

E2SHB 2301 - S COMM AMD

By Committee on Environment, Energy & Technology

OUT OF ORDER 03/01/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"PART 1**

4 **INTENT**

5 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

6 (a) Washington is now experiencing the effects of a climate
7 crisis: Hotter summers with record-breaking temperatures, devastating
8 fires, drought conditions, and rising sea levels that erode our
9 coastlines and are causing some communities to move upland;

10 (b) Methane is a potent greenhouse gas and landfills are
11 documented by the United States environmental protection agency to be
12 the 3rd largest human-made source, with food, yard waste, and other
13 plant-based organic material degrading in landfills to methane;

14 (c) Food waste is a major issue in the United States and
15 globally, that, according to the food and agriculture organization of
16 the United Nations, unwanted and discarded food squanders resources,
17 including water, land, energy, labor, and capital, estimated that
18 one-third of the food produced in the world for human consumption,
19 about 1,300,000,000 tons, is lost or wasted every year, and the food
20 loss and waste in industrialized countries equates to a value of
21 approximately \$680,000,000,000;

22 (d) The Harvard University food law and policy clinic has
23 estimated that 40 percent of the food supply in the United States is
24 not eaten and that according to the United States environmental
25 protection agency and the United States department of agriculture,
26 food loss and waste is the single largest component of disposed
27 municipal solid waste in the United States;

28 (e) In 2015, that the administrator of the United States
29 environmental protection agency and the secretary of the United
30 States department of agriculture announced a national goal of

1 reducing food waste by 50 percent by the year 2030. In 2019,
2 Washington established the same goal in RCW 70A.205.715;

3 (f) Compost and other products of organic material management
4 facilities have beneficial applications and can improve soil health,
5 water quality, and other environmental outcomes. However, in order
6 for the products of organic material management facilities to lead to
7 improved environmental outcomes and for the economics of the
8 operations of these facilities to pencil out, it is important that
9 inbound sources of organic material waste are free of plastic
10 contamination, pesticides, and other materials that will reduce
11 compost quality; and

12 (g) Farmers, processors, retailers, and food banks in Washington
13 are leaders in addressing this issue, and in 2022, with the enactment
14 of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill
15 No. 1799), Washington took significant steps towards the improvement
16 of organic material management systems.

17 (2) It is the legislature's intent to provide additional tools
18 and financial resources to build on this progress in coming years by:

19 (a) Creating a variety of grant programs to support food waste
20 reduction, food rescue, and other organic material management system
21 improvements, including grants to support the implementation of new
22 policy requirements related to organic material management;

23 (b) Amending solid waste management requirements in support of
24 improved organic material management outcomes, including through the
25 statewide standardization of colors and labels for organic,
26 recycling, and garbage bins, and amending the organic material
27 management service requirements in local jurisdictions and that apply
28 to businesses;

29 (c) Making changes to product degradability labeling
30 requirements;

31 (d) Amending the state building code in support of organic
32 material management; and

33 (e) Continuing to discuss how to maximize donations of food from
34 generators of unwanted edible food.

35 (3) It is the legislature's intent for the following management
36 option preferences to apply to the management of food under this act,
37 including the provisions of law being amended by this act, in order
38 of most preferred to least preferred:

39 (a) Prevents wasted food;

40 (b) Donates or upcycles food;

- 1 (c) Feeds animals or leaves food unharvested;
- 2 (d) Composts or anaerobically digests materials with beneficial
- 3 use of the compost, digestate, or biosolids;
- 4 (e) Anaerobically digests materials with the disposal of
- 5 digestate or biosolids, or applies material to the land; and
- 6 (f) Sends materials down the drain, to landfills, or incinerates
- 7 material, with or without accompanying energy recovery.

8 **PART 2**

9 **FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES**

10 NEW SECTION. **Sec. 201.** A new section is added to chapter
11 70A.207 RCW to read as follows:

12 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The
13 department, through the center, must develop and administer grant
14 programs to support activities that reduce emissions from landfills
15 and waste-to-energy facilities through the diversion of organic
16 materials and food waste prevention, rescue, and recovery. The
17 department must seek stakeholder input in the design, criteria, and
18 logistics associated with each grant program. The department must
19 allocate grant funding across the eligible categories specified in
20 subsection (2) of this section in a manner consistent with
21 legislative appropriations, and that achieves the following
22 priorities:

- 23 (a) Maximizing greenhouse gas emission reductions;
- 24 (b) Eliminating barriers to the rescue and consumption of edible
- 25 food that would otherwise be wasted;
- 26 (c) Developing stable funding programs for the department to
- 27 administer and stable funding opportunities for potential fund
- 28 recipients to be aware of; and
- 29 (d) Preferences the following management options, in order of
- 30 most preferred to least preferred:
 - 31 (i) Prevents wasted food;
 - 32 (ii) Donates or upcycles food;
 - 33 (iii) Feeds animals or leaves food unharvested;
 - 34 (iv) Composts or anaerobically digests materials with beneficial
 - 35 use of the compost, digestate, or biosolids;
 - 36 (v) Anaerobically digests materials with the disposal of
 - 37 digestate or biosolids, or applies material to the land;

1 (vi) Sends materials down the drain, to landfills, or incinerates
2 material, with or without accompanying energy recovery.

3 (2) Subject to the availability of amounts appropriated for this
4 specific purpose, grants under this section may be awarded to the
5 following categories of activities:

6 (a) Projects to prevent the surplus of unsold, uneaten food from
7 food businesses or to standardize and improve the operating
8 procedures associated with food donations, including efforts to
9 standardize collection bins, provide staff training for food donors
10 or food rescue organizations, or make other changes to increase the
11 efficiency or efficacy of food donation procedures. Local
12 governments, federally recognized Indian tribes and federally
13 recognized Indian tribal government entities, nonprofit
14 organizations, and generators of unwanted edible food are eligible
15 applicants for grants under this subsection. Equipment and
16 infrastructure purchases, training costs, costs associated with the
17 development and deployment of operating protocols, and employee staff
18 time reimbursement are eligible uses of grant funding under this
19 subsection;

20 (b) (i) Projects to improve and reduce the transportation of
21 donated foods and management of cold chains across the donated food
22 supply chain, including through food rescue organizations. Local
23 governments, federally recognized Indian tribes and federally
24 recognized Indian tribal government entities, nonprofit
25 organizations, transporters of unwanted edible food, and generators
26 of unwanted edible food are eligible applicants for grants under this
27 subsection. Eligible uses of grant funding under this subsection
28 include the acquisition of vehicles, cold-storage equipment, real
29 estate, and technology to support donated food storage and
30 transportation system improvements.

31 (ii) Grants under this subsection (2) (b) may not be used for the
32 purchase or lease of equipment that relies on a fuel source other
33 than electricity or the purchase or lease of vehicles other than
34 zero-emission vehicles;

35 (c) (i) Grant programs to support the establishment and expansion
36 of wasted food reduction programs to benefit vulnerable communities.
37 This grant program must be developed in consultation with the
38 department of health and food policy stakeholders.

