

CHAPTER 145
HOUSEHOLD BATTERIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

567—145.1(455B,455D) Scope. This chapter is intended to assist the implementation of the provisions of Iowa Code sections 455D.10A and 455D.10B. These sections limit the amount of mercury added to an alkaline manganese battery and prohibit the disposal of batteries specified in 455D.10A(3)“a”(1) as part of the mixed municipal solid waste stream. All consumers shall be informed of this prohibition on disposal. These sections further require the establishment of a system or systems that would require any or all of the following: elimination or reduction of heavy metals or other toxic components, establishment of a comprehensive recycling program, or collection, transport, and proper disposal of the specified batteries.

Household batteries in rechargeable consumer products shall be easily removable or contained in a battery pack. The rechargeable battery, the instruction manual, and the product package shall be labeled to notify the consumer of the need to recycle and of the type of electrode used in the battery.

These provisions will further ensure the protection of the state’s groundwater resources while protecting the health and safety of the citizens of Iowa and the environment as a whole.

567—145.2(455B,455D) Definitions. As used in this chapter, in addition to the definitions set forth in Iowa Code section 455D.10A, the following definitions apply:

“*Alkaline manganese battery*” means a battery consisting of a manganese dioxide positive electrode, a zinc negative electrode and an alkaline electrolyte.

“*Battery pack*” means one or more batteries enclosed in a housing.

“*Collection entity*” is defined in 455D.10A(3)“b”(1).

“*Collection system*” means a system or systems in which household batteries, as specified in 455D.10A(3)“a”(1), are collected by several methods to be recycled or properly disposed. The methods include, but are not limited to: point of purchase return, mail-in return, a combination of both or a collection entity.

“*Dealer*” means any person who sells or otherwise offers household batteries to a consumer.

“*Department*” means the Iowa department of natural resources.

“*Distributor*” means any person who sells or otherwise offers household batteries to dealers.

“*Institutional generator*” is defined in 455D.10A(1)“e.”

“*Manufacturer*” means any person who manufactures or offers household batteries for sale to distributors or dealers. The manufacturer’s name that appears on the battery or rechargeable consumer product shall be presumed to be the manufacturer.

“*Mercuric oxide battery*” means a battery consisting of a mercuric oxide positive electrode and a zinc negative electrode.

“*Nickel-cadmium battery*” means a battery consisting of a nickel positive electrode and a cadmium negative electrode.

“*Participants in the stream of commerce*” means any dealer, distributor or manufacturer who is involved in the manufacturing, distribution, or sale of household batteries specified in 455D.10A(3)“a”(1).

“*Sealed lead-acid battery*” means a battery consisting of positive and negative electrode materials which are leads or compounds thereof, used in nonvehicular applications and weighing less than 25 pounds.

“*Unreasonable hazard to public health, safety, or the environment*” means a situation caused by the improper disposal of an item that is flammable, corrosive, toxic, or reactive, as defined by EPA regulations, that may result in harm to the public health, safety, or the environment. The harm created from improper disposal may be evident immediately or after a period of time. This definition relates to 455D.10B(2)“c.”

567—145.3(455B,455D) Household batteries. Any and all batteries specified in 455D.10A and 455D.10B that are used for any and all purposes are covered by these rules, except those batteries subject to regulation under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.

145.3(1) Only button cell batteries containing mercuric oxide are included in this collection program for recycling or proper disposal. Mercuric oxide button cell batteries shall bear an appropriate identification mark. (Non-mercuric oxide button cell batteries are not included in this collection program for recycling or proper disposal.)

145.3(2) Only rechargeable dry cell batteries containing nickel-cadmium (i.e., rechargeable kitchen appliances, rechargeable power tools and other household applications) are included in this collection program for recycling or proper disposal. (This collection or proper disposal program would not include nonrechargeable batteries used in radios, flashlights and other household applications.)

145.3(3) Only sealed lead-acid batteries used in nonvehicular rechargeable (i.e., camcorders, computers, cellular phones and other household applications) products weighing less than 25 pounds are included in this collection program for recycling or proper disposal.

567—145.4(455B,455D) Recycling/disposal requirements for household batteries.

145.4(1) It is the responsibility of all participants in the stream of commerce, either individually or collectively, to establish and maintain a system or systems for the proper collection, transportation and recycling or disposal of waste batteries, specified in 455D.10A(3)“a,” for consumers and institutional generators in Iowa, beginning July 1, 1996.

145.4(2) The manufacturers shall provide a plan to the department, by May 1, 1996, that specifically identifies a system or systems for the proper collection, transportation and recycling or disposal of the specified waste household batteries. This information shall identify, to the extent possible, transporters and recycling or disposal destinations.

145.4(3) A consumer that is not an institutional generator shall not be required to pay for any collection, disposition and recycling activities after the original purchase of the battery. However, these charges may be built into the original cost of the product. An institutional generator shall provide for the on-site source separation and collection of used mercuric oxide batteries, nickel-cadmium rechargeable batteries, and sealed lead-acid rechargeable batteries.

145.4(4) As part of the requirement of informing each consumer of the safe and convenient return process available for recycling or proper disposal of waste batteries, pursuant to Iowa Code section 455D.10A(3)“b”(2), a manufacturer shall provide a telephone number to each consumer of the specified batteries that provides information on returning these batteries for recycling or proper disposal. This telephone number shall also be provided to the department.

567—145.5(455B,455D) Exemptions for batteries used in rechargeable consumer products. A rechargeable consumer product manufacturer may apply to the department for exemption from the requirements of 455D.10B(1). An application for exemption from these requirements shall be submitted on 8½- x 11-inch paper and contain:

1. The name, address, and telephone number of the applicant and the applicant’s contact;
2. A statement setting forth the specific basis upon which the exemption is sought.

The information required pursuant to this rule shall be furnished to the department for each specified rechargeable consumer product for which an exemption is sought. The department shall approve or deny an exemption upon receipt of an application therefor. Allowable exemptions are specified in 455D.10B(2)“a” through “d.”

These rules are intended to implement Iowa Code sections 455B.301 to 455B.316, 455D.10A and 455D.10B.

[Filed 7/28/95, Notice 12/21/94—published 8/16/95, effective 9/20/95]