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**HOUSE BILL 1901**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Hunt, Berry, Doglio, Parshley, Duerr, Fitzgibbon, Ormsby, Ramel, Hill, Macri, and Pollet

Read first time 02/07/25. Referred to Committee on Environment & Energy.

1 AN ACT Relating to mattress producer responsibility  
2 organizations; reenacting and amending RCW 43.21B.110 and 43.21B.300;  
3 adding a new section to chapter 82.04 RCW; adding a new chapter to  
4 Title 70A RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) While mattresses are generally made of recyclable materials,  
8 the majority of mattresses are landfilled. There are few options for  
9 mattress recycling in Washington.

10 (2) Mattresses are bulky products that are difficult to handle,  
11 on average weighing 55 pounds and taking up about one cubic yard of  
12 landfill space, they float to the surface of landfills and are  
13 challenging to manage at transfer stations. They are illegally dumped  
14 along our roadways and in remote locations.

15 (3) There are economic benefits to increasing mattress recycling.  
16 Most mattress recyclers use manual labor to dismantle a mattress,  
17 which involves cutting it open, separating the components, and  
18 bailing them to then be recycled by other commodity recyclers into  
19 useful products elsewhere. Increasing the number of mattresses  
20 recycled will increase recycling jobs and reduce the environmental  
21 and economic costs of landfilling and illegal dumping.

1 (4) There are environmental benefits to increasing mattress  
2 recycling, which captures useful materials such as metal, foam, wood,  
3 and cotton for recycling, and reduces climate emissions associated  
4 with production of new materials and avoids their placement in  
5 landfills. Mattress recycling also avoids damage to solid waste  
6 equipment.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires  
9 otherwise.

10 (1) "Department" means the department of ecology.

11 (2) "Environmentally sound management practices" means practices  
12 that: (a) Comply with all applicable laws and rules to protect  
13 workers, public health, and the environment; (b) provide for adequate  
14 recordkeeping, tracking, and documenting of the fate of materials  
15 within the state and beyond; and (c) include comprehensive liability  
16 coverage for the producer responsibility organization, including  
17 environmental liability coverage that is commercially practicable.

18 (3) "Foundation" means a ticking-covered structure that is used  
19 to support a mattress or sleep surface and that may be constructed of  
20 frames, foam, box springs, or other materials, used alone or in  
21 combination.

22 (4) "Government entity" means any:

23 (a) County, city, town, or other local government, including any  
24 municipal corporation, quasi-municipal corporation, or special  
25 purpose district, or any office, department, division, bureau, board,  
26 commission, or agency thereof, or other local public agency;

27 (b) State office, department, division, bureau, board,  
28 commission, or other state agency;

29 (c) Federally recognized Indian tribe whose traditional lands and  
30 territories include parts of Washington; or

31 (d) Federal office, department, division, bureau, board,  
32 commission, or other federal agency.

33 (5) "Introduce" means to sell, offer for sale, or distribute  
34 within or into this state.

35 (6) (a) "Mattress" means:

36 (i) A resilient material or combination of materials that is  
37 enclosed by ticking, is used alone or in combination with other  
38 products, and is intended or promoted for sleeping upon;

39 (ii) A mattress topper;

1 (iii) A foundation; or  
2 (iv) The mattress component of a mattress-containing furniture  
3 piece, such as a sofa bed, where the mattress is easily separable  
4 from the rest of the furniture piece without specialized tools.  
5 (b) "Mattress" does not include:  
6 (i) A sleeping bag;  
7 (ii) A pillow;  
8 (iii) A waterbed, air mattress, or other product that contains  
9 liquid or gas-filled ticking and that does not contain upholstery  
10 material between the ticking and the mattress core; or  
11 (iv) A mattress-containing furniture piece, such as a sofa bed,  
12 where the mattress component is:  
13 (A) Not easily separable from the rest of the furniture piece  
14 without specialized tools; or  
15 (B) No longer included in the furniture piece.  
16 (7) "Mattress management hierarchy" means a management system of  
17 mattresses prioritized in descending order as follows:  
18 (a) Waste prevention and reduction;  
19 (b) Reuse, when reuse is appropriate;  
20 (c) Recycling, as defined in this chapter; and  
21 (d) Other means of end-of-life management, which may only be  
22 utilized after demonstrating to the department that it is not  
23 feasible to manage the mattresses under the higher priority options  
24 in (a) through (c) of this subsection.  
25 (8) "Person" means an individual, firm, corporation, association,  
26 partnership, consortium, joint venture, or commercial entity.  
27 (9) "Plan" means a description of the approach and activities  
28 developed by a producer responsibility organization to fulfill the  
29 requirements and to carry out the responsibilities of producers under  
30 this chapter.  
31 (10) "Producer" means the following person for a mattress  
32 introduced into this state:  
33 (a) If the mattress is sold under the brand of the mattress  
34 manufacturer, the producer is the person that manufactures the  
35 mattress;  
36 (b) If the mattress is sold under a retail brand or under a brand  
37 owned by a person other than the manufacturer, the producer is the  
38 brand owner;  
39 (c) If there is no person to which (a) or (b) of this subsection  
40 applies, the producer is the person that is the licensee of a brand

1 or trademark under which the mattress is introduced, whether or not  
2 the trademark is registered in this state;

3 (d) If there is no person described in (a) through (c) of this  
4 subsection within the United States, the producer is the person who  
5 is the importer of record for the mattress into the United States for  
6 use in a commercial enterprise that introduces the mattress in this  
7 state;

8 (e) If there is no person described in (a) through (d) of this  
9 subsection with a commercial presence within the state, the producer  
10 is the person who first introduces the mattress into this state.

11 (11) "Producer responsibility organization" means:

12 (a) A nonprofit organization that qualifies for a tax exemption  
13 under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code  
14 and is designated by a producer or group of producers to fulfill the  
15 requirements of this chapter;

16 (b) A producer that registers with the department as a producer  
17 responsibility organization; or

18 (c) An organization as defined by the department by rule.

19 (12) "Program" means a program implemented by a producer  
20 responsibility organization consistent with an approved producer  
21 responsibility plan under this chapter.

22 (13) "Recycling" means transforming or remanufacturing waste  
23 materials into usable or marketable materials for use other than:

24 (a) Combustion;

25 (b) Incineration;

26 (c) Energy generation;

27 (d) Fuel production; or

28 (e) Beneficial reuse in the construction and operation of a solid  
29 waste landfill, including use of alternative daily cover.

30 (14) "Retailer" means a person who sells mattresses in or into  
31 this state or offers or otherwise makes available mattresses to a  
32 customer, including other businesses, for use by the customer in this  
33 state.

34 (15) "Service provider" means an entity that serves as a  
35 collection site for mattresses or a processor of mattresses. A  
36 government entity that provides, contracts for, or otherwise arranges  
37 for another party to provide services within its jurisdiction may be  
38 a service provider regardless of whether it provided, contracted for,  
39 or otherwise arranged for similar services before the approval of the  
40 applicable plan.

