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SENATE BILL 5829

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State of Washington

52nd Legislature

1991 Regular Session

By Senator Erwin.

Read first time February 25, 1991. Referred to Committee on Environment & Natural Resources

1 AN ACT Relating to state and local government purchase of recycled  
2 materials; amending RCW 43.19.537 and 43.19.538; adding new sections to  
3 Title 43 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** INTENT. It is the intent of the legislature  
6 to increase the procurement of recycled content materials by state and  
7 local governmental agencies and public schools.

8 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly  
9 requires otherwise, the definitions in this section apply to section 3  
10 of this act.

11 (1) "Public agency" means all units and subdivisions of state and  
12 local government, including divisions of the governor's office, the  
13 legislature, the judiciary, state agencies and departments,  
14 correctional institutions, port districts, school districts,

1 universities and colleges, cities, counties, and special service  
2 districts.

3 (2) "Recycled materials" means wasted materials and by-products  
4 that have been recovered or diverted from solid waste and that can be  
5 utilized in place of a raw or virgin material in manufacturing a  
6 product and consists of materials derived from postconsumer waste,  
7 manufacturing waste, industrial scrap, agricultural wastes, and other  
8 items, all of which can be used in the manufacture of new or recycled  
9 products.

10 NEW SECTION. **Sec. 3.** ELIMINATION OF PURCHASING BARRIERS. On or  
11 before January 1, 1993, all public agencies shall review their existing  
12 procurement policies and specifications to determine whether products  
13 composed of recycled materials are intentionally or unintentionally  
14 excluded. The policies and specifications shall be revised to include  
15 such products unless a recycled content product does not meet an  
16 established performance standard of the agency.

17 **Sec. 4.** RCW 43.19.537 and 1988 c 175 s 1 are each amended to read  
18 as follows:

19 "((Recovered)) Recycled material" as used in RCW 43.19.538 means:

20 (1) "Post consumer waste" which is:

21 (a) Paper, paperboard, and fibrous wastes from buildings such as  
22 retail stores, office buildings, (({and})) and homes, after the wastes  
23 have passed through their end-usage as a consumer item, including:  
24 Used corrugated boxes, old newspapers, old magazines, mixed waste  
25 paper, tabulating cards, and used cordage; and

26 (b) All paper, paperboard, and fibrous wastes that enter and are  
27 collected from municipal solid waste; and

1 (c) All other items containing plastics, yard waste, metals, glass,  
2 rubber, oil, or any other material that is suitable as feedstock in  
3 product manufacture; and

4 (2) "Secondary waste" including manufacturing and other wastes such  
5 as:

6 (a) Dry paper and paperboard waste generated after completion of  
7 the papermaking process, that is, those manufacturing operations up to  
8 and including the cutting and trimming of the paper machine reel into  
9 smaller rolls or rough sheets including: Envelope cuttings, bindery  
10 trimmings, and other paper and paperboard waste resulting from  
11 printing, cutting, forming, and other converting operations; bag, box,  
12 and carton manufacturing wastes; and butt rolls, mill wrappers, and  
13 rejected unused stock;

14 (b) Finished paper and paperboard from obsolete inventories of  
15 paper and paperboard manufacturers, merchants, wholesalers, dealers,  
16 printers, converters, or others;

17 (c) Wastes generated by the conversion of goods made from fibrous  
18 material, that is, waste rope from cordage manufacture, textile mill  
19 waste, and cuttings; and

20 (d) Fibers recovered from waste water which otherwise would enter  
21 the waste stream.

22 **Sec. 5.** RCW 43.19.538 and 1988 c 175 s 2 are each amended to read  
23 as follows:

24 (1) The director of general administration, through the state  
25 purchasing director, shall develop specifications and adopt rules for  
26 the purchase of products which will provide for preferential purchase  
27 of products containing (~~recovered~~) recycled material by:

28 (a) The use of a weighting factor determined by the amount of  
29 (~~recovered~~) recycled material in a product, where appropriate and

1 known in advance to potential bidders, to determine the lowest  
2 responsible bidder. The actual dollars bid shall be the contracted  
3 amount. If the department determines, according to criteria  
4 established by rule that the use of this weighting factor does not  
5 encourage the use of more ((~~recovered~~)) recycled material, the  
6 department shall consider and award bids without regard to the  
7 weighting factor. In making this determination, the department shall  
8 consider but not be limited to such factors as adequate competition,  
9 economics or environmental constraints, quality, and availability.

10 (b) Requiring a written statement of the percentage range of  
11 ((~~recovered~~)) recycled material content from the bidder providing  
12 products containing ((~~recovered~~)) recycled material. The range may be  
13 stated in fifteen percent increments.

14 (2) The director shall develop a directory of businesses that  
15 supply products containing significant quantities of ((~~recovered~~))  
16 recycled materials.

17 (3) The director shall encourage all parties using the state  
18 purchasing office to purchase products containing ((~~recovered~~))  
19 recycled materials.

20 NEW SECTION. Sec. 6. Captions as used in this act constitute  
21 no part of the law.

22 NEW SECTION. Sec. 7. Sections 2 and 3 of this act are each added  
23 to Title 43 RCW.