



April 3, 2022

Honorable Jacqui Irwin  
California State Assembly  
1021 O Street, Suite 6220  
Sacramento, CA 95814

**Re: Assembly Bill 2440 – Embedded Battery Products – OPPOSE**

Dear Assemblymember Irwin:

The California Retailers Association (CRA) regrettably must oppose your Assembly Bill 2440, related to recycling of batteries and battery-embedded products.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, on-line marketplaces, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware and home stores. CRA works on behalf of California's retail industry the largest retail market in the United States.

CRA supports the creation of a circular economy for single-use and rechargeable batteries. Many of our retailers already participate in Call2Recycle's recycling drop-off program for rechargeable batteries. We appreciate your bill's inclusion of single-use batteries within the rechargeable batteries program, as customers often fail to distinguish between battery types. Importantly, this bill also places the responsibility for all program costs on the producers of batteries.

CRA continues to oppose the inclusion of battery-embedded products as part of any retailer take-back program. The potential universe of items included in this class is unknown but certainly would represent an unprecedented expansion of current take-back programs. In contrast to prior legislation, AB 2440 contemplates a weight limit for these products, but volume of takeback is just one consideration. Safety and compliance issues will be extremely problematic for a program involving battery-embedded products. This program will overlap substantially with items that would be considered electronic waste (E-Waste) or household hazardous waste (HHW), and on top of its own compliance challenges could also create significant regulatory risks under these other programs. As with any take-back program there will be a significant byproduct of non-conforming items returned by consumers that stores will nevertheless be forced to manage. Many of these products will not be items that can just be thrown in the trash. Determining what and what is not an eligible product is altogether

another challenge. Requiring retailers to take back these products put the responsibility on retail associates to, 1) identify the product being returned, if possible; 2) properly classify the item in the appropriate program; 3) see that those items are properly handled, stored, and moved.

These tasks will be extraordinarily complex for retail associates. Even existing programs like E-Waste still lack adequate definition for what products are eligible. Retail locations should not be turned into HHW collections sites, particularly when the state already has HHW drop-off sites staffed with experts in identifying and handling these items. CRA recommends that the Legislature focus on establishing a safe and effective program for returning single-use and rechargeable batteries, and that any policy on recycling battery-embedded products rely on local HHW infrastructure and consumer education.

We also remain concerned about a collection mandate on stores. AB 2440 requires retailers with five or more locations in the state to “make all locations available” as potential collection sites. Not all stores are practical locations for additional product take-back due to physical constraints or other limitations. Some stores are already required to take back multiple product types and have multiple separate bins on their premises, including E-Waste, carpet, and organic waste. Safety remains an utmost concern for our stores when it comes to handling and storing potentially volatile items.

Finally, this bill should be clarified to limit battery returns to household customers and not other commercial entities.

Again, retailers share the author’s goal to create a successful, sustainable program for battery recycling but view the above concerns as significant obstacles. We look forward to continued conversation on this issue.

Thank you for your consideration of our views. If you have any questions please feel free to contact Steve McCarthy at [steve@calretailers.com](mailto:steve@calretailers.com) or (916) 443-1975.

Sincerely,

A handwritten signature in cursive script that reads "Steve McCarthy".

Steve McCarthy  
Vice President, Public Policy