

WAC 173-910-430 Annual reports. (1) By June 1, 2016, and each June 1st thereafter, each stewardship organization must submit an annual report to the department describing the results of implementing the stewardship organization's plan for the prior calendar year, including an independent financial audit. The department may adopt rules for reporting requirements. Financial information included in the annual report must include, but is not limited to:

(a) The amount of the environmental handling charge assessed on mercury-containing lights and the revenue generated;

(b) Identification of confidential information pursuant to RCW 43.21A.160 submitted in the annual report; and

(c) The cost of the mercury-containing lights product stewardship program, including line item costs for:

(i) Program operations;

(ii) Communications, including media, printing and fulfillment, public relations, and other education and outreach projects;

(iii) Administration, including administrative personnel costs, travel, compliance and auditing, legal services, banking services, insurance, and other administrative services and supplies, and stewardship organization corporate expenses; and

(iv) Amount of unallocated reserve funds.

(2) Beginning in 2023 every stewardship organization must include in its annual report an analysis of the percent of total sales of lights sold at retail to covered entities in Washington that mercury-containing lights constitute, the estimated number of mercury-containing lights in use by covered entities in the state, and the projected number of unwanted mercury-containing lights to be recycled in future years.

(3) All plans and reports submitted to the department must be made available for public review, excluding sections determined to be confidential pursuant to RCW 43.21A.160, on the department's web site and at the department's headquarters.

(4) **Contact information:** Identify the stewardship organization and the producers participating in the program, including any updated contact information. The list of producer brands sold in or into the state. The total number of mercury-containing lights sold in or into the state by participating producers in the previous year.

(5) **Executive summary:** Provide a description of the mercury-containing lights collection and recycling efforts during the reporting period. Include anticipated steps, if needed, to improve performance and a description of challenges encountered during the reporting period and how they will be addressed.

(6) **Program description:** Summarize the mercury-containing lights product stewardship program, providing details on the collection, transport, and recycling of mercury-containing lights.

(7) **Program goals:** State the goals from the plan, the baseline from which goals were measured, and report on achievement during the reporting period, including:

(a) Describe any adjustments to goals stated in the approved stewardship plan for the upcoming reporting period and accompanying rationale for those changes.

(b) Describe how the program met its goal for the collection of unwanted mercury-containing lights and, if not, what changes have been made or will be made in the next year to meet its goal.

(c) Identify the total mercury-containing lights, by weight in pounds, collected for the preceding program year including documenta-

tion verifying collection and processing of that material, including mercury-containing lights collected, reported by county.

(8) **Collection system:** Names, locations, contact information for collection sites and services operating in the state in the prior program year and the parties who operated them:

- (a) In each county;
- (b) For each city with a population greater than ten thousand;
- (c) For collection events, curbside collection, or mail-back services; and
- (d) Total mercury-containing lights, by weight in pounds, received from each collector.

(9) **Processing facility information:** Identify all processing facilities used, including the name, address, and contact information by providing the following:

- (a) Total program mercury-containing lights, by weight in pounds, received by each processing facility;
- (b) A description of the methods used by each processing facility to process the mercury-containing lights;
- (c) Compliance audit reports for each processing facility participating in the plan completed by a qualified third party. The compliance audit will research, review, and report on the following:
 - (i) Compliance with all federal, state, and local requirements and, if it exports, those of all transit and recipient countries that are applicable to the operations and transactions in which it engages related to the processing of mercury-containing lights, components, parts, and materials and disposal of residuals. These include, but are not limited to, applicable legal requirements relating to:
 - (A) Waste and recyclables processing, storage, handling, and shipping;
 - (B) Air emissions and waste water discharge, including stormwater discharges;
 - (C) Worker health and safety; and
 - (D) Transboundary movement of mercury-containing lights, components, materials, waste, or scrap for reuse, recycling, or disposal.
 - (ii) Information on financial penalties, regulatory orders, or violations the processing facility received in the previous three years; and
 - (iii) Any other information requested by the department.

(10) **Education and outreach:** Efforts that were undertaken by the stewardship organization regarding how and where to drop off mercury-containing lights into the product stewardship program. Include an assessment of the effectiveness of these efforts and changes to be implemented in the next year.

(11) **Financial report:** Financial audit reports for the stewardship organization completed by a qualified third party.

(12) **Other information** deemed necessary by the department to determine compliance with this chapter.

(13) Stewardship organizations submitting information to the department may request confidential treatment under RCW 43.21A.160.

[Statutory Authority: RCW 70.275.040, 70.275.110, 70.275.140. WSR 16-17-146 (Order 15-04), § 173-910-430, filed 8/24/16, effective 9/24/16. Statutory Authority: Chapter 70.275 RCW. WSR 12-23-049 (Order 11-09), § 173-910-430, filed 11/16/12, effective 12/17/12.]