

SENATE BILL REPORT

SB 5040

As Amended by House, April 7, 2021

Title: An act relating to enhancing litter control along state highways.

Brief Description: Enhancing litter control along state highways.

Sponsors: Senators Fortunato, Lovelett and Wilson, J..

Brief History:

Committee Activity: Environment, Energy & Technology: 1/21/21, 2/03/21 [DP-TRAN, DNP].

Transportation: 2/15/21, 2/22/21 [DP].

Floor Activity: Passed Senate: 3/9/21, 49-0.

Passed House: 4/7/21, 96-1.

Brief Summary of Bill

- Prioritizes litter control along state highways.
- Requires the Department of Ecology to contract with the Department of Transportation to schedule litter prevention messaging and coordination of litter emphasis patrols with the Washington State Patrol.
- Allows local governments to apply for reimbursement for litter cleanup on highway ramps within their jurisdictions.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass and be referred to Committee on Transportation.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Brown, Das, Fortunato, Hobbs, Nguyen, Sheldon, Short, Stanford and Wellman.

Minority Report: Do not pass.

Signed by Senator Ericksen, Ranking Member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Gregory Vogel (786-7413)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Hawkins, Lovelett, Nguyen, Nobles, Padden, Randall, Sheldon, Wilson, C. and Wilson, J.

Staff: Erica Bramlet (786-7321)

Background: Litter Tax. A tax is imposed on businesses whose products, including packaging, wrapping, and containers, are reasonably related to the litter problem in the state. The types of products that fall under this tax include beer, cigarettes, soft drinks, newspapers and magazines, glass containers, metal containers, and household paper and paper products. The rate of the tax is 0.015 percent as applied to the value of products manufactured within the state, in the case of manufacturers, and as applied to the gross proceeds of sales of the products that are sold within the state, in the case of wholesalers and retailers.

The revenues from the litter tax are allocated to the Department of Ecology from the Waste Reduction, Recycling, and Litter Control Account. 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 (DOC) and Washington State Department of Transportation (WSDOT), and local governments that receive funding for litter control and recycling activities. Ecology employs teens through the Ecology Youth Corps to collect litter from highways, parks, and other public areas. Ecology is required to develop criteria for evaluating the effectiveness and efficiency of the participating agencies' litter collection programs.

Litter Tax Account Distribution. The funds in the litter tax account are distributed as follows:

- 40 percent is provided to Ecology for their use and for the Department of Natural Resources, DOC, WSDOT, and the Parks and Recreation Commission for litter collection programs; the Department of Revenue also receives a small portion of the revenue for administering the funds in the account;
- 20 percent of the litter tax revenues goes to local governments for waste reduction, litter control, and recycling activities; and
- 40 percent of the funds go to Ecology for waste reduction and recycling efforts; these funds are also used for statewide public awareness programs, and to defray local government administration costs so they can apply all of their funding to achieving program goals.

Adopt-A-Highway. The statewide Adopt-A-Highway Program is a roadside cleanup

program administered by WSDOT. Through the program, volunteers adopt a section of highway by agreeing to take care of it for two to four years. WSDOT provides safety training and equipment, and picks up the bags of litter left along the roadside by the volunteers. In addition, WSDOT installs signs giving recognition to the group or individuals adopting the highway.

Summary of Bill: Ecology must give priority to litter control along state highways when distributing the 40 percent of funds for litter control.

Ecology must contract with WSDOT to schedule litter prevention messaging and coordination of litter emphasis patrols with the Washington State Patrol. WSDOT may coordinate with Ecology to conduct litter pickup during scheduled maintenance closures as situations allow.

Local governments may initiate and apply to Ecology for reimbursement of litter clean-up activities on state highway ramps located within the jurisdiction of the local government.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Environment, Energy & Technology): PRO: One would not think it would be hard to get litter off highways. This is the third year in a row trying to do this. When state patrol sees car parts and other debris, they can call DOT to get it removed, but some of the stuff you see, all the garbage, you can build a house with the amount of material. We are a destination state. People come to visit our parks and shorelines, and they are greeted by trash on the sides of the roads. The funds are already allocated, we just want to give priority to things visitors see to have a good presentation of Washington.

CON: Local governments rely on grants from the litter control account to fund local litter control programs. Support for local solid waste programs has been cut since 2013, so further reductions in available funding exacerbate our funding issues and the issues of other counties across the state. Counties own and maintain about 60 percent of the road. Prioritizing just for state highways does not seem to acknowledge the solid waste and dumping issues in local areas.

OTHER: We do agree with idea of reducing litter in the state but have concerns with the bill. We really do want local jurisdictions to prioritize where their litter problems are. There are areas that have even greater issues than highways. We are very interested in

getting rid of litter in the first place. Let us get rid of the problem at the source. We do support the idea of good education and communication to the public about the litter problem in general.

Persons Testifying (Environment, Energy & Technology): PRO: Senator Phil Fortunato, Prime Sponsor.

CON: Travis Dutton, Clark County Solid Waste.

OTHER: Heather Trim, Zero Waste Washington.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony (Transportation): PRO: This bill is about better coordination. Ecology Youth Corps can not pick up litter in areas of the highway like medians due to safety concerns, but this bill would have WSDOT coordinate with Ecology when they close lanes for maintenance. Spending a little more money on disposing of this litter is better than picking it out of the ocean later. Local governments have complained about highway ramps not being cleaned, so this bill would allow the local governments to keep the ramps clean if they want to.

Persons Testifying (Transportation): PRO: Senator Phil Fortunato, Prime Sponsor.

Persons Signed In To Testify But Not Testifying (Transportation): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Removes the requirement that Ecology prioritize litter control along state highways when distributing funds to state agencies for litter control programs.