
HOUSE BILL 2501

State of Washington

68th Legislature

2024 Regular Session

By Representatives Street, Santos, and Nance

Read first time 03/05/24. Referred to Committee on Environment & Energy.

1 AN ACT Relating to improving the end-of-life management of
2 electric vehicle batteries; amending RCW 70A.205.505 and 70A.555.010;
3 reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new
4 chapter to Title 70A RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) In addition to the findings described
7 in RCW 70A.555.005, the legislature finds that:

8 (a) In 2023, the legislature enacted producer responsibility
9 requirements for most types of smaller and medium-sized batteries,
10 but elected to further study how to best manage electric vehicle
11 batteries prior to establishing producer responsibility requirements
12 for such batteries;

13 (b) In January of 2024, the state of New Jersey enacted the
14 nation's first producer responsibility law focused on electric
15 vehicle batteries; and

16 (c) The state of California has taken important steps that will
17 facilitate electric vehicle battery recycling, including by
18 establishing requirements for electric vehicle battery labeling.

19 (2) Therefore, it is the intent of the legislature to make
20 producers responsible for the end-of-life management of electric
21 vehicle batteries, in order to ensure economically and

1 environmentally beneficial use of the valuable resources contained in
2 electric vehicle batteries.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) (a) "Authorized propulsion battery recycler" means an entity
7 or facility authorized by the department or an equivalent agency in
8 another state to collect, sort, separate, and refine the elemental
9 components of end-of-life propulsion batteries, or battery materials,
10 and to refine the elemental components back to usable battery
11 chemicals that include, without limitation, nickel sulfates, cobalt
12 sulfate, and lithium salts.

13 (b) "Authorized propulsion battery recycler" does not include
14 entities or facilities that are engaged only in the collection or
15 logistics of moving materials for recycling.

16 (2) "Authorized propulsion battery transporter" means a person
17 authorized, under a battery management plan developed and approved
18 under sections 5 and 6 of this act, to transport propulsion batteries
19 for the purpose of recycling.

20 (3) "Battery cell" means the basic electrochemical component of a
21 battery, which provides a source of electrical energy and which
22 consists of an assembly of a cathode, an anode, and an electrolyte.

23 (4) "Battery management plan" means a plan for the collection,
24 transportation, remanufacturing, reuse, recycling and disposal, using
25 environmentally sound management practices, of used propulsion
26 batteries prepared under section 6 of this act.

27 (5) "Battery module" means an array of multiple battery cells
28 connected in a series or parallel and encased in one structure.

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

30 (7) "Environmentally sound management practices" mean the
31 policies and procedures for the collection, transportation, reuse,
32 and recycling or disposal of used electric vehicle batteries,
33 implemented by a producer to ensure compliance with all applicable
34 federal, state, and local laws, rules, regulations, and ordinances,
35 to protect human health, safety, and the environment, and to provide
36 for adequate recordkeeping, tracking, and documentation of the
37 disposal of used propulsion batteries within the state.

38 (8) "Producer" means a person responsible for a propulsion
39 battery, as provided in section 5 of this act.

1 (9) (a) "Propulsion battery" means an electrical energy storage
2 device, consisting of one or more individual battery modules or
3 battery cells, which are used to supply power to propel an electric
4 or hybrid road vehicle.

5 (b) "Propulsion battery" includes, without limitation, lithium-
6 ion batteries and nickel-metal hydride batteries.

7 (c) "Propulsion battery" does not include a starter battery or a
8 battery used for, or embedded in, products for industrial
9 applications.

10 (10) "Remanufacture" means any repair or modification to a
11 propulsion battery that results in the complete battery, or any
12 battery modules or battery cells of the battery, being used for the
13 same purpose or application as the one for which the battery was
14 originally designed.

15 (11) "Repurpose" means any operation to a propulsion battery that
16 results in the complete battery, or any battery modules or battery
17 cells of the battery, being used for a different purpose or
18 application than the one for which the battery was originally
19 designed.

20 (12) "Reuse" means the use of a propulsion battery in another
21 vehicle of the same type, which does not require modification to the
22 battery.

