

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 14322(d) of this title.

**(8) Remanufactured product**

The term “remanufactured product” means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

(Pub. L. 104-142, §3, May 13, 1996, 110 Stat. 1329.)

**§ 14303. Information dissemination**

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

(Pub. L. 104-142, §4, May 13, 1996, 110 Stat. 1330.)

**§ 14304. Enforcement**

**(a) Civil penalty**

When on the basis of any information the Administrator determines that a person has violated, or is in violation of, any requirement of this chapter (except a requirement of section 14323 of this title) the Administrator—

(1) in the case of any violation, may issue an order assessing a civil penalty of not more than \$10,000 for each violation, or requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation or failure to comply with an order issued under this section, may commence a civil action in the United States district court in the district in which the violation occurred or in the district in which the violator resides for appropriate relief, including a temporary or permanent injunction.

**(b) Contents of order**

An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

**(c) Considerations**

In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

**(d) Finality of order; request for hearing**

An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

**(e) Hearing**

On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

**(f) Subpoena power**

In connection with any hearing on the record under this section, the Administrator may issue

subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

**(g) Continued violation after expiration of period for compliance**

If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than \$10,000 for the continued noncompliance with the order.

**(h) Savings provision**

The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the ultimate consumer a battery or product covered by this chapter that was—

(1) purchased ready for sale to the ultimate consumer; and

(2) sold, offered for sale, or offered for promotional purposes without modification.

The preceding sentence shall not apply to a person—

(A) who is the importer of a battery covered by this chapter, and

(B) who has knowledge of the chemical contents of the battery

when such chemical contents make the sale, offering for sale, or offering for promotional purposes of such battery unlawful under subchapter III of this chapter.

(Pub. L. 104-142, §5, May 13, 1996, 110 Stat. 1331.)

**§ 14305. Information gathering and access**

**(a) Records and reports**

A person who is required to carry out the objectives of this chapter, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in paragraph (1), (2), or (3),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this chapter.

**(b) Access and copying**

The Administrator or the Administrator’s authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

**(c) Confidentiality**

The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

(Pub. L. 104-142, §6, May 13, 1996, 110 Stat. 1332.)

**§ 14306. State authority**

Nothing in this chapter shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is identical to a standard or requirement established or promulgated under this chapter. Except as provided in