

# SENATE BILL REPORT

## ESHB 1033

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As Passed Senate - Amended, April 12, 2023

**Title:** An act relating to evaluating compostable product usage in Washington.

**Brief Description:** Evaluating compostable product usage in Washington.

**Sponsors:** House Committee on Environment & Energy (originally sponsored by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby and Fosse).

**Brief History:** Passed House: 2/28/23, 91-6.

**Committee Activity:** Environment, Energy & Technology: 3/10/23, 3/21/23 [DPA].

**Floor Activity:** Passed Senate - Amended: 4/12/23, 48-0.

### Brief Summary of Bill (As Amended by Senate)

- Directs the Department of Ecology to convene a stakeholder advisory committee to make recommendations to the Legislature on the development of standards for the management of compostable products by composting and other organic materials management facilities.

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## SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Majority Report:** Do pass as amended.

Signed by Senators Nguyen, Chair; Lovelett, Vice Chair; MacEwen, Ranking Member; Boehnke, Lovick, Short, Trudeau and Wellman.

**Staff:** Gregory Vogel (786-7413)

**Background:** Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management

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*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.*

requirements. The Department of Ecology (Ecology) is responsible for working cooperatively with local governments as they develop their local solid waste management plans. Ecology also evaluates, analyzes, and monitors the state's solid waste stream, and develops a statewide solid waste plan.

In 2019, the Legislature adopted a goal of reducing food waste, directed Ecology to develop a wasted food reduction and food waste diversion plan to achieve the goal, and established standards for labeling compostable products.

In 2022, the Legislature enacted several provisions related to organic materials management, including:

- state goals for the diversion of organic materials from landfills and the recovery of edible food;
- organic materials collection requirements for local governments and businesses;
- amending civil and criminal liability standards applicable to the donation of food;
- creation of the Washington Center for Sustainable Food Management;
- establishment and expansion of funding to promote organic materials management;
- siting and procurement requirements for local governments; and
- amending standards related to labeling compostable products.

**Summary of Amended Bill:** Ecology must contract with an independent, third-party facilitator to convene a stakeholder advisory committee to make recommendations on the development of standards for the management of compostable products, in particular food service products, by composting and other organic materials management facilities. The committee must include representatives of local governments, organic materials collection and management facilities, businesses, environmental organizations, and the Washington State Department of Agriculture. The director of Ecology must also invite participation on the committee from any federally recognized Indian tribe that expresses interest in participating prior to September 1, 2023.

The committee must consider several factors when developing its recommendations, including:

- the state's goals for managing organic materials;
- consumer confusion caused by noncompostable products that can lead to contamination issues;
- compostable standards related to the breakdown of products in facilities and home composting;
- the status of acceptance of compostable products by organic materials management facilities in Washington; and
- policy options to address contamination of organic waste streams.

Ecology and the facilitator must convene the first committee meeting by September 15, 2023. The facilitator must submit a report of the committee's recommendations to the Legislature by September 15, 2024.

**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 on Engrossed Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Facilities and jurisdictions all have different rules about what to do with a compostable product. This is what this bill is all about. There is a need for a task force to come together and have this discussion. We have a patchwork of different rules about what collection facilities will take. Previous legislation has worked toward getting food waste and yard waste out of landfills to reduce methane emissions and this will help those efforts.

It will be less confusing for all Washingtonians if all facilities accept the same materials, especially food containers and utensils. Legislation will provide necessary coordination and guidelines for local implementation. We need to utilize composting way more in handling problems for our waste stream.

What facilities accept can be inconsistent across cities. It is important to look at what materials are sold in the state. Many products labeled as compostable don't actually break down in the system. Facilities that accept contaminated products is a cost they ultimately bear.

**Persons Testifying:** PRO: Heather Trim, Zero Waste Washington; Ann Murphy, League of Women Voters of Washington; Karen Dawson, Cedar Grove; Ezra Eickmeyer; Jessica Fortescue, WA Refuse & Recycling Association.

**Persons Signed In To Testify But Not Testifying:** No one.