23 (13) "Solid waste" has the same meaning as provided in RCW
24 70A.205.015.

25 (14) "Solid waste collection company" has the same meaning as
26 defined in RCW 70A.205.160.

27 (15) "Solid waste handling facility" means a facility required to
28 obtain a solid waste handling permit consistent with RCW 70A.205.125.

29 NEW SECTION. **Sec. 3.** (1) Beginning January 1, 2027, a producer
30 may not sell a new propulsion battery in or into the state, whether
31 embedded in a vehicle or not, unless the propulsion battery includes
32 a permanent label providing information about the battery, in
33 accordance with rules adopted by the department.

34 (2) Any person who remanufactures or repurposes a propulsion
35 battery must relabel the remanufactured or repurposed propulsion
36 battery in accordance with the labeling standards adopted by the
37 department prior to selling, importing, or distributing the
38 propulsion battery for use in or into the state.

1 NEW SECTION. **Sec. 4.** (1) Beginning June 1, 2028, unless
2 authorized by the department, a solid waste collection company or
3 solid waste handling facility must not knowingly accept for disposal,
4 a propulsion battery, or any module or cell of such a battery, or a
5 truckload or roll-off container of solid waste containing a
6 propulsion battery, or any module or cell of such a battery.

7 (2) The owner or operator of a solid waste handling facility may
8 refuse to accept for disposal, a propulsion battery, or any module or
9 cell of such a battery, or any truckload or roll-off container of
10 solid waste containing a propulsion battery, or any module or cell of
11 such a battery.

12 NEW SECTION. **Sec. 5.** (1) By June 1, 2026, the department must
13 adopt rules establishing standards and criteria for battery
14 management plans submitted under this section.

15 (2) By January 1, 2027, each producer of propulsion batteries
16 sold within the state, either individually or as a part of a group of
17 producers must, in consultation with the department, develop and
18 submit a battery management plan to the department for review and
19 approval under section 6 of this act. The plan must provide for
20 producers to be responsible for the collection and management of the
21 producer's used propulsion batteries that are offered to the producer
22 for return by the current propulsion battery owner. The plan may
23 include a complete vehicle return program, a propulsion battery
24 return program, or any other such program approved by the department.

25 (3) A producer is responsible for the end-of-life management of a
26 propulsion battery under this act as follows:

27 (a) For a propulsion battery embedded in a vehicle that is sold
28 in the state, or sold or distributed in or into the state by remote
29 sale or distribution:

30 (i) If the propulsion battery is sold in a vehicle under the
31 vehicle manufacturer's own brand, the vehicle manufacturer is
32 responsible for the battery;

33 (ii) If the propulsion battery is sold in a vehicle under a
34 different brand than that of the vehicle manufacturer, the person
35 that is the licensee of the brand or trademark under which the
36 vehicle is sold, offered for sale, or distributed in or into the
37 state, whether or not the trademark is registered in the state, is
38 responsible for the battery;

1 (iii) If there is no person described in (a)(i) or (ii) of this
2 subsection within the United States, the person that imports the
3 propulsion battery-containing vehicle into the United States for
4 sale, offering for sale, or distribution in or into the state is
5 responsible for the battery; and

6 (iv) If there is no person described in (a)(i) through (iii) of
7 this subsection, the person that first distributes the propulsion
8 battery in or into this state is responsible for the battery.

9 (b) For a propulsion battery that is sold in the state, or sold
10 or distributed in or into the state by remote sale or distribution,
11 and which is not embedded in a vehicle:

12 (i) If the propulsion battery was manufactured in the United
13 States, and has not been remanufactured or repurposed, the battery
14 manufacturer is responsible for the battery;

15 (ii) Except as provided in (b)(iii) of this subsection, if the
16 propulsion battery has been remanufactured or repurposed in the
17 United States, the person that remanufactures or repurposes the
18 battery is responsible for the battery;

19 (iii) If there is no person described in (b)(i) or (ii) of this
20 subsection, the person that imports the propulsion battery into the
21 United States for sale, offering for sale, or distribution in or into
22 the state is responsible for the battery; and

23 (iv) If there is no person described in (b)(i) through (iii) of
24 this subsection, the person that first distributes the propulsion
25 battery in or into this state is responsible for the battery.

