

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Battery and Electronic Stewardship Emergency Amendment Act of 2022”.

Sec. 2. The Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code *passim*), is amended as follows:

(a) Section 128 (D.C. Official Code § 8-771.01) is amended as follows:

(1) Paragraph (2)(B) is amended by striking the phrase “used are” and inserting the phrase “used, at the time of sale, are” in its place.

39 (2) Paragraph (5) is amended by striking the phrase “weight of batteries” and
40 inserting the phrase “weight of primary and rechargeable batteries collected during a calendar
41 year by the average annual weight of primary and rechargeable batteries” in its place.

42 (3) Paragraph (11) is amended as follows:

43 (A) Subparagraph (B) is amended as follows:

44 (i) Strike the phrase “applies, the” and insert the phrase “applies or
45 if no contact information for the person is available, the” in its place.

46 (ii) Strike the phrase “distributed in” and insert the phrase
47 “distributed for sale in” in its place.

48 (B) Subparagraph (C) is amended as follows:

49 (i) Strike the phrase “applies, a” and insert the phrase “applies or if
50 no contact information for the person is available, a” in its place.

51 (ii) Strike the phrase “distribution in” and insert the phrase
52 “distribution for sale in” in its place.

53 (b) Section 129 (D.C. Official Code § 8-771.02) is amended as follows:

54 (1) Subsection (a)(2) is amended by striking the phrase “program that provides for
55 collection of all batteries” and inserting the phrase “program as set forth in an approved battery
56 stewardship plan that provides for collection of all primary and rechargeable batteries” in its
57 place.

58 (2) Subsection (b) is amended by striking the phrase "On or before January 1,
59 2022" and inserting the phrase “On or before January 1, 2023” in its place.

60 (3) Subsection (c) is amended by striking the phrase “This subtitle shall not apply
61 to” and inserting the phrase “A producer shall not be subject to the requirements in subsection (a)
62 of this section if the producer sells or offers for sale in the District only” in its place.

63 (c) Section 130 (D.C. Official Code § 8-771.03) is amended as follows:

64 (1) Subsection (a) is amended as follows:

65 (A) Paragraph (3) is amended by striking the phrase “of batteries that have
66 been sold or offered for sale” and inserting the phrase “of primary and rechargeable batteries that
67 have been sold” in its place.

68 (B) Paragraph (4) is amended by striking the phrase “collection of
69 batteries” and inserting the phrase “collection of primary and rechargeable batteries” in its place.

70 (C) A new paragraph (4A) is added to read as follows:

71 “(4A) A description of how the battery stewardship organization will develop
72 strategies, in consultation with DOEE and other relevant parties, for collecting primary and
73 rechargeable batteries in areas and communities that face environmental justice challenges
74 associated with waste management;”.

75 (D) Paragraph (7) is amended by striking the phrase “all batteries” and
76 inserting the phrase “all primary and rechargeable batteries” in its place.

77 (2) Subsection (b)(1) is amended as follows:

78 (A) Subparagraph (A) is amended to read as follows:

79 “(A) Within 120 days after receipt of a proposed battery stewardship plan
80 or a proposed amendment to a plan, DOEE shall determine whether the plan or amendment
81 complies with the requirements of this section. DOEE shall notify the applicant of the plan or

82 amendment approval or rejection in writing. If DOEE rejects a proposed plan or amendment,
83 DOEE shall include the reasons for rejecting the plan or amendment.”.

84 (B) Subparagraph (B) is amended to read as follows:

85 “(B) An applicant whose plan or amendment to a plan is rejected by
86 DOEE shall submit a revised plan or amendment within 45 days after receiving the notice of
87 rejection. DOEE shall review the revised plan or amendment, issue an order approving or
88 disapproving the revised plan or amendment, and notify the applicant of the decision within 45
89 days after receipt of the revised plan or amendment. An applicant whose revised plan or
90 amendment is rejected by DOEE may appeal the decision to the Office of Administrative
91 Hearings, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act
92 of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

93 (3) A new subsection (b-1) is added to read as follows:

94 “(b-1) The battery stewardship organization may propose or DOEE may require an
95 amendment to a battery stewardship plan to improve program functioning or if a change in
96 District law or regulation necessitates a revision in the plan.”.

97 (4) Subsection (c) is amended as follows:

98 (A) Strike the phrase “submit updated” and insert the phrase “submit
99 amended” in its place.

100 (B) Strike the phrase “revisions to the plan” and insert the phrase
101 “revisions to the plan at this time through a plan amendment” in its place.

102 (5) Subsection (d)(3) is amended by striking the phrase “all batteries” and
103 inserting the phrase “all primary and rechargeable batteries” in its place.

104 (d) Section 131 (D.C. Official Code § 8-771.04) is amended as follows:

105 (1) Subsection (b)(3) is amended by striking the phrase “subsection (b)” and
106 inserting the phrase “subsection (a)” in its place.

107 (2) A new subsection (c) is added to read as follows:

108 “(c) DOEE may revoke the registration of a battery stewardship organization that fails to
109 implement a material provision of an approved battery stewardship plan. If a registration is
110 revoked by DOEE, a battery stewardship organization may appeal the revocation to the Office of
111 Administrative Hearings, pursuant to the Department of Consumer and Regulatory Affairs Civil
112 Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-
113 1801.01 *et seq.*)”.

