

Proposed Substitute House Bill 2301 (H-2968.1)

House Environment & Energy Committee

By Representative Doglio

Original Bill:

Improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

Proposed Substitute (H-2968.1) compared to the original bill:

- Adds Legislative intent to establish food management preferences for the implementation of the Act prioritizing the prevention of wasted food as the most preferred of six management categories and landfilling, drain disposal, and incineration of food as the lowest of the six management preference categories.
- Specifies that references to Indian tribes as grant recipients apply only to federally recognized Indian tribes.
- Specifies that the Washington Commodities Donation Grant program must procure food for use in Washington, and is open to nonprofit organizations that are not food cooperatives.
- Eliminates the requirement that source-separated organic collection must be provided weekly in certain jurisdictions where food waste is collected unless granted a waiver by the Department of Ecology (Ecology), and instead provides that those jurisdictions must provide year-round service.
- Specifies that a customer may receive an exemption from a local jurisdiction from the 2030 requirement to use non-elective organic material management collection services for on-site management or self-hauling.
- Clarifies that the 2030 requirement to only use source separated organic solid waste collection services applies only when using curbside collection for disposal.
- Requires Ecology by January 1, 2026, rather than authorizes Ecology, to adopt standards for persons to be exempt from organic material disposal service requirements when using alternative mechanisms that provide equal or better environmental outcomes.
- Clarifies that organic material management requirements do not affect the Department of Agriculture's noxious weed control and quarantine duties and authorities.
- Reduces the training requirement applicable to anaerobic digesters to 10 hours every two years, and authorizes anaerobic digester and composter training to be completed virtually.
- Authorizes businesses to dispose of wastes generated from food safety events involving foreign material or biological activity through landfill destruction.
- Amends bin color (blue: recycling; green/brown: organics; black/gray: solid waste) requirements, including by:
 - Requiring existing containers of at least one cubic yard to be repainted by 2030 to match coloring requirements.
 - Requiring containers of at least one cubic yard to have color-coordinated bodies rather than color-coordinated lids, but authorizing a two square foot area of any color to display a logo, branding, or name unless a local government does not allow such display.
 - Specifying that unpainted galvanized metal containers qualify as gray containers that may be used for solid waste collection other than recycling or organics.

- Eliminates prohibitions on plastic produce stickers, and requires Ecology, in consultation with Agriculture to study and submit to the Legislature a status report on sticker technology compostability, performance, printability, and cost by September 1, 2025.
- Eliminates date labeling requirements related to food.
- Restores the existing definition of “producer” for purposes of product degradability labeling laws.
- Authorizes products to be labeled as compostable if they meet the ASTM standard for cellulosic fiber packaging materials, or otherwise requiring fiber-based products labeled as compostable to be 99 percent, rather than 98 percent compostable.
- Requires solid waste facilities that generate compost to accept food waste in order to be eligible for the Department of Agriculture’s compost reimbursement program.
- Amends the maximum per-farmer reimbursement formula for the Department of Agriculture’s compost reimbursement program.
- Eliminates references to food donation requirements to be studied by the business food donation work group, and requires a food processor organization to be part of the workgroup.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2968.1/24

ATTY/TYPIST: ML:roy

BRIEF DESCRIPTION: Improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

1 AN ACT Relating to improving the outcomes associated with waste
2 material management systems, including products affecting organic
3 material management systems; amending RCW 70A.207.020, 70A.214.100,
4 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070, 70A.455.090,
5 15.04.420, and 43.19A.150; reenacting and amending RCW 70A.455.020;
6 adding new sections to chapter 70A.207 RCW; adding a new section to
7 chapter 43.23 RCW; adding new sections to chapter 70A.205 RCW; adding
8 a new section to chapter 70A.455 RCW; adding a new section to chapter
9 19.27 RCW; creating new sections; and prescribing penalties.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **PART 1**

12 **INTENT**

13 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

14 (a) Washington is now experiencing the effects of a climate
15 crisis: Hotter summers with record-breaking temperatures, devastating
16 fires, drought conditions, and rising sea levels that erode our
17 coastlines and are causing some communities to move upland;

18 (b) Methane is a potent greenhouse gas and landfills are
19 documented by the United States environmental protection agency to be

1 the 3rd largest human-made source, with food, yard waste, and other
2 plant-based organic material degrading in landfills to methane;

3 (c) Food waste is a major issue in the United States and
4 globally, that, according to the food and agriculture organization of
5 the United Nations, unwanted and discarded food squanders resources,
6 including water, land, energy, labor, and capital, estimated that
7 one-third of the food produced in the world for human consumption,
8 about 1,300,000,000 tons, is lost or wasted every year, and the food
9 loss and waste in industrialized countries equates to a value of
10 approximately \$680,000,000,000;

11 (d) The Harvard University food law and policy clinic has
12 estimated that 40 percent of the food supply in the United States is
13 not eaten and that according to the United States environmental
14 protection agency and the United States department of agriculture,
15 food loss and waste is the single largest component of disposed
16 municipal solid waste in the United States;

17 (e) In 2015, that the administrator of the United States
18 environmental protection agency and the secretary of the United
19 States department of agriculture announced a national goal of
20 reducing food waste by 50 percent by the year 2030. In 2019,
21 Washington established the same goal in RCW 70A.205.715;

22 (f) Compost and other products of organic material management
23 facilities have beneficial applications and can improve soil health,
24 water quality, and other environmental outcomes. However, in order
25 for the products of organic material management facilities to lead to
26 improved environmental outcomes and for the economics of the
27 operations of these facilities to pencil out, it is important that
28 inbound sources of organic material waste are free of plastic
29 contamination, pesticides, and other materials that will reduce
30 compost quality; and

31 (g) Farmers, processors, retailers, and food banks in Washington
32 are leaders in addressing this issue, and in 2022, with the enactment
33 of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill
34 No. 1799), Washington took significant steps towards the improvement
35 of organic material management systems.

36 (2) It is the legislature's intent to provide additional tools
37 and financial resources to build on this progress in coming years by:

38 (a) Creating a variety of grant programs to support food waste
39 reduction, food rescue, and other organic material management system

1 improvements, including grants to support the implementation of new
2 policy requirements related to organic material management;

3 (b) Amending solid waste management requirements in support of
4 improved organic material management outcomes, including through the
5 statewide standardization of colors and labels for organic,
6 recycling, and garbage bins, and amending the organic material
7 management service requirements in local jurisdictions and that apply
8 to businesses;

9 (c) Standardizing and establishing a clear system of food
10 expiration date labeling requirements;

11 (d) Prohibiting plastic product stickers and making changes to
12 product degradability labeling requirements;

13 (e) Amending the state building code in support of organic
14 material management; and

15 (f) Continuing to discuss how to maximize donations of food from
16 generators of unwanted edible food.

17 (3) It is the legislature's intent for the following management
18 option preferences to apply to the management of food under this act,
19 including the provisions of law being amended by this act, in order
20 of most preferred to least preferred:

21 (a) Prevents wasted food;

22 (b) Donates or upcycles food;

23 (c) Feeds animals or leaves food unharvested;

24 (d) Composts or anaerobically digests materials with beneficial
25 use of the digestate or biosolids;

26 (e) Anaerobically digests materials with the disposal of
27 digestate or biosolids, or applies material to the land; and

28 (f) Sends materials down the drain, to landfills, or incinerates
29 material, with or without accompanying energy recovery.