26 (c) The original producer of a propulsion battery is not
27 responsible for the management of a battery that a secondary producer
28 has remanufactured or repurposed unless:

29 (i) The secondary producer is in a contractual relationship with
30 the original producer, which provides for the retention of
31 responsibility for the end-of-life management of the propulsion
32 battery by the primary producer; and

33 (ii) The contract has been provided to the department as part of
34 a battery management plan or through another means approved by the
35 department.

36 NEW SECTION. **Sec. 6.** (1) A producer must prepare and submit a
37 battery management plan under this section, which must include, at a
38 minimum:

1 (a) Methods that will be used to accept and transport the used
2 propulsion batteries or complete vehicles offered to the producer,
3 including proposed collection services, and the role of vehicle
4 recyclers and authorized propulsion battery recyclers;

5 (b) Processes and methods that will be utilized to remanufacture,
6 repurpose, or recycle propulsion batteries that have reached the end
7 of their service life including, as applicable, the identity of
8 authorized propulsion battery recyclers to be utilized under the
9 battery management plan and a plan for final disposal of such
10 batteries, in accordance with environmentally sound management
11 practices;

12 (c) A strategy for informing electric vehicle owners, vehicle
13 repair facilities, and vehicle dismantlers in the state about the
14 requirement to properly manage propulsion batteries, the
15 environmental impact of the improper handling or disposal of used
16 propulsion batteries, and the mechanisms for the management of
17 propulsion batteries that are available under the plan;

18 (d) The methods that will be used to implement and finance the
19 battery management plan; and

20 (e) Any other information, policies, or procedures the department
21 deems appropriate.

22 (2) A battery management plan must provide for the financing of
23 the collection, transportation, remanufacturing, reuse, recycling, or
24 disposal of used propulsion batteries. When a producer is required to
25 provide for the management of the used propulsion batteries, the
26 costs of such financing must be borne by the producer of that
27 propulsion battery.

28 (3) Any entity that becomes a producer after the effective date
29 of this section must receive approval from the department of its
30 battery management plan prior to manufacturing, selling, offering for
31 sale, or importing a propulsion battery in or into the state, and
32 must otherwise comply with this chapter.

33 (4) A battery management plan must be reviewed and updated at
34 least once every five years, or as necessary.

35 (5) Each person or entity authorized to manage a used propulsion
36 battery as part of a battery management plan including, without
37 limitation, a vehicle repair facility, vehicle dismantler, authorized
38 propulsion battery recycler, scrapyard, dealership, showroom, or used
39 car lot, must be required to manage the propulsion battery under an
40 approved battery management plan.

1 (6) If an organization is formed for the purposes of allowing a
2 group of producers to submit and implement a combined battery
3 management plan under this chapter, the organization must:

4 (a) Be a tax exempt, nonprofit organization;

5 (b) Submit and implement a battery management plan that achieves
6 program goals established by the department; and

7 (c) Submit an annual audit report and annual budget to the
8 department.

9 (7) No later than 90 days after the department receives a
10 complete battery management plan, it must approve, approve in part,
11 or deny the plan. In making a determination under this subsection,
12 the department may solicit information from producers or other
13 stakeholders as the department deems appropriate. The department may
14 assess a producer a reasonable fee to cover the department's costs
15 for plan review, program implementation, and enforcement costs under
16 this chapter.

17 (8) (a) If the department approves a battery management plan, the
18 producer must implement the plan within 90 days after receipt of
19 approval from the department or as otherwise agreed to by the
20 department.

21 (b) (i) If the department approves a battery management plan in
22 part, the department must indicate those portions of the plan that do
23 not comply with the requirements of this chapter or any rules adopted
24 under this chapter.

25 (ii) The producer must implement the components of the plan, as
26 approved, within six months after receipt of approval by the
27 department or as otherwise agreed to by the department, and submit a
28 revised battery management plan within 30 days after the receipt of
29 notification of the approval in part by the department to bring the
30 entire plan into compliance with the requirements of this chapter or
31 any rules adopted under this chapter.

