

104TH CONGRESS
1ST SESSION

H. R. 1522

To amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1995

Mr. TORRES (for himself, Mr. ACKERMAN, Mr. BEILENSON, Mr. BERMAN, Mr. BONIOR, Mr. BROWN of California, Mr. BRYANT of Texas, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Ms. HARMAN, Mr. LIPINSKI, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MINETA, Mr. MORAN, Ms. PELOSI, Mr. ROMERO-BARCELÓ, Ms. ROYBAL-ALLARD, Mrs. SCHROEDER, Mr. SERRANO, Ms. SLAUGHTER, Mr. VENTO, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Ms. WOOLSEY, and Mr. YATES) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries.

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 “Lead Battery Recy-
5 cling Incentives Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Consumption of lead in the United States
4 has declined since the early 1970s, when lead was
5 widely used in paints and as a gasoline additive, but
6 substantial amounts of lead continue to be used in
7 a variety of products. The most important of these
8 is lead-acid batteries, used primarily in motor vehi-
9 cles. In 1987, batteries accounted for 78 percent of
10 all the lead used in manufacturing in the United
11 States.

12 (2) The lead in batteries can be easily recycled,
13 but each year a substantial amount of lead is re-
14 leased to the environment when batteries are dis-
15 posed of in landfills and municipal incinerators. Ac-
16 cording to the Environmental Protection Agency,
17 138,000 tons of lead were discarded in batteries in
18 1986 (65 percent of total lead discards). Lead dis-
19 carded in batteries increased 64 percent between
20 1970 and 1986, and the Environmental Protection
21 Agency projects a further increase of 31 percent by
22 the year 2000.

23 (3) Since lead is an element that cannot be de-
24 stroyed, its continued release in any amount leads to
25 increased amounts of lead in the environment.

1 (4) An increase in environmental lead loadings
2 is harmful to health and the environment. Because
3 lead accumulates in body tissues, exposure to lead
4 can result in a variety of health problems. Even low
5 levels of exposure can lead to neurochemical
6 changes, altered behavior, or learning disabilities.
7 Higher levels of exposure can induce serious health
8 effects, including permanent damage to the central
9 nervous system. Effects on the brain and nervous
10 systems have been observed at blood lead levels once
11 considered safe.

12 (5) Children are especially susceptible to the
13 adverse consequences of lead in the environment.
14 Those with high blood levels are three times more
15 likely to have a verbal IQ score below 80. The det-
16 rimental impact on cognitive development will con-
17 tinue into early adulthood.

18 (6) General population exposures and blood
19 lead levels remain near recently identified medical
20 effect levels. The Environmental Protection Agency's
21 Clean Air Scientific Advisory Committee has rec-
22 ommended that the maximum acceptable blood lead
23 level for children be lowered from 25 mg/dl to 10-
24 15 mg/dl. Approximately three to four million young

1 children in the Nation's cities suffer blood lead levels
2 higher than 15 mg/dl.

3 (7) Exposures to lead are higher for popu-
4 lations around certain lead smelting facilities, popu-
5 lations in urban areas with heavily contaminated
6 soils, and populations living in housing with lead-
7 based paint or water delivery systems that contain
8 lead. Chronic low-level exposure can be most damag-
9 ing to these populations.

10 (8) Federal, State, and local programs to re-
11 duce emissions of lead have made significant
12 progress but have not eliminated human and envi-
13 ronmental exposure to lead. Air emissions from
14 sources other than transportation have in fact re-
15 mained relatively steady since 1983.

16 (9) Incineration of batteries in municipal solid
17 waste contributed 32 percent of the 8,100 metric
18 tons of lead emitted in the United States in 1987.

19 (10) Seventeen percent of municipal solid waste
20 (MSW) was incinerated in 1990. But, since both the
21 rate of incineration and the amount of waste gen-
22 erated is increasing, the Environmental Protection
23 Agency projects that the amount of waste inciner-
24 ated will grow by 50 percent between 1990 and the
25 year 2000. The dramatic increase in incineration will

1 greatly contribute to the amount of airborne lead
2 emissions, unless measures are implemented to di-
3 vert batteries from this type of improper disposal.
4 Continued incineration of batteries will also increase
5 the amount of lead disposed of in incinerator ash,
6 which, when landfilled, may leach into ground water.

