

1 **2SSB 5591** - H COMM AMD **FAILED 4-19-91**

2 By Committee on Environmental Affairs

3 Strike everything after the enacting clause and insert the  
4 following:

5 "PART I

6 PACKAGING

7 **Sec. 101.** RCW 70.93.020 and 1979 c 94 s 2 are each amended to  
8 read as follows:

9 The purpose of this chapter is to accomplish litter control  
10 and stimulate private recycling programs throughout this state by  
11 delegating to the department of ecology the authority to:

12 (1) Conduct a permanent and continuous program to control and  
13 remove litter from this state to the maximum practical extent  
14 possible;

15 (2) Recover and recycle waste materials related to litter and  
16 littering;

17 (3) Foster private recycling and markets for recyclable  
18 materials; and

19 (4) Increase public awareness of the need for recycling and  
20 litter control. It is further the intent and purpose of this  
21 chapter to create jobs for employment of youth in litter cleanup  
22 and related activities and to stimulate and encourage small,

1 private recycling centers. This program shall include the  
2 compatible goal of recovery of recyclable materials to conserve  
3 energy and natural resources wherever practicable. Every other  
4 department of state government and all local governmental units and  
5 agencies of this state shall cooperate with the department of  
6 ecology in the administration and enforcement of this chapter. The  
7 intent of this chapter is to add to and to coordinate existing  
8 recycling and litter control and removal efforts and not terminate  
9 or supplant such efforts.

10 **Sec. 102.** RCW 70.93.030 and 1979 c 94 s 3 are each amended to  
11 read as follows:

12 As used in this chapter unless the context indicates  
13 otherwise:

14 (1) "Department" means the department of ecology;

15 (2) "Director" means the director of the department of  
16 ecology;

17 (3) "Disposable package or container" means all packages or  
18 containers defined as such by rules and regulations adopted by the  
19 department of ecology;

20 (4) "Litter" means all waste material including but not  
21 limited to disposable packages or containers thrown or deposited as  
22 herein prohibited but not including the wastes of the primary  
23 processes of mining, logging, sawmilling, farming, or  
24 manufacturing;

25 (5) "Litter bag" means a bag, sack, or other container made of

1 any material which is large enough to serve as a receptacle for  
2 litter inside the vehicle or watercraft of any person. It is not  
3 necessarily limited to the state approved litter bag but must be  
4 similar in size and capacity;

5 (6) "Litter receptacle" means those containers adopted by the  
6 department of ecology and which may be standardized as to size,  
7 shape, capacity, and color and which shall bear the state anti-  
8 litter symbol, as well as any other receptacles suitable for the  
9 depositing of litter;

10 (7) "Person" means any political subdivision, government  
11 agency, municipality, industry, public or private corporation,  
12 copartnership, association, firm, individual, or other entity  
13 whatsoever;

14 (8) "Recycling" means (~~the process of separating, cleansing,~~  
15 ~~treating, and reconstituting used or discarded litter-related~~  
16 ~~materials for the purpose of recovering and reusing the resources~~  
17 ~~contained therein~~) transforming or remanufacturing waste materials  
18 into a finished product for use other than landfill disposal or  
19 incineration;

20 (9) "Recycling center" means a central collection point for  
21 recyclable materials;

22 (10) "Vehicle" includes every device capable of being moved  
23 upon a public highway and in, upon, or by which any persons or  
24 property is or may be transported or drawn upon a public highway,  
25 excepting devices moved by human or animal power or used

1 exclusively upon stationary rails or tracks;

2 (11) "Watercraft" means any boat, ship, vessel, barge, or  
3 other floating craft;

4 (12) "Public place" means any area that is used or held out  
5 for use by the public whether owned or operated by public or  
6 private interests.

7 NEW SECTION. **Sec. 103.** Unless the context clearly requires  
8 otherwise, the definitions in this section apply throughout this  
9 chapter.

10 (1) "Container," unless otherwise specified, refers to "rigid  
11 plastic container" or "plastic bottle" as those terms are defined  
12 in this section.