1 (16) (a) "Ticking" means the outermost layer of fabric, or related  
2 material, of a mattress.

3 (b) "Ticking" does not include any layer of fabric or material  
4 quilted together with, or otherwise attached to, the outermost layer  
5 of fabric or material of a mattress.

6 NEW SECTION. **Sec. 3.** (1) A producer of a mattress introduced  
7 for use in this state shall implement a producer responsibility  
8 program through participation in and appropriate funding of a  
9 producer responsibility organization to develop and carry out  
10 implementation of an approved producer responsibility plan.

11 (2) By January 1, 2026, each producer must appoint a producer  
12 responsibility organization under which it will participate.

13 (3) By July 1, 2026, and annually thereafter, each producer must  
14 be listed as a member in good standing in a registration submitted to  
15 the department by a producer responsibility organization approved to  
16 operate under this chapter.

17 (4) Beginning January 1, 2030, a producer that is not a member in  
18 good standing with a registered producer responsibility organization  
19 and producer responsibility plan may not introduce mattresses covered  
20 by this chapter for use in this state.

21 (5) Participation in a producer responsibility organization does  
22 not waive or transfer any requirement or duty of a producer  
23 established by this chapter.

24 NEW SECTION. **Sec. 4.** (1) By March 1, 2026, and annually  
25 thereafter, a producer responsibility organization must register with  
26 the department on behalf of its producers. A registration submission  
27 by a producer responsibility organization must include the following:

28 (a) Contact information for a person responsible for implementing  
29 an approved plan;

30 (b) A list of all member producers that have entered into written  
31 agreements to operate under an approved plan by the producer  
32 responsibility organization, copies of the written agreements for  
33 each member producer, and a list of all brands of each producer's  
34 mattresses introduced;

35 (c) A plan for recruiting additional member producers and  
36 executing written agreements confirming producers will operate under  
37 an approved plan administered by the producer responsibility  
38 organization;

1 (d) A list of current board members and the executive director if  
2 different than the person responsible for implementing approved  
3 plans; and

4 (e) Documentation demonstrating adequate financial responsibility  
5 and financial controls to ensure proper management of funds and  
6 payment of the annual registration fee to the department.

7 (2)(a) Except as provided in (b) of this subsection, by May 1,  
8 2027, and each May 1st thereafter, a producer responsibility  
9 organization must submit the annual registration fee established in  
10 section 12 of this act to fund all costs of the department to  
11 implement, administer, and enforce this chapter.

12 (b) By September 1, 2026, a producer responsibility organization  
13 must submit a one-time payment to the department in an amount  
14 determined by the department to cover the costs of the department  
15 under this chapter from the effective date of this section through  
16 June 30, 2027.

17 (3) By July 1, 2028, or within six months of the adoption of  
18 rules under section 12 of this act, whichever comes later, each  
19 registered producer responsibility organization must submit a plan  
20 that meets the requirements of this chapter to the department for  
21 approval. A producer responsibility organization may submit a plan at  
22 any time to the department for review and approval, but must submit a  
23 plan no less than every five years.

24 (4) By January 1, 2030, or within one year of plan approval,  
25 whichever is later, implement the plan approved by the department.

26 (5) By June 1, 2030, and each June 1st thereafter, submit an  
27 annual report to the department for the prior calendar year.

28 (6) A producer responsibility organization registered with the  
29 department must:

30 (a) Ensure that each producer operating under a plan administered  
31 by the producer responsibility organization complies with the  
32 requirements of the plan and this chapter;

33 (b) Expel a producer from the producer responsibility  
34 organization if efforts to return the producer to compliance with the  
35 plan or the requirements of this chapter are unsuccessful and notify  
36 the department of the producer's expulsion;

37 (c) Consider and respond in writing to comments received from the  
38 advisory council, including justifications for not incorporating  
39 advisory council recommendations;

1 (d) Notify the department within 30 days of a change made to the  
2 contact information for a person responsible for implementing the  
3 plan, to board membership, or to the executive director;

4 (e) Reimburse service providers in a timely manner;

5 (f) Maintain a website and implement education and outreach  
6 activities as required under section 11 of this act; and

7 (g) Comply with all other applicable requirements of this  
8 chapter.

9 NEW SECTION. **Sec. 5.** (1) Beginning July 1, 2029, a retailer may  
10 not sell, offer for sale, distribute, or otherwise make available for  
11 sale a mattress for use in this state unless the producer of the  
12 mattress certifies to the retailer that the producer participates in  
13 a producer responsibility organization whose plan has been approved  
14 by the department.

15 (2) Retailers of mattresses are not required to make retail  
16 locations available to serve as collection sites for a stewardship  
17 program operated by a producer responsibility organization. Retailers  
18 that serve as a collection site must comply with the requirements for  
19 collection sites, consistent with section 9 of this act.

20 (3) A retailer selling or offering mattresses for use in this  
21 state must provide information to customers regarding available reuse  
22 and end-of-life management options offered through the producer  
23 responsibility program.

24 (4) Retailers, producers, or producer responsibility  
25 organizations may not charge a specific point-of-sale fee to  
26 consumers to cover the administrative or operational costs of the  
27 producer responsibility organization or the producer responsibility  
28 program.

29 NEW SECTION. **Sec. 6.** (1) A plan submitted by a producer  
30 responsibility organization under this act must:

31 (a) Describe the producer responsibility organization structure  
32 and governance and each producer and mattress brand covered in the  
33 plan;

34 (b) Propose performance goals, consistent with section 7 of this  
35 act;

36 (c) Describe how the producer responsibility organization will  
37 make retailers aware of their obligation to sell only mattresses of  
38 producers participating in an approved plan;

1 (d) Describe the education and communication strategy being  
2 implemented to effectively promote participation in the approved  
3 producer responsibility program and provide the information necessary  
4 for effective participation of consumers, businesses, government  
5 entities, retailers, and others;

6 (e) Describe how the producer responsibility organization will  
7 make available to retailers, for voluntary use, in-store signage,  
8 written materials, and other promotional materials that retailers may  
9 use to inform customers of the available reuse and end-of-life  
10 management options for mattresses offered through the producer  
11 responsibility program;

12 (f) List promotional activities to be undertaken, and the  
13 identification of consumer awareness goals and strategies that the  
14 program will employ to achieve these goals after the program begins  
15 to be implemented;

16 (g) Describe the method to establish and administer a means for  
17 fully funding the program in a manner that equitably distributes the  
18 program's costs among the producers that are part of the producer  
19 responsibility organization and includes plans and funding for  
20 infrastructure and market development. For producers that elect to  
21 meet the requirements of this chapter individually, the plan must  
22 describe the proposed method to establish and administer a means for  
23 fully funding the program. For a producer responsibility organization  
24 implementing a plan on behalf of multiple producers, describe the  
25 financing methods used to implement the plan, consistent with section  
26 8 of this act, including how producer fees and fee modulation will  
27 incorporate design for reuse, recycling, and resource conservation as  
28 objectives;

