

Policy Committee Notes, 12/5/2024, 1:30p-2:30p

Dec 5, 2024 1:30 PM MST |  Policy Committee Meeting

Attendees: Brandy Moe, Amelia Kovacs, Ryan Call, Brian Loma, Ally Byzewski, Kimberly Lavender, Julie Mach, Rylee Mach, Rylee McCone, Rachel Roussel-Diamond, Keslie DeFrancia, Rebecca Thomas, Alexis, Rebecca Thomas, Joshua Kirschner, Suzanne Jones, Jace Driver, Caroline Mitchell, Jonathan Levy, Wolf Kray, Jonathan Wachtel, Meghan Wiebe, Mary, Alex Moore-VanDyke, Scott DeFife, Liz Chapman, Hayden van Andel, Mellik Gorton, Bill S, Shelly Fuller, Meghan Ibach, Emma Marino, Neil, Lauren Kim

1. Welcome/Intros

2. Report from Greater Colorado Council (Hayden)

- a. The committee met on December 4, 2024. The current, primary focus of the group is to assess how they can support the Battery Extended Producer Responsibility (EPR) bill, particularly with outreach efforts in rural areas. The committee leadership will develop a set of questions to gather data from the group and identify any needs related to the development of this bill.

3. Battery EPR Updates and Next Steps

- a. Utilizing the [Illinois battery bill](#) as a guideline.
- b. The battery working group met with the National Waste & Recycling Association (NWRA) to address their questions regarding the draft language from Recycle Colorado. NWRA has expressed general agreement with the comments made about Recycle Colorado's draft legislation.
- c. Please review the RC draft language:

Discussion Items in Draft Bill for 12/10:

NWRA is generally agreeable to the yellow, green, and strike through's proposed by RC in the draft legislation

1. Pg 14. Section 25.11 Delay in medium-format batteries
 - a. This allows for flexibility in the program with these larger batteries and should remain in the Bill.
 2. Pg 22. Section 40.3.c permanent collection site in each County of at least 200k persons
 - a. Given population difference, open to moving to 150k persons for a permanent collection site in each applicable County in Colorado, understanding that collection sites don't need to be ran by the County and can exist in different forms.
 3. Pg 23 Section 40.4.e(1) use of existing facilities
 - a. Will be determined by the PRO and existing public and private facilities and will be conducted privately through contractual agreements whom they "must" use? What proposed language is necessary to protect existing facilities that is not currently addressed in legislation?
 4. Pg 25 Section 45.a frequencies for promotional activities
 - a. In order to tie to goals, we would need to establish a baseline through a study that would require a fiscal note for this legislation, which we would oppose in this Bill. There will be annual reporting related to education and outreach that is in the existing language.
 5. Pg 31 Section 50.c Disposal
 - a. Take out "landfilling", but keep in incineration and energy recovery so as to not prevent future innovations in battery recycling.
- d.
- e. Any comments from the group on the proposed RC draft legislation provided?
- i. Brian - The inclusion of incineration as a disposal method could go against what many groups within Recycle Colorado support.
 - ii. Suzanne - Will need to see more context for the incineration disposal as this is something that EcoCycle does not support.
 - iii. Scott - Energizer has begun participating in these discussions, indicating that many brands may be interested in joining them.
 - iv. Brandy - Is Energizer a part of the Portable Rechargeable Battery Association (PRBA)?
 1. Scott - yes.
 - v. Scott - How broad is our proposed collection for batteries for this bill?
 1. Liz - On the landfill/incineration note, the Illinois bill states one cannot incinerate, landfill, or energy recover. NWRA recommends that we just say "landfill" so we don't limit how small batteries are currently recycled on something they are doing so far.
 2. Liz - On the battery question - Covered batteries in IL bill: Easily removable - designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools

3. *(Additional information provided by the group)* Medium format battery - For rechargeable batteries, a battery weighing more than 11 pounds or having a rating of more than 300 watt-hours or both, and no more than 25 lbs and having a rating of no more than 2,000 watt-hours.
4. *(Cont.)* For primary batteries, a battery weighing at least 4.4 lbs but not more than 25 lbs.
5. *(Cont.)* Portable battery - primary or rechargeable covered battery. For rechargeable batteries, a battery weighing no more than 11 lbs and having a rating of no more than 300 watt-hours. For primary batteries, a battery weighing no more than 4.4 lbs.
6. *(Cont.)* Does not include: Battery contained within a medical device that is not designed and marketed for sale or resale principally to consumers for personal use. A battery that contains an electrolyte as a free liquid. Lead acid battery weighing greater than 11 pounds. Battery subject to provisions of Section 22.23 of Environmental Protection Act. Battery in a battery containing product that is not intended or designed to be easily removable from the battery containing product. Battery that is a component of a motor vehicle or intended for use exclusively in a motor vehicles
7. Caroline - Are we missing any opportunities by including landfilling? Do we need to be more limited when we say landfilling as an option?
 - a. Liz - To my understanding, the bill won't say that landfilling is equivalent to recycling, but it won't criminalize landfilling. The bill will prioritize recycling. We don't want to criminalize rural landfills and recycling centers if that is their only option.
8. Brian - Battery fires are still a concern. Can you elaborate on how the bill will address that?
 - a. Liz - Most battery fires at landfills are caused by lithium-ion batteries. While lead-acid batteries can technically be disposed of in landfills without issues, larger lithium batteries that weigh over 11 pounds can also ignite fires. However, the current legislation does not address batteries that exceed this weight limit. It's important to note that this legislation will not completely resolve all the problems we face with fires at landfills, but is a great start in the right direction.

4. Lobby Day Updates (Jenifer)

- Email Jenifer if you'd like to be more involved in the planning committee. jfreeman@constellationstrategies.net
- First call is tomorrow. Tentative Feb 26th Lobby Day. We may look to other dates since there is less space availability
- We currently have a space above the Civic Center station near the capitol. Sponsors can have a booth to talk about their company at the capitol.

- If you're interested in being a sponsor/having a booth at the capitol, talk to Jenifer. We are still looking for a sponsor for breakfast and lunch. Please contact Jenifer if you would like to help.
- Suzanne - Thank you for organizing this! This is great for Recycle Colorado's awareness. Will our only ask be the battery EPR-bill? Will there be another fact sheet/additional resources?
 - Yes, this will be a discussion point for tomorrow's meeting.
- Is there any feedback from previous years?
 - Suzanne - Last year we had teams of a diverse makeup and this was very impactful. It made an impression of our organization's diversity.
 - Jenifer - This year, we're asking former board candidates to lead appointments and scheduling.
 - Caroline - Echoing the support. The one-pager was a valuable tool. From a user standpoint, the chart of who should be where/when was tricky to navigate. There should be more clarity with the difference in meetings/appointments since there were some meetings that were scheduled and then some meetings where we were hoping to pull someone aside and talk to them briefly.
 - Liz - Maybe there's a way next year to visually say "this is a meeting" and clearly state that "these" are the optional meetings instead of having everything look the same. Because we're still in a position to support the implementation of EPR, do we want to create that and give that out again this year?
 - Suzanne - this is the biggest piece of policy we've passed, and this is a game changer. Having an enthusiastic group of people sharing how EPR will change CO, will build the stoke and educate the legislators. Composting would also be a great fact to add, too.
 - Scott - We're leading the country right now with EPR, we didn't have enough legislators engaged in 2022, so bringing that awareness again is a good idea. Every city and town will be impacted, so it's important we are the front-leading resource and partner for this.
 - Caroline - It's a really helpful comparison to have an EPR fact sheet as we communicate the battery EPR bill.
 - Caroline - An after-the-event reception is very important and is a great networking opportunity.
 - Brandy - Seconds this.
 - Hutch - Will sponsor the reception.

Next meeting is Jan 9th, 2025 1:30-2:30pm.