13 (2) "Distributors" means those persons engaged in the  
14 distribution of packaged goods for sale in the state of Washington,  
15 including manufacturers, wholesalers, and retailers.

16 (3) "Label" means a molded, imprinted, or raised symbol on or  
17 near the bottom of a plastic container or bottle.

18 (4) "Person" means an individual, sole proprietor,  
19 partnership, association, or other legal entity.

20 (5) "Plastic" means a material made of polymeric organic  
21 compounds and additives that can be shaped by flow.

22 (6) "Plastic bottle" means a plastic container intended for  
23 single use that has a neck that is smaller than the body of the  
24 container, accepts a screw-type, snap cap, or other closure and has

1 a capacity of sixteen fluid ounces or more, but less than five  
2 gallons.

3 (7) "Rigid plastic container" means a formed or molded  
4 container, other than a bottle, intended for single use, composed  
5 predominantly of plastic resin, and having a relatively inflexible  
6 finite shape or form with a capacity of eight ounces or more but  
7 less than five gallons.

8 NEW SECTION. **Sec. 104.** (1) The provisions of this section  
9 and any rules adopted under this section shall be interpreted to  
10 conform with nation-wide plastics industry standards.

11 (2) Except as provided in section 105(2) of this act, after  
12 January 1, 1992, no person may distribute, sell, or offer for sale  
13 in this state a plastic bottle or rigid plastic container unless  
14 the container is labeled with a code identifying the appropriate  
15 resin type used to produce the structure of the container. The code  
16 shall consist of a number placed within three triangulated arrows  
17 and letters placed below the triangle of arrows. The triangulated  
18 arrows shall be equilateral, formed by three arrows with the apex  
19 of each point of the triangle at the midpoint of each arrow,  
20 rounded with a short radius. The pointer (arrowhead) of each arrow  
21 shall be at the midpoint of each side of the triangle with a short  
22 gap separating the pointer from the base of the adjacent arrow. The  
23 triangle, formed by the three arrows curved at their midpoints  
24 shall depict a clockwise path around the code number. The numbers

1 and letters used shall be as follows:

2 (a) 1. = PETE (polyethylene terephthalate)

3 (b) 2. = HDPE (high density polyethylene)

4 (c) 3. = V (vinyl)

5 (d) 4. = LDPE (low density polyethylene)

6 (e) 5. = PP (polypropylene)

7 (f) 6. = PS (polystyrene)

8 (g) 7. = OTHER

9 NEW SECTION. **Sec. 105.** (1) A person who, after written  
10 notice from the department, violates section 104 of this act is  
11 subject to a civil penalty of fifty dollars for each violation up  
12 to a maximum of five hundred dollars and may be enjoined from  
13 continuing violations. Each distribution constitutes a separate  
14 offense.

15 (2) Distributors shall have two years from the effective date  
16 of this section to clear current inventory, delivered or received  
17 and held in their possession as of the effective date of this  
18 section.

19 NEW SECTION. **Sec. 106.** The legislature finds and declares  
20 that:

21 (1) The management of solid waste can pose a wide range of  
22 hazards to public health and safety and to the environment;

23 (2) Packaging comprises a significant percentage of the

1 overall solid waste stream;

2 (3) The presence of heavy metals in packaging is a part of the  
3 total concern in light of their likely presence in emissions or ash  
4 when packaging is incinerated, or in leachate when packaging is  
5 landfilled;

6 (4) Lead, mercury, cadmium, and hexavalent chromium, on the  
7 basis of available scientific and medical evidence, are of  
8 particular concern;

9 (5) The intent of this chapter is to achieve a reduction in  
10 toxicity without impeding or discouraging the expanded use of  
11 postconsumer materials in the production of packaging and its  
12 components.

13 NEW SECTION. **Sec. 107.** Unless the context clearly requires  
14 otherwise, the definitions in this section apply throughout this  
15 chapter.

16 (1) "Package" means a container providing a means of  
17 marketing, protecting, or handling a product and shall include a  
18 unit package, an intermediate package, and a shipping container.  
19 "Package" also means and includes unsealed receptacles such as  
20 carrying cases, crates, cups, pails, rigid foil and other trays,  
21 wrappers and wrapping films, bags, and tubs.

