

Ohio Passes New Law Requiring Lead-Acid Batteries Must Be Recycled

Many businesses use lead acid batteries. Effective **April 25, 2008**, a new law (Sub. H.B. 169, 127th General Assembly) in Ohio requires certain types of lead-acid batteries to be recycled instead of being sent to a hazardous waste facility. The most common type of lead acid batteries are those used for *vehicles, motorcycles, boats, and wheelchairs*. Do NOT throw these types of used batteries in your trash dumpster. The new law applies to these types of batteries, but does not apply to batteries used for "consumer products," which are used primarily for computers, electronic games, telephones, radios, and similar electronics.

Lead-acid batteries contain lead and sulfuric acid. A "wholesaler" is defined as a business that sells replacement lead-acid batteries for re-sale. A "retailer" is defined as a business that sells new batteries directly to end-users. If your company is a "retailer," your company may discard used lead-acid batteries only by delivering them to (a) a wholesaler, (b) a secondary lead-smelter (defined as a US EPA licensed facility that produces lead by smelting the material to the metallic form), (c) an automotive repair business, (d) a household hazardous waste collection location, or (d) a lead-acid battery collection or recycling center. It is against the law to commingle a used lead-acid battery with solid waste. It is also illegal to send the used battery to either a solid waste or hazardous waste facility. Persons who violate the law can be fined up to \$25,000 per day, per violation.

In addition, if you are a retailer of lead acid-batteries, you must accept from any purchaser (of the same general type) a number of used lead-acid batteries equal to the number of new batteries that the purchaser buys from your company. The retailer must then send the batteries to one of the five authorized locations mentioned above. If sent to a wholesaler, the wholesaler cannot store the used batteries for more than 90 days on his premises. Finally, a retailer is now required to post a sign (that is at least eight and one half inches by eleven inches, using 30-point lettering) displaying the universal recycling symbol notifying the public that, "state law requires us to accept used lead-acid batteries for new batteries purchased." A copy of an approved sign is attached to this article. Failure to post a sign may result in a civil penalty of \$25 per day, per violation. A motor vehicle dealer, licensed under Chapter 4517 of the Ohio Revised Code, is exempt from this requirement.



Frank J. Reed, Jr. is Of Counsel in the Environmental Law practice group of Benesch Friedlander Coplan & Aronoff, LLP. He can be reached at (614) 223-9304 or FReed@beneschlaw.com.