

RCW 70A.208.060 Duties of department. (1) The department must implement, administer, and enforce this chapter and may adopt rules as necessary for those purposes.

(2) The department must:

(a) By January 1, 2026, appoint the initial membership of the advisory council, as required under RCW 70A.208.050;

(b) Provide administrative and operating support to the advisory council, as required under RCW 70A.208.050;

(c) Consider and respond in writing to all written comments received from the advisory council;

(d) By January 31, 2026, and annually thereafter, facilitate registration by service providers, as required under RCW 70A.208.070;

(e) Beginning March 1, 2026, accept the registration of producer responsibility organizations and, if necessary, select the producer responsibility organization required by subsection (3) of this section;

(f) By October 1, 2026, develop the initial statewide collection lists required by RCW 70A.208.090;

(g) By December 31, 2026, complete the preliminary needs assessment required by RCW 70A.208.110;

(h) (i) By July 1, 2026, determine the one-time registration fee in subsection (4)(c) of this section; and

(ii) By March 31, 2026, determine the one-time payment and every March 31st thereafter determine the annual registration fee in subsection (4)(a) of this section;

(i) By December 31, 2027, and every five years thereafter, complete the statewide needs assessment required by RCW 70A.208.110;

(j) By 2028, adopt rules to administer and implement this chapter. The department shall seek to adopt rules that are harmonized with other states;

(k) Beginning October 1, 2028, and periodically thereafter, review and approve plans, as described in subsection (5) of this section;

(l) By January 31, 2029, create a model comprehensive solid waste plan amendment for use by cities and counties in lieu of updating, amending, or revising a plan consistent with RCW 70A.205.045(7)(b)(i);

(m) Beginning March 1, 2029, initiate enforcement activities with respect to noncompliant producers that are not members of the producer responsibility organization, consistent with RCW 70A.208.040(2) and 70A.208.230;

(n) Beginning July 1, 2031, and annually thereafter, review and approve annual reports, as described in subsection (6) of this section;

(o) By January 31, 2032, submit the equity study to the legislature required in RCW 70A.208.120;

(p) By September 1, 2038, submit the independent review of the program report to the legislature as required in RCW 70A.208.210;

(q) Establish statewide requirements as required under RCW 70A.208.150(10);

(r) Review and make determinations on proposals related to alternative recycling processes, as described in RCW 70A.208.150(5);

(s) Review confidentiality requests submitted under RCW 70A.208.220;

(t) Enforce the requirements of this chapter, as required by RCW 70A.208.230;

(u) Review petitions to exempt materials, as required by RCW 70A.208.090(5) and 70A.208.260; and

- (v) Establish a public website that includes:
 - (i) The most recent registration materials submitted by producer responsibility organizations;
 - (ii) A list of registered service providers;
 - (iii) The most recent needs assessment;
 - (iv) Any plan or amendment submitted by a producer responsibility organization that is in draft form during the public comment period;
 - (v) The most recent lists under RCW 70A.208.090;
 - (vi) The list of exempt materials;
 - (vii) Links to producer responsibility organization websites;
 - (viii) Comments of the public, advisory council, and producer responsibility organizations on the items listed in (v)(iii) through (vi) of this subsection and, if any, the responses of the department to those comments;
 - (ix) The names of producers and brands that the department or a producer responsibility organization has identified as not being in compliance with the requirements of this chapter; and
 - (x) Links to adopted rules implementing this chapter.

(3) By March 1, 2026, if registrations for more than one producer responsibility organization, other than producers registering as producer responsibility organizations, are submitted to the department, the department must determine which proposed producer responsibility organization can most effectively implement this chapter until the first approved plan period ends. Until the conclusion of the initial plan implementation period, producers of covered materials that do not register as producer responsibility organizations must join the producer responsibility organization whose registration is approved by the department. This limitation only applies for the purposes of program development and the initial plan implementation period. For purposes of plan implementation after the first plan approved by the department expires, the department may allow registration of more than one producer responsibility organization.

(4) (a) By March 31, 2027, and every March 31st thereafter, the department must determine a total annual registration fee to be paid by each producer responsibility organization that is adequate to cover, but not exceed, the costs to implement, administer, and enforce this chapter, including the costs determined by the department of labor and industries to implement and enforce RCW 49.46.380, in the next fiscal year.

