

January 30, 2025

RE: Call2Recycle Comments for Washington Battery Stewardship Program Rulemaking for December 16 Meeting Concepts

Thank you for the opportunity to provide written comments on the informal rulemaking. Below are the Call2Recycle responses to some of the questions posed in each of the sections covered in the law during the December 16, 2024 public meeting.

Questions about education and outreach

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

Call2Recycle recommends the establishment of requirements for measuring public awareness. These measures should ensure statistical significance of the population surveyed while considering the state's overall population, with a particular emphasis on overburdened communities and vulnerable populations.

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

Call2Recycle recommends prioritizing outcomes over specific strategies in rulemaking. The primary objective should be to enhance overall consumer awareness of the program, which is expected to lead to increased collection volumes and rates. We do not advise establishing a minimum frequency for education and outreach materials, as targeted education on a broader scale may prove more effective, even if it occurs less frequently. Our recommendation is to concentrate on performance goals while allowing each BSO the flexibility to determine their own methods for achieving those goals.

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

Echoing the responses above, Call2Recycle recommends prioritizing the outcome of public awareness, particularly in overburdened communities and vulnerable populations. This outcome-focused approach fosters innovation, enabling each BSO to tailor their education and outreach efforts to diverse segments of the population and adjust their strategies as needed to achieve their goals.



Questions about collection outside of the program

1. Who should be allowed to dispose of batteries outside of the collection sites established by the program?

The regulations should allow for very limited disposal of batteries outside of an approved plan. Unnecessary exceptions can put BSOs at a significant disadvantage and hinder their ability to meet performance goals. The intent of the law is to ensure strong oversight by the department, guaranteeing that proper and safe collection practices are followed, and that end-of-life battery disposal adheres to environmental best practices. This oversight should encompass both permanent collection sites and special events.

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

Agreements with a BSO and local government must be reasonable and fair for all entities involved. In statute, a template agreement must be developed in conjunction with local government and submitted in the plan for approval. Call2Recycle recommends that this becomes the default agreement should negotiations to revise the base template agreement fail to conclude after the specified period of 6 months. This would allow the collections to continue under the template agreement and meet the law while ongoing negotiations are completed.

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

Building on our response to question 1, exceptions for collecting batteries outside of a stewardship program should be extremely limited. Allowing certain entities to operate outside an approved plan while holding BSOs to a vigorous plan would be detrimental to the battery industry and BSOs. Unnecessary exceptions undermine the department's ability to fulfill the law's intent, which is to ensure safe and proper battery disposal while adhering to the best environmental practices.





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Questions for Reimbursement of Demonstrable costs

1. Would a flat fee per pound work?

Call2Recycle has traditionally paid local governments a per-pound fee as part of our collection network. This approach ensures that payments are commensurate with the effort involved in collecting batteries at each facility. Moreover, our systems are designed to optimize efficiency by automatically generating payments based on the weight and sorting of shipments from each site. If payments were based on any other criteria, it would likely delay reimbursements, reduce efficiency, and fail to accurately reflect the true costs incurred by the facility.

2. How much time will it take local governments to negotiate contracts with a battery stewardship organization?

Call2Recycle is aware that it can take 6 months or more per agreement with local governments and a PRO. There is precedent with the PaintCare program for which there are some local governments where there is still no agreement in place. Appropriate time should be provided for agreements to be negotiated. However, the template agreement developed in conjunction with local governments and submitted in the plan for approval can serve as a default agreement while negotiations are ongoing, should a local government wish to be reimbursed for costs associated with collecting batteries under the approved plan.

Sincerely,

A handwritten signature in blue ink that reads "Carin Stuart".

Carin Stuart

