
SENATE BILL 5045

State of Washington

69th Legislature

2025 Regular Session

By Senators J. Wilson, Dozier, Christian, McCune, Holy, Boehnke, and Schoesler

Prefiled 12/13/24.

1 AN ACT Relating to expanding the state battery stewardship
2 program to include electric vehicle batteries; amending RCW
3 70A.205.505, 70A.205.510, 70A.205.515, 70A.205.520, 70A.205.525,
4 70A.205.530, 70A.555.005, 70A.555.010, 70A.555.020, 70A.555.030,
5 70A.555.040, 70A.555.060, 70A.555.070, 70A.555.130, and 70A.555.140;
6 and adding new sections to chapter 70A.555 RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 70A.205.505 and 2020 c 20 s 1197 are each amended to
9 read as follows:

10 (1) No person may knowingly dispose of a vehicle battery except
11 by delivery to: A person or entity selling lead acid batteries, a
12 person or entity authorized by the department to accept the battery,
13 or to a secondary lead smelter.

14 (2) No owner or operator of a solid waste disposal site shall
15 knowingly accept for disposal used vehicle batteries except when
16 authorized to do so by the department or by the federal government.

17 (3) Any person who violates this section shall be subject to a
18 fine of up to (~~one thousand dollars~~) \$1,000. Each vehicle battery
19 will constitute a separate violation. Nothing in this section and RCW
20 70A.205.510 through 70A.205.530 shall supersede the provisions under
21 chapter 70A.300 RCW.

1 (4) For purposes of this section (~~and RCW 70A.205.510 through~~
2 ~~70A.205.530, "vehicle")):~~

3 (a) "Vehicle battery" means batteries capable for use in any
4 vehicle, having a core consisting of elemental lead, and a capacity
5 of six or more volts.

6 (b) "Vehicle battery" does not include an "electric vehicle
7 battery" as defined in RCW 70A.555.010.

8 **Sec. 2.** RCW 70A.205.510 and 1989 c 431 s 38 are each amended to
9 read as follows:

10 (1) The department shall establish a procedure to identify, on an
11 annual basis, those persons accepting used vehicle batteries from
12 retail establishments.

13 (2) For purposes of this section:

14 (a) "Vehicle battery" means batteries capable for use in any
15 vehicle, having a core consisting of elemental lead, and a capacity
16 of six or more volts.

17 (b) "Vehicle battery" does not include an "electric vehicle
18 battery" as defined in RCW 70A.555.010.

19 **Sec. 3.** RCW 70A.205.515 and 2020 c 20 s 1198 are each amended to
20 read as follows:

21 (1) A person selling vehicle batteries at retail in the state
22 shall:

23 ~~((1))~~ (a) Accept, at the time of purchase of a replacement
24 battery, in the place where the new batteries are physically
25 transferred to the purchasers, and in a quantity at least equal to
26 the number of new batteries purchased, used vehicle batteries from
27 the purchasers, if offered by the purchasers. When a purchaser fails
28 to provide an equivalent used battery or batteries, the purchaser may
29 reclaim the core charge paid under RCW 70A.205.520 by returning, to
30 the point of purchase within ~~((thirty))~~ 30 days, a used battery or
31 batteries and a receipt showing proof of purchase from the
32 establishment where the replacement battery or batteries were
33 purchased; and

34 ~~((2))~~ (b) Post written notice which must be at least eight and
35 one-half inches by eleven inches in size and must contain the
36 universal recycling symbol and the following language:

37 ~~((a))~~ (i) "It is illegal to put a motor vehicle battery or
38 other vehicle battery in your garbage."

1 (~~(b)~~) (ii) "State law requires us to accept used motor vehicle
2 batteries or other vehicle batteries for recycling, in exchange for
3 new batteries purchased."

4 (~~(e)~~) (iii) "When you buy a battery, state law also requires us
5 to include a core charge of five dollars or more if you do not return
6 your old battery for exchange."

7 (2) For purposes of this section:

8 (a) "Vehicle battery" means batteries capable for use in any
9 vehicle, having a core consisting of elemental lead, and a capacity
10 of six or more volts.

11 (b) "Vehicle battery" does not include an "electric vehicle
12 battery" as defined in RCW 70A.555.010.

13 **Sec. 4.** RCW 70A.205.520 and 1989 c 431 s 40 are each amended to
14 read as follows:

15 (1) Each retail sale of a vehicle battery shall include, in the
16 price of the battery for sale, a core charge of not less than five
17 dollars. When a purchaser offers the seller a used battery of
18 equivalent size, the seller shall omit the core charge from the price
19 of the battery.

20 (2) For purposes of this section:

21 (a) "Vehicle battery" means batteries capable for use in any
22 vehicle, having a core consisting of elemental lead, and a capacity
23 of six or more volts.

24 (b) "Vehicle battery" does not include an "electric vehicle
25 battery" as defined in RCW 70A.555.010.

26 **Sec. 5.** RCW 70A.205.525 and 2020 c 20 s 1199 are each amended to
27 read as follows:

28 (1) A person selling vehicle batteries at wholesale to a retail
29 establishment in this state shall accept, at the time and place of
30 transfer, used vehicle batteries in a quantity at least equal to the
31 number of new batteries purchased, if offered by the purchaser.

32 (2) When a battery wholesaler, or agent of the wholesaler, fails
33 to accept used vehicle batteries as provided in this section, a
34 retailer may file a complaint with the department and the department
35 shall investigate any such complaint.

36 (3) (a) The department shall issue an order suspending any of the
37 provisions of RCW 70A.205.515 through 70A.205.530 whenever it finds
38 that the market price of lead has fallen to the extent that new

1 battery wholesalers' estimated statewide average cost of transporting
2 used batteries to a smelter or other person or entity in the business
3 of purchasing used batteries is clearly greater than the market price
4 paid for used lead batteries by such smelter or person or entity.

5 (b) The order of suspension shall only apply to batteries that
6 are sold at retail during the period in which the suspension order is
7 effective.

