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Testimony of
MARK B. GLICK, Chief Energy Officer

before the
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Thursday, February 13, 2025
10:15 AM
State Capitol, Conference Room 325 and Videoconference

Providing Comments on
HB 332

RELATING TO RECYCLING.

Chair Lowen, Vice Chair Perruso, and Members of the Committee, the Hawai'i State Energy Office (HSEO) offers comments on HB 332, which expands the Electronic Device Recycling and Recovery Act to include the collection and recycling of certain lithium-ion batteries and requires manufacturers of lithium-ion batteries to recycle or arrange for the recycling of lithium-ion batteries sold in the State and ensure the safe collection, storage, transportation, and recycling of batteries. HSEO defers to the appropriate agency regarding implementation.

The HSEO appreciates the intent of this bill. Extended producer responsibility (EPR), when adapted to meet Hawaii's specific needs, offers a promising approach for end-of-life (EOL) lithium-ion battery (LIB) management. This policy framework has proven effective in encouraging a circular economy and closed-loop system. As battery materials are derived from limited natural resources, EPR's focus on proper end-of-life management provides a pathway to keep these materials circulating in the battery economy.¹ By shifting responsibility from consumers to producers, EPR encourages

¹ Product Stewardship Institute, *What is extended producer responsibility (EPR)?*
(<https://productstewardship.us/what-is-epr/>)

recycling and reuse, benefiting the battery ecosystem, particularly given that the initial extraction of critical materials in some areas have raised human rights concerns.

The Hawai'i Natural Energy Institute, under the leadership of Dr. Michael Cooney, has conducted extensive research to determine appropriate policy frameworks for Hawai'i's unique context, resulting in three comprehensive reports published in 2022, 2023, and 2024.² The first two legislative reports acknowledged LIBs as the primary technology for electric vehicles and energy storage systems in Hawai'i. With growing demand comes an increased need for disposal and recycling options. These batteries pose both chemical and electrical hazards, including risks of fire and hazardous material leakage. While Hawai'i currently manages LIBs as universal waste, some states are proposing restrictions. When repair and reuse aren't viable, recycling is preferred, despite high shipping costs to mainland facilities. Potential profits from material recovery show promise.

Given the regulatory environment for EOL lithium-ion battery management, it's crucial to construct legislation that can succeed in this context. The Institute's most recent report recommended several key actions: developing a state-wide processing plan, establishing local pre-processing facilities, creating stewardship programs, implementing better tracking systems for imports and exports, developing multiple disposal pathways, and waiting for larger markets to establish EPR before implementing similar measures.

Considering this ongoing progress, HSEO recommends forming a working group rather than immediate legislative action. We suggest using language from SB 103 as a reference for establishing working group goals, focusing on:

² Hawaii Natural Energy Institute (HNEI), three reports:

2022: *Final Report to Provide Recommendations on Waste Management of Clean Energy Products in Hawai'i to the 2023 Legislature under Act 92 and HB 1333*, December 2022

(<https://www.hnei.hawaii.edu/wp-content/uploads/2023-HNEI-Act92-Final-Report-Clean-Energy-Products-Waste-Management.pdf>);

2023: *Policy Recommendations on Waste Management of Clean Energy Products in Hawai'i – Supplemental Report to the Hawai'i State Legislature in Accordance with HB1333*, December 2023

(<https://www.hnei.hawaii.edu/wp-content/uploads/HNEI-Act92-Supplemental-Report-Clean-Energy-Products-Waste-Management.pdf>);

2024: *Waste Management of EOL PV Panels and LIBs in Hawai'i*, December 2024

(<https://www.hnei.hawaii.edu/wp-content/uploads/Waste-Management-of-EOL-PV-Panels-and-LIBs-in-Hawaii.pdf>).

1. Best practices for EOL lithium-ion battery management
2. Cost, safety, and environmental impact comparison of in-state versus out-of-state recycling options
3. Feasibility of pursuing recycling options outside the United States
4. Cost analysis, infrastructure assessment, and enforcement considerations for a lithium-ion battery recycling program
5. Environmental impact assessment of different management practices

Due to distinct regulatory and programmatic requirements, we recommend separate working groups for electric vehicle batteries and non-electric vehicle batteries.

