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HOUSE BILL 1896

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Harris-Talley and Berry

1 AN ACT Relating to providing for responsible environmental  
2 management of batteries; reenacting and amending RCW 43.21B.110 and  
3 43.21B.300; adding a new section to chapter 70A.500 RCW; adding a new  
4 chapter to Title 70A RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that:

7 (1) It is in the public interest of the citizens of Washington to  
8 encourage the recovery and reuse of materials, such as metals, that  
9 replace the output of mining and other extractive industries.

10 (2) Without a dedicated battery stewardship program, battery user  
11 confusion regarding proper disposal options will continue to persist.

12 (3) Ensuring the proper handling, recycling, and end-of-life  
13 management of used batteries prevents the release of toxic materials  
14 into the environment and removes materials from the waste stream  
15 that, if mishandled, may present safety concerns to workers, such as  
16 by igniting fires at solid waste handling facilities. For this  
17 reason, batteries should not be placed into commingled recycling  
18 containers or disposed of via traditional garbage collection  
19 containers.

20 (4) Jurisdictions around the world have successfully implemented  
21 battery stewardship laws that have helped address the challenges

1 posed by the end-of-life management of batteries. Because it is  
2 difficult for customers to differentiate between types and  
3 chemistries of batteries, it is the best practice for battery  
4 stewardship programs to collect all battery types and chemistries.  
5 Furthermore, it is appropriate for larger batteries used in emerging  
6 market sectors such as electric vehicles, solar power arrays, and  
7 data centers, to be managed to ensure environmentally positive  
8 outcomes similar to those achieved by a battery stewardship program,  
9 both because of the potential economic value of large batteries used  
10 for these purposes and the anticipated profusion of these larger  
11 batteries as these market sectors mature.

12 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
13 section apply throughout this chapter unless the context clearly  
14 requires otherwise.

15 (1) "Battery containing product" means a product containing  
16 primary or rechargeable batteries that are covered batteries.

17 (2) "Battery management hierarchy" means a management system of  
18 covered batteries prioritized in descending order as follows:

19 (a) Prevention and waste reduction;

20 (b) Reuse, when reuse is appropriate;

21 (c) Recycling, as defined in RCW 70A.205.015; and

22 (d) Other means of end-of-life management, which may only be  
23 utilized after demonstrating to the department that it is not  
24 feasible to manage the batteries under the higher priority options in  
25 (a) through (c) of this subsection.

26 (3) "Battery stewardship organization" means a producer that  
27 directly implements a battery stewardship plan required under this  
28 chapter or a nonprofit organization designated by a producer or group  
29 of producers to implement a battery stewardship plan required under  
30 this chapter.

31 (4) "Button cell battery" means a round small cell or battery  
32 with an overall cell or battery height that is less than the diameter  
33 of the battery or cell.

34 (5) (a) "Covered battery" means a portable battery or, beginning  
35 January 1, 2028, a medium format battery.

36 (b) "Covered battery" does not include:

37 (i) A battery contained within a medical device, as specified in  
38 Title 21 U.S.C. Sec. 360c as it existed as of the effective date of

1 this section if, when the device or battery is discarded, the device  
2 or battery must be treated as infectious waste;

3 (ii) A battery that contains an electrolyte as a free liquid;

4 (iii) Button cell batteries contained in circuit boards or  
5 equipment; and

6 (iv) Batteries subject to the provisions of RCW 70A.205.505  
7 through 70A.205.530 or other portable batteries contained in a motor  
8 vehicle, part of a motor vehicle, or a component part of a motor  
9 vehicle assembled by, or for, a vehicle manufacturer or franchised  
10 dealer, including replacement parts for use in a motor vehicle.

11 (6) "Department" means the department of ecology.

12 (7) "Easily removable" means designed by the manufacturer to be  
13 removable by the customer.

14 (8) "Environmentally sound management practices" means practices  
15 that: (a) Comply with all applicable laws and rules to protect  
16 workers, public health, and the environment; (b) provide for adequate  
17 recordkeeping, tracking, and documenting of the fate of materials  
18 within the state and beyond; and (c) include comprehensive liability  
19 coverage for the battery stewardship organization, including  
20 environmental liability coverage.

21 (9) "Final disposition" means the end products for which  
22 materials contained in a covered battery collected by the program  
23 will be used, at the point where the material is in its constituent  
24 parts and is no longer considered waste.

25 (10) "Large format battery" means a battery that weighs more than  
26 25 pounds or has a rating of more than 1,000 watt hours.

27 (11) "Medium format battery" means a primary or rechargeable  
28 covered battery that weighs:

29 (a) More than 11 pounds or has a rating of more than 300 watt  
30 hours, or both; and

31 (b) No more than 25 pounds and has a rating of no more than 1,000  
32 watt hours.

33 (12) "Portable battery" means a primary or rechargeable battery  
34 that weighs no more than 11 pounds and has a rating of no more than  
35 300 watt hours.

36 (13) "Primary battery" means a battery that is not capable of  
37 being recharged.

38 (14)(a) "Producer" means with respect to a covered battery or  
39 battery containing product that is sold, offered for sale, or  
40 distributed for sale in or into the state:

1 (i) The person that manufactures the covered battery or covered  
2 battery containing product and sells or offers for sale in or into  
3 the state that battery or product under the person's own brand;

4 (ii) If there is no person to which (a)(i) of this subsection  
5 applies, the owner or licensee of a brand under which the covered  
6 battery or covered battery containing product is sold, offered for  
7 sale, or distributed in or into the state;

8 (iii) If there is no person to which (a)(i) or (ii) of this  
9 subsection applies, a person that imports the covered battery or  
10 covered battery containing product into the United States for sale or  
11 distribution into Washington; or

12 (iv) If there is no person described in (a)(i), (ii), or (iii) of  
13 this subsection over whom the state can constitutionally exercise  
14 jurisdiction, the producer is the person who imports or distributes  
15 the covered product or covered battery containing product in or into  
16 the state.

17 (b) A producer does not include any person who only manufactures,  
18 sells, offers for sale, distributes, or imports into the country for  
19 sale in the state a battery containing product if the only batteries  
20 used by the battery containing product are supplied by a producer  
21 participating in an approved stewardship plan.

22 (c) A retailer that sells covered batteries or battery containing  
23 products under its own brand, or that otherwise meets the definition  
24 of a producer in (a) and (b) of this subsection, is a producer for  
25 purposes of this chapter.

26 (15) "Program" means a program implemented by a battery  
27 stewardship organization consistent with an approved battery  
28 stewardship plan.

29 (16) "Rechargeable battery" means a battery that contains one or  
30 more voltaic or galvanic cells, electrically connected to produce  
31 electric energy, designed to be recharged.

32 (17) "Recycling efficiency rate" means the ratio of the weight of  
33 resources recovered from batteries received by a battery processor to  
34 the weight of batteries received by that battery processor.

35 (18) "Retailer" means a person who sells covered batteries or  
36 battery containing products in or into this state or offers or  
37 otherwise makes available covered batteries or battery containing  
38 products to a customer, including other businesses, for use in this  
39 state.

1 (19) "Urban cluster" means areas of population density of 2,500  
2 to 50,000, as defined by the United States census bureau.

3 (20) "Urbanized area" means areas of high population density with  
4 populations of 50,000 or greater, as defined by the United States  
5 census bureau.

