
Environment & Energy Committee

HB 1632

Brief Description: Reducing pollution from single-use plastic food service ware.

Sponsors: Representatives Gregerson, Doglio, Peterson, Mead, Tarleton, Macri, Valdez, Fey, Kloba, Pollet and Bergquist.

Brief Summary of Bill

- Restricts the sale or provision of plastic food service products, including utensils, straws, and containers, beginning in 2030 for food service businesses and in 2040 for other retail establishments.
- Requires, until 2030, food service businesses to provide plastic utensils, straws, and condiment packaging to customers only upon request by a customer.
- Directs the Department of Health to complete a study by 2021 to ensure that plastic straws or acceptable replacements are available to individuals with disabilities.
- Preempts local ordinances addressing plastic food service products beginning in 2030 for food service establishments and in 2040 for other retail establishments.

Hearing Date:

Staff: Jacob Lipson (786-7196).

Background:

A number of municipalities in Washington have adopted ordinances addressing certain plastic products used in the provision or consumption of food, including plastic utensils, straws, and containers.

There are 36 local public health jurisdictions (LHJs) in Washington, which include county health departments, multi-county health districts, and city-county health departments. LHJs have primary responsibility for the health and safety of Washington residents. LHJs are responsible

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for environmental health and safety, which includes food safety inspections and permits, onsite sewage, safe shellfish, and solid waste facility inspections and permits.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. County and city comprehensive solid waste management plans must contain certain elements, including a waste reduction and recycling element, and must consider source separation of recyclable materials and organic materials from other solid wastes. Cities and counties determine which materials may be accepted for curbside recycling in each jurisdiction, and whether organic materials are collected separately from other solid wastes.

The American Society of Testing and Materials is an international organization that adopts technical standards applicable to a variety of consumer products.

Summary of Bill:

Plastic food service products are defined as products intended for one-time use and used for food or drink offered for service. Plastic food service products include containers, utensils, straws, plates, clamshells, and lids.

From October 1, 2019 until July 1, 2030, food service businesses at which opportunity is provided for on-site food consumption may only provide plastic utensils, straws, and condiment packaging to customers upon request. Food service businesses that do not provide opportunity for on-site food consumption may only provide plastic utensils, straws, and condiment packaging after asking if a customer would like the product, and the customer responds affirmatively. Food service businesses may make utensils and condiments available to customers in bins or other containers. Plastic utensils may not be bundled or packaged in plastic so as to require multiple utensils to be obtained at once.

Beginning July 1, 2030, food service businesses may only sell or provide plastic food service products that are:

- compostable products that meet the American Society of Testing and Materials standard specifications;
- durable and reusable; or
- recyclable beverage containers that are made of high density polyethylene or polyethylene terephthalate.

Food service businesses may provide recyclable fiber-based, glass, or metal food service products. Until July 1, 2040, food service businesses may also provide prepackaged foods in plastic containers that were sealed prior to receipt by the food service business.

In counties or cities that provide for the collection of compostable food service products and food waste or recyclable food service products under the local solid waste comprehensive plan, food service businesses must provide clearly marked containers for compostable or recyclable materials. These materials must be collected and delivered to appropriate processing facilities. Landlords of food service businesses must make adequate space and services available to food service businesses to provide for the collection and delivery of compostable and recyclable materials. Landlords of food courts must provide containers in common areas.

Beginning July 1, 2040, all retail establishments are restricted from selling or providing plastic food service products. Recyclable plastic beverage containers made from high-density polyethylene or polyethylene terephthalate are exempt from this restriction.

Local Health Jurisdictions (LHJs) must enforce these requirements. An LHJ must provide instructional information upon the first violation, with subsequent violations punishable by penalties of up to \$250 per day. LHJs may retain the penalties they collect.

Local governments are preempted from implementing plastic food service product ordinances, effective January 1, 2030, as applied to food service businesses, and as of January 1, 2040, as applied to retail establishments.

The Department of Health, in consultation with the Department of Social and Health Services, must seek the advice of community health groups, advocates for persons with disabilities, and other stakeholders to ensure that plastic straws or acceptable replacement products are available to individuals with disabilities who rely on those products. By December 1, 2021, the Department of Health must submit recommendations to the appropriate committees of the Legislature regarding how to address the needs of individuals with disabilities in light of the restrictions on plastic food service products.

Appropriation: None.

Fiscal Note: Requested on January 28, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.