



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 4, 2016  
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

**Senate Bill No. 232– AAC THE RECYCLING OF CONSUMER HOUSEHOLD BATTERIES**

Thank you for the opportunity to present testimony regarding **Senate Bill No. 232 – AAC THE RECYCLING OF CONSUMER HOUSEHOLD BATTERIES**. The Department of Energy and Environmental Protection (DEEP) supports the goals of this bill but opposes the specific language, and urges that the Committee consider an alternative approach.

**Bill Highlights the Need for Framework EPR Legislation**

DEEP is energized by the leadership of the Environment Committee in seeking solutions to increase the recycling of tires, batteries, and consumer packaging. Progress on these materials is integral to meeting the state's goal of 60 percent diversion by 2024.

The Committee's focus on these materials is consistent with DEEP's draft *Comprehensive Materials Management Strategy (CMMS)*, which calls for the creation of extended producer responsibility (EPR) programs for the recycling of these materials and others that have been identified as a priority by DEEP. To aid DEEP and the General Assembly in developing EPR programs, including ensuring that elements of successful stewardship programs are consistently applied and ensuring the opportunity for public and stakeholder input, DEEP proposes EPR framework legislation as an alternative approach to H.B. 5149 (tires), S.B. 232 (batteries), and S.B. 233 (packaging).

EPR framework legislation would provide for the following:

1. Direct the Commissioner of Energy and Environmental Protection to designate a priority list of products or product categories for inclusion in product stewardship programs.
2. In creating a product stewardship program in accordance with the priority list, the Commissioner of Energy and Environmental Protection shall consult with representatives of manufacturers of designated products, municipalities, collectors, volume reduction facilities, and any other person or group who would be subject to, or directly impacted by, the program.

3. In creating a product stewardship program in accordance with the priority list, the Commissioner of Energy and Environmental Protection shall consider: (1) how such a program would advance the state's diversion goals; (2) how such a system would impact municipal budgets; (3) how such a system would impact the state's economy, including Connecticut-based businesses; and (4) how such a system would impact product and packaging design, including the promotion of recycled content, recyclability and the reduction of toxicity.

DEEP recommends that a uniform framework be established in statute. This statutory enactment would set out common program elements for the development and implementation of EPR programs. Such a statute would: (1) define minimum standards for governance and transparency for the nonprofit organization that represents the producers and oversees the program; (2) establish a methodology for setting and amending program fees; and (3) set out a process for establishing performance goals including the submission of a plan by representatives of producers for approval by the Commissioner. These elements would be consistent with those for paint (P.A. 11-24), and mattresses (P.A. 13-42)

DEEP can provide draft language to this Committee for further consideration.

#### **Further Testimony Regarding Senate Bill No. 232 – AAC THE RECYCLING OF CONSUMER HOUSEHOLD BATTERIES**

DEEP supports the goal of increased battery recycling but is concerned that the language in S.B. 232 does not address the challenges of developing convenient and effective collection programs for batteries.

This bill would require DEEP to add, by regulation, household batteries to the list of mandatory recyclables. DEEP supports removing household batteries from the waste stream and recognizes that the designation of materials for recycling can be a meaningful step in that direction. However, as drafted, this bill does not ensure the development of the collection programs necessary to provide residents with convenient opportunities to recycle, nor does it address the costs of such programs. As this Committee is aware, DEEP has advocated for an extended producer responsibility (EPR) approach that would be funded by battery manufacturers.

By adding batteries to the list of mandatory recyclables, municipalities would likely bear the responsibility and cost for separation and collection (batteries cannot be effectively recycled through single-stream collection). To ameliorate this cost to municipalities and achieve greater rates of recovery and recycling of batteries, DEEP recommends an EPR approach, similar to the successful programs for paint, e-waste and mattresses. In June 2014, DEEP hosted a diverse group of stakeholders, including battery manufacturers, in a dialogue to discuss battery stewardship. DEEP is prepared to resume these discussions with the goal of developing an industry-funded collection program that does not burden municipalities, but allows for convenient collection and provides adequate resident education related to collection of the correct battery types so as to prevent contamination within the collection system.

In summary, DEEP supports the concept of increased battery recycling but opposes the specific language of **Senate Bill No. 232 – AAC THE RECYCLING OF CONSUMER HOUSEHOLD BATTERIES** and advocates that the Committee instead consider EPR framework legislation.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov).