



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF
BRIAN BENESKI, SUPERVISOR, RECYCLING PROGRAMS
DIVISION OF MATERIALS MANAGEMENT
BUREAU OF REMEDIATION AND WASTE MANAGEMENT
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF L.D. 474

**AN ACT TO ESTABLISH A STEWARDSHIP PROGRAM FOR
PRIMARY AND RECHARGABLE BATTERIES**

AMENDMENT SPONSORED BY SEN. TEPLER

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

FEBRUARY 25, 2026

Senator Tepler, Representative Doudera, and members of the Committee, my name is Brian Beneski and I am the Supervisor of Recycling Programs at the Department of Environmental Protection ("Department") speaking in support of Senator Tepler's amendment to L.D. 474.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

The Department supports a legislative update to the current rechargeable battery program laws, *Regulation of certain dry-cell batteries*, set by 38 M.R.S. § 2165. 38 M.R.S. § 2165 requires manufacturers of nickel cadmium and small sealed lead-acid batteries to provide a system for the recycling of their batteries. The law has not been updated since it was enacted in 1991; only batteries with a nickel cadmium chemistry are a covered product in Maine's current rechargeable battery program. Other "modern" battery chemistries, such as lithium-ion, and primary batteries (i.e. single use batteries) are not included in Maine's program as they are in other U.S. jurisdictions.

As discussed in the Department's 2026 Annual Product Stewardship Report, the absence of a proper collection, transportation, and recycling system for modern batteries has led to safety issues within Maine's waste stream operations. In 2024, the National Waste and Recycling Association estimated that more than 5,000 fires occur each year at U.S. recycling facilities, many of which can be linked to improperly discarded lithium-ion batteries.¹ Fires at U.S. and Canadian material recycling facilities and transfer stations are at their highest recorded level, with the rate of catastrophic losses up 41% over the last five years.² That increased risk has also driven up insurance costs for waste and recycling facilities from less than 20 cents per \$100 of insured property value to as much as \$10 per \$100 of insured value.³ Here locally in Maine, ecomaine has reported 12 fires traceable to lithium-ion batteries and Casella has reported 12 fires due to these batteries since June of 2023. Many of these fires were due to smaller lithium-ion batteries found in power tools, cell phone chargers, and e/cigarette/vaping devices⁴.

In addition to the fire hazards created when batteries are placed in the waste stream, improper disposal of batteries ensures the loss of the critical minerals within them.

¹ Study finds rising risk of lithium-ion fires, available at: <https://resource-recycling.com/recycling/2024/01/22/study-finds-rising-risk-of-lithium-ion-fires>

² *Ibid.*

³ *Ibid.*

⁴ 2026 Annual Product Stewardship Report

In 2025, as part of an evaluation of Maine's current battery recycling law, the Department hosted two public meetings to allow for input from interested parties and the general public. The Department received many comments during and after both public meetings, and Department staff performed an extensive review of these comments along with existing battery legislation recently passed in other jurisdictions to determine the most feasible and cost-effective pathway for expanding Maine's battery recycling law. From this effort, the Department developed draft conceptual language which was presented in the 2026 Annual Product Stewardship Report. During the public comment period to the report, the Department received additional comments, which are attached to the 2026 Annual Product Stewardship Report. The conceptual language and additional comments during the public posting of the report provided the foundation of the proposed amendment to L.D. 474.

In summary, the bill requires producers of both primary and rechargeable batteries of up to a specified size and rating to participate in a battery stewardship program and submit a stewardship plan outlining their program to the Department for approval. The bill also requires producers of products with embedded batteries to report their sales of these products to the stewardship organization starting in 2027, with the requirement for the collection of embedded battery products to start in 2030. The bill outlines the minimum requirements the battery stewardship plan must address, including a minimum standard for collection location convenience for the battery stewardship organization(s) to meet. It also requires the stewardship plans to be publicly posted for comment prior to Department approval. The battery stewardship program(s) must be free of charge for consumers who are dropping off batteries and free for the collection locations to participate. It should be noted that "covered batteries" does not include large format batteries, such as those used for electric automobiles and large-scale home or solar storage, or batteries within a medical device that is not principally designed for consumer use.

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Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.