

Clark County Solid Waste & Recycling

Education and Outreach Requirements

b. The development and distribution of the education and outreach materials that will be used to inform consumers about the restriction on the disposal of covered batteries and provide information on how to properly dispose of covered batteries. This includes educational resources targeted to overburdened communities and vulnerable populations that are conceptually, linguistically, and culturally accurate for the communities served.

Comment: How will these communities be identified, by what standards? Are local governments responsible for identifying these communities, or will the BSO be responsible and how do we ensure accountability in the equitable creation and distribution of these materials — it's nice to include this guidance, but without checks, it can be overlooked

6. If multiple battery stewardship organizations are implementing plans approved by the department, the battery stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this section and must include in their annual reports to the department under RCW 70A.555.090 a summary of their coordinated education and outreach efforts.

Comment: This was mentioned in the latest meeting, but there should be more detailed instructions up front on how multiple battery stewardship organizations should coordinate outreach efforts could prevent duplication and improve efficiency BEFORE reporting

7. During the first year of program implementation and every five years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this chapter, including the provisions of RCW 70A.555.140.

Comment: I would love to see some language about equitable outreach to promote the survey to ensure demographic representation across the state

Education and Outreach - Plan Contents.

v. A description of outreach efforts to specifically target overburdened communities identified by Ecology.

Comment: Identified how - same comment as above

Role of Retailers

A retailer selling or offering covered batteries or battery-containing products for sale in Washington may provide information to consumers regarding available end-of-life management options for covered batteries collected by the battery stewardship organization.

Comment: Is it possible to mandate battery disposal materials on site? For example, CalRecycle added this requirement in their battery law: (i) A retailer with five or more locations in the state shall make all locations serve as permanent collection sites for covered batteries and shall comply

with the rules and conditions of the program in which it participates, as part of a stewardship program.

General comment: Retailers need clear guidance on how to manage inventory from non-compliant producers, unless that exists somewhere else in this policy that I'm not seeing, I think a grace period for selling uncovered stock should be mentioned

General battery disposal and collection requirements

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;

Comment: Can you list the applicable Washington laws?

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

Comment: Would the privately owned HHW facilities in Clark County count as "local government collection facilities?" They are operated under a contract with Columbia Resource Company. Or would this statement need to be expanded to include this situation? "Disposal using local government and private collection facilities that collect batteries consistent with..."

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.

Comment: They shouldn't be required to report to a BSO when they already report to Ecology (that was stated in the live meeting/session).

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

Comment: What does this mean?

Questions about collection outside of the program?

What happens to existing services and facilities that cannot reach agreement with a battery stewardship organization?

Answer: They either (1) stop collecting batteries entirely, and refer customers elsewhere, or (2) they continue to pay for disposal through the proper vendors (Clean Earth, Call2Recycle, ACTenviro, Clean Harbors, Battery Solutions, etc.). But option 2 seems unlikely to happen due to the disposal cost involved.

What would it mean to collect batteries outside of a battery stewardship program?

Answer: It would mean recycling batteries with your own money. Be it a person or an organization, they'd have to pay for proper disposal, in accordance with existing universal waste rules.

Education and Outreach Requirements

- (1) Each battery stewardship organization must carry out promotional activities in support of plan implementation including:
 - (a) The development and maintenance of a website and a toll-free number with information about the program;
 - (b) The development and distribution of the education and outreach materials that will be used to inform consumers about the restriction on the disposal of covered batteries and provide information on how to properly dispose of covered batteries. This includes educational resources targeted to overburdened communities and vulnerable populations that are conceptually, linguistically, and culturally accurate for the communities served.
 - (c) Distribution of periodic press releases and articles;
 - (d) Placement of advertisements for use on social media or other relevant media platforms;
- (2) Each battery stewardship organization must provide to each collection site used by the program:
 - (a) Consumer-focused educational promotional materials;
 - (b) Safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire; and
 - (c) Educational materials for the management of recalled batteries, which are not intended to be part of collection as provided under RCW 70A.555.070, to help facilitate transportation and processing of recalled batteries.
- (3) A battery stewardship organization shall make education materials available to retailers for voluntary use including in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization.
- (4) A battery stewardship organization may seek reimbursement from the producer of the recalled battery for expenses incurred in the collection, transportation, or processing of those batteries.
- (5) Upon request by a retailer, the battery stewardship organization must provide the retailer educational materials describing collection opportunities for batteries.
- (6) If multiple battery stewardship organizations are implementing plans approved by the department, the battery stewardship organizations shall coordinate in carrying out their education and outreach responsibilities under this section and must include in their annual reports to the department under RCW 70A.555.090 a summary of their coordinated education and outreach efforts.
- (7) During the first year of program implementation and every five years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this chapter, including the provisions of RCW 70A.555.140.

