

Title 10: Conservation and Development

Chapter 159: Waste Management

6621b. Regulation of certain dry cell batteries

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(a) Prohibition. A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, nickel-cadmium, or sealed lead acid, that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

(b) User responsibility. Each government agency, or industrial, communications, or medical facility shall collect and segregate, by chemical type, its batteries that are subject to this prohibition and shall return each segregated collection either to the supplier that provided the facility with that type of battery or to a collection facility designated by the manufacturer of that battery or battery-powered product.

(c) Manufacturer responsibility.

(1) A manufacturer of batteries subject to subsection (a) of this section shall:

(A) ensure that a system for the proper collection, transportation and processing of waste batteries exists for purchasers in Vermont;

(B) clearly inform each purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(2) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

(A) identify a collection chain through which the batteries should be returned to the manufacturer or to a manufacturer-designated collection site; and

(B) accept waste batteries returned to its manufacturing facility.

(3) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(4) A manufacturer that has complied with this subsection is not liable under subsection (a) of this section for improper disposal by a person other than the manufacturer of waste batteries.

(d) Battery requirements.

(1) The manufacturer of a button cell battery that is to be sold at retail in this state shall ensure that each battery is clearly identifiable as to the type of electrode used in the battery.

(2)(A) A manufacturer may not sell at retail, distribute for retail sale, or offer for retail sale in this state an alkaline manganese battery that contains more than 0.30 percent mercury by weight, or after February 1, 1992, 0.025 percent mercury by weight. Effective January 1, 1996, alkaline manganese and zinc carbon batteries may not be sold at retail in this state if they contain any added mercury.

(B) On application by a manufacturer, the secretary may exempt a specific type of battery from the requirements of subdivision (d)(2)(A) of this section if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. The manufacturer of a battery exempted by the secretary under this subdivision is subject to the requirements of subsection (c) of this section.

(C) Notwithstanding subdivision (d)(2)(A) of this section, a manufacturer may not sell at retail, distribute for retail sale, or offer for retail sale in this state after January 1, 1992, a button cell alkaline manganese battery that contains more than 25 milligrams of mercury.

(3) Effective January 1, 1993, no button battery containing mercury may be sold at retail in this state unless it contains less than 25 milligrams of mercury.

(e) Rechargeable batteries for tools and appliances.

(1) A manufacturer may not sell at retail, distribute for retail sale, or offer for retail sale in this state a rechargeable consumer product powered by a nickel-cadmium or small sealed lead battery unless:

(A) the battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(B) the product, the battery itself, and the package containing a consumer product each, are labeled in a manner that is clearly visible to the consumer, indicating that the battery must be recycled or disposed of properly and that the type of electrode used in the battery is clearly identifiable.

(2) "Rechargeable consumer product" as used in this subsection means any product that contains a rechargeable battery and is primarily used or purchased to be used for personal, family, or household purposes.

(3) On application by a manufacturer, the secretary may exempt a rechargeable consumer product from the requirements of this subsection if:

(A) the product cannot be reasonably redesigned or manufactured to comply with the requirements prior to July 1, 1993;

(B) the redesign of the product to comply with the requirements would result in significant danger to public health and safety; or

(C) the battery poses no unreasonable hazard when placed in and processed or disposed of as part of mixed municipal solid waste.

(4) An exemption granted by the secretary under subdivision (e)(3)(A) of this section must be limited to a maximum of two years and may be renewed. (Added 1991, No. 95, § 1; amended 1993, No. 221 (Adj. Sess.), §§ 4b-4d.)
