

2SSB 5022 - S AMD 193

By Senator Rivers

WITHDRAWN 03/02/2021

1 On page 1, after line 20, insert the following:

2 "(3) The legislature intends that by January 1, 2030, all plastic
3 packaging sold in the state of Washington be either recyclable or
4 compostable."

5 On page 2, line 21, after "(4)" insert "'Brand" means a name,
6 symbol, word, or mark that identifies a product, rather than its
7 components, and attributes a covered product that is packaging
8 utilized by the product to the brand holder of the product as the
9 producer.

10 (5) "Brand holder" means a person who owns or licenses a brand or
11 who otherwise has rights to market a product under the brand, whether
12 or not the brand trademark is registered.

13 (6) "Compostable" means a covered product that is capable of
14 undergoing aerobic biological decomposition in a system meeting the
15 requirements of chapters 70A.205 and 70A.455 RCW, that results in the
16 material broken down primarily into carbon dioxide, water, inorganic
17 compounds, and biomass.

18 (7) "

19 Renumber the remaining subsections consecutively and correct any
20 internal references accordingly.

21 On page 2, line 26, after "designates milk" insert ", as defined
22 in RCW 15.36.012,"

23 On page 3, line 10, after "(10)" insert "'Infant formula" means
24 any liquid food described or sold as an alternative for human milk
25 for the feeding of infants.

26 (11)(a) "Medical food" means a food or beverage that is
27 formulated to be consumed, or administered enterally under the
28 supervision of a physician, and that is intended for specific dietary
29 management of diseases or health conditions for which distinctive
30 nutritional requirements, based on recognized scientific principles,
31 are established by medical evaluation.

1 (b) "Medical food" includes a specially formulated and processed
2 product, for the partial or exclusive feeding of a patient by means
3 of oral intake or enteral feeding by tube, and is not a naturally
4 occurring foodstuff used in its natural state.

5 (c) "Medical food" includes any product that meets the definition
6 of "medical food" in the federal food, drug, and cosmetic act, 21
7 U.S.C. Sec. 360ee(b) (3).

8 (12)"

9 Renumber the remaining subsections consecutively and correct any
10 internal references accordingly.

11 On page 3, line 25, after "(11)" insert "(a) "Plastic packaging"
12 means the portion of packaging made from plastic, whether alone or in
13 combination with another material, including packaging that bonds
14 plastic with other materials together, such as metal lids bonded to
15 plastic bottles, blister packs combining plastic and paperboard, but
16 excluding plastic-coated paper packaging and aseptic containers, and
17 is: (i) Used to protect, contain, or transport a commodity or product
18 at any point from manufacture to its place of use; or (ii) attached
19 to a commodity or product or its container for the purpose of
20 marketing or communicating information about the commodity or
21 product, and which is capable of being removed and discarded when the
22 product is put in use without adverse effect on the quality or
23 performance of the product.

24 (b) "Plastic packaging" includes packaging that is filled or
25 unfilled and packaging that is intended to be sold as a product to
26 customers.

27 (12) (a)"

28 Renumber the remaining subsections consecutively and correct any
29 internal references accordingly.

30 On page 3, after line 30, insert the following:

31 "(b) "Postconsumer recycled content" also means the percentage of
32 recycled plastic contained in or attributed to the plastic packaging
33 that is made of recycled materials derived specifically from
34 postconsumer plastic sources and processed using either mechanical or
35 advanced recycling technologies including, but not limited to,
36 depolymerization, gasification, pyrolysis, or solvolysis.

1 (c) For the purposes of this subsection, "attributed" means a
2 methodology by which a producer using mass balance allocates an
3 equivalent of its input feedstocks that were derived from advanced
4 recycling processes across one or more of its products manufactured
5 using such feedstocks.

6 (13)(a) "Producer" means one of the following, in descending
7 order:

8 (i) The person who uses the plastic packaging under such person's
9 own name or brand and who sells or offers for sale the covered
10 material or product in the state;

11 (ii) The person who imports the plastic packaging as the owner or
12 licensee of a trademark or brand under which the covered material or
13 product is sold or distributed in the state;

14 (iii) The person that offers for sale, sells, or distributes the
15 plastic packaging or product in the state; or

16 (iv) A person who elects to assume the responsibility and
17 register in lieu of a producer as defined under (a)(i) through (iii)
18 of this subsection.

