

# D R A F T

## SUMMARY

Prohibits persons from knowingly disposing of rechargeable batteries as solid waste. Requires retailers and battery manufacturers to establish recycling program and to fulfill certain other requirements relating to rechargeable batteries.

Establishes civil penalties for violation of provisions relating to recycling of rechargeable batteries.

Becomes operative on July 1, 2014.

## A BILL FOR AN ACT

Relating to the recycling of batteries.

Whereas the Legislative Assembly finds and declares that the presence of toxic metals in discarded rechargeable batteries is a matter of great concern in light of their adverse effect on ground water quality when disposed of in sanitary landfill facilities and their presence in emissions or residual ash when incinerated at resource recovery facilities; and

Whereas cadmium, lead and mercury found in rechargeable batteries, on the basis of available scientific and medical evidence, are of particular concern; and

Whereas it is desirable to reduce the toxicity of waste materials in the solid waste streams directed to resource recovery and sanitary landfill facilities; and

Whereas the removal of used rechargeable batteries containing high levels of cadmium, lead or mercury from the solid waste stream can have a significant beneficial impact on the quality of the emissions and residual ash resulting from the incineration of solid waste at resource recovery facilities and on ground water quality in those regions where solid waste is disposed

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

of in sanitary landfill facilities; and

Whereas the most effective and appropriate method to promote the reduction of toxic metals from rechargeable battery disposal is to require the battery industry to accept financial responsibility for the environmentally sound collection, transportation and recycling or proper disposal of used rechargeable batteries; and

Whereas the Legislative Assembly therefore determines that it is in the best interests of all Oregonians to maximize the removal of used rechargeable batteries from the solid waste stream by banning the disposal of used rechargeable batteries into the solid waste stream and requiring battery manufacturers to take back and recycle the used rechargeable batteries that are sold or disposed of in the State of Oregon; now, therefore,

**Be It Enacted by the People of the State of Oregon:**

## **DECLARATION OF POLICY**

**SECTION 1. The Legislative Assembly declares that it is the policy of this state:**

**(1) To reduce environmental pollution from used rechargeable batteries;**

**(2) To reduce the toxicity of waste materials from used rechargeable batteries in the solid waste stream directed to resource recovery and sanitary landfill facilities;**

**(3) To maximize the removal of used rechargeable batteries and products that contain rechargeable batteries, and encourage the recycling of used rechargeable batteries by battery manufacturers, by banning the disposal of used rechargeable batteries into the solid waste stream; and**

**(4) To require battery manufacturers to take back and recycle used rechargeable batteries sold or disposed of in Oregon.**

**DEFINITIONS**

**SECTION 2. As used in sections 1 to 7 of this 2013 Act:**

**(1) “Battery manufacturer” means every person that:**

**(a) Produces rechargeable batteries sold or distributed in Oregon;**

**(b) Packages rechargeable batteries sold or distributed in Oregon;**

**(c) Distributes rechargeable batteries produced or packaged for sale in Oregon;**

**(d) Has the right to produce or package rechargeable batteries for sale or distribution in Oregon; or**

**(e) Imports into the United States rechargeable batteries that are sold or distributed in Oregon.**

**(2) “Consumer” means any individual who purchases one or more rechargeable batteries, or products containing rechargeable batteries at the time of sale, for personal use.**

**(3) “Place of business” means the location at which a retailer sells or offers for sale to consumers rechargeable batteries or products containing rechargeable batteries at the time of sale.**

**(4)(a) “Rechargeable battery” means:**

**(A) Any rechargeable nickel-cadmium battery, sealed lead-acid battery, lithium-ion battery or nickel-metal hydride battery;**

**(B) A battery pack containing batteries specified in subparagraph (A) of this paragraph; and**

**(C) Any other dry cell battery weighing less than 25 pounds and capable of being recharged.**

**(b) “Rechargeable battery” does not mean a battery used as the principal electric power source for automobiles, boats, trucks, tractors, golf carts or motorized wheelchairs, for storage of electricity generated by solar or wind-driven generators or for memory backup in an electronic device.**

**(5)(a) “Retailer” means a person that engages in the sale of re-**

1 chargeable batteries, or products containing rechargeable batteries, to  
2 consumers in Oregon, through transactions conducted through sales  
3 outlets or catalogs or by mail, telephone or the Internet.