22 (2) "Manufacturer" means a person, firm, or corporation that  
23 applies a package to a product for distribution or sale.

24 (3) "Packaging component" means an individual assembled part

1 of a package such as, but not limited to, any interior or exterior  
2 blocking, bracing, cushioning, weatherproofing, exterior strapping,  
3 coatings, closures, inks, and labels.

4 NEW SECTION. **Sec. 108.** The sum of the concentration levels  
5 of lead, cadmium, mercury, and hexavalent chromium present in any  
6 product, package, or packaging component shall not exceed the  
7 following:

8 (1) 600 parts per million by weight effective July 1, 1993;

9 (2) 250 parts per million by weight effective July 1, 1994;

10 and

11 (3) 100 parts per million by weight effective July 1, 1995  
12 after the effective date of this section.

13 This section shall apply only to lead, cadmium, mercury, and  
14 hexavalent chromium that has been intentionally introduced as an  
15 element during manufacturing or distribution.

16 NEW SECTION. **Sec. 109.** All packages and packaging components  
17 shall be subject to this chapter except the following:

18 (1) Those packages or package components with a code  
19 indicating date of manufacture that were manufactured prior to the  
20 effective date of this section;

21 (2) Those packages or packaging components that have been  
22 purchased by, delivered to, or are possessed by a retailer on or  
23 before twenty-four months following the effective date of this



1 section to permit opportunity to clear existing inventory of the  
2 proscribed packaging material;

3 (3) Those packages or packaging components to which lead,  
4 cadmium, mercury, or hexavalent chromium have been added in the  
5 manufacturing, forming, printing, or distribution process in order  
6 to comply with health or safety requirements of federal law or for  
7 which there is no feasible alternative; or

8 (4) Those packages and packaging components that would not  
9 exceed the maximum contaminant levels set forth in section 108(1)  
10 of this act but for the addition of postconsumer materials; and  
11 provided that the exemption for this subsection shall expire six  
12 years after the effective date of this section.

13 NEW SECTION. **Sec. 110.** By July 1, 1993, a certificate of  
14 compliance stating that a package or packaging component is in  
15 compliance with the requirements of this chapter shall be developed  
16 by its manufacturer. If compliance is achieved under the exemption  
17 or exemptions provided in section 109 (3) or (4) of this act, the  
18 certificate shall state the specific basis upon which the exemption  
19 is claimed. The certificate of compliance shall be signed by an  
20 authorized official of the manufacturing company. The certificate  
21 of compliance shall be kept on file by the manufacturer for as long  
22 as the package or packaging component is in use, and for three  
23 years from the date of the last sale or distribution by the  
24 manufacturer. Certificates of compliance, or copies thereof, shall

1 be furnished to the department of ecology upon request within sixty  
2 days. If manufacturers are required under any other state statute  
3 to provide a certificate of compliance, one certificate may be  
4 developed containing all required information.

5 If the manufacturer or supplier of the package or packaging  
6 component reformulates or creates a new package or packaging  
7 component, the manufacturer shall develop an amended or new  
8 certificate of compliance for the reformulated or new package or  
9 packaging component.

10 NEW SECTION. **Sec. 111.** Requests from a member of the public  
11 for any certificate of compliance shall be:

12 (1) Made in writing to the department of ecology;

13 (2) Made specific as to package or packaging component  
14 information requested; and

15 (3) Responded to by the department of ecology within ninety  
16 days.

17 NEW SECTION. **Sec. 112.** The department of ecology may  
18 prohibit the sale of any package for which a manufacturer has  
19 failed to respond to a request by the department for a certificate  
20 of compliance within the allotted period of time pursuant to  
21 section 110 of this act.

22 NEW SECTION. **Sec. 113.** By July 1, 1995, the solid waste

1 advisory committee created under chapter 70.95 RCW shall report to  
2 the appropriate standing committees of the legislature on the  
3 effectiveness of reducing toxic metals from packaging. The report  
4 shall contain recommendations to add other toxic substances  
5 contained in packaging to the list set forth in this chapter,  
6 including but not limited to mutagens, carcinogens, and teratogens,  
7 in order to further reduce the toxicity of packaging waste, and  
8 shall contain a recommendation regarding imposition of penalty for  
9 violation of section 108 of this act, and a recommendation whether  
10 or not to continue the recycling exemption as it is provided for in  
11 section 109 of this act.