Additionally, we find the Department of Health to be a crucial collaborator in this effort.

Thank you for the opportunity to testify.



STATE OF HAWAII
HAWAII CLIMATE CHANGE MITIGATION & ADAPTATION
COMMISSION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Co-Chairs:
Chair, DLNR
Director, OPSD

Commissioners:
Chair, Senate AEN
Chair, Senate WTL
Chair, House EEP
Chair, House WAL
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Director, DBEDT
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Director, DOH
Chairperson, DOE
Director, C+C DPP
Director, Maui DP
Director, Hawai'i DP
Director, Kaua'i DP
The Adjutant General
Manager, CZM

Testimony of
LEAH LARAMEE
Climate Change Coordinator on behalf of
Climate Change Mitigation and Adaptation Commission Co-Chair Mary Alice Evans and
Co-Chair Dawn N.S. Chang

Before the House Committees on
ENERGY AND ENVIRONMENTAL PROTECTION

Thursday, February 13, 2025
10:15AM
State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 332
RELATING TO RECYCLING

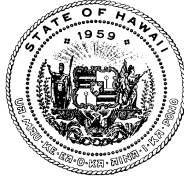
House Bill 332 expands the Electronic Device Recycling and Recovery Act to include the collection and recycling of certain lithium-ion batteries and requires manufacturers of lithium-ion batteries to recycle or arrange for the recycling of lithium-ion batteries sold in the State, and ensure the safe collection, storage, transportation, and recycling of batteries. **The Hawai'i Climate Change Mitigation and Adaptation Commission (Commission) supports this measure.**

The Commission consists of a multi-jurisdictional effort between 20 different departments, committees and counties with the purpose of promoting ambitious, climate-neutral, culturally responsive strategies for climate change adaptation and mitigation in a manner that is clean, equitable and resilient. Recycling lithium-ion batteries can recover the components of the batteries, eliminating the need for mining of raw materials. This process produces significantly less greenhouse gas emissions and uses less water than raw materials extraction. When compared with mining for new materials, recovery of materials from recycling of lithium-ion batteries produces less than half the greenhouse gas emissions, uses 70% less water and 75% less energy.¹ This program would promote safe and proper end of life procedure for lithium-ion batteries ensuring they are recycled and do not end up in a landfill. This will not only reduce emissions and

¹ <https://news.stanford.edu/stories/2025/01/recycling-lithium-ion-batteries-cuts-emissions-and-strengthens-supply-chain#:~:text=readScience%20%26%20Engineering-Recycling%20lithium%20Dion%20batteries%20delivers%20significant%20environmental%20benefits,new%20metals%20%E2%80%93%20batteries%20are%20recycled.>

environmental impacts associated with materials extraction but will also ensure harmful toxins and heavy metals do not end up in our landfill or leech into our soil and aquifers.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB0332
RELATING TO RECYCLING**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 13, 2025, 10:15 AM, Conference Room 325

1 **Fiscal Implications:** Undetermined

2 **Department Position:** The Department of Health (Department) offers the following comments.

3 **Department Testimony:** The Environmental Management Division Solid and Hazardous Waste
4 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

5 This measure proposes to add select lithium-ion batteries to the Electronic Device
6 Recycling and Recovery Program by adding a definition of “covered battery” and revising the
7 definition of “electronic device” to include covered batteries. This amendment would include
8 small format lithium-ion batteries, those less than or equal to five kilograms and less than or
9 equal to a watt-hour rating of 300 watt-hours, into the existing electronic device collection and
10 recycling system that was most recently changed in 2022.

11 While we support measures that will improve recycling, the Department recognizes that
12 the existing electronic device collection and recycling program was specifically designed for
13 electronic waste; and that expansion to other products needs to be fully evaluated prior to
14 implementation. There are already county and private collection operations, and before
15 designing a new or expanded program, understanding the existing infrastructure and associated

1 concerns are necessary. Given the safety concerns associated with lithium-ion batteries, careful
2 consideration should also be provided for fire prevention and the management of damaged
3 batteries.