32 (iii) The department must review and approve, conditionally
33 approve, or deny a revised battery management plan within 30 days
34 after receipt of the revised plan.

35 (c) (i) If the department denies a battery management plan, the
36 department must inform the producer of the reasons for denial.

37 (ii) The producer must have 30 days after receipt of the denial
38 to submit a revised battery management plan to the department.

39 (9) The department may impose additional plan requirements for
40 any portion of a battery management plan that does not comply with

1 the requirements of this chapter or any rules adopted under this
2 chapter, for a plan component that has not been approved under this
3 section.

4 (10) The department may review a battery management plan approved
5 under this section and recommend modifications at any time upon
6 finding that the approved battery management plan, as implemented, is
7 deficient.

8 (11)(a) Within 90 days after the department's approval of a
9 battery management plan submitted in accordance with section 5 of
10 this act, the department must post, at a publicly accessible location
11 on its internet website, each battery management plan and a list
12 identifying each of the producers participating in the battery
13 management plan.

14 (b) A producer that submits information or records to the
15 department under this chapter may request that the information or
16 records be made available only for the confidential use of the
17 department, the director of the department, or the appropriate
18 division of the department. The director of the department must
19 consider the request and if this action is not detrimental to the
20 public interest and is otherwise in accordance with the policies and
21 purposes of chapter 43.21A RCW, the director must grant the request
22 for the information to remain confidential as authorized in RCW
23 43.21A.160.

24 NEW SECTION. **Sec. 7.** (1) A person seeking to discard an
25 unwanted propulsion battery may deliver the battery or the battery-
26 containing vehicle, or may otherwise arrange for the collection and
27 delivery of the battery or vehicle as provided in the producer's
28 battery management plan, to:

29 (a) A location designated by the producer of the battery, as
30 specified in the producer's battery management plan;

31 (b) A vehicle recycler that has been authorized by the department
32 to handle, transport, and properly manage used propulsion batteries,
33 if the authorized vehicle recycler complies with the battery
34 management plan approved by the department for that propulsion
35 battery; or

36 (c) An authorized propulsion battery recycler, if the employees
37 of the authorized propulsion battery recycler receive mandatory
38 safety training to ensure the proper management and recycling of such
39 batteries. The department may require, develop, or select appropriate

1 training modules for this purpose or may allow a recycler to submit
2 its own safety training plan for approval.

3 (2) (a) No producer of propulsion batteries may refuse to recover
4 a used propulsion battery that it has manufactured, branded,
5 imported, or embedded into a product in the state, if the battery is
6 collected from a location or using a mechanism designated by the
7 producer in its battery management plan.

8 (b) A producer must provide for the proper reuse,
9 remanufacturing, repurposing, or recycling of a propulsion battery
10 returned under this section in accordance with standards adopted by
11 the department by rule.

12 (c) This subsection does not apply to the original producer of a
13 propulsion battery that has been remanufactured, repurposed, branded,
14 imported, retailed, or embedded into a product by a secondary
15 producer, unless the secondary producer is in a contractual
16 relationship with the original producer in accordance with section
17 5(3)(c) of this act.

18 NEW SECTION. **Sec. 8.** (1) In implementing a battery management
19 plan approved under section 5 of this act, a producer must provide
20 consumers with educational materials related to the producer's
21 approved battery management plan and the collection services that are
22 available. The educational materials must include, without
23 limitation, information identifying the end-of-life management
24 options that are available for propulsion batteries through the
25 battery management plan, and a notice that, in Washington, the costs
26 of the services must be covered by the producer.

27 (2) The department must establish a forum for the filing of
28 consumer complaints, which may include a complaint form on the
29 department's website or a telephone hotline, and a public education
30 program to ensure the widespread dissemination of information
31 concerning the purpose and requirements of this chapter.

32 NEW SECTION. **Sec. 9.** (1) Beginning January 1, 2025, a producer
33 operating in the state must register with the department, or after
34 such date, within 30 days of becoming a producer under this chapter.

35 (2) The department must establish an online registration program
36 for the purposes of this section on its internet website.

