department of Toxic Substances and Control (DTSC) to cover the cost of recycling the products in the program. Approved collectors may collect covered products and receive a portion of the fee as payment for the collection of the products.

Under SB 1215, the e-waste program will include products embedded with all common household battery types, including Li-ion, alkaline, nickel-cadmium, and nickel-metal hydride batteries to avoid consumer confusion and reduce toxic waste from harming the environment. SB 1215 helps to ensure that improperly disposed of battery-embedded products no longer will pose a danger to the companies and employees charged with managing our waste stream.

SUPPORT

RethinkWaste (Sponsor)

California Product Stewardship Council (Sponsor)

Californians Against Waste (Sponsor)

Association of Home Appliance Manufacturers

California Retailers Association

California Technology Association

Toy Association