

December 9, 2024

**RE: Call2Recycle Comments for Washington Battery Stewardship Program Rulemaking for October 21 Meeting Concepts**

Thank you for the opportunity to provide written comments on the informal rulemaking. Below are the Call2Recycle comments with references to each clause for which the comment is written and the comment immediately below. When wording is in red, this indicates a proposed deletion or addition to the language.

**Definitions “Battery-related incident”** means a spill, fire, release, or other hazard resulting from the collection, handling, transportation, or processing of a covered battery that poses a risk to public safety or environmental health, including emergency response incidents.

**Comment:** Call2Recycle is unclear about what level of “risk to public safety or environmental health” qualifies as an “incident.” To improve understanding and ensure accurate reporting in quarterly updates, Call2Recycle requests additional examples or clarification on the types of incidents that meet the Department's expectations.

**Definitions “Chemistry”** means the chemicals contained in a battery that are the primary components of the electrochemical reaction that produces electrical charge.

**Comment:** There should be two separate definitions to define battery chemistry. In certain circumstances, the level of detail required is at the chemical system level, meaning lithium-ion, alkaline, etc. However, in certain circumstances, such as in proposing collection goals, the level of detail is at the chemistry level meaning rechargeable vs. primary. Therefore, Call2Recycle recommends the following two definitions be inserted and referenced accordingly.

**Chemistry:** distinguishes if the battery is designed to be electrically recharged. Chemistry can be either primary or rechargeable.

**Battery Chemical System:** The battery designation based on the anode and cathode which identifies the chemical system of the battery. Examples include but are not limited to alkaline, lithium metal, lithium ion, nickel metal hydride, nickel cadmium, and small sealed lead acid.

**Definitions “Geographically isolated community”** means a community that is separated from other communities by a physical geographical feature such as a mountain or body of water so that the community’s access to the program collection services available to neighboring communities is either infeasible or impractical.

**Comment:** Call2Recycle’s primary concern regarding geographically isolated communities are those separated by water without bridge access to neighboring areas. For communities separated by mountains, there are generally available roads for residents to reach nearby towns. However, communities that rely on ferries may face challenges, as ferry operators often prohibit the transport of lithium batteries. Additionally, there are strict regulations governing the maritime transportation of collected batteries off islands. This creates significant hurdles for moving end-of-life batteries from island populations that only have ferry access to neighboring communities. While we are not suggesting revised language at this time,





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we recommend initiating further discussions with local Washington ferry operators and stakeholders (such as interested BSO's, Ecology, waste haulers, Ferry Operators, etc.) to explore the feasibility of transporting batteries under IMDG or other applicable regulations.

**Reporting (1) Annual Reports (a) Program operation:** A description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization including a discussion of best available technologies and the recycling efficiency rate

**Comment:** Call2Recycle is uncertain as to what is meant by “a discussion of best available technologies”. Call2Recycle recommends this be clarified as a “**discussion of the methods used by battery processors in the approved plan to process collected batteries**”. BSOs are not the experts to comment on the best available technologies nor are they likely to have detailed technical information from a processor as that may be confidential to that party.

**Reporting (1) Annual Reports (b) Independent financial assessment:** When required by the department, an independent financial assessment of the program, including a breakdown of the program's expenses, such as collection, recycling, education, and overhead.

**Comment:** Call2Recycle recommends that this assessment focuses on evaluating the effectiveness of the battery stewardship plan and its operations. Since all Battery Stewardship Organizations (BSOs) must operate as non-profits, they are required to submit third-party audited financial statements annually. Therefore, the focus of the assessment should not be on the financial audit of the program or plan. The 2016 Vermont Primary Battery Law (10 V.S.A. Chapter 168 Act 139) provides the framework for assessing the stewardship plan and its implementation. This assessment will deliver detailed insights into the plan's effectiveness. Therefore, Call2Recycle suggests that similar language be adopted in the rulemaking process to clearly define the requirements of this clause. Additionally, such assessments typically require a minimum of 12 months to complete. Call2Recycle recommends establishing a specific timeframe for BSOs to finish the assessment after receiving a request from the Department.

Call2Recycle recommends including the following language in rulemaking. “**When required by the department, a covered battery producer or battery stewardship organization shall hire an independent third party to conduct a one-time audit of the battery stewardship plan and plan operation. The auditor shall examine the effectiveness of the battery stewardship plan in collecting and recycling primary covered batteries. The independent auditor shall examine the cost-effectiveness of the plan and compare it to that of collection plans or programs for covered batteries in other jurisdictions. The independent auditor shall submit the results of the audit to the Secretary as part of the annual report required. The BSO shall have 12 months to complete the assessment once the Department has notified the BSO of this request.**”

**Reporting (1) Annual Reports (e) Facility information:** The following information for each facility used by the program:

- (i) The name of the facility;
- (ii) The address of the facility;
- (iii) The weight by chemistry of covered batteries received;
- (iv) The weight of materials recycled;
- (v) The weight of residuals disposed;
- (vi) A description of the recycling process used;
- (vii) The recycling efficiency rate achieved, if applicable; and





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(viii) A summary of any violations of environmental or labor laws and regulations over the previous three years;

**Comment:** Based on current procedures and requirements in Canada, Call2Recycle recommends removing items (iv) and (v) on the list. We also recommend removing the word (if applicable) in line (vii). In Canada, the reporting process for RER is that the facility must provide this information to the BSO and the RER report is signed by a licensed professional engineer (PE). Additionally, an RER is not reported publicly for each facility. Rather the average RER across those facilities processing each battery chemistry system is reported.

Adopting this process will provide the data necessary to both the BSO and the department to understand the efficiency rates of the chemistry that are achievable across the industry while ensuring the data is accurate. Below are the recommended revisions.

**Reporting (1) Annual Reports (e) Facility information:** The following information for each facility used by the program:

- (i) The name of the facility;
- (ii) The address of the facility;
- (iii) The weight by battery chemistry system of covered batteries received;
- ~~(iv) The weight of materials recycled;~~
- ~~(v) The weight of residuals disposed;~~
- (vi) A description of the recycling process used;
- ~~(vii) The recycling efficiency rate achieved, if applicable; and~~
- (viii) A summary of any violations of environmental or labor laws and regulations over the previous three years;

In the appropriate section under reporting:

The recycling efficiency rate shall be reported by battery chemical system averaging each facility processing the battery chemical system in the annual report. The BSO shall receive the RER from each of their approved facilities and the RER shall be signed by a licensed professional engineer (PE).

Sincerely,

Carin Stuart

