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H.177

Introduced by Representatives Yantachka of Charlotte, Chesnut-Tangerman of  
Middletown Springs, and Forguites of Springfield

Referred to Committee on

Date:

Subject: Conservation and development; product stewardship; primary  
batteries

Statement of purpose of bill as introduced: This bill proposes to amend the  
product stewardship requirements for primary batteries in the State. The bill  
would repeal the exemption from product stewardship for batteries intended  
for industrial, business-to-business, warranty, or maintenance services. The  
bill would also clarify the exemption from product stewardship for a battery  
used in a medical device. The bill also would authorize the Secretary of  
Natural Resources to require a primary battery producer or primary battery  
stewardship organization to engage in additional education, outreach, or  
collection accessibility if the producer or stewardship organization failed to  
achieve the required collection rate performance goal. In addition, the bill  
would amend the landfill disposal ban on lead acid batteries in order to apply  
the landfill disposal ban to all batteries.

1 An act relating to the product stewardship requirements for primary  
2 batteries

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 10 V.S.A. § 7581(10) is amended to read:

5 (10) “Primary battery” means a nonrechargeable battery weighing two  
6 kilograms or less, including alkaline, carbon-zinc, and lithium metal batteries.

7 “Primary battery” shall not mean:

8 (A) ~~a battery intended for industrial, business-to-business, warranty~~  
9 ~~or maintenance services, or nonpersonal use;~~

10 (B) a battery that is sold in a computer, computer monitor, computer  
11 peripheral, printer, television, or device containing a cathode ray tube;

12 (C) a battery that is not easily removable or is not intended to be  
13 removed from a consumer product; and

14 (D) ~~(C)~~ a battery that is ~~sold or~~ used in a medical device, as that term  
15 is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321(h), as  
16 may be amended, provided that the medical device is not designed and  
17 marketed for sale or resale principally to consumers for personal use.

18 Sec. 2. 10 V.S.A. § 7584 is amended to read:

19 § 7584. PRIMARY BATTERY STEWARDSHIP PLAN

20 (a) Primary battery stewardship plan required. On or before June 1, 2015,  
21 each producer selling, offering for sale, distributing, or offering for  
22 promotional purposes a primary battery in the State shall individually or as part

1 of a primary battery stewardship organization submit a primary battery  
2 stewardship plan to the Secretary for review.

3 (b) Primary battery stewardship plan; minimum requirements. Each  
4 primary battery stewardship plan shall include, at a minimum, all of the  
5 following elements:

6 \* \* \*

7 (6) Education and outreach.

8 (A) A primary battery stewardship plan shall include an education  
9 and outreach program. The education and outreach program may include mass  
10 media advertising in radio or television broadcasts or newspaper publications  
11 of general circulation in the State, retail displays, articles in trade and other  
12 journals and publications, and other public educational efforts. The education  
13 and outreach program shall describe the outreach procedures that will be used  
14 to provide notice of the program to businesses, municipalities, certified solid  
15 waste management facilities, retailers, wholesalers, and haulers. At a  
16 minimum, the education and outreach program shall notify the public of the  
17 following:

18 ~~(A)~~(i) that there is a free collection program for all primary batteries;

19 and

20 ~~(B)~~(ii) the location of collection points and how to access the  
21 collection program.