7 **SEC. 3. SPENT LEAD-ACID BATTERY MANAGEMENT RE-**
8 **QUIREMENTS.**

9 (a) MANAGEMENT STANDARDS FOR SPENT LEAD-
10 ACID BATTERIES.—Subtitle C of the Solid Waste Disposal
11 Act (42 U.S.C. 6921 et seq.) is amended by adding at
12 the end the following new section:

13 **“SEC. 3024. MANAGEMENT STANDARDS FOR SPENT LEAD-**
14 **ACID BATTERIES.**

15 “(a) IN GENERAL.—(1) Not later than 18 months
16 after the date of the enactment of the Lead Battery Recy-
17 cling Incentives Act, the Administrator shall promulgate
18 regulations, in accordance with this section, for persons
19 who generate, transport, store, recycle, or dispose of spent
20 lead-acid batteries.

21 “(2) Such regulations shall include the recordkeeping
22 requirements described in subsections (b)(4) and (c)(3),
23 including a standard form that such persons may use for
24 carrying out applicable recordkeeping requirements.

1 “(3) In developing such regulations, the Adminis-
2 trator shall conduct an analysis of the economic impact
3 of the regulations on the recycling industry. The Adminis-
4 trator shall ensure that such regulations do not discourage
5 the recovery or recycling of spent lead-acid batteries, con-
6 sistent with the protection of human health and the envi-
7 ronment.

8 “(b) GENERATORS.—

9 “(1) IN GENERAL.—The Administrator shall
10 promulgate regulations establishing requirements for
11 generators of spent lead-acid batteries as necessary
12 to protect human health and the environment. Such
13 regulations shall cover the storage and transfer of
14 batteries, recordkeeping, and such other matters as
15 the Administrator considers appropriate, including
16 protection against spillage and leakage of acid. In
17 promulgating such regulations, the Administrator
18 shall take into account the effect of such regulations
19 on environmentally acceptable types of lead-acid bat-
20 tery recycling and the effect of such regulations on
21 small quantity generators and generators which are
22 small businesses (as defined by the Administrator).

23 “(2) STORAGE.—The regulations shall require
24 the following with respect to storage of spent lead-
25 acid batteries:

1 “(A) No spent lead-acid batteries may be
2 stored on unprotected soil or in a manner which
3 allows storm water to pass over them.

4 “(B) No spent lead-acid batteries may be
5 stored for more than a certain period of time,
6 as defined in the regulations.

7 “(3) TRANSFER.—The regulations shall require
8 that a generator must transfer spent lead-acid bat-
9 teries to one of the following:

10 “(A) A spent lead-acid battery disposal fa-
11 cility with a permit under section 3005.

12 “(B) A secondary lead smelter.

13 “(C) A spent lead-acid battery recycling fa-
14 cility which recovers lead from spent lead-acid
15 batteries and which has a permit under section
16 3005.

17 “(D) A battery transporter with a contract
18 to deliver the batteries to any facility described
19 in subparagraph (A), (B), or (C).

20 “(4) RECORDKEEPING.—The regulations shall
21 require that a generator of spent lead-acid batteries
22 shall keep a record, for a period of at least 3 years,
23 with respect to each transfer of batteries. The record
24 shall contain the following:

1 “(A) The date and quantity of batteries
2 transferred.

3 “(B) The destination of the batteries
4 transferred.

5 “(C) A certification from either the trans-
6 porter of the batteries, or from the recycling fa-
7 cility, disposal facility, or smelter to which the
8 battery is being transferred, that such facility
9 or smelter has a permit as required under this
10 section or is exempt as provided under this
11 section.

12 “(5) RETAILER REQUIREMENTS.—The regula-
13 tions shall require that a person who sells, or offers
14 for sale, lead-acid batteries shall accept from cus-
15 tomers, if offered by customers, spent lead-acid bat-
16 teries of the same type as the batteries sold and in
17 a quantity approximately equal to the number of
18 batteries sold. The spent lead-acid batteries shall be
19 accepted at the place where lead-acid batteries are
20 offered for sale.

21 “(c) TRANSPORTERS.—

22 “(1) IN GENERAL.—The Administrator shall
23 promulgate regulations establishing requirements for
24 transporters of spent lead-acid batteries as necessary
25 to protect human health and the environment. Such

1 regulations shall cover recordkeeping and such other
2 matters as the Administrator considers appropriate,
3 including protection against spillage and leakage of
4 acid.