4 We understand some of the current registered electronic device collectors are already
5 accepting lithium-ion batteries free of charge or for a per pound fee. Some collectors indicated
6 that the preliminary preparations and shipping of collected lithium-ion batteries are at the
7 collector's expense; thus, increased collection of lithium-ion batteries may pose additional
8 financial strain, for which an extended producer responsibility program could assist. In addition
9 to private collection, the City and County of Honolulu has awarded a contract that is intended
10 to facilitate recycling of all batteries. The Counties of Kauai and Hawaii offer lithium-ion battery
11 collection services to their residents as either a fixed collection location or via collection events,
12 such as household collection events.

13 Testimonies from the recycling industry presented on the companion bill, SB0391,
14 suggested that the proposed lithium battery recycling should be kept separate from covered
15 electronic devices, and raised many questions like we have regarding implementation. Thus,
16 the Department is in agreement with the suggestion offered by Hawaii State Energy Office to
17 form a working group rather than taking immediate legislative action.

18 **Offered Amendments:** None

19 Thank you for the opportunity to testify on this measure.

C. Kimo Alameda, Ph.D.
Mayor

William V. Brillhante Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 4, 2025

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

Hawai'i State Capitol

Honolulu, HI 96813

Re: Testimony in Support of House Bill (HB) 332 Relating to Recycling, which expands the Electronic Device Recycling & Recovery Act to include collection and recycling of certain lithium-ion batteries.

Dear Chair Lowen, Vice Chair Perruso and Committee Members,

The County of Hawai'i Department of Environmental Management is pleased to submit testimony in **support of House Bill 332 with comment**, which will expand the Electronic Device Recycling & Recovery Act to include collection and recycling of certain lithium-ion batteries.

The increased prevalence of lithium-ion batteries in everyday consumer electronics poses a significant hazard to the environment, and the staff and facilities of the Department of Environmental Management's Solid Waste Division when improperly disposed. Establishing a proper Extended Producer Responsibility system to safely and conveniently collect and recycle these batteries would reduce the safety and environmental hazards as well as recover a valuable reusable resource.

The County offers the following comment to improve the bill. The bill should also cover non-rechargeable lithium batteries, there is no discernable environmental hazard or safety difference between rechargeable and non-rechargeable lithium batteries.

Thank you for your consideration.

Best Regards,


Craig Kawaguchi
DEPUTY DIRECTOR

cc: Mayor Kimo Alameda
Gene Quiamas, Acting Hawai'i County Solid Waste Division Chief
Tanya Buckley, Acting Hawai'i County Recycling Coordinator



**TESTIMONY OF TINA YAMAKI, PRESIDENT OF THE RETAIL MERCHANTS OF HAWAII
FEBRUARY 13, 2025
HB 332 RELATING TO RECYCLING.**

Aloha, Chair Lowen members of House Committee on Energy & Environmental Protection I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901 and is a statewide, not for profit trade organization committed to supporting the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, on-line sellers, local, national, and international retailers, chains, and everyone in between.

We respectfully oppose HB 332. This measure expands the Electronic Device Recycling and Recovery Act to include the collection and recycling of certain lithium-ion batteries; and requires manufacturers of lithium-ion batteries to recycle or arrange for the recycling of lithium-ion batteries sold in the State, and ensure the safe collection, storage, transportation, and recycling of batteries.

While responsible disposal of these batteries is important, this bill fails to address the fundamental issue: Hawaii lacks the infrastructure to safely and effectively recycle lithium-ion batteries. Instead, it unfairly shifts the burden onto businesses and consumers.

The bill places recycling responsibilities on manufacturers, but there are no lithium-ion battery manufacturers in Hawaii. This means the burden of compliance will fall on retailers, requiring them to collect, store, transport, and recycle these hazardous batteries - responsibilities for which they are neither equipped nor trained.

