

## **Chapter 173-905 WAC Battery Stewardship Program WAC Sections**

### GENERAL REQUIREMENTS

Purpose

Applicability

Definitions

### PRODUCER REQUIREMENTS

Participating in a plan

Marking batteries

### BATTERY STEWARDSHIP ORGANIZATION REQUIREMENTS

Program cost share

Education and outreach

[Administrative fee and plan review fee](#)

Reimbursing demonstrable costs

### PLAN AND REPORT REQUIREMENTS

[Stewardship plan components](#)

[Plan submittal, review, and implementation](#)

Quarterly updates

Annual Report components

### COLLECTION, TRANSPORTATION, and HANDLING STANDARDS

Convenience standards for collection sites

[Collection and handling standards](#)

Transportation standards

### ENFORCEMENT

Violations and penalties

## Administrative Fee and Plan Review Fee

(1) **Legislative mandate.** Each battery stewardship organization shall pay annual fees to the department to cover the department's administrative costs related to implementing the battery stewardship program authorized under chapter [70A.555](#) RCW.

(2) **Stewardship plan review fee:** A one-time stewardship plan review fee is required and separate from the annual administrative fee. Payment in the amount of \$50,000 is due from each stewardship organization at the time of plan submittal. There is no fee for submitting a plan renewal or amendment.

(3) **Administrative fee:** Beginning May 1, 2026, each stewardship organization must pay an annual fee to the department. The fee will be due each year on June 1.

(a) Ecology will base the annual fee on administrative costs from the previous fiscal year and an estimate of costs for the following fiscal year.

(b) If there is only one approved stewardship plan, that battery stewardship organization is responsible for the entire fee.

(c) In the case of multiple approved stewardship plans, the fee will be allocated in proportion to the market share a plan represents. Market share information is based on data provided to the department by the stewardship organization and any available national market share data.

- (i) Stewardship organizations will submit to the department their total represented aggregated market share amount in pounds by April 1.
- (ii) If data is not submitted, the market share calculation will be estimated on available data.
- (iii) A battery stewardship organization may request information be made available only for the confidential use of the department, in accordance with RCW 43.21A.160.

(d) If the collected annual payment exceeds the department's costs for a given year, the department will apply any remaining annual payment funds from the current year to the annual payment for the next fiscal year.

(e) If the collected annual payment was less than the department's costs for a given year, the department will increase annual payments for the next fiscal year to cover the department's fees.

(4) **Responsible Battery Management Account:** Fees paid under this section must be deposited into the responsible battery management account created in RCW 70A.555.120.

## Stewardship Plan Components

(1) A proposed battery stewardship plan must include the following components:

(a) **Program Operation.** A description of how the program will collect all covered batteries on a free, continuous, convenient, visible, and accessible basis, using environmentally sound management practices including:

(i) A list of transporter or contractors to be used by the program for collecting batteries from the collection sites and relevant information for each including:

- (A) Company name;
- (B) Name of a contact person;
- (C) Physical address of the company;
- (D) Email address and phone number for the contact person; and
- (E) A list of all applicable solid or hazardous waste registrations or permits.

(ii) A list of facilities to be used by the program for final disposition of batteries and relevant information for each facility including:

- (A) Company name;
- (B) Name of a contact person;
- (C) Physical address of the company;
- (D) Email address and phone number for the contact person; and
- (E) A list of all applicable solid or hazardous waste registrations or permits applicable to the facility that pertain to the processing of batteries or components of batteries at the facility's locations.

(iii) A description of the recycling process to be used for each type of battery chemistry that the battery stewardship organization anticipates collecting;

(iv) A list of the criteria the battery stewardship organization will use to evaluate the economic and technical feasibility of recycling the components of discarded batteries;

(v) A description of how the battery stewardship organization will routinely monitor all handling, transporting, and processing companies to ensure they are operating in compliance with all applicable laws and rules.

(vi) A description of how the battery stewardship organization will conduct end-of-life handling for batteries or battery components that cannot be recycled.

(vii) A description of how the battery stewardship organization will coordinate with other program operators, including covered battery collection and recycle programs and electronic waste recyclers, regarding the proper management or recycling of collected covered batteries, for purposes of providing the efficient delivery of services and avoiding unnecessary duplication of effort and expense.

(b) **Covered producers and brands.** Information on producers of batteries and their brands, including:

(i) A list of producers covered in the plan;

(ii) A list of battery brands and battery-containing product brands covered in the plan; and

(iii) Information for a contact person of each member producer of the battery stewardship organization including name, mailing address, phone number, and email address.

