



Plan Elements & Relevant Language	WAC/RCW Citation	Comments
I. Introduction		General comment: Plan elements and citations throughout Plan are only from WAC 173-905 , which does not incorporate every requirement in RCW 70A.555.040 Stewardship plan components . Please use both WAC and RCW citations to ensure compliance.
II. Funding and Budget B. Financing the Stewardship Plan. 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.	WAC 173-905-120(8) 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: (a) Encourage recyclability or recycling; (b) Encourage the use of recycled content; (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 RCW 70A.555.040 (i) Describes the financing methods used to implement the plan, consistent with RCW 70A.555.060, including how producer fees and fee modulation will incorporate design for recycling	The Battery Network (TBN) proposes that eco-modulation is achieved based on transportation and processing costs. The fee structures listed in WAC that meet eco-modulation requirements do not include expense to transport. The fee structure is meant to incentivize producers to <i>design</i> products in a way that minimizes environmental impact. The costs of transportation and processing happen after batteries have been designed, sold, collected and those costs can be minimized by locating processing sites in-state or closer than currently planned—a decision that is less decided by producers and more by TBN.

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	and resource conservation as objectives	
IV. Funding and Budget C. Pro Forma Budget	173-905-120 (9) Budget. The program budget for the first three years of program implementation that includes separate line items for the following categories and describes what is included in each category: (a) Collection costs; (b) Transportation costs; (c) Sorting costs; (d) Recycling costs; (e) Disposal costs for material that cannot be recycled; (f) Education, outreach and communications costs; (g) Program evaluation costs; (h) Plan review and administrative fees paid to the department; (i) Demonstrable costs paid to local governments or local government facilities; and (j) Personnel, general, and other administrative costs.	No line item for (e) Disposal costs for material that cannot be recycled Once Ecology has determined that many of the plan elements do not meet regulatory or statutory requirements, this will have an impact on costs, and the budget will need to be adjusted.
IV. Funding and Budget D. Local Government Reimbursement. The Battery Network will use its GreenVantage reimbursement program to reimburse relevant local government collection sites for demonstrable labor and related operational costs	173-905-030 Definitions "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,	TBN has not accounted for costs required by WAC definition in the GreenVantage program. --They are proposing an "offset" of labor costs, which is contrary to definition.

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associated with the collection, preparation and shipment of covered batteries. The Battery Network will partner with local governments to establish a program that aligns with the requirements of this plan. This includes ensuring that any satellite collection site meets plan criteria, such as having a designated primary contact who has completed required safety training, ensure staff will be monitoring collection materials when accessible to residents, and utilizing the online portal for scheduling shipments and reordering supplies. Satellite sites that cannot meet these criteria may not serve as a collection location for the program. To ensure the efficient administration of the program, The Battery Network may establish reasonable reimbursement minimums and operational eligibility criteria, with reimbursements based on demonstrable costs incurred through program activities. To activate the GreenVantage program, a local government will sign the template for local government agreement, (Appendix C) which outlines the requirements for both parties.	including labor and nonlabor 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 by the battery stewardship organization; (e) Transportation to the battery stewardship organization's vendor, if cost effective or more efficient; (f) Recycling batteries collected at collection events; and (g) Additional agreed-to costs.	--The calculations for sorting are based on unrealistic and limited sorting scenarios, and do not account for sorting non-covered batteries, D&D batteries, other products brought into facilities alongside batteries. --Packaging does not take into account time to tape or bag for local governments using mail-back boxes. --Transportation and consolidation of batteries from satellite sites are not accounted for since TBN is not allowing most satellite sites. The proposal to require satellite sites to effectively become separate collection sites will not work for many local governments that have public facing collection containers at different facilities. Although most satellite sites have containers in sight of a responsible person (requirement in RCW, and plan allows at retail locations), they are not staffed with employees trained to manage HHW and actively sort non-covered products and fill the OneDrum. MRW/HHW facilities are best equipped to do this and therefore should be able to continue collection from satellite site to maximize battery collection, minimize labor costs, and run an overall efficient and safe collection system.