29 (h) Describe how the producer responsibility organization will  
30 pay for activities undertaken by collection sites associated with  
31 implementation of the program, and include a template service  
32 agreement and any other forms, contracts, or other documents for use  
33 in distribution of reimbursements;

34 (i) Describe how the program will collect all mattress types and  
35 brands on a free, continuous, convenient, visible, and accessible  
36 basis, and consistent with the requirements of section 8 of this act,  
37 including a description of how the statewide convenience standard  
38 will be met and a list of collection sites, the address and latitude  
39 and longitude of collection sites, and how the program will  
40 discourage and address illegal dumping;



1 (j) Describe the criteria to be used in the program to determine  
2 whether an entity may serve as a collection site for mattresses under  
3 the program;

4 (k) Identify:

5 (i) Proposed brokers, transporters, processors, and facilities to  
6 be used by the program for the reuse, recycling, or final disposition  
7 of mattresses; and

8 (ii) How collected mattresses will be managed:

9 (A) In a manner consistent with the mattress management  
10 hierarchy, including how each proposed facility used for the final  
11 disposition of mattresses will reuse, recycle, or otherwise manage  
12 mattresses; and

13 (B) At facilities operating in compliance with all applicable  
14 local, state, and federal laws and regulations. For any materials  
15 from collected mattresses that are managed outside of the United  
16 States, identify how the program will ensure that facilities operate  
17 in accordance with human health, labor, and environmental protection  
18 standards that are broadly equivalent to or better than those  
19 required in the United States;

20 (l) Detail how the program will achieve its target recycling  
21 rates, consistent with the requirements of section 7 of this act and  
22 calculated consistent with section 11 of this act, including by  
23 conducting research, as needed, related to improving used mattress  
24 collection, dismantling, and recycling operations, including pilot  
25 programs to test new processes, methods, or equipment on a local,  
26 regional, or otherwise limited basis;

27 (m) Describe how the public education and outreach components of  
28 the program under section 10 of this act will be implemented and how  
29 public awareness goals will be met;

30 (n) Describe how any disputes with residents, businesses,  
31 government entities, collectors, processors, and producers will be  
32 managed and resolved;

33 (o) Propose actions to be taken to make the mattress collection  
34 and reuse and recycling system more efficient, such as providing  
35 incentives for collection, reducing illegal dumping through campaigns  
36 and labeling, and additional collection opportunities; and

37 (p) A summary of consultations held with the advisory council and  
38 other interested parties to provide input to the plan, a list of  
39 recommendations that were incorporated into the plan as a result, and  
40 a list of rejected recommendations and the reasons for rejection.

1 (2) If required by the department, a producer responsibility  
2 organization must submit a new plan to the department for approval:

3 (a) If there are significant changes to the methods of  
4 collection, transport, or end-of-life management of mattresses under  
5 section 8 of this act that are not provided for in the plan. The  
6 department may, by rule, identify the types of significant changes  
7 that require a new plan to be submitted to the department for  
8 approval. For purposes of this subsection, adding or removing a  
9 processor or transporter under the plan is not considered a  
10 significant change that requires a plan resubmittal; and

11 (b) No less than every five years.

12 (3) As part of a producer responsibility plan, a producer  
13 responsibility organization must submit to the department a  
14 contingency plan.

15 (a) The contingency plan must demonstrate how the activities in  
16 the plan will continue to be carried out by some other entity, such  
17 as an escrow company, if needed:

18 (i) Until such time as a new or updated plan is submitted and  
19 approved by the department;

20 (ii) Upon the expiration of an approved plan;

21 (iii) If the producer responsibility organization notifies the  
22 department that it will cease to implement an approved plan; or

23 (iv) In any other event that the producer responsibility  
24 organization can no longer carry out plan implementation;

25 (b) The requirements of (a) of this subsection do not require a  
26 producer responsibility organization to hold funds in a dedicated  
27 account until such time as the contingency plan must be implemented;

28 (c) The department must follow the same process and timelines for  
29 reviewing and approving the contingency plan as it follows for the  
30 plan. The department may require a producer responsibility  
31 organization to revise the contingency plan coincident with any plan  
32 submittal.

33 (4) If required by the department, a producer responsibility  
34 organization must provide plan amendments to the department for  
35 approval:

36 (a) When proposing changes to the performance goals under section  
37 7 of this act based on the up-to-date experience of the program;

38 (b) When there is a change to the method of financing plan  
39 implementation under section 8 of this act. This does not include  
40 changes to the fees or fee structure established in the plan; or

1 (c) When adding or removing a processor or transporter.

2 (5) No earlier than five years after the initial approval of a  
3 plan, the department may require a producer responsibility  
4 organization to submit a revised plan, which may include improvements  
5 to the collection site network or increased expenditures dedicated to  
6 education and outreach if the approved plan has not met the  
7 performance goals under section 7 of this act.

8 NEW SECTION. **Sec. 7.** (1) Each producer responsibility plan must  
9 include performance goals that measure, on an annual basis, the  
10 achievements of the program. Performance goals must take into  
11 consideration technical feasibility and economic practicality in  
12 achieving continuous, meaningful progress in improving:

- 13 (a) The rate of mattress collection for recycling in Washington;
- 14 (b) The reuse and renovation rate of the program;
- 15 (c) The recycling rate of the program; and
- 16 (d) Public awareness of the program.

17 (2) The performance goals established in each producer  
18 responsibility plan must include, but are not limited to:

19 (a) Target annual collection rates based, at minimum, on the  
20 estimated total weight of mattresses that have been sold in the state  
21 in the previous three calendar years by the producers participating  
22 in the producer responsibility plan;

23 (b) Target recycling rates of at least 70 percent; and

24 (c) Goals for public awareness of the program established in  
25 section 10 of this act, including subgoals applicable to public  
26 awareness of the program in vulnerable populations and overburdened  
27 communities identified by the department under chapter 70A.02 RCW.

28 NEW SECTION. **Sec. 8.** (1) Producers shall fund the full costs of  
29 meeting the requirements established by this chapter.

30 (2) Each producer responsibility organization must ensure  
31 adequate funding is available to fully implement approved producer  
32 responsibility plans, including the implementation of aspects of the  
33 plan addressing:

34 (a) Mattress collection, transporting, and processing, including  
35 disposal of nonrecyclable mattresses;

36 (b) Education and outreach;

37 (c) Program evaluation; and

1 (d) Payment of the administrative fees to the department as  
2 required under section 12 of this act.

3 (3) A nonreimbursable point-of-sale fee may not be charged to  
4 consumers to recoup the costs of meeting producer obligations under  
5 this chapter.

6 (4) A producer responsibility organization implementing a  
7 producer responsibility plan on behalf of producers must develop, and  
8 continually improve over the years of program implementation, a  
9 system to collect charges from participating producers to cover the  
10 costs of plan implementation in an environmentally sound and socially  
11 just manner that encourages the use of design attributes that reduce  
12 the environmental impacts of mattresses, such as through the use of  
13 eco-modulated fees. Examples of fee structures that meet the  
14 requirements of this subsection include using eco-modulated fees to:

15 (a) Encourage designs intended to facilitate reuse and recycling;

16 (b) Encourage the use of recycled content;

17 (c) Discourage the use of problematic materials that increase  
18 system costs of managing mattresses;

19 (d) Encourage other design attributes that reduce the  
20 environmental impacts of mattresses; and

21 (e) Encourage the responsible management of mattresses in  
22 accordance with this chapter and discourage the illegal dumping of  
23 mattresses.

