

5/6 10 am - 12:00 pm PST

Note: Meeting not recorded - Summary available on [Battery Stewardship Rulemaking webpage](#)
70A.555

Subscribe to email list to stay updated on rulemaking:

https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_303

Join the email list



Leave public comments using eComments:

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



Questions:

Chris Fredley - batterystewardship@ecy.wa.gov
564-233-1615

10:04 - Molly McNutt - Program Outreach Specialist overview of Zoom logistics and chat functions.

10:08 - Chris Fredley reviews agenda for today's meeting and introduces rulemaking team and rule advisory committee team

Heather Trim voices concern that cities are not represented on the steering committee. Ecology will follow up with the Washington Association of Cities.

Chris Fredley discusses meeting purpose and ground rules

- Soliciting input via public meetings to develop regulatory language to support implementation of Chapter 70A.555 RCW Batteries - Environmental Stewardship
- Be specific, relevant, respectful, open-minded. Articulate reasons for input, propose solutions, and **review materials in advance of meetings.**

Overview of WA EPR Laws:

- 2007 - Ecycle (Program started in 2009)
- 2010 - Light Recycle (Mercury lights, RCW 70A.505) 0 Amended in 2014 and 2024
- 2017 - Photovoltaic modules (70A.510) - Still has not started, anticipated July 2025
- 2018 - Safe Medication Return Law (started late 2019- overseen by Dept of Health)
- 2019 - PaintCare (70A.515) - Started in 2021
- 2023 Battery Stewardship (RCW 70A.555)

Battery Stewardship Law Background

- -SB 5144 passed in Paril 2023

- -Codified in 70A.555
- Creates statewide system for collection and recycling of unwanted batteries (not battery-containing products or products with imbedded batteries)

Covers

- portable batteries
 - Rechargeable <11 lbs and <300 watt-hours
 - Non-rechargeable <4.4 lbs
- Medium format batteries
 - Rechargeable 11-25 lbs or 300-2000 watt hours
 - Non-rechargeable 4.4 -25 lbs

Not covered:

- Batteries in medical devices

Collection site requirements:

- Portable batteries
 - 95% WA must have one collection site within a 15-mile radius
 - One additional site for every 40k residents in urban areas
 - Accessible by public transit and convenient to overburdened communities
- Medium format
 - At least 25 permanent collection sites
 - Must have one in each county with 200,000 people or more
- Also covers damaged batteries for collection at sites with specially trained personnel

Administered by a Battery Stewardship Organization (BSO) which implements a Battery Stewardship Plan and has the following responsibilities:

- Establishes, stocks, and maintains collection sites
- May suspend or terminate sites and services that do not adhere to collection site criteria in plan
- Implement battery collection plan submitted to Ecology for approval
- Coordinate activities with other program operators including covered battery collection and recycling programs
- Conduct education and outreach for the program
- Administer the program including costs, funding, local government reimbursements, and producer system management
- Submit annual reports to Ecology
- May bring civil action against non-compliant producers
- 5-year public education campaigns

Battery producer responsibilities:

- Participate in an approved WA battery stewardship plan
- Certify participation in the plan to retailers who sell their batteries
- Provide appropriate funding to BSO to run the program
- Comply with marking requirements

Ecology's responsibilities:

- Review BSO plans for approval
- Post online list of participating producers
- Provide administrative oversight
- Review annual supports by BSO
- Adopt rules

- Provide technical assistance to BSO and retailers
- Impose penalties on non-compliant persons

Timeline

- March 19, 2024 CR-101 - Publish rule announcement
- March 2024 - Summer 2025 - Rule development and informal public comment period
- Summer 2025 - CR-102 Publish rule proposal
- Fall 2025 - Formal Public Comment Period and Public Hearings
- December 2025 - Seek rule adoption and file CR-103
- January 2026 - Rule adoption
- July 2026 - BSO must submit plan to manage portable batteries to Ecology
- July 2027 - Producers of portable batteries must implement a battery stewardship plan
- July 2029 - Producers of medium format batteries must participate in a battery stewardship plan
- January 1, 2030 - Producers must mark batteries with the chemistry of the battery and instruction not to dispose with household waste

Questions:

Brian - Peace Health Hospital Systems (produce lots of battery) - Clarifying exemption for batteries used in medical devices.

A: This refers to specialized batteries used in medical devices (Not medical devices that might utilize AAs for instance).

Stefanie Liu - Does the law address collection of recall batteries?

A: No, the law only addresses damaged and defective batteries. The thought being that producers are already supposed to be handling recall batteries through a formal recall procedure

Karen Grove (Seattle Fire and WSAFM) in chat:

"The 2024 International Fire Code will have requirements for companies that rent personal mobility devices including scooters, or that charge batteries. These requirements are a little different than what you just previewed."

A: Ecology requests more information on this via eComments or in follow-up

Rulemaking Key Topics:

Today's goal is to start the conversation about what *isn't* clear from the law.

