

ASSEMBLY, No. 3876

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblyman JAMES J. KENNEDY

District 22 (Somerset and Union)

Assemblyman WILLIAM B. SAMPSON, IV

District 31 (Hudson)

Assemblywoman GARNET R. HALL

District 28 (Essex and Union)

SYNOPSIS

Revises provisions of "Dry Cell Battery Management Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/4/2024)

1 AN ACT concerning the disposal of certain batteries and battery-
2 containing products, amending P.L.1991, c.521, and repealing
3 sections 6 and 10 of P.L.1991, c.521.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1991, c.521 (C.13:1E-99.61) is amended to
9 read as follows:

10 3. As used in sections 1 through 23 of **[this act]** P.L.1991, c.521
11 (C.13:1E-99.59 through C.13:1E-99.81):

12 "Commissioner" means the Commissioner of the Department of
13 Environmental Protection;

14 "Consumer mercuric oxide battery" means any button or coin
15 shaped mercuric oxide battery which is purchased at retail by a
16 consumer for personal or household use;

17 "Covered battery" means a portable battery or medium format
18 battery, whether embedded in a product or sold separately, except
19 that "covered battery" shall not include: (1) a battery contained
20 within a medical device, as specified in 21 U.S.C. s.321(h), as it
21 existed on the effective date of P.L. , c. (C.) (pending
22 before the Legislature as this bill), which device is not designed and
23 marketed for sale or resale principally to consumers for personal
24 use; (2) a battery that contains an electrolyte as a free liquid; (3) a
25 lead acid battery weighing greater than 11 pounds; (4) a battery
26 designed for use in a motor vehicle, part of a motor vehicle, or a
27 component part of a motor vehicle assembled by, or for, a vehicle
28 manufacturer or franchised dealer, including replacement parts for
29 use in a motor vehicle; or (5) a battery recalled by a manufacturer
30 for safety reasons in accordance with the provisions of paragraph
31 (3) of subsection c. of section 8 of P.L.1991, c.521 (C.13:1E-
32 99.66);

33 "Department" means the Department of Environmental
34 Protection;

35 "Distributor" means a person who sells dry cell batteries at
36 wholesale to retailers in this State, including any manufacturer who
37 engages in these sales, except that a "distributor" shall not include
38 any wholesaler or distributor owned cooperatively by retailers;

39 "Dry cell battery" means any type of button, coin, cylindrical,
40 rectangular or other shaped, enclosed device or sealed container
41 consisting of a combination of two or more voltaic or galvanic cells,
42 electrically connected to produce electric energy, composed of lead,
43 lithium, manganese, mercury, mercuric oxide, silver oxide,
44 cadmium, zinc, copper or other metals, or any combination thereof,
45 and designed for commercial, industrial, medical, institutional or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 household use, including any alkaline manganese, lithium, mercuric
2 oxide, silver oxide, zinc-air or zinc-carbon battery, nickel-cadmium
3 rechargeable battery or sealed lead rechargeable battery;

4 "Institutional generator" means the owner or operator of any
5 public or private, commercial or industrial establishment or facility,
6 including any establishment owned or operated by, or on behalf of,
7 a governmental agency, health care facility or hospital, licensed or
8 other authorized hearing aid dispenser, research laboratory or
9 facility, who routinely uses large quantities of mercuric oxide
10 batteries or nickel-cadmium or sealed lead rechargeable batteries; or
11 the owner or operator of any public or private facility identified by
12 the department that generates at least 220 pounds of these types of
13 used dry cell batteries per month, or the owner or operator of any
14 public or private facility that accumulates 220 pounds of these types
15 of used dry cell batteries at any time;

16 "Lithium battery" means any button, coin, cylindrical,
17 rectangular or other shaped dry cell battery consisting of lithium
18 and other chemicals commonly used in pocket calculators, wrist
19 watches and other electrical appliances;