24 (5)(a) Each producer responsibility organization is responsible  
25 for all costs of participating mattress collection, transportation,  
26 processing, education, administration, agency reimbursement, delivery  
27 to a reuse operator, recycling, and end-of-life management in  
28 accordance with the mattress management hierarchy and environmentally  
29 sound management practices.

30 (b) Each producer responsibility organization must meet the  
31 collection goals as specified in section 7 of this act.

32 (c) A producer responsibility organization is not authorized to  
33 reduce or cease collection, education and outreach, or other  
34 activities implemented under an approved plan based on achievement of  
35 program performance goals.

36 (6)(a) A producer responsibility organization must reimburse  
37 government entities for demonstrable costs, as defined by rules  
38 adopted by the department, incurred as a result of a government  
39 entity's facility or solid waste handling facility serving as a  
40 collection site for a program including, but not limited to,

1 associated labor costs and other costs associated with accessibility  
2 and collection site standards such as storage.

3 (b) Except as to the costs of containers and other materials and  
4 services requirements addressed by a government entity or local  
5 government facility exercising the authority granted by section 9(4)  
6 of this act, a producer responsibility organization shall at a  
7 minimum provide collection sites with appropriate containers for  
8 mattresses subject to its program, signage, safety guidance, and  
9 educational materials, at no cost to the collection sites.

10 (c) A producer responsibility organization must include in its  
11 producer responsibility plan a template of the service agreement and  
12 any other forms, contracts, or other documents for use in  
13 distribution of reimbursements. The service agreement template must  
14 be developed with government entity input. The entities seeking or  
15 receiving reimbursement from the producer responsibility organization  
16 are not required to use the template agreement included in the  
17 program plan and are not limited to the terms of the template  
18 agreement included in the program plan.

19 NEW SECTION. **Sec. 9.** (1) Producer responsibility organizations  
20 implementing a producer responsibility program must provide for the  
21 collection of all mattresses, including all types and brands of  
22 mattresses, on a free, continuous, convenient, visible, and  
23 accessible basis to any person, business, government agency, or  
24 nonprofit organization. Each producer responsibility program plan  
25 must:

26 (a) Allow any person, business, government agency, or nonprofit  
27 organization to discard each type and brand of mattress at each  
28 collection site that counts towards the satisfaction of the  
29 collection site criteria in subsection (3) of this section;

30 (b) Incentivize the responsible management of mattresses in  
31 accordance with this chapter and discourage the illegal dumping of  
32 mattresses; and

33 (c) Provide a collection mechanism for capturing mattresses  
34 illegally dumped.

35 (2)(a) For each collection site utilized by the program, each  
36 producer responsibility organization must provide suitable collection  
37 containers for mattresses that are segregated from other solid waste  
38 or make mutually agreeable alternative arrangements for the  
39 collection of mattresses at the site. The location of collection

1 containers at each collection site used by the program must be  
2 accompanied by signage made available to the collection site by the  
3 producer responsibility organization that informs customers regarding  
4 the end-of-life management options for mattresses provided by the  
5 collection site under this chapter. Each collection site must adhere  
6 to the operations manual and other safety information provided to the  
7 collection site by the producer responsibility organization.

8 (b) Each producer responsibility organization must provide for  
9 collection of nonrecyclable mattresses in each county of the state,  
10 either through collection sites or collection events.

11 (3)(a) Each producer responsibility organization implementing a  
12 producer responsibility program plan shall ensure statewide  
13 collection opportunities for all mattresses. Producer responsibility  
14 organizations shall coordinate activities with other program  
15 operators, including mattress collection and recycle programs, with  
16 regard to the proper management or recycling of collected mattresses,  
17 for purposes of providing the efficient delivery of services and  
18 avoiding unnecessary duplication of effort and expense. Statewide  
19 collection opportunities must be determined by geographic information  
20 modeling that considers permanent collection sites.

21 (b) Each producer responsibility program shall provide:

22 (i) At least one permanent collection site within a 15 mile  
23 radius for at least 95 percent of Washington residents;

24 (ii) The establishment of collection sites that are accessible  
25 and convenient to overburdened communities identified by the  
26 department under chapter 70A.02 RCW, in an amount that is roughly  
27 proportional to the number and population of overburdened communities  
28 identified by the department under chapter 70A.02 RCW relative to the  
29 population or size of the state as a whole;

30 (iii) At least one permanent collection site in addition to those  
31 required in (b)(i) of this subsection for every 30,000 residents of  
32 each urban area in this state. For the purposes of compliance with  
33 this subsection (3)(b)(iii), a producer responsibility organization  
34 and the department may rely upon new or updated designations of urban  
35 locations by the United States census bureau that are determined by  
36 the department to be similar to the state definition of urban areas  
37 under chapter 70A.555 RCW;

38 (iv) Collection opportunities at special locations where  
39 mattresses are often spent and replaced, such as college campuses;  
40 and

1 (v) Service to areas without a permanent collection site,  
2 including service to island and geographically isolated communities  
3 without a permanent collection site.

4 (c) Producer responsibility programs may use curbside collection  
5 services in lieu of permanent collection sites as required under  
6 (b)(iii) of this subsection and to meet the requirements of (b)(iv)  
7 and (v) of this subsection provided that no fee is charged for  
8 curbside collection services.

9 (4)(a) Producer responsibility programs must use existing public  
10 and private waste collection services and facilities, including  
11 mattress collection sites that are established through other mattress  
12 collection services, transporters, consolidators, processors, and  
13 retailers, where cost-effective, mutually agreeable, and otherwise  
14 practicable.

15 (b)(i) Producer responsibility programs must use as a collection  
16 site for mattresses any retailer, wholesaler, municipality, solid  
17 waste management facility, or other entity that meets the criteria  
18 for collection sites in the approved plan, upon the submission of a  
19 request by the entity to the producer responsibility organization to  
20 serve as a collection site.

21 (ii) Producer responsibility programs must use as a site for a  
22 collection event for mattresses any retailer, wholesaler,  
23 municipality, solid waste management facility, or other entity that  
24 meets the criteria for collection events in the approved plan, upon  
25 the submission of a request by the entity to the producer  
26 responsibility organization to serve as a site for a collection  
27 event. A signed agreement between a producer responsibility  
28 organization and the entity requesting to hold a collection event  
29 must be established at least 60 days prior to any collection of  
30 mattresses under a stewardship program. All costs associated with  
31 collection events initiated by an entity other than a producer  
32 responsibility organization are the sole responsibility of the entity  
33 unless otherwise agreed upon by a producer responsibility  
34 organization. A collection event under this subsection (4)(b)(ii)  
35 must allow any person to discard each type and brand of covered  
36 mattress at the collection event.

