

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301

Chapter 341, Laws of 2024

68th Legislature
2024 Regular Session

WASTE MATERIAL MANAGEMENT—VARIOUS PROVISIONS

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024
Yeas 57 Nays 36

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2024
Yeas 30 Nays 19

DENNY HECK

President of the Senate

Approved March 28, 2024 2:26 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 29, 2024

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

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; adding new sections to chapter 70A.207
6 RCW; adding a new section to chapter 43.23 RCW; adding a new section
7 to chapter 70A.455 RCW; and creating new sections.

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

9 **PART 1**

10 **INTENT**

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

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

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

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

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

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

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

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

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

36 (a) Creating a variety of grant programs to support food waste
37 reduction, food rescue, and other organic material management system
38 improvements, including grants to support the implementation of new
39 policy requirements related to organic material management;

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

7 (c) Making changes to product degradability labeling
8 requirements; and

9 (d) Continuing to discuss how to maximize donations of food from
10 generators of unwanted edible food.

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

15 (a) Prevents wasted food;

16 (b) Donates or upcycles food;

17 (c) Feeds animals or leaves food unharvested;

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

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

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

24 PART 2

25 FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

26 NEW SECTION. **Sec. 201.** A new section is added to chapter
27 70A.207 RCW to read as follows:

28 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The
29 department, through the center, must develop and administer grant
30 programs to support activities that reduce emissions from landfills
31 and waste-to-energy facilities through the diversion of organic
32 materials and food waste prevention, rescue, and recovery. The
33 department must seek stakeholder input in the design, criteria, and
34 logistics associated with each grant program. The department must
35 allocate grant funding across the eligible categories specified in
36 subsection (2) of this section in a manner consistent with
37 legislative appropriations, and that achieves the following
38 priorities:

- 1 (a) Maximizing greenhouse gas emission reductions;
- 2 (b) Eliminating barriers to the rescue and consumption of edible
3 food that would otherwise be wasted;
- 4 (c) Developing stable funding programs for the department to
5 administer and stable funding opportunities for potential fund
6 recipients to be aware of; and
- 7 (d) Preferences the following management options, in order of
8 most preferred to least preferred:
- 9 (i) Prevents wasted food;
- 10 (ii) Donates or upcycles food;
- 11 (iii) Feeds animals or leaves food unharvested;
- 12 (iv) Composts or anaerobically digests materials with beneficial
13 use of the compost, digestate, or biosolids;
- 14 (v) Anaerobically digests materials with the disposal of
15 digestate or biosolids, or applies material to the land;
- 16 (vi) Sends materials down the drain, to landfills, or incinerates
17 material, with or without accompanying energy recovery.
- 18 (2) Subject to the availability of amounts appropriated for this
19 specific purpose, grants under this section may be awarded to the
20 following categories of activities:
- 21 (a) Projects to prevent the surplus of unsold, uneaten food from
22 food businesses or to standardize and improve the operating
23 procedures associated with food donations, including efforts to
24 standardize collection bins, provide staff training for food donors
25 or food rescue organizations, or make other changes to increase the
26 efficiency or efficacy of food donation procedures. Local
27 governments, federally recognized Indian tribes and federally
28 recognized Indian tribal government entities, nonprofit
29 organizations, and generators of unwanted edible food are eligible
30 applicants for grants under this subsection. Equipment and
31 infrastructure purchases, training costs, costs associated with the
32 development and deployment of operating protocols, and employee staff
33 time reimbursement are eligible uses of grant funding under this
34 subsection;
- 35 (b) (i) Projects to improve and reduce the transportation of
36 donated foods and management of cold chains across the donated food
37 supply chain, including through food rescue organizations. Local
38 governments, federally recognized Indian tribes and federally
39 recognized Indian tribal government entities, nonprofit
40 organizations, transporters of unwanted edible food, and generators

1 of unwanted edible food are eligible applicants for grants under this
2 subsection. Eligible uses of grant funding under this subsection
3 include the acquisition of vehicles, cold-storage equipment, real
4 estate, and technology to support donated food storage and
5 transportation system improvements.

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

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

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

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

34 (3) The department may establish additional eligibility criteria
35 or application process requirements beyond those described in
36 subsection (2) of this section for a category or categories of
37 activity. The department may, as a condition of the award of a grant
38 under this section, require the reporting of information to the
39 department regarding the outcomes of the funded activities.