8 (c) The department shall limit its suspension order to a definite
9 period not exceeding six months, but shall revoke the order prior to
10 its expiration date should it find that the reasons for its issuance
11 are no longer valid.

12 (4) For purposes of this section:

13 (a) "Vehicle battery" means batteries capable for use in any
14 vehicle, having a core consisting of elemental lead, and a capacity
15 of six or more volts.

16 (b) "Vehicle battery" does not include an "electric vehicle
17 battery" as defined in RCW 70A.555.010.

18 **Sec. 6.** RCW 70A.205.530 and 2020 c 20 s 1200 are each amended to
19 read as follows:

20 (1) The department shall produce, print, and distribute the
21 notices required by RCW 70A.205.515 to all places where vehicle
22 batteries are offered for sale at retail and in performing its duties
23 under this section the department may inspect any place, building, or
24 premise governed by RCW 70A.205.520. Authorized employees of the
25 agency may issue warnings and citations to persons who fail to comply
26 with the requirements of RCW 70A.205.505 through 70A.205.535. Failure
27 to conform to the notice requirements of RCW 70A.205.515 shall
28 subject the violator to a fine imposed by the department not to
29 exceed (~~one thousand dollars~~) \$1,000. However, no such fine shall
30 be imposed unless the department has issued a warning of infraction
31 for the first offense. Each day that a violator does not comply with
32 the requirements of chapter 431, Laws of 1989 following the issuance
33 of an initial warning of infraction shall constitute a separate
34 offense.

35 (2) For purposes of this section:

36 (a) "Vehicle battery" means batteries capable for use in any
37 vehicle, having a core consisting of elemental lead, and a capacity
38 of six or more volts.

1 (b) "Vehicle battery" does not include an "electric vehicle
2 battery" as defined in RCW 70A.555.010.

3 **Sec. 7.** RCW 70A.555.005 and 2023 c 434 s 1 are each amended to
4 read as follows:

5 The legislature finds that:

6 (1) It is in the public interest of the citizens of Washington to
7 encourage the recovery and reuse of materials, such as metals, that
8 replace the output of mining and other extractive industries.

9 (2) Without a dedicated battery stewardship program, battery user
10 confusion regarding proper disposal options will continue to persist.

11 (3) Ensuring the proper handling, recycling, and end-of-life
12 management of used batteries prevents the release of toxic materials
13 into the environment and removes materials from the waste stream
14 that, if mishandled, may present safety concerns to workers, such as
15 by igniting fires at solid waste handling facilities. For this
16 reason, batteries should not be placed into commingled recycling
17 containers or disposed of via traditional garbage collection
18 containers.

19 (4) Jurisdictions around the world have successfully implemented
20 battery stewardship laws that have helped address the challenges
21 posed by the end-of-life management of batteries. Because it is
22 difficult for customers to differentiate between types and
23 chemistries of batteries, it is the best practice for battery
24 stewardship programs to collect all battery types and chemistries.
25 (~~Furthermore, it is appropriate for larger batteries used in~~
26 ~~emerging market sectors such as electric vehicles, solar power~~
27 ~~arrays, and data centers, to be managed to ensure environmentally~~
28 ~~positive outcomes similar to those achieved by a battery stewardship~~
29 ~~program, both because of the potential economic value of large~~
30 ~~batteries used for these purposes and the anticipated profusion of~~
31 ~~these larger batteries as these market sectors mature.))~~

32 (5) Larger batteries used in emerging market sectors such as
33 electric vehicles, solar power arrays, and data centers should be
34 managed to ensure environmentally positive outcomes similar to those
35 achieved by a battery stewardship program because of their potential
36 economic value and anticipated profusion as these market sectors
37 mature. Although the management of some larger batteries continues to
38 be studied, the legislature intends to include electric vehicle

1 batteries in the state battery stewardship program while recognizing
2 the unique characteristics of those batteries.

3 **Sec. 8.** RCW 70A.555.010 and 2023 c 434 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) (a) "Battery-containing product" means a product that contains
8 or is packaged with rechargeable or primary batteries that are
9 covered batteries.

10 (b) A "battery-containing product" does not include ((a)):

11 (i) A covered electronic product under an approved plan
12 implemented under chapter 70A.500 RCW; or

13 (ii) An electric vehicle.

14 (2) "Battery management hierarchy" means a management system of
15 covered batteries prioritized in descending order as follows:

16 (a) Waste prevention and reduction;

17 (b) Reuse, when reuse is appropriate;

18 (c) Recycling, as defined in this chapter; and

19 (d) Other means of end-of-life management, which may only be
20 utilized after demonstrating to the department that it is not
21 feasible to manage the batteries under the higher priority options in
22 (a) through (c) of this subsection.

23 (3) "Battery stewardship organization" means a producer that
24 directly implements a battery stewardship plan required under this
25 chapter or a nonprofit organization designated by a producer or group
26 of producers to implement a battery stewardship plan required under
27 this chapter.

28 (4) "Collection rate" means a percentage, by weight, that a
29 battery stewardship organization collects that is calculated by
30 dividing the total weight of primary and rechargeable batteries
31 collected during the previous calendar year by the average annual
32 weight of primary and rechargeable batteries that were estimated to
33 have been sold in the state by all producers participating in an
34 approved battery stewardship plan during the previous three calendar
35 years.

36 (5) (a) "Covered battery" means a portable battery or, beginning
37 January 1, 2029, a medium format battery and an electric vehicle
38 battery.

39 (b) "Covered battery" does not include:

1 (i) A battery contained within a medical device, as specified in
2 Title 21 U.S.C. Sec. 321(h) as it existed as of July 23, 2023, that
3 is not designed and marketed for sale or resale principally to
4 consumers for personal use;

5 (ii) A battery that contains an electrolyte as a free liquid;

6 (iii) A lead acid battery weighing greater than 11 pounds;

7 (iv) A battery subject to the provisions of RCW 70A.205.505
8 through 70A.205.530; and

9 (v) A battery in a battery-containing product that is not
10 intended or designed to be easily removable from the battery-
11 containing product.