(c) **Collection Sites.** Information about the collection site network including:

- (i) A list of collection sites, including the site name, physical address, phone number of the site, name and email address of a contact person at the site, and latitude and longitude of the site, provided in Microsoft Excel or a program of compatible file format;
  - (ii) A description of the criteria the battery stewardship organization will use to determine whether an entity may serve as a collection site;
  - (iii) A description of the types of collection containers that will be used at collection sites that allow for segregation from other solid waste;
  - (iv) A copy of signage to be made available to collection sites that informs customers of the end-of-life management options for batteries provided by the program;
  - (v) A copy of signage or labels to be placed on or near collection containers providing specific instructions to customers disposing of batteries;
  - (vi) A description of how damaged and defective batteries will be collected, to include safe and legal collection, handling, and shipment of batteries by the collection sites.
  - (vii) A description of methods for hosting collection events to supplement permanent collection services, including proposed locations, frequency, and outreach efforts;
  - (viii) A description of the process the battery stewardship organization will use to ensure each collection site:
    - (A) Has the materials and equipment necessary to handle customer demand; and
    - (B) Has established a regular pick-up schedule to prevent overflow issues at the site.
  - (ix) A description of the process for decommissioning a collection site that would allow batteries collected by the site to be shipped to the proper facilities for recycling;
  - (x) A description of how collection sites will be trained to deal with receiving batteries that are not required to be collected, such as batteries that are not easily removable from a product or covered electronic products under chapter [70A.500](#) RCW;
  - (xi) A description of how the battery stewardship organization has met the statewide convenience standards established in RCW 70A.555.070.
- (d) **Performance goals.** A description of performance goals for each of the first three years of implementation of the battery stewardship plan, consistent with RCW [70A.555.050](#). For each performance goal, the plan must describe how progress towards the goal will be measured including:
- (i) A metric to measure, on an annual basis, the performance of the plan in achieving continuous progress to improve the rate of battery recycling in Washington;
  - (ii) Target collection rates for covered primary batteries, which should be calculated by dividing the total weight of covered primary batteries collected during the previous calendar year by the estimated average annual weight of covered primary batteries sold in or into Washington in the previous three calendar years by all producers participating in an approved battery stewardship plan.
  - (iii) Target collection rates for covered rechargeable batteries, which should be calculated by dividing the total weight of covered rechargeable batteries collected during the previous calendar year by the estimated average annual weight of covered rechargeable batteries sold in or into Washington in the previous three calendar years by all producers participating in an approved battery stewardship plan.
  - (iv) Target recycling efficiency rates for covered batteries by chemistry. Target at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries for

- covered batteries by chemistry including a description of the method for calculating recycling efficiency;
- (v) Goals for public awareness, education, and outreach including:
    - (A) A metric for measuring the percentage of people in Washington who know how to recycle covered batteries through stewardship plan collection sites; and
    - (B) A description of how progress in increasing public awareness will be measured, such as through surveys or polls conducted on an annual basis;
  - (vi) Metrics that meet or exceed the minimum convenience and accessibility requirements established in RCW [70A.555.070](#) including:
    - (A) For portable batteries, an evaluation of the percentage of Washington residents that live within 15-miles of a permanent collection site.
    - (B) For medium batteries, the counties in Washington that have a collection site for medium batteries.
    - (C) A goal for the number of covered battery collection sites that will be accessible to overburdened communities identified by the department.
    - (D) A goal for the number of portable battery collection sites at special locations including, but not limited to:
      - (I) Campgrounds
      - (II) Parks with stores
      - (III) Hospitals
      - (IV) Fire stations
      - (V) Homeless shelters
      - (VI) Aid organizations
      - (VII) Donation centers
      - (VIII) Schools
      - (IX) Solid waste facilities
    - (E) A goal for the number of covered battery collection sites on islands or in geographically isolated communities.
  - (e) **Education and Outreach.** A description of the communications strategy the battery stewardship organization will use to promote the program to consumers, retailers, and others. The plan shall include:
    - (i) Sample materials to make retailers aware of their obligation to sell only covered batteries and battery-containing products of producers participating in an approved plan;
    - (ii) Sample materials made available to retailers, for voluntary use, including in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;
    - (iii) Sample promotional materials such as flyers or social media posts employed to achieve consumer awareness goals that communicate:
      - (A) That the program provide free collection of covered primary and rechargeable batteries;
      - (B) Guidance for safe handling of covered batteries; and
      - (C) How to find collection sites.

