



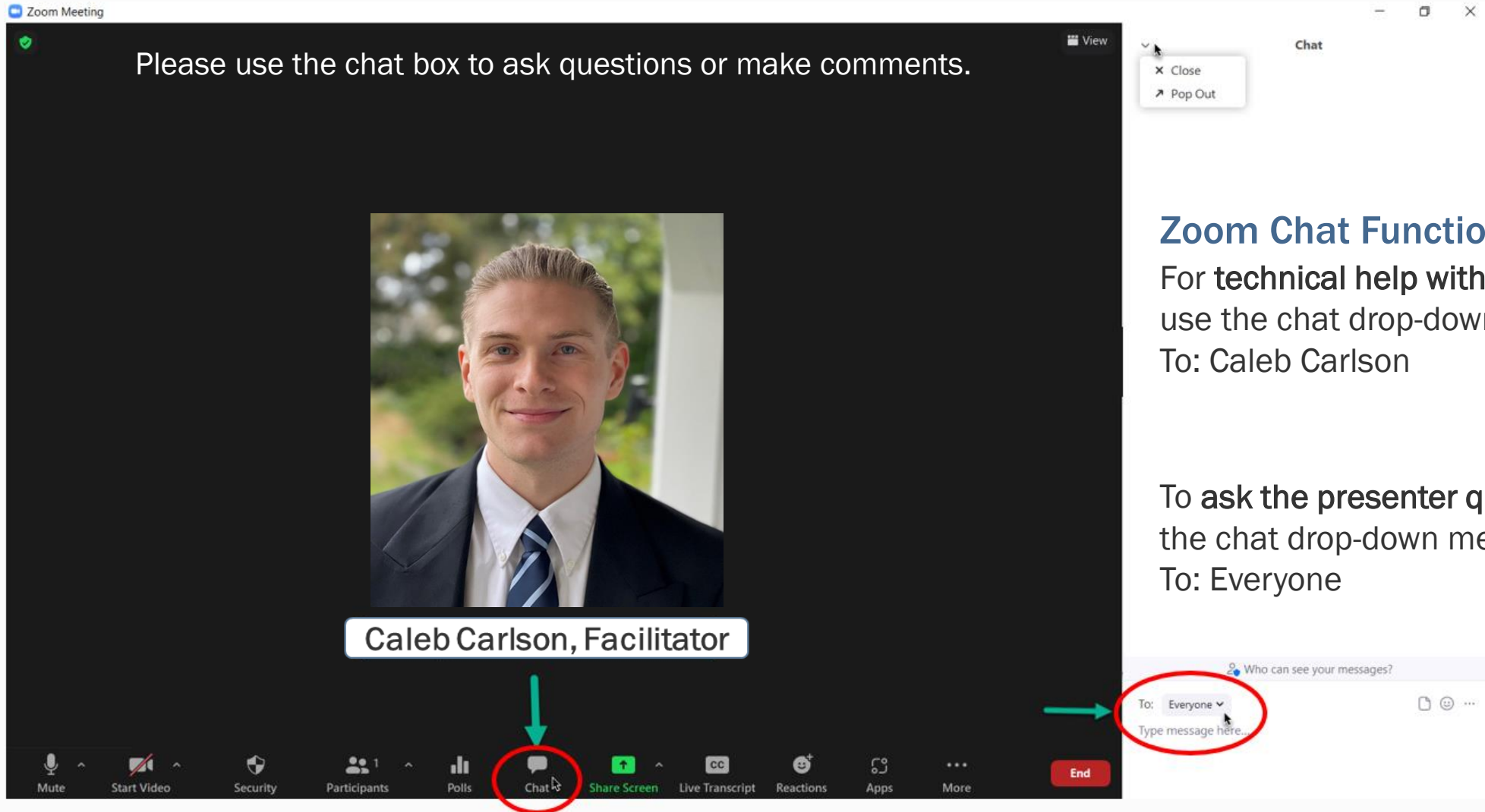
DEPARTMENT OF
ECOLOGY
State of Washington

Battery Stewardship Program Rulemaking—Chapter 173-905 WAC

Rule Advisory Committee Meeting #4

October 21, 2024 | 11 AM – 2 PM (Pacific Time)

Assisting with this meeting:



Zoom Meeting

Please use the chat box to ask questions or make comments.

