

2SSB 5144 - S AMD 177

By Senator Stanford

ADOPTED 03/07/2023

1 On page 3, line 27, after "coverage" insert "that is commercially
2 practicable"

3 On page 5, line 27, after "chapter" strike "and has provided" and
4 insert ". Such a producer of covered batteries that are included in a
5 battery-containing product must provide"

6 On page 6, line 13, after "components" insert "and materials"

7 On page 6, line 19, after "for use" insert "by the customer"

8 On page 8, beginning on line 5, after "(1)" strike all material
9 through "department" on line 6 and insert "By July 1, 2026"

10 On page 9, beginning on line 19, after "governments" strike "
11 for local governments"

12 On page 12, line 36, after "costs" insert ", as defined by rules
13 adopted by the department,"

14 On page 16, at the beginning of line 10, strike "retailers, and
15 curbside services," and insert "and retailers,"

16 On page 21, line 10, after "chapter" insert "and allocates costs
17 between battery stewardship organizations, if applicable"

18 On page 22, after line 39, insert the following:

19 "(b) A battery stewardship organization may bring a civil action
20 against a producer of a recalled battery to recover costs associated
21 with handling a recalled battery."

22 Reletter the remaining subsections consecutively and correct any
23 internal references accordingly.

24 On page 24, line 36, after "customers" insert ", or to the
25 retailer if the retailer is not the customer,"

EFFECT: Specifies that the environmental liability coverage that battery stewardship organizations are subject to be commercially practicable.

Clarifies that a registered producer of covered batteries included in a covered battery-containing product must provide written certification of its membership in a registered battery stewardship organization to both the producer of the covered battery-containing product and the battery stewardship organization.

Amends the definition of "recycling efficiency rate" to mean 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.

Clarifies that a "retailer" is a person who sells covered batteries or battery-containing products 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.

Requires a battery stewardship organization to submit a plan for covered portable batteries to the department of ecology by July 1, 2026.

Specifies that demonstrable costs that a battery stewardship organization must reimburse to a local government as a result of a local government facility or solid waste handling facility serving as a collection location be defined by rules adopted by the department of ecology.

Provides that the template reimbursement agreement be developed in consultation with local governments and other program stakeholders.

Removes the inclusion of curbside services as part of existing public and private waste collection services and facilities that battery stewardship programs must use, where cost-effective, mutually agreeable, and otherwise practicable, to meet program collection requirements.

Specifies that the department of ecology fees must allocate costs between battery stewardship organizations, if applicable.

Provides that a battery stewardship organization may bring a civil action against a producer of a recalled battery to recover costs associated with handling a recalled battery.

Specifies that a producer shall certify that marking requirements have been met to the retailer if the retailer is not the customer.

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