

Seattle Public Utilities, City of Seattle (McKenna Morrigan)

See attached letter.



September 10, 2025

Re: Formal Comments on proposed Chapter 173-905 WAC, Battery Stewardship Program

Department of Ecology,

Thank you for the opportunity to comment on the proposed rule WAC 173-905, Battery Stewardship Program. Seattle Public Utilities (SPU) operates two Moderate Risk Waste collection facilities that collect and manage all brands and chemistries of portable batteries. These facilities are also preparing to serve as designated collections sites for the Battery Stewardship Program. We were an advocate for the battery stewardship legislation passed in 2023 and have been engaged in this rulemaking process since the beginning through the Hazardous Waste Management Program, of which we are a managing partner.

Our comments and suggested language, as applicable, on the draft rule are provided on the following pages.

If you have any questions, please contact McKenna Morrigan, Waste Prevention & Product Stewardship Policy Advisor at mckenna.morrigan@seattle.gov.

Sincerely,


Susan Fife-Ferris (09/09/2025 15:00:52 PDT)

Susan Fife-Ferris
Director, Solid Waste Planning & Program Management
Seattle Public Utilities

General Comments

RCW 70A.555 benefits from its specificity, and we continue to recommend that the rule language be limited to sections of the statute that explicitly direct Ecology to establish further guidance through rulemaking (like “demonstrable costs”), and limited sections of statute that need further clarification. If the rule language repeats what is already in statute, but in a slightly different way (like much of the Education and Outreach proposed draft rule language), it will lead to confusion and misinterpretation of the statute during implementation. However, if Ecology is committed to a rule with this level of specificity, we have pointed out key areas of statute that should better align or be included.

WAC 173-905-030 Definitions – Demonstrable Costs

According to [70A.555.060](#) 3(A) and 4(A) a Battery Stewardship Organization:

- is responsible for **all** costs of participating covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the battery management hierarchy and environmentally sound management practices.
- must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

While we appreciate seeing the proposed rule defining demonstrable costs for local governments, the statute is clear that **all** costs must be included, and we believe the proposed definition as drafted could cause confusion because:

- It does not include the word “**all**” when referring to costs.
- It does not exclude local governments not participating in the program.
- It implies that the Battery Stewardship Organization (BSO) only must pay the costs where there is a negotiated agreement. While the calculation method and actual costs can and should be negotiated with local governments, the responsibility to pay **all** costs cannot be negotiated.
- Labor costs are only tied to some of the cost categories, implying that there are labor costs associated with collection that are not demonstrable costs.

Please consider the following changes:

“Demonstrable costs” means all costs that a local government participating in a battery stewardship program incurs as a result of covered battery collection activities, at permanent collection sites or through collection events, including labor and non-labor costs associated with:

- (a) Sorting collected batteries;
- (b) Packaging collected batteries for transport;
- (c) Transportation and consolidation of batteries from satellite sites;
- (d) Storage containers unless those containers are provided directly by the battery stewardship organization;
- (e) Transportation to the battery stewardship organization’s vendor,
- (f) Recycling batteries collected at collection events, except for costs incurred by a local government not participating in the program; and
- (g) Additional agreed-to costs.

WAC 173-905-110 and 120 – Education and Outreach

The Education and Outreach requirements are spread out in numerous sections in the rule. It appears that all requirements in statute are included in one or more sections, except for the following highlighted language from RCW 70A.555.080 (f): And implementation of outreach and educational resources targeted to overburdened communities and vulnerable populations identified by the department under chapter [70A.02](#) RCW that are conceptually, linguistically, and culturally accurate for the communities served and reach the state’s diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts.

We recommend that Ecology **includes** this language in the proposed rule. It provides important guidance for what makes the resources accessible and is the only directive to consult with communities that bear disproportionately higher levels of adverse environmental and social justice impacts. This language is

foundational to ensuring that not only are these resources created, but also that they are able to be understood and used in the diverse populations around the state.

WAC 173-905-120 – Plan Contents. (4) Performance goals

The performance goals language leaves out necessary language found in RCW [70A.555.040](#) and RCW [70A.555.050](#) including:

- The minimum target rates of 60% for rechargeable batteries and 70% for primary batteries.
- Subgoals applicable to public awareness of the program in vulnerable populations and overburdened communities identified by the department under chapter [70A.02](#) RCW.
- Goals for convenience and accessibility.

We recommend that **these goals be included** in the proposed rule.

WAC 173-905-120 – Plan Contents. (10) Local government coordination

While coordination between local governments and a BSO on education and outreach efforts can be helpful, it is not required by statute. This coordination should be voluntary, mutually agreeable, and reimbursed when included in a service agreement.

Please consider the following changes:

(10)(d) Procedures that a local government may follow to coordinate with a battery stewardship organization on education and outreach efforts.

WAC 173-905-500 (7) – Sites at local government facilities

The title of this section should reflect that it is only for local governments that choose to collect batteries at their own expense, not all local government facilities.

Additionally, the proposed rule requires local governments that opt out of the program to follow all procedures in the stewardship plan as well as the ones delineated in the rule, which is a different requirement than what is in statute, and includes significantly more obligation. The statute lists out the procedures in the plan that the local government must follow.

The rule should be **revised to use the language that is in RCW 70A.555.070 4(c)(i) and (ii)**:

- A local government facility that collects covered batteries under this subsection must, in accordance with procedures set forth in battery stewardship organization plan approved by the department:
 - Notify battery stewardship organizations of the local government facility's decision to operate a collection site that is not a collection site under a program established under this chapter (*for purposes of the rule, include the Chapter reference*);
 - Collect each chemistry and brand of covered battery at its collection site or sites;
 - Collect, sort, and package collected materials in a manner that meets the standards established in a battery stewardship organization plan approved by the department;
 - Either provide the collected batteries to the battery stewardship organization in lawful transportation containers for it to transfer the collected batteries at a processing facility the battery stewardship organization has approved, or transport to, or arrange for the transportation of collected batteries for processing at a facility that a battery stewardship organization has approved under a plan approved by the department.
- A local government facility that collects materials at a collection site or temporary collection event operating outside of a battery stewardship program must also report, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under RCW [70A.555.090](#).