Caleb Carlson, Facilitator

Chat

Who can see your messages?

To: Everyone

Type message here...

Mute Start Video Security Participants Polls Chat Share Screen Live Transcript Reactions Apps More End

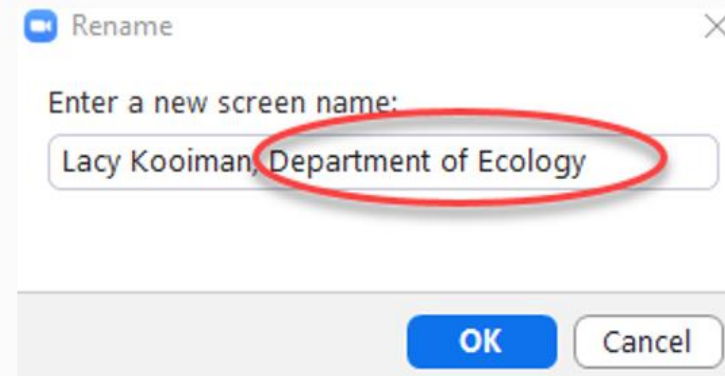
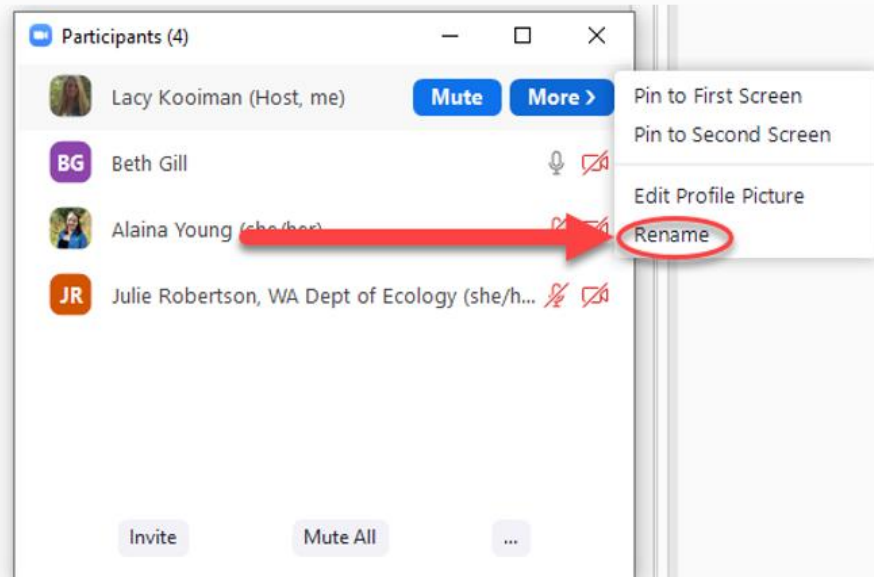
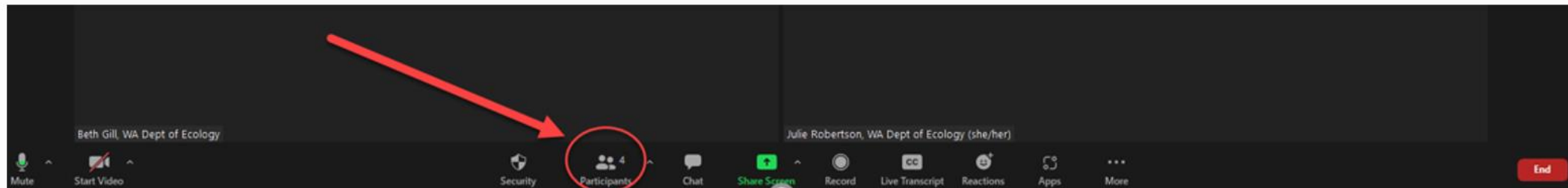
The image shows a Zoom meeting interface. At the top, a text box says "Please use the chat box to ask questions or make comments." Below this is a video of Caleb Carlson, the facilitator. At the bottom is the Zoom control bar. The "Chat" icon in the control bar is circled in red, with a green arrow pointing to it. Another green arrow points from the "Chat" icon to the chat window. The chat window is open, showing a "To:" dropdown menu set to "Everyone", which is also circled in red. The chat input field contains the text "Type message here..."

