

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Sustainable Solid Waste Management Amendment Act of 2014 to clarify that the law applies only to primary batteries and rechargeable batteries, to require the battery stewardship organization to develop strategies for collecting batteries in areas and communities with waste management challenges related to environmental justice, to establish timelines and procedures for the Department of Energy and Environment’s consideration of amendments to battery stewardship plans, to authorize the Department of Energy and Environment to revoke the registration of an organization that fails to implement a material provision of an approved battery stewardship plan, to change the deadline for battery stewardship plan submission, to change the deadline for the first annual report and effective date of the battery disposal ban, to change the deadline for manufacturers to submit electronic stewardship registration applications from December 31 to October 1 starting in 2023, to enhance the requirements for representative organizations related to public outreach and awareness, to require partnerships to submit a single application to streamline registration fee processing, to exempt manufacturers from certain responsibilities if they have sold less than 100 units of covered electronic equipment in the previous year, and to make other technical and conforming changes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Battery Stewardship Program Emergency Declaration Resolution of 2022”.

Sec. 2. (a) Section 129(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective March 16, 2021 (D.C. Law 23-211; D.C. Official Code § 8-771.02(b)), requires battery stewardship organizations to submit proposed battery stewardship plans to the Department of Energy and the Environment (“DOEE”) by January 1, 2022. These provisions

39 were funded in the Fiscal Year 2022 Local Budget Act of 2021 and became effective on October  
40 1, 2021.

41 (b) In late 2021, it came to light that the January 1, 2021, deadline did not give battery  
42 stewardship organizations sufficient time to develop their proposed battery stewardship plans for  
43 submission to DOEE because DOEE has not yet issued the regulations necessary to instruct the  
44 battery stewardship organizations on what to include in their proposed plans.

45 (c) Thus, on December 7, 2021, the Council passed Battery Stewardship Program  
46 Emergency Amendment Act of 2021, effective December 22, 2021 (D.C. Act 24-249; 68 DCR  
47 14061) (“emergency act”), which expired on March 22, 2022. That emergency legislation  
48 extended the deadline for the submission of proposed battery stewardship plans to January 1,  
49 2023.

50 (d) On December 21, 2021, the Council passed the Battery Stewardship Program  
51 Temporary Amendment Act of 2021, effective March 15, 2022 (D.C. Law 24-99; 69 DCR 593)  
52 (“temporary act”), which will expire on October 26, 2022.

53 (e) This emergency legislation is necessary to prevent a gap in the law following the  
54 expiration of the temporary act.

55 (f) This emergency legislation, however, includes several amendments not included in the  
56 emergency act or temporary act. These amendments, proposed to the Council by DOEE, do not  
57 substantively change the intent, scope, or effect of the battery stewardship program. Rather, it  
58 makes necessary technical edits and clarifications to the law to facilitate DOEE’s implementation  
59 of the law, and to provide clarity to manufacturers on how to comply with the law’s  
60 requirements.

61           Sec. 3. The Council of the District of Columbia determines that the circumstances  
62 enumerated in section 2 constitute emergency circumstances making it necessary that the Battery  
63 Stewardship Program Emergency Amendment Act of 2022 be adopted after a single reading.

64           Sec. 4. This resolution shall take effect immediately.