

Bethanie Velasco

See attached file. Thank you!

WAC 173-905-110

Education and outreach

(1) Each battery stewardship organization shall carry out promotional activities in support of plan implementation that are conceptually, linguistically, and culturally accurate for the communities served...

**Comment: Define how overburdened communities will be identified and what accountability measures will be in place.**

(2)(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

**Comment: Safety information and training**

(2)(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

**Comment: DDR (damaged, defective, recalled) batteries are an unfortunate reality of collection sites. Retailers cannot always have employees present to intervene in the instance of a DDR battery being collected (as is our experience with our 12 existing collection sites). We provide sites with DDR kits from Call2Recycle (they also provide our collection boxes) and have given them training (created by Call2Recycle) to identify batteries and safely ship them in the provided DDR kits. We strongly support allowing the DDR kits to be included in reimbursable costs, and to encourage all participating retail organizations to have multiple DDR kits available.**

(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.

**Comment: Recalled batteries are inevitable - need to ensure the BSO can get reimbursement from producers. Suggest changing language from "may seek" to "will get" or similar affirmative.**

(6) If multiple battery stewardship organizations are implementing plans approved by the department, they shall coordinate in carrying out their education and outreach responsibilities and must include in their annual reports a summary of their efforts.

**Comment: Provide instructions upfront on how BSOs should coordinate to prevent duplication. Add a requirement that coordination mechanisms be defined in the plan itself rather than leaving it to annual reports.**

(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.

**Comment: Ensure surveys reach a representative demographic by employing appropriate scoping methodology.**

## WAC 173-905-200

### Role of retailers

(1) Beginning July 1, 2027, a retailer may not 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 the producer participates in a battery stewardship organization with an approved plan;

**Comment: Establish a grace period for retailers to sell existing non-compliant stock, considering potential challenges such as language barriers, staffing limitations and other factors that may disproportionately impact small businesses.**

(4) A retailer selling or offering covered batteries 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.

(5) Retailers are not required to make retail locations available to serve as collection sites for a battery stewardship program.

**Comment: Consider requiring battery collection in stores, similar to California CalRecycle**

**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.

**Change language in (4) from "may" to "must" or add a subsection requiring retailers with X number of locations to provide disposal bins. X being an appropriate for Washington state chain retailers – five or more could be good standard to follow. This would help ensure equitable access to battery recycling throughout the state.**

## WAC 173-905-400

### Plan Contents

(4)(f)(iv) A goal for the number of portable battery collection sites established at special locations including, but not limited to...

**Comment: Expand this to include "special locations and collection events" and provide the example of school events/litter clean-up events.**

## WAC 173-905-410

### Submittal of a plan

(2) By January 1, 2027, or within twelve months after the adoption of the rules under this chapter, whichever is later, a battery stewardship organization shall submit to Ecology a plan that covers the collection, transport, and processing of medium format batteries if the approved plan does not already include medium format batteries.

**Comment: Specify if an amendment is required for adding new medium format batteries or if a full plan resubmission is needed.**

WAC 173-905-440

[Implementation of a plan](#)

(1) Beginning January 1, 2027 or beginning twelve months of adoption of rules under this chapter, whichever is later, each battery stewardship organization shall begin to implement the approved plan.

(2) By July 1, 2027, or within eighteen months of adoption of rules under this chapter, whichever comes later, each battery stewardship organization shall have fully implemented the approved plan for covered portable batteries.

**Comment: The six-month timeframe between plan submission and implementation is too short, especially considering public comment, Ecology review, and potential resubmittals. Clarify if extensions will be granted.**

(2)(c) The battery stewardship organization's website is live, providing information to producers, retailers, collection sites, and consumers about the program;

(2)(d) A collection site locator on the battery stewardship organization's website is operational, providing collection site address, hours, phone number, website if applicable, and any special instructions or restrictions specific to the collection site; and...

**Comment: Consider adding more requirements of a stewardship organization's public-facing website. It needs to be accessible, easy to navigate, contain all relevant information about the program, map of recycle locations, etc. This comment also applies to WAC 173-905-110 (1)(a).**

WAC 173-905-450

[Annual reports](#)

(10) Progress on performance goals.

**Comment: Consider adding language that gives you the ability to request changes to the format and/or display of data reported by the organization.**

(10)(c) An evaluation of the effectiveness of education and outreach activities;

**Comment: Consider adding requirements for quantitative data specific to education work**

WAC 173-905-510

[General battery disposal and collection requirements](#)

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

**Comment: Do contract-based HHW facilities count?**