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Extended Producer Responsibility/Batteries: Washington State Enacts Legislation Providing for Environmental Management Measures

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The Washington State Legislature enacted, and the Governor signed SB 5144 which is titled:

An Act Relating to Providing for Responsible Environmental Management of Batteries

A key requirement of the legislation is its mandate that primary and rechargeable batteries be collected and recycled starting in 2027.

SB 5144 also requires that the Washington Department of Ecology submit to certain legislative committees by November 30, 2023, preliminary policy recommendations for the collection and management of electric vehicle batteries. Final policy recommendations must be provided to such committees by April 30, 2024.

A producer that does not participate in a battery stewardship organization and battery stewardship plan will be prohibited from selling covered batteries or battery-containing projects in or into the State of Washington.

The following terms are defined in the legislation:

- Covered battery
- Primary battery
- Medium format battery
- Battery-containing product
- Battery stewardship organizations

Certain batteries are specifically excluded from coverage.

Beginning July 1, 2027, for portable batteries, and July 1, 2029, for medium format batteries, retailers are prohibited from selling a covered battery or battery-containing product unless the batteries are marked consistent with program requirements. Further, the producer of the covered battery or battery-containing product must participate in a battery stewardship program whose plan has been approved by the Washington Department of Ecology. Producers of covered batteries and battery-containing products are required to certify to a retailer that they are participating in the program.

Stewardship plan components are detailed in the legislation.

Within six months of the rules adopted by the Washington Department of Ecology each battery stewardship organization is required to submit a plan for covered portable batteries to the state agency for approval. Within 24 months of rules adopted by the Washington Department of Ecology for medium format batteries, each stewardship organization if required to submit a plan for covered medium format batteries to the state agency for approval.

The legislation also requires that each battery stewardship plan include performance goals and have adequate funding.

Additional topics addressed in the legislation include:

- Collection and Management
- Education Outreach
- Reporting
- Proper Disposal Requirement
- Program Administration
- Penalties and Civil Actions
- Responsible Battery Management Account
- Assessment of Large Format Batteries and Other Batteries
- Recommendation for Electric Vehicle Batteries

A copy of SB 5144 can be downloaded [here](#).