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		--There is no description or reimbursement for collection containers that are to be used in public spaces. Both OneDrum and mail back box solutions are not public facing. --There is no process by which collection events are approved and costs reimbursed. --There is no process described by which local governments and TBN would determine additional costs. TBN introduces the idea of “reasonable reimbursement minimums” which is not the same as “demonstrable costs.” There is no process by which a local government could be reimbursed more than the minimum. Signing the GreenVantage agreement is the only way to access the program. There must be a description and opportunity for local governments to be a collection site and not use the template agreement The video demonstrating time savings and man(sic)power used when utilizing OneDrum assumes municipalities will use OneDrum, which is contradicted by the availability of mail back kits.

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		Additionally the issues with the GreenVantage agreement are attached in the letter we sent to TBN in response to draft reviewed before plan submission.
IV. Funding and Budget E. Local Government Collecting Outside the Program. Local governments electing not to participate in the program must notify The Battery Network of their decision, collect all covered batteries accepted at the site, and manage collected batteries in accordance with the collection, sorting, packaging, transportation, and safety requirements established in the approved plan. In addition, all covered batteries collected outside of the program must be transported directly to a processor, recycler, or other facility designated by The Battery Network in its approved stewardship plan. To ensure accurate reporting of program performance, nonparticipating local governments will be required to provide collection and shipment information necessary for The Battery Network to calculate collection rates and fulfill reporting obligations to the Department of Ecology.	WAC 173-905-500 (8) Sites at local government facilities not participating in a battery stewardship program. (a) A local government facility may collect batteries at its own expense through a collection site or collection event that is not a collection site or event under the program. Using procedures included in an approved battery stewardship plan, a local government facility that collects covered batteries under this subsection shall: (i) Notify battery stewardship organizations of the local government's decision not to participate in the program; (ii) Collect all covered batteries at its collection site or sites; (iii) Collect, sort, package, and transport collected batteries according to the standards established in approved battery stewardship plans; (iv) Either provide the collected batteries to the battery stewardship organization or transport the batteries directly to a facility that a battery stewardship organization has designated in an approved plan. (b) A local government facility not participating in the program shall report to a battery stewardship	There are no obvious “collection standards” defined in the plan for the purpose of understanding what local governments collecting outside of the program must follow. There are different standards referenced throughout, and there are minimum requirements outlined as part of V. Collection Sites, Safety, and Training B. Eligibility for Battery Collection Sites. If it is the intent to have a true option for local governments to collect batteries outside of the program, the plan must identify those minimum standards. If TBN intended for the “eligibility for battery collection sites” to be the standards, it effectively gives TBN a monopoly on all battery collection in the state, as use of their containers (and therefore services) is one of the requirements. There would be no discernable difference between being part of the program or not, except for the inability to be reimbursed.

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	organization the information necessary for the battery stewardship organization to fulfill its reporting obligations under WAC 173-905-150.	
IV. Funding and Budget G. Collection Events. 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.	173-905-030 Definitions "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... (f) Recycling batteries collected at collection events; and	There is no description of how events will be funded, just about notification and coordination. Events are included in demonstrable costs, and there must be clear accounting in this plan section and the GreenVantage agreement on how events will be reimbursed.
V. Collection Sites, Safety and Training B. Eligibility for Battery Collection Sites Any retailer, business, institution, or government entity that meets the following minimum requirements can participate as a private or public collection site for battery collections. --Contact Information Requirement: The facility must provide contact information for individual collection sites. --Containers: The facility must agree to use The Battery Network-provided containers for the collection and shipment of batteries. These containers will be supplied at no cost to participating collection sites.	173-905-500 (5) Use qualifying entities as collection sites. Battery stewardship programs shall, upon request of an entity that meets the criteria for collection sites in the approved plan, use that entity as a collection site.	Again, there is no reimbursement for public-facing collection containers in GreenVantage, even though in this section it implies collection sites must use them and that TBN will supply at no cost. Public-facing collection containers are essential to collection services and should be covered by TBN in the GreenVantage agreement. We also question if the "additional factors" to consider are part of the minimum requirements for site eligibility. The WAC is clear they have to accept as a collection site those entities that request in writing and meet criteria. The "additional factors" seem to fall outside of criteria, but still allow

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--Minimum Battery Collection: The facility must commit to returning at least one full container of batteries per year. In accordance with US Environmental Protection Agency regulations, batteries may not be stored on-site for longer than one year. Failure to meet this requirement will result in automatic deactivation of the facility as a collection site. If a collection site is deactivated, they can still return their batteries to The Battery Network using the pre-paid shipping label or GreenTrax shipping feature. --Regulatory Compliance: The site must agree to safely handle and ship batteries in compliance with US Department of Transportation (USDOT) regulations. --Mandatory Training & Certification Requirement: To ensure safe and compliant battery collection and shipping, all participating sites must meet specific training and certification requirements, which are based on the types of batteries collected and the solution used. Additionally, the following factors will be considered when adding collection sites: Accessibility: Ensuring an optimal number of collection sites, meeting the law's requirements, while also considering geographic		TBN to reject a site based on location or cost.