37 NEW SECTION. **Sec. 10.** (1) Each producer responsibility  
38 organization must carry out promotional activities in support of plan  
39 implementation including, but not limited to, the development:

1 (a) And maintenance of a website;

2 (b) And distribution of periodic press releases and articles;

3 (c) And placement of advertisements for use on social media or  
4 other relevant media platforms;

5 (d) Of promotional materials about the program and the  
6 restriction on the disposal of mattresses to be used by retailers,  
7 government agencies, and nonprofit organizations;

8 (e) And implementation of outreach and educational resources  
9 targeted to overburdened communities and vulnerable populations  
10 identified by the department under chapter 70A.02 RCW that are  
11 conceptually, linguistically, and culturally accurate for the  
12 communities served and reach the state's diverse ethnic populations,  
13 including through meaningful consultation with communities that bear  
14 disproportionately higher levels of adverse environmental and social  
15 justice impacts.

16 (2) Each producer responsibility organization must provide  
17 consumer-focused educational promotional materials to each collection  
18 site used by the program and retailers that sell mattresses, and make  
19 them directly accessible to customers on the organization's own  
20 website.

21 (3) Each producer responsibility organization must provide  
22 outreach and educational resources to service providers for the  
23 management of mattresses prior to the implementation of the program.

24 (4) Upon request by a retailer, the producer responsibility  
25 organization must provide the retailer educational materials  
26 describing collection opportunities for mattresses.

27 (5) If multiple producer responsibility organizations are  
28 implementing plans approved by the department, the producer  
29 responsibility organizations must coordinate in carrying out their  
30 education and outreach responsibilities under this section and must  
31 include in their annual reports to the department under section 11 of  
32 this act a summary of their coordinated education and outreach  
33 efforts.

34 (6) During the fourth year of program implementation and every  
35 five years thereafter, each producer responsibility organization must  
36 carry out a survey of public awareness regarding the requirements of  
37 the program established under this chapter. Each producer  
38 responsibility organization must share the results of the public  
39 awareness surveys with the department.



1        NEW SECTION.    **Sec. 11.**    (1) By June 1, 2030, and each June 1st  
2 thereafter, each producer responsibility organization must submit an  
3 annual report to the department covering the preceding calendar year  
4 of producer responsibility plan implementation. The report must  
5 include the following elements, based on information provided by each  
6 participating producer:

7        (a) An independent financial assessment of a program implemented  
8 by the producer responsibility organization, including a breakdown of  
9 the program's expenses, such as collection, reuse, recycling,  
10 education, and overhead, when required by the department;

11        (b) A summary financial statement documenting the financing of a  
12 producer responsibility organization's program and an analysis of  
13 program costs and expenditures, including an analysis of the  
14 program's expenses, such as collection, transportation, reuse,  
15 recycling, education, and administrative overhead, and activities and  
16 investments undertaken related to infrastructure and market  
17 development. The summary financial statement must be sufficiently  
18 detailed to provide transparency that funds collected from producers  
19 as a result of their activities in this state are spent on program  
20 implementation in this state. Producer responsibility organizations  
21 implementing similar producer responsibility programs in multiple  
22 states may submit a financial statement including all covered states,  
23 as long as the statement breaks out financial information pertinent  
24 to this state;

25        (c) The estimated aggregate sales, by unit, weight, and type, of  
26 mattresses sold in this state by participating producers for each of  
27 the previous three calendar years;

28        (d) The unit and weight, by type, of mattresses collected under  
29 the program and the collection rate achieved under the program,  
30 including a description of how this collection rate was calculated;

31        (e) The number of mattresses managed relative to the state's  
32 mattress management hierarchy, including weight of materials recycled  
33 from mattresses collected under the program, in total, and by method  
34 of mattress recycling;

35        (f) A calculation of the recycling rates, as measured consistent  
36 with subsection (2) of this section;

37        (g) For each facility used for the reuse, recycling, or final  
38 disposition of mattresses, a description of how the facility reused,  
39 recycled or otherwise disposed of mattresses and mattress components,

1 including a discussion of best available technologies and the  
2 recycling rate;

3 (h) The weight and type of mattresses sent to each facility used  
4 for reuse, recycling, or the final disposition of mattresses. The  
5 information in this subsection (1)(h) may be approximated for program  
6 operations in this state based on extrapolations of national or  
7 regional data for programs in operation in multiple states;

8 (i) A description of education and outreach efforts supporting  
9 plan implementation including, but not limited to, a:

10 (i) Summary of education and outreach provided to consumers,  
11 including to diverse populations and through culturally and  
12 linguistically appropriate materials, collection sites, government  
13 entities, manufacturers, distributors, and retailers by the producer  
14 responsibility organization for the purpose of promoting the  
15 collection and reuse or recycling of mattresses;

16 (ii) Description of how the education and outreach met the  
17 requirements of section 10 of this act and samples of education and  
18 outreach materials;

19 (iii) Summary of coordinated education and outreach efforts with  
20 any other producer responsibility organization implementing a plan  
21 approved by the department; and

22 (iv) Summary of any changes made during the previous calendar  
23 year to education and outreach activities;

24 (j) A list of all collection sites, including accompanying  
25 latitude and longitude data and an address for each listed site, and  
26 an up-to-date map indicating the location of all collection sites  
27 used to implement the program with links to appropriate websites  
28 where there are existing websites associated with a site;

29 (k) A description of methods and services used to collect,  
30 transport, and reuse and recycle mattresses by the producer  
31 responsibility organization, including population coverage and  
32 accessibility in accordance with section 9 of this act;

33 (l) A summary on progress made towards the program performance  
34 goals established under section 7 of this act, and an explanation of  
35 why any performance goals were not met; and

36 (m) An evaluation of the effectiveness of education and outreach  
37 activities and customer service efforts.

38 (2) The weight of mattresses or recovered resources from those  
39 mattresses must only be counted once and may not be counted by more  
40 than one producer responsibility organization.

1 (3) In addition to the requirements of subsection (1) of this  
2 section, with respect to each facility used in the processing or  
3 disposition of mattresses collected under the program, the producer  
4 responsibility organization must report:

5 (a) Whether the facility is located domestically, in an  
6 organization for economic cooperation and development country, or in  
7 a country that meets organization for economic cooperation and  
8 development operating standards; and

9 (b) What facilities processed the mattresses, including a summary  
10 of any violations of environmental or labor laws and regulations over  
11 the previous three years at each facility.

12 (4) If a producer responsibility organization has disposed of  
13 mattresses through energy recovery, incineration, or landfilling  
14 during the preceding calendar year of program implementation, the  
15 annual report must specify the steps that the producer responsibility  
16 organization will take to make the reuse or recycling of mattresses  
17 cost-effective, where possible, or to otherwise increase mattress  
18 recycling rates achieved by the producer responsibility organization.

19 (5) Each producer must submit all information and records  
20 necessary for the producer responsibility organization to meet the  
21 reporting requirements of this section.