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

8 NEW SECTION. **Sec. 202.** A new section is added to chapter
9 70A.207 RCW to read as follows:

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

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

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

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

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

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

36 (a) Coordinate the implementation of the plan;

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

4 (c) Maintain a website with current food waste reduction
5 information and guidance for food service establishments, consumers,
6 food processors, hunger relief organizations, and other sources of
7 food waste;

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

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

13 (f) Facilitate and coordinate public-private and nonprofit
14 partnerships focused on food waste reduction, including through
15 voluntary working groups;

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

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

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

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

28 (j) Research and develop emerging organic materials and food
29 waste reduction markets;

30 (k)(i) Develop and maintain statewide food waste reduction and
31 food waste contamination reduction campaigns, in consultation with
32 other state agencies and other stakeholders, including the
33 development of waste prevention and food waste recovery promotional
34 materials for distribution. These promotional materials may include
35 online information, newsletters, bulletins, or handouts that inform
36 food service establishment operators about the protections from civil
37 and criminal liability under federal law and under RCW 69.80.031 when
38 donating food; and

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

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

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

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

11 (m) Provide staff support to the work group created in section
12 701 of this act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

27 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction
28 shall develop, in consultation with the superintendent of public
29 instruction, an awards program to achieve waste reduction and
30 recycling in public schools, and to encourage waste reduction and
31 recycling in private schools, grades kindergarten through high
32 school. The office shall develop guidelines for program development
33 and implementation. Each public school shall, and each private school
34 may, implement a waste reduction and recycling program conforming to
35 guidelines developed by the office.

36 (2) For the purpose of granting awards, the office may group all
37 participating schools into not more than three classes, based upon
38 student population, distance to markets for recyclable materials, and
39 other criteria, as deemed appropriate by the office. Except as

1 otherwise provided, five or more awards may be granted to each of the
2 three classes. Each award shall be no more than ~~((five thousand
3 dollars))~~ \$5,000 until 2026, and no more than \$10,000 beginning
4 January 1, 2026. Awards shall be granted each year to the schools
5 that achieve the greatest levels of waste reduction and recycling. A
6 single award of not less than ~~((five thousand dollars))~~ \$5,000 until
7 2026 or \$10,000 beginning in 2026 may be presented to the school
8 having the best recycling program as measured by the total amount of
9 materials recycled, including materials generated outside of the
10 school. A single award of not less than ~~((five thousand dollars))~~
11 \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to
12 the school having the best waste reduction program as determined by
13 the office.

14 (3) The superintendent of public instruction shall distribute
15 guidelines and other materials developed by the office to implement
16 programs to reduce and recycle waste generated in administrative
17 offices, classrooms, laboratories, cafeterias, and maintenance
18 operations.

19 PART 3

20 AMENDMENTS TO SOLID WASTE LAWS

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

23 MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027,~~
24 ~~in))~~ Except as provided in subsection (3) of this section, in each
25 jurisdiction that implements a local solid waste plan under RCW
26 70A.205.040:

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

31 (i) All single-family residents; and
32 (ii) Nonresidential customers that generate more than .25 cubic
33 yards per week of organic materials for management; ~~((and))~~

34 (b) (i) The department may, by waiver, reduce the collection
35 frequency requirements in (a) of this subsection for the collection
36 of dehydrated food waste or to address food waste managed through
37 other circumstances or technologies that will reduce the volume or
38 odor, or both, of collected food waste.

1 (ii) All organic solid waste collected from single-family
2 residents and businesses under ((a)–of)) this subsection must be
3 managed through organic materials management;

4 (c) Beginning April 1, 2030, the source-separated organic solid
5 waste collection services specified in (a) of this subsection must be
6 provided to customers on a nonelective basis, except that a
7 jurisdiction may grant an exemption to a customer that certifies to
8 the jurisdiction that the customer is managing organic material waste
9 on-site or self-hauling its own organic material waste for organic
10 materials management;

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

16 (e) Beginning April 1, 2030, all persons, when using curbside
17 collection for disposal, may use only source-separated organic solid
18 waste collection services to discard unwanted organic materials. By
19 January 1, 2027, the department must develop guidance under which
20 local jurisdictions may exempt persons from this requirement if
21 organic materials will be managed through an alternative mechanism
22 that provides equal or better environmental outcomes. Nothing in this
23 section precludes the ability of a person to use on-site composting,
24 the diversion of organic materials to animal feed, self-haul organic
25 materials to a facility, or other means of beneficially managing
26 unwanted organic materials. For the purposes of this subsection
27 (1)(e), "person" or "persons" does not include multifamily
28 residences.