1 NEW SECTION. **Sec. 10.** (1) Beginning January 1, 2026, and each
2 following January 1st, each producer must report to the department,
3 in a form and manner prescribed by the department, the number of
4 propulsion batteries sold, offered for sale, or distributed in or
5 into the state by the producer.

6 (2) The annual report may include additional information, as
7 required by the department.

8 (3) The department must maintain a public list of producers that
9 do not comply with the provisions of this chapter.

10 NEW SECTION. **Sec. 11.** (1)(a) The department may
11 administratively impose a civil penalty on a person who violates this
12 chapter in an amount of up to \$1,000 per violation per day.

13 (b) The department may administratively impose a civil penalty of
14 up to \$10,000 per violation per day on a person for repeated
15 violations of this chapter.

16 (c) Penalties incurred under this section may be appealed to the
17 pollution control hearings board created in chapter 43.21B RCW.

18 (d) Penalties imposed under this section must be deposited into
19 the model toxics control operating account created in RCW
20 70A.305.180.

21 (2) The department has the right to enter, at any time during
22 normal business hours and upon presentation of appropriate
23 credentials, the premises of a recycling center, vehicle recycler, or
24 producer of propulsion batteries to determine compliance with this
25 chapter.

26 NEW SECTION. **Sec. 12.** The department must adopt rules as
27 necessary to implement this chapter.

28 **Sec. 13.** RCW 43.21B.110 and 2023 c 455 s 5, 2023 c 434 s 20,
29 2023 c 344 s 5, and 2023 c 135 s 6 are each reenacted and amended to
30 read as follows:

31 (1) The hearings board shall only have jurisdiction to hear and
32 decide appeals from the following decisions of the department, the
33 director, local conservation districts, the air pollution control
34 boards or authorities as established pursuant to chapter 70A.15 RCW,
35 local health departments, the department of natural resources, the
36 department of fish and wildlife, the parks and recreation commission,
37 and authorized public entities described in chapter 79.100 RCW:

1 (a) Civil penalties imposed pursuant to RCW 18.104.155,
2 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070,
3 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,
4 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030,
5 70A.555.110, 70A.560.020, section 12 of this act, 76.09.170,
6 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,
7 90.56.310, 90.56.330, and 90.64.102.

8 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
9 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070,
10 70A.245.020, 70A.65.200, 70A.555.110, 70A.560.020, 86.16.020,
11 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

12 (c) Except as provided in RCW 90.03.210(2), the issuance,
13 modification, or termination of any permit, certificate, or license
14 by the department or any air authority in the exercise of its
15 jurisdiction, including the issuance or termination of a waste
16 disposal permit, the denial of an application for a waste disposal
17 permit, the modification of the conditions or the terms of a waste
18 disposal permit, or a decision to approve or deny an application for
19 a solid waste permit exemption under RCW 70A.205.260.

20 (d) Decisions of local health departments regarding the grant or
21 denial of solid waste permits pursuant to chapter 70A.205 RCW.

22 (e) Decisions of local health departments regarding the issuance
23 and enforcement of permits to use or dispose of biosolids under RCW
24 70A.226.090.

25 (f) Decisions of the department regarding waste-derived
26 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
27 decisions of the department regarding waste-derived soil amendments
28 under RCW 70A.205.145.

29 (g) Decisions of local conservation districts related to the
30 denial of approval or denial of certification of a dairy nutrient
31 management plan; conditions contained in a plan; application of any
32 dairy nutrient management practices, standards, methods, and
33 technologies to a particular dairy farm; and failure to adhere to the
34 plan review and approval timelines in RCW 90.64.026.

35 (h) Any other decision by the department or an air authority
36 which pursuant to law must be decided as an adjudicative proceeding
37 under chapter 34.05 RCW.

38 (i) Decisions of the department of natural resources, the
39 department of fish and wildlife, and the department that are
40 reviewable under chapter 76.09 RCW, and the department of natural

1 resources' appeals of county, city, or town objections under RCW
2 76.09.050(7).

3 (j) Forest health hazard orders issued by the commissioner of
4 public lands under RCW 76.06.180.

