

E2SHB 1114 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

ADOPTED AS AMENDED 04/13/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the
4 wasting of food represents a misuse of resources, including the
5 water, land, energy, labor, and capital that go into growing,
6 harvesting, processing, transporting, and retailing food for human
7 consumption. Wasting edible food occurs all along the food production
8 supply chain, and reducing the waste of edible food is a goal that
9 can be achieved only with the collective efforts of growers,
10 processors, distributors, retailers, consumers of food, and food
11 bankers and related charities. Inedible food waste can be managed in
12 ways that reduce negative environmental impacts and provide
13 beneficial results to the land, air, soil, and energy infrastructure.
14 Efforts to reduce the waste of food and expand the diversion of food
15 waste to beneficial end uses will also require the mindful support of
16 government policies that shape the behavior and waste reduction
17 opportunities of each of those participants in the food supply chain.

18 (2) Every year, American consumers, businesses, and farms spend
19 billions of dollars growing, processing, transporting, and disposing
20 of food that is never eaten. That represents tens of millions of tons
21 of food sent to landfills annually, plus millions of tons more that
22 are discarded or left unharvested on farms. Worldwide, the United
23 Nations food and agriculture organization has estimated that if one-
24 fourth of the food lost or wasted globally could be saved, it would
25 be enough to feed eight hundred seventy million hungry people.
26 Meanwhile, one in eight Americans is food insecure, including one in
27 six children. Recent data from the department of ecology indicate
28 that Washington is not immune to food waste problems, and recent
29 estimates indicate that seventeen percent of all garbage sent to
30 Washington disposal facilities is food waste, including eight percent
31 that is food that was determined to be edible at the time of
32 disposal. In recognition of the widespread benefits that would accrue

1 from reductions in food waste, in 2015, the administrator of the
2 United States environmental protection agency and the secretary of
3 the United States department of agriculture announced a national goal
4 of reducing food waste by fifty percent by 2030. The Pacific Coast
5 collaborative recently agreed to a similar commitment of halving food
6 waste by 2030, including efforts to prevent, rescue, and recover
7 wasted food.

8 (3) By establishing state wasted food reduction goals and
9 developing a state wasted food reduction strategy, it is the intent
10 of the legislature to continue its national leadership in solid waste
11 reduction efforts by:

12 (a) Improving efficiencies in the food production and
13 distribution system in order to reduce the cradle to grave greenhouse
14 gas emissions associated with wasted food;

15 (b) Fighting hunger by more efficiently diverting surplus food to
16 feed hungry individuals and families in need; and

17 (c) Supporting expansion of management facilities for inedible
18 food waste to improve access and facility performance while reducing
19 the volumes of food that flow through those facilities.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95
21 RCW to read as follows:

22 (1) A goal is established for the state to reduce by fifty
23 percent the amount of food waste generated annually by 2030, relative
24 to 2015 levels. A subset of this goal must include a prevention goal
25 to reduce the amount of edible food that is wasted.

26 (2) The department may estimate 2015 levels of wasted food in
27 Washington using any combination of solid waste reporting data
28 obtained under this chapter and surveys and studies measuring wasted
29 food and food waste in other jurisdictions. For the purposes of
30 measuring progress towards the goal in subsection (1) of this
31 section, the department must adopt standardized metrics and processes
32 for measuring or estimating volumes of wasted food and food waste
33 generated in the state.

34 (3) By October 1, 2020, the department, in consultation with the
35 department of agriculture and the department of health, must develop
36 and adopt a state wasted food reduction and food waste diversion plan
37 designed to achieve the goal established in subsection (1) of this
38 section.

1 (a) The wasted food reduction and food waste diversion plan must
2 include strategies, in descending order of priority, to:

3 (i) Prevent and reduce the wasting of edible food by residents
4 and businesses;

5 (ii) Help match and support the capacity for edible food that
6 would otherwise be wasted with food banks and other distributors that
7 will ensure the food reaches those who need it; and

8 (iii) Support productive uses of inedible food materials,
9 including using it for animal feed, energy production through
10 anaerobic digestion, or other commercial uses, and for off-site or
11 on-site management systems including composting, vermicomposting, or
12 other biological systems.