20 "Manufacturer" means a person producing **[dry cell]** covered
21 batteries for sale to institutional generators, distributors, retailers,
22 small quantity generators, or consumers. For a covered battery
23 embedded in a product, the manufacturer of the product shall be
24 considered the "manufacturer" for the purposes of P.L.1991, c.521
25 (C.13:1E-99.59 et seq.);

26 "Mercuric oxide battery" means any button, coin, cylindrical,
27 rectangular or other shaped dry cell battery consisting of zinc,
28 potassium and mercury oxide which is designed or sold for
29 commercial, industrial, medical or institutional use;

30 "Medium format battery" means: (1) a rechargeable battery that
31 weighs between 11 and 25 pounds or that has a rating of between
32 300 and 2000 watt-hours; or (2) a primary battery that weighs
33 between 4.4 and 25 pounds;

34 "Nickel-cadmium rechargeable battery" means any button, coin,
35 cylindrical, rectangular or other shaped dry cell battery composed
36 of cadmium and nickel which is designed for reuse and is capable of
37 being recharged after repeated uses, and which has a useful life of
38 at least 12 months, except that "nickel-cadmium rechargeable
39 battery" shall not include any dry cell battery used as a backup
40 power source for memory or program instruction storage,
41 timekeeping, or any similar purpose that requires uninterrupted
42 electrical power in order to operate if the primary energy supply
43 fails or fluctuates momentarily;

44 "Primary battery" means a battery that is not capable of being
45 recharged, and includes, but is not limited to, a mercuric oxide
46 battery, lithium battery, silver oxide battery, zinc air battery, or
47 non-rechargeable dry cell battery;

1 "Portable battery" means: (1) a rechargeable battery that weighs
2 less than 11 pounds and has a rating of less than 300 watt-hours; or
3 (2) a primary battery that weighs less than 4.4 pounds;

4 "Rechargeable battery" means **any** one or more voltaic or
5 galvanic cells, electrically connected to produce electric energy and
6 designed to be repeatedly charged and discharged or an assembly of
7 small rechargeable batteries in a container that has a single positive
8 and negative connection, commonly known as a battery pack.
9 "Rechargeable battery" includes, but is not limited to, a nickel-
10 cadmium rechargeable battery, nickel metal hydride rechargeable
11 battery, lithium ion rechargeable battery, or sealed lead
12 rechargeable battery;

13 "Rechargeable consumer product" means any product, including,
14 but not limited to, a cordless electrical tool or appliance, containing
15 a nickel-cadmium rechargeable battery or a sealed lead rechargeable
16 battery, which is purchased at retail and commonly used for
17 personal or household purposes;

18 "Retailer" means a person engaged in the sale of rechargeable
19 batteries to any consumer at retail;

20 "Sealed lead rechargeable battery" means any button, coin,
21 cylindrical, rectangular or other shaped dry cell battery composed
22 of lead and other chemicals which is designed for reuse and is
23 capable of being recharged after repeated uses, and which has a
24 useful life of at least 12 months;

25 "Silver oxide battery" means any button, coin, cylindrical,
26 rectangular or other shaped dry cell battery consisting of silver
27 oxide, potassium hydroxide or sodium hydroxide and zinc, and
28 mercury commonly used in wrist watches and other electrical
29 appliances;

30 "Solid waste container" means a receptacle, container or bag
31 suitable for the depositing of solid waste;

32 "Solid waste facilities" mean and include the plants, structures
33 and other real and personal property acquired, constructed or
34 operated or to be acquired, constructed or operated by any person
35 pursuant to the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.),
36 P.L.1970, c.40 (C.48:13A-1 et seq.) or any other act, including
37 transfer stations, incinerators, resource recovery facilities, sanitary
38 landfill facilities or other plants for the disposal of solid waste, and
39 all vehicles, equipment and other real and personal property and
40 rights therein and appurtenances necessary or useful and convenient
41 for the collection or disposal of solid waste in a sanitary manner;

