

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Sustainable Solid Waste Management Amendment Act of 2014 to clarify that the law applies only to primary batteries and rechargeable batteries, require the battery stewardship organization to develop strategies for collecting batteries in areas and communities with waste management challenges related to environmental justice, establish timelines and procedures for the Department of Energy and Environment’s consideration of amendments to battery stewardship plans, authorize the Department of Energy and Environment to revoke the registration of an organization that fails to implement a material provision of an approved battery stewardship plan, change the deadline for a proposed battery stewardship plan submission, change the deadline for the first annual report and effective date of the battery disposal ban, change the deadline for manufacturers to submit electronic stewardship registration applications from December 31 to October 1 starting in 2023, enhance the requirements for representative organizations related to public outreach and awareness, require partnerships to submit a single application to streamline registration fee processing, exempt manufacturers from certain responsibilities if they have sold less than 100 units of covered electronic equipment in the previous year, and to make other technical and conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Battery and Electronic Stewardship Emergency Amendment Act of 2022”.

Sec. 2. The Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code *passim*), is amended as follows:

(a) Section 128 (D.C. Official Code § 8-771.01) is amended as follows:

(1) Paragraph (2)(B) is amended by striking the phrase “used are” and inserting the phrase “used, at the time of sale, are” in its place.

(2) Paragraph (5) is amended by striking the phrase “weight of batteries” and inserting the phrase “weight of primary and rechargeable batteries collected during a calendar year by the average annual weight of primary and rechargeable batteries” in its place.

(3) Paragraph (11) is amended as follows:

(A) Subparagraph (B) is amended as follows:

(i) Strike the phrase “applies, the” and insert the phrase “applies or if no contact information for the person is available, the” in its place.

(ii) Strike the phrase “distributed in” and insert the phrase “distributed for sale in” in its place.

(B) Subparagraph (C) is amended as follows:

(i) Strike the phrase “applies, a” and insert the phrase “applies or if no contact information for the person is available, a” in its place.

(ii) Strike the phrase “distribution in” and insert the phrase “distribution for sale in” in its place.

(b) Section 129 (D.C. Official Code § 8-771.02) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “program that provides for collection of all batteries” and inserting the phrase “program as set forth in an approved battery stewardship plan that provides for collection of all primary and rechargeable batteries” in its place.

(2) Subsection (b) is amended by striking the phrase “On or before January 1, 2022” and inserting the phrase “On or before January 1, 2023” in its place.

(3) Subsection (c) is amended by striking the phrase “This subtitle shall not apply to” and inserting the phrase “A producer shall not be subject to the requirements in subsection (a) of this section if the producer sells or offers for sale in the District only” in its place.

(c) Section 130 (D.C. Official Code § 8-771.03) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (3) is amended by striking the phrase “of batteries that have been sold or offered for sale” and inserting the phrase “of primary and rechargeable batteries that have been sold” in its place.

(B) Paragraph (4) is amended by striking the phrase “collection of batteries” and inserting the phrase “collection of primary and rechargeable batteries” in its place.

(C) A new paragraph (4A) is added to read as follows:

“(4A) A description of how the battery stewardship organization will develop strategies, in consultation with DOEE and other relevant parties, for collecting primary and rechargeable batteries in areas and communities that face environmental justice challenges associated with waste management;”.

(D) Paragraph (7) is amended by striking the phrase “all batteries” and inserting the phrase “all primary and rechargeable batteries” in its place.

(2) Subsection (b)(1) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

“(A) Within 120 days after receipt of a proposed battery stewardship plan or a proposed amendment to a plan, DOEE shall determine whether the plan or amendment complies with the requirements of this section. DOEE shall notify the applicant of the plan or

amendment approval or rejection in writing. If DOEE rejects a proposed plan or amendment, DOEE shall include the reasons for rejecting the plan or amendment.”.

(B) Subparagraph (B) is amended to read as follows:

“(B) An applicant whose plan or amendment to a plan is rejected by DOEE shall submit a revised plan or amendment within 45 days after receiving the notice of rejection. DOEE shall review the revised plan or amendment, issue an order approving or disapproving the revised plan or amendment, and notify the applicant of the decision within 45 days after receipt of the revised plan or amendment. An applicant whose revised plan or amendment is rejected by DOEE may appeal the decision to the Office of Administrative Hearings, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

(3) A new subsection (b-1) is added to read as follows:

“(b-1) The battery stewardship organization may propose or DOEE may require an amendment to a battery stewardship plan to improve program functioning or if a change in District law or regulation necessitates a revision in the plan.”.

(4) Subsection (c) is amended as follows:

(A) Strike the phrase “submit updated” and insert the phrase “submit amended” in its place.

