



April 22, 2013

The Honorable Mike Gatto  
State Capitol, Room 2114  
Sacramento, CA 95814

**RE: AB 488 (Williams)**  
**Position: Oppose**

Dear Assemblymember Williams:

On behalf of the above-listed entities, we respectfully write to inform you of our opposition to AB 488. As you know, AB 488 seeks to create a state extended producer responsibility program for household batteries.

The tech and biotech industries, as well as their members are committed to reducing the environmental impacts of our products throughout their lifecycle from design, to use, to end-of-life.

Industry has made unique contributions to environmental improvement through miniaturization, energy efficiency, and increased product functionality. Additionally, the industry has taken great strides toward removing hazardous substances from consumer products.

We respectfully oppose AB 488 for the following reasons.

### **AB 488's definition of "battery producer" captures those who do not produce the batteries**

While the goal of extended producer responsibility is to place mandates on the producer—AB 488 inaccurately defines non-battery producers, as producers. Under the current definition of the bill, manufacturers of consumer products would be mandated to create and fully fund a new state stewardship program for batteries – products our companies do not manufacture. In sum, we believe that the definition of producer needs to capture the actual manufacturer of the battery.

### **AB 488 creates an overly burdensome recycling structure which will cost California's industries millions**

Our companies are proud to offer high salaries to the people of California. We also add significantly to California's economy through our employment, on sales tax collected on our products, and by creating and offering new and innovative products to the people of this state. We believe California should be looking at ways to foster these industries and its growth in the state – not ways to stifle its growth. Running state specific recycling programs is extremely costly for manufacturers to comply with and given today's economic climate we believe that such costs will further negatively impact our industries ability to grow and expand. We believe that these high compliance costs will directly impact our industries ability to succeed in the current economic climate.

### **Performance standard and financial requirements overly burdensome**

Our associations and companies believe that the use of recycling performance goals is overly burdensome and unnecessary. We do not support the use of performance measurements that enforce strict penalties regardless of manufacturer compliance and success with the particular recycling program. Furthermore, we believe that penalizing manufacturers for the actions, or non-actions, of consumers giving their dead batteries back to the producer is a violation of due process. If consumers refuse to recycle their old batteries, our members should not be penalized as it is beyond their control.

For these reasons, we respectfully oppose AB 488.

Sincerely,

TechAmerica

TechNet

Silicon Valley Leadership Group

California Healthcare Institute (CHI)

Advanced Medical Technology Association (AdvaMed)

DynaVox

California Manufacturers and Technology Association

BayBio

FELD Entertainment

Pharmaceutical Researchers and Manufacturers of America (PhRMA)

Cc: Assembly Appropriations Committee