5 “(2) IDENTIFICATION NUMBER.—The regula-
6 tions shall require that each transporter acquire an
7 identification number from the Environmental Pro-
8 tection Agency or from a State enforcing this
9 section.

10 “(3) RECORDKEEPING.—The regulations shall
11 require that a transporter of spent lead-acid bat-
12 teries shall keep a record, for a period of not less
13 than 3 years, with respect to each shipment of spent
14 lead-acid batteries, containing the following:

15 “(A) The date of receipt, origin, and quan-
16 tity of spent lead-acid batteries transported.

17 “(B) The destination of the batteries
18 transported.

19 “(C) A certification from the disposal facil-
20 ity or smelter to which the batteries are being
21 transported that such facility or smelter has a
22 permit as required under this section or is
23 exempt as provided under this section.

24 “(D) A certification from the disposal fa-
25 cility or smelter to which the batteries are being

1 transported that the facility or smelter actually
2 received the quantity of batteries described in
3 subparagraph (A).

4 “(d) RECYCLERS.—

5 “(1) IN GENERAL.—The Administrator shall
6 promulgate regulations establishing requirements for
7 recyclers of spent lead-acid batteries as necessary to
8 protect human health and the environment. Such
9 regulations shall cover the matters described in this
10 subsection and such other matters as the Adminis-
11 trator considers appropriate, including protection
12 against spillage and leakage of acid. For purposes of
13 administration and enforcement, the Administrator
14 shall integrate the requirements of the regulations
15 with, and shall avoid duplication with, provisions of
16 any other laws that contain similar requirements.

17 “(2) MINIMUM REQUIREMENTS.—The regula-
18 tions shall include requirements respecting the fol-
19 lowing:

20 “(A) Maintaining records of all spent lead-
21 acid batteries governed under provisions of this
22 section and the manner in which such batteries
23 were managed under this section. Such records
24 at a minimum shall include, with respect to
25 each shipment of spent lead-acid batteries, the

1 date of receipt and quantity of batteries re-
2 ceived, the name and address of the generator
3 and transporter of such batteries, and the cer-
4 tification described in subparagraph (C) of sub-
5 section (c)(3).

6 “(B) Reporting, monitoring, and inspec-
7 tion.

8 “(C) Recycling of all batteries received by
9 the recycling facility in accordance with the re-
10 quirements established by the Administrator.

11 “(D) The control of air emissions from
12 secondary lead smelters as may be necessary.

13 “(E) Control of spillage and leakage of
14 acid from spent lead-acid batteries, including
15 control of run-on and run-off of stormwater
16 from battery storage areas.

17 “(F) Management practices for recycling
18 battery cases from spent lead-acid batteries.

19 “(G) Contingency plans for effective action
20 to minimize and remediate potential environ-
21 mental damage caused by a mishap at any recy-
22 cling facility.

23 “(H) Management of slag or any other sec-
24 ondary materials resulting from the secondary
25 lead smelting process as may be necessary.

1 “(I) Compliance with such requirements
2 for corrective action and financial responsibility
3 as may be necessary or desirable.

4 “(e) RETENTION OF STATE AUTHORITY.—Nothing
5 in this section shall prohibit any State or political subdivi-
6 sion thereof from imposing any requirement regarding
7 spent lead-acid batteries which is more stringent than any
8 requirement established by this section.

9 “(f) SPENT LEAD-ACID BATTERY RECYCLING EDU-
10 CATION.—(1) The Administrator shall implement edu-
11 cation activities and programs to inform the public and
12 small businesses about the environmental and safety haz-
13 ards associated with improper handling and disposal of
14 spent lead-acid batteries, including the benefits derived
15 from legitimate battery recycling. In carrying out his re-
16 sponsibilities under this subsection, the Administrator
17 shall consult and assist the heads of Federal departments
18 and agencies, appropriate State and local government
19 agencies, educational institutions, trade associations, and
20 other representatives of private sector organizations.

21 “(2) There is authorized to be appropriated to the
22 Administrator not more than \$150,000 for fiscal year
23 1996, and not more than \$175,000 for each of fiscal years
24 1997 and 1998 to carry out the purposes and require-
25 ments of this subsection.