Lithium-ion batteries are known fire hazards, especially when damaged or stored improperly. Retailers are not equipped to safely store, transport, or dispose of large quantities of these batteries, increasing the risk of fires and workplace hazards.

The costs of compliance - including collection, safe storage, and shipping to out-of-state facilities - would fall on Hawaii's small businesses and retailers. These additional expenses would ultimately be passed on to consumers, further increasing the already high cost of living in Hawaii.

Instead of forcing businesses and consumers to take on the responsibility of hazardous waste management, the state should focus on developing a viable recycling infrastructure for lithium-ion batteries. Other states invest in recycling facilities and state-run collection programs, rather than pushing the burden onto businesses that neither produce nor manufacture these products.

Hawaii needs a real solution to lithium-ion battery disposal - one that includes investment in proper recycling infrastructure, not an unfair mandate on retailers and consumers. This bill fails to address the root problem and instead creates significant financial and safety risks for local businesses and the public. For these reasons, I strongly urge the committee to reject this proposal and instead explore state-supported recycling programs that do not place the entire burden on businesses.

We ask you to hold this bill. Mahalo again for this opportunity to testify.



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Gary Okimoto, Safeway, *Immediate Past Chair*

TO: Committee on Energy and Environmental Protection

FROM: HAWAII FOOD INDUSTRY ASSOCIATION

Lauren Zirbel, Executive Director

DATE: February 13, 2025

TIME: 10:15am

RE: HB332 Relating to Recycling

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, manufacturers and distributors of food and beverage related products in the State of Hawaii.

HFIA understands the intent of the measure and has the following comments. This measure currently only contains exemptions for certain medical devices, but not all Class 1 over-the-counter medical devices. Many of these devices are sold at pharmacies and grocery stores.

We request that the measure be amended to include an exemption for all Class 1 medical devices.

Thank you for the opportunity to testify.



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

February 12, 2025

The Honorable Representative Nicole Lowen
Chair, House Energy & Environmental Protection Committee
Hawai'i State Capitol, Room 436
415 South Beretania Street
Honolulu, HI 96813

RE: HB 332 - Relating to the Electronic Device Recycling and Recovery Act.

Dear Chairwoman Lowen,

On behalf of the Consumer Healthcare Products Association (CHPA), the national trade association representing the leading manufacturers of over-the-counter (OTC) medications, dietary supplements, and OTC medical devices, I am writing to express opposition to HB 332 as currently drafted. The bill expands the state's Electronic Device Recycling and Recovery Act to include the collection and recycling of certain lithium-ion batteries, including those in some Food and Drug Administration (FDA) regulated medical devices.

While we support the overall goal of responsible battery disposal and recycling, we have several significant concerns about the bill's potential impact on medical device manufacturers and public health.

First, it is important to note that several medical device manufacturers already participate in voluntary, manufacturer-funded device disposal programs. These existing programs are specifically designed to address the unique requirements of medical devices and have demonstrated their effectiveness in managing end-of-life product recycling. Imposing a new, uniform state mandate could disrupt these well-established systems that are currently functioning efficiently.

A critical safety concern arises from the bill's provisions regarding battery removal. FDA-regulated medical devices undergo extensive premarket evaluation and continuing oversight to ensure both safety and efficacy. Encouraging consumers to remove batteries from devices not designed for such manipulation could result in injury or device malfunction, potentially compromising patient safety. This is particularly concerning for devices that require precise calibration or sterile handling.

Furthermore, we have serious reservations about the economic impact of this legislation. The proposed disposal program would likely increase costs for manufacturers, which would inevitably be passed on to consumers. This could make common over-the-counter medical devices less affordable, including essential items like electric toothbrushes, thermometers, breast milk pumps, glucose monitors and other devices that play a crucial role in preventive healthcare. Any reduction in the accessibility of these important medical devices could have negative consequences for public health outcomes, particularly affecting vulnerable populations who may already struggle to afford medical devices.

