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SUBCOMMITTEE NO. 6 ON BUDGET  
PROCESS OVERSIGHT AND  
PROGRAM EVALUATION

# Assembly California Legislature



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Director Scott Smithline  
California Department of Resources, Recycling, and Recovery (CalRecycle)  
P.O. Box 4025  
Sacramento, CA 95812-4025

**Re: Lithium Ion Batteries in Consumer Products**

Dear Director Smithline:

I am writing to ask about the management of lithium ion batteries and its impact on California's waste stream. There is substantial evidence of lithium ion battery fires negatively impacting the waste management infrastructure of the State of California, adding costs to waste processing and shutting down critical facilities, leading to other detrimental impacts. I am also writing to other state agencies about waste management processes and data collection regarding related fires. Given your jurisdiction, I would like to ask about the waste management of and data collection efforts regarding lithium ion batteries, with the goal of obtaining clarity regarding related processes and ultimately determining a path forward to reduce fires created by lithium ion batteries in consumer products.

The technological advancements and abilities lithium ion batteries provide are beneficial to modern society. However, lithium ion batteries pose a significant fire risk; these batteries have recently resulted in fires at solid waste facilities in California, costing millions of dollars in damage and constituting health and safety threats to employees. With an increasing prevalence of these batteries in products and ultimately in our waste stream, it has become apparent that there is a need for greater clarity regarding the waste management processes that govern what happens with lithium ion batteries at the end of their useful lives.

The existing California Rechargeable Battery Recycling Act [AB 1125 (Pavley), Chapter 572, Statutes of 2005] includes an exemption for rechargeable batteries contained in consumer products, under Public Resources Code § 42453 (b). Some of these products may be captured under the California Electronic Waste (E-Waste) Recovery and Recycling Program [SB 20 (Sher), Chapter 526, Statutes of 2003, but many are ending up in the solid waste stream and creating fire risks. Given CalRecycle's authority to regulate the E-Waste program and operations at solid waste and recycling facilities, I request responses to the following questions regarding facility fires, the universe of lithium ion batteries, the processes for managing them as waste, and related data collection efforts.



- Does CalRecycle track any information regarding the universe of rechargeable batteries in California, including in the market and in the waste stream, and the waste management processes for handling those batteries? Is there any data available on fires that correlates with the sale of rechargeable batteries?
- What are load checks demonstrating about the number and types of rechargeable batteries in the waste stream?
- What products with rechargeable batteries are captured under the E-Waste Program?
- How could the E-Waste Program be improved and expanded to better capture the universe of rechargeable batteries that are not managed by the Department of Toxic Substances Control?
- In aiming to achieve the state's ambitious recycling and diversion goals, we know that markets are volatile and critical infrastructure is limited and costly. Thus, is CalRecycle tracking the number, type, frequency, impact, cost of fires at solid waste and recycling facilities and in waste service vehicles?
- To what extent is CalRecycle looking at fire risks to solid waste and recycling facilities? Does CalRecycle have any plans to assess and mitigate those risks?
- Does CalRecycle have access to any information on facility fires caused by rechargeable batteries?

I look forward to your correspondence and engaging in a robust discussion about the need for safe waste management processes for all lithium ion batteries in California.

Sincerely,



**RICHARD BLOOM**

*Assembly Member, 50<sup>th</sup> District*