Education and Outreach- Plan Contents.

A description of the communications strategy the battery stewardship organization will use to promote the program to consumers, retailers, and others. The plan must include:

- (i) Sample materials to make retailers aware of their obligation to sell only covered batteries and battery-containing products of producers participating in an approved plan;
- (ii) Sample materials to be made available to retailers, for voluntary use, including in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;
- (iii) Sample promotional materials such as flyers or social media posts to achieve consumer awareness goals that communicate:
 - (A) That the program provides free collection of covered primary and rechargeable batteries
 - (B) Guidance for safe handling of covered batteries; and
 - (C) Information on how to find collection sites.
- (iv) A description of how the battery stewardship organization will identify target audiences and appropriate outreach for those audiences, including through television or radio, news media, public service announcements, mailing, emails, online listservs, social media, and newsletters.
- (v) A description of outreach efforts to specifically target overburdened communities identified by Ecology.
- (vi) A description of how the stewardship organization will document education and outreach efforts.
- (vii) A timeline that includes plans for implementation of each of the education and outreach promotion activities listed under RCW 70A.555.080(1) at least once each quarter.

Education and Outreach- Reporting

A summary of education and outreach activities provided by the battery stewardship organization to consumers, collection sites, manufacturers, distributors, and retailers including:

- (i) A description of how education and outreach activities met the requirements of RCW 70A.555.080;
- (ii) Samples of education and outreach materials distributed to consumers, collection sites, manufacturers, distributors, and retailers;
- (iii) If there were other battery stewardship organizations implementing an approved plan, a description of how education and outreach activities were coordinated and associated costs were shared with other battery stewardship organizations.
- (iv) A summary of any changes made during the previous calendar year to education and outreach activities;
- (v) The results of any public awareness surveys conducted during the previous calendar year.

Questions about education and outreach

What parameters around the public awareness survey should be clarified in rule? (example: minimum number of people surveyed)

Is the expectation of education and outreach activities being done at least once a quarter too much, too little, or just right?

What should be clarified about education and outreach to overburdened communities and vulnerable populations? Where is this requirement not clear enough?

Role of Retailers

- (1) Beginning July 1, 2027, a retailer may not:
 - a. Sell, offer for sale, distribute, or otherwise make available for sale a covered battery or battery-containing product unless the producer of the covered battery or battery-containing product certifies to the retailer that:
 - i. The producer participates in a battery stewardship organization with an approved plan; and
 - ii. The batteries are marked consistent with the requirements of RCW 70A.555.130.
 - b. Charge a specific point-of-sale fee to consumers to cover the administrative or operational costs of the battery stewardship program.
- (2) A retailer selling or offering covered batteries or battery-containing products for sale in Washington may provide information to consumers regarding available end-of-life management options for covered batteries collected by the battery stewardship organization.
- (3) Retailers are not required to make retail locations available to serve as collection sites for a battery stewardship program. Retailers that serve as a collection site must comply with the requirements for collection sites, consistent with RCW 70A.555.070.

Questions about retailer requirements?

In what way does the rule need to clarify the certification process between producers and retailers? How will retailers be able to determine they are selling compliant product?

What considerations should be made for a sell-through provision for retailers to exhaust their stock in the event a producer discontinues participation in the program?

Would it be helpful to add the option for retailers to request education materials from the battery stewardship organization?

General battery disposal and collection requirements

- (1) Effective July 1, 2027, or the first date on which an approved plan begins to be implemented under this chapter by a battery stewardship organization, whichever comes first:
 - (a) All persons must dispose of unwanted covered batteries through one of the following disposal 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.
 - v. Disposal using other recycling services operating in compliance with Chapter 70A.300 RCW and Chapter 173-303 WAC."
- (2) (a) A fee may not be charged at the time unwanted covered batteries are delivered or collected for management.
- (b) All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in an approved plan, unless the batteries are being managed as described in subsection (1)(a)(ii) or (1)(a)(iv) of this section.
- (3) A person may not place covered batteries in waste containers for disposal at incinerators, waste to energy facilities, or landfills.
- (4) A person may not place covered batteries in or on a container for mixed recyclables unless there is a separate location or compartment for the covered battery that complies with local government collection standards or guidelines.
- (5) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.
- (6) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by the generator of the covered battery.

Questions about collection outside of the program?

- Who should be allowed to dispose of batteries outside of the collection sites established by the program?
- What happens to existing services and facilities that cannot reach agreement with a battery stewardship organization?
- What would it mean to collect batteries outside of a battery stewardship program?

Questions for Reimbursement of Demonstrable costs

- What documentation can local government facilities provide to demonstrate actual costs?
- Would a flat fee per pound work?
- How much time will it take local governments to negotiate contracts with a battery stewardship organization?