39 (ii) Nonprofit organizations, businesses, associations, federally
40 recognized Indian tribes and federally recognized Indian tribal

1 government entities, and local governments are eligible to receive
2 grants under this subsection. Eligible uses of the funds may include
3 community food hub development projects, cold food storage capacity,
4 refrigerated transport capacity, convenings to inform innovation in
5 wasted food reduction in retail and food service establishments, and
6 pilot projects to reduce wasted food. No more than 20 percent of
7 funds allocated under this subsection (2)(c) may be awarded to a
8 single grant recipient; and

9 (d) Food waste tracking and analytics pilot project grants. Local
10 governments, federally recognized Indian tribes and federally
11 recognized Indian tribal government entities, nonprofit
12 organizations, transporters of unwanted edible food, and generators
13 of unwanted edible food are eligible applicants for grants under this
14 subsection. Eligible uses of grant funding under this subsection
15 include staff time and technology to improve food waste prevention or
16 improve tracking of food donations through the food supply chain and
17 to provide data useful to enabling more efficient and effective
18 outcomes for the provision of food available for rescue.

19 (3) The department may establish additional eligibility criteria
20 or application process requirements beyond those described in
21 subsection (2) of this section for a category or categories of
22 activity. The department may, as a condition of the award of a grant
23 under this section, require the reporting of information to the
24 department regarding the outcomes of the funded activities.

25 (4) The department may award grants to eligible applicants
26 meeting the minimum qualifying criteria on a competitive basis, or to
27 applicants on a noncompetitive basis, or both. Within each category
28 of activity described in subsection (2) of this section, the
29 department must prioritize grant applications that benefit
30 overburdened communities as defined in RCW 70A.02.010 as identified
31 by the department in accordance with RCW 70A.02.050.

32 NEW SECTION. **Sec. 202.** A new section is added to chapter
33 70A.207 RCW to read as follows:

34 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The
35 department, through the center, must develop and administer grant
36 programs to support the implementation of the requirements of this
37 act and chapter 180, Laws of 2022, with priority given to grants that
38 support the implementation of RCW 70A.205.540 and 70A.205.545.
39 Eligible recipients of grants under this section may include

1 businesses that are subject to organic material management
2 requirements, local governments, federally recognized Indian tribes
3 and federally recognized Indian tribal government entities, nonprofit
4 organizations, or organic material management facilities. Eligible
5 expenses by grant recipients include education, outreach, technical
6 assistance, indoor and outdoor infrastructure, transportation and
7 processing infrastructure, and enforcement costs.

8 (2) The department may not require, as a condition of financial
9 assistance under this section, that matching funds be made available
10 by a local government recipient. The department must provide
11 assistance to each local government that demonstrates eligibility for
12 grant assistance under this section.

13 **Sec. 203.** RCW 70A.207.020 and 2022 c 180 s 402 are each amended
14 to read as follows:

15 CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington
16 center for sustainable food management is established within the
17 department (~~(, to begin operations by January 1, 2024)~~).

18 (2) The purpose of the center is to help coordinate statewide
19 food waste reduction.

20 (3) The center may perform the following activities:

21 (a) Coordinate the implementation of the plan;

22 (b) Draft plan updates and measure progress towards actions,
23 strategies, and the statewide goals established in RCW 70A.205.007
24 and 70A.205.715(1);

25 (c) Maintain a website with current food waste reduction
26 information and guidance for food service establishments, consumers,
27 food processors, hunger relief organizations, and other sources of
28 food waste;

29 (d) Provide staff support to multistate food waste reduction
30 initiatives in which the state is participating;

31 (e) Maintain the consistency of the plan and other food waste
32 reduction activities with the work of the Washington state
33 conservation commission's food policy forum;

34 (f) Facilitate and coordinate public-private and nonprofit
35 partnerships focused on food waste reduction, including through
36 voluntary working groups;

37 (g) Collaborate with federal, state, and local government
38 partners on food waste reduction initiatives;

1 (h) Develop and maintain maps or lists of locations of the food
2 systems of Washington that identify food flows, where waste occurs,
3 and opportunities to prevent food waste;

4 (i)(i) Collect and maintain data on food waste and wasted food in
5 a manner that is generally consistent with the methods of collecting
6 and maintaining such data used by federal agencies or in other
7 jurisdictions, or both, to the greatest extent practicable;

8 (ii) Develop measurement methodologies and tools to uniformly
9 track food donation data, food waste prevention data, and associated
10 climate impacts resultant from food waste reduction efforts;

11 (j) Research and develop emerging organic materials and food
12 waste reduction markets;

13 (k)(i) Develop and maintain statewide food waste reduction and
14 food waste contamination reduction campaigns, in consultation with
15 other state agencies and other stakeholders, including the
16 development of waste prevention and food waste recovery promotional
17 materials for distribution. These promotional materials may include
18 online information, newsletters, bulletins, or handouts that inform
19 food service establishment operators about the protections from civil
20 and criminal liability under federal law and under RCW 69.80.031 when
21 donating food; and

22 (ii) Develop guidance to support the distribution of promotional
23 materials, including distribution by:

24 (A) Local health officers, at no cost to regulated food service
25 establishments, including as part of normal, routine inspections of
26 food service establishments; and

27 (B) State agencies, including the department of health and the
28 department of agriculture, in conjunction with their statutory roles
29 and responsibilities in regulating, monitoring, and supporting safe
30 food supply chains and systems;

31 (l) Distribute and monitor grants dedicated to food waste
32 prevention, rescue, and recovery, which must include the programs
33 described in sections 201 and 202 of this act; (~~and~~)

34 (m) Provide staff support to the work group created in section
35 702 of this act; and

36 (n) Research and provide education, outreach, and technical
37 assistance to local governments in support of the adoption of solid
38 waste ordinances or policies that establish a financial disincentive
39 for the generation of organic waste and for the ultimate disposal of
40 organic materials in landfills.

1 (4) The department may enter into an interagency agreement with
2 the department of health, the department of agriculture, or other
3 state agencies as necessary to fulfill the responsibilities of the
4 center.

5 (5) The department may adopt any rules necessary to implement
6 this chapter including, but not limited to, measures for the center's
7 performance.

8 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.23
9 RCW to read as follows:

10 WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department
11 must implement the Washington commodities donation grant program
12 established in this section. The purpose of the program is to procure
13 Washington grown produce, grains, and protein otherwise at risk of
14 ending up as food waste for distribution to hunger relief
15 organizations for use in Washington state.

16 (2) The program established in this section must, to the extent
17 practicable:

18 (a) Rely upon existing infrastructure and similar grant programs
19 currently being implemented in Washington, in order to maximize the
20 beneficial impacts of the program in the short-term, and to
21 expeditiously enable the distribution of grants under this section;

22 (b) Be designed to achieve efficiencies of scale by the grant
23 recipients carrying out food acquisitions and distributions and to
24 target large volume food acquisition opportunities;

25 (c) Give priority to recipient organizations that have at least
26 five years of experience coordinating the collection and
27 transportation of donated agricultural products to food bank
28 distributors, food bank distribution centers, or both, for
29 redistribution to local hunger relief agencies; and

30 (d) Provide for equitable benefits experienced from the program
31 by food producers of varying sizes and types, including minority and
32 vulnerable farmers, including veterans, women, and federally
33 recognized Indian tribes.

34 (3) The department must issue grants under this section to one or
35 more nonprofit organizations to acquire food directly from food
36 producers located in Washington. A recipient nonprofit organization
37 may use funds under this section to compensate food producers
38 donating commodities for pick and pack out costs incurred associated
39 with the production of a food product, including costs of food

1 product inputs and harvest, and for their marginal postharvest
2 logistical and administrative costs that facilitate the acquisition
3 and distribution of the food product by grant recipients.

4 (4) An organization that receives funds under this section must
5 report the results of the project to the department in a manner
6 prescribed by the department.