1 “(g) APPLICABILITY.—This section applies to bat-
2 teries which are transported to or managed by either a
3 spent lead-acid battery recycling facility, a secondary lead
4 smelter, or any facility that prepares batteries for recy-
5 cling.

6 “(h) DEFINITIONS.—For purposes of this section:

7 “(1) The term ‘generator’ means a commercial
8 entity that collects, stores, accumulates, or otherwise
9 generates spent lead-acid batteries. The term does
10 not include an individual who removes a battery
11 from an automobile or light-duty truck owned or op-
12 erated by such individual and used only for personal
13 purposes.

14 “(2) The terms ‘lead-acid battery’, ‘secondary
15 lead smelter’, and ‘spent lead-acid battery recycling
16 facility’ have the meanings given those terms by sec-
17 tion 3025(e).”.

18 (b) TECHNICAL AMENDMENT.—The table of contents
19 for subtitle C (contained in section 1001) is amended by
20 adding at the end the following:

“Sec. 3024. Management standards for spent lead-acid batteries.”.

21 **SEC. 4. SPENT LEAD-ACID BATTERY RECYCLING REQUIRE-**
22 **MENTS.**

23 (a) IN GENERAL.—Subtitle C of the Solid Waste Dis-
24 posal Act is further amended by inserting after section
25 3024 the following new section:

1 **“SEC. 3025. RECYCLING REQUIREMENTS FOR SPENT LEAD-**
2 **ACID BATTERIES.**

3 “(a) GENERAL REQUIREMENT.—(1) During the pe-
4 riod beginning not later than 24 months after the date
5 of the enactment of the Lead Battery Recycling Incentives
6 Act and ending 10 years after such date, a producer or
7 importer of lead-acid batteries each year shall recycle,
8 using a method described in paragraph (2), an amount,
9 by weight, of spent lead generated from lead-acid batteries
10 equal to at least that amount of lead determined by—

11 “(A) multiplying the amount, by weight, of lead
12 in lead-acid batteries produced for domestic use or
13 consumption or imported that year by such person,
14 by

15 “(B) the recycling percentage established by the
16 Administrator under subsection (b).

17 “(2) A producer or importer of lead-acid batteries
18 may comply with this subsection—

19 “(A) by reclaiming lead from spent lead-acid
20 batteries and using such lead in the production of
21 new lead-acid batteries (in compliance with the recy-
22 cling requirements of section 3024 and regulations
23 promulgated pursuant to such section);

24 “(B) by purchasing from secondary lead smelt-
25 ers lead reclaimed from spent lead-acid batteries for
26 purposes of producing new lead-acid batteries or

1 manufacturing lead shielding by introducing such re-
2 claimed lead into new batteries or shielding; or

3 “(C) by purchasing recycling credits from an-
4 other producer of lead-acid batteries under the recy-
5 cling credit system established pursuant to sub-
6 section (c).

7 “(3) A producer or importer of new lead-acid bat-
8 teries shall submit to the Administrator, under regulations
9 promulgated by the Administrator, a report on the
10 amount, by weight, of virgin and secondary lead used in
11 new lead-acid batteries produced or imported in each cal-
12 endar year by such person. The report shall be submitted
13 at least once a year, but the Administrator also may re-
14 quire such interim reports under this paragraph as he con-
15 siders necessary. The Administrator shall promulgate a
16 methodology for determining the amount of lead for pur-
17 poses of complying with this subsection. Such methodology
18 may take into account the growth rate of production of
19 lead-acid batteries and the normal life span of such
20 batteries.

21 “(b) RECYCLING PERCENTAGE.—The Administrator
22 each year shall establish a recycling percentage for use
23 under subsection (a). The percentage applicable during
24 the first year that the requirement established by sub-
25 section (a) is in effect shall be a 80 percent. For each

1 of the 10 years thereafter, the recycling percentage shall
2 be an additional 2 percentage points higher than the per-
3 centage of the previous year. Such recycling percentage
4 shall go into effect automatically and shall be published
5 in the Federal Register. If the rate exceeds 95 percent,
6 the Administrator may waive or reduce the 2 percent in-
7 crease which would otherwise be required.

