

Union Calendar No. 260

104TH CONGRESS
2^D SESSION

H. R. 2024

[Report No. 104-530]

A BILL

To 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 certain other batteries, and for other purposes.

APRIL 23, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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 IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1995

Mr. KLUG (for himself, Mr. GILLMOR, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. FIELDS of Texas, Mr. FRANKS of Connecticut, Mr. HASTERT, Mrs. LINCOLN, Mr. MANTON, Mr. PALLONE, Mr. RICHARDSON, Mr. STEARNS, Mr. TAUZIN, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on Commerce

APRIL 23, 1996

Additional sponsors: Mr. TOWNS, Mr. PAXON, Mr. GEJDENSON, Mr. ACKERMAN, Mr. DEUTSCH, Mr. BURR, Mr. EWING, Mr. SCHAEFER, Mr. SENBRENNER, Mr. STUPAK, Mr. LUTHER, Mr. GREENWOOD, Mr. LIGHTFOOT, Mr. SANDERS, Mr. COX of California, Ms. FURSE, Mr. DEAL of Georgia, Mr. FOLEY, and Mr. WHITE

APRIL 23, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 12, 1995]

A BILL

To 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 certain other batteries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Mercury-Containing and*
5 *Rechargeable Battery Management Act”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds that—*

8 *(1) it is in the public interest to—*

9 *(A) phase out the use of mercury in bat-*
10 *teries and provide for the efficient and cost-effec-*
11 *tive collection and recycling or proper disposal of*
12 *used nickel cadmium batteries, small sealed lead-*
13 *acid batteries, and other regulated batteries; and*

14 *(B) educate the public concerning the collec-*
15 *tion, recycling, and proper disposal of such bat-*
16 *teries;*

17 *(2) uniform national labeling requirements for*
18 *regulated batteries, rechargeable consumer products,*
19 *and product packaging will significantly benefit pro-*
20 *grams for regulated battery collection and recycling*
21 *or proper disposal; and*

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

5 **SEC. 3. DEFINITIONS.**

6 *For purposes of this Act:*

7 (1) *ADMINISTRATOR.*—*The term “Adminis-*
8 *trator” means the Administrator of the Environ-*
9 *mental Protection Agency.*

10 (2) *BUTTON CELL.*—*The term “button cell”*
11 *means a button- or coin-shaped battery.*

12 (3) *EASILY REMOVABLE.*—*The term “easily re-*
13 *movable”, with respect to a battery, means detachable*
14 *or removable at the end of the life of the battery—*

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

17 (B) *by a retailer of replacements for a bat-*
18 *tery used as the principal electrical power source*
19 *for a vehicle.*

20 (4) *MERCURIC-OXIDE BATTERY.*—*The term*
21 *“mercuric-oxide battery” means a battery that uses a*
22 *mercuric-oxide electrode.*

23 (5) *RECHARGEABLE BATTERY.*—*The term “re-*
24 *chargeable battery” —*

1 (A) means 1 or more voltaic or galvanic
2 cells, electrically connected to produce electric en-
3 ergy, that is designed to be recharged for re-
4 peated uses; and

5 (B) includes any type of enclosed device or
6 sealed container consisting of 1 or more such
7 cells, including what is commonly called a bat-
8 tery pack (and in the case of a battery pack, for
9 the purposes of the requirements of easy remov-
10 ability and labeling under section 103, means
11 the battery pack as a whole rather than each
12 component individually); but

13 (C) does not include—

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

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

24 (iii) a battery used as a backup power
25 source for memory or program instruction

1 *storage, timekeeping, or any similar pur-*
2 *pose that requires uninterrupted electrical*
3 *power in order to function if the primary*
4 *energy supply fails or fluctuates momentar-*
5 *ily; or*

6 *(iv) a rechargeable alkaline battery.*

7 (6) *RECHARGEABLE CONSUMER PRODUCT.*—*The*
8 *term “rechargeable consumer product”—*