7 (5) It is the intent of the legislature to consistently and
8 sustainably allocate at least \$25,000,000 per biennium, continuing
9 over multiple biennia, to the program established in this section.

10 **Sec. 205.** RCW 70A.214.100 and 2008 c 178 s 1 are each amended to
11 read as follows:

12 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction
13 shall develop, in consultation with the superintendent of public
14 instruction, an awards program to achieve waste reduction and
15 recycling in public schools, and to encourage waste reduction and
16 recycling in private schools, grades kindergarten through high
17 school. The office shall develop guidelines for program development
18 and implementation. Each public school shall, and each private school
19 may, implement a waste reduction and recycling program conforming to
20 guidelines developed by the office.

21 (2) For the purpose of granting awards, the office may group all
22 participating schools into not more than three classes, based upon
23 student population, distance to markets for recyclable materials, and
24 other criteria, as deemed appropriate by the office. Except as
25 otherwise provided, five or more awards may be granted to each of the
26 three classes. Each award shall be no more than ~~((five thousand
27 dollars))~~ \$5,000 until 2026, and no more than \$10,000 beginning
28 January 1, 2026. Awards shall be granted each year to the schools
29 that achieve the greatest levels of waste reduction and recycling. A
30 single award of not less than ~~((five thousand dollars))~~ \$5,000 until
31 2026 or \$10,000 beginning in 2026 may be presented to the school
32 having the best recycling program as measured by the total amount of
33 materials recycled, including materials generated outside of the
34 school. A single award of not less than ~~((five thousand dollars))~~
35 \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to
36 the school having the best waste reduction program as determined by
37 the office. It is the intent of the legislature to consistently and
38 sustainably allocate at least \$1,000,000 per biennium, continuing

1 over multiple biennia and starting in calendar year 2026, to the
2 awards program established in this section.

3 (3) The superintendent of public instruction shall distribute
4 guidelines and other materials developed by the office to implement
5 programs to reduce and recycle waste generated in administrative
6 offices, classrooms, laboratories, cafeterias, and maintenance
7 operations.

8 **PART 3**

9 **AMENDMENTS TO SOLID WASTE LAWS**

10 **Sec. 301.** RCW 70A.205.540 and 2022 c 180 s 102 are each amended
11 to read as follows:

12 MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027,~~
13 ~~in))~~ Except as provided in subsection (3) of this section, in each
14 jurisdiction that implements a local solid waste plan under RCW
15 70A.205.040:

16 (a) ~~((Source-separated))~~ Beginning April 1, 2027, source-
17 separated organic solid waste collection services ((must)) are
18 required to be provided ((at least every other week or at least 26
19 weeks annually)) year-round to:

20 (i) All residents; and

21 (ii) Nonresidential customers that generate more than .25 cubic
22 yards per week of organic materials for management; ~~((and))~~

23 (b) (i) The department may, by waiver, reduce the collection
24 frequency requirements in (a) of this subsection for the collection
25 of dehydrated food waste or to address food waste managed through
26 other circumstances or technologies that will reduce the volume or
27 odor, or both, of collected food waste.

28 (ii) All organic solid waste collected from residents and
29 businesses under ((-a)-of)) this subsection must be managed through
30 organic materials management;

31 (c) Beginning April 1, 2030, the source-separated organic solid
32 waste collection services specified in (a) of this subsection must be
33 provided to customers on a nonelective basis, except that a
34 jurisdiction may grant an exemption to a customer that certifies to
35 the jurisdiction that the customer is managing organic material waste
36 on-site or self-hauling its own organic material waste for organic
37 materials management;

1 (d) Beginning April 1, 2030, each jurisdiction's source-separated
2 organic solid waste collection service must include the acceptance of
3 food waste year-round. The jurisdiction may choose to collect food
4 waste source-separated from other organic materials or may collect
5 food waste commingled with other organic materials; and

6 (e) Beginning April 1, 2030, all persons, when using curbside
7 collection for disposal, may use only source-separated organic solid
8 waste collection services to discard unwanted organic materials. By
9 January 1, 2027, the department must develop guidance under which
10 local jurisdictions may exempt persons from this requirement if
11 organic materials will be managed through an alternative mechanism
12 that provides equal or better environmental outcomes. Nothing in this
13 section precludes the ability of a person to use on-site composting,
14 the diversion of organic materials to animal feed, self-haul organic
15 materials to a facility, or other means of beneficially managing
16 unwanted organic materials.

17 (2) A jurisdiction may charge and collect fees or rates for the
18 services provided under subsection (1) of this section, consistent
19 with the jurisdiction's authority to impose fees and rates under
20 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

21 (3) (a) Except as provided in (d) of this subsection, the
22 requirements of this section do not apply in a jurisdiction if the
23 department determines that the following apply:

24 (i) The jurisdiction disposed of less than 5,000 tons of solid
25 waste in the most recent year for which data is available; or

26 (ii) The jurisdiction has a total population of less than 25,000
27 people (~~or~~

28 ~~(iii) The jurisdiction has a total population between 25,000 and~~
29 ~~50,000 people and curbside organic solid waste collection services~~
30 ~~are not offered in any area within the jurisdiction, as of July 1,~~
31 ~~2022)).~~

32 (b) The requirements of this section do not apply:

33 (i) In census tracts that have a population density of less than
34 75 people per square mile that are serviced by the jurisdiction and
35 located in unincorporated portions of a county, as determined by the
36 department, in counties not planning under chapter 36.70A RCW;
37 ((and))

38 (ii) In census tracts that have a population density of greater
39 than 75 people per square mile, where the census tract includes
40 jurisdictions that meet any of the conditions in (a) (i) and (ii) of

1 this subsection, that are serviced by the jurisdiction and located in
2 unincorporated portions of a county, as determined by the department,
3 in counties not planning under chapter 36.70A RCW;

4 (iii) Outside of urban growth areas designated pursuant to RCW
5 36.70A.110 in unincorporated portions of a county planning under
6 chapter 36.70A RCW;

7 (iv) Inside of unincorporated urban growth areas for
8 jurisdictions planning under chapter 36.70A RCW that meet any of the
9 conditions in (a) (i) and (ii) of this subsection; and

10 (v) In unincorporated urban growth areas in counties with an
11 unincorporated population of less than 25,000 people.

12 (c) In addition to the exemptions in (a) and (b) of this
13 subsection, the department may issue a renewable waiver to
14 jurisdictions or portions of a jurisdiction under this subsection for
15 up to five years, based on consideration of factors including the
16 distance to organic materials management facilities, the sufficiency
17 of the capacity to manage organic materials at facilities to which
18 organic materials could feasibly and economically be delivered from
19 the jurisdiction, and restrictions in the transport of organic
20 materials under chapter 17.24 RCW. The department may adopt rules to
21 specify the type of information that a waiver applicant must submit
22 to the department and to specify the department's process for
23 reviewing and approving waiver applications.

24 (d) Beginning January 1, 2030, the department may adopt a rule to
25 require that the provisions of this section apply in the
26 jurisdictions identified in (b) and (c) of this subsection, but only
27 if the department determines that the goals established in RCW
28 70A.205.007(1) have not or will not be achieved.

29 (4) Any city that newly begins implementing an independent solid
30 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the
31 requirements of subsection (1) of this section.

32 (5) Nothing in this section affects the authority or duties of
33 the department of agriculture related to pest and noxious weed
34 control and quarantine measures under chapter 17.24 RCW.

