

HOUSE BILL REPORT

HB 2411

As Reported by House Committee On:
Environment

Title: An act relating to reducing wasted food in order to fight hunger and reduce environmental impacts.

Brief Description: Reducing wasted food in order to fight hunger and reduce environmental impacts.

Sponsors: Representatives Doglio, Slatter, Macri, Appleton and Gregerson.

Brief History:

Committee Activity:

Environment: 1/18/18, 1/30/18 [DPS].

Brief Summary of Substitute Bill

- Establishes a goal of reducing wasted food in the state by 50 percent by 2030.
- Directs the Department of Ecology (ECY) to work with the departments of Health and Agriculture to develop a food waste reduction plan by 2020 to achieve the 2030 wasted food reduction goal.
- Authorizes wasted food reduction and food waste diversion to be among the state and local activities funded by the Waste Reduction, Recycling, and Litter Control Account, and adds wasted food reduction and food waste diversion to the ECY's waste reduction, recycling, and litter control program activities.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey, Kagi and McBride.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

Staff: Jacob Lipson (786-7196).

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.

Background:

Solid Waste Management.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (ECY) also has certain roles in overseeing the administration of solid waste management laws. The ECY is responsible for working cooperatively with local governments as they develop their local solid waste management plans. The ECY also evaluates, analyzes, and monitors the state's solid waste stream, and develops a statewide solid waste plan that, in part, addresses organic material wastes.

County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element. This element must include waste reduction strategies, recycling strategies, and source separation strategies, including yard waste collection.

Donors of food to nonprofit organizations that distribute food to needy individuals are generally protected from civil or criminal liability under state law. Similarly, persons who allow the collection or harvest of food for distribution to needy individuals are generally protected from civil or criminal liability.

Waste Reduction, Recycling, and Litter Control.

The Waste Reduction, Recycling, and Litter Control Act (Act), dating to 1971, prohibits littering and establishes statewide programs to prevent and clean up litter, reduce waste, and increase recycling. These programs are funded by the 0.015 percent litter tax on manufacturers', wholesalers', and retailers' gross proceeds on 13 categories of consumer products. The products subject to the litter tax include human food, pet food, groceries, cigarettes, tobacco products, wine, beer, malt beverages, soft drinks, carbonated water, household paper products, cleaning agents, toiletries, nondrug drugstore assorted products, and glass, metal, plastic, and synthetic fiber containers.

The programs funded by the litter tax under the Act include litter collection efforts by state agencies including the ECY, and state assistance of local government waste reduction, composting and recycling programs. Fifty percent of money in the Waste Reduction, Recycling, and Litter Control Account (Account) created to carry out the Act is directed towards state litter collection efforts, 30 percent of money goes to the ECY to carry out its waste reduction, recycling, litter control, and composting coordination, promotion, and technical assistance activities, and 20 percent is allocated to the ECY to fund local government waste reduction, recycling, litter control, and composting activities.

Other State Programs.

The Washington State Board of Health (Board) establishes, by rule, minimum standards for the prevention of food-borne illness. The Board's rules are based on the 2001 Food Code, which is a model code adopted by the United States Food and Drug Administration. Local jurisdictions may adopt more stringent standards than the ones adopted by the Board.

The Washington State Department of Agriculture (WSDA) Food Safety Program helps regulate the safety of Washington's food supply by inspecting food processing and storage

facilities and their practices, managing several food processing licenses, providing technical assistance, and investigating consumer complaints and food-related emergencies.

Federal Agencies.

The United States Environmental Protection Agency (EPA) adopts a hierarchy intended to maximize food recovery, and minimize food waste. This policy prioritizes, in descending order, source reduction, the feeding of hungry people, the feeding of animals, industrial uses, composting, and, as a last resort, landfilling or incineration. In 2015 the EPA and the United States Department of Agriculture jointly announced a domestic goal of reducing food loss and waste by 50 percent by 2030.

Summary of Substitute Bill:

A goal is established for Washington to reduce wasted food by 50 percent by 2030. This reduction goal is to be measured against 2017 wasted food levels, which the ECY may estimate using any combination of solid waste data reported to the ECY, including data from voluntary surveys.

In order to achieve the 2030 wasted food reduction goal, the ECY must consult with the WSDA and the Department of Health (DOH) to adopt a wasted food reduction and food waste diversion plan. This plan must include, in descending order of priority, strategies to:

- reduce wasted edible food;
- match edible food with food banks and other distributors to those who need it; and
- support other productive uses, such as animal feed, energy production, commercial uses, and compost.

