
SECOND SUBSTITUTE HOUSE BILL 2301

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt, and Kloba)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to improving the outcomes associated with waste
2 material management systems, including products affecting organic
3 material management systems; amending RCW 70A.207.020, 70A.214.100,
4 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070, 70A.455.090,
5 15.04.420, and 43.19A.150; reenacting and amending RCW 70A.455.020;
6 adding new sections to chapter 70A.207 RCW; adding a new section to
7 chapter 43.23 RCW; adding a new section to chapter 70A.205 RCW;
8 adding a new section to chapter 70A.455 RCW; adding a new section to
9 chapter 19.27 RCW; creating new sections; and prescribing penalties.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **PART 1**

12 **INTENT**

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

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

18 (b) Methane is a potent greenhouse gas and landfills are
19 documented by the United States environmental protection agency to be

1 the 3rd largest human-made source, with food, yard waste, and other
2 plant-based organic material degrading in landfills to methane;

3 (c) Food waste is a major issue in the United States and
4 globally, that, according to the food and agriculture organization of
5 the United Nations, unwanted and discarded food squanders resources,
6 including water, land, energy, labor, and capital, estimated that
7 one-third of the food produced in the world for human consumption,
8 about 1,300,000,000 tons, is lost or wasted every year, and the food
9 loss and waste in industrialized countries equates to a value of
10 approximately \$680,000,000,000;

11 (d) The Harvard University food law and policy clinic has
12 estimated that 40 percent of the food supply in the United States is
13 not eaten and that according to the United States environmental
14 protection agency and the United States department of agriculture,
15 food loss and waste is the single largest component of disposed
16 municipal solid waste in the United States;

17 (e) In 2015, that the administrator of the United States
18 environmental protection agency and the secretary of the United
19 States department of agriculture announced a national goal of
20 reducing food waste by 50 percent by the year 2030. In 2019,
21 Washington established the same goal in RCW 70A.205.715;

22 (f) Compost and other products of organic material management
23 facilities have beneficial applications and can improve soil health,
24 water quality, and other environmental outcomes. However, in order
25 for the products of organic material management facilities to lead to
26 improved environmental outcomes and for the economics of the
27 operations of these facilities to pencil out, it is important that
28 inbound sources of organic material waste are free of plastic
29 contamination, pesticides, and other materials that will reduce
30 compost quality; and

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

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

38 (a) Creating a variety of grant programs to support food waste
39 reduction, food rescue, and other organic material management system

1 improvements, including grants to support the implementation of new
2 policy requirements related to organic material management;

3 (b) Amending solid waste management requirements in support of
4 improved organic material management outcomes, including through the
5 statewide standardization of colors and labels for organic,
6 recycling, and garbage bins, and amending the organic material
7 management service requirements in local jurisdictions and that apply
8 to businesses;

9 (c) Making changes to product degradability labeling
10 requirements;

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

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

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

19 (a) Prevents wasted food;

20 (b) Donates or upcycles food;

21 (c) Feeds animals or leaves food unharvested;

22 (d) Composts or anaerobically digests materials with beneficial
23 use of the compost, digestate, or biosolids;

24 (e) Anaerobically digests materials with the disposal of
25 digestate or biosolids, or applies material to the land; and

26 (f) Sends materials down the drain, to landfills, or incinerates
27 material, with or without accompanying energy recovery.

28 PART 2

29 FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

30 NEW SECTION. **Sec. 201.** A new section is added to chapter
31 70A.207 RCW to read as follows:

32 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The
33 department, through the center, must develop and administer grant
34 programs to support activities that reduce emissions from landfills
35 and waste-to-energy facilities through the diversion of organic
36 materials and food waste prevention, rescue, and recovery. The
37 department must seek stakeholder input in the design, criteria, and
38 logistics associated with each grant program. The department must

1 allocate grant funding across the eligible categories specified in
2 subsection (2) of this section in a manner consistent with
3 legislative appropriations, and that achieves the following
4 priorities:

5 (a) Maximizing greenhouse gas emission reductions;

6 (b) Eliminating barriers to the rescue and consumption of edible
7 food that would otherwise be wasted;

8 (c) Developing stable funding programs for the department to
9 administer and stable funding opportunities for potential fund
10 recipients to be aware of; and

11 (d) Preferences the following management options, in order of
12 most preferred to least preferred:

13 (i) Prevents wasted food;

14 (ii) Donates or upcycles food;

15 (iii) Feeds animals or leaves food unharvested;

16 (iv) Composts or anaerobically digests materials with beneficial
17 use of the compost, digestate, or biosolids;

18 (v) Anaerobically digests materials with the disposal of
19 digestate or biosolids, or applies material to the land;

