

DTSC should refrain from listing lead-based batteries under the Safer Consumer Products Program; listing will harm the state's emission reduction efforts and energy storage goals.



The California Department of Toxic Substances Control (DTSC) is charged with the responsibility of overseeing programs that "encourage safety and the protection of public health and the environment from toxic harm." One of the programs DTSC implements, the Safer Consumer Products Program (Program), is designed to eliminate "potential exposures, significant adverse impacts effects or end-of-life effects associated with Priority Products, as well as the availability of information, coordinating with other regulatory programs, and encouraging safer alternatives."

In May 2018, DTSC issued an updated Priority Work Plan for 2018-2020 which listed seven product categories, including lead-acid batteries, for consideration as potential Priority Products and encouraged stakeholders to provide input into the evaluation process to "properly identify and define potential Priority Products in advance of rulemaking or to eliminate a product from consideration." Based on the information that follows, DTSC should eliminate lead-acid batteries from consideration for this program because they pose no significant public health risk to consumers, have no significant "end-of-life effects" and every facet of the product life-cycle is covered under a comprehensive and stringent multi-agency regulatory structure.

Modern lead-based batteries are safe and pose no exposure threat or danger to sensitive populations.

- The materials in today's lead-based batteries are contained within a durable casing that prevents exposures to service providers and battery users.
- Lead batteries have a very low risk of fire or explosion due to overcharge, heat exposure and impact-related damages.

Climate change policy success depends on the continued use of lead-based batteries.

- Lead batteries are a proven technology and a critical source of clean power for start-stop and hybrid vehicles, industrial and commercial equipment, recreational vehicles and emerging transportation systems.
- All electric vehicles rely on 12-volt lead batteries to power vehicle safety and convenience features.
- Recent innovations make lead batteries increasingly competitive for grid-scale storage, smart grids, load leveling and residential and commercial energy storage.
- Lead batteries are deployed in remote areas where electricity may not be readily available to supply homes and businesses.

Focusing on lead batteries strays from the purpose of the Program, which was designed to identify and prioritize chemicals that present a risk to consumers.

- Batteries are not typical “consumer” products. Unlike every other product DTSC is considering, there is no potential for direct consumer exposure during use of the product.
- Multiple federal, state and local agencies maintain an established infrastructure to regulate the manufacturing, distribution, collection and recycling of lead batteries.
- A focus on lead batteries will divert DTSC from its mission to address products that present significant, unmitigated risks to the public.

Recycling of lead batteries eliminates environmental concerns over disposal or end-of-life effects.

- The lead in batteries can be recycled infinitely, with no loss in performance.
- With the recovery and recycling rate approaching 100% (the only battery product that can make this claim), risk of indirect exposure or environmental impact from improper handling or disposal is minimal.
- Listing lead batteries is much more likely to depress the recycling rate and create new environmental problems than to meaningfully enhance protection of public health or the environment.

The series of events leading to the closure of the former Vernon, Calif. battery recycling plant should not be the basis for policy determinations that will negatively impact battery power and our clean energy future.

- Following the closure of the facility, the Governor and the legislature required DTSC to evaluate lead batteries through the Safer Consumer Products Program which could result in listing lead batteries as a Priority Product.
- Listing lead batteries under the Safer Consumer Products Program would be counterproductive and contradict the purpose of the Program. DTSC should consider the facts and available science which conclusively shows lead-based batteries do not pose a continuing threat to public health, including infants, children and other sensitive populations, or to the environment.

Use of advanced lead-based batteries is cost-effective and environmentally sustainable.

- Today's lead-based batteries provide a cost-effective means to eliminate harmful emissions in a variety of applications from energy generation and storage to automobiles and electric-powered utility vehicles such as fork lifts and golf carts.
- According to a report issued by the European Commission in November 2017, no viable alternative to lead batteries exists for conventional vehicle applications in the foreseeable future. Therefore, listing lead batteries as a Priority Product will initiate a process that could raise car owner's costs without any additional environmental benefit.
- Lead battery R&D is producing batteries that will last longer and use half the lead of today's batteries – these innovations will reduce the volume of lead in commerce from batteries, affirming that listing this product category is unnecessary and would be a misuse of limited program resources.

About Battery Council International

Battery Council International is the North American trade association representing the lead-based battery manufacturing, supply, recycling and distribution companies – a total of approximately 250 companies and 20,500 employees. For more information on the association, visit www.batterycouncil.org.