30 PART 2

31 FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

32 NEW SECTION. **Sec. 201.** A new section is added to chapter
33 70A.207 RCW to read as follows:

34 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The
35 department, through the center, must develop and administer grant
36 programs to support activities that reduce emissions from landfills
37 and waste-to-energy facilities through the diversion of organic
38 materials and food waste prevention, rescue, and recovery. Grant

1 programs under this section must be developed and implemented in
2 consultation with the department of agriculture, and the department
3 must seek stakeholder input in the design, criteria, and logistics
4 associated with each grant program. The department must allocate
5 grant funding across the eligible categories specified in subsection
6 (2) of this section in a manner consistent with legislative
7 appropriations, and that achieves the following priorities:

8 (a) Maximizing greenhouse gas emission reductions;

9 (b) Eliminating barriers to the rescue and consumption of edible
10 food that would otherwise be wasted;

11 (c) Developing stable funding programs for the department to
12 administer and stable funding opportunities for potential fund
13 recipients to be aware of; and

14 (d) Preferences the following management options, in order of
15 most preferred to least preferred:

16 (i) Prevents wasted food;

17 (ii) Donates or upcycles food;

18 (iii) Feeds animals or leaves food unharvested;

19 (iv) Composts or anaerobically digests materials with beneficial
20 use of the digestate or biosolids;

21 (v) Anaerobically digests materials with the disposal of
22 digestate or biosolids, or applies material to the land;

23 (vi) Sends materials down the drain, to landfills, or incinerates
24 material, with or without accompanying energy recovery.

25 (2) Subject to the availability of amounts appropriated for this
26 specific purpose, grants under this section may be awarded to the
27 following categories of activities:

28 (a) Projects to prevent the surplus of unsold, uneaten food from
29 food businesses or to standardize and improve the operating
30 procedures associated with food donations, including efforts to
31 standardize collection bins, provide staff training for food donors
32 or food rescue organizations, or make other changes to increase the
33 efficiency or efficacy of food donation procedures. Local
34 governments, federally recognized Indian tribes and federally
35 recognized Indian tribal government entities, nonprofit
36 organizations, and generators of unwanted edible food are eligible
37 applicants for grants under this subsection. Equipment and
38 infrastructure purchases, training costs, costs associated with the
39 development and deployment of operating protocols, and employee staff

1 time reimbursement are eligible uses of grant funding under this
2 subsection;

3 (b)(i) Projects to improve and reduce the transportation of
4 donated foods and management of cold chains across the donated food
5 supply chain, including through food rescue organizations. Local
6 governments, federally recognized Indian tribes and federally
7 recognized Indian tribal government entities, nonprofit
8 organizations, transporters of unwanted edible food, and generators
9 of unwanted edible food are eligible applicants for grants under this
10 subsection. Eligible uses of grant funding under this subsection
11 include the acquisition of vehicles, cold-storage equipment, real
12 estate, and technology to support donated food storage and
13 transportation system improvements.

14 (ii) Grants under this subsection (2)(b) may not be used for the
15 purchase or lease of equipment that relies on a fuel source other
16 than electricity or the purchase or lease of vehicles other than
17 zero-emission vehicles;

18 (c)(i) Grant programs to support the establishment and expansion
19 of wasted food reduction programs to benefit vulnerable communities.
20 This grant program must be developed in consultation with the
21 department of agriculture, the department of health, and food policy
22 stakeholders.

23 (ii) Nonprofit organizations, businesses, associations, federally
24 recognized Indian tribes and federally recognized Indian tribal
25 government entities, and local governments are eligible to receive
26 grants under this subsection. Eligible uses of the funds may include
27 community food hub development projects, cold food storage capacity,
28 refrigerated transport capacity, convenings to inform innovation in
29 wasted food reduction in retail and food service establishments, and
30 pilot projects to reduce wasted food. No more than 20 percent of
31 funds allocated under this subsection (2)(c) may be awarded to a
32 single grant recipient; and

33 (d) Food waste tracking and analytics pilot project grants. Local
34 governments, federally recognized Indian tribes and federally
35 recognized Indian tribal government entities, nonprofit
36 organizations, transporters of unwanted edible food, and generators
37 of unwanted edible food are eligible applicants for grants under this
38 subsection. Eligible uses of grant funding under this subsection
39 include staff time and technology to improve food waste prevention or
40 improve tracking of food donations through the food supply chain and

1 to provide data useful to enabling more efficient and effective
2 outcomes for the provision of food available for rescue.

3 (3) The department may establish additional eligibility criteria
4 or application process requirements beyond those described in
5 subsection (2) of this section for a category or categories of
6 activity. The department may, as a condition of the award of a grant
7 under this section, require the reporting of information to the
8 department regarding the outcomes of the funded activities.

9 (4) The department may award grants to eligible applicants
10 meeting the minimum qualifying criteria on a competitive basis, or to
11 applicants on a noncompetitive basis, or both. Within each category
12 of activity described in subsection (2) of this section, the
13 department must prioritize grant applications that benefit
14 overburdened communities as defined in RCW 70A.02.010 as identified
15 by the department in accordance with RCW 70A.02.050.

16 NEW SECTION. **Sec. 202.** A new section is added to chapter
17 70A.207 RCW to read as follows:

18 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The
19 department, through the center, must develop and administer grant
20 programs to support the implementation of the requirements of this
21 act and chapter 180, Laws of 2022, with priority given to grants that
22 support the implementation of RCW 70A.205.540 and 70A.205.545.
23 Eligible recipients of grants under this section may include
24 businesses that are subject to organic material management
25 requirements, local governments, federally recognized Indian tribes
26 and federally recognized Indian tribal government entities, nonprofit
27 organizations, or organic material management facilities. Eligible
28 expenses by grant recipients include education, outreach, technical
29 assistance, indoor and outdoor infrastructure, transportation and
30 processing infrastructure, and enforcement costs.

31 (2) The department may not require, as a condition of financial
32 assistance under this section, that matching funds be made available
33 by a local government recipient. The department must provide
34 assistance to each local government that demonstrates eligibility for
35 grant assistance under this section.

36 **Sec. 203.** RCW 70A.207.020 and 2022 c 180 s 402 are each amended
37 to read as follows:

1 CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington
2 center for sustainable food management is established within the
3 department (~~(, to begin operations by January 1, 2024)~~).

4 (2) The purpose of the center is to help coordinate statewide
5 food waste reduction.

6 (3) The center may perform the following activities:

7 (a) Coordinate the implementation of the plan;

8 (b) Draft plan updates and measure progress towards actions,
9 strategies, and the statewide goals established in RCW 70A.205.007
10 and 70A.205.715(1);

11 (c) Maintain a website with current food waste reduction
12 information and guidance for food service establishments, consumers,
13 food processors, hunger relief organizations, and other sources of
14 food waste;

15 (d) Provide staff support to multistate food waste reduction
16 initiatives in which the state is participating;

17 (e) Maintain the consistency of the plan and other food waste
18 reduction activities with the work of the Washington state
19 conservation commission's food policy forum;

20 (f) Facilitate and coordinate public-private and nonprofit
21 partnerships focused on food waste reduction, including through
22 voluntary working groups;

23 (g) Collaborate with federal, state, and local government
24 partners on food waste reduction initiatives;

25 (h) Develop and maintain maps or lists of locations of the food
26 systems of Washington that identify food flows, where waste occurs,
27 and opportunities to prevent food waste;

28 (i)(i) Collect and maintain data on food waste and wasted food in
29 a manner that is generally consistent with the methods of collecting
30 and maintaining such data used by federal agencies or in other
31 jurisdictions, or both, to the greatest extent practicable;

32 (ii) Develop measurement methodologies and tools to uniformly
33 track food donation data, food waste prevention data, and associated
34 climate impacts resultant from food waste reduction efforts;

35 (j) Research and develop emerging organic materials and food
36 waste reduction markets;

37 (k)(i) Develop and maintain statewide food waste reduction and
38 food waste contamination reduction campaigns, in consultation with
39 other state agencies and other stakeholders, including the
40 development of waste prevention and food waste recovery promotional

1 materials for distribution. These promotional materials may include
2 online information, newsletters, bulletins, or handouts that inform
3 food service establishment operators about the protections from civil
4 and criminal liability under federal law and under RCW 69.80.031 when
5 donating food; and

6 (ii) Develop guidance to support the distribution of promotional
7 materials, including distribution by:

8 (A) Local health officers, at no cost to regulated food service
9 establishments, including as part of normal, routine inspections of
10 food service establishments; and

11 (B) State agencies, including the department of health and the
12 department of agriculture, in conjunction with their statutory roles
13 and responsibilities in regulating, monitoring, and supporting safe
14 food supply chains and systems;

15 (1) Distribute and monitor grants dedicated to food waste
16 prevention, rescue, and recovery, which must include the programs
17 described in sections 201 and 202 of this act; (~~and~~)

18 (m) Provide staff support to the work group created in section
19 702 of this act; and

20 (n) Research and provide education, outreach, and technical
21 assistance to local governments in support of the adoption of solid
22 waste ordinances or policies that establish a financial disincentive
23 for the generation of organic waste and for the ultimate disposal of
24 organic materials in landfills.

