

KC SWD Comments

General comments:

- The Battery Network’s Washington Battery Stewardship Plan should not be approved by Dept. of Ecology as it does not adequately address important elements of the Battery Stewardship Law:
 - The proposed reimbursement does not cover the demonstrable costs that local government collection sites incur.
 - The proposed budget does not seem sufficient, e.g., it does not include disposal costs for material that cannot be recycled.
 - How the Plan will meet the Convenience Standards.
 - The proposed Performance Goals do not achieve meaningful progress in improving public awareness and collection rates.
 - The Plan does not respect the Battery Management Hierarchy – it should describe Waste Prevention and Reduction; and Reuse activities.

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IV. Funding and Budget				
Technical	B. Financing the Stewardship Plan	17-18	Fees are then assessed using an eco-modulation approach. The Battery Network's eco-modulated fee structure is designed to reflect the costs and environmental impacts associated with managing different battery chemistries. Each chemistry is documented by their cost to the program given expense to transport and process and then those costs are allocated based on fee by chemistry and this is eco-modulation.	Statue requires: “ <i>Fee structure. A description of how the stewardship organization will structure producer fees to encourage design attributes that reduce the environmental impacts of covered batteries. Examples of fee structures that meet these requirements include using eco-modulated fees that:</i> <i>(a) Encourage recyclability or recycling;</i> <i>(b) Encourage the use of recycled content;</i> ”

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				(c) Encourage conservation of resources; (d) Discourage the use of problematic materials that increase costs of managing covered batteries; or (e) Other design attributes that reduce the environmental impacts of covered batteries.” The Plan should include a fee structure that encourages design attributes that reduce the environmental impacts of covered batteries beyond just transport and processing of batteries.
Technical	C. Pro Forma Budget	18	Collections: Refers to all collection-related expenses that are not allocated to transportation, sorting and recycling. This includes research, development, manufacturing, fulfillment, and all other overhead for collections.	Storage should also be included in collection related expenses. <i>It is unclear what</i> research, development and manufacturing means for collections.
Technical	C. Pro Forma Budget 1. Demonstrable Costs	19	No sorting is required by local government agency collection sites.	While it is appreciated that no sorting is required by local government agencies, the collection sites that do sort batteries provide valuable cost-effective services. There can be significant contamination (non-covered products) in battery bins – transporting these across the country to sorting facilities may result in unnecessary costs and environmental impacts.

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Technical	C. Pro Forma Budget 1. Demonstrable Costs	19	c) Transportation and consolidation of batteries from satellite sites: To support safe battery management practices, unnecessary movement of collected batteries between locations is discouraged, as additional handling and transportation may increase the potential for battery damage and safety incidents. However, The Battery Network recognizes that geographical isolation may create barriers to direct transportation services in certain communities. These locations may be eligible for an annual reimbursement on a case-by-case basis.	Please provide more information on the annual reimbursement for transportation and consolidation of batteries from satellite sites.
Technical	C. Pro Forma Budget TABLE 1. Battery Product Stewardship 3-year Budget Pro Forma	20		Statute: (9) Budget. <i>The program budget for the first three years of program implementation includes separate line items for the following categories and describes what is included in each category:</i> (a) Collection costs; (b) Transportation costs; (c) Sorting costs; (d) Recycling costs; (e) Disposal costs for material that cannot be recycled; The budget does not include disposal costs for material that cannot be recycled.
Technical	D. Local Government Reimbursement	21-22	To ensure the efficient administration of the program, The Battery Network may establish reasonable reimbursement	Statue requires reimbursement of demonstratable costs – this is not

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			minimums and operational eligibility criteria, with reimbursements based on demonstrable costs incurred through program activities.	the same as “reasonable reimbursement minimums”
Technical	D. Local Government Reimbursement	21-22	Based on a review of labor rates (including salary and benefits), operational observations and time studies for the full oversight of collection, preparation, shipment and reorder, The Battery Network is reimbursing battery collection efforts for municipalities at \$0.20 per pound.	The proposed \$0.20 per pound reimbursement is not based on local governments’ demonstrable costs as required by statute. The reimbursement should be on the actual costs of local governments. <i>“Demonstrable costs” means 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 nonlabor costs associated with:</i> <i>(a) Sorting collected batteries;</i> <i>(b) Packaging collected batteries for transport;</i> <i>(c) Transportation and consolidation of batteries from satellite sites;</i> <i>(d) Storage containers unless those containers are provided by the battery stewardship organization;</i> <i>(e) Transportation to the battery stewardship organization's vendor, if cost effective or more efficient;</i>

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				<i>(f) Recycling batteries collected at collection events; and (g) Additional agreed-to costs.</i>
Technical	G. Collection Events	22	Local governments wishing to conduct a battery collection event may contact The Battery Network for assistance with education and outreach, collection materials, transportation, and safety guidance. To ensure adequate time to provide these materials and support event planning, collection sites operating events must contact The Battery Network at least 60 days in advance of the event. Additional information regarding battery collection events, including event planning, considerations and program requirement, can be found in Appendix D.	<i>There is no description of how battery collection events are funded / reimbursed. Events are included in demonstrable costs.</i>
V. Collection Sites, Safety and Training				
Technical	A. Citations	24	<i>(4) Emergency supplies. Battery stewardship organizations shall provide each collection site with emergency supplies and equipment appropriate for mitigating risks associated with damaged or defective batteries such as leaks and fires. This includes proper personal protective equipment and containment for damaged and defective batteries.</i>	The Plan does not mention what emergency supplies and equipment will be provided.
Technical	B. Eligibility for Battery Collection Sites	24-25	Additionally, the following factors will be considered when adding collection sites:	Statute: <i>(ii) Battery stewardship programs must use as a site for a collection event for covered</i>