9 *(A) means a product that, when sold at re-*
10 *tail, includes a regulated battery as a primary*
11 *energy supply, and that is primarily intended*
12 *for personal or household use; but*

13 *(B) does not include a product that only*
14 *uses a battery solely as a source of backup power*
15 *for memory or program instruction storage,*
16 *timekeeping, or any similar purpose that re-*
17 *quires uninterrupted electrical power in order to*
18 *function if the primary energy supply fails or*
19 *fluctuates momentarily.*

20 (7) *REGULATED BATTERY.*—*The term “regulated*
21 *battery” means a rechargeable battery that—*

22 *(A) contains a cadmium or a lead electrode*
23 *or any combination of cadmium and lead elec-*
24 *trodes; or*

1 (B) contains other electrode chemistries and
2 is the subject of a determination by the Adminis-
3 trator under section 103(d).

4 (8) *REMANUFACTURED PRODUCT*.—The term
5 “remanufactured product” means a rechargeable
6 consumer product that has been altered by the re-
7 placement of parts, repackaged, or repaired after ini-
8 tial sale by the original manufacturer.

9 **SEC. 4. INFORMATION DISSEMINATION.**

10 The Administrator shall, in consultation with rep-
11 resentatives of rechargeable battery manufacturers, re-
12 chargeable consumer product manufacturers, and retailers,
13 establish a program to provide information to the public
14 concerning the proper handling and disposal of used regu-
15 lated batteries and rechargeable consumer products with
16 nonremovable batteries.

17 **SEC. 5. ENFORCEMENT.**

18 (a) *CIVIL PENALTY*.—When on the basis of any infor-
19 mation the Administrator determines that a person has vio-
20 lated, or is in violation of, any requirement of this Act (ex-
21 cept a requirement of section 104) the Administrator—

22 (1) in the case of any violation, may issue an
23 order assessing a civil penalty of not more than
24 \$10,000 for each violation, or requiring compliance

1 *immediately or within a reasonable specified time pe-*
2 *riod, or both; or*

3 *(2) in the case of any violation or failure to com-*
4 *ply with an order issued under this section, may com-*
5 *mence a civil action in the United States district*
6 *court in the district in which the violation occurred*
7 *or in the district in which the violator resides for ap-*
8 *propriate relief, including a temporary or permanent*
9 *injunction.*

10 *(b) CONTENTS OF ORDER.—An order under subsection*
11 *(a)(1) shall state with reasonable specificity the nature of*
12 *the violation.*

13 *(c) CONSIDERATIONS.—In assessing a civil penalty*
14 *under subsection (a)(1), the Administrator shall take into*
15 *account the seriousness of the violation and any good faith*
16 *efforts to comply with applicable requirements.*

17 *(d) FINALITY OF ORDER; REQUEST FOR HEARING.—*
18 *An order under subsection (a)(1) shall become final unless,*
19 *not later than 30 days after the order is served, a person*
20 *named in the order requests a hearing on the record.*

21 *(e) HEARING.—On receiving a request under sub-*
22 *section (d), the Administrator shall promptly conduct a*
23 *hearing on the record.*

24 *(f) SUBPOENA POWER.—In connection with any hear-*
25 *ing on the record under this section, the Administrator may*

1 *issue subpoenas for the attendance and testimony of wit-*
2 *nesses and for the production of relevant papers, books, and*
3 *documents.*

4 (g) *CONTINUED VIOLATION AFTER EXPIRATION OF PE-*
5 *RIOD FOR COMPLIANCE.*—*If a violator fails to take correc-*
6 *tive action within the time specified in an order under sub-*
7 *section (a)(1), the Administrator may assess a civil penalty*
8 *of not more than \$10,000 for the continued noncompliance*
9 *with the order.*

10 (h) *SAVINGS PROVISION.*—*The Administrator may not*
11 *take any enforcement action against a person for selling,*
12 *offering for sale, or offering for promotional purposes to the*
13 *ultimate consumer a battery or product covered by this Act*
14 *that was—*