12 (6) "Department" means the department of ecology.

13 (7) "Easily removable" means designed by the manufacturer to be
14 removable by the user of the product with no more than commonly used
15 household tools.

16 (8) (a) "Electric vehicle" means a vehicle that derives all or
17 part of its power from electricity supplied by the electric grid and
18 that has a battery or equivalent storage device that can be charged
19 from an electricity supply external to the vehicle with an electric
20 plug.

21 (b) "Electric vehicle" includes a plug-in hybrid vehicle.

22 (9) (a) "Electric vehicle battery" means a rechargeable battery
23 used to power the electric motors that propel an electric vehicle.

24 (b) "Electric vehicle battery" includes, without limitation,
25 lithium-ion batteries and nickel-metal hydride batteries.

26 (10) "Environmentally sound management practices" means practices
27 that: (a) Comply with all applicable laws and rules to protect
28 workers, public health, and the environment; (b) provide for adequate
29 recordkeeping, tracking, and documenting of the fate of materials
30 within the state and beyond; and (c) include comprehensive liability
31 coverage for the battery stewardship organization, including
32 environmental liability coverage that is commercially practicable.

33 ~~((9))~~ (11) "Final disposition" means the final processing of a
34 collected battery to produce usable end products, at the point where
35 the battery has been reduced to its constituent parts, reusable
36 portions made available for use, and any residues handled as wastes
37 in accordance with applicable law.

38 ~~((10))~~ (12) "Large format battery" means:

1 (a) A rechargeable battery, other than an electric vehicle
2 battery, that weighs more than 25 pounds or has a rating of more than
3 2,000 watt-hours; or

4 (b) A primary battery that weighs more than 25 pounds.

5 (~~(11)~~) (13) "Medium format battery" means the following primary
6 or rechargeable covered batteries:

7 (a) For rechargeable batteries, a battery weighing more than 11
8 pounds or has a rating of more than 300 watt-hours, or both, and no
9 more than 25 pounds and has a rating of no more than 2,000 watt-
10 hours;

11 (b) For primary batteries, a battery weighing more than 4.4
12 pounds but not more than 25 pounds.

13 (~~(12)~~) (14) "Portable battery" means the following primary or
14 rechargeable covered batteries:

15 (a) For rechargeable batteries, a battery weighing no more than
16 11 pounds and has a rating of no more than 300 watt-hours;

17 (b) For primary batteries, a battery weighing no more than 4.4
18 pounds.

19 (~~(13)~~) (15) "Primary battery" means a battery that is not
20 capable of being recharged.

21 (~~(14)~~) (16) (a) "Producer" means the following person
22 responsible for compliance with requirements under this chapter for a
23 covered battery or battery-containing product sold, offered for sale,
24 or distributed in or into this state:

25 (i) For covered batteries:

26 (A) If the battery is sold under the brand of the battery
27 manufacturer, the producer is the person that manufactures the
28 battery;

29 (B) If the battery is sold under a retail brand or under a brand
30 owned by a person other than the manufacturer, the producer is the
31 brand owner;

32 (C) If there is no person to which (a)(i)(A) or (B) of this
33 subsection applies, the producer is the person that is the licensee
34 of a brand or trademark under which the battery is used in a
35 commercial enterprise, sold, offered for sale, or distributed in or
36 into this state, whether or not the trademark is registered in this
37 state;

38 (D) If there is no person described in (a)(i)(A) through (C) of
39 this subsection within the United States, the producer is the person
40 who is the importer of record for the battery into the United States

1 for use in a commercial enterprise that sells, offers for sale, or
2 distributes the battery in this state;

3 (E) If there is no person described in (a)(i)(A) through (D) of
4 this subsection with a commercial presence within the state, the
5 producer is the person who first sells, offers for sale, or
6 distributes the battery in or into this state.

7 (ii) For covered battery-containing products:

8 (A) If the battery-containing product is sold under the brand of
9 the product manufacturer, the producer is the person that
10 manufactures the product;

11 (B) If the battery-containing product is sold under a retail
12 brand or under a brand owned by a person other than the manufacturer,
13 the producer is the brand owner;

14 (C) If there is no person to which (a)(ii)(A) or (B) of this
15 subsection applies, the producer is the person that is the licensee
16 of a brand or trademark under which the product is used in a
17 commercial enterprise, sold, offered for sale, or distributed in or
18 into this state, whether or not the trademark is registered in this
19 state;

20 (D) If there is no person described in (a)(ii)(A) through (C) of
21 this subsection within the United States, the producer is the person
22 who is the importer of record for the product into the United States
23 for use in a commercial enterprise that sells, offers for sale, or
24 distributes the product in this state;

25 (E) If there is no person described in (a)(ii)(A) through (D) of
26 this subsection with a commercial presence within the state, the
27 producer is the person who first sells, offers for sale, or
28 distributes the product in or into this state;

29 (F) A producer does not include any person who only manufactures,
30 sells, offers for sale, distributes, or imports into the state a
31 battery-containing product if the only batteries used by the battery-
32 containing product are supplied by a producer that has joined a
33 registered battery stewardship organization as the producer for that
34 covered battery under this chapter. Such a producer of covered
35 batteries that are included in a battery-containing product must
36 provide written certification of that membership to both the producer
37 of the covered battery-containing product and the battery stewardship
38 organization of which the battery producer is a member.

39 (b) A person is the "producer" of a covered battery or covered
40 battery-containing product sold, offered for sale, or distributed in

1 or into this state, as defined in (a) of this subsection, except
2 where another party has contractually accepted responsibility as a
3 responsible producer and has joined a registered battery stewardship
4 organization as the producer for that covered battery or covered
5 battery-containing product under this chapter.

6 ~~((15))~~ (17) "Program" means a program implemented by a battery
7 stewardship organization consistent with an approved battery
8 stewardship plan.

9 ~~((16))~~ (18) "Rechargeable battery" means a battery that
10 contains one or more voltaic or galvanic cells, electrically
11 connected to produce electric energy, designed to be recharged.

