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HOUSE BILL 1231

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State of Washington

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By Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp

Read first time 01/18/95. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to promoting the recycled content of products and  
2 buildings; amending RCW 43.19A.020, 43.19A.030, 43.19A.050, 43.78.170,  
3 43.19A.090, 43.19A.100, 47.28.220, and 43.19A.110; and adding new  
4 sections to chapter 39.04 RCW.

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

6 **Sec. 1.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read  
7 as follows:

8 (1) The director shall adopt standards specifying the minimum  
9 content of recycled materials in products or product categories. The  
10 standards shall:

11 (a) Be consistent with the USEPA product standards, unless the  
12 director finds that a different standard would significantly increase  
13 recycled product availability or competition;

14 (b) Consider the standards of other states, to encourage  
15 consistency of manufacturing standards;

16 (c) Consider regional product manufacturing capability;

17 (d) Address specific products or classes of products; and

18 (e) Consider postconsumer waste content and the recyclability of  
19 the product.

1 (2) The director shall consult with the supply management board and  
2 department of ecology prior to adopting the recycled content standards.

3 (3) The director shall adopt recycled content standards for at  
4 least the following products by the dates indicated:

5 (a) By July 1, (~~1992~~) 1996:

6 (i) Paper and paper products;

7 (ii) Organic recovered materials; and

8 (iii) Latex paint products;

9 (b) By July 1, (~~1993~~) 1996:

10 (i) Products for lower value uses containing recycled plastics;

11 (ii) Retread and remanufactured tires;

12 (iii) Lubricating oils;

13 (iv) Automotive batteries; (~~and~~)

14 (v) Building insulation; and

15 (vi) Panelboard.

16 (4) The standards required by this section shall be applied to  
17 recycled product purchasing by the department and other state agencies.  
18 The standards may be adopted or applied by any other local government  
19 in product procurement. The standards shall provide for exceptions  
20 under appropriate circumstances to allow purchases of recycled products  
21 that do not meet the minimum content requirements of the standards.

22 **Sec. 2.** RCW 43.19A.030 and 1991 c 297 s 4 are each amended to read  
23 as follows:

24 (1) By January 1, (~~1993~~) 1997, each local government shall review  
25 its existing procurement policies and specifications to determine  
26 whether recycled products are intentionally or unintentionally  
27 excluded. The policies and specifications shall be revised to include  
28 such products unless a recycled content product does not meet an  
29 established performance standard of the agency.

30 (2) By fiscal year (~~1994~~) 1997, each local government shall adopt  
31 a minimum purchasing goal for recycled content as a percentage of the  
32 total dollar value of supplies purchased. To assist in achieving this  
33 goal each local government shall adopt a strategy by January 1,  
34 (~~1993~~) 1996, and shall submit a description of the strategy to the  
35 department. The department shall report to the appropriate standing  
36 committees of the legislature by October 1, (~~1993~~) 1996, on the  
37 progress of implementation by local governments, and shall thereafter  
38 (~~periodically~~) annually report on the progress of recycled product

1 purchasing by state and other public agencies. All public agencies  
2 shall respond to requests for information from the department for the  
3 purpose of its reporting requirements under this section.

4 (3) Each local government shall designate a procurement officer who  
5 shall serve as the primary contact with the department for compliance  
6 with the requirements of this chapter.

7 (4) This section shall apply only to local governments with  
8 expenditures for supplies exceeding (~~(five)~~) three hundred thousand  
9 dollars for fiscal year (~~(1989)~~) 1994. Expenditures for capital goods  
10 and for electricity, water, or gas for resale shall not be considered  
11 a supply expenditure.

