

## **Portable Batteries – FAQ for Distributors**

From 1 February 2010 distributors who supply 32kg or more a year of portable batteries will need to provide a 'battery take back' facility. This must be free of charge for anyone who has used portable batteries to dispose of. An information leaflet is available at

<http://www.defra.gov.uk/environment/waste/producer/batteries/documents/recycling-batteries.pdf>

These FAQs should answer any additional questions you may have as a distributor, but if not you can email the Vehicle Certification Agency (VCA), who are the enforcement body for distributors, at [batteries@vca.gov.uk](mailto:batteries@vca.gov.uk).

Questions that have recently been updated or added are highlighted in **grey**.

### **Background and Definitions**

#### **What do you mean by 'distributor'?**

A distributor of portable batteries is a person who supplies batteries on a professional basis to an end-user (the public, businesses). This is mainly retailers supplying in-store but also includes distance sellers within the UK who might not necessarily have retail premises (i.e. those supplying over the internet or by mail order) and those supplying directly to businesses (e.g. hotels, offices).

#### **How is this different from a battery producer?**

A producer is someone with a UK presence who places batteries, *including batteries in products*, on the UK market for the first time on a professional basis. This can include manufacturers and importers of batteries, or products containing batteries. For example, a company with a UK presence that imports batteries into the UK and then sells them wholesale in the UK, or a UK manufacturer of mobile phones (which include batteries) that sells to the general public and/or to retailers.

#### **What will battery producers need to do?**

Portable battery producers are responsible for meeting the collection targets and will meet their obligations by joining a Battery Compliance Scheme (BCS). BCSs were approved by the Environment Agency on 30th September 2009 and a full list is available at <http://www.environment-agency.gov.uk/business/regulation/107939.aspx>

#### **What is a portable battery?**

Portable batteries are:

- sealed;
- capable of being hand-carried by the average person without difficulty; and

- not an automotive or industrial battery.

Portable batteries include AA and AAA cells, button cells (used in hearing aids and watches etc), mobile phone batteries, laptop batteries, and those found in products like portable cameras, cordless power tools, remote controls, toys and household appliances (such as electric toothbrushes, razors and hand-held vacuum cleaners). If a battery is available for purchase by the general public, then it is likely to be portable unless it is too big to be hand-carried or is clearly an automotive or industrial battery.

### **How many batteries does the UK have to collect?**

The UK has to collect 25% of waste portable batteries by 2012 (about 7,500 tonnes) and 45% by 2016. The Batteries Regulations include interim collection targets for of:

Year	Target%
2010	10
2011	18
2012	25
2013	30
2014	35
2015	40
2016	45

### **Distributor Requirements**

#### **I sell portable batteries. What do I need to do under the regulations?**

From 1 February 2010 if you supply 32kg or more a year of portable batteries in an individual store, online or by mail order, you will need to provide a 'battery take back' facility. This must be free of charge for any member of the public who has some portable batteries to dispose of. You will also need to display some publicity material to inform the public that you collect used batteries.

#### **How many batteries is equivalent to 32kg?**

32 kg of batteries is about the same as one 4-pack of AA batteries a day. Different batteries have different weights and some typical weights for batteries are in the table below.

Type	Weight per battery (grams)	Weight of pack of 4 (grams)	How many packs of 4 = 32 kg
AA	23	92	348
AAA	12	48	666

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<b>C</b>	66	264	120
<b>D</b>	148	592	54

In practice, batteries are, of course, sold in different size packs and a distributor is unlikely to sell only one type of battery. Distributors selling laptops and mobile phones, etc, must bear in mind that the batteries in these products will weigh considerably more. This will make the calculation for distributors more complex than the table above suggests.

An online calculator to help you determine whether you supply over 32kg of batteries is now available at

[www.defra.gov.uk/environment/waste/producer/batteries/calculator.htm](http://www.defra.gov.uk/environment/waste/producer/batteries/calculator.htm)

**We are a distributor who supplies to both end-users and other distributors – how do we work out if we supply over 32kg to end-users?**

Such stores will need to take a decision themselves as to whether they supply 32kg or more to end-users, based on the knowledge they have of their client base. They should bear in mind that the VCA as the enforcement body has the authority to request to see relevant documentation to assess that decision (e.g. invoices), and should satisfy themselves that they have fully assessed their client base before taking a decision about whether or not they are obligated.