Zoom Chat Functions

For technical help with Zoom, use the chat drop-down menu to select To: Caleb Carlson

To ask the presenter questions, use the chat drop-down menu to select To: Everyone

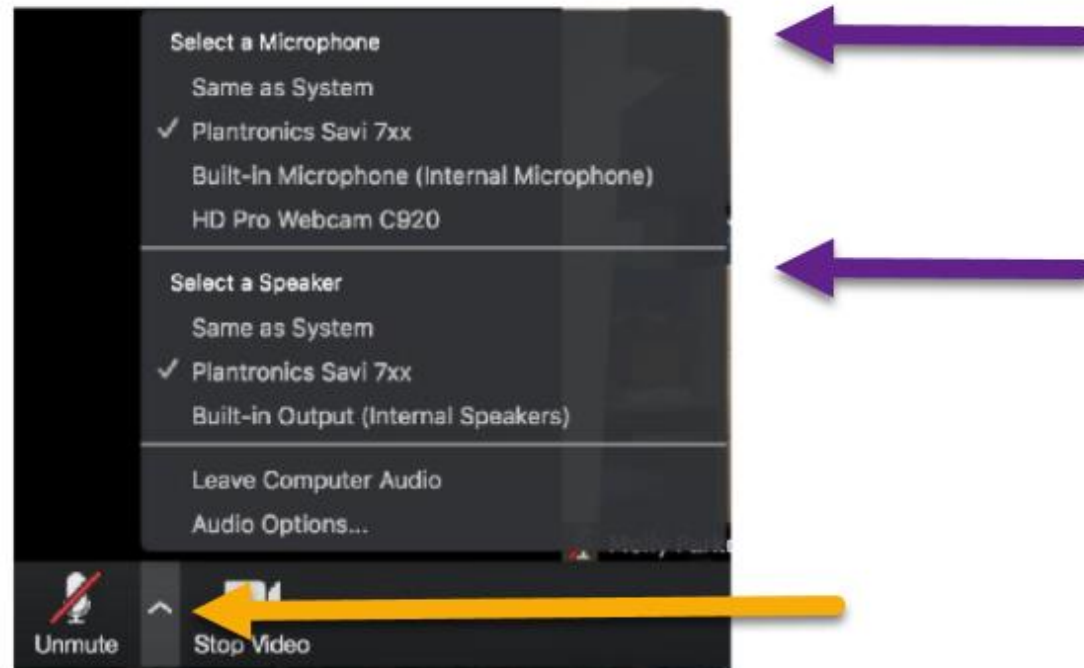
Zoom Functions: Rename to Add Your Affiliation



Zoom Functions: Audio Settings

Mute/Unmute & Audio Settings

You can mute and unmute your microphone. If you click on the arrow next to the mute button (bottom left main Zoom screen), you have additional options for audio settings. You can change your microphone, leave the computer audio or access the audio options.

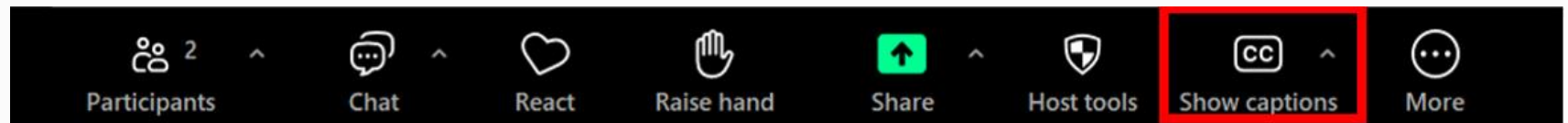
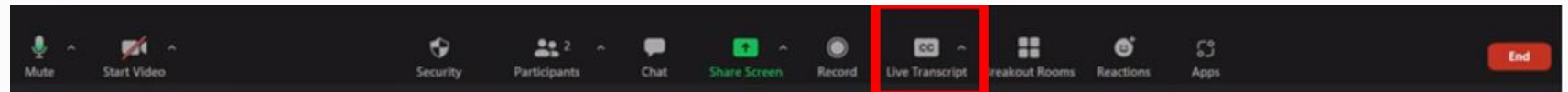


Closed Captions

Closed captions and a live transcript is enabled for this meeting.