35 (6) No penalty may be assessed on an individual or resident for
36 the improper disposal of organic materials under subsection (1) of
37 this section in a noncommercial or residential setting.

38 **Sec. 302.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended
39 to read as follows:

1 BUSINESS DIVERSION. (1) (a) Beginning July 1, 2023, and each July
2 1st thereafter, the department must determine which counties and any
3 cities preparing independent solid waste management plans:

4 (i) Provide for businesses to be serviced by providers that
5 collect food waste and organic material waste for delivery to solid
6 waste facilities that provide for the organic materials management of
7 organic material waste and food waste; and

8 (ii) Are serviced by solid waste facilities that provide for the
9 organic materials management of organic material waste and food waste
10 and have year-round capacity to process and are willing to accept
11 increased volumes of organic materials deliveries.

12 (b) (i) The department must determine and designate that the
13 restrictions of this section apply to businesses in a jurisdiction
14 unless the department determines that the businesses in some or all
15 portions of the city or county have:

16 (A) No available businesses that collect and deliver organic
17 materials to solid waste facilities that provide for the organic
18 materials management of organic material waste and food waste; or

19 (B) No available capacity at the solid waste facilities to which
20 businesses that collect and deliver organic materials could feasibly
21 and economically deliver organic materials from the jurisdiction.

22 (ii) (A) In the event that a county or city provides a written
23 ~~((notification))~~ request and supporting evidence to the department
24 ~~((indicating))~~ determining that the criteria of (b) (i) (A) of this
25 subsection are met, and the department confirms this determination,
26 then the restrictions of this section apply only in those portions of
27 the jurisdiction that have available service-providing businesses.

28 (B) In the event that a county or city provides a written
29 ~~((notification))~~ request and supporting evidence to the department
30 ~~((indicating))~~ determining that the criteria of (b) (i) (B) of this
31 subsection are met, and the department confirms this determination,
32 then the restrictions of this section do not apply to the
33 jurisdiction.

34 (c) The department must make the result of the annual
35 determinations required under this section available on its website.

36 (d) The requirements of this section may be enforced by
37 jurisdictional health departments consistent with this chapter,
38 except that:

39 (i) A jurisdictional health department may not charge a fee to
40 permit holders to cover the costs of the jurisdictional health

1 department's administration or enforcement of the requirements of
2 this section; and

3 (ii) Prior to issuing a penalty under this section, a
4 jurisdictional health department must provide at least two written
5 notices of noncompliance with the requirements of this section to the
6 owner or operator of a business subject to the requirements of this
7 section.

8 (2) (a) (i) Beginning January 1, 2024, a business that generates at
9 least eight cubic yards of organic material waste per week must
10 arrange for organic materials management services specifically for
11 organic material waste;

12 (ii) Beginning January 1, 2025, a business that generates at
13 least four cubic yards of organic material waste per week must
14 arrange for organic materials management services specifically for
15 organic material waste; and

16 (iii) Beginning January 1, 2026, a business that generates at
17 least ~~((four cubic yards of solid))~~ 96 gallons of organic material
18 waste per week shall arrange for organic materials management
19 services specifically for organic material waste, unless the
20 department determines, by rule, that additional reductions in the
21 landfilling of organic materials would be more appropriately and
22 effectively achieved, at reasonable cost to regulated businesses,
23 through the establishment of a different volumetric threshold of
24 ~~((solid waste or))~~ organic waste material ~~((waste))~~ than the
25 threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic
26 material waste per week.

27 (b) The following wastes do not count for purposes of determining
28 waste volumes in (a) of this subsection:

29 (i) Wastes that are managed on-site by the generating business;

30 (ii) Wastes generated from the growth and harvest of food or
31 fiber that are managed off-site by another business engaged in the
32 growth and harvest of food or fiber;

33 (iii) Wastes that are managed by a business that enters into a
34 voluntary agreement to sell or donate organic materials to another
35 business for off-site use; ~~((and))~~

36 (iv) Wastes generated in exceptional volumes as a result of a
37 natural disaster or other infrequent and unpreventable event; and

38 (v) Wastes generated as a result of a food safety event, such as
39 a product recall, that is due to foreign material or adverse

1 biological activity that requires landfill destruction rather than
2 organic material management.

3 (3) A business may fulfill the requirements of this section by:

4 (a) Source separating organic material waste from other waste,
5 subscribing to a service that includes organic material waste
6 collection and organic materials management, and using such a service
7 for organic material waste generated by the business;

8 (b) Managing its organic material waste on-site or self-hauling
9 its own organic material waste for organic materials management;

10 (c) Qualifying for exclusion from the requirements of this
11 section consistent with subsection (1)(b) of this section; or

12 (d) For a business engaged in the growth, harvest, or processing
13 of food or fiber, entering into a voluntary agreement to sell or
14 donate organic materials to another business for off-site use.

15 (4)(a) A business generating organic material waste shall arrange
16 for any services required by this section in a manner that is
17 consistent with state and local laws and requirements applicable to
18 the collection, handling, or recycling of solid and organic material
19 waste.

20 (b) Nothing in this section requires a business to dispose of
21 materials in a manner that conflicts with federal or state public
22 health or safety requirements. Nothing in this section requires
23 businesses to dispose of wastes generated in exceptional volumes as a
24 result of a natural disaster or other infrequent and unpreventable
25 event through the options established in subsection (3) of this
26 section. Nothing in this section prohibits a business from disposing
27 of nonfood organic materials that are not commingled with food waste
28 by using the services of an organic materials management facility
29 that does not accept food waste.

30 (5) When arranging for gardening or landscaping services, the
31 contract or work agreement between a business subject to this section
32 and a gardening or landscaping service must require that the organic
33 material waste generated by those services be managed in compliance
34 with this chapter.

35 (6)(a) This section does not limit the authority of a local
36 governmental agency to adopt, implement, or enforce a local organic
37 material waste recycling requirement, or a condition imposed upon a
38 self-hauler, that is more stringent or comprehensive than the
39 requirements of this chapter.

1 (b) This section does not modify, limit, or abrogate in any
2 manner any of the following:

3 (i) A franchise granted or extended by a city, county, city and
4 county, or other local governmental agency;

5 (ii) A contract, license, certificate, or permit to collect solid
6 waste previously granted or extended by a city, county, city and
7 county, or other local governmental agency;

8 (iii) The right of a business to sell or donate its organic
9 materials; and

10 (iv) A certificate of convenience and necessity issued to a solid
11 waste collection company under chapter 81.77 RCW.

12 (c) Nothing in this section modifies, limits, or abrogates the
13 authority of a local jurisdiction with respect to land use, zoning,
14 or facility siting decisions by or within that local jurisdiction.

15 (d) Nothing in this section changes or limits the authority of
16 the Washington utilities and transportation commission to regulate
17 collection of solid waste, including curbside collection of
18 residential recyclable materials, nor does this section change or
19 limit the authority of a city or town to provide the service itself
20 or by contract under RCW 81.77.020.

21 (7) The definitions in this subsection apply throughout this
22 section unless the context clearly indicates otherwise.

23 (a) (i) "Business" means a commercial or public entity including,
24 but not limited to, a firm, partnership, proprietorship, joint stock
25 company, corporation, or association that is organized as a for-
26 profit or nonprofit entity.

27 (ii) "Business" does not include a multifamily residential
28 entity.

29 (b) "Food waste" has the same meaning as defined in RCW
30 70A.205.715.