5 (k) Decisions of the department of fish and wildlife to issue,
6 deny, condition, or modify a hydraulic project approval permit under
7 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
8 comply, to issue a civil penalty, or to issue a notice of intent to
9 disapprove applications.

10 (l) Decisions of the department of natural resources that are
11 reviewable under RCW 78.44.270.

12 (m) Decisions of an authorized public entity under RCW 79.100.010
13 to take temporary possession or custody of a vessel or to contest the
14 amount of reimbursement owed that are reviewable by the hearings
15 board under RCW 79.100.120.

16 (n) Decisions of the department of ecology that are appealable
17 under RCW 70A.245.020 to set recycled minimum postconsumer content
18 for covered products or to temporarily exclude types of covered
19 products in plastic containers from minimum postconsumer recycled
20 content requirements.

21 (o) Orders by the department of ecology under RCW 70A.455.080.

22 (2) The following hearings shall not be conducted by the hearings
23 board:

24 (a) Hearings required by law to be conducted by the shorelines
25 hearings board pursuant to chapter 90.58 RCW.

26 (b) Hearings conducted by the department pursuant to RCW
27 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
28 70A.15.3110, and 90.44.180.

29 (c) Appeals of decisions by the department under RCW 90.03.110
30 and 90.44.220.

31 (d) Hearings conducted by the department to adopt, modify, or
32 repeal rules.

33 (3) Review of rules and regulations adopted by the hearings board
34 shall be subject to review in accordance with the provisions of the
35 administrative procedure act, chapter 34.05 RCW.

36 **Sec. 14.** RCW 43.21B.300 and 2023 c 455 s 6, 2023 c 434 s 21, and
37 2023 c 135 s7 are each reenacted and amended to read as follows:

38 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,
39 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050,

1 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200,
2 70A.455.090, 70A.555.110, 70A.560.020, section 12 of this act,
3 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
4 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in
5 writing, either by certified mail with return receipt requested or by
6 personal service, to the person incurring the penalty from the
7 department or the local air authority, describing the violation with
8 reasonable particularity. For penalties issued by local air
9 authorities, within 30 days after the notice is received, the person
10 incurring the penalty may apply in writing to the authority for the
11 remission or mitigation of the penalty. Upon receipt of the
12 application, the authority may remit or mitigate the penalty upon
13 whatever terms the authority in its discretion deems proper. The
14 authority may ascertain the facts regarding all such applications in
15 such reasonable manner and under such rules as it may deem proper and
16 shall remit or mitigate the penalty only upon a demonstration of
17 extraordinary circumstances such as the presence of information or
18 factors not considered in setting the original penalty.

19 (2) Any penalty imposed under this section may be appealed to the
20 pollution control hearings board in accordance with this chapter if
21 the appeal is filed with the hearings board and served on the
22 department or authority 30 days after the date of receipt by the
23 person penalized of the notice imposing the penalty or 30 days after
24 the date of receipt of the notice of disposition by a local air
25 authority of the application for relief from penalty.

26 (3) A penalty shall become due and payable on the later of:

27 (a) 30 days after receipt of the notice imposing the penalty;

28 (b) 30 days after receipt of the notice of disposition by a local
29 air authority on application for relief from penalty, if such an
30 application is made; or

31 (c) 30 days after receipt of the notice of decision of the
32 hearings board if the penalty is appealed.

33 (4) If the amount of any penalty is not paid to the department
34 within 30 days after it becomes due and payable, the attorney
35 general, upon request of the department, shall bring an action in the
36 name of the state of Washington in the superior court of Thurston
37 county, or of any county in which the violator does business, to
38 recover the penalty. If the amount of the penalty is not paid to the
39 authority within 30 days after it becomes due and payable, the
40 authority may bring an action to recover the penalty in the superior

1 court of the county of the authority's main office or of any county
2 in which the violator does business. In these actions, the procedures
3 and rules of evidence shall be the same as in an ordinary civil
4 action.

