
HOUSE BILL 1632

State of Washington

66th Legislature

2019 Regular Session

By Representatives Gregerson, Doglio, Peterson, Mead, Tarleton, Macri, Valdez, Fey, Kloba, Pollet, and Bergquist

Read first time 01/25/19. Referred to Committee on Environment & Energy.

1 AN ACT Relating to reducing pollution from single-use plastic
2 food service ware; adding a new chapter to Title 70 RCW; creating a
3 new section; prescribing penalties; providing an effective date; and
4 providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that plastic
7 products have proliferated in modern commerce. While many plastic
8 products feature some positive environmental, economic, and
9 logistical attributes, the costs of many plastic products, especially
10 single-use plastic products, far outweigh their benefits. Plastic
11 utensils, straws, cups, plates, and wrappers all frequently wind up
12 as litter or end up polluting our marine environment. Single-use
13 plastics break down into small, toxic pieces in the marine
14 environment and enter the diets of fish, birds, and other organisms,
15 where they may pose a particular burden for endangered species like
16 salmon and southern resident killer whales. Single-use plastic food
17 service products also contaminate our recycling and compost systems,
18 contaminating other recyclables, such as paper, and reducing the
19 cost-effectiveness of recycling other truly recyclable plastic
20 products and jeopardizing the quality of our compost.

1 (2) Transitioning away from single-use plastic products like
2 forks, straws, and cups is not an impractical environmental dream.
3 For each of these products, suitable durable, reusable, compostable,
4 or other nonplastic alternatives are readily available, price
5 competitive, and capable of performing the intended product
6 functions. Governments across the globe, ranging from local
7 governments here in Washington to national governments in Europe and
8 Taiwan, have all already enacted or otherwise committed to
9 restrictions on some or all of the single-use plastic products
10 addressed by this chapter.

11 (3) The legislature acknowledges that there will be challenges in
12 moving immediately away from single-use plastic food service
13 products. As of 2018, many local jurisdictions, particularly in
14 western Washington, are located near facilities capable of composting
15 compostable food service products, which has made practical the
16 enactment of local restrictions on various types of single-use
17 plastic food service products. However, many areas of the state do
18 not currently have infrastructure in place to commercially process
19 compostable food service products. It is the legislature's
20 expectation that by putting in place a 2030 deadline for the first
21 statewide restrictions on single-use plastic food service products,
22 it will provide both incentive and sufficient time to improve the
23 statewide capacity to handle compostable products.

24 (4) Therefore, in light of the need to protect our sensitive
25 marine environments, and with a desire to lead a transition to more
26 environmentally sustainable alternatives, it is the intent of the
27 legislature to phase out the use of single-use plastic food service
28 products, and to take other steps to reduce the waste of single-use
29 plastic food service products prior to the effective date of these
30 phaseouts.

31 NEW SECTION. **Sec. 2.** The definitions in this section apply
32 throughout this chapter unless the context clearly requires
33 otherwise.

34 (1) "Compostable" means a product that is capable of being
35 completely broken down into a stable product in a controlled, aerobic
36 commercial process that results in a material safe and desirable as a
37 soil amendment.

38 (2) "Condiment packaging" means plastic packaging used to deliver
39 single-serving condiments to customers. Condiment packaging includes,

1 but is not limited to, single-serving plastic packaging for ketchup,
2 mustard, relish, mayonnaise, hot sauce, coffee creamer, salad
3 dressing, jelly and jam, and soy sauce.

4 (3) "Consumed on premises" means consumption of food or beverages
5 in the public areas of a food service business, common areas of a
6 food court, and outside seating areas and parking lots exclusively
7 for customers of the food service business, rather than taken out for
8 consumption elsewhere.

9 (4) "Food service businesses" means businesses selling or
10 providing food for consumption on or off the premises, including
11 full-service restaurants, fast food restaurants, cafes,
12 delicatessens, coffee shops, grocery stores, vending trucks or carts,
13 home delivery services, and business or institutional cafeterias.

14 (5) "Food service product" means a product including, but not
15 limited to, containers, plates, bowls, cups, lids, meat trays, deli
16 rounds, utensils, sachets, straws, condiment packaging, clamshells
17 and other hinged or lidded containers, sandwich wrap, portion cups,
18 and other food service products that are intended for one-time use
19 and used for food or drink offered for sale or use.

20 (6) "Plastic food service product" means a food service product
21 that is composed of:

22 (a) Plastic; or

23 (b) Fiber or paper with a plastic coating, window, component, or
24 additive.

25 (7) "Recyclable" means materials that are transported for
26 recycling, reprocessing, reclamation, or for any process that
27 extracts or modifies the commodity for reuse or another commercially
28 valuable purpose.

29 (8) "Retail establishment" means any person, corporation,
30 partnership, business, facility, vendor, organization, or individual
31 that sells or provides merchandise, goods, or materials directly to a
32 customer. "Retail establishment" includes, but is not limited to,
33 food service businesses, grocery stores, department stores, hardware
34 stores, home delivery services, pharmacies, liquor stores,
35 restaurants, catering trucks, convenience stores, or other retail
36 stores or vendors, including temporary stores or vendors at farmers
37 markets, street fairs, and festivals.

38 (9) "Standard specification" means one of the following:

1 (a) ASTM D6400 - standard specification labeling of plastics
2 designed to be aerobically composted in municipal or industrial
3 facilities, as it existed as of January 1, 2019; or

4 (b) ASTM D6868 - standard specification for labeling of end items
5 that incorporate plastics and polymers as coatings or additives with
6 paper and other substrates designed to be aerobically composted in
7 municipal or industrial facilities, as it existed as of January 1,
8 2019.

