

# Restrictions on the Manufacture, Import, and Sale of Dry Cell Batteries

Promulgated by EPA Order Huan-Shu-Fei-Tzu No. 0950022726B on March 27, 2006.

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## **Subject:**

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

## **Basis:**

Article 21, Waste Disposal Act

## **Announced items:**

- I. Terms used in this Official Announcement are defined as follows.
  1. “Dry cell battery” means a battery in which the electrolyte is not able to flow freely.
  2. “One-time-use battery” means 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.
  3. “Designated battery” means a one-time-use battery that is either a manganese-zinc battery or a non-button type alkaline manganese battery.
  4. “Manganese-zinc battery” means 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.
  5. “Alkaline manganese battery” means a battery that uses manganese dioxide as the effective anodic material and zinc as the effective cathodic material and uses an aqueous solution of an alkali metal hydroxide as the electrolyte.
  6. “Manufacturer” means an enterprise that engages in the manufacture of designated batteries and products equipped with designated batteries (such as toys, clocks, appliances, etc.), or an enterprise that installs designated batteries to a product after production and importation.
  7. “Importer” means a business that engages in the importation of designated batteries, including when the designated batteries are attached to other goods (such as toys, clocks, appliances, etc.).
  8. “Vendor” means a business that engages in the sale of designated batteries, including when the designated batteries are attached to other goods (such as toys, clocks, appliances, etc.).
- II. The manufacture or import of designated batteries may begin only after the manufacturer or importer has submitted an application to the central competent authority that includes a testing report that indicates said batteries have a mercury concentration lower than 5 ppm, and the said authority has issued confirmation documents.
- III. 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.
- IV. Manufacturers and importers shall attach labeling to designated battery packaging that clearly states the phrase “This battery complies with Environmental Protection Administration regulations

on mercury content” and the confirmation document number issued by the central competent authority. The width or height of the characters may not be less than 0.3 centimeters.

- V. A vendor may not sell or give away 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.
- VI. 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 Official Announcement:
  1. Application form
  2. A photocopy of company registration or commercial registration or other verification document showing government approval of establishment.
  3. A photocopy of the personal identification document of the statutory responsible person
  4. Photo showing the appearance of the designated battery
  5. Testing report for mercury content issued within three months before the date the documents are submitted.
  6. Other documents or information designated by the central competent authority
- VII. The testing report mentioned in Item 6 of this Official Announcement shall comply with the following regulations:
  1. The manufacturer shall provide all testing reports submitted by the analysis laboratory that have received permits to test mercury content from the central competent authority.
  2. The importer shall provide all testing reports submitted by analysis laboratories mentioned in the previous item or laboratories that are authorized to test for mercury concentration in dry batteries by the International Laboratory Accreditation Cooperation (ILAC).
  3. The manufacturer or importer shall submit separate testing reports when the manufactured or imported designated batteries are of different brands, models, specifications, or outward appearances, or when designated batteries made by the same manufacturer have been manufactured in different countries.
  4. The manufacturer and importer shall submit sample batteries that are representative of the type and model to be sold on the domestic market.
- VIII. A confirmation document shall state the following items:
  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 appearance, and mercury content.
  5. Issuance date and period of validity
  6. Other items designated by the central competent authority
- IX. The central competent authority may, depending on the mercury content of the designated battery and random testing circumstances, approve the validity period of the confirmation documents. The validity period is limited to five years. Those manufacturers and importers that wish to continue to use their confirmation documents after expiration shall reapply six months prior to expiration. Those that are applying for the first time are limited to a validity period of two years.
- X. When making changes to recorded items in confirmation documents, the changes shall be made pursuant to the following regulations.
  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 importer shall submit a new application in accordance with Item 6 of this announcement prior to the change.

- XI. The competent authority may still conduct random testing of any designated battery on the domestic market that has obtained a confirmation document.
- XII. 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.
- XIII. The central competent authority possesses the authority to revoke a confirmation document when a manufacturer or importer is found to be in any of the following circumstances:
1. In those circumstances in which designated batteries in the domestic market have a mercury content of 5 ppm or higher, as determined through random testing by the central competent authority.
  2. The application documents are false and untruthful.
  3. Other matters designated by the central competent authority
- XIV. If the central competent authority has revoked a confirmation document, the manufacturer or importer may submit a new application for a confirmation document for the same type or model of designated battery six months after completion of improvement.
- XV. In those circumstances in which random testing by the central competent authority reveals that a designated battery has a mercury content greater than 5 ppm, the said authority may order the manufacturer or importer to recall the product from stores and return or dispose of product pursuant to the Waste Disposal Act.
- XVI. The labeling, investigation and disciplinary procedures for designated batteries that were placed on the market before this announcement took effect shall be conducted according to the following rules:
1. Labeling shall comply with Article 4 of this announcement by September 1, 2007; the date of sale shall be the date on the vendor sales form, the purchase invoice or receipt.
  2. Before September 1, 2009, when the first competent authority investigation at a vendor location reveals that the designated batteries are not marked according to regulations, the competent authority shall order the vendor to suspend the sale and delivery of goods on that day. The vendor may resume the sale and delivery of goods only upon the completion of the regulation markings. Those that do not abide shall be disciplined pursuant to Article 51 of the Waste Disposal Act. Second time violations and any violations thereafter shall be directly disciplined pursuant to Article 51 of the Waste Disposal Act.
  3. The manufacturer or importer shall complete the aforesaid designated battery markings within ten days of receiving the improvement notification from the competent authority. Those that do not make the necessary improvements before the deadline shall be disciplined pursuant to Article 51 of the Waste Disposal Act.
  4. Starting on September 2, 2009, manufacturers, importers and vendors that are found by competent authority investigation to have designated batteries with non-regulation markings, shall be directly disciplined pursuant to Article 51 of the Waste Disposal Act.
- XVII. This Announcement shall take effect on September 1, 2006. However, Item 4 of this announcement will take effect on December 1, 2006; and Item 16, Paragraphs 2, 3, and 4 will take

effect on January 1, 2007.