12 **Sec. 114.** RCW 70.95C.120 and 1989 c 431 s 54 are each amended  
13 to read as follows:

14 The office of waste reduction shall develop, in consultation  
15 with the superintendent of public instruction, an awards program to  
16 achieve waste reduction and recycling in the public schools, grades  
17 kindergarten through high school. The office shall develop  
18 guidelines for program development and implementation. Each public  
19 school shall implement a waste reduction and recycling program  
20 conforming to guidelines developed by the office.

21 For the purpose of granting awards, the office may group  
22 schools into not more than three classes, based upon student  
23 population, distance to markets for recyclable materials, and other  
24 criteria, as deemed appropriate by the office. Except as otherwise

1 provided, five or more awards shall be granted to each of the three  
2 classes. Each award shall be a sum of not less than two thousand  
3 dollars nor more than five thousand dollars. Awards shall be  
4 granted each year to the schools that achieve the greatest levels  
5 of waste reduction and recycling. ~~((Each))~~ A single award ~~((shall~~  
6 ~~be of a sum))~~ of not less than ~~((ten))~~ five thousand dollars shall  
7 be presented to the school having the best recycling program as  
8 determined by the office. A single award of not less than five  
9 thousand dollars shall be presented to the school having the best  
10 waste reduction program as determined by the office. ~~((The office~~  
11 ~~shall also develop recommendations for an awards program for waste~~  
12 ~~reduction in the public schools. The office shall submit these~~  
13 ~~recommendations to the appropriate standing committees in the house~~  
14 ~~of representatives and senate on or before November 30, 1989.))~~

15 The superintendent of public instruction shall distribute  
16 guidelines and other materials developed by the office to implement  
17 programs to reduce and recycle waste generated in administrative  
18 offices, classrooms, laboratories, cafeterias, and maintenance  
19 operations.

20 NEW SECTION. Sec. 115. There is established the task force  
21 on recycling funding. The task force shall consist of fourteen  
22 members as follows: (1) Two members of the house of  
23 representatives appointed by the speaker of the house of  
24 representatives with one member from each of the two caucuses of

1 the house of representatives; (2) two members of the senate  
2 appointed by the president of the senate with one member from each  
3 of the two caucuses of the senate; (3) six members appointed by the  
4 speaker of the house of representatives and the president of the  
5 senate with one each representing manufacturers, wholesalers,  
6 retailers, cities, counties, and an environmental organization; and  
7 (4) three members representing the departments of ecology, trade  
8 and economic development, and revenue appointed by their respective  
9 directors.

10 The task force shall study long-term funding mechanisms for  
11 recycling systems, comprehensive waste reduction, and diversion  
12 from landfill and mass burn incineration. The task force shall  
13 report its findings and recommended legislation to the appropriate  
14 standing committees of the legislature no later than December 1,  
15 1991.

16 The department of ecology shall provide administrative and  
17 staff support to the task force. Members of the task force shall  
18 be compensated in accordance with RCW 43.03.220. Nonlegislative  
19 members shall receive subsistence and mileage in accordance with  
20 RCW 43.03.050 and 43.03.060. Legislative members shall receive  
21 allowances in accordance with RCW 44.04.120.

22 This section shall expire January 1, 1992.

23 NEW SECTION. **Sec. 116.** Sections 103 through 105 of this act  
24 and sections 106 through 113 shall each constitute a new chapter in

1 Title 70 RCW.

2 PART II

3 CLEAN WASHINGTON CENTER

4 NEW SECTION. **Sec. 201.** (1) The legislature finds that:

5 (a) Recycling conserves energy and landfill space, provides  
6 jobs and valuable feedstock materials to industry, and promotes  
7 health and environmental protection;

8 (b) Seventy-eight percent of the citizens of the state  
9 actively participate in recycling programs and Washington currently  
10 has the highest recycling rate in the nation;

11 (c) The current supply of many recycled commodities far  
12 exceeds the demand for such commodities;

13 (d) Many local governments and private entities cumulatively  
14 affect, and are affected by, the market for recycled commodities  
15 but have limited jurisdiction and cannot adequately address the  
16 problems of market development that are complex, wide-ranging, and  
17 regional in nature; and

18 (e) The private sector has the greatest capacity for creating  
19 and expanding markets for recycled commodities, and the development  
20 of private markets for recycled commodities is in the public  
21 interest.

