

---

**SENATE BILL 5045**

---

**State of Washington**

**69th Legislature**

**2025 Regular Session**

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

Prefiled 12/13/24. Read first time 01/13/25. Referred to Committee on Environment, Energy & Technology.

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

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

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

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

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

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

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

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

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

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

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

13 (2) For purposes of this section:

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

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

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

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

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

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

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

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

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

7       (2) For purposes of this section:

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

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

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

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

20       (2) For purposes of this section:

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

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

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

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

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

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

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

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

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

12 (4) For purposes of this section:

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

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

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

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

35 (2) For purposes of this section:

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

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

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

5 The legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

13 (ii) An electric vehicle.

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

16 (a) Waste prevention and reduction;

17 (b) Reuse, when reuse is appropriate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (i) For covered batteries:

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

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

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

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



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

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

7 (ii) For covered battery-containing products:

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

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

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

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

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

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

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

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

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

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

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

15 (a) Combustion;

16 (b) Incineration;

17 (c) Energy generation;

18 (d) Fuel production; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (c) No less than every five years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (b) For the purposes of this subsection:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

--- END ---