12 ~~((17))~~ (19) "Recycling" means transforming or remanufacturing
13 waste materials into usable or marketable materials for use other
14 than:

15 (a) Combustion;

16 (b) Incineration;

17 (c) Energy generation;

18 (d) Fuel production; or

19 (e) Beneficial reuse in the construction and operation of a solid
20 waste landfill, including use of alternative daily cover.

21 ~~((18))~~ (20) "Recycling efficiency rate" means the ratio of the
22 weight of covered battery components and materials recycled by a
23 program operator from covered batteries to the weight of those
24 covered batteries collected by the program operator.

25 ~~((19))~~ (21) "Retailer" means a person who sells covered
26 batteries or battery-containing products in or into this state or
27 offers or otherwise makes available covered batteries or battery-
28 containing products to a customer, including other businesses, for
29 use by the customer in this state.

30 ~~((20))~~ (22) "Urban area" means an area delineated by the United
31 States census bureau, based on a minimum threshold of 2,000 housing
32 units or 5,000 people, as of January 1, 2023.

33 **Sec. 9.** RCW 70A.555.020 and 2023 c 434 s 3 are each amended to
34 read as follows:

35 ~~((Beginning))~~ (1) Except as provided in subsection (2) of this
36 section, beginning January 1, 2027:

37 ~~((1))~~ (a) Each producer selling, making available for sale, or
38 distributing covered batteries or battery-containing products in or
39 into the state of Washington shall participate in an approved

1 Washington state battery stewardship plan through participation in
2 and appropriate funding of a battery stewardship organization; and
3 ~~((2))~~ (b) A producer that does not participate in a battery
4 stewardship organization and battery stewardship plan may not sell
5 covered batteries or battery-containing products covered by this
6 chapter in or into Washington.

7 (2) Beginning January 1, 2029, the requirements of subsection (1)
8 of this section apply to each producer selling, making available for
9 sale, or distributing medium format batteries, or electric vehicle
10 batteries, defined as a covered battery in RCW 70A.555.010.

11 **Sec. 10.** RCW 70A.555.030 and 2023 c 434 s 4 are each amended to
12 read as follows:

13 (1) Beginning July 1, 2027, for portable batteries, and July 1,
14 2029, for medium format batteries and electric vehicle batteries, a
15 retailer may not sell, offer for sale, distribute, or otherwise make
16 available for sale a covered battery or battery-containing product
17 unless the producer of the covered battery or battery-containing
18 product certifies to the retailer that the producer participates in a
19 battery stewardship organization whose plan has been approved by the
20 department.

21 (2) A retailer is in compliance with the requirements of
22 subsection (1) of this section and is not subject to penalties under
23 RCW 70A.555.110 as long as the website made available by the
24 department under RCW 70A.555.100 lists, as of the date a product is
25 made available for retail sale, a producer or brand of covered
26 battery or battery-containing product sold by the retailer as being a
27 participant in an approved plan or the implementer of an approved
28 plan.

29 (3) Retailers of covered batteries or battery-containing products
30 are not required to make retail locations available to serve as
31 collection sites for a stewardship program operated by a battery
32 stewardship organization. Retailers that serve as a collection site
33 must comply with the requirements for collection sites, consistent
34 with RCW 70A.555.070.

35 (4) A retailer may not sell, offer for sale, distribute, or
36 otherwise make available for sale covered batteries, unless those
37 batteries are marked consistent with the requirements of RCW
38 70A.555.130. A producer of a battery-containing product containing a
39 covered battery must certify to the retailers of their product that

1 the battery contained in the battery-containing product is marked
2 consistent with the requirements of RCW 70A.555.130. A retailer may
3 rely on this certification for purposes of compliance under this
4 subsection.

5 (5) A retailer selling or offering covered batteries or battery-
6 containing products for sale in Washington may provide information,
7 provided to the retailer by the battery stewardship organization,
8 regarding available end-of-life management options for covered
9 batteries collected by the battery stewardship organization. The
10 information that a battery stewardship organization must make
11 available to retailers for voluntary use by retailers must include,
12 but is not limited to, in-store signage, written materials, and other
13 promotional materials that retailers may use to inform customers of
14 the available end-of-life management options for covered batteries
15 collected by the battery stewardship organization.

16 (6) Retailers, producers, or battery stewardship organizations
17 may not charge a specific point-of-sale fee to consumers to cover the
18 administrative or operational costs of the battery stewardship
19 organization or the battery stewardship program.

20 **Sec. 11.** RCW 70A.555.040 and 2023 c 434 s 5 are each amended to
21 read as follows:

22 (1) By July 1, 2026, or within six months of the adoption of
23 rules under RCW 70A.555.100, whichever comes later, each battery
24 stewardship organization must submit a plan for covered portable
25 batteries to the department for approval. Within 24 months of the
26 date of the initial adoption of rules under this chapter by the
27 department, each battery stewardship organization must submit a plan
28 for covered medium format batteries and electric vehicle batteries to
29 the department for approval. A battery stewardship organization may
30 submit a plan at any time to the department for review and approval.
31 The department must review and may approve a plan based on whether it
32 contains and adequately addresses the following components:

33 (a) Lists and provides contact information for each producer,
34 battery brand, and battery-containing product brand covered in the
35 plan;

36 (b) Proposes performance goals, consistent with RCW 70A.555.050,
37 including establishing performance goals for each of the next three
38 upcoming calendar years of program implementation;

1 (c) Describes how the battery stewardship organization will make
2 retailers aware of their obligation to sell only covered batteries
3 and battery-containing products of producers participating in an
4 approved plan;

5 (d) Describes the education and communications strategy being
6 implemented to effectively promote participation in the approved
7 covered battery stewardship program and provide the information
8 necessary for effective participation of consumers, retailers, and
9 others;

10 (e) Describes how the battery stewardship organization will make
11 available to retailers, for voluntary use, in-store signage, written
12 materials, and other promotional materials that retailers may use to
13 inform customers of the available end-of-life management options for
14 covered batteries collected by the battery stewardship organization;