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

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

25 (a) Projects to prevent the surplus of unsold, uneaten food from
26 food businesses or to standardize and improve the operating
27 procedures associated with food donations, including efforts to
28 standardize collection bins, provide staff training for food donors
29 or food rescue organizations, or make other changes to increase the
30 efficiency or efficacy of food donation procedures. Local
31 governments, federally recognized Indian tribes and federally
32 recognized Indian tribal government entities, nonprofit
33 organizations, and generators of unwanted edible food are eligible
34 applicants for grants under this subsection. Equipment and
35 infrastructure purchases, training costs, costs associated with the
36 development and deployment of operating protocols, and employee staff
37 time reimbursement are eligible uses of grant funding under this
38 subsection;

39 (b) (i) Projects to improve and reduce the transportation of
40 donated foods and management of cold chains across the donated food

1 supply chain, including through food rescue organizations. Local
2 governments, federally recognized Indian tribes and federally
3 recognized Indian tribal government entities, nonprofit
4 organizations, transporters of unwanted edible food, and generators
5 of unwanted edible food are eligible applicants for grants under this
6 subsection. Eligible uses of grant funding under this subsection
7 include the acquisition of vehicles, cold-storage equipment, real
8 estate, and technology to support donated food storage and
9 transportation system improvements.

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

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

18 (ii) Nonprofit organizations, businesses, associations, federally
19 recognized Indian tribes and federally recognized Indian tribal
20 government entities, and local governments are eligible to receive
21 grants under this subsection. Eligible uses of the funds may include
22 community food hub development projects, cold food storage capacity,
23 refrigerated transport capacity, convenings to inform innovation in
24 wasted food reduction in retail and food service establishments, and
25 pilot projects to reduce wasted food. No more than 20 percent of
26 funds allocated under this subsection (2)(c) may be awarded to a
27 single grant recipient; and

28 (d) Food waste tracking and analytics pilot project grants. Local
29 governments, federally recognized Indian tribes and federally
30 recognized Indian tribal government entities, nonprofit
31 organizations, transporters of unwanted edible food, and generators
32 of unwanted edible food are eligible applicants for grants under this
33 subsection. Eligible uses of grant funding under this subsection
34 include staff time and technology to improve food waste prevention or
35 improve tracking of food donations through the food supply chain and
36 to provide data useful to enabling more efficient and effective
37 outcomes for the provision of food available for rescue.

38 (3) The department may establish additional eligibility criteria
39 or application process requirements beyond those described in
40 subsection (2) of this section for a category or categories of

1 activity. The department may, as a condition of the award of a grant
2 under this section, require the reporting of information to the
3 department regarding the outcomes of the funded activities.

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

11 NEW SECTION. **Sec. 202.** A new section is added to chapter
12 70A.207 RCW to read as follows:

13 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The
14 department, through the center, must develop and administer grant
15 programs to support the implementation of the requirements of this
16 act and chapter 180, Laws of 2022, with priority given to grants that
17 support the implementation of RCW 70A.205.540 and 70A.205.545.
18 Eligible recipients of grants under this section may include
19 businesses that are subject to organic material management
20 requirements, local governments, federally recognized Indian tribes
21 and federally recognized Indian tribal government entities, nonprofit
22 organizations, or organic material management facilities. Eligible
23 expenses by grant recipients include education, outreach, technical
24 assistance, indoor and outdoor infrastructure, transportation and
25 processing infrastructure, and enforcement costs.

26 (2) The department may not require, as a condition of financial
27 assistance under this section, that matching funds be made available
28 by a local government recipient. The department must provide
29 assistance to each local government that demonstrates eligibility for
30 grant assistance under this section.

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

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

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

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

- 1 (a) Coordinate the implementation of the plan;
- 2 (b) Draft plan updates and measure progress towards actions,
3 strategies, and the statewide goals established in RCW 70A.205.007
4 and 70A.205.715(1);
- 5 (c) Maintain a website with current food waste reduction
6 information and guidance for food service establishments, consumers,
7 food processors, hunger relief organizations, and other sources of
8 food waste;
- 9 (d) Provide staff support to multistate food waste reduction
10 initiatives in which the state is participating;
- 11 (e) Maintain the consistency of the plan and other food waste
12 reduction activities with the work of the Washington state
13 conservation commission's food policy forum;
- 14 (f) Facilitate and coordinate public-private and nonprofit
15 partnerships focused on food waste reduction, including through
16 voluntary working groups;
- 17 (g) Collaborate with federal, state, and local government
18 partners on food waste reduction initiatives;
- 19 (h) Develop and maintain maps or lists of locations of the food
20 systems of Washington that identify food flows, where waste occurs,
21 and opportunities to prevent food waste;
- 22 (i)(i) Collect and maintain data on food waste and wasted food in
23 a manner that is generally consistent with the methods of collecting
24 and maintaining such data used by federal agencies or in other
25 jurisdictions, or both, to the greatest extent practicable;
- 26 (ii) Develop measurement methodologies and tools to uniformly
27 track food donation data, food waste prevention data, and associated
28 climate impacts resultant from food waste reduction efforts;
- 29 (j) Research and develop emerging organic materials and food
30 waste reduction markets;
- 31 (k)(i) Develop and maintain statewide food waste reduction and
32 food waste contamination reduction campaigns, in consultation with
33 other state agencies and other stakeholders, including the
34 development of waste prevention and food waste recovery promotional
35 materials for distribution. These promotional materials may include
36 online information, newsletters, bulletins, or handouts that inform
37 food service establishment operators about the protections from civil
38 and criminal liability under federal law and under RCW 69.80.031 when
39 donating food; and

