



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 516

Sponsor: Senator Loren Bennett

Committee: Natural Resources and Environmental Affairs

Date Completed: 5-16-95

**SUMMARY OF SENATE BILL 516 as introduced 5-11-95:**

**The bill would amend Part 171 (on battery disposal) of the Natural Resources and Environmental Protection Act to prohibit or restrict the sale of certain types of batteries, and repeal provisions concerning the exchange of used batteries for unused batteries.**

Specifically, the bill would prohibit a person from selling, offering for sale, or offering for promotional purposes a zinc carbon battery or an alkaline manganese battery that was manufactured on or after January 1, 1996, and that contained intentionally introduced mercury. ("Zinc carbon battery" would mean a dry cell battery containing manganese dioxide and zinc electrodes and an electrolyte consisting of ammonium chloride or a zinc chloride solution, or both. "Alkaline manganese battery" would mean a cell battery containing manganese dioxide and zinc electrodes and an alkaline electrolyte.) This prohibition would not apply to an alkaline manganese button cell battery that had a mercury content of 25 milligrams or less.

Further, the bill specifies that beginning January 1, 1996, a person would be prohibited from selling, offering for sale, or offering for promotional purposes a mercuric oxide button cell battery for use in this State, and could sell, offer for sale, or offer for promotional purposes a mercuric oxide battery only if the manufacturer did all of the following:

- Identified a collection site that had all of the required government approvals, to which a person could send used mercuric oxide batteries for recycling or proper disposal.
- Informed each of its purchasers of mercuric oxide batteries of the collection site.
- Informed its purchasers of a telephone number that they could call to get information about returning mercuric oxide batteries for recycling or proper disposal.

The bill also would repeal provisions that:

- Beginning July 1, 1995, allow a person who purchases a lead acid battery from a retailer to exchange a used lead acid battery for the purchased one. If the purchaser does not exchange a used battery for a new one, he or she must pay the retailer a \$6 deposit refundable upon the subsequent return of a used battery.
- Beginning January 1, 1998, allow a person who purchases a nickel cadmium or mercury battery to exchange a used nickel cadmium or mercury battery for the purchased one. If the purchaser does not exchange a used battery for a new one, he or she must pay the retailer a \$2 deposit refundable upon the subsequent return of a used battery.

- After January 1, 1993, require a retailer of lead acid batteries to post a written notice in the retail establishment pertaining to the required deposit for lead acid batteries and the availability of refunds.

The Act defines "lead acid battery" as a storage battery 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. The bill would add to the definition that the battery was used to start an internal combustion engine or as the principal electrical power source for a vehicle.

MCL 324.17101 et al.

Legislative Analyst: L. Burghardt

### **FISCAL IMPACT**

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

The bill could lead to a minimal increase in enforcement costs by including an additional type of battery and prohibiting the sale of mercuric oxide batteries. The Department of Natural Resources is not presently enforcing the program, however, due to lack of resources.

The repeal of the battery deposit requirements would have an indeterminate fiscal impact on State revenues since retailers were to keep all money except unredeemed deposits, which were to escheat to the Environmental Response Fund. When the State enacted Public Act 20 of 1990, which established the deposit requirements, approximately \$13.5 million was anticipated in deposits from lead acid automobile batteries, but there were no estimates on the percentage return rate for the batteries.

Fiscal Analyst: G. Cutler

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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.