
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5397

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rolfes, Carlyle, Darneille, Saldaña, Hasegawa, Hunt, and Kuderer)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to the responsible management of plastic
2 packaging; and adding a new chapter to Title 70 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Convenient and environmentally sound product stewardship
6 programs that include collecting, transporting, and recycling of
7 unwanted products help protect Washington's environment and the
8 health of state residents;

9 (b) Unwanted products should be managed where priority is placed
10 on prevention, waste reduction, source reduction, recycling, and
11 reuse over energy recovery and landfill disposal; and

12 (c) Producers of plastic packaging must consider the design and
13 management of their packaging in a manner that ensures minimal
14 environmental impact. Producers of plastic packaging must be involved
15 from design concept to end-of-life management to incentivize
16 innovation and research to minimize environmental impacts.

17 (2) Additionally, the legislature finds that, through design and
18 innovation, industry should strive to achieve the goals of recycling
19 one hundred percent of packaging, using at least twenty percent
20 postconsumer recycled content in packaging, and reducing plastic
21 packaging when possible to optimize the use to meet the need.

1 (3) The legislature intends that the department, through a
2 consultative process with industry and consumer interest, develop
3 options to reduce plastic packaging in the waste stream for
4 implementation by January 1, 2022.

5 NEW SECTION. **Sec. 2.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Brand" means a name, symbol, word, or mark that identifies a
9 product, rather than its components, and attributes the covered
10 product to the owner of the brand as the producer.

11 (2) "Department" means the department of ecology.

12 (3) "Producer" means a person who has legal ownership of the
13 brand, brand name, or cobrand of plastic packaging sold in or into
14 Washington state;

15 (4) "Recycling" has the same meaning as defined in RCW 70.95.030.

16 (5) "Stakeholder" means a person who may have an interest in or
17 be affected by the management of plastic packaging.

18 NEW SECTION. **Sec. 3.** (1) The department must evaluate and
19 assess the amount and types of plastic packaging sold into the state
20 as well as the management and disposal of plastic packaging. When
21 conducting the evaluation, the department must ensure that producers,
22 providers of solid waste management services, and stakeholders are
23 consulted. The department must produce a report that includes:

24 (a) An assessment of the:

25 (i) Amount and types of plastic packaging currently coming into
26 the state by category;

27 (ii) Full cost of managing plastic packaging waste, including the
28 cost to ratepayers, businesses, and others, with consideration given
29 to costs that are determined by volume or weight;

30 (iii) Final disposition of all plastic packaging sold into the
31 state, based on current information available at the department;

32 (iv) Costs and savings to all stakeholders in existing product
33 stewardship programs where they have been implemented including,
34 where available, the specific costs for the management of plastic
35 packaging;

36 (v) Needed infrastructure necessary to manage plastic packaging
37 in the state;

1 (vi) Contamination and sorting issues facing the current plastic
2 packaging recycling stream; and

3 (vii) Existing organizations and databases for managing plastic
4 packaging that could be employed for use in developing a program in
5 the state;

6 (b) A compilation of:

7 (i) All the programs currently managing plastic packaging in the
8 state, including all end-of-life management and litter and
9 contamination cleanup; and

10 (ii) Existing studies regarding the final disposition of plastic
11 packaging and materials recovery facilities residual composition,
12 including data on cross-contamination of other recyclables,
13 contamination in compost, and brand data in litter when available;
14 and

15 (c) A review of industry and any other domestic or international
16 efforts and innovations to reduce, reuse, and recycle plastic and
17 chemically recycle packaging, utilize recycled content in packaging,
18 and develop new programs, systems, or technologies to manage plastics
19 including innovative technologies such as pyrolysis and gasification
20 processes to divert recoverable polymers and other materials away
21 from landfills and into valuable raw, intermediate, and final
22 products.

23 (2) The department must contract with a third-party independent
24 consultant to conduct the evaluation and assessment as required under
25 subsection (1) of this section.

26 (3) (a) By October 31, 2020, the department must submit a report
27 on the evaluation and assessment of plastic packaging to the
28 appropriate committees of the legislature.

29 (b) The report required under this subsection must include:

30 (i) Findings regarding amount and types of plastic packaging sold
31 into the state as well as the management and disposal of plastic
32 packaging;

33 (ii) Recommendations to meet the goals of reducing plastic
34 packaging including through industry lead or plastic packaging
35 product stewardship to:

36 (A) Achieve one hundred percent recyclable, reusable, or
37 compostable packaging in all goods sold in Washington by January 1,
38 2025;

39 (B) Achieve at least twenty percent postconsumer recycled content
40 in packaging by January 1, 2025; and

1 (C) Reduce plastic packaging when possible optimizing the use to
2 meet the need; and

3 (iii) For the purposes of legislative consideration, options to
4 meet plastic packaging reduction goals, that may be established and
5 implemented by January 1, 2022.

6 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
7 constitute a new chapter in Title 70 RCW.

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