
HOUSE BILL 2423

State of Washington

60th Legislature

2008 Regular Session

By Representatives Chase and Lantz

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1 AN ACT Relating to food service packaging; amending RCW 70.93.030;
2 adding new sections to chapter 70.93 RCW; and prescribing penalties.

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

4 **Sec. 1.** RCW 70.93.030 and 2007 c 244 s 1 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Compostable packaging" means single-use food service packaging
9 made from a material that meets the applicable compostability standards
10 as adopted by ASTM international on the effective date of this section
11 and either of the following criteria:

12 (a) The single-use food service packaging is composed of a material
13 that is accepted in a residential curbside composting collection
14 program for at least sixty percent of the households in the state; or

15 (b) The single-use food service packaging is composed of a material
16 that is accepted in a residential curbside composting collection
17 program for at least sixty percent of the households in the city or
18 unincorporated county in which the take-out food provider distributes
19 the single-use food service packaging.

1 (2) "Conveyance" means a boat, airplane, or vehicle.
2 ~~((+2))~~ (3) "Department" means the department of ecology.
3 ~~((+3))~~ (4) "Director" means the director of the department of
4 ecology.
5 ~~((+4))~~ (5) "Disposable package or container" means all packages or
6 containers defined as such by rules adopted by the department of
7 ecology.
8 ~~((+5))~~ (6) "Junk vehicle" has the same meaning as defined in RCW
9 46.55.010.
10 ~~((+6))~~ (7) "Litter" means all waste material including but not
11 limited to disposable packages or containers thrown or deposited as
12 herein prohibited and solid waste that is illegally dumped, but not
13 including the wastes of the primary processes of mining, logging,
14 sawmilling, farming, or manufacturing. "Litter" includes the material
15 described in subsection ~~((+11))~~ (12) of this section as "potentially
16 dangerous litter."
17 ~~((+7))~~ (8) "Litter bag" means a bag, sack, or other container made
18 of any material which is large enough to serve as a receptacle for
19 litter inside the vehicle or watercraft of any person. It is not
20 necessarily limited to the state approved litter bag but must be
21 similar in size and capacity.
22 ~~((+8))~~ (9) "Litter receptacle" means those containers adopted by
23 the department of ecology and which may be standardized as to size,
24 shape, capacity, and color and which shall bear the state anti-litter
25 symbol, as well as any other receptacles suitable for the depositing of
26 litter.
27 ~~((+9))~~ (10) "Official gathering" means an event where
28 authorization to hold the event is approved, recognized, or issued by
29 a government, public body, or authority, including but not limited to
30 fairs, musical concerts, athletic games, festivals, tournaments, or any
31 other formal or ceremonial event, during which beverages are sold by a
32 vendor or vendors in single-use aluminum, glass, or plastic bottles or
33 cans.
34 ~~((+10))~~ (11) "Person" means any political subdivision, government
35 agency, municipality, industry, public or private corporation,
36 copartnership, association, firm, individual, or other entity
37 whatsoever.

1 (~~(11)~~) (12) "Potentially dangerous litter" means litter that is
2 likely to injure a person or cause damage to a vehicle or other
3 property. "Potentially dangerous litter" means:

4 (a) Cigarettes, cigars, or other tobacco products that are capable
5 of starting a fire;

6 (b) Glass;

7 (c) A container or other product made predominantly or entirely of
8 glass;

9 (d) A hypodermic needle or other medical instrument designed to cut
10 or pierce;

11 (e) Raw human waste, including soiled baby diapers, regardless of
12 whether or not the waste is in a container of any sort; and

13 (f) Nails or tacks.

14 (~~(12)~~) (13) "Public place" means any area that is used or held
15 out for use by the public whether owned or operated by public or
16 private interests.

17 (~~(13)~~) (14) "Recyclable packaging" means a single-use food
18 service packaging that is composed of a material that satisfies either
19 of the following criteria:

20 (a) The single-use food service packaging is composed of a material
21 that is accepted in a residential recycling curbside collection program
22 for at least sixty percent of the households in the state; or

23 (b) The single-use food service packaging is composed of a material
24 that is accepted in a residential recycling curbside collection program
25 for at least sixty percent of the households in the city or
26 unincorporated county in which the take-out food provider distributes
27 the single-use food service packaging.

28 (15) "Recycling" means transforming or remanufacturing waste
29 materials into a finished product for use other than landfill disposal
30 or incineration.

31 (~~(14)~~) (16) "Recycling center" means a central collection point
32 for recyclable materials.

33 (~~(15)~~) (17) "Single-use food service packaging" means single-use
34 disposable products used in the restaurant and food service industry
35 for serving or transporting prepared, ready-to-consume food or
36 beverages, including but not limited to plates, bowls, cups, trays, and
37 hinged or lidded containers. "Single-use food service packaging" does

1 not include packaging for unprepared foods or single-use disposable
2 components of otherwise reusable products such as straws, cup lids, or
3 utensils.

4 (18) "Sports facility" means an outdoor recreational sports
5 facility, including but not limited to athletic fields and ballparks,
6 at which beverages are sold by a vendor or vendors in single-use
7 aluminum, glass, or plastic bottles or cans.

8 ~~((+16+))~~ (19) "Take-out food provider" means any establishment that
9 provides prepared food for public consumption on or off of its
10 premises, including but not limited to fast food restaurants and any
11 establishment that offers a drive-up window for providing prepared food
12 to the public.

13 (20) "To litter" means a single or cumulative act of disposing of
14 litter.

15 ~~((+17+))~~ (21) "Vehicle" includes every device capable of being
16 moved upon a public highway and in, upon, or by which any persons or
17 property is or may be transported or drawn upon a public highway,
18 excepting devices moved by human or animal power or used exclusively
19 upon stationary rails or tracks.

20 ~~((+18+))~~ (22) "Waste reduction" means reducing the amount or
21 toxicity of waste generated or reusing materials.

22 ~~((+19+))~~ (23) "Watercraft" means any boat, ship, vessel, barge, or
23 other floating craft.

24 NEW SECTION. Sec. 2. A new section is added to chapter 70.93 RCW
25 to read as follows:

26 (1) After July 1, 2010, a take-out food provider may not distribute
27 single-use food service packaging to a consumer unless the single-use
28 food service packaging is either compostable packaging or recyclable
29 packaging.

30 (2) After July 1, 2012, a take-out food provider may not distribute
31 single-use food service packaging to a consumer unless the take-out
32 food provider satisfies one of the following criteria:

33 (a) Single-use food service packaging from the take-out provider is
34 recovered for composting at a rate of twenty-five percent or more
35 either statewide or in the city or unincorporated county in which the
36 take-out provider is located; or

1 (b) Single-use food service packaging from the take-out provider is
2 recovered for recycling at a rate of twenty-five percent or more either
3 statewide or in the city or unincorporated county in which the take-out
4 provider is located.

5 (3) Each calendar day of operation in violation of this section
6 comprises a new violation.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.93 RCW
8 to read as follows:

9 (1) After July 1, 2010, any take-out provider with a seating
10 capacity of greater than twenty persons shall provide appropriate
11 receptacles on the take-out provider's premises for the collection of
12 any compostable packaging or recyclable packaging distributed with food
13 to customers.

14 (2) Each calendar day of operation in violation of this section
15 comprises a new violation.

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