12 **Sec. 3.** RCW 43.19A.050 and 1991 c 297 s 7 are each amended to read  
13 as follows:

14 The department shall prepare a mandatory state plan to increase  
15 purchases of recycled-content products by the department and all state  
16 agencies, including higher education institutions. The plan shall  
17 include purchases from public works contracts. The plan shall address  
18 the purchase of plastic products, retread and remanufactured tires,  
19 motor vehicle lubricants, latex paint, and lead acid batteries having  
20 recycled content. In addition, the plan shall incorporate actions to  
21 achieve the following purchase level goals of recycled content paper  
22 and compost products:

23 (1) Paper products as a percentage of the total dollar amount  
24 purchased on an annual basis:

- 25 (a) At least (~~(forty)~~) sixty percent by (~~(1993)~~) 1995;  
26 (b) At least (~~(fifty)~~) seventy percent by (~~(1994)~~) 1996;  
27 (c) At least (~~(sixty)~~) eighty percent by (~~(1995)~~) 1997.

28 (2) Compost products as a percentage of the total dollar amount on  
29 an annual basis:

- 30 (a) At least (~~(twenty-five)~~) forty percent by (~~(1993)~~) 1995;  
31 (b) At least (~~(forty)~~) sixty percent by (~~(1995)~~) 1997;  
32 (c) At least (~~(sixty)~~) eighty percent by (~~(1997)~~) 1999.

33 **Sec. 4.** RCW 43.78.170 and 1991 c 297 s 10 are each amended to read  
34 as follows:

35 The public printer shall take all actions consistent with the plan  
36 under RCW 43.19A.050 to ensure that seventy-five percent or more of the  
37 total dollar amount of printing paper stock used by the printer is

1 recycled content paper by January 1, (~~1995~~) 1996, and ninety percent  
2 or more of the total dollar amount of printing paper stock used by the  
3 printer is recycled content paper by January 1, 1998.

4 **Sec. 5.** RCW 43.19A.090 and 1991 c 297 s 12 are each amended to  
5 read as follows:

6 (1) After July 1, (~~1992~~) 1996, vendors shall certify the  
7 percentage of recycled content in products sold to state and local  
8 governments, including the percentage of postconsumer waste that is in  
9 the product. The certification shall be in the form of a label on the  
10 product or a statement by the vendor attached to the bid documents.

11 (2) The certification on multicomponent or multimaterial products  
12 shall verify the percentage and type of postconsumer waste and recycled  
13 content by volume contained in the major constituents of the product.

14 (3) The procuring agency may state in bid solicitations that  
15 permission to verify the certification by review of the bidder or  
16 manufacturer's records must be granted as a condition of the bid award,  
17 in the event of a bidder's protest or other challenge to the bid  
18 accepted.

19 (4) The department shall adopt rules by May 1, (~~1992~~) 1996,  
20 describing the contents of the certification required by this section.

21 **Sec. 6.** RCW 43.19A.100 and 1991 c 297 s 13 are each amended to  
22 read as follows:

23 (1) The department shall increase the procurement of compost  
24 products for all state facilities and grounds that require landscaping  
25 or similar work. The department shall survey available vendors and  
26 state facilities for which such products are suitable, and attempt to  
27 match such supplies and need to lower transportation and other costs.  
28 The department shall consider and implement modification of performance  
29 standards where appropriate to achieve greater procurement of compost  
30 products.

31 (2) Beginning July 1, (~~1992~~) 1996, the total of department  
32 contracts awarded in whole or in part for the purchase of landscaping  
33 materials or soil amendments shall include compost products as follows:

34 (a) For the period July 1, (~~1992~~) 1996, through June 30, (~~1994~~)  
35 1998, twenty-five percent of the total dollar amount of purchases; and

36 (b) On and after July 1, (~~1994~~) 1998, fifty percent of the total  
37 annual dollar amount of purchases.

1       **Sec. 7.** RCW 47.28.220 and 1992 c 174 s 14 are each amended to read  
2 as follows:

3       (1) A contract awarded in whole or in part for the purchase of  
4 compost products as a soil cover or soil amendment to state highway  
5 rights of way shall specify that compost products be purchased in  
6 accordance with the following schedule:

7       (a) For the period July 1, (~~(1991)~~) 1995, through June 30, (~~(1993)~~)  
8 1997, twenty-five percent of the total dollar amount purchased;

9       (b) For the period July 1, (~~(1993)~~) 1997, through June 30, (~~(1995)~~)  
10 1999, fifty percent of the total dollar amount purchased. The  
11 percentages in this subsection apply (~~(only)~~) to the materials'  
12 value(~~(s)~~) and (~~(do not)~~) include services or other materials.

