

2011 -- S 0188

LC00665

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY -- RECHARGEABLE BATTERY COLLECTION
AND RECYCLING

Introduced By: Senators Ruggerio, Goodwin, McCaffrey, Sosnowski, and Walaska

Date Introduced: February 09, 2011

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-60.1-1 and 23-60.1-2 of the General Laws in Chapter 23-60.1
2 entitled "Dry Cell Battery Control" are hereby amended to read as follows:

3 **23-60.1-1. Legislative findings and policy.** -- The general assembly finds and declares
4 that certain types of dry cell batteries contain toxic heavy metals that are harmful in municipal
5 solid waste. Batteries containing cadmium, mercury, and lead are especially harmful, and some of
6 these types are increasing in use. It shall be the policy of the state to reduce the impact of such
7 batteries through source reduction of toxins and by recycling.

8 **23-60.1-2. Definitions.** -- As used in this chapter:

9 (1) "Alkaline-manganese battery" means any dry cell battery containing manganese
10 dioxide and zinc electrodes and an alkaline electrolyte.

11 (2) "Collector" means any person in this state who accepts dry cell batteries for disposal
12 or recycling.

13 (3) "Department" means the department of environmental management.

14 (4) "Director" means the director of the department of environmental management.

15 (5)(2) "Dry cell battery" means all batteries in which the electrolyte is absorbed, gelled,
16 or solidified such that the electrolyte is not a free-standing body of liquid. Dry cell batteries do
17 not include vehicle batteries as defined by section 23-60-2.

18 (6)(3) "Lead-acid ~~dry-cell~~ battery" means a battery containing a lead-acid system,

1 generally used in rechargeable consumer products, and weighing less than twenty-five (25)
2 pounds.

3 (7) "Local government collections" means collections completed by household hazardous
4 waste facilities, solid waste management agencies, environmental management agencies, or the
5 department of health.

6 (8) "Manufacturer" means any person who manufactures dry cell batteries.

7 (9)(4) "Mercuric-oxide battery" means a dry cell battery containing zinc and mercuric
8 oxide electrodes and used both in household and non-household, often medical, applications.

9 (10)(5) "Nickel-cadmium battery" means any dry cell battery containing cadmium and
10 nickel electrodes and an alkaline electrolyte.

11 (11) "Person" means any natural person, political subdivision, government agency, public
12 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
13 other entity whatsoever.

14 (12) "Rechargeable dry cell battery" means any rechargeable nickel-cadmium, sealed
15 lead, lithium ion, nickel metal hydride battery, or any other such dry cell battery capable of being
16 recharged weighing less than twenty-five pounds (25 lbs.), or battery packs containing such
17 batteries; but shall not include a battery used as the principal electric power source for a vehicle,
18 such as, but not limited to, an automobile, boat, truck, tractor, golf cart or wheelchair; for storage
19 of electricity generated by an alternative power source, such as solar or wind-driven generators;
20 or for memory backup that is an integral component of an electronic device.

21 (13) "Recycling facility" means a facility that processes waste dry cell batteries such that
22 heavy metals are removed for reuse.

23 (14) "Retailer" means any person in this state who engages in the sale of dry cell
24 batteries.

25 (15) "Universal Waste Regulations" means chapter 40 section 273 of the Code of Federal
26 Regulations that establishes standards for the management and recycling of waste batteries.

27 (16) "Wholesaler" means a person that is engaged in the distribution and wholesale sale
28 of dry cell batteries.

29 SECTION 2. Chapter 23-60.1 of the general laws entitled, "Dry Cell Battery Control" is
30 hereby amended by adding the following sections thereto:

31 **23-60.1-6. The collection and recycling of rechargeable dry cell batteries. -- (a)**
32 **Effective July 1, 2012, a manufacturer of rechargeable dry cell batteries, as defined in subdivision**
33 **23-60.1-2(12) that has offered for final sale, sold at final sale, or has distributed rechargeable dry**
34 **cell batteries in Rhode Island shall, individually or collectively, ensure that a system for the**

1 proper collection, transportation, and processing of waste rechargeable dry cell batteries exists for
2 consumers in Rhode Island.

