

General Explanation of Draft "Restrictions on the Manufacture, Import, and Sale of Dry Cell Batteries"

The development of electronic instruments and consumer electronics has spurred an ongoing rise in demand for dry cell batteries. Many types of dry cell batteries embodying different production methods and technologies, and meeting different functional needs, are currently on the market, and some of them still contain the environmentally-harmful element mercury. The failure to adequately recycle and dispose of such batteries will cause mercury to disperse in the environment, accumulate within living organisms and threaten human health.

In conformity to the international trend towards the "gradual restriction of and ultimate prohibition of mercury," the governments of the world's countries are restricting the use of mercury in certain products and strictly controlling the final disposal of products containing mercury. For instance, the European Union determined relevant guiding principles and recommended that member states prohibit the sale of dry cell batteries with a mercury content exceeding five parts per million from 2000. The US has also imposed restrictions on dry cell batteries that contain mercury.

In view of the hazard mercury poses to the environment and human health, the EPA has determined this announcement concerning restrictions on the manufacture, import, and sale of dry cell batteries that contain mercury in excess of the standard value in accordance with Article 21 of the Waste Disposal Act and in parallel with European Union battery directives and regulations.

In light of the fact that that alkaline manganese batteries and manganese-zinc batteries are currently used in large quantities and are made using mature mercury-free production technology, the government shall first prohibit the manufacture, import, and sale of manganese-zinc batteries and non-button type alkaline manganese batteries that contain in excess of five parts per million mercury. The manufacturers and importers designated in this announcement shall submit documents to verify a mercury content of less than five parts per million when applying to the central competent authority for confirmation prior to the import or manufacture of such batteries. Furthermore, vendors may not sell designated batteries without EPA confirmation. The government has taken these steps to effectively control the smuggling and surreptitious import of inferior quality batteries.

This draft announcement is a second pre-announcement, and is revised on the basis of the views of participants at public hearings. Deletions from the first pre-announcement include regulations concerning "lot-by-lot inspection" and "vendors shall preserve the confirmation document for subsequent reference," and additions include the requirement that the battery manufacturer or importer shall display the EPA's verification number that confirms a mercury content less than five parts per million on the body or packaging of the battery in order to facilitate public identification when making purchases.

The implementation of this announcement shall steer the manufacture of dry cell batteries towards low-mercury, low pollution designs, effectively reduce mercury use and waste volume, and lessen the mercury content of trash incinerator ash and facilitate subsequent reuse.

The key points of this announcement are as follows:

1. This announcement defines designated batteries as one-time-use manganese-zinc batteries and non-button alkaline manganese batteries.
2. While this announcement prohibits the manufacture or import of designated batteries, batteries with mercury content less than five parts per million shall not be subject to this restriction when the manufacturer or importer has submitted verification documents and the central competent authority has checked and confirmed said documents. The manufacturer or importer shall also mark the confirmation document number on the body of the battery or a clearly-visible spot on the packaging.
3. This announcement specifies that vendors may not sell designated batteries unless the central competent authority has confirmed that the mercury content is less than five parts per million.
4. This announcement specifies that the competent authority may send personnel in possession of personal identification documents to enter the premises of manufacture or import and sales in order to inspect the circumstances of the manufacture or import and sale of designated batteries, and test samples.
5. This announcement states that it shall be enforced from July 1, 2006 in order to provide relevant businesses adequate time in which to prepare their responses.

Draft Announcement of "Restrictions on the Manufacture, Import, and Sale of Dry Cell Batteries"

Announcement	Explanation
Summary: Announcement of "Restrictions on the Manufacture, Import, and Sale of Dry Cell Batteries"	
Basis: Article 21, Waste Disposal Act	
Announced items	
<p>1. Terms used in this announcement shall be defined as follows:</p> <p>(1) Dry cell battery: A battery in which the electrolyte is not able to flow freely.</p> <p>(2) One-time-use battery: A battery constructed to employ chemical energy derived from chemical reactions in accordance with electrochemical methods so as to directly discharge electricity, and so that the electric potential produced by the chemical reaction is irreversible.</p> <p>(3) Designated battery: A one-time-use battery that is either a manganese-zinc battery or a non-button type alkaline manganese battery.</p> <p>(4) Manganese-zinc battery: A battery that uses manganese dioxide as the effective anodic material and zinc as the effective cathodic material, and that uses an aqueous solution of a neutral salt such as ammonium chloride or zinc chloride as the electrolyte; this battery is commonly known as a carbon zinc battery.</p> <p>(5) Alkaline manganese battery: A battery that uses manganese dioxide as the effective anodic material and zinc as the effective cathodic material, and that uses an aqueous solution of an alkali metal hydroxide as the electrolyte.</p> <p>(6) Manufacturer: A business engaged in the manufacture of designated batteries, including when the designated batteries are attached to other goods (such as toys, clocks, appliances, etc.).</p> <p>(7) Importer: A business engaged in the import of designated batteries, including</p>	<p>1. This specifies the types of battery products subject to controls, and the scope of manufacturers, importers, and vendors subject to controls or excluded, so as to avoid determination disputes due to broad definitions.</p> <p>2. This refers to CNS definitions of battery types (CNS general number 6028, CNS general number 6032) issued by the Bureau of Standards, Metrology and Inspection, MOEA.</p>

