

March 19, 2021

Meredith Williams, Ph. D.  
Director  
Department of Toxic Substances Control  
1001 I Street  
Sacramento, CA 95812

**Subject: Joint Comments on DTSC's Draft 2021-2023 Priority Products Work Plan.**

Dear Dr. Williams:

The undersigned organizations support the Department of Toxic Substances Control's (DTSC) decision to not carry the Lead-Acid Batteries product category forward into the Safer Consumer Products Program's Three-Year Priority Product Work Plan for 2021-2023.

As DTSC acknowledges in its draft Work Plan, the 2016 directives from former Governor Brown and the California Legislature to evaluate lead batteries as a potential Priority Product under prior Work Plans were prompted by public concern about contamination around the former Exide Technologies facility in Vernon, California. Lead batteries were not identified as a candidate product through any of the means established in the Safer Consumer Products (SCP) regulation. And, as DTSC has established over the course of five years of research and public inquiry, lead batteries do not satisfy many of the criteria indicated in the regulations to qualify a chemical-product combination for listing, alternatives assessment and possible regulatory response actions.

As our organizations discussed in prior comments to DTSC on this subject<sup>1</sup>, lead batteries do not warrant a listing, much less regulation, under the SCP program for the following reasons:

- Today's lead batteries designed for consumer applications are sealed and maintenance free. They pose no significant potential for exposure or health risk to consumers.
- The high rate of lead battery recycling and reuse of secondary materials in the manufacture of new lead batteries greatly reduces potential life cycle environmental and public health impacts.

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<sup>1</sup> Joint comments to former DTSC Director Barbara Lee requesting DTSC refrain from listing lead-based batteries as a Priority Product under the Safer Consumer Products Program, dated August 14, 2018.

- Every facet of the lead battery product life cycle is covered under a comprehensive and stringent multi-agency regulatory structure.
- The European Commission has already evaluated potential alternatives to lead batteries in conventional motor vehicle applications and concluded that no viable alternative currently exists or is likely to be available on a mass market scale for the foreseeable future.
- Research and development initiatives specific to lead batteries and other battery chemistries is occurring on an unprecedented scale and is critical to California's clean energy transition.

DTSC's brief discussion of these issues in the introduction to the draft 2021-2023 Work Plan indicates that it has considered them and has arrived at similar conclusions.

We recognize there are other legacy lead battery recycling sites in California that may require investigation and remediation. We agree that DTSC should prioritize these sites, and as a result of broad stakeholder support for recent legislation - AB 2153 (C. Garcia, 2016) and AB 142 (C. Garcia, 2019) - it now has the means to do so. DTSC's proposed course of action to remove lead batteries from the 2021-2023 Work Plan and focus instead on implementation of the Lead Acid Battery Recycling Facility Investigation and Cleanup (LABRIC) program is correct and thoroughly supported by the evidence compiled by the SCP program.

Thank you for considering our comments. We look forward to reviewing the technical document DTSC is developing to support its decision on lead batteries.

Sincerely,



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**Battery Council International**




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Executive Director,  
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**California Manufacturers and Technology Association**  
**California Energy Storage Alliance**

cc: Karl Palmer, Acting Director – DTSC Safer Consumer Products Program