



March 2, 2018

CalSAFER, Department of Toxic Substances Control

Submitted via <https://calsafertsc.ca.gov/workflows/comment/?cpid=12737>

Re: Management of Lead-Acid Batteries and Alternative Battery Technologies

Dear CalSAFER and DTSC:

Thank you for the opportunity to comment on the Draft 2018-2020 Priority Product Work Plan (Plan), for which comments are due on March 9, 2018. For over 40 years, the Solid Waste Association of North America has been the leading professional association in the solid waste field. The association serves over 7,200 members throughout North America and over 900 members in California. SWANA's California Legislative Task Force (LTF) represents the interests of the solid waste profession in California by being a proactive advocate of environmentally and economically sound solid waste legislation and regulations.

SWANA's California Chapters and the LTF are strong supporters of DTSC's Safer Consumer Products (SCP) Program and your efforts to reduce toxic chemicals in the products that consumers buy and use – and may ultimately discard – thereby enhancing the safe and effective management of solid waste in California. Our primary interest in submitting these comments is with respect to the proposed addition of Lead-Acid Batteries to the 2018-2020 Work Plan.

From our standpoint, the production, distribution, collection and recycling of lead-acid batteries (LABs) is a well-established, highly controlled and regulated industry that has made impressive strides in reducing the impacts of LABs on human health and the environment in recent years. In fact, the management of LABs may well serve as a model for other industries whose products pose potential human health and environmental risks if not properly managed throughout their lifecycle. LABs have the highest recycling rate of any product sold in California (approximately 96-98%) and we understand that the LAB industry has made impressive progress in the management of solid waste and hazardous waste. This is largely due to the ease of returning a used battery when purchasing a new battery (the deposit refund system recently codified in AB 2153 (Garcia, 2016)) and the value of the lead and other material components in the used battery.

It is also our understanding that the LAB industry has made significant strides in addressing and controlling the emissions and releases of hazardous and toxic materials. As we learned from our participation in DTSC's Community Protection and Hazardous Waste Reduction (CPHWR) program, air quality data from the Los Angeles area, for example, documents impressive reductions in lead emissions from the LAB industry -- while other sources of lead air pollution, such as fuel combustion from piston-engine aircraft, appear to be significantly greater and relatively unabated.

While the SWANA California Chapters support continuous improvement in the environmental performance of all industries, we would be concerned with any new SCP policies and actions that could adversely affect the recyclable material value and recyclability of LABs. However, we would support measures to work with the LAB industry to further increase recyclability and further reduce the generation of solid and hazardous waste by the LAB industry.

Our primary concerns are regarding dangers that may adversely affect the solid waste industry by various types of alternative battery technologies – particularly emerging battery technologies. From our perspective, the management of lead-acid batteries poses a relatively minor risk to our industry; although, as stated above, we would strongly support efforts to further increase the recovery of waste materials by the lead-acid battery industry and further reduce air emissions and the generation of solid and hazardous waste by this industry – as well as from other ongoing sources.

LEGISLATIVE ADVOCATES

Jason Schmelzer and Melissa Immel

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Frankly, the highest risk we face is from an inadequate regulatory framework to safely manage wastes from alternative and emerging battery technologies, as exemplified by the danger of fire and explosion due to the improper management of lithium ion batteries (LI batteries). Other emerging battery technologies may also pose similar, but as of yet not fully realized risks.

The following two videos were prepared by “Rethink Waste” (South Bayside Waste Management Authority — SBWMA) after the catastrophic fire that occurred at their Shoreway Environmental Center Recycling facility in San Carlos:

- <https://youtu.be/EkK4GdKjp-U>: SBWMA’s Shoreway Environmental Center’s MRF: Fire footage from 9/7/16. This view is looking into a conveyor screen where the \$8.5M, 4-alarm catastrophic fire began. The conveyor belt then proceeded to distribute the fire throughout the facility. Probable source: LI Battery.
- <https://youtu.be/9x7Gpygk9TM>: This video demonstrates the fragile volatility of LI batteries when coming into contact with routine solid waste handling equipment.

Also attached to this note is a press release prepared by ReThink Waste after this fire event. If you need further information on this matter, I suggest you contact SWANA LTF member Joe La Mariana, whose contact information is provided in the attached press release.

In addition, there is a considerable volume of information about problems associated with the mismanagement of lithium ion batteries. For example: <https://www.cbsnews.com/news/airlines-ban-nonremovable-smart-bags-lithium-ion-battery-fire/>.

DTSC should also be aware that a YouTube or Google search using “Lithium Ion Battery Risk” will find several thousand results — including videos describing why lithium ion batteries pose such risks without a proper waste collection and management framework.

SWANA is not submitting this information as a criticism of lithium ion batteries. Lithium ion batteries can and will play an important role in California’s energy future – within a robust waste management framework – as we believe is currently the case with lead acid batteries. SWANA’s concern is that various alternative and emerging battery technologies are frequently touted as alternatives to lead-acid batteries, but without full recognition of some of the risks and dangers they pose unless accompanied with a proper framework for the responsible “end of life” collection and management. We hope you will consider these consequences as you further develop the SCP program with respect to the use and management of lead-acid batteries.

To reiterate, SWANA is not opposed to the expansion and use of alternative battery technologies. However, we would urge steps to be taken to ensure such emerging technologies can be safely deployed, managed, collected and recycled – at least to the level currently demonstrated by the lead acid battery industry.

Please let us know if SWANA can be of further assistance in this matter.

Sincerely,



Melissa Immel
SWANA Legislative Advocate
Shaw / Yoder / Antwih, Inc.

Attachment: ReThink Waste Press Release

Attachment: Materials documenting problems with lithium ion batteries such as links to Joe’s videos and other available materials.

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