To turn on the live transcript:

- Locate the cc “Live Transcript” or “Show Captions” option on your Zoom control bar.
- Different versions of Zoom look a little different.



Meeting Logistics: Questions & Comments

- We will have Q&A time allotted for all participants at the end of each rule concept section.
- If you would like to ask a question or make a comment, please use Zoom's **chat** or "**raise hand**" feature.
- For participants dialed in via your phone, use your phone's dial pad:
 - ***9** to raise/lower hand
 - ***6** to unmute/mute

Meeting Logistics: Going Forward

After each committee meeting, Ecology will post the meeting summary on the rulemaking webpage

- <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-905>

If you'd like to provide input on rule topics or rule language **after** today's meeting, please use our Public Comment Form webpage.

- <https://wt.ecology.commentinput.com/?id=iH593UeTK>

Ground Rules

- Share relevant information when possible
- Use specific examples and use simple terms when possible
- Be respectful of discussion time
- Focus on interests, not positions
- Create space for those less vocal
- Take ownership of your words and actions
- Articulate reasons for input
- Propose solutions whenever possible
- Review materials in advance of meetings

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Today's Agenda

Time	Topic
11:00 AM	Welcome and meeting logistics
11:10 AM	Introduction to new definitions
11:30 AM	Rulemaking key concept: Annual reports
12:10 PM	Rulemaking key concept: Quarterly updates
12:30 PM	30-minute break
1:00 PM	Rulemaking key concept: Marking requirements
1:30 PM	Rulemaking key concept: Reimbursing demonstrable costs
2:00 PM	Wrap up



Introduction to New Definitions

20 minutes

Definitions to Simplify Language

- “Ecology” means the Department of Ecology
- “Approved plan” means a battery stewardship plan that was reviewed and approved by Ecology.

Definitions: Battery-related Incidents

- “Battery-related incident” means a spill, fire, release, or other hazard resulting from the collection, handling, transportation, or processing of a covered battery that poses a risk to public safety or environmental health, including emergency response incidents.
- “Emergency response incident” means a battery-related incident that poses an urgent or immediate threat to public safety or environmental health requiring emergency response.

Definitions: Plan and Plan Amendment

- “Stewardship plan” or “plan” means a plan developed under this chapter for the collection, transportation, recycling, and the safe and proper management of covered batteries.
- “Plan amendment” means a portion of a plan previously approved or rejected by the department that has been revised and that includes reference to the plan that it is amending.

Definitions: Geographically Isolated Community

- “Geographically isolated community” means a community that is separated from other communities by a physical geographical feature such as a mountain or body of water so that the community’s access to the program collection services available to neighboring communities is either infeasible or impractical.

Other New Definitions

- “Fiscal year” means the year-to-year timeframe of July 1 to June 30.
- “Retailer” means a person who offers covered batteries or battery-containing products for sale at retail through any means including, but not limited to, sales outlets, catalogs, or an online marketplace to a customer or business.
- “Brand” means a registered or unregistered trademark, a logo, a name, a symbol, a word, an identifying, or a traceable mark that identifies a covered battery and identifies the owner or licensee of the brand.

Other New Definitions Continued

- “Battery stewardship organization” means a producer that directly implements a battery stewardship plan required under this chapter or a contractor or nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this chapter.

Questions or feedback?



Rulemaking Key Concept: Annual Reports

30 minutes

Objectives for Annual Reports

- Ecology proposes to promulgate rules to clarify the requirements of annual reports to be submitted by a battery stewardship organization to Ecology.