6 NEW SECTION. **Sec. 3.** REQUIREMENT THAT PRODUCERS IMPLEMENT A  
7 STEWARDSHIP PLAN. (1) Beginning January 1, 2026, each producer  
8 selling covered batteries or battery containing products in or into  
9 the state of Washington shall participate in an approved Washington  
10 state battery stewardship plan through participation in and  
11 appropriate funding of a battery stewardship organization.

12 (2) A producer that does not participate in a battery stewardship  
13 organization and battery stewardship plan may not sell covered  
14 batteries or battery containing products covered by this chapter in  
15 or into Washington.

16 NEW SECTION. **Sec. 4.** RETAILER OBLIGATIONS. (1) Beginning July  
17 1, 2026, a retailer may not sell, offer for sale, or otherwise make  
18 available for sale a covered battery or battery containing product  
19 unless the producer of the covered battery or battery containing  
20 product participates in a battery stewardship organization whose plan  
21 has been approved by the department.

22 (2) A retailer is in compliance with the requirements of  
23 subsection (1) of this section and is not subject to penalties under  
24 section 12 of this act as long as the website made available by the  
25 department under section 11 of this act lists, as of the date a  
26 product is made available for retail sale, a producer or brand of  
27 covered battery or battery containing product sold by the retailer as  
28 being a participant in an approved plan or the implementer of an  
29 approved plan.

30 (3) Retailers of covered batteries or battery containing products  
31 are not required to make retail locations available to serve as  
32 collection locations for a stewardship program operated by a battery  
33 stewardship organization. However, a retailer that agrees to make a  
34 retail location available to serve as a collection location for a  
35 stewardship program must comply with the requirements for collection  
36 locations, consistent with section 8 of this act.

37 (4) A retailer may not sell, offer for sale, or otherwise make  
38 available for sale covered batteries, including those contained in

1 battery containing products, unless those batteries are marked  
2 consistent with the requirements of section 14 of this act.

3 (5) At the time of sale, a retailer selling or offering covered  
4 batteries or battery containing products for sale in Washington must  
5 provide information, provided to the retailer by the battery  
6 stewardship organization, regarding available end-of-life management  
7 options for covered batteries collected by the battery stewardship  
8 organization.

9 (6) Retailers, producers, or stewardship organizations may not  
10 charge a specific point-of-sale fee to consumers to cover the  
11 administrative or operational costs of the stewardship organization  
12 or the battery stewardship program.

13 NEW SECTION. **Sec. 5.** STEWARDSHIP PLAN COMPONENTS. (1) By July  
14 1, 2025, or no less than six months before a plan begins to be  
15 implemented, each battery stewardship organization must submit a plan  
16 to the department for approval. A battery stewardship organization  
17 may submit a plan at any time to the department for review and  
18 approval. The department must review and may approve a plan based on  
19 whether it contains and adequately addresses the following  
20 components:

21 (a) Lists and provides contact information for each producer,  
22 battery brand, and battery containing product brand covered in the  
23 plan;

24 (b) Proposes performance goals, consistent with section 6 of this  
25 act, including establishing performance goals for each of the next  
26 three upcoming calendar years of program implementation;

27 (c) Describes how the battery stewardship organization will make  
28 retailers aware of their obligation to sell only covered batteries  
29 and battery containing products of producers participating in an  
30 approved plan;

31 (d) Includes a detailed and comprehensive list of promotion  
32 activities to be undertaken as part of the first year of the  
33 educational and outreach program required in section 9 of this act,  
34 and the identification of consumer awareness goals, and strategies  
35 that the program will employ to achieve these goals after the program  
36 begins to be implemented;

37 (e) Includes a collection site procedural manual, and other  
38 safety information related to covered battery collection activities  
39 at collection sites, including appropriate protocols to reduce risks

1 of spills or fires and response protocols in the event of a spill or  
2 fire, and a protocol for safe management of damaged batteries that  
3 are returned to collection sites;

4 (f) Describes the financing methods used to implement the plan,  
5 consistent with section 7 of this act, including how producer fees  
6 and fee modulation will incorporate design for recycling and resource  
7 conservation as objectives, and a template reimbursement agreement,  
8 developed in consultation with local governments, for local  
9 governments and other program stakeholders;

10 (g) Describes how the program will collect all covered battery  
11 chemistries and brands on a free, continuous, convenient, visible,  
12 and accessible basis, and consistent with the requirements of section  
13 8 of this act, including a description of how the statewide  
14 convenience standard will be met and a list of collection sites,  
15 including the latitude and longitude of collection sites;

16 (h) Describes the criteria to be used in the program to determine  
17 whether an entity may serve as a collection location for discarded  
18 batteries under the program;

19 (i) Describes how the program will offer additional portable  
20 battery collection opportunities and pick-up service at special  
21 locations where batteries are often spent and replaced and that will  
22 provide adequate supervision of collection containers, such as parks  
23 with stores and campgrounds;

24 (j) Describes the methods used to calculate whether the  
25 stewardship program is collecting batteries in an amount roughly  
26 equivalent to the weight of covered batteries sold by producers into  
27 Washington, and how the battery stewardship organization will:

28 (i) Seek reimbursement from other battery stewardship  
29 organizations that underperform on their battery collection  
30 obligations under section 8 of this act; and

31 (ii) Reimburse other battery stewardship organizations if the  
32 battery stewardship organization underperforms on its battery  
33 collection obligations under section 8 of this act;

34 (k) Identifies proposed transporters, processors, and facilities  
35 to be used by the program for the final disposition of batteries and  
36 how collected batteries will be managed in:

37 (i) An environmentally sound and socially just manner at  
38 facilities operating with human health and environmental protection  
39 standards that are broadly equivalent to or better than those

1 required in the United States and other countries that are members of  
2 the organization for economic cooperation and development; and

3 (ii) A manner consistent with the battery management hierarchy,  
4 including how each proposed facility used for the final disposition  
5 of batteries will recycle or otherwise manage batteries;

6 (l) Details how the program will achieve a recycling efficiency  
7 rate, calculated consistent with section 10 of this act, of at least  
8 70 percent for rechargeable batteries and at least 80 percent for  
9 primary batteries; and

10 (m) Proposes goals for increasing public awareness of the  
11 program, including subgoals applicable to public awareness of the  
12 program in vulnerable populations and overburdened communities  
13 identified by the department under chapter 70A.02 RCW, and describes  
14 how the public education and outreach components of the program under  
15 section 9 of this act will be implemented.

16 (2) If required by the department, a battery stewardship  
17 organization must submit a new plan to the department for approval:

18 (a) When there is a change to the method of financing plan  
19 implementation under section 7 of this act;

20 (b) If there are significant changes to the methods of  
21 collection, transport, or end-of-life management of covered batteries  
22 under section 8 of this act that are not covered by the plan. The  
23 department may, by rule, identify the types of significant changes  
24 that require a new plan to be submitted to the department for  
25 approval. For purposes of this subsection, adding or removing a  
26 processor or transporter under the plan is not considered a  
27 significant change that requires a plan resubmittal;

28 (c) To address the novel inclusion of medium format batteries or  
29 large format batteries as covered batteries under the plan; and

30 (d) No less than every five years.

