

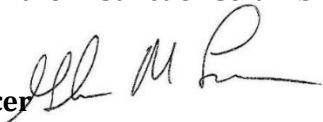
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: November 14, 2022

SUBJECT: Fiscal Impact Statement – Battery and Electronic Stewardship
Amendment Act of 2022

REFERENCE: Bill 24-1000, Draft Committee Print as provided to the Office of
Revenue Analysis on November 3, 2022

Conclusion

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

The Department of Energy and Environment (DOEE) manages several product stewardship programs. Two of those programs are the battery stewardship and electronic waste programs. The battery stewardship program prohibits the disposal of covered batteries in the District and requires registered battery producers to become a member of a battery stewardship organization that collects and recycles covered batteries according to an approved battery stewardship plan.¹ The electronic waste program prohibits manufacturers of covered electronic devices from selling covered equipment in the District unless they register with the District and commit to recycling old electronic equipment either independently, through a partnership, or through a representative organization.²

The bill makes technical, clarifying, and operational changes to the battery stewardship program. The bill updates several definitions, including clarifying that the batteries subject to regulation in the

¹ Zero Waste Omnibus Amendment Act of 2020, effective March 16, 2021 (D.C. Law 23-211; D.C. Official Code § 8-771.01 et seq.).

² Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1041.01 et seq.).

program are primary and rechargeable batteries. The bill requires battery stewardship plans to include strategies for collecting primary and rechargeable batteries in communities facing environmental justice challenges. The bill also authorizes participants in a stewardship plan to amend the plan to accommodate changes to the law or improvements to the plan's function. DOEE should review, approve, and reject plan amendments in the same way the agency does these activities for initial plan submissions. The bill authorizes DOEE to revoke the registration of a battery stewardship organization if it fails to implement a material provision of a plan. The bill delays three deadlines established under the battery stewardship program. First, the bill delays from January 1, 2022 to January 1, 2023 the deadline for a battery stewardship organization to submit a battery stewardship plan to DOEE for review. Second, the bill delays from June 1, 2023 to June 1, 2024 the deadline for a battery stewardship organization to submit its first annual report to DOEE. Third, the bill delays from January 1, 2023 to August 1, 2023 the date the ban on the disposal of primary and rechargeable batteries applies to individuals in the District. The ban for producers of these batteries went into effect on January 1, 2022.

Electronic equipment manufacturers and representative organizations were required to file an annual registration, beginning December 31, 2016, with their plans for collecting and recycling electronic equipment based on the weight of covered equipment sold in the District. The bill delays this annual registration requirement to December 31, 2022, October 1, 2023, and each October 1 annually thereafter. The bill also allows a manufacturer or representative organization to account for the reuse of electronic equipment, the weight which must be included along with the weight of equipment recycled in the annual report accompanying the manufacturer's or representative organization's registration. The bill enhances the annual report disclosure requirements for representative organizations to conduct public outreach and awareness activities. The bill requires a partnership organization to file a single registration application, like a representative organization, where members of a partnership now have the option to register independently of each other. Lastly, the bill exempts a manufacturer that sells less than 100 units of covered electronic equipment from complying with the electronic waste program's registration, collection, recycling, and reuse requirements.

The bill's changes to both the battery stewardship and electronic waste programs are currently in effect through emergency legislation.³

The bill also requires the Department of Public Works (DPW) to provide, within six months of completing the curbside composting pilot program, data on the cost of the pilot program, quarterly participation rates, and quarterly contamination rates.

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. DOEE can absorb the costs associated with any of the bill's changes to the battery stewardship and electronic waste programs that are new or align with DOEE's current implementation of those programs. The bill also delays some of the programs' implementation, registration, and reporting deadlines and there are no budgetary costs associated with these changes.

³ Battery and Electronic Stewardship Emergency Amendment Act of 2022, enacted October 17, 2022 (D.C. Act 24-559; 69 DCR 12639).

The Honorable Phil Mendelson

FIS: Bill 24-1000, "Battery and Electronic Stewardship Amendment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on November 3, 2022

DPW can absorb the costs associated with providing information to the Mayor and the Council on the agency's curbside composting pilot program.