

RCW 70A.505.030 Product stewardship program. (Effective until January 1, 2035.) (1) (a) Every producer of mercury-containing lights sold, made available for sale, or distributed in or into Washington state for retail sale in Washington state, including legacy producers, must participate in a product stewardship program for those products, operated by a stewardship organization and financed in the manner provided by RCW 70A.505.050. Every such producer must inform the department of the producer's participation in a product stewardship program by including the producer's name in a plan submitted to the department by a stewardship organization as required by RCW 70A.505.040. Producers, including legacy producers, must satisfy these participation obligations individually or may do so jointly with other producers.

(b) Except as provided in (c) of this subsection, a stewardship organization implementing an approved program under this chapter must continue to implement an approved program until December 31, 2028, and may continue to do so in the form and manner described in the plan approved by the department as of January 1, 2024, until December 31, 2028. The provisions of chapter 339, Laws of 2024 apply to programs that a stewardship organization must implement beginning January 1, 2029, and to the rule adoption, fee payment to the department, plan submission, and plan approval processes that predate the implementation of the new program to begin January 1, 2029. Changes to the limits of mercury-containing lights accepted at collection sites must take effect January 1, 2025.

(c) A stewardship organization may only increase the amount of the environmental handling charge established under this chapter from the amount that was approved by the department as of January 1, 2024, in a manner consistent with RCW 70A.505.050. Additional stewardship organization costs that are not adequately covered by the environmental handling charge and that derive from activities occurring between June 6, 2024, and December 31, 2028, must be funded by participant members of the stewardship organization.

(2) Until December 31, 2028, a stewardship organization operating a product stewardship program must pay administrative and operational costs associated with its current program with revenues received from the environmental handling charge imposed under the plan approved by the department prior to June 6, 2024. For program administrative and operational costs related to the implementation of program requirements in calendar year 2029, a stewardship organization may plan to use reserve funds in the possession of the stewardship organization from the environmental handling charges assessed until December 31, 2028. For program administrative and operational costs related to the planning and implementation of the program requirements that must be implemented beginning in calendar year 2030, a stewardship organization operating a product stewardship program must pay all administrative and operational costs associated with its program with revenues received from participating legacy producers. A stewardship organization may offer incentives or payments to collectors. The stewardship organization's administrative and operational costs do not include the collection costs associated with curbside and mail-back collection programs. The stewardship organization must arrange for collection service at locations described in subsection (4) of this section, which may include household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable private locations. No such entity is required to provide collection services at their location. For

curbside and mail-back programs, a stewardship organization must pay the costs of transporting mercury-containing lights from accumulation points and for processing mercury-containing lights collected by curbside and mail-back programs. For collection locations, including household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable private locations, a stewardship organization must pay the costs of packaging and shipping materials as required under RCW 70A.505.070 or must compensate collectors for the costs of those materials, and must pay the costs of transportation and processing of mercury-containing lights collected from the collection locations.

(3) Product stewardship programs shall collect unwanted mercury-containing lights delivered from covered entities for recycling, processing, or final disposition, and are prohibited from charging a fee when lights are sold, dropped off, or delivered into the program.

(4) (a) Product stewardship programs shall provide, at a minimum, no cost services in all cities in the state with populations greater than 10,000 and all counties of the state on an ongoing, year-round basis.

(b) (i) The department may amend the convenience standards established in this section to relieve a stewardship organization of its obligation to operate a collection site or to provide a collection opportunity when it is demonstrated by the stewardship organization to:

(A) Result in the annual collection of fewer than 500 mercury-containing lights; and

(B) Not remove collection opportunities for people living in a rural county or an overburdened community.

(ii) For the purposes of this subsection (4) (b), "rural county" has the same meaning provided in RCW 82.14.370 and "overburdened community" has the same meaning provided in RCW 70A.02.010.

(5) Product stewardship programs shall promote the safe handling and recycling of mercury-containing lights to the public, including producing and offering point-of-sale educational materials to retailers of mercury-containing lights and point-of-return educational materials to collection locations.

(6) All product stewardship programs operated under approved plans must recover their fair share of unwanted mercury-containing lights as determined by the department.

(7) The department or its designee may inspect, audit, or review audits of processing and disposal facilities used to fulfill the requirements of a product stewardship program.

(8) No product stewardship program required under this chapter may use federal or state prison labor for processing unwanted products.

(9) Product stewardship programs for mercury-containing lights must be fully implemented by January 1, 2015. Product stewardship programs for mercury-containing lights meeting the new requirements of chapter 339, Laws of 2024 must be fully implemented by January 1, 2029. [2024 c 339 s 5; 2020 c 20 s 1415; 2014 c 119 s 3; 2010 c 130 s 3. Formerly RCW 70.275.030.]

Finding—Intent—2024 c 339: See note following RCW 70A.505.010.

Finding—2014 c 119: See note following RCW 70A.505.020.