



**House
Legislative
Analysis
Section**

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RECEIVED
BATTERY DISPOSAL

Senate Bill 288 (Substitute H-2)
First Analysis (11-9-89)

DEC 19 1989
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Sponsor: Sen. Vern Ehlers
Senate Committee: Natural Resources and
Environmental Affairs
House Committee: Conservation, Recreation, &
Environment

THE APPARENT PROBLEM:

Household solid wastes have been traditionally disposed of in landfills. However, due to the shortage of landfill space and problems associated with the burial of wastes, there has been an increase in efforts to reduce waste sent to landfills by separating recyclable and potentially hazardous items from the waste stream. Batteries can contaminate the environment by leaking their heavy metal content in landfills or by exposing the population to the metals through incineration. Many believe that batteries can be effectively kept out of the waste stream by requiring a monetary deposit to be paid upon purchase and a refund provided upon return, in the same manner that some beverage containers currently are handled in Michigan. Legislation has been introduced that would address this issue.

THE CONTENT OF THE BILL:

The bill would create a new act effective April 1, 1990 to regulate the disposal of lead acid, mercury, and nickel cadmium batteries. Batteries could only be disposed of by delivery to a retailer, or a collection, recycling or smelting facility. Retailers would be required to dispose of the batteries by delivery to one of the types of facilities listed above, or to a distributor. Retailers would also be required to provide written summation of the requirements of the bill to their customers, and failure to provide notice would subject the retailer to a civil fine of \$25. Distributors would be required to dispose of the batteries at a collection, recycling, or smelting facility.

The deposit. The purchase deposit on a lead acid battery, beginning January 1, 1993, would be \$6. A person who paid a deposit would be entitled to a full refund if the purchaser returned to the retailer any used lead acid battery within 30 days after purchase. As an alternative to returning a used lead acid battery to a retailer, a purchaser could turn in a used lead acid battery to a collection, recycling, or smelting facility approved by the department who would give the purchaser a voucher that could be returned to the retailer with the original receipt showing purchase of the battery and entitling the person to a \$6 deposit refund. In addition, a facility could directly pay the \$6 deposit to a person turning in a used lead acid battery if the facility had an agreement with the retailer. A deposit that was unredeemed within 30 calendar days of purchase, minus a 1/2 percent deposit administration fee that could be retained by the retailer, would revert to the state and would be deposited in the Environmental Response Fund. However, the deposit provisions would not apply to a retailer who sold a lead acid battery as a component part within a motorized vehicle sold by the retailer.

Study committee. The bill would require a joint legislative committee, composed of three representatives appointed by the Speaker of the House and three senators appointed by the Senate Majority leader, to study the safe use and disposal of nickel cadmium and mercury batteries, the recycling options for both, and the need for a deposit system for all three types of batteries addressed in the bill. The committee would have to make recommendations to the Speaker and Majority Leader by December 31, 1991.

Penalty provisions. Improper disposal of a lead acid battery would be a misdemeanor, punishable by a maximum fine of \$25, plus costs of prosecution. (Each battery that was unlawfully disposed of would constitute a separate violation.) A violation by a retailer or distributor would be a misdemeanor and punishable by up to 60 days imprisonment or a fine of up to \$1,000, or both.

HOUSE COMMITTEE ACTION:

The House Conservation, Recreation, and Environment Committee adopted a substitute for the bill in order to provide for the return of nickel cadmium and mercury batteries, to allow unredeemed deposits to revert to the Environmental Response Fund, and to extend the effective date of the bill from 1992 to 1993.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would result in substantial regulation and enforcement costs which cannot be estimated at this time. (11-8-89)

ARGUMENTS:

For:

Lead acid batteries, which are used in motor vehicles, and nickel cadmium and mercury batteries, which are used in household appliances and other items such as flashlights and calculators, can contaminate the soil and groundwater when they are disposed of in landfills. Their contents likely will leak from a landfill's artificial or natural liners, posing an unnecessary threat to vegetation and drinking water. In addition, given the likelihood that increased amounts of household waste will be incinerated in Michigan, the batteries in the waste stream could be even more hazardous. It is the heavy metal content of incinerator ash that causes the ash to be hazardous to the environment. Whether household waste is disposed of in landfills or burned, removing batteries from the waste stream can only protect the environment. By providing consumers with an incentive not to discard old, used batteries, but to return them for a deposit refund, the bill would go a long way toward removing the batteries from the waste stream, thereby protecting Michigan's fragile environment and the public health.

Against:

Including nickel cadmium and mercury batteries is not technologically or economically feasible at this time. There are far more of those types of batteries in use than lead acid batteries and more retailers would be affected by such a deposit and refund program, and many industry representatives have testified that the technology to recycle nickel cadmium or mercury batteries is not widely available. Instead of requiring mandatory acceptance of returned batteries, the bill should require acceptance after the feasibility of the recycling of nickel cadmium and mercury batteries has been established by the study committee.

POSITIONS:

The Department of Natural Resources supports the bill. (11-8-89)

The Institute of Scrap Recycling supports the concept of the bill. (11-8-89)

The Junior Leagues of Michigan, a women's volunteer organization, supports the concept of the bill but would like the deposit system to be implemented sooner. (11-1-89)

The National Electrical Manufacturers Association opposes the bill, but would support the bill without the provision requiring mandatory acceptance of nickel cadmium and mercury batteries. (11-8-89)