8 “(c) CREDIT SYSTEM FOR RECYCLING SPENT LEAD-
9 ACID BATTERIES.—(1) Not later than 18 months after
10 the date of the enactment of the Lead Battery Recycling
11 Incentives Act, the Administrator shall promulgate regula-
12 tions to establish a system under which (A) a producer
13 of lead-acid batteries may create credits for any amount
14 of spent lead-acid batteries recycled that is greater than
15 the amount of such batteries required to be recycled by
16 the producer under subsection (a), and (B) producers or
17 importers of new lead-acid batteries may purchase such
18 recycling credits from such recyclers, for purposes of com-
19 plying with subsection (a). No person may create such
20 credits, and no producer or importer of new lead-acid bat-
21 teries may purchase such credits, except in accordance
22 with this subsection and the regulations promulgated
23 under this subsection. In developing the regulations, the
24 Administrator shall, to the maximum extent feasible, allow
25 for the use of records kept in the ordinary course of busi-

1 ness or other approaches that facilitate the simple, rapid
2 generation and exchange of credits without a case-by-case
3 approval.

4 “(2) At a minimum, the regulations under paragraph
5 (1) shall include the following requirements:

6 “(A) The owner or operator of any spent lead-
7 acid battery recycling facility or secondary lead
8 smelter shall keep receipts issued by any transport-
9 ers who take delivery of the spent batteries. The re-
10 cepts shall be kept for at least 3 years and shall
11 contain such information as the Administrator
12 deems appropriate. The owner or operator shall
13 show such receipts to the Administrator or to any
14 State enforcing this section upon demand.

15 “(B) Any person who transports spent lead-acid
16 batteries to a secondary lead smelter, by truck or
17 other means, shall obtain an identification number
18 from the Administrator. Such transporters shall
19 issue receipts (as described in subparagraph (A)) to
20 the owners or operators of spent lead-acid battery
21 recycling facilities or secondary lead smelters.

22 “(C) A producer of lead-acid batteries is the
23 only person who may create a recycling credit for
24 the recycling credit system.

1 “(D) The owner or operator of a secondary lead
2 smelter shall certify to the Administrator that the
3 lead being reclaimed for purposes of being sold to
4 producers or importers of lead-acid batteries is the
5 product of spent lead-acid batteries or such other
6 materials that the administrator shall determine by
7 regulations.

8 “(E) Effective 2 years after the credit system
9 goes into effect, the owner or operator of a second-
10 ary lead smelter shall certify to the Administrator
11 that the smelter is in compliance with all applicable
12 environmental and safety laws, including the Clean
13 Air Act, the Federal Water Pollution Control Act,
14 the Occupational Safety and Health Act, and this
15 Act.

16 “(F) Effective 2 years after the credit system
17 goes into effect, a producer of lead-acid batteries
18 may purchase lead only from secondary lead smelt-
19 ers that have made the certification required under
20 subparagraph (E).

21 “(G) Any lead proposed to be reclaimed by a
22 secondary lead smelter for the purpose of being sold
23 to a producer or importer of lead-acid batteries shall
24 come from an owner or operator of spent lead-acid

1 battery recycling facility or from a transporter with
2 an identification number.

3 “(H) The records that a secondary lead smelter
4 must keep are at least the following:

5 “(i) The delivery receipts given by trans-
6 porters of batteries (as described in subpara-
7 graph (A)). Such records shall be kept for at
8 least 3 years.

9 “(ii) A record of the amount, by weight, of
10 spent lead-acid batteries received for reclama-
11 tion of lead.

12 “(iii) A record of the quantities of re-
13 claimed lead sold or otherwise distributed in
14 commerce and the destinations of reclaimed
15 lead. Part of such record shall be a record of
16 the quantities of reclaimed lead sold to produc-
17 ers or importers of new lead-acid batteries for
18 the purpose of complying with subsection (a).

19 “(I) Each year a producer or importer of new
20 lead-acid batteries shall keep records of the quantity
21 of new lead-acid batteries produced or imported, the
22 amount of lead reclaimed from spent lead-acid bat-
23 teries to comply with subsection (a), the amount of
24 reclaimed lead purchased to comply with subsection
25 (a), the amount of recycling credits purchased (in-

1 including the names of producers of lead-acid batteries
2 from whom the credits were purchased and the dates
3 of the purchases), the price paid for the credits, and
4 the amount (if any) of recycling credits sold or car-
5 ried over from previous years. The regulations shall
6 allow for a 2-year carryover of credits.

