

2013 Legislative Update

ESB1364 - Adopting the Washington small rechargeable battery stewardship act

Summary of Bill: Rechargeable Battery Recycling Program. Manufacturers of small rechargeable batteries and products containing easily removable small rechargeable batteries must participate in a rechargeable battery stewardship program. Unless participating, no person may sell small rechargeable batteries to a wholesaler or retailer in Washington. Highlights:

- Private right of action to recoup costs from “free riders;”
- No role for Dept. of Ecology
- Provide battery recycling services free of charge to consumers;
- Post program information on the web – but no “plan” per se;
- Provide at least one collection location in every county and in each city or town with a population of more than 10,000 persons;
- Conduct public outreach and marketing for the recycling program; and
- Include an audited financial report in its annual report.

SB5424 - Concerning paint stewardship

Summary of Bill: No architectural paint may be sold in Washington by a producer or paint retailer unless the producer or stewardship organization is implementing an approved paint stewardship program plan (approved by Ecology). Highlights:

- The Plan must establish a uniform stewardship assessment for each container of paint sold in this state. The assessment must be approved by Ecology and any surplus should be put back into the Program.
- No fee may be charged at the time of collection of leftover paint.
- Statewide permanent collection sites must be located so that at least 90 percent of Washington residents have a permanent collection site within a 15-mile radius.
- Provide paint collection services free of charge to the consumer.
- Conduct public outreach and marketing for the program; and
- Submit an annual report to Ecology.

HB1444 - Concerning stewardship of household mercury-containing lights

Summary of Bill: Made changes to law affecting implementation of stewardship program. Highlights:

- Postpones the implementation deadline for the mercury-containing lights product stewardship program from January 1, 2013 until January 1, 2014.
- Initiates a sunset review of the program, effective January 1, 2024.
- Creates an environmental handling charge, of an amount to be determined, applied when mercury-containing lights are retailed.

SB5658 - Concerning mercury-containing lights.

Summary of Bill: Made changes to law affecting implementation of stewardship program. Highlights:

- The mercury-containing light product stewardship program and requirements for stewardship plans, financing and fees, and the program account are repealed.

- Every producer of mercury-containing lights sold in Washington must individually pay a registration fee, not to exceed \$10,000 to reimburse DOE for the costs of recycling and transporting unwanted product from single or multifamily households.
- Every producer must pay an administration fee not to exceed \$5,000 for DOE's administration and enforcement costs. The fees expire December 31, 2025.
- Beginning January 1, 2014, a producer, wholesaler, retailer, or distributor may not offer for sale or distribute mercury-containing lights unless the producer has paid the registration and administration fees.

SHB1498 - Improving reports on electronic waste collection.

Summary of Bill: Adds certain information to the annual reports that must be filed with the Department of Ecology by operators of electronic waste recycling programs under the E-Cycle law. Highlights: The annual reporting requirements for WMMFA or other CEP recycling programs are revised to include the following:☐

- Total weight of each type of CEP collected and recycled by county;
- An estimate of the weight of each type of material recovered after processing recycled CEPs;
- An estimate of the percentage, by weight, of all collected CEPs that are reused, recycled, or disposed of as residual waste;
- A description of program revenues and costs, including the average costs of the program per pound of CEP collected;
- A detailed account of the costs for program administration and delivery; and
- A description of program methods for collecting, transporting, recycling, and processing CEPs.

ESB5699 - Concerning electronic product recycling.

Summary of Bill: Current program costs are allocated amongst producers using a return-share/market-share formula. Beginning in 2016, funding of E-Cycle programs are based on market share. Ecology may determine the market share for CEPs based on manufacturer and retailer supplied data, as well as available market research data. The method to determine market share is provided. The sales information is exempt from public disclosure.