22 (2) It is therefore the policy of the state to create a single  
23 entity to be known as the center for recycling markets development

1 to develop new, and expand existing, markets for recycled  
2 commodities.

3 NEW SECTION. **Sec. 202.** There is created the center for  
4 recycling markets development within the department of trade and  
5 economic development. As used in this chapter, "center" means the  
6 center for recycling markets development.

7 NEW SECTION. **Sec. 203.** The purpose of the center is to  
8 provide or facilitate basic and applied research and development,  
9 marketing assistance, public education, and policy analysis in  
10 furthering the development of markets for recycled products. As  
11 used in this chapter, market development consists of public and  
12 private activities that are used to overcome impediments preventing  
13 full use of secondary materials diverted from the waste stream, and  
14 that encourage and expand use of those materials and subsequent  
15 products. In fulfilling this mission the center shall primarily  
16 direct its services to recycling businesses, which as used in this  
17 chapter mean those businesses engaged in transforming or  
18 remanufacturing waste materials into usable or marketable materials  
19 or products for use other than landfill disposal or incineration.

20 NEW SECTION. **Sec. 204.** (1) The center's activities shall be  
21 conducted with the assistance of a policy committee. Except as  
22 otherwise provided, policy committee members shall be appointed by

1 the directors of the department of trade and economic development  
2 and department of ecology as follows:

3 (a) Two representatives of the legislature, one appointed by  
4 the speaker of the house of representatives and one appointed by  
5 the president of the senate;

6 (b) One member to represent cities;

7 (c) One member to represent counties;

8 (d) Five private sector members to represent the end users  
9 and marketers of post consumer recovered materials;

10 (e) The directors of the departments of trade and economic  
11 development and ecology shall represent the executive branch as  
12 non-voting members; and

13 (f) Non-voting, temporary appointments to the committee can  
14 be made by the chairman where specific expertise is needed.

15 (2) The initial appointments of the five private sector  
16 members will be two members with three-year terms and three members  
17 with two year terms. Thereafter, members shall serve two-year  
18 renewable terms. Vacancies shall be filled by the chair with  
19 majority consent from the members.

20 (3) Members of the committee, exclusive of those representing  
21 the legislative or executive branches, shall be reimbursed for  
22 travel expenses as provided in RCW 43.03.050 and 43.03.060

23 (4) The committee shall meet at least quarterly.

24 (5) The chair shall be selected from among the members by a  
25 simple majority vote



1           (6) The committee may adopt and exercise bylaws for the  
2 regulation of its business for the purposes of this chapter.

3           NEW SECTION.   **Sec. 205.** The center shall:

4           (1) Provide targeted business assistance to recycling  
5 businesses, including:

6           (a) Development of business plans;

7           (b) Market research and planning information;

8           (c) Access to financing programs;

9           (d) Referral and information on market conditions; and

10          (e) Information on new technology and product development;

11          (2) Negotiate voluntary agreements with manufacturers to  
12 increase the use of recycled materials in product development;

13          (3) Support research and development to stimulate new  
14 technologies and products using recycled materials;

15          (4) Undertake an integrated, comprehensive education effort  
16 directed to recycling businesses to promote processing,  
17 manufacturing, and purchase of recycled products, including:

18          (a) Providing information to recycling businesses on the  
19 availability and benefits of using recycled materials;

20          (b) Providing information and referral services on recycled  
21 material markets;

22          (c) Providing information on new research and technologies  
23 that may be used by local businesses and governments; and

24          (d) Participating in projects to demonstrate new market uses

1 or applications for recycled products;