15 (f) Lists promotional activities to be undertaken, and the
16 identification of consumer awareness goals and strategies that the
17 program will employ to achieve these goals after the program begins
18 to be implemented;

19 (g) Includes collection site safety training procedures related
20 to covered battery collection activities at collection sites,
21 including appropriate protocols to reduce risks of spills or fires
22 and response protocols in the event of a spill or fire, and a
23 protocol for safe management of damaged batteries that are returned
24 to collection sites;

25 (h) Describes the method to establish and administer a means for
26 fully funding the program in a manner that equitably distributes the
27 program's costs among the producers that are part of the battery
28 stewardship organization. For producers that elect to meet the
29 requirements of this chapter individually, without joining a battery
30 stewardship organization, the plan must describe the proposed method
31 to establish and administer a means for fully funding the program;

32 (i) Describes the financing methods used to implement the plan,
33 consistent with RCW 70A.555.060, including how producer fees and fee
34 modulation will incorporate design for recycling and resource
35 conservation as objectives, and a template reimbursement agreement,
36 developed in consultation with local governments and other program
37 stakeholders;

38 (j) Describes how the program will collect all covered battery
39 chemistries and brands on a free, continuous, convenient, visible,
40 and accessible basis, and consistent with the requirements of RCW

1 70A.555.070, including a description of how the statewide convenience
2 standard will be met and a list of collection sites, including the
3 address and latitude and longitude of collection sites;

4 (k) Describes the criteria to be used in the program to determine
5 whether an entity may serve as a collection site for discarded
6 batteries under the program;

7 (l) Establishes collection goals for each of the first three
8 years of implementation of the battery stewardship plan that are
9 based on the estimated total weight of primary and rechargeable
10 covered batteries that have been sold in the state in the previous
11 three calendar years by the producers participating in the battery
12 stewardship plan;

13 (m) Identifies proposed brokers, transporters, processors, and
14 facilities to be used by the program for the final disposition of
15 batteries and how collected batteries will be managed in:

16 (i) An environmentally sound and socially just manner at
17 facilities operating with human health and environmental protection
18 standards that are broadly equivalent to or better than those
19 required in the United States and other countries that are members of
20 the battery stewardship organization for economic cooperation and
21 development; and

22 (ii) A manner consistent with the battery management hierarchy,
23 including how each proposed facility used for the final disposition
24 of batteries will recycle or otherwise manage batteries;

25 (n) Details how the program will achieve a recycling efficiency
26 rate, calculated consistent with RCW 70A.555.090, of at least 60
27 percent for rechargeable batteries and at least 70 percent for
28 primary batteries;

29 (o) Proposes goals for increasing public awareness of the
30 program, including subgoals applicable to public awareness of the
31 program in vulnerable populations and overburdened communities
32 identified by the department under chapter 70A.02 RCW, and describes
33 how the public education and outreach components of the program under
34 RCW 70A.555.080 will be implemented; and

35 (p) Specifies procedures to be employed by a local government
36 seeking to coordinate with a battery stewardship organization
37 pursuant to RCW 70A.555.070(4)(c).

38 (2) If required by the department, a battery stewardship
39 organization must submit a new plan to the department for approval:

1 (a) If there are significant changes to the methods of
2 collection, transport, or end-of-life management of covered batteries
3 under RCW 70A.555.070 that are not provided for in the plan. The
4 department may, by rule, identify the types of significant changes
5 that require a new plan to be submitted to the department for
6 approval. For purposes of this subsection, adding or removing a
7 processor or transporter under the plan is not considered a
8 significant change that requires a plan resubmittal;

9 (b) To address the novel inclusion of medium format batteries
10 (~~(e)~~), large format batteries, or electric vehicle batteries as
11 covered batteries under the plan; and

12 (c) No less than every five years.

13 (3) If required by the department, a battery stewardship
14 organization must provide plan amendments to the department for
15 approval:

16 (a) When proposing changes to the performance goals under RCW
17 70A.555.050 based on the up-to-date experience of the program;

18 (b) When there is a change to the method of financing plan
19 implementation under RCW 70A.555.060. This does not include changes
20 to the fees or fee structure established in the plan; or

21 (c) When adding or removing a processor or transporter, as part
22 of a quarterly update submitted to the department.

23 (4) As part of a quarterly update, a battery stewardship
24 organization must notify the department after a producer begins or
25 ceases to participate in a battery stewardship organization. The
26 quarterly update submitted to the department must also include a
27 current list of the producers and brands participating in the plan.

28 (5) No earlier than five years after the initial approval of a
29 plan, the department may require a battery stewardship organization
30 to submit a revised plan, which may include improvements to the
31 collection site network or increased expenditures dedicated to
32 education and outreach if the approved plan has not met the
33 performance goals under RCW 70A.555.050.

34 **Sec. 12.** RCW 70A.555.060 and 2023 c 434 s 7 are each amended to
35 read as follows:

36 (1) Each battery stewardship organization must ensure adequate
37 funding is available to fully implement approved battery stewardship
38 plans, including the implementation of aspects of the plan
39 addressing:

- 1 (a) Battery collection, transporting, and processing;
- 2 (b) Education and outreach;
- 3 (c) Program evaluation; and
- 4 (d) Payment of the administrative fees to the department under
- 5 RCW 70A.555.100.

6 (2) A battery stewardship organization implementing a battery
7 stewardship plan on behalf of producers must develop, and continually
8 improve over the years of program implementation, a system to collect
9 charges from participating producers to cover the costs of plan
10 implementation in an environmentally sound and socially just manner
11 that encourages the use of design attributes that reduce the
12 environmental impacts of covered batteries, such as through the use
13 of eco-modulated fees. Examples of fee structures that meet the
14 requirements of this subsection include using eco-modulated fees to:

- 15 (a) Encourage designs intended to facilitate reuse and recycling;
- 16 (b) Encourage the use of recycled content;
- 17 (c) Discourage the use of problematic materials that increase
- 18 system costs of managing covered batteries; and
- 19 (d) Encourage other design attributes that reduce the
- 20 environmental impacts of covered batteries.