19 (b) The statutory responsibility of a person higher in the
20 hierarchy shall relieve the responsibility of a person lower in the
21 hierarchy from the compliance requirements of this chapter.

22 (c) "Producer" does not include:

23 (i) Government agencies, municipalities, or other political
24 subdivisions of the state;

25 (ii) Registered 501(c)(3) charitable organizations and 501(c)(4)
26 social welfare organizations;

27 (iii) A health care facility or a health care provider as defined
28 in RCW 70.02.010; or

29 (iv) A private label distributor or retailer that sells the
30 product under the retailer's store label if the manufacturer of the
31 product is identified on the package or for which a manufacturer of
32 the product has undertaken responsibility under this chapter."

33 Renumber the remaining subsections consecutively and correct any
34 internal references accordingly.

35 On page 4, after line 6, insert the following:

36 "NEW SECTION. **Sec. 3.** (1) Each year, a producer of plastic
37 packaging must meet the following minimum postconsumer recycled
38 content on average across a producer's entire product line subject to

1 compliance requirements under this section for the total amount of
2 plastic packaging sold, offered for sale, or distributed in
3 Washington effective:

4 (a) For rigid packaging comprised primarily of resins numbers 3,
5 4, 6, and 7 as identified in RCW 70A.220.020:

6 (i) July 1, 2023, through December 31, 2030: No less than 15
7 percent postconsumer recycled plastic;

8 (ii) January 1, 2031, through December 31, 2035: No less than 25
9 percent postconsumer recycled plastic;

10 (iii) On and after January 1, 2036: No less than 50 percent
11 postconsumer recycled plastic; and

12 (b) For food service plastic packaging comprised primarily of
13 resins numbers 3, 4, 6, and 7 as identified in RCW 70A.220.020:

14 (i) July 1, 2023, through December 31, 2028: No less than five
15 percent postconsumer recycled plastic;

16 (ii) January 1, 2029, through December 31, 2035: No less than 20
17 percent postconsumer recycled plastic;

18 (iii) On and after January 1, 2036: No less than 30 percent
19 postconsumer recycled plastic.

20 (c) "Food service plastic packaging" for purposes of this
21 section, means "food contact substance" as defined in section
22 409(h)(6) of the federal food, drug, and cosmetic act effective on
23 January 1, 2022, as "any substance intended for use as a component of
24 materials used in manufacturing, packing, packaging, transporting, or
25 holding food if such use is not intended to have any technical effect
26 in such food."

27 (i) "Food service plastic packaging" also means a plastic product
28 used for serving or transporting prepared food including, but not
29 limited to, plates, cups, bowls, trays, and hinged or lidded
30 containers. "Food service plastic packaging" does not include
31 beverage or bottle containers or single-use disposable items, such as
32 straws, cup lids, plastic bags, and utensils, or single-use
33 disposable packaging for unprepared foods.

34 (ii) "Prepared food" means a food or beverage prepared for
35 consumption on or off a food service facility's premises, using any
36 cooking or food preparation technique. "Prepared food" does not
37 include prepackaged, sealed food that is mass produced by a third
38 party off the premises of the food service facility.

39 (2)(a) Beginning in 2024, and every other year thereafter, or at
40 the petition of a producer or the plastic packaging industry but not

1 more than annually, the department shall consider whether the minimum
2 postconsumer recycled content requirements established under
3 subsection (1) of this section should be reduced. The department must
4 consider a petition from the plastic packaging industry within 60
5 days of receipt and must issue a written response. A denial in part
6 or whole of the petition must be accompanied by a written explanation
7 and findings to each of the petition's claims. The department may
8 consider all petitions received as part of the same agency action or
9 proceeding.

10 (b) If the department determines that a minimum postconsumer
11 recycled content requirement should be adjusted, the adjusted rate
12 must be in effect until a new determination is made or upon the
13 expiration of the minimum postconsumer recycled content requirement's
14 effective period, whichever occurs first. The department may not
15 adjust the minimum postconsumer recycled content requirements above
16 the applicable minimum postconsumer recycled content percentage for
17 the applicable compliance period, as established in subsection (1) of
18 this section. The department may not adjust the minimum postconsumer
19 recycled content requirements below the lowest applicable material
20 compliance level set in subsection (1) of this section. In making a
21 determination to adjust the minimum postconsumer recycled content
22 requirements, the department must at least consider the following:

23 (i) Changes in market conditions, including supply and demand for
24 postconsumer recycled plastics, collection rates, and bale
25 availability;

26 (ii) Recycling rates;

27 (iii) The availability of recycled plastic suitable to meet the
28 minimum postconsumer recycled content requirements;

29 (iv) The capacity of recycling or processing infrastructure;

30 (v) The progress made by plastic packaging manufacturers in
31 meeting the requirements of this section; and

32 (vi) The carbon footprint of the recycled resin.

