



Rechargeable Battery Law
RETAILER INSPECTION REPORT

Table with 4 columns: BUSINESS NAME, ADDRESS, DATE, TIME; PERSON INTERVIEWED & TITLE, PHONE, E-MAIL; DEC INSPECTOR NAME, DEC REGION.

1. JURISDICTION – ARTICLE 27, TITLE 18

Does the business meet the Law’s definition of “retailer”: a person, firm or corporation engaged in the sale of rechargeable batteries or products containing such batteries, to a consumer in New York State? Note: for the purposes of this law, a retailer does not include a food store. A “food store” is a store selling primarily food and food products for human consumption or use off the premises that occupies less than 14,000 square feet of display space.

Yes No - do not inspect.

2. INSPECTOR’S OBSERVATIONS

C NI V

- 1. Retailer accepts from consumers during normal business hours at least the minimum required number of rechargeable batteries of a similar size and shape as the retailer offers for sale. [ECL §27-1807(1)(a)]
2. Retailer conspicuously posts and maintains, at or near the point of entry, a legible sign that is at least 8.5 by 11 inches in size, with letters at least 1 inch in height, stating: “It is illegal to dispose of rechargeable batteries in the state of New York as solid waste. We accept used rechargeable batteries for return to the manufacturer.” [ECL §27-1807(1)(a)]
3. Retailer conspicuously maintains a collection container that is convenient for use by consumers to safely deposit used rechargeable batteries. [ECL §27-1807(1)(c)]

*C = Compliant, NI = Not Inspected, V = Violation

3. INFORMATION FOR RETAILER

Any violation(s) noted above must be corrected and prevented from recurring. This inspection may result in a follow-up inspection. This inspection report will be provided to the business representative identified above at the conclusion of the inspection, or a copy of this inspection report may be provided at a later date.

Inspector’s Signature

Individual in responsible charge

Signature Date



NYS Rechargeable Battery Law **Environmental Conservation Law (ECL) Article 27, Title 18**

The NYS Rechargeable Battery Law went into effect on December 10, 2010. The law requires manufacturers of covered rechargeable batteries to collect and recycle the batteries statewide in a manufacturer-funded program at no cost to consumers and requires retailers to accept rechargeable batteries from consumers.

Definitions and Basic Requirements of the Law

ECL § 27-1803 provides definitions of key terms in the NYS Rechargeable Battery Law. Under the law, a “**rechargeable battery**” is any rechargeable nickel-cadmium, sealed lead, lithium ion, nickel metal hydride battery, or any other such dry cell battery capable of being recharged weighing less than twenty-five pounds, or battery packs containing such batteries; but shall not include a battery used as the principal electric power source for a vehicle, such as, but not limited to, an automobile, boat, truck, tractor, golf cart or wheelchair.

A “**retailer**” is a person, firm or corporation that engages in the sale of rechargeable batteries, or products containing such batteries, to a consumer in the state, including, but not limited to, transactions conducted through sales outlets, catalogs, by mail, telephone, or the internet. Note: For the purposes of this law, retailer does not include a food store.

A “**food store**” is a store selling primarily food and food products for human consumption or use off the premises that occupies less than fourteen thousand square feet of display space.

Retailer Acceptance Requirements: Retailers must accept from consumers at any time during normal business hours, rechargeable batteries of a similar size and shape as the retailer offers for sale. Retailers must take up to ten batteries per day from any person regardless of whether such person purchases replacement batteries, and retailers must also accept as many batteries as a consumer purchases from the retailer. A retailer must conspicuously maintain, at a location within the retail establishment that is convenient for use by consumers, a collection receptacle into which consumers may safely deposit used rechargeable batteries, that has been provided to the retailer by a manufacturer or producer responsibility organization. [ECL § 27-1807(1)]

Retailer Sign Posting Requirements: Retailers must also conspicuously post and maintain, at or near the point of entry to the place of business, a legible sign, not less than eight and one-half inches by eleven inches in size, in letters at least one inch in height, stating: “It is illegal to dispose of rechargeable batteries in the state of New York as solid waste. We accept used rechargeable batteries for return to the manufacturer.”

Manufacturer Requirements: Manufacturers of covered rechargeable batteries or groups of collaborating manufacturers are responsible for submitting a plan to the Department of Environmental Conservation (DEC) identifying how the manufacturers will safely collect, transport, and recycle rechargeable batteries accepted by retailers, at the expense of the manufacturers, and provide retailers with information on the safe handling and storage of rechargeable batteries. [ECL § 27-1807(2)] Most manufacturers have joined Call2Recycle to implement their collection programs. A retailer can connect directly with Call2Recycle to become a collection partner at no cost to the retailer, via: www.call2recycle.org or (877) 723-1297.

Failure to Comply with the Law

Any retailer who violates the law is liable for a civil penalty in the amount of \$200 for the first violation, \$400 for a second violation committed within twelve months of a prior violation, and \$500 for a third or subsequent violation committed within twelve months of any prior violation. [ECL § 27-1809(2)]

Additional Information

The information above does not address all aspects of the law. More information and a copy of the law is available through the DEC website: <http://www.dec.ny.gov/chemical/72065.html>. If your business has been inspected by the DEC and you have questions regarding your compliance requirements, please contact the DEC inspector identified on the inspection report. If you have questions about the law, please contact the Product Stewardship and Waste Reduction Section at pswr@dec.ny.gov or (518) 402-8706.