
**Select Committee on
Environmental Health**

HB 2424

Brief Description: Regarding grocery checkout bags.

Sponsors: Representatives Chase, Lantz, Hunt and Campbell.

Brief Summary of Bill

- Prohibits grocery stores after January 1, 2009 from providing checkout bags unless they are made of recyclable paper, compostable plastic, textile materials, or reusable plastic.
- Allows grocery stores after January 1, 2009 to claim a credit against the litter tax by providing free or subsidized bags made of textile materials.
- Authorizes a fine of up to five hundred dollars per day for providing prohibited bags.

Hearing Date: 1/16/08

Staff: Ashley Pedersen (786-7303).

Background:

The Waste Reduction, Recycling, and Model Litter Control Act

The Waste Reduction, Recycling, and Model Litter Control Act (WRRMLCA), or RCW 70.93, is the primary law that guides and directs litter programs in Washington State.

In the WRRMLCA, the legislature recognized that there is a fundamental need for a healthful, clean, and beautiful environment. The proliferation and accumulation of litter discarded throughout this state constitutes a public health hazard. Effective litter control and recovery and recycling of litter materials will conserve energy and natural resources. There must be effective programs and systems to accomplish waste reduction and all components of recycling.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The WRRMLCA created an account within the state treasury known as the Waste Reduction, Recycling, and Litter Control Account. The account is funded through a litter tax imposed on industries whose products are related to the litter problem.

The WRRMLCA indicates how litter account funds are to be allocated: 20 percent is to fund the Community Litter Cleanup Program; 30 percent is to fund waste reduction and recycling efforts; and 50 percent is to fund litter cleanup efforts. Besides funding the Ecology Youth Corps, the 50 percent dedicated to cleanup efforts will fund litter activities carried out by other state agencies

Litter Tax

The litter tax (Chapter 82.19 RCW) is a tax on industries that sell, manufacture, or distribute products and packaging that tend to become litter. The statewide litter and recycling programs outlined in RCW 70.93 are funded by the Waste Reduction, Recycling, and Litter Control Account.

The tax rate is .015 percent, which equates to \$150 per \$1 million of gross proceeds. The measure of the tax is the gross proceeds of the sales of the businesses. The tax applies to places of business selling products falling into 13 categories as listed in Chapter 82.19 RCW and further defined in Chapter 458.20.243 Washington Administrative Code.

The categories are: (1) food for human or pet consumption; (2) groceries; (3) cigarettes and tobacco products; (4) soft drinks and carbonated waters; (5) beer and other malt beverages; (6) wine; (7) newspapers and magazines; (8) household paper and paper products; (9) glass containers; (10) metal containers; (11) plastic or fiber containers made of synthetic material; (12) cleaning agents and toiletries; and (13) nondrug drugstore and sundry products.

Summary of Bill:

Effective January 1, 2009, grocery stores (stores for which at least 50 percent of their sales is food and grocery products) may only provide checkout bags made of:

- recyclable paper;
- compostable plastic;
- reusable machine-washable textile materials; or
- reusable plastic that is at least 2.25 mils thick and is designed and manufactured for multiple reuse.

The Department of Ecology will develop guidelines identifying the specifications of the allowable checkout bags.

Grocery stores may claim a credit against the litter tax by providing free or subsidized bags made of reusable machine-washable textile materials. Unused credit may be carried over one year.

Grocery stores providing prohibited bags may be found to have committed a class 1 civil infraction. They may be fined up to \$500 per day. Local courts may exercise discretion in assessing these fines, pursuant to Supreme court prescribed rules.

Appropriation: None.

Fiscal Note: Requested on January 10, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.