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

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

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

38 (ii) The jurisdiction has a total population of less than 25,000
39 people(~~;~~–~~or~~

1 ~~(iii) The jurisdiction has a total population between 25,000 and~~
2 ~~50,000 people and curbside organic solid waste collection services~~
3 ~~are not offered in any area within the jurisdiction, as of July 1,~~
4 ~~2022)).~~

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

6 (i) In census tracts that have a population density of less than
7 75 people per square mile that are serviced by the jurisdiction and
8 located in unincorporated portions of a county, as determined by the
9 department, in counties not planning under chapter 36.70A RCW;
10 ~~((and))~~

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

17 (iii) Outside of urban growth areas designated pursuant to RCW
18 36.70A.110 in unincorporated portions of a county planning under
19 chapter 36.70A RCW;

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

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

25 ~~(c) ((In addition to the exemptions in (a) and (b)))~~ A
26 jurisdiction that collects organic materials, but that does not
27 collect organic materials on a year-round basis as of January 1,
28 2024, is not required to provide year-round organic solid waste
29 collection services if it provides those services at least 26 weeks
30 annually.

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

1 to the department and to specify the department's process for
2 reviewing and approving waiver applications.

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

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

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

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

17 (7) The department must adopt new rules or amend existing rules
18 adopted under this chapter establishing permit requirements for
19 organic materials management facilities requiring a solid waste
20 handling permit addressing contamination associated with incoming
21 food waste feedstocks and finished products, for environmental
22 benefit.

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

25 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July
26 1st thereafter, the department must determine which counties and any
27 cities preparing independent solid waste management plans:

28 (i) Provide for businesses to be serviced by providers that
29 collect food waste and organic material waste for delivery to solid
30 waste facilities that provide for the organic materials management of
31 organic material waste and food waste; and

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

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

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

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

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

13 (B) In the event that a county or city provides a written
14 ~~((notification))~~ request and supporting evidence to the department
15 ~~((indicating))~~ determining that the criteria of (b)(i)(B) of this
16 subsection are met, and the department confirms this determination,
17 then the restrictions of this section do not apply to the
18 jurisdiction.

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

21 (d) The requirements of this section may be enforced by
22 jurisdictional health departments consistent with this chapter,
23 except that:

24 (i) A jurisdictional health department may not charge a fee to
25 permit holders to cover the costs of the jurisdictional health
26 department's administration or enforcement of the requirements of
27 this section; and

28 (ii) Prior to issuing a penalty under this section, a
29 jurisdictional health department must provide at least two written
30 notices of noncompliance with the requirements of this section to the
31 owner or operator of a business subject to the requirements of this
32 section.

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

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

1 (iii) Beginning January 1, 2026, a business that generates at
2 least ~~((four cubic yards of solid))~~ 96 gallons of organic material
3 waste per week shall arrange for organic materials management
4 services specifically for organic material waste, unless the
5 department determines, by rule, that additional reductions in the
6 landfilling of organic materials would be more appropriately and
7 effectively achieved, at reasonable cost to regulated businesses,
8 through the establishment of a different volumetric threshold of
9 ~~((solid waste or))~~ organic waste material ~~((waste))~~ than the
10 threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic
11 material waste per week.

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

- 14 (i) Wastes that are managed on-site by the generating business;
15 (ii) Wastes generated from the growth and harvest of food or
16 fiber that are managed off-site by another business engaged in the
17 growth and harvest of food or fiber;
18 (iii) Wastes that are managed by a business that enters into a
19 voluntary agreement to sell or donate organic materials to another
20 business for off-site use; ~~((and))~~
21 (iv) Wastes generated in exceptional volumes as a result of a
22 natural disaster or other infrequent and unpreventable event; and
23 (v) Wastes generated as a result of a food safety event, such as
24 a product recall, that is due to foreign material or adverse
25 biological activity that requires landfill destruction rather than
26 organic material management.

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

28 (a) Source separating organic material waste from other waste,
29 subscribing to a service that includes organic material waste
30 collection and organic materials management, and using such a service
31 for organic material waste generated by the business;

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

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

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

39 (4)(a) A business generating organic material waste shall arrange
40 for any services required by this section in a manner that is

1 consistent with state and local laws and requirements applicable to
2 the collection, handling, or recycling of solid and organic material
3 waste.