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

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

6 (B) State agencies, including the department of health and the
7 department of agriculture, in conjunction with their statutory roles
8 and responsibilities in regulating, monitoring, and supporting safe
9 food supply chains and systems;

10 (1) Distribute and monitor grants dedicated to food waste
11 prevention, rescue, and recovery, which must include the programs
12 described in sections 201 and 202 of this act; (~~and~~)

13 (m) Provide staff support to the work group created in section
14 702 of this act; and

15 (n) Research and provide education, outreach, and technical
16 assistance to local governments in support of the adoption of solid
17 waste ordinances or policies that establish a financial disincentive
18 for the generation of organic waste and for the ultimate disposal of
19 organic materials in landfills.

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

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

27 NEW SECTION. Sec. 204. A new section is added to chapter 43.23
28 RCW to read as follows:

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

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

37 (a) Rely upon existing infrastructure and similar grant programs
38 currently being implemented in Washington, in order to maximize the

1 beneficial impacts of the program in the short-term, and to
2 expeditiously enable the distribution of grants under this section;

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

6 (c) Give priority to recipient organizations that have at least
7 five years of experience coordinating the collection and
8 transportation of donated agricultural products to food bank
9 distributors, food bank distribution centers, or both, for
10 redistribution to local hunger relief agencies; and

11 (d) Provide for equitable benefits experienced from the program
12 by food producers of varying sizes and types, including minority and
13 vulnerable farmers, including veterans, women, and federally
14 recognized Indian tribes.

15 (3) The department must issue grants under this section to one or
16 more nonprofit organizations to acquire food directly from food
17 producers located in Washington. A recipient nonprofit organization
18 may use funds under this section to compensate food producers
19 donating commodities for pick and pack out costs incurred associated
20 with the production of a food product, including costs of food
21 product inputs and harvest, and for their marginal postharvest
22 logistical and administrative costs that facilitate the acquisition
23 and distribution of the food product by grant recipients.

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

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

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

32 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction
33 shall develop, in consultation with the superintendent of public
34 instruction, an awards program to achieve waste reduction and
35 recycling in public schools, and to encourage waste reduction and
36 recycling in private schools, grades kindergarten through high
37 school. The office shall develop guidelines for program development
38 and implementation. Each public school shall, and each private school

1 may, implement a waste reduction and recycling program conforming to
2 guidelines developed by the office.

3 (2) For the purpose of granting awards, the office may group all
4 participating schools into not more than three classes, based upon
5 student population, distance to markets for recyclable materials, and
6 other criteria, as deemed appropriate by the office. Except as
7 otherwise provided, five or more awards may be granted to each of the
8 three classes. Each award shall be no more than ((five thousand
9 dollars)) \$5,000 until 2026, and no more than \$10,000 beginning
10 January 1, 2026. Awards shall be granted each year to the schools
11 that achieve the greatest levels of waste reduction and recycling. A
12 single award of not less than ((five thousand dollars)) \$5,000 until
13 2026 or \$10,000 beginning in 2026 may be presented to the school
14 having the best recycling program as measured by the total amount of
15 materials recycled, including materials generated outside of the
16 school. A single award of not less than ((five thousand dollars))
17 \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to
18 the school having the best waste reduction program as determined by
19 the office. It is the intent of the legislature to consistently and
20 sustainably allocate at least \$1,000,000 per biennium, continuing
21 over multiple biennia and starting in calendar year 2026, to the
22 awards program established in this section.

23 (3) The superintendent of public instruction shall distribute
24 guidelines and other materials developed by the office to implement
25 programs to reduce and recycle waste generated in administrative
26 offices, classrooms, laboratories, cafeterias, and maintenance
27 operations.

28 PART 3

29 AMENDMENTS TO SOLID WASTE LAWS

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

32 MANDATED ORGANICS MANAGEMENT. (1) ((Beginning January 1, 2027,
33 in)) Except as provided in subsection (3) of this section, in each
34 jurisdiction that implements a local solid waste plan under RCW
35 70A.205.040:

36 (a) ((Source-separated)) Beginning April 1, 2027, source-
37 separated organic solid waste collection services ((must)) are

1 ~~required to be provided ((at least every other week or at least 26~~
2 ~~weeks annually)) year-round to:~~

3 (i) All residents; and

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

6 (b)(i) The department may, by waiver, reduce the collection
7 frequency requirements in (a) of this subsection for the collection
8 of dehydrated food waste or to address food waste managed through
9 other circumstances or technologies that will reduce the volume or
10 odor, or both, of collected food waste.