42 "Small quantity generator" means the owner or operator of any
43 public or private, commercial or industrial establishment or facility,
44 including any establishment owned or operated by, or on behalf of,
45 a governmental agency, health care facility or hospital, licensed or
46 other authorized hearing aid dispenser, research laboratory or
47 facility, who routinely uses small quantities of mercuric oxide
48 batteries or nickel-cadmium or sealed lead rechargeable batteries; or

1 the owner or operator of any public or private facility identified by
2 the department that generates less than 220 pounds of these types of
3 used dry cell batteries per month, or the owner or operator of any
4 public or private facility that accumulates over 20 pounds but less
5 than 220 pounds of these types of used dry cell batteries at any
6 time;

7 "Zinc-air battery" means any button, coin, cylindrical,
8 rectangular or other shaped dry cell battery consisting of zinc,
9 potassium hydroxide and commonly used in hearing aids,
10 photographic equipment and electrical appliances.

11 (cf: P.L.1997, c.91, s.1)

12

13 2. Section 7 of P.L.1991, c.521 (C.13:1E-99.65) is amended to
14 read as follows:

15 7. a. No person shall sell, offer for sale, or offer for promotional
16 purposes in this State any **mercuric oxide battery, or any nickel-**
17 **cadmium or sealed lead rechargeable** covered battery, unless the
18 manufacturer thereof has obtained the prior written approval of the
19 department of a plan for the collection, transportation, recycling or
20 proper disposal of that used **dry cell** covered battery pursuant to
21 the provisions of section 8 of **this act** P.L.1991, c.521 (C.13:1E-
22 99.66).

23 Any two or more manufacturers may submit a joint plan to the
24 department for any specified **mercuric oxide battery or**
25 **rechargeable** covered battery that they manufacture.

26 b. Every manufacturer shall be liable, at **his own** the
27 manufacturer's expense, for the environmentally sound collection,
28 transportation, and recycling or proper disposal of every used
29 **mercuric oxide battery, or used nickel-cadmium or sealed lead**
30 **rechargeable battery, as the case may be,** covered battery produced
31 by **him** the manufacturer and sold or offered for promotional
32 purposes in this State.

33 c. Manufacturers may establish or utilize a **trade association**
34 **or a consortium comprised of members of the dry cell battery**
35 **industry, as appropriate,** producer responsibility organization in
36 order to facilitate compliance with the requirements of **this act**
37 P.L.1991, c.521 (C.13:1E-99.59 et seq.).

38 (cf: P.L.1991, c.521, s.7)

39

40 3. Section 8 of P.L.1991, c.521 (C.13:1E-99.66) is amended to
41 read as follows:

42 8. a. (1) Within nine months of the effective date of **this act**
43 P.L. , c. (C.) (pending before the Legislature as this bill),
44 every manufacturer of **mercuric oxide batteries, nickel-cadmium**
45 **rechargeable batteries or sealed lead rechargeable** covered
46 batteries sold or offered for promotional purposes in this State shall

1 prepare and submit a battery management plan, in writing, to the
2 department for the environmentally sound collection, transportation,
3 and recycling or proper disposal of each specified used **dry cell**
4 covered battery produced by that manufacturer.

5 (2) Prior to submission to the department of a battery
6 management plan, every manufacturer of **nickel-cadmium or**
7 **sealed lead rechargeable** covered batteries shall consult with
8 distributors and retailers of the **rechargeable** covered batteries
9 produced by that manufacturer. No battery management plan shall
10 require a retail establishment where food or food products are sold
11 or offered for sale directly to the consumer for consumption off the
12 premises of the retail establishment to accept the return of used
13 **rechargeable** covered batteries.

14 (3) No battery management plan shall include the collection of
15 used covered batteries in curbside recycling bins.