2 (5) Assist the departments of ecology and general  
3 administration in the development of consistent definitions and  
4 standards on recycled content, product performance, and  
5 availability;

6 (6) Undertake studies on the unmet capital needs of  
7 reprocessing and manufacturing firms using recycled materials;

8 (7) Undertake and participating in marketing promotions for  
9 the purposes of achieving expanded market penetration for recycled  
10 content products;

11 (8) Coordinate with the department of ecology to ensure that  
12 the education programs of both are mutually reinforcing, with the  
13 center acting as the lead entity with respect to recycling  
14 businesses, and the department as the lead entity with respect to  
15 the general public and retailers; and

16 (9) Develop an annual work plan. The plan shall describe  
17 actions and recommendations for developing markets for commodities  
18 comprising a significant percentage of the waste stream and having  
19 potential for use as an industrial or commercial feedstock. The  
20 plan shall specify amounts, types, sources, and end uses of  
21 recycled material targeted for remanufacture, and shall show the  
22 budgeted expenses associated with each commodity. The initial plan  
23 shall, at a minimum, address mixed waste paper, waste tires, yard  
24 and food waste, and plastics. The center shall submit its annual  
25 work plan to the legislature by December 1st of each year.

1           NEW SECTION.       **Sec. 206.**     In order to carry out its  
2 responsibilities under this chapter, the center may:

3           (1) Receive such gifts, grants, funds, fees, and endowments,  
4 in trust or otherwise, for the use and benefit of the purposes of  
5 the center. The center may expend the same or any income therefrom  
6 according to the terms of the gifts, grants, or endowments;

7           (2) Initiate, conduct, or contract for studies and searches  
8 relating to market development for recyclable materials, including  
9 but not limited to applied research, technology transfer, and pilot  
10 demonstration projects;

11           (3) Obtain and disseminate information relating to market  
12 development for recyclable materials from other state and local  
13 agencies;

14           (4) Enter into, amend, and terminate contracts with  
15 individuals, corporations, trade associations, and research  
16 institutions for the purposes of this chapter;

17           (5) Provide grants to local governments or other public  
18 institutions to further the development of recycling markets;

19           (6) Provide business and marketing assistance to public and  
20 private sector entities within the state; and

21           (7) Evaluate, analyze, and make recommendations on state  
22 policies that may affect markets for recyclable materials.

23           NEW SECTION.       **Sec. 207.**     The center shall solicit financial  
24 contributions and support from manufacturing industries and other

1 private sector sources, foundations, and grants from governmental  
2 sources to assist in conducting its activities. It may also use  
3 separately appropriated funds of the department of trade and  
4 economic development for the center's activities.

5 NEW SECTION. **Sec. 208.** The center may appoint advisory  
6 committees to assist in the development or implementation of the  
7 work plan.

8 NEW SECTION. **Sec. 209.** Section headings as used in this  
9 chapter do not constitute any part of the law.

10 NEW SECTION. **Sec. 210.** A new section is added to chapter  
11 70.93 RCW to read as follows:

12 There is created an account within the state treasury to be  
13 known as the clean Washington account. Moneys deposited in the  
14 clean Washington account shall be subject to appropriation and  
15 shall be used for the administration and implementation of the  
16 center for recycling markets development established under section  
17 204 of this act.

18 NEW SECTION. **Sec. 211.** The following acts or parts of acts  
19 are each repealed:

20 (1) RCW 43.31.545 and 1989 c 431 s 64;

21 (2) RCW 43.31.552 and 1989 c 431 s 100;

- 1 (3) RCW 43.31.554 and 1989 c 431 s 101; and  
2 (4) RCW 43.31.556 and 1990 c 127 s 1 & 1989 c 431 s 102.

3 NEW SECTION. **Sec. 212.** Sections 201 through 208 of this act  
4 shall constitute a new chapter in Title 70 RCW.

5 PART III

6 MISCELLANEOUS

7 **Sec. 301.** RCW 70.95.040 and 1987 c 115 s 1 are each amended  
8 to read as follows:

9 (1) There is created a solid waste advisory committee to  
10 provide consultation to the department of ecology concerning  
11 matters covered by this chapter. The committee shall advise on the  
12 development of programs and regulations for solid and dangerous  
13 waste handling, resource recovery, and recycling, and shall supply  
14 recommendations concerning methods by which existing solid and  
15 dangerous waste handling, resource recovery, and recycling  
16 practices and the laws authorizing them may be supplemented and  
17 improved.