13 (b) The wasted food reduction and food waste diversion plan must
14 be designed to:

15 (i) Recommend a regulatory environment that optimizes activities
16 and processes to rescue safe, nutritious, edible food;

17 (ii) Recommend a funding environment in which stable, predictable
18 resources are provided to wasted food prevention and rescue and food
19 waste recovery activities in such a way as to allow the development
20 of additional capacity and the use of new technologies;

21 (iii) Avoid placing burdensome regulations on the hunger relief
22 system, and ensure that organizations involved in wasted food
23 prevention and rescue, and food waste recovery, retain discretion to
24 accept or reject donations of food when appropriate;

25 (iv) Provide state technical support to wasted food prevention
26 and rescue and food waste recovery organizations;

27 (v) Support the development and distribution of equitable
28 materials to support food waste and wasted food educational and
29 programmatic efforts in K-12 schools, in collaboration with the
30 office of the superintendent of public instruction, and aligned with
31 the Washington state science and social studies learning standards;
32 and

33 (vi) Facilitate and encourage restaurants and other retail food
34 establishments to donate prepared food to food banks and food
35 assistance programs, including the elimination of legal barriers to
36 such donations and through education and outreach to retail food
37 establishment operators regarding surplus food donation opportunities
38 and benefits.

39 (c) The wasted food reduction and food waste diversion plan must
40 include suggested best practices that local governments may

1 incorporate into solid waste management plans developed under RCW
2 70.95.080.

3 (d) The department must solicit feedback from the public and
4 interested stakeholders throughout the process of developing and
5 adopting the wasted food reduction and food waste diversion plan. To
6 assist with its food waste reduction plan development
7 responsibilities, the department may designate a stakeholder advisory
8 panel. If the department designates a stakeholder advisory panel, it
9 must consist of local government health departments, local government
10 solid waste departments, food banks, hunger-focused nonprofit
11 organizations, waste-focused nonprofit organizations, K-12 public
12 education, and food businesses or food business associations.

13 (e) The department must identify the sources of scientific,
14 economic, or other technical information it relied upon in developing
15 the plan required under this section, including peer-reviewed
16 science.

17 (f) In conjunction with the development of the wasted food
18 reduction and food waste diversion plan, the department and the
19 departments of agriculture and health must consider recommending
20 changes to state law, including changes to food quality, labeling,
21 and inspection requirements under chapter 69.80 RCW and any changes
22 in laws relating to the donation of food waste or wasted food for
23 animals, in order to achieve the goal established in subsection (1)
24 of this section. Any such recommendations must be explained via a
25 report to the legislature submitted consistent with RCW 43.01.036 by
26 December 1, 2020. Prior to any implementation of the plan, for the
27 activities, programs, or policies in the plan that would impose new
28 obligations on state agencies, local governments, businesses, or
29 citizens, the December 1, 2020, report must outline the plan for
30 making regulatory changes identified in the report. This outline must
31 include the department or the appropriate state agency's plan to make
32 recommendations for statutory or administrative rule changes
33 identified. In combination with any identified statutory or
34 administrative rule changes, the department or the appropriate state
35 agency must include expected cost estimates for both government
36 entities and private persons or businesses to comply with any
37 recommended changes.

38 (4) In support of the development of the plan in subsection (3)
39 of this section, the department of commerce must contract for an

1 independent evaluation of the state's food waste and wasted food
2 management system.

3 (5) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) (i) "Food waste" means waste from fruits, vegetables, meats,
6 dairy products, fish, shellfish, nuts, seeds, grains, and similar
7 materials that results from the storage, preparation, cooking,
8 handling, selling, or serving of food for human consumption.

9 (ii) "Food waste" includes, but is not limited to, excess,
10 spoiled, or unusable food and includes inedible parts commonly
11 associated with food preparation such as pits, shells, bones, and
12 peels. "Food waste" does not include dead animals not intended for
13 human consumption or animal excrement.

14 (b) "Prevention" refers to avoiding the wasting of food in the
15 first place and represents the greatest potential for cost savings
16 and environmental benefits for businesses, governments, and
17 consumers.

18 (c) "Recovery" refers to processing inedible food waste to
19 extract value from it, through composting, anaerobic digestion, or
20 for use as animal feedstock.

21 (d) "Rescue" refers to the redistribution of surplus edible food
22 to other users.

23 (e) "Wasted food" means the edible portion of food waste.