31 NEW SECTION. **Sec. 303.** A new section is added to chapter
32 70A.205 RCW to read as follows:

33 BIN COLORS. (1) Except as provided in (a) and (b) of this
34 subsection, the requirements of this section apply to containers
35 purchased on or after July 1, 2026.

36 (a) A jurisdiction or solid waste collection company is not
37 required to replace functional containers with a volume of less than
38 one cubic yard or a plastic container of any size, including
39 containers purchased prior to July 1, 2026, that do not comply with

1 the color requirements of this section prior to the end of the useful
2 life of those containers or prior to January 1, 2036, whichever comes
3 first.

4 (b) A jurisdiction or solid waste collection company is not
5 required to replace functional nonplastic containers with a volume of
6 at least one cubic yard that existed and were in service as of July
7 1, 2026. However, a functional nonplastic container that existed as
8 of July 1, 2026, must be repainted in a manner that matches the
9 appropriate color requirements of this section on the earlier of:

10 (i) When it is next repainted; or

11 (ii) (A) By January 1, 2030, for collection containers owned by a
12 person other than a jurisdiction that undertakes solid waste
13 collection; or

14 (B) At the end of the useful life of the container owned by a
15 jurisdiction that undertakes solid waste collection, or upon the
16 distribution of sufficient funds under section 202 of this act to the
17 jurisdiction to cover applicable container repainting costs of the
18 jurisdiction.

19 (2) In each jurisdiction planning under this chapter, indoor or
20 outdoor containers provided for collection services, including
21 multifamily, commercial, government and other public places,
22 institutional, and curbside residential collection services must be
23 provided in a color-coded manner consistent with the requirements of
24 this section in order to reduce contamination:

25 (a) (i) In a jurisdiction where source-separated recyclable
26 materials and source-separated organic materials are collected
27 separately, a gray or black container may be used only for the
28 collection of solid waste that is not a source-separated recyclable
29 material or a source-separated organic material;

30 (ii) In a jurisdiction where source-separated recyclable
31 materials or organic materials are not collected separately, a gray
32 or black container may be used for any solid waste, including organic
33 material or recyclable material that is not separately collected in
34 the jurisdiction.

35 (b) A blue container may be used only for source-separated
36 recyclable materials. The contents of the blue container must be
37 transported to a facility that recovered the materials designated for
38 collection in the blue container.

1 (c) A green or brown container may be used only for source-
2 separated organic materials and must be transported, directly or
3 indirectly, to an organic materials management facility.

4 (d) A color other than green, brown, blue, black, or gray may be
5 used only in accordance with any rules adopted by the department.

6 (e) By rule, the department may determine the appropriate
7 container or containers to be used for materials that could
8 conceivably be placed in multiple containers specified in (a) through
9 (d) of this subsection.

10 (f) The color-coding requirements for solid waste collection
11 containers under this section do not apply to:

12 (i) Containers with a volume of at least 10 cubic yards that:

13 (A) Are used on a temporary basis by multiple customers of a
14 jurisdiction or solid waste collection company; and

15 (B) Are alternately used for temporary periods for multiple types
16 of solid waste depending on the specific needs of the customer;

17 (ii) (A) The body or liner coloring of collapsible plastic
18 containers that are:

19 (I) Used solely for commercially generated organic materials;

20 (II) Placed in locations where the container is not accessible or
21 intended to be accessible for disposal by persons not affiliated with
22 the commercial generator; and

23 (III) Not available for acquisition, in a color that meets the
24 color-coding requirements of this section, by persons who use such
25 containers;

26 (B) The lid and base of collapsible plastic containers in this
27 subsection (2)(f)(ii) must meet the color-coding requirements of this
28 section.

29 (3) By January 1, 2025, all containers for collection services
30 must bear a clear and conspicuous label on each container or lid
31 specifying what materials are allowed to be placed in each container.
32 The requirements of this subsection may be satisfied by:

33 (a) A label placed on a container that includes either language
34 or graphic images, or both, that indicate the primary materials
35 accepted and the primary materials prohibited in that container; or

36 (b) Imprinted text or graphic images that indicate the primary
37 materials accepted and the primary materials prohibited in that
38 container.

1 (4) The department may provide model labeling text and graphic
2 images for optional use by local governments and solid waste
3 collection companies that meets the requirements of this section.

4 (5) A jurisdiction or solid waste collection company may comply
5 with the requirements of this section by providing a container or
6 containers that are split or divided into segregated sections,
7 instead of an entire container, as long as the lids of the separate
8 sections of a split container comply with the container color
9 requirements and material limitations specified in this section.

10 (6) Carpets, noncompostable paper, and hazardous wood waste may
11 not be collected in a green or brown container. Hazardous wood waste
12 may not be collected in a blue container. The department may adopt
13 rules to prohibit additional waste stream contaminants from being
14 placed in a green or brown container or a blue container.

15 (7) The definitions in this subsection apply throughout this
16 section unless the context clearly requires otherwise.

17 (a) (i) "Blue container" means:

18 (A) A container with a volume of less than one cubic yard where
19 the body of the container is blue in color and the lid is blue in
20 color; and

21 (B) A container with a volume of at least one cubic yard where
22 the body of the container is blue in color and the lid is blue or
23 black in color.

24 (ii) Hardware, such as hinges and wheels on a blue container, may
25 be any color.

26 (iii) Unless a local government implementing a solid waste plan
27 under this chapter requires uniform blue painting of the entire
28 container, the body of a blue container may contain an area, on one
29 side of the container, composed of any color measuring no more than
30 two feet by two feet to display any combination of the name, logo, or
31 branding of the container owner, solid waste collection company, or
32 government entity associated with the container.

33 (b) (i) "Green or brown container" means:

34 (A) A container with a volume of less than one cubic yard where
35 the body of the container is green or brown in color and the lid is
36 green or brown in color; and

37 (B) A container with a volume of at least one cubic yard where
38 the body of the container is green or brown in color and the lid is
39 green, brown, or black in color.

1 (ii) Hardware, such as hinges and wheels on a green or brown
2 container, may be any color.

3 (iii) Unless a local government implementing a solid waste plan
4 under this chapter requires uniform green or brown painting of the
5 entire container, the body of a green or brown container may contain
6 an area, on one side of the container, composed of any color
7 measuring no more than two feet by two feet to display any
8 combination of the name, logo, or branding of the container owner,
9 solid waste collection company, or government entity associated with
10 the container.

11 (c) (i) "Gray or black container" means:

12 (A) A container with a volume of less than one cubic yard where
13 the body of the container is entirely gray or black in color and the
14 lid is gray or black in color; and

15 (B) A container with a volume of at least one cubic yard where
16 the body of the container is gray or black in color and the lid is
17 gray or black in color.

18 (ii) Hardware, such as hinges and wheels, on a gray or black
19 container may be any color.

20 (iii) Unless a local government implementing a solid waste plan
21 under this chapter requires uniform gray or black painting of an
22 entire container, the body of a gray or black container may contain
23 an area, on one side of the container, composed of any color
24 measuring no more than two feet by two feet to display any
25 combination of the name, logo, or branding of the container owner,
26 solid waste collection company, or government entity associated with
27 the container.

28 (iv) A galvanized metal container that is unpainted and gray or
29 silver in appearance is considered to be a gray container for
30 purposes of this section.