4 (b) Nothing in this section requires a business to dispose of
5 materials in a manner that conflicts with federal or state public
6 health or safety requirements. Nothing in this section requires
7 businesses to dispose of wastes generated in exceptional volumes as a
8 result of a natural disaster or other infrequent and unpreventable
9 event through the options established in subsection (3) of this
10 section. Nothing in this section prohibits a business from disposing
11 of nonfood organic materials that are not commingled with food waste
12 by using the services of an organic materials management facility
13 that does not accept food waste.

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

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

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

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

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

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

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

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

38 (d) Nothing in this section changes or limits the authority of
39 the Washington utilities and transportation commission to regulate
40 collection of solid waste, including curbside collection of

1 residential recyclable materials, nor does this section change or
2 limit the authority of a city or town to provide the service itself
3 or by contract under RCW 81.77.020.

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

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

10 (ii) "Business" does not include a multifamily residential
11 entity.

12 (b) "Food waste" has the same meaning as defined in RCW
13 70A.205.715.

14 **PART 4**

15 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

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

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

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

28 (b) Performance;

29 (c) Printability; and

30 (d) Cost.

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

33 (a) Produce producers and packers;

34 (b) Sticker and adhesive producers;

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

37 (d) Other technical experts.

1 **PART 5**

2 **PRODUCT DEGRADABILITY RESTRICTIONS**

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

5 FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable"
6 that is sold, offered for sale, or distributed for use in Washington
7 by a producer must meet at least one of the following equivalent
8 standard specifications:

9 (a) ~~((Meet))~~ ASTM standard specification D6400;

10 (b) ~~((Meet))~~ ASTM standard specification D6868; ~~((or))~~

11 (c) ASTM standard specification D8410;

12 (d) ISO standard specification 17088;

13 (e) EN standard specification 13432;

14 (f) A standard specification that is substantially similar to
15 those provided in (a) through (e) of this subsection, as determined
16 by the department; or

17 (g) Be comprised only of wood, which includes renewable wood, or
18 a fiber-based substrate ~~((only))~~ that contains:

19 (i) Greater than 98 percent fiber by dry weight; and

20 (ii) No plastic, plastic polymer or wax additives, or plastic or
21 wax coatings.

22 (2) A product described in subsection (1)(a) ~~((or (b)))~~ through
23 (f) of this section must:

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

26 (b) Feature labeling that:

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

29 (ii) Uses a logo indicating the product has been certified by a
30 recognized third-party independent verification body as meeting the
31 ~~((ASTM))~~ applicable standard specification;

32 (iii) Displays the word "compostable," where possible, indicating
33 the product has been tested by a recognized third-party independent
34 body and meets the ~~((ASTM))~~ applicable standard specification; and

35 (iv) Uses green, beige, or brown labeling, color striping, or
36 other green, beige, or brown symbols, colors, tinting, marks, or
37 design patterns that help differentiate compostable items from
38 noncompostable items.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 NEW SECTION. **Sec. 503.** A new section is added to chapter
6 70A.455 RCW to read as follows:

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

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

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

13 (3) The product is otherwise labeled in a manner consistent with
14 the requirements of this chapter, including RCW 70A.455.030,
15 70A.455.040, or 70A.455.050, as appropriate;

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

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

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

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

36 (b) The enforcement of this chapter must be based primarily on
37 complaints filed with the department and cities and counties. The
38 department must establish a forum for the filing of complaints.

1 Cities, counties, or any person may file complaints with the
2 department using the forum, and cities and counties may review
3 complaints filed with the department via the forum. The forum
4 established by the department may include a complaint form on the
5 department's website, a telephone hotline, or a public outreach
6 strategy relying upon electronic social media to receive complaints
7 that allege violations. The department, in collaboration with the
8 cities and counties, must provide education and outreach activities
9 to inform retail establishments, consumers, and producers about the
10 requirements of this chapter.

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

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

16 (ii) The geographic boundaries within which the enforcement
17 activities are planned; and

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

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

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

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

29 **PART 6**
30 **COMPOST PURCHASES**

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

33 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)
34 Subject to the availability of amounts appropriated for this specific
35 purpose, the department must establish and implement a compost
36 reimbursement program to reimburse farming operations in the state
37 for purchasing and using compost products that were not generated by
38 the farming operation, including transportation, spreading equipment,

1 labor, fuel, and maintenance costs associated with spreading
2 equipment. The grant reimbursements under the program begin July 1,
3 2023.

4 (b) For the purposes of this program, "farming operation" means:
5 A commercial agricultural, silvicultural, or aquacultural facility or
6 pursuit, including the care and production of livestock and livestock
7 products, poultry and poultry products, apiary products, and plant
8 and animal production for nonfood uses; the planting, cultivating,
9 harvesting, and processing of crops; and the farming or ranching of
10 any plant or animal species in a controlled salt, brackish, or
11 freshwater environment.