31 (3) If required by the department, a battery stewardship  
32 organization must provide plan amendments to the department for  
33 approval:

34 (a) After a producer begins or ceases to participate in a battery  
35 stewardship organization, as part of a quarterly update submitted to  
36 the department that also includes a current identification of the  
37 producers and brands participating in the plan;

38 (b) When proposing changes to the performance goals under section  
39 6 of this act;



1 (c) When adding or removing a processor or transporter, as part  
2 of a quarterly update submitted to the department; or

3 (d) Proposing updated performance goals based upon the to-date  
4 experience of the program, which must be submitted at the time the  
5 second annual report is submitted to the department by a battery  
6 stewardship organization under section 10 of this act and every two  
7 years thereafter.

8 (4) No earlier than five years after the initial approval of a  
9 plan, the department may require a battery stewardship organization  
10 to submit a revised plan, which may include improvements to the  
11 collection site network or increased expenditures dedicated to  
12 education and outreach, if the approved plan does not meet the  
13 performance goals under section 6 of this act.

14 NEW SECTION. **Sec. 6.** STEWARDSHIP PROGRAM COMPONENTS—PERFORMANCE  
15 GOALS. (1) Each battery stewardship plan must include performance  
16 goals that measure, on an annual basis, the achievements of the  
17 program. Performance goals must take into consideration technical  
18 feasibility and economic practicality in achieving continuous,  
19 meaningful progress in improving:

- 20 (a) The rate of battery collection for recycling in Washington;  
21 (b) The recycling efficiency of the program; and  
22 (c) Public awareness of the program.

23 (2) The performance goals established in each battery stewardship  
24 plan must include, but are not limited to:

- 25 (a) Target collection rates;  
26 (b) Target recycling efficiency rates of at least 70 percent for  
27 rechargeable batteries and at least 80 percent for primary batteries;  
28 (c) For each battery recycling process, targets for the amount of  
29 secondary material derived from the recycling processes as measured  
30 by average weights; and

31 (d) Goals for public awareness, convenience, and accessibility  
32 that exceed the minimum requirements established in section 8 of this  
33 act.

34 NEW SECTION. **Sec. 7.** STEWARDSHIP PROGRAM COMPONENTS—FUNDING.  
35 (1) Each battery stewardship organization must ensure adequate  
36 funding is available to fully implement approved battery stewardship  
37 plans, including the implementation of aspects of the plan  
38 addressing:

1 (a) Battery collection, transporting, and processing;  
2 (b) Education and outreach;  
3 (c) Program evaluation; and  
4 (d) Payment of the administrative fees to the department under  
5 section 11 of this act.

6 (2) (a) A battery stewardship organization implementing a battery  
7 stewardship plan on behalf of producers must develop, and continually  
8 improve over the years of program implementation, a system to collect  
9 charges from participating producers to cover the costs of plan  
10 implementation in an environmentally sound and socially just manner  
11 that encourages the use of design attributes that reduce the  
12 environmental impacts of covered products, such as through the use of  
13 eco-modulated fees to:

14 (i) Encourage designs intended to facilitate reuse and recycling;  
15 (ii) Encourage the use of recycled content;  
16 (iii) Discourage the use of problematic materials that increase  
17 system costs of managing covered products; and  
18 (iv) Encourage other design attributes that reduce the  
19 environmental impacts of covered products.

20 (b) Beginning during the first year of program implementation, at  
21 a minimum for purposes of fulfilling the requirements of (a) of this  
22 subsection, a battery stewardship organization must proportionally  
23 reduce the financial obligations of producers for their use of  
24 batteries that contain recycled content.

25 (3) (a) Each battery stewardship organization is responsible for  
26 all costs of participating covered battery collection,  
27 transportation, processing, education, administration, agency  
28 reimbursement, recycling, and end-of-life management in accordance  
29 with the battery management hierarchy and environmentally sound  
30 management practices.

31 (b) Each battery stewardship organization must collect and  
32 provide for the end-of-life management of batteries in an amount  
33 roughly equivalent to the weight of batteries sold by covered  
34 producers into Washington. A battery stewardship organization may  
35 seek or provide reimbursement, consistent with the provisions of the  
36 stewardship plan, from a different battery stewardship organization  
37 that fails to collect and provide for the end-of-life management of  
38 batteries in an amount roughly equivalent to the national market  
39 share of the batteries of producers participating in the plan.

1 (c) For covered batteries under this chapter that are collected  
2 by an organization implementing an approved plan under chapter  
3 70A.500 RCW, a battery stewardship organization must:

4 (i) Provide reimbursement for the covered batteries upon request  
5 by the plan implementer, consistent with the provisions of the  
6 stewardship plan approved under this chapter including, as  
7 applicable, any administrative, public education, collection,  
8 transportation, and sorting or processing costs with consideration of  
9 revenues received for recycled materials, whether these services are  
10 provided directly or through a contracted service provider; or

11 (ii) Take possession of the covered batteries and arrange for  
12 their final disposition.

13 (d) A battery stewardship organization is not authorized to  
14 reduce or cease collection, education and outreach, or other  
15 activities implemented under an approved plan based on achievement of  
16 program performance goals or upon collecting and providing for the  
17 end-of-life management of more batteries than required under (b) of  
18 this subsection.

19 (4)(a) A battery stewardship organization must reimburse local  
20 governments for demonstrable costs incurred as a result of a local  
21 government facility or solid waste handling facility serving as a  
22 collection location for a program including, but not limited to,  
23 associated labor costs and other costs associated with accessibility  
24 and collection site standards such as storage.

25 (b) A battery stewardship organization must include in its  
26 battery stewardship plan, and provide upon request, a template of the  
27 service agreement and any other forms, contracts, or other documents  
28 for use in distribution of reimbursements. The service agreement  
29 template must be developed with local government input. The entities  
30 seeking or receiving reimbursement from the battery stewardship  
31 organization are not required to use the template agreement included  
32 in the program plan and are not limited to the terms of the template  
33 agreement included in the program plan.

34 NEW SECTION. **Sec. 8.** STEWARDSHIP PROGRAM COMPONENTS—COLLECTION  
35 AND MANAGEMENT REQUIREMENTS. (1) Battery stewardship organizations  
36 implementing a battery stewardship plan must provide for the  
37 collection of all covered batteries, including all chemistries and  
38 brands of covered batteries, on a free, continuous, convenient,  
39 visible, and accessible basis to any person, business, government

1 agency, or nonprofit organization. A fee may not be charged at the  
2 time unwanted covered batteries are delivered or collected for  
3 management. Except as provided in subsection (2)(b) of this section,  
4 each battery stewardship plan must allow any person, business,  
5 government agency, or nonprofit organization to discard each  
6 chemistry and brand of covered battery at each collection site that  
7 counts towards the satisfaction of the collection site criteria in  
8 subsection (3) of this section.

9 (2)(a) At each collection site utilized by the program, each  
10 battery stewardship organization must provide suitable collection  
11 containers for discarded batteries that are segregated from other  
12 solid waste or make mutually agreeable alternative arrangements for  
13 the collection of batteries at the site. The location of collection  
14 containers at each collection site used by the program must be within  
15 view of a responsible person. Each collection site must adhere to the  
16 operations manual and other safety information provided to the  
17 collection site by the battery stewardship organization.

18 (b) Medium format batteries may only be collected at household  
19 hazardous waste collection locations or other locations that are  
20 staffed by persons who are certified to handle and ship hazardous  
21 materials under federal regulations adopted by the United States  
22 department of transportation pipeline and hazardous materials safety  
23 administration.

