

HOUSE No. 00256

The Commonwealth of Massachusetts

PRESENTED BY:

Todd M. Smola

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Requiring Recycling of Lead Acid Batteries.

.

PETITION OF:

NAME:

Todd M. Smola

DISTRICT/ADDRESS:

1st Hampden

HOUSE No. 00256

By Mr. Todd M. Smola of Palmer, petition (accompanied by bill, House, No. 00256) of Todd M. Smola for legislation to require the recycling of lead acid batteries. Joint Committee on Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 836 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Requiring Recycling of Lead Acid Batteries.

□.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 The General Laws are hereby amended by inserting after Chapter 21M the following Chapter.
- 2 Chapter 21N Section 1. LEAD-ACID BATTERIES; LAND DISPOSAL PROHIBITED.
- 3 (a) No person may place a used lead-acid battery in mixed municipal solid waste, in any
- 4 landfill, or municipal solid waste incinerator.
- 5 (b) No person shall dispose of a used lead-acid battery except by delivery to a retailer or
- 6 wholesaler, or to a secondary lead smelter, or to a collection or recycling facility authorized
- 7 under the law of the Commonwealth or by the U.S. Environmental Protection Agency.

8 (c) No retailer shall dispose of a used lead-acid battery except by delivery to the agent of a
9 wholesaler or a secondary lead smelter, or to a battery manufacturer for delivery to a secondary
10 lead smelter, or to a collection or recycling facility authorized under the law of the
11 Commonwealth or by the U.S. Environmental Protection Agency.

12 (d) Each battery improperly disposed of shall constitute a separate violation.

13 (e) For each violation of this section a violator shall be subject to a fine not to exceed
14 \$ 250 and/or a prison term not to exceed 30 days.

15 Section 2. LEAD-ACID BATTERIES; COLLECTION FOR RECYCLING.

16 A retailer selling replacement lead-acid batteries in the state shall:

17 (a) Accept from customers, at the point of transfer, used lead-acid batteries of the same
18 general type and in a quantity at least equal to the number of new batteries purchased, if offered
19 by customers;

20 (b) Collect a deposit of at least \$10.00 on the sale of an automotive type replacement lead-
21 acid battery that is not accompanied by the return of a used lead-acid battery of the same general
22 type. All deposits shall inure to the benefit of the retailer unless the person paying the deposit
23 pursuant to this subsection returns a used automotive lead-acid battery to the retailer within thirty
24 days of the date of sale, in which case the deposit shall be returned to the customer; and

25 (c) Post written notice which must be at least 8-1/2 inches by 11 inches in size and must
26 contain the universal recycling symbol and the following language:

27 (1) "It is illegal to discard a used lead acid battery.";

28 (2) “Recycle your used batteries.”; and

29 (3) “State law requires us to accept used lead-acid batteries for recycling in exchange for new
30 batteries purchased.”

31 Section 3. INSPECTION OF BATTERY RETAILERS.

32 The Department of Environmental Protection shall produce and print the notices required by
33 Section 2 and shall distribute such notices to all places where replacement lead-acid batteries are
34 offered for retail sale. In performing its duties under this section, the division may inspect any
35 place, building, or premises where batteries are sold at retail. Authorized employees of the
36 agency may issue warnings and citations to persons who fail to comply with the requirements of
37 Section 2. Failure to post the required notice following warning shall subject the establishment to
38 a fine of \$ 100 per day.

39 Section 4. LEAD-ACID BATTERY WHOLESALERS.

40 Any wholesaler selling replacement lead-acid batteries shall accept from customers at the point
41 of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the
42 number of new batteries purchased, if offered by customers. A wholesaler accepting batteries in
43 transfer from a retailer shall be allowed a period not to exceed 90 days to remove batteries from
44 the retail point of collection.

45 Section 5. PLASTIC CODING.

46 Lead-acid battery cases shall not be required to bear an SPI, SAE or other resin identification
47 code otherwise required for rigid plastic containers.

48 Section 6. DEFINITIONS.

49 For the purposes of Sections 1-5:

50 (a) The term lead-acid battery means a battery that:

51 (1) consists of lead and sulfuric acid;

52 (2) is used as a power source; and

53 (3) is not intended as a power source for consumer products.

54 (b) The term retailer means any person who engages in the sale of replacement lead-acid
55 batteries directly to the end user.

56 (c) The term wholesaler means any person who sells replacement lead-acid batteries for
57 resale.

58 (d) The term consumer product means any device that is primarily intended for personal or
59 household use and is typically sold, distributed, or made available to the general population
60 through retail or mail-order distribution. Such term does not include vehicles, motorcycles,
61 wheelchairs, boats or other forms of motive power. The term does include, but is not limited to,
62 computers, games, telephones, radios, and similar electronic devices.

63 Section 7. ENFORCEMENT.

64 The Department of Environmental Protection shall enforce Sections 2 and 4. Violations shall be
65 a misdemeanor.