11 (ii) All organic solid waste collected from residents and
12 businesses under ~~((a) of))~~ this subsection must be managed through
13 organic materials management;

14 (c) Beginning April 1, 2030, the source-separated organic solid
15 waste collection services specified in (a) of this subsection must be
16 provided to customers on a nonelective basis, except that a
17 jurisdiction may grant an exemption to a customer that certifies to
18 the jurisdiction that the customer is managing organic material waste
19 on-site or self-hauling its own organic material waste for organic
20 materials management;

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

26 (e) Beginning April 1, 2030, all persons, when using curbside
27 collection for disposal, may use only source-separated organic solid
28 waste collection services to discard unwanted organic materials. By
29 January 1, 2026, the department must adopt standards under which
30 local jurisdictions may exempt persons from this requirement if
31 organic materials will be managed through an alternative mechanism
32 that provides equal or better environmental outcomes. Nothing in this
33 section precludes the ability of a person to use on-site composting,
34 the diversion of organic materials to animal feed, self-haul organic
35 materials to a facility, or other means of beneficially managing
36 unwanted organic materials.

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

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

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

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

8 ~~(iii) The jurisdiction has a total population between 25,000 and
9 50,000 people and curbside organic solid waste collection services
10 are not offered in any area within the jurisdiction, as of July 1,
11 2022).~~

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

13 (i) In census tracts that have a population density of less than
14 75 people per square mile that are serviced by the jurisdiction and
15 located in unincorporated portions of a county, as determined by the
16 department, in counties not planning under chapter 36.70A RCW;
17 ((and))

18 (ii) In census tracts that have a population density of greater
19 than 75 people per square mile, where the census tract includes
20 jurisdictions that meet any of the conditions in (a) (i) and (ii) of
21 this subsection, that are serviced by the jurisdiction and located in
22 unincorporated portions of a county, as determined by the department,
23 in counties not planning under chapter 36.70A RCW;

24 (iii) Outside of urban growth areas designated pursuant to RCW
25 36.70A.110 in unincorporated portions of a county planning under
26 chapter 36.70A RCW;

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

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

32 (c) In addition to the exemptions in (a) and (b) of this
33 subsection, the department may issue a renewable waiver to
34 jurisdictions or portions of a jurisdiction under this subsection for
35 up to five years, based on consideration of factors including the
36 distance to organic materials management facilities, the sufficiency
37 of the capacity to manage organic materials at facilities to which
38 organic materials could feasibly and economically be delivered from
39 the jurisdiction, and restrictions in the transport of organic
40 materials under chapter 17.24 RCW. The department may adopt rules to

1 specify the type of information that a waiver applicant must submit
2 to the department and to specify the department's process for
3 reviewing and approving waiver applications.

4 (d) Beginning January 1, 2030, the department may adopt a rule to
5 require that the provisions of this section apply in the
6 jurisdictions identified in (b) and (c) of this subsection, but only
7 if the department determines that the goals established in RCW
8 70A.205.007(1) have not or will not be achieved.

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

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

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

17 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July
18 1st thereafter, the department must determine which counties and any
19 cities preparing independent solid waste management plans:

20 (i) Provide for businesses to be serviced by providers that
21 collect food waste and organic material waste for delivery to solid
22 waste facilities that provide for the organic materials management of
23 organic material waste and food waste; and

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

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

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

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

38 (ii)(A) In the event that a county or city provides a written
39 (~~notification~~) request and supporting evidence to the department

1 (~~indicating~~) determining that the criteria of (b)(i)(A) of this
2 subsection are met, and the department confirms this determination,
3 then the restrictions of this section apply only in those portions of
4 the jurisdiction that have available service-providing businesses.

5 (B) In the event that a county or city provides a written
6 (~~notification~~) request and supporting evidence to the department
7 (~~indicating~~) determining that the criteria of (b)(i)(B) of this
8 subsection are met, and the department confirms this determination,
9 then the restrictions of this section do not apply to the
10 jurisdiction.

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

13 (d) The requirements of this section may be enforced by
14 jurisdictional health departments consistent with this chapter,
15 except that:

16 (i) A jurisdictional health department may not charge a fee to
17 permit holders to cover the costs of the jurisdictional health
18 department's administration or enforcement of the requirements of
19 this section; and

20 (ii) Prior to issuing a penalty under this section, a
21 jurisdictional health department must provide at least two written
22 notices of noncompliance with the requirements of this section to the
23 owner or operator of a business subject to the requirements of this
24 section.

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

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

33 (iii) Beginning January 1, 2026, a business that generates at
34 least (~~four cubic yards of solid~~) 96 gallons of organic material
35 waste per week shall arrange for organic materials management
36 services specifically for organic material waste, unless the
37 department determines, by rule, that additional reductions in the
38 landfilling of organic materials would be more appropriately and
39 effectively achieved, at reasonable cost to regulated businesses,
40 through the establishment of a different volumetric threshold of

1 (~~solid waste or~~) organic waste material (~~waste~~) than the
2 threshold of (~~four cubic yards of solid~~) 96 gallons of organic
3 material waste per week.

