



January 22, 2025

Washington State Department of Ecology  
PO Box 47600  
Olympia, WA 98504

Re: Battery Stewardship Program Rulemaking

To Chris Fredley:

Thank you, again, for the opportunity to provide feedback and industry perspective as it pertains to the implementation of the Battery Stewardship Program in Washington state.

The December 16, 2024 rule development call focused on collection requirements, with specific questions addressing how outside collection programs fit into the scope of the regulations. We believe that independent collection pathways can not only coexist within the current structure of this program but can amplify collection rates to support the state's overall battery recycling goals.

We have specific recommendations as to how the state can clarify and improve the implementation of these independent collection pathways. The current proposed language states:

*“All persons must dispose of unwanted covered batteries through one of the following options:*

- i. Disposal using the collection sites established by or included in the programs created by this chapter;*
  - ii. 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;*
  - iii. Disposal using local government collection facilities that collect batteries consistent with RCW 70A.555.070(4)(c); or*
  - iv. Disposal using recycling services operating outside of a battery stewardship program that reports to a battery stewardship organization information necessary for the battery stewardship organization to fulfill its reporting obligations under RCW [70A.555.090](#). “*
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### **Collection of batteries generated by regulated generators under federal/state hazardous or solid waste laws**

As the statute is currently written, it is unclear whether a regulated generator that is already responsible for the proper disposal of the covered batteries they generate could also collect from the public. To improve the implementation and clarity of this provision, we recommend that the Department provide further explanation as to who a “regulated generator” is in the context of this bill and clear expectations as to how they can collect covered batteries within the state. A regulated generator could be a small business that generates 220 pounds of batteries or less per month. It is possible that retail locations that sell medium format batteries (outdoor equipment stores, marine and RV batteries, outdoor recreation stores, and electric bike stores) would receive this weight back in batteries being returned via warranted equipment or existing producer take-back programs. **We recommend allowing these business locations to accept batteries of the same chemistry and format as they already generate and allow them to provide collection services outside of the Battery Stewardship Program.**

### **Collection of batteries using local government facilities**

For local government collection facilities, the statute says that those facilities can choose to collect outside of the battery stewardship organization, but the collected batteries must be provided to the battery stewardship organization 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. If a local government chooses to partner directly with a specialized battery recycler for the collection of batteries at their government facilities, however, those batteries should not be forfeited to a battery stewardship organization. Redwood Materials processes the majority of lithium batteries recycled in the United States, so it is safe to assume that any stewardship program that collects batteries will be working with us to recycle at least some of those batteries, like Call2Recycled currently does; as such, we would be listed in their stewardship plan. **If appropriate data is provided to the state, including the destination of the collected material, companies such as Redwood Materials should be allowed to offer direct collection. Private collections can offer a free service that is competitive with the mandated services of the Battery Stewardship Organization. That is the kind of marketplace competition and innovation that accelerates the efficiency of a program.**

### **Collection of batteries outside of a battery stewardship program**

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The last disposal option is using services operating outside of a battery stewardship program, which clarifies that the law does intend for there to be some way that privately funded collection programs are expected to exist in conjunction with the stewardship organization. Redwood Materials does agree that the data associated with those collections should be shared with the state to provide a full picture of battery recycling operations in the state; however, we want to be clear about what kind of information would be shared with the stewardship organization directly. Keep in mind that we are competing for feedstock.

If a privately funded collection (event or drop off location) can report where they are sending the collected materials and meet the criteria for collection sites set forth by the state, that would account for any concerns of an outside collection. Since the goal of the program is to collect as many batteries for recycling from the public, diverting any risk from the solid waste management stream, then there should be no objections to offering the public as many recycling opportunities as possible.

There were comments about how the Battery Stewardship Organization wouldn't be able to stand up if there were too many private collections; however, it seems that if that were true, it means a waste management problem has been solved. A marketplace for a waste product would have been established to the extent that it outcompeted a mandated government program. The state agency wouldn't need to support a program when the industry has solved the problem. That doesn't seem to be a bad outcome should the materials market go in that direction; indeed, it seems like that should be the goal.

We appreciate the opportunity to share our perspective and the tangible results of our collection and recycling initiatives. Should you have any questions or require more details on our programs and their impacts, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Daniel C. Zotos". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel C. Zotos  
Senior Manager of Public Affairs & Advocacy  
Redwood Materials

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