

# SENATE BILL REPORT

## SB 5781

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As of January 9, 2012

**Title:** An act relating to petroleum-based beverage bottles.

**Brief Description:** Concerning petroleum-based beverage bottles.

**Sponsors:** Senator Chase.

**Brief History:**

**Committee Activity:** Environment: 1/11/12.

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### SENATE COMMITTEE ON ENVIRONMENT

**Staff:** Diane Smith (786-7410)

**Background:** The Washington litter tax is imposed on sales of beverages, containers, and other items. Revenue is used for litter control. The tax, enacted in 1971, was reportedly proposed by businesses in response to proposed bottle bills. The rate of this tax is 0.015 percent, or \$150 per \$1 million of gross sales.

Initiative Measure No. 97, approved November 8, 1988, created the Hazardous Waste Cleanup – Model Toxics Control Act and Hazardous Waste Fees. The purpose of the Act is to raise sufficient funds to cleanup all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and water. The toxics control account was created in the state treasury to carry out the purposes of the Act.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Petroleum-based plastic beverage bottles, one and one-half liters in size or smaller, that the manufacturer does not intend to be reusable may not be purchased by any state agency effective July 1, 2012.

Effective January 1, 2013, petroleum-based plastic beverage bottles, one and one-half liters in size or smaller, that the manufacturer does not intend to be reusable may not be sold in this state unless the bottle is compostable by means of an aerobic commercial process.

The Department of Ecology (Department) must develop guidelines and may adopt rules to implement, administer, and enforce this program.

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*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 Department may assess a penalty of up to \$10,000 on any manufacturer, wholesaler, or retailer that continues to sell these bottles after receiving a written warning from the Department. A penalty of up to \$10,000 may be assessed by the Department for each subsequent violation. All penalties must be deposited into the state toxics control account. The Department's assessment of penalties may be appealed to the Pollution Control Hearings Board.

**Appropriation:** None.

**Fiscal Note:** Requested on January 5, 2012.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.