33 (3) A producer, the plastic packaging industry, or a plastic
34 packaging manufacturer may appeal adjustments to the requirement for
35 minimum postconsumer recycled content as determined under subsections
36 (1) and (2) of this section to the pollution control hearings board
37 within 30 days of the department's determination.

38 (4) A producer that does not meet the minimum postconsumer
39 recycled content requirements established in subsection (1) of this
40 section is subject to a fee established in section 5 of this act.

1 (5) The department may grant a reduction in fees to a producer of
2 plastic packaging. In determining whether to grant the reduction, the
3 department shall consider, at a minimum, all of the following
4 factors:

5 (a) Anomalous market conditions;

6 (b) Disruption in, or lack of supply of, recycled plastics;

7 (c) Other factors that have prevented a producer from meeting the
8 requirements; and

9 (d) Other factors that have prevented a producer from meeting the
10 requirement including, but not limited to, state or federal laws,
11 rules, or regulations.

12 (6)(a) In order to receive a reduction of the fee, a producer
13 shall submit to the department a corrective action plan detailing the
14 reasons why the producer will fail to meet or has failed to meet the
15 minimum postconsumer recycled content standard and the steps the
16 producer will take to comply with the minimum postconsumer recycled
17 content standard within the next reporting year. The department may
18 approve the corrective action plan and must reduce fees on a producer
19 once it approves the corrective action plan and the producer
20 implements the plan.

21 (b) The department must provide a written explanation for a
22 decision to approve or deny a corrective action plan, including:

23 (i) Factors or standards used by the department in reviewing a
24 corrective action plan;

25 (ii) An explanation of how the department applied standards or
26 factors under (b)(i) of this subsection to the corrective action
27 plan;

28 (iii) An explanation of actions a producer can take in a future
29 corrective action plan to reduce fees or other compliance
30 requirements; and

31 (iv) An explanation of the methodology used by the department to
32 determine the fee.

33 (c) The department shall provide technical assistance and an
34 opportunity for a plastic packaging producer to update a corrective
35 action plan before issuing fees.

36 (d) Fees accrue from the point of noncompliance with the minimum
37 postconsumer recycled content standard if the department disapproves
38 the corrective action plan or if the producer fails to implement the
39 plan.

1 NEW SECTION. **Sec. 4.** (1)(a) By March 1, 2022, and annually
2 thereafter, a producer must report to the department, in pounds and
3 by resin type, the amount of virgin plastic and postconsumer recycled
4 plastic used for plastic packaging subject to postconsumer recycled
5 content requirements under section 3 of this act that is sold,
6 offered for sale, or distributed in Washington state in the previous
7 calendar year.

8 (b) The department must post aggregated information for all
9 producers reported under this subsection on its website.

10 (c) A producer may submit national data allocated on a per capita
11 basis for Washington to approximate the information required in this
12 subsection if the producer demonstrates to the department that state
13 level data is not available or feasible to generate.

14 (2) The department may: (a) Conduct audits and investigations for
15 the purpose of ensuring compliance with this section based on the
16 information reported under subsection (1) of this section; and (b)
17 adopt rules to implement, administer, and enforce the requirements of
18 this chapter.

19 (3) The department shall keep confidential all business trade
20 secrets and proprietary information about manufacturing processes and
21 equipment that the department gathers or becomes aware of through the
22 course of conducting audits or investigations pursuant to this
23 chapter.

24 NEW SECTION. **Sec. 5.** (1) Beginning July 1, 2023, a producer
25 that does not meet the minimum postconsumer recycled content
26 requirements across a producer's entire product line for plastic
27 packaging sold, offered for sale, or distributed in Washington as
28 established under section 3 of this act, based upon the amount in
29 pounds and in the aggregate, is subject to an annual fee.