31 NEW SECTION. **Sec. 304.** A new section is added to chapter
32 70A.205 RCW to read as follows:

33 (1) The department must adopt new rules or amend existing rules
34 adopted under this chapter establishing permitting requirements for
35 anaerobic digester facilities or other facilities preparing organic
36 materials for delivery to anaerobic digester facilities by requiring
37 each facility to:

38 (a) Achieve a minimum 90 percent recycling rate for all collected
39 materials; and

1 (b) Develop procedures and criteria to ensure that only source
2 separated organic materials feedstocks described will be accepted,
3 which must include a plan for rejecting feedstocks contaminated with
4 more than 10 percent physical contaminants, by volume, and a
5 prohibition against knowingly accepting solid waste that cannot be
6 digested.

7 (2) The department may require an anaerobic digester facility or
8 other facility that prepares organic materials for delivery to
9 anaerobic digesters to submit a monthly report demonstrating that the
10 recycling rate required under subsection (1) of this section was
11 achieved, including information on the destination and final use of
12 organic materials, residuals, recyclables, and other by-products.

13 **PART 4**

14 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

15 NEW SECTION. **Sec. 401.** STATUS ASSESSMENT OF PRODUCE STICKER
16 TECHNOLOGIES. (1) The department of ecology, in consultation with
17 the department of agriculture, must carry out a study and submit a
18 brief summary report to the legislature by September 1, 2025,
19 addressing the status of produce sticker technologies, including
20 produce sticker options that do not contain plastic stickers or
21 adhesives or that otherwise meet compostability standards.

22 (2) The study required under this section must, at minimum,
23 compare and consider the following features of produce stickers and
24 adhesives:

25 (a) Compostability, including toxic or hazardous substance
26 content;

27 (b) Performance;

28 (c) Printability; and

29 (d) Cost.

30 (3) In carrying out the study, input and information must be
31 solicited and evaluated from:

32 (a) Produce producers and packers;

33 (b) Sticker and adhesive producers;

34 (c) Other states, countries, or subnational jurisdictions that
35 have adopted standards restricting plastic produce stickers; and

36 (d) Other technical experts.

37 **PART 5**

1 **PRODUCT DEGRADABILITY RESTRICTIONS**

2 **Sec. 501.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended
3 to read as follows:

4 FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable"
5 that is sold, offered for sale, or distributed for use in Washington
6 by a producer must:

7 (a) Meet ASTM standard specification D6400;

8 (b) Meet ASTM standard specification D6868; or

9 (c) Be comprised only of wood, which includes renewable wood, or
10 a fiber-based substrate ((only)) that contains:

11 (i) Greater than 99 percent fiber by dry weight; and

12 (ii) No plastic or polymer wax additives or plastic or wax
13 coatings or adhesives that do not meet ASTM standard specification
14 D6868.

15 (2) A product described in subsection (1)(a) or (b) of this
16 section must:

17 (a) Meet labeling requirements established under the United
18 States federal trade commission's guides; and

19 (b) Feature labeling that:

20 (i) Meets industry standards for being distinguishable upon quick
21 inspection in both public sorting areas and in processing facilities;

22 (ii) Uses a logo indicating the product has been certified by a
23 recognized third-party independent verification body as meeting the
24 ASTM standard specification;

25 (iii) Displays the word "compostable," where possible, indicating
26 the product has been tested by a recognized third-party independent
27 body and meets the ASTM standard specification; and

28 (iv) Uses green, beige, or brown labeling, color striping, or
29 other green, beige, or brown symbols, colors, tinting, marks, or
30 design patterns that help differentiate compostable items from
31 noncompostable items.

32 **Sec. 502.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended
33 to read as follows:

34 FILM TINTING. (1) A producer of plastic film bags sold, offered
35 for sale, or distributed for use in Washington that does not meet the
36 applicable ASTM standard specifications provided in RCW 70A.455.050
37 is:

1 (a) Prohibited from using tinting, color schemes, labeling, or
2 terms that are required of products that meet the applicable ASTM
3 standard specifications under RCW 70A.455.050;

4 (b) Discouraged from using labeling, images, and terms that may
5 reasonably be anticipated to confuse consumers into believing that
6 noncompostable products are compostable; and

7 (c) Encouraged to use labeling, images, and terms to help
8 consumers identify noncompostable bags as either: (i) Suitable for
9 recycling; or (ii) necessary to dispose as waste.

10 (2) A producer of food service products, or plastic film products
11 other than plastic film bags subject to subsection (1) of this
12 section, sold, offered for sale, or distributed for use in Washington
13 that does not meet the applicable ASTM standard specifications
14 provided in RCW 70A.455.060 is:

15 (a) Prohibited from using labeling, or terms that are required of
16 products that meet the applicable ASTM standard specifications under
17 RCW 70A.455.060;

18 (b) Discouraged from using labeling, images, and terms that may
19 reasonably be anticipated to confuse consumers into believing that
20 noncompostable products are compostable; and

21 (c) Encouraged to use tinting, coloration, labeling, images, and
22 terms to help consumers identify film products and food service
23 packaging as either: (i) Suitable for recycling; or (ii) necessary to
24 dispose as waste.

25 (3) For the purposes of this section only:

26 (a) "Tinting" means the addition of color to a film, usually by
27 means of dye or stain, that filters light and makes the film appear a
28 certain color; and

29 (b)(i) The prohibition in subsection (1)(a) of this section on
30 "color schemes" on plastic film bags does not preclude the use of:

31 (A) Green, brown, or beige stripes that are smaller than .25 inch
32 wide and used as visual aids; and

33 (B) Green, brown, or beige lettering or logos that are used
34 solely for brand identity purposes.

35 (ii) The prohibition in subsection (1)(a) of this section on
36 color schemes on plastic film bags does prohibit the use of botanical
37 motifs, such as leaves or vines that are colored green, brown, or
38 beige, or any combination of these colors or shapes.

1 NEW SECTION. **Sec. 503.** A new section is added to chapter
2 70A.455 RCW to read as follows:

3 HOME COMPOSTABLE LABELING. A producer may only label a product as
4 being "home compostable" if:

5 (1) The product has been tested and meets ASTM standards D6400 or
6 D6868 for industrial composting settings;

7 (2) A third-party certifier has verified that the product meets
8 ASTM standards for industrial composting;

9 (3) The product is otherwise labeled in a manner consistent with
10 the requirements of this chapter, including RCW 70A.455.030,
11 70A.455.040, or 70A.455.050, as appropriate;

12 (4) The product is not labeled "home compostable only" or in a
13 manner that otherwise implies that the product is not capable of
14 being composted in industrial compost settings; and

15 (5) The producer has valid and reproducible scientific evidence
16 to support their claim that a product is home compostable, consistent
17 with federal trade commission guidelines.

18 **Sec. 504.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended
19 to read as follows:

20 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY
21 CITIES AND COUNTIES. (1)(a) The department and cities and counties
22 have concurrent authority to enforce this chapter and to issue and
23 collect civil penalties for a violation of this chapter, subject to
24 the conditions in this section and RCW 70A.455.100. An enforcing
25 government entity may impose a civil penalty in the amount of up to
26 \$2,000 for the first violation of this chapter, up to \$5,000 for the
27 second violation of this chapter, and up to \$10,000 for the third and
28 any subsequent violation of this chapter. If a producer has paid a
29 prior penalty for the same violation to a different government entity
30 with enforcement authority under this subsection, the penalty imposed
31 by a government entity is reduced by the amount of the payment.