7 “(3) The Administrator may include such other re-
8 quirements in the regulations under paragraph (1) with
9 respect to methods for auditing compliance with the sys-
10 tem, enforcement of the system, and qualifications for sec-
11 ondary lead smelters, importers, and producers as the Ad-
12 ministrator considers necessary or appropriate for admin-
13 istering the recycling credit system established under this
14 subsection.

15 “(d) REPORTS.—(1) Not later than 6 years after the
16 date of the enactment of the Lead Battery Recycling In-
17 centives Act, the Administrator shall submit to Congress
18 an interim report on the implementation of this section.
19 The report shall include, at a minimum—

20 “(A) a discussion of the effects of the require-
21 ments of this section on the battery industry, the
22 spent lead-acid battery recycling industry, and on
23 the environment; and

24 “(B) an evaluation of the level of the recycling
25 percentage under subsection (b) and recommenda-

1 tions on whether, and at what rate, the percentage
2 should be increased in future years above the per-
3 centage applicable under subsection (b).

4 “(2) Not later than 10 years after such date, the Ad-
5 ministrator shall submit to Congress a final report on the
6 implementation of this section. The report shall include
7 an updated version of the discussion and evaluation re-
8 quired in the interim report, as well as such other findings
9 and recommendations with respect to the implementation
10 of this section as the Administrator considers appropriate.

11 “(e) DEFINITIONS.—For purposes of this section:

12 “(1) The term ‘producer’ with respect to bat-
13 teries means any person who manufactures new
14 lead-acid batteries for domestic use. Such production
15 does not include the smelting of spent lead-acid bat-
16 teries.

17 “(2) The term ‘importer’ with respect to bat-
18 teries means any person who imports a new lead-
19 acid battery either individually or as part of an auto-
20 mobile or other vehicle.

21 “(3) The term ‘recycling credit’ means a legal
22 record of a recycling activity undertaken in accord-
23 ance with subsection (c) that represents an amount,
24 by weight, of lead recycled for purposes of complying
25 with subsection (a).

1 “(4) The term ‘secondary lead smelter’ means
2 a facility which produces metallic lead from various
3 forms of lead scrap, including lead recovered from
4 spent lead-acid batteries, and which may also
5 produce plastic chips that are sent for reprocessing.
6 The term includes a facility whose primary activity
7 is the production of virgin metallic lead from lead
8 ore concentrate, but which also is engaged in the
9 production of metallic lead from lead scrap recovered
10 from spent lead-acid batteries.

11 “(5) The term ‘recycling facility’ or ‘spent lead-
12 acid battery recycling facility’ means a facility that
13 removes or recovers lead from batteries in order to
14 return such lead to a secondary lead smelter.

15 “(6) The term ‘lead-acid battery’ means any
16 battery that consists of lead and sulfuric acid, is
17 used as a power source, and has a capacity of 6
18 volts or more.

19 “(7) The term ‘generator of spent lead-acid bat-
20 tery’ means a business or individual who receives or
21 accumulates spent lead-acid batteries, but does not
22 include businesses which expose the contents of the
23 battery. The term includes but is not limited to the
24 following:

25 “(A) Automobile dismantlers.

1 “(B) Scrap processors and recyclers.

2 “(C) Auto parts and battery retailers.

3 “(D) Auto parts and battery wholesalers.

4 “(E) Automobile dealerships and sales.

5 “(F) Battery distributors and other dis-
6 tributors.

7 “(G) Other businesses and individuals who
8 accept spent lead/acid batteries.

9 “(f) APPLICABILITY.—This section applies to any
10 person who produces or imports more than 10,000 pounds
11 of new lead-acid batteries a year.

12 “(g) REGULATIONS.—The Administrator shall pro-
13 mulgate regulations to implement this section not later
14 than 18 months after the date of the enactment of the
15 Lead Battery Recycling Incentives Act. If the Adminis-
16 trator fails to promulgate such regulations by that date,
17 the recycling percentage under subsection (b) shall be 90
18 percent beginning on the date of enactment and continu-
19 ing until such time as the regulations are promulgated.”.

20 (b) TECHNICAL AMENDMENT.—The table of contents
21 for subtitle C (contained in section 1001) is further
22 amended by adding at the end the following:

“Sec. 3025. Recycling requirements for spent lead-acid batteries.”.

