

## Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

**“Approved plan”** means a battery stewardship plan that was reviewed and approved by Ecology.

**“Battery-containing product”** means a product that contains, or is packaged with, rechargeable or primary batteries that are covered batteries. A **“battery-containing product”** does not include a covered electronic product under an approved plan implemented under chapter 173-900 WAC.

**“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.

**“Battery stewardship organization”** means a producer that directly implements a battery stewardship plan required under this chapter, or a contractor or nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this chapter.

**“Battery stewardship plan”** or **“plan”** means a plan developed under this chapter for the collection, transportation, recycling, and the safe and proper management of covered batteries.

**“Brand”** means a registered or unregistered trademark, a logo, a name, a symbol, a word, an identifying, or a traceable mark that identifies a covered battery and identifies the owner or licensee of the brand.

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

**“Covered battery”** means a portable battery that is used in a commercial enterprise, sold, offered for sale, or distributed in or into the state of Washington. Beginning January 1, 2029, **“covered battery”** also means a medium format battery that is used in a commercial enterprise, sold, offered for sale, or distributed in or into the state of Washington. **“Covered battery”** does not include:

- (a) A large format battery
- (b) A battery contained within a medical device;
- (c) A battery that contains an electrolyte as a free liquid;
- (d) A lead acid battery weighing greater than 11 pounds or is subject to the provisions of RCW 70A.205.505 through 70A.205.530; and
- (e) A battery in a battery-containing product that is not designed to be easily removeable from the battery-containing product.

**“Ecology”** means the Washington department of ecology.

**“Emergency response incident”** means a battery-related incident that poses an urgent or immediate threat to public safety or environmental health requiring emergency response.

**“Fiscal year”** means the twelve-month period between July 1 to June 30.

**“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.

**“Large format battery”** means:

- (a) A rechargeable battery that weighs more than 25 pounds or has a rating of more than 2,000 watt-hours; or
- (b) A primary battery that weighs more than 25 pounds.

**"Medium format battery"** means:

- (a) A rechargeable battery weighing more than 11 pounds or has a rating of more than 300 watt-hours, or both, and no more than 25 pounds and has a rating of no more than 2,000 watt-hours; or
- (b) A primary battery weighing more than 4.4 pounds but not more than 25 pounds.

**“Plan amendment”** means a portion of a plan previously approved or rejected by the department that has been revised and that includes reference to the plan that it is amending.

**"Primary battery"** means a battery that is not capable of being recharged.

**"Portable battery"** means:

- (a) A rechargeable battery weighing no more than 11 pounds and has a rating of no more than 300 watt-hours;
- (b) A portable battery weighing no more than 4.4 pounds.

**“Producer”** means a person that:

- (a) Manufactures a covered battery that is sold under the brand of the manufacturer;
- (b) Owns a brand that sells a covered battery;
- (c) If there is no person to which (a) and (b) of this definition applies, the producer is a person that manufactures, sells, offers for sale, distributes, or imports into the state a battery-containing product that is packaged with a covered battery.
- (d) If there is no person to which (a) through (c) of this definition applies, the producer is a person that licenses or trademarks a covered battery;
- (e) If there is no person described in (a) through (d) of this definition, the producer is a person that imports a covered battery into the United States;

**"Rechargeable battery"** means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

**“Retailer”** means a person who offers covered batteries or battery-containing products for sale at retail through any means including, but not limited to, sales outlets, catalogs, or an online marketplace to a customer or business.

## Reporting

- (1) **Annual reports.** By June 1, 2028, and each June 1 thereafter, each battery stewardship organization shall submit an annual report to Ecology for the preceding calendar year of battery stewardship plan implementation. The annual report must contain:
  - (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;
  - (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;
  - (c) **Financial statement.** A summary financial statement documenting the financing of the program and a detailed analysis of program costs, expenses, and expenditures of the program. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states as long as the statement breaks out financial information pertinent to Washington;
  - (d) **Collection site information.** A map of all collection sites used by the program and the following information for each collection site:
    - (i) The name of the site;
    - (ii) The address of the site;
    - (iii) The latitude and longitude of the site;
    - (iv) A link to the website associated with the site, if applicable; and
    - (v) The weight of batteries collected annually at the site;
  - (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
    - (viii) A summary of any violations of environmental or labor laws and regulations over the previous three years;
  - (f) **Aggregate sales.** The estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Washington by participating producers for each of the previous three calendar years;
  - (g) **Education and outreach.** 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 with other battery stewardship organizations.
  - (iv) A summary of any changes made during the previous calendar year to education and outreach activities;
- (h) **Safety training.** A description of the efforts taken by the stewardship organization to provide safety training and distribute safety information to operators of battery collection sites, including the number of trainings provided and a list of locations where trainings were conducted;
- (i) **Progress on performance goals.** A summary of progress made towards program performance goals and an explanation of why a goal was not met, if applicable. The annual report must include:
- (i) The collection rate achieved by the program and a description of how this collection rate was calculated;
  - (ii) The recycling efficiency rates achieved by the program for each of the following:
    - (A) All covered batteries collected by the program;
    - (B) Primary batteries collected by the program; and
    - (C) Rechargeable batteries collected by the program.
  - (iii) An evaluation of the effectiveness of education and outreach activities;
- (j) **Improving recycling rates.** If a battery stewardship organization disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year, the annual report must specify the steps that the battery stewardship organization will take to increase battery recycling rates achieved by the program.
- (2) **Quarterly updates.** Beginning January 1, 2028, each battery stewardship organization shall meet with Ecology once each quarter to provide a written and oral update on the program, including:
- (a) Notice of any producers that have started or ended participation in the program in the previous quarter;
  - (b) Notice of any civil action the battery stewardship organization has taken against a producer or another battery stewardship organization in the previous quarter;
  - (c) Notice of any collection sites that have been added, terminated, or temporarily suspended in the previous quarter;
  - (d) Notice of any transporters and processors that have been added to, or dropped from, the program in the previous quarter;
  - (e) A list of collection events that occurred in the previous quarter;
  - (f) A summary of outreach and education efforts provided by the battery stewardship organization in the previous quarter; and
  - (g) A summary of battery-related incidents that occurred in the previous quarter, including the location where the incident occurred and the outcome or resolution of each incident;

## Information submitted to Ecology

- (1) A producer or battery stewardship organization that submits information or records to Ecology under this chapter may request that the information or records be made available only for the confidential use of Ecology, the director of Ecology, or the appropriate division of Ecology.
- (2) The director of the department will consider a request submitted under this section, and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director will grant the request for the information to remain confidential as authorized in RCW 43.21A.160.