16 b. Each battery management plan submitted by a manufacturer
17 shall include, as appropriate, but need not be limited to:

18 (1) Designation of the collector, transporter, processor or
19 collection system to be utilized by the manufacturer, or by the
20 county or municipality, institutional generator, retailer or small
21 quantity generator on behalf of the manufacturer, for the collection,
22 transportation, and recycling or proper disposal of used **mercuric**
23 **oxide batteries or used rechargeable** covered batteries in each
24 county, including, as appropriate, evidence of contracts or
25 agreements entered into therefor;

26 (2) Designation of the funding source or mechanism to be
27 utilized by the manufacturer to defray the costs of implementing the
28 battery management plan;

29 (3) A strategy for informing consumers, on any store display
30 promoting the sale or use of the **rechargeable** covered batteries
31 **he manufactures**, that these types of used **dry cell** batteries may
32 not enter the solid waste stream, and that a convenient mechanism
33 for the collection, transportation, and recycling or proper disposal
34 of **used rechargeable** covered batteries is available to the
35 consumer;

36 (4) A Statewide consumer education program to assure the
37 widespread dissemination of information concerning the
38 environmental impact of the improper disposal of used **mercuric**
39 **oxide batteries or rechargeable** covered batteries, and to inform
40 consumers that manufacturers of these types of **dry cell** batteries
41 are liable for their environmentally sound disposal; **and**

42 (5) A strategy for establishing and implementing, as the
43 department deems necessary, an industry-wide uniform coding
44 system for the identification and labeling of all **mercuric oxide**
45 **batteries or rechargeable** covered batteries by brand name,
46 electrode type, product type or shape; except that the commissioner

1 may grant a waiver from this requirement based on evidence
2 furnished to the department that it is not technologically feasible to
3 label a specified **dry cell** covered battery;

4 (6) A covered battery collection system that makes available:

5 (a) at least one permanent collection site for used, portable,
6 covered batteries within a 15-mile radius of no less than 95 percent
7 of the residents of the State, and within a 25-mile radius of each
8 resident of the State, and

9 (b) at least one permanent collection site for used, medium
10 format covered batteries in each county in the State;

11 (7) An explanation of the process by which the manufacturer
12 will, upon request, provide household hazardous waste collection
13 facilities, at no cost, and to all other collection sites, at cost,
14 packaging consistent with the requirements found in the United
15 States Department of Transportation's hazardous materials
16 regulations, and the necessary forms and instructions, for the safe
17 collection and transportation of damaged or defective lithium
18 covered batteries. The collection of recalled lithium covered
19 batteries shall be the sole responsibility of the manufacturer of the
20 lithium covered battery and shall not utilize the same collection
21 system that is used for the collection of used covered batteries
22 pursuant to an approved battery management plan; and

23 (8) A strategy for preventing fires and other safety issues at
24 collection sites including, but not limited to, providing packaging
25 and shipping materials and training on the safe shipping and storage
26 of covered batteries at no charge to those collection sites.

27 The commissioner shall maintain on file in the department for
28 public inspection copies of any uniform coding system implemented
29 pursuant to this paragraph. The department shall provide a copy to
30 any person upon request.

31 c. Any manufacturer seeking approval of a battery management
32 plan for the environmentally sound collection, transportation, and
33 recycling or proper disposal of any specified used **mercuric oxide**
34 battery, used nickel-cadmium or sealed lead rechargeable battery
35 that he manufactures **covered battery** shall submit the plan to the
36 department for its review and approval. Notice of any battery
37 management plan received by the department pursuant to this
38 subsection shall be published in the New Jersey Register.

39 The commissioner shall maintain on file in the department for
40 public inspection copies of any battery management plan received
41 by the department pursuant to this subsection. The department shall
42 provide a copy to any person upon request at a cost not to exceed
43 the cost of reproduction.

44 (1) The department shall promptly review all plans submitted
45 pursuant to this subsection. The department shall, within 30 days of
46 receipt of a plan, request that the manufacturer submit additional
47 information to assist in its review if it deems that such information
48 is necessary. If no such request is made, the plan shall be construed

1 to be completed. In the event that additional information is
2 requested, the plan shall be construed to be completed when the
3 additional information is received by the department.

