

Vermont Leads the Way, Passes Primary Battery Recycling Legislation; Other States to Follow in 2015

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In late May, Vermont became the first U.S. state to enact a primary battery recycling bill requiring the development of a program for collecting and recycling primary battery products. The statute puts that burden on battery and some battery-powered product manufacturers.

At the bill signing, Governor Peter Shumlin said:

"This bill is Vermont at its best: a collaboration between manufacturers, state, and local government. Vermonters buy over 10 million batteries a year and this bill will provide Vermonters with convenient options for recycling primary batteries."

The new law focuses on consumer-type primary batteries. "Primary battery" is defined in the law as a "nonrechargeable battery weighing two kilograms or less, including alkaline, carbon-zinc, and lithium metal batteries." However, the law does not cover the following:

- Batteries intended for industrial, business-to-business, warranty or maintenance services, or nonpersonal use;
- A battery that is sold in a computer, computer monitor, computer peripheral, printer, television or device containing a cathode ray tube;
- A battery that is not easily removable or is not intended to be removed from a consumer product; and

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- A battery that is sold or used in a medical device, as that term is defined in the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 321(h), as may be amended.

The Vermont program will take effect on Jan. 1, 2016. Battery manufacturers must submit a plan to the state by July 2015 outlining how they will implement a collection program, which must include accessible drop-off locations for consumers at retail and municipal sites. Manufacturers may meet their obligations by filing individual plans or through an industry-sponsored battery stewardship organization such as Call2Recycle®. Call2Recycle® is the largest battery stewardship program in North America, and it collects and recycles rechargeable batteries at no cost to municipalities, businesses and consumers. Call2Recycle® currently has approximately 1,000 rechargeable battery collection sites in Vermont, and it is likely to expand these to cover collection of primary batteries as well.

Vermont's success has encouraged other states to consider similar primary battery bills or "all-battery bills" during their 2015 legislative sessions. Connecticut and Minnesota appear likely to introduce such legislation. These issues were the focus of a meeting in Hartford, Connecticut on June 11 and 12 organized by the Product Stewardship Institute (PSI) and hosted by the state's Department of Energy and Environmental Protection. Participating in the meeting were battery industry representatives and trade associations, state regulators, battery recyclers, retailers and product stewardship organizations.

During the PSI meeting, PRBA—The Rechargeable Battery Association, the Corporation for Battery Recycling (CB R), National Electrical Manufacturers Association (NEMA) and Call2Recycle® released an "all-battery" model recycling bill for states to consider as they move forward. The groups' model bill, which creates a framework for managing both primary and rechargeable consumer-type batteries at end of life, was very well received by the meeting participants.

While Connecticut and Minnesota appear to be front runners for passing battery product stewardship legislation in 2015, California cannot be overlooked. California tried again this year to pass a primary battery bill (AB 2284), but it appears to have died. However, with the rechargeable and primary battery industries now promoting an all-battery bill, the chances of California passing a battery product stewardship bill in 2015 may have improved.