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

26 (3) The department must create a form for eligible farming
27 operations to apply for cost reimbursement for costs from purchasing
28 and using compost from facilities with solid waste handling permits
29 or that are permit exempt, including transportation, equipment,
30 spreading, and labor costs. Compost must meet the applicable
31 requirements for compost established by the department of ecology
32 under chapter 70A.205 RCW. The department must prioritize applicants
33 who purchase and use compost containing food waste feedstocks, where
34 it is practicable for the applicant to purchase and use compost
35 containing food waste feedstocks. All applications for cost
36 reimbursement must be submitted on the form along with invoices,
37 receipts, or other documentation acceptable to the department of the
38 costs of purchasing and using compost products for which the
39 applicant is requesting reimbursement, as well as a brief description
40 of what each purchased item will be used for. The department may

1 request that an applicant provide information to verify the source,
2 size, sale weight, or amount of compost products purchased and the
3 cost of transportation, equipment, spreading, and labor. The
4 applicant must also declare that it is not seeking reimbursement for
5 purchase or labor costs for:

6 (a) Its own compost products; or

7 (b) Compost products that it has transferred, or intends to
8 transfer, to another individual or entity, whether or not for
9 compensation.

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

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

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

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

26 (c) ~~((A farming operation is not eligible to receive more than~~
27 ~~\$10,000 per fiscal year))~~ The department must attempt to achieve fair
28 distribution of reimbursement funding across different farm size
29 categories, based on acreage categories determined by the department,
30 and which is not to exceed a maximum of \$20,000 per fiscal year for
31 the largest farming operation category determined by the department;

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

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

39 (6) The applicant shall indemnify and hold harmless the state and
40 its officers, agents, and employees from all claims arising out of or

1 resulting from the compost products purchased that are subject to the
2 compost reimbursement program under this section.

3 (7) There is established within the department a compost
4 reimbursement program manager position. The compost reimbursement
5 program manager must possess knowledge and expertise in the area of
6 program management necessary to carry out the duties of the position,
7 which are to:

8 (a) Facilitate the division and distribution of available costs
9 for reimbursement; and

10 (b) Manage the day-to-day coordination of the compost
11 reimbursement program.

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

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

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

20 (c) A periodically updated evaluation of the benefits and costs
21 to the state of expanding or furthering the strategies promoted in
22 the program.

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

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

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

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

33 (2) A city or county that newly exceeds a population of 25,000
34 residents after January 1, 2023, as measured by the office of
35 financial management, must adopt an ordinance under this subsection
36 no later than 12 months after the office of financial management's
37 determination that the local government's population has exceeded
38 25,000.

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

3 (a) Landscaping projects;

4 (b) Construction and postconstruction soil amendments;

5 (c) Applications to prevent erosion, filter stormwater runoff,
6 promote vegetation growth, or improve the stability and longevity of
7 roadways; and

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

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

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

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

23 (b) The volume and cost of compost purchased throughout the year;
24 and

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

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

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

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

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

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

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

PART 7
MISCELLANEOUS

1
2
3 NEW SECTION. **Sec. 701.** WORK GROUP TO STUDY FOOD DONATION BY
4 BUSINESSES. (1) The department of ecology's center for sustainable
5 food management created in chapter 70A.207 RCW must convene a work
6 group to address mechanisms to improve the rescue of edible food
7 waste from commercial generators, including food service, retail
8 establishments, and processors that generate excess supply of edible
9 food. The work group must consider:

10 (a) Logistics to phase in edible food donation programs,
11 including incentives;

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

14 (c) Assess asset gaps and food infrastructure development needs.
15 The work group must also facilitate the creation of networks and
16 partnerships to address gaps and needs and develop innovative
17 partnerships and models where appropriate; and

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

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

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

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

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

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

21 NEW SECTION. **Sec. 702.** SEVERABILITY CLAUSE. If any provision of
22 this act or its application to any person or circumstance is held
23 invalid, the remainder of the act or the application of the provision
24 to other persons or circumstances is not affected.

25 NEW SECTION. **Sec. 703.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2024, in the omnibus appropriations act, this
28 act is null and void.

Passed by the House March 5, 2024.
Passed by the Senate March 1, 2024.
Approved by the Governor March 28, 2024.
Filed in Office of Secretary of State March 29, 2024.

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