

2SSB 5397 - S AMD 291

By Senator Rolfes

ADOPTED 03/08/2019

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 recycling of
6 unwanted products help protect Washington's environment and the
7 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 must consider the design and
12 management of their packaging in a manner that ensures minimal
13 environmental impact. Producers of plastic packaging must be involved
14 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 one hundred percent of packaging, using at least twenty percent
19 postconsumer recycled content in packaging, and reducing plastic
20 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 coming into
15 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) Needed infrastructure necessary to manage plastic packaging
26 in the 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 materials recovery facilities residual composition,
38 including data on cross-contamination of other recyclables,

1 contamination in compost, and brand data in litter when available;
2 and

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

11 (2) The department must contract with a third-party independent
12 consultant to conduct the evaluation and assessment as required under
13 subsection (1) of this section.

14 (3)(a) By October 31, 2020, the department must submit a report
15 on the evaluation and assessment of plastic packaging to the
16 appropriate committees of the legislature.

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

18 (i) Findings regarding amount and types of plastic packaging sold
19 into the state as well as the management and disposal of plastic
20 packaging;

21 (ii) Recommendations to meet the goals of reducing plastic
22 packaging including through industry lead or plastic packaging
23 product stewardship to:

24 (A) Achieve one hundred percent recyclable, reusable, or
25 compostable packaging in all goods sold in Washington by January 1,
26 2025;

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

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

31 (iii) For the purposes of legislative consideration, options to
32 meet plastic packaging reduction goals, that may be established and
33 implemented by January 1, 2022.

34 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
35 constitute a new chapter in Title 70 RCW."

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1 On page 1, line 2 of the title, after "packaging;" strike the
2 remainder of the title and insert "and adding a new chapter to Title
3 70 RCW."

EFFECT: Removes references to establishing a product stewardship program; removes draft legislation recommendations; adds study elements; adds recommendations must include options for legislative consideration.

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