February 14, 2025

To: Maryland Senate Education, Energy and Environment Committee

Re: SB0686: Environment - Extended Producer Responsibility for Batteries and Battery-Containing Products (Battery Stewardship Act)

Favorable with Amendment

As current President of Maryland Recycling Network (MRN), I am writing to provide favorable with amendment support of SB0686. I bring my experience managing electronics and battery recycling contracts over the last 11 years at the Northeast Maryland Waste Disposal Authority.

I also bring my experience as a Member of The Commission to Advance Lithium-Ion Battery Safety in Maryland (House Bill 468/Ch. 950, 2024 and SB 532/Ch. 949, 2024) and two of its Subcommittees (2024-Present):

1) The Prevent, Detect and Suppress Lithium-Ion Fires at Recycling Facilities Subcommittee; and

2) The Reusing, Recycling and Decommissioning Lithium-Ion Batteries Subcommittee;

I am not speaking on behalf of the Authority or the Commission.

Maryland Recycling Network members include public recycling managers, private sector and non-profit recyclers and individuals who support recycling. We promote sustainable reduction, reuse and recycling (the 3 "R's") of materials otherwise destined for disposal and the purchase of products made with recycled material content. We achieve these goals through education programs, advocacy activities to affect public policy, technical assistance efforts, and the development of markets to purchase recycled materials and manufacture products with recycled content.

We have direct experience operating recycling and composting programs in the private sector and municipal government level. We know the ins and outs of recycling in Maryland. Our experience informs our comments.

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We thank Senator Augustine for sponsoring this bill.

Most end-of-life battery collection and recycling programs come at a cost to local government and other collectors, thus widespread year-round, cost free at point of drop-off programs for battery recycling are very limited. There is no standardized statewide program set up to educate the public or fund a network of sites that accept batteries from the public at no cost. Thus, batteries often end up in the wrong collection streams, causing fires.

Fires are already frequently occurring in public and private solid waste and recycling collection sites, trucks and recycling facilities in Maryland.

The Commission to Advance Lithium-Ion Battery Safety in Maryland has been charged with addressing these issues comprehensively. Thus, MRN requests that the Commission is given time to finish its research and recommendations and deliver the final report, including policy best practices, due December 2025.

MRN looks forward to reading the final report results and working with Senator Augustine on creating the best model possible and creating a comprehensive solution for the State of Maryland.

Sincerely,

Kitty McIlroy
President
Maryland Recycling Network

The Maryland Recycling Network stands ready to serve as a sounding board and resource for legislators and others interested in pursuing our mission. Please do not hesitate to contact MRN via email phoustle@marylandrecyclingnetwork.org, phone 301-725-2508 or mail - MRN, PO Box 1640, Columbia MD 21044 if you have any questions or would like additional information regarding the above. We look forward to working with you to improve Maryland's recycling programs and thank you for your consideration and support.

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Background

Per additional recent experience:

- Testified before the U.S. Senate, Environment and Public Works Committee, on *"Improving Capacity for Critical Mineral Recovery through Electronic Waste Recycling and Reuse"* (July 2023);

- Co-Chair of the Solid Waste Association of North America's (SWANA) Lithium-Ion Battery Advocacy & Public Policy Sub-Workgroup (July 2024-Present); and
    - Member of the SWANA Lithium-Ion Battery Communications & Outreach Sub-Workgroup (July 2024-Present), and
    - Member of the SWANA Lithium-Ion Battery Facility & Vehicle Safety Sub-Workgroup (July 2024-Present);

- Advisor at the U.S. EPA In-Person Working Session focused on Mid-Format Consumer Battery Labeling and Collection (January 2025); and

Please see the background information presented below for further consideration:

Lithium-ion battery management is one of the most pressing issues, if not the most pressing issue, in the solid waste management and recycling industry right now.