24 (3)(a) Each battery stewardship organization implementing a  
25 battery stewardship plan shall ensure statewide collection  
26 opportunities for all covered batteries. Statewide collection  
27 opportunities must be determined by geographic information modeling  
28 that considers permanent collection sites. The program may rely, in  
29 part, on collection events to supplement the permanent collection  
30 services required in (a) and (b) of this subsection. However, only  
31 permanent collection services specified in (a) and (b) of this  
32 subsection qualify towards the satisfaction of the requirements of  
33 this subsection.

34 (b) For portable batteries, each battery stewardship organization  
35 must provide statewide collection opportunities that include, but are  
36 not limited to, the provision of:

37 (i) At least one permanent collection site for portable batteries  
38 within a 15 mile radius for at least 95 percent of Washington  
39 residents;

1 (ii) The establishment of collection sites that are accessible  
2 and convenient to overburdened communities identified by the  
3 department under chapter 70A.02 RCW, in an amount that is roughly  
4 proportional to the number and population of overburdened communities  
5 identified by the department under chapter 70A.02 RCW relative to the  
6 population or size of the state as a whole;

7 (iii) At least one permanent collection site for portable  
8 batteries in addition to those required in (b)(i) of this subsection  
9 for every 30,000 residents of an urbanized area and for every urban  
10 cluster of at least 30,000 residents;

11 (iv) Collection opportunities and service for portable batteries  
12 to all counties and tribal lands in Washington;

13 (v) Collection opportunities for portable batteries at special  
14 locations where batteries are often spent and replaced, such as  
15 supervised locations at parks with stores and campgrounds; and

16 (vi) Service to areas without a permanent collection site,  
17 including service to island and geographically isolated communities.

18 (c) For medium format batteries, a battery stewardship  
19 organization must provide statewide collection opportunities that  
20 include, but are not limited to, the provision of:

21 (i) At least 25 collection sites in Washington;

22 (ii) Reasonable geographic dispersion of collection sites  
23 throughout the state;

24 (iii) A collection location in each county of at least 200,000  
25 persons, as determined by the most recent population estimate of the  
26 office of financial management;

27 (iv) The establishment of collection sites that are accessible to  
28 public transit and that are convenient to overburdened communities  
29 identified by the department under chapter 70A.02 RCW; and

30 (v) Service to areas without a permanent collection site,  
31 including service to island and geographically isolated communities.

32 (4)(a) Stewardship programs must use existing public and private  
33 waste collection services and facilities, including battery  
34 collection locations that are established through other battery  
35 collection services, transporters, consolidators, processors,  
36 retailers, and curbside services, where cost-effective, mutually  
37 agreeable, and otherwise practicable.

38 (b) Stewardship programs must use as a collection site for  
39 portable batteries any retailer, wholesaler, municipality, solid  
40 waste management facility, or other entity that meets the collection

1 site criteria provided in this section and the criteria for  
2 collection locations in the approved plan, upon the submission of a  
3 request by the entity to the battery stewardship organization to  
4 serve as a collection site.

5 (c) A stewardship organization may suspend or terminate a  
6 collection site or service that does not adhere to the collection  
7 site criteria in the approved plan and that poses an immediate health  
8 and safety concern. The stewardship organization must notify the  
9 department upon suspending or terminating a collection site or  
10 service.

11 (5) (a) Stewardship programs are not required to provide for the  
12 collection of battery containing products.

13 (b) Stewardship programs are not required to provide for the  
14 collection of batteries that:

15 (i) Are not intended or designed to be easily removable from the  
16 product other than by the manufacturer; and

17 (ii) Remain contained in a battery containing product at the time  
18 of delivery to a collection site.

19 (c) Stewardship programs are required to provide for the  
20 collection of covered batteries that were once contained in battery  
21 containing products but that are not contained in the battery  
22 containing product at the time of delivery to a collection site.

23 (d) Stewardship programs are not required to provide for the  
24 collection of batteries still contained in covered electronic  
25 products under chapter 70A.500 RCW.

26 (6) Batteries collected by the program must be managed consistent  
27 with the battery management hierarchy. Lower priority end-of-life  
28 battery management options on the battery management hierarchy may be  
29 used by a program only when a battery stewardship organization  
30 documents to the department that all higher priority battery  
31 management options on the battery management hierarchy are not  
32 technologically feasible or economically practical.

33 (7) The department must adopt rules to clarify the protocols that  
34 a collection site must follow for the collection of batteries that do  
35 not bear a label or marking that clearly conveys information related  
36 to the battery's watt-hour capacity or weight.

37 NEW SECTION. **Sec. 9.** STEWARDSHIP PROGRAM COMPONENTS—EDUCATION  
38 AND OUTREACH REQUIREMENTS. (1) Each battery stewardship organization

1 must carry out promotional activities in support of plan  
2 implementation including, but not limited to, the development:

3 (a) And maintenance of a website;

4 (b) And distribution of periodic press releases and articles;

5 (c) And placement of graphic advertisements for use on social  
6 media or other relevant media platforms;

7 (d) Of promotional materials about the program and the  
8 restriction on the disposal of covered batteries in section 15 of  
9 this act to be used by retailers, government agencies, and nonprofit  
10 organizations;

11 (e) And distribution of the collection site procedural manual  
12 approved by the department to collection sites to help ensure proper  
13 management of covered batteries at collection locations; and

14 (f) And implementation of outreach and educational resources  
15 targeted to overburdened communities and vulnerable populations  
16 identified by the department under chapter 70A.02 RCW that are  
17 conceptually, linguistically, and culturally accurate for the  
18 communities served and reach the state's diverse ethnic populations,  
19 including through meaningful consultation with communities that bear  
20 disproportionately higher levels of adverse environmental and social  
21 justice impacts.

22 (2) Each battery stewardship organization must provide:

23 (a) Consumer-focused educational promotional materials to each  
24 collection location used by the program and at each retailer that  
25 sells covered batteries or battery containing products; and

26 (b) Safety information related to covered battery collection  
27 activities to the operator of each collection site, including  
28 appropriate protocols to reduce risks of spills or fires and response  
29 protocols in the event of a spill or fire.

30 (3) A producer that supplies batteries to a retailer must provide  
31 the retailer with educational materials developed by the battery  
32 stewardship organization describing collection opportunities for  
33 batteries or must arrange for the stewardship program implementing  
34 the plan in which the producer participates to provide these  
35 materials.

36 (4) If multiple battery stewardship organizations are  
37 implementing plans approved by the department, the battery  
38 stewardship organizations must coordinate in carrying out their  
39 education and outreach responsibilities under this section and must  
40 include in their annual reports to the department under section 10 of

1 this act a summary of their coordinated education and outreach  
2 efforts.

3 (5) During the first year of program implementation and every  
4 five years thereafter, each battery stewardship organization must  
5 carry out a survey of public awareness regarding the requirements of  
6 the program established under this chapter, including the provisions  
7 of section 15 of this act. Each battery stewardship organization must  
8 share the results of the public awareness surveys with the  
9 department.

