
SUBSTITUTE SENATE BILL 5343

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Fairley, Swecker, Pelz, Fraser, Prentice, Kohl, Winsley and Franklin)

Read first time 02/23/95.

1 AN ACT Relating to promoting the recycled content of products and
2 buildings; amending RCW 43.19A.020, 43.19A.030, 43.19A.050, 43.78.170,
3 43.19A.090, and 47.28.220; and adding new sections to chapter 39.04
4 RCW.

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

6 **Sec. 1.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read
7 as follows:

8 (1) The director shall adopt standards specifying the minimum
9 content of recycled materials in products or product categories. The
10 standards shall:

11 (a) Be consistent with the USEPA product standards, unless the
12 director finds that a different standard would significantly increase
13 recycled product availability or competition;

14 (b) Consider the standards of other states, to encourage
15 consistency of manufacturing standards;

16 (c) Consider regional product manufacturing capability;

17 (d) Address specific products or classes of products; and

18 (e) Consider postconsumer waste content and the recyclability of
19 the product.

1 (2) The director shall consult with the (~~supply management board~~
2 ~~and~~) department of ecology prior to adopting the recycled content
3 standards.

4 (3) The director shall adopt recycled content standards for at
5 least the following products by the dates indicated:

6 (a) By July 1, (~~1992~~) 1996:

7 (i) Paper and paper products;

8 (ii) Organic recovered materials; and

9 (iii) Latex paint products;

10 (b) By July 1, (~~1993~~) 1996:

11 (i) Products for lower value uses containing recycled plastics;

12 (ii) Retread and remanufactured tires;

13 (iii) Lubricating oils;

14 (iv) Automotive batteries; (~~and~~)

15 (v) Building insulation;

16 (vi) Panelboard; and

17 (vii) Compost.

18 (4) The standards required by this section shall be applied to
19 recycled product purchasing by the department and other state agencies.
20 The standards may be adopted or applied by any other local government
21 in product procurement. The standards shall provide for exceptions
22 under appropriate circumstances to allow purchases of recycled products
23 that do not meet the minimum content requirements of the standards.

24 **Sec. 2.** RCW 43.19A.030 and 1991 c 297 s 4 are each amended to read
25 as follows:

26 (1) By January 1, (~~1993~~) 1997, each local government shall review
27 its existing procurement policies and specifications to determine
28 whether recycled products are intentionally or unintentionally
29 excluded. The policies and specifications shall be revised to include
30 such products unless a recycled content product does not meet an
31 established performance standard of the agency.

32 (2) By fiscal year (~~1994~~) 1997, each local government shall adopt
33 a minimum purchasing goal for recycled content as a percentage of the
34 total dollar value of supplies purchased. To assist in achieving this
35 goal each local government shall adopt a strategy by January 1, (~~1993,~~
36 ~~and shall submit a description of the strategy to the department.~~ The
37 department shall report to the appropriate standing committees of the
38 legislature by October 1, 1993, on the progress of implementation by

1 local governments, and shall thereafter periodically report on the
2 progress of recycled product purchasing by state and other public
3 agencies. All public agencies shall respond to requests for
4 information from the department for the purpose of its reporting
5 requirements under this section.

6 (3) Each local government shall designate a procurement officer who
7 shall serve as the primary contact with the department for compliance
8 with the requirements of this chapter)) 1996.

9 ((4)) (3) This section shall apply only to local governments with
10 expenditures for supplies exceeding ((five)) three hundred thousand
11 dollars for fiscal year ((1989)) 1994. Expenditures for capital goods
12 and for electricity, water, or gas for resale shall not be considered
13 a supply expenditure.

14 **Sec. 3.** RCW 43.19A.050 and 1991 c 297 s 7 are each amended to read
15 as follows:

16 The department shall prepare a ((mandatory state plan)) strategy to
17 increase purchases of recycled-content products by the department and
18 all state agencies, including higher education institutions. The
19 ((plan)) strategy shall include purchases from public works contracts.
20 The ((plan)) strategy shall address the purchase of plastic products,
21 retread and remanufactured tires, motor vehicle lubricants, latex
22 paint, and lead acid batteries having recycled content. In addition,
23 the ((plan)) strategy shall incorporate actions to achieve the
24 following purchase level goals of recycled content paper and compost
25 products:

26 (1) Paper products as a percentage of the total dollar amount
27 purchased on an annual basis:

- 28 (a) At least ((forty)) sixty percent by ((1993)) 1995;
- 29 (b) At least ((fifty)) seventy percent by ((1994)) 1996;
- 30 (c) At least ((sixty)) eighty percent by ((1995)) 1997.

31 (2) Compost products as a percentage of the total dollar amount on
32 an annual basis:

- 33 (a) At least ((twenty-five)) forty percent by ((1993)) 1995;
- 34 (b) At least ((forty)) sixty percent by ((1995)) 1997;
- 35 (c) At least ((sixty)) eighty percent by ((1997)) 1999.

36 The department shall notify all state agencies of the requirements
37 to develop the strategy. Each state agency shall consider the strategy

1 and the goals of this section in its purchases of products, whether
2 from the department's central stores or from other sources.

3 **Sec. 4.** RCW 43.78.170 and 1991 c 297 s 10 are each amended to read
4 as follows:

5 The public printer shall take all actions consistent with the plan
6 under RCW 43.19A.050 to ensure that seventy-five percent or more of the
7 total dollar amount of printing paper stock used by the printer is
8 recycled content paper by January 1, (~~1995~~) 1996, and ninety percent
9 or more of the total dollar amount of printing paper stock used by the
10 printer is recycled content paper by January 1, 1998.

11 **Sec. 5.** RCW 43.19A.090 and 1991 c 297 s 12 are each amended to
12 read as follows:

13 (1) After July 1, (~~1992~~) 1996, vendors shall certify the
14 percentage of recycled content in products sold to state and local
15 governments, including the percentage of postconsumer waste that is in
16 the product. The certification shall be in the form of a label on the
17 product or a statement by the vendor attached to the bid documents.

18 (2) The certification on multicomponent or multimaterial products
19 shall verify the percentage and type of postconsumer waste and recycled
20 content by volume contained in the major constituents of the product.

21 (3) The procuring agency may state in bid solicitations that
22 permission to verify the certification by review of the bidder or
23 manufacturer's records must be granted as a condition of the bid award,
24 in the event of a bidder's protest or other challenge to the bid
25 accepted.

26 (4) The department shall adopt rules by May 1, (~~1992~~) 1996,
27 describing the contents of the certification required by this section.

28 **Sec. 6.** RCW 47.28.220 and 1992 c 174 s 14 are each amended to read
29 as follows:

30 (1) A contract awarded in whole or in part for the purchase of
31 compost products as a soil cover or soil amendment to state highway
32 rights of way shall specify that compost products be purchased in
33 accordance with the following schedule:

34 (a) For the period July 1, (~~1991~~) 1995, through June 30, (~~1993~~)
35 1997, twenty-five percent of the total dollar amount purchased;

1 (b) For the period July 1, (~~(1993)~~) 1997, through June 30, (~~(1995)~~)
2 1999, fifty percent of the total dollar amount purchased. The
3 percentages in this subsection apply (~~(only)~~) to the materials'
4 value(~~(-)~~) and (~~(do not)~~) include services or other materials.

5 (2) In order to carry out the provisions of this section, the
6 department of transportation shall develop and adopt bid specifications
7 for compost products used in state highway construction projects.

8 (3)(a) For purposes of this section, "compost products" means
9 mulch, soil amendments, ground cover, or other landscaping material
10 derived from the biological or mechanical conversion of biosolids or
11 cellulose-containing waste materials.

12 (b) For purposes of this section, "biosolids" means municipal
13 sewage sludge or septic tank septage sludge that meets the requirements
14 of chapter 70.95J RCW.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 39.04 RCW
16 to read as follows:

17 (1) The state's preferences for the purchase and use of recycled-
18 content products shall be included as a factor in the design and
19 development of state public works projects.

20 (2) Specifications for materials in state construction projects
21 shall include the use of recycled-content products and recyclable
22 products whenever practicable and economically viable.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 39.04 RCW
24 to read as follows:

25 (1) Material from demolition projects shall be recycled or reused
26 whenever practicable.

27 (2) Waste materials generated from demolition or construction
28 projects shall be recycled or reused whenever practicable and
29 economically viable.

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