32 (b) The enforcement of this chapter must be based primarily on
33 complaints filed with the department and cities and counties. The
34 department must establish a forum for the filing of complaints.
35 Cities, counties, or any person may file complaints with the
36 department using the forum, and cities and counties may review
37 complaints filed with the department via the forum. The forum
38 established by the department may include a complaint form on the
39 department's website, a telephone hotline, or a public outreach

1 strategy relying upon electronic social media to receive complaints
2 that allege violations. The department, in collaboration with the
3 cities and counties, must provide education and outreach activities
4 to inform retail establishments, consumers, and producers about the
5 requirements of this chapter.

6 (c) A city or county that chooses to enforce the requirements of
7 this chapter within their jurisdiction must notify the department
8 with a letter of intent that includes:

9 (i) The start and any end date of the local jurisdiction's
10 enforcement activities;

11 (ii) The geographic boundaries within which the enforcement
12 activities are planned; and

13 (iii) Any technical assistance, education, or enforcement tools
14 that the city or county would like to request from the department in
15 support of local enforcement activities.

16 (2) Penalties issued by the department are appealable to the
17 pollution control hearings board established in chapter 43.21B RCW.

18 (3) The remedies provided by this section are not exclusive and
19 are in addition to the remedies that may be available pursuant to
20 chapter 19.86 RCW or other consumer protection laws, if applicable.

21 (4) In addition to penalties recovered under this section, the
22 enforcing city or county may recover reasonable enforcement costs and
23 attorneys' fees from the liable producer.

24 PART 6

25 COMPOST PURCHASES

26 **Sec. 601.** RCW 15.04.420 and 2022 c 180 s 502 are each amended to
27 read as follows:

28 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1) (a)
29 Subject to the availability of amounts appropriated for this specific
30 purpose, the department must establish and implement a compost
31 reimbursement program to reimburse farming operations in the state
32 for purchasing and using compost products that were not generated by
33 the farming operation, including transportation, spreading equipment,
34 labor, fuel, and maintenance costs associated with spreading
35 equipment. The grant reimbursements under the program begin July 1,
36 2023.

37 (b) For the purposes of this program, "farming operation" means:
38 A commercial agricultural, silvicultural, or aquacultural facility or

1 pursuit, including the care and production of livestock and livestock
2 products, poultry and poultry products, apiary products, and plant
3 and animal production for nonfood uses; the planting, cultivating,
4 harvesting, and processing of crops; and the farming or ranching of
5 any plant or animal species in a controlled salt, brackish, or
6 freshwater environment.

7 (2) To be eligible to participate in the reimbursement program, a
8 farming operation must complete an eligibility review with the
9 department prior to transporting or applying any compost products for
10 which reimbursement is sought under this section. The purpose of the
11 review is for the department to ensure that the proposed transport
12 and application of compost products is consistent with the
13 department's agricultural pest control rules established under
14 chapter 17.24 RCW. A farming operation must also verify that it will
15 allow soil sampling to be conducted by the department upon request
16 before compost application and until at least 10 years after the last
17 grant funding is used by the farming operation, as necessary to
18 establish a baseline of soil quality and carbon storage and for
19 subsequent department evaluations to assist the department's
20 reporting requirements under subsection (8) of this section.

21 (3) The department must create a form for eligible farming
22 operations to apply for cost reimbursement for costs from purchasing
23 and using compost from facilities with solid waste handling permits
24 or that are permit exempt, including transportation, equipment,
25 spreading, and labor costs. Compost must meet the applicable
26 requirements for compost established by the department of ecology
27 under chapter 70A.205 RCW. The department must prioritize applicants
28 who purchase and use compost containing food waste feedstocks, where
29 it is practicable for the applicant to purchase and use compost
30 containing food waste feedstocks. All applications for cost
31 reimbursement must be submitted on the form along with invoices,
32 receipts, or other documentation acceptable to the department of the
33 costs of purchasing and using compost products for which the
34 applicant is requesting reimbursement, as well as a brief description
35 of what each purchased item will be used for. The department may
36 request that an applicant provide information to verify the source,
37 size, sale weight, or amount of compost products purchased and the
38 cost of transportation, equipment, spreading, and labor. The
39 applicant must also declare that it is not seeking reimbursement for
40 purchase or labor costs for:

1 (a) Its own compost products; or

2 (b) Compost products that it has transferred, or intends to
3 transfer, to another individual or entity, whether or not for
4 compensation.

5 (4) A farming operation may submit only one application per
6 fiscal year in which the program is in effect for purchases made and
7 usage costs incurred during the fiscal year that begins on July 1st
8 and ends on June 30th. Applications for reimbursement must be filed
9 before the end of the fiscal year in which purchases were made and
10 usage costs incurred.

11 (5) The department must distribute reimbursement funds, subject
12 to the following limitations:

13 (a) A farming operation is not eligible to receive reimbursement
14 if the farming operation's application was not found eligible for
15 reimbursement by the department under subsection (2) of this section
16 prior to the transport or use of compost;

17 (b) A farming operation is not eligible to receive reimbursement
18 for more than 50 percent of the costs it incurs each fiscal year for
19 the purchase and use of compost products, including transportation,
20 equipment, spreading, and labor costs;

21 (c) (~~A farming operation is not eligible to receive more than~~
22 ~~\$10,000 per fiscal year~~) The department must attempt to achieve fair
23 distribution of reimbursement funding across different farm size
24 categories, based on acreage categories determined by the department,
25 and which is not to exceed a maximum of \$20,000 per fiscal year for
26 the largest farming operation category determined by the department;

27 (d) A farming operation is not eligible to receive reimbursement
28 for its own compost products or compost products that it has
29 transferred, or intends to transfer, to another individual or entity,
30 whether or not for compensation; and

31 (e) A farming operation is not eligible to receive reimbursement
32 for compost products that were not purchased from a facility with a
33 solid waste handling permit or a permit-exempt facility.

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

38 (7) There is established within the department a compost
39 reimbursement program manager position. The compost reimbursement
40 program manager must possess knowledge and expertise in the area of

1 program management necessary to carry out the duties of the position,
2 which are to:

3 (a) Facilitate the division and distribution of available costs
4 for reimbursement; and

5 (b) Manage the day-to-day coordination of the compost
6 reimbursement program.

7 (8) In compliance with RCW 43.01.036, the department must submit
8 an annual report to the appropriate committees of the legislature by
9 January 15th of each year of the program in which grants have been
10 issued or completed. The report must include:

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

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

15 (c) A periodically updated evaluation of the benefits and costs
16 to the state of expanding or furthering the strategies promoted in
17 the program.

18 **Sec. 602.** RCW 43.19A.150 and 2022 c 180 s 701 are each amended
19 to read as follows:

20 COMPOST PROCUREMENT REPORTING AMENDMENT. (1) By January 1, 2023,
21 the following cities or counties shall adopt a compost procurement
22 ordinance to implement RCW 43.19A.120:

23 (a) Each city or county with a population greater than 25,000
24 residents as measured by the office of financial management using the
25 most recent population data available; and

26 (b) Each city or county in which organic material collection
27 services are provided under chapter 70A.205 RCW.

28 (2) A city or county that newly exceeds a population of 25,000
29 residents after January 1, 2023, as measured by the office of
30 financial management, must adopt an ordinance under this subsection
31 no later than 12 months after the office of financial management's
32 determination that the local government's population has exceeded
33 25,000.

