
SUBSTITUTE HOUSE BILL 1550

State of Washington

69th Legislature

2025 Regular Session

By House Environment & Energy (originally sponsored by Representatives Street, Doglio, Mena, Hunt, Ramel, Berry, Reed, Duerr, Gregerson, Kloba, Paul, Parshley, Callan, Taylor, Ormsby, Pollet, Santos, Scott, Macri, and Hill)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to improving the end-of-life management of
2 electric vehicle batteries; amending RCW 70A.205.505 and 70A.555.010;
3 reenacting and amending RCW 43.21B.110 and 43.21B.300; 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.** (1) In addition to the findings described
7 in RCW 70A.555.005, the legislature finds that:

8 (a) In 2023, the legislature enacted producer responsibility
9 requirements for most types of smaller and medium-sized batteries,
10 but elected to further study how to best manage electric vehicle
11 batteries prior to establishing producer responsibility requirements
12 for such batteries;

13 (b) In January of 2024, the state of New Jersey enacted the
14 nation's first producer responsibility law focused on electric
15 vehicle batteries; and

16 (c) The state of California has taken important steps that will
17 facilitate electric vehicle battery recycling, including by
18 establishing requirements for electric vehicle battery labeling.

19 (2) Therefore, it is the intent of the legislature to make
20 producers responsible for the end-of-life management of electric
21 vehicle batteries, in order to ensure economically and

1 environmentally beneficial use of the valuable resources contained in
2 electric vehicle batteries.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly indicates
5 otherwise.

6 (1) "Auto recycler" means a person engaged in Washington in an
7 established business that includes acquiring vehicles that are
8 required to be registered under chapter 46.16A RCW for the purpose of
9 dismantling, wrecking, shredding, compacting, crushing, or otherwise
10 destroying vehicles for reclaimable parts or scrap material to sell.
11 "Auto recycler" shall be considered a secondary handler under this
12 chapter when managing propulsion batteries.

13 (2) "Battery" means a device consisting of one or more
14 electrically connected electrochemical cells that is designed to
15 receive, store, and deliver electric energy.

16 (3) (a) "Battery provider" means:

17 (i) A person that initially sells, offers for sale, or
18 distributes a new propulsion battery or a vehicle containing a new
19 propulsion battery in or into Washington, including vehicle
20 manufacturers licensed pursuant to applicable state codes or
21 propulsion battery manufacturers that distribute propulsion batteries
22 under their own name or brand;

23 (ii) The owner or licensee of a brand or trademark under which a
24 new propulsion battery is sold or distributed in or into Washington,
25 including a licensee with the exclusive right to use the trademark or
26 brand in connection with the distribution or sale of new propulsion
27 batteries;

28 (iii) If no person meets the criteria set forth in (a)(i) or (ii)
29 of this subsection, a battery provider is the person that imports the
30 new propulsion battery into the state for sale, distribution, or
31 installation; and

32 (iv) If no other person meets the criteria set forth in (a)(i),
33 (ii), or (iii) of this subsection, the distributor, retailer, dealer,
34 or wholesaler that sells or distributes the new propulsion battery in
35 or into Washington. The sale of a propulsion battery is considered to
36 occur in Washington if the battery, or the vehicle containing the
37 battery, is delivered to a licensed dealer or directly to the
38 consumer in Washington.

39 (b) "Battery provider" does not include:

1 (i) A secondary handler who sells, offers for sale, or
2 distributes a used propulsion battery in or into the state for use in
3 a vehicle; or

4 (ii) A vehicle wrecker.

5 (4) "Battery state of health" means a figure of merit, measured
6 in kilowatt-hours or percentage of remaining kilowatt-hours as
7 compared to its initial capacity, comparing the propulsion battery's
8 remaining energy retention capacity to its original specifications
9 when it was new.

10 (5) "Commercial hauler" means a person transporting solid waste
11 for hire by whatever means for the purpose of transferring,
12 processing, storing, or disposing of the solid waste in a solid waste
13 handling facility, except that "commercial hauler" does not include a
14 person transporting solid waste generated on the person's residential
15 or business premises for the purpose of disposing of it in a solid
16 waste handling facility.

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

18 (7) "End-of-life" means the stage at which a propulsion battery
19 is no longer suitable for powering a vehicle and will be evaluated by
20 a secondary handler or secondary user for reuse, remanufacture,
21 repair, repurpose, or recycling;

22 (8) "Orphaned battery" means a propulsion battery that does not
23 have a viable battery provider or other responsible entity under this
24 chapter.

25 (9)(a) "Propulsion battery" means a battery with the primary
26 original intended purpose of supplying power to propel an electric or
27 hybrid vehicle.

28 (b) "Propulsion battery" does not include:

29 (i) An auxiliary battery or other low-voltage battery providing
30 backup or secondary power in a vehicle;

31 (ii) A battery used to start an internal combustion engine;

32 (iii) A battery subject to the provisions of RCW 70A.205.505
33 through 70A.205.530.

34 (10) "Propulsion battery management hierarchy" means the
35 preference for auto recyclers, secondary handlers, secondary users,
36 or battery providers to first strive to reuse, repair, or
37 remanufacture batteries when possible and cost-effective before
38 management via a specialized battery recycler.