<p>when the designated batteries are attached to other goods (such as toys, clocks, appliances, etc.).</p> <p>(8) Vendor: A business engaged in wholesale, retail, donation, or self-use of the designated batteries, including when the designated batteries are attached to other goods (such as toys, clocks, appliances, etc.).</p>	
<p>2. The government shall prohibit the manufacture or import of the designated batteries. However, batteries with mercury content less than five parts per million shall not be subject to this restriction when the manufacturer or importer has submitted verification documents and the central competent authority has checked and confirmed said documents.</p> <p>The competent authority may still conduct random testing of any designated battery on the domestic market that has obtained a confirmation document in accordance with the regulations of the forgoing paragraph.</p>	<p>1. This states that the manufacturer or importer of designated batteries shall obtain a confirmation document from the central competent authority prior to manufacturing or importing said batteries.</p> <p>2. The formula for calculating mercury content is: parts per million (ppm) by weight) = weight of the mercury contained in the battery (μg) \div battery weight (g).</p> <p>3. The competent authority may still conduct random testing of designated batteries that have passed confirmation.</p>
<p>3. If the manufacturer or importer of a designated battery attached to another product uses a designated battery for which the central competent authority has issued a confirmation document, and obtains the consent of the original designated battery confirmation document applicant, the manufacturer or importer does not need to re-apply for a confirmation document.</p>	<p>To avoid need for repeated confirmation application, this states that if the manufacturer or importer of a designated battery attached to another product uses a designated batteries for which a confirmation document has been issued, the manufacturer or importer does not need to re-apply for confirmation after obtaining the consent of the original applicant.</p>
<p>4. The manufacturer or importer of designated batteries shall mark the words "This product has been confirmed by the EPA to have a</p>	<p>In accordance with Paragraph 1 of the Waste Disposal Act, this specifies the markings that the manufacturer or</p>

<p>confirmed by the EPA to have a mercury content less than five parts per million" and the confirmation number on the body of the designated batteries or on a clearly-visible location on their packaging. When the items in the forgoing paragraph are marked on the body of the battery, the the width or height of the characters may not be less than 0.5 centimeters; when marked on the packaging, the width or height of the characters may not be less than 0.3 centimeters.</p>	<p>importer of designated batteries shall display on the body of the batteries or their packaging in order to facilitate public identification when making purchases.</p>
<p>5. A vendor may not sell designated batteries that have not been confirmed by the central competent authority confirmation and do not bear the markings specified in Item 4 of this announcement.</p>	<p>This states that vendors may not sell designated batteries that have not been confirmed by the central competent authority as having a mercury content of less than five parts per million. A vendor shall check the website of the manufacturer or importer, vendor, or EPA to determine whether any party has applied for a confirmation document for the designated battery.</p>
<p>6. The manufacturer or importer shall attach the following materials when applying to the central competent authority for a confirmation document for a designated battery in accordance with Item 2 of this Announcement:</p> <ol style="list-style-type: none"> (1) Application form (2) Photocopy of the company registration or profit seeking enterprise certificate (3) Photocopy of the personal identification document of the statutory responsible person (4) Photo showing the appearance of the designated battery (5) Mercury content testing report or verification document for the designated battery and issued within the most recent three months (6) Other documents or information designated by the central competent 	<p>This states materials that the manufacturer or importer shall prepare when applying for a confirmation document.</p>

<p>authority</p>	
<p>7. The testing report or confirmation document specified in Item 6 (5) of this announcement shall comply with the following regulations:</p> <p>(1) A manufacturer that wishes to test battery mercury content inspection shall engage an environmental analysis and testing organization licensed by the central competent authority to perform testing in accordance with the "Dry Cell Battery Mercury, Cadmium, and Lead Content Testing Methods" announced by the central competent authority.</p> <p>(2) An importer may engage an environmental analysis and testing organization licensed by the central competent authority or laboratory with attached International Laboratory Accreditation Cooperation (ILAC) accreditation to perform testing in accordance with the "Dry Cell Battery Mercury, Cadmium, and Lead Content Testing Methods" announced by the central competent authority.</p> <p>(3) The manufacturer or importer shall submit separate testing reports or verification documents when the manufactured or imported designated batteries have different brands, models, specifications, or outward styles, or when designated batteries made by the same manufacturer have been manufactured in different countries.</p> <p>(4) The manufacturer or importer shall submit samples that are representative of the type and model of battery that will be sold on the domestic market.</p>	<p>This explains the mercury content testing report or verification document that shall be submitted as part of application for a confirmation document shall comply with the following provision method and principles:</p> <ol style="list-style-type: none"> 1. A domestic Manufacturer shall engage an environmental analysis and testing organization licensed by the central competent authority to perform testing in accordance with announced testing methods and provide a report to serve as verification. 2. When a designated battery is imported, the importer shall obtain a testing report in accordance with regulations applicable to domestic manufacturers, or may submit an International Laboratory Accreditation Cooperation testing report. 3. In order to ease the burden on businesses, a domestic manufacturer shall, in principle, send a battery of the same type, model, specifications, and outward style for testing once; an importer shall, in principle, send a battery from the same manufacturer and country of manufacture and of the same type, model, specifications, and outward style for testing once.

