

December 9, 2024

Via <https://wt.ecology.commentinput.com/?id=iH593UeTK>

Washington Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

Re: WAC 173-905 - Battery Stewardship Program

Dear Sir or Madam:

On October 17, 2024, the Washington Department of Ecology (Ecology) announced its fourth public comment period on the rulemaking for the state's Battery Stewardship Program. The agency sought feedback on the language draft for two key concepts of the regulation: annual reports and quarterly updates. The rulemaking is required under the state's battery extended producer responsibility law¹ and Battery Council International (BCI) appreciates the opportunity to comment on that Notice.

BCI is a not-for-profit trade association formed in 1924 to represent the interests of the battery industry. BCI's member companies engage in every facet of the industry, including manufacturers and recyclers, marketers and retailers, and suppliers of raw materials, components, and equipment. Our members account for over 98% of U.S. lead-based battery production capacity – with an installed North American manufacturing capacity exceeding 206 GWh per year. BCI members additionally have made significant investments in expanding domestic production of lithium, flow, sodium, advanced lead, and other newer battery chemistries.

BCI strongly supports common sense EPR laws for battery collection and recycling and our members have deep expertise in battery recycling systems, particularly for lead batteries, and are the primary stewards of the collection and recycling network for those products. Today, there is a fully established and effective nationwide network for recycling used lead batteries that results in the collection and recycling of over 99% of all lead batteries – the most recycled product in the world. Those batteries today account for the vast majority of all medium and large format batteries on the market and our members have successfully recovered them for decades.

Our comments on the current language draft are brief. Overall, BCI supports the proposed regulatory language provided in the draft document.² There is one matter, however, in which BCI believes the overall program will benefit with a small adjustment in language. BCI is aware that this change likely

¹ Chapter 70A.555 RCW.

² Available at: https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did1002/pid_208775/project-documents/Read-Along%20Document%20for%20Meeting%203.pdf (Last accessed on December 1, 2024).

will have to be made through the legislature to adjust the statutory language that requires Battery Stewardship Organizations (BSOs) to collect **all** covered batteries, and will make the effort to do so, but we feel it is important to raise it during this rulemaking process as well. Therefore, we suggest the following change to the draft language:

Stewardship Plan Components (1) A proposed battery stewardship plan must include the following components: (a) Program Operation. A description of how the program will collect ~~all~~ either small format, medium format, or all categories of covered batteries on a free, continuous, convenient, visible, and accessible basis, using environmentally sound management practices including

As mentioned above, BCI members currently operate the most successful takeback program in the country for the collection of lead batteries, which has resulted in a 99% recycling rate.³ Our members, who have over 50 years' collection experience, understand the distinct differences that can exist among the various sizes and formats of batteries. This may include collection, transportation, storage, and other considerations. Giving BSOs the flexibility to take part in collecting either all covered batteries – or a certain segment of covered batteries (e.g., only small, or only medium format batteries) – will enable collectors to use existing collection frameworks – and may encourage more organizations to participate in the program.

BCI looks forward to continuing its work with Ecology and stands ready to provide the agency with any assistance that may be needed.

Respectfully submitted,

Susan E. Bernard

Susan E. Bernard
Vice President, Government Relations & Sustainability
Battery Council International

³ Available at: <https://batteryCouncil.org/news/new-study-confirms-lead-batteries-maintain-remarkable-99-recycling-rate/>
(Last accessed December 9, 2024).