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

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

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

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

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

15 (v) Wastes generated as a result of a food safety event, such as
16 a product recall, that is due to foreign material or adverse
17 biological activity that requires landfill destruction rather than
18 organic material management.

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

20 (a) Source separating organic material waste from other waste,
21 subscribing to a service that includes organic material waste
22 collection and organic materials management, and using such a service
23 for organic material waste generated by the business;

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

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

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

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

36 (b) Nothing in this section requires a business to dispose of
37 materials in a manner that conflicts with federal or state public
38 health or safety requirements. Nothing in this section requires
39 businesses to dispose of wastes generated in exceptional volumes as a
40 result of a natural disaster or other infrequent and unpreventable

1 event through the options established in subsection (3) of this
2 section. Nothing in this section prohibits a business from disposing
3 of nonfood organic materials that are not commingled with food waste
4 by using the services of an organic materials management facility
5 that does not accept food waste.

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

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

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

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

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

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

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

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

30 (d) Nothing in this section changes or limits the authority of
31 the Washington utilities and transportation commission to regulate
32 collection of solid waste, including curbside collection of
33 residential recyclable materials, nor does this section change or
34 limit the authority of a city or town to provide the service itself
35 or by contract under RCW 81.77.020.

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

38 (a)(i) "Business" means a commercial or public entity including,
39 but not limited to, a firm, partnership, proprietorship, joint stock

1 company, corporation, or association that is organized as a for-
2 profit or nonprofit entity.

3 (ii) "Business" does not include a multifamily residential
4 entity.

5 (b) "Food waste" has the same meaning as defined in RCW
6 70A.205.715.

7 NEW SECTION. **Sec. 303.** A new section is added to chapter
8 70A.205 RCW to read as follows:

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

12 (a) A jurisdiction or solid waste collection company is not
13 required to replace functional containers with a volume of less than
14 one cubic yard or a plastic container of any size, including
15 containers purchased prior to July 1, 2026, that do not comply with
16 the color requirements of this section prior to the end of the useful
17 life of those containers or prior to January 1, 2036, whichever comes
18 first.

19 (b) A jurisdiction or solid waste collection company is not
20 required to replace functional nonplastic containers with a volume of
21 at least one cubic yard that existed and were in service as of July
22 1, 2026. However, a functional nonplastic container that existed as
23 of July 1, 2026, must be repainted in a manner that matches the
24 appropriate color requirements of this section on the earlier of:

25 (i) When it is next repainted; or

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

29 (B) At the end of the useful life of the container owned by a
30 jurisdiction that undertakes solid waste collection, or upon the
31 distribution of sufficient funds under section 202 of this act to the
32 jurisdiction to cover applicable container repainting costs of the
33 jurisdiction.

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

1 (a) (i) In a jurisdiction where source-separated recyclable
2 materials and source-separated organic materials are collected
3 separately, a gray or black container may be used only for the
4 collection of solid waste that is not a source-separated recyclable
5 material or a source-separated organic material;

6 (ii) In a jurisdiction where source-separated recyclable
7 materials or organic materials are not collected separately, a gray
8 or black container may be used for any solid waste, including organic
9 material or recyclable material that is not separately collected in
10 the jurisdiction.

11 (b) A blue container may be used only for source-separated
12 recyclable materials. The contents of the blue container must be
13 transported to a facility that recovered the materials designated for
14 collection in the blue container.

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

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

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

24 (f) The color-coding requirements for solid waste collection
25 containers under this section do not apply to containers with a
26 volume of at least 10 cubic yards that:

27 (i) Are used on a temporary basis by multiple customers of a
28 jurisdiction or solid waste collection company; and

29 (ii) Are alternately used for temporary periods for multiple
30 types of solid waste depending on the specific needs of the customer.

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

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

38 (b) Imprinted text or graphic images that indicate the primary
39 materials accepted and the primary materials prohibited in that
40 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 **PART 4**

32 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

33 NEW SECTION. **Sec. 401.** STATUS ASSESSMENT OF PRODUCE STICKER
34 TECHNOLOGIES. (1) The department of ecology, in consultation with
35 the department of agriculture, must carry out a study and submit a
36 brief summary report to the legislature by September 1, 2025,
37 addressing the status of produce sticker technologies, including

1 produce sticker options that do not contain plastic stickers or
2 adhesives or that otherwise meet compostability standards.

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

6 (a) Compostability, including toxic or hazardous substance
7 content;

8 (b) Performance;

9 (c) Printability; and

10 (d) Cost.

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

13 (a) Produce producers and packers;

14 (b) Sticker and adhesive producers;

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

17 (d) Other technical experts.

18 PART 5

19 PRODUCT DEGRADABILITY RESTRICTIONS

20 **Sec. 501.** RCW 70A.455.020 and 2022 c 180 s 802 are each
21 reenacted and amended to read as follows:

22 COMPOSTABLE PRODUCT LABELING DEFINITIONS. The definitions in this
23 section apply throughout this chapter unless the context clearly
24 requires otherwise.