30 (2) Beginning July 1, 2023, the department may assess fees for
31 violations.

32 (3)(a)(i) The annual administrative fee amount assessed to a
33 producer must equal the product of both of the following: The total
34 pounds of plastic used multiplied by the relevant minimum
35 postconsumer recycled plastic target percentage, less the pounds of
36 total plastic multiplied by the percent of postconsumer recycled
37 plastic used; multiplied by 20 cents.

38 (ii) Example: [(Total pounds of plastic used x minimum
39 postconsumer recycled plastic target percentage) - (Total pounds

1 of plastic used x postconsumer recycled plastic percentage used)] x
2 20 cents.

3 (iii) The department may structure fees to result in lower fees
4 for producers that achieve partial compliance or as prescribed under
5 section 3 (5) or (6) of this act.

6 (b) The fee structure implemented must be estimated to raise no
7 less than \$5,000,000 per biennium and no more than \$10,000,000 per
8 biennium.

9 (c) If the department estimates that fee revenue will fall below
10 the range established in (b) of this subsection, the department must
11 implement a base fee of 20 cents per pound and publish an estimate of
12 revenue expected to be raised by the fee in the report required by
13 subsection (4) of this section. The department may lower fees for
14 individual producers under section 3 (5) or (6) of this act.

15 (4) Beginning January 1, 2023, the department must publish an
16 annual report containing an annual estimate of the revenue estimated
17 to be raised by the fee, the amounts and quantities of plastic
18 packaging subject to the fee, and the number of producers currently
19 and expected to be in compliance with section 3 of this act.

20 (5) A producer must:

21 (a) Pay to the department assessed fees in quarterly
22 installments; or

23 (b) Arrange an alternative payment schedule subject to the
24 approval of the department.

25 (6) A producer may appeal fees assessed under this section to the
26 pollution control hearings board within 30 days of assessment.

27 (7) A producer shall pay the fees assessed pursuant to this
28 section, as applicable, based on the information reported to the
29 department as required under section 4 of this act in the form and
30 manner prescribed by the department.

31 (8) The department shall not spend more than 10 percent of the
32 collected fees on administration or enforcement of this chapter.

33 NEW SECTION. **Sec. 6.** (1) The recycling improvement account is
34 created in the state treasury. All receipts from the fee imposed on
35 plastic packaging in section 5 of this act must be deposited in the
36 account. However, until June 30, 2024, \$1,000,000 from the fee
37 imposed on plastic packaging in section 5 of this act must be
38 deposited in the waste reduction, recycling, and litter control
39 account created in RCW 70A.200.140, with the remainder deposited in

1 the recycling improvement account. Moneys in the account may be spent
2 only after appropriation.

3 (2) (a) One hundred percent of the expenditures from the account
4 must be used for distributions by the department to cities and
5 counties that are eligible for financial assistance under RCW
6 70A.205.080 for the purposes specified in (b) of this subsection, and
7 for the department's administration of this chapter.

8 (b) (i) Cities and counties must use all funds received under this
9 section for the development and implementation of:

10 (A) Actions or investments to improve recycling infrastructure
11 and the recyclability of plastic packaging through curbside recycling
12 programs;

13 (B) Depots or collection points for plastics not effectively
14 collected or processed through curbside programs; and

15 (C) Solid waste planning, management, regulation, enforcement,
16 technical assistance, and public education required under chapter
17 70A.205 RCW.

18 (ii) In adopting rules governing the distribution of funds under
19 this subsection, the department may incorporate the fund
20 prioritization criteria and process adopted by the department under
21 RCW 70A.205.080. The rules adopted by the department must distribute
22 funds to counties based on the population of the county, after
23 distributing a set minimum amount to each county.

24 (iii) The department shall develop rules governing the
25 distribution of funds under this section in conjunction with an
26 advisory committee convened by the department that includes five
27 members appointed by the Washington association of county solid waste
28 managers and five members appointed by the Washington state
29 association of local public health officials. These rules must
30 include a requirement that local governments annually report to the
31 department on how the funds are used to improve plastics recycling
32 infrastructure and the recyclability of plastic packaging. These
33 reports must be posted on the department's public website.