**If I supply over 32kg a year of portable batteries do I need to register as a distributor with the Environment Agency or join a Battery Compliance Scheme?**

No, but you will need to call a Battery Compliance Scheme to arrange pick up of the used batteries from your premises. See page 5.

**What other waste regulation do I need to consider?**

The following legislation also impacts on anyone storing or transporting used portable batteries:

- Hazardous Waste
- Carriage of Dangerous Goods by road
- Duty of Care (and Waste Carrier registration) and
- Environmental Permitting

More detailed information is available in the Government Advisory Note at [www.defra.gov.uk/environment/waste/producer/batteries/](http://www.defra.gov.uk/environment/waste/producer/batteries/)

**Do I have to provide take-back for batteries I don't sell or to people who haven't bought anything from my shop?**

Yes, you will have a legal requirement to do so.

**What should I do if a customer returns a used mobile phone, used laptop or any other product containing batteries to my store?**

You are only expected to collect used portable batteries. You should make this clear to your customers and ask them to remove the battery from the product. Information on where they can recycle waste electrical products, (for example, local authority waste recycling centres) will be available locally and websites such as [www.recyclenow.com/](http://www.recyclenow.com/) also have information.

If you sell electronic or electrical equipment (EEE) you may be affected by the WEEE Regulations (Waste Electronic and Electrical Equipment). Visit <http://www.berr.gov.uk/whatwedo/sectors/sustainability/weee/page30269.html> for further information.

**Do I have to provide take-back if I only sell batteries in products?**

No. You only need to provide a collection facility if you supply 32kg or more of portable batteries separately. See above for what you must do as a distributor of EEE.

**I sell electrical equipment that has spare batteries in the same pack. Will I need to accept back waste portable batteries?**

No – provided you do not also sell batteries on their own. See above for what you must do as a distributor of EEE.

**I supply batteries online / via mail / telephone order. What do I need to do?**

If you supply 32kg or more of portable batteries per year over the Internet, telephone, or by mail order, you are considered a distributor, and will have to meet the obligations on distributors under the Waste Batteries and Accumulators Regulations 2009.

You will be able to meet your obligation to provide take-back by providing a take-back facility at the premises from which you dispatch the batteries, e.g., your warehouse/warehouses, and/or the office/offices from which you take the orders of batteries. This needs to be accessible to members of the public and not just staff members, that is, the collection point should not be situated in a staff-only area.

You might consider however that you would like to provide a more accessible service for take-back to your customers and the wider public. You may find your customers will ask about the take-back service you provide, and business customers in particular may see the provision of a collection bin at their place of work as an extra benefit. We encourage distributors to make their take-back service as accessible as possible, and suggest the following as examples of ways in which you might like to do this.

- Linking up with places and/or businesses that want to collect waste portable batteries but aren't entitled to free pick up, e.g. retailers that supply less than

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32kg of portable batteries per year, or schools, libraries or doctors surgeries. You could provide such places with a collection box, and facilitate pick-up from them.

- Collect from customers who you regularly deliver to. For example, you could agree with your customer (e.g., an office block) to have a collection box in their premises, and then backhaul the waste batteries from them when delivering new goods.

Battery Compliance Schemes may also be able to help you identify further ways of providing more accessible take-back.

For any method you choose to provide take-back, you will need to fully understand the roles and responsibilities on those that store and transport waste portable batteries. An advisory note on this is available from the Defra website at: [www.defra.gov.uk/environment/waste/producer/batteries/index.htm](http://www.defra.gov.uk/environment/waste/producer/batteries/index.htm).

Defra have appointed the Vehicle Certificate Agency (VCA) to enforce the requirements for distributors to take back batteries under the 2009 Regulations. This body will also be responsible for reporting to Defra on how distance sellers are meeting their obligations, and Defra will keep the arrangements under review.