4 (b) "Retailer" does not mean a store selling primarily food and food  
5 products for consumption or use off the premises and occupying less  
6 than 14,000 square feet of display space.

7  
8 **RECHARGEABLE BATTERY DISPOSAL BAN**

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10 **SECTION 3.** A person may not knowingly dispose of rechargeable  
11 batteries as solid waste at any time in Oregon.

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13 **RECHARGEABLE BATTERY RECYCLING PROGRAM**

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15 **SECTION 4.** (1)(a) Rechargeable batteries must be returned to a  
16 retailer that sells rechargeable batteries that are similar in shape, size  
17 and function to those to be disposed of.

18 (b) Rechargeable batteries contained in electronic products must  
19 be removed prior to disposal of the electronic products.

20 (2)(a) A retailer having a place of business in Oregon must accept  
21 from consumers during normal business hours used rechargeable bat-  
22 teries of a similar shape, size and function as the rechargeable bat-  
23 teries that the retailer offers for sale.

24 (b)(A) A retailer having a place of business in Oregon must accept  
25 up to 10 used rechargeable batteries per day from any individual re-  
26 gardless of whether the individual purchases replacement batteries;  
27 and

28 (B) A retailer having a place of business in Oregon must accept as  
29 many used rechargeable batteries as a consumer purchases from that  
30 retailer.

31 (c) A retailer having a place of business in Oregon must conspicu-

ously post and maintain, at or near the point of entry to the retailer's place of business, a legible sign, not less than 8.5 inches by 11 inches in size, stating that used rechargeable batteries of the shape, size and function sold or offered for sale by the retailer may not enter the solid waste stream and that the retailer's place of business is a collection site for recycling of used rechargeable batteries. The sign shall state the following in letters at least one inch in height: "It is illegal to dispose of rechargeable batteries in Oregon as solid waste. We accept used rechargeable batteries for return to the manufacturer."

(3) A retailer that sells rechargeable batteries through catalogs or by mail, telephone or the Internet must provide at the time of purchase or delivery to the consumer notice of an opportunity to return used rechargeable batteries for recycling at no cost to the consumer.

(4) A retailer having a place of business in Oregon must conspicuously maintain, at a location within the place of business that is convenient for use by consumers, collection boxes or other suitable receptacles, supplied by battery manufacturers, into which consumers may deposit used rechargeable batteries.

**SECTION 5.** (1) A battery manufacturer, or any group of battery manufacturers working together, shall be responsible for:

(a) At the battery manufacturer's or group's own expense, arranging for the return and recycling of all used rechargeable batteries collected by retailers.

(b) By January 31 of each calendar year, submitting a plan to the Director of the Department of Environmental Quality that identifies the methods by which the battery manufacturer or group will collect, transport and recycle used rechargeable batteries collected by retailers at the expense of the battery manufacturer or group.

(c) By January 31 of each calendar year, submitting a report concerning the amount of used rechargeable batteries received and recycled within Oregon during the preceding calendar year, either by

number or by weight, the costs of such efforts and any other information required pursuant to rules adopted by the Environmental Quality Commission.

(d) Undertaking efforts to educate consumers in Oregon about the importance of recycling used rechargeable batteries.

(2) The Director of the Department of Environmental Quality shall:

(a) Approve or reject any battery manufacturer's or group's collection, transportation and recycling plan described in this section within 30 days of submission and, if rejected, inform the battery manufacturer or group in writing as to any deficiencies in the plan. A battery manufacturer or group shall amend and resubmit any rejected plan for reconsideration within 60 days of notification of the rejection of the plan. The director shall approve or reject the plan within 30 days of resubmission.

(b) Analyze the information provided by battery manufacturers or groups pursuant to subsection (1) of this section and report by February 28 of each odd-numbered year to the Legislative Assembly as provided in ORS 192.245.

## PENALTIES

**SECTION 6.** (1) Any person that violates section 3 of this 2013 Act is subject to a civil penalty in the amount of \$50 for the first violation, \$100 for a second violation committed within 12 months of a prior violation and \$200 for each subsequent violation committed within 12 months of any prior violation.

(2) Any retailer that violates section 4 of this 2013 Act is subject to a civil penalty in the amount of \$200 for the first violation, \$400 for a second violation committed within 12 months of a prior violation and \$500 for each subsequent violation committed within 12 months of any prior violation.

