

SFA

BILL ANALYSIS

RECEIVED

OCT 20 1989

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Mich. State Law Library

Senate Bill 288 (Substitute S-3 as passed by the Senate)

Sponsor: Senator Vern Ehlers

Committee: Natural Resources and Environmental Affairs

Date Completed: 9-6-89

RATIONALE

Traditionally, household solid waste has been disposed of in landfills. In recent years, however, there has been an increase in efforts to reduce waste sent to landfills by separating recyclable and potentially hazardous items from the waste stream. Such practices have gained greater support as available landfill space becomes more scarce and alternative, and some claim more hazardous, waste treatment methods, such as incineration, become more common. Many people believe batteries should be removed from the waste stream because their heavy metal content can contaminate the environment both in landfills and when incinerated. They contend that batteries effectively can be 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.

CONTENT

The bill would create a new Act effective September 1, 1989, to regulate the disposal of, and require the payment of a deposit on the purchase of lead acid batteries. Disposal would be prohibited except by delivery to a retailer or a collection, recycling, or smelting facility. The purchase deposit on a lead acid battery, beginning January 1, 1992, would be \$6. A person who paid a deposit would be entitled to a full refund if he or she returned to the retailer any used lead acid battery within eight days after purchase.

The bill would require that a joint legislative committee, composed of three Senators appointed by the Senate Majority Leader and three representatives appointed by the Speaker of the House, "study the safe use and disposal of nickel cadmium and mercury batteries" and the recycling options for both. The committee would have to make recommendations to the Majority Leader and the Speaker by December 31, 1990.

Improper disposal of a lead acid battery would be a misdemeanor, punishable by a maximum fine of \$25. A violation by a retailer or distributor would be a misdemeanor, punishable by up to 60 days' imprisonment and/or a maximum fine of \$1,000.

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State.

This is a new program that would result in increased enforcement costs to the Department of Natural Resources, and no cost estimates have been provided. An indeterminate increase in revenue would be anticipated from the \$25 per day fine.

ARGUMENTS**Supporting Argument**

Lead acid batteries, which are used in motor vehicles, can contaminate the soil and

S.B. 288 (9-6-89)

groundwater when they are disposed of in landfills. Their acid content 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 presence of lead acid 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 lead acid 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.

Opposing Argument

While attempting to remove lead acid batteries from the waste stream is a laudable goal, the bill does not go far enough. The presence of nickel cadmium and mercury batteries in the waste stream also is a potential hazard. The bill should include these types of batteries in any proposed deposit and refund program so that they, too, are effectively precluded from burial or burning.

Response: Including nickel cadmium and mercury batteries, which are used for many small household items, would be difficult at this time, because there simply are far more of those types of batteries in use and more retailers would be affected by such a deposit and refund program. Instead, the bill would take the prudent step of requiring the formation of a legislative committee to study the disposal of those batteries and make recommendations on recycling them by the end of 1990.

Legislative Analyst: P. Affholter
Fiscal Analyst: G. Cutler

A8990/S288A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.