25 (4) The department may enter into an interagency agreement with
26 the department of health, the department of agriculture, or other
27 state agencies as necessary to fulfill the responsibilities of the
28 center.

29 (5) The department may adopt any rules necessary to implement
30 this chapter including, but not limited to, measures for the center's
31 performance.

32 NEW SECTION. Sec. 204. A new section is added to chapter 43.23
33 RCW to read as follows:

34 WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department
35 must implement the Washington commodities donation grant program
36 established in this section. The purpose of the program is to procure
37 Washington grown produce, grains, and protein otherwise at risk of
38 ending up as food waste for distribution to hunger relief
39 organizations for use in Washington state.

1 (2) The program established in this section must, to the extent
2 practicable:

3 (a) Rely upon existing infrastructure and similar grant programs
4 currently being implemented in Washington, in order to maximize the
5 beneficial impacts of the program in the short-term, and to
6 expeditiously enable the distribution of grants under this section;

7 (b) Be designed to achieve efficiencies of scale by the grant
8 recipients carrying out food acquisitions and distributions and to
9 target large volume food acquisition opportunities;

10 (c) Give priority to recipient organizations that have at least
11 five years of experience coordinating the collection and
12 transportation of donated agricultural products to food bank
13 distributors, food bank distribution centers, or both, for
14 redistribution to local hunger relief agencies; and

15 (d) Provide for equitable benefits experienced from the program
16 by food producers of varying sizes and types, including minority and
17 vulnerable farmers, including veterans, women, and federally
18 recognized Indian tribes.

19 (3) The department must issue grants under this section to one or
20 more nonprofit organizations to acquire food directly from food
21 producers located in Washington. A recipient nonprofit organization
22 may use funds under this section to compensate food producers
23 donating commodities for pick and pack out costs incurred associated
24 with the production of a food product, including costs of food
25 product inputs and harvest, and for their marginal postharvest
26 logistical and administrative costs that facilitate the acquisition
27 and distribution of the food product by grant recipients.

28 (4) An organization that receives funds under this section must
29 report the results of the project to the department in a manner
30 prescribed by the department.

31 (5) It is the intent of the legislature to consistently and
32 sustainably allocate at least \$25,000,000 per biennium, continuing
33 over multiple biennia, to the program established in this section.

34 **Sec. 205.** RCW 70A.214.100 and 2008 c 178 s 1 are each amended to
35 read as follows:

36 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction
37 shall develop, in consultation with the superintendent of public
38 instruction, an awards program to achieve waste reduction and
39 recycling in public schools, and to encourage waste reduction and

1 recycling in private schools, grades kindergarten through high
2 school. The office shall develop guidelines for program development
3 and implementation. Each public school shall, and each private school
4 may, implement a waste reduction and recycling program conforming to
5 guidelines developed by the office.

6 (2) For the purpose of granting awards, the office may group all
7 participating schools into not more than three classes, based upon
8 student population, distance to markets for recyclable materials, and
9 other criteria, as deemed appropriate by the office. Except as
10 otherwise provided, five or more awards may be granted to each of the
11 three classes. Each award shall be no more than ~~((five thousand
12 dollars))~~ \$10,000. Awards shall be granted each year to the schools
13 that achieve the greatest levels of waste reduction and recycling. A
14 single award of not less than ~~((five thousand dollars))~~ \$10,000 may
15 be presented to the school having the best recycling program as
16 measured by the total amount of materials recycled, including
17 materials generated outside of the school. A single award of not less
18 than ~~((five thousand dollars))~~ \$10,000 may be presented to the school
19 having the best waste reduction program as determined by the office.
20 It is the intent of the legislature to consistently and sustainably
21 allocate at least \$1,000,000 per biennium, continuing over multiple
22 biennia, to the awards program established in this section.

23 (3) The superintendent of public instruction shall distribute
24 guidelines and other materials developed by the office to implement
25 programs to reduce and recycle waste generated in administrative
26 offices, classrooms, laboratories, cafeterias, and maintenance
27 operations.

28 PART 3

29 AMENDMENTS TO SOLID WASTE LAWS

30 **Sec. 301.** RCW 70A.205.540 and 2022 c 180 s 102 are each amended
31 to read as follows:

32 MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027,~~
33 ~~in))~~ Except as provided in subsection (3) of this section, in each
34 jurisdiction that implements a local solid waste plan under RCW
35 70A.205.040:

36 (a) ~~((Source-separated))~~ Beginning April 1, 2027, source-
37 separated organic solid waste collection services ~~((must))~~ are

1 ~~required to be provided ((at least every other week or at least 26~~
2 ~~weeks annually)) year-round to:~~

3 (i) All residents; and

4 (ii) Nonresidential customers that generate more than .25 cubic
5 yards per week of organic materials for management; ~~((and))~~

6 (b) (i) The department may, by waiver, reduce the collection
7 frequency requirements in (a) of this subsection for the collection
8 of dehydrated food waste or to address food waste managed through
9 other circumstances or technologies that will reduce the volume or
10 odor, or both, of collected food waste.

11 (ii) All organic solid waste collected from residents and
12 businesses under ~~((a) of)~~ this subsection must be managed through
13 organic materials management;

14 (c) Beginning April 1, 2030, the source-separated organic solid
15 waste collection services specified in (a) of this subsection must be
16 provided to customers on a nonelective basis, except that a
17 jurisdiction may grant an exemption to a customer that certifies to
18 the jurisdiction that the customer is managing organic material waste
19 on-site or self-hauling its own organic material waste for organic
20 materials management;

21 (d) Beginning April 1, 2030, each jurisdiction's source-separated
22 organic solid waste collection service must include the acceptance of
23 food waste year-round. The jurisdiction may choose to collect food
24 waste source-separated from other organic materials or may collect
25 food waste commingled with other organic materials; and

26 (e) Beginning April 1, 2030, all persons, when using curbside
27 collection for disposal, may use only source-separated organic solid
28 waste collection services to discard unwanted organic materials. By
29 January 1, 2026, the department must adopt standards under which
30 local jurisdictions may exempt persons from this requirement if
31 organic materials will be managed through an alternative mechanism
32 that provides equal or better environmental outcomes. Nothing in this
33 section precludes the ability of a person to use on-site composting,
34 the diversion of organic materials to animal feed, self-haul organic
35 materials to a facility, or other means of beneficially managing
36 unwanted organic materials.

37 (2) A jurisdiction may charge and collect fees or rates for the
38 services provided under subsection (1) of this section, consistent
39 with the jurisdiction's authority to impose fees and rates under
40 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

1 (3) (a) Except as provided in (d) of this subsection, the
2 requirements of this section do not apply in a jurisdiction if the
3 department determines that the following apply:

4 (i) The jurisdiction disposed of less than 5,000 tons of solid
5 waste in the most recent year for which data is available; or

6 (ii) The jurisdiction has a total population of less than 25,000
7 people (~~or~~

8 ~~(iii) The jurisdiction has a total population between 25,000 and~~
9 ~~50,000 people and curbside organic solid waste collection services~~
10 ~~are not offered in any area within the jurisdiction, as of July 1,~~
11 ~~2022)).~~

12 (b) The requirements of this section do not apply:

13 (i) In census tracts that have a population density of less than
14 75 people per square mile that are serviced by the jurisdiction and
15 located in unincorporated portions of a county, as determined by the
16 department, in counties not planning under chapter 36.70A RCW;
17 ((and))

18 (ii) In census tracts that have a population density of greater
19 than 75 people per square mile, where the census tract includes
20 jurisdictions that meet any of the conditions in (a) (i) and (ii) of
21 this subsection, that are serviced by the jurisdiction and located in
22 unincorporated portions of a county, as determined by the department,
23 in counties not planning under chapter 36.70A RCW;

24 (iii) Outside of urban growth areas designated pursuant to RCW
25 36.70A.110 in unincorporated portions of a county planning under
26 chapter 36.70A RCW;

27 (iv) Inside of unincorporated urban growth areas for
28 jurisdictions planning under chapter 36.70A RCW that meet any of the
29 conditions in (a) (i) and (ii) of this subsection; and

30 (v) In unincorporated urban growth areas in counties with an
31 unincorporated population of less than 25,000 people.