10 NEW SECTION. **Sec. 10.** REPORTING REQUIREMENTS. (1) By June 1,  
11 2027, and each June 1st thereafter, each battery stewardship  
12 organization must submit an annual report to the department covering  
13 the preceding calendar year of battery stewardship plan  
14 implementation. The report must include:

15 (a) An independent financial audit of a program implemented by  
16 the battery stewardship organization, including a breakdown of the  
17 program's expenses, such as collection, recycling, education, and  
18 overhead, when required by the department;

19 (b) A summary financial statement documenting the financing of a  
20 battery stewardship organization's program and an analysis of program  
21 costs and expenditures, including an analysis of the program's  
22 expenses, such as collection, transportation, recycling, education,  
23 and administrative overhead. The summary financial statement must be  
24 sufficiently detailed to provide transparency that funds collected  
25 from producers as a result of their activities in Washington are  
26 spent on program implementation in Washington. Battery stewardship  
27 organizations implementing similar battery stewardship programs in  
28 multiple states may submit a financial statement including all  
29 covered states, as long as the statement breaks out financial  
30 information pertinent to Washington;

31 (c) The weight, by chemistry, of covered batteries collected  
32 under the program;

33 (d) The weight of materials recycled from covered batteries  
34 collected under the program, in total, and by battery recycling  
35 process;

36 (e) A calculation of the recycling efficiency rate, as measured  
37 consistent with subsection (2) of this section;



1 (f) For each facility used for the final disposition of  
2 batteries, a description of how the facility recycled or otherwise  
3 disposed of batteries and battery components;

4 (g) The weight and chemistry of batteries sent to each facility  
5 used for the final disposition of batteries. The information in this  
6 subsection (1)(g) may be approximated for program operations in  
7 Washington based on extrapolations of national or regional data for  
8 programs in operation in multiple states;

9 (h) The collection rate achieved by battery chemistry under the  
10 program, including a description of how this collection rate was  
11 calculated;

12 (i) The estimated aggregate sales, by weight and chemistry, of  
13 batteries and batteries contained in or with battery containing  
14 products sold in Washington by participating producers for each of  
15 the previous three calendar years;

16 (j) A description of the manner in which the collected batteries  
17 were managed and recycled, including a discussion of best available  
18 technologies and the recycling efficiency rate;

19 (k) A summary of the education and outreach supporting plan  
20 implementation, including a description of how that education and  
21 outreach met the requirements of section 9 of this act, samples of  
22 education and outreach materials, a summary of coordinated education  
23 and outreach efforts with any other battery stewardship organizations  
24 implementing a plan approved by the department, and a summary of any  
25 changes made during the previous calendar year to education and  
26 outreach activities;

27 (l) A list of all collection locations and accompanying latitude  
28 and longitude data for each listed site, and an up-to-date map  
29 indicating the location of all collection sites used to implement the  
30 program, with links to appropriate websites where there are existing  
31 websites associated with a location;

32 (m) A description of the manner in which the collected batteries  
33 were sorted, consolidated, and processed;

34 (n) A summary on progress made towards the program performance  
35 goals established under section 6 of this act, and an explanation of  
36 why performance goals were not met, if applicable; and

37 (o) An evaluation of the effectiveness of education and outreach  
38 activities.

1 (2) (a) The weight of recovered resources from batteries counted  
2 towards satisfaction of the recycling efficiency rate requirement  
3 must, by the end of a program calendar year, be used:

4 (i) Or destined to be used by a person for the making of products  
5 or packaging;

6 (ii) As zinc manganese fertilizer; or

7 (iii) As aggregate. The weight of aggregate may only account for  
8 up to 15 percent of the materials counted towards satisfaction of the  
9 recycling efficiency rate requirement.

10 (b) The weight of batteries or recovered resources from those  
11 batteries must only be counted once and may not be counted by more  
12 than one producer.

13 (c) The following may not be counted towards satisfaction of the  
14 recycling efficiency rate requirement:

15 (i) The weight of materials that are land disposed;

16 (ii) The weight of materials that are incinerated;

17 (iii) The weight of materials that are used as a fuel or fuel  
18 supplement;

19 (iv) The weight of materials that are stored, stockpiled, used as  
20 landfill cover, or otherwise deposited on land in a manner that does  
21 not meet the criteria of (a) of this subsection.

22 (3) (a) In addition to the requirements of subsection (1) of this  
23 section, with respect to each facility used in the processing or  
24 disposition of batteries collected under the program, the battery  
25 stewardship organization must report:

26 (i) Whether the facility is located domestically, in an  
27 organization for economic cooperation and development country, or in  
28 a country that meets organization for economic cooperation and  
29 development operating standards;

30 (ii) Emissions of pollutants to air and water, or other  
31 activities that impact public health or the environment, including  
32 any reporting required under existing permits where applicable; and

33 (iii) Labor metrics including, but not limited to, wages, unions,  
34 and workforce demographics.

35 (b) All data reported under this subsection must be verified by  
36 an independent third party.

37 (4) If a battery stewardship organization has disposed of covered  
38 batteries through energy recovery, incineration, or landfilling during  
39 the preceding calendar year of program implementation, the annual  
40 report must specify the steps that the battery stewardship

1 organization will take to make the recycling of covered batteries  
2 cost-effective, where possible, or to otherwise increase battery  
3 recycling rates achieved by the battery stewardship organization.

4 (5) A producer or battery stewardship organization that submits  
5 information or records to the department under this chapter may  
6 request that the information or records be made available only for  
7 the confidential use of the department, the director of the  
8 department, or the appropriate division of the department. The  
9 director of the department must consider the request and if this  
10 action is not detrimental to the public interest and is otherwise in  
11 accordance with the policies and purposes of chapter 43.21A RCW, the  
12 director must grant the request for the information to remain  
13 confidential as authorized in RCW 43.21A.160.

14 NEW SECTION. **Sec. 11.** FEE AND DEPARTMENT OF ECOLOGY ROLE. (1)

15 The department must adopt rules as necessary for the purpose of  
16 implementing, administering, and enforcing this chapter. The  
17 department must by rule establish fees, to be paid annually by a  
18 battery stewardship organization, that are adequate to cover the  
19 department's full costs of implementing, administering, and enforcing  
20 this chapter, including the provisions of this chapter applicable to  
21 producers of large format batteries, if any. All fees must be based  
22 on costs related to implementing, administering, and enforcing this  
23 chapter, not to exceed expenses incurred by the department for these  
24 activities.

25 (2) The responsibilities of the department in implementing,  
26 administering, and enforcing this chapter include, but are not  
27 limited to:

28 (a) Reviewing submitted stewardship plans and plan amendments and  
29 making determinations as to whether to approve the plan or plan  
30 amendment;

31 (i) The department must provide a letter of approval for the plan  
32 or plan amendment if it provides for the establishment of a  
33 stewardship program that meets the requirements of sections 3 through  
34 9 of this act;

35 (ii) If a plan or plan amendment is rejected, the department must  
36 provide the reasons for rejecting the plan to the battery stewardship  
37 organization. The battery stewardship organization must submit a new  
38 plan within 60 days after receipt of the letter of disapproval; and

1 (iii) When a plan or an amendment to an approved plan is  
2 submitted under this section, the department shall make the proposed  
3 plan or amendment available for public review and comment for at  
4 least 30 days;

5 (b) Reviewing annual reports submitted under section 10 of this  
6 act within 90 days of submission to ensure compliance with that  
7 section;

8 (c)(i) Maintaining a website that lists producers and their  
9 brands that are participating in an approved plan, and that makes  
10 available to the public each plan, plan amendment, and annual report  
11 received by the department under this chapter;

12 (ii) Upon the date the first plan is approved, the department  
13 must post on its website a list of producers and their brands for  
14 which the department has approved a plan. The department must update  
15 the list of producers and brands participating under an approved  
16 program plan based on information provided to the department from  
17 battery stewardship organizations; and

18 (d) Providing technical assistance to producers and retailers  
19 related to the requirements of this chapter and issuing orders or  
20 imposing civil penalties authorized under section 12 of this act  
21 where the technical assistance efforts do not lead to compliance by a  
22 producer or retailer.