34 NEW SECTION. **Sec. 7.** (1) Until January 1, 2032, the department
35 shall exempt the following plastic packaging from the provisions of
36 sections 3 through 5 and 12 through 14 of this act:

37 (a) Plastic packaging and food serviceware provided for the
38 purpose of serving prepared food: (i) Via a drive through; (ii) in a
39 packaged form for takeout or takeaway; or (iii) from food trucks,

1 stands, delis, or kiosks that may or may not provide shelter or
2 seating for consumers;

3 (b) Plastic bags subject to postconsumer recycled content
4 requirements under chapter 70A.530 RCW;

5 (c) Compostable packaging determined by the department to meet
6 the requirements of chapter 70A.455 RCW;

7 (d) Any material that is used in the packaging of a product that
8 is regulated as a drug, medical device, or dietary supplement by the
9 United States food and drug administration under the federal food,
10 drug, and cosmetic act (21 U.S.C. Sec. 321 et seq.) as well as drugs
11 used for veterinary medicine, including parasiticide products for
12 animals. This includes plastic packaging that contains:

13 (i) Dairy milk, medical food, or infant formula;

14 (ii) Wine, or wine from which alcohol has been removed, in whole
15 or in part, whether or not sparkling or carbonated;

16 (iii) Distilled spirits;

17 (iv) One hundred percent fruit juice in containers that are 46
18 ounces or more in volume; and

19 (v) One hundred percent vegetable juice in containers of 16
20 ounces or more in volume;

21 (e) Plastic packaging containers that contain products regulated
22 by the federal insecticide, fungicide, and rodenticide act (7 U.S.C.
23 Sec. 136 et seq.);

24 (f) Plastic packaging containers that are manufactured for use in
25 the shipment of hazardous materials and are prohibited from being
26 manufactured with used material by federal packaging material
27 specifications and testing standards set forth in 49 C.F.R. Secs.
28 178.509 and 178.522, or are subject to testing standards set forth in
29 49 C.F.R. Secs. 178.600 through 178.609, inclusive, or to which
30 recommendations of the United Nations on the transport of dangerous
31 goods are applicable;

32 (g) Architectural paint defined in and included in a stewardship
33 plan under chapter 70A.515 RCW;

34 (h) Products regulated under 49 C.F.R. Sec. 178.33b;

35 (i) Three and five gallon water cooler containers that are part
36 of a water cooler system;

37 (j) Packaging not intended to be discarded but instead used for
38 the long-term or permanent storage or protection of a durable product
39 and that is intended to transport, protect, or store the product on

1 an ongoing basis, such as an included reusable carrying case for the
2 product; and

3 (k) Blister packs comprised primarily of paper but bonded with
4 foil and plastic, such as pharmaceutical blister packaging for pills.

5 (2) After the adoption of initial rules to implement this
6 chapter, the department must periodically reengage the stakeholder
7 work group under this section to review the exemptions, exceptions,
8 or alternative compliance requirements adopted by rule under this
9 section.

10 (3) By January 1, 2030, the department shall convene a
11 stakeholder work group that includes representation from all relevant
12 stakeholders to reevaluate exemptions included in this section. The
13 work group shall make recommendations and the department may adopt
14 exemptions by rule.

15 NEW SECTION. **Sec. 8.** (1) A city, town, county, or municipal
16 corporation may not implement local recycled content requirements for
17 plastic packaging that are inconsistent with minimum postconsumer
18 recycled content as required under section 3 of this act.

19 (2) Local laws and ordinances that are inconsistent with, more
20 restrictive than, or exceed the requirements of this chapter, may not
21 be enacted and are preempted.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.56
23 RCW to read as follows:

24 Information submitted to the department of ecology under chapter
25 70A.--- RCW (the new chapter created in section 24 of this act), that
26 contains business trade secrets or proprietary information about
27 manufacturing processes and equipment, is exempt from disclosure
28 under this chapter.

29 NEW SECTION. **Sec. 10.** (1) Prior to use of any advanced
30 technology for conversion of postuse plastic polymers for the purpose
31 of producing recycled material to be counted toward compliance
32 obligations under sections 3 through 5 of this act, a producer or the
33 plastics packaging industry must provide the department with a third-
34 party assessment prepared to examine the impact of the advanced
35 technology on the following:

36 (a) Air and water pollution and release or creation of any
37 hazardous pollutants; and

1 (b) The greenhouse gas emissions resulting from processes of the
2 advanced technology facility, taking into account the full life
3 cycle.