- (iv) A description of how the battery stewardship organization will identify target audiences and appropriate outreach for those audiences, including through television or radio, news media, public service announcements, mailing, emails, online listservs, social media, and newsletters;
  - (v) A description of outreach efforts specifically targeted to vulnerable populations and overburdened communities identified by the department; and
  - (vi) A description of how the stewardship organization will document education and outreach efforts.
- (f) **Safety.** A description of the process the battery stewardship organization will use to distribute training procedure information to collection sites. The plan must also include a copy of all procedural materials that will be distributed to collection sites including preventative protocols to reduce risk of spills or fires, response protocols in the event of a spill or fire, and protocols for the safe management of damaged or defective batteries.
- (g) **Program Funding.** A description of the method to fully fund a program that:
- (i) Covers the full implementation of the program; and
  - (ii) Equitably distributes the program's costs among the producers that are participating in plan.
- (h) **Fee structure.** A description of how the stewardship organization will structure fees to encourage:
- (i) Recyclability or recycling;
  - (ii) Use of recycled content;
  - (iii) Other design attributes that reduce the environmental impacts of covered batteries.
- (i) **Budget.** A description of the program budget for program implementation and a list that separates line items for the following categories and include a definition for each category:
- (i) Collection costs
  - (ii) Transportation costs;
  - (iii) Processing costs;
  - (iv) Disposition costs, including separate line items for the cost of recycling and other end-of-life handling;
  - (v) Education, outreach and communications costs;
  - (vi) Program evaluation costs;
  - (vii) Plan review and administrative fees paid to the department;
  - (viii) Demonstrable costs paid to local governments or local government facilities; and
  - (ix) Personnel, general, and other administrative costs.
- (j) **Local Government Coordination.** The plan must describe how the stewardship organization will communicate and coordinate with local governments in implementation of the program including:
- (i) A copy of a template local government reimbursement agreement and an explanation of how local governments were consulted with in the templates development;
  - (ii) Procedures that a local government must follow to coordinate with the battery stewardship organization for the following activities:
    - (A) Collecting covered batteries at its own expense outside of the program;
    - (B) Holding collection events; and
    - (C) Education and outreach efforts.

## Plan Submittal, Review, and Implementation

### (1) **Plan submittal.**

- (a) A battery stewardship organization shall submit a plan to the department for review and approval:
  - (i) By July 1, 2026, or within six months after the formation of the battery stewardship organization, whichever is later.
  - (ii) No later than five years after the department last approved the plan; or
  - (iii) When there is a need to include a type or format of covered battery that is not addressed in the plan last approved by the department.
- (b) Submittal of a stewardship plan shall be accompanied with a payment of the plan submittal fee.
- (c) Plans should be submitted electronically in both Microsoft Word and pdf format, unless specified otherwise in this chapter.
- (d) A battery stewardship organization may request information contained in a plan be made available only for the confidential use of the department, in accordance with RCW 43.21A.160.
- (e) The department may require a battery stewardship organization to submit a revised plan, which may include improvements to the collection site network or increased expenditures dedicated to education and outreach if the approved plan has not met the performance goals under RCW 70A.555.050 and WAC 173-905-XXX, no earlier than five years after the initial approval of the plan.

### (2) **Submitting a plan amendment.** A battery stewardship organization shall submit a plan amendment to the department for review and approval when:

- (a) There is a proposed change to the performance goals;
- (b) There is a change to the method of financing plan implementation;
- (c) There are significant changes in the operation, administration, or implementation of the program that are not addressed under the plan last approved by the department.
- (d) Plan amendments should be submitted electronically in both Microsoft Word and pdf format, unless specified otherwise in this chapter.

### (3) **Plan and plan amendment review.**

- (a) The department will post submitted stewardship plans on its website for public review and comment for at least 30 days.
- (b) Within six months of submittal of a plan, and within three months of submittal of a plan amendment, the department will determine whether the plan or plan amendment meets the requirements of chapter 70A.555 RCW and this chapter and will issue a decision letter to the battery stewardship organization.
- (c) If the plan or plan amendment is approved, the department will:
  - (i) Issue a letter of approval by email;
  - (ii) Post on its website an updated list of producers and brands covered under the approved plan.
- (d) If the plan or plan amendment is rejected:
  - (i) The department will issue a letter of disapproval by certified mail. The letter will include the reasons the department rejected the plan.
  - (ii) The battery stewardship organization must submit a new or revised plan within 60 days of receipt of the letter of disapproval.

- (e) The department may request additional information or clarification during the review of a plan. If the department determines that additional information is needed, the stewardship organization shall submit the additional information to the department within 60 days of receipt of the notice.
- (f) If after two plan disapprovals the department deems a stewardship plan still does not meet the requirements of RCW 70A.555.040 and WAC 173-905-XXX, the department may amend the most recent plan submittal and the battery stewardship organization will be required to implement the plan as amended and approved by the department.

