

2012 -- S 2187 SUBSTITUTE A

=====
LC00172/SUB A/3
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO HEALTH AND SAFETY - RECHARGEABLE BATTERY COLLECTION
AND RECYCLING

Introduced By: Senators Ruggerio, Walaska, Miller, McCaffrey, and Lombardo

Date Introduced: January 24, 2012

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) [Deleted by P.L. 2000, ch. 179, section 1.]~~

12 ~~(3) [Deleted by P.L. 2000, ch. 179, section 1.]~~

13 ~~(4) [Deleted by P.L. 2000, ch. 179, section 1.]~~

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

17 ~~(6) "Lead acid dry cell battery" means a battery containing a lead acid system, generally~~
18 ~~used in rechargeable consumer products, and weighing less than twenty five (25) pounds.~~

- 1 ~~(7) [Deleted by P.L. 2000, ch. 179, section 1.]~~
- 2 ~~(8) "Mercuric-oxide battery" means a dry cell battery containing zinc and mercuric-oxide~~
3 ~~electrodes and used both in household and non-household, often medical, applications.~~
- 4 ~~(9) "Nickel-cadmium battery" means any dry cell battery containing cadmium and nickel~~
5 ~~electrodes and an alkaline electrolyte.~~
- 6 ~~(10) [Deleted by P.L. 2000, ch. 179, section 1.]~~
- 7 ~~(11) [Deleted by P.L. 2000, ch. 179, section 1.]~~
- 8 ~~(12) [Deleted by P.L. 2000, ch. 179, section 1.]~~
- 9 ~~(13) [Deleted by P.L. 2000, ch. 179, section 1.]~~
- 10 (1) "Collector" means any person in this state who accepts dry cell batteries for disposal
11 or recycling;
- 12 (2) "Department" means the department of environmental management;
- 13 (3) "Director" means the director of the department of environmental management;
- 14 (4) "Dry cell battery" means all batteries in which the electrolyte is absorbed, gelled, or
15 solidified such that the electrolyte is not a freestanding body of liquid. Dry cell batteries do not
16 include vehicle batteries as defined by section 23-60-2;
- 17 (5) "Lead-acid battery" means a dry cell battery containing a lead-acid system, used in
18 rechargeable consumer products or devices found in residences or offices, and weighing less than
19 eleven pounds (11 lbs);
- 20 (6) "Manufacturer" means every person, firm or corporation that:
- 21 (i) Produces rechargeable dry cell batteries sold, offered for sale, or distributed in Rhode
22 Island under a brand name it owns or licenses;
- 23 (ii) Packages or arranges for packaging of rechargeable dry cell batteries for sale, offering
24 for sale, or distribution in Rhode Island under a brand name it owns or licenses;
- 25 (iii) Imports into the United States rechargeable dry cell batteries that are sold, offered for
26 sale, or distributed in Rhode Island under a brand name it owns or licenses;
- 27 (iv) Is a private label retailer; or
- 28 (v) Otherwise makes available to consumers in Rhode Island stand alone rechargeable
29 dry cell batteries.
- 30 (7) "Mercuric-oxide battery" means a dry cell battery containing zinc and mercuric oxide
31 electrodes and used both in household and non-household, often medical, applications;
- 32 (8) "Nickel-cadmium battery" means any dry cell battery containing cadmium and nickel
33 electrodes and an alkaline electrolyte;
- 34 (9) "Person" means any natural person, political subdivision, government agency, public

1 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
2 other entity whatsoever;

3 (10) "Rechargeable dry cell battery" means any rechargeable nickel-cadmium, lead, acid,
4 lithium ion, or nickel metal, hydride dry cell battery, or any other such dry cell battery capable of
5 being recharged weighing less than eleven pounds (11 lbs.), or battery packs containing such
6 batteries that weigh less than eleven pounds (11 lbs); but shall not include a battery used as the
7 principal electric power source for a vehicle, such as, but not limited to, an automobile, boat,
8 truck, tractor, golf cart or wheelchair; for storage of electricity generated by an alternative power
9 source, such as solar or wind-driven generators; or for memory backup that is an integral
10 component of an electronic device;

11 (11) "Recycling facility" means a facility that processes waste dry cell batteries such that
12 heavy metals are removed for reuse;

13 (12) "Retailer" means any person in this state who engages in the sale of dry cell
14 batteries;

15 (13) "Statewide government collections" means collections completed by household
16 hazardous waste facilities, solid waste management agencies, environmental management
17 agencies, or the department of health;

18 (14) "Universal Waste Regulations" means chapter 40 section 273 of the Code of Federal
19 Regulations that establishes standards for the management and recycling of waste batteries;

20 (15) "Wholesaler" means a person that is engaged in the distribution and wholesale sale
21 of dry cell batteries.