15 (1) *purchased ready for sale to the ultimate*
16 *consumer; and*

17 (2) *sold, offered for sale, or offered for pro-*
18 *motional purposes without modification.*

19 *The preceding sentence shall not apply to a person who is*
20 *the importer of a battery or product covered by this Act*
21 *and who has knowledge that the sale, offering for sale, or*
22 *offering for promotional purposes of such battery or product*
23 *is prohibited by this Act.*

1 **SEC. 6. INFORMATION GATHERING AND ACCESS.**

2 (a) *RECORDS AND REPORTS.*—A person who is re-
3 quired to carry out the objectives of this Act, including—

4 (1) a regulated battery manufacturer;

5 (2) a rechargeable consumer product manufac-
6 turer;

7 (3) a mercury-containing battery manufacturer;

8 and

9 (4) an authorized agent of a person described in
10 paragraph (1), (2), or (3),

11 shall establish and maintain such records and report such
12 information as the Administrator may by regulation rea-
13 sonably require to carry out the objectives of this Act.

14 (b) *ACCESS AND COPYING.*—The Administrator or the
15 Administrator's authorized representative, on presentation
16 of credentials of the Administrator, may at reasonable times
17 have access to and copy any records required to be main-
18 tained under subsection (a).

19 (c) *CONFIDENTIALITY.*—The Administrator shall
20 maintain the confidentiality of documents and records that
21 contain proprietary information.

22 **SEC. 7. STATE AUTHORITY.**

23 Nothing in this Act shall be construed to prohibit a
24 State from enacting and enforcing a standard or require-
25 ment that is identical to a standard or requirement estab-
26 lished or promulgated under this Act. Except as provided

1 *in sections 103(e) and 104, nothing in this Act shall be con-*
2 *strued to prohibit a State from enacting and enforcing a*
3 *standard or requirement that is more stringent than a*
4 *standard or requirement established or promulgated under*
5 *this Act.*

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 *There are authorized to be appropriated such sums as*
8 *are necessary to carry out this Act.*

9 **TITLE I—RECHARGEABLE**
10 **BATTERY RECYCLING ACT**

11 **SEC. 101. SHORT TITLE.**

12 *This title may be cited as the “Rechargeable Battery*
13 *Recycling Act”.*

14 **SEC. 102. PURPOSE.**

15 *The purpose of this title is to facilitate the efficient*
16 *recycling or proper disposal of used nickel-cadmium re-*
17 *chargeable batteries, used small sealed lead-acid recharge-*
18 *able batteries, other regulated batteries, and such recharge-*
19 *able batteries in used consumer products, by—*

20 *(1) providing for uniform labeling requirements*
21 *and streamlined regulatory requirements for regulated*
22 *battery collection programs; and*

23 *(2) encouraging voluntary industry programs by*
24 *eliminating barriers to funding the collection and re-*

1 *cycling or proper disposal of used rechargeable bat-*
2 *teries.*

3 **SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LA-**
4 **BELING.**

5 (a) *PROHIBITION.*—

6 (1) *IN GENERAL.*—*No person shall sell for use in*
7 *the United States a regulated battery that is ready for*
8 *retail sale or a rechargeable consumer product that*
9 *is ready for retail sale, if such battery or product was*
10 *manufactured on or after the date 12 months after*
11 *the date of enactment of this Act, unless the labeling*
12 *requirements of subsection (b) are met and, in the*
13 *case of a regulated battery, the regulated battery—*

14 (A) *is easily removable from the recharge-*
15 *able consumer product; or*

16 (B) *is sold separately.*

17 (2) *APPLICATION.*—*Paragraph (1) does not*
18 *apply to any of the following:*

19 (A) *The sale of a remanufactured product*
20 *unit unless paragraph (1) applied to the sale of*
21 *the unit when originally manufactured.*

22 (B) *The sale of a product unit intended for*
23 *export purposes only.*

24 (b) *LABELING.*—*Each regulated battery or recharge-*
25 *able consumer product without an easily removable battery*

