

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

PART 171

BATTERY DISPOSAL

324.17101 Definitions.

Sec. 17101. As used in this part:

- (a) "Alkaline manganese battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an alkaline electrolyte.
- (b) "Distributor" means a person who sells batteries to retailers in this state.
- (c) "Lead acid battery" means a storage battery, that is used to start an internal combustion engine or as the principal electrical power source for a vehicle, in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid.
- (d) "Manufacturer" means a person who produces batteries for sale in this state.
- (e) "Mercuric oxide battery" means a dry cell battery that delivers an essentially constant output voltage throughout its useful life by means of a chemical reaction between zinc and mercuric oxide.
- (f) "Nickel cadmium battery" means a sealed storage battery that has a nickel anode, a cadmium cathode, and an alkaline electrolyte, that is widely used in cordless appliances.
- (g) "Retailer" means a person who sells or offers to sell batteries to consumers within this state.
- (h) "Solid waste disposal area" means a disposal area as defined in part 115.
- (i) "Zinc carbon battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an electrolyte consisting of ammonium chloride or a zinc chloride solution, or both.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 124, Imd. Eff. June 30, 1995.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular name: Act 451

Popular name: NREPA

324.17102 Disposal of lead acid battery.

Sec. 17102. (1) A person other than a retailer, distributor, or manufacturer shall not dispose of a lead acid battery except by delivery to 1 of the following:

- (a) A retailer.
 - (b) A distributor.
 - (c) A manufacturer.
 - (d) A collection, recycling, or smelting facility approved by the department.
- (2) A retailer shall not dispose of used lead acid batteries except by delivery to 1 of the following:
- (a) A distributor or his or her authorized agent.
 - (b) A collection, recycling, or smelting facility approved by the department.
 - (c) A manufacturer.

(3) A distributor shall dispose of lead acid batteries by delivery to a manufacturer or to a collection, recycling, or smelting facility approved by the department.

(4) A manufacturer shall dispose of lead acid batteries by delivery to a recycling or smelting facility approved by the department.

History: 1994, Act 451, Eff. Mar. 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17103 Retailer of lead acid batteries; duties.

Sec. 17103. A retailer of lead acid batteries shall do all of the following:

(a) Accept, at or near the point at which lead acid batteries are offered for sale, in a quantity at least equal to the number of new lead acid batteries sold by the retailer, used lead acid batteries from customers, if offered by the customers.

(b) Post a written notice in a location that is readily visible to customers within the retail establishment that is at least 8-1/2 inches by 11 inches in size and contains the universal recycling symbol and contains essentially all of the following:

- (i) Recycle your used lead acid batteries.

(ii) It is illegal to discard a lead acid battery except by delivery to a retailer, a distributor, a manufacturer, or a collection, recycling, or smelting facility approved by the department.

(iii) State law requires retailers to accept used lead acid batteries upon the purchase or within 30 calendar days of the purchase of a lead acid battery.

(c) The format, design, and wording of the notice described in this section shall be provided to retailers of lead acid batteries by the department.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 124, Imd. Eff. June 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17104 Notices; failure to post; default in payment of civil fine.

Sec. 17104. (1) The department shall produce, print, and make available to retailers notices required by section 17103.

(2) A retailer who fails to post a notice required by this part following warning by the department is subject to a civil fine of \$25.00 per day of violation.

(3) A default in the payment of a civil fine ordered under this part may be remedied by any means authorized under the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.101 to 600.9947 of the Michigan Compiled Laws.

History: 1994, Act 451, Eff. Mar. 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17105 Acceptance of lead acid batteries by distributor; quantity; removal from point of collection.

Sec. 17105. (1) A distributor shall accept used lead acid batteries from retailers in a quantity at least equal to the number of new lead acid batteries sold by the distributor.

(2) A distributor accepting lead acid batteries from a retailer as required under this section shall remove the lead acid batteries from the point of collection within 90 days of receiving the batteries.

History: 1994, Act 451, Eff. Mar. 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17105a Batteries containing intentionally introduced mercury; sales or offers prohibited.

Sec. 17105a. (1) Except for alkaline manganese button cell batteries that have a mercury content of 25 milligrams or less, a person shall not sell, offer for sale, or offer for promotional purposes an alkaline manganese battery manufactured on or after January 1, 1996 that contains intentionally introduced mercury.

(2) A person shall not sell, offer for sale, or offer for promotional purposes a zinc carbon battery manufactured on or after January 1, 1996 that contains intentionally introduced mercury.

History: Add. 1995, Act 124, Imd. Eff. June 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17105b Button cell mercuric oxide battery or mercuric oxide battery; sales or offers.

Sec. 17105b. (1) Beginning on January 1, 1996, a person shall not sell, offer for sale, or offer for promotional purposes a button cell mercuric oxide battery for use in this state.

(2) Beginning on January 1, 1996, a person shall not sell, offer for sale, or offer for promotional purposes a mercuric oxide battery for use in this state unless the manufacturer does all of the following:

(a) Identifies a collection site that has all required government approvals, to which a person may send used mercuric oxide batteries for recycling or proper disposal after mercury is recovered from the battery.

(b) Informs each of its purchasers of mercuric oxide batteries of the collection site identified under subdivision (a).

(c) Informs each of its purchasers of mercuric oxide batteries of a telephone number that the purchaser may call to get information about returning mercuric oxide batteries for recycling or proper disposal.

(3) Subsection (2) does not apply to mercuric oxide button cell batteries.

History: Add. 1995, Act 124, Imd. Eff. June 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17105c Nickel cadmium batteries; voluntary collection program.

Sec. 17105c. A manufacturer that participates in a voluntary collection program for nickel cadmium batteries in this state shall provide to retailers of nickel cadmium batteries that participate in the voluntary collection program a written notice to be displayed on a voluntary basis informing consumers that nickel cadmium batteries, whether sold separately or in rechargeable products, must be recycled or disposed of properly.

History: Add. 1995, Act 124, Imd. Eff. June 30, 1995.

Popular name: Act 451

Popular name: NREPA

324.17106, 324.17106a Repealed. 1995, Act 124, Imd. Eff. June 30, 1995.

Compiler's note: The repealed sections pertained to exchange or purchase of lead acid, nickel cadmium, or mercury batteries.

Popular name: Act 451

Popular name: NREPA

324.17107 Enforcement; violation as misdemeanor; penalties.

Sec. 17107. (1) The department shall enforce this part.

(2) A person other than a retailer, distributor, or manufacturer who knowingly disposes of lead acid batteries or mercuric oxide batteries in violation of this part is guilty of a misdemeanor punishable by a fine of not more than \$25.00, plus the costs of prosecution. Each battery that is unlawfully disposed of is a separate violation.

(3) Except as otherwise provided in this part, a retailer, manufacturer, or distributor who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than \$1,000.00, or both, plus the costs of prosecution.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 124, Imd. Eff. June 30, 1995.

Popular name: Act 451

Popular name: NREPA