4 (2) The department shall approve or deny a plan within 45 days
5 of receipt of a completed plan. In the event that the department fails
6 to take action on a plan within the 45-day period specified herein,
7 then the plan shall be deemed to have been approved.

8 (3) The department shall review any battery management plan
9 submitted by a manufacturer and approved pursuant to this
10 subsection at least once every 24 months following its initial
11 approval. If the department finds, in writing, that the plan is no
12 longer a convenient or economically feasible method for the
13 collection, transportation, and recycling or proper disposal of these
14 types of used **【dry cell】 covered** batteries, the department may
15 require the manufacturer to submit a new or revised plan for its
16 review and approval; except that any previously approved plan shall
17 remain in effect until such time as a new or revised plan is approved
18 by the department.

19 d. Within 15 months of the effective date of **【this act】 P.L. __**,
20 c. (C. __) (pending before the Legislature as this bill), and at
21 least once every six months thereafter, every manufacturer of
22 **【mercuric oxide batteries or rechargeable】 covered** batteries shall
23 submit a written report to the department on used **【dry cell】**
24 covered battery return or recovery rates in accordance with rules
25 and regulations adopted by the department therefor.

26 e. Manufacturers may establish an advisory council comprised
27 of members of the **【dry cell】 covered** battery industry, institutional
28 generators, retailers, small quantity generators and county
29 representatives in order to facilitate the collection, transportation,
30 recycling or proper disposal of used **【mercuric oxide batteries or**
31 **used rechargeable】 covered** batteries in this State.

32 (cf: P.L.1991, c.521, s.8)

33

34 4. Section 11 of P.L.1991, c.521 (C.13:1E-99.69) is amended
35 to read as follows:

36 11. a. No person shall knowingly dispose of used **【nickel-**
37 **cadmium rechargeable batteries or used sealed lead rechargeable】**
38 covered batteries as solid waste at any time. No person shall
39 knowingly place covered batteries in curbside recycling bins.

40 b. Any person seeking to dispose of used **【nickel-cadmium or**
41 **sealed lead rechargeable】 covered** batteries derived from household
42 use may:

43 (1) return these types of **【used dry cell】** batteries to a retailer
44 unless otherwise provided by the battery management plan required
45 pursuant to section 8 of **【this act】 P.L.1991, c.521 (C.13:1E-99.66);**

1 (2) transport these types of **【used dry cell】** batteries to a
2 household hazardous waste collection site established pursuant to a
3 county household hazardous waste collection program; or

4 (3) place these types of used **【dry cell】** batteries for collection
5 in the manner provided by the municipal recycling ordinance in
6 instances where the adopted district recycling plan as approved by
7 the department pursuant to section 3 of P.L.1987, c.102 (C.13:1E-
8 99.13) requires the collection and disposition of used **【dry cell】**
9 covered batteries **【as a designated source separated recyclable**
10 **material】** on a designated hazardous waste collection day; or

11 (4) collect, transport, recycle or dispose of these types of **【used**
12 **dry cell】** batteries as otherwise provided by the battery management
13 plan required pursuant to section 8 of **【this act】** P.L.1991, c.521
14 (C.13:1E-99.66).

15 (cf: P.L.1991, c.521, s.11)

16

17 5. Section 12 of P.L.1991, c.521 (C.13:1E-99.70) is amended
18 to read as follows:

19 12. a. No solid waste collector registered pursuant to sections 4
20 and 5 of P.L.1970, c.39 (C.13:1E-4 and 13:1E-5) shall, at any time,
21 knowingly collect used **【mercuric oxide batteries, used nickel-**
22 **cadmium rechargeable batteries or used sealed lead rechargeable】**
23 covered batteries placed for collection and disposal as solid waste.

24 b. A solid waste collector may refuse to collect the contents of a
25 solid waste container containing a visible quantity of used
26 **【mercuric oxide batteries or used rechargeable】** covered batteries.