22 (6) A producer or producer responsibility organization that  
23 submits information or records to the department under this chapter  
24 may request that the information or records be made available only  
25 for the confidential use of the department, the director of the  
26 department, or the appropriate division of the department. The  
27 director of the department must consider the request and if this  
28 action is not detrimental to the public interest and is otherwise in  
29 accordance with the policies and purposes of chapter 43.21A RCW, the  
30 director must grant the request for the information to remain  
31 confidential as authorized in RCW 43.21A.160.

32 NEW SECTION. **Sec. 12.** (1) The department must adopt rules as  
33 necessary for the purpose of implementing, administering, and  
34 enforcing this chapter.

35 (2) The department must:

36 (a) By March 31, 2026, determine the one-time payment to the  
37 department to cover the costs of the department under this chapter  
38 from the effective date of this section through June 30, 2027;

39 (b) By March 31, 2027, and each March 31st thereafter:

1 (i) Determine the total registration annual fee to be paid by  
2 each producer responsibility organization that is adequate to cover,  
3 but not exceed, the costs to implement, administer, and enforce this  
4 chapter in the next fiscal year; and

5 (ii) Adjust the fee to account for funds received during the  
6 previous year by:

7 (A) Applying any remaining annual fee payment funds from the  
8 current year to the annual fee for the coming fiscal year if the  
9 collected annual fee exceeds the costs for a given year; and

10 (B) Increasing annual fees for the coming fiscal year to cover  
11 the costs if the collected annual fee was less than the amount  
12 required to cover costs for a given year;

13 (c) By January 1, 2028, adopt rules to equitably determine annual  
14 registration fees for producer responsibility organizations if the  
15 department has approved the registration of more than one producer  
16 responsibility organization; and

17 (d) Send notice to each producer responsibility organization of  
18 fee amounts due.

19 (3) The responsibilities of the department in implementing,  
20 administering, and enforcing this chapter include, but are not  
21 limited to:

22 (a) By January 1, 2026, appointing the initial membership of the  
23 advisory council, and providing administrative and operating support  
24 to the advisory council, as required under section 15 of this act;

25 (b) By March 1, 2026, accepting the registration of producer  
26 responsibility organizations;

27 (c) Reviewing submitted producer responsibility plans and plan  
28 amendments and making determinations as to whether to approve the  
29 plan or plan amendment:

30 (i) The department must provide a letter of approval for the plan  
31 or plan amendment if it provides for the establishment of a producer  
32 responsibility program that meets the requirements of sections 3  
33 through 9 of this act;

34 (ii) If a plan or plan amendment is rejected, the department must  
35 provide the reasons for rejecting the plan to the producer  
36 responsibility organization. The producer responsibility organization  
37 must submit a new plan within 60 days after receipt of the letter of  
38 disapproval; and

39 (iii) When a plan or an amendment to an approved plan is  
40 submitted under this section, the department shall make the proposed

1 plan or amendment available for public review and comment for at  
2 least 30 days;

3 (d) Reviewing annual reports submitted under section 11 of this  
4 act within 90 days of submission to ensure compliance with that  
5 section;

6 (e)(i) Maintaining a website that lists producers and their  
7 brands that are participating in an approved plan, and that makes  
8 available to the public each plan, plan amendment, and annual report  
9 received by the department under this chapter;

10 (ii) Upon the date the first plan is approved, the department  
11 must post on its website a list of producers and their brands for  
12 which the department has approved a plan. The department must update  
13 the list of producers and brands participating under an approved  
14 program plan based on information provided to the department from  
15 producer responsibility organizations; and

16 (f) Providing technical assistance to producers and retailers  
17 related to the requirements of this chapter and issuing orders or  
18 imposing civil penalties authorized under section 13 of this act  
19 where the technical assistance efforts do not lead to compliance by a  
20 producer or retailer.

21 (4) Beginning January 1, 2034, and every five years thereafter,  
22 after consultation with producer responsibility organizations, the  
23 department may by rule increase the minimum recycling rates  
24 established in section 7 of this act based on the most economically  
25 and technically feasible processes and methodologies available.

26 NEW SECTION. **Sec. 13.** (1)(a) The department may  
27 administratively impose a civil penalty on a person who violates this  
28 chapter in an amount of up to \$1,000 per violation per day.

29 (b) The department may administratively impose a civil penalty of  
30 up to \$10,000 per violation per day on a person for repeated  
31 violations of this chapter or failure to comply with an order issued  
32 under (c) of this subsection.

33 (c) Whenever on the basis of any information the department  
34 determines that a person has violated or is in violation of this  
35 chapter, the department may issue an order requiring compliance. A  
36 person who fails to take corrective action as specified in a  
37 compliance order is liable for a civil penalty as provided in (b) of  
38 this subsection, without receiving a written warning prescribed in  
39 (e) of this subsection.

1 (d) A person who is issued an order or incurs a penalty under  
2 this section may appeal the order or penalty to the pollution control  
3 hearings board established in chapter 43.21B RCW.

4 (e) Prior to imposing penalties under this section, the  
5 department must provide a producer, retailer, or producer  
6 responsibility organization with a written warning for the first  
7 violation by the producer, retailer, or producer responsibility  
8 organization of the requirements of this chapter. The written warning  
9 must inform a producer, retailer, or producer responsibility  
10 organization that it must participate in an approved plan or  
11 otherwise come into compliance with the requirements of this chapter  
12 within 30 days of the notice. A producer, retailer, or producer  
13 responsibility organization that violates a provision of this chapter  
14 after the initial written warning may be assessed a penalty as  
15 provided in this subsection.

16 (2) Penalties levied under subsection (1) of this section must be  
17 deposited in the responsible mattress management account created in  
18 section 14 of this act.

19 NEW SECTION. **Sec. 14.** The responsible mattress management  
20 account is created in the custody of the state treasurer. All  
21 receipts from fees paid under this chapter must be deposited in the  
22 account. Only the director of the department or the director's  
23 designee may authorize expenditures from the account. The account is  
24 subject to allotment procedures under chapter 43.88 RCW, but an  
25 appropriation is not required for expenditures. Moneys in the account  
26 may be used solely by the department for administering, implementing,  
27 and enforcing the requirements of this chapter. Funds in the account  
28 may not be diverted for any purpose or activity other than those  
29 specified in this section.

30 NEW SECTION. **Sec. 15.** (1) The advisory council on responsible  
31 management of mattresses is created.

32 (2) (a) The advisory council on responsible management of  
33 mattresses consists of not more than 12 members appointed by the  
34 department to represent the interests of the following entities:

35 (i) Government entities representing geographic areas across the  
36 state representative of urban and rural communities, including at  
37 least one representative of counties and at least one representative  
38 of cities;

1 (ii) The solid waste industry, including a representative of  
2 tribal or indigenous solid waste services organizations;

3 (iii) Service providers that serve as collectors, transporters,  
4 or processors of mattresses;

5 (iv) The environmental community;

6 (v) A small business not otherwise eligible for representation  
7 under this subsection;

8 (vi) Producers, producer trade associations, or producer  
9 responsibility organizations;

10 (vii) Retail establishments; and

11 (viii) Consumer rights organizations.