Potential topics:

- Definitions
- Plan requirements
- Funding and fees
- Program management standards
- Collection site procedures
- Reporting and goals
- Education and outreach
- Labeling requirements

In some cases, the law allows discretion as to whether Ecology may address the topic in rulemaking, and in other cases, explicitly requires Ecology to address certain topics through rule.

Megan provides [Definitions](#) Overview:

Next steps:

Ecology proposes virtual (Zoom) meetings every other month (5 more meetings), up to 3 hours. Info between meetings will be shared on the rulemaking webpage and feedback is encouraged through eComments.

Several commenters suggest having only one meeting during session months in 2025 and for several shorter meetings.

Electric Vehicle Battery Report is pending. We will send a message to the GovDelivery subscriber list when it's ready

52 Participants (Advisory Committee Members in bold)

Abigail Diaz - Accerio

Adrian Tan - King County

Bobby Barnowsky (joining at 11)

Brandon Housekeeper

Brian Nelson - PeaceHealth

Carin Stuart - Call2Recycle Stewardship Manager

Catherine Vecchitto - NDP

Chris Saunders

Crystal Leatherman - Washington Retail Association

Daniel Fitzgerald - Stanley Black & Decker

Danielle Spalding - Cirba Solutions (Communications and Public Affairs)

David Stitzhal

Don Tatro

Elizabeth Court

Ethan Bean

George Kerchner - PRBA - Rechargeable Battery Association

Heather Trim - Zero Waste Washington

Holly Chisa

Jacob Lipson

Jen Dickman

Jerry Suater

Jess Fischberg - Clark County

Jesse McCullough

Joanna Seymour

Joelle Loescher - WACSWM and Clark County

Karen Grove - Seattle Fire &

Kyle Greer - JBLM

Marc Boolish

McKenna Morrigan - Seattle Public Utilities

Michelle Cevallos - Cal Recycle

Pam Johnson

Rafiq Jennings - DC Dept of Energy & Environment

Richard Abramowitz

Rick Gilbert - Kitsap County Solid Waste

Rod Whittaker - WRRRA

Roger Miksad

Sara Kirby - Metro ORegon

Scott Lancaster Washington State Fire Marshal's Office

Stephanie Liu - CalRecycle

Susan Bernard - BCI

Talon Swanson- King County

Tony Belot - ReMA

Tricia Dutcher - Redwood Materials

Rafiq Jennings

202-725-5254

Critical Materials Recovery, LLC

Ecology staff:

Shannon Jones

Molly McNutt

Chris Fredley

Megan Warfield

Blake Nelson

Julie Robertson

Christine Haun

Dan Weston

Elizabeth Court

Stacey Callaway

Katy Harvey

Dave Bennett

Caleb Carlson

Chat Questions and Comments:

1. **Daniel Fitzgerald** - Why "nonprofit" is required? A: This is a requirement of the law and not something we can change in rule, but believe the intent/rationale was for the sake of transparency.
2. **Gene Smith**- Once batteries are collected, where will they be recycled? Are there provisions that this must happen domestically?
A: We (Ecology) doesn't know, but this is information that must be in the BSO's stewardship plan approved by Ecology. The requirement is just that they go to properly permitted facility, but they are not required to be managed domestically.
3. **Jen Dickman:**
Regarding the medical device exclusion, DC's law also has a similar definition: <https://code.dccouncil.gov/us/dc/council/code/sections/8-771.01>. We provided guidance on our interpretation of that exclusion on page 3 here: https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/District%20Battery%20Stewardship%20Law%20FAQ%2010%2025%2023.pdf
4. **Jesse McCullough** -
What is the purpose of differentiating portable, medium, and large batteries? I worry it will lead to the otherwise unneeded sorting to keep them physically separate or to be able to get separate weights to report them. As an example, some laptop batteries have >300wH batteries and some do not. Why separate these into portable and medium when they are both laptop batteries?

A: The legislature's rationale was likely to give stewardship organizations time to ease in to the program. CA's 2022 law is very similar but theirs only covers the "portable" category, so WA's phased-in approach addresses the medium format. Additionally, the large ones are more stringently regulated by the DOT and require a lot more logistics training and handling/time for an organization to get up to speed in order to manage those batteries in compliance with the haz waste regs.

5. **Carin Stuart** Can an online retailer be a "producer" under (E) for covered battery-containing products? Has heard that online retailers are sometimes referred to as "distributors"? Will they be viewed that way under this rule?
6. **Travis Ahmann** -
Will strictly aftermarket battery retailers fall under the definition of producer? All of our primary batteries are made out of state and country. Would this be under (D)?
7. **Roger Miksad** - Discuss the process for the Section 16 report (on exempt batteries), and when that is expected to start?
8. **Holly Chisa** - Heads up about upcoming questions on behalf of Scrap Metal Recycling Facilities-asking for commodity buyers--how will those facilities interact with this law?
9. **Brian Nelson**:
We're keen to see the other half of this topic and what guidance/requirements are/will be in place for the actual recycling? It's always easiest to get something implemented when there's an incentive - would love to hear more about whether our waste can become a commodity item that helps us defray our collection/transport costs?