Association of Home Appliance Manufacturers (Devin O'Herron)

The Association of Home Appliance Manufacturers appreciates the opportunity to submit the attached comments for Washington State Department of Ecology's consideration.

ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

1111 19TH STREET NW | SUITE 1150
WASHINGTON, DC 20036
AHAM.ORG

August 10, 2026

Submitted Via Public Comment Form

Washington Department of Ecology

Re: AHAM Comments on Proposed Battery Product Stewardship Plan

Dear Washington Department of Ecology,

The Association of Home Appliance Manufacturers (AHAM) appreciates the opportunity to submit public comments to the Washington Department of Ecology ("Ecology") regarding the regulations under Chapter 173-905 WAC implementing Chapter 70A.555 RCW (Battery Stewardship).

AHAM represents manufacturers of major, portable, and floor-care home appliances sold across the United States. AHAM's members produce essential household devices—such as cordless vacuums, robotic cleaners, small kitchen appliances, and personal care products—that utilize rechargeable battery technologies to deliver high performance and energy efficiency.

Formatted: Indent: Left: 0", First line: 0", Space Before: 12 pt, After: 12 pt, Line spacing: Multiple 1.15 li

AHAM supports well-designed product stewardship programs that promote safe end-of-life battery recycling. To ensure successful program administration and prevent unintentional disruption to home appliance manufacturers and distribution networks, Ecology must establish clear regulatory boundaries. We offer the following comments regarding scope, double-fee protections, and reporting mechanics:

Formatted: Space Before: 12 pt, After: 12 pt, Line spacing: Multiple 1.15 li

I. Preventing Duplicate Reporting and Fees Between Battery Producers And Battery-Containing Product Manufacturers.

The Proposed Plan seeks to meet the requirements of RCW 70A.555, which includes a definition for a producer of covered battery-containing devices:

> "A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into the state a battery-containing product if the only batteries used by the battery-containing product are supplied by a producer that has joined a registered battery stewardship organization as the producer for that covered battery under this chapter. Such a producer of covered batteries that are included in a battery-containing product must provide written certification of that membership to both the producer of the covered battery-containing product and the battery stewardship organization of which the battery producer is a member." (14)(a)(ii)(F).

We believe that this is an important and necessary exemption that streamlines program administration and clearly identifies producer responsibility. The Proposed Plan, however, does not describe a mechanism for administering that exemption. It is not clear how or what process The Battery Network would use to confirm which batteries have already been reported upstream by a battery producer or how an appliance manufacturer would demonstrate that the exemption applies for a given product. Without an identified process, the Proposed Plan may expose companies, including those who may have already been identified in Appendix/Attachment A as "Producers", to fees for batteries that may be reported by the battery manufacturers. Regrettably, a company may be required to pay for a battery that was previously reported by the battery manufacturer.

A. Recommendation

Add language to Section III.B that states "A manufacturer of a battery-containing product is not required to register, report, or pay fees for batteries that are contained in or packaged with its product where that battery has already been reported by a participating battery producer, in line with RCW 70A.555 (14)(a)(ii)(F). To administer this exemption, The Battery Network will provide a mechanism within GreenTrax registration for a battery producer to identify the battery-containing product manufacturers or brands its reported volumes correspond to, issue written confirmation of exempt volumes and status to a battery-containing product manufacturer upon request, and exclude confirmed-exempt manufacturers from free-rider audits and reporting to the Department."

II. Guarantee A Single Point Of Registration, Reporting, And Payment If Additional Battery Stewardship Organizations (BSOs) Are Approved.

Chapter 173-905 WAC keeps open the possibility of more than one approved battery stewardship organization operating at once (WAC 173-905-100(3)(e), WAC 173-905-110(3)). The Proposed Plan references potential inter-BSO coordination on education and outreach, but not when it comes to registration, reporting, or fees. A producer's covered batteries or battery-containing products could fall within scope of more than one approved plan without assurance that they are only required to register, report, and remit fees to a single stewardship organization for a given product. This again creates a risk of double payment for some products of appliance manufacturers. To ensure a fair and efficient program, the regulatory framework must prevent duplicative fees from compounding across complex manufacturing and distribution supply chains.

A. Recommendation

Ecology should reinforce supply-chain certification pathways and explicit anti-double-fee protections in the final rules and stewardship plan review guidelines:

1. **Upstream Battery Certification (WAC 173-905-030)**: When an appliance manufacturer uses a covered battery purchased from an upstream battery producer who is already a member in good standing with an approved Producer Responsibility Organization (PRO), the obligation for that battery is met. Ecology must ensure the PRO reporting framework maintains a streamlined certification process to ensure double fees are not assessed on the same battery unit.
2. **Harmonization with Existing EPR Statutes**: Devices already regulated or covered under Washington's E-Cycle Washington program (Chapter 70A.500 RCW) or other state product stewardship regimes must remain explicitly exempt from additional battery stewardship fees. Eliminating redundant program costs ensures fair administration without creating overlapping regulatory burdens.

Add language under Section VIII.J that states "If more than one stewardship organization is approved to operate in Washington for an overlapping category of covered batteries or battery-containing products, a producer may elect a single stewardship organization to which it will register, report battery volumes, and remit fees for that category. The Battery Network will coordinate with any other approved stewardship organization(s) to recognize a producer's election of a single organization, avoid requiring duplicate registration, reporting or fee payment for the same battery or battery-containing product, and resolve any conflicting producer designations without imposing liability or penalty on the producer."

III. Administrative Practicality in Sales Data Reporting and Market Share Calculations

Tracking exact, point-of-sale (POS) retail inventory for home appliances down to the local distribution level in Washington presents significant administrative hurdles. Household appliances move through complex, multi-tiered national distribution channels, third-party distributors, and e-commerce platforms.

A. Recommendation

AHAM requests that Ecology maintain administrative pragmatism in annual sales reporting guidelines by authorizing established, industry-standard estimation methodologies.

- **Population-Allocated Reporting**: Ecology should confirm in stewardship plan review guidelines that producers and PROs are permitted to calculate Washington state battery sales volumes (by weight) using national aggregate sales data prorated by Washington's population percentage relative to the United States.
- **National Harmonization**: Allowing pro-rata population calculations aligns Washington's administrative reporting with established compliance practices in other battery EPR states (including California, Vermont, and Oregon), avoiding costly

administrative tracking while maintaining accurate, representative market-share allocations.

AHAM appreciates Ecology's commitment to stakeholder engagement and the opportunity to submit these comments on the Battery Network's Proposed Washington Battery Stewardship Plan. By maintaining clear boundaries for embedded batteries, preventing double-fee structures, and allowing standard population-allocated sales reporting, Ecology can build a fair, operationally sound battery stewardship program. We would be glad to discuss these matters in more detail should you request.

Respectfully Submitted,

Devin O'Herron

Devin O'Herron
Director, Product Stewardship

About AHAM: AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers' lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly $200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than $50 billion.