<p>8. A confirmation document shall state the following items:</p> <ol style="list-style-type: none"> (1) Confirmation number (2) Name, address, and statutory responsible person of the company or profit seeking enterprise (3) Country of manufacture (4) Battery model, specifications, photograph of outward style, and mercury content (5) Issuance date and period of validity (6) Other items designated by the central competent authority 	<p>This specifies the content items of the confirmation document.</p>
<p>9. The competent authority may determine the period of validity of the confirmation document on the basis of mercury content and random testing circumstances; the maximum period of validity may not exceed five years. A manufacturer or importer that wishes to continue to manufacture or import the battery shall submit a new application at least six months before the expiration of the period of validity; the period of validity for first-time applicants may not exceed two years.</p>	<p>This specifies the period of validity of the confirmation document and time for submission of a new application.</p>
<p>10. A manufacturer or importer shall act as follows when items stated on a confirmation document that it has obtained change:</p> <ol style="list-style-type: none"> (1) When basic information such as the name, address, or statutory responsible person of company or profit seeking enterprise changes, the manufacturer or importer shall perform change procedures with the central competent authority within 15 days after the company license or profit seeking enterprise certificate changes. (2) When other confirmation document content changes, the manufacturer or 	<p>This states that a manufacturer or importer shall comply with regulations for making changes when items stated on a confirmation document change.</p>

<p>importer shall submit a new application in accordance with Item 6 of this announcement prior to the change.</p>	
<p>11. The competent authority may send personnel in possession of personal identification documents to enter the premises of manufacture or import and sales in order to inspect the circumstances of the manufacture or import and sale of designated batteries, and request the provision of relevant information. The manufacturer or importer shall provide designated batteries for testing without compensation, up to a quantity sufficient to meet testing needs, and may not refuse to do so.</p>	<p>1. This states that the competent authority may investigate the circumstances of the manufacture or import and sale of designated batteries.</p> <p>2. This specifies that a manufacturer or importer shall provide designated products for testing without compensation, but only up to a quantity sufficient to meet testing needs, which shall, in principle, be three products.</p>
<p>12. The central competent authority possesses the authority to revoke a confirmation document when a manufacturer or importer has any of the following circumstances:</p> <p>(1) The competent authority finds that the designated battery has a mercury content exceeding five parts per million after random testing of batteries on the domestic market.</p> <p>(2) The application documents are false and untruthful.</p> <p>(3) Other circumstances that the central competent authority has determined.</p>	<p>This states regulations governing revocation of confirmation documents.</p>
<p>13. If the central competent authority has revoked a confirmation document, the manufacturer or importer may not submit a new application for a confirmation document for the same type or model of designated battery within six months after completion of improvement.</p>	<p>This states that a manufacturer or importer may not apply for a confirmation document for the same type or model of designated battery within six months after revocation of a confirmation document and completion of improvement</p>
<p>14. The competent authority may order a manufacturer or importer to recycle and dispose of designated batteries within a limited time period in accordance with the method</p>	<p>This states regulations governing implementation of improvement within a limited time period when random testing finds that designated</p>

<p>designated by the central competent authority when random testing finds that designated batteries exceed control standards.</p>	<p>batteries exceed control standards.</p>
<p>15. Designated batteries sold prior to the implementation of this announcement shall comply with the regulations of Item 4 of this announcement before July 1,2007. The date of sale in the forgoing paragraph shall be the date on the vendor sales form, the purchase invoice, or receipt.</p>	<p>In view of the fact that designated batteries sold prior to the implementation of this announcement cannot be easily recovered for marking, a transition period is provided for the markings specified in Item 4 of this announcement; designated batteries shall comply with marking regulations within one year.</p>
<p>16. This announcement except item 4 shall take effect on July 1, 2006. Item 4 shall take effect on Oct 1, 2006.</p>	<p>This specifies the date on which this announcement shall take effect, and gives businesses sufficient time in which to prepare their responses.</p>