4 (2) For purposes of this section, advanced technology includes,
5 but is not limited to, depolymerization, gasification, pyrolysis, or
6 solvolysis.

7 **Sec. 11.** RCW 70A.200.140 and 2020 c 20 s 1076 are each amended
8 to read as follows:

9 (1) There is hereby created an account within the state treasury
10 to be known as the waste reduction, recycling, and litter control
11 account. Moneys in the account may be spent only after appropriation.
12 Expenditures from the waste reduction, recycling, and litter control
13 account shall be used as follows:

14 (a) Forty percent to the department of ecology, primarily for use
15 by the departments of ecology, natural resources, revenue,
16 transportation, and corrections, and the parks and recreation
17 commission, for litter collection programs under RCW 70A.200.170. The
18 amount to the department of ecology shall also be used for a central
19 coordination function for litter control efforts statewide; to
20 support employment of youth in litter cleanup as intended in RCW
21 70A.200.020, and for litter pick up using other authorized agencies;
22 and for statewide public awareness programs under RCW 70A.200.150(7).
23 The amount to the department shall also be used to defray the costs
24 of administering the funding, coordination, and oversight of local
25 government programs for waste reduction, litter control, recycling,
26 and composting so that local governments can apply one hundred
27 percent of their funding to achieving program goals. The amount to
28 the department of revenue shall be used to enforce compliance with
29 the litter tax imposed in chapter 82.19 RCW;

30 (b) (i) Twenty percent to the department for local government
31 funding programs for waste reduction, litter control, recycling
32 activities, and composting activities by cities and counties under
33 RCW 70A.200.190, to be administered by the department of ecology;

34 (ii) any unspent funds under (b) (i) of this subsection may be used to
35 create and pay for a matching fund competitive grant program to be
36 used by local governments for the development and implementation of
37 contamination reduction and outreach plans for inclusion in
38 comprehensive solid waste management plans or by local governments
39 and nonprofit organizations for local or statewide education programs

1 designed to help the public with litter control, waste reduction,
2 recycling, and composting of primarily the products taxed under
3 chapter 82.19 RCW. Recipients under this subsection include programs
4 to reduce wasted food and food waste that are designed to achieve the
5 goals established in RCW 70A.205.715(1) and that are consistent with
6 the plan developed in RCW 70A.205.715(3). Grants must adhere to the
7 following requirements: (A) No grant may exceed sixty thousand
8 dollars; (B) grant recipients shall match the grant funding allocated
9 by the department by an amount equal to twenty-five percent of
10 eligible expenses. A local government's share of these costs may be
11 met by cash or contributed services; (C) the obligation of the
12 department to make grant payments is contingent upon the availability
13 of the amount of money appropriated for this subsection (1)(b); and
14 (D) grants are managed under the guidelines for existing grant
15 programs; (~~and~~)

16 (c) (~~Forty~~) Beginning June 30, 2021, until June 30, 2022:

17 (i) Four percent to the department of ecology to implement and
18 enforce chapter 70A.--- RCW (the new chapter created in section 24 of
19 this act);

20 (ii) Thirty-six percent to the department of ecology to: (~~(+i+)~~)

21 (A) Implement activities under RCW 70A.200.150 for waste reduction,
22 recycling, and composting efforts; (~~(+ii+)~~) (B) provide technical
23 assistance to local governments and commercial businesses to increase
24 recycling markets and recycling and composting programs primarily for
25 the products taxed under chapter 82.19 RCW designed to educate
26 citizens about waste reduction, litter control, and recyclable and
27 compostable products and programs; (~~(+iii+)~~) (C) increase access to
28 waste reduction, composting, and recycling programs, particularly for
29 food packaging and plastic bags and appropriate composting
30 techniques; and (~~(+iv+)~~) (D) for programs to reduce wasted food and
31 food waste that are designed to achieve the goals established in RCW
32 70A.205.715(1) and that are consistent with the plan developed in RCW
33 70A.205.715(3); and

34 (d) After June 30, 2022, 40 percent to the department of ecology:

35 (i) To implement activities under RCW 70A.200.150 for waste
36 reduction, recycling, and composting efforts; (ii) to provide
37 technical assistance to local governments and commercial businesses
38 to increase recycling markets and recycling and composting programs
39 primarily for the products taxed under chapter 82.19 RCW designed to
40 educate citizens about waste reduction, litter control, and

1 recyclable and compostable products and programs; (iii) to increase
2 access to waste reduction, composting, and recycling programs,
3 particularly for food packaging and plastic bags and appropriate
4 composting techniques; and (iv) for programs to reduce wasted food
5 and food waste that are designed to achieve the goals established in
6 RCW 70A.205.715(1) and that are consistent with the plan developed in
7 RCW 70A.205.715(3).