Stakeholders must be consulted throughout the development of the plan, and the ECY may designate a stakeholder advisory panel. If the ECY designates a stakeholder advisory panel, the panel must include representatives of local solid waste and health departments, food businesses or associations, and food banks and food-focused nonprofit organizations. Alongside the plan, the ECY may recommend changes to state law that would help achieve the 2030 goals, and must explain any such recommendations in a report to the Legislature due on December 1, 2020.

Wasted food reduction and food waste diversion are among the state and local activities eligible to be funded from the Account used to carry out the Waste Reduction, Recycling, and Litter Control Act's purposes. Wasted food reduction and food waste diversion are added to the ECY's waste reduction, recycling, and litter control program responsibilities.

Among the waste reduction strategies that a city or county may include in their local solid waste plan are the food waste and wasted food reduction strategies from the plan developed by the ECY, the DOH, and the WSDA. Programs that collect food waste, in addition to yard waste, are identified as source separation strategies that may be implemented by cities and counties in their solid waste collection plans.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- authorizes wasted food reduction and food waste diversion to be among the state and local activities funded using money in the Account, alongside the existing uses of that Account for waste reduction, recycling, litter control, and composting activities;
- adds wasted food reduction and food waste diversion to the ECY's waste reduction, recycling, and litter control program responsibilities;
- changes the name of the waste plan that the ECY must develop from the "food waste reduction plan" to the "wasted food reduction and food waste diversion plan" (Plan), and recodifies the new section that requires creation of the plan from the Solid Waste Management chapter (RCW 70.95) to the Waste Reduction, Recycling, and Litter Control chapter (RCW 70.93); and
- requires, if the ECY designates a stakeholder advisory panel to develop the Plan, that the panel include representatives from local government health and solid waste departments, food banks and hunger-focused nonprofit organizations, and food businesses and food business associations.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 31, 2018.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to uses of the Waste Reduction, Recycling, and Litter Control Account.

Staff Summary of Public Testimony:

(In support) Food waste is an environmental, economic, and ethical problem. A high percentage of food ends up in landfills, while millions of people go hungry. Existing organizations are already linking food banks to donations from farms, manufacturers, grocers, and distributors associated with food that would otherwise be wasted. The timely distribution of food after it has been donated is a key link in avoiding food waste, and relies on precise transportation, storage, technology, and delivery logistics. The ECY has already produced a report highlighting the volumes of wasted food and food waste in Washington, and the associated opportunities with applying that food waste to more beneficial uses. This bill will have the effect of supporting compost production, reduce greenhouse gas emissions, and reduce water waste. Local governments already have food waste reduction programs in place. When food waste is diverted, local governments can pay less for their solid waste disposal.

(Opposed) None.

(Other) Funding for this bill is not in the Governor's budget. Reducing wasted food is an important goal, and wasted food is a significant component of waste streams. The United Nations and the United States Environmental Protection Agency have each adopted a goal of reducing food waste by 50 percent by 2030. Food that is disposed of in landfills generates methane. Local governments have adopted programs to divert wasted food from landfills,

but those programs are not consistent statewide. The food industry is not comfortable with studies that could lead to more mandates on stores, and would like to be involved in future conversations on this issue. Groceries, which have a strong incentive to reduce food waste by selling more food and discarding less, are constantly reevaluating ordering practices to reduce waste. Groceries are only allowed to donate what health and safety regulations will allow. To increase volumes of food donations going to food banks, groceries freeze meats before their expiration dates and take other steps to preserve food in an edible state. Groceries donate large volumes of leftover food, compost their food waste, and are already taking other steps to minimize wasted food and food waste. Money for waste reduction programs funding through the litter tax has been diverted in recent biennia to fund the operations of Washington State Parks.

Persons Testifying: (In support) Representative Doglio, prime sponsor; Aaron Czyzcewski, Food Lifeline; Spencer Orman, City of Olympia; and Heather Trim, Zero Waste Washington.

(Other) Laurie Davies, Department of Ecology; Carolyn Logue, Washington Food Industry Association; Holly Chisa, Northwest Grocery Association; and Charlie Brown, Fred Meyer.

Persons Signed In To Testify But Not Testifying: None.