23 NEW SECTION. **Sec. 12.** PENALTIES AND CIVIL ACTION PROVISIONS.

24 (1)(a) A battery stewardship organization implementing an approved  
25 plan may bring a civil action or actions to recover costs, damages,  
26 and fees, as specified in this section, from a producer who sells or  
27 otherwise makes available in Washington covered batteries, battery  
28 containing products, or large format batteries not included in an  
29 approved plan in violation of the requirements of this chapter. An  
30 action under this section may be brought against one or more  
31 defendants. An action may only be brought against a defendant  
32 producer when the stewardship program incurs costs in Washington,  
33 including reasonable incremental administrative and program  
34 promotional costs, in excess of \$1,000 to collect, transport, and  
35 recycle or otherwise dispose of the covered batteries, battery  
36 containing products, or large format batteries of a nonparticipating  
37 producer.

38 (b) A battery stewardship organization may only bring a civil  
39 action authorized under (a) of this subsection if the most recent

1 annual report filed with and approved by the department indicates  
2 that the battery stewardship organization has achieved the collection  
3 rate performance goal established consistent with section 6 of this  
4 act.

5 (c) A battery stewardship organization implementing an approved  
6 stewardship plan may bring a civil action against another battery  
7 stewardship organization that underperforms on its battery collection  
8 obligations under this chapter by failing to collect and provide for  
9 the end-of-life management of batteries in an amount roughly  
10 equivalent to the national market share of the batteries of producers  
11 participating in the plan.

12 (d) The remedies provided in this subsection are in addition to  
13 the enforcement authority of the department and do not limit and are  
14 not limited by a decision by the department to impose a civil penalty  
15 or issue an order under subsection (2) of this section. The  
16 department is not required to audit, participate in, or provide  
17 assistance to a battery stewardship organization pursuing a civil  
18 action authorized under this subsection.

19 (2) (a) The department may administratively impose a civil penalty  
20 on a person who violates this chapter in an amount of up to \$1,000  
21 per violation per day.

22 (b) The department may administratively impose a civil penalty of  
23 up to \$10,000 per violation per day on a person for repeated  
24 violations of this chapter or failure to comply with an order issued  
25 under (c) of this subsection.

26 (c) Whenever on the basis of any information the department  
27 determines that a person has violated or is in violation of this  
28 chapter, the department may issue an order requiring compliance. A  
29 person who fails to take corrective action as specified in a  
30 compliance order is liable for a civil penalty as provided in (b) of  
31 this subsection, without receiving a written warning prescribed in  
32 (e) of this subsection.

33 (d) A person who is issued an order or incurs a penalty under  
34 this section may appeal the order or penalty to the pollution control  
35 hearings board established by chapter 43.21B RCW.

36 (e) Prior to imposing penalties under this section, the  
37 department must provide a producer, retailer, or battery stewardship  
38 organization with a written warning for the first violation by the  
39 producer, retailer, or battery stewardship organization of the  
40 requirements of this chapter. The written warning must inform a

1 producer, retailer, or battery stewardship organization that it must  
2 participate in an approved plan or otherwise come into compliance  
3 with the requirements of this chapter within 30 days of the notice. A  
4 producer, retailer, or battery stewardship organization that violates  
5 a provision of this chapter after the initial written warning may be  
6 assessed a penalty as provided in this subsection.

7 (3) Penalties levied under subsection (2) of this section must be  
8 deposited in the responsible battery management account created in  
9 section 13 of this act.

10 NEW SECTION. **Sec. 13.** RESPONSIBLE BATTERY MANAGEMENT ACCOUNT.

11 The responsible battery management account is created in the custody  
12 of the state treasurer. All receipts from activities undertaken  
13 consistent with chapter 70A.--- RCW (the new chapter created in  
14 section 22 of this act) must be deposited in the account. Only the  
15 director of the department or the director's designee may authorize  
16 expenditures from the account. The account is subject to allotment  
17 procedures under chapter 43.88 RCW, but an appropriation is not  
18 required for expenditures. Moneys in the account may be used solely  
19 by the department for administering, implementing, and enforcing the  
20 requirements of this chapter. Funds in the account may not be  
21 diverted for any purpose or activity other than those specified in  
22 this section.

23 NEW SECTION. **Sec. 14.** MARKING REQUIREMENTS FOR BATTERIES. (1)

24 Beginning January 1, 2025, a producer or retailer may only sell,  
25 distribute, or offer for sale in or into Washington a covered  
26 battery, battery containing product, or large format battery if the  
27 battery is:

28 (a) Marked, including with a color code mark beginning January 1,  
29 2027, to identify the chemistry employed in storing energy in the  
30 battery;

31 (b) Marked with an identification of the producer of the battery,  
32 unless the battery is less than .5 inch in diameter or does not  
33 contain a surface whose length exceeds .5 inch;

34 (c) Marked with the weight and watt-hour rating of the battery,  
35 for batteries that exceed 300 watt hours or 11 pounds in weight; and

36 (d) Labeled to clearly indicate that the battery is recyclable  
37 and should not be disposed of in solid waste or recycling containers  
38 other than stewardship program collection containers.

1 (2) The department may amend, by rule, the requirements of  
2 subsection (1) of this section to maintain consistency with the  
3 labeling requirements for covered batteries established in federal  
4 law or the laws of other states.

5 NEW SECTION. **Sec. 15.** REQUIREMENT TO USE BATTERY COLLECTION  
6 PROGRAMS. (1) Effective July 1, 2026, for portable batteries and July  
7 1, 2028, for medium format batteries, or the first date on which an  
8 approved plan begins to be implemented under this chapter by a  
9 battery stewardship organization, whichever comes first:

10 (a) All persons, residents, businesses, and government,  
11 commercial, industrial, and retail facilities, and office buildings  
12 must dispose of unwanted covered batteries through the collection  
13 locations established by the programs created by this chapter, except  
14 commercial, industrial, or government facilities and programs that  
15 utilize other responsible battery management arrangements.

16 (b) A person may not place covered batteries in waste containers  
17 for disposal at incinerators, waste to energy facilities, or  
18 landfills.

19 (c) A person may not place covered batteries in or on a container  
20 for mixed nonbattery recyclables unless there is a separate location  
21 or compartment for the covered battery that complies with local  
22 government collection standards or guidelines.

23 (d) An owner or operator of a solid waste facility may not be  
24 found in violation of this section if the facility has posted in a  
25 conspicuous location a sign stating that covered batteries must be  
26 managed through collection locations established by a stewardship  
27 organization and are not accepted for disposal.

28 (e) A solid waste collector may not be found in violation of this  
29 section for a covered battery placed in a disposal container by the  
30 generator of the covered battery.

31 (2) Beginning July 1, 2030, the provisions of subsection (1) of  
32 this section apply to large format batteries unless the department  
33 provides otherwise by rule under section 17 of this act.