32 (c) In addition to the exemptions in (a) and (b) of this
33 subsection, the department may issue a renewable waiver to
34 jurisdictions or portions of a jurisdiction under this subsection for
35 up to five years, based on consideration of factors including the
36 distance to organic materials management facilities, the sufficiency
37 of the capacity to manage organic materials at facilities to which
38 organic materials could feasibly and economically be delivered from
39 the jurisdiction, and restrictions in the transport of organic
40 materials under chapter 17.24 RCW. The department may adopt rules to

1 specify the type of information that a waiver applicant must submit
2 to the department and to specify the department's process for
3 reviewing and approving waiver applications.

4 (d) Beginning January 1, 2030, the department may adopt a rule to
5 require that the provisions of this section apply in the
6 jurisdictions identified in (b) and (c) of this subsection, but only
7 if the department determines that the goals established in RCW
8 70A.205.007(1) have not or will not be achieved.

9 (4) Any city that newly begins implementing an independent solid
10 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the
11 requirements of subsection (1) of this section.

12 (5) Nothing in this section affects the authority or duties of
13 the department of agriculture related to pest and noxious weed
14 control and quarantine measures under chapter 17.24 RCW.

15 NEW SECTION. **Sec. 302.** A new section is added to chapter
16 70A.205 RCW to read as follows:

17 COMPOST FACILITY OPERATOR TRAINING. (1) The department must amend
18 its rules adopted under this chapter that establish training
19 requirements for compost and anaerobic digester facility operators
20 including, but not limited to, WAC 173-350-220 and 173-350-250, as
21 they existed as of the effective date of this section, to require
22 that:

23 (a) Compost facility managers and supervisors annually complete
24 at least 10 hours of training from organizations or training
25 providers other than the facility operator; and

26 (b) Anaerobic digester facility managers and operators complete
27 at least 10 hours of training every two years from organizations or
28 training providers other than the facility operator.

29 (2) A training offered to participants in a virtual format may
30 count toward training requirements under this section.

31 **Sec. 303.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended
32 to read as follows:

33 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July
34 1st thereafter, the department must determine which counties and any
35 cities preparing independent solid waste management plans:

36 (i) Provide for businesses to be serviced by providers that
37 collect food waste and organic material waste for delivery to solid

1 waste facilities that provide for the organic materials management of
2 organic material waste and food waste; and

3 (ii) Are serviced by solid waste facilities that provide for the
4 organic materials management of organic material waste and food waste
5 and have year-round capacity to process and are willing to accept
6 increased volumes of organic materials deliveries.

7 (b) (i) The department must determine and designate that the
8 restrictions of this section apply to businesses in a jurisdiction
9 unless the department determines that the businesses in some or all
10 portions of the city or county have:

11 (A) No available businesses that collect and deliver organic
12 materials to solid waste facilities that provide for the organic
13 materials management of organic material waste and food waste; or

14 (B) No available capacity at the solid waste facilities to which
15 businesses that collect and deliver organic materials could feasibly
16 and economically deliver organic materials from the jurisdiction.

17 (ii) (A) In the event that a county or city provides a written
18 ~~((notification))~~ request and supporting evidence to the department
19 ~~((indicating))~~ determining that the criteria of (b) (i) (A) of this
20 subsection are met, and the department confirms this determination,
21 then the restrictions of this section apply only in those portions of
22 the jurisdiction that have available service-providing businesses.

23 (B) In the event that a county or city provides a written
24 ~~((notification))~~ request and supporting evidence to the department
25 ~~((indicating))~~ determining that the criteria of (b) (i) (B) of this
26 subsection are met, and the department confirms this determination,
27 then the restrictions of this section do not apply to the
28 jurisdiction.

29 (c) The department must make the result of the annual
30 determinations required under this section available on its website.

31 (d) The requirements of this section may be enforced by
32 jurisdictional health departments consistent with this chapter,
33 except that:

34 (i) A jurisdictional health department may not charge a fee to
35 permit holders to cover the costs of the jurisdictional health
36 department's administration or enforcement of the requirements of
37 this section; and

38 (ii) Prior to issuing a penalty under this section, a
39 jurisdictional health department must provide at least two written
40 notices of noncompliance with the requirements of this section to the

1 owner or operator of a business subject to the requirements of this
2 section.

3 (2) (a) (i) Beginning January 1, 2024, a business that generates at
4 least eight cubic yards of organic material waste per week must
5 arrange for organic materials management services specifically for
6 organic material waste;

7 (ii) Beginning January 1, 2025, a business that generates at
8 least four cubic yards of organic material waste per week must
9 arrange for organic materials management services specifically for
10 organic material waste; and

11 (iii) Beginning January 1, 2026, a business that generates at
12 least ~~((four cubic yards of solid))~~ 96 gallons of organic material
13 waste per week shall arrange for organic materials management
14 services specifically for organic material waste, unless the
15 department determines, by rule, that additional reductions in the
16 landfilling of organic materials would be more appropriately and
17 effectively achieved, at reasonable cost to regulated businesses,
18 through the establishment of a different volumetric threshold of
19 ~~((solid waste or))~~ organic waste material ~~((waste))~~ than the
20 threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic
21 material waste per week.

22 (b) The following wastes do not count for purposes of determining
23 waste volumes in (a) of this subsection:

24 (i) Wastes that are managed on-site by the generating business;

25 (ii) Wastes generated from the growth and harvest of food or
26 fiber that are managed off-site by another business engaged in the
27 growth and harvest of food or fiber;

28 (iii) Wastes that are managed by a business that enters into a
29 voluntary agreement to sell or donate organic materials to another
30 business for off-site use; ~~((and))~~

31 (iv) Wastes generated in exceptional volumes as a result of a
32 natural disaster or other infrequent and unpreventable event; and

33 (v) Wastes generated as a result of a food safety event, such as
34 a product recall, that is due to foreign material or adverse
35 biological activity that requires landfill destruction rather than
36 organic material management.

37 (3) A business may fulfill the requirements of this section by:

38 (a) Source separating organic material waste from other waste,
39 subscribing to a service that includes organic material waste

1 collection and organic materials management, and using such a service
2 for organic material waste generated by the business;

3 (b) Managing its organic material waste on-site or self-hauling
4 its own organic material waste for organic materials management;

5 (c) Qualifying for exclusion from the requirements of this
6 section consistent with subsection (1)(b) of this section; or

7 (d) For a business engaged in the growth, harvest, or processing
8 of food or fiber, entering into a voluntary agreement to sell or
9 donate organic materials to another business for off-site use.

10 (4)(a) A business generating organic material waste shall arrange
11 for any services required by this section in a manner that is
12 consistent with state and local laws and requirements applicable to
13 the collection, handling, or recycling of solid and organic material
14 waste.

15 (b) Nothing in this section requires a business to dispose of
16 materials in a manner that conflicts with federal or state public
17 health or safety requirements. Nothing in this section requires
18 businesses to dispose of wastes generated in exceptional volumes as a
19 result of a natural disaster or other infrequent and unpreventable
20 event through the options established in subsection (3) of this
21 section. Nothing in this section prohibits a business from disposing
22 of nonfood organic materials that are not commingled with food waste
23 by using the services of an organic materials management facility
24 that does not accept food waste.

25 (5) When arranging for gardening or landscaping services, the
26 contract or work agreement between a business subject to this section
27 and a gardening or landscaping service must require that the organic
28 material waste generated by those services be managed in compliance
29 with this chapter.

30 (6)(a) This section does not limit the authority of a local
31 governmental agency to adopt, implement, or enforce a local organic
32 material waste recycling requirement, or a condition imposed upon a
33 self-hauler, that is more stringent or comprehensive than the
34 requirements of this chapter.

35 (b) This section does not modify, limit, or abrogate in any
36 manner any of the following:

37 (i) A franchise granted or extended by a city, county, city and
38 county, or other local governmental agency;

1 (ii) A contract, license, certificate, or permit to collect solid
2 waste previously granted or extended by a city, county, city and
3 county, or other local governmental agency;

4 (iii) The right of a business to sell or donate its organic
5 materials; and

6 (iv) A certificate of convenience and necessity issued to a solid
7 waste collection company under chapter 81.77 RCW.

8 (c) Nothing in this section modifies, limits, or abrogates the
9 authority of a local jurisdiction with respect to land use, zoning,
10 or facility siting decisions by or within that local jurisdiction.

11 (d) Nothing in this section changes or limits the authority of
12 the Washington utilities and transportation commission to regulate
13 collection of solid waste, including curbside collection of
14 residential recyclable materials, nor does this section change or
15 limit the authority of a city or town to provide the service itself
16 or by contract under RCW 81.77.020.

17 (7) The definitions in this subsection apply throughout this
18 section unless the context clearly indicates otherwise.

19 (a) (i) "Business" means a commercial or public entity including,
20 but not limited to, a firm, partnership, proprietorship, joint stock
21 company, corporation, or association that is organized as a for-
22 profit or nonprofit entity.

23 (ii) "Business" does not include a multifamily residential
24 entity.

25 (b) "Food waste" has the same meaning as defined in RCW
26 70A.205.715.

27 NEW SECTION. **Sec. 304.** A new section is added to chapter
28 70A.205 RCW to read as follows:

29 BIN COLORS. (1) The requirements of this section apply to
30 containers purchased on or after July 1, 2024.

31 (a) A jurisdiction or solid waste collection company is not
32 required to replace functional containers with a volume of less than
33 one cubic yard, including containers purchased prior to July 1, 2024,
34 that do not comply with the color requirements of this section prior
35 to the end of the useful life of those containers or prior to January
36 1, 2036, whichever comes first.

37 (b) A jurisdiction or solid waste collection company is not
38 required to replace functional containers with a volume of at least
39 one cubic yard that existed and were in service as of July 1, 2024.

1 However, a functional container that existed as of July 1, 2024, must
2 be repainted in a manner that matches the appropriate color
3 requirements of this section when it is next repainted or by January
4 1, 2030, whichever comes first.

5 (2) In each jurisdiction planning under this chapter, indoor or
6 outdoor containers provided for collection services, including
7 multifamily, commercial, government and other public places,
8 institutional, and curbside residential collection services must be
9 provided in a color-coded manner consistent with the requirements of
10 this section in order to reduce contamination:

11 (a) (i) In a jurisdiction where source-separated recyclable
12 materials and source-separated organic materials are collected
13 separately, a gray or black container may be used only for the
14 collection of solid waste that is not a source-separated recyclable
15 material or a source-separated organic material;

16 (ii) In a jurisdiction where source-separated recyclable
17 materials or organic materials are not collected separately, a gray
18 or black container may be used for any solid waste, including organic
19 material or recyclable material that is not separately collected in
20 the jurisdiction.

21 (b) A blue container may be used only for source-separated
22 recyclable materials. The contents of the blue container must be
23 transported to a facility that recovered the materials designated for
24 collection in the blue container.

25 (c) A green or brown container may be used only for source-
26 separated organic materials and must be transported, directly or
27 indirectly, to an organic materials management facility.

28 (d) A color other than green, brown, blue, black, or gray may be
29 used only in accordance with any rules adopted by the department.

30 (e) By rule, the department may determine the appropriate
31 container or containers to be used for materials that could
32 conceivably be placed in multiple containers specified in (a) through
33 (d) of this subsection.

34 (3) By January 1, 2025, all containers for collection services
35 must bear a clear and conspicuous label on each container or lid
36 specifying what materials are allowed to be placed in each container.
37 The requirements of this subsection may be satisfied by:

38 (a) A label placed on a container that includes either language
39 or graphic images, or both, that indicate the primary materials
40 accepted and the primary materials prohibited in that container; or

1 (b) Imprinted text or graphic images that indicate the primary
2 materials accepted and the primary materials prohibited in that
3 container.

4 (4) The department may provide model labeling text and graphic
5 images for optional use by local governments and solid waste
6 collection companies that meets the requirements of this section.

7 (5) A jurisdiction or solid waste collection company may comply
8 with the requirements of this section by providing a container or
9 containers that are split or divided into segregated sections,
10 instead of an entire container, as long as the lids of the separate
11 sections of a split container comply with the container color
12 requirements and material limitations specified in this section.

13 (6) Carpets, noncompostable paper, and hazardous wood waste may
14 not be collected in a green or brown container. Hazardous wood waste
15 may not be collected in a blue container. The department may adopt
16 rules to prohibit additional waste stream contaminants from being
17 placed in a green or brown container or a blue container.

18 (7) The definitions in this subsection apply throughout this
19 section unless the context clearly requires otherwise.

20 (a) (i) "Blue container" means:

21 (A) A container with a volume of less than one cubic yard where
22 the body of the container is blue in color and the lid is blue in
23 color; and

24 (B) A container with a volume of at least one cubic yard where
25 the body of the container is blue in color and the lid is blue or
26 black in color.

27 (ii) Hardware, such as hinges and wheels on a blue container, may
28 be any color.

29 (iii) Unless a local government implementing a solid waste plan
30 under this chapter requires uniform blue painting of the entire
31 container, the body of a blue container may contain an area, on one
32 side of the container, composed of any color measuring no more than
33 two feet by two feet to display any combination of the name, logo, or
34 branding of the container owner, solid waste collection company, or
35 government entity associated with the container.

36 (b) (i) "Green or brown container" means:

37 (A) A container with a volume of less than one cubic yard where
38 the body of the container is green or brown in color and the lid is
39 green or brown in color; and

1 (B) A container with a volume of at least one cubic yard where
2 the body of the container is green or brown in color and the lid is
3 green, brown, or black in color.

4 (ii) Hardware, such as hinges and wheels on a green or brown
5 container, may be any color.

6 (iii) Unless a local government implementing a solid waste plan
7 under this chapter requires uniform green or brown painting of the
8 entire container, the body of a green or brown container may contain
9 an area, on one side of the container, composed of any color
10 measuring no more than two feet by two feet to display any
11 combination of the name, logo, or branding of the container owner,
12 solid waste collection company, or government entity associated with
13 the container.

14 (c) (i) "Gray or black container" means:

15 (A) A container with a volume of less than one cubic yard where
16 the body of the container is entirely gray or black in color and the
17 lid is gray or black in color; and

18 (B) A container with a volume of at least one cubic yard where
19 the body of the container is gray or black in color and the lid is
20 gray or black in color.

21 (ii) Hardware, such as hinges and wheels, on a gray or black
22 container may be any color.

23 (iii) Unless a local government implementing a solid waste plan
24 under this chapter requires uniform gray or black painting of an
25 entire container, the body of a gray or black container may contain
26 an area, on one side of the container, composed of any color
27 measuring no more than two feet by two feet to display any
28 combination of the name, logo, or branding of the container owner,
29 solid waste collection company, or government entity associated with
30 the container.

31 (iv) A galvanized metal container that is unpainted and gray or
32 silver in appearance is considered to be a gray container for
33 purposes of this section.

34 NEW SECTION. **Sec. 305.** A new section is added to chapter
35 70A.205 RCW to read as follows:

36 ORGANIC MATERIALS TREATED WITH CLOPYRALID AND AMINOPYRALID BANNED
37 AS COMPOST FEEDSTOCKS. (1) Agricultural waste, yard waste, or other
38 organic material waste known or likely to be contaminated with
39 clopyralid, aminopyralid, or other similar herbicides in the

1 picolinic acid family, as identified by the department by rule, must
2 not be provided to an organic materials management facility for
3 handling as organic or yard waste and may not be used by an organic
4 materials management facility as an input or feedstock.

5 (2) To the extent that the requirements of this section conflict
6 with the requirements applicable to clopyralid, aminopyralid, or
7 other similar herbicides in the picolinic acid family adopted by the
8 United States environmental protection agency under the federal
9 insecticide, rodenticide, and fungicide act, the requirements of the
10 federal regulations take precedence and may be enforced by the
11 department of agriculture under chapter 15.58 RCW.

12 **PART 4**

13 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

14 NEW SECTION. **Sec. 401.** STATUS ASSESSMENT OF PRODUCE STICKER
15 TECHNOLOGIES. (1) The department of ecology, in consultation with
16 the department of agriculture, must carry out a study and submit a
17 brief summary report to the legislature by September 1, 2025,
18 addressing the status of produce sticker technologies, including
19 produce sticker options that do not contain plastic stickers or
20 adhesives or that otherwise meet compostability standards.

21 (2) The study required under this section must, at minimum,
22 compare and consider the following features of produce stickers and
23 adhesives:

24 (a) Compostability, including toxic or hazardous substance
25 content;

26 (b) Performance;

27 (c) Printability; and

28 (d) Cost.

29 (3) In carrying out the study, input and information must be
30 solicited and evaluated from:

31 (a) Produce producers and packers;

32 (b) Sticker and adhesive producers;

33 (c) Other states, countries, or subnational jurisdictions that
34 have adopted standards restricting plastic produce stickers; and

35 (d) Other technical experts.

36 **PART 5**

37 **PRODUCT DEGRADABILITY RESTRICTIONS**

1 **Sec. 501.** RCW 70A.455.020 and 2022 c 180 s 802 are each
2 reenacted and amended to read as follows:

3 COMPOSTABLE PRODUCT LABELING DEFINITIONS. The definitions in this
4 section apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (1) "ASTM" means the American society for testing and materials.

7 (2) "Biodegradable mulch film" means film plastic used as a
8 technical tool in commercial farming applications that biodegrades in
9 soil after being used, and:

10 (a) The film product fulfills plant growth and regulated metals
11 requirements of ASTM D6400; and

12 (b)(i) Meets the requirements of Vincotte's "OK Biodegradable
13 Soil" certification scheme, as that certification existed as of
14 January 1, 2019;

15 (ii) At ambient temperatures and in soil, shows at least 90
16 percent biodegradation absolute or relative to microcrystalline
17 cellulose in less than two years' time, tested according to ISO 17556
18 or ASTM 5988 standard test methods, as those test methods existed as
19 of January 1, 2019; or

20 (iii) Meets the requirements of EN 17033 "plastics-biodegradable
21 mulch films for use in agriculture and horticulture" as it existed on
22 January 1, 2019.

23 (3) "Department" means the department of ecology.

24 (4) "Federal trade commission guides" means the United States
25 federal trade commission's guides for the use of environmental
26 marketing claims (Part 260, commencing at section 260.1),
27 compostability claims, including section 260.8, and degradation
28 claims (subchapter B of chapter I of Title 16 of the Code of Federal
29 Regulations), as those guides existed as of January 1, 2019.

30 (5) "Film product" means a bag, sack, wrap, or other sheet film
31 product.

32 (6) "Food service product" has the same meaning as defined in RCW
33 70A.245.010.

34 (7) "Person" means individual, firm, association, copartnership,
35 political subdivision, government agency, municipality, industry,
36 public or private corporation, or any other entity whatsoever.

37 (8) "Plastic food packaging and food service products" means food
38 packaging and food service products that is composed of:

39 (a) Plastic; or

1 (b) Fiber or paper with a plastic coating, window, component, or
2 additive.

3 (9) "Plastic product" means a product made of plastic, whether
4 alone or in combination with another material including, but not
5 limited to, paperboard. A plastic product includes, but is not
6 limited to, any of the following:

7 (a) A product or part of a product that is used, bought, or
8 leased for use by a person for any purpose;

9 (b) A package or a packaging component including, but not limited
10 to, packaging peanuts;

11 (c) A film product; or

12 (d) Plastic food packaging and food service products.

13 (10) "Producer" means the following person responsible for
14 compliance under this chapter for a product sold, offered for sale,
15 or distributed in or into this state:

16 (a) If the product is sold under the manufacturer's own brand or
17 lacks identification of a brand, the producer is the person who
18 manufactures the product;

19 (b) If the product is manufactured by a person other than the
20 brand owner, the ~~((producer is the person that is the licensee of a
21 brand or trademark under which a product is used in a commercial
22 enterprise, sold, offered for sale, or distributed in or into this
23 state, whether or not the trademark is registered in this state,
24 unless the manufacturer or brand owner of the product has agreed to
25 accept responsibility under this chapter)) brand owner is assumed to
26 be the producer unless a written brand license or trademark agreement
27 is provided to the department showing the responsibility lies with
28 the licensee of the brand or trademark; or~~

29 (c) If there is no person described in (a) and (b) of this
30 subsection over whom the state can constitutionally exercise
31 jurisdiction, the producer is the person who imports or distributes
32 the product in or into the state.

33 (11) "Standard specification" means either:

34 (a) ASTM D6400 - standard specification labeling of plastics
35 designed to be aerobically composted in municipal or industrial
36 facilities, as it existed as of January 1, 2019; ~~((~~or~~))~~

37 (b) ASTM D6868 - standard specification for labeling of end items
38 that incorporate plastics and polymers as coatings or additives with
39 paper and other substrates designed to be aerobically composted in

1 municipal or industrial facilities, as it existed as of January 1,
2 2019; or

3 (c) ASTM D8410 - standard specification evaluation of cellulosic
4 fiber-based packaging materials and products for compostability in
5 municipal or industrial aerobic composting facilities, as it existed
6 as of January 1, 2024.

7 (12) "Utensil" means a product designed to be used by a consumer
8 to facilitate the consumption of food or beverages, including knives,
9 forks, spoons, cocktail picks, chopsticks, splash sticks, and
10 stirrers.

11 **Sec. 502.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended
12 to read as follows:

13 FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable"
14 that is sold, offered for sale, or distributed for use in Washington
15 by a producer must:

16 (a) Meet ASTM standard specification D6400;

17 (b) Meet ASTM standard specification D6868; (~~(e)~~)

18 (c) Meet ASTM standard specification D8410; or

19 (d) Be comprised only of wood, which includes renewable wood, or
20 a fiber-based substrate (~~only~~) that contains:

21 (i) Greater than 99 percent fiber; and

22 (ii) No plastic or polymer additives or coatings.

23 (2) A product described in subsection (1)(a) or (b) of this
24 section must:

25 (a) Meet labeling requirements established under the United
26 States federal trade commission's guides; and

27 (b) Feature labeling that:

28 (i) Meets industry standards for being distinguishable upon quick
29 inspection in both public sorting areas and in processing facilities;

30 (ii) Uses a logo indicating the product has been certified by a
31 recognized third-party independent verification body as meeting the
32 ASTM standard specification;

33 (iii) Displays the word "compostable," where possible, indicating
34 the product has been tested by a recognized third-party independent
35 body and meets the ASTM standard specification; and

36 (iv) Uses green, beige, or brown labeling, color striping, or
37 other green, beige, or brown symbols, colors, tinting, marks, or
38 design patterns that help differentiate compostable items from
39 noncompostable items.

1 **Sec. 503.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended
2 to read as follows:

3 FILM TINTING. (1) A producer of plastic film bags sold, offered
4 for sale, or distributed for use in Washington that does not meet the
5 applicable ASTM standard specifications provided in RCW 70A.455.050
6 is:

7 (a) Prohibited from using tinting, color schemes, labeling, or
8 terms that are required of products that meet the applicable ASTM
9 standard specifications under RCW 70A.455.050;

10 (b) Discouraged from using labeling, images, and terms that may
11 reasonably be anticipated to confuse consumers into believing that
12 noncompostable products are compostable; and

13 (c) Encouraged to use labeling, images, and terms to help
14 consumers identify noncompostable bags as either: (i) Suitable for
15 recycling; or (ii) necessary to dispose as waste.

16 (2) A producer of food service products, or plastic film products
17 other than plastic film bags subject to subsection (1) of this
18 section, sold, offered for sale, or distributed for use in Washington
19 that does not meet the applicable ASTM standard specifications
20 provided in RCW 70A.455.060 is:

21 (a) Prohibited from using labeling, or terms that are required of
22 products that meet the applicable ASTM standard specifications under
23 RCW 70A.455.060;

24 (b) Discouraged from using labeling, images, and terms that may
25 reasonably be anticipated to confuse consumers into believing that
26 noncompostable products are compostable; and

27 (c) Encouraged to use tinting, coloration, labeling, images, and
28 terms to help consumers identify film products and food service
29 packaging as either: (i) Suitable for recycling; or (ii) necessary to
30 dispose as waste.

31 (3) For the purposes of this section only:

32 (a) "Tinting" means the addition of color to a film, usually by
33 means of dye or stain, that filters light and makes the film appear a
34 certain color; and

35 (b)(i) The prohibition in subsection (1)(a) of this section on
36 "color schemes" does not preclude the use of:

37 (A) Green, brown, or beige stripes that are smaller than .25 inch
38 wide and used as visual aids; and

39 (B) Green, brown, or beige lettering or logos that are used
40 solely for brand identity purposes.

1 (ii) The prohibition in subsection (1)(a) of this section on
2 color schemes does prohibit the use of botanical motifs, such as
3 leaves or vines that are colored green, brown, or beige, or any
4 combination of these colors or shapes.

5 NEW SECTION. Sec. 504. A new section is added to chapter
6 70A.455 RCW to read as follows:

7 HOME COMPOSTABLE LABELING. A producer may only label a product as
8 being "home compostable" if:

9 (1) The product has been tested and meets ASTM standards D6400 or
10 D6868 for industrial composting settings;

11 (2) A third-party certifier has verified that the product meets
12 ASTM standards for industrial composting;

13 (3) The product is otherwise labeled in a manner consistent with
14 the requirements of this chapter, including RCW 70A.455.030,
15 70A.455.040, or 70A.455.050, as appropriate;

16 (4) The product is not labeled "home compostable only" or in a
17 manner that otherwise implies that the product is not capable of
18 being composted in industrial compost settings; and

19 (5) The producer has valid and reproducible scientific evidence
20 to support their claim that a product is home compostable, consistent
21 with federal trade commission guidelines.

22 **Sec. 505.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended
23 to read as follows:

24 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY
25 CITIES AND COUNTIES. (1)(a) The department and cities and counties
26 have concurrent authority to enforce this chapter and to issue and
27 collect civil penalties for a violation of this chapter, subject to
28 the conditions in this section and RCW 70A.455.100. An enforcing
29 government entity may impose a civil penalty in the amount of up to
30 \$2,000 for the first violation of this chapter, up to \$5,000 for the
31 second violation of this chapter, and up to \$10,000 for the third and
32 any subsequent violation of this chapter. If a producer has paid a
33 prior penalty for the same violation to a different government entity
34 with enforcement authority under this subsection, the penalty imposed
35 by a government entity is reduced by the amount of the payment.

36 (b) The enforcement of this chapter must be based primarily on
37 complaints filed with the department and cities and counties. The
38 department must establish a forum for the filing of complaints.

1 Cities, counties, or any person may file complaints with the
2 department using the forum, and cities and counties may review
3 complaints filed with the department via the forum. The forum
4 established by the department may include a complaint form on the
5 department's website, a telephone hotline, or a public outreach
6 strategy relying upon electronic social media to receive complaints
7 that allege violations. The department, in collaboration with the
8 cities and counties, must provide education and outreach activities
9 to inform retail establishments, consumers, and producers about the
10 requirements of this chapter.

11 (c) A city or county that chooses to enforce the requirements of
12 this chapter within their jurisdiction must notify the department
13 with a letter of intent that includes:

14 (i) The start and any end date of the local jurisdiction's
15 enforcement activities;

16 (ii) The geographic boundaries within which the enforcement
17 activities are planned; and

18 (iii) Any technical assistance, education, or enforcement tools
19 that the city or county would like to request from the department in
20 support of local enforcement activities.

21 (2) Penalties issued by the department are appealable to the
22 pollution control hearings board established in chapter 43.21B RCW.

23 (3) The remedies provided by this section are not exclusive and
24 are in addition to the remedies that may be available pursuant to
25 chapter 19.86 RCW or other consumer protection laws, if applicable.

26 (4) In addition to penalties recovered under this section, the
27 enforcing city or county may recover reasonable enforcement costs and
28 attorneys' fees from the liable producer.

29 **PART 6**
30 **COMPOST PURCHASES**

31 **Sec. 601.** RCW 15.04.420 and 2022 c 180 s 502 are each amended to
32 read as follows:

33 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)
34 Subject to the availability of amounts appropriated for this specific
35 purpose, the department must establish and implement a compost
36 reimbursement program to reimburse farming operations in the state
37 for purchasing and using compost products that were not generated by
38 the farming operation, including transportation, spreading equipment,

1 labor, fuel, and maintenance costs associated with spreading
2 equipment. The grant reimbursements under the program begin July 1,
3 2023.

4 (b) For the purposes of this program, "farming operation" means:
5 A commercial agricultural, silvicultural, or aquacultural facility or
6 pursuit, including the care and production of livestock and livestock
7 products, poultry and poultry products, apiary products, and plant
8 and animal production for nonfood uses; the planting, cultivating,
9 harvesting, and processing of crops; and the farming or ranching of
10 any plant or animal species in a controlled salt, brackish, or
11 freshwater environment.

12 (2) To be eligible to participate in the reimbursement program, a
13 farming operation must complete an eligibility review with the
14 department prior to transporting or applying any compost products for
15 which reimbursement is sought under this section. The purpose of the
16 review is for the department to ensure that the proposed transport
17 and application of compost products is consistent with the
18 department's agricultural pest control rules established under
19 chapter 17.24 RCW. A farming operation must also verify that it will
20 allow soil sampling to be conducted by the department upon request
21 before compost application and until at least 10 years after the last
22 grant funding is used by the farming operation, as necessary to
23 establish a baseline of soil quality and carbon storage and for
24 subsequent department evaluations to assist the department's
25 reporting requirements under subsection (8) of this section.

26 (3) The department must create a form for eligible farming
27 operations to apply for cost reimbursement for costs from purchasing
28 and using compost from facilities with solid waste handling permits
29 or that are permit exempt using food waste feedstocks, including
30 transportation, equipment, spreading, and labor costs. Compost must
31 meet the applicable requirements for compost established by the
32 department of ecology under chapter 70A.205 RCW. All applications for
33 cost reimbursement must be submitted on the form along with invoices,
34 receipts, or other documentation acceptable to the department of the
35 costs of purchasing and using compost products for which the
36 applicant is requesting reimbursement, as well as a brief description
37 of what each purchased item will be used for. The department may
38 request that an applicant provide information to verify the source,
39 size, sale weight, or amount of compost products purchased and the
40 cost of transportation, equipment, spreading, and labor. The

1 applicant must also declare that it is not seeking reimbursement for
2 purchase or labor costs for:

3 (a) Its own compost products; or

4 (b) Compost products that it has transferred, or intends to
5 transfer, to another individual or entity, whether or not for
6 compensation.

7 (4) A farming operation may submit only one application per
8 fiscal year in which the program is in effect for purchases made and
9 usage costs incurred during the fiscal year that begins on July 1st
10 and ends on June 30th. Applications for reimbursement must be filed
11 before the end of the fiscal year in which purchases were made and
12 usage costs incurred.

13 (5) The department must distribute reimbursement funds, subject
14 to the following limitations:

15 (a) A farming operation is not eligible to receive reimbursement
16 if the farming operation's application was not found eligible for
17 reimbursement by the department under subsection (2) of this section
18 prior to the transport or use of compost;

19 (b) A farming operation is not eligible to receive reimbursement
20 for more than 50 percent of the costs it incurs each fiscal year for
21 the purchase and use of compost products, including transportation,
22 equipment, spreading, and labor costs;

23 (c) (~~A farming operation is not eligible to receive more than~~
24 ~~\$10,000 per fiscal year~~) The department must attempt to achieve fair
25 distribution of reimbursement funding across different farm size
26 categories, based on acreage categories determined by the department,
27 and which is not to exceed a maximum of \$20,000 per fiscal year for
28 the largest farming operation category determined by the department;

29 (d) A farming operation is not eligible to receive reimbursement
30 for its own compost products or compost products that it has
31 transferred, or intends to transfer, to another individual or entity,
32 whether or not for compensation; and

33 (e) A farming operation is not eligible to receive reimbursement
34 for compost products that were not purchased from a facility with a
35 solid waste handling permit or a permit-exempt facility that composts
36 food waste feedstocks.

37 (6) The applicant shall indemnify and hold harmless the state and
38 its officers, agents, and employees from all claims arising out of or
39 resulting from the compost products purchased that are subject to the
40 compost reimbursement program under this section.

1 (7) There is established within the department a compost
2 reimbursement program manager position. The compost reimbursement
3 program manager must possess knowledge and expertise in the area of
4 program management necessary to carry out the duties of the position,
5 which are to:

6 (a) Facilitate the division and distribution of available costs
7 for reimbursement; and

8 (b) Manage the day-to-day coordination of the compost
9 reimbursement program.

10 (8) In compliance with RCW 43.01.036, the department must submit
11 an annual report to the appropriate committees of the legislature by
12 January 15th of each year of the program in which grants have been
13 issued or completed. The report must include:

14 (a) The amount of compost for which reimbursement was sought
15 under the program;

16 (b) The qualitative or quantitative effects of the program on
17 soil quality and carbon storage; and

18 (c) A periodically updated evaluation of the benefits and costs
19 to the state of expanding or furthering the strategies promoted in
20 the program.

21 **Sec. 602.** RCW 43.19A.150 and 2022 c 180 s 701 are each amended
22 to read as follows:

23 COMPOST PROCUREMENT REPORTING AMENDMENT. (1) By January 1, 2023,
24 the following cities or counties shall adopt a compost procurement
25 ordinance to implement RCW 43.19A.120:

26 (a) Each city or county with a population greater than 25,000
27 residents as measured by the office of financial management using the
28 most recent population data available; and

29 (b) Each city or county in which organic material collection
30 services are provided under chapter 70A.205 RCW.

31 (2) A city or county that newly exceeds a population of 25,000
32 residents after January 1, 2023, as measured by the office of
33 financial management, must adopt an ordinance under this subsection
34 no later than 12 months after the office of financial management's
35 determination that the local government's population has exceeded
36 25,000.

37 (3) In developing a compost procurement ordinance, each city and
38 county shall plan for the use of compost in the following categories:

39 (a) Landscaping projects;

1 (b) Construction and postconstruction soil amendments;

2 (c) Applications to prevent erosion, filter stormwater runoff,
3 promote vegetation growth, or improve the stability and longevity of
4 roadways; and

5 (d) Low-impact development and green infrastructure to filter
6 pollutants or keep water on-site, or both.

7 (4) Each city or county that adopts an ordinance under subsection
8 (1) or (2) of this section must develop strategies to inform
9 residents about the value of compost and how the jurisdiction uses
10 compost in its operations in the jurisdiction's comprehensive solid
11 waste management plan pursuant to RCW 70A.205.045.

12 (5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each
13 ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each
14 city or county that adopts an ordinance under subsection (1) or (2)
15 of this section must submit a report covering the previous year's
16 compost procurement activities to the department of ecology that
17 contains the following information:

18 (a) The total tons of organic material diverted throughout the
19 year and the facility or facilities used for processing;

20 (b) The volume and cost of compost purchased throughout the year;
21 and

22 (c) The source or sources of the compost.

23 (6) Cities and counties that are required to adopt an ordinance
24 under subsection (1) or (2) of this section shall give priority to
25 purchasing compost products from companies that produce compost
26 products locally, are certified by a nationally recognized
27 organization, and produce compost products that are derived from
28 municipal solid waste compost programs and meet quality standards
29 comparable to standards adopted by the department of transportation
30 or adopted by rule by the department of ecology.

31 (7) Cities and counties may enter into collective purchasing
32 agreements if doing so is more cost-effective or efficient.

33 (8) Nothing in this section requires a compost processor to:

34 (a) Enter into a purchasing agreement with a city or county;

35 (b) Sell finished compost to meet this requirement; or

36 (c) Accept or process food waste or compostable products.

37 **PART 7**

38 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 701.** A new section is added to chapter 19.27
2 RCW to read as follows:

3 STATE BUILDING CODE COUNCIL AMENDMENT. The governing body of each
4 county or city is authorized to amend requirements in the state
5 building code, as it applies within the jurisdiction of the county or
6 city, that apply to providing for the storage of solid waste by
7 requiring multifamily residential buildings to:

8 (1) Provide adequate space for the colocation of organic material
9 waste and recycling collection containers with garbage containers, or
10 in the absence of colocation, requiring the posting of signage
11 notifying residents of where organic material waste and recycling
12 containers are located;

13 (2) Identify organic material waste collection containers with
14 appropriate and accurate signage and color to differentiate between
15 organic material waste, recycling, and garbage collection containers;
16 and

17 (3) Distribute annual waste sorting educational materials to all
18 residents.

19 NEW SECTION. **Sec. 702.** WORK GROUP TO STUDY FOOD DONATION BY
20 BUSINESSES. (1) The department of ecology's center for sustainable
21 food management created in chapter 70A.207 RCW must convene a work
22 group to address mechanisms to improve the rescue of edible food
23 waste from commercial generators, including food service, retail
24 establishments, and processors that generate excess supply of edible
25 food. The work group must consider:

26 (a) Logistics to phase in edible food donation programs,
27 including incentives;

28 (b) The food recovery network systems necessary to support
29 increased donation of edible food by commercial generators;

30 (c) Assess asset gaps and food infrastructure development needs.
31 The work group must also facilitate the creation of networks and
32 partnerships to address gaps and needs and develop innovative
33 partnerships and models where appropriate; and

34 (d) Actions taken, costs, and lessons learned by other
35 jurisdictions in the United States that have enacted policies focused
36 on reducing edible commercially generated food waste and from
37 voluntary pilot projects carried out by commercial generators of food
38 waste.

1 (2) The department of ecology must submit a report to the
2 legislature by September 1, 2025, containing the recommendations of
3 the work group. The work group shall make recommendations using
4 consensus-based decision making. The report must include
5 recommendations where general stakeholder consensus has been achieved
6 and note varied opinions where stakeholder consensus has not been
7 achieved.

8 (3) The department of ecology must select at least one member to
9 the work group from each of the following:

10 (a) Cities, including both small and large cities and cities
11 located in urban and rural counties, which may be represented by an
12 association that represents cities in Washington;

13 (b) Counties, including both small and large counties and urban
14 and rural counties, which may be represented by an association that
15 represents county solid waste managers in Washington;

16 (c) An environmental nonprofit organization that specializes in
17 waste and recycling issues;

18 (d) A statewide organization representing hospitality businesses;

19 (e) A retail grocery association;

20 (f) The department of ecology;

21 (g) Two different nonprofit organizations that specialize in food
22 recovery and hunger issues;

23 (h) Three different hunger relief organizations that represent
24 diverse needs from throughout the state;

25 (i) The department of agriculture;

26 (j) The office of the superintendent of public instruction;

27 (k) The department of health;

28 (l) One large and one small food distribution company;

29 (m) An organization representing food processors;

30 (n) A technology company currently focused on food rescue in
31 Washington; and

32 (o) Two open seats for appointed members of the work group to
33 nominate for department of ecology appointment if gaps in membership
34 are identified.

35 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of
36 this act or its application to any person or circumstance is held

1 invalid, the remainder of the act or the application of the provision
2 to other persons or circumstances is not affected.

--- **END** ---