5 (5) All penalties recovered shall be paid into the state treasury
6 and credited to the general fund except those penalties imposed
7 pursuant to RCW 18.104.155, which shall be credited to the
8 reclamation account as provided in RCW 18.104.155(7), RCW
9 70A.15.3160, the disposition of which shall be governed by that
10 provision, RCW 70A.245.040 and 70A.245.050, which shall be credited
11 to the recycling enhancement account created in RCW 70A.245.100, RCW
12 70A.300.090, 70A.555.110, ~~((and))~~ 70A.560.020, and section 12 of this
13 act, which shall be credited to the model toxics control operating
14 account created in RCW 70A.305.180, RCW 70A.65.200, which shall be
15 credited to the climate investment account created in RCW 70A.65.250,
16 RCW 90.56.330, which shall be credited to the coastal protection fund
17 created by RCW 90.48.390, and RCW 70A.355.070, which shall be
18 credited to the underground storage tank account created by RCW
19 70A.355.090.

20 **Sec. 15.** RCW 70A.205.505 and 2020 c 20 s 1197 are each amended
21 to read as follows:

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

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

29 (3) Any person who violates this section shall be subject to a
30 fine of up to ~~((one thousand dollars))~~ \$1,000. Each battery will
31 constitute a separate violation. Nothing in this section and RCW
32 70A.205.510 through 70A.205.530 shall supersede the provisions under
33 chapter 70A.300 RCW.

34 ~~((For purposes of this section and RCW 70A.205.510 through~~
35 ~~70A.205.530, "vehicle))~~ The definitions in this subsection apply
36 throughout this section and RCW 70A.205.510 through 70A.205.530
37 unless the context clearly requires otherwise.

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

4 (b) "Vehicle battery" does not include a "propulsion battery" as
5 defined in section 2 of this act.

6 **Sec. 16.** RCW 70A.555.010 and 2023 c 434 s 2 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1)(a) "Battery-containing product" means a product that contains
11 or is packaged with rechargeable or primary batteries that are
12 covered batteries.

13 (b) A "battery-containing product" does not include a covered
14 electronic product under an approved plan implemented under chapter
15 70A.500 RCW.

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

18 (a) Waste prevention and reduction;

19 (b) Reuse, when reuse is appropriate;

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

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

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

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

38 (5)(a) "Covered battery" means a portable battery or, beginning
39 January 1, 2029, a medium format battery.

1 (b) "Covered battery" does not include:
2 (i) A battery contained within a medical device, as specified in
3 Title 21 U.S.C. Sec. 321(h) as it existed as of July 23, 2023, that
4 is not designed and marketed for sale or resale principally to
5 consumers for personal use;
6 (ii) A battery that contains an electrolyte as a free liquid;
7 (iii) A lead acid battery weighing greater than 11 pounds;
8 (iv) A battery subject to the provisions of RCW 70A.205.505
9 through 70A.205.530; (~~and~~)
10 (v) A battery in a battery-containing product that is not
11 intended or designed to be easily removable from the battery-
12 containing product; and
13 (vi) A "propulsion battery" as defined in section 2 of this act.
14 (6) "Department" means the department of ecology.
15 (7) "Easily removable" means designed by the manufacturer to be
16 removable by the user of the product with no more than commonly used
17 household tools.
18 (8) "Environmentally sound management practices" means practices
19 that: (a) Comply with all applicable laws and rules to protect
20 workers, public health, and the environment; (b) provide for adequate
21 recordkeeping, tracking, and documenting of the fate of materials
22 within the state and beyond; and (c) include comprehensive liability
23 coverage for the battery stewardship organization, including
24 environmental liability coverage that is commercially practicable.
25 (9) "Final disposition" means the final processing of a collected
26 battery to produce usable end products, at the point where the
27 battery has been reduced to its constituent parts, reusable portions
28 made available for use, and any residues handled as wastes in
29 accordance with applicable law.
30 (10) "Large format battery" means:
31 (a) A rechargeable battery that weighs more than 25 pounds or has
32 a rating of more than 2,000 watt-hours; or
33 (b) A primary battery that weighs more than 25 pounds.
34 (11) "Medium format battery" means the following primary or
35 rechargeable covered batteries:
36 (a) For rechargeable batteries, a battery weighing more than 11
37 pounds or has a rating of more than 300 watt-hours, or both, and no
38 more than 25 pounds and has a rating of no more than 2,000 watt-
39 hours;

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

3 (12) "Portable battery" means the following primary or
4 rechargeable covered batteries:

5 (a) For rechargeable batteries, a battery weighing no more than
6 11 pounds and has a rating of no more than 300 watt-hours;

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

9 (13) "Primary battery" means a battery that is not capable of
10 being recharged.