**I am a distributor supplying over 32kg per year, but do so from my own home – how do I meet my obligations?**

You still have a legal obligation to provide a take-back facility at your point of distribution. You are, however, welcome to inform customers of other collection points, in addition to your own, which may be more convenient for them, and may wish to do so by directing them to the WRAP postcode locator for civic amenity sites that collect batteries [http://www.recyclenow.com/what\\_can\\_i\\_do\\_today/can\\_it\\_be\\_recycled/waste\\_electronics/battery\\_recycling.html](http://www.recyclenow.com/what_can_i_do_today/can_it_be_recycled/waste_electronics/battery_recycling.html), or through the information provided on Direct Gov <http://www.direct.gov.uk/batteries>.

**I am a distance seller. What information must I provide regarding take back?**

Distance sellers must provide information about their own take-back - this is the legal requirement.

If you then wish to provide further information to end-users about take-back points that may be more accessible to them, you can also do this by:

- a) Directing them to the WRAP postcode locator for Civic Amenity sites that accept back waste portable batteries. [http://www.recyclenow.com/what\\_can\\_i\\_do\\_today/can\\_it\\_be\\_recycled/waste\\_electronics/battery\\_recycling.html](http://www.recyclenow.com/what_can_i_do_today/can_it_be_recycled/waste_electronics/battery_recycling.html) . Defra is investigating the possibility with WRAP of expanding this locator to include other places that accept back batteries as well.
- b) Highlighting that many shops will also have collection points. Most supermarkets and shops that sell batteries will have collection bins for used

batteries, and some town halls, libraries or schools may also set up collection points. End-users may find stores in their local area more accessible.

**I use a third party to distribute batteries on my behalf – who is the distributor?**

This will depend on the arrangements you have in place. If you are unclear, you should contact the VCA at [batteries@vca.gov.uk](mailto:batteries@vca.gov.uk) for advice, providing full details of the arrangements in place.

**I sell batteries to business customers. What do I need to do?**

The regulations also apply to you. If you are selling portable batteries to any end-users, (businesses or members of the public) you must provide take-back facilities for used batteries. If the businesses you deal with sell the batteries on, you will not be a distributor, and will not have an obligation.

**I have a small corner shop and only sell a few batteries per year – what do I need to do?**

If you supply less than 32kg you don't need to do anything.

**Who will provide the containers and publicity materials?**

Distributors are responsible for ensuring a suitable container is available for the public to dispose of used batteries. Battery Compliance Schemes (BCSs) might be willing to provide stores with containers and publicity materials and this should be discussed with them directly. A list of approved BCSs and their contact details is available at <http://www.environment-agency.gov.uk/business/regulation/101529.aspx>.

Distributors are also responsible for ensuring consumers are aware of the take-back service offered. Defra has also developed some publicity material that distributors are able to use to comply with this aspect of their obligations. This is available on the Defra website at [www.defra.gov.uk/environment/waste/producer/batteries/batteries-logo-poster.htm](http://www.defra.gov.uk/environment/waste/producer/batteries/batteries-logo-poster.htm).

**What should the container be like?**

There are no specific rules on what the container you use to collect the waste batteries in should look like, but it would typically be a box or drum and should be robust enough to contain the batteries and not leak (you may want to line it with a plastic liner).

When the Battery Compliance Scheme collects the batteries from you, they will need to pack them in a plastic liner inside a box or drum for onward transport, and they will provide this.

**How do I get rid of the batteries I've collected?**

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If you are a distributor who supplies more than 32kg, you have a right to contact a BCS to arrange free collection of your batteries. Once you've contacted them, they must make an agreement with you within 21 days to arrange collection frequency and methods of collection (e.g. with a registered waste carrier). BCSs cannot charge for this collection, and you can't charge a BCS for the batteries you collect. The contact details for the BCSs are available at <http://www.environment-agency.gov.uk/business/regulation/101529.aspx>.

Distributors could, if they choose, use their own delivery vehicles (backhauling) to transport the batteries to a consolidation point. However, some batteries are classed as hazardous waste and/or dangerous goods and therefore cannot be transported without the right controls in place. An advisory note on how to store and transport waste portable batteries is available online at: [www.defra.gov.uk/environment/waste/producer/batteries/](http://www.defra.gov.uk/environment/waste/producer/batteries/)

**How many batteries do I need to collect before the BCS will take them away?**

Collection should only take place when there is a reasonable amount of used batteries available from the distributor for collection to reduce the environmental impact of CO<sub>2</sub> emissions from transport used to collect a very small number of batteries.