(B) Strike the phrase “revisions to the plan” and insert the phrase “revisions to the plan at this time through a plan amendment” in its place.

(5) Subsection (d)(3) is amended by striking the phrase “all batteries” and inserting the phrase “all primary and rechargeable batteries” in its place.

(d) Section 131 (D.C. Official Code § 8-771.04) is amended as follows:

(1) Subsection (b)(3) is amended by striking the phrase “subsection (b)” and inserting the phrase “subsection (a)” in its place.

(2) A new subsection (c) is added to read as follows:

“(c) DOEE may revoke the registration of a battery stewardship organization that fails to implement a material provision of an approved battery stewardship plan. If a registration is revoked by DOEE, a battery stewardship organization may appeal the revocation to the Office of Administrative Hearings, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

(e) Section 132(a) (D.C. Official Code § 8-771.05(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “On or before June 1, 2023” and inserting the phrase “On or before June 1, 2024” in its place.

(2) Paragraph (3) is amended by striking the word “batteries” both times it appears and inserting the phrase “primary and rechargeable batteries” in its place.

(f) Section 137 (D.C. Official Code § 8-771.09) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “dispose of batteries” and inserting the phrase “dispose of primary or rechargeable batteries” in its place.

(2) Subsection (b) is amended striking the phrase “Beginning January 1, 2023, no person in the District shall knowingly dispose of batteries” and inserting the phrase “Beginning August 1, 2023, no person in the District shall knowingly dispose of primary or rechargeable batteries” in its place.

(g) Section 117 (D.C. Official Code § 8-1041.03) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “By December 31, 2016, and annually thereafter” and inserting the phrase “By October 1, 2023, and annually thereafter” in its place.

(B) Paragraph (3) is amended as follows:

(i) Subparagraph (A) is amended by striking the word “brands” and inserting the phrase “brands and types” in its place.

(ii) Subparagraph (D) is amended by striking the phrase “collected and recycled” and inserting the word “collected” in its place.

(iii) A new subparagraph (D-i) is added to read as follows:

“(D-i) The total weight of covered electronic equipment recycled and the total weight of covered electronic equipment reused through the manufacturer’s electronics recycling program in the previous calendar year;”.

(C) Paragraph (9)(B) is amended to read as follows:

“(B) A report on public outreach and awareness activities that includes:

“(i) A description of the applicant’s public outreach and awareness activities in the previous year, including a description of the general outreach and awareness activities undertaken, the outreach undertaken for specific collection sites and events, the numbers of individuals, small nonprofits, and small businesses that brought waste to each collection site or event, the weight of covered electronic equipment collected at each site or event, the results of surveys about how individuals, small nonprofits, and small businesses learned of each site or event, and factors that may have positively or negatively affected collection participation;

“(ii) An assessment of how to increase participation based on surveys or research on how to effectively reach individuals, small nonprofits, and small businesses in the District, including underserved populations and areas of the District with low event participation; and

“(iii) A description of future outreach and awareness activities that will be undertaken to maximize the amount of covered electronic equipment collected, which shall include, at a minimum, unless waived by the Mayor in writing, content on the representative organization’s website, advertisements in local online and print newspapers, including those serving underserved populations, on at least a quarterly basis, social media posts

before each event and targeted advertisements at the beginning of each quarter, quarterly mailers to residents, small nonprofits, and small businesses in the vicinity of each collection event, public service announcements or other radio and television ads, and signage at each event clearly showing the purpose of the event;”.

(2) Subsection (c) is amended as follows:

(A) Strike the phrase “may, and a representative” and insert the phrase “or a representative” in its place.

(B) Strike the phrase “shall, submit” and insert the phrase “shall submit” in its place.

(3) Subsection (e) is amended by striking the phrase “modification or renewal” and inserting the word “modification” in its place.

(h) Section 119 (D.C. Official Code § 8-1041.05) is amended as follows:

(1) Subsection (a)(3)(B) is amended to read as follows:

“(B) Effective public outreach and awareness activities, as specified in section 117(b)(9)(B)(iii), to ensure that District residents, small nonprofits, and small businesses are aware of the availability and location of collection sites and events; and”.

(2) Subsection (b)(1)(D) is amended by striking the phrase “electronic equipment” and inserting the phrase “covered electronic equipment” in its place.

(3) Subsection (d) is amended to read as follows:

“(d) Beginning January 1, 2017, a manufacturer shall accept for recycling or reuse, on a one-to-one basis with the purchase in the District of any brand of the same type of covered electronic equipment, covered electronic equipment that is offered for return to the manufacturer by a person in the District.”.

(4) A new subsection (g) is added to read as follows:

“(g) A manufacturer that sold less than 100 units of covered electronic equipment in the District in the previous calendar year shall be exempt from the requirements of this section.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia