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Assembly California Legislature



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June 8, 2018

Director Barbara A. Lee
California Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: Lithium Ion Batteries in Consumer Products

Dear Director Lee:

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 you about the waste management of lithium ion batteries, with the goal of obtaining clarity regarding related processes for handling these batteries 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 and recycling 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 and improvement 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). While 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], many are ending up in the solid waste stream and creating fire risks. Given the Department of Toxic Substances Control's (DTSC) authority to regulate the waste management of rechargeable batteries, I request responses to the following questions regarding the universe of lithium ion batteries and the processes for managing them as waste.

- Does DTSC have access to or track any information on fires caused by rechargeable batteries?



- Is there any available information on how many lithium ion batteries are put into the market in California? Is there any available data on fires that correlates with the sale of rechargeable batteries?
- Is there any information in the data regarding fires at solid waste and recycling facilities, in waste service vehicles, and in homes and at businesses, that would illuminate the involvement and impact of rechargeable batteries on these incidents?
- What toxic components are contained in rechargeable batteries? How are these batteries addressed and managed under DTSC's Green Chemistry Initiative [AB 1879 (Feuer), Chapter 559, Statutes of 2008; SB 509 (Simitian), Chapter 560, Statutes of 2008]?
- Does DTSC's Green Chemistry Initiative anticipate any actions taken on batteries captured within the Health & Safety Code?
- Does DTSC plan to prioritize rechargeable batteries for the Green Chemistry Initiative due to the harmful chemicals in them and the lack of mitigation in the waste stream and on disposal?
- Under Health and Safety Code § 25253 (b) (7), extended producer responsibility (EPR) is one of the regulatory options available under the Green Chemistry Initiative. Has DTSC imposed EPR policies on any products captured under the Green Chemistry Initiative?
- How is DTSC enforcing the California Rechargeable Battery Recycling Act [AB 1125 (Pavley), Chapter 572, Statutes of 2005], including retail takeback and any related labeling requirements? What data has been collected from enforcement efforts? If not, why not?
- Why were rechargeable batteries continued in consumer products exempted from the California Rechargeable Battery Recycling Act?

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

Sincerely,



RICHARD BLOOM

Assembly Member, 50th District