18 (2) The committee shall consist of at least eleven members,  
19 including the assistant director for (~~the division of solid~~)  
20 waste management programs within the department. The director  
21 shall appoint (~~ten~~) members with due regard to the interests of

1 the public, local government, tribes, agriculture, industry, public  
2 health, recycling industries, and the refuse removal and resource  
3 recovery industries. (~~The director shall include among his ten~~  
4 ~~appointees representatives of activities from which dangerous~~  
5 ~~wastes arise and the Washington state patrol's hazardous materials~~  
6 ~~technical advisory committee.~~) The term of appointment shall be  
7 determined by the director. The committee shall elect its own  
8 ((~~chairman~~)) chair and meet at least four times a year, in  
9 accordance with such rules of procedure as it shall establish.  
10 Members shall receive no compensation for their services but shall  
11 be reimbursed their travel expenses while engaged in business of  
12 the committee in accordance with RCW 43.03.050 and 43.03.060 as now  
13 existing or hereafter amended.

14 (3) The committee shall each year recommend to the governor a  
15 recipient for a "governor's award of excellence" which the governor  
16 shall award for outstanding achievement by an industry, company, or  
17 individual in the area of hazardous waste or solid waste  
18 management.

19 NEW SECTION. Sec. 302. A new section is added to chapter  
20 82.04 RCW to read as follows:

21 In computing tax there may be deducted from the measure of the  
22 tax the value of reusable or recyclable material or packaging  
23 returned by the buyer to the seller.

24 (1) This section shall not apply to manufacturers as defined

1 in RCW 82.04.110,

2 (2) For purposes of this section:

3 (a) The value of the returned reusable or recyclable material  
4 or packaging, and the deduction amount, is the amount charged by  
5 the seller and rebated or credited to the buyer, but not including  
6 the amount of retail sales tax rebated or credited, when the  
7 material or packaging is returned.

8 (b) "Reusable or recyclable materials" means recyclable  
9 materials described in RCW 70.95.030(14) and other reusable  
10 articles of tangible personal property which through the custom and  
11 the industry are returned by the buyer to the seller to be recycled  
12 or remanufactured such as, but not limited to, automotive parts or  
13 cores like batteries, starters, and brakes. Reusable or recyclable  
14 materials does not include motor vehicles, airplanes, boats, heavy  
15 equipment or other such articles of tangible personal property.

16 (c) "Packaging" means items such as boxes, crates, bottles,  
17 cans, bags, drums, cartons, pallets, and all other materials in  
18 which tangible personal property may be contained or protected  
19 within a container, for transportation or delivery to a purchaser.

20 NEW SECTION. **Sec. 303.** Part headings as used in this act do  
21 not constitute any part of the law.

22 NEW SECTION. **Sec. 304.** If specific funding for the purposes  
23 of this act, referencing this act by bill number, is not provided

1 by June 30, 1991, in the omnibus appropriations act, this act shall  
2 be null and void.

3 NEW SECTION. **Sec. 305.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 306.** This act is necessary for the  
8 immediate preservation of the public peace, health, or safety, or  
9 support of the state government and its existing public  
10 institutions, and shall take effect immediately."

11 **2SSB 5591** - H COMM AMD

12 By Committee on Environmental Affairs

13 On page 1, line 1 of the title, after "recycling;" strike the  
14 remainder of the title and insert "amending RCW 70.93.020,  
15 70.93.030, 70.95C.120, 70.95.040; repealing RCW 43.131.545,  
16 43.131.552, 43.131.554, and 43.31.556; adding a new section to  
17 chapter 70.93 RCW; adding a new section to chapter 82.04 RCW;  
18 adding new chapters to Title 70 RCW; creating new sections; and  
19 declaring an emergency."