While we appreciate the exemption offered for certain FDA regulated medical devices in HB 332, we urge the House Energy & Environmental Protection Committee to expand this



CONSUMER
HEALTHCARE
PRODUCTS
ASSOCIATION

Taking healthcare personally.

exemption to exclude all FDA regulated devices, including those sold directly to consumers, through the following amendment:

On page 3, strike lines 13 through 21, and replace with: "A battery contained within a medical device as defined in the federal food, drug, and cosmetic act, Title 21 U.S.C. Sec 301 et seq."

This amendment would provide a clear, comprehensive exemption that aligns with existing federal regulations while ensuring continued access to safe, affordable medical devices for Hawaii residents.

We respectfully request that the committee consider these significant concerns and either hold this bill or adopt our proposed amendment to better account for the unique circumstances of medical devices and their manufacturers.

Sincerely,

A handwritten signature in blue ink that reads 'Carlos I. Gutiérrez'.

Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
Washington, D.C.
202.429.3521
cgutierrez@chpa.org

Cc: House Energy & Environmental Protection Committee
The Honorable Representative Amy Perruso, Vice Chair



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CTA.tech

February 13, 2025

Representative Nicole Lowen, Chair
Representative Amy Perruso, Vice Chair
Committee on Energy and Environmental Protection

Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Opposition to HB 332; Relating to Recycling

Dear Chairperson Lowen, Vice Chairperson Perruso, and Committee Members:

The Consumer Technology Association (CTA)¹, writes in **Opposition to HB 332**. The bill seeks to expand the scope of the current electronic waste recycling law (“Chapter 339D”) to include lithium-ion batteries and lithium-ion battery devices. While CTA is supportive of expanded access and collection to batteries, we do not feel this is the correct program to accomplish that goal.

CTA alternatively encourages the bill sponsor and committee members to engage with the Portable Rechargeable Battery Association (PRBA)², which has also submitted testimony on this bill advocating for a stand-alone battery EPR program, separate from Chapter 339D. PRBA has had success across other states in implementing a successful battery EPR program based on their model legislation. Batteries and electronics are two different product categories and should be managed through separate programs.

Thank you again for the opportunity to testify and provide our comments. If you have any questions, please do not hesitate to contact me at apec@cta.tech.

¹ CTA is the trade association representing the U.S. consumer technology industry – including manufacturers of televisions and computer equipment who pay for the electronics recycling program which is the subject of this legislation. CTA also represent retailers of these and other consumer technology products.

² PRBA is the trade association representing the manufacturers of batteries within the United States as the voice of the Rechargeable Power Industry. Website: <https://www.prba.org/>

CTA Comments on Senate Bill 332
February 13, 2025

Sincerely,

A handwritten signature in black ink, appearing to read "Ally Peck". The signature is fluid and cursive, with the first name "Ally" and the last name "Peck" clearly distinguishable.

Ally Peck

Senior Manager, Environmental and Sustainability Policy

apec@cta.tech

C: (703) 395-4177



Scott Cassel
Chief Executive Officer/Founder

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February 12, 2025

Representative Nicole E. Lowen, Chair
Representative Amy A. Perruso, Vice Chair
House Committee on Energy & Environmental Protection
State Capitol, Conference Room 325
415 South Beretania Street
Honolulu, HI 96813

RE: Support With Amendments for HB 332, expanding the Electronic Device Recycling and Recovery Act.

Dear Chair Lowen, Vice Chair Perruso, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of HB 332, which would expand the Electronic Device Recycling and Recovery Act to include rechargeable batteries as covered products for manufacturer-funded collection and recycling in Hawaii.

HB 332 contains some of the best practices found in all successful stewardship laws, including:

- Minimum convenience standards to ensure convenient access to the program statewide;
- Requirement that producers finance the program through cost-internalized mechanisms, rather than consumer fees; and
- Handling requirements for safely collecting and disposing of batteries.

Even so, the scope of covered batteries in HB 332 should be expanded to include primary batteries and medium format batteries (including those used in e-bikes, scooters, and hoverboards). In the past few years, newly enacted battery EPR laws in the District of Columbia, California, Washington, Vermont, and Illinois have all included the expanded battery scope, **with battery industry support.**

Consumers often cannot differentiate between primary (single-use) and rechargeable battery types. By including primary batteries in the bill, the legislation will reduce consumer confusion, increase recovery rates, and decrease free riders. Since 2014, Recognizing the importance of battery management for pollution prevention, waste reduction, and a circular economy, many other states are pursuing similar legislation with the expanded battery scope.