34 NEW SECTION. **Sec. 16.** DEPARTMENT OF COMMERCE ASSESSMENT OF  
35 LARGE FORMAT BATTERIES. (1) By July 1, 2026, the department of  
36 commerce must complete an assessment of the opportunities and  
37 challenges associated with the end-of-life management of large format  
38 batteries. The department of commerce must consult with the

1 department and interested stakeholders in completing the assessment,  
2 including consultation with overburdened communities and vulnerable  
3 populations identified by the department under chapter 70A.02 RCW.  
4 The assessment must identify any needed adjustments to the  
5 stewardship program requirements established in this chapter that are  
6 necessary to maximize public health, safety, and environmental  
7 benefits, such as battery reuse. The study must assess how to design  
8 stewardship program requirements to encourage the development of  
9 battery technology that reduces reliance on rare earth and conflict  
10 materials and uses more earth abundant materials. The assessment must  
11 survey existing studies of large format batteries and include the  
12 department of commerce's analysis of:

- 13 (a) The different categories and uses of large format batteries;
- 14 (b) The current economic value and reuse or recycling potential  
15 of large format batteries or large format battery components;
- 16 (c) The current methods by which unwanted large format batteries  
17 are managed in Washington and nearby states and provinces;
- 18 (d) The risks to human health and the environment if an  
19 accessible, safe, and verifiable end-of-life management system is not  
20 instituted statewide for large format batteries;
- 21 (e) Challenges posed by the potential collection, management, and  
22 transport of large format batteries, including challenges associated  
23 with removing large format batteries that were not intended or  
24 designed to be easily removable from products containing large format  
25 batteries, other than by the manufacturer;
- 26 (f) The environmental and equity implications of displacing  
27 demand for new rare earth materials, critical materials, and other  
28 conflict materials through the reuse and recycling of batteries; and
- 29 (g)(i) Which criteria of this chapter should apply to large  
30 format batteries in a manner that is identical to the requirements  
31 applicable to covered batteries;
- 32 (ii) Which criteria of this chapter should the department adopt  
33 by rule analogous, but not identical, criteria under section 17 of  
34 this act; and
- 35 (iii) Which criteria of this chapter should not apply to large  
36 format batteries in any manner.

37 (2) By October 1, 2026, the department of commerce must submit a  
38 report to the department and the appropriate committees of the  
39 legislature containing the findings of the assessment required in  
40 subsection (1) of this section.



1        NEW SECTION.        **Sec. 17.**        DEPARTMENT OF ECOLOGY RULE MAKING TO  
2 REQUIRE THE ESTABLISHMENT OF STEWARDSHIP PROGRAM PARTICIPATION  
3 REQUIREMENTS FOR LARGE FORMAT BATTERIES. (1) By January 1, 2029, the  
4 department may, but is not required to, adopt rules that require  
5 producers of large format batteries to participate in a stewardship  
6 program that substantially fulfills the types of requirements  
7 established for medium format batteries under this chapter,  
8 including:

9        (a) Requirements that producers of large format batteries  
10 participate in a plan in a manner comparable to the requirements of  
11 section 3 of this act;

12        (b) Requirements for retailers that are comparable to the  
13 requirements of section 4 of this act;

14        (c) Requirements for the submission of a battery stewardship plan  
15 to the department in a manner comparable to the requirements of  
16 section 5 of this act;

17        (d) Requirements for the establishment of performance goals,  
18 comparable to the requirements of section 6 of this act;

19        (e) Stewardship program funding requirements mostly analogous and  
20 comparable to the requirements of section 7 of this act;

21        (f) Battery collection and management requirements mostly  
22 analogous and comparable to the requirements of section 8 of this  
23 act;

24        (g) Education and outreach requirements mostly analogous and  
25 comparable to the requirements of section 9 of this act;

26        (h) Reporting requirements mostly analogous and comparable to the  
27 requirements of section 10 of this act; and

28        (i) Requirements to pay annual fees that are adequate to cover  
29 the department's full costs of implementing, administering, and  
30 enforcing this chapter that are mostly analogous and comparable to  
31 the requirements of section 11 of this act.

32        (2) Any rules adopted by the department under this section must  
33 require producers of large format batteries to participate in a  
34 stewardship program by no earlier than July 1, 2030.

35        (3) In adopting rules, the department must consider the results  
36 of the assessment by the department of commerce required under  
37 section 16 of this act and involve the expertise of the department's  
38 recycling development center created in chapter 70A.240 RCW.

39        (4) The department may delay or exclude categories of large  
40 format batteries, including categories of large format batteries that

1 are excluded from the definition of a covered battery in section 2 of  
2 this act, based on the results of the assessment by the department of  
3 commerce required under section 16 of this act, for some or all of  
4 the stewardship program participation requirements outlined in  
5 subsection (1) of this section, if the department determines that  
6 stewardship program requirements are infeasible for a category of  
7 large format battery due to:

8 (a) An existing industry or other battery management system  
9 exists for a category of large format batteries that currently  
10 attains a rate of collection that exceeds 95 percent of the number of  
11 that category of batteries sold in Washington each year, and the  
12 existing battery management system processes the batteries using  
13 environmentally sound management practices;

14 (b) If delay or exclusion from program participation requirements  
15 is necessary to protect human health or the environment; or

16 (c) Other factors determined by the department.

17 NEW SECTION. **Sec. 18.** ANTITRUST. Producers or battery  
18 stewardship organizations acting on behalf of producers that prepare,  
19 submit, and implement a battery stewardship program plan pursuant to  
20 this chapter and who are thereby subject to regulation by the  
21 department are granted immunity from state laws relating to  
22 antitrust, restraint of trade, unfair trade practices, and other  
23 regulation of trade and commerce, for the limited purpose of  
24 planning, reporting, and operating a battery stewardship program,  
25 including:

26 (1) The creation, implementation, or management of a battery  
27 stewardship organization and any battery stewardship plan regardless  
28 of whether it is submitted, denied, or approved;

29 (2) The cost and structure of a battery stewardship plan; and

30 (3) The types or quantities of batteries being recycled or  
31 otherwise managed pursuant to this chapter.

32 NEW SECTION. **Sec. 19.** A new section is added to chapter 70A.500  
33 RCW to read as follows:

34 (1) Organizations implementing approved plans under this chapter  
35 must credit any cost reductions associated with section 7(3)(c) of  
36 this act to the producers of covered electronic products associated  
37 with those batteries.

1 (2) Organizations implementing approved plans under this chapter  
2 that receive payment from or submit batteries to a battery  
3 stewardship organization created under chapter 70A.--- RCW (the new  
4 chapter created in section 22 of this act) must provide documentation  
5 upon request to the battery stewardship organization as necessary for  
6 the battery stewardship organization to fulfill its annual reporting  
7 obligation to the department under section 10 of this act.

8 **Sec. 20.** RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16  
9 are each reenacted and amended to read as follows:

10 (1) The hearings board shall only have jurisdiction to hear and  
11 decide appeals from the following decisions of the department, the  
12 director, local conservation districts, the air pollution control  
13 boards or authorities as established pursuant to chapter 70A.15 RCW,  
14 local health departments, the department of natural resources, the  
15 department of fish and wildlife, the parks and recreation commission,  
16 and authorized public entities described in chapter 79.100 RCW:

17 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
18 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070,  
19 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,  
20 70A.65.200, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600,  
21 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter  
22 70A.--- RCW (the new chapter created in section 22 of this act).