12 (b) A member appointed to the advisory council under this  
13 subsection may not be a representative or a member of the board of  
14 directors of a producer responsibility organization registered with  
15 the department under section 4 of this act.

16 (3) Advisory councilmembers must be appointed by the director of  
17 the department by January 1, 2026. In appointing members, the  
18 department shall:

19 (a) Appoint members that, to the greatest extent practicable,  
20 represent diversity in race, ethnicity, age, and gender, urban and  
21 rural areas, and different regions of the state;

22 (b) Consider recommendations for appointments from relevant  
23 represented groups or associations and from individuals interested in  
24 participating on the advisory council.

25 (4) (a) The terms of initial appointments must be staggered to two  
26 and three-year appointments, with subsequent terms of three years.  
27 Members are eligible for reappointment.

28 (b) If there is a vacancy for any reason, the department shall  
29 make an appointment to become effective immediately for the unexpired  
30 term.

31 (5) (a) The advisory council shall elect one of its members to  
32 serve as chairperson and another to serve as vice chairperson, for  
33 the terms and with the duties and powers necessary for the  
34 performance of the functions of such offices as the advisory council  
35 determines. The chairperson and vice chairperson may not both be  
36 members appointed under the same subsection of subsection (2) (a) (i)  
37 through (viii) of this section.

38 (b) The advisory council may adopt bylaws and a charter for the  
39 operation of its business for the purposes of this chapter.

1 (6) The advisory council shall meet at least once every three  
2 months for the first three years, at times and places specified by  
3 the chairperson. The advisory council may also meet at other times  
4 and places, including virtually, specified by the call of the  
5 chairperson or of a majority of the councilmembers, as necessary, to  
6 carry out the duties of the advisory council.

7 (7) (a) The department shall provide staff support and  
8 facilitation as necessary for the advisory council to carry out its  
9 duties.

10 (b) The department may select an impartial, third-party  
11 facilitator to convene and provide administrative support to the  
12 advisory council.

13 (8) The duties of the advisory council include the following:

14 (a) Advise and make recommendations to any registered producer  
15 responsibility organization during review of stakeholder consultation  
16 on plans prior to submission as required under section 6 of this act;

17 (b) Review and comment on all new and updated plans submitted by  
18 a producer responsibility organization to the department, including  
19 making recommendations to the department on plan approvals, as part  
20 of the public comment period as established under section 12 of this  
21 act;

22 (c) Advise and make recommendations to any registered producer  
23 responsibility organization on annual reports prior to submission as  
24 established in section 11 of this act;

25 (d) Review and comment on all annual reports submitted by  
26 producer responsibility organizations to the department, including  
27 making recommendations to the department regarding the need for any  
28 plan amendments or other recommendations regarding program  
29 activities;

30 (e) Provide input, review, and comment on rules proposed by the  
31 department under this chapter.

32 (9) Advisory councilmembers that are representatives of tribes or  
33 tribal and indigenous services organizations or community-based and  
34 environmental nonprofit organizations must, if requested, be  
35 compensated and reimbursed in accordance with RCW 43.03.050,  
36 43.03.060, and 43.03.220.

37 (10) The department must include costs related to the advisory  
38 council in the estimate of annual costs as established in section 12  
39 of this act, including costs for:

40 (a) Department resources, including staff time;



1 (b) A third-party facilitator, including related costs; and

2 (c) Expenses related to member participation.

3 (11) Nothing in this section limits the authority of the  
4 department to approve plans or reports or carry out other duties as  
5 assigned under this chapter.

6 NEW SECTION. **Sec. 16.** Producers or producer responsibility  
7 organizations acting on behalf of producers that prepare, submit, and  
8 implement a producer responsibility program plan pursuant to this  
9 chapter and who are thereby subject to regulation by the department  
10 are granted immunity from state laws relating to antitrust, restraint  
11 of trade, unfair trade practices, and other regulation of trade and  
12 commerce, for the limited purpose of planning, reporting, and  
13 operating a producer responsibility program, including the:

14 (1) Creation, implementation, or management of a producer  
15 responsibility organization and any producer responsibility plan  
16 regardless of whether it is submitted, denied, or approved;

17 (2) Determination of the cost and structure of a producer  
18 responsibility plan; and

19 (3) Types or quantities of mattresses being recycled or otherwise  
20 managed pursuant to this chapter.

21 NEW SECTION. **Sec. 17.** Nothing in this chapter changes or limits  
22 the authority of the Washington utilities and transportation  
23 commission to regulate collection of solid waste, including curbside  
24 collection of residential recyclable materials, nor does this chapter  
25 change or limit the authority of a city or town to provide the  
26 service itself or by contract under RCW 81.77.020.

27 NEW SECTION. **Sec. 18.** A new section is added to chapter 82.04  
28 RCW to read as follows:

29 (1) This chapter does not apply to the receipts of a producer  
30 responsibility organization formed under chapter 70A.--- RCW (the new  
31 chapter created in section 19 of this act) from charges to  
32 participating producers under a producer responsibility program as  
33 provided in section 8 of this act.

34 (2) This section is not subject to the requirements of RCW  
35 82.32.805 and 82.32.808 and is not subject to an expiration date.

36 (3) The definitions in section 2 of this act apply throughout  
37 this section unless the context clearly requires otherwise.

1        NEW SECTION.        **Sec. 19.**        Sections 1 through 17 of this act  
2 constitute a new chapter in Title 70A RCW.

3        NEW SECTION.        **Sec. 20.**        If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7        **Sec. 21.**        RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and  
8 2024 c 339 s 16 are each reenacted and amended to read as follows:

9        (1) The hearings board shall only have jurisdiction to hear and  
10 decide appeals from the following decisions of the department, the  
11 director, local conservation districts, the air pollution control  
12 boards or authorities as established pursuant to chapter 70A.15 RCW,  
13 local health departments, the department of natural resources, the  
14 department of fish and wildlife, the parks and recreation commission,  
15 and authorized public entities described in chapter 79.100 RCW:

16        (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and  
17 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,  
18 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100,  
19 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040,  
20 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,  
21 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020,  
22 70A.565.030, section 13 of this act, 76.09.170, 77.55.440, 78.44.250,  
23 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and  
24 90.64.102.

25        (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
26 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,  
27 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,  
28 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,  
29 70A.565.030, section 13 of this act, 86.16.020, 88.46.070, 90.03.665,  
30 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

31        (c) Except as provided in RCW 90.03.210(2), the issuance,  
32 modification, or termination of any permit, certificate, or license  
33 by the department or any air authority in the exercise of its  
34 jurisdiction, including the issuance or termination of a waste  
35 disposal permit, the denial of an application for a waste disposal  
36 permit, the modification of the conditions or the terms of a waste  
37 disposal permit, a decision to approve or deny a solid waste  
38 management plan under RCW 70A.205.055, approval or denial of an

1 application for a beneficial use determination under RCW 70A.205.260,  
2 an application for a change under RCW 90.03.383, or a permit to  
3 distribute reclaimed water under RCW 90.46.220.