1 *manufactured on or after the date that is 1 year after the*
2 *date of enactment of this Act, whether produced domesti-*
3 *cally or imported shall bear the following labels:*

4 (1) *3 chasing arrows or a comparable recycling*
5 *symbol.*

6 (2)(A) *On each regulated battery which is a*
7 *nickel-cadmium battery, the chemical name or the ab-*
8 *breivation “Ni-Cd” and the phrase “BATTERY*
9 *MUST BE RECYCLED OR DISPOSED OF PROP-*
10 *ERLY.”.*

11 (B) *On each regulated battery which is a lead-*
12 *acid battery, “Pb” or the words “LEAD”, “RE-*
13 *TURN”, and “RECYCLE” and if the regulated bat-*
14 *tery is sealed, the phrase “BATTERY MUST BE RE-*
15 *CYCLED.”.*

16 (3) *On each rechargeable consumer product con-*
17 *taining a regulated battery that is not easily remov-*
18 *able, the phrase “CONTAINS NICKEL-CADMIUM*
19 *BATTERY. BATTERY MUST BE RECYCLED OR*
20 *DISPOSED OF PROPERLY.” or “CONTAINS*
21 *SEALED LEAD BATTERY. BATTERY MUST BE*
22 *RECYCLED.”, as applicable.*

23 (4) *On the packaging of each rechargeable*
24 *consumer product, and the packaging of each regu-*
25 *lated battery sold separately from such a product, un-*

1 *less the required label is clearly visible through the*
2 *packaging, the phrase “CONTAINS NICKEL-CAD-*
3 *MIUM BATTERY. BATTERY MUST BE RECY-*
4 *CLED OR DISPOSED OF PROPERLY.” or “CON-*
5 *TAINS SEALED LEAD BATTERY. BATTERY*
6 *MUST BE RECYCLED.”, as applicable.*

7 *(c) EXISTING OR ALTERNATIVE LABELING.—*

8 *(1) INITIAL PERIOD.—For a period of 2 years*
9 *after the date of enactment of this Act, regulated bat-*
10 *teries, rechargeable consumer products containing reg-*
11 *ulated batteries, and rechargeable consumer product*
12 *packages that are labeled in substantial compliance*
13 *with subsection (b) shall be deemed to comply with*
14 *the labeling requirements of subsection (b).*

15 *(2) CERTIFICATION.—*

16 *(A) IN GENERAL.—On application by per-*
17 *sons subject to the labeling requirements of sub-*
18 *section (b) or the labeling requirements promul-*
19 *gated by the Administrator under subsection (d),*
20 *the Administrator shall certify that a different*
21 *label meets the requirements of subsection (b) or*
22 *(d), respectively, if the different label—*

23 *(i) conveys the same information as the*
24 *label required under subsection (b) or (d),*
25 *respectively; or*

1 (ii) conforms with a recognized inter-
2 national standard that is consistent with
3 the overall purposes of this title.

4 (B) CONSTRUCTIVE CERTIFICATION.—Fail-
5 ure of the Administrator to object to an applica-
6 tion under subparagraph (A) on the ground that
7 a different label does not meet either of the condi-
8 tions described in subparagraph (A) (i) or (ii)
9 within 120 days after the date on which the ap-
10 plication is made shall constitute certification
11 for the purposes of this Act.