23 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
24 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070,  
25 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250,  
26 90.48.120, and 90.56.330 and chapter 70A.--- RCW (the new chapter  
27 created in section 22 of this act).

28 (c) Except as provided in RCW 90.03.210(2), the issuance,  
29 modification, or termination of any permit, certificate, or license  
30 by the department or any air authority in the exercise of its  
31 jurisdiction, including the issuance or termination of a waste  
32 disposal permit, the denial of an application for a waste disposal  
33 permit, the modification of the conditions or the terms of a waste  
34 disposal permit, or a decision to approve or deny an application for  
35 a solid waste permit exemption under RCW 70A.205.260.

36 (d) Decisions of local health departments regarding the grant or  
37 denial of solid waste permits pursuant to chapter 70A.205 RCW.

1 (e) Decisions of local health departments regarding the issuance  
2 and enforcement of permits to use or dispose of biosolids under RCW  
3 70A.226.090.

4 (f) Decisions of the department regarding waste-derived  
5 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
6 decisions of the department regarding waste-derived soil amendments  
7 under RCW 70A.205.145.

8 (g) Decisions of local conservation districts related to the  
9 denial of approval or denial of certification of a dairy nutrient  
10 management plan; conditions contained in a plan; application of any  
11 dairy nutrient management practices, standards, methods, and  
12 technologies to a particular dairy farm; and failure to adhere to the  
13 plan review and approval timelines in RCW 90.64.026.

14 (h) Any other decision by the department or an air authority  
15 which pursuant to law must be decided as an adjudicative proceeding  
16 under chapter 34.05 RCW.

17 (i) Decisions of the department of natural resources, the  
18 department of fish and wildlife, and the department that are  
19 reviewable under chapter 76.09 RCW, and the department of natural  
20 resources' appeals of county, city, or town objections under RCW  
21 76.09.050(7).

22 (j) Forest health hazard orders issued by the commissioner of  
23 public lands under RCW 76.06.180.

24 (k) Decisions of the department of fish and wildlife to issue,  
25 deny, condition, or modify a hydraulic project approval permit under  
26 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
27 comply, to issue a civil penalty, or to issue a notice of intent to  
28 disapprove applications.

29 (l) Decisions of the department of natural resources that are  
30 reviewable under RCW 78.44.270.

31 (m) Decisions of an authorized public entity under RCW 79.100.010  
32 to take temporary possession or custody of a vessel or to contest the  
33 amount of reimbursement owed that are reviewable by the hearings  
34 board under RCW 79.100.120.

35 (n) Decisions of the department of ecology that are appealable  
36 under RCW 70A.245.020 to set recycled minimum postconsumer content  
37 for covered products or to temporarily exclude types of covered  
38 products in plastic containers from minimum postconsumer recycled  
39 content requirements.

1 (2) The following hearings shall not be conducted by the hearings  
2 board:

3 (a) Hearings required by law to be conducted by the shorelines  
4 hearings board pursuant to chapter 90.58 RCW.

5 (b) Hearings conducted by the department pursuant to RCW  
6 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
7 70A.15.3110, and 90.44.180.

8 (c) Appeals of decisions by the department under RCW 90.03.110  
9 and 90.44.220.

10 (d) Hearings conducted by the department to adopt, modify, or  
11 repeal rules.

12 (3) Review of rules and regulations adopted by the hearings board  
13 shall be subject to review in accordance with the provisions of the  
14 administrative procedure act, chapter 34.05 RCW.

15 **Sec. 21.** RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17  
16 are each reenacted and amended to read as follows:

17 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
18 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050,  
19 70A.245.070, 70A.245.080, 70A.65.200, 88.46.090, 90.03.600,  
20 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and  
21 chapters 70A.355 and 70A.--- RCW (the new chapter created in section  
22 22 of this act) shall be imposed by a notice in writing, either by  
23 certified mail with return receipt requested or by personal service,  
24 to the person incurring the penalty from the department or the local  
25 air authority, describing the violation with reasonable  
26 particularity. For penalties issued by local air authorities, within  
27 thirty days after the notice is received, the person incurring the  
28 penalty may apply in writing to the authority for the remission or  
29 mitigation of the penalty. Upon receipt of the application, the  
30 authority may remit or mitigate the penalty upon whatever terms the  
31 authority in its discretion deems proper. The authority may ascertain  
32 the facts regarding all such applications in such reasonable manner  
33 and under such rules as it may deem proper and shall remit or  
34 mitigate the penalty only upon a demonstration of extraordinary  
35 circumstances such as the presence of information or factors not  
36 considered in setting the original penalty.

37 (2) Any penalty imposed under this section may be appealed to the  
38 pollution control hearings board in accordance with this chapter if  
39 the appeal is filed with the hearings board and served on the

1 department or authority thirty days after the date of receipt by the  
2 person penalized of the notice imposing the penalty or thirty days  
3 after the date of receipt of the notice of disposition by a local air  
4 authority of the application for relief from penalty.

5 (3) A penalty shall become due and payable on the later of:

6 (a) Thirty days after receipt of the notice imposing the penalty;

7 (b) Thirty days after receipt of the notice of disposition by a  
8 local air authority on application for relief from penalty, if such  
9 an application is made; or

10 (c) Thirty days after receipt of the notice of decision of the  
11 hearings board if the penalty is appealed.

12 (4) If the amount of any penalty is not paid to the department  
13 within thirty days after it becomes due and payable, the attorney  
14 general, upon request of the department, shall bring an action in the  
15 name of the state of Washington in the superior court of Thurston  
16 county, or of any county in which the violator does business, to  
17 recover the penalty. If the amount of the penalty is not paid to the  
18 authority within thirty days after it becomes due and payable, the  
19 authority may bring an action to recover the penalty in the superior  
20 court of the county of the authority's main office or of any county  
21 in which the violator does business. In these actions, the procedures  
22 and rules of evidence shall be the same as in an ordinary civil  
23 action.

24 (5) All penalties recovered shall be paid into the state treasury  
25 and credited to the general fund except those penalties imposed  
26 pursuant to RCW 18.104.155, which shall be credited to the  
27 reclamation account as provided in RCW 18.104.155(7), RCW  
28 70A.15.3160, the disposition of which shall be governed by that  
29 provision, RCW 70A.245.040 and 70A.245.050, which shall be credited  
30 to the recycling enhancement account created in RCW 70A.245.100, RCW  
31 70A.300.090, which shall be credited to the model toxics control  
32 operating account created in RCW 70A.305.180, RCW 70A.65.200, which  
33 shall be credited to the climate investment account created in RCW  
34 70A.65.250, RCW 90.56.330, which shall be credited to the coastal  
35 protection fund created by RCW 90.48.390, chapter 70A.--- RCW (the  
36 new chapter created in section 22 of this act), which shall be  
37 credited to the responsible battery management account created in  
38 section 13 of this act, and RCW 70A.355.070, which shall be credited  
39 to the underground storage tank account created by RCW 70A.355.090.

1        NEW SECTION.    **Sec. 22.**    CODIFICATION. Sections 1 through 18 of  
2 this act constitute a new chapter in Title 70A RCW.

3        NEW SECTION.    **Sec. 23.**    SEVERABILITY. If any provision of this  
4 act or its application to any person or circumstance is held invalid,  
5 the remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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