21 (3) (a) Except for costs incurred by a local government or local
22 government facility exercising the authority specified in RCW
23 70A.555.070(4)(c), each battery stewardship organization is
24 responsible for all costs of participating covered battery
25 collection, transportation, processing, education, administration,
26 agency reimbursement, recycling, and end-of-life management in
27 accordance with the battery management hierarchy and environmentally
28 sound management practices.

29 (b) Each battery stewardship organization must meet the
30 collection goals as specified in RCW 70A.555.040.

31 (c) A battery stewardship organization is not authorized to
32 reduce or cease collection, education and outreach, or other
33 activities implemented under an approved plan based on achievement of
34 program performance goals.

35 (4) (a) Except for costs incurred by a local government or local
36 government facility exercising the authority granted by RCW
37 70A.555.070(4)(c), a battery stewardship organization must reimburse
38 local governments for demonstrable costs, as defined by rules adopted
39 by the department, incurred as a result of a local government
40 facility or solid waste handling facility serving as a collection

1 site for a program including, but not limited to, associated labor
2 costs and other costs associated with accessibility and collection
3 site standards such as storage.

4 (b) Except as to the costs of containers and other materials and
5 services requirements addressed by a local government or local
6 government facility exercising the authority granted by RCW
7 70A.555.070(4)(c), a battery stewardship organization shall at a
8 minimum provide collection sites with appropriate containers for
9 covered batteries, other than electric vehicle batteries, subject to
10 its program, training, signage, safety guidance, and educational
11 materials, at no cost to the collection sites.

12 (c) A battery stewardship organization must include in its
13 battery stewardship plan a template of the service agreement and any
14 other forms, contracts, or other documents for use in distribution of
15 reimbursements. The service agreement template must be developed with
16 local government input. The entities seeking or receiving
17 reimbursement from the battery stewardship organization are not
18 required to use the template agreement included in the program plan
19 and are not limited to the terms of the template agreement included
20 in the program plan.

21 NEW SECTION. **Sec. 13.** A new section is added to chapter 70A.555
22 RCW to read as follows:

23 (1) Notwithstanding the collection requirements in RCW
24 70A.555.070, each battery stewardship organization must provide
25 consistent and convenient statewide collection opportunities for
26 electric vehicle batteries as designated in a battery stewardship
27 plan approved under RCW 70A.555.040, which may include, but are not
28 limited to, opportunities to discard, deliver, or otherwise arrange
29 for the collection and delivery of an unwanted electric vehicle
30 battery or a damaged or defective electric vehicle battery to:

31 (a) A location designated in the battery stewardship plan;

32 (b) An authorized electric vehicle battery recycler to handle,
33 transport, and properly manage used electric vehicle batteries,
34 provided that the authorized electric vehicle battery recycler
35 adheres to the battery stewardship plan for that electric vehicle
36 battery and the employees of the authorized electric vehicle battery
37 recycler undergo mandatory safety training to ensure the proper
38 management and recycling of the batteries. The department may
39 require, develop, or select appropriate training modules for this

1 purpose or may allow an authorized electric vehicle battery recycler
2 to submit its own safety training plan for approval; or

3 (c) An authorized electric vehicle battery transporter to
4 transport used electric vehicle batteries to a location designated in
5 the battery stewardship plan under (a) of this subsection or to an
6 authorized electric vehicle battery recycler under (b) of this
7 subsection.

8 (2) Stewardship programs are not required to provide for the
9 collection of electric vehicle batteries still contained in an
10 electric vehicle.

11 (3) The definitions in this subsection apply throughout this
12 section unless the context requires otherwise.

13 (a) "Authorized electric vehicle battery recycler" means an
14 entity or facility authorized by the department or an equivalent
15 agency in another state to collect, sort, separate, and refine the
16 elemental components of end-of-life electric vehicle batteries, or
17 battery materials, and to refine the elemental components back to
18 usable battery chemicals that include, without limitation, nickel
19 sulfates, cobalt sulfates, and lithium salts.

20 (b) "Authorized electric vehicle battery transporter" means a
21 person authorized, under a battery stewardship plan, to transport
22 electric vehicle batteries for the purpose of recycling.

23 (c) "Damaged or defective electric vehicle battery" means an
24 electric vehicle battery that has been damaged or identified by the
25 manufacturer as being defective for safety reasons, that has the
26 potential of producing a dangerous evolution of heat, fire, or short
27 circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of the
28 effective date of this section, or as updated by the department by
29 rule to maintain consistency with federal standards.

30 **Sec. 14.** RCW 70A.555.070 and 2023 c 434 s 8 are each amended to
31 read as follows:

32 (1) Battery stewardship organizations implementing a battery
33 stewardship plan must provide for the collection of all covered
34 batteries, including all chemistries and brands of covered batteries,
35 on a free, continuous, convenient, visible, and accessible basis to
36 any person, business, government agency, or nonprofit organization.
37 Except as provided in subsection (2)(b) of this section, each battery
38 stewardship plan must allow any person, business, government agency,
39 or nonprofit organization to discard each chemistry and brand of

1 covered battery at each collection site that counts towards the
2 satisfaction of the collection site criteria in subsection (3) of
3 this section.

4 (2)(a) Except for local government collection described in
5 subsection (4)(c) of this section, for each collection site utilized
6 by the program, each battery stewardship organization must provide
7 suitable collection containers for covered batteries that are
8 segregated from other solid waste or make mutually agreeable
9 alternative arrangements for the collection of batteries at the site.
10 The location of collection containers at each collection site used by
11 the program must be within view of a responsible person and must be
12 accompanied by signage made available to the collection site by the
13 battery stewardship organization that informs customers regarding the
14 end-of-life management options for batteries provided by the
15 collection site under this chapter. Each collection site must adhere
16 to the operations manual and other safety information provided to the
17 collection site by the battery stewardship organization.

18 (b) Medium format batteries may only be collected at household
19 hazardous waste collection sites or other sites that are staffed by
20 persons who are certified to handle and ship hazardous materials
21 under federal regulations adopted by the United States department of
22 transportation pipeline and hazardous materials safety
23 administration.

