

August 24, 2026

Department of Ecology
Post Office Box 47600
Olympia, Washington 98504

Sent via web portal <https://ecology.commentinput.com/?id=bTrkW8DjG>

Dear Department of Ecology:

RE: Proposed Washington Battery Stewardship Plan

The Local Hazardous Waste Management Program (Haz Waste Program) is a coalition of local governments comprised of King County, the City of Seattle, and 38 other cities, all located in King County, Washington. The Program serves more than 2.3 million Washington State residents and approximately 70,000 businesses. The Haz Waste Program works to protect and enhance public health and environmental quality. This is done by reducing the threat posed by the production, use, storage, and disposal of hazardous materials, many of which are found in common household products and small businesses.

The Haz Waste Program appreciates the opportunity to comment on the Washington Battery Stewardship Plan (Plan), prepared by The Battery Network (TBN).

Two of our partner agencies, Seattle Public Utilities and the King County Solid Waste Division, currently collect portable and medium-format batteries. Under the new Battery Stewardship Program, they plan to serve as collection sites, host multiple mobile collection events throughout the year, and collect batteries from satellite locations. The Haz Waste Program also offers grants to cities and tribes within King County to collect and manage moderate-risk waste, including batteries. In addition, we participate in the Northwest Product Stewardship Council, through which we have been working with other local governments and NGO's statewide from introduction of SB 5144 through rulemaking and template service agreement consultation with the goals of:

- Decrease risk and impact of fires to our customers, vendors, facilities, and workers
- Reimburse local governments for the true and statutorily required costs of battery collection and management
- Maximize battery management using the defined battery management hierarchy
- Decrease environmental and health impacts that can result from improper battery storage, collection, and disposal

While we support The Battery Network's efforts to implement Washington's Battery Stewardship Program, we do have concerns about this Plan's completeness and its compliance with RCW 70A.555 and WAC 173-905. We urge the Department to disapprove the plan.

Some of our top concerns include:

- TBN has not accounted for WAC-defined costs in the GreenVantage program and proposes an "offset" of labor costs, contradicting the statutory definition. TBN's concept of "reasonable reimbursement minimums" differs from "demonstrable costs," and no process allows local governments to be reimbursed beyond the minimum.
- The plan lacks clear "collection standards" for local governments outside the program. If TBN's "eligibility for battery collection sites" is the standard, it gives TBN a monopoly on battery collection in the state, since using its containers is required. The distinction between participating in the program and not is minimal; the main difference is reimbursement eligibility.
- *Section V. Collection Sites, Safety and Training*, doesn't account for local government collection outside of HHW collection sites, which leaves out a significant portion of local government battery collection.

We are enclosing a detailed matrix with this letter that comprehensively outlines each section of the Plan, relevant RCW and WAC citations, and our comments. Please see this document for our overall feedback. We are also providing our comment letter from June 17, 2026, addressed to The Battery Network, which responds to the GreenVantage Agreement. That letter further details the agreement's deficiencies, now included in the Plan.

Thank you for the opportunity to comment, and please reach out to Pam Johnson, Hazardous Waste Policy Advisor, at pam.johnson@seattle.gov with any questions or concerns about our comments.

Sincerely,



Maythia Airhart, Director
Local Hazardous Waste Management Program

Enclosure: Detailed Comments Matrix

cc: Ryan Murphy, Policy Manager, Local Hazardous Waste Management Program, King County Department of Natural Resources and Parks
Matthew Weintraub, Government Relations Manager, Local Hazardous Waste Management Program, King County Department of Natural Resources and Parks

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
I. Introduction		Plan elements and citations 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 the 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	The Battery Network (TBN) proposes that eco-modulation is achieved based on transportation and processing costs. However, this contradicts the fee structures listed in WAC, which state fees that meet eco-modulation requirements do not include transportation expenses. The fee structure is meant to incentivize producers to <i>design</i> products in ways that minimize environmental impact. Transportation and processing costs occur after batteries are designed, sold, and collected, and producers can minimize them by locating processing sites in-state or closer than currently planned—a decision driven less by producers and more by TBN.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
	incorporate design for recycling 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.	The plan budget does not include a line item for (e) Disposal costs for material that cannot be recycled. Therefore, this budget section is incomplete. Once Ecology determines that many plan elements do not meet regulatory or statutory requirements, costs will increase, and the budget will need adjustment.
IV. Funding and Budget D. Local Government Reimbursement. The Battery Network will use its GreenVantage reimbursement program to reimburse relevant	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	TBN has not accounted for costs required by the WAC definition in the GreenVantage program.

