
HOUSE BILL 2713

State of Washington

66th Legislature

2020 Regular Session

By Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman, and Pollet

Read first time 01/20/20. Referred to Committee on State Government & Tribal Relations.

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 concentration. 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 and by
3 encouraging farming operations to do so as well.

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

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

10 (2) If compost products can be utilized in the project, the state
11 agency or local government must use compost products unless:

12 (a) Compost products are not available within a reasonable period
13 of time;

14 (b) Compost products that are available do not comply with
15 existing purchasing standards; or

16 (c) Compost products that are available do not comply with
17 federal or state health and safety standards.

18 (3) State agencies and local governments are encouraged to give
19 priority to purchasing compost products from companies that produce
20 compost products locally, are certified by a nationally recognized
21 organization, and produce compost products that are derived from
22 municipal solid waste compost programs.

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

25 (1) Each local government that provides a residential compost
26 service must enter into a purchasing agreement with its compost
27 processor to buy back finished compost products for use in government
28 projects or on government land. The agreement must include the
29 following terms:

30 (a) The local government must purchase an amount of finished
31 compost product that is equal to or greater than fifty percent of the
32 amount of compost it delivered to the compost processor; and

33 (b) The compost processor must offer a purchase price that is
34 reasonable and competitive for the specific market.

35 (2) When purchasing compost products for use in government
36 projects or on government-owned land, local governments are
37 encouraged to purchase compost with at least eight percent food
38 waste.

1 NEW SECTION. **Sec. 4.** (1) The department of agriculture must
2 establish and implement a three-year compost reimbursement pilot
3 program to reimburse farming operations in the state for purchasing
4 and using compost products, including transportation, equipment,
5 spreading, and labor costs. The pilot program begins July 1, 2020,
6 and concludes June 30, 2023. For purposes of this program, "farming
7 operation" means: A commercial agricultural, silvicultural, or
8 aquacultural facility or pursuit, including the care and production
9 of livestock and livestock products, poultry and poultry products,
10 apiary products, and plant and animal production for nonfood uses;
11 the planting, cultivating, harvesting, and processing of crops; and
12 the farming or ranching of any plant or animal species in a
13 controlled salt, brackish, or freshwater environment.

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

25 (3) A farming operation may submit only one application for
26 purchases made and usage costs incurred during the fiscal year that
27 begins on July 1st and ends on June 30th of each year in which the
28 pilot program is in effect. Applications for reimbursement must be
29 filed:

30 (a) By September 1, 2021, for compost purchased and usage costs
31 incurred in fiscal year 2021;

32 (b) By September 1, 2022, for compost purchased and usage costs
33 incurred in fiscal year 2022; and

34 (c) By September 1, 2023, for compost purchased and usage costs
35 incurred in fiscal year 2023.

36 (4) The department of agriculture must distribute reimbursement
37 funds on a first-come, first-served basis, subject to the following
38 limitations:

39 (a) No farming operation may receive more than fifty percent of
40 the costs it has incurred for the purchase and use of compost

1 products, including transportation, equipment, spreading, and labor
2 costs;

3 (b) No farming operation may receive more than fifty thousand
4 dollars per year; and

5 (c) No farming operation may receive reimbursement for compost
6 products that it has transferred, or intends to transfer, to another
7 individual or entity, whether or not for compensation.

8 (5) The applicant shall indemnify and hold harmless the state and
9 its officers, agents, and employees from all claims arising out of or
10 resulting from the compost products purchased that are subject to the
11 compost reimbursement pilot program under this section.

12 (6) There is established within the department of agriculture a
13 compost reimbursement pilot program manager position, which is a
14 full-time, temporary position exempt from chapters 41.06 and 41.56
15 RCW, with a salary that may not exceed fifty thousand dollars per
16 year. The compost reimbursement pilot program manager must possess
17 knowledge and expertise in the area of program management necessary
18 to carry out the duties of the position, which are to:

19 (a) Facilitate the division and distribution of available costs
20 for reimbursement; and

21 (b) Manage the day-to-day coordination of the compost
22 reimbursement pilot program.

23 (7) Any action taken by the department of agriculture pursuant to
24 this section is exempt from the rule-making requirements of chapter
25 34.05 RCW.

26 (8) This section expires December 31, 2023.

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