12 (d) RULEMAKING AUTHORITY OF THE ADMINIS-
13 TRATOR.—

14 (1) IN GENERAL.—If the Administrator deter-
15 mines that other rechargeable batteries having elec-
16 trode chemistries different from regulated batteries are
17 toxic and may cause substantial harm to human
18 health and the environment if discarded into the solid
19 waste stream for land disposal or incineration, the
20 Administrator may, with the advice and counsel of
21 State regulatory authorities and manufacturers of re-
22 chargeable batteries and rechargeable consumer prod-
23 ucts, and after public comment—

24 (A) promulgate labeling requirements for
25 the batteries with different electrode chemistries,

1 *rechargeable consumer products containing such*
2 *batteries that are not easily removable batteries,*
3 *and packaging for the batteries and products;*
4 *and*

5 *(B) promulgate requirements for easy re-*
6 *movability of regulated batteries from recharge-*
7 *able consumer products designed to contain such*
8 *batteries.*

9 *(2) SUBSTANTIAL SIMILARITY.—The regulations*
10 *promulgated under paragraph (1) shall be substan-*
11 *tially similar to the requirements set forth in sub-*
12 *sections (a) and (b).*

13 *(e) UNIFORMITY.—After the effective dates of a require-*
14 *ment set forth in subsection (a), (b), or (c) or a regulation*
15 *promulgated by the Administrator under subsection (d), no*
16 *Federal agency, State, or political subdivision of a State*
17 *may enforce any easy removability or environmental label-*
18 *ing requirement for a rechargeable battery or rechargeable*
19 *consumer product that is not identical to the requirement*
20 *or regulation.*

21 *(f) EXEMPTIONS.—*

22 *(1) IN GENERAL.—With respect to any recharge-*
23 *able consumer product, any person may submit an*
24 *application to the Administrator for an exemption*
25 *from the requirements of subsection (a) in accordance*

1 with the procedures under paragraph (2). The appli-
2 cation shall include the following information:

3 (A) A statement of the specific basis for the
4 request for the exemption.

5 (B) The name, business address, and tele-
6 phone number of the applicant.

7 (2) GRANTING OF EXEMPTION.—Not later than
8 60 days after receipt of an application under para-
9 graph (1), the Administrator shall approve or deny
10 the application. On approval of the application the
11 Administrator shall grant an exemption to the appli-
12 cant. The exemption shall be issued for a period of
13 time that the Administrator determines to be appro-
14 priate, except that the period shall not exceed 2 years.
15 The Administrator shall grant an exemption on the
16 basis of evidence supplied to the Administrator that
17 the manufacturer has been unable to commence man-
18 ufacturing the rechargeable consumer product in com-
19 pliance with the requirements of this section and with
20 an equivalent level of product performance without
21 the product—

22 (A) posing a threat to human health, safety,
23 or the environment; or

24 (B) violating requirements for approvals
25 from governmental agencies or widely recognized

1 *private standard-setting organizations (including*
2 *Underwriters Laboratories).*

3 (3) *RENEWAL OF EXEMPTION.*—*A person granted*
4 *an exemption under paragraph (2) may apply for a*
5 *renewal of the exemption in accordance with the re-*
6 *quirements and procedures described in paragraphs*
7 *(1) and (2). The Administrator may grant a renewal*
8 *of such an exemption for a period of not more than*
9 *2 years after the date of the granting of the renewal.*

10 ***SEC. 104. REQUIREMENTS.***

11 (a) *BATTERIES SUBJECT TO CERTAIN REGULA-*
12 *TIONS.*—*The collection, storage, or transportation of used*
13 *rechargeable batteries, batteries described in section 3(5)(C)*
14 *or in title II, and used rechargeable consumer products con-*
15 *taining rechargeable batteries that are not easily removable*
16 *rechargeable batteries, shall, notwithstanding any law of a*
17 *State or political subdivision thereof governing such collec-*
18 *tion, storage, or transportation, be regulated under applica-*
19 *ble provisions of the regulations promulgated by the Envi-*
20 *ronmental Protection Agency at 60 Fed. Reg. 25492 (May*
21 *11, 1995), as effective on May 11, 1995, except as provided*
22 *in paragraph (2) of subsection (b) and except that—*

23 (1) *the requirements of 40 CFR 260.20, 260.40,*
24 *and 260.41 and the equivalent requirements of an ap-*
25 *proved State program shall not apply, and*

1 (2) *this section shall not apply to any lead acid*
2 *battery managed under 40 CFR 266 subpart G or the*
3 *equivalent requirements of an approved State pro-*
4 *gram.*

