

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation

625 Broadway, 14th Floor, Albany, New York 12233-1010

P: (518) 402-8545 | F: (518) 402-8541

www.dec.ny.gov

JAN 3 2023

The Honorable Thomas P. DiNapoli
Comptroller
Office of the State Comptroller
110 State Street, 15th Floor
Albany, NY 12236

Dear Comptroller DiNapoli:

In accordance with the provisions of Section 170 of the Executive Law, the Department of Environmental Conservation (DEC) has taken, or will be taking, the following steps to implement the recommendations contained in the Office of the State Comptroller's audit report 2021-S-19, entitled *Oversight and Enforcement of the Rechargeable Battery Law*. Please contact Andrew Fischler, Director of Internal Audit, at (518) 402-9761 if you have any questions.

Recommendations:

- 1. Develop and implement processes and procedures to monitor and enforce compliance as well as promote compliance with the Law. This may include but not be limited to leveraging data and information received from C2R.**

DEC's Product Stewardship & Waste Reduction Section (Section) has implemented processes whereby staff assess and enforce compliance with the Rechargeable Battery Law (Law). This is achieved via: 1) periodic meetings with Call2Recycle (C2R) to discuss manufacturer participation in the battery recycling program and identify negligent manufactures, and 2) conducting outreach to battery manufacturers and battery/product retailers to verify their departure from the recycling program and/or collection inactivity and provide information regarding their obligations under the Law. In addition, the Section developed retail inspection procedures and a filing system for storing inspection documentation, hired new staff, and trained regional office personnel to perform retailer inspections. DEC central and regional office staff conducted inspections at retailers throughout the state, which resulted in the identification of violations requiring corrective action.

To bolster awareness and compliance with the Law, Section personnel provides outreach to the public via the following:

- a webpage offering rechargeable battery recycling information to consumers and compliance guidance for retailers and manufacturers;
- e-mails via DEC Delivers, which includes the *Solid Waste and Recycling Newsletter*, and the New York State Division of Homeland Security's GovDelivery service encouraging consumer purchasing, and providing options for proper end-of-life recycling, of rechargeable batteries;
- DEC social media posts containing information on the proper recycling and potential hazards associated with rechargeable batteries; and
- assisting the statewide recycling communication program – Recycle Right New York – in developing content for their 2023 stakeholder outreach initiatives.

Furthermore, Section personnel are collaborating with C2R to identify opportunities for increased public outreach via its available channels.

2. Prepare and submit the required reports to the Executive and Legislature as required by the Law.

DEC is in the process of completing the required report and anticipates submission to the Executive and Legislature in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Basil Seggos', with a stylized flourish at the end.

Basil Seggos
Commissioner