25 (1) "ASTM" means the American society for testing and materials.

26 (2) "Biodegradable mulch film" means film plastic used as a
27 technical tool in commercial farming applications that biodegrades in
28 soil after being used, and:

29 (a) The film product fulfills plant growth and regulated metals
30 requirements of ASTM D6400; and

31 (b) (i) Meets the requirements of Vincotte's "OK Biodegradable
32 Soil" certification scheme, as that certification existed as of
33 January 1, 2019;

34 (ii) At ambient temperatures and in soil, shows at least 90
35 percent biodegradation absolute or relative to microcrystalline
36 cellulose in less than two years' time, tested according to ISO 17556
37 or ASTM 5988 standard test methods, as those test methods existed as
38 of January 1, 2019; or

1 (iii) Meets the requirements of EN 17033 "plastics-biodegradable
2 mulch films for use in agriculture and horticulture" as it existed on
3 January 1, 2019.

4 (3) "Department" means the department of ecology.

5 (4) "Federal trade commission guides" means the United States
6 federal trade commission's guides for the use of environmental
7 marketing claims (Part 260, commencing at section 260.1),
8 compostability claims, including section 260.8, and degradation
9 claims (subchapter B of chapter I of Title 16 of the Code of Federal
10 Regulations), as those guides existed as of January 1, 2019.

11 (5) "Film product" means a bag, sack, wrap, or other sheet film
12 product.

13 (6) "Food service product" has the same meaning as defined in RCW
14 70A.245.010.

15 (7) "Person" means individual, firm, association, copartnership,
16 political subdivision, government agency, municipality, industry,
17 public or private corporation, or any other entity whatsoever.

18 (8) "Plastic food packaging and food service products" means food
19 packaging and food service products that is composed of:

20 (a) Plastic; or

21 (b) Fiber or paper with a plastic coating, window, component, or
22 additive.

23 (9) "Plastic product" means a product made of plastic, whether
24 alone or in combination with another material including, but not
25 limited to, paperboard. A plastic product includes, but is not
26 limited to, any of the following:

27 (a) A product or part of a product that is used, bought, or
28 leased for use by a person for any purpose;

29 (b) A package or a packaging component including, but not limited
30 to, packaging peanuts;

31 (c) A film product; or

32 (d) Plastic food packaging and food service products.

33 (10) "Producer" means the following person responsible for
34 compliance under this chapter for a product sold, offered for sale,
35 or distributed in or into this state:

36 (a) If the product is sold under the manufacturer's own brand or
37 lacks identification of a brand, the producer is the person who
38 manufactures the product;

39 (b) If the product is manufactured by a person other than the
40 brand owner, the (~~producer is the person that is the licensee of a~~

1 ~~brand or trademark under which a product is used in a commercial~~
2 ~~enterprise, sold, offered for sale, or distributed in or into this~~
3 ~~state, whether or not the trademark is registered in this state,~~
4 ~~unless the manufacturer or brand owner of the product has agreed to~~
5 ~~accept responsibility under this chapter)) brand owner is assumed to~~
6 ~~be the producer unless a written brand license or trademark agreement~~
7 ~~is provided to the department showing the responsibility lies with~~
8 ~~the licensee of the brand or trademark; or~~

9 (c) If there is no person described in (a) and (b) of this
10 subsection over whom the state can constitutionally exercise
11 jurisdiction, the producer is the person who imports or distributes
12 the product in or into the state.

13 (11) "Standard specification" means either:

14 (a) ASTM D6400 - standard specification labeling of plastics
15 designed to be aerobically composted in municipal or industrial
16 facilities, as it existed as of January 1, 2019; or

17 (b) ASTM D6868 - standard specification for labeling of end items
18 that incorporate plastics and polymers as coatings or additives with
19 paper and other substrates designed to be aerobically composted in
20 municipal or industrial facilities, as it existed as of January 1,
21 2019.

22 (12) "Utensil" means a product designed to be used by a consumer
23 to facilitate the consumption of food or beverages, including knives,
24 forks, spoons, cocktail picks, chopsticks, splash sticks, and
25 stirrers.

26 **Sec. 502.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended
27 to read as follows:

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

31 (a) Meet ASTM standard specification D6400;

32 (b) Meet ASTM standard specification D6868; or

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

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

36 (ii) No plastic or polymer additives or coatings.

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

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

3 (b) Feature labeling that:

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

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

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

12 (iv) Uses green, beige, or brown labeling, color striping, or
13 other green, beige, or brown symbols, colors, tinting, marks, or
14 design patterns that help differentiate compostable items from
15 noncompostable items.

16 **Sec. 503.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended
17 to read as follows:

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

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

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

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

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

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

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

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

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

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

12 (b)(i) The prohibition in subsection (1)(a) of this section on
13 "color schemes" does not preclude the use of:

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

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

18 (ii) The prohibition in subsection (1)(a) of this section on
19 color schemes does prohibit the use of botanical motifs, such as
20 leaves or vines that are colored green, brown, or beige, or any
21 combination of these colors or shapes.