Components: Program Operation

- A description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization including a discussion of best available technologies and the recycling efficiency rate;

Components: Independent Financial Assessment

- When required by the department, an independent financial assessment of the program, including a breakdown of the program's expenses, such as collection, recycling, education, and overhead;

Components: Financial Statement

- A summary financial statement documenting the financing of the program and a detailed analysis of program costs, expenses, and expenditures of the program. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states as long as the statement breaks out financial information pertinent to Washington;

Components: Collection Site Information

- A map of all collection sites used by the program and the following information for each collection site:
 - The name of the site;
 - The address of the site;
 - The latitude and longitude of the site;
 - A link to the website associated with the site, if applicable; and
 - The weight of batteries collected annually at the site;

Components: Facility Information

- The following information for each facility used by the program:
 - The name of the facility;
 - The address of the facility;
 - The weight by chemistry of covered batteries received;
 - The weight of materials recycled;
 - The weight of residuals disposed;
 - A description of the recycling process used;
 - The recycling efficiency rate achieved, if applicable; and
 - A summary of any violations of environmental or labor laws and regulations over the previous three years

Components: Aggregate Sales

- The estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Washington by participating producers for each of the previous three calendar years;

Components: Education and Outreach

- A summary of education and outreach activities provided by the battery stewardship organization to consumers, collection sites, manufacturers, distributors, and retailers including:
 - A description of how education and outreach activities met the requirements of RCW 70A.555.080;
 - Samples of education and outreach materials distributed to consumers, collection sites, manufacturers, distributors, and retailers;
 - If there were other battery stewardship organizations implementing an approved plan, a description of how education and outreach activities were coordinated with other battery stewardship organizations.
 - A summary of any changes made during the previous calendar year to education and outreach activities;

Components: Safety Training

- A description of the efforts taken by the stewardship organization to provide safety training and distribute safety information to operators of battery collection sites, including the number of trainings provided and a list of locations where trainings were conducted;

Components: Progress on Performance Goals

- A summary of progress made towards program performance goals and an explanation of why a goal was not met, if applicable. The annual report must include:
 - The collection rate achieved by the program and a description of how this collection rate was calculated;
 - The recycling efficiency rates achieved by the program for each of the following:
 - All covered batteries collected by the program;
 - Primary batteries collected by the program; and
 - Rechargeable batteries collected by the program.
 - An evaluation of the effectiveness of education and outreach activities;

Components: Improving Recycling Rates

- If a battery stewardship organization disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year, the annual report must specify the steps that the battery stewardship organization will take to increase battery recycling rates achieved by the program.

Questions or feedback on annual reports?

RCW 70A.555.090(1)(a) requires a BSO to include in the annual report “An independent financial assessment of a program implemented by the battery stewardship organization, including a breakdown of the program's expenses, such as collection, recycling, education, and overhead, when required by the department;”

- **What is the difference between an independent financial assessment and a summary financial statement?**
- **What should be the required components of an independent financial assessment?**
- **Under what circumstances should Ecology require an independent financial assessment?**

Questions or feedback

- “Battery-related incident” means a spill, fire, release, or other hazard resulting from the collection, handling, transportation, or processing of a covered battery that poses a risk to public safety or environmental health, including emergency response incidents.
 - Include on the annual report or quarterly update
- “Emergency response incident” means a battery-related incident that poses an urgent or immediate threat to public safety or environmental health requiring emergency response.
 - Notify Ecology within 14 days and then include on the annual report or quarterly update
- **Are these terms helpful in determining reporting and notification thresholds for battery-related incidents?**

Questions or feedback on annual reports?

RCW 70A.555.090(3)(b) requires a BSO to put into the annual report to Ecology a summary of any violations of environmental or labor laws and regulations at the program's facilities over the previous three years.

- **What level of violation makes sense to report?**
- **Are new definitions needed to help clarify this requirement?**



Rulemaking Key Concept: Quarterly Updates

20 minutes

Objectives for Quarterly Update

- Ecology proposes to develop rules to clarify the requirements of quarterly updates to be provided by a battery stewardship organization to Ecology.

Clarification of Quarterly Update

- Beginning January 1, 2028, each battery stewardship organization shall meet with Ecology once each quarter to provide a written and oral update on the program.