Hawaii's Electronic Device Recycling and Recovery Act, which was enacted in 2008 and significantly updated in 2022, became fully operational with new provisions on January 1, 2023. The program provides residents, businesses, and nonprofits with convenient collection and recycling of electronics devices, such as computers, printers, monitors, and televisions, free of charge. The program is funded entirely by manufacturers and offers collection through permanent sites in each county and in each zip code with a population over 25,000, as well as collection events. The program is overseen by the Hawaii Department of Health. Manufacturers must meet progressive minimum recycling goals, starting at 50% of their sales weight from two years prior in 2023, increasing to 60% in 2024, and 70% in 2025.

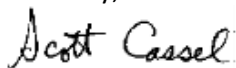
HB 332 will build on the success of the existing law by ensuring that lithium-ion batteries that are not embedded within electronic devices (which are already covered by the law) are also safely collected and properly recycled. Lithium-ion batteries, which are used in a growing number of products, have sparked devastating fires in trucks and materials management facilities that have caused millions of dollars in damage, serious worker injuries, and tragic deaths. HB 332 would ensure sustainable funding for safe collection and recycling processes that reduce the incidence of fire

Batteries also contain valuable materials such as steel, manganese, and zinc that are mined using energy-intensive processes that emit greenhouse gases. HB 332 will ensure recovery of these valuable resources for use as feedstock in new batteries and other products, thereby reducing the need for mining and associated GHG emissions. HB 332 would also benefit battery recyclers and manufacturers by providing a continuous flow of high-quality material that allows for long-term investments in local recycling and manufacturing facilities, thereby creating jobs. By integrating batteries into the existing electronics stewardship program, Hawaii will address its growing lithium-ion battery waste challenges and keep these valuable resources out of the waste stream.

The Product Stewardship Institute (PSI) is a national policy expert and consulting nonprofit that pioneered product stewardship in the United States along with our members – hundreds of state and local government officials, including those in Hawaii – and our partners from companies, environmental groups, academia, and international governments. Since 2000, PSI's facilitated dialogues, research, pilot projects, and policy models have helped shape most of the 141 EPR laws enacted for 20 industry sectors in 33 states, including Hawaii's EPR law for electronic waste.

I respectfully urge you to **support HB 332 with the above amendments** for the financial and environmental health of Hawaii's economy. If you have any questions, please feel free to contact me at (617) 513-3954, or Scott@ProductStewardship.US.

Sincerely,



Scott Cassel
Chief Executive Officer/Founder



**PRBA – THE RECHARGEABLE BATTERY ASSOCIATION
IN OPPOSITION TO HB 332 -
A BILL FOR AN ACT RELATING TO RECYCLING
February 13, 2025**

PRBA – The Rechargeable Battery Association strongly supports safe handling and responsible stewardship of batteries at the end of their intended use. We have worked extensively on and supported legislation to establish portable battery extended producer responsibility (EPR) programs in other states.

Regrettably, however, we must oppose HB 332. Transporting waste batteries by vessel from Hawaii to a battery recycler is a significant challenge today, and without addressing the inability to transport these batteries from Hawaii or process the batteries within Hawaii, implementing a program to collect batteries further compounds the problem.

Aside from the transport issue, PRBA supports the concept of the bill but there are many problematic items and omissions in the bill we feel require attention. Once the transport of waste batteries is dealt with, we are prepared to work closely with sponsors and other interested parties to develop a portable battery EPR program in the best interest of Hawaii’s residents and businesses.