24 **Sec. 3.** RCW 70.93.180 and 2015 c 15 s 3 are each amended to read
25 as follows:

26 (1) There is hereby created an account within the state treasury
27 to be known as the waste reduction, recycling, and litter control
28 account. Moneys in the account may be spent only after appropriation.
29 Expenditures from the waste reduction, recycling, and litter control
30 account shall be used as follows:

31 (a) Fifty percent to the department of ecology, for use by the
32 departments of ecology, natural resources, revenue, transportation,
33 and corrections, and the parks and recreation commission, for use in
34 litter collection programs, to be distributed under RCW 70.93.220.
35 The amount to the department of ecology shall also be used for a
36 central coordination function for litter control efforts statewide;
37 for statewide public awareness programs under RCW 70.93.200(7); and
38 to support employment of youth in litter cleanup as intended in RCW
39 70.93.020, and for litter pick up using other authorized agencies.

1 The amount to the department shall also be used to defray the costs
2 of administering the funding, coordination, and oversight of local
3 government programs for waste reduction, litter control, recycling,
4 and composting so that local governments can apply one hundred
5 percent of their funding to achieving program goals. The amount to
6 the department of revenue shall be used to enforce compliance with
7 the litter tax imposed in chapter 82.19 RCW;

8 (b) (i) Twenty percent to the department for local government
9 funding programs for waste reduction, litter control, recycling
10 activities, and composting activities by cities and counties under
11 RCW 70.93.250, to be administered by the department of ecology; (ii)
12 any unspent funds under (b) (i) of this subsection may be used to
13 create and pay for a matching fund competitive grant program to be
14 used by local governments and nonprofit organizations for local or
15 statewide education programs designed to help the public with litter
16 control, waste reduction, recycling, and composting of primarily the
17 products taxed under chapter 82.19 RCW. Recipients under this
18 subsection include programs to reduce wasted food and food waste that
19 are designed to achieve the goals established in section 2(1) of this
20 act and that are consistent with the plan developed in section 2(3)
21 of this act. Grants must adhere to the following requirements: (A) No
22 grant may exceed sixty thousand dollars; (B) grant recipients shall
23 match the grant funding allocated by the department by an amount
24 equal to twenty-five percent of eligible expenses. A local
25 government's share of these costs may be met by cash or contributed
26 services; (C) the obligation of the department to make grant payments
27 is contingent upon the availability of the amount of money
28 appropriated for this subsection (1)(b); and (D) grants are managed
29 under the guidelines for existing grant programs; and

30 (c) Thirty percent to the department of ecology to: (i) Implement
31 activities under RCW 70.93.200 for waste reduction, recycling, and
32 composting efforts; (ii) provide technical assistance to local
33 governments for commercial business and residential recycling
34 programs primarily for the products taxed under chapter 82.19 RCW
35 designed to educate citizens about waste reduction, litter control,
36 and recyclable and compostable products and programs; ~~((and))~~ (iii)
37 increase access to waste reduction, composting, and recycling
38 programs, particularly for food packaging and plastic bags and
39 appropriate composting techniques; and (iv) for programs to reduce
40 wasted food and food waste that are designed to achieve the goals

1 established in section 2(1) of this act and that are consistent with
2 the plan developed in section 2(3) of this act.

3 (2) All taxes imposed in RCW 82.19.010 and fines and bail
4 forfeitures collected or received pursuant to this chapter shall be
5 deposited in the waste reduction, recycling, and litter control
6 account and used for the programs under subsection (1) of this
7 section.

8 (3) Not less than five percent and no more than ten percent of
9 the amount appropriated into the waste reduction, recycling, and
10 litter control account every biennium shall be reserved for capital
11 needs, including the purchase of vehicles for transporting crews and
12 for collecting litter and solid waste. Capital funds shall be
13 distributed among state agencies and local governments according to
14 the same criteria provided in RCW 70.93.220 for the remainder of the
15 funds, so that the most effective waste reduction, litter control,
16 recycling, and composting programs receive the most funding. The
17 intent of this subsection is to provide funds for the purchase of
18 equipment that will enable the department to account for the greatest
19 return on investment in terms of reaching a zero litter goal.

20 (4) Funds in the waste reduction, recycling, and litter control
21 account, collected under chapter 82.19 RCW, must be prioritized for
22 the products identified under RCW 82.19.020 solely for the purposes
23 of recycling, composting, and litter collection, reduction, and
24 control programs.

25 **Sec. 4.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to
26 read as follows:

27 Each county and city comprehensive solid waste management plan
28 shall include the following:

29 (1) A detailed inventory and description of all existing solid
30 waste handling facilities including an inventory of any deficiencies
31 in meeting current solid waste handling needs.

32 (2) The estimated long-range needs for solid waste handling
33 facilities projected twenty years into the future.

