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**SENATE BILL 5045**

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**State of Washington 69th Legislature 2025 Regular Session**

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

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

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

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

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

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

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

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

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

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

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

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

(2) For purposes of this section:

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

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

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

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

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

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

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

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

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

(2) For purposes of this section:

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

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

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

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

(2) For purposes of this section:

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

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

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

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

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

(3)(a) The department shall issue an order suspending any of the provisions of RCW 70A.205.515 through 70A.205.530 whenever it finds that the market price of lead has fallen to the extent that new battery wholesalers' estimated statewide average cost of transporting used batteries to a smelter or other person or entity in the business of purchasing used batteries is clearly greater than the market price paid for used lead batteries by such smelter or person or entity.

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

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

(4) For purposes of this section:

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

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

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

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

(2) For purposes of this section:

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

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

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

The legislature finds that:

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

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

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

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

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

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

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

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

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

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

(ii) An electric vehicle.

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

(a) Waste prevention and reduction;

(b) Reuse, when reuse is appropriate;

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

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

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

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

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

(b) "Covered battery" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) For covered batteries:

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

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

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

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

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

(ii) For covered battery-containing products:

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

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

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

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

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

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

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

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

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

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

(a) Combustion;

(b) Incineration;

(c) Energy generation;

(d) Fuel production; or

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

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

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

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

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

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

((~~(1)~~)) (a) Each producer selling, making available for sale, or distributing covered batteries or battery-containing products in or into the state of Washington shall participate in an approved Washington state battery stewardship plan through participation in and appropriate funding of a battery stewardship organization; and

((~~(2)~~)) (b) A producer that does not participate in a battery stewardship organization and battery stewardship plan may not sell covered batteries or battery-containing products covered by this chapter in or into Washington.

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

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

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

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

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

(4) A retailer may not sell, offer for sale, distribute, or otherwise make available for sale covered batteries, unless those batteries are marked consistent with the requirements of RCW 70A.555.130. A producer of a battery-containing product containing a covered battery must certify to the retailers of their product that the battery contained in the battery-containing product is marked consistent with the requirements of RCW 70A.555.130. A retailer may rely on this certification for purposes of compliance under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Describes how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of RCW 70A.555.070, including a description of how the statewide convenience standard will be met and a list of collection sites, including the address and latitude and longitude of collection sites;

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

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

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

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

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

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

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

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

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

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

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

(c) No less than every five years.

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

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

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

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

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

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

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

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

(a) Battery collection, transporting, and processing;

(b) Education and outreach;

(c) Program evaluation; and

(d) Payment of the administrative fees to the department under RCW 70A.555.100.

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

(a) Encourage designs intended to facilitate reuse and recycling;

(b) Encourage the use of recycled content;

(c) Discourage the use of problematic materials that increase system costs of managing covered batteries; and

(d) Encourage other design attributes that reduce the environmental impacts of covered batteries.

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

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

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

(4)(a) Except for costs incurred by a local government or local government facility exercising the authority granted by RCW 70A.555.070(4)(c), a battery stewardship organization must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

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

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

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

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

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

(b) An authorized electric vehicle battery recycler to handle, transport, and properly manage used electric vehicle batteries, provided that the authorized electric vehicle battery recycler adheres to the battery stewardship plan for that electric vehicle battery and the employees of the authorized electric vehicle battery recycler undergo mandatory safety training to ensure the proper management and recycling of the batteries. The department may require, develop, or select appropriate training modules for this purpose or may allow an authorized electric vehicle battery recycler to submit its own safety training plan for approval; or

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

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

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

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

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

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

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

(1) Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, government agency, or nonprofit organization. Except as provided in subsection (2)(b) of this section, each battery stewardship plan must allow any person, business, government agency, or nonprofit organization to discard each chemistry and brand of covered battery at each collection site that counts towards the satisfaction of the collection site criteria in subsection (3) of this section.

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

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

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

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

(iii) As used in this subsection, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of January 1, 2023, or as updated by the department by rule to maintain consistency with federal standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A local government facility that collects materials at a collection site or temporary collection event operating outside of a battery stewardship program must also report, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under RCW 70A.555.090. A battery stewardship organization may count materials collected by a local government facility under this subsection (4)(c) towards the achievement of performance requirements established in RCW 70A.555.050.

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

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

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

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

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

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

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

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

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

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

(1) Beginning January 1, 2028, a producer or retailer may only sell, distribute, or offer for sale in or into Washington a large format battery, covered battery, or battery-containing product that contains a battery that is designed or intended to be easily removable from the product, if the battery is:

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

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

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

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

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

(b) For the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**--- END ---**