The solid waste management sector is already consistently ranked as one of the most dangerous, deadliest labor sectors in the United States:

"Waste and recycling collection was fourth deadliest occupation in 2023…The latest Bureau of Labor Statistics data showed an increase in the rate of fatalities for the refuse and recyclable materials collection occupation. The number of fatalities in MRFs also increased… Waste and recycling jobs remain a potentially hazardous occupation, despite ongoing efforts to get out of the top 10 deadliest job category by investing in more safety training and technology for vehicles and facilities. The only occupations that had higher fatality rates in 2023 were logging, fishing and hunting and roofing…Solid Waste Association of North America CEO Amy Lestition Burke said in a statement that the organization was "very disappointed" in the results. "This data reinforces the need for safety improvements. The individuals who collect waste and recycling are making communities livable and sustainable. We all have a role to play to protect these everyday heroes.. "The increase in solid waste collection worker fatalities is concerning, and occurred from coast to coast and at small haulers, the large publicly traded companies, and local governments," said David Biderman, a safety consultant and former SWANA CEO,

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in an emailed statement that also noted this was one of the highest rates in years. “There are a wide variety of contributing factors to these tragic incidents. We know what these factors are, and need to address them.”[1]

“Solid waste collection workers are still on the list of the ten most dangerous jobs. From the truck itself to the collected garbage (***lithium-ion batteries,*** syringes, glass, and chemicals: MSW has a lot of unexpected hazards in store), from distractions like mobile phones to bad weather conditions, from pedestrians to other drivers: The sources of danger are manifold. And more waste means more risks… Safety campaigns and awareness have an effect…SWANA will continue leading industry efforts to reduce them even further and fulfill our Strategic Plan goal of getting solid waste collection workers off the list of the ten most dangerous jobs.”[2]

Due to the issues noted above, The Commission to Advance Lithium-Ion Battery Safety in Maryland (the Commission) was established to make legislative, regulatory, programmatic, and other recommendations regarding:

- Best practices, standards, and guidelines
    - (1) to prevent, detect, and suppress lithium-ion battery fires in consumer, transportation applications, and utility applications, with review and consideration of the National Fire Prevention 855 Standards for Grid Scale Storage and Safety;
    - (2) to prevent, detect, and suppress lithium-ion fires at recycling facilities;
    - (3) for reusing, recycling, and decommissioning lithium-ion batteries;
- The viability of extended producer responsibility for lithium-ion batteries;
- Training, education, and other information to better inform the public and first responders regarding lithium-ion battery safety; and
- Any other global issues the Commission may consider useful for enhancing the safety and reuse of batteries in the State.

The Commission began identifying and tracking battery safety and extended producer responsibility policies that would be relevant to the Commission’s objectives.

The four subcommittees (listed below) have been working to identify potential risks associated with lithium-ion battery applications relevant to their subcommittees, compiling existing literature and best practices, and identifying experts that can assist the

[1] https://www.wastedive.com/news/waste-recycling-worker-fatality-rate-2024/735975/?utm_source=Sailthru&utm_medium=email&utm_campaign=Newsletter%20Weekly%20Roundup:%20Waste%20Dive:%20Daily%20Dive%2012-21-2024&utm_term=Waste%20Dive%20Weekender

[2] Workplace saftey: Getting waste collection off the list of the most dangerous jobs | WMW

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Commission in its mission. Subcommittees are only meant to assist the Commission by providing recommendations and do not have the authority to make decisions on behalf of the Commission.

The Consumer and Transportation Applications Subcommittee is currently researching best practices and policies related to battery powered micromobility devices and vehicles powered by vehicle traction batteries. The Subcommittee is planning to receive a briefing from subject matter experts at Tesla on vehicle battery safety and first responder information.

The Utility Applications, with review and consideration of NFPA 855 Standards for Grid Scale Storage and Safety Subcommittee is reviewing an investigation published by Underwriters Laboratory's Fire Safety Research Institute on a battery energy storage system explosion that took place in 2019.

The Prevent, Detect and Suppress Lithium-Ion Fires at Recycling Facilities Subcommittee is working on collecting information on public awareness campaigns associated with promoting the responsible and safe disposal of lithium-ion batteries. The Subcommittee visited one of WM's facilities in December 2024 to build a stronger understanding of the risks of improperly disposed of batteries. The facility tour helped Commission members understand technology currently in use to prevent facility fires.

The Reusing, Recycling and Decommissioning Lithium-Ion Batteries Subcommittee is working to obtain expert speakers on battery second life and recycling to present to the Subcommittee.

In summary, the Committee has been attending presentations held by various experts across the battery lifecycle, and will need the remainder of 2025 to consolidate this information and present it in a set of best practice recommendations in its Final Report, due in December 2025.

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