

September 10, 2025

Via [Public Comment Forum](#)

Mr. Chris Fredley
Rules Coordinator
Washington State Department of Ecology
Solid Waste Management Program
P.O. Box 47600 Olympia, WA 98504-7600

Re: WAC 173-905 - Battery Stewardship Program

Dear Mr. Fredley:

BCI appreciates the opportunity to comment on the Washington Department of Ecology's (Ecology) Proposed Rule¹ (PR) for the state's Battery Stewardship Program as required under the state's extended producer responsibility law for batteries.^{2,3}

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 is generally supportive of the Proposed Rule. 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. BCI therefore understands the need for battery EPR laws that cover non-lead (Pb) chemistries.

It is well-known in the battery industry that 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

¹ Available at: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ecology.wa.gov/getattachment/5b0bbc78-66d7-4797-80a4-22ab7b04b543/RDS-6393-2-For-Filing.pdf. (Last accessed August 23, 2025.)

² Chapter 70A.555 RCW.

³ Chapter 173-905 WAC.

lead batteries⁴ – the most recycled product in the world. In fact, Washington law was enacted to help facilitate this successful collection and recycling program⁵ and BCI is encouraged that the new law and regulatory framework will facilitate success in the new program as well.

BCI does have one specific comment to highlight to show our strong support for the current language in the PR.

Section WAC 173-905-120 - noncovered products

BCI Comment: clause (3)(i) states plans include “[a] description of how collection sites will be trained to deal with receiving batteries that are not required to be collected such as batteries that are not easily removable from a product or covered electronic products under chapter 70A.500 RCW.”

Although not provided as an example, lead (Pb) batteries weighing over 11 lbs. are not *covered batteries*. BCI is strongly supportive of the clause above to ensure that any lead batteries inadvertently collected are returned to the proper waste stream. Used lead batteries are a vital part of the closed-loop collection and recycling that makes lead batteries the most recycled product in the world. Losing that feedstock, or worse, being charged for used lead batteries that are collected by a BSO but are statutorily mandated to be returned and collected under a different existing state law⁶ raises significant concerns about the continued success of lead battery recycling and manufacturing. Non-covered lead batteries can simply be returned to the correct collection scheme at any lead battery collection point in the state. Many waste facilities collect lead batteries and have existing arrangements for transport to lead recyclers.

BCI is available to provide any additional information or to answer any technical questions that may arise between now and the publication of the Final Rule.

Respectfully submitted,

Susan E. Bernard

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

⁴ Available at: <https://batteryCouncil.org/news/new-study-confirms-lead-batteries-maintain-remarkable-99-recycling-rate/> (Last accessed September 9, 2025).

⁵ Wash. Rev. Code § 70A.205.505, Wash. Admin. Code § 173-331.

⁶ *Id.*