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distribution and population density to maximize resident access. Cost-effectiveness: Managing the cost-to-serve to maintain an efficient and sustainable program.		
V. Collection Sites, Safety and Training E. HHW Collection Sites HHW facilities typically operate controlled conditions and may utilize larger containers. These sites meet monitoring expectations through: -- Direct staff oversight during operating hours --Controlled acceptance of materials by trained personnel Due to the nature of HHW operations, monitoring is achieved through active site management and trained personnel, rather than customer self-service models.		There is nothing in RCW or WAC that requires different oversight for different collection locations. This may have been added to reduce satellite sites and therefore demonstrable costs. This section also doesn't account for local government collection outside of HHW collection sites, which leaves out a significant portion of local government battery collection.
V. Collection Sites, Safety and Training I. Emergency Response Protocol. Collection sites participating in The Battery Network program are instructed to prioritize safety if a battery-related incident occurs, such as a spill, fire, or thermal event. Each collection site shall establish specific emergency procedures relevant to their site and ensure facility personnel are able to effectively respond to emergencies. At a minimum, in the event of an emergency, collection site staff are instructed	WAC 173-520(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.	Emergency supplies are not referenced in this plan nor included in GreenVantage agreement.

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to immediately contact local emergency services by calling 911 and follow any instructions provided by emergency responders. 679B Collection site training materials also provide guidance on recognizing damaged or defective batteries, isolating and storing potentially hazardous batteries when it is safe to do so, and preventing incidents through proper identification, handling, packaging, and storage practices. Collection sites will be provided with emergency signage to place near the battery collection container.		
VI. Accessibility and Convenience C. Environmental Justice and Equitable Access. 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	WAC 173-905-500(2) Each battery stewardship organization shall provide statewide portable battery collection opportunities that include, but are not limited to, the provision of: (b) The establishment of collection sites that are accessible and convenient to overburdened communities identified by the department in an amount that is roughly proportional to the number and population of overburdened communities relative to the population or size of the state as a whole; (d) Collection events in areas without a permanent collection site, including service to island and geographically isolated communities; and (e) Collection opportunities at special locations where batteries	The requirement is to provide collection opportunities to these specific communities and locations, not to “evaluate opportunities” or “consider” providing. The limitation of providing a OneDrum collection option to islands with both a transfer station and substantial year round resident populations is too restrictive. To accommodate island communities without a transfer station, The Battery Network should seek retail or other collection sites and events to service island and geographically isolated communities beyond minimum convenience standards.

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commonly used and become spent, such as parks with stores, campgrounds, donation centers and schools. The Battery Network will also consider collection events and other supplemental collection opportunities where permanent collection sites may not provide sufficient access. The Battery Network recognizes the unique challenges associated with serving Washington's island communities. To support battery collection in geographically isolated areas, The Battery Network will provide OneDrum collection solutions to transfer stations located on islands with substantial year-round, resident populations.	are often spent and replaced such as campgrounds, parks with stores, fire stations, homeless shelters, donation centers, schools, and solid waste facilities.	
VII. Transportation and Recycling.	RCW 70A.555.040(m) Identifies proposed brokers, transporters, processors, and facilities to be used by the program for the final disposition of batteries and how collected batteries will be managed in: (i) An environmentally sound and socially just manner at facilities operating with human health and environmental protection standards that are broadly equivalent to or better than those required in the United States and other countries that are members of the battery stewardship organization for economic cooperation and development; and (ii) A manner consistent with the battery management hierarchy, including how each proposed facility used for the final disposition of batteries will	There is no description of how batteries will be managed in a manner consistent with the battery hierarchy, which prioritizes prevention and re-use ahead of recycling. If there are no efforts to prevent use of batteries or reuse batteries, this must be explained in the plan along with any efforts to develop those options as part of the program. Additionally, there are no transporters, sorters or processors from WA state. While not a requirement, it would be a good goal to move business into the state, shorten transportation routes, thereby increasing safety and environmental impact.