PRBA’s concerns with HB 332, aside from the transport issue, are numerous:

1. HB 332 combines batteries and e-waste. We believe there should be a stand-alone battery EPR bill similar to how other states are addressing portable battery EPR.
2. HB 332 deviates substantially from PRBA’s model bill proposed by a cross-functional group of battery stakeholders and from laws enacted in California, Illinois, Vermont, Washington DC and Washington State. Alignment with these other bills and laws makes it easier for stewardship organizations to safely manage collection and recycling activities and avoid conflicts with entities collecting and recycling e-waste and the batteries contained in the equipment covered under existing e-waste programs.
3. The bill appears to cover only small lithium ion batteries, but then exempts certain rechargeable and non-rechargeable batteries without defining what is a “non-rechargeable” or “rechargeable” battery. In addition, consumers are unable to distinguish between different battery chemistries. It is therefore impossible to launch a battery collection program that focuses on one battery chemistry.

- Under the bill definitions, a covered battery includes only lithium ion batteries weighing 5 kilograms (11 lbs.) or less. Our model bill includes all batteries, rechargeable and non-rechargeable, weighing less than 25 lbs.

Batteries between 11 and 25 lbs. are known as medium format batteries. Together with the smaller types, they encompass the “portable” category of batteries. Medium format batteries are commonly used in consumer-facing applications such as portable power systems, outdoor power equipment, marine applications, and e-mobility devices. The growth in medium format batteries, especially in consumer-facing applications, justifies their inclusion in any bill.

- The bill does not include a right of private action. A right of private action allows a stewardship organization implementing an approved plan to bring civil action or actions to recover costs, damages and fees from a producer who sells or otherwise makes available covered batteries or battery-containing products not included in an approved plan.
- The bill does not include a limited antitrust provision for producers participating in discussions to comply with an approved stewardship plan.
- The implementation dates occur in the past.
- The bill does not include a solid waste disposal ban.

The model bill referenced would address the above concerns as well as the safety challenges Materials Recovery Facilities (MRFs) are facing with batteries being placed into the recycling stream. The model bill offers a free program for all portable batteries making it easier and less confusing for consumers to dispose of their batteries. As an example of potential confusion, the graphic below depicts common consumer AA-size batteries, both rechargeable and non-rechargeable of varying chemistries.



In PRBA’s model bill, any costs currently incurred by local governments to collect, ship, and recycle the batteries would shift to the battery stewardship organization (BSO) thus resulting in substantial savings for these local governments. The model bill does not establish “eco fees” at the point of sale to fund the program. Battery producers would be solely responsible for funding the program and there is no additional administrative burden placed on retailers to manage such fees.



PRBA Background

PRBA was formed in 1991 to respond to the need for workable portable rechargeable battery collection and recycling programs in the United States. To that end, PRBA members established pilot battery recycling programs in several states. Based on the success of these pilots, PRBA supported establishment and implementation of a national not-for-profit public education and portable battery recycling program.

PRBA members include the major manufacturers of rechargeable and non-rechargeable batteries as well as the leading manufacturers of battery-powered portable electronic equipment, power tools, outdoor power equipment, medical and military equipment, and hybrid and electric vehicles, battery recyclers, retailers, and large distributors of all batteries and equipment powered by them. Many of our members participate in battery collection and recycling programs in the United States and globally.

* * * *

We believe the committee should first address the transportation concerns with waste batteries and then consider replacement of HB 332 with the PRBA model bill as a stand-alone bill.

Thank you for the opportunity to provide testimony.

Sincerely,

Marc Boolish

Marc Boolish
Director
PRBA – The Rechargeable Battery Association



Mr. K's Recycle and Redemption Center

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Aloha, Chair Lowen, Vice Chair Perruso, and Committee Members,

As owner and president of Mr. K's Recycle and Redemption Center, I am submitting testimony to **OPPOSE HB 332**, which seeks to expand the Electronic Device Recycling and Recovery Act (EDRRA) to include the collection and recycling of certain lithium-ion batteries. Mr. K's has collected electronic devices for recycling in Hawai'i County for over a decade. While we support the responsible recycling of lithium-ion batteries, we oppose the addition to the EDRRA for the following reasons:

- 1) **Because manufacturers of lithium-ion batteries are different from those of electronic devices, battery recycling should have its own program.**
 - a) The Department of Health (DOH) currently has no existing registry of lithium-ion battery manufacturers, and manufacturers would enter the recycling goal program at 70%, with no ramp up.
 - b) Collectors will also need to establish relationships with new manufacturers, who may also need to develop their own collaborations to achieve EDRRA statewide service.
 - c) For electronic devices with removable lithium-ion batteries, it must be clear which manufacturer type (electronic device or lithium-ion battery) is responsible for the recycling.
- 2) **The program should maximize participation by recognizing diverse roles such as retailers like Home Depot, which offers free, in-store collection of power tool batteries.**
- 3) **Public education, outreach, and safety must be an integral part of developing infrastructure.**
 - a) Public education should include the safe storage of covered batteries, which are highly flammable.
 - b) Resources must be made available for collectors to build infrastructure to safely collect and transport lithium-ion batteries at larger quantities.
- 4) **A more comprehensive and separate battery stewardship program should be considered, and not be restricted to electronic devices.**
 - a) This can include non-rechargeable alkali batteries, for example, for which responsible recycling programs exist and which help divert landfill.
 - b) Alternatives to lithium-ion batteries are already being developed, including sodium-ion batteries. A battery stewardship program will allow Hawai'i flexibility.

Thank you for the opportunity to submit testimony **OPPOSING HB 332**. Mahalo for your leadership and stewardship,

Roy Kadota

A handwritten signature in blue ink, appearing to read "Roy H. Kadota", is written over the printed name.

Owner and President, Mr. K's Recycle and Redemption Center, Inc.

HB-332

Submitted on: 2/7/2025 4:50:14 PM

Testimony for EEP on 2/13/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Ensuring proper recycling of batteries, which are an integral part of our clean energy transition and emerging clean economy, is critical to sustainability. E-waste is already a serious challenge and improper recycling of batteries will only add to the downsides of this technology. I urge the Committee to SUPPORT this bill!

HB-332

Submitted on: 2/11/2025 8:42:08 AM

Testimony for EEP on 2/13/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
chris c.	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

Battery recycling and electronics recycling are very different things, each requiring specialized knowledge, training and protocols to manage properly and safely. Establish separate battery EPR that covers multiple battery chemistries similar to the Product Stewardship Institute's model EPR legislation.

HB-332

Submitted on: 2/12/2025 11:38:58 AM

Testimony for EEP on 2/13/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Claire C	Individual	Oppose	Written Testimony Only

Comments:

While HB 332 has good intentions of making sure that hazardous lithium-ion batteries are recycled instead of being disposed of in our landfill, simply adding them to the existing e-waste law would not make anything simpler.

I oppose HB332 because there should be a separate law for lithium-ion batteries for the following reasons:

- There are more categories of rechargeable batteries beyond lithium ion that can be found in electronics and other devices. The law should focus on all types of rechargeable batteries that pose a hazard to the environment and our community, including NiMH, NiCad, Lipo, solar and EV batteries.

- Manufacturers of electronics are not necessarily the same manufacturers for batteries. Expecting battery manufacturers to comply with all the points of the e-waste law (for example, number of sites, yearly goals, fees to the state) would discourage them from dealing with batteries in Hawaii overall

- There should be some sort of funding or subsidy to help establish infrastructure to safely collect, store, and ship out batteries for recycling. This would mitigate the risk of a fire or explosion due to the volatility of these batteries.

- The use and applications of rechargeable batteries will continue to expand and be included in new devices, appliances and electronics. The law should be able to grow in tandem with the growing presence of rechargeable batteries.

Thank you for the opportunity to testify on this bill.

HB-332

Submitted on: 2/12/2025 2:10:04 PM

Testimony for EEP on 2/13/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel C. Smith	Individual	Support	Written Testimony Only

Comments:

Smart to include lithium-ion batteries in the recycling act with safety provisions.

I strongly support this measure.

Daniel C. Smith

Pearl City

HB-332

Submitted on: 2/12/2025 4:02:16 PM

Testimony for EEP on 2/13/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Fairchild	Individual	Support	Written Testimony Only

Comments:

I support this bill.