

SUBCHAPTER XIII—VIOLENT CRIME
REDUCTION TRUST FUND

§ 14211. Transferred

CODIFICATION

Section 14211 was editorially reclassified as section 12631 of Title 34, Crime Control and Law Enforcement.

§ 14212. Repealed. Pub. L. 105-33, title X, § 10204(b), Aug. 5, 1997, 111 Stat. 702

Section, Pub. L. 103-322, title XXXI, § 310002, Sept. 13, 1994, 108 Stat. 2105, related to conforming reduction in discretionary spending limits.

§ 14213. Transferred

CODIFICATION

Section 14213 was editorially reclassified as section 12632 of Title 34, Crime Control and Law Enforcement.

§ 14214. Transferred

CODIFICATION

Section 14214 was editorially reclassified as section 12633 of Title 34, Crime Control and Law Enforcement.

SUBCHAPTER XIV—MISCELLANEOUS

§ 14221. Transferred

CODIFICATION

Section 14221 was editorially reclassified as section 12641 of Title 34, Crime Control and Law Enforcement.

§ 14222. Transferred

CODIFICATION

Section 14222 was editorially reclassified as section 12642 of Title 34, Crime Control and Law Enforcement.

§ 14223. Transferred

CODIFICATION

Section 14223 was editorially reclassified as section 12643 of Title 34, Crime Control and Law Enforcement.

CHAPTER 137—MANAGEMENT OF RE-CHARGEABLE BATTERIES AND BATTERIES CONTAINING MERCURY

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SUBCHAPTER I—GENERALLY

§ 14301. Findings

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

(Pub. L. 104-142, § 2, May 13, 1996, 110 Stat. 1329.)

SHORT TITLE

Pub. L. 104-142, § 1, May 13, 1996, 110 Stat. 1329, provided that: "This Act [enacting this chapter] may be cited as the 'Mercury-Containing and Rechargeable Battery Management Act'."

Pub. L. 104-142, title I, § 101, May 13, 1996, 110 Stat. 1332, provided that: "This title [enacting subchapter II of this chapter] may be cited as the 'Rechargeable Battery Recycling Act'."

Pub. L. 104-142, title II, § 201, May 13, 1996, 110 Stat. 1336, provided that: "This title [enacting subchapter III of this chapter] may be cited as the 'Mercury-Containing Battery Management Act'."

§ 14302. Definitions

For purposes of this chapter:

(1) Administrator

The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Button cell

The term "button cell" means a button- or coin-shaped battery.

(3) Easily removable

The term "easily removable", with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) Mercuric-oxide battery

The term "mercuric-oxide battery" means a battery that uses a mercuric-oxide electrode.

(5) Rechargeable battery

The term "rechargeable battery"—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 14322 of this title, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) Rechargeable consumer product

The term “rechargeable consumer product”—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) Regulated battery

The term “regulated battery” means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 14322(d) of this title.

(8) Remanufactured product

The term “remanufactured product” means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

(Pub. L. 104-142, § 3, May 13, 1996, 110 Stat. 1329.)

§ 14303. Information dissemination

The Administrator shall, in consultation with representatives of rechargeable battery manu-

facturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

(Pub. L. 104-142, § 4, May 13, 1996, 110 Stat. 1330.)

§ 14304. Enforcement

(a) Civil penalty

When on the basis of any information the Administrator determines that a person has violated, or is in violation of, any requirement of this chapter (except a requirement of section 14323 of this title) the Administrator—

(1) in the case of any violation, may issue an order assessing a civil penalty of not more than \$10,000 for each violation, or requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation or failure to comply with an order issued under this section, may commence a civil action in the United States district court in the district in which the violation occurred or in the district in which the violator resides for appropriate relief, including a temporary or permanent injunction.

(b) Contents of order

An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) Considerations

In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) Finality of order; request for hearing

An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) Hearing

On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) Subpoena power

In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) Continued violation after expiration of period for compliance

If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than \$10,000 for the continued noncompliance with the order.

(h) Savings provision

The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the ultimate consumer a battery or product covered by this chapter that was—