13       (2) In order to carry out the provisions of this section, the  
14 department of transportation shall develop and adopt bid specifications  
15 for compost products used in state highway construction projects.

16       (3)(a) For purposes of this section, "compost products" means  
17 mulch, soil amendments, ground cover, or other landscaping material  
18 derived from the biological or mechanical conversion of biosolids or  
19 cellulose-containing waste materials.

20       (b) For purposes of this section, "biosolids" means municipal  
21 sewage sludge or septic tank septage sludge that meets the requirements  
22 of chapter 70.95J RCW.

23       **Sec. 8.** RCW 43.19A.110 and 1991 c 297 s 17 are each amended to  
24 read as follows:

25       (1) Each county and city required to prepare a strategy under RCW  
26 43.19A.030 shall adopt specifications for compost products to be used  
27 in road projects. The specifications developed by the department of  
28 transportation under RCW 47.28.220 may be adopted by the city or county  
29 in lieu of developing specifications.

30       (2) After July 1, (~~(1992)~~) 1996, any contract awarded in whole or  
31 in part for applying soils, soil covers, or soil amendments to road  
32 rights of way shall specify that compost materials be purchased in  
33 accordance with the following schedule:

34       (a) For the period July 1, (~~(1992)~~) 1996, through June 30, (~~(1994)~~)  
35 1998, at least twenty-five percent of the total dollar amount of  
36 purchases by the city or county;

37       (b) On and after July 1, (~~(1994)~~) 1998, at least fifty percent of  
38 the annual total dollar amount of purchases by the city or county.

1 (3) The city or county may depart from the schedule in subsection  
2 (2) of this section where it determines that no suitable product is  
3 available at a reasonable price.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 39.04 RCW  
5 to read as follows:

6 (1) All state construction, renovation, remodeling, or demolition  
7 contracts exceeding five hundred thousand dollars shall be based on  
8 competitive bids, and a formal sealed bid procedure shall be used as  
9 standard procedure for all state construction, renovation, remodeling,  
10 or demolition contracts exceeding five hundred thousand dollars, or  
11 subsequent limits established by the office of financial management.

12 (2) Beginning July 1, 1997, and on July 1st of each succeeding odd-  
13 numbered year, the dollar limit specified in this section shall be  
14 adjusted as follows: The office of financial management shall  
15 calculate such limits by adjusting the previous biennium's limits by  
16 the appropriate federal inflationary index reflecting the rate of  
17 inflation for the previous biennium. Such amounts shall be rounded to  
18 the nearest one hundred dollars.

19 (3) A bid may be discounted up to ten percent of the total bid  
20 price if the bid uses recycled materials. The amount of the discount  
21 shall be based on the specifications and rules adopted under RCW  
22 43.19.538(1) for preferential purchase of products containing recycled  
23 material.

24 (4) Except as provided for in section 10 of this act, state  
25 contracts for construction, renovation, remodeling, or demolition  
26 projects exceeding five hundred thousand dollars shall be awarded to  
27 the lowest bidder, after any discount.

28 (5) This section does not apply to contracts entered into by a  
29 municipality.

30 NEW SECTION. **Sec. 10.** A new section is added to chapter 39.04 RCW  
31 to read as follows:

32 In awarding a demolition contract, the state shall pay up to an  
33 additional ten percent if the contract provides for recycling of debris  
34 rather than disposal in a landfill. If the cost to recycle the debris  
35 is more than ten percent above the cost of disposal in a landfill, the

1 contractor shall dispose of debris in the normal manner, and the bid  
2 shall be awarded in accordance with section 9 of this act.

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