27 (cf: P.L.1991, c.521, s.12)

28

29 6. Section 13 of P.L.1991, c.521 (C.13:1E-99.71) is amended
30 to read as follows:

31 13. a. No solid waste facility in this State shall knowingly
32 accept for disposal any truckload or roll-off container of solid waste
33 containing a visible quantity of used **【mercuric oxide batteries, used**
34 **nickel-cadmium rechargeable batteries or used sealed lead**
35 **rechargeable】** covered batteries at any time.

36 b. The owner or operator of a solid waste facility may refuse to
37 accept for disposal any truckload or roll-off container of solid waste
38 containing a visible quantity of used **【mercuric oxide batteries or**
39 **used rechargeable】** covered batteries.

40 (cf: P.L.1991, c.521, s.13)

41

42 7. Section 14 of P.L.1991, c.521 (C.13:1E-99.72) is amended
43 to read as follows:

44 14. a. **【Except as otherwise provided in a battery management**
45 **plan approved by the department pursuant to the provisions of**
46 **section 8 of this act, every retailer shall:**

1 (1) Accept from customers at any time during business hours up
2 to three used nickel-cadmium rechargeable batteries or sealed lead
3 rechargeable batteries derived from household use, of the type and
4 size he sells or offers for sale;

5 (2) Conspicuously post and maintain, at or near the point of
6 display, a legible sign, not less than 8 1/2 inches by 11 inches in
7 size, informing customers that used rechargeable batteries of the
8 type and size sold or offered for sale by the retailer may not enter
9 the solid waste stream, and that the retail establishment is a
10 collection site for the recycling or proper disposal of these types of
11 used dry cell batteries. The sign shall contain the following
12 inscription:

13 "It is illegal to dispose of used nickel-cadmium or sealed lead
14 rechargeable batteries in this State as solid waste"; and

15 "State law requires us to accept used nickel-cadmium or sealed
16 lead rechargeable batteries for return to the manufacturer"; and

17 (3) Conspicuously provide or maintain, at a convenient location
18 within the retail establishment, collection boxes or other suitable
19 receptacles into which customers may deposit used nickel-cadmium
20 or sealed lead rechargeable batteries accepted by the retailer.]
21 (Deleted by amendment, P.L. , c. .) (pending before the
22 Legislature as this bill)

23 b. Except as otherwise provided in a battery management plan
24 approved by the department pursuant to the provisions of section 8
25 of [this act] P.L.1991, c.521 (C.13:1E-99.66), a distributor or his
26 agent shall accept the return of all used [nickel-cadmium or sealed
27 lead rechargeable] covered batteries [he] the distributor distributes
28 in [his] the distributor's service area from a retailer.

29 c. Every manufacturer, at his own expense, shall accept the
30 return of all used [nickel-cadmium or sealed lead rechargeable]
31 covered batteries [he] the manufacturer manufactures from
32 distributors or retailers as provided in a battery management plan
33 approved by the department pursuant to the provisions of section 8
34 of [this act] P.L.1991, c.521 (C.13:1E-99.66). A manufacturer
35 shall, upon return of a used [dry cell] covered battery, provide for
36 its proper disposal or recycling.

37 d. [The provisions of this section shall not apply to any retail
38 establishment where food or food products are sold or offered for
39 sale directly to the consumer for consumption off the premises of
40 the retail establishment.] (Deleted by amendment, P.L. , c. .)
41 (pending before the Legislature as this bill)
42 (cf: P.L.1991, c.521, s.14)

43
44 8. Section 15 of P.L.1991, c.521 (C.13:1E-99.73) is amended
45 to read as follows:

46 15. a. Every institutional generator shall provide for the on-site
47 source separation, collection, and disposal of all used [mercuric

1 oxide batteries, nickel-cadmium rechargeable batteries and sealed
2 lead rechargeable] covered batteries generated at the facility.