4 (d) Decisions of local health departments regarding the granting  
5 or denial of solid waste permits pursuant to chapter 70A.205 RCW,  
6 including appeals by the department as provided in RCW 70A.205.130.

7 (e) Decisions of local health departments regarding the issuance  
8 and enforcement of permits to use or dispose of biosolids under RCW  
9 70A.226.090.

10 (f) Decisions of the department regarding waste-derived  
11 fertilizer or micronutrient fertilizer under RCW 15.54.820.

12 (g) Decisions of local conservation districts related to the  
13 denial of approval or denial of certification of a dairy nutrient  
14 management plan; conditions contained in a plan; application of any  
15 dairy nutrient management practices, standards, methods, and  
16 technologies to a particular dairy farm; and failure to adhere to the  
17 plan review and approval timelines in RCW 90.64.026 as provided in  
18 RCW 90.64.028.

19 (h) Any other decision by the department or an air authority  
20 which pursuant to law must be decided as an adjudicative proceeding  
21 under chapter 34.05 RCW.

22 (i) Decisions of the department of natural resources, the  
23 department of fish and wildlife, and the department that are  
24 reviewable under chapter 76.09 RCW, and the department of natural  
25 resources' appeals of county, city, or town objections under RCW  
26 76.09.050(7).

27 (j) Forest health hazard orders issued by the commissioner of  
28 public lands under RCW 76.06.180.

29 (k) Decisions of the department of fish and wildlife to issue,  
30 deny, condition, or modify a hydraulic project approval permit under  
31 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
32 comply, to issue a civil penalty, or to issue a notice of intent to  
33 disapprove applications.

34 (l) Decisions of the department of natural resources that are  
35 reviewable under RCW 78.44.270.

36 (m) Decisions of an authorized public entity under RCW 79.100.010  
37 to take temporary possession or custody of a vessel or to contest the  
38 amount of reimbursement owed that are reviewable by the hearings  
39 board under RCW 79.100.120.

1 (n) Decisions of the department of ecology that are appealable  
2 under RCW 70A.245.020 to set recycled minimum postconsumer content  
3 for covered products or to temporarily exclude types of covered  
4 products in plastic containers from minimum postconsumer recycled  
5 content requirements.

6 (o) Orders by the department of ecology under RCW 70A.455.080.

7 (2) The following hearings shall not be conducted by the hearings  
8 board:

9 (a) Hearings required by law to be conducted by the shorelines  
10 hearings board pursuant to chapter 90.58 RCW, except where appeals to  
11 the pollution control hearings board and appeals to the shorelines  
12 hearings board have been consolidated pursuant to RCW 43.21B.340.

13 (b) Hearings conducted by the department pursuant to RCW  
14 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
15 70A.15.3110, and 90.44.180.

16 (c) Appeals of decisions by the department under RCW 90.03.110  
17 and 90.44.220.

18 (d) Hearings conducted by the department to adopt, modify, or  
19 repeal rules.

20 (3) Review of rules and regulations adopted by the hearings board  
21 shall be subject to review in accordance with the provisions of the  
22 administrative procedure act, chapter 34.05 RCW.

23 **Sec. 22.** RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5  
24 are each reenacted and amended to read as follows:

25 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
26 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040,  
27 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,  
28 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110,  
29 70A.555.110, 70A.560.020, 70A.565.030, section 13 of this act,  
30 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,  
31 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by  
32 a notice in writing, either by certified mail with return receipt  
33 requested or by personal service, to the person incurring the penalty  
34 from the department or the local air authority, describing the  
35 violation with reasonable particularity. For penalties issued by  
36 local air authorities, within 30 days after the notice is received,  
37 the person incurring the penalty may apply in writing to the  
38 authority for the remission or mitigation of the penalty. Upon  
39 receipt of the application, the authority may remit or mitigate the

1 penalty upon whatever terms the authority in its discretion deems  
2 proper. The authority may ascertain the facts regarding all such  
3 applications in such reasonable manner and under such rules as it may  
4 deem proper and shall remit or mitigate the penalty only upon a  
5 demonstration of extraordinary circumstances such as the presence of  
6 information or factors not considered in setting the original  
7 penalty.

8 (2) Any penalty imposed under this section may be appealed to the  
9 pollution control hearings board in accordance with this chapter if  
10 the appeal is filed with the hearings board and served on the  
11 department or authority 30 days after the date of receipt by the  
12 person penalized of the notice imposing the penalty or 30 days after  
13 the date of receipt of the notice of disposition by a local air  
14 authority of the application for relief from penalty.

15 (3) A penalty shall become due and payable on the later of:

16 (a) 30 days after receipt of the notice imposing the penalty;

17 (b) 30 days after receipt of the notice of disposition by a local  
18 air authority on application for relief from penalty, if such an  
19 application is made; or

20 (c) 30 days after receipt of the notice of decision of the  
21 hearings board if the penalty is appealed.

22 (4) If the amount of any penalty is not paid to the department  
23 within 30 days after it becomes due and payable, the attorney  
24 general, upon request of the department, shall bring an action in the  
25 name of the state of Washington in the superior court of Thurston  
26 county, or of any county in which the violator does business, to  
27 recover the penalty. If the amount of the penalty is not paid to the  
28 authority within 30 days after it becomes due and payable, the  
29 authority may bring an action to recover the penalty in the superior  
30 court of the county of the authority's main office or of any county  
31 in which the violator does business. In these actions, the procedures  
32 and rules of evidence shall be the same as in an ordinary civil  
33 action.

34 (5) All penalties recovered shall be paid into the state treasury  
35 and credited to the general fund except the following:

36 (a) Penalties imposed pursuant to RCW 18.104.155 must be credited  
37 to the reclamation account as provided in RCW 18.104.155(7);

38 (b) Penalties imposed pursuant to RCW 70A.15.3160 must be  
39 disposed of pursuant to RCW 70A.15.3160;

1 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,  
2 70A.430.070, 70A.555.110, and 70A.560.020 must be credited to the  
3 model toxics control operating account created in RCW 70A.305.180;  
4 (d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050  
5 must be credited to the recycling enhancement account created in RCW  
6 70A.245.100;  
7 (e) Penalties imposed pursuant to RCW 70A.500.260 must be  
8 deposited into the electronic products recycling account created in  
9 RCW 70A.500.130;  
10 (f) Penalties imposed pursuant to RCW 70A.65.200 must be credited  
11 to the climate investment account created in RCW 70A.65.250;  
12 (g) Penalties imposed pursuant to RCW 90.56.330 must be credited  
13 to the coastal protection fund established in RCW 90.48.390; (~~and~~)  
14 (h) Penalties imposed pursuant to RCW 70A.355.070 must be  
15 credited to the underground storage tank account created in RCW  
16 70A.355.090; and  
17 (i) Penalties imposed pursuant to chapter 70A.--- RCW (the new  
18 chapter created in section 19 of this act), which shall be credited  
19 to the responsible mattress management account created in section 14  
20 of this act.

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