



March 4, 2016

Legislative Office Building  
Room 3200  
Hartford, CT 06106

Re: Raised Bill Number 232 – Oppose

Dear Co-Chairs Kennedy and Albis, Ranking Members Chapin and Shaban, and Members of the Environment Committee:

PRBA – The Rechargeable Battery Association appreciates the opportunity to submit this testimony in connection with the Committee on Environment’s Consideration of Raised Bill No. 232, titled “An Act Concerning the Recycling of Consumer Household Batteries.”

Over the years, we have supported many battery recycling bills. Regrettably, we must oppose this one.

PRBA – The Rechargeable Battery Association is a national trade association representing manufacturers of rechargeable consumer batteries and products that contain them. Our members range from internationally-known companies like Apple, Motorola, Duracell, and Energizer to small specialty battery businesses around the nation. We have existed for 25 years – since the portable consumer product revolution began. We supported the establishment of Call2Recycle, Inc., which since has become one the world’s most successful industry-sponsored product stewardship program.

Over the last two years, we have participated in good faith with a wide range of stakeholders to try to reach a consensus on appropriate legislation for your Committee to consider. We reached consensus among most of them. But none – including those who were not prepared to move forward with others – favored the approach embodied in this bill. Allow me to explain and you will quickly see why Bill No. 323 is unacceptable.

As to rechargeable consumer batteries, we need it because Call2Recycle® is a voluntary program, and an increasing number of companies that put rechargeable batteries into the Connecticut marketplace are not voluntarily bearing their fair share of the cost of end-of-life stewardship of those batteries.

As to primary, non-rechargeable consumer batteries, we need it because Call2Recycle® is collecting an increasing number of these batteries; because consumers cannot tell the difference between used rechargeable and used primary batteries; because the major suppliers of primary batteries are prepared to pay their fair share of end-of-life stewardship as long as they are not put

at a competitive disadvantage; and because, as with rechargeable batteries, there are all too many suppliers who are not willing to bear their fair share.

In the last 15 years, the number of manufacturers of lithium ion rechargeable batteries has skyrocketed. At the same time, as we all are aware, the number of products using these batteries as a power source also has skyrocketed. But many of the product companies using these batteries have refused to voluntarily support end-of-life stewardship.

In the last few years, a handful of jurisdictions have adopted laws mandating stewardship of used batteries. PRBA has supported these. But many, many suppliers of those batteries into the marketplace have failed to comply with those laws. And enforcement of the mandates by state authorities has been nonexistent.

So what is needed to maintain and expand the existing Call2Recycle® program is not a mandate to government agencies to start over to develop recycling systems. What is needed is a legislative mandate that compels those who put consumer batteries into the state to bear responsibility for their end-of-life stewardship. That legislation must also empower those who comply with the mandate to have recourse against their competitors who try to avoid it. The way to do that, we believe, is to supplement governmental enforcement authority with a very limited statutory right of substantial, multi-company collection programs to recover from recalcitrants the costs of collecting and processing the recalcitrants' products. That mechanism also should include sufficient penalties to incentivize the recalcitrants to step forward promptly, before they are chased and sued.

Unfortunately, Bill No. 232 includes neither of these provisions nor others that necessarily go with it. Nor do those to whom it assigns responsibilities have authority to create the necessary private enforcement mechanisms. That must be done on a statewide, legislative basis.

In conclusion, I would like to emphasize a fact that is critical from the standpoint of the rechargeable consumer battery and battery-powered products industries: we have been world leaders in promoting product stewardship. To the best of our knowledge, there has been no product stewardship program in the world that has been as successful as Call2Recycle®. But the growing unwillingness of companies to accept responsibility for end-of-life stewardship for their products now threatens that success. And the primary battery industry is joining us in seeking to make sure battery stewardship works. But enacting Bill No. 232 would be disruptive, not constructive.

Sincerely,

*George Kerchner*

George A. Kerchner  
Executive Director