39 (11) "Remanufacture" means a repair or modification to a
40 propulsion battery that results in the complete battery, or any

1 battery modules or battery cells in the propulsion battery, being
2 used for the same purpose or application for which the battery was
3 originally designed.

4 (12) "Repurpose" means the use of a propulsion battery or any
5 battery modules or battery cells in the propulsion battery to store
6 and supply electricity in a manner other than its primary intended
7 purpose.

8 (13) "Reuse" means the use of a propulsion battery in another
9 vehicle from the same manufacturer, which does not require
10 modification to the battery.

11 (14) "Secondary handler" means a commercial entity that takes
12 possession of a used propulsion battery:

13 (a) To sort, reuse, repair, or remanufacture; or

14 (b) To prepare the battery for:

15 (i) Repurposing by a secondary user; or

16 (ii) End-of-life management by a specialized battery recycler.

17 (15) "Secondary user" means a commercial entity that repurposes a
18 used propulsion battery.

19 (16) "Solid waste" has the same meaning as provided in RCW
20 70A.205.015.

21 (17) "Solid waste collection company" has the same meaning as
22 defined in RCW 81.77.010.

23 (18) "Solid waste handling facility" means a facility that
24 engages in solid waste handling as that activity is defined in RCW
25 70A.205.015.

26 (19)(a) "Specialized battery recycler" means an entity or
27 facility that is authorized by the department or an equivalent agency
28 in another state to:

29 (i) Extract and separate end-of-life propulsion battery elements
30 that include:

31 (A) Intermediate fraction from the thermal or mechanical
32 treatment of waste batteries; and

33 (B) Components, including lithium compounds, cobalt, nickel,
34 copper, aluminum, iron, manganese, and graphite, and send the
35 material for further processing or refining prior to sending them to
36 another specialized battery recycler; or

37 (ii) Refine end-of-life propulsion batteries or the materials
38 listed in (a)(i) of this subsection to useable battery materials.

39 (b) "Specialized battery recycler" does not include entities that
40 are only engaged in the collection or logistics of moving materials

1 for recycling or whose primary method of battery recycling is done by
2 smelting.

3 (20) "Spent battery" means a propulsion battery for which costs
4 associated with reuse, repurposing, remanufacturing, or recycling the
5 battery present a burden for the secondary handler or secondary user
6 that has removed the battery from the vehicle.

7 (21) "Vehicle" has the same meaning as in RCW 46.04.670.

8 (22) "Vehicle wrecker" has the same meaning as in RCW 46.80.010.

9 NEW SECTION. **Sec. 3.** (1) Beginning June 1, 2029, solid waste
10 collection company or solid waste handling facility must not
11 knowingly accept for disposal a propulsion battery, or any module or
12 cell of such a battery, or a truckload or roll-off container of solid
13 waste containing a propulsion battery, or any module or cell of such
14 a battery.

15 (2) The owner or operator of a solid waste handling facility may
16 refuse to accept for disposal a propulsion battery, or any module or
17 cell of such a battery, or any truckload or roll-off container of
18 solid waste containing a propulsion battery, or any module or cell of
19 such a battery.

20 NEW SECTION. **Sec. 4.** (1) The responsible entity for a spent
21 battery shall be the battery provider, unless a secondary handler or
22 secondary user has modified the battery for a use other than in a
23 vehicle. In that case, the responsible entity shall be the last party
24 that modified the battery. The responsible entity is responsible for
25 end-of-life treatment for a spent battery under this chapter.

26 (2) For a propulsion battery that does not otherwise have a
27 responsible entity under this chapter, the responsible entity is the
28 battery provider.

29 (3) A propulsion battery for which there is no battery provider
30 or other responsible entity must be managed under the plan approved
31 by the department under section 6(8) of this act.

32 NEW SECTION. **Sec. 5.** (1) Upon repurposing or remanufacturing a
33 propulsion battery for use other than in a vehicle, a secondary user
34 or secondary handler is the responsible entity for the end-of-life
35 battery management of the spent battery.

36 (2) If a secondary handler or a secondary user identifies a
37 propulsion battery as a spent battery upon taking initial possession

1 of the battery, the secondary handler or secondary user shall use the
2 labeling to identify either the battery provider or the last entity
3 to have modified the battery for use other than in a vehicle as the
4 responsible entity for that spent battery. The secondary handler or
5 secondary user shall notify the responsible entity, who shall collect
6 the spent battery and transport the battery at no cost to the
7 secondary handler or secondary user.

8 (3) For a propulsion battery that is unable to be further reused,
9 repurposed, or remanufactured, a secondary handler or secondary user
10 shall coordinate with a specialized battery recycler for end-of-life
11 management to ensure compliance with the requirements of this
12 chapter. When a battery provider acts as a secondary handler or
13 secondary user, the battery provider is subject to the
14 responsibilities of a secondary handler or secondary user pursuant to
15 this section.