9 (10)(a) "Utensil" means a product designed to be used by a
10 consumer to facilitate the consumption of food or beverages,
11 including knives, forks, spoons, cocktail picks, chopsticks, splash
12 sticks, and stirrers.

13 (b) "Utensils" does not include plates, bowls, cups, and other
14 products used to contain food or beverages.

15 NEW SECTION. **Sec. 3.** (1) Effective July 1, 2030, no food
16 service business may sell or provide food for consumption on or off
17 the premises in or with plastic food service products, except as
18 provided in subsection (2) of this section.

19 (2)(a) A food service business may sell or provide food in
20 compostable food service products that meet standard specification.

21 (b) A food service business may sell or provide:

22 (i) Durable, reusable food service products;

23 (ii) Recyclable fiber-based, glass, or metal food service ware;

24 and

25 (iii) Recyclable plastic beverage containers made from high
26 density polyethylene (HDPE) or polyethylene terephthalate (PET).

27 (c) Until July 1, 2040, a food service business may sell or
28 provide prepackaged foods in plastic containers that have been filled
29 and sealed prior to receipt by the food service business.

30 (3) If located in a jurisdiction with a program adopted under
31 chapter 70.95 RCW that provides for the collection of compostable
32 food service products and food waste or recyclable food service
33 products, a food service business that provides food for consumption
34 on premises using compostable or recyclable food service products
35 must provide:

36 (a) Conveniently located and clearly marked containers where
37 customers may discard compostable and recyclable food service
38 products; and

1 (b) For the collection and delivery of these materials to
2 appropriate processing facilities.

3 (4) A landlord of food service businesses subject to the
4 requirements of this section must make adequate space and services
5 available to the food service businesses for the collection and pick
6 up of the compostable and recyclable materials generated by the food
7 service businesses.

8 (5) A landlord operating a food court, or a similar setting that
9 includes food service businesses and common areas set aside and
10 maintained for the consumption of food and beverages, must provide in
11 the common areas the services required in subsection (3)(a) and (b)
12 of this section.

13 NEW SECTION. **Sec. 4.** Effective July 1, 2040, no retail
14 establishment may sell or provide plastic food service products,
15 except for recyclable plastic beverage containers made from high
16 density polyethylene (HDPE) or polyethylene terephthalate (PET).

17 NEW SECTION. **Sec. 5.** (1) A food service business at which the
18 opportunity is provided for the on-site consumption of food or
19 beverages may provide the following types of plastic food service
20 ware only upon the request of the consumer:

- 21 (a) Utensils;
- 22 (b) Straws; and
- 23 (c) Condiment packaging.

24 (2) A food service business at which no opportunity is provided
25 for the on-site consumption of food or beverages may provide types of
26 plastic food service products identified in subsection (1) of this
27 section only after asking if the customer would like to obtain the
28 plastic food service products, and the customer responds
29 affirmatively.

30 (3) Nothing in this section prohibits a food service business
31 from making utensils and condiments available to customers using
32 cylinders, bins, dispensers, containers, or other means of allowing
33 for single plastic utensils and condiments to be obtained at the
34 affirmative volition of the customer. Utensils provided by a food
35 service business for use by customers may not be bundled or packaged
36 in plastic in such a way that a customer is unable to take only the
37 type of utensil or utensils desired without also taking a different
38 type or types of utensil.

1 (4) This section expires January 1, 2030.

2 NEW SECTION. **Sec. 6.** (1) The requirements of this chapter may
3 be enforced by a local health jurisdiction organized under chapter
4 70.05 RCW, a jurisdictional health department, a combined city-county
5 health department organized under chapter 70.08 RCW, or a health
6 district organized under chapter 70.46 RCW.

7 (2) For the first violation of this chapter by a food service
8 business or retail establishment, the local jurisdiction or
9 department with authority to enforce this chapter may not issue a
10 penalty, but must instead provide the operator of the food service
11 business or retail establishment with a notice of violation with
12 instructional information regarding the requirements of this chapter.
13 Subsequent violations of this chapter by the same operator of a food
14 service business or establishment are subject to penalties of up to
15 two hundred fifty dollars per day.

16 (3) Penalties collected under this section may be retained by the
17 jurisdiction or department for the purposes of enforcement of this
18 chapter.

19 NEW SECTION. **Sec. 7.** The department of health, in consultation
20 with the department of social and health services, must seek the
21 advice of community health groups, advocates for persons with
22 disabilities, and other stakeholders to ensure that plastic straws or
23 acceptable replacement products are available to individuals whose
24 disabilities necessitate their access to such products. By December
25 1, 2021, the department of health, in consultation with the
26 department of social and health services, must provide
27 recommendations to the appropriate committees of the legislature
28 regarding how to address the needs of individuals with disabilities
29 in light of the restrictions established in sections 3 through 5 of
30 this act.

31 NEW SECTION. **Sec. 8.** (1) A city, town, county, or municipal
32 corporation may not implement an ordinance restricting plastic food
33 service products:

34 (a) Applicable to food service businesses, beginning January 1,
35 2030; and

36 (b) Applicable to retail establishments, beginning January 1,
37 2040.

1 (2) Any local plastic food service products ordinance that is in
2 effect as of January 1, 2030, as applied to food service businesses,
3 or as of January 1, 2040, as applied to retail establishments, is
4 preempted by this chapter, as of those dates.

5 NEW SECTION. **Sec. 9.** Section 5 of this act takes effect October
6 1, 2019.

7 NEW SECTION. **Sec. 10.** Sections 2 through 8 of this act
8 constitute a new chapter in Title 70 RCW.

--- END ---