

FINAL BILL REPORT

ESHB 2713

PARTIAL VETO C 290 L 20 Synopsis as Enacted

Brief Description: Encouraging compost procurement and use.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman and Pollet).

House Committee on State Government & Tribal Relations
House Committee on Appropriations
Senate Committee on Environment, Energy & Technology
Senate Committee on Ways & Means

Background:

State agencies and local governments are subject to requirements relating to the procurement of products containing recycled materials. The Director of the Department of Enterprise Services is required to adopt standards specifying the minimum permissible content of recycled materials in products commonly purchased by state and local governments, such as paper, latex paint, and building insulation. The state is required to create a mandatory plan to increase purchases of recycled-content products, which includes a target for purchase of compost products for landscaping or similar projects. Compost products are defined as mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

Local governments are also required to adopt a minimum purchasing goal for recycled content as a percent of the total amount of supplies purchased. Local governments are encouraged to consider policies to give preferential purchasing treatment to products with recycled content. Counties and cities are required to adopt specifications for the use of compost products in road projects.

Compost products are also required to meet federal product standards. The amount of compost products required to be purchased by the state was doubled between 1994 to 1998.

Summary:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State agencies and local governments are required to consider whether compost products can be used in government-funded projects when planning or soliciting and reviewing bids. If compost products can be utilized in the project, the agency or local government must do so, subject to the following exceptions:

- compost products are not available within a reasonable amount of time;
- compost products that are available do not meet existing purchasing standards or federal or state health and safety standards; or
- compost purchase prices are not reasonable or competitive.

State agencies may also decline to use compost products in a project if:

- the total cost is financially prohibitive;
- the application of compost products will detrimentally impact the nutrient condition of soil used for crops;
- the project consists of growing trees in a greenhouse setting; or
- compost products that are available have not been certified as pest-and-pathogen free.

Purchase priority is to be given to local compost producers that are certified by a nationally recognized organization and produce products derived from municipal compost programs. Before compost products are transported or applied for government projects, compliance with Department of Agriculture (Department) pest control regulations must be ensured.

Local governments that provide residential compost services are encouraged to enter into purchasing agreements to buy back at least 50 percent of the finished compost product produced from the compost they deliver to their processor. Local governments are authorized to enter into collective purchasing agreements if doing so is more cost-effective or efficient. The compost processor should offer a purchase price that is reasonable and competitive for the specific market.

The Department must create a three-year compost reimbursement program to reimburse certain expenses to farming operations in the state. These expenses are for:

- the purchase of compost products;
- transportation;
- equipment;
- spreading; and
- labor.

Subject to amounts appropriated for this purpose, farming operations may be reimbursed for up to 50 percent of the costs they incur, up to \$10,000 per year. A farming operation is a commercial agricultural, silvicultural, or aquicultural facility or pursuit including care and production of animals for food and certain nonfood uses, the production of crops, and the farming or ranching of plants or animals in water environments.

Compost products must be purchased from facilities with solid waste handling permits to be eligible for reimbursement. Compost products that the farming operation has or intends to transfer, whether or not for compensation, may not be reimbursed. Funds must be distributed by the Department in a manner that prioritizes small farming operators, as measured by acreage.

To be reimbursed, a farming operation must first complete an eligibility review with the Department prior to transporting or applying any compost products for which reimbursement will be sought under this program. The review is to determine whether the transport and application complies with the Department's agricultural pest regulations, as well as to ensure that the farming operation will permit soil sampling by the Department. Farming operations seeking reimbursement must submit one application per year on a Department-created form that may include verification of the size, sale weight, or amount of compost products used, as well as verification of the costs requested for reimbursement. Applications must be submitted during the fiscal year in which costs were incurred.

A new position is established within the Department for a compost reimbursement pilot project manager to facilitate the reimbursements and manage the day-to-day coordination of the program.

The Department must submit an annual report to the Legislature that includes the amount of compost for which reimbursement was sought, the qualitative and quantitative effects of the program on soil quality and carbon storage, and an evaluation of the benefits and costs of continuing, expanding, or furthering the program.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	95	1	(House concurred)

Effective: June 11, 2020

Partial Veto Summary: The Governor vetoed the section that creates a three-year compost reimbursement pilot program.