

# House Bill 2938

Sponsored by COMMITTEE ON ENERGY AND ENVIRONMENT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1  
2 Relating to the recycling of batteries.

3       Whereas the Legislative Assembly finds and declares that the presence of toxic metals in dis-  
4 carded rechargeable batteries is a matter of great concern in light of their adverse effect on ground  
5 water quality when disposed of in sanitary landfill facilities and their presence in emissions or res-  
6 idual ash when incinerated at resource recovery facilities; and

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

9       Whereas it is desirable to reduce the toxicity of waste materials in the solid waste streams di-  
10 rected to resource recovery and sanitary landfill facilities; and

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

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

20       Whereas the Legislative Assembly therefore determines that it is in the best interests of all  
21 Oregonians to maximize the removal of used rechargeable batteries from the solid waste stream by  
22 banning the disposal of used rechargeable batteries into the solid waste stream and requiring bat-  
23 tery manufacturers to take back and recycle the used rechargeable batteries that are sold or dis-  
24 posed of in the State of Oregon; now, therefore,

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

## DECLARATION OF POLICY

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28  
29 **SECTION 1. The Legislative Assembly declares that it is the policy of this state:**

**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.

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

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

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

8 (4) To require battery manufacturers to take back and recycle used rechargeable bat-  
9 teries sold or disposed of in Oregon.

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11 **DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

28 (A) Any rechargeable nickel-cadmium battery, sealed lead-acid battery, lithium-ion bat-  
29 tery or nickel-metal hydride battery;

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

32 (C) Any other dry cell battery weighing less than 25 pounds and capable of being re-  
33 charged.

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

38 (5)(a) “Retailer” means a person that engages in the sale of rechargeable batteries, or  
39 products containing rechargeable batteries, to consumers in Oregon, through transactions  
40 conducted through sales outlets or catalogs or by mail, telephone or the Internet.

41 (b) “Retailer” does not mean a store selling primarily food and food products for con-  
42 sumption or use off the premises and occupying less than 14,000 square feet of display space.

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44 **RECHARGEABLE BATTERY DISPOSAL BAN**



1 ing used rechargeable batteries.

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

3 (a) Approve or reject any battery manufacturer’s or group’s collection, transportation  
4 and recycling plan described in this section within 30 days of submission and, if rejected, in-  
5 form the battery manufacturer or group in writing as to any deficiencies in the plan. A  
6 battery manufacturer or group shall amend and resubmit any rejected plan for reconsider-  
7 ation within 60 days of notification of the rejection of the plan. The director shall approve  
8 or reject the plan within 30 days of resubmission.

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

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

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

23 (3) Any battery manufacturer that violates section 5 of this 2013 Act is subject to a civil  
24 penalty in the amount of \$2,000 for the first violation, \$4,000 for a second violation committed  
25 within 12 months of a prior violation and \$5,000 for each subsequent violation committed  
26 within 12 months of any prior violation.

27 (4) Civil penalties under this section shall be imposed by the Department of Environ-  
28 mental Quality in the manner provided by ORS 183.745.

29 (5) All penalties recovered under this section shall be paid into the State Treasury and  
30 credited to the General Fund and are available for general governmental expenses.

31 **SECTION 7.** The Environmental Quality Commission may adopt rules as necessary to  
32 implement sections 1 to 7 of this 2013 Act.

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34 **MISCELLANEOUS**  
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36 **SECTION 8.** (1) Except as provided in subsection (2) of this section, sections 1 to 7 of this  
37 2013 Act become operative on July 1, 2014.

38 (2) The Environmental Quality Commission may adopt rules and take any other action  
39 before the operative date specified in subsection (1) of this section that is necessary to im-  
40 plement, on and after the operative date specified in subsection (1) of this section, sections  
41 1 to 7 of this 2013 Act.

42 **SECTION 9.** The unit captions used in this 2013 Act are provided only for the convenience  
43 of the reader and do not become part of the statutory law of this state or express any leg-  
44 islative intent in the enactment of this 2013 Act.