1	H.177
2	Introduced by Representatives Yantachka of Charlotte, Chesnut-Tangerman of
3	Middletown Springs, and Forguites of Springfield
4	Referred to Committee on
5	Date:
6	Subject: Conservation and development; product stewardship; primary
7	batteries
8	Statement of purpose of bill as introduced: This bill proposes to amend the
9	product stewardship requirements for primary batteries in the State. The bill
10	would repeal the exemption from product stewardship for batteries intended
11	for industrial, business-to-business, warranty, or maintenance services. The
12	bill would also clarify the exemption from product stewardship for a battery
13	used in a medical device. The bill also would authorize the Secretary of
14	Natural Resources to require a primary battery producer or primary battery
15	stewardship organization to engage in additional education, outreach, or
16	collection accessibility if the producer or stewardship organization failed to
17	achieve the required collection rate performance goal. In addition, the bill
18	would amend the landfill disposal ban on lead acid batteries in order to apply
19	the landfill disposal ban to all batteries.

1 2	An act relating to the product stewardship requirements for primary 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)(B) 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 par

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collection program.

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

1	(B) In the event that a producer or primary battery stewardship
2	organization does not meet the annual collection rate performance goal
3	established under subdivision (8) of this subsection, the Secretary may require
4	the producer or battery stewardship organization to conduct more outreach,
5	provide additional educational materials, or improve collection accessibility.
6	* * *
7	(8) Performance goal; collection rate. A primary battery stewardship
8	plan shall include a collection rate performance goal for the primary batteries
9	subject to the plan. The collection rate includes the estimated total weight of
10	primary batteries that will be sold or offered for sale in the State by the
11	producer or the producers participating in the primary battery stewardship plan.
12	* * *
13	Sec. 3. 10 V.S.A. § 6621a(a) is amended to read:
14	(a) In accordance with the following schedule, no person shall knowingly
15	dispose of the following materials in solid waste or in landfills:
16	(1) Lead acid batteries Batteries, after July 1, 1990 2019.
17	* * *
18	Sec. 4. EFFECTIVE DATE
19	This act shall take effect on July 1, 2019.