22 NEW SECTION. Sec. 504. A new section is added to chapter
23 70A.455 RCW to read as follows:

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

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

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

30 (3) The product is otherwise labeled in a manner consistent with
31 the requirements of this chapter, including RCW 70A.455.030,
32 70A.455.040, or 70A.455.050, as appropriate;

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

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

1 **Sec. 505.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended
2 to read as follows:

3 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY
4 CITIES AND COUNTIES. (1)(a) The department and cities and counties
5 have concurrent authority to enforce this chapter and to issue and
6 collect civil penalties for a violation of this chapter, subject to
7 the conditions in this section and RCW 70A.455.100. An enforcing
8 government entity may impose a civil penalty in the amount of up to
9 \$2,000 for the first violation of this chapter, up to \$5,000 for the
10 second violation of this chapter, and up to \$10,000 for the third and
11 any subsequent violation of this chapter. If a producer has paid a
12 prior penalty for the same violation to a different government entity
13 with enforcement authority under this subsection, the penalty imposed
14 by a government entity is reduced by the amount of the payment.

15 (b) The enforcement of this chapter must be based primarily on
16 complaints filed with the department and cities and counties. The
17 department must establish a forum for the filing of complaints.
18 Cities, counties, or any person may file complaints with the
19 department using the forum, and cities and counties may review
20 complaints filed with the department via the forum. The forum
21 established by the department may include a complaint form on the
22 department's website, a telephone hotline, or a public outreach
23 strategy relying upon electronic social media to receive complaints
24 that allege violations. The department, in collaboration with the
25 cities and counties, must provide education and outreach activities
26 to inform retail establishments, consumers, and producers about the
27 requirements of this chapter.

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

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

33 (ii) The geographic boundaries within which the enforcement
34 activities are planned; and

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

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

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

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

7 **PART 6**
8 **COMPOST PURCHASES**

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

11 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)
12 Subject to the availability of amounts appropriated for this specific
13 purpose, the department must establish and implement a compost
14 reimbursement program to reimburse farming operations in the state
15 for purchasing and using compost products that were not generated by
16 the farming operation, including transportation, spreading equipment,
17 labor, fuel, and maintenance costs associated with spreading
18 equipment. The grant reimbursements under the program begin July 1,
19 2023.

20 (b) For the purposes of this program, "farming operation" means:
21 A commercial agricultural, silvicultural, or aquacultural facility or
22 pursuit, including the care and production of livestock and livestock
23 products, poultry and poultry products, apiary products, and plant
24 and animal production for nonfood uses; the planting, cultivating,
25 harvesting, and processing of crops; and the farming or ranching of
26 any plant or animal species in a controlled salt, brackish, or
27 freshwater environment.

28 (2) To be eligible to participate in the reimbursement program, a
29 farming operation must complete an eligibility review with the
30 department prior to transporting or applying any compost products for
31 which reimbursement is sought under this section. The purpose of the
32 review is for the department to ensure that the proposed transport
33 and application of compost products is consistent with the
34 department's agricultural pest control rules established under
35 chapter 17.24 RCW. A farming operation must also verify that it will
36 allow soil sampling to be conducted by the department upon request
37 before compost application and until at least 10 years after the last
38 grant funding is used by the farming operation, as necessary to

1 establish a baseline of soil quality and carbon storage and for
2 subsequent department evaluations to assist the department's
3 reporting requirements under subsection (8) of this section.

4 (3) The department must create a form for eligible farming
5 operations to apply for cost reimbursement for costs from purchasing
6 and using compost from facilities with solid waste handling permits
7 using food waste feedstocks or that are permit exempt using food
8 waste feedstocks, including transportation, equipment, spreading, and
9 labor costs. Compost must meet the applicable requirements for
10 compost established by the department of ecology under chapter
11 70A.205 RCW. All applications for cost reimbursement must be
12 submitted on the form along with invoices, receipts, or other
13 documentation acceptable to the department of the costs of purchasing
14 and using compost products for which the applicant is requesting
15 reimbursement, as well as a brief description of what each purchased
16 item will be used for. The department may request that an applicant
17 provide information to verify the source, size, sale weight, or
18 amount of compost products purchased and the cost of transportation,
19 equipment, spreading, and labor. The applicant must also declare that
20 it is not seeking reimbursement for purchase or labor costs for:

21 (a) Its own compost products; or

22 (b) Compost products that it has transferred, or intends to
23 transfer, to another individual or entity, whether or not for
24 compensation.