11 (14)(a) "Producer" means the following person responsible for
12 compliance with requirements under this chapter for a covered battery
13 or battery-containing product sold, offered for sale, or distributed
14 in or into this state:

15 (i) For covered batteries:

16 (A) If the battery is sold under the brand of the battery
17 manufacturer, the producer is the person that manufactures the
18 battery;

19 (B) If the battery is sold under a retail brand or under a brand
20 owned by a person other than the manufacturer, the producer is the
21 brand owner;

22 (C) If there is no person to which (a)(i)(A) or (B) of this
23 subsection applies, the producer is the person that is the licensee
24 of a brand or trademark under which the battery is used in a
25 commercial enterprise, sold, offered for sale, or distributed in or
26 into this state, whether or not the trademark is registered in this
27 state;

28 (D) If there is no person described in (a)(i)(A) through (C) of
29 this subsection within the United States, the producer is the person
30 who is the importer of record for the battery into the United States
31 for use in a commercial enterprise that sells, offers for sale, or
32 distributes the battery in this state;

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

37 (ii) For covered battery-containing products:

38 (A) If the battery-containing product is sold under the brand of
39 the product manufacturer, the producer is the person that
40 manufactures the product;

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

4 (C) If there is no person to which (a)(ii)(A) or (B) of this
5 subsection applies, the producer is the person that is the licensee
6 of a brand or trademark under which the product is used in a
7 commercial enterprise, sold, offered for sale, or distributed in or
8 into this state, whether or not the trademark is registered in this
9 state;

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

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

19 (F) A producer does not include any person who only manufactures,
20 sells, offers for sale, distributes, or imports into the state a
21 battery-containing product if the only batteries used by the battery-
22 containing product are supplied by a producer that has joined a
23 registered battery stewardship organization as the producer for that
24 covered battery under this chapter. Such a producer of covered
25 batteries that are included in a battery-containing product must
26 provide written certification of that membership to both the producer
27 of the covered battery-containing product and the battery stewardship
28 organization of which the battery producer is a member.

29 (b) A person is the "producer" of a covered battery or covered
30 battery-containing product sold, offered for sale, or distributed in
31 or into this state, as defined in (a) of this subsection, except
32 where another party has contractually accepted responsibility as a
33 responsible producer and has joined a registered battery stewardship
34 organization as the producer for that covered battery or covered
35 battery-containing product under this chapter.

36 (15) "Program" means a program implemented by a battery
37 stewardship organization consistent with an approved battery
38 stewardship plan.

1 (16) "Rechargeable battery" means a battery that contains one or
2 more voltaic or galvanic cells, electrically connected to produce
3 electric energy, designed to be recharged.

4 (17) "Recycling" means transforming or remanufacturing waste
5 materials into usable or marketable materials for use other than:

6 (a) Combustion;

7 (b) Incineration;

8 (c) Energy generation;

9 (d) Fuel production; or

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

12 (18) "Recycling efficiency rate" means the ratio of the weight of
13 covered battery components and materials recycled by a program
14 operator from covered batteries to the weight of those covered
15 batteries collected by the program operator.

16 (19) "Retailer" means a person who sells covered batteries or
17 battery-containing products in or into this state or offers or
18 otherwise makes available covered batteries or battery-containing
19 products to a customer, including other businesses, for use by the
20 customer in this state.

21 (20) "Urban area" means an area delineated by the United States
22 census bureau, based on a minimum threshold of 2,000 housing units or
23 5,000 people, as of January 1, 2023.

24 NEW SECTION. **Sec. 17.** This act may be known and cited as the
25 electric vehicle battery management act.

26 NEW SECTION. **Sec. 18.** Sections 1 through 12 and 17 of this act
27 constitute a new chapter in Title 70A RCW.

28 NEW SECTION. **Sec. 19.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

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