(b) By 2028, the department must adopt rules to equitably determine annual registration fees by producer responsibility organizations if the department has approved the registration of more than one producer responsibility organization;

(i) Until rules are adopted under (b) of this subsection, issue a general order to all registered producer responsibility organizations; and

(ii) Send notice to each producer responsibility organization of fee amounts due, consistent with either the general order issued under (b)(i) of this subsection or rules adopted under (b) of this subsection.

(c) The department must:

(i) In the March 31, 2027, producer responsibility organization annual registration fee determination under (a) of this subsection, adjust the fee to account for funds received that were due by September 1, 2026, under RCW 70A.208.040;

(ii) Apply any remaining annual fee payment funds from the most recently closed fiscal year to the annual fee for the coming fiscal year, if the collected annual fee exceeds the costs identified under (b) of this subsection for the most recently closed fiscal year; and

(iii) Increase annual fees for the coming fiscal year to cover the costs identified under (b) of this subsection, if the collected annual fee was less than the amount required to cover those costs for a given year.

(c) [(d)] By March 1, 2026, the department must determine the one-time payment to be paid by each producer responsibility organization that is adequate to cover, but not exceed, the costs to implement, administer, and enforce this chapter from July 27, 2025, until June 30, 2027.

(5) Within 120 days of receipt, the department must review and approve, approve with conditions, deny, or request additional information for a draft plan or draft amendment, including a contingency plan as required in RCW 70A.208.140, submitted by a producer responsibility organization or coordinating body.

(a) The department must post the draft plan or plan amendment on the department's website, notify the appropriate committees of the legislature that a draft plan has been submitted and posted, and allow public comment for no less than 45 days before approving, denying, or requesting additional information on the draft plan or amendment.

(b) (i) If the department denies or requests additional information for a draft plan or amendment, the department must provide the producer responsibility organization with the reasons, in writing, that the plan or amendment does not meet the plan requirements of RCW 70A.208.130. The producer responsibility organization has 60 days from the date that the rejection or request for additional information is received to submit to the department any additional information necessary for the department's approval. The department must review and approve or disapprove the revised draft plan or amendment no later than 60 days after the department receives it. If the department disapproves the revised plan or revised plan amendment, the department shall provide the reason, in writing, and either: (A) Direct changes to the revised plan or plan amendment; or (B) require the producer responsibility organization to submit a second revision no later than 60 days from the date of the rejection.

(ii) The department may approve the second revision submitted by the producer responsibility organization with additional conditions the producer responsibility organization must implement.

(c) The department's approval of the first producer responsibility organization plans submitted by October 1, 2028, must take effect no earlier than the adjournment of the 2029 regular legislative session, in order to allow an opportunity for the 2029 legislature to determine whether to amend the requirements of this chapter, to make other recycling policy changes including the potential establishment of a bottle deposit return program, or to allow that the proposed plan and program under this chapter be implemented in full. Nothing in this subsection (5)(c) amends or limits the duties or authorities of a producer, a producer responsibility organization, or the department under this chapter, including with respect to the timing of plan submission, plan review, or plan revision processes specified in this section, while the 2029 legislature reviews the draft plan submitted to the department as provided in this subsection. Nothing in this subsection prevents a

plan from being implemented in absence of legislative action after July 27, 2025.

(d) Upon recommendation of the advisory council, or upon the department's initiative, the department may require an amendment to the plan if the department determines that an amendment is necessary to ensure that the producer responsibility organization maintains compliance with the requirements of this chapter.

(6) The department must review annual reports and:

(a) Make annual reports available for public review and comment for at least 30 days;

(b) Review within 120 days of receipt of a complete annual report;

(c) Determine whether an annual report meets the requirements of this chapter, considering comments received under (a) of this subsection, and notify the producer responsibility organization of the approval or reasons for denial. The producer responsibility organization must submit a revised annual report within 60 days after receipt of a denial letter; and

(d) Notify a producer responsibility organization if the annual report demonstrates that a plan fails to achieve the requirements under this chapter.

(7) Upon request of the department for purposes of determining compliance with this chapter, or for purposes of implementing this chapter, a person must furnish to the department any information that the person has or may reasonably obtain. [2025 c 316 s 106.]