Quarterly Update Includes

- Notice of any producers that have started or ended participation in the program in the previous quarter;
- Notice of any civil action the battery stewardship organization has taken against a producer or another battery stewardship organization in the previous quarter;
- Notice of any collection sites that have been added, terminated, or temporarily suspended in the previous quarter;
- Notice of any transporters and processors that have been added to, or dropped from, the program in the previous quarter;

Quarterly Update Includes Continued

- A list of collection events that occurred in the previous quarter;
- A summary of outreach and education efforts provided by the battery stewardship organization in the previous quarter; and
- A summary of battery-related incidents that occurred in the previous quarter, including the location where the incident occurred and the outcome or resolution of each incident;

Questions or feedback on quarterly updates?

30-minute Break

We will resume the meeting
after a short break



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Welcome Back

The meeting will resume shortly





Rulemaking Key Concept: Marking Requirements

30 minutes

Objectives for Marking Requirements

- Ecology proposes to promulgate rules that will clarify the labeling requirements for covered batteries and large format batteries.
- Ecology proposes to promulgate rules to create marking requirements that leverage existing voluntary and industry standards to provide human-readable recycling information to consumers, sorters, and recyclers.
- Ecology proposes to promulgate rules to clarify how producers are to certify to their customers and retailers that they are complying with the marking requirements in RCW 70A.555.130.

Questions or feedback?

The marking requirements in RCW 70A.555.130(1) apply to **large format batteries**, covered batteries, and battery-containing products...

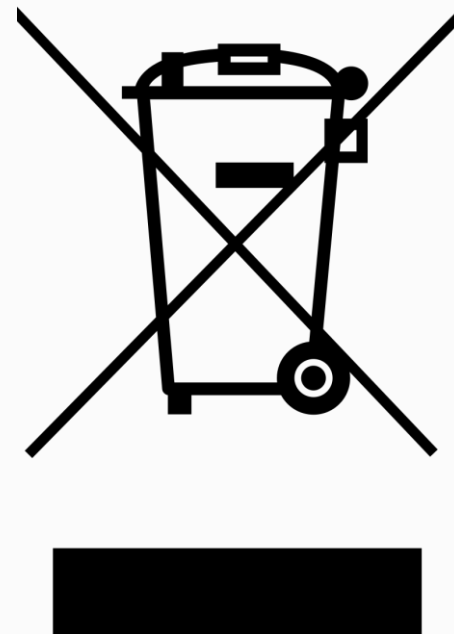
Questions or feedback?

RCW 70A.555.130(1) requires that batteries sold in WA be labeled to indicate the producer of the battery, the battery chemistry, and that the battery should not be disposed of as household waste.

- **In what manner and locations are any of these markings currently identified?**
- **What degree of chemistry detail is needed to help with collection and sorting?**
- **Is there an existing industry standard for chemistry labeling that could be widely adopted?**
- **Is there an industry standard symbol to indicate not to dispose as household waste?**
- **What other types of information are currently included in battery labels?**

Questions or feedback?

RCW 70A.555.130(1) requires that batteries sold in WA be labeled to indicate the producer of the battery, the battery chemistry, and that the battery should not be disposed of as household waste.



Questions or feedback?

RCW 70A.555.130(2) requires a producer to certify to its customers or retailers that the marking requirements have been met.

- **Is there an existing platform or system through which this type of certification could be made?**



Rulemaking Key Concept: Reimbursing Demonstrable Costs

30 minutes

Questions or feedback?

- RCW 70A.555.060(4)(a) states, “...a battery stewardship organization must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program included, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.”

Questions or feedback?

Clarify that only costs associated with collection sites operating under an approved plan are eligible.

- **What formal agreement is needed between a local government and a battery stewardship organization?**
- **What documentation must a local government provide to a battery stewardship organization?**
- **How frequently should reimbursements be made?**

Questions or feedback?

Potential costs:

- Labor costs: sorting, safeguarding terminals, packing, preparing for shipment, consolidation from satellite sites, transportation, loading? How will time be tracked?
- What supplies will battery stewardship organizations supply?
- What supplies will local governments need to purchase and be reimbursed for?
- Storage
- How will costs be documented?



Next Meeting

November 18, 2024, 11 AM

Questions

Chris Fredley

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(564) 233-1615

Informal Comment Period

Oct. 17, 2024 – Nov. 13, 2024, 11:59 AM

Visit our comment site

