
ENGROSSED SUBSTITUTE HOUSE BILL 2713

State of Washington

66th Legislature

2020 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman, and Pollet)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to encouraging compost procurement and use;
2 adding new sections to chapter 43.19A RCW; creating new sections; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that
6 local compost manufacturing plays a critical role in our state's
7 solid waste infrastructure. Composting benefits Washington agencies,
8 counties, cities, businesses, and residents by diverting hundreds of
9 thousands of tons of organic waste from landfills, reducing solid
10 waste costs, and lowering carbon emissions. The legislature finds
11 that a growing number of local governments are recognizing the
12 benefits of composting programs and offering compost collection to
13 their residents and businesses. The diversion of food waste from
14 landfills to compost processors remains critical for state and local
15 governments to meet their ambitious diversion goals.

16 The legislature also finds that composting is a strong carbon
17 reduction industry for Washington, as the application of compost to
18 soil systems permits increased carbon sequestration. Compost can also
19 replace synthetic chemical fertilizer, prevent topsoil erosion, and
20 filter stormwater on green infrastructure projects such as rain
21 gardens and retention ponds.

1 The legislature declares that state and local governments should
2 lead by example by purchasing and using local compost that meets
3 state standards and by encouraging farming operations to do so as
4 well.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.19A
6 RCW to read as follows:

7 (1) When planning government-funded projects or soliciting and
8 reviewing bids for such projects, all state agencies and local
9 governments shall consider whether compost products can be utilized
10 in the project.

11 (2) If compost products can be utilized in the project, the state
12 agency or local government must use compost products, except as
13 follows:

14 (a) A state agency or local government is not required to use
15 compost products if:

16 (i) Compost products are not available within a reasonable period
17 of time;

18 (ii) Compost products that are available do not comply with
19 existing purchasing standards;

20 (iii) Compost products that are available do not comply with
21 federal or state health, quality, and safety standards; and

22 (iv) Compost purchase prices are not reasonable or competitive;
23 and

24 (b) A state agency is also not required to use compost products
25 in a project if:

26 (i) The total cost of using compost is financially prohibitive;

27 (ii) Application of compost will have detrimental impacts on the
28 physical characteristics and nutrient condition of the soil as it is
29 used for a specific crop;

30 (iii) The project consists of growing trees in a greenhouse
31 setting, including seed orchard greenhouses; or

32 (iv) The compost products that are available have not been
33 certified as being free of crop-specific pests and pathogens,
34 including pests and pathogens that could result in the denial of
35 phytosanitary permits for shipping seedlings.

36 (3) Before the transportation or application of compost products
37 under this section, composting facilities, state agencies, and local
38 governments must ensure compliance with department of agriculture
39 pest control regulations provided in chapter 16-470 WAC.

1 (4) State agencies and local governments are encouraged to give
2 priority to purchasing compost products from companies that produce
3 compost products locally, are certified by a nationally recognized
4 organization, and produce compost products that are derived from
5 municipal solid waste compost programs and meet quality standards
6 adopted by rule by the department of ecology.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.19A
8 RCW to read as follows:

9 (1) Each local government that provides a residential composting
10 service is encouraged to enter into a purchasing agreement with its
11 compost processor to buy back finished compost products for use in
12 government projects or on government land. The local government is
13 encouraged to purchase an amount of finished compost product that is
14 equal to or greater than fifty percent of the amount of organic
15 residuals it delivered to the compost processor. Local governments
16 may enter into collective purchasing agreements if doing so is more
17 cost-effective or efficient. The compost processor should offer a
18 purchase price that is reasonable and competitive for the specific
19 market.

20 (2) When purchasing compost products for use in government
21 projects or on government-owned land, local governments are
22 encouraged to purchase compost with at least eight percent food
23 waste, or an amount of food waste that is commensurate with that in
24 the local jurisdiction's curbside collection program.

25 NEW SECTION. **Sec. 4.** (1) Subject to amounts appropriated for
26 this specific purpose, the department of agriculture must establish
27 and implement a three-year compost reimbursement pilot program to
28 reimburse farming operations in the state for purchasing and using
29 compost products from facilities with solid waste handling permits,
30 including transportation, equipment, spreading, and labor costs. The
31 pilot program begins July 1, 2020, and concludes June 30, 2023. For
32 purposes of this program, "farming operation" means: A commercial
33 agricultural, silvicultural, or aquacultural facility or pursuit,
34 including the care and production of livestock and livestock
35 products, poultry and poultry products, apiary products, and plant
36 and animal production for nonfood uses; the planting, cultivating,
37 harvesting, and processing of crops; and the farming or ranching of

1 any plant or animal species in a controlled salt, brackish, or
2 freshwater environment.

