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

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

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

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

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

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

(c) Consider regional product manufacturing capability;

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

(e) Consider postconsumer waste content and the recyclability of the product.
(2) The director shall consult with the department of ecology prior to adopting the recycled content standards.

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

(a) By July 1, 1996:
   (i) Paper and paper products;
   (ii) Organic recovered materials; and
   (iii) Latex paint products;
(b) By July 1, 1996:
   (i) Products for lower value uses containing recycled plastics;
   (ii) Retread and remanufactured tires;
   (iii) Lubricating oils;
   (iv) Automotive batteries; and
   (v) Building insulation;
   (vi) Panelboard; and
   (vii) Compost.

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

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

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

(2) By fiscal year 1997, each local government shall adopt a minimum purchasing goal for recycled content as a percentage of the total dollar value of supplies purchased. To assist in achieving this goal each local government shall adopt a strategy by January 1, 1993, and shall submit a description of the strategy to the department. The department shall report to the appropriate standing committees of the legislature by October 1, 1993, on the progress of implementation by
local governments, and shall thereafter periodically report on the
progress of recycled product purchasing by state and other public
agencies. All public agencies shall respond to requests for
information from the department for the purpose of its reporting
requirements under this section.

(3) Each local government shall designate a procurement officer who
shall serve as the primary contact with the department for compliance
with the requirements of this chapter) 1996.

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

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

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

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

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

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

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

The department shall notify all state agencies of the requirements
to develop the strategy. Each state agency shall consider the strategy
and the goals of this section in its purchases of products, whether
from the department’s central stores or from other sources.

Sec. 4. RCW 43.78.170 and 1991 c 297 s 10 are each amended to read
as follows:
The public printer shall take all actions consistent with the plan
under RCW 43.19A.050 to ensure that seventy-five percent or more of the
total dollar amount of printing paper stock used by the printer is
or more of the total dollar amount of printing paper stock used by the
printer is recycled content paper by January 1, 1998.

Sec. 5. RCW 43.19A.090 and 1991 c 297 s 12 are each amended to
read as follows:
(1) After July 1, (1992) 1996, vendors shall certify the
percentage of recycled content in products sold to state and local
governments, including the percentage of postconsumer waste that is in
the product. The certification shall be in the form of a label on the
product or a statement by the vendor attached to the bid documents.
(2) The certification on multicomponent or multimaterial products
shall verify the percentage and type of postconsumer waste and recycled
content by volume contained in the major constituents of the product.
(3) The procuring agency may state in bid solicitations that
permission to verify the certification by review of the bidder or
manufacturer’s records must be granted as a condition of the bid award,
in the event of a bidder’s protest or other challenge to the bid
accepted.
(4) The department shall adopt rules by May 1, (1992) 1996,
describing the contents of the certification required by this section.

Sec. 6. RCW 47.28.220 and 1992 c 174 s 14 are each amended to read
as follows:
(1) A contract awarded in whole or in part for the purchase of
compost products as a soil cover or soil amendment to state highway
rights of way shall specify that compost products be purchased in
accordance with the following schedule:
1997, twenty-five percent of the total dollar amount purchased;
(b) For the period July 1, ((1993)) 1997, through June 30, ((1995)) 1999, fifty percent of the total dollar amount purchased. The percentages in this subsection apply ((only)) to the materials’ value((,)) and ((do not)) include services or other materials.

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

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

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

NEW SECTION. Sec. 7. A new section is added to chapter 39.04 RCW to read as follows:

(1) The state’s preferences for the purchase and use of recycled-content products shall be included as a factor in the design and development of state public works projects.

(2) Specifications for materials in state construction projects shall include the use of recycled-content products and recyclable products whenever practicable and economically viable.

NEW SECTION. Sec. 8. A new section is added to chapter 39.04 RCW to read as follows:

(1) Material from demolition projects shall be recycled or reused whenever practicable.

(2) Waste materials generated from demolition or construction projects shall be recycled or reused whenever practicable and economically viable.

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