

WAC 173-905-310 Marking requirements. (1) **Applicability.** The requirements of this section apply to producers that sell, distribute, or offer for sale in or into Washington:

- (a) Large format batteries;
- (b) Covered batteries; or
- (c) Battery-containing products.

(2) **Marking requirements for batteries.** Producers shall place permanent, clearly visible, and legible marks on their batteries.

(a) Beginning January 1, 2028, a producer shall mark their batteries with their brand;

(b) Beginning January 1, 2030, a producer shall mark their batteries with crossed-out wheeled bin, shown below, to indicate the battery should not be disposed of as household waste; and



(c) Beginning January 1, 2030, a producer shall mark their batteries with information indicating the battery chemistry.

(3) **Marking requirements for battery-containing products.** Producers of battery-containing products shall ensure the batteries contained in their products meet the requirements of subsection (2) of this section.

(4) **Exceptions.** The requirements described in subsection (2) of this section do not apply to batteries that do not have a surface whose length exceeds one-half inch. If the battery does not have a surface whose length exceeds one-half inch, the package of the battery or battery-containing product must bear the marks required in subsection (2) of this section.

(5) **Certification.** A producer of a battery-containing product shall certify their compliance with this section to their customers or the retailer if the retailer is not the customer, and to the battery stewardship organization. A producer that meets the requirement in (a) of this subsection is in compliance with the certification requirement under RCW 70A.555.130(2). The following process will be used by the department to determine compliance with the requirements of this section:

(a) Producers shall certify their compliance with this section to the stewardship organization they participate in, or if they are not participating in a stewardship organization, they shall provide certification directly to the department.

(b) Each battery stewardship organization shall provide a list of its participating producers that have certified their compliance with this section on its annual report submitted to the department under WAC 173-905-150 and shall also provide a list of any producers removed

or added to that list with each quarterly update to the department under WAC 173-905-160.

(c) The department will post the list of certified producers on its public website.

[Statutory Authority: RCW 70A.555.040, 70A.555.060, 70A.555.070, 70A.555.100, and 70A.555.130. WSR 26-01-103 (Order 23-09), s 173-905-310, filed 12/16/25, effective 1/16/26.]