34 (3) A program for the orderly development of solid waste handling
35 facilities in a manner consistent with the plans for the entire
36 county which shall:

37 (a) Meet the minimum functional standards for solid waste
38 handling adopted by the department and all laws and regulations

1 relating to air and water pollution, fire prevention, flood control,
2 and protection of public health;

3 (b) Take into account the comprehensive land use plan of each
4 jurisdiction;

5 (c) Contain a six year construction and capital acquisition
6 program for solid waste handling facilities; and

7 (d) Contain a plan for financing both capital costs and
8 operational expenditures of the proposed solid waste management
9 system.

10 (4) A program for surveillance and control.

11 (5) A current inventory and description of solid waste collection
12 needs and operations within each respective jurisdiction which shall
13 include:

14 (a) Any franchise for solid waste collection granted by the
15 utilities and transportation commission in the respective
16 jurisdictions including the name of the holder of the franchise and
17 the address of his or her place of business and the area covered by
18 the franchise;

19 (b) Any city solid waste operation within the county and the
20 boundaries of such operation;

21 (c) The population density of each area serviced by a city
22 operation or by a franchised operation within the respective
23 jurisdictions;

24 (d) The projected solid waste collection needs for the respective
25 jurisdictions for the next six years.

26 (6) A comprehensive waste reduction and recycling element that,
27 in accordance with the priorities established in RCW 70.95.010,
28 provides programs that (a) reduce the amount of waste generated, (b)
29 provide incentives and mechanisms for source separation, and (c)
30 establish recycling opportunities for the source separated waste.

31 (7) The waste reduction and recycling element shall include the
32 following:

33 (a) Waste reduction strategies, which may include strategies to
34 reduce wasted food and food waste that are designed to achieve the
35 goals established in section 2(1) of this act and that are consistent
36 with the plan developed in section 2(3) of this act;

37 (b) Source separation strategies, including:

38 (i) Programs for the collection of source separated materials
39 from residences in urban and rural areas. In urban areas, these
40 programs shall include collection of source separated recyclable

1 materials from single and multiple-family residences, unless the
2 department approves an alternative program, according to the criteria
3 in the planning guidelines. Such criteria shall include: Anticipated
4 recovery rates and levels of public participation, availability of
5 environmentally sound disposal capacity, access to markets for
6 recyclable materials, unreasonable cost impacts on the ratepayer over
7 the six-year planning period, utilization of environmentally sound
8 waste reduction and recycling technologies, and other factors as
9 appropriate. In rural areas, these programs shall include but not be
10 limited to drop-off boxes, buy-back centers, or a combination of
11 both, at each solid waste transfer, processing, or disposal site, or
12 at locations convenient to the residents of the county. The drop-off
13 boxes and buy-back centers may be owned or operated by public,
14 nonprofit, or private persons;

15 (ii) Programs to monitor the collection of source separated waste
16 at nonresidential sites where there is sufficient density to sustain
17 a program;

18 (iii) Programs to collect yard waste and food waste, if the
19 county or city submitting the plan finds that there are adequate
20 markets or capacity for composted yard waste and food waste within or
21 near the service area to consume the majority of the material
22 collected; and

23 (iv) Programs to educate and promote the concepts of waste
24 reduction and recycling;

25 (c) Recycling strategies, including a description of markets for
26 recyclables, a review of waste generation trends, a description of
27 waste composition, a discussion and description of existing programs
28 and any additional programs needed to assist public and private
29 sector recycling, and an implementation schedule for the designation
30 of specific materials to be collected for recycling, and for the
31 provision of recycling collection services;

32 (d) Other information the county or city submitting the plan
33 determines is necessary.

34 (8) An assessment of the plan's impact on the costs of solid
35 waste collection. The assessment shall be prepared in conformance
36 with guidelines established by the utilities and transportation
37 commission. The commission shall cooperate with the Washington state
38 association of counties and the association of Washington cities in
39 establishing such guidelines.

1 (9) A review of potential areas that meet the criteria as
2 outlined in RCW 70.95.165."

E2SHB 1114 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

ADOPTED AS AMENDED 04/13/2019

3 On page 1, line 2 of the title, after "impacts;" strike the
4 remainder of the title and insert "amending RCW 70.93.180 and
5 70.95.090; adding a new section to chapter 70.95 RCW; and creating a
6 new section."

EFFECT: The Department of Ecology, when considering recommending changes to state law, must also include changes to food quality, labeling, and inspection requirements under the liability provisions relating to food donation and any changes in laws relating to the donation of food waste or wasted food for animals.

--- END ---