16 (4) If a secondary handler or secondary user modifies a
17 propulsion battery, the secondary handler or secondary user must
18 provide updated labeling or other means of communication that
19 identifies the secondary handler or secondary user as the responsible
20 entity for the modified battery in a vehicle, prior to selling or
21 supplying the battery or a vehicle containing the battery to another
22 person. A secondary handler or secondary user becomes responsible for
23 ensuring spent batteries are handled in accordance with this chapter
24 when the secondary handler or secondary user modifies a propulsion
25 battery.

26 (5) By January 1, 2026, each battery provider must register with
27 the department. On or before April 1, 2029, and by April 1st of each
28 year thereafter, each secondary user and secondary handler shall
29 submit an annual report to the department containing the following
30 information regarding the secondary handler's or secondary user's
31 operations for the prior calendar year, if applicable:

32 (a) The total volume of propulsion batteries each secondary user
33 procured;

34 (b) Identification of all auto recyclers or vehicle wreckers
35 involved in propulsion battery collections;

36 (c) A brief overview of methods used to transport used propulsion
37 batteries;

38 (d) The total volume of propulsion batteries reused;

39 (e) A brief overview of processes used for reuse of propulsion
40 batteries;

- 1 (f) The total volume of propulsion batteries repurposed;
- 2 (g) A brief overview of processes used to repurpose propulsion
3 batteries;
- 4 (h) The total volume of propulsion batteries remanufactured;
- 5 (i) A brief overview of processes used to remanufacture
6 propulsion batteries;
- 7 (j) The total volume of propulsion batteries sent to a
8 specialized battery recycler;
- 9 (k) The volume of spent batteries that secondary handlers and
10 secondary users contacted battery providers to pick up;
- 11 (l) An attestation, supported by documentation, that the
12 secondary handler or secondary user has managed all propulsion
13 batteries, including orphaned batteries, through reuse,
14 remanufacture, repurpose, or responsible end-of-life recycling
15 meeting the requirements of this chapter, and that managed batteries
16 have not knowingly been subject to prohibited landfilling,
17 incineration, or smelting under this chapter;
- 18 (m) Other information required by the department by rule.
- 19 (6) Upon taking possession of a propulsion battery, a secondary
20 handler or secondary user must manage the propulsion battery in
21 accordance with the propulsion battery management hierarchy.

22 NEW SECTION. **Sec. 6.** (1) By January 1, 2026, each battery
23 provider must register with the department.

24 (2) A battery provider shall:

25 (a) Upon receiving notification from an auto recycler, licensed
26 vehicle wrecker, or other person regarding a spent battery, be
27 responsible for retrieving the battery in a timely and safe manner
28 and be responsible for all costs of collecting and transporting the
29 spent battery at no cost to the auto recycler, licensed vehicle
30 wrecker, or other person;

31 (b) Ensure the responsible end-of-life management of a propulsion
32 battery that is:

33 (i) Removed from a vehicle still in service while under warranty,
34 in accordance with state and federal laws; or

35 (ii) Returned directly to the battery provider; and

36 (c) Coordinate with specialized battery recyclers for the
37 responsible end-of-life management of propulsion batteries if
38 recycling is the only viable second-life application available for a
39 propulsion battery, to ensure compliance with this chapter.

1 (3) To satisfy the requirement for the responsible end-of-life
2 management of a propulsion battery under subsection (2)(c) of this
3 section, a battery provider may only coordinate with or otherwise
4 provide a battery to a specialized battery recycler that uses best
5 available technology for resource recovery enhancement and
6 environmental impact minimization and that, at minimum, achieves the
7 following yearly average recycling efficiency for materials when
8 contained in a propulsion battery:

9 (a) By December 31, 2029, recovery of at least:

10 (i) 85 percent for cobalt;

11 (ii) 90 percent for copper;

12 (iii) 50 percent for lithium;

13 (iv) 85 percent for nickel; and

14 (v) Any other recovery rate for an additional battery material
15 contained in the propulsion battery, as adopted by the department by
16 rule; and

17 (b) By December 31, 2031, recovery of at least:

18 (i) 90 percent for cobalt;

19 (ii) 95 percent for copper;

20 (iii) 80 percent for lithium;

21 (iv) 90 percent for nickel; and

22 (v) Any other recovery rate for an additional battery material
23 contained in the propulsion battery, as adopted by the department by
24 rule.

25 (4) A battery provider shall ensure that a propulsion battery
26 sold in Washington while embedded in a vehicle shall have easily
27 interpretable and accessible battery state of health data:

28 (a) While the battery is inside the vehicle; and

29 (b) When the battery has been removed from the vehicle for the
30 purpose of facilitating the potential reuse, repurposing, or
31 remanufacture of the battery.

32 (5) For the purpose of facilitating the potential reuse,
33 repurposing, or remanufacture of a battery, a battery provider must
34 either, in conjunction with the accessible battery state of health
35 information under subsection (4) of this section or upon request by a
36 secondary handler or secondary user, make available to a secondary
37 handler or secondary user data regarding a battery's temperature,
38 voltage, charging rates, and faults, to the maximum extent
39 practicable. For purposes of complying with the requirements of this
40 subsection, a battery provider has the option to either provide the

1 required information directly to a secondary handler or secondary
2 user or may choose to allow a licensed tool or testing company to
3 provide the service to the secondary handler or secondary user.