**How often should a BCS collect from my shop?**

That is a matter for the two parties concerned. However, schemes must take into account the environmental impact of collection.

**What should I do if a BCS refuses to collect my used batteries even though I supply over 32kg a year, or asks for evidence that I sell over 32kg a year?**

If you supply over 32kg of batteries a year BCSs must collect your used batteries for free. If they refuse to do this you should raise the issue with the Environment Agency who are the enforcement authority for BCSs by emailing [batteries@environment-agency.gov.uk](mailto:batteries@environment-agency.gov.uk) or calling their helpline on 08708 506 506.

**I understand I need to use consignment notes when the batteries are taken away for recycling - do I have to use the forms available from the EA?**

No. Consignment notes are used to record the movement of hazardous waste. Some batteries are considered hazardous because of the chemicals they contain. If you already use documentation to record the movement of waste from your premises this can be amended to record the battery movements, and as long as you include the right information, you would not need to use the template forms prepared by the Environment Agency.

**Even though I supply less than 32kg I want to participate – am I allowed to collect waste batteries?**

You can still collect waste batteries if you wish to. However, if you supply less than 32kg of batteries per year, you are not entitled to have a BCS come and collect them

for free. We recommend that before collecting waste batteries (if you supply less than 32kg), you talk to a BCS about how you can dispose of them for recycling.

**Do airports and petrol stations need to collect batteries?**

Yes. If each individual store supplies 32kg or more a year of batteries it will be required to take back in the same way as other obligated distributors above the 32kg threshold. In terms of health and safety, those premises, like any other, will undergo periodical checks for fire hazards, etc. The storage of waste batteries will be included in such checks. Please refer to the section provided by the Health and Safety Executive on storage of batteries (pg 15) on the Government Advisory Note (link above).

N.B. Retailer chains have individual store responsibilities – i.e. if one or more store supplies less than 32 kg per year, those individual stores will be exempt.

**Whose responsibility is it to collect/recycle batteries from organisations which use batteries but don't sell them (end-users), e.g. hotels use batteries in TV remote controls or hospitals?**

People supplying batteries to business end-users also have to provide take-back facilities for the public. They might choose to place a collection facility in the premises and ensure that it is regularly emptied.

**I am a distributor with two obligated stores on one site e.g. a supermarket and a petrol station. If I provide a central collection facility (i.e., a car park recycling unit) and direct end-users at both the petrol station and the supermarket to that collection point, will I be compliant?**

Yes. A central collection facility (i.e. a car park recycling unit) being shared by a store and petrol station of the same company on the same site will be accepted as compliant, as long as there is clear information at both store and station (which is a legal requirement anyway) to indicate this, and it is easily accessible to end-users visiting both locations.

It is not acceptable to direct an end-user at a petrol station to a collection point in an associated store on the same site in the absence of a central collection facility, meaning the petrol station will need to provide their own in store take-back.

Outlets at shopping centres and retail parks are expected to have a take-back facility at each obligated store, regardless of whether there is an additional central collection facility or stores are of the same company on the same site.

**I am an obligated distributor supplying batteries from a store in a shopping centre where other obligated distributors are also supplying batteries – can we join together to provide a communal bin instead of each providing take-back in our stores?**

No. All obligated distributors are required to provide a take-back facility at the place they supply the batteries. In this case this would be in-store collection. You cannot

discharge this obligation by directing end-users to a communal bin. Communal bins can however be used in addition to individual in store collection to provide an additional service.

### **What is the Role of the Vehicle Certification Agency (VCA)?**

The VCA has been appointed to ensure that distributors are meeting their obligations under the regulations. The VCA's overall priority is to ensure that everyone affected by the change in the law is aware of their responsibilities under the new regulations and has the opportunity to meet them.

VCA will initially focus their efforts on raising awareness. Whilst ignorance of the law is not a defence, VCA will normally only take formal enforcement action which may result in potential prosecution where they believe that the law has been broken deliberately.