3 (2) To be eligible to participate in the reimbursement pilot
4 program, a farming operation must complete an eligibility review with
5 the department of agriculture prior to transporting or applying any
6 compost products for which reimbursement will be sought under this
7 section. The purpose of the review is for the department of
8 agriculture to ensure that the proposed transport and application of
9 compost products is consistent with the department's agricultural
10 pest control rules in chapter 16-470 WAC. A farming operation must
11 also verify that soil sampling will be allowed as necessary to
12 establish a baseline of soil quality and carbon storage and for
13 subsequent department of agriculture evaluations to assist the
14 department's reporting requirements under subsection (9) of this
15 section.

16 (3) The department of agriculture must create a form for eligible
17 farming operations to apply for cost reimbursement. All applications
18 for cost reimbursement must be submitted on the form along with
19 documentation of the costs of purchasing and using compost products
20 for which the applicant is requesting reimbursement. The department
21 of agriculture may request that an applicant provide information to
22 verify the source, size, sale weight, or amount of compost products
23 purchased and the cost of transportation, equipment, spreading, and
24 labor. The applicant must also declare that it is not seeking
25 reimbursement for:

26 (a) Its own compost products;

27 (b) Compost products that it has transferred, or intends to
28 transfer, to another individual or entity, whether or not for
29 compensation; or

30 (c) Compost products that were not purchased from a facility with
31 a solid waste handling permit.

32 (4) A farming operation may submit only one application per year
33 for purchases made and usage costs incurred during the fiscal year
34 that begins on July 1st and ends on June 30th of each year in which
35 the pilot program is in effect. Applications for reimbursement must
36 be filed:

37 (a) Between July 1, 2021, and September 1, 2021, for compost
38 purchased and usage costs incurred in fiscal year 2021;

39 (b) Between July 1, 2021, and September 1, 2022, for compost
40 purchased and usage costs incurred in fiscal year 2022; and

1 (c) Between July 1, 2021, and September 1, 2023, for compost
2 purchased and usage costs incurred in fiscal year 2023.

3 (5) The department of agriculture must distribute reimbursement
4 funds, subject to the following limitations:

5 (a) The department of agriculture must distribute reimbursements
6 in a manner that prioritizes small farming operations as measured by
7 acreage;

8 (b) No farming operation may receive reimbursement if it was not
9 found eligible for reimbursement by the department of agriculture
10 prior to transport or use under subsection (2) of this section;

11 (c) No farming operation may receive reimbursement for more than
12 fifty percent of the costs it incurs for the purchase and use of
13 compost products, including transportation, equipment, spreading, and
14 labor costs;

15 (d) No farming operation may receive more than ten thousand
16 dollars per year;

17 (e) No farming operation may receive reimbursement for its own
18 compost products or compost products that it has transferred, or
19 intends to transfer, to another individual or entity, whether or not
20 for compensation; and

21 (f) No farming operation may receive reimbursement for compost
22 products that were not purchased from a facility with a solid waste
23 handling permit.

24 (6) The applicant shall indemnify and hold harmless the state and
25 its officers, agents, and employees from all claims arising out of or
26 resulting from the compost products purchased that are subject to the
27 compost reimbursement pilot program under this section.

28 (7) There is established within the department of agriculture a
29 compost reimbursement pilot program manager position, which is a
30 full-time, temporary position exempt from chapters 41.06 and 41.56
31 RCW, with a salary that may not exceed fifty thousand dollars per
32 year. The compost reimbursement pilot program manager must possess
33 knowledge and expertise in the area of program management necessary
34 to carry out the duties of the position, which are to:

35 (a) Facilitate the division and distribution of available costs
36 for reimbursement; and

37 (b) Manage the day-to-day coordination of the compost
38 reimbursement pilot program.

1 (8) Any action taken by the department of agriculture pursuant to
2 this section is exempt from the rule-making requirements of chapter
3 34.05 RCW.

4 (9) The department of agriculture must submit an annual report to
5 the appropriate committees of the legislature by January 15th of each
6 year of the program, with a final report due January 15, 2024. The
7 report must include:

8 (a) The amount of compost for which reimbursement was sought
9 under the program;

10 (b) The qualitative or quantitative effects of the program on
11 soil quality and carbon storage; and

12 (c) An evaluation of the benefits and costs to the state of
13 continuing, expanding, or furthering the strategies explored in the
14 pilot program.

15 (10) This section expires June 30, 2024.

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