

SENATE BILL REPORT

ESHB 1231

As Reported By Senate Committee On:
Ecology & Parks, February 23, 1996

Title: An act relating to promoting the recycled content of products and buildings.

Brief Description: Promoting the recycled content of products and buildings.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp).

Brief History:

Committee Activity: Ecology & Parks: 3/23/95, 3/28/95 [DPA]; 2/14/96, 2/23/96 [DPA].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; Fairley, Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Susan Ridgley (786-7444)

Background: In 1991, the Legislature enacted a measure to increase state and local government procurement of recycled content products.

State Agency Requirements. The 1991 legislation directed the Department of General Administration (GA) to adopt recycled content standards for several types of products in order to stimulate markets for products with recycled content and to establish a leadership role for state agencies. The department was also required to prepare a mandatory plan for state agencies to increase their recycled content product purchases. The plan was to achieve a graduated increase in purchases of paper and compost. Other specified product categories were to be included in the plan.

The department was also required to develop a data base of product vendors and report to the Legislature on the cost of making the data base accessible to local governments and the private sector. The department was directed to provide technical assistance to state and local procurement officers, and make available to local governments, model procurement guidelines for recycled content products.

The State Printer was given specific percentage purchase requirements for paper, as was the Department of Transportation for compost.

Local Government Requirements. Local governments having supply expenditures greater than \$500,000 in 1989 were directed to review their existing procurement policies and specifications with a goal of including recycled products. By 1994, these local governments

were required to adopt a minimum purchasing goal for recycled products and adopt a strategy to reach the goal.

Vendor Requirements. Vendors were required to certify the percentage of recycled content in products sold to the state and to local governments, pursuant to the department rules adopted by May 1, 1992.

Implementation of this legislation has not been well documented but is thought to be low. According to the department, two factors in particular have contributed to the less than expected implementation.

First, the biennial budget adopted in 1991 provided funding to the Department of General Administration for implementation of the legislation. The 1992 supplemental budget deleted the majority of funding, and the department has been unable to provide technical assistance to local governments, or to effectively monitor local government implementation of the legislation.

Second, legislation enacted in 1993 allowed state agencies to purchase materials, supplies, services, and equipment directly from vendors when the department is notified that an item may be purchased at lower cost than through the Department of General Administration. The Department of General Administration is unable to control the recycled content of materials purchased by state agencies.

Summary of Amended Bill: The federal recycled content standards are adopted for Washington. The due date for implementation of recycled content standards for all the listed materials is extended to July 1997. Panel board and compost products are added to the list of materials for which content standards must be developed. The percentage goals for state agency paper and compost purchases are increased and the compliance dates are extended one to three years. The State Printer's recycled content paper purchases are increased to 90 percent by 1999.

The mandatory state plan to be developed by the Department of General Administration is changed to a strategy. The sections of law requiring vendors to certify the recycled content of their products and the department to increase compost product purchases are repealed.

Specifications in state construction projects must include the use of recycled-content products, whenever practicable. Material from demolition projects must be recycled or reused whenever practicable.

Amended Bill Compared to Substitute Bill: The amended bill adopts the federal recycled content standards and deletes a null and void provision requiring funding of \$500,000.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Washington should have stronger recycled content standards than the US EPA's. GA should develop compost standards. This bill will help strengthen the already healthy recycling industry in Washington, because product purchase is the necessary "third leg." There is much progress to be made in reuse of building materials.

Testimony Against: None.

Testified: Jeff Gage, WA Organic Recycling Council (pro); Pandora Touart, WA State Recycling Assn. (pro); Mariann Mann, WA Citizens for Resource Conservation (pro); Tom St. Louis, NW Ecobuilding Guild (pro); Pat Kohler, Dept. of General Administration (pro); Jim Boldt, Rabanco Solid Waste..