

DC's Battery Producer Responsibility Law

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Overview

- Context
- Background on the law
- Highlights from the law
- Implementation



Context

- Excerpt from the Sustainable DC 2.0 plan:

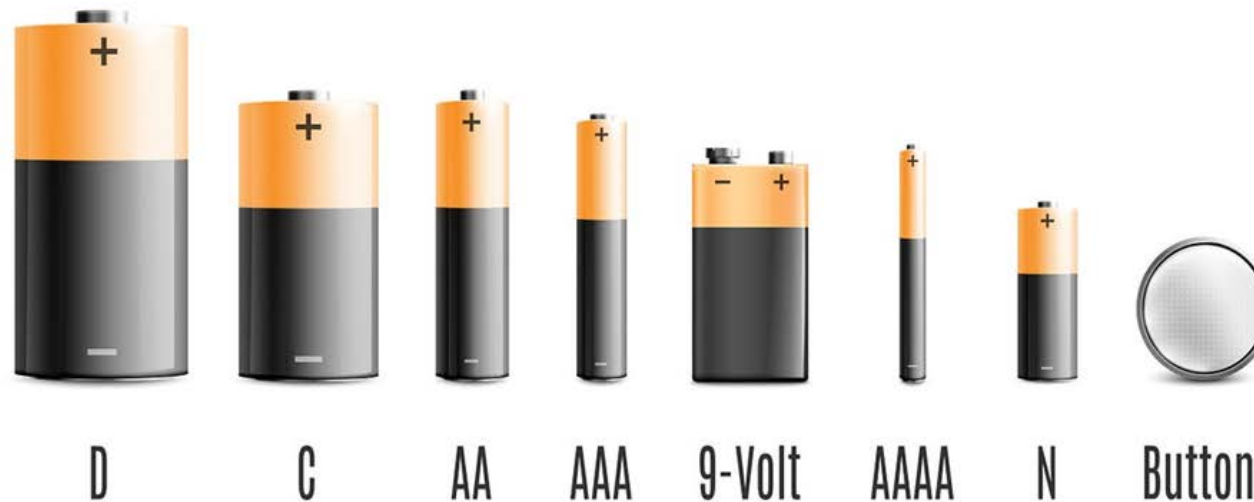
WS3.5

Expand Washington, DC's product stewardship program to include additional product streams.

Washington, DC is successfully implementing product stewardship programs for paint and electronics. The models from these programs are transferrable to other specific waste streams (e.g., pharmaceuticals, batteries, mattresses).

Background on the law

- Established by the Zero Waste Omnibus Amendment Act of 2020
 - The act was signed by the DC Mayor in December 2020; effective April 2021
 - Battery stewardship provisions became “applicable” on October 1, 2021
- First U.S. battery stewardship law applying to both single-use and rechargeable batteries



