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**Testimony on Behalf of the NEMA Dry Battery Section
Before the Connecticut Joint Legislative Committee on the Environment**

March 11, 2015

Re: Raised Bill 6957 – *An Act Establishing a Household Battery Recycling Stewardship Program - OPPOSE*

Chairmen Kennedy and Albis and members of the committee, my name is Mark Kohorst and I am Senior Manager for Environment, Health & Safety at the National Electrical Manufacturers Association. NEMA is the principal trade association representing the interests of the US electrical products industry. I am here today on behalf of the NEMA Dry Battery Section, members of which include globally recognized producers of primary, single use batteries such as Energizer, Duracell, and Panasonic. Thank you for raising this issue and convening this hearing to allow us to present our viewpoint.

Primary batteries are the common AA, AAA, C, D and 9-volt household batteries we all use and store in large numbers in our homes. Rechargeable batteries are mainly those that power devices we plug in and recharge such as laptops, phones, and power tools, and they have many industrial applications as well.

While there are obvious similarities between primary and rechargeable batteries – indeed, most manufacturers produce both types – there are important distinctions with regard to technology, market and supply chain characteristics, and regulatory policy. The sectors define their priorities separately and at times face different challenges.

One concept they stand fully united on is support for a sustainable, nationwide battery recycling framework. As you will hear from Mr. Smith, the rechargeable battery industry has been invested in collecting and recycling its products for two decades, with Call2Recycle recognized as one of the premier product stewardship programs in the world.

NEMA battery section members announced publicly in 2010 that a national solution was needed for primary batteries as well and they intended to lead the way in developing it.

The next year they formed the non-profit Corporation for Battery Recycling (CBR) with the stated mission *“to lead and shape battery recycling legislation to create a fair playing field for all battery manufacturers.”*

In pursuit of this mission statement, NEMA’s battery section, CBR, and their counterparts in the rechargeable industry sat down and over many months developed a framework for state battery recycling legislation. We introduced an initial version at a large stakeholder meeting convened last summer by the DEEP right here in Hartford. Further discussions with department staff and other stakeholders in the ensuing months have led to some refinements. The scope of this model is **all** batteries (within certain size parameters) as it is impractical to burden consumers with the task of separating primary from rechargeable.

At the highest level, the battery industry’s model framework outlines a program that is 1) environmentally beneficial and 2) economically sustainable. It has several priority elements:

- Level playing field (*i.e.*, all suppliers included)
- Responsible management/processing of collected batteries
- Private Right of Action
- Fair, uncomplicated reimbursement scheme
- Sufficient state antitrust protection
- Appropriate oversight role for state authorities
- Preemption of local/municipal ordinances

Primary battery manufacturers are prepared – in fact, anxious - to get behind any state legislative proposal founded upon these key elements. Regrettably, the bill raised for discussion today takes a decidedly different approach that NEMA battery members are unable to support. We are pleased with some aspects of the bill – for example, that the scope extends to both primary and rechargeable batteries (which Vermont’s new law fails to do). It also facilitates reimbursement, or cost sharing, among stewardship organizations, provides a private right of action, and antitrust protection.

Unfortunately, the definition of primary and rechargeable battery would create a mammoth “free-rider” problem that would render the program unsustainable for the

battery industry. We have other concerns with the raised bill that I am happy to discuss as time allows. Despite these problems, however, the NEMA Dry Battery Section thanks the committee for raising the issue and we look forward to working with you to craft a bill that the battery industry can support.

That concludes my testimony. I thank you for your attention and welcome any questions you may have.

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