

2011 -- S 0188 SUBSTITUTE A AS AMENDED

=====
LC00665/SUB A
=====

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) [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 battery containing a lead-acid system, generally used in
18 rechargeable consumer products, and weighing less than eleven pounds (11 lbs);

19 (6) "Manufacturer" means any person who manufactures dry cell batteries;

20 (7) "Mercuric-oxide battery" means a dry cell battery containing zinc and mercuric oxide
21 electrodes and used both in household and non-household, often medical, applications;

22 (8) "Nickel-cadmium battery" means any dry cell battery containing cadmium and nickel
23 electrodes and an alkaline electrolyte;

24 (9) "Person" means any natural person, political subdivision, government agency, public
25 or private corporation, partnership, joint venture, association, firm, individual proprietorship, or
26 other entity whatsoever;

27 (10) "Rechargeable dry cell battery" means any rechargeable nickel-cadmium, sealed
28 lead, lithium ion, nickel metal hydride battery, or any other such dry cell battery capable of being
29 recharged weighing less than twenty-five pounds (25 lbs.), or battery packs containing such
30 batteries that weigh less than eleven pounds (11 lbs); but shall not include a battery used as the
31 principal electric power source for a vehicle, such as, but not limited to, an automobile, boat,
32 truck, tractor, golf cart or wheelchair; for storage of electricity generated by an alternative power
33 source, such as solar or wind-driven generators; or for memory backup that is an integral
34 component of an electronic device;

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

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

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

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

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

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

14 **23-60.1-14. The collection and recycling of rechargeable dry cell batteries. -- (a)**
15 Effective July 1, 2012, a manufacturer of rechargeable dry cell batteries, as defined in subdivision
16 23-60.1-2(10) that has offered for final sale, sold at final sale, or has distributed rechargeable dry
17 cell batteries in Rhode Island shall, individually or collectively, ensure that a system for the
18 proper collection, transportation, and processing of waste rechargeable dry cell batteries exists for
19 consumers in Rhode Island.

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

23 (1) Submit a detailed description of a collection, transportation and recycling program for
24 rechargeable dry cell batteries that meets the requirements of this section to the department no
25 later than April 1, 2012. The department shall have sixty (60) days from the date of submittal to
26 review and provide comment on the program. The final program description shall be submitted to
27 the department no later than August 1, 2012.

28 (2) Identify collectors, transporters, and recycling facilities for the waste rechargeable dry
29 cell batteries and contract or otherwise expressly agree with a person or persons for the proper
30 collection, transportation, and processing of the waste batteries no later than July 1, 2012. A
31 group of manufacturers may choose to implement a manufacturer program as one entity, if in
32 doing so the manufacturers meet the recycling goals as established by the department.

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

34 (i) Promoting the availability of collection containers to qualified wholesalers, retailers,

1 and units of local government in this state;

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

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

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

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

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

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

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

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

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

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

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

30 **23-60.1-15. Manufacturer exemptions.** -- (a) Any rechargeable dry cell battery
31 manufacturer may petition the director to exempt a product containing a rechargeable dry cell
32 battery from the requirements of section 23-60.1-14 and the director may exempt the product, if:

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

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

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

5 **23-60.1-16. Rules and regulations. --** The department shall promulgate rules and
6 regulations, no later than January 1, 2012, that comply with the universal waste rules for batteries
7 as adopted in 40 CFR 273, to govern rechargeable dry cell battery collection and recycling
8 programs that are implemented pursuant to section 23-60.1-6. Such rules and regulations shall
9 include measurable collection goals to achieve on an annual basis.

10 **23-60.1-17. Penalty. --** Any person who violates any provision of this chapter shall be
11 subject to an administrative penalty of not more than one thousand dollars (\$1,000). Each day that
12 the violation continues or exists shall constitute a separate offense. Any revenues received
13 pursuant to this chapter shall be deposited as general revenues.

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

=====
LC00665/SUB A
=====

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.

=====
LC00665/SUB A
=====