DETAILED COMMENTS MATRIX

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local government collection sites for demonstrable labor and related operational costs 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	permanent collection sites or through collection events, 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.	TBN is proposing an "offset" of labor costs, which contradicts the statutory definition. The calculations for sorting are based on unrealistic, limited sorting scenarios that do not account for sorting non-covered batteries, D&D batteries, or other products brought into facilities alongside batteries. Packaging does not account for the time local governments need to tape or bag for 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 is not feasible 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 (required in RCW, and the plan allows at retail locations), they are not staffed with employees trained to manage HHW, actively sort non-covered products, and fill the OneDrum. MRW/HHW facilities are best equipped to do this and

DETAILED COMMENTS MATRIX

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government agreement, (Appendix C) which outlines the requirements for both parties.		therefore should be able to continue collection from satellite sites to maximize battery collection, minimize labor costs, and run an overall efficient and safe collection system. The plan lacks a description and reimbursement mechanism for collection containers that are to be used in public spaces. Neither OneDrum nor mail-back box solutions are public-facing. The plan does not include a process for approving collection events and reimbursing costs. The plan does not include a process that describes how 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 for a local government to 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

DETAILED COMMENTS MATRIX

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		governments to be a collection site and not use the template agreement The video demonstrating time savings and manpower used when utilizing OneDrum assumes municipalities will use OneDrum, which is contradicted by the availability of mail-back kits. The issues with the GreenVantage agreement are attached in the letter the Haz Waste Program sent to TBN in response to the 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	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	The plan does not define obvious "collection standards" to clarify what local governments collecting outside the program must follow. The plan references different standards throughout, and it outlines minimum requirements under V. Collection Sites, Safety, and Training B. Eligibility for Battery Collection Sites. If the intent is to give local governments a true option to collect batteries outside the program, the plan must identify those minimum standards. If TBN intended the

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
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.	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 organization the information necessary for the battery stewardship organization to fulfill its reporting obligations under WAC 173-905-150.	“eligibility for battery collection sites” to be the standards, it effectively gives TBN a monopoly on all battery collection in the state, since use of its containers (and therefore services) is one of the requirements. There would be no discernible difference between being part of the program or not, except for the inability to be reimbursed.
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	The plan does not describe how events will be funded, only how they will be notified and coordinated. Events are included in demonstrable costs, and this plan section and the GreenVantage agreement must clearly account for how events will be reimbursed.
V. Collection Sites, Safety and Training B. Eligibility for Battery Collection Sites	173-905-500 (5) Use qualifying entities as collection sites. Battery stewardship programs shall, upon	There is no reimbursement for public-facing collection containers in GreenVantage, even though in this section it implies collection

DETAILED COMMENTS MATRIX

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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. --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.	request of an entity that meets the criteria for collection sites in the approved plan, use that entity as a collection site.	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. The Haz Waste Program questions if the “additional factors” to consider are part of the minimum requirements for site eligibility. The WAC is clear that collection sites which meet the established criteria and request to be utilized as such must be accepted. The “additional factors” seem to fall outside of criteria, but still allow TBN to reject a site based on location or cost.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
--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 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.		Both RCW and WAC do not require different oversight procedures 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.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
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 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.	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.	This plan does not reference emergency supplies, and the GreenVantage agreement does not include them.
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	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	The WAC requires providing collection opportunities to these specific communities and locations, not "evaluate opportunities" or "consider" them.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
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. 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.	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 are often spent and replaced such as campgrounds, parks with stores, fire stations, homeless shelters, donation centers, schools, and solid waste facilities. .	Limiting OneDrum collection to islands with both a transfer station and substantial year-round resident populations is too restrictive. To accommodate island communities without a transfer station, TBN should seek retail or other collection sites and events to service island and geographically isolated communities beyond minimum convenience standards.
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	The plan lacks a description of how batteries will be managed in a manner consistent with the battery hierarchy, which prioritizes

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
	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 recycle or otherwise manage batteries;	prevention and re-use ahead of recycling. If there are no efforts to prevent battery use or reuse batteries, the plan must explain this and any efforts to develop those options as part of the program. Further, no transporters, sorters, or processors are from WA state. While not a requirement, it would be an advisable goal to move business into the state, shorten transportation routes, thereby increasing safety and reducing environmental impact.
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.	WAC requires a description of <i>how</i> the battery stewardship organization will consult with overburdened communities; however, the TBN plan does not include this. The plan only states that it will be done. This section, the funding section, and the GreenVantage agreement do not describe the procedures local governments must follow to seek reimbursement for education and outreach.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
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;	The Performance goals for the initial year of the stewardship organization are set at a battery collection rate below what is currently collected in WA state (3.5% or 400,000 lbs. of batteries). A review of the batteries collected and reported to Ecology on the annual MRW forms for 2024 (and estimating and removing medium format) shows that TBN will collect around 400,000 lbs. of batteries from MRW/HHW facilities alone. When accounting for current retail collections, the projected addition of primary batteries, the program's growth since 2024, and the fact that TBN has not yet developed a collection network sufficient to meet statutory requirements—while also counting batteries collected outside of the formal program—the resulting total remains significantly below the targets that should reasonably be established A significant impact of setting the target too low is that TBN would have to establish fewer collection sites, reducing convenience statewide.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
		TBN is the stewardship organization for other states with battery stewardship programs with higher collection targets. Illinois has collection rate goals starting at 10%, VT at 38% (both 2026). VT collected 29% in 2024, and BC collected 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;	The plan does not clearly describe how TBN will include subgroup data from vulnerable and overburdened populations, as required.
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	WAC 173-905-120 Plan contents (4) Performance goals (e) Goals to meet the convenience and accessibility requirements on WAC 173-905-500.	No measurable goal is set for the additional target groups and locations, and it should be added as required. The requirements established in WAC are to provide access, not to consider providing access. This plan does not meet these requirements.

DETAILED COMMENTS MATRIX

Plan Elements And Relevant Language	WAC/RCW Citation	Haz Waste Program Comments
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.		
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.