The VCA also enforce retailer obligations on waste electronic and electrical equipment (WEEE).

### **What are the penalties for distributors who do not comply?**

Under the Waste Batteries and Accumulators Regulations 2009 distributors who contravene or do not comply with the requirements in regulation 31 (take back) or regulation 34 (prohibition on showing the costs of collection, treatment and recycling of portable batteries) are guilty of an offence under regulation 89(3). Under regulation 90, the penalty for a breach of regulation 31(1)(b) (charging end-users or obliging them to buy a new battery on take back) is, on summary conviction, a fine not exceeding level 5 on the standard scale. At the moment, level 5 on the standard scale is £5,000. The penalty for other breaches is a fine not exceeding the statutory maximum on summary conviction and an unlimited fine for conviction on indictment.

Where the enforcement authority has reasonable grounds for suspecting that any of the requirements of regulations 31 or 34 have not been complied with, regulation 87(1) allows them to serve an enforcement notice on a distributor in respect of these requirements. Failure, without reasonable cause, to comply with such a notice is an offence under regulation 90. Again, the penalty is a fine not exceeding the statutory maximum on summary conviction and an unlimited fine for conviction on indictment.

### **Health and Safety**

#### **Are used batteries dangerous to keep in store?**

The Health and Safety Executive considers the risks from storing small quantities of portable batteries to be very low if sensible common sense precautions are taken.

Some batteries contain chemicals which are considered hazardous or dangerous (e.g. nickel-cadmium, lithium). However, the most popular type of portable battery – alkaline - is not classed as hazardous or dangerous. A container of mixed batteries

is almost certain to contain a small proportion that are deemed to be dangerous and/or hazardous and therefore must be transported and stored appropriately. The Government Advisory Note at [www.defra.gov.uk/environment/waste/producer/batteries/](http://www.defra.gov.uk/environment/waste/producer/batteries/) gives more information on this.

**Do I need a permit to collect the batteries?**

No, there is an exemption for permits for portable battery collection points, so long as simple conditions for that exemption are met. These are explained in our Advisory Note on the Storage and Transport of Waste Portable Batteries, available on Defra website [www.defra.gov.uk/environment/waste/producer/batteries/documents/0907-advisory-note.pdf](http://www.defra.gov.uk/environment/waste/producer/batteries/documents/0907-advisory-note.pdf).

**Are there any insurance problems for businesses with storing/keeping used batteries for collection?**

We are not aware of any issues.

**Do I need to let the fire service know that I (as a retailer) have used batteries stored on my premises for collection and recycling?**

The Health and Safety Executive considers the risks from storing small quantities of portable batteries to be very low if sensible common sense precautions are taken. These should be taken into account in a business's health and safety risk assessment. However, if storing more than a few kilos of batteries, the retailer should notify the local fire service so that, in case of a fire, they are aware of the chemicals and associated hazards.

**Are leaky used batteries dangerous/poisonous?**

The material leaking from batteries may be toxic and/or corrosive. Take sensible precautions, handle leaking batteries with gloves and collect them in suitably designed containers. Wash your hands afterwards.

**Are batteries or battery packs with trailing wires dangerous?**

Battery packs with trailing terminal wires are potentially hazardous. To make sure these types of battery packs are safe for transport, all trailing terminal wires should have their ends securely taped with insulation tape, or ideally cut off where they leave the casing in such a way that there is no possibility of the cut ends touching each other.

**How do I prevent people from putting other waste into my battery bins?**

The apertures on battery collection containers should be big enough to accept batteries but small enough to prevent other waste from being inserted.

**Treatment of Batteries**

**What happens to used batteries that are collected for recycling?**

Department for Environment Food and Rural Affairs

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The first step is for them to be sorted into different chemistries (e.g. alkaline, lithium, etc) because different battery types are recycled in different ways. The UK has facilities for the full recycling of all lead acid and mercury button cell batteries, and there are also facilities here for the first stages of recycling for alkaline and lithium ion batteries. Of the chemistries which currently need to be sent abroad for recycling, many end up in France. Other countries which assist the UK with battery recycling are Belgium, Germany and Canada.