

E2SSB 5397 - H COMM AMD

By Committee on Environment & Energy

NOT ADOPTED 04/16/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) Convenient and environmentally sound product stewardship
5 programs that include collecting, transporting, and reuse, recycling,
6 or the proper end-of-life management of unwanted products help
7 protect Washington's environment and the health of state residents;

8 (b) Unwanted products should be managed where priority is placed
9 on prevention, waste reduction, source reduction, recycling, and
10 reuse over energy recovery and landfill disposal; and

11 (c) Producers of plastic packaging should consider the design and
12 management of their packaging in a manner that ensures minimal
13 environmental impact. Producers of plastic packaging should be
14 involved from design concept to end-of-life management to incentivize
15 innovation and research to minimize environmental impacts.

16 (2) Additionally, the legislature finds that, through design and
17 innovation, industry should strive to achieve the goals of recycling
18 sustainable and realistic amounts of packaging, using at least twenty
19 percent postconsumer recycled content in packaging, and reducing
20 plastic packaging when possible to optimize the use to meet the need.

21 (3) The legislature intends that the department, through a
22 consultative process with industry and consumer interest, develop
23 options to reduce plastic packaging in the waste stream for
24 implementation by January 1, 2022.

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

28 (1) "Brand" means a name, symbol, word, or mark that identifies a
29 product, rather than its components, and attributes the covered
30 product to the owner of the brand as the producer.

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

1 (3) "Producer" means a person who has legal ownership of the
2 brand, brand name, or cobrand of plastic packaging sold in or into
3 Washington state.

4 (4) "Recycling" has the same meaning as defined in RCW 70.95.030.

5 (5) "Stakeholder" means a person who may have an interest in or
6 be affected by the management of plastic packaging.

7 NEW SECTION. **Sec. 3.** (1) The department must evaluate and
8 assess the amount and types of plastic packaging sold into the state
9 as well as the management and disposal of plastic packaging. When
10 conducting the evaluation, the department must ensure that producers,
11 providers of solid waste management services, and stakeholders are
12 consulted. The department must produce a report that includes:

13 (a) An assessment of the:

14 (i) Amount and types of plastic packaging currently produced in
15 or coming into the state by category;

16 (ii) Full cost of managing plastic packaging waste, including the
17 cost to ratepayers, businesses, and others, with consideration given
18 to costs that are determined by volume or weight;

19 (iii) Final disposition of all plastic packaging sold into the
20 state, based on current information available at the department;

21 (iv) Costs and savings to all stakeholders in existing product
22 stewardship programs where they have been implemented including,
23 where available, the specific costs for the management of plastic
24 packaging;

25 (v) Infrastructure necessary to manage plastic packaging in the
26 state;

27 (vi) Contamination and sorting issues facing the current plastic
28 packaging recycling stream; and

29 (vii) Existing organizations and databases for managing plastic
30 packaging that could be employed for use in developing a program in
31 the state;

32 (b) A compilation of:

33 (i) All the programs currently managing plastic packaging in the
34 state, including all end-of-life management and litter and
35 contamination cleanup; and

36 (ii) Existing studies regarding the final disposition of plastic
37 packaging and material recovery facilities residual composition,
38 including data on cross-contamination of other recyclables,
39 contamination in compost, and brand data in litter when available;

1 (c) A review and identification of businesses in Washington that
2 use recycled plastic material as a feedstock or component of a
3 product produced by the company; and

4 (d) A review of industry and any other domestic or international
5 efforts and innovations to reduce, reuse, and recycle plastic and
6 chemically recycle packaging, utilize recycled content in packaging,
7 and develop new programs, systems, or technologies to manage plastics
8 including innovative technologies such as pyrolysis and gasification
9 processes to divert recoverable polymers and other materials away
10 from landfills and into valuable raw, intermediate, and final
11 products.

12 (2) The department must contract with a third-party independent
13 consultant to conduct the evaluation and assessment as required under
14 subsection (1) of this section. In developing the recommendations,
15 the department must ensure consistency with the federal food, drug,
16 and cosmetic act (21 U.S.C. Sec. 301 et. seq).

17 (3) (a) By October 31, 2020, the department must submit a report
18 on the evaluation and assessment of plastic packaging to the
19 appropriate committees of the legislature. The department must cite
20 the sources of information that it relied upon in the report and that
21 the independent consultant relied upon in the assessment, including
22 any sources of peer-reviewed science.

23 (b) The report required under this subsection must include:

24 (i) Findings regarding amount and types of plastic packaging sold
25 into the state as well as the management and disposal of plastic
26 packaging;

27 (ii) Recommendations to meet the goals of reducing plastic
28 packaging, including through industry initiative or plastic packaging
29 product stewardship, or both, to:

30 (A) Achieve sustainable and realistic policies for recyclable,
31 reusable, or compostable packaging in goods sold in Washington by
32 January 1, 2025;

33 (B) Achieve at least twenty percent postconsumer recycled content
34 in packaging by January 1, 2025; and

35 (C) Reduce plastic packaging when possible optimizing the use to
36 meet the need; and

37 (iii) For the purposes of legislative consideration, options to
38 meet plastic packaging reduction goals, that are capable of being
39 established and implemented by January 1, 2022. For proposed options,
40 the department must identify expected costs and benefits of the

1 proposal to state and local government agencies to administer and
2 enforce the rule, and to private persons or businesses, by category
3 of type of person or business affected.

4 NEW SECTION. **Sec. 4.** This chapter expires July 1, 2029.

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

7 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2019, in an amount sufficient to fully carry out
10 the activities required in this act, in the omnibus appropriations
11 act, this act is null and void."

12 Correct the title.

EFFECT: Makes the following changes to the Engrossed Second Substitute Bill:

(1) Requires the Department of Ecology to ensure consistency with the federal food, drug, and cosmetic act in developing the packaging recommendations to the Legislature that are due in 2020.

(2) Amends the Legislative findings to clarify that plastic packaging producers are encouraged to consider the environmental impacts of the design and management of their packaging, rather than required to consider those environmental impacts.

(3) Clarifies that the scope of the assessment of plastic packaging includes plastic packaging produced in Washington, in addition to plastic packaging imported into Washington.

(4) Specifies that recommendations to meet the goals established for plastic packaging must include reducing plastic packaging through industry initiative or plastic packaging product stewardship, or both.

(5) Expires the chapter created to require the study of plastic packaging on July 1, 2029.

(6) Eliminates the goal of achieving one hundred percent recyclable, reusable, or compostable packaging in all goods sold in Washington by 2025, and establishes a goal of achieving sustainable and realistic policies for plastic packaging by 2025.

(7) Requires the Department of Ecology's assessment, evaluation, and report on plastic packaging to include a review and identification of businesses that use recycled plastic material as a feedstock or component of a company product.

(8) Requires the Department of Ecology (ECY), in the plastic packaging report due to the Legislature in 2020, to cite the sources of information that: (a) The ECY relied upon in the report; and (b) that the independent consultant relied upon in the plastic packaging assessment that forms the basis of the ECY's plastic packaging report.

(9) Requires the Department of Ecology to identify expected costs and benefits to government agencies and to private persons or

businesses for options proposed in the 2020 report to the Legislature to meet plastic packaging reduction goals.

(10) Makes the act null and void if specific funding for the act is not appropriated in the operating budget by June 30, 2019, in an amount sufficient to fully carry out the activities required by the act.

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