

RCW 70A.208.210 Independent review of program. (1) (a) By January 1, 2028, the department must contract with an independent consultant to carry out a one-time ex-ante analysis of each draft plan submitted to the department by October 1, 2028, that addresses:

(i) The impact of the proposed program on the consumer prices of covered materials and items sold with covered materials;

(ii) The impacts of the proposed program on environmental justice, as defined in RCW 70A.02.010, and on the availability and convenience of recycling, composting, and reuse services, including specific analysis of the availability and convenience of recycling, composting, and reuse services used by socially vulnerable populations and in overburdened communities; and

(iii) Whether and how a beverage container deposit return program could be established as a complement to the proposed plan, and designed in a manner that would improve on the performance targets and program outcomes proposed in the plan and in a manner that would improve accessibility and convenience to recycling options for beverage containers.

(b) The analysis must be informed by input from stakeholders and informed by experience from other jurisdictions.

(c) The analysis must be completed and submitted to the department by January 15, 2029.

(d) The department's contract with the independent consultant must allow the consultant to begin its analysis prior to the submission of the draft plan on October 1, 2028. The department must require a producer responsibility organization to cooperate and share information with the independent consultant hired by the department to facilitate the consultant being able to complete its analysis in time to allow for consideration by the 2029 legislature.

(e) The department must notify the appropriate committees of the legislature upon the completion of the analysis under this subsection (1).

(2) By September 1, 2038, the department must contract with an independent consultant to analyze the impacts of the initial seven years of program implementation and must submit a report summarizing the analysis to the appropriate committees of the legislature. The analysis must include the effects of the program on:

(a) Solid waste, composting, or recycling costs;

(b) Recycling rates, reuse rates, postconsumer recycled content rates, source reduction rates, and composting rates; and

(c) The availability and convenience of recycling, composting, and reuse services, including specific analysis of the availability and convenience of recycling, composting, and reuse services used by socially vulnerable populations.

(3) (a) The independent consultant, for purposes of the independent review of the program carried out under this section, may review:

(i) Information submitted to the department under RCW 70A.208.200; and

(ii) Producer or producer responsibility organization data or information pertinent to the program.

(b) The independent consultant must treat confidential records in a manner consistent with the department's policy under RCW 70A.208.220.

(4) To the extent that sufficient state-level data is not available to complete the analyses required in subsection (2) of this

section, the independent consultant may review data or studies from states with similar programs. [2025 c 316 s 121.]