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	recycle or otherwise manage batteries;	
VIII. Education and Outreach E. Accessibility and Inclusive Communications. Work with community-based organizations, local governments, Tribal representatives and other stakeholders to help ensure outreach efforts effectively reach overburdened communities and vulnerable populations; and ensure messaging is culturally, linguistically, and conceptually appropriate	WAC 173-905-120 (5) (e) A description of how the battery stewardship organization will consult with overburdened communities and vulnerable populations identified by ecology when developing outreach materials; WAC 173-905-500(1)(d) Procedures that a local government seeking reimbursement from the stewardship organization must follow to coordinate with a battery stewardship organization on outreach efforts.	Plan says that they are going to do it, but WAC requires a description of <i>how</i> they will do it. There is no description in this section, in the funding section, or the GreenVantage agreement that describes the procedures local government seeking reimbursement for education and outreach must follow.
IX. Performance Goals B. Collection Rate 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. This represents an increase over the 336,157 pounds of batteries collected in Washington during calendar year 2025. Table 6 summarizes the proposed collection rates and collection targets for calendar years 2027 through 2029.	WAC 173-905-120 Plan contents (4) Performance goals. Numeric performance goals that measure, on an annual basis, the achievements of the program, including a description of how progress towards each goal will be measured. Performance goals must, at minimum, include: (a) A target collection rate for covered batteries;	Setting a battery collection rate of 3.5% amounting to 400,000 lbs. of batteries in first year is less than currently being collected in WA state. After reviewing the pounds of batteries collected and reported to Ecology on the annual MRW forms for 2024, and estimating and removing medium format, it looks like TBN will collect around 400,000 lbs. of batteries from MRW/HHW facilities alone. If you add in what TBN collects now from retail locations, the addition of primary batteries,

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		growth since 2024, and the fact that they have not built out their collection network to meet statutory requirements and that they get to count batteries collected outside of the program- - this number is far below targets that should be set. A significant impact of the target being set too low, is that TBN would have to establish fewer collection sites, impacting convenience statewide. TBN is the stewardship organization for other states with battery stewardship programs with higher collection targets. Illinois has collection rates goals starting at 10%, VT at 38% (both 2026). VT collected 29% in 2024, and BC 42% in 2024
IX. Performance Goals. D. Public Awareness In 2025, The Battery Network utilized a third-party research firm, IPSOS Group, to conduct a consumer online survey based on the historical criteria we use for other states which includes only total awareness and incidence, not a subgroup for vulnerable and overburdened populations. The Battery Network commits to gradually increasing battery awareness and behavior recycling by one (1) percent each year from 2027 until 2029.	WAC 173-905-120 Plan contents (4) Performance goals (c) The percentage of people in Washington that are aware of the program, including a subgoal applicable to public awareness of the program in vulnerable populations and overburdened communities identified by ecology;	It is not clear from the plan how they will include the subgroup data from vulnerable and overburdened populations and should be described, as required.

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IX. Performance Goals. E. Accessibility Goal The Battery Network will continue to build upon its existing collection network to ensure Washington residents have convenient access to battery recycling opportunities. Collection network development will first focus on meeting the minimum county-based collection site requirements and achieving the accessibility standard of providing a permanent collection site within 15 miles of at least 95% of Washington residents. As the network expands, The Battery Network will also consider the needs of overburdened communities, geographically isolated communities, tribal communities, rural residents, and locations where batteries are commonly used and become spent, such as parks, campgrounds, and other recreational areas. Additional information regarding accessibility, convenience, and environmental justice can be found in Section VI.	WAC 173-905-120 Plan contents (4) Performance goals (e) Goals to meet the convenience and accessibility requirements on WAC 173-905-500.	There is also no measurable goal set for the additional target groups and locations, and should be added as required. And again, the requirement is to provide access, not to consider providing access.
I. Appendix C: Local Government Reimbursement Template		See attachment of comment letter sent to TBN from the Hazardous Waste Management Program that outlines all of the major concerns with the GreenVantage agreement.