24 (c)(i) Damaged and defective batteries are intended to be
25 collected at collection sites staffed by persons trained to handle
26 and ship those batteries.

27 (ii) Each battery stewardship organization must provide for
28 collection of damaged and defective batteries in each county of the
29 state, either through collection sites or collection events with
30 qualified staff as specified in (c)(i) of this subsection. Collection
31 events should be provided periodically throughout the year where
32 practicable, but must be provided at least once per year at a
33 minimum, in each county in which there are not permanent collection
34 sites providing for the collection of damaged and defective
35 batteries.

36 (iii) As used in this subsection, "damaged and defective
37 batteries" means batteries that have been damaged or identified by
38 the manufacturer as being defective for safety reasons, that have the
39 potential of producing a dangerous evolution of heat, fire, or short
40 circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of January 1,

1 2023, or as updated by the department by rule to maintain consistency
2 with federal standards.

3 (3) (a) Each battery stewardship organization implementing a
4 battery stewardship plan shall ensure statewide collection
5 opportunities for all covered batteries. Battery stewardship
6 organizations shall coordinate activities with other program
7 operators, including covered battery collection and recycle programs
8 and electronic waste recyclers, with regard to the proper management
9 or recycling of collected covered batteries, for purposes of
10 providing the efficient delivery of services and avoiding unnecessary
11 duplication of effort and expense. Statewide collection opportunities
12 must be determined by geographic information modeling that considers
13 permanent collection sites. A program may rely, in part, on
14 collection events to supplement the permanent collection services
15 required in (a) and (b) of this subsection. However, only permanent
16 collection services specified in (a) and (b) of this subsection
17 qualify towards the satisfaction of the requirements of this
18 subsection.

19 (b) For portable batteries, each battery stewardship organization
20 must provide statewide collection opportunities that include, but are
21 not limited to, the provision of:

22 (i) At least one permanent collection site for portable batteries
23 within a 15 mile radius for at least 95 percent of Washington
24 residents;

25 (ii) The establishment of collection sites that are accessible
26 and convenient to overburdened communities identified by the
27 department under chapter 70A.02 RCW, in an amount that is roughly
28 proportional to the number and population of overburdened communities
29 identified by the department under chapter 70A.02 RCW relative to the
30 population or size of the state as a whole;

31 (iii) At least one permanent collection site for portable
32 batteries in addition to those required in (b)(i) of this subsection
33 for every 30,000 residents of each urban area in this state. For the
34 purposes of compliance with this subsection (3)(b)(iii), a battery
35 stewardship organization and the department may rely upon new or
36 updated designations of urban locations by the United States census
37 bureau that are determined by the department to be similar to the
38 definition of urban areas in RCW 70A.555.010;

1 (iv) Collection opportunities for portable batteries at special
2 locations where batteries are often spent and replaced, such as
3 supervised locations at parks with stores and campgrounds; and

4 (v) Service to areas without a permanent collection site,
5 including service to island and geographically isolated communities
6 without a permanent collection site.

7 (c) For medium format batteries, a battery stewardship
8 organization must provide statewide collection opportunities that
9 include, but are not limited to, the provision of:

10 (i) At least 25 permanent collection sites in Washington;

11 (ii) Reasonable geographic dispersion of collection sites
12 throughout the state;

13 (iii) A collection site in each county of at least 200,000
14 persons, as determined by the most recent population estimate of the
15 office of financial management;

16 (iv) The establishment of collection sites that are accessible to
17 public transit and that are convenient to overburdened communities
18 identified by the department under chapter 70A.02 RCW; and

19 (v) Service to areas without a permanent collection site,
20 including service to island and geographically isolated communities.
21 A battery stewardship organization must ensure that there is a
22 collection site or annual collection event in each county of the
23 state. Collection events should be provided periodically throughout
24 the year where practicable, but must be provided at least once per
25 year at a minimum in each county in which there are not permanent
26 collection sites providing for the collection of damaged and
27 defective batteries.

28 (4) (a) Battery stewardship programs must use existing public and
29 private waste collection services and facilities, including battery
30 collection sites that are established through other battery
31 collection services, transporters, consolidators, processors, and
32 retailers, where cost-effective, mutually agreeable, and otherwise
33 practicable.

34 (b) (i) Battery stewardship programs must use as a collection site
35 for covered batteries any retailer, wholesaler, municipality, solid
36 waste management facility, or other entity that meets the criteria
37 for collection sites in the approved plan, upon the submission of a
38 request by the entity to the battery stewardship organization to
39 serve as a collection site.

1 (ii) Battery stewardship programs must use as a site for a
2 collection event for covered batteries any retailer, wholesaler,
3 municipality, solid waste management facility, or other entity that
4 meets the criteria for collection events in the approved plan, upon
5 the submission of a request by the entity to the battery stewardship
6 organization to serve as a site for a collection event. A signed
7 agreement between a battery stewardship organization and the entity
8 requesting to hold a collection event must be established at least 60
9 days prior to any collection of covered batteries under a stewardship
10 program. All costs associated with collection events initiated by an
11 entity other than a battery stewardship organization are the sole
12 responsibility of the entity unless otherwise agreed upon by a
13 battery stewardship organization. A collection event under this
14 subsection (4)(b)(ii) must allow any person to discard each chemistry
15 and brand of covered battery at the collection event.

16 (c)(i) A local government facility may collect batteries at its
17 own expense through a collection site or temporary collection event
18 that is not a collection site or event under the program implemented
19 by a battery stewardship organization. A local government facility
20 that collects covered batteries under this subsection must, in
21 accordance with procedures set forth in battery stewardship
22 organization plans approved by the department:

23 (A) Notify battery stewardship organizations of the local
24 government facility's decision to operate a collection site that is
25 not a collection site under a program established under this chapter;

26 (B) Collect each chemistry and brand of covered battery at its
27 collection site or sites;

28 (C) Collect, sort, and package collected materials in a manner
29 that meets the standards established in a battery stewardship
30 organization plan approved by the department;

31 (D) Either provide the collected batteries to the battery
32 stewardship organization in lawful transportation containers for it
33 to transfer the collected batteries at a processing facility the
34 battery stewardship organization has approved, or transport to, or
35 arrange for the transportation of collected batteries for processing
36 at a facility that a battery stewardship organization has approved
37 under a plan approved by the department.