5 (b) *ENFORCEMENT UNDER SOLID WASTE DISPOSAL*
6 *ACT.—(1) Any person who fails to comply with the require-*
7 *ments imposed by subsection (a) of this section may be sub-*
8 *ject to enforcement under applicable provisions of the Solid*
9 *Waste Disposal Act.*

10 (2) *States may implement and enforce the require-*
11 *ments of subsection (a) if the Administrator finds that—*

12 (A) *the State has adopted requirements that are*
13 *identical to those referred to in subsection (a) govern-*
14 *ing the collection, storage, or transportation of bat-*
15 *teries referred to in subsection (a); and*

16 (B) *the State provides for enforcement of such re-*
17 *quirements.*

18 **TITLE II—MERCURY-CONTAIN-**
19 **ING BATTERY MANAGEMENT**
20 **ACT**

21 **SEC. 201. SHORT TITLE.**

22 *This title may be cited as the “Mercury-Containing*
23 *Battery Management Act”.*

1 **SEC. 202. PURPOSE.**

2 *The purpose of this title is to phase out the use of bat-*
3 *teries containing mercury.*

4 **SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MAN-**
5 **GANESE BATTERIES CONTAINING MERCURY.**

6 *No person shall sell, offer for sale, or offer for pro-*
7 *motional purposes any alkaline-manganese battery manu-*
8 *factured on or after January 1, 1996, with a mercury con-*
9 *tent that was intentionally introduced (as distinguished*
10 *from mercury that may be incidentally present in other ma-*
11 *terials), except that the limitation on mercury content in*
12 *alkaline-manganese button cells shall be 25 milligrams of*
13 *mercury per button cell.*

14 **SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BAT-**
15 **TERIES CONTAINING MERCURY.**

16 *No person shall sell, offer for sale, or offer for pro-*
17 *motional purposes any zinc-carbon battery manufactured*
18 *on or after January 1, 1996, that contains mercury that*
19 *was intentionally introduced as described in section 203.*

20 **SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL**
21 **MERCURIC-OXIDE BATTERIES.**

22 *No person shall sell, offer for sale, or offer for pro-*
23 *motional purposes any button cell mercuric-oxide battery*
24 *for use in the United States on or after January 1, 1996.*

1 **SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-**
2 **OXIDE BATTERIES.**

3 (a) *PROHIBITION.*—On or after January 1, 1996, no
4 person shall sell, offer for sale, or offer for promotional pur-
5 poses a mercuric-oxide battery for use in the United States
6 unless the battery manufacturer, or the importer of such
7 a battery—

8 (1) identifies a collection site in the United
9 States that has all required Federal, State, and local
10 government approvals, to which persons may send
11 used mercuric-oxide batteries for recycling or proper
12 disposal;

13 (2) informs each of its purchasers of mercuric-
14 oxide batteries of the collection site identified under
15 paragraph (1); and

16 (3) informs each of its purchasers of mercuric-
17 oxide batteries of a telephone number that the pur-
18 chaser may call to get information about sending
19 mercuric-oxide batteries for recycling or proper dis-
20 posal.

21 (b) *APPLICATION OF SECTION.*—This section does not
22 apply to a sale or offer of a mercuric-oxide button cell bat-
23 tery.

24 **SEC. 207. NEW PRODUCT OR USE.**

25 On petition of a person that proposes a new use for
26 a battery technology described in this title or the use of a

1 *battery described in this title in a new product, the Admin-*
2 *istrator may exempt from this title the new use of the tech-*
3 *nology or the use of such a battery in the new product on*
4 *the condition, if appropriate, that there exist reasonable*
5 *safeguards to ensure that the resulting battery or product*
6 *without an easily removable battery will not be disposed*
7 *of in an incinerator, composting facility, or landfill (other*
8 *than a facility regulated under subtitle C of the Solid Waste*
9 *Disposal Act (42 U.S.C. 6921 et seq.)).*