

FINAL BILL REPORT

E2SSB 5397

C 460 L 19
Synopsis as Enacted

Brief Description: Concerning the responsible management of plastic packaging.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Carlyle, Darneille, Saldaña, Hasegawa, Hunt and Kuderer).

Senate Committee on Environment, Energy & Technology

Senate Committee on Ways & Means

House Committee on Environment & Energy

House Committee on Appropriations

Background: Local governments have the primary responsibility to manage solid waste. Each county must prepare a coordinated, comprehensive solid waste management plan and adopt regulations or ordinances to implement the plan. The plan must include solid waste handling, recovery, and recycling that can be integrated into the comprehensive county plan. The waste reduction and recycling element must include waste reduction and source-separation strategies as well as the levels of service provided.

The Department of Ecology (Ecology) reviews and approves locally issued permits and solid waste management plans, and defines minimum functional standards for all types of solid waste facilities. The regulations must address storage, collection, transportation, and treatment.

The Utilities and Transportation Commission regulates haulers transporting solid waste, garbage, and recyclables from residential sites. The certificate to transport garbage and recyclables sets the geographic areas in which the company is authorized to collect waste. All transporters of recyclable materials or recyclables must register with Ecology.

Cities and counties implement their solid waste plans and determine materials that may be accepted in curbside recycling. The majority of local governments and solid waste collection companies collect commingled recycled materials in a provided single cart. Depending on the service provider, several bins may be provided to customers requiring recyclables to be separated by type or source.

All collected materials for recycling are transported to a materials recovery facility (MRF). At MRFs, collected materials are sorted and processed into bales of different types of

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recyclables. The MRF readies the bales of recyclable materials for shipment and sale to a secondary processor or end-user. Materials that are not recyclable are sent to the landfill.

In Washington, product stewardship requirements are established for mercury containing light, photovoltaic modules, and electronic products. Central to product stewardship are certain principles including:

- producers are responsible for their products throughout all lifecycle stages;
- producers are responsible for administering and financing programs for end-of-life management of their products; and
- producer programs are transparent and accountable.

The revenues from the litter tax are allocated from the Waste Reduction, Recycling, and Litter Control Account to Ecology. Ecology is the coordinating agency between organizations looking to assist in waste reduction, litter control, and recycling, as well as with state agencies, including the Department of Corrections and the Department of Transportation, and local governments that receive funding for litter control and recycling activities. In addition, Ecology employs teens through the Ecology Youth Corps to collect litter from highways, parks, and other public areas. Ecology must develop criteria for evaluating the effectiveness and efficiency of the participating agencies' litter collection programs.

Summary: Ecology must evaluate and assess the amount and types of plastic packaging sold into the state as well as its management and disposal. Producers, stakeholders, and solid waste management service providers must be consulted when the evaluation is being conducted. Ecology must hire a third-party independent consultant to conduct the evaluation and assessment.

By October 31, 2020, Ecology must submit a report to the Legislature with findings and recommendations based on the evaluation and assessment of management and disposal of plastic packaging. The report must include an assessment of the:

- amount and types of plastic packaging produced or coming into the state;
- full cost of managing plastic packaging waste, including costs to ratepayers, businesses and others;
- final disposition of all plastic packaging sold into the state;
- costs and savings to all stakeholders in product stewardship programs implemented in other cities and solid waste companies;
- needed infrastructure to manage plastic packaging;
- contamination and sorting issues for the plastic packaging recycling stream, and
- existing stewardship organizations and databases useful to develop a program in Washington State.

The report must include a compilation of all of the programs in the state currently managing plastic packaging, including end-of-life management and litter and contamination cleanup, and existing studies of the final disposition of plastic packaging and materials recovery facilities residual composition. The report must also include a review and identification of businesses in Washington that use recycled plastic material as feedstock or components of products and a review of industry and domestic or international efforts and innovations to reduce, reuse, recycle, chemically recycle plastic packaging, including technologies such as

pyrolysis and gasification processes to divert recoverable materials away from landfills and into valuable raw, intermediate, and final products. Sources of information, including peer reviewed science, relied upon by Ecology or the consultant in the development of the report or assessment must be cited.

The report must include recommendations, which must be consistent with the federal Food, Drug, and Cosmetic Act, to meet the goals of reducing plastic packaging through industry lead or product stewardship to:

- achieve 100 percent recyclable, reusable, or compostable packaging in all goods sold in Washington by January 1, 2025;
- achieve at least 20 percent postconsumer recycled content in packaging by January 1, 2025; and
- reduce plastic packaging when possible, optimizing the use to meet the need.

The report must also include for legislative consideration, options to meet plastic packaging reduction goals, capable of being established and implemented by January 1, 2022. For proposed options, Ecology must identify expected costs and benefits to state and local agencies to administer and enforce and to affected private persons or businesses.

Votes on Final Passage:

Senate	48	0	
House	75	23	(House amended)
Senate	45	4	(Senate concurred)

Effective: July 28, 2019