3 (b) To ensure that a system for the proper collection, transportation, and processing of
4 waste rechargeable dry cell batteries exists that meets the standards of the Universal Waste
5 Regulations for batteries in 40 CFR 273, a manufacturer shall:

6 (1) Submit a detailed description of a collection, transportation and recycling program for
7 rechargeable dry cell batteries that meets the requirements of this section to the department no
8 later than April 1, 2012. The department shall have sixty (60) days from the date of submittal to
9 review and provide comment on the program. The final program description shall be submitted to
10 the department no later than May 31, 2012.

11 (2) Identify collectors, transporters, and recycling facilities for the waste rechargeable dry
12 cell batteries and contract or otherwise expressly agree with a person or persons for the proper
13 collection, transportation, and processing of the waste batteries no later than July 1, 2012.

14 (3) Conduct education and outreach efforts including, but not limited to: (i) Promoting
15 the availability of collection containers to qualified wholesalers, retailers, and units of local
16 government in this state; (ii) Educating homeowners and other interested persons on the
17 importance of properly managing waste rechargeable dry cell batteries, opportunities for the
18 collection of those batteries and the availability of manufacturer supported program(s); (iii)
19 Providing signage to participating collection locations that can be prominently displayed to
20 promote the collection and recycling of waste rechargeable dry cell batteries to consumers; and
21 (iv) Written materials or templates of materials for reproduction by participating wholesalers and
22 retailers to be provided to customers at the time of purchase or delivery of a rechargeable dry cell
23 battery. These materials shall include, but not be limited to, information on the importance of
24 properly managing waste rechargeable dry cell batteries and opportunities for the collection of
25 those batteries.

26 (4) Not include any fees or other charges to persons participating in the program, except
27 that each rechargeable dry cell battery wholesaler, local government collection, or retailer that is
28 provided with one or more collection containers may be charged by the manufacturer a one-time
29 program administration fee not to exceed seventy-five dollars (\$75.00) per collection container.

30 (5) Beginning in 2013, submit an annual report to the department by March 1, of each
31 year that includes, at a minimum, all of the following:

32 (i) The number of waste rechargeable dry cell batteries collected and recycled by that
33 manufacturer pursuant to this section during the previous calendar year;

34 (ii) An evaluation of the effectiveness of the manufacturer's collection program;

1 (iii) An accounting of the administrative costs incurred in the course of administering
2 the collection and recycling program; and

3 (iv) A list of locations that participate as collection sites.

4 (c) Education outreach. In conjunction with the educational and outreach programs
5 implemented by manufacturers, the department shall conduct an education and outreach program
6 directed toward wholesalers, retailers, and homeowners to promote the collection of waste
7 rechargeable dry cell batteries.

8 **23-60.1-7. Manufacturer exemptions.** -- (a) Any rechargeable dry cell battery
9 manufacturer may petition the director to exempt a product containing a rechargeable dry cell
10 battery from the requirements of section 23-60.1-6 and the director may exempt the product, if:

11 (1) The product cannot be reasonably redesigned and manufactured to comply with the
12 requirements prior to July 1, 2012; or

13 (2) The redesign of the product to comply with the requirements would result in
14 significant permanent damage to human health.

15 (b) An exemption granted by the director may be for no more than two (2) years' duration
16 and may be renewed.

17 **23-60.1-8. Rules and regulations.** -- The department shall promulgate rules and
18 regulations, no later than January 1, 2012, that comply with the universal waste rules for batteries
19 as adopted in 40 CFR 273, to govern rechargeable dry cell battery collection and recycling
20 programs that are implemented pursuant to section 23-60.1-6. Such rules and regulations shall
21 include measurable collection goals to achieve on an annual basis.

22 **23-60.1-9. Penalty.** -- Any person who violates any provision of this chapter shall be
23 subject to an administrative penalty of not more than one thousand dollars (\$1,000). Each day that
24 the violation continues or exists shall constitute a separate offense. Any revenues received
25 pursuant to this chapter shall be deposited as general revenues.

26 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- RECHARGEABLE BATTERY COLLECTION
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1 This act would declare it is the policy of the state to reduce the impact of heavy toxic
2 metals through source reduction and recycling and would provide for the proper collection,
3 transportation and processing of waste rechargeable dry cell batteries. It would also allow
4 exemptions from these requirements.

5 Further, this act would provide for the promulgation of administrative rules and
6 regulations and the imposition of administration penalties for violation of this act.

7 This act would take effect upon passage.

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