38 (ii) A local government facility that collects materials at a
39 collection site or temporary collection event operating outside of a
40 battery stewardship program must also report, to a battery

1 stewardship organization, information necessary for the battery
2 stewardship organization to fulfill its reporting obligations under
3 RCW 70A.555.090. A battery stewardship organization may count
4 materials collected by a local government facility under this
5 subsection (4)(c) towards the achievement of performance requirements
6 established in RCW 70A.555.050.

7 (d) A battery stewardship organization may suspend or terminate a
8 collection site or service that does not adhere to the collection
9 site criteria in the approved plan or that poses an immediate health
10 and safety concern.

11 (5)(a) Stewardship programs are not required to provide for the
12 collection of battery-containing products.

13 (b) Stewardship programs are not required to provide for the
14 collection of batteries that:

15 (i) Are not easily removable from the product other than by the
16 manufacturer; and

17 (ii) Remain contained in a battery-containing product at the time
18 of delivery to a collection site.

19 (c) Stewardship programs are required to provide for the
20 collection of loose batteries.

21 (d) Stewardship programs are not required to provide for the
22 collection of batteries still contained in covered electronic
23 products under chapter 70A.500 RCW.

24 (6) Batteries collected by the program must be managed consistent
25 with the battery management hierarchy. Lower priority end-of-life
26 battery management options on the battery management hierarchy may be
27 used by a program only when a battery stewardship organization
28 documents to the department that all higher priority battery
29 management options on the battery management hierarchy are not
30 technologically feasible or economically practical.

31 (7) The requirements of this section do not apply to electric
32 vehicle batteries, which must be collected in accordance with section
33 13 of this act.

34 **Sec. 15.** RCW 70A.555.130 and 2023 c 434 s 14 are each amended to
35 read as follows:

36 (1) Beginning January 1, 2028, a producer or retailer may only
37 sell, distribute, or offer for sale in or into Washington a large
38 format battery, covered battery, or battery-containing product that

1 contains a battery that is designed or intended to be easily
2 removable from the product, if the battery is:

3 (a) Marked with an identification of the producer of the battery,
4 unless the battery is less than one-half inch in diameter or does not
5 contain a surface whose length exceeds one-half inch; and

6 (b) Beginning January 1, 2030, marked with proper labeling to
7 ensure proper collection and recycling, by identifying the chemistry
8 of the battery and including an indication that the battery should
9 not be disposed of as household waste.

10 (2) A producer shall certify to its customers, or to the retailer
11 if the retailer is not the customer, that the requirements of this
12 section have been met, as provided in RCW 70A.555.030.

13 (3) The department may amend, by rule, the requirements of
14 subsection (1) of this section to maintain consistency with the
15 labeling requirements or voluntary standards for batteries
16 established in federal law.

17 (4) (a) Beginning January 1, 2029, any person who remanufactures
18 or repurposes an electric vehicle battery must relabel the
19 remanufactured or repurposed battery in accordance with labeling
20 standards adopted by rule by the department prior to selling,
21 distributing, or offering for sale in or into Washington the electric
22 vehicle battery.

23 (b) For the purposes of this subsection:

24 (i) "Remanufacture" means any repair or modification to an
25 electric vehicle battery resulting in the complete battery, or any
26 modules or cells of the battery, being used for the same purpose or
27 application as the one for which the battery was originally designed;
28 and

29 (ii) "Repurpose" means any operations to an electric vehicle
30 battery resulting in the complete battery, or any modules or cells of
31 the battery, being used for a different purpose or application than
32 the one for which the battery was originally designed.

33 **Sec. 16.** RCW 70A.555.140 and 2023 c 434 s 15 are each amended to
34 read as follows:

35 Effective July 1, 2027, for portable batteries and July 1, 2029,
36 for medium format batteries and electric vehicle batteries, or the
37 first date on which an approved plan begins to be implemented under
38 this chapter by a battery stewardship organization, whichever comes
39 first:

1 (1) All persons must dispose of unwanted covered batteries
2 through one of the following disposal options:

3 (a) Disposal using the collection sites established by or
4 included in the programs created by this chapter;

5 (b) For covered batteries generated by persons that are regulated
6 generators of covered batteries under federal or state hazardous or
7 solid waste laws, disposal in a manner consistent with the
8 requirements of those laws; or

9 (c) Disposal using local government collection facilities that
10 collect batteries consistent with RCW 70A.555.070(4)(c).

11 (2)(a) A fee may not be charged at the time unwanted covered
12 batteries are delivered or collected for management.

13 (b) All covered batteries may only be collected, transported, and
14 processed in a manner that meets the standards established for a
15 battery stewardship organization in a plan approved by the
16 department, unless the batteries are being managed as described in
17 subsection (1)(b) of this section.

18 (3) A person may not place covered batteries in waste containers
19 for disposal at incinerators, waste to energy facilities, or
20 landfills.

21 (4) A person may not place covered batteries in or on a container
22 for mixed recyclables unless there is a separate location or
23 compartment for the covered battery that complies with local
24 government collection standards or guidelines.

25 (5) An owner or operator of a solid waste facility may not be
26 found in violation of this section if the facility has posted in a
27 conspicuous location a sign stating that covered batteries must be
28 managed through collection sites established by a battery stewardship
29 organization and are not accepted for disposal.

30 (6) A solid waste collector may not be found in violation of this
31 section for a covered battery placed in a disposal container by the
32 generator of the covered battery.

33 NEW SECTION. **Sec. 17.** A new section is added to chapter 70A.555
34 RCW to read as follows:

35 Nothing in this chapter repeals, limits, or alters the
36 department's authority under chapter 70A.300 RCW.

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