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			• Accessibility: Ensuring an optimal number of collection sites, meeting the law's requirements, while also considering geographic distribution and population density to maximize resident access. • Cost-effectiveness: Managing the cost-to-serve to maintain an efficient and sustainable program.	<i>batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection events in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event.</i> The Plan should follow statute and not add other factors that would limit the number of collection sites.
Technical	D. Retail Collection Sites	25-26	The Battery Network recognizes that collection sites operate in a variety of retail environments. To support safe battery collection while maintaining operational flexibility, retail locations should implement one of the following monitoring approaches: 1. Behind-the-counter placement The collection container is stored behind the counter and access to the container is limited to trained store personnel. 2. In view of customer service personnel The collection container is placed in a location that is clearly visible to trained store personnel, allowing for ongoing oversight during normal operations. 3. Near customer service with active monitoring	Local government satellite collection sites should be accorded the same standards and flexibility as retail collection sites.

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			The collection container is located near a customer service area and is monitored either: • Electronically (via forthcoming technology), or • By personnel on a regular and defined basis 4. Other agreed upon approach The collection box is monitored using an alternative approach agreed upon by both The Battery Network and the retail site, provided it meets the objective of maintaining appropriate visibility, oversight and safety even if not explicitly outlined at the time of plan approval. These options are intended to provide flexibility while ensuring that all collection sites maintain appropriate visibility, oversight, and safety of collected batteries.	
VI. Accessibility and Convenience				
Technical	B. Collection Network	38-40	The required site counts are based on the statutory requirement of at least one permanent collection site in each county and one permanent collection site for every 30,000 residents. The Battery Network intends to meet the minimum requirement by 6/1/2027. This table is intended to help identify areas where additional collection sites will be needed as the network	Statute: <i>(j) Describes how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of RCW 70A.555.070, including a description of how the statewide convenience standard will be met and a list of collection sites,</i>

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			continues to grow. While the population-based calculations provide a planning baseline, The Battery Network will also evaluate the geographic distribution of collection sites to ensure the program meets the requirements for overburdened and urban areas.	<i>including the address and latitude and longitude of collection sites;</i> The Plan does not describe “<i>how the statewide convenience standard will be met</i>” – it just says that “<i>The Battery Network will also evaluate the geographic distribution of collection sites to ensure the program meets the requirements for overburdened and urban areas.</i>”
	C. Environmental Justice and Equitable Access	40-41	The Battery Network's goal is to provide all Washington residents with convenient access to battery recycling opportunities regardless of where they live. To support this goal, The Battery Network will evaluate collection site coverage, accessibility, outreach efforts, and stakeholder feedback throughout implementation of the program and will continue to identify opportunities to improve equitable access to battery recycling services across the state. This includes evaluating opportunities to establish collection services in areas with disabled persons, geographically isolated communities and at locations where batteries are commonly used and become spent, such as parks with stores, campgrounds, donation centers and schools.	Statute: (2) Convenience standards - Portable battery collections. <i>Each battery stewardship organization shall provide statewide portable battery collection opportunities that include, but are not limited to, the provision of:</i> <i>(d) Collection events in areas without a permanent collection site, including service to island and geographically isolated communities; and</i> <i>(e) Collection opportunities at special locations where batteries are often spent and replaced such as campgrounds, parks with stores, fire stations, homeless shelters, donation centers, schools, and solid waste facilities.</i>

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				The Plan states that it will “ <i>evaluate collection site coverage, accessibility, outreach efforts, and stakeholder feedback</i> ” – the Plan should describe how it will provide the required convenience standards.
VII. Transportation and Recycling				
	E. Sorting Facilities TABLE 4. Battery Sorter Network	47-48	Electronic Recyclers International, Inc. 7815 N. Palm Ave. Suite 140 Fresno, CA 93711	There is only 1 of the 12 Battery Sorters that are on the West Coast. It increases costs and environmental impacts to transport batteries across the country. The Plan should attempt to reduce transportation distances.
	F. Processing Facilities TABLE 5. Battery Recycling Network			Of the 18 proposed Battery Recycling Facilities, the nearest are: • One in California • Four in Nevada It increases costs and environmental impacts to transport batteries across the country. The Plan should attempt to reduce transportation distances.
IX. Performance Goals				
	B. Collection Rate	64	For 2027, The Battery Network is proposing a collection rate of 3.52%, which equates to 400,000 pounds of batteries collected for calendar year 2027.	A collection rate of less than 4% is too low. Vermont had a collection rate of 29% for primary batteries in 2024 https://dec.vermont.gov/single-use-and-rechargeable-batteries

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				Call2Recycle achieved a recovery rate of 42% in 2024 in British Columbia. https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/batteries-call2recycle/c2r_batteries_annual_and_assurance_reports_2024.pdf
	D. Public Awareness TABLE 8: Consumer Awareness and Behavior Metrics	67-69	The Battery Network commits to gradually increasing battery awareness and behavior recycling by one (1) percent each year from 2027 until 2029.	Raising Consumer Awareness and Behavior with just 1% each year is too low.
X. Quarterly Updates and Annual Reports				
	A. Citations		(13) Battery management hierarchy. (a) The weight and percentage of batteries disposed of for each of the disposal options: (i) Waste prevention and reduction; (ii) Reuse; (iii) Recycling; and (iv) Other means of end-of-life management. (b) For any covered batteries that were disposed of using a lower priority end-of-life battery management option on the battery management hierarchy, the battery stewardship organization must provide an explanation of why higher priority battery management options were not technically feasible or economically practical for those batteries.	The Plan only describes recycling. It should also include activities that respect the Battery Management Hierarchy such as Waste Prevention and Reduction; and Reuse.

