

RCW 70A.208.130 Producer responsibility organization—Plan. (1)

By October 1, 2028, and every five years thereafter, each registered producer responsibility organization must submit a plan to the department that describes the proposed operation by the organization of programs to fulfill the requirements of this chapter and that incorporates the findings and results of needs assessments.

(2) A producer responsibility organization must submit a draft plan or draft amendment to the advisory council at least 60 days prior to submitting to the department to allow the advisory council to submit comments and must address advisory council comments and recommendations prior to the submission of the draft plan or draft plan amendment to the department.

(3) A draft plan must include at a minimum:

(a) Performance targets established under RCW 70A.208.150 as applicable to each covered materials type to be accomplished within a five-year period;

(b) Any proposals for additions or removals of covered materials to the lists established under RCW 70A.208.090;

(c) A description of the methods of collection, how collection service convenience metrics in RCW 70A.208.100 will be met, and a description of processing infrastructure and covered services to be used for each covered materials type for persons and locations receiving services, at a minimum, and how these will meet the performance targets established in RCW 70A.208.150 for covered materials that are:

(i) Included or proposed to be included on lists established in RCW 70A.208.090;

(ii) Reusable covered materials managed through a reuse system; and

(iii) Capable of refill and managed through a refill system;

(d) A description of how, for each covered materials type, the producer responsibility organization will measure recycling, plastic source reduction, reuse, composting, and the inclusion of postconsumer recycled content, in accordance with the methodology established in RCW 70A.208.150;

(e) Third-party certifications as required by the department or voluntarily undertaken;

(f) A budget identifying funding needs for each of the plan's five calendar years, producer fees, a description of the process used to calculate the fees, and an explanation of how the fees meet the requirements of RCW 70A.208.160;

(g) A description of infrastructure investments, including:

(i) Goals and outcomes and a description of how the process to offer and select investments will be conducted in an open, competitive, and fair manner;

(ii) How the infrastructure investments will address gaps in the system not met by service providers; and

(iii) Potential financial and legal instruments to be used;

(h) An explanation of how the plan will be paid for by the producer responsibility organization solely through fees from producers. This restriction does not apply to refundable deposits made in connection with a product's refill, reuse, or recycling that can be redeemed by a consumer;

(i) A description of activities to be undertaken by the producer responsibility organization during each year to:

(i) Minimize the environmental impacts and human health impacts of covered materials, including assessing each covered material type's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

(ii) Foster the improved design of covered materials, as identified under RCW 70A.208.160(2)(c);

(iii) Provide funding to expand and increase the convenience of waste reduction, refill, reuse, collection, recycling, and composting services to covered entities, at a minimum, according to the order of the state's solid waste management hierarchy established in RCW 70A.205.005;

(iv) Provide for reimbursement rates to service providers for statewide coverage of covered services on the lists established in RCW 70A.208.090; and

(v) Monitor to ensure that postconsumer materials are delivered to responsible markets;

(j) A description of how the producer responsibility organization will promote the opportunity for all service providers to register with the department and to submit invoices for reimbursement with the producer responsibility organization;

(k) A description of how the program will reimburse service providers under an approved plan including, but not limited to, a description of how the program will establish:

(i) A methodology to calculate differentiated reimbursement rates as provided in RCW 70A.208.160 and 70A.208.170;

(ii) A process for service providers to submit invoices and be reimbursed for covered services provided to covered entities;

(iii) Clear and reasonable timelines for reimbursement, at intervals no longer than monthly unless agreed to by a service provider and a producer responsibility organization; and

(iv) A process that utilizes a third-party mediator to resolve disputes that arise between the producer responsibility organization and a service provider regarding the determination of reimbursement rates and payment of reimbursements;

(l) Performance standards for service providers as applicable to the service provided including, but not limited to:

(i) Requirements that service providers must accept all covered materials on the applicable list established by the department under RCW 70A.208.090(1)(a);

(ii) Requirements that service providers must offer residential recycling collection for materials on the applicable list established by the department under RCW 70A.208.090(1)(a) to covered entities wherever they offer residential garbage collection services, except in areas subject to a county ordinance as specified in RCW 70A.205.045(7)(b)(i)(C);

(iii) Requirements that service must be provided in a manner consistent with the requirements of: (A) Chapter 70A.205 RCW for curbside collection services of source separated recyclable materials from residences; and (B) chapter 81.77 RCW;

(iv) Requirements that service providers must manage covered materials in a manner consistent with the state's solid waste management hierarchy established in RCW 70A.205.005; and

(v) Requirements that service providers comply with all applicable federal, state, and local laws governing health and safety;

(m) A requirement that owners or operators of a material recovery facility that manages over 25,000 tons annually of covered materials

under this chapter must comply with the compensation requirements specified in RCW 49.46.380;

(n) A description of how the producer responsibility organization will treat and protect nonpublic data submitted by service providers;

(o) A description of how the producer responsibility organization will provide technical assistance to:

(i) Service providers in order to assist them in delivering covered materials to responsible markets;

(ii)(A) Producers regarding intentionally added toxic substances and residual toxic substances from manufacturing in covered materials; (B) best practices identified in the needs assessment that producers can take to reduce intentionally added or residual toxic substances in covered materials; and (C) best practices for verifying reduction through suppliers' certificates of compliance, testing, or other analytical and scientifically demonstrated methodology; and

(iii) Producers to make changes in product design that reduce the environmental impact of covered materials or that increase the recoverability or marketability of covered materials for reuse, recycling, or composting;

(p) A description of how the producer responsibility organization will increase public awareness, educate, and complete outreach activities that meet the requirements of RCW 70A.208.190 and will evaluate the efficacy of these efforts;

(q) A description of how the producer responsibility organization will reduce or eliminate disparities in the availability to socially vulnerable populations of covered services for covered materials;

(r) Proposed alternative collection programs as required under RCW 70A.208.100;

(s) A description of how producers can purchase postconsumer materials from service providers at market prices if the producer is interested in obtaining recycled feedstock to achieve minimum postconsumer recycled content performance targets and statewide requirements;

(t) A summary of consultations held with the advisory council and other interested parties to provide input to the plan, a list of recommendations that were incorporated into the plan as a result, and a list of rejected recommendations and the reasons for rejection;

(u) Strategies to incorporate findings from any relevant studies required by the legislature; and

(v) Any other information required by the department by rule.

(4) Consistent with the process established in RCW 70A.208.060(5), the department may only approve a draft plan submitted by a producer responsibility organization that meets the requirements of this section. The department shall not approve a draft plan that does not satisfy each criteria required of a plan under this section including, but not limited to, a plan that does not reduce or eliminate disparities in the availability to socially vulnerable populations of covered services for covered materials. [2025 c 316 s 113.]