Highlights from the law

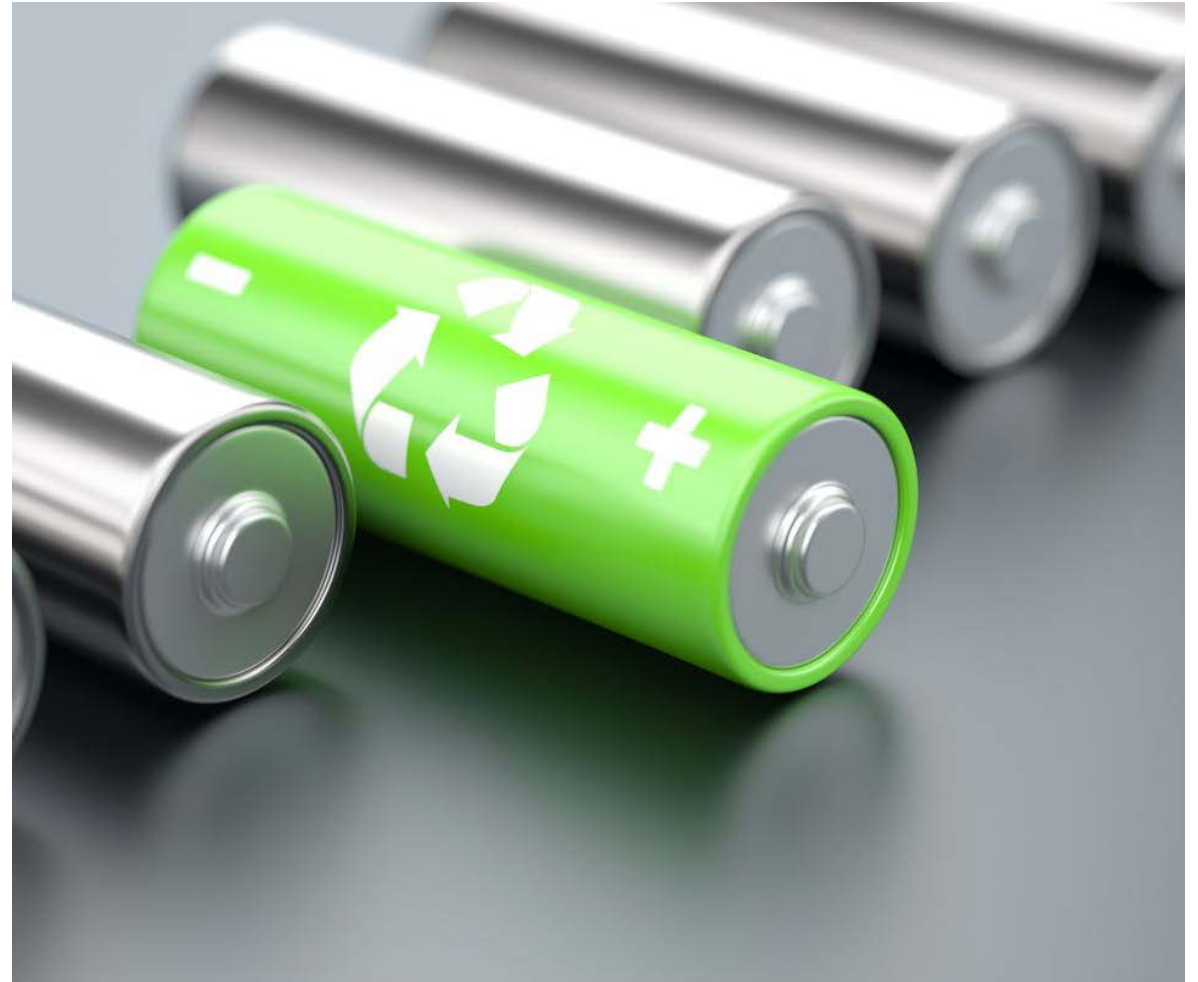


- Who does the law apply to?
 - “Producers of covered batteries and covered battery-containing products sold or offered for sale in the District of Columbia, including retail, wholesale, business-to-business, and online sales”
- Definitions
 - Primary (single-use) battery: ≤ 4.4 pounds (2 kilograms)
 - Rechargeable battery: < 11 pounds (5 kilograms) + Watt-hour rating of ≤ 300
 - Covered battery: new or unused primary or rechargeable battery
 - Covered battery-*containing* product: new or unused product that contains or is packaged with a primary or rechargeable battery

Highlights from the law

Producers of covered batteries and covered battery-containing products sold or offered for sale in DC must:

- Join a battery stewardship organization (BSO)
- As part of a BSO, implement a battery collection program to collect batteries “on a free, regular, convenient, and accessible basis” and recycle the components of the collected batteries “to the maximum extent economically and technically feasible” according to an approved battery stewardship plan.



Highlights from the law

A battery stewardship organization must, among other requirements:

- Submit a proposed battery stewardship plan and implement approved plan
 - Plan governs collection, recycling, outreach, and other aspects of stewardship program
- Provide educational materials about battery collection opportunities
- Provide collection sites with a tutorial on how to safely handle & pack batteries for shipment
- “Cover all costs for battery collection, transportation, processing, education, administration, recycling, and end-of-life handling”
- Submit annual administrative fee to DOEE to cover DOEE’s oversight costs
- File annual registration form and submit annual report



Highlights from the law



Selected DOEE responsibilities:

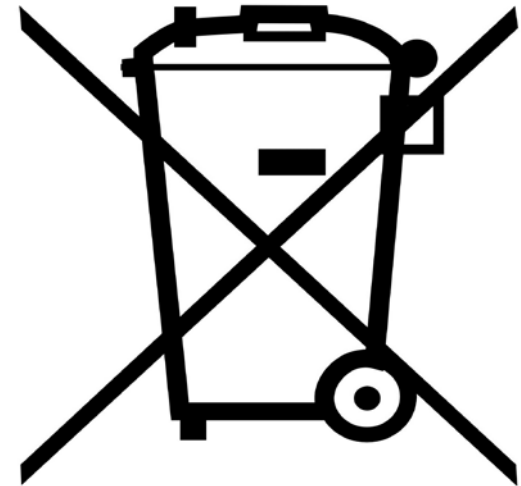
- Review & approve proposed battery stewardship plan
- Maintain website with approved BSO plan(s), BSO members/brands, and annual reports
- Provide a status report to the DC Council every 5 years
- Assist with education and outreach to the public about battery collection opportunities

Highlights from the law

§ 8-771.09. Disposal ban.

(a) Beginning January 1, 2022, no producer shall dispose of batteries in the District except through battery recycling programs or other methods approved by the Mayor.

(b) Beginning January 1, 2023, no person in the District shall knowingly dispose of batteries in the District except through battery recycling programs or other methods approved by the Mayor.



Implementation

If I knew then what I know now....

- **Scope of products required to be collected**
 - The law initially stated that the battery stewardship organization must collect and recycle *all* batteries, but only producers of primary and rechargeable batteries (and battery-containing products) must join a battery stewardship organization.
 - DOEE supported amending the law to require the collection and recycling of only primary and rechargeable batteries (as those terms are defined in the law), as DC's battery stewardship organization is not able to handle batteries that are heavier or have a higher watt-hour rating than what its members make.
 - The DC Council amended the law accordingly.
- **Areas in the law that may need to be clarified in the future:**
 - *Damaged/defective/recalled batteries* – it's important to have a separate collection process for those (see CA or WA laws)
 - *Exclusions from definition of "rechargeable battery"* – there is some disagreement about the scope of this exclusion. We recommend being explicit, as opposed to vague, about what is meant to be excluded.
- *Increasing the scope of items covered so that more batteries are recycled*

Implementation & Next Steps



- November 1st, 2023 - DOEE and Call2Recycle, Inc., launched the nation's first Extended Producer Responsibility (EPR) all-battery recycling program
- The DC City Council approval resolution for the battery stewardship infractions rulemaking was introduced by Chairman Mendelson.
- The Final Battery Stewardship Infractions Rulemaking was published in the DC Register on February 23, 2024
- The Product Stewardship Team is now developing inspection, compliance & enforcement program to implement for Spring '24.

Contact information

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<https://doee.dc.gov/node/1567851>

THANK YOU!



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