8 (2) All taxes imposed in RCW 82.19.010 and fines and bail
9 forfeitures collected or received pursuant to this chapter shall be
10 deposited in the waste reduction, recycling, and litter control
11 account and used for the programs under subsection (1) of this
12 section.

13 (3) Not less than five percent and no more than ten percent of
14 the amount appropriated into the waste reduction, recycling, and
15 litter control account every biennium shall be reserved for capital
16 needs, including the purchase of vehicles for transporting crews and
17 for collecting litter and solid waste. Capital funds shall be
18 distributed among state agencies and local governments according to
19 the same criteria provided in RCW 70A.200.170 for the remainder of
20 the funds, so that the most effective waste reduction, litter
21 control, recycling, and composting programs receive the most funding.
22 The intent of this subsection is to provide funds for the purchase of
23 equipment that will enable the department to account for the greatest
24 return on investment in terms of reaching a zero litter goal.

25 (4) Funds in the waste reduction, recycling, and litter control
26 account, collected under chapter 82.19 RCW, must be prioritized for
27 the products identified under RCW 82.19.020 solely for the purposes
28 of recycling, composting, and litter collection, reduction, and
29 control programs."

30 Renumber the remaining sections consecutively and correct any
31 internal references accordingly.

32 On page 14, line 36, after "act," insert "to set minimum
33 postconsumer recycled content for plastic packaging and to assess
34 fees, and sections 12 through 14 of this act,"

35 On page 16, after line 30, insert the following:

36 "NEW SECTION. **Sec. 23.** Nothing in this chapter changes or
37 limits the authority of the Washington utilities and transportation

1 commission to regulate collection of solid waste, including curbside
2 collection of residential recyclable materials, nor does this chapter
3 change or limit the authority of a city or town to provide the
4 service itself or by contract under RCW 81.77.020."

5 Renumber the remaining sections consecutively and correct any
6 internal references accordingly.

7 On page 16, line 31, after "through" strike "11" and insert "8,
8 10, 12 through 20, and 23"

2SSB 5022 - S AMD 193

By Senator Rivers

WITHDRAWN 03/02/2021

9 On page 1, line 4 of the title, after "containers;" strike all
10 material through "penalties" on line 6 and insert "amending RCW
11 70A.200.140 and 43.21B.300; reenacting and amending RCW 43.21B.110;
12 adding a new section to chapter 42.56 RCW; adding a new chapter to
13 Title 70A RCW; creating a new section; and prescribing penalties"

EFFECT: Adds minimum recycled content requirements for rigid plastic packaging and food service plastic packaging comprised primarily of resins numbers 3, 4, 6, and 7, with separate implementation dates for food service plastic packaging. Establishes a fee for producers unable to meet the requirements at a rate of 20 cents per pound of plastic short of the requirements. Directs the fees go towards cities and counties to develop and implement recycling infrastructure improvements, collection points for plastics, and solid waste management, regulation, technical assistance, and public education. Provides several exemptions for types of plastic packaging to expire in 2032, with a stakeholder work group to be formed by 2030 to reevaluate exemptions. Preempts local governments from implementing local recycled content requirements for plastic packaging that are inconsistent with the act's requirements. Directs that until June 30, 2022, 4 percent of the Waste, Reduction, Recycling, and Litter Control (WRRLC) Account be used by Ecology to implement and enforce minimum recycled content requirements. Until June 30, 2024, directs \$1 million of the fees on plastic packaging producers unable to meet the minimum recycled content requirements be deposited in the WRRLC account. Prior to use of advanced technology for conversion of postuse plastic polymers for the purpose of producing the recycled material, directs a producer or the plastics packaging industry to provide to Ecology a third-party assessment examining the impact of the technology on air and water pollution and

greenhouse gas emissions resulting from the processes of the facility.

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