4 (6) A battery provider ceases to be the responsible entity for a
5 remanufactured or repurposed propulsion battery unless the battery
6 provider has performed the remanufacturing or repurposing or has
7 agreed to accept responsibility for such liability by contract.

8 (7) If a vehicle containing a propulsion battery originally sold
9 in Washington is retired out of state, it is not subject to the
10 requirements of this chapter.

11 (8) Each battery provider must, individually or in coordination
12 with other battery providers, submit a plan to the department by
13 January 1, 2029, addressing how the requirements of this chapter will
14 be met for a propulsion battery for which a battery provider or other
15 responsible entity no longer exists. The department may, by rule,
16 establish the criteria for plans submitted under this subsection. The
17 department must approve a plan submitted under this subsection that
18 adequately provides for the management of such batteries consistent
19 with the requirements of this chapter.

20 (9) On or before April 1, 2029, and by April 1st of each year
21 thereafter, each battery provider shall submit an annual report to
22 the department containing the following information regarding the
23 battery provider's operations for the prior calendar year:

24 (a) The total volume of propulsion batteries managed at end-of-
25 life;

26 (b) The total volume of propulsion batteries managed by
27 specialized battery recyclers in accordance with this chapter;

28 (c) The total volume of propulsion batteries procured in the
29 following categories:

30 (i) Batteries acquired from auto recyclers or licensed vehicle
31 wreckers; and

32 (ii) Batteries procured from other sources;

33 (d) The total volume of propulsion batteries each battery
34 provider procured;

35 (e) A brief overview of methods used to transport used propulsion
36 batteries;

37 (f) The total volume of propulsion batteries reused;

38 (g) A brief overview of processes used for reuse of propulsion
39 batteries;

40 (h) The total volume of propulsion batteries repurposed;

- 1 (i) A brief overview of processes used to repurpose propulsion
2 batteries;
- 3 (j) The total volume of propulsion batteries remanufactured;
- 4 (k) A brief overview of processes used to remanufacture
5 propulsion batteries;
- 6 (l) The total volume of propulsion batteries sent to a
7 specialized battery recycler;
- 8 (m) The volume of spent batteries that secondary handlers and
9 secondary users contacted battery providers to pick up;
- 10 (n) An attestation, supported by documentation, that the battery
11 provider has managed all propulsion batteries, including orphaned
12 batteries, through reuse, remanufacture, repurpose, or responsible
13 end-of-life recycling meeting the requirements of this chapter, and
14 that managed batteries have not knowingly been subject to prohibited
15 landfilling, incineration, or smelting under this chapter; and
- 16 (o) Other information required by the department by rule.
- 17 (10) Nothing in this chapter requires a battery considered to
18 have reached its end-of-life for purposes of this chapter to be
19 treated as waste for purposes of chapter 70A.205 or 70A.300 RCW.

20 NEW SECTION. **Sec. 7.** By January 1, 2026, each specialized
21 battery recycler must register with the department. On or before
22 April 1, 2029, and by April 1st of each year thereafter, each
23 specialized battery recycler doing business in Washington shall
24 submit an annual report to the department containing the following
25 information regarding the specialized battery recycler's operations
26 for the prior calendar year:

- 27 (1) The total volume of propulsion batteries the specialized
28 battery recycler has procured;
- 29 (2) The total volume of propulsion batteries recycled;
- 30 (3) The recovery rates of lithium, nickel, cobalt, copper,
31 aluminum graphite, and other materials, as applicable; and
- 32 (4) Other information required by the department by rule.

33 NEW SECTION. **Sec. 8.** A person that is not a battery provider,
34 secondary handler, or secondary user seeking to discard a vehicle
35 propulsion battery shall:

- 36 (1) Return the propulsion battery or the vehicle containing the
37 vehicle propulsion battery to the responsible entity or notify the

1 responsible entity and coordinate timely and safe pickup of the
2 battery to be done by the responsible entity; or

3 (2) Sell or transfer the propulsion battery or the vehicle
4 containing the vehicle propulsion battery to a secondary handler,
5 secondary user, or specialized battery recycler.

6 NEW SECTION. **Sec. 9.** The department shall:

7 (1) Notify secondary handlers, secondary users, commercial
8 haulers, and solid waste handling facilities of the prohibition on
9 disposing of propulsion batteries in landfills and that auto
10 recyclers can contact the responsible entity to take responsibility
11 for spent batteries;

12 (2) Determine how to proceed if the federal government passes
13 laws or publishes regulations pertaining to propulsion batteries that
14 may impact the requirements outlined in this chapter and review,
15 evaluate, and compare the federal requirements to those provided for
16 in that act;

17 (3) Revise applicable administrative rules to ensure compliance
18 with federal standards and achieve greater efficiency and
19 feasibility; and

20 (4) Determine and enforce violations, administrative compliance
21 cost recovery, and penalties for battery providers, specialized
22 battery recyclers, secondary handlers, and secondary users that
23 violate the provisions of this chapter or fail to meet the
24 requirements outlined in this chapter.

