

2SHB 1131 - H AMD 210

By Representative Connors

NOT CONSIDERED 01/02/2024

1 On page 6, beginning on line 26, after "product" strike all
2 material through "administration" on line 27

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4 On page 18, line 22, after "(6)" insert "(a)"

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6 On page 18, line 23, after "chapter." insert "The department
7 must ensure that any rules adopted pursuant to this chapter consider
8 guidelines, and do not conflict with regulations, issued by the
9 United States food and drug administration and the United States
10 department of agriculture, and consider requirements imposed by
11 other Washington state agencies, including, but not limited to, the
12 department of agriculture.

13 (b) Neither the department nor a producer responsibility
14 organization may impose any requirement, including, but not limited
15 to, a postconsumer recycled content requirement, in direct conflict
16 with a federal law or regulation or the requirements necessary to
17 comply with a federal law or regulation, including but not limited to:

18 (i) Laws or regulations covering tamper-evident packaging
19 pursuant to 21 C.F.R. Sec. 211.132;

20 (ii) Laws or regulations covering child-resistant packaging
21 pursuant to 16 C.F.R. Sec. 1700.1, et seq.;

22 (iii) Regulations, rules, or guidelines issued by the United
23 States department of agriculture or the United States food and drug
24 administration related to packaging agricultural commodities; and

25 (iv) Requirements for microbial contamination, structural
26 integrity, or safety of packaging, where no viable recyclable or

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1 compostable packaging that can meet the requirements exists,
2 pursuant to:

3 (A) The federal food, drug, and cosmetic act (21 U.S.C. Sec.
4 301, et seq.);

5 (B) 21 U.S.C. Sec. 2101, et seq.;

6 (C) The federal food and drug administration food safety
7 modernization act (21 U.S.C. Sec. 2201, et seq.);

8 (D) The federal poultry products inspection act (21 U.S.C. Sec.
9 451, et seq.);

10 (E) The federal meat inspection act (21 U.S.C. Sec. 601, et
11 seq.); or

12 (F) The federal egg products inspection act (21 U.S.C. Sec.
13 1031, et seq.)."

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15 On page 74, line 3, after "chapter." insert "The department
16 must ensure that any rules adopted pursuant to this chapter consider
17 guidelines, and do not conflict with regulations, issued by the
18 United States food and drug administration and the United States
19 department of agriculture, and consider requirements imposed by
20 other Washington state agencies, including, but not limited to, the
21 department of agriculture."

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EFFECT: (1) Expands the exemption from producer responsibility requirements in the act to include materials used to package products regulated by the United States Food and Drug Administration. (2) Requires the Department of Ecology (Ecology) to ensure that any rules related to producer responsibility for the management of packaging and paper products consider guidelines, and do not conflict with regulations, issued by the United States Food and Drug Administration and the United States Department of Agriculture, and consider requirements imposed by other Washington state agencies, including, but not limited to, the Department of Agriculture. (3) Prohibits Ecology and producer responsibility organizations from imposing any requirement, including, but not limited to, a postconsumer recycled content requirement, in direct conflict with a federal law or regulation or the requirements necessary to comply with a federal law or regulation. (4) Requires Ecology to ensure that any rules related to postconsumer recycled

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content requirements consider guidelines, and do not conflict with regulations, issued by the United States Food and Drug Administration and the United States Department of Agriculture, and consider requirements imposed by other Washington state agencies, including, but not limited to, the Department of Agriculture.

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