



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: December 16, 2025

TIME: 8:41 AM

WSR 26-01-103

Agency: Department of Ecology, A.O.# 23-09

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: Chapter 173-905 WAC is a new rule that clarifies plan and annual reporting requirements, establishes a determination of fees to cover the agency's costs of overseeing the program, and establish new battery management standards to ensure the safe and effective handling and disposal of collected batteries. The rule also clarifies performance targets and goals, defines demonstrable costs of local governments participating in a battery stewardship program that are eligible for reimbursement by a battery stewardship organization, and clarifies battery labeling requirements

Citation of rules affected by this order:

New: Chapter 173-905 WAC
Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 70A.555.100

Other authority: RCW 70A.555.040, RCW 70A.555.060, RCW 70A.555.070, RCW 70A.555.130

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-15-152 on July 23, 2025 (date).

Describe any changes other than editing from proposed to adopted version: Ecology made numerous changes to the rule after reviewing and considering public comments received on the rule proposal. This list does not include changes that were made for editorial purposes only. For the full list of changes, please see the concise explanatory statement.

WAC 173-905-020: Added to the applicability section "Any person who disposes of a covered battery".

WAC 173-905-030: The "producer", "retailer", and "covered battery" definitions received minor changes to better align with language in statute.

WAC 173-905-030: The definition for "demonstrable costs" was reworked. The definition now clarifies that the list of possible demonstrable costs cannot be negotiated away and that they apply only to local governments participating in a battery stewardship program.

WAC 173-905-030: The definition of "chemistry" was reworked for clarity. This definition now refers to standards created by domestic or international recognized standards organizations such as the American National Standards Institute (ANSI) used by battery manufacturers to identify the electrochemical system of the battery. This clarification to the chemistry definition will ensure that battery marks are better aligned with current industry standards.

WAC 173-905-030: The definition for "periodic table" was removed since it is no longer referenced in the rule.

WAC 173-905-100 (3): Added a clarification that the administrative fee will be determined annually and posted online by the department. Also clarified what specific costs of the department are used calculate the administrative fee.

WAC 173-905-110: Added language clarifying that the battery stewardship organization is required to consult with overburdened communities and vulnerable populations to ensure that education and outreach materials that it develops are conceptually, linguistically, and culturally accurate. This clarification was also added to WAC 173-905-120.

WAC 173-905-110: Added language clarifying that, in the case of multiple battery stewardship organizations, unified messaging about the program is required including a single website, phone number, program name, and shared collection site locations.

WAC 173-905-120: Added clarifying language from statute to specify that the target recycling efficiency rate that a battery stewardship organization establishes in its plan must be at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries. Also added language from statute clarifying the use of eco-modulated fees to encourage the reduction of environmental impacts.

WAC 173-905-120 (9): Clarified categories of the budget part of the plan that more closely reflect the steps that a battery begin disposed of will pass through.

WAC 173-905-120 through WAC 173-905-140: Added clarification that a plan, or parts of a plan, may be submitted in a different file format from that specified in the rule with prior approval from the department.

WAC 173-905-120 and WAC 173-905-150: Streamlined the requirement for a battery stewardship organization to provide target collection rates for covered batteries by removing the requirement that a separate rate for primary and rechargeable be included in a plan and annual report. This change aligns the rule language more closely with statute.

WAC 173-905-140 (2): Provided an allowance for additional time for a battery stewardship organization to train collection site staff.

WAC 173-905-150 (2): Added a statement that the department will notify a battery stewardship organization six months prior to annual report submittal if it is requiring submittal of an independent financial audit as part of an annual report.

WAC 173-905-150 (5)(h): Clarified that a battery stewardship organization must provide a summary of any violations of environmental or labor laws regardless of whether the violation is being contested, further investigated, or resolved.

WAC 173-905-160 (5): Removed the requirement that a battery stewardship organization provide as part of their quarterly update to the department a list of transporters and processors that have been added to or dropped from the program since this type of event already requires submittal of a plan amendment to the department for approval and therefore this information provided as part of the quarterly update would be duplicative.

WAC 173-905-160 (5): Added a clarification that in addition to a summary of education activities that occurred in the previous quarter, the quarterly update must also include a description of activities planned for the next quarter.

WAC 173-905-200 (2): Added a clarification to align with statute that retailers are also prohibited from selling or distributing large format batteries unless applicable marking requirements have been met.

WAC 173-905-310(2): Removed reference to the periodic table of elements and streamlined the requirement. Producers are required to mark their batteries with information indicating the chemistry, as defined in the chapter.

WAC 173-905-400 (2)(a): Added a clarification that the department will post on its website a list of producers and a separate list of brands. Also added clarification that a producer appearing on these lists will serve as certification of a producer's participation in a battery stewardship organization.

WAC 173-905-420: Added a clarification that the department will issue a letter of approval by email or certified mail if an annual report is approved.

WAC 173-905-500 (7): Added a clarification that this subsection applies only to local government facilities not participating in a battery stewardship program.

WAC 173-905-500 (1): Added a clarification that each battery stewardship organization must allow for any person to discard each chemistry and brand of covered battery at each site identified in the stewardship plan.

WAC 173-905-520 (4): Added a clarification that emergency supplies appropriate for mitigating risks associated with damaged and defective batteries, such as spills and fires, shall be provided to each collection site.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>20</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:			
	New	_____	Amended _____ Repealed _____
The number of sections adopted on the agency's own initiative:			
	New	_____	Amended _____ Repealed _____
The number of sections adopted in order to clarify, streamline, or reform agency procedures:			
	New	_____	Amended _____ Repealed _____
The number of sections adopted using:			
Negotiated rule making:	New	_____	Amended _____ Repealed _____
Pilot rule making:	New	_____	Amended _____ Repealed _____
Other alternative rule making:	New	_____	Amended _____ Repealed _____
Date Adopted: December 16, 2025		Signature: 	
Name: Casey D. Sixkiller			
Title: Director			