25 NEW SECTION. **Sec. 10.** (1) A consumer may not be charged a
26 specific point-of-sale fee to cover the administrative or operative
27 costs associated with propulsion battery management requirements
28 under this chapter.

29 (2) A fee may not be charged at the time a propulsion battery is
30 delivered to a battery provider, secondary handler, or secondary user
31 for management.

32 NEW SECTION. **Sec. 11.** (1) By June 30, 2026, each battery
33 provider registered with the department must submit a one-time
34 payment to the department, in an amount determined by the department,
35 to cover the costs of the department under this chapter from the
36 effective date of this section through June 30, 2027. Until rules are
37 adopted by the department, the department may issue a general order

1 to each battery provider regarding the payment required under this
2 subsection. The department may require a battery provider to submit
3 information, such as sales data, that is necessary for the department
4 to equitably impose fees under this section.

5 (2) By March 31, 2027, and each March 31st thereafter, the
6 department must determine the total annual registration fee to be
7 paid by each battery provider that is adequate to cover, but not
8 exceed, the costs to implement, administer, and enforce this chapter
9 in the next fiscal year. The department must consider the
10 availability of any funds submitted under subsection (1) or (3) of
11 this section in determining the annual registration fee, and must:

12 (a) Apply any remaining fee payment funds from the current year
13 to the annual fee for the coming fiscal year, if the collected annual
14 fee exceeds the costs of the department to implement, administer, and
15 enforce this chapter for a given year; and

16 (b) Increase annual fees for the coming fiscal year to cover the
17 costs of the department to implement, administer, and enforce this
18 chapter, if the collected annual fee was less than the amount
19 required to cover those costs for a given year.

20 (3) By June 30, 2027, and each June 30th thereafter, each battery
21 provider must submit an annual registration fee in an amount
22 consistent with the department's fee determination under subsection
23 (2) of this section.

24 (4) Fees received under this section must be deposited in the
25 electric vehicle battery recycling account created in section 12 of
26 this act.

27 NEW SECTION. **Sec. 12.** The electric vehicle battery recycling
28 account is created in the custody of the state treasurer. All fee
29 payments received by the department under this chapter must be
30 deposited in the account. Only the director of the department or the
31 director's designee may authorize expenditures from the account. The
32 account is subject to the allotment procedures under chapter 43.88
33 RCW, but an appropriation is not required for expenditures.
34 Expenditures from the account may be used by the department only for
35 implementing, administering, and enforcing the requirements of this
36 chapter. It is the intent of the legislature that the portion of
37 payments received in 2026 for the costs of the department be
38 transferred to whichever state account was used to cover the costs of

1 the department prior to the payment of the producer responsibility
2 organization fee in 2026.

3 NEW SECTION. **Sec. 13.** (1)(a) The department may
4 administratively impose a civil penalty on a person who violates this
5 chapter in an amount of up to \$1,000 per violation per day.

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

10 (c) Whenever on the basis of any information the department
11 determines that a person has violated or is in violation of this
12 chapter, the department may issue an order requiring compliance. A
13 person who fails to take corrective action as specified in a
14 compliance order is liable for a civil penalty as provided in (b) of
15 this subsection, without receiving a written warning prescribed in
16 (e) of this subsection.

17 (d) Penalties and orders incurred under this section may be
18 appealed to the pollution control hearings board created in chapter
19 43.21B RCW.

20 (e) Prior to imposing penalties under this section, the
21 department must provide a person with a written warning for the first
22 violation. The written warning must inform the person regarding the
23 obligation to come into compliance with the requirements of this
24 chapter within 30 days of the notice. A person that violates a
25 provision of this chapter after the initial warning may be assessed a
26 penalty as provided in this subsection.

27 (f) Penalties imposed under this section must be deposited into
28 the model toxics control operating account created in RCW
29 70A.305.180.

30 (2) The department has the right to enter, at any time during
31 normal business hours and upon presentation of appropriate
32 credentials, the premises of a recycling center, vehicle recycler, or
33 battery provider to determine compliance with this chapter.

34 NEW SECTION. **Sec. 14.** (1) The department must adopt rules as
35 necessary to implement, administer, and enforce this chapter by
36 December 31, 2028.

1 (2) Under rules adopted by the department, the requirements of
2 this chapter must begin on January 1, 2029, except as otherwise
3 specified in this chapter.

4 (3) Under rules adopted by the department, registration and
5 reporting requirements applicable to battery providers, secondary
6 users, secondary handlers, auto recyclers, and licensed vehicle
7 wreckers must all rely on a standardized online form made available
8 by the department to reporting entities. A battery provider who is
9 also acting as a secondary handler or secondary user can file a
10 single registration and annual report that meets all the requirements
11 laid out in this chapter.

12 **Sec. 15.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and
13 2024 c 339 s 16 are each reenacted and amended to read as follows:

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

21 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
22 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
23 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100,
24 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040,
25 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,
26 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020,
27 70A.565.030, section 13 of this act, 76.09.170, 77.55.440, 78.44.250,
28 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
29 90.64.102.

30 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
31 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
32 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,
33 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,
34 70A.565.030, section 13 of this act, 86.16.020, 88.46.070, 90.03.665,
35 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

36 (c) Except as provided in RCW 90.03.210(2), the issuance,
37 modification, or termination of any permit, certificate, or license
38 by the department or any air authority in the exercise of its
39 jurisdiction, including the issuance or termination of a waste

1 disposal permit, the denial of an application for a waste disposal
2 permit, the modification of the conditions or the terms of a waste
3 disposal permit, a decision to approve or deny a solid waste
4 management plan under RCW 70A.205.055, approval or denial of an
5 application for a beneficial use determination under RCW 70A.205.260,
6 an application for a change under RCW 90.03.383, or a permit to
7 distribute reclaimed water under RCW 90.46.220.

8 (d) Decisions of local health departments regarding the granting
9 or denial of solid waste permits pursuant to chapter 70A.205 RCW,
10 including appeals by the department as provided in RCW 70A.205.130.

11 (e) Decisions of local health departments regarding the issuance
12 and enforcement of permits to use or dispose of biosolids under RCW
13 70A.226.090.

14 (f) Decisions of the department regarding waste-derived
15 fertilizer or micronutrient fertilizer under RCW 15.54.820.

16 (g) Decisions of local conservation districts related to the
17 denial of approval or denial of certification of a dairy nutrient
18 management plan; conditions contained in a plan; application of any
19 dairy nutrient management practices, standards, methods, and
20 technologies to a particular dairy farm; and failure to adhere to the
21 plan review and approval timelines in RCW 90.64.026 as provided in
22 RCW 90.64.028.

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

26 (i) Decisions of the department of natural resources, the
27 department of fish and wildlife, and the department that are
28 reviewable under chapter 76.09 RCW, and the department of natural
29 resources' appeals of county, city, or town objections under RCW
30 76.09.050(7).

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

33 (k) Decisions of the department of fish and wildlife to issue,
34 deny, condition, or modify a hydraulic project approval permit under
35 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
36 comply, to issue a civil penalty, or to issue a notice of intent to
37 disapprove applications.

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

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

5 (n) Decisions of the department of ecology that are appealable
6 under RCW 70A.245.020 to set recycled minimum postconsumer content
7 for covered products or to temporarily exclude types of covered
8 products in plastic containers from minimum postconsumer recycled
9 content requirements.

10 (o) Orders by the department of ecology under RCW 70A.455.080.

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

13 (a) Hearings required by law to be conducted by the shorelines
14 hearings board pursuant to chapter 90.58 RCW, except where appeals to
15 the pollution control hearings board and appeals to the shorelines
16 hearings board have been consolidated pursuant to RCW 43.21B.340.

17 (b) Hearings conducted by the department pursuant to RCW
18 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
19 70A.15.3110, and 90.44.180.

20 (c) Appeals of decisions by the department under RCW 90.03.110
21 and 90.44.220.

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

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

27 **Sec. 16.** RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5
28 are each reenacted and amended to read as follows:

29 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,
30 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040,
31 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,
32 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110,
33 70A.555.110, 70A.560.020, 70A.565.030, section 13 of this act,
34 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,
35 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by
36 a notice in writing, either by certified mail with return receipt
37 requested or by personal service, to the person incurring the penalty
38 from the department or the local air authority, describing the
39 violation with reasonable particularity. For penalties issued by

1 local air authorities, within 30 days after the notice is received,
2 the person incurring the penalty may apply in writing to the
3 authority for the remission or mitigation of the penalty. Upon
4 receipt of the application, the authority may remit or mitigate the
5 penalty upon whatever terms the authority in its discretion deems
6 proper. The authority may ascertain the facts regarding all such
7 applications in such reasonable manner and under such rules as it may
8 deem proper and shall remit or mitigate the penalty only upon a
9 demonstration of extraordinary circumstances such as the presence of
10 information or factors not considered in setting the original
11 penalty.

12 (2) Any penalty imposed under this section may be appealed to the
13 pollution control hearings board in accordance with this chapter if
14 the appeal is filed with the hearings board and served on the
15 department or authority 30 days after the date of receipt by the
16 person penalized of the notice imposing the penalty or 30 days after
17 the date of receipt of the notice of disposition by a local air
18 authority of the application for relief from penalty.

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

20 (a) 30 days after receipt of the notice imposing the penalty;

21 (b) 30 days after receipt of the notice of disposition by a local
22 air authority on application for relief from penalty, if such an
23 application is made; or

24 (c) 30 days after receipt of the notice of decision of the
25 hearings board if the penalty is appealed.

26 (4) If the amount of any penalty is not paid to the department
27 within 30 days after it becomes due and payable, the attorney
28 general, upon request of the department, shall bring an action in the
29 name of the state of Washington in the superior court of Thurston
30 county, or of any county in which the violator does business, to
31 recover the penalty. If the amount of the penalty is not paid to the
32 authority within 30 days after it becomes due and payable, the
33 authority may bring an action to recover the penalty in the superior
34 court of the county of the authority's main office or of any county
35 in which the violator does business. In these actions, the procedures
36 and rules of evidence shall be the same as in an ordinary civil
37 action.

38 (5) All penalties recovered shall be paid into the state treasury
39 and credited to the general fund except the following:

1 (a) Penalties imposed pursuant to RCW 18.104.155 must be credited
2 to the reclamation account as provided in RCW 18.104.155(7);

3 (b) Penalties imposed pursuant to RCW 70A.15.3160 must be
4 disposed of pursuant to RCW 70A.15.3160;

5 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,
6 70A.430.070, 70A.555.110, ~~((and))~~ 70A.560.020, and section 13 of this
7 act must be credited to the model toxics control operating account
8 created in RCW 70A.305.180;

9 (d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050
10 must be credited to the recycling enhancement account created in RCW
11 70A.245.100;

12 (e) Penalties imposed pursuant to RCW 70A.500.260 must be
13 deposited into the electronic products recycling account created in
14 RCW 70A.500.130;

15 (f) Penalties imposed pursuant to RCW 70A.65.200 must be credited
16 to the climate investment account created in RCW 70A.65.250;

17 (g) Penalties imposed pursuant to RCW 90.56.330 must be credited
18 to the coastal protection fund established in RCW 90.48.390; and

19 (h) Penalties imposed pursuant to RCW 70A.355.070 must be
20 credited to the underground storage tank account created in RCW
21 70A.355.090.

22 **Sec. 17.** RCW 70A.205.505 and 2020 c 20 s 1197 are each amended
23 to read as follows:

24 (1) No person may knowingly dispose of a vehicle battery except
25 by delivery to: A person or entity selling lead acid batteries, a
26 person or entity authorized by the department to accept the battery,
27 or to a secondary lead smelter.

28 (2) No owner or operator of a solid waste disposal site shall
29 knowingly accept for disposal used vehicle batteries except when
30 authorized to do so by the department or by the federal government.

31 (3) Any person who violates this section shall be subject to a
32 fine of up to ~~((one thousand dollars))~~ \$1,000. Each battery will
33 constitute a separate violation. Nothing in this section and RCW
34 70A.205.510 through 70A.205.530 shall supersede the provisions under
35 chapter 70A.300 RCW.

36 (4) ~~((For purposes of this section and RCW 70A.205.510 through~~
37 ~~70A.205.530, "vehicle))~~ The definitions in this subsection apply
38 throughout this section and RCW 70A.205.510 through 70A.205.530
39 unless the context clearly requires otherwise.

1 (a) "Vehicle battery" means batteries capable for use in any
2 vehicle, having a core consisting of elemental lead, and a capacity
3 of six or more volts; and

4 (b) "Vehicle battery" does not include a "propulsion battery" as
5 defined in section 2 of this act.

6 **Sec. 18.** RCW 70A.555.010 and 2023 c 434 s 2 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1)(a) "Battery-containing product" means a product that contains
11 or is packaged with rechargeable or primary batteries that are
12 covered batteries.

13 (b) A "battery-containing product" does not include a covered
14 electronic product under an approved plan implemented under chapter
15 70A.500 RCW.

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

18 (a) Waste prevention and reduction;

19 (b) Reuse, when reuse is appropriate;

20 (c) Recycling, as defined in this chapter; and

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

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

30 (4) "Collection rate" means a percentage, by weight, that a
31 battery stewardship organization collects that is calculated by
32 dividing the total weight of primary and rechargeable batteries
33 collected during the previous calendar year by the average annual
34 weight of primary and rechargeable batteries that were estimated to
35 have been sold in the state by all producers participating in an
36 approved battery stewardship plan during the previous three calendar
37 years.

38 (5)(a) "Covered battery" means a portable battery or, beginning
39 January 1, 2029, a medium format battery.

1 (b) "Covered battery" does not include:
2 (i) A battery contained within a medical device, as specified in
3 Title 21 U.S.C. Sec. 321(h) as it existed as of July 23, 2023, that
4 is not designed and marketed for sale or resale principally to
5 consumers for personal use;
6 (ii) A battery that contains an electrolyte as a free liquid;
7 (iii) A lead acid battery weighing greater than 11 pounds;
8 (iv) A battery subject to the provisions of RCW 70A.205.505
9 through 70A.205.530; (~~and~~)
10 (v) A battery in a battery-containing product that is not
11 intended or designed to be easily removable from the battery-
12 containing product; and
13 (vi) A "propulsion battery" as defined in section 2 of this act.
14 (6) "Department" means the department of ecology.
15 (7) "Easily removable" means designed by the manufacturer to be
16 removable by the user of the product with no more than commonly used
17 household tools.
18 (8) "Environmentally sound management practices" means practices
19 that: (a) Comply with all applicable laws and rules to protect
20 workers, public health, and the environment; (b) provide for adequate
21 recordkeeping, tracking, and documenting of the fate of materials
22 within the state and beyond; and (c) include comprehensive liability
23 coverage for the battery stewardship organization, including
24 environmental liability coverage that is commercially practicable.
25 (9) "Final disposition" means the final processing of a collected
26 battery to produce usable end products, at the point where the
27 battery has been reduced to its constituent parts, reusable portions
28 made available for use, and any residues handled as wastes in
29 accordance with applicable law.
30 (10) (a) "Large format battery" means:
31 ~~((a))~~ (i) A rechargeable battery that weighs more than 25
32 pounds or has a rating of more than 2,000 watt-hours; or
33 ~~((b))~~ (ii) A primary battery that weighs more than 25 pounds.
34 (b) "Large format battery" does not include a propulsion battery
35 as defined in section 2 of this act.
36 (11) "Medium format battery" means the following primary or
37 rechargeable covered batteries:
38 (a) For rechargeable batteries, a battery weighing more than 11
39 pounds or has a rating of more than 300 watt-hours, or both, and no

1 more than 25 pounds and has a rating of no more than 2,000 watt-
2 hours;

3 (b) For primary batteries, a battery weighing more than 4.4
4 pounds but not more than 25 pounds.

5 (12) "Portable battery" means the following primary or
6 rechargeable covered batteries:

7 (a) For rechargeable batteries, a battery weighing no more than
8 11 pounds and has a rating of no more than 300 watt-hours;

9 (b) For primary batteries, a battery weighing no more than 4.4
10 pounds.

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

13 (14)(a) "Producer" means the following person responsible for
14 compliance with requirements under this chapter for a covered battery
15 or battery-containing product sold, offered for sale, or distributed
16 in or into this state:

17 (i) For covered batteries:

18 (A) If the battery is sold under the brand of the battery
19 manufacturer, the producer is the person that manufactures the
20 battery;

21 (B) If the battery is sold under a retail brand or under a brand
22 owned by a person other than the manufacturer, the producer is the
23 brand owner;

24 (C) If there is no person to which (a)(i)(A) or (B) of this
25 subsection applies, the producer is the person that is the licensee
26 of a brand or trademark under which the battery is used in a
27 commercial enterprise, sold, offered for sale, or distributed in or
28 into this state, whether or not the trademark is registered in this
29 state;

30 (D) If there is no person described in (a)(i)(A) through (C) of
31 this subsection within the United States, the producer is the person
32 who is the importer of record for the battery into the United States
33 for use in a commercial enterprise that sells, offers for sale, or
34 distributes the battery in this state;

35 (E) If there is no person described in (a)(i)(A) through (D) of
36 this subsection with a commercial presence within the state, the
37 producer is the person who first sells, offers for sale, or
38 distributes the battery in or into this state.

39 (ii) For covered battery-containing products:

1 (A) If the battery-containing product is sold under the brand of
2 the product manufacturer, the producer is the person that
3 manufactures the product;

4 (B) If the battery-containing product is sold under a retail
5 brand or under a brand owned by a person other than the manufacturer,
6 the producer is the brand owner;

7 (C) If there is no person to which (a)(ii)(A) or (B) of this
8 subsection applies, the producer is the person that is the licensee
9 of a brand or trademark under which the product is used in a
10 commercial enterprise, sold, offered for sale, or distributed in or
11 into this state, whether or not the trademark is registered in this
12 state;

13 (D) If there is no person described in (a)(ii)(A) through (C) of
14 this subsection within the United States, the producer is the person
15 who is the importer of record for the product into the United States
16 for use in a commercial enterprise that sells, offers for sale, or
17 distributes the product in this state;

18 (E) If there is no person described in (a)(ii)(A) through (D) of
19 this subsection with a commercial presence within the state, the
20 producer is the person who first sells, offers for sale, or
21 distributes the product in or into this state;

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

32 (b) A person is the "producer" of a covered battery or covered
33 battery-containing product sold, offered for sale, or distributed in
34 or into this state, as defined in (a) of this subsection, except
35 where another party has contractually accepted responsibility as a
36 responsible producer and has joined a registered battery stewardship
37 organization as the producer for that covered battery or covered
38 battery-containing product under this chapter.

1 (15) "Program" means a program implemented by a battery
2 stewardship organization consistent with an approved battery
3 stewardship plan.

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

7 (17) "Recycling" means transforming or remanufacturing waste
8 materials into usable or marketable materials for use other than:

9 (a) Combustion;

10 (b) Incineration;

11 (c) Energy generation;

12 (d) Fuel production; or

13 (e) Beneficial reuse in the construction and operation of a solid
14 waste landfill, including use of alternative daily cover.

15 (18) "Recycling efficiency rate" means the ratio of the weight of
16 covered battery components and materials recycled by a program
17 operator from covered batteries to the weight of those covered
18 batteries collected by the program operator.

19 (19) "Retailer" means a person who sells covered batteries or
20 battery-containing products in or into this state or offers or
21 otherwise makes available covered batteries or battery-containing
22 products to a customer, including other businesses, for use by the
23 customer in this state.

24 (20) "Urban area" means an area delineated by the United States
25 census bureau, based on a minimum threshold of 2,000 housing units or
26 5,000 people, as of January 1, 2023.

27 NEW SECTION. **Sec. 19.** This act may be known and cited as the
28 electric vehicle battery management act.

29 NEW SECTION. **Sec. 20.** Sections 1 through 14 and 19 of this act
30 constitute a new chapter in Title 70A RCW.

31 NEW SECTION. **Sec. 21.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

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