

HOUSE BILL REPORT

HB 1088

As Reported by House Committee On:
Environment & Energy

Title: An act relating to repercussions for littering.

Brief Description: Concerning repercussions for littering.

Sponsors: Representative MacEwen.

Brief History:

Committee Activity:

Environment & Energy: 1/17/19, 1/31/19 [DPS].

Brief Summary of Substitute Bill

- Directs the imposition of 40 hours of litter removal from public property, in addition to monetary penalties imposed for littering.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Shea, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke, DeBolt, Doglio, Fey, Mead, Peterson and Shewmake.

Staff: Robert Hatfield (786-7117).

Background:

Littering, or the illegal dumping of waste material, is unlawful in Washington. Littering regulations are enforced on a sliding scale, with the amount of litter discarded dictating the level of penalty assessed.

Littering in an amount less than or equal to 1 cubic foot is a class 3 civil infraction.

Littering of less than 1 cubic yard, but more than 1 cubic foot, is a misdemeanor. Along with being subject to criminal sanctions, the person shall also pay a litter cleanup restitution

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payment equal to twice the actual cost of a cleanup, or \$50 per cubic foot of litter, whichever is greater. The court may also, in addition to or in lieu of the restitution payment, order the person to pick up and remove litter from the property.

Littering one cubic yard of material or more is a gross misdemeanor. Along with being subject to criminal sanctions, the person shall also pay a litter cleanup restitution payment equal to twice the actual cost of a cleanup, or \$100 per cubic foot of litter, whichever is greater. The court may also, in addition to or in lieu of the restitution payment, order the person to pick up and remove litter from the property.

If the littering occurs in a state park, the court must, in addition to any other penalties, order the litterer to perform 24 hours of community restitution in the state park where the littering occurred if the park has established a policy for supervising such restitution.

Summary of Substitute Bill:

In addition to monetary penalties imposed for littering, the court must require a person to perform 40 hours of litter removal for second and subsequent littering offenses. The litter removal may be performed on private or public property. Any hours in which a person performs separately court-ordered litter removal from the property where the littering occurred must be deducted from the 40 hours.

Substitute Bill Compared to Original Bill:

The requirement of 40 hours of litter removal is applied to second and subsequent littering offenses. The litter removal may be performed on private or public property. Hours spent performing court-ordered removal of litter from the property where the littering occurred may be deducted from the 40 hours, irrespective of the volume of the trash littered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The decline of civilization starts with graffiti and litter and goes downhill from there. There were only 28 citations issued for littering in Washington in 2018.

There is a lot of litter along Washington's highways. Microplastics make their way to the ocean and then into the food chain. Six other states require community service for littering.

Forty hours might be a little long; other states have 24 or 8 hours. There is room to improve signage regarding littering.

It would be helpful to have a clarifying amendment so that the litter pick-up requirement would apply only in the communities that already have a community service program, so that cities would not be required to implement the requirement if they did not have a community service program.

Dumping litter has become an increasing problem for small forest landowners. It is expensive to remove, especially big items like furniture and tires. Landowners would like to leave their lands open for recreation, and gates are expensive to put in, but landowners are putting gates in because the cost of cleaning up other peoples' trash is too expensive. It is even worse when it is oil-based waste, or meth lab waste. Anything that reduces dumping is appreciated.

It would be helpful if litter pick-up could occur on private forest lands. One forest products company spends \$35,000 per year to pick up dumped garbage. Dumped items include tires in wetlands, whole kitchens, tanks of dead salmon, and a burning truck pushed off a cliff during fire season.

(Opposed) Additional penalties are unlikely to add to the deterrent effect. The requirements in the bill could be used disproportionately against the homeless, who do not have access to garbage collection. The imposition of a week's worth of full-time work is disproportionately burdensome on those with fewer financial resources. People will need transportation and the ability to take leave from work, and some people may not be able to afford to miss a week of work.

Persons Testifying: (In support) Representative MacEwen, prime sponsor; Skip Junis; Heather Trim, Zero Waste Washington; Jan Gee, Washington Food Industry Association; Patty Case, Green Diamond Resource Company; Heather Hansen, Washington Farm Forestry Association; and Sharon Swanson, Association of Washington Cities.

(Opposed) Alex Hur, Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.