114 (e) Section 132 (D.C. Official Code § 8-771.05) is amended as follows:

115 (1) Subsection (a) is amended as follows:

116 (A) The lead-in language is amended by striking the phrase “On or before
117 June 1, 2023” and inserting the phrase “On or before June 1, 2024” in its place.

118 (B) Paragraph (3) is amended by striking the word “batteries” both times it
119 appears and inserting the phrase “primary and rechargeable batteries” in its place.

120 (f) Section 137 (D.C. Official Code § 8-771.09) is amended as follows:

121 (1) Subsection (a) is amended by striking the phrase “dispose of batteries” and
122 inserting the phrase “dispose of primary or rechargeable batteries” in its place.

123 (2) Subsection (b) is amended striking the phrase “Beginning January 1, 2023, no
124 person in the District shall knowingly dispose of batteries” and inserting the phrase “Beginning
125 August 1, 2023, no person in the District shall knowingly dispose of primary or rechargeable
126 batteries” in its place.

127 (g) Section 117 (D.C. Official Code § 8-1041.03) is amended as follows:

128 (1) Subsection (b) is amended as follows:

129 (A) The lead-in language is amended by striking the phrase “By December
130 31, 2016, and annually thereafter” and inserting the phrase “By October 1, 2023, and annually
131 thereafter” in its place.

132 (B) Paragraph (3) is amended as follows:

133 (i) Subparagraph (A) is amended by striking the word “brands” and
134 inserting the phrase “brands and types” in its place.

135 (ii) Subparagraph (D) is amended by striking the phrase “collected
136 and recycled” and inserting the word “collected” in its place.

137 (iii) A new subparagraph (D-i) is added to read as follows:

138 “(D-i) The total weight of covered electronic equipment recycled, and the
139 total weight of covered electronic equipment reused, through the manufacturer’s electronics
140 recycling program in the previous calendar year;”.

141 (C) Paragraph (9)(B) is amended to read as follows:

142 “(B) A report on public outreach and awareness activities that includes:

143 “(i) A description of the applicant’s public outreach and awareness
144 activities in the previous year, including a description of the general outreach and awareness
145 activities undertaken, the outreach undertaken for specific collection sites and events, the
146 numbers of individuals, small nonprofits, and small businesses that brought waste to each
147 collection site or event, the weight of covered electronic equipment collected at each site or
148 event, the results of surveys about how individuals, small nonprofits, and small businesses
149 learned of each site or event, and factors that may have positively or negatively affected
150 collection participation;

151 “(ii) An assessment of how to increase participation based on
152 surveys or research on how to effectively reach individuals, small nonprofits, and small
153 businesses in the District, including underserved populations and areas of the District with low
154 event participation; and

155 “(iii) A description of future outreach and awareness activities that
156 will be undertaken to maximize the amount of covered electronic equipment collected, which
157 shall include, at a minimum, unless waived by the Mayor in writing, content on the
158 representative organization’s website, advertisements in local online and print newspapers,
159 including those serving underserved populations, on at least a quarterly basis, social media posts
160 before each event and targeted advertisements at the beginning of each quarter, quarterly mailers
161 to residents, small nonprofits, and small businesses in the vicinity of each collection event,
162 public service announcements or other radio and television ads, and signage at each event clearly
163 showing the purpose of the event;”.

164 (2) Subsection (c) is amended as follows:

165 (A) Strike the phrase “may, and a representative” and insert the phrase “or
166 a representative” in its place.

167 (B) Strike the phrase “shall, submit” and insert the phrase “shall submit”
168 in its place.

169 (3) Subsection (e) is amended by striking the phrase “modification or renewal”
170 and inserting the word “modification” in its place.

171 (h) Section 119 (D.C. Official Code § 8-1041.05) is amended as follows:

172 (1) Subsection (a)(3)(B) is amended to read as follows:

173 “(B) Effective public outreach and awareness activities, as specified in
174 section 117(b)(9)(B)(iii), to ensure that District residents, small nonprofits, and small businesses
175 are aware of the availability and location of collection sites and events; and”

176 (2) Subsection (b)(1)(D) is amended by striking the phrase “electronic equipment”
177 and inserting the phrase “covered electronic equipment” in its place.

178 (3) Subsection (d) is amended to read as follows:

179 “(d) Beginning January 1, 2017, a manufacturer shall accept for recycling or reuse, on a
180 one-to-one basis with the purchase in the District of any brand of the same type of covered
181 electronic equipment, covered electronic equipment that is offered for return to the manufacturer
182 by a person in the District.”.

183 (4) A new subsection (g) is added to read as follows:

184 “(g) A manufacturer that sold less than 100 units of covered electronic equipment in the
185 District in the previous calendar year shall be exempt from the requirements of this section.”.

186 Sec. 3. Fiscal impact statement.

187 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
188 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
189 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

190 Sec. 4. Effective date.

191 This act shall take effect following approval by the Mayor (or in the event of veto by the
192 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
193 90 days, as provided for emergency acts of the Council of the District of Columbia in section
194 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
195 D.C. Official Code § 1-204.12(a)).