34 (3) In developing a compost procurement ordinance, each city and
35 county shall plan for the use of compost in the following categories:

36 (a) Landscaping projects;

37 (b) Construction and postconstruction soil amendments;

1 (c) Applications to prevent erosion, filter stormwater runoff,
2 promote vegetation growth, or improve the stability and longevity of
3 roadways; and

4 (d) Low-impact development and green infrastructure to filter
5 pollutants or keep water on-site, or both.

6 (4) Each city or county that adopts an ordinance under subsection
7 (1) or (2) of this section must develop strategies to inform
8 residents about the value of compost and how the jurisdiction uses
9 compost in its operations in the jurisdiction's comprehensive solid
10 waste management plan pursuant to RCW 70A.205.045.

11 (5) By (~~December~~) March 31, (~~(2024)~~) 2025, and each
12 (~~December~~) March 31st (~~(of even-numbered years)~~) thereafter, each
13 city or county that adopts an ordinance under subsection (1) or (2)
14 of this section must submit a report covering the previous year's
15 compost procurement activities to the department of ecology that
16 contains the following information:

17 (a) The total tons of organic material diverted throughout the
18 year and the facility or facilities used for processing;

19 (b) The volume and cost of compost purchased throughout the year;
20 and

21 (c) The source or sources of the compost.

22 (6) Cities and counties that are required to adopt an ordinance
23 under subsection (1) or (2) of this section shall give priority to
24 purchasing compost products from companies that produce compost
25 products locally, are certified by a nationally recognized
26 organization, and produce compost products that are derived from
27 municipal solid waste compost programs and meet quality standards
28 comparable to standards adopted by the department of transportation
29 or adopted by rule by the department of ecology.

30 (7) Cities and counties may enter into collective purchasing
31 agreements if doing so is more cost-effective or efficient.

32 (8) Nothing in this section requires a compost processor to:

33 (a) Enter into a purchasing agreement with a city or county;

34 (b) Sell finished compost to meet this requirement; or

35 (c) Accept or process food waste or compostable products.

36 **PART 7**

37 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 701.** A new section is added to chapter 19.27
2 RCW to read as follows:

3 STATE BUILDING CODE COUNCIL AMENDMENT. The governing body of each
4 county or city is authorized to amend requirements in the state
5 building code, as it applies within the jurisdiction of the county or
6 city, that apply to providing for the storage of solid waste by
7 requiring multifamily residential buildings to:

8 (1) Provide adequate space for the colocation of organic material
9 waste and recycling collection containers with garbage containers, or
10 in the absence of colocation, requiring the posting of signage
11 notifying residents of where organic material waste and recycling
12 containers are located;

13 (2) Identify organic material waste collection containers with
14 appropriate and accurate signage and color to differentiate between
15 organic material waste, recycling, and garbage collection containers;
16 and

17 (3) Distribute annual waste sorting educational materials to all
18 residents.

19 NEW SECTION. **Sec. 702.** WORK GROUP TO STUDY FOOD DONATION BY
20 BUSINESSES. (1) The department of ecology's center for sustainable
21 food management created in chapter 70A.207 RCW must convene a work
22 group to address mechanisms to improve the rescue of edible food
23 waste from commercial generators, including food service, retail
24 establishments, and processors that generate excess supply of edible
25 food. The work group must consider:

26 (a) Logistics to phase in edible food donation programs,
27 including incentives;

28 (b) The food recovery network systems necessary to support
29 increased donation of edible food by commercial generators;

30 (c) Assess asset gaps and food infrastructure development needs.
31 The work group must also facilitate the creation of networks and
32 partnerships to address gaps and needs and develop innovative
33 partnerships and models where appropriate; and

34 (d) Actions taken, costs, and lessons learned by other
35 jurisdictions in the United States that have enacted policies focused
36 on reducing edible commercially generated food waste and from
37 voluntary pilot projects carried out by commercial generators of food
38 waste.

1 (2) The department of ecology must submit a report to the
2 legislature by September 1, 2025, containing the recommendations of
3 the work group. The work group shall make recommendations using
4 consensus-based decision making. All meetings of the work group must
5 be carried out in a virtual-only format. The report must include
6 recommendations where general stakeholder consensus has been achieved
7 and note varied opinions where stakeholder consensus has not been
8 achieved.

9 (3) The department of ecology must select at least one member to
10 the work group from each of the following:

11 (a) Cities, including both small and large cities and cities
12 located in urban and rural counties, which may be represented by an
13 association that represents cities in Washington;

14 (b) Counties, including both small and large counties and urban
15 and rural counties, which may be represented by an association that
16 represents county solid waste managers in Washington;

17 (c) An environmental nonprofit organization that specializes in
18 waste and recycling issues;

19 (d) A statewide organization representing hospitality businesses;

20 (e) A retail grocery association;

21 (f) The department of ecology;

22 (g) Two different nonprofit organizations that specialize in food
23 recovery and hunger issues;

24 (h) Three different hunger relief organizations that represent
25 diverse needs from throughout the state;

26 (i) The department of agriculture;

27 (j) The office of the superintendent of public instruction;

28 (k) The department of health;

29 (l) One large and one small food distribution company;

30 (m) An organization representing food processors;

31 (n) An organization representing food producers;

32 (o) A technology company currently focused on food rescue in
33 Washington; and

34 (p) Two open seats for appointed members of the work group to
35 nominate for department of ecology appointment if gaps in membership
36 are identified.

37 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of
38 this act or its application to any person or circumstance is held

1 invalid, the remainder of the act or the application of the provision
2 to other persons or circumstances is not affected.

3 NEW SECTION. **Sec. 704.** If specific funding for the purposes of
4 this act, referencing this act by bill or chapter number, is not
5 provided by June 30, 2024, in the omnibus appropriations act, this
6 act is null and void."

E2SHB 2301 - S COMM AMD

By Committee on Environment, Energy & Technology

OUT OF ORDER 03/01/2024

7 On page 1, line 3 of the title, after "systems;" strike the
8 remainder of the title and insert "amending RCW 70A.207.020,
9 70A.214.100, 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070,
10 70A.455.090, 15.04.420, and 43.19A.150; adding new sections to
11 chapter 70A.207 RCW; adding a new section to chapter 43.23 RCW;
12 adding new sections to chapter 70A.205 RCW; adding a new section to
13 chapter 70A.455 RCW; adding a new section to chapter 19.27 RCW; and
14 creating new sections."

EFFECT: (1) Requires the department of ecology (ecology) to develop guidance (rather than adopt standards) under which local jurisdictions may exempt persons from the requirement to only use source-separated organic solid waste collection services to discard unwanted organic materials when the organic materials will be managed through an alternative mechanism providing equal or better environmental outcomes.

(2) Exempts, from the collection container color-coding requirements, certain components of collapsible plastic containers that are: (a) Used solely for commercially generated organic materials; (b) placed in locations where the container is not accessible or intended to be accessible for disposal by persons not affiliated with the commercial generator; and (c) not available for acquisition, in a color that meets the color-coding requirements, by persons who use such containers.

(3) Directs ecology to adopt new rules or amend existing rules related to permitting requirements for anaerobic digester facilities or other facilities preparing organic materials for delivery to anaerobic digester facilities, requiring each facility to achieve a 90 percent recycling rate for all collected materials and develop procedures related to only accepting certain organic materials, in addition to submitting a monthly report.

(4) Specifies that, when referring to a product labeled as "compostable" comprised only of wood, including a fiber-based

substrate, the product must contain greater than 99 percent fiber by *dry* weight.

--- **END** ---