3 b. Every small quantity generator shall provide for the on-site
4 source separation, collection, and disposal of all used [mercuric
5 oxide batteries, nickel-cadmium rechargeable batteries and sealed
6 lead rechargeable] covered batteries generated at the facility.

7 c. Except as otherwise provided in rules or regulations adopted
8 by the department pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), or
9 as otherwise prescribed under any other applicable federal or State
10 law, every institutional or small quantity generator shall source-
11 separate used [mercuric oxide batteries, nickel-cadmium
12 rechargeable batteries and sealed lead rechargeable] covered
13 batteries for collection and disposal in the manner provided in the
14 battery management plan required pursuant to section 8 of [this
15 act] P.L.1991, c.521 (C.13:1E-99.66).

16 (cf: P.L.1991, c.521, s.15)

17

18 9. Section 19 of P.L.1991, c.521 (C.13:1E-99.77) is amended
19 to read as follows:

20 19. a. The commissioner shall establish a means of addressing
21 consumer complaints and a public education program to assure the
22 widespread dissemination of information concerning the purpose of
23 [this act] P.L.1991, c.521 (C.13:1E-99.59 et seq.).

24 b. The department shall have the right to enter, at any time
25 during normal business hours and upon presentation of appropriate
26 credentials, any retail establishment at which [consumer mercuric
27 oxide batteries, nickel-cadmium rechargeable batteries or sealed
28 lead rechargeable] covered batteries are sold or offered for
29 promotional purposes in order to determine compliance with the
30 provisions of [this act] P.L.1991, c.521 (C.13:1E-99.59 et seq.).

31 (cf: P.L.1991, c.521, s.19)

32

33 10. Sections 6 and 10 of P.L.1991, c.521 (C.13:1E-99.64 and
34 C.13:1E-68) are repealed.

35

36 11. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill would revise the provisions of the "Dry Cell Battery
42 Management Act," P.L.1991, c.521 (C.13:1E-99.59 et seq.) to
43 expand the types of batteries and consumer products that are
44 covered under this law.

45 The bill would amend most of the provisions of the "Dry Cell
46 Battery Management Act" to provide that the law would apply to
47 "covered batteries," rather than to mercuric oxide batteries, nickel-

1 cadmium rechargeable batteries and sealed lead rechargeable
2 batteries, as in current law. The bill would define a "covered
3 battery" as a rechargeable or non-rechargeable battery that weighs
4 up to 25 pounds or a rechargeable battery that stores up to 2000
5 watt-hours of energy, whether embedded in a product or sold
6 separately. This would entail, among other things, that persons
7 would be prohibited from selling a covered battery or a battery-
8 embedded product unless the manufacturer of the battery or
9 product, as applicable, has developed a battery management plan,
10 which has been approved by the Department of Environmental
11 Protection (DEP). The bill would require each manufacturer of a
12 covered battery to submit a battery management plan to the DEP no
13 later than nine months after the bill's enactment. The bill would
14 also modify the provisions of the "Dry Cell Battery Management
15 Act" to prohibit the use of curbside recycling for the collection of
16 covered batteries, and to require additional items be included in a
17 battery management plan, including a requirement that each
18 manufacturer provide for at least one permanent collection site for
19 used, portable, covered batteries within a 15-mile radius of no less
20 than 95 percent of the residents of the State, and within a 25-mile
21 radius of each resident of the State.

22 The bill would delete a provision of current law that requires
23 retailers to accept used nickel-cadmium and sealed lead
24 rechargeable batteries from customers. The bill would also delete a
25 provision in current law that requires retailers to post certain
26 signage regarding nickel-cadmium and sealed lead rechargeable
27 batteries in their retail establishments. In addition, the bill would
28 repeal section 6 of P.L.1991, c.521 (C.13:1E-99.64), which
29 prohibits persons from selling certain rechargeable consumer
30 products, unless certain conditions are met, including that the
31 rechargeable battery is readily removable from the product.