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

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

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

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

1 (c) (~~(A farming operation is not eligible to receive more than~~
2 ~~\$10,000 per fiscal year)~~) The department must attempt to achieve fair
3 distribution of reimbursement funding across different farm size
4 categories, based on acreage categories determined by the department,
5 and which is not to exceed a maximum of \$20,000 per fiscal year for
6 the largest farming operation category determined by the department;

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

11 (e) A farming operation is not eligible to receive reimbursement
12 for compost products that were not purchased from a facility
13 composting food waste feedstocks with a solid waste handling permit
14 or a permit-exempt facility that composts food waste feedstocks.

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

19 (7) There is established within the department a compost
20 reimbursement program manager position. The compost reimbursement
21 program manager must possess knowledge and expertise in the area of
22 program management necessary to carry out the duties of the position,
23 which are to:

24 (a) Facilitate the division and distribution of available costs
25 for reimbursement; and

26 (b) Manage the day-to-day coordination of the compost
27 reimbursement program.

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

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

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

36 (c) A periodically updated evaluation of the benefits and costs
37 to the state of expanding or furthering the strategies promoted in
38 the program.

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

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

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

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

11 (2) A city or county that newly exceeds a population of 25,000
12 residents after January 1, 2023, as measured by the office of
13 financial management, must adopt an ordinance under this subsection
14 no later than 12 months after the office of financial management's
15 determination that the local government's population has exceeded
16 25,000.

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

19 (a) Landscaping projects;

20 (b) Construction and postconstruction soil amendments;

21 (c) Applications to prevent erosion, filter stormwater runoff,
22 promote vegetation growth, or improve the stability and longevity of
23 roadways; and

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

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

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

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

39 (b) The volume and cost of compost purchased throughout the year;
40 and

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

2 (6) Cities and counties that are required to adopt an ordinance
3 under subsection (1) or (2) of this section shall give priority to
4 purchasing compost products from companies that produce compost
5 products locally, are certified by a nationally recognized
6 organization, and produce compost products that are derived from
7 municipal solid waste compost programs and meet quality standards
8 comparable to standards adopted by the department of transportation
9 or adopted by rule by the department of ecology.

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

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

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

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

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

16 **PART 7**

17 **MISCELLANEOUS**

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

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

25 (1) Provide adequate space for the colocation of organic material
26 waste and recycling collection containers with garbage containers, or
27 in the absence of colocation, requiring the posting of signage
28 notifying residents of where organic material waste and recycling
29 containers are located;

30 (2) Identify organic material waste collection containers with
31 appropriate and accurate signage and color to differentiate between
32 organic material waste, recycling, and garbage collection containers;
33 and

34 (3) Distribute annual waste sorting educational materials to all
35 residents.

36 NEW SECTION. **Sec. 702.** WORK GROUP TO STUDY FOOD DONATION BY
37 BUSINESSES. (1) The department of ecology's center for sustainable

1 food management created in chapter 70A.207 RCW must convene a work
2 group to address mechanisms to improve the rescue of edible food
3 waste from commercial generators, including food service, retail
4 establishments, and processors that generate excess supply of edible
5 food. The work group must consider:

6 (a) Logistics to phase in edible food donation programs,
7 including incentives;

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

10 (c) Assess asset gaps and food infrastructure development needs.
11 The work group must also facilitate the creation of networks and
12 partnerships to address gaps and needs and develop innovative
13 partnerships and models where appropriate; and

14 (d) Actions taken, costs, and lessons learned by other
15 jurisdictions in the United States that have enacted policies focused
16 on reducing edible commercially generated food waste and from
17 voluntary pilot projects carried out by commercial generators of food
18 waste.

19 (2) The department of ecology must submit a report to the
20 legislature by September 1, 2025, containing the recommendations of
21 the work group. The work group shall make recommendations using
22 consensus-based decision making. All meetings of the work group must
23 be carried out in a virtual-only format. The report must include
24 recommendations where general stakeholder consensus has been achieved
25 and note varied opinions where stakeholder consensus has not been
26 achieved.

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

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

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

35 (c) An environmental nonprofit organization that specializes in
36 waste and recycling issues;

37 (d) A statewide organization representing hospitality businesses;

38 (e) A retail grocery association;

39 (f) The department of ecology;

- 1 (g) Two different nonprofit organizations that specialize in food
2 recovery and hunger issues;
- 3 (h) Three different hunger relief organizations that represent
4 diverse needs from throughout the state;
- 5 (i) The department of agriculture;
- 6 (j) The office of the superintendent of public instruction;
- 7 (k) The department of health;
- 8 (l) One large and one small food distribution company;
- 9 (m) An organization representing food processors;
- 10 (n) A technology company currently focused on food rescue in
11 Washington; and
- 12 (o) Two open seats for appointed members of the work group to
13 nominate for department of ecology appointment if gaps in membership
14 are identified.

15 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of
16 this act or its application to any person or circumstance is held
17 invalid, the remainder of the act or the application of the provision
18 to other persons or circumstances is not affected.

19 NEW SECTION. **Sec. 704.** If specific funding for the purposes of
20 this act, referencing this act by bill or chapter number, is not
21 provided by June 30, 2024, in the omnibus appropriations act, this
22 act is null and void.

--- END ---