**(4) Plan implementation.**

- (a) Starting January 1, 2027, each battery stewardship organization shall begin to implement the plan as approved by the department and shall begin collecting funds from participating producers of covered batteries.
- (b) By July 1, 2027, each battery stewardship organization shall have fully implemented the plan for covered portable batteries. Full implementation means:
  - (i) The battery stewardship organization's plan has been approved by the department;
  - (ii) The collection convenience criteria established in RCW 70A.555.070 have been met;
  - (iii) All collection sites have received proper training, collection containers, signage and educational materials;
  - (iv) The battery stewardship organization's website is live, providing information to producers, retailers, collection sites, and consumers about the program;
  - (v) A collection site locator on the battery stewardship organization's website is operational, providing collection site address, hours, phone number, website if applicable, and any special instructions or restrictions specific to the collection site; and
  - (vi) The battery stewardship organization has paid all necessary fees to the department.
- (c) By January 1, 2029, each battery stewardship organization shall have fully implemented the plan for covered medium format batteries. Full implementation means the criteria established in (b) of this subsection have been met.
- (d) A battery stewardship organization may only implement a plan that has been approved by the department.



## Collection and Handling Standards

(1) **Program collection- general handling standards.** The following standards apply to all collection sites for covered batteries:

- (a) Collected batteries must be managed consistent with the prioritization outlined in the battery management hierarchy as defined in RCW 70A.555.030.
- (b) Collected batteries exhibiting one or more of the dangerous waste characteristics or criteria identified in WAC [173-303-090](#) or [173-303-100](#) must be managed consistent with the standards for universal waste management in WAC 173-303-573.
- (c) Collection sites must determine whether they meet the definition of a small quantity handler or large quantity handler of universal waste as defined in WAC 173-303-040.
- (d) Collection sites are prohibited from accepting damaged and defective batteries unless they are staffed by persons trained to handle them in the manner described in subsection (3) of this section.
- (e) If collected batteries offered for transportation meets the definition of hazardous materials under 49 C.F.R. Parts 171 through 180, then the collection site must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with applicable Department of Transportation regulations in 49 C.F.R. Parts 172 through 180.
- (f) If collected batteries offered for transportation meets the definition of hazardous materials under 49 C.F.R. Parts 171 through 180, then the collection site must ensure each of its hazmat employees are trained in accordance with [49 C.F.R. Part 172](#) Subpart H.
- (g) Collection sites who discover non-program products in a battery collection container must determine if the material is dangerous waste as defined under chapter [173-303](#) WAC and manage the waste in accordance with applicable regulations.
- (h) Collected batteries must be stored in accordance with all applicable International, State, and Local Fire Code.
- (i) Collection sites must ensure to tape or individually bag all lithium and lithium-ion batteries with exposed terminals.

(2) **Program collection- damaged and defective battery handling standards.** The following standards apply to only collection sites that collect damaged and defective batteries:

- (a) Damaged and defective batteries must be:
  - (i) Separated from all other batteries.
  - (ii) Stored in a dry environment away from extreme cold and extreme heat.
  - (iii) Stored separately from flammable materials.
  - (iv) Inspected regularly to look for evidence of swelling, fire, smoke, gas, melting, cracking, corrosion, leakage, or discoloration.
  - (v) In a container labeled as "Damaged/defective battery."
  - (vi) Promptly sent offsite for recycling or disposal.
- (b) Personnel training
  - (i) Collection site employees must be trained in identifying damaged and defective batteries.
  - (ii) The collection site must ensure each employee responsible for shipping hazardous materials are trained in accordance with [49 C.F.R. Part 172](#) Subpart H.

- (iii) Collection site employees must receive initial and annual training on responding to various types of battery fires.
    - (iv) Collection sites must ensure facility personnel are able to effectively respond to emergencies.
  - (c) Emergency preparedness
    - (i) Collection sites must identify an emergency contact and post signage with their name and telephone number.
    - (ii) Collection sites must provide emergency supplies and decontamination equipment.
  - (d) Reporting
    - (i) Collection sites must report damaged and defective battery-related incidents to the battery stewardship organization within 14 calendar days.
- (3) **Collection outside the program.** A local government facility may collect covered batteries outside of a battery stewardship program if it:
  - (a) Collects batteries at its own expense through a collection site or temporary collection event;
  - (b) Provides for the collection of all covered batteries at its collection sites or collection events;
  - (c) Using the procedures established in the plan approved by the department, notifies the battery stewardship organization of the local government facility's decision to operate a collection site outside of the program.
  - (d) Collects, sorts, and packages collected materials in a manner that meets the standards established in a plan approved by the department;
  - (e) Either provides the collected batteries to a battery stewardship organization in lawful transportation containers for it to transfer the collected batteries at a processing facility the battery stewardship organization has approved, or transports to, or arranges for the transportation of collected batteries for processing at a facility that a battery stewardship organization has approved under a plan approved by the department.
  - (f) Reports, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under RCW 70A.555.090.