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HOUSE BILL 1859

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State of Washington                      61st Legislature                      2009 Regular Session

By Representative Chase

Read first time 01/30/09. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to petroleum-based beverage bottles; adding a new  
2 chapter to Title 70 RCW; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.** The legislature finds that the production  
5 and disposal of petroleum-based beverage bottles in Washington is not  
6 sustainable. The legislature finds that less than twenty percent of  
7 these bottles are recycled postconsumer and that at least twenty-eight  
8 thousand tons are disposed of in landfills annually.

9            NEW SECTION.    **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires otherwise.

11            (1) "Compostable" means made solely of organic substances that  
12 break down into a stable product due to the action of bacteria in a  
13 controlled, aerobic commercial process that results in a material safe  
14 and desirable as a soil amendment meeting the compost quality standards  
15 found under WAC 173-350-220 for metals, physical parameters, pathogens,  
16 manufactured inert material and other testing parameters set by the  
17 local health department.

18            (2) "Department" means the department of ecology.

1 (3) "Petroleum-based beverage bottle" means a bottle made from a  
2 petroleum-based plastic not intended by the manufacturer to be a  
3 reusable container that is one and one-half liters in size or smaller  
4 and is marketed to contain a beverage.

5 NEW SECTION. **Sec. 3.** (1) Effective July 1, 2010, no state agency  
6 may purchase petroleum-based beverage bottles for use in state-owned or  
7 leased facilities or at state-sponsored events.

8 (2) Effective January 1, 2012, no manufacturer, wholesaler, or  
9 retailer may manufacture, knowingly sell, offer for sale, distribute  
10 for sale, or distribute for use in this state any petroleum-based  
11 beverage bottle unless the bottle is compostable.

12 (3) The department shall develop guidelines identifying the  
13 specifications of plastic beverage bottles allowed under this section.

14 (4) The department may adopt rules as necessary for the purpose of  
15 implementing, administering, and enforcing this chapter.

16 NEW SECTION. **Sec. 4.** (1) The department shall send a written  
17 warning to a manufacturer, wholesaler, or retailer known to be  
18 manufacturing, knowingly selling, or distributing petroleum-based  
19 beverage bottles in the state in violation of section 3 of this act.

20 (2) A manufacturer, wholesaler, or retailer who continues to sell  
21 petroleum-based beverage bottles sixty days after receiving a written  
22 warning from the department may be assessed a penalty of up to ten  
23 thousand dollars. The department shall assess a penalty of ten  
24 thousand dollars for each subsequent violation.

25 (3) All penalties levied under this section must be deposited into  
26 the state toxics control account created in RCW 70.105D.070.

27 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute  
28 a new chapter in Title 70 RCW.

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