

RCW 70A.208.090 Statewide collection lists. (1)(a) The department must develop lists of covered materials determined to be recyclable or compostable statewide. By October 1, 2026, the department must develop initial lists for use and evaluation in the needs assessment described in RCW 70A.208.110. The department must also publish lists no later than 30 days after approving a plan, taking into account proposed changes in the plan. In the development of the lists, the department must distinguish between:

- (i) Materials determined to be suitable for residential recycling collection, whether in a commingled or in a separate container;
- (ii) Materials determined to be suitable for residential composting collection;
- (iii) Materials suitable for public place collection; and
- (iv) Materials suitable for alternative collection.

(b) In determining whether a material is suitable for residential, public place, or alternative collection, the department may consider any combination of the following criteria:

- (i) The stability, maturity, accessibility, and viability of responsible markets;
- (ii) Environmental health and safety considerations;
- (iii) The anticipated yield loss for the material during the recycling or composting process;
- (iv) The material's compatibility with existing recycling infrastructure;
- (v) Whether the material adheres to published design guidelines for recyclability or compostability;
- (vi) The amount of the material available;
- (vii) The practicalities of sorting and storing the material;
- (viii) The potential to cause or be impacted by contamination;
- (ix) The ability for waste generators to easily identify and properly prepare the material;
- (x) Economic factors;
- (xi) Environmental factors from a life-cycle perspective;
- (xii) The policy expressed in RCW 70A.205.010; or
- (xiii) Other criteria or factors, as determined by the department.

(2) A producer responsibility organization may propose a covered material for addition to or removal from the lists under this section as part of a plan or as a plan amendment. In considering the proposal, the department may consider the same criteria as those established under subsection (1)(b) of this section.

(3) In developing lists under this section, the department must consult with the advisory council, producer responsibility organizations, service providers, government entities, and other interested parties. The department must consider any requests received for the inclusion or removal of a covered material or covered material type on a list under this section. The department may select a third-party consultant to assist with the development of the lists.

(4)(a) Except as described in (b) of this subsection and subsection (5) of this section, a material that is not identified as suitable for residential collection may not be collected as part of a residential recycling program.

(b) A covered material that is not identified as suitable for residential collection may be temporarily collected as part of a residential recycling program and qualify for reimbursement if:

- (i) The covered material is collected as part of a pilot program agreed to by the service provider, the government entity under whose

authority the service is provided, and the producer responsibility organization;

(ii) The pilot program is of limited duration; and

(iii) The pilot program is conducted in a limited area.

(5) For purposes of the first plan implementation period, a group of producers representing a majority of a distinct covered material type or distinct packaging type may petition the department, prior to the department finalizing a list under this section, to consider designating that material or packaging as suitable for multiple modes of collection other than commingled residential, depending on location. The department may grant a petition that is submitted at least six months prior to the publication of the lists and that justifies why different methods are appropriate in different jurisdictions based on the factors specified in subsection (1)(b) of this section. [2025 c 316 s 109.]