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

24 **23-60.1-14. The collection and recycling of rechargeable dry cell batteries. -- (a)**
25 Effective July 1, 2013, a manufacturer of rechargeable dry cell batteries, as defined in subdivision
26 23-60.1-2(10) that has offered for final sale, sold at final sale, or has distributed rechargeable dry
27 cell batteries in Rhode Island shall, individually or collectively, ensure that a system for the
28 proper collection, transportation, and processing of waste rechargeable dry cell batteries exists for
29 consumers in Rhode Island.

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

33 (1) Submit a detailed description of a collection, transportation and recycling program for
34 rechargeable dry cell batteries that meets the requirements of this section to the department no

1 later than April 1, 2013. The department shall have sixty (60) days from the date of submittal to
2 review and provide comment on the program. The final program description shall be submitted to
3 the department no later than August 1, 2013.

4 (2) Identify collectors, transporters, and recycling facilities for the waste rechargeable dry
5 cell batteries and contract or otherwise expressly agree with a person or persons for the proper
6 collection, transportation, and processing of the waste batteries no later than July 1, 2013. A
7 group of manufacturers may choose to implement a manufacturer program as one entity, if in
8 doing so the manufacturers meet the recycling goals as established by the department.

9 (3) Conduct education and outreach efforts including, but not limited to:

10 (i) Promoting the availability of collection containers to qualified wholesalers, retailers,
11 and units of local government in this state;

12 (ii) Educating homeowners and other interested persons on the importance of properly
13 managing waste rechargeable dry cell batteries, opportunities for the collection of those batteries
14 and the availability of manufacturer supported program(s);

15 (iii) Providing signage to participating collection locations that can be prominently
16 displayed to promote the collection and recycling of waste rechargeable dry cell batteries to
17 consumers; and

18 (iv) Providing written materials or templates of materials for reproduction by
19 participating wholesalers and retailers to be provided to consumers at the time of purchase or
20 delivery of a rechargeable dry cell battery. These materials shall include, but not be limited to,
21 information on the importance of properly managing waste rechargeable dry cell batteries and
22 opportunities for the collection of those batteries.

23 (4)(i) Not include any fees or other charges to consumers at the time of disposal.

24 (ii) Charge at the manufacturers option, a one-time program administration fee not to
25 exceed seventy-five dollars (\$75.00) per collection container to each rechargeable dry cell battery
26 wholesaler, statewide government collection, or retailer that is provided with one or more
27 collection containers.

28 (5) Beginning in 2014, submit an annual report to the department by March 1, of each
29 year that includes, at a minimum, all of the following:

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

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

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

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

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

6 **23-60.1-15. Manufacturer exemptions. --** (a) Any rechargeable dry cell battery
7 manufacturer may petition the director to exempt a product containing a rechargeable dry cell
8 battery from the requirements of section 23-60.1-14 and the director may exempt the product, if:

9 (1) The product cannot be reasonably redesigned and manufactured to comply with the
10 requirements prior to July 1, 2013; or

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

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

15 **23-60.1-16. Rules and regulations. --** The department shall promulgate rules and
16 regulations, no later than January 1, 2013, that comply with the universal waste rules for batteries
17 as adopted in 40 CFR 273, to govern rechargeable dry cell battery collection and recycling
18 programs that are implemented pursuant to section 23-60.1-6. Such rules and regulations shall
19 include measurable collection goals to achieve on an annual basis.

20 **23-60.1-17. Penalty. --** Any person who violates any provision of this chapter shall be
21 subject to an administrative penalty of not more than one thousand dollars (\$1,000). Each day that
22 the violation continues or exists shall constitute a separate offense. Any revenues received
23 pursuant to this chapter shall be deposited as general revenues.

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

=====
LC00172/SUB A/3
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - RECHARGEABLE BATTERY COLLECTION
AND RECYCLING

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.

=====
LC00172/SUB A/3
=====