**Washington Small Rechargeable Battery Stewardship Act**

(Quick read explanation – not intended for legal purposes – as of 1/10/13)

Sec. 1 – **Intent** – program is voluntary for retailers and citizens, helps prevent the release of toxic materials into the environment.

Sec. 2 – **Definitions**

(2) “Easily removable” – bill does not affect toothbrushes or items with built-in batteries. No disassembly required.

Sec. 3 – Requires manufacturers and marketers to participate in a qualified program or create their own.

(2) Telecom providers are exempt as long as the manufacturer of the battery in their product is a participant.

Sec. 4 –Anyone collecting used small rechargeable batteries must ship them to a lawfully permitted facility.

Sec. 5 – Anyone wishing to operate a qualified used small rechargeable battery stewardship programs must submit a plan to the Department of Ecology. **T**he plan must include:

* Contact information for the operator of the program;
* A description of the qualified program that includes,
  + identification of all sorting and reclamation facilities to be used;
  + All return acceptance, recycling, and other handling services, including post collection transportation, will be provided free of charge to consumers;
  + Identification of the locations residents may take used small rechargeable batteries;
  + Identification of the small rechargeable battery manufacturers and marketers and the portable rechargeable product manufacturers or marketers that are currently participating, or plan to participate, in the program;
  + The mechanisms by which the program will handle inquiries from consumers;
  + Education and outreach activities to maximize collections, including the offering signs to retailers.

Sec. 6 - Allows program to pay municipalities to cover costs of collection. (Benefits cities and counties.)

Sec. 7 – **Retailer obligations**

(1) Prohibits retailers from selling unbranded small rechargeable batteries. Portable product manufacturers containing rechargeable batteries must supply retailers with written notification that the batteries are marked.

(2) Retailers are not required to participate in a stewardship program unless they are private label retailers.

(3) Retailers shall informs consumers of the opportunity to recycle. (Poster above box is sufficient.)

(6) No charge to retailers for participating.

(7) Provides for return of non-compliant product to protect retailers from getting stuck with product they cannot sell.

Sec. 8 – Participation in program is not considered unfair competition.

Sec. 9 – **Departmental enforcement**

(1) Ecology has authority to enforce.

(2)Ecology notifies person of violation ONLY after the program operator notifies Ecology that an entity has failed to comply. The entity has 90 days to comply or appeal, then Ecology shall list on its website brand names of batteries that cannot be sold in Washington.

(3) Civil penalties for manufacturers and marketers increase with subsequent violations. Civil penalties for retailers limited to $1000.

(4) No penalties will be assessed if violator comes into compliance within 90 days.

Sec. 10 – Program fees deposited in Battery account. Used to operate program.

Sec. 11 - **Private enforcement** – if the program operator incurs costs of over $5000 collecting batteries from a non-participating manufacturer or marketer, the program may sue the manufacturer or marketer for costs incurred, plus damages of no more than 3X cost incurred, plus attorney fees.

Sec. 12 – Non-rechargeable battery stewardship programs

Sec. 13 – Preemption

Sec. 14 – Title

Sec. 15 – Severability

Sec. 